

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 May 2, 2006, at 3:00 P.M.

PRESENT Jon Harrison, Mayor
Pat Gilbreath, Mayor Pro Tem
Gilberto Gil, Councilmember
Mick Gallagher, Councilmember
Pete Aguilar, 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, 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 Mayor Pro Tem Gilbreath followed by the pledge of allegiance.

DEPARTMENTAL INFORMATION REPORT

Community Development Department - Community Development Director Shaw presented a PowerPoint reviewing development in Redlands for the past, present and future.

PRESENTATION

Police Facility - Police Chief Bueermann presented a PowerPoint reviewing the deficiencies of Safety Hall located at 212 Brookside Avenue. At this time, it is recommended the City Council determine the funding mechanism for building a new facility, authorize a new polling survey, initiate a public awareness campaign, determine the site for the facility, and approve a ballot measure for a public vote.

City Manager Davidson noted future presentations will include parking and Fire Department needs.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the regular meeting of April 18, 2006, were approved as submitted.

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

Agreements - Mello-Roos Administration Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved agreements with David Taussig & Associates for Mello-Roos administration services relating to Community Facilities District No. 2001-1 (Northwest Development Project) and Community Facilities District No. 2003-1 (Redlands Business Center) and authorized the Mayor to execute, and the City Clerk to attest to, the documents on behalf of the City.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on April 25, 2006, was acknowledged as received.

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

Agreements - Redlands Commons Project - On motion of Councilmember Gil, seconded by Councilmember Gilbreath, the City Council unanimously approved a contract with Ultrasystems Environmental, Inc. for preparation of the Environmental Impact Report for the Redlands Commons project in the amount of \$180,415.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. On motion of Councilmember Gil, seconded by Councilmember Gilbreath, the City Council unanimously approved a funding agreement with On Texas Street, LLC in the amount of \$216,498.00 to fund preparation of an Environmental Impact Report for the Redlands Commons project and a 20 percent contract administration fee and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. The project consists of 37.24 acres located on the west side of Texas Street between San Bernardino and Pioneer Avenues. In response to Councilmember Gil's concerns, Community Development Director Shaw said one of the components is to hold a scoping meeting at the Community Center for the neighbors. On behalf of the North Redlands Visioning Committee, Eddie Tejeda asked the City Council to recognize the recommendations of the North Redlands Vision Plan during the process.

Improvement Agreement - Parcel Map No. 17604 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a deferred improvement agreement with G. Louis Fletcher for Parcel Map No. 17604 for Minor Subdivision No. 296, the subdivision of one existing 3.07 acre parcel into two parcels located on the east side of Sierra Vista Drive at the convergence of Sierra Vista Drive and Elder Road, immediately south and adjacent to the Redlands Country Club,

specifically at 153 Sierra Vista Drive and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Fee Waiver - Redlands 4th of July Committee, Inc. - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously waived all fees and personnel costs for the Redlands 4th of July Committee, Inc.

Defense Agreement - Covington Construction Company - At the request of several citizens, a joint defense agreement between, Covington Construction and Development, the Frank J. Mistretta Family Trust and the City of Redlands was removed from the Consent Calendar to allow comments. Helen Waitz opposed approval of this agreement asking Councilmembers to think about the repercussions. Amanda Frye stated "I say no; no to a defense agreement, no to exclusion, no to attorney-client privilege, no to secrecy." At the end of her allotted three minutes, Ann Balderrama yielded her time to Ms. Frye who continued to urge the City Council not to approve this agreement. Pamela Smyth expressed her love for the canyon and desire that it not be changed. Dora Morris and Fred Waitz agreed with the earlier speakers' thoughts. Mayor Harrison asked if there were any further public comments from the audience; none being forthcoming, he closed the public comment portion of the meeting and asked the City Attorney to clarify the requested action. City Attorney McHugh stated a lawsuit from a citizens' group called "Redlands Residents for Rural Living" was originated soon after this City Council approved the Covington project which involved a zone change, a subdivision map and a conditional use permit for a planned residential development. The zone change was subsequently the subject of a referendum. This lawsuit pertains just to the Environmental Impact Report, and this agreement relates only to this lawsuit; nothing more, no future Covington project and only with regard to the remaining proceedings in the lawsuit which involved the Environmental Impact Report. It has nothing to do with the project entitlements and nothing to do with the referendum. The City of Redlands was sued as a principal defendant and Covington and the Mistretta family (the property owners) as real parties in interest. The reason for this agreement does not change the relationship between the Covington attorneys and the City Council's attorneys and Chad Covington. The City Attorney still represents the City Council and the Covington attorneys still represent Mr. Covington. The principal purposes for this agreement are to ensure in writing that Chad Covington defends, indemnifies and holds the City Council harmless for any damages in this lawsuit. That was a condition of approval for a tentative map. It is a common condition of approval and is provided for by the Subdivision Map Act, and we impose it. This agreement will elevate that condition of approval into something in writing that says whatever the outcome of this lawsuit is, the City Council is not going to pay any costs. It is going to be Covington Development that pays these costs. There are no public funds involved and no expenditures

of City money. Bill Cunningham stepped up to the podium and asked for a status report of the lawsuit. City Attorney McHugh reviewed the status that is public information. Councilmember Harrison moved to approve the joint defense agreement with the Frank J. Mistretta Family Trust, Covington Construction and Development and the City of Redlands and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. At this time, Ann Balderrama, who had yielded her time to Ms. Frye, attempted to interrupt the meeting but the Mayor informed her politely the time for public comments had past. The motion was seconded by Councilmember Gallagher and carried unanimously.

Proclamation - Blue Ribbon Week - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation declaring the week of May 14-20, 2006, as *Blue Ribbon Week*.

Proclamation - ALS Awareness Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation declaring the month of May, 2006, as *ALS Awareness Month*.

Proclamation - Toddler Immunization Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation declaring the month of May, 2006, as *Toddler Immunization Month*.

Proclamation - Water Awareness Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation declaring the month of May, 2006, as *Water Awareness Month*.

Performance Evaluation - City Manager - Following brief discussion, Councilmember Gil moved to approve Mayor Harrison's recommendation that each Councilmember and the City Manager complete the evaluation form approved by the City Council and return copies of their completed evaluation forms to Mayor Harrison by 5:00 P.M. Friday, May 12, 2006, and that this performance review be placed on the closed session agenda for the City Council meeting of May 16, 2006. Motion seconded by Councilmember Gallagher and carried unanimously.

Grant Application - Preserve America - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized staff to assist the Redlands Conservancy with the preparation of an application for funds under the *Preserve America* Historic Preservation Grants Program to develop a master plan for Heritage Park as the cornerstone of our

heritage tourism program and complete a historic building inventory of buildings and cultural resources within neighborhoods contained within the North Redlands Vision Plan boundary.

Agreement - Property Appraisal - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a consulting services agreement with Smothers Appraisal for appraisal services for excess street right-of-way, acquired in fee title, located along the northerly side of Barton Road, east of Iowa Street and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6481 - CFD 2004-1 - Annexation No. 1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6481, a resolution of the City Council of the City of Redlands declaring the results of the special election for Community Facilities District No. 2004-1 (Annexation No. 1) of the City of Redlands on the proposition of the annual levy of special taxes within the territory proposed to be annexed to said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District, determining that the territory proposed to be annexed is added to and part of said Community Facilities District with full legal effect, and ordering the recording of a map of the boundaries of said Community Facilities District including the territory annexed thereto.

Purchase Approval - Wastewater Sludge Grinders - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of six wastewater sludge grinders from JWC Environmental in the amount of \$98,372.00.

Agreement - Bird Abatement Services - Following brief discussion Councilmember Gil moved to approve an agreement with Orkin Pest Control in the amount of \$34,129.00 for bird abatement services at the water reclamation facility and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Gilbreath and carried unanimously.

Agreement - Internal Well Casing Liner - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement for a public improvement project with Layne Christensen Company for purchase and installation of equipment in the amount of \$17,302.00 for the internal well casing liner for the Maguet No. 2 Well and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Truck Purchase - Water Division - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of one 2006 Chevrolet 3500 lift truck from Rotolo Chevrolet in the amount of \$33,047.00.

Purchase Approval - Power Vac System - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of one PV-350 Power Vac System from Pacific Tec Power Vac of Santa Ana, California, in the amount of \$30,900.00.

Vehicle Purchase - Solid Waste Division - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of a 2005 5500 Chevrolet Kodiak with bed bin from West Covina Motors, Inc. (DBA Clippinger Chevrolet) in the amount of \$56,137.75 to replace Equipment No. 865 (affectionately referred to as "Old Thunder" by Solid Waste employees).

Water Recharge Targets - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the revised water recharge targets for the Integrated Management Program Demonstration Project agreement with the San Bernardino Valley Water Conservation District, San Bernardino Valley Municipal Water District, City of San Bernardino and the East Valley Water District.

Letter - Santa Ana Regional Water Quality Control Board - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized Mayor Harrison to sign a letter to the Santa Ana Regional Water Quality Control Board requesting a 60-day extension for comments on a proposed resolution and order regarding the recharge of imported water supplies into the Santa Ana River Watershed.

Agreement - Technical Service Support - Paramedics - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the renewal of the annual technical service support agreement with Medtronic Emergency Response Systems, Inc. for Fiscal Year 2006-07, for technical service and support related to the Fire Departments' emergency cardiac monitoring devices and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Amendment - Wildland Fire Protection Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the annual amendment to the agreement with the California Department of Forestry and Fire Protection for wildland fire protection services and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Amendment - School Crossing Guards - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an amendment to the agreement with All City Management Services, Inc. for the provision of crossing guard personnel and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Purchase Approval - Police Department - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved award of a bid for the purchase of two IBM servers from IBM North America in an amount not to exceed \$66,971.00 for a dispatch and records management system in the Police Department.

Redlands Display Cards - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the printing and distribution of Redlands display cards for the purpose of promoting tourism in Redlands and authorized staff to purchase display cards from Citrograph Printing Company in the amount of \$4,929.56 and distribution services from Certified Folder Display Service, Inc. in the amount of \$7,104.92.

Agreement - CDBG Delegate Agency - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with the County of San Bernardino for the 2006-2009 Community Development Block Grant City/County Delegate Agency and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

COMMUNICATIONS

Meeting Attendance - No reports forthcoming.

City Council Liaison Assignments - Mayor Harrison presented an amended list of current liaison assignments for Councilmembers with suggestions to include Councilmember Aguilar. Councilmember Gil moved to approve the assignments as presented. Motion seconded by Councilmember Gilbreath and carried unanimously.

Telecommunications Legislation - Mayor Harrison presented information regarding legislation under consideration at both the state and federal levels of government that, if adopted in their current forms, would significantly affect the abilities of cities to regulate video service through local franchise agreements and the installation of video and telecommunications equipment and cables within the public rights-of-way. Some proposed legislation could in time erode or eliminate current franchise fee agreements and the revenues these currently provide to cities like Redlands. The League of California Cities, the United

States Conference of Mayors and other local government-based organizations are encouraging all cities to actively engage in a campaign to introduce amendments to this proposed state and national legislation. These amendments would serve to ensure local control of our local rights-of-way and to ensure local governments have a voice in the franchising of video and other services. Councilmember Gilbreath moved to authorize Mayor Harrison to submit letters and similar written communications to members of the California State Legislature, our federal legislator and telecommunications regulatory agencies of both governments relative to current state and federal telecommunication regulations; the position of the City contained in this legislation shall be based upon the recommendations provided by the League of California Cities and the United States Conference of Mayors. Motion seconded by Councilmember Gallagher and carried unanimously.

Jean Lafitte Relief Efforts - Mayor Harrison provided an update on the community's Jean Lafitte relief efforts. A concert held on April 27, 2005, at the University of Redlands Chapel was hosted by the Highest Praise Apostolic Church. They netted \$4,000.00 which has been mailed to Jean Lafitte. Mayor Harrison commended members of the church for their efforts.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Amendment - Auditing Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the first amendment to an agreement for professional auditing services with Conrad and Associates, LLP and Mayer Hoffman McCann, P.C. to perform audit services for the City of Redlands and the Redlands Redevelopment Agency to reflect the change of name of the firm of Conrad and Associates. (Also see Redevelopment Agency minutes for May 2, 2006.)

Conflict of Interest Code - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously acknowledged that the City Council has reviewed its Conflict of Interest Code and finds that amendments are not necessary at this time and authorized execution of the notice. (Also see Redevelopment Agency minutes for May 2, 2006.)

CLOSED SESSION

The City Council meeting recessed at 4:30 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:31 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated Litigation - Government Code Section 54956.9(c) - One case - Possible initiation of litigation

An additional matter scheduled on the agenda for discussion in the closed session (Conference with legal counsel: Existing Litigation - Government Code Section 54956.9(a) - Redlands Residents for Rural Living v City of Redlands - SCVSS 126460) was withdrawn from the agenda.

The meeting reconvened at 7:00 P.M.

PRESENT

Jon Harrison, Mayor
Pat Gilbreath, Mayor Pro Tem
Gilberto Gil, Councilmember
Mick Gallagher, Councilmember
Pete Aguilar, Councilmember

ABSENT

None

STAFF

John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Teresa Ballinger, Assistant City Clerk; 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

CLOSED SESSION REPORT

Lawsuit Intervention - City Attorney McHugh reported that during the closed session, the City Council unanimously directed the City Attorney to file an application to intervene in the following lawsuit: Center for Biological Diversity versus San Bernardino County Local Agency Formation Commission (LAFCO).

LAND USE AND PUBLIC HEARINGS

PGP Partners, Inc. - Applicant - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as a public hearing for a Socio-Economic Analysis and Cost/Benefit Study; a public

hearing to consider Concept Plan No. 1, Amendment No. 3, to amend Concept Plan No.1 by eliminating a street located north of Lugonia Avenue, south of Almond Avenue, east of Mountain View Avenue and west of Research Drive in the Commercial Industrial District of Concept Plan No. 1; to consider Commission Review and Approval No. 819 to develop a six building industrial park with 715,925 square feet of floor area on approximately 38.36 acres, located on the north side of Lugonia Avenue, the east side of Mountain View Avenue and the south side of Almond Avenue in the Commercial Industrial District of Concept Plan No. 1; and to hold a public hearing to consider Minor Subdivision No. 297, a Minor Subdivision for Tentative Parcel Map No. 17815 to subdivide approximately 38.36 acres into eight lots for property located on the north side of Lugonia Avenue, the east side of Mountain View Avenue, and the south side of Almond Avenue in the Commercial Industrial District of Concept Plan No. 1. Mayor Harrison declared the meeting open as a public hearing. Community Development Director Shaw reviewed the proposed project noting staff is recommending amendments to the conditions relating to the landscaping and a uniform sign program. Representing the applicant, Blair Dahl addressed the City Council. Mario Saucedo, North Redlands Visioning Committee, expressed concerns about closing Lugonia Avenue and asked the City to work with the developer to give something back to the community on the north side after impacting the area. Mayor Harrison noted the City Council cannot condition a project beyond its boundaries but can encourage the developer to donate something for the benefit of the community. Eddie Tejada, North Redlands Visioning Committee, supported Mr. Saucedo's comments. Councilmembers discussed the issue of terminating Lugonia Avenue with a cul-de-sac. Public Works Director Mutter reported the roadway in use today is on railroad right-of-way which will no longer be available to vehicular traffic when Metrolink is extended. Councilmember Gil was very unhappy with the proposed closure. There being no further comments, the public hearing was closed.

Mitigated Negative Declaration - Councilmember Gilbreath moved to approve the Environmental Review Committee's mitigated negative declaration for Amendment No. 3 to Concept Plan No. 1, Commission Review and Approval No. 819 and Minor Subdivision No. 297 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Gallagher and carried with Councilmember Gil voting NO.

Socio-Economic Analysis and Cost/Benefit Study - Councilmember Gilbreath moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Amendment No. 3 to Concept Plan No. 1, Commission Review and Approval No. 819 and Minor Subdivision No. 297 as it has been

determined that this project will not create unmitigable physical blight or overburden public services in the community and no additional information or evaluation is needed. Motion seconded by Councilmember Gallagher and carried with Councilmember Gil voting NO.

Resolution No. 6500 - Amendment No. 3 to Concept Plan No. 1 - Councilmember Gilbreath moved to adopt Resolution No. 6500, a resolution of the City Council of the City of Redlands amending Concept Plan No. 1 to eliminate a planned street shown north of Lugonia Avenue, south of Almond Avenue, east of Mountain View Avenue and west of Research Drive in the Commercial Industrial District. Motion seconded by Councilmember Gallagher and carried with Councilmember Gil voting NO.

Commission Review and Approval No. 819 - Councilmember Gilbreath moved to approve Commission Review and Approval No. 819 based upon the findings contained in the staff report and amending Condition No. 22 to reflect that the landscape plans shall be approved by the Community Development Director as opposed to the Planning Commission. Motion seconded by Councilmember Gallagher and carried with Councilmember Gil voting NO.

Minor Subdivision No. 297 - Councilmember Gilbreath moved to approve Minor Subdivision No. 297 subject to the conditions of approval and findings contained in the staff report and adding Condition No. 32 to require a uniform sign program to be submitted to the Planning Commission for review and approval prior to approval of the final map and modifying Condition No. 16, to add in the CC&Rs, a requirement for the upkeep of the landscape area and the signs. Motion seconded by Councilmember Gallagher and carried with Councilmember Gil voting NO..

NEW BUSINESS

Ordinance No. 2641 - Sewer Charges Billing - Municipal Utilities Director Phelps reported the purpose of this proposed ordinance is to remove a potential inconsistency between certain sections of the Redlands Municipal Code relating to how utility charges are billed and paid. The ordinance has been prepared to clarify billing for sewer charges and does not make any substantive changes to the Code. Ordinance No. 2641, an ordinance of the City of Redlands amending Chapter 13.48 of the Redlands Municipal Code relating to the billing of sewer charges, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, further reading of the ordinance text was unanimously waived, and Ordinance No. 2641 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for May 16, 2006.

PUBLIC COMMENTS

Rules of Order - Ann Balderrama asked what rules of order the City Council followed. City Attorney McHugh replied the City Council conducts its business under the Ralph M. Brown Act statute. Ms. Balderrama questioned why she was not recognized from the audience during the afternoon session; she was reminded she had given up her time to another speaker. Ms. Balderrama was referred to the City Attorney's office to obtain a copy of the Brown Act.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:57 P.M. The next regular meeting will be held on May 16, 2006.