

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 17, 2007, 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

N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Cletus Hyman, Deputy Police Chief; Jim Drabinski, Fire Chief; Steven H. Dukett, Interim Redevelopment Agency Director; Tina Kundig, Finance Director and Acting Administrative Services Director; Ronald C. Mutter, Public Works Director; Gary G. Phelps, Municipal Utilities Director; and Bob Dalquest, Acting Community Development Director

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 Gil, the minutes of the adjourned regular meeting of July 3, 2007, and the regular meeting of July 3, 2007, were approved as submitted.

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

RAMME MOU Amendment - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved Amendment No. 2 to the Memorandum of Understanding with the Redlands Association of Mid-Management Employees to correct a clerical error in Article 17, Executive Leave, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Infrastructure Update Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement for infrastructure update services with CBIZ Accounting, Tax & Advisory, LLC and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6632 - Salary - Councilmember Gallagher felt that last night's Redlands Daily Facts article regarding this salary resolution was misleading.

Adoption of this resolution is based on previous negotiations with the employees already approved by the City Council. He expressed the hope that the newspaper would clarify the actions of the City Council and moved to adopt Resolution No. 6632, a resolution of the City Council of the City of Redlands establishing the salary schedule and compensation plan for City employees and rescinding Resolution No. 6563, which reflects salary increases in accordance with Memoranda of Understanding and contains all personnel modifications approved with the 2007-08 budget. Motion seconded by Councilmember Gil and carried unanimously.

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

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

Resolution Nos. 6617-6618 - Parking and Business Improvement Area B - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6617, a resolution of the City Council of the City of Redlands declaring its intention to levy and collect assessments for Fiscal Year 2007-08 in Parking and Business Improvement Area B and setting a time and place for a public hearing (August 7, 2007, at 3:00 P.M.) on objections thereto. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6618, a resolution of the City Council of the City of Redlands approving the Annual Report for Fiscal Year 2007-08 for Parking and Business Improvement Area B.

Contract - On-Line Legal Research Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the contract with Thomson West for "Westlaw Pro" on-line legal research services for a term of three years and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Redlands Boulevard Right-of-Way - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement regarding the purchase of an easement with Nikolaos S. Dasakis and Helen Dasakis as Trustees U/D/T dated May 12, 1997, establishing the Nikolaos S. and Helen Dasakis Living Trust for Redlands Boulevard right-of-way acquisition for the Redlands Boulevard, Alabama Street and Colton Avenue Improvement Project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Fee Waiver - University of Redlands - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the waiver of \$440.00 in fees for the University of Redlands' reservation of Sylvan Park for their Homecoming Quadfair and lunch to be held on October 27, 2007.

Agreement - Provisional Accredited Levee Designation - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the Provisional Accredited Levee Designation and Agreement to provide adequate compliance with the Code of Federal Regulations 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 Gil, 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.

Temporary Entry Permit - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a temporary entry permit with the State of California Department of Water Resources for the purpose of conducting ground and aerial surveys and engineering, biological and floral and fauna studies on Assessors Parcel Nos. 0168-362-01, 02, 03,05, 0168-363-01, 02 and 03 for installation of appurtenances and such other incidental purposes as may be required for the East Branch Extension and Reservoir Enlargement Project.

Funds - Membrane Module Filters - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the procurement for membrane module filters with Zenon Environmental Corporation and approved an additional appropriation of \$854,400.00 from the Wastewater Capital Reserves to the Capital Projects Funds for the project.

Sewer Line Inspection Video Equipment - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase and retrofitting of the sewer line inspection video equipment from Plumbers Depot, Inc.

Funds - Gradall Purchase - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of a used Gradall from Brand Machinery, Inc. in the amount of \$40,406.25 and approved an additional appropriation in the same amount from the Equipment Replacement Reserve.

Contract - Street Paving Repair - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a

contract (subject to review and approval by the City Manager and City Attorney) with International Paving Solution, Inc. for street paving repairs by the Municipal Utilities Department in the amount of \$75,000.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City following review and approval by the City Manager and City Attorney.

Agreement - Paramedic Training Site - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Victor Valley Community College identifying the Redlands Fire Department as a paramedic training site and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - Homeland Security Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved authorization to accept the 2006 Homeland Security Grant award of \$14,200.00 from the State of California Office of Homeland Security for improvement of the City of Redlands Fire Department Emergency Terrorism Planning and Response Program and approved the expenditure of the same amount for the City of Redlands Terrorism Program.

Resolution No. 6629 - Paramedic Tax - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6629, a resolution of the City Council of the City of Redlands setting the special tax for the Emergency Paramedic Service, in accordance with Ordinance No. 1900 approved by the voters in 1985.

Funds - Cool Center - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Southern California Edison Company, authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City, and approved an additional appropriation of \$14,000.00 authorizing the funding for a part-time bus driver to transport seniors to and from the Cool Center during Cool Center activities daily and the purchase of supplies and provisions for the electricity costs to be reimbursed by the grant.

PLANNING AND COMMUNITY DEVELOPMENT

Density Bonus Housing Agreement - Housing Authority Partners I, Inc. - Assistant Community Development Director Dalquest reported on June 19, 2007, the City Council approved multiple requests to allow for the development of a 71 unit senior housing complex on approximately 3.63 acres located on the east side of Webster Street, north of Lugonia Avenue. On staff's recommendation, the City Council continued, to this time and place, consideration of a Density Bonus Housing Agreement to allow a 35 percent increase above the maximum residential density permitted by the Medium-Density Residential General Plan designation and the R-2 (Multiple Family

Residential) District zoning proposed for the project site, and including two development incentives that would allow a reduction in the required parking and allow buildings to exceed the maximum linear dimension requirement. Because the project is designed for low- or very-low income seniors, it is eligible for this incentive. The Redevelopment Agency is working concurrently on additional incentive agreements. These agreements should be consistent with the density bonus agreement. Since final concurrence has not yet been reached on the Redevelopment Agency incentive agreements, staff is recommending the density bonus agreement be continued to August 7, 2007. Councilmember Gil moved to continue the density bonus agreement with Housing Partners I, Incorporated for Assessor's Parcel No. 167-201-68 to August 7, 2007. Motion seconded by Councilmember Gilbreath and carried unanimously.

COMMUNICATIONS

Meeting Attendance - No reports forthcoming.

Funds - Voluntary Contribution - University of Redlands - City Manager Martinez reported the University of Redlands has made a voluntary contribution of \$55,000.00 to the City. This is the tenth straight year the University has provided the City with a voluntary annual gift, one of the many ways the University contributes to the betterment of the Redlands Community. Over this period of time the total amount of these contributions exceeds \$440,000.00. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council, with gratitude, unanimously accepted the voluntary contribution of \$55,000.00 from the University of Redlands and authorized expenditure of these funds on behalf of the City and the Library Foundation as follows:

- \$12,000.00 To permit the City to fund University of Redlands' student employee/internship positions in the Police Department, A. K. Smiley Public Library and the Recreation Division
- 15,000.00 To the Community Development Department, Building and Safety Division, for the procurement of a new vehicle in support of the Division's activities
- 5,000.00 To the Lincoln Shrine through the Lincoln Watchhorn Association in support of the five-year \$100,000.00 matching challenge program
- 5,000.00 To the A. K. Smiley Public Library's Acquisitions and Materials Fund or for any other purpose designated by the Library Board of Trustees
- 5,000.00 To the Police Department for a purpose to be designated by the Police Chief with concurrence of the City Manager and approval of the City Council
- 5,000.00 To the Fire Department for the Fire Department's Explorer Program
- 8,000.00 To the City's Senior Transportation Program

Flag Display Policy - Councilmember Gallagher reminded Councilmembers that at the last meeting Gary Chermis, American Legion Post 106, appeared and gave a presentation relating to the development of a display policy for the United States flag, State flags, City flags and POW/MIA (Prisoner of War/Missing in Action) flags. Supporting the City Council's adoption of a written flag policy, Councilmember Gallagher asked staff to incorporate a proposed flag policy in a proposed resolution which he presented at this meeting. Mr. Chermis presented Councilmembers a POW/MIA flag for display in the City Council Chambers and urged their consideration to adopt this policy. By unanimous consensus, staff was directed to provide further input and research on the proposed flag policy in order to finalize a resolution for the City Council's consideration on August 7, 2007.

NEW BUSINESS

Ordinance No. 2673 - Novelty Lighters - Fire Chief Drabinski reported there has been a significant proliferation of novelty lighters that attract and fascinate children. Some of these lighters meet the 1994 Child Safety Protection Acts standards, but many do not. Examples of these novelty lighters, which were purchased in Redlands, were brought to the meeting. Fire Chief Drabinski then presented a proposed ordinance which would prohibit the sale and distribution of novelty lighters for the City Council's consideration. Ordinance No. 2673, an ordinance of the City of Redlands adding Chapter 8.50 to the Redlands Municipal Code to prohibit the retail sale or distribution of novelty lighters, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived, and Ordinance No. 2673 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for August 7, 2007.

League Voting Delegate - City Clerk Poyzer reported the League of California Cities annual conference is scheduled for September 5-6, 2007, in Sacramento. One very important aspect of the annual conference is the annual business meeting when the membership takes action on conference resolutions. To expedite the conduct of business at this meeting, the City Council should designate a voting representative and an alternate who will be present at the annual meeting. Following discussion regarding who planned to attend this conference, Councilmember Harrison moved to designate Pat Gilbreath to serve as the voting delegate and Jon Harrison to serve as the alternate voting delegate for the League of California Cities' 2007 Annual Conference. Motion seconded by Councilmember Aguilar and carried unanimously.

Funds -Water Stock - Redlands Sports Park - Due to a potential conflict of interest, Councilmember Gilbreath 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. Municipal Utilities Director Phelps explained the feasibility, cost and configuration of a number of water supply alternatives have been evaluated by staff for meeting the irrigation water demands of the Redlands Sports Park, and staff recommended the transfer of 25 shares of Bear Valley Mutual Water Company water stock from Water Fund assets to the Redlands Sports Park for \$125.00 per share, and the use of 1,325 shares of Bear Valley water stock for use at the Redlands Sports Park for \$2.50 per share for the 2007-08 water delivery season. An additional appropriation of \$3,312.50 from the General Fund to pay assessments associated with the use of the 1,325 shares of Bear Valley Mutual Water Company stock to provide water to the Redlands Sports Park for the 2007-08 water delivery season was also recommended. Councilmember Gallagher asked how much the City would save with this recommendation. Councilmember Harrison asked about the long-term effect on the overall City use. Councilmember Gil asked where the water shares that came with the purchase of the groves were. Following brief discussion, Councilmember Gil moved to postpone this matter to August 7, 2007, to allow staff to provide this information. Motion seconded by Councilmember Aguilar and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 3:26 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code §54956.8
 - a. Property: Carriage House at Prospect Park
 - Negotiating parties: N. Enrique Martinez, Ron Mutter and Yvette Gonzalez
 - Under negotiation: Lease terms and price

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

N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Cletus Hyman, Deputy Police Chief; Jim Drabinski, Fire Chief; Steven H. Dukett, Interim Redevelopment Agency Director; Tina Kundig, Finance Director and Acting Administrative Services Director; Ronald C. Mutter, Public Works Director; Gary G. Phelps, Municipal Utilities Director; and Bob Dalquest, Acting Community Development Director

CLOSED SESSION REPORT

None forthcoming.

WELCOME

Mayor Harrison welcomed Boy Scout Troop 4 from the First United Methodist Church who were present at this meeting.

PUBLIC HEARINGS

Resolution No. 6583 - Landscape Maintenance Assessment District - Public hearing was advertised for this time and place to consider Resolution No. 6583, a resolution of the City Council of the City of Redlands confirming a diagram and assessment for the 2007-08 fiscal year in connection with Landscape 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. Mayor Harrison declared the meeting open as a public hearing. Public Works Director Mutter reported the preliminary report for the Landscape Maintenance Assessment District No. 1 was presented to the City Council on June 19, 2007. The City Council adopted Resolution No. 6581 granting preliminary approval to the Engineer's Report on June 19, 2007, and adopted Resolution No. 6582 setting this time and place for a public hearing to consider its intention to levy and collect assessments for Fiscal Year 2007-08. Although there will be no increase in assessments over the 2007-08 fiscal year, Public Works Director Mutter reported staff is working with our consultant, and we may hold an election in the future in order to cover the actual cost of the assessment district. Mayor Harrison called for any public comments. There being no verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6583. Motion seconded by Councilmember Gil and carried unanimously.

Resolution No. 6587 - Street Lighting Assessment District - Public hearing was advertised for this time and place to consider Resolution No. 6587, a resolution of the City Council of the City of Redlands confirming a diagram and assessment for the 2007-08 fiscal year in connection with Street Lighting Assessment District No. 1 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code.

Mayor Harrison declared the meeting open as a public hearing. Public Works Director Mutter reported the preliminary report for the Street Lighting Assessment District No. 1 was presented to the City Council on April 3, 2007. The City Council adopted Resolution No. 6585 granting preliminary approval to the Engineer's Report on June 19, 2007, and adopted Resolution No. 6586 setting this time and place for a public hearing to consider its intention to levy and collect assessments for Fiscal Year 2007-08. Although there will be no increase in assessments over the 2007-08 fiscal year, Public Works Director Mutter reported staff is working with our consultant, and we may hold an election in the future in order to cover the actual cost of the assessment district. Mayor Harrison called for any public comments. There being no verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6587. Motion seconded by Councilmember Gil and carried unanimously.

Councilmember Gilbreath encouraged staff to explore future assessment districts for infrastructure repairs within neighborhoods so that residents could pay for sidewalk or street repairs in their own neighborhood.

UNFINISHED BUSINESS

Lease Agreement - Carriage House - Public Works Director Mutter reported events held at the Carriage House in Prospect Park were originally administered by the City. An agreement was developed a number of years ago with the Friends of Prospect Park to allow them to administer the booking and rental of events in exchange for their keeping revenues earned. Last year, the Friends of Prospect Park decided to discontinue this program. A new lease was negotiated with the Kimberly-Shirk Association which includes payment to the City of 25 percent of the net revenue received from events held by for-profit organizations and 10 percent of the net revenue received from events held by non-profit entities, and these funds will be used towards on-going maintenance of the Carriage House. Councilmember Gilbreath moved to approve the lease agreement with the Kimberly Shirk Association for the lease of the Prospect Park Carriage House and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City and directed staff to establish an administrative process for the funds we will receive to be used for on-going maintenance of the Carriage House. Motion seconded by Councilmember Gallagher and carried unanimously.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:08 P.M. The next regular meeting will be held on August 7, 2007.