

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 5, 2005, at 3:00 P.M.

PRESENT Susan Pepler, Mayor  
Gilberto Gil, Mayor Pro Tem  
Pat Gilbreath, Councilmember  
Gary George, Councilmember  
Jon Harrison, Councilmember

ABSENT None

STAFF John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Jim Drabinski, Acting Fire Chief; Don Gee, Redevelopment Agency Director; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director; and John Jaquess, Assistant Community Development Director

The meeting was opened with an invocation by Gilbreath followed by the pledge of allegiance.

#### ANNOUNCEMENTS/REPORTS

Councilmembers reported on their activities and attendance at meetings during the past two weeks.

#### PRESENTATION

Quarters for Kenya - Mayor Pepler introduced David Maupin and Ron Maines and on behalf of the citizens of Redlands wished them well when they pilot a single-engine Cessna T210 named "The Spirit of Charles Kean" to Nairobi, Kenya, Africa, continuing around the world and back to Redlands in an effort to stop the Aids Tsunami.

#### CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember George, the minutes of the adjourned regular meeting of June 21, 2005, the regular meeting of June 21, 2005, the adjourned regular meeting of June 22, 2005, the adjourned regular meeting of June 28, 2005, and the special meeting of June 28, 2005, were approved as submitted.

Resolution No. 6405 - November Election - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 6405, a resolution of the City Council of the City of

Redlands, California, calling and giving notice of the holding of a General Municipal Election for the election of three members of the City Council and two initiative ordinances that have qualified for the ballot and requesting the Board of Supervisors of the County of San Bernardino to consolidate said election with the election to be held on Tuesday, November 8, 2005.

Bills and Salaries - On motion of Councilmember Gilbreath, seconded by Councilmember George, payment of salaries and bills was acknowledged.

Resolution No. 6416 - Annexation No. 84 Tax Exchange - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 6416, a resolution of the City Council of the City of Redlands, California, in connection with the determination of the amount of property tax revenues to be exchanged between and among the County of San Bernardino and the City of Redlands resulting from the jurisdictional change described by LAFCO No. 2985 for Annexation No. 84.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember George, the report of the Planning Commission meeting held on June 28, 2005, was acknowledged as received.

Notice of Environmental Actions - On motion of Councilmember Gilbreath, seconded by Councilmember George, the report on pending environmental actions received from surrounding jurisdictions was acknowledged as received.

Tract No. 16747 - Final Approval - Subdivision Improvement Agreement - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved the subdivision improvement agreement for Tract No. 16747 for property located between San Bernardino and Pioneer Avenues, approximately 2,000 feet west of Judson Street (Ryland Homes of California, Inc., applicant). On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously granted final approval for Tract No. 16747 as submitted by the applicant.

Proclamation - Retiring Fire Chief Mel Enslow - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized issuance of a proclamation honoring Fire Chief Mel Enslow for his conscientious 14 years of service to the City of Redlands. The Proclamation will be presented by Mayor Pepler at the Chief's retirement party on July 22, 2005.

Reappointment - Parks Commission - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously reappointed Steve Guggisberg to an additional four-year term on the Parks Commission.

Appointments - Street Tree Committee - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously reappointed Patricia Sandos and Christine Sedmack to four-year terms on the Street Tree Committee. On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously appointed Janet Ward to a four-year term on the Street Tree Committee to fill the vacancy created by Eric Kasarjian's resignation.

Ordinance No. 2614 - CFD 2004-1 (Centex Homes) - Ordinance No. 2614 an ordinance levying special taxes to be collected during fiscal year 2005-06 for the payment of the annual cost of the maintenance of parks, parkways and open space within Community Facilities District No. 2004-1 (property located at Fifth and Wabash Avenues) of the City of Redlands, County of San Bernardino, State of California, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember George.

Resolution No. 6411 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 6411, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: install a stop sign on Brockton Avenue, westbound at New York Street.

Agreement - Alabama Street at City Creek - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized staff to engage in negotiations for a cooperative agreement for improvements to Alabama Street at City Creek and complete a thorough review of the draft agreement for return to the City Council for approval subject to all funding for the project coming from disaster recovery sources with no local funds required from the City of Redlands.

Fee Waiver - Optimist Club of Redlands - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved the waiver a \$480.00 in fees for the Optimist Club of Redlands for use of the Sylvan Park gazebo in conjunction with their annual car show and chili cook-off on July 16, 2005.

Fee Waiver - Ronald McDonald House - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved the request by the Loma Linda Ronald McDonald House for use of Sylvan Park for their special fund-raising event, including placement of booths in the park for various events and activities to include sales in the park. On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved the waiver of reservation and use fees in

the amount of \$2,565.00 for use of all of Sylvan Park for this event to be held on April 29-30, 2006.

Agreement - Gas Company - Mission Gables Bowl House - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved an agreement for work with the Southern California Gas Company to provide gas service to the Mission Gables Bowl House located at 168 South Eureka Street and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Vehicle Purchase - Municipal Utilities Department - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized the purchase of a Ford F350 welding truck from Redlands Ford for the Municipal Utilities Department.

Vehicle Purchase - Municipal Utilities Department - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized the purchase of a GMC TC7500 dump truck from Reynolds Buick/Pontiac/GMC Trucks of Covina, California, for the Municipal Utilities Department.

Vehicle Purchase - Municipal Utilities Department - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized the purchase of a Kubota L-3830 tractor from Inland Kubota, Inc. of Redlands, California, for the Municipal Utilities Department.

Contract Award - Digester Modification Project - Bids were opened and publicly declared on June 16, 2005, by the City Clerk for the Digester Modification Project at the Water Reclamation Facility; a bid opening report is on file in the Office of the City Clerk. On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously waived the bid irregularity on the basis that their regularity is inconsequential and award the contract for the Digester Modification Project at the Water Reclamation Facility, Project No. 2-0619, to DenBoer Engineering and Construction based on the total bid amount of \$513,000.00, authorized staff to approve contingent costs up to 10 percent over the total bid amount, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Lease - Police East Substation - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved a lease agreement with 7-Eleven, Inc. for the East Police Substation located at 1381 East Citrus Avenue and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - University of Redlands Work-Study Program - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved an agreement with the University of Redlands to participate in the 2005-06 Work-Study Program and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Redlands Police Officers Association - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved the tentative agreement with the Redlands Police Officers Association and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Employment Agreement - City Attorney - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved the seventh amendment to the employment agreement with City attorney Daniel J. McHugh and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Employment Agreement - City Manager - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved the fourth amendment to the employment agreement with City Manager John Davidson and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

## PUBLIC HEARINGS

Resolution No. 6370 - Landscape Maintenance Assessment District No. 1 - Public hearing was advertised for this time and place to consider Resolution No. 6370, a resolution of the City Council of the City of Redlands confirming a diagram and assessment for the 2005-06 fiscal year in connection with Landscaping Maintenance District No. 1 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code for Landscape Maintenance Assessment District No. 1. Public Works Director Mutter reported the preliminary report for the Landscape Maintenance Assessment District No. 1 was presented to the City Council on June 7, 2005. The City Council adopted Resolution No. 6368 granting preliminary approval to the Engineer's Report and adopted Resolution No. 6369 on June 7, 2005, declaring its intention to levy and collect assessment for fiscal year 2005-06 pursuant to the Lighting and Landscaping Act of 1972. There will be no increase in assessments over the 2005-06 fiscal year. The final step in the process is to conduct a public hearing and receive testimony from the public on the proposed assessment for fiscal year 2005-06. Adoption of Resolution No. 6370 gives approval to the Engineer's Report and confirms the assessment for fiscal year 2005-06. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Harrison moved to adopt

Resolution No. 6370. Motion seconded by Councilmember Gilbreath and carried unanimously.

Resolution No. 6374 - Street Lighting Assessment District No. 1 - Public hearing was advertised for this time and place to consider Resolution No. 6374, a resolution of the City Council of the City of Redlands confirming a diagram and assessment for the 2005-06 fiscal year in connection with Street Lighting Assessment District No. 1. Public Works Director Mutter recommended the City Council continue this public hearing to July 19, 2005, at 3:00 P.M. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was unanimously continued as recommended on motion of Councilmember Pepler, seconded by Councilmember Gilbreath.

### UNFINISHED BUSINESS

Ordinance No. 2613 - Development Agreement No. 19 - ESRI - Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Ordinance No. 2613, an ordinance of the City of Redlands approving a development agreement with Environmental Systems Research Institute, was adopted on motion of Councilmember Pepler, seconded by Councilmember Gilbreath, with Councilmember Harrison having abstained from the vote.

### NEW BUSINESS

Consolidation of SBVWCD and SBVMWD - Municipal Utilities Director Phelps reported staff recommends approval of the LAFCO initiated consolidation of the San Bernardino Valley Water Conservation District and the San Bernardino Valley Municipal Water District. Chief of Water Resources Headrick explained the process and recommendations. The Water Policy Committee met and discussed this item on June 21, 2005, and June 29, 2005. Speaking in opposition were: San Bernardino Valley Water Conservation District General Manager Larry Libeu, San Bernardino Valley Water Conservation District Board President Cheryl Tubbs, and from San Bernardino Valley Water Conservation District Manuel Aranda, Richard Corneille, and Melodie McDonald. Councilmembers discussed this matter at length. During the discussion, Councilmember Gilbreath indicated she initially supported the staff report but would not be opposed to continuing the discussion at another meeting and then left the Council Chambers at 3:54 P.M. for a prior commitment. Discussion continued and Councilmember Harrison moved to continue this matter to July 19, 2005, and asked that staff meet with the San Bernardino Valley Water Conservation District and also present this to the Public Works Commission for their comments. Motion seconded by

Councilmember George and carried with Councilmember Gilbreath being absent.

Bear Valley Mutual Water Company Stock Purchase - Although Councilmember Gilbreath was absent and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Councilmember George moved to approve the purchase of 100 shares of Bear Valley Mutual Water Company stock from Arde Anoshivani for a total price of \$12,500.00. Motion seconded by Councilmember Gil and carried by AYE votes of all present.

Resolution No. 6406 - Ballot Arguments - City Clerk Poyzer said in accordance with Section 9219 of the California Elections Code, Councilmembers may submit an argument for and/or against an initiative ordinance. Councilmembers will need to complete Section One, identifying which, if not all, Councilmembers will be authorized to submit the argument regarding the initiative ordinance of the People of Redlands amending the principles of managed growth and the land use, circulation, open space and conservation, health and safety and noise elements of the Redlands General Plan. The last day to submit arguments to the City Clerk is August 10, 2005, at 5:00 P.M. Rebuttals are due August 17, 2005, at 5:00 P.M. Mayor Pepler suggested leaving the option open for the City Council to submit an argument against this initiative. Councilmember George moved to adopt Resolution No. 6406, a resolution of the City Council of the City of Redlands setting priorities for filing a written argument against the initiative ordinance submitted by The Redlands Association. Motion seconded by Councilmember George and carried by AYE votes of all present.

Resolution No. 6407 - Ballot Arguments - City Clerk Poyzer said in accordance with Section 9219 of the California Elections Code, Councilmembers may submit an argument for and/or against an initiative ordinance. Councilmembers will need to complete Section One, identifying which, if not all, Councilmembers will be authorized to submit the argument regarding the initiative ordinance of the People of Redlands amending the Redlands Municipal Code to adopt a new official City seal. The last day to submit arguments to the City Clerk is August 10, 2005, at 5:00 P.M. Rebuttals are due August 17, 2005, at 5:00 P.M. Mayor Pepler suggested leaving the option open for the City Council to submit an argument against this initiative. Councilmember George moved to adopt Resolution No. 6407, a resolution of the City Council of the City of Redlands setting priorities for filing a written argument against the initiative ordinance regarding the official City seal. Motion seconded by Councilmember Pepler and carried by AYE votes of all present.

Report - Selection of Ballot Arguments - City Clerk Poyzer reported there is a distinct possibility she will be receiving more than one argument in favor of

and/or against the initiative petitions that are scheduled to be on the November ballot. The California Elections Code establishes the priority for the selection of the argument to be printed in the sample ballot. The City elections official shall give preference and priority, in the order named, to the arguments of the following:

1. The legislative body, or member or members of the legislative body authorized by that body.
2. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
3. Bona fide association of citizens.
4. Individual voters who are eligible to vote on the measure.

The Elections Code does not indicate how to select an argument if more than one is received from the same category noted above. City Clerk Poyzer has decided to assign a number to each argument in the order it was filed (i.e. first one filed will be assigned No. 1, etc), and then conduct a public drawing of a number from the "hat." Anyone who wishes to attend the public drawing may do so to observe. This will be done on Thursday, August 11, 2005, at 10:00 A.M. in the City Council Chambers. Following the drawing which will determine which argument will be selected, the author(s) of each argument selected will be provided a copy of the opposing argument in order to prepare their rebuttals which will be due on August 17, 2005. Bill Cunningham, president of The Redlands Association, asked for a clarification. City Attorney McHugh offered suggestions to Councilmembers as to how to prepare their arguments and noted the City Council will only meet two more times before the filing deadline.

#### PUBLIC COMMENTS

None forthcoming.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 4:22 P.M. The next regular meeting will be held on July 19, 2005.

/s/ Lorrie Poyzer, City Clerk  
Redlands, California