

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 15, 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; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director; Scott MacDonald, Fire Battalion 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 Councilmember Bean 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 Toby, a 2-3 year old male Terrier mix, who is available for adoption at the Redlands Animal Shelter.

California Inland Empire District Export Council - The Honorable Lori VanArsdale, California Inland Empire District Export Council Chairman and a member of the City Council of the City of Hemet, and Larry Sharp, Immediate Past Chairman of the California Inland Empire District Export Council, reviewed services available for the Inland Empire's exporting companies. Fred Latuperissa, Director of the International Trade Administration with the United States Department of Commerce, was also present at this meeting. Redlands' Councilmembers and staff were invited to attend the National District Export Council's annual conference which will be held in Palm Springs on October 15-18, 2008.

Proclamation - Market Night Anniversary - Councilmember Gilbreath moved to authorize issuance of a proclamation commemorating Market Night's 20th anniversary. Motion seconded by Councilmember Gallagher and carried unanimously. Mayor Harrison presented the proclamation to Redevelopment Agency Director Hobbs, Downtown Redlands Business Association board

members Al Hernandez and Lorin Grow and staff members Heather Smith and Joni Mena. Plaques recognizing a 20-year commitment were presented to Robert R. and Patricia Poole; Tom and Melida Archibald; William Cunningham and Andrew Cunningham; and William B. Farquhar, Jr. and Cynthia Farquhar. A plaque for his 18-year commitment was presented to Jerry Simoneaux.

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 1, 2008, as submitted.

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

Resolution No. 6731 - CFD 2001-1 - Northwest Development Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6731, a resolution of the City Council of the City of Redlands levying special taxes within City of Redlands Community Facilities District No. 2001-1 (Northwest Development Project).

Resolution No. 6732 - CFD 2003-1 - Redlands Business Center - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6732, a resolution of the City Council of the City of Redlands levying special taxes within City of Redlands Community Facilities District No. 2003-1 (Redlands Business Center).

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

Final Approval - Tract Map No. 16287 - Francis Hyong - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously granted final approval for Tract Map No. 16287 to subdivide 7.5 gross acres into 12 numbered lots and one lettered lot for a single family residential subdivision on property located south of Lugonia Avenue, on the east side of Occidental Drive.

Ordinance No. 2705 - Sign Standards - Ordinance No. 2705, an ordinance of the City of Redlands amending Specific Plan No. 23 to establish sign standards consistent with the C-3 (General Commercial) District, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Ordinance No. 2706 - Parking Standards for Town Center Historic District - Ordinance No. 2706, an ordinance of the City of Redlands amending Specific Plan No. 45 and Ordinance No. 2185 relating to parking standards for the Town Center Historic District, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Resolution No. 6730 - CFD 2004-1 Annexation - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6730, a resolution of the City Council of the City of Redlands declaring results of an election for Annexation No. 3 to Community Facilities District No. 2004-1 for Tract No. 17253 located on the southwest corner of Church Street and Lugonia Avenue, determining that the territory to be annexed is added to and part of said Community Facilities District and ordering the recording of a map of the boundaries of said Community Facilities District including the territory annexed thereto.

Resolution No. 6733 - CFD 2004-1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6733, a resolution of the City Council of the City of Redlands levying special taxes within the City of Redlands Community Facilities District No. 2004-1 for Tract No. 16408, Centex Homes and Tract No. 16287 for Francis Hyong.

Agreements - Senior Housing Services, LLC - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a funding agreement with Senior Housing Services, LLC for advance payment for a development impact fee study and approved a professional service agreement with Raftelis Financial Consultants for said development impact fee study and authorized execution of said documents.

Agreement - Water Quality Management Plan Review - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a consultant services agreement with AEI-CASC Consulting to provide engineering consultant services for a water quality management plan review and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Plan/Map Review Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a consultant services agreement with AEI-CASC Consulting to provide engineering consulting services for plan/map review and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6729 - Flood Plan - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted

Resolution No. 6729, a resolution of the City Council of the City of Redlands adopting the City of Redlands Flood Plan.

Hazard Mitigation Grant Program - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized staff to apply for the DR 1731-CA Hazard Mitigation Grant Program.

Funds - Healthy Cities Program - Mayor Pro Tem Gilbreath updated Councilmembers on the Healthy Redlands' activities and moved to authorize hiring a part-time Healthy Cities Program Coordinator and to authorize an appropriation of \$33,000.00 in grant funding received from the County of San Bernardino, Department of Public Health, for a Healthy City Sponsorship. Motion seconded by Councilmember Gallagher and carried unanimously.

Agreement - Eckart Seeber - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an independent contractor agreement with Eckart Seeber to conduct music lessons for the City's Recreation Division and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Kathy King - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an independent contractor agreement with Kathy King to conduct pre-kindergarten, elementary and middle school tutoring for the City's Recreation Division and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Ordinance No. 2703 - North Redlands Revitalization Project - Stating the North Redlands Revitalization Project was good for all concerned and thanking staff and his colleagues for their efforts, Councilmember Gallagher moved to adopt Ordinance No. 2703, an ordinance of the City of Redlands approving and adopting the Redevelopment Plan for the North Redlands Revitalization Project. Motion seconded by Councilmember Gilbreath and carried unanimously.

PUBLIC HEARING

Resolution No. 6727 - Parking and Business Improvement Area B - A notice was published for this time and place to hold a public hearing to consider Resolution No. 6727, a resolution of the City Council of the City of Redlands ordering the continued operation of Parking and Business Improvement Area B and confirming the Annual Report and Assessment for fiscal year 2008-2009. Mayor Harrison declared the meeting open as a public hearing. Redevelopment Agency Director Hobbs reviewed the 2008-2009 Annual Report for the Parking and Business Improvement Area B. Councilmembers discussed the possibility of enlarging the Parking and Business Improvement Area. Mayor Harrison called for public comments. City Clerk Poyzer reported one letter was received

from J. Diane Lightfoot protesting additional fees at this time; it was noted this was not a new assessment. There being no further verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6727. Motion seconded by Councilmember Gallagher and carried unanimously.

UNFINISHED BUSINESS

Final Approval - Tract Map No. 17693 - Jerry Zigrossi, Applicant - Community Development Director Orci explained that in connection with the approval of Tentative Tract Map No. 17693, staff conditioned the map to require construction of transition from the northerly tract boundary to the north of the proposed subdivision, thus, requiring certain off-site street and drainage improvements. The property north of the proposed subdivision is not owned by the applicant; therefore, the tentative tract map conditions also require the applicant to obtain an easement for the off-site street and drainage improvements. The City Council's consideration of the item was continued from the meeting of July 1, 2008, in order to permit staff to provide the City Council with background information regarding the conditions of approval for the off-site improvements. Community Development Director Orci reviewed the background of this condition. The applicant advised staff his negotiations for acquisition of the necessary easement were not successful, and on June 4, 2008, the applicant filed the final map with the City for approval. The design of the map eliminated the off-site street and drainage improvements proposed for the property north of the subdivision. State law prohibits the City from postponing or refusing approval of a final map because the subdivider has failed to meet a tentative map condition which requires the subdivider to construct or install off-site improvements on land in which neither the subdivider nor the City has sufficient title or interest, at the time of filing of a final map, to permit the improvements be made. Consequently, because of this legal prohibition, staff recommended the City Council approve the final map as filed by the applicant. On behalf of the J. J. Ramirez family, Ed Bonadiman presented a written synopsis of their contact with Thatcher Engineering regarding an easement for the benefit of Tract No. 17693. It was deemed that the request to dedicate the easement would not adversely affect the Ramirez property and Bonadiman Engineering requested preparation of the documents to cover the encroachment. To this day, they have not received the documents from Thatcher Engineering. Mr. Bonadiman requested the City require the applicant to have his engineer revise the easement as requested in October 2007 at which time the document can be reviewed and presented to their client for signatures and returned to the City for recordation. Mr. Bonadiman also included pictures of Alabama Street as it is currently constructed adjacent to Tract No. 17693 and asked for the status of relocating or undergrounding of the power poles in the pavement. A lengthy discussion ensued. City Attorney McHugh explained the legal issues and stated the City cannot continue the request for final approval. The City Council meeting recessed at 3:59 P.M. to allow staff to review the conditions regarding the power poles. The meeting reconvened at 4:04 P.M.

and this matter was continued to the 7:00 P.M. session. When the City Council meeting reconvened at 7:00 P.M., Municipal Utilities and Engineering Director Hoerning reported the project is conditioned to place the power lines underground. Councilmember Harrison moved to grant final approval for Tract Map No. 17693 to subdivide 7.5 gross acres into 77 numbered lots and one lettered lot for a townhome development on property located at the northeast corner of Alabama Street and Orange Avenue as submitted by the applicant. Motion seconded by Councilmember Aguilar and carried unanimously.

NEW BUSINESS

Contract Award - California Street Landfill - Bids were opened and publicly declared on June 26, 2008, by the City Clerk for the California Street Landfill, Phase 2, Expansion Project; a bid opening report is on file in the Office of the City Clerk. Wen B. Huang, Engineering Manager, presented an overview and description of the project and reviewed the bids received. Following an evaluation, staff determined the apparent low bid was non-responsive. The second lowest bid was also evaluated and was determined to have complied with all bid document requirements. Staff recommended the City Council approve the plans and specifications for the California Street Landfill, Phase 2, Expansion Project and award the construction contract to Wood Brothers, Inc. in the amount of \$2,736,202.00 and authorize a construction contingency of \$273,798.00 for a total amount of \$3,010,000.00. Councilmember Gilbreath moved to approve this recommendation 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.

Agreement - California Street Landfill - Gas Engineering - Municipal Utilities and Engineering Director Hoerning presented an overview of the solicitation of bids covering the scope of services for landfill gas consulting services for the California Street Landfill and responded to Councilmember Bean's questions. Councilmember Gilbreath moved to approve an agreement with SCS Field Services to provide landfill gas engineering and reporting services for the California Street Landfill 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.

COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, Mayor Pro Tem Gilbreath and Councilmember Aguilar reported on their attendance at the League of California Cities Inland Empire Division meeting held on July 10, 2008. Councilmember Gallagher reimbursed the City as he was unable to attend the League of California Cities Inland Empire Division meeting due to a conflict.

Air Quality Legislation - Mayor Pro Tem Gilbreath moved to authorize the Mayor to send letters supporting SB 1646 (Padilla) for the Clean Fuels Program Reauthorization and S 1499 (Boxer and Feinstein) and HR 2548 (Solis) for the Marine Vessel Emissions Reduction Act, as were discussed at the last City Council meeting. Motion seconded by Councilmember Gallagher and carried unanimously.

Independent Accountant's Report - Finance Director Kundig reported a special meeting of the City Council was held on October 23, 2007, as a result of an investigation of the Treasurer's Office by the District Attorney's Office. At that meeting, the City Council directed staff to solicit competitive bids for an Agreed-Upon Procedures Audit of Cash Operations. Ultimately, as a result of this process, the firm Lance Soll & Lunghard, LLP was awarded a contract. Kim Manning, Lance Soll & Lunghard, LLP, reviewed their report and management's response to their findings. Councilmembers directed staff to prepare written policies for internal control, credit card use and petty cash accounts. Councilmember Gilbreath moved to receive and file the Agreed-Upon Procedures Audit of Cash Operations Report. Motion seconded by Councilmember Gallagher and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 4:35 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
and Prologis
Under negotiation: Terms and price for possible sale of property
2. Conference with real property negotiator - Government Code §54956.8
(Municipal Utilities and Engineering Director Hoerning and
Chief of Water Resources Diggs)
Property: APN 0291-122-06
Negotiating parties: N. Enrique Martinez, Rosemary Hoerning,
Chris Diggs and San Bernardino Valley Water
Conservation District
Under negotiation: Terms and price for possible City purchase of
property
3. Conference with legal counsel - Government Code §54957
(Human Resources Director Scott-Leistra)
 - a. Employee Discipline/Dismissal/Release

The meeting reconvened at 7:00 P.M. at which time the City Council took action on the request for final approval of Tract Map No. 17693 (see above).

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; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director; Scott MacDonald, Fire Battalion 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.

ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath reported on the recent SANBAG meeting she attended. Mayor Pro Tem Gilbreath reported Healthy Redlands will hold their next meeting on August 13, 2008, at 1:30 P.M. in these City Council Chambers and the Widows and Orphans statue dedication will be held on July 26, 2008, at 9:00 A.M. in the Jenny Davis Park. Councilmember Gallagher reported on the recent Omnitrans meeting he attended. Councilmember Gallagher also attended a Water Board meeting and will provide a report at the next City Council meeting. Mayor Harrison introduced Scott MacDonald as the new Fire Battalion Chief in charge of the Emergency Operation Center. Mr. MacDonald was congratulated for his promotion

LAND USE AND PUBLIC HEARINGS

Ordinance No. 2704 - Nonpotable Water Development Impact Fees - A public hearing notice was published for this time and place to consider 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 non-potable water facilities. Mayor Harrison declared the meeting open as a public hearing. Chief of Water Resources Diggs reviewed the impact fee study. Chairman of the Municipal Utilities and Public Works Commission Dave Garcia urged approval of this ordinance. Mayor Harrison called for public comments. There

being no verbal or written comments, the public hearing was declared closed. Ordinance No. 2704 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. 2704 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for August 5, 2008.

Resolution No. 6687 - Landscape Maintenance Assessment District - Public hearing was advertised for this time and place to consider Resolution No. 6687, a resolution of the City Council of the City of Redlands confirming a diagram and assessment for the 2008-2009 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. Municipal Utilities and Engineering Director Hoerning reported the preliminary report for the Landscape Maintenance Assessment District No. 1 was presented to the City Council on June 17, 2008. The City Council adopted Resolution No. 6685 granting preliminary approval to the Engineer's Report on June 17, 2008, and adopted Resolution No. 6686 setting this time and place for a public hearing to consider its intention to levy and collect assessments for Fiscal Year 2008-2009. In response to Mayor Pro Tem Gilbreath's comment regarding expenses exceeding assessments, Municipal Utilities and Engineering Director Hoerning noted the City Council approved proceeding with the process to increase the assessment next year, and staff is preparing public information to be presented prior to the necessary election. 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. 6687. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6691 - Street Lighting Assessment District - Public hearing was advertised for this time and place to consider Resolution No. 6691, a resolution of the City Council of the City of Redlands confirming a diagram and assessment for the 2008-2009 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. Municipal Utilities and Engineering Director Hoerning reported the preliminary report for the Street Lighting Assessment District No. 1 was presented to the City Council on June 17, 2008. The City Council adopted Resolution No. 6689 granting preliminary approval to the Engineer's Report on June 17, 2008, and adopted Resolution No. 6690 setting this time and place for a public hearing to consider its intention to levy and collect assessments for Fiscal Year 2008-2009. In response to Mayor Pro Tem Gilbreath's comment regarding expenses exceeding assessments, Municipal Utilities and Engineering Director Hoerning noted the City Council approved proceeding with the process to increase the assessment next year, and staff is preparing public information to be presented prior to the necessary election. 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. 6691. Motion seconded by Councilmember Gallagher and carried unanimously.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:20 P.M. The next regular meeting will be held on August 5, 2008.