

MINUTES: of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on July 6, 2010 at 3:15 P.M.

PRESENT: Pat Gilbreath, Mayor  
Jerry Bean, Mayor Pro Tem  
Jon Harrison, Councilmember  
Mick Gallagher, Councilmember  
Pete Aguilar, Councilmember

ABSENT: None

STAFF: N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Sam Irwin, City Clerk; Carl Baker, Public Information Officer; Tom Fitzmaurice, Police Commander; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Jeff Frazier, Fire Chief; Oscar W. Orci, Community Development Director; Deborah Scott-Leistra, Human Resources Director

The meeting was opened with an invocation by Mayor Gilbreath followed by the pledge of allegiance to the American flag.

PRESENTATIONS:

Proclamation - On behalf of the entire City Council and a thankful City of Redlands, Councilmember Harrison City presented a proclamation to Janet Cosgrove recognizing her exceptional service and contributions in the community as the owner and proprietor of the Morey Mansion.

Southern California Edison - Linda La Pierre Ortiz, Regional Manager, informed the City Council and public of the "State of the Utility". Maria Serret, Account Executive, summarized the "Energy Efficiency Partnership Direct Install Program".

CONSENT CALENDAR:

Minutes - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the special meetings of June 7, 14, 15, 16 and 21, 2010 and the regular meeting of June 15, 2010 as submitted.

Resolution No. 6953 - General Municipal Election - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6953 calling and giving notice of a General Municipal Election to be held on November 2, 2010 to elect three City Councilmembers for a term of four full years.

ROP Summer Program - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement with the Colton-Redlands-Yucaipa (CRY) ROP for the CalWorks Summer Youth Program.

Ordinance No. 2734 - Land Use Zoning - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the adoption of Ordinance No. 2734 amending Title 18 of the Redlands Municipal Code and adopting a revised land use zoning map.

Resolutions No. 6964 and 6965 - Parking and Business Improvement Area B - On motion of Councilmember Gallagher, seconded by Councilmember Harrison, the City Council approved Resolution No. 6964 giving preliminary approval to the Annual Report for Parking and Improvement Area B for Fiscal Year (FY) 2010-2011 and Resolution No. 6965 declaring the City's intention to levy and collect assessments for improvements and activities occurring within the boundaries of Area B. Mayor Pro Tem Bean recused himself from discussions and voting on this item due to his business relationship with patrons within Area B.

Escrow Agreement - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council voted to approve an escrow agreement for security deposits in lieu of retention with All American Asphalt for the Redlands Boulevard Resurfacing, Sidewalk and Landscape Improvement Project. Mayor Pro Tem Bean voted No on the agreement and questioned the wisdom in the practice of accepting securities instead of cash in an uncertain market environment.

Local Agencies Agreement - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved a joint agreement with 13 local agencies to assist in funding the Santa Ana Sucker Task Force.

Utilities Advisory Committee (UAC) Appointment - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the appointment of Bruce Adams to the UAC.

Resolutions No. 6949 and 6950 - Street Lighting District - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6949 giving preliminary approval of the annual Engineer's Report for Street Lighting District No. 1, Resolution No. 6950 declaring the City's intention to levy and collect assessment for FY 2010-2011 in Street Lighting District No. 1, and established July 20, 2010 as the date of a Public Hearing to consider the levy assessments within the District.

Resolutions No. 6945 and 6946 - Landscape Maintenance District - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6945 giving preliminary approval of the annual Engineer's Report for Landscape Maintenance District No. 1, Resolution No. 6950 declaring the City's intention to levy and collect assessment for FY 2010-2011 in Landscape Maintenance District No. 1, and established July 20, 2010 as the date of a Public Hearing to consider the levy assessments within the District.

Resolutions No. 6960 and 6961 - Special Tax Levy - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6960 levying special taxes within the City of Redlands Community Facilities District No. 2001-1 (Northwest Development Project) and Resolution No. 6961 levying special taxes within District 2003-1 (Redlands Business Center).

Resolution No. 6962 - Taxes for Open Space - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6962 authorizing the FY 2010-2011 tax rate for the Open Space Measure.

Homeland Security - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement with the City of Riverside/Riverside Urban Area Security Initiative (UASI) providing a pass-through payment arrangement for project management services and serving as a sub-grantee for the Riverside UASI Homeland Security Grant.

#### COMMUNICATIONS:

Farewell Tom Fitzmaurice - Mayor Gilbreath pointed out that this would be the last meeting attended by Commander Fitzmaurice in the capacity of city employee. She thanked him for his many years of service to his home town and wished him well in his retirement.

Facilities Fund Loan - In response to City Council guidance given during the special meetings on the FY 2010-2011 Budget, Tina Kundig offered three options to provide loans to the Public Facilities Fund for its 50% share of debt service on the 2003 Refunding Certificates of Participation. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council voted approval of loans in the following amounts from the respective Funds listed: \$256,385 from the Open Space Fund, \$256,384 from the Park and Open Space Fund, \$100,000 from the Storm Drain Construction Fund, \$150,000 from the Water Service (Operating) Fund and \$200,000 from the General Fund. The motion went on to stipulate that repayment of the loans will be made, first, to funds other than the General Fund, as soon as, and in any year when an excess

of impact fees exists after the Public Facilities Debt Service Obligation has met its annual debt service obligation; that monies available for repayment of the loans will be pro-rated to each non-General Fund based on the amount of its outstanding loan balance; and that interest will be paid on the loans at the Local Agency Investment Fund (LAIF) rate. Mayor Pro Tem Bean pointed out that the amounts loaned and the Funds participating would be for FY 2010-2011 only. Mayor Gilbreath voted No on the motion to be consistent with her disapproval of the FY 2010-2011 Budget as passed in the June 21, 2010 Special Meeting of the City Council.

Rail Alternatives Analysis - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved authorizing the Mayor to sign a letter in support of the San Bernardino Associated Governments' application to the Federal Transit Administration's Section 5339 Grant Funds for the Redlands Rail Alternatives Analysis project.

AB308 - On motion of Councilmember Aguilar, seconded by Mayor Pro Tem Bean, the City Council unanimously approved authorizing the Mayor to sign a letter in support of Assembly Bill 308 (AB308) in an effort to protect local distributions of already scarce property tax allocations to local school districts, agencies and communities.

Sales Tax - Councilmember Aguilar summarized an update of progress on the development of a one half percent transaction and use tax measure to be included on the ballot for the November 2, 2010 General Municipal Election. The public can expect a review of the ballot measure package at an evening session City Council meeting on July 20, 2010 and approval of the package will be an agenda item at the August 3, 2010 Regular Meeting of the Council. As a public comment, Dwayne Hancock likened the economics of the City of Redlands to dieting. He said we need to "cut the fat" instead of raising taxes. Eric Wroolie suggested decreasing the money going out instead of increasing the money coming in.

#### NEW BUSINESS:

Commission Appointment - On motion of Mayor Gilbreath, seconded by Mayor Pro Tem Bean, the City Council unanimously approved the appointment of Randall Van Gelder to fill an unexpired term on the Municipal Utilities and Public Works Commission. Mr. Van Gelder's term will end November 16, 2013.

Resolution No. 6963 - Ethics Policy - Deborah Scott-Leistra, Human Resources Director, provided a summary of events leading to the development of a Code of Ethics policy for City of Redlands Employees which had resulted from a City Council request. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution

No. 6963 adopting the Code. As a public comment, Steve Rogers said there should be one code of ethics instead of a separate code for city employees and one for elected officials. He said the code should also cover volunteers working for the City of Redlands. Leonard Goldman said the code should include a discussion of whistleblowers.

Ordinance No. 2735 - Monument Signs - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the introduction of Ordinance No. 2735 amending Section 15.36.270(C) of the Redlands Municipal Code to allow two freestanding monument signs for lots fronting two streets located within the EV/AP (Administrative Professional) District of the East Valley Corridor Specific Plan.

#### PUBLIC HEARINGS:

Resolution No. 6959 - Appropriations Limit - Mayor Gilbreath opened the public hearing and called upon Tina Kundig, Finance Director/City Treasurer, to give a summary of the requirement for an appropriations limit. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6959 establishing an \$86,286,122 appropriations limit for FY 2010-2011 pursuant to Article XIII B of the California Constitution.

Ordinance No. 2733 - Pet Boarding - Mayor Gilbreath opened the public hearing and called for a report from Sergio Madera from the Community Development Department for background on an application from Lorin Grow to add pet boarding service to her business on State Street. On motion of Mayor Gilbreath, seconded by Councilmember Harrison, the City Council approved the introduction of Ordinance No. 2733 amending Section 18.92.040(B)(14) of the Redlands Municipal Code to include pet boarding as an ancillary use to pet and pet supply uses. A stipulation was added to the ordinance to restrict the area designated for boarding, within the zoned Area C3, to 25% of a business floor space or 1,000 square feet, whichever is smaller. Mayor Pro Tem Bean voted No on the motion expressing concern that pet boarding was not compatible with other downtown businesses. As a public comment, Steve Rogers observed that three ordinance proposals in the agenda for today's meeting occurred in three different sections, one as a consent calendar item, one as new business and one as a public hearing. He said this organizational inconsistency was confusing to meeting attendees.

#### PUBLIC COMMENTS:

FY2010-2011 Budget - Steve Rogers called for the elimination of the North Redlands Visioning Committee to ease the City of Redlands staff liaison burden. He suggested the use of procurement policy procedures for the

selection of professional services would reduce costs. He also requested more transparency as to the use of reserve funds.

Market Night Protests - Debra Nester described an incident at Market Night, involving protestors, where the physical well-being of the general public was put at risk by the behavior of the protestors. While she recognized the right of protestors to express their opinion, she called for more consideration for everyone's safety and better protection from the threat of violence.

#### CLOSED SESSION:

The City Council meeting recessed at 4:59 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated Litigation – Government Code §54956.9(b) – Two Cases
  - a. Facts and Circumstances - Written correspondence from REDFLEX threatening litigation over red light camera contract
  - b. Facts and Circumstances - Claim of Luther Bogardt

The meeting reconvened at 5:12 P.M.

#### CLOSED SESSION REPORT

City Attorney McHugh announced there was no reportable action taken during the closed session.

#### ADJOURNMENT:

There being no further action required, the City Council meeting adjourned at 5:13 P.M. The City Council will meet at their next regularly scheduled meeting on July 20, 2010.