

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 October 4, 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; Beatrice Sanchez, Deputy City Clerk (evening session); Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Jim Drabinski, 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 Jeffrey L. Shaw, Community Development Director

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

CONSENT CALENDAR

Minutes - On motion of Councilmember Pepler, seconded by Councilmember Gil, the minutes of the regular meeting of September 20, 2005, were approved as submitted.

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

Resolution No. 6436 - Lease-Purchase Agreement - Street Sweepers - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6436, a resolution of the City Council of the City of Redlands authorizing the execution and delivery of a lease with option to purchase with Municipal Finance Corporation for the purchase of two street sweepers from Kelly Equipment and authorizing certain actions in connection therewith, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Planning Commission Actions - On motion of Councilmember Pepler, seconded by Councilmember Gil, the report of the Planning Commission meeting held on September 27, 2005, was acknowledged as received.

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

Purchase and Sale Agreement and Escrow Instructions - Edgemont Drive - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved a purchase and sale agreement and escrow instruction in the amount of \$6,000.00 for City acquisition of a 1,204 square foot easement to extend Edgemont Drive for public access and utilities on property owned by Tony Louka and Brenda Evans-Louka located at 306 Edgemont Drive and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Integrated Management Program Demonstration Project Agreement - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved a one-year time extension of the Integrated Management Program Demonstration Project agreement with the San Bernardino Valley Water Conservation District, and Bernardino Valley Municipal Water District, City of San Bernardino and the East Valley Water District and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - 1350 Zone Reservoir Site - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved an agreement to furnish engineering/surveying services with Hicks and Hartwick, Inc. for the Parcel Map No. 17558 and Street Improvement Plans for San Bernardino Avenue and Webster Street for the 1350 Zone Reservoir site and to support the potential sale of property to the San Bernardino Valley Municipal Water District for an amount not to exceed \$21,000.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

MOU - Storage Trailer - Fire Department - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved a memorandum of understanding with Inland Counties Emergency Medical agency for the placement and location of a storage trailer containing bioterrorism preparedness and response program equipment and supplies on City property located at 1270 West Park Avenue (Redlands Corporate Yard) and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Contract - Trimester Use of Force Training - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved a contract with the County of San Bernardino for the San Bernardino County Sheriff's Department to provide trimester use of force training to

members of the Redlands Police Department and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - CVP Vehicle - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved an additional appropriation not to exceed \$22,000.00 and authorized the Police Department to purchase one 2005 Chrysler Town and Country van for use by the Citizen Volunteer Patrol. Funds for this purchase will come from the CVP 365 Club donation account.

Forensic Vehicle Donation - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved the acceptance of a donation of a 1994 Ford ambulance from Laidlaw Medical Transport, Inc. for use in the Police Department Forensic Unit.

Independent Contractor Agreement - Beverly Ladd - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved an independent contractor agreement with Beverly Ladd for intermediate/advanced line dance lessons and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Independent Contractor Agreement - Douglas S. Veatch - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved an independent contractor agreement with Douglas S. Veatch for French and Spanish language classes and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6437 - Disability Retirement Determinations - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6437, a resolution of the City Council of the City of Redlands delegating authority to render determinations relating to disability retirement applications to the Redlands City Manager.

Sports Complex Grant Funds Application - Following brief discussion, Councilmember Gilbreath moved to approve the submission of a project application to use Roberti-Z'Berg-Harris Urban Open-Space and Recreation Program Block Grant funds to assist funding for the construction of the Sports Complex. Motion seconded by Councilmember Gil and carried unanimously.

Contracts - Nationwide Accumulated Benefit Conversion Program - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved contracts with Nationwide Financial and its subsidiaries to establish the Nationwide Accumulated Benefit Conversion Program for the Redlands Police Officers Association, the Redlands Professional Firefighters Association and the Redlands Association of Fire Management Employees and

authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

COMMUNICATIONS

Louisiana Assistance Efforts - Councilmember George reported that following the last Council meeting, he contacted officials in Westwego, Louisiana, who suggested Jean Lafitte, a town with a population of 2,500, was in more desperate need than they were so a decision was made to contact them. Chief of Water Resources Douglas Headrick and Pastor Felix Roger Jones, III, flew to Houston, Texas, and drove to Jean Lafitte. Pictures of the devastation were shown by PowerPoint where every home was flooded. A relief fund has been established and checks can be mailed to City Hall for the Sister City Relief Fund. Further information was provided at the 7:00 P.M. session.

Emerald Necklace Plan - Councilmember George reported that at the last meeting, Councilmembers had questions about the specifics of the Emerald Necklace program. At this time, Sherli Leonard, Project Manager for The Redlands Conservancy; made a presentation regarding the scope of Emerald Necklace acquisition and management plan and urged the City Council to proceed with the preparation of an engineer's report and assessment district election with funds to be provided by The Redlands Conservancy. Also representing The Redlands Conservancy, Bob Clark informed Councilmembers their Board wanted assurance that the project will come to fruition and not stop at the Engineer's Report. Bill Cunningham asked for clarification on the proposed assessment; Councilmember George said the assessment would be per parcel regardless of value. Councilmembers asked staff what the status was on the other proposals to be presented to the voters in the near future, i.e. street repair/maintenance, the Justice Center, and paramedic tax. Following discussion, Councilmember George moved to direct staff to initiate the process to hire an engineer to prepare the engineer's report and return to the City Council with the engineer's report with the understanding the City Council will proceed with the election. Motion seconded by Councilmember Gil. Councilmember Harrison wanted more information before proceeding; such as, would there be senior/low-moderate income exemptions. Councilmember Gilbreath was struggling with this as she did not want to compromise the paramedic program and the desperately needed police facilities, and wanted to step back to evaluate what is most important. Councilmember Pepler was supportive but felt it was up to The Redlands Conservancy whether or not they wanted to spend the money on an engineer's report which might be more expensive than they were estimating and asked The Redlands Conservancy to contact Santa Clara County for information about their assessment district. Following this discussion, the motion failed by the following vote:

AYES: Councilmembers George and Gil

NOES: Councilmembers Gilbreath, Harrison; Mayor Pepler

CLOSED SESSION

The City Council meeting recessed at 4:24 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code Section 54956.8
 - a. Property: 1132 East Cypress Avenue
Negotiating parties: Naji Doumit and Linda Emmerson
Under negotiation: Terms and price
2. Conference with legal counsel: Existing litigation – Government Code Section 54956.9(a): City of Redlands v. Teledyne, Case No. SCVSS 128681

The meeting reconvened at 7:00 P.M.

CLOSED SESSION REPORT

None forthcoming.

PRESENTATIONS

Jean Lafitte, Louisiana, Assistance Efforts - After several attempts to get through the busy telephone circuits, Councilmember George placed a call to Mayor Timothy P. Kerner of Jean Lafitte, Louisiana, who expressed his sincere appreciation to the citizens of Redlands for their offer of assistance for his city to recover from the disastrous Hurricanes Katrina and Rita. A PowerPoint presentation of pictures taken by Chief of Water Resources Doug Headrick and Pastor Felix Roger Jones, III, during their recent visit to Jean Lafitte was shown while Pastor Jones described the devastation. Councilmember George reported an account has been set up for donations (checks should be payable to the City of Redlands and designated for the *Sister City Relief Fund*) and a staging area will be set up for receipt of goods to be donated. A Jean Lafitte festival fund raiser is being organized by City staff; further information will be provided in the future.

I-10 Widening Project - Cheryl Donahue, Public Information Officer, and Daren Kettle, Construction Manager, SANBAG, presented information regarding the I-10 widening project. A groundbreaking will take place on November 1, 2005, at 11:00 A.M. The 30-month project includes the expansion of 11 bridges and construction of 14-foot sound walls between Orange and Ford Streets.

ANNOUNCEMENTS/REPORTS

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

PUBLIC HEARING

Taxicab Service Operating Permit - Empire Taxicab Service - Public hearing was advertised for this time and place to consider issuance of a taxicab service operating permit to Empire Taxicab Service. Mayor Peppler declared the meeting open as a public hearing. Police Chief Bueermann reported his department received an application for a taxicab service operating permit from applicant Ghulam S. Yourish. Mr. Yourish submitted a completed application, and an investigation was subsequently conducted in accordance with the Redlands Municipal Code. During the investigation, the Police Department received complaints that Mr. Yourish was operating and picking up fares in the City without proper permits, in violation of the Redlands Municipal Code. Mr. Yourish was cited for the violation and advised not to pick up fares in Redlands without a permit. However, Mr. Yourish was subsequently found to continue to violate the Code, and was again cited for the violation. Further, Mr. Yourish was found to be in possession of and displaying a taxi operator's permit from his previous employer, Redlands Taxicab Service. This document was seized by the Redlands Police. During the investigation, it was further found that Mr. Yourish does not display his rates in his taxicab nor keep an accurate, legible record of all passengers carried, including the pick-up and drop-off points and date and time carried as required by the Redlands Municipal Code. Therefore, it was recommended the taxicab service operating permit be denied to Empire Taxicab Service. Mr. Yourish, who provided background information and letters of support which were included in the staff report, addressed the City Council noting the need for additional taxi service in Redlands. David Ledwidge and Maxwell Ganly, who are regular taxi users, stated the Redlands Taxi is not always available, and there is a need for another service in Redlands. H. Makhmoor, Redlands Taxi, submitted two letters, one indicating there were no complaints about his service and how his customers trusted him, and the second one listing problems he had with Mr. Yourish when he was employed by Redlands Taxi and, that Mr. Yourish was fired because of customer complaints. Paul Yourish spoke on behalf of his father. There being no further comments, the public hearing was declared closed. Following discussion, the public hearing was re-opened for further comments. Frank McFadden, Yellow Cab, asked about the status of his permit as he was not notified of the renewal process. Paul Yourish again spoke noting that taxicabs coming from out-of-town added to the inefficiency of service. Once again, the public hearing was closed. Police Chief Bueermann reported to the City Council that there was misleading testimony presented at this meeting. Mayor Peppler told Mr. Yourish that the City Council is not here to decide if there is a market for more taxicabs and put Mr. Yourish on notice that he must comply with the Redlands Municipal Code and follow the letter of the law. Councilmember Gil moved to deny a taxicab service operating permit to Empire Taxicab Service because there has been substantial evidence presented to the City Council that the applicant made false, misleading and fraudulent statements to investigators of the Redlands Police Department during their

investigation into the applicant's practices in the City; these statements were in regard to the applicant's practice of picking up fares in Redlands without proper permits and thus are material misrepresentations of the applicant, which under the Redlands Municipal Code Section 5.64.050.2, are grounds for denial. This motion was made with the understanding Mr. Yourish may re-apply for a taxicab service operating permit. Motion seconded by Councilmember Pepler and carried unanimously.

UNFINISHED BUSINESS

Parolee Homes - Community Development Director Shaw reported that since the last City Council meeting, staff has begun collecting information pertaining to how other jurisdictions regulate group homes and defining what constitutes a convalescent home, a board and care home, foster home, group home and family. This information will be important as staff comes back to the City Council with a recommendation. The process of preparing and adopting implementing ordinances and regulations will take several months. Once staff has prepared some preliminary alternatives and recommendations, it is expected that a focus group will make changes and recommendation. When draft ordinances and regulations are acceptable, then the standard process for processing and review of an ordinance will proceed through the environmental review process, the Planning Commission, and on to the City Council. Ordinance No. 2622 initiated a prohibition (moratorium) on the approval of non-state licensed parolee homes for 45 days, and Community Development Director Shaw explained the process for interim ordinances noting that staff is preparing to bring a written report back to the City Council on October 18, 2005, so that the Council may consider extending the interim zoning ordinance. Councilmember Pepler noted she will not be able to attend the meeting on October 18, 2005, and asked that the consideration of an extension be scheduled for the November 1, 2005, meeting. Councilmember Pepler then moved to direct staff to bring a written report back to the City Council on October 18, 2005, so that the City Council may consider extending the interim zoning ordinance on November 1, 2005, after properly noticing the public hearing. Motion seconded by Councilmember Gil and carried unanimously. Cliff Cunningham informed Councilmembers the committee has not yet met and that he felt the City need to press forward and extend the moratorium. Sam Smethers said the residents are proud of the sober living facilities but they needed the City's help on the State facilities.

Parole Reentry Facility - Police Chief Bueermann reported to Councilmembers that shortly after the last City Council meeting he was contacted by California Cabinet Secretary Roderick Hickman who was appointed the Secretary of the California Department of Corrections and Rehabilitation by Governor Schwarzenegger in July, 2005. In his capacity, he oversees the entire adult and youth correctional system which includes parole. He expressed significant interest in Redlands becoming a model for California cities as to how to safely

manage inmates returning to the communities. He also pledged the full support of his department in helping Redlands develop a police-managed reentry facility. He was advised of the City's interest in making sure such a project would not affect the General Fund, that the project would only house parolees with a connection to Redlands, and that the Redlands Police Department would have the ability to determine which offenders would be allowed to participate in the program. A meeting was held this morning with the head of the parole system, Mr. Hickman's staff, and Redlands' staff. Councilmember Gil also attended the meeting and said that if we can implement this program that it would set a precedent and that he was willing to continue studying the proposal. Councilmember George said that if the State pays for it and the City manages it, he was in favor of the proposal. Councilmember Pepler expressed concerns and stated emphatically she was opposed to having this type of facility in Redlands. A contentious dialogue between Councilmember Pepler and Police Chief Bueermann ensued. Councilmember George stated he trusted Police Chief Bueermann's judgment and wanted to continue pursuing this proposal. Councilmember Harrison wanted more information. Councilmember Gilbreath wanted more specific information and did not want to interfere with the Sober Living program. Councilmember Gil felt the City Council could benefit from a workshop on this subject; Councilmember Pepler felt it was important to conduct this workshop during an evening session. Pastor Felix Roger Jones, III, briefly addressed the City Council stating he was in favor of having a reentry facility in town. George Cuzin expressed his confusion noting that group homes were paid thousands of dollars by the State but that parolees in Sober Living facilities had to pay their own way. Councilmember Harrison asked how we could educate State legislators of the problems they have caused cities. Scheduling of a workshop will be announced.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:39 P.M. The next regular meeting will be held on October 18, 2005.

/s/ Lorrie Poyzer, City Clerk
Redlands, California