

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 April 17, 2007, at 3:00 P.M.

PRESENT

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

ABSENT

Gilberto Gil, Councilmember

STAFF

N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Jim Drabinski, Fire Chief; Steven H. Dukett, Interim Redevelopment Agency Director; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director

With an expression of sympathy for the families of the victims of the Virginia Tech massacre on April 16, 2007, that left 33 people dead including the shooter, the meeting was opened with an invocation by Councilmember Gallagher followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the minutes of the regular meeting of April 3, 2007, were approved as submitted.

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

Agreement - Pension Obligation Bonds - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved a professional services agreement with Bartel Associates, LLC to perform actuarial services in connection with the City's proposed issuance of pension obligation bonds and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6593 - TRANs - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, adopted Resolution No. 6593, a resolution of the City Council of the City of Redlands authorizing and approving the borrowing of funds for fiscal year 2007-2008, the issuance and sale of a 2007-2008 Tax and Revenue Anticipation Note therefore and participation in the California Communities Cash Flow Financing Program.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the report of the Planning Commission meeting held on April 10, 2007, was acknowledged as received.

Fee Waiver - Run Through Redlands - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved the request of the Kiwanis Club of Redlands to waive all City-related fees, costs and charges associated with the 24th annual "*A Run Through Redlands*" event to be held on April 29, 2007.

Commendation - RHS Academic Decathlon Team - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, authorized issuance of a commendation congratulating the faculty and students of the Redlands High School Academic Decathlon Team.

Commendation - RHS Mock Trial Team - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, authorized issuance of a commendation congratulating the faculty and students of the Redlands High School Mock Trial Team.

Recognition - Rabbi Norman F. Feldheym Award - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, authorized issuance of a certificate of recognition for Margie Orland, recipient of the Rabbi Norman F. Feldheym Award.

Proclamation - National Day of Prayer - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, authorized issuance of a proclamation declaring May 3, 2007, as the *National Day of Prayer*.

Amendment - Barton Road and San Timoteo Canyon Road Improvements - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved an amendment to Cooperative Agreement No. 04-1053 with the County of San Bernardino and the City of Loma Linda for construction of intersection improvements and a permanent traffic signal at the intersection of Barton Road and San Timoteo Canyon Road and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Local Emergency Report - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council acknowledged receipt of the report from the Municipal Utilities Department regarding the status of the

declared local emergency at the Hinckley Water Treatment Plant and North Orange Well Field.

Agreement - Tate Water Treatment Plant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved an agreement with Raftelis Financial Consultants to perform professional consulting services to assist with the determination of construction-related and other costs associated with the provision of wholesale water services and the upgrade of the Tate Water Treatment Plant and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Ordinance No. 2657 - Redevelopment Plan - Ordinance No. 2657, an ordinance of the City of Redlands, California, amending the Redevelopment Plan for the Redlands Redevelopment Project Area to extend the effectiveness deadlines and the deadlines to receive tax increment, was adopted, by AYE votes of all present, on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Funds - "Click it or Ticket Grant" - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, accepted the "Click it or Ticket" program grant project for local law enforcement agencies with funding from the California Office of Traffic Safety and authorized an additional appropriation in the amount of \$24,795.20.

PLANNING AND COMMUNITY DEVELOPMENT

Wal-Mart Supercenter - Community Development Director Shaw reported the developer, Wal-Mart Stores, Inc., has initiated a request for the City to procure the services of an environmental consulting firm for the preparation of an Environmental Impact Report for their Wal-Mart Supercenter project proposed on approximately 40.86 acres located on the southeast corner of San Bernardino Avenue and Tennessee Street in Concept Plan No. 4 of the East Valley Corridor Specific Plan. Development plans are conceptual at this stage; however, a preliminary site plan of the project depicts a 207,500 square foot Wal-Mart Supercenter with out-parcel development along Tennessee Street and San Bernardino Avenue that could potentially contain 60,500 square feet of development for retail, restaurant, offices uses and a service station. The project will be designed to comply with the development standards of Concept Plan No. 4 which governs development of the site. Community Development Director Shaw explained the process for selection of the consultant and addressed several questions and concerns such as the holding of scoping meetings to ensure adequate public participation. He noted a property owner has rights with regards to due process and preparation of an Environmental Impact Report will provide the City and the public with detailed information about the effects of a project and identify how impacts may be minimized and to

indicate alternatives to the project. The scope of work also identifies that there will be an evaluation of re-use potentials of the existing Wal-Mart, and the Environmental Impact Report will identify potential mitigation relative to this impact. A representative from Michael Brandman Associates was present at this meeting. Opposing the proposed Wal-Mart Supercenter were: representing the Lugonia Community Association Eddie Tejeda, Joe Lanspa who submitted a DVD entitled *Wal-Mart, the high cost of low price*, Elvin Huck, Bill Cunningham, Richard Heitz, Keith Osajima on behalf of the Redlands United Church of Christ, Laura Palmer and Oscar Sepp. Representing Wal-Mart were Jennifer Gunther and Mike Blackmon. City Clerk Poyer reported two e-mails in support and one e-mail and telephone call opposing the project were received.

Contract - EIR - Councilmember Gilbreath moved to approve a contract with Michael Brandman Associates for preparation of the Environmental Impact Report for the Wal-Mart Supercenter project in the amount of \$276,800.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Funding Agreement - Councilmember Gilbreath moved to approve a funding agreement with Wal-Mart Stores, Inc. in the amount of \$332,160.00 to fund preparation of an Environmental Impact Report for the Wal-Mart Supercenter 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. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

COMMUNICATIONS

Meeting Attendance - No reports forthcoming.

Development Impact Fee Program - Public Works Director Mutter reported this is a continuation of scheduled workshops to review and discuss the proposed development impact fee update for the Public Works Department. The Public Works Department has been working with MuniFinancial to develop a comprehensive update to the department's development impact fee program. These fees cover the costs associated with infrastructure and facility impacts caused by new development. The program covers fees in the following areas: general government facilities, library facilities, police facilities, park facilities, fire facilities, storm drain facilities and transportation facilities. In the first workshop on March 20, 2007, the City Council heard a presentation from the consultant, MuniFinancial on the proposed fee update. The various fees and the program changes were discussed during the presentation. On April 3, 2007, staff presented a comparison of the current versus the proposed fees, a comparison of fees charged by other agencies and answers to several other questions raised by City Council. After the presentation and review, the City Council directed staff to schedule a final hearing on the implementation of the

development impact fee program update for April 17, 2007, and set the hearing for the introduction of the implementing fee ordinance for the Council meeting of May 1, 2007. With the implementation of this schedule, the revised development impact fees will be effective on July 16, 2007. The development impact fees support defined public improvement needs directly related to and caused by development. It is estimated that approximately \$3.30 million in fees will be collected during the current fiscal year. Estimates for Fiscal Year 2007-08 under the new program equal \$4.65 million. This total could be higher under the transportation section, depending on the type of commercial and industrial development that occurs within the next year. Staff has also developed an administrative fee as a part of this program. Two percent of the fee charged to development is for administrative costs that include the processing and accounting of development impact fee payments and funds, clerical costs, legal costs, etc. The administrative fee is attributable to the General Fund and will equal \$20,000 for every \$1.0 million collected. This revenue is anticipated to be approximately \$93,000 for Fiscal Year 2007-08. On behalf of The Redlands Association, Bill Cunningham reminded Councilmembers that Measure U, adopted by the citizens of Redlands, requires development to pay full cost, and he felt these fees were woefully inadequate. City Manager Martinez noted he has not had the opportunity to look at this report having only started working for the City on April 9, 2007, but will do so prior to the public hearing on May 1, 2007, and he may have some changes to recommend at that time.

PUBLIC COMMENTS

Sexual Assault Awareness Month - Sandy Schaublin, San Bernardino County Sexual Assault Services, provided Councilmembers with a packet of information about their services and announced a community fundraiser to be held on April 24, 2007, at Applebee's restaurant to commemorate April as *Sexual Assault Awareness Month*.

Request for Information - Oscar Sepp submitted a list of questions regarding the budgets for the Fire and Police Departments.

Financial Concerns - Joe Lanspa expressed concerns about excessive funds going to the police and fire employees and not to the citizens and asked Councilmembers to do what is best for Redlands.

CLOSED SESSION

The City Council meeting recessed at 3:58 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing Litigation - Government Code Section 54956.9(a)
 - a. USAA Casualty Insurance Company v City of Redlands, et al - San Bernardino Superior Court Case No. SCVSS 131589
 - b. Dayle Yvette Lewis v City of Redlands et al - San Bernardino Superior Court Case No. SCVSS 139082
 - c. Water Right Application Nos. 31165, 31370, 31174, 31369, 31371, and 31372
State Water Resources Control Board administrative proceedings for the Santa Ana River
2. Conference with labor negotiator - Government Code Section 54957.6
Agency Negotiator: N. Enrique Martinez
Employee Organizations: Redlands Association of Management Employees, Redlands Association of Mid-Management Employees, General Employees Association of Redlands, Redlands Association of Safety Management Employees, Redlands Police Officers Association, Civilian Safety Employees Association, Redlands Association of Fire Management, and Redlands Professional Fire Fighters Association

ADJOURNMENT

There being no further business, the City Council meeting adjourned following the closed session. The next regular meeting will be held on May 1, 2007.