

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 6, 2008, at 3:00 P.M.

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

ABSENT None

STAFF N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Tom Fitzmaurice, Police Captain; Jim Drabinski, Fire Chief; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director; Oscar W. Orci, Community Development Director; Deborah Scott-Leistra, Human Resources Director; Gary van Dorst, Quality of Life Director

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

PRESENTATIONS

Pet Adoptions - Animal Control Officer Bill Miller and Animal Shelter volunteer Lynda Ackerman introduced Juno, a one-year old male black lab who is available for adoption at the Redlands Animal Shelter.

Certificates of Achievement - Mayor Harrison presented Certificates of Achievement to Trevor Stevens, Bomani Story and Andrew Jessup for receiving the Omnitrans *Do It Yourself* TV Student Commercial Filmmaker Award. Trevor is also responsible for the "Pet of the Week" feature shown on Redlands TV. Trevor announced that Bomani has been accepted to attend the UCLA Film School this fall.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the minutes of the regular meeting of April 15, 2008, were approved as submitted.

Funds - Election - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved an additional appropriation in the amount of \$91, 658.47 from the unreserved fund balance of the General Fund to complete payment of the invoice in the amount

of \$203,009.00 from the Registrar of Voters for the General Municipal Election held on November 6, 2007. It was noted the cost of the absentee ballots (\$51,260.00) is reimbursable under SB90 although the City will not receive the reimbursement until Fiscal Year 2008-09.

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

Proclamation - Karen Hemme, Kimberly Juniors Advisor - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation commending Mrs. Karen Hemme, Kimberly Juniors Advisor, for her seventeen years of service dedicated to the betterment of our community's most precious assets, our children.

Proclamation - Veterans Appreciation Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring May 2008 as *Veterans Appreciation Month*.

Final Approval - Parcel Map No. 18879 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously moved to grant final approval for Parcel Map No. 18879 creating four (4) airspace condominium lots and one common area lot located on the east side of Ford Street, north side of Patricia Drive and south side of the Interstate 10 freeway (Maggie Lane Development Corporation, applicant).

Proclamation - Water Awareness Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring May 2008 as *Water Awareness Month* and acknowledged the involvement of those citizens who already practice water conservation techniques and urged all citizens to learn more about water conservation and how they can help future generations to "*Use Water Wisely - It's a Way of Life.*" Municipal Utilities and Engineering Director Hoerning expressed the City's appreciation for everyone's conservation efforts.

Funds - Agreement - Landscape Maintenance and Street Lighting Districts - Municipal Utilities and Engineering Director Hoerning responded to Councilmember Bean's questions regarding the possibility of increasing the assessments to cover the cost of the Landscape Maintenance and Street Lighting Districts next year. Councilmember Bean moved to authorize an appropriation from the Landscape Maintenance and Street Lighting Assessment District funds in the amount of \$28,000.00 and to approve a consultant services agreement with Willdan Financial Services to provide assessment engineering services for the Landscape Maintenance and Street Lighting Assessment Districts 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.

Resolution No. 6684 - Landscape Maintenance District No. 1 - On motion of Councilmember Bean, seconded by Councilmember Gilbreath, the City Council unanimously adopted Resolution No. 6684, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing an assessment engineer and ordering the preparation of an Engineer's Report in the matter of Landscape Maintenance District No. 1, and maintaining the current level of assessment.

Resolution No. 6688 - Street Lighting District No. 1 - On motion of Councilmember Bean, seconded by Councilmember Gilbreath, the City Council unanimously adopted Resolution No. 6688, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing an assessment engineer and ordering the preparation of an Engineer's Report in the matter of Street Lighting District No. 1, and maintaining the current level of assessment.

Yucaipa Valley Water District Regional Water Supply Renewal Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the Mayor to sign a letter to Senator Feinstein in support of HR 2614 for the Yucaipa Valley Water District Regional Water Supply Renewal Project.

Funds - San Bernardino Avenue Street Widening Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an additional appropriation in the amount of \$25,878.85 from the Local Transportation fund to the San Bernardino Avenue Street Widening Project to provide for unanticipated additional construction and right-of-way acquisition expenses.

Agreement - Sewer Pipeline Replacement Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement with MDS Consulting to furnish design engineering services for a sewer pipeline replacement project in the amount of \$108,970.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Highline Water Transmission Main Relocation Project - An agreement with Stantec Consulting, Inc. to furnish professional engineering design services for the Highline Water Transmission Main Relocation Project, Phase II, was pulled from the agenda and no action was taken.

Resolution No. 6705 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6705, a resolution of the City Council of the City of Redlands establishing speed limits on San Bernardino Avenue between Tennessee Street

and Wabash Avenue in accordance with Title 10 of the Redlands Municipal Code, as recommended by the Traffic and Parking Commission.

Resolution No. 6706 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6706, a resolution of the City Council of the City of Redlands establishing speed limits on Live Oak Canyon Road between San Timoteo Canyon Road and the easterly City limits in accordance with Title 10 of the Redlands Municipal Code, as recommended by the Traffic and Parking Commission. Councilmember Gilbreath felt Live Oak Canyon and San Timoteo Canyon Roads should be toll roads and offered to assist staff to carry this proposal through SANBAG.

Resolution No. 6707 - Annexation to CFD 2004-1 - Grove Homes, LLC - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously accepted the petition from Grove Homes, LLC (Tentative Tract No. 17253 which is located at the southwest corner of Church Street and Lugonia Avenue) to annex to Community Facilities District No. 2004-1 and adopted Resolution No. 6707, a resolution of the City Council of the City of Redlands declaring its intention to annex territory to Community Facilities District No. 2004-1 of the City of Redlands and adopting a map of the area proposed to be annexed thereto (Annexation No. 3).

Contract - Stockpiled Asphalt - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved award of a contract to Amalgamated Recycling, Inc. for the crushing and recycling of stockpiled asphalt and concrete at the California Street Landfill in the amount of \$140,930.00, authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City, and authorized up to 20 percent over the bid amount to allow for actual quantities and additional costs.

Amendment - Crossing Guards - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an amendment to the agreement with All City Management Services, Inc. by extending the term through June 30, 2009, 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.

COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, Mayor Harrison and Mayor Pro Tem Gilbreath reported on their attendance at the League of California Cities Inland Empire Division meeting held on May 1, 2008, at City expense. Councilmember Aguilar reported on his attendance at the League of California Cities Legislative Action Days on April

16-18, 2008, at City expense. Mayor Pro Tem Gilbreath also attended a SCAG orientation meeting.

Resolution No. 6699 - Fundraising Policy - Finance Director Kundig reviewed the revised resolution establishing a fundraising policy for advisory boards, commissions and committees. Councilmember Bean moved to amend Section 5 by adding the underscored: "... future specified Events or, purposes, or, with the approval of the City Council for transfer" and to adopt Resolution No. 6699, a resolution of the City Council of the City of Redlands establishing a fundraising policy for advisory boards, commissions and committees, with this amendment. Motion seconded by Councilmember Gilbreath and carried unanimously.

Appointments - Utilities Advisory Committee - Mayor Harrison moved to appoint Dr. J. Henry Acquaye, Theresa Dale, Ken Jeske, Robert K. Page, Jill Perez, Steve Stockton and Michael Teneyck to serve on the 2008 Utilities Advisory Committee. Motion seconded by Councilmember Gilbreath and carried unanimously.

Resolution No. 6709 - Reform of the Bond Rating System - On April 17, 2008, the League of California Cities' Board of Directors unanimously endorsed a nationwide campaign to persuade the agencies that rate municipal and corporate bonds to end their long practice of discriminating against municipal bonds. This practice has cost taxpayers billions of dollars unnecessarily over the years through higher interest rates and bond insurance purchase. Councilmember Gilbreath moved to adopt Resolution No. 6709, a resolution of the City Council of the City of Redlands supporting reform of the bond rating system to eliminate discrimination against municipal bonds. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6708 - Tax and Revenue Anticipation Note - Finance Director Kundig presented Resolution No. 6708, a resolution of the City Council of the City of Redlands authorizing and approving the borrowing of funds for Fiscal Year 2008-2009; the issuance and sale of a 2008-2009 Tax and Revenue Anticipation Note therefore and participation in the California Communities Cash Flow Financing Program. This resolution authorizes the issuance of not-to-exceed \$5,000,000.00 2008 Tax Revenue Anticipation Notes for prepayment of the City's annual PERS obligation which will benefit the City through interest earnings. Following brief discussion, Councilmember Gilbreath moved to adopt Resolution No. 6708. Motion seconded by Councilmember Aguilar and carried unanimously.

NEW BUSINESS

License Agreement - Telecommunication Facilities Installation - Municipal Utilities and Engineering Director Hoerning reported the City received a notification on April 21, 2008, from Sunesys, LLC of their intention to use and occupy portions of the City's rights-of-way for purposes of constructing and maintaining a high-speed fiber-optic system to serve the Redlands Unified School District. The City may elect to require an agreement to establish controls over the use of the public right-of-way inclusive of cost recovery fees for use of the right-of-way, for said purpose or future expansion of service within the City of Redlands. Establishing controls regarding the construction, maintenance and relocation of facilities to minimize impact to the City and its customers is valuable and staff is recommending the City develop an agreement for this vendor. Councilmember Gilbreath moved to direct staff to prepare an agreement with Sunesys, LLC for the use of public right-of-way to serve the Redlands Unified School District as allowed by the Public Utility Code and governmental regulations. Motion seconded by Councilmember Gallagher and carried unanimously.

Bear Valley Mutual Water Company Stock Purchase - Water Resources Manager Chris Diggs reported the City of Redlands, for the last 57 years, has purchased substantial amounts of stock in mutual water companies that have rights to the flows in the Santa Ana River and Mill Creek which has allowed the City to continue to economically meet the expanding water demands of its customer. At this time, an offer has been made to sell 40 shares of Bear Valley Mutual Water Company stock to the City at a price of \$150.00 per share; staff recommended approval of this purchase. Councilmember Gilbreath moved to approve the purchase of 40 shares of Bear Valley Mutual Water Company stock from Mr. Mike Huffstutler for a total price of \$6,000.00. Motion seconded by Councilmember Gallagher and carried unanimously.

Nevada/Palmetto Citrus Grove - Open Space Committee - Quality of Life Director van Dorst reminded Councilmembers of an exclusive negotiating agreement with Prologis to sell 36 acres of citrus. City staff anticipates the sale of this property will generate an estimated \$17.6 million. The City Council also adopted a resolution that committed the City to initiate a community forum and/or stakeholder process to develop an action plan for presentation to the City Council for utilization of the land sale proceeds generated by the sale of the grove. Staff recommended the Mayor appoint a stakeholder from each of the following groups: Parks Commission, Planning Commission, Recreation Commission, Citrus Preservation Commission, North Redlands Vision Committee, Redlands Conservancy, two Councilmembers and two community members-at-large. The appointment of an "open space committee" from the groups above will provide the City Council with advice from a representative group of interested stakeholders and citizens. Councilmember Gilbreath moved to authorize the Mayor to appoint a committee of stakeholders to advise the City Council on the acquisition of land with proceeds from the sale of the Palmetto

Grove as recommended. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to authorize Mayor Harrison and Councilmember Gallagher to convene a community forum made up of appointed stakeholders and to hold meetings for the purpose of soliciting input on land acquisition. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6704 - Code Enforcement Prioritization Policy - Quality of Life Director van Dorst presented Resolution No. 6704 which sets forth a prioritized hierarchy of code enforcement actions for the City Council's consideration and reviewed the prioritized hierarchy. Councilmember Bean stated he was sorry the City did not have the resources to hire more Code Enforcement Officers and having to set priorities. Expressing appreciation for the Code Enforcement efforts, Councilmember Gilbreath moved to adopt Resolution No. 6704, a resolution of the City Council of the City of Redlands establishing a policy for prioritization of code enforcement actions. Motion seconded by Councilmember Gallagher and carried unanimously.

Agreement - Water Pipeline Replacement Project - Municipal Utilities and Engineering Director Hoerning reported the purpose of the Capital Improvement Program Water Pipeline Replacement Project is to replace deteriorated water pipelines or substandard size pipelines that are not economical to repair and to improve reliability for existing customers. The project will include construction of new and replacement of existing water pipelines throughout the City's service area. Councilmember Gilbreath moved to approve an agreement with Ludwig Engineering to furnish professional engineering design services for the Capital Improvement Program Water Pipeline Replacement Project, Phase III, in the amount of \$339,500.00 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 unanimously.

CLOSED SESSION

The City Council meeting recessed at 3:41 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code §54956.8 (Quality of Life Director van Dorst)
Property: APN: 0168-04-119 (portion of Redlands Municipal Airport)
Negotiating parties: N. Enrique Martinez, Gary van Dorst and Redlands Hangar Owners Association (Eric Paul)
Under negotiation: Lease Terms and price

2. Conference with labor negotiators - Government Code §54957.6
Agency Negotiators: N. Enrique Martinez, Debbie Scott-Leistra, and Daniel Hobbs
Employee Organizations: Redlands Association of Management Employees, Redlands Association of Mid-Management Employees, General Employees Association of Redlands and Redlands Civilian Safety Employees Association

The meeting reconvened at 7:00 P.M.

PRESENT

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

ABSENT

None

STAFF

N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Teresa Ballinger, Assistant City Clerk; Michael Reynolds, City Treasurer; Tom Fitzmaurice, Police Captain; Jim Drabinski, Fire Chief; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director; Oscar W. Orci, Community Development Director; Deborah Scott-Leistra, Human Resources Director; Gary van Dorst, Quality of Life Director

CLOSED SESSION REPORT

There was no reportable action taken during the closed session.

ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath reported a Healthy Redlands Coalition meeting will be held on Friday, March 9, 2008, beginning at 8:30 A.M. in the Community Center. Councilmember Gallagher announced the "Fly-In" at the Redlands Municipal Airport will begin with breakfast at 7:00 A.M. on Saturday, May 10, 2008.

LAND USE AND PUBLIC HEARINGS

Appeal - Tentative Tract Map No. 17128 - Greenwich Enterprises, Inc., - Public hearing was advertised for this time and place to consider an appeal of the Planning Commission's decision to deny Tentative Tract Map No. 17128 to subdivide 2.66 acres into eight (8) residential lots and one (1) common area lot on property located on the west side of Ford Street, generally south of Farview Lane and north of Crestview Road, in the R-S (Suburban Residential) District.

Mayor Harrison declared the meeting open as a public hearing. Principal Planner Manuel Baeza reviewed the Planning Commission's recommendation to deny Tentative Tract No. 17128 based on concerns primarily dealing with the appearance of a proposed sound wall, the location of the residential development near the I-10 Freeway and the creation of one street intersection and two driveways onto Ford Street. On behalf of the applicant, Jeff Hart, Southland Engineering, reviewed a letter submitted on April 25, 2008, addressing the Planning Commission's concerns. Jim Macdonald, chairman of the Planning Commission, elaborated on the reasons for the Planning Commission's denial. There being no further comments, the public hearing was declared closed. Councilmembers discussed this proposed project at length. Councilmember Harrison moved to continue the discussion to May 20, 2008, to allow staff to respond further to the concerns expressed. Motion seconded by Councilmember Gallagher and carried unanimously.

PUBLIC HEARING

Ordinance No. 2700 - Public Art Program - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration and to hold a public hearing to consider Ordinance No. 2700, an ordinance of the City of Redlands adding Chapter 18.170 to the Redlands Municipal Code to establish development standards for publicly displayed artwork and a public art program. Mayor Harrison declared the meeting open as a public hearing. Denny Sattler, staff liaison for the Cultural Arts Commission, reviewed the 2-1/2 years of research and study devoted to this proposed ordinance which was unanimously recommended for approval by the members of the Commission. Assistant Community Development Director Robert Dalquest reported the Planning Commission reviewed the proposed ordinance as well as the Business and Economic Development Advisory Commission who recommended alternatives. Mr. Dalquest reviewed these alternatives which were included in the staff report. Mayor Harrison called for public comments. Opposed to the proposed ordinance were: David Waters, Redlands Chamber of Commerce member Charles Boylston, Bob Pensiero, Dora Waters, Christopher Lee Fisher, Pat Meyer, BEDAC Commissioner Greg Horton, Bruce Hinckley, BEDAC Commissioner Steven Frasher, Geoff Bonney, Terry Kupfer, and on behalf of the North Redlands Visioning Committee Mario Saucedo. Speaking in support were: Sherli Leonard, David Lawrence, Coley Bowman and Cultural Arts Commissioners Mike Layne, Clark Elder Morrow and Jim Stewart. President of the Redlands Chamber of Commerce and Planning Commissioner Paul W. Foster expressed concern there was no exclusionary clause for non-profit and suggested the proposal be continued and sent back for consideration of the alternatives presented. Written comments opposing the ordinance were received from Dora Waters and Ronald Hiebert. Two letters from the University of Redlands were received asking for an exemption for non-profit organizations. There being no further verbal or written comments, the public hearing was declared closed at 8:37 P.M. Mayor Harrison expressed appreciation to the Cultural Arts Commission for their efforts to bring this

proposal forward as he felt the City needed an arts program. He also thanked the Planning Commission and the Business and Economic Development Advisory Commission for their participation. Councilmembers discussed the topic at length. Councilmember Gilbreath moved to continue this matter for six weeks to allow staff to prepare a revised ordinance with other alternatives. Motion seconded by Councilmember Aguilar and carried unanimously.

The City Council meeting recessed at 9:13 P.M. and reconvened at 9:20 P.M.

UNFINISHED BUSINESS

Ordinance No. 2698 - Rental Dwelling Units Licensing Requirements - Community Development Director Orzi reviewed Ordinance No. 2698, an ordinance of the City of Redlands adding Chapter 5.98 to the Redlands Municipal Code to establish licensing requirements for owners of rental dwelling units, with the additional language in Section 5.98.020B which was introduced at the City Council meeting held on April 15, 2008. Quality of Life Director van Dorst reported the procedures will be prepared in 60-90 days prior to implementation of this ordinance. Ordinance No. 2698 was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Aguilar, with Councilmembers Gallagher and Bean voting NO.

Lease Agreement - Redlands Hanger Owners' Association - The proposed lease agreement with Redlands Hangar Owners' Association for a portion of the Redlands Municipal Airport property was pulled from the agenda and re-scheduled for the May 20, 2008, meeting.

NEW BUSINESS

Joint Powers Authority - Social Security Payment Obligations - Human Resources Director Scott-Leistra provided background information on forming a Joint Powers Authority (JPA) and the possible General Fund savings associated with the City's participation in Social Security. City Council approval of the proposed motion is based on the premise that the overall retirement benefits of the City's miscellaneous employees will be maintained while the City will decrease its cost for participation in the Social Security system by the 6.2 percent employer contribution of the total miscellaneous employee payroll. The City's employer contribution for General Fund employees for calendar year 2007 was approximately \$722,000.00. These funds can be earmarked to be utilized annually as 75 percent for street paving and 25 percent for information technology upgrades. In the event that Council approves the JPA, the result will be a more cost effective City government, while providing City employees retirement benefits at no additional cost to the City. The City will remain within the Social Security system but the City's costs will be significantly reduced if the number of its employees who are in the Social Security system is likewise significantly reduced. The actions that will be necessary for the City to proceed are as follows: The City and the

Redevelopment Agency would form a Joint Powers Authority and transfer employment of affected City employees from the City to the JPA; the City would negotiate amendments to the existing miscellaneous employee association agreements; the JPA would enter into an operating agreement with the City and the Redevelopment Agency to provide services to the City, and miscellaneous employees will be made employees of the JPA. Councilmember Gilbreath preferred some flexibility as to the earmarked allocations and was reluctant to include the 75/25 percent. Councilmember Gilbreath moved to direct staff to prepare the necessary documents for the formation of a Joint Powers Authority for subsequent review and consideration by the City Council. Councilmember Gallagher seconded the motion asking that the term "miscellaneous" employees be changed to "general" employees. Councilmember Bean said as long as these funds were used for capital items, he would support the proposal. The motion carried unanimously.

PUBLIC COMMENTS

Handicapped Parking Citation - Caryll Honor asked the City Council for assistance regarding a handicapped parking citation she received by parking in a handicapped extension area which was not clearly marked. She also felt the fine was extensive considering the violation. Mayor Harrison referred her to the City Manager and Police Chief.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:32 P.M. The next regular meeting will be held on May 20, 2008.