

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 August 5, 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 Commander; David Hexem, Chief Information Officer; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tom Steele, Assistant Finance Director; Mitch McKee, Interim Fire Chief; 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 Mayor Harrison followed by the pledge of allegiance to the American flag.

PRESENTATIONS

Pet Adoptions - Animal Control Officer Bill Miller and Redlands Animal Shelter volunteer Lynda Ackerman introduced Noah, a three-year old male Australian shepherd, who is available for adoption at the Redlands Animal Shelter.

Inland Empire Resource Conservation District - Quality of Life Director van Dorst introduced Jennifer Ares, District Manager of the Inland Empire Resource Conservation District. Ms. Ares explained the role of the Inland Empire Resource Conservation District which is a special district with partial funding from San Bernardino County tax dollars.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meeting of July 15, 2008, as submitted.

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

Funds - University of Redlands Contribution - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously accepted the voluntary contribution of \$60,000.00 from the University of Redlands and authorized expenditure of these funds on behalf of the City and the Library Foundation as designated by the University of Redlands:

1. \$20,000.00 for the establishment by the City of a fund/endowment in support of a Public Arts Program for the City. The University of Redlands reserves the right to re-designate these funds to a different purpose should the City ultimately decide not to establish such a Public Arts fund/endowment.
2. \$5,000.00 to the A. K. Smiley Public Library for the purpose of supporting reading programs for children or for any other purpose as designated by the Library Board of Trustees.
3. \$15,000.00 to the A. K. Smiley Public Library for the purpose of providing funding support for the acquisition of the Robert Watchhorn Collection or for any other purpose as designated by the Library Board of Trustees.
4. \$10,000.00 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. \$10,000.00 to the Fire Department for a purpose to be designated by the Fire Chief with concurrence of the City Manager and approval of the City Council.

On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an appropriation of \$10,000.00 in the General Fund for the purchase of three Segway alternate fuel vehicles to be funded by the University of Redlands' voluntary contribution to the Police Department. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an appropriation of \$10,000.00 in the Emergency Services Fund for the purchase of safety equipment for the paramedic training program to be funded by the University of Redlands' voluntary contribution.

Contract Amendments - Redlands Crossing - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 1 to the contract with Michael Brandman Associates for preparation of the Environmental Impact Report for the Redlands Crossing (Wal-Mart) project in the amount of \$100,700.00 for a total contract amount of \$377,500.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 1 to the funding agreement with Wal-Mart Stores, Inc. in the amount of \$120,840.00 for a total amount of \$453,000.00 to fund preparation of an Environmental Impact Report for the

Redlands Crossing (Wal-Mart) project and a 20 percent contract administration fee and authorized the Mayor to execute, and the City Clerk to attest to, the documents on behalf of the City.

Resolution No. 6745 - San Bernardino County Homeless Partnership - Councilmember Bean questioned the figure in the staff report and proposed resolution representing the percentage of homeless people within the City of Redlands. Councilmember Gilbreath moved to adopt Resolution No. 6745, a resolution of the City Council of the City of Redlands pledging support of the San Bernardino County Homeless Partnership as corrected. Motion seconded by Councilmember Gallagher and carried unanimously.

Ordinance No. 2704 - Nonpotable Water Development Impact Fees - Ordinance No. 2704, an ordinance of the City of Redlands amending Chapter 3.53 of the Redlands Municipal Code to establish development impact fees for nonpotable water facilities, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Agreement - Telecommunication Facilities - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved 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 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6740 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6740, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: establish speed limits on Highland Avenue between Serpentine Drive and Ford Street.

Funds - Crescent Avenue Storm Drain - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an appropriation of an additional \$6,000.00 in the Storm Drain Fund, with funding provided by a transfer from the Liability Fund, to provide for additional unanticipated construction expenses for the Crescent Avenue storm Drain project.

Resolution No. 6744 - Beverage Container Recycling - Mayor Pro Tem Gilbreath suggested staff implement enforcement for recycling of beverage containers for groups such as AYSO and moved to adopt Resolution No. 6744, a resolution of the City Council of the City of Redlands authorizing submission of a grant application to the California Department of Conservation, Division of Recycling, for beverage container recycling. Motion seconded by Councilmember Gallagher and carried unanimously.

Vehicle Purchase - Patch Truck - Councilmember Bean questioned the single bid received on a substantial project for the purchase of a patch truck and reiterated his objection to this type of procurement. Councilmember Harrison asked if staff had considered CNG fuel or the conversion thereto for this vehicle. Quality of Life Director van Dorst responded to Councilmembers' concerns. Following discussion, Councilmember Gilbreath moved to authorize the purchase of a 2008 GMC TC 6500 with a PB loader patch truck body, Model BC-3, from Reynolds Buick/Pontiac/GMC Trucks, Inc. in the amount of \$168,817.31. Motion seconded by Councilmember Gallagher and carried with Councilmembers Harrison and Bean voting NO.

Funds - Aviation Operating Fund - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an additional appropriation of \$81,977.00 in grant monies to the Aviation Operating Fund received from the California Department of Transportation, Division of Aeronautics and unanimously approved an additional appropriation of \$24,963.00 in grant monies to the Aviation Operating Fund received from the Federal Aviation Administration.

Resolution No. 6743 - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the Mayor to execute a pledge of revenue agreement with California Integrated Waste Management Board for the California Street Landfill, authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City and unanimously adopted Resolution No. 6743, a resolution of the City Council of the City of Redlands approving financial assurance for postclosure maintenance and/or corrective action of the California Street Landfill.

Resolution No. 6741 - Paramedic Tax - Mayor Pro Tem Gilbreath noted the citizens of Redlands are getting a bargain by paying only about half the cost of providing paramedic service and urged staff to look into holding an election to address this shortfall. Mayor Harrison agreed with her and noted we also need to address other issues such a police building. Councilmember Gilbreath moved to adopt Resolution No. 6741, a resolution of the City Council of the City of Redlands setting the special tax for emergency paramedic service for the Fiscal Year 2008-2009 as set forth in Ordinance No. 1900. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6742 - Weed Abatement Assessments - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6742, a resolution of the City Council of the City of Redlands providing for the assessment of costs resulting from the abatement of weeds which constitute a fire hazard.

Funds - Donation - Junior All-American Football - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City

Council unanimously accepted a donation of \$5,000.00 from the Junior All-American Football to the City of Redlands in order to assist funding the replacement and upgrading to the field lighting at the Clement ball fields and authorized an additional appropriation for said donation.

Agreement - Resolution No. 6747 - Orange Village Apartments - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6747, a resolution of the City Council of the City of Redlands authorizing the execution and delivery of an extension of regulatory agreement in connection with the City's Variable Rate Demand Multifamily Housing Revenue Bonds 1988 Series A and 1988 Series B (Orange Village Apartments Project) and the accompanying extension of regulatory agreement and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

PUBLIC HEARING

Appeal - Minor Exception Permit No. 396 - A notice was published for this time and place to hold a public hearing to consider an appeal of the Minor Exception Permit Committee's decision to require an existing six foot wood fence located atop a three foot masonry block retaining wall to be set back ten feet from the front property line instead of three feet on property located at 10 Amber Court (Joseph Rodriguez, appellant). Mayor Harrison declared the meeting open as a public hearing. Community Development Director Orci reviewed the appeal to the Minor Exception Permit Committee's decision. Mayor Harrison called for public comments. Mr. Rodriguez showed a video of his property noting a Minor Exception Permit was issued in 1979 for the fence along Citrus Avenue allowing the setback from the front property line at 10 feet when the swimming pool and spa were installed. He explained the wind storms last year destroyed the original fence, and when he replaced it, he moved out toward the frontage on Amber Court in order to have a more secure yard for his children and grandchildren. Although he did not apply for a permit, he noted his neighbors have not spoken against the fence. John James, member of the Fence Committee, explained to Councilmembers his reasoning to deny the Minor Exception Permit as he felt it blocks the street-scape on Amber Court. The committee compromised by determining that a permit be granted but that the fencing should be relocated to a setback of at least 10 feet from the front property line. There being no further verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to deny the applicant's appeal of the Minor Exception Permit Committee's decision on Minor Exception Permit No. 396. Motion seconded by Councilmember Gallagher and carried unanimously.

COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, there were no reports forthcoming from Councilmembers.

Announcements/Reports - Mayor Pro Tem Gilbreath thanked staff, especially Municipal Utilities and Engineering Director Hoerning, Engineer Eric Weck and Quality of Life Director van Dorst, for their efforts and attendance in relation to the Widows and Orphans statue dedication on July 26, 2008 in the Jenny Davis Park. Councilmember Gallagher said it was a great event. Councilmember Aguilar thanked Officer Natasha Crawford for organizing the recent town hall meeting; he also thanked staff for their participation as he felt the meeting went very well, and he hoped to schedule similar meeting on a quarterly basis. Councilmember Aguilar concluded his report expressing his appreciation to City Manager Martinez for his leadership in this endeavor. Councilmember Gallagher reported on his attendance on July 10, 2008, at the San Bernardino Valley Municipal Water District's advisory board meeting, and thanked Municipal Utilities and Engineering Director Hoerning and Chief of Water Resources Chris Diggs for sharing their expertise in this field with him.

Climate Program - Quality of Life Director van Dorst reviewed implementation of green policy programs in the Redevelopment Agency, Planning and Community Development Department, Municipal Utilities and Engineering Department, Police Department and Fire Department which represent an incremental approach to the implementation of an eclectic array of green policy programs and initiatives. During staff discussion, staff contemplated recommending ordinance changes that would mandate LEED development or to take other steps that would have a greater impact in propelling Redlands towards environmental leadership. Mayor Pro Tem Gilbreath suggested the City implement the use of solar panels and expressed concern that all Redevelopment Agency development and disposition agreements are to contain a "green factor" provision; she preferred the Agency "encourage" but not require this provision. Councilmember Aguilar expressed interest in the rubberized street pavement maintenance recommendation. Councilmember Bean asked how far reaching a drought tolerant landscape ordinance would be as he did not want this requirement to be mandatory. Mayor Harrison expressed appreciation to staff working on "greening" Redlands and suggested partnerships with Southern California Edison and The Gas Company where the City could "piggy-back" with their efforts. He asked staff to provide an update at the first meeting in September as to where the City is going with the Climate Program.

NEW BUSINESS

Contract Award - Stuart Avenue Storm Drain - At the request of staff, action on the Stuart Avenue Storm Drain Project was unanimously continued to the September 3, 2008, meeting on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Resolution No. 6746 - State Budget Decisions - Mayor Harrison presented Resolution No. 6746, a resolution of the City Council of the City of Redlands

opposing fiscally irresponsible state budget decisions that would "borrow" local government redevelopment and transportation funds. Councilmember Aguilar reported a press conference was held earlier today with many elected officials from surrounding communities present opposing this proposal to "borrow" local government redevelopment and transportation funds. The League of California Cities is urging California cities to join its effort in campaigning against this proposal to help close the State's budget deficit. Councilmember Gilbreath moved to adopt Resolution No. 6746. Motion seconded by Councilmember Gallagher and carried unanimously.

PUBLIC COMMENTS

None forthcoming.

CLOSED SESSION

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

1. Conference with real property negotiator - Government Code §54956.8 (Redevelopment Agency Director Hobbs and Quality of Life Director van Dorst)
Property: APNs 0292-044-09, 10, 11 and 12
Negotiating parties: N. Enrique Martinez, Daniel Hobbs, Gary van Dorst, John Yonai and Prologis
Under negotiation: Terms and price for possible sale of property
2. Conference with real property negotiator - Government Code §54956.8 (Police Chief Bueermann)
Property: 205, 209 and 211 East State Street (APN 0171-071-13)
Negotiating parties: N. Enrique Martinez, Jim Bueermann, Rosemary Hoerning and Dill Lumber Company
Under negotiation: Terms and price for possible purchase
3. Conference with legal counsel - Existing litigation - Government Code §54956.9(a)
 - a. Nancy Ochs v. City of Redlands, et al - San Bernardino County Superior Court Case No. SCVSS 146251
 - b. Michael Isaac Franklin v. James Joseph Drabinski, City of Redlands, et al - San Bernardino Superior Court Case No. SCVSS 135843

LATE BREAKING ITEM

Closed Session - Noting the need to take action was immediate, Councilmember Gilbreath moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Conference with legal counsel - Anticipated Litigation - Government Code §54956.9(b) - One case." Motion seconded by Councilmember Gallagher and carried unanimously.

The meeting reconvened at 6:54 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; Tom Fitzmaurice, Police Commander; David Hexem, Chief Information Officer; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tom Steele, Assistant Finance Director; Mitch McKee, Interim Fire Chief; 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.

NEW BUSINESS (continued)

Safety Hall Seismic Retrofit - Municipal Utilities and Engineering Director Hoerning reported staff is looking for directions from the City Council regarding the Safety Hall seismic retrofit project. The project was to add structural elements to the Safety Hall building to meet current seismic standards, prepare the old Council Chambers for upcoming modification to provide a new dispatch center and computer room and to re-roof the entire structure after all construction is completed. Shortly after construction began, the contractor discovered the ceiling materials and the floor tiles located under the carpeting in the old Council Chambers contained asbestos materials. Undisturbed asbestos is not dangerous; however, it is considered a hazardous material when disturbed and requires specialized handling. As construction continued, the contractor discovered differing conditions on the roof than what had been anticipated by the construction design plans and specifications. Actual field conditions are different from the actual building design. Based

upon the actual field conditions, several additional re-roofing material layers have been placed on the roof over the building life, most likely to repair/address previous roof deficiencies. Removal of these various re-roofing applications is essential to restore the building to its original permitted design condition and to alleviate the currently overburdened structure. Given the current project changes and potential for additional unforeseen conditions that may arise under this project, as well as future required building improvements, it is prudent to evaluate and consider the appropriateness of pursuing the improvements of this facility. Councilmember Gilbreath moved to authorize an additional appropriation of \$41,000.00 from the Public Facilities Fund for police facilities for the asbestoss remediation and authorized staff to negotiate and delay the continuation of the contract until such time as the City Council is given other options to consider. Motion seconded by Councilmember Aguilar. Councilmembers discussed the possible need to call a special meeting to address this matter. Mayor Harrison also asked staff to include an option in their report to bring this building up to a level of service to meet all of the needs of the Police Department. The motion was approved unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:05 P.M. The next regular meeting of the City Council scheduled for August 19, 2008, will not be held. The next City Council meeting will be held on Wednesday, September 3, 2008.