

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 October 21, 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; Jim Bueermann, Police Chief; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Jeff L. Frazier, 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 Councilmember Bean who acknowledged the death of recently retired Redlands Fire Captain Darrell Feuerhahn and his wife Debbie. The invocation was followed by the pledge of allegiance to the American flag.

PRESENTATIONS

Pet Adoptions - Animal Control Officer Rueben Yzquierdo and Redlands Animal Shelter volunteer Lynda Ackerman introduced Cleo, a 2-3 year old Chihuahua-mix who is available for adoption at the Redlands Animal Shelter.

Dog Days of Summer Calendar - Photographer Stephen Wormser presented the 2009 *Dogs Days of Summer* calendar which is being sold for \$10.00 as a fundraiser for the Redlands Animal Shelter. Police Chief Bueermann expressed his appreciation to Mr. Wormser for his volunteer efforts on behalf of the Redlands Animal Shelter.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meeting of October 7, 2008, as submitted.

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

Development Agreement Review - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously accepted staff's report and determined that the annual review is complete in accordance with the approved development agreement with Robertson's Ready Mix and directed staff to prepare a Certificate of Compliance that can be recorded by the applicant.

Funding Agreement - EIR - Walton Development LLC - In response to Mayor Harrison's inquiry, Community Development Director Orci explained that the modification to the funding agreement with Walton Development, LLC will fund preparation of an addendum to the Environmental Impact Report to Tentative Tract Nos. 16465 and 16627 (a subdivision of 30.4 and 12.1 gross acres into 81 residential lots and multiple common area open space lots located on the southeast corner of Pioneer Avenue and Judson Street and on the west side of Judson Street between San Bernardino Avenue and Pioneer Avenue in the Residential Estate District) to include a Kangaroo Rat habitat provision. Councilmember Harrison moved to approve a funding agreement with Walton Development, LLC in the amount of \$10,618.00 to fund preparation of an addendum to the Environmental Impact Report and to approve a 20 percent contract administration fee and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Gilbreath and carried unanimously.

CEQA Waiver - Seamar, Inc. and Ebbe Videriksen, Applicant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the waiver and release of claims relating to the processing of entitlements pursuant to the California Environmental Quality Act for Specific Plan No. 43 (Amendment No. 4), Conditional Use Permit No. 941 and Tentative Tract No. 18560.

Resolution No. 6765 - Hinckley Surface Water Treatment Plant - Municipal Utilities and Engineering Director Hoerning explained the need to construct modifications to the Hinckley surface water treatment plant to meet State regulations. If the City is successful in obtaining funding through the California Department of Public Health and Safe Drinking Water State Revolving Fund, there will be a substantial savings based on their interest being nearly half that of conventional financing. Councilmember Gilbreath moved to adopt Resolution No. 6765, a resolution of the City Council of the City of Redlands authorizing the execution and submittal of a California Department of Public Health and Safe Drinking Water State Revolving Fund loan application for the City's Hinckley Water Treatment Plant upgrade. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6764 - Lease-Purchase Agreement Amendment - D-7 Dozer - After expressing his displeasure with the bidding process, Councilmember Bean moved to adopt Resolution No. 6764, a resolution of the City Council of the City of Redlands approving a governmental equipment lease-purchase agreement with Caterpillar Financial Services Corporation, and authorized the Mayor to execute, and the City Clerk to attest to, the amendment to the governmental equipment lease-purchase agreement on behalf of the City. Motion seconded by Councilmember Gilbreath and carried unanimously.

Agreement - DASH, Inc. - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an independent contractor agreement with Developing Aging Solutions with Heart, Inc. (DASH, Inc.) for geriatric care management services in conjunction with the allocation of Community Development Block Grant funds and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Commemorative Monuments - Bill Cunningham expressed his appreciation to Larry Jacinto and the Mullen family for their contributions to the City. At his own expense, Mr. Jacinto planted the trees in the Jacinto Memorial Grove and the Mullen family donated five acres of citrus to the City. Councilmember Gilbreath moved to approve the placement of a commemorative monument at the Jacinto Memorial Grove and Mullin Memorial Grove as recommended by the Citrus Preservation Commission. Motion seconded by Councilmember Gallagher and carried unanimously.

Agreement - Fire Service Instructional Training - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an inter-agency instruction service agreement with the Rancho Santiago Community College District for fire service instructional training and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Zumba Exercise Classes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an independent contractor agreement with Ana Varela to develop and conduct Zumba® Fitness exercises classes for the City's Recreation Bureau and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - Citizen Volunteer Park Rangers - Mayor Pro Tem Gilbreath confirmed the request for an additional appropriation was only for the donation from the County of San Bernardino for the purchase of a vehicle for the Citizen Volunteer Park Rangers. Brad Billings, Coordinator of the Citizen Volunteer Park Rangers, thanked Supervisor Dennis Hansberger and the Board of Supervisors and the Redlands City Council for their support. Councilmember

Gilbreath moved to accept the donation from the County of San Bernardino Sheriff's Department in the amount of \$18,000.00 and to approve the appropriation of those funds for the purchase of a vehicle for the Citizen Volunteer Park Rangers. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6771 - Salary - Councilmember Bean asked Human Resources Director Scott-Leistra to explain the proposed salary resolution as it did not have any numbers for the salary steps and ranges attached to it. Human Resources Director Scott-Leistra reviewed the proposed corrections and noted the City Treasurer, City Clerk, City Manager and City Attorney have been removed from this resolution and will be covered under separate resolutions or contracts of employment. Councilmembers were assured a resolution for the City Clerk would be prepared for the next City Council meeting. Councilmember Gilbreath moved to adopt Resolution No. 6771, a resolution of the City Council of the City of Redlands establishing a salary schedule and compensation plan for City employees and rescinding Resolution No. 6738. Motion seconded by Councilmember Gallagher and carried unanimously.

COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, none of the Councilmembers had attended any meetings during the past two weeks at City expense, although Mayor Pro Tem Gilbreath and Councilmember Aguilar both attended a Mobility 21 conference in Los Angeles with the expenses covered by other entities.

LAND USE AND PUBLIC HEARINGS

Appeal - Walgreens, Appellant - Due to a potential conflict of interest, Councilmember Bean 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. Public notice was advertised for this time and place to consider an appeal of the Planning Commission's decision to deny Variance No. 753, a request to allow diamond planters in the parking lot instead of a continuous five-foot planter in between double row parking spaces located at the northeast corner of Redlands Boulevard and Eureka Street in the TC-H (Town Center-Historic) District of the Downtown Specific Plan No. 45 and Conditional Use Permit No. 932 for the development of a 14,350 square foot drug store with a drive through pharmacy and a 2,040 square foot retail shop pad on a 1.48 acre property located on the northeast corner of Redlands Boulevard and Eureka Street in the TC-H (Town Center-Historic) District of the Downtown Specific Plan No. 45; to consider approval of a draft mitigated negative declaration for the development of a 14,350 square foot drug store with a drive through pharmacy and a 2,040 square foot retail shop pad on a 1.48 acre property located on the northeast corner of Redlands Boulevard and Eureka

Street in the TC-H (Town Center-Historic) District of the Downtown Specific Plan No. 45; and hold a public hearing to consider a Socio-Economic Analysis and Cost/Benefit Study for the development of a 14,350 square foot drug store with a drive through pharmacy and a 2,040 retail shop pad on a 1.48 acre property located on the northeast corner of Redlands Boulevard and Eureka Street in the TC-H (Town Center-Historic) District of the Downtown Specific Plan No. 45. Mayor Harrison declared the meeting open as a public hearing. Project Manager Tabitha Kevari reviewed the proposed project. Mayor Harrison called for public comments. It was noted the applicant has come up with new drawings addressing several of the Planning Commission's concerns but the Community Development Director and City Attorney have determined the proposal does not need to go back to the Planning Commission. At this meeting, the City Council is only reviewing the Planning Commission's decision but could continue the matter for changes to the design concept. On behalf of the applicant, Gary Mull reviewed the process and presented a preliminary draft of a re-design and asked the City Council to approve their request or allow a continuance for the re-design. Steve Ross, Kirkorian Premiere Theatres, expressed concern about sharing parking and the alley with a retail business. Jim Macdonald, chairman of the Planning Commission, stated the Planning Commission is usually able to massage or compromise enough with applicants so that there is no appeal filed; but there was no flexibility with Mr. Mull. Suggestions from Planning Commissioners were turned down or the Planning Commission would have continued the matter to further discuss it with him. He also felt the redesign should go back to the Planning Commission for another review. Jim Rock, who served on a design committee in Highland, reported on their experience with a Walgreens' application. Jim Geissinger and his daughter, co-owners of McEwen's Furniture, urged the City Council to approve the application. City Clerk Poyzer reported one e-mail had been received from Joe Lanspa opposed to having a Walgreen's placed in this location. Their being no further comments from the audience, the public hearing was closed. Councilmembers discussed the project further. Mayor Harrison noted use is not the issue as he felt the business could be successful with the proper design but that he would not support a drive through. Mayor Pro Tem Gilbreath thought the new design elements should be reviewed by the Planning Commission. Councilmember Aguilar agreed as he wanted to see what the Planning Commission could do to improve the design; he noted he was not a fan of drive throughs but did not think this would be a "deal-breaker." Councilmember Gallagher did not object so much to the drive through and felt the new design plans were a good starting point for reconsideration. Councilmember Gilbreath moved to continue the Mitigated Negative Declaration and the public hearings on the Socio-Economic Cost/Benefit Study, Conditional Use Permit No. 932 and Variance No. 753 to December 2, 2008, with the understanding Planning Commissioners would participate in the review of the new design. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present with Councilmember Bean having abstained from the discussion and vote.

General Plan Amendment Nos. 2008-1-A and 2008-1-B - Public notice was advertised for this time and place to consider approval of draft mitigated negative declarations for General Plan Amendment No. 2008-1-A and 2008-1-B to amend the Health and Safety Element by adopting the City of Redlands Local Hazard Mitigation Plan and to update the Housing Element pursuant to Section 65588 of the state planning and zoning laws; and to hold a public hearing to consider Resolution No. 6769 for General Plan Amendment Nos. 2008-1-A and 2008-1-B to amend the Health and Safety Element by adopting the City of Redlands Local Hazard Mitigation Plan and to update the Housing Element pursuant to Section 65588 of the state planning and zoning laws. Mayor Harrison declared the meeting open as a public hearing. Project Manager Chris Boatman reviewed the amendment to the Health and Safety Element to adopt the City of Redlands Local Hazard Mitigation Plan. Project Manager Bob Dalquest and consultants from Dyett & Bhatia reviewed the proposed update to the Housing Element. Mayor Harrison expressed concern about the proposed Program 7.5-3 where Redevelopment funds could be used to help rehabilitate historic homes by converting to multi-family units if a portion of these units were reserved for very-low and low-income households. Mayor Harrison preferred to re-establish the historic downtown residences as single-family homes. He also wanted to add an energy efficiency program to the element. Mayor Harrison then called for public comments. There being no verbal or written comments, the public hearings were declared closed.

Negative Declaration - Councilmember Gilbreath moved to approve the Negative Declaration for General Plan Amendment Nos. 2008-1-A and 2008-1-B and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6769 - Councilmember Gilbreath moved to adopt Resolution No. 6769, a resolution of the City Council of the City of Redlands adopting Amendment Nos. 2008-1-A and 2008-1-B to amend the Health and Safety Element by adopting the City of Redlands Local Hazard Mitigation Plan within the Element and by adopting the 2008 Housing Element Update with the modifications suggested by Mayor Harrison. Motion seconded by Councilmember Gallagher and carried unanimously.

NEW BUSINESS

National League of Cities Annual Business Meeting - The National League of Cities Annual Business Meeting will be held on Saturday, November 15, 2008, at the conclusion of the Congress of Cities and Exposition in Orlando. As a direct member City, we are entitled to cast two votes at this meeting. To be eligible to cast a city's vote, a voting delegate and alternate must be officially designated by the city. Councilmember Aguilar moved to designate Mayor Jon Harrison to serve as the voting delegate for the National League of Cities

Annual Business Meeting. Motion seconded by Councilmember Gallagher and carried unanimously. An alternate was not designated by the City Council.

Resolution No. 6757 - Advisory Boards and Commissions - Quality of Life Director van Dorst reported that following its consideration of the consolidation of certain City advisory boards and commissions in the Spring of 2007, the City Council took no action. However, an important discussion point in the City Council's review of that consolidation pertained to the extraordinary amount of City staff working hours expended in supporting the City's advisory boards and commissions. In 1991, the City Council adopted Resolution No. 4783, which established rules for the City's advisory boards and commissions. Quality of Life Director van Dorst reviewed the proposed Resolution No. 6757 which is intended to supplement Resolution No. 4783 by further defining the roles and responsibilities of the City's advisory boards and commissions. Quality of Life Director van Dorst stated the intent of establishing additional rules for the City's advisory boards and commissions is to focus their attention on City Council adopted goals and core policy issues, and development of a City Council adopted implementation plan and annual reporting to the City Council. The adoption of proposed Resolution No. 6757 would commit the City's boards and commissions to work with staff to develop a specific implementation plan for adoption by the City Council and to report annually to the City Council on their progress. It follows that the recommended motion includes direction to City staff to work with their respective boards and commissions to develop the implementation plan. Councilmembers discussed this proposal at length. Councilmember Gilbreath moved to adopt Resolution No. 6757, a resolution of the City Council of the City of Redlands establishing rules for advisory boards and commissions, and directed City staff and City Council liaisons to prepare a "goals implementation plan" for, and in consultation with, each of their respective advisory boards and commissions with the modification which would allow commissioners/board members to put anything on their agendas and to require annual training for commissioners/board members. Motion seconded by Councilmember Gallagher and carried unanimously.

Contract Award - Peak Pond Relining Project - Municipal Utilities and Engineering Director Hoerning reported bids were opened and publicly declared on September 17, 2008, by the City Clerk for the Peak Pond Relining Project at the water reclamation facility; a bid opening report is on file in the Office of the City Clerk. She reviewed the plans and specifications of the proposed project. Councilmember Gilbreath moved to approve the plans and specifications for the Peak Pond Relining Project at the water reclamation facility and award the construction contract to Wood Bros. Inc. in the amount of \$473,446.00, authorized a construction contingency of \$47,354.00 for a total amount of \$520,800.00, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Gallagher and carried unanimously.

Funds - COPS Technology Grant - Police Chief Bueermann reviewed the proposed use of the United States Department of Justice COPS 2008 Technology Grant which will be used to provide the necessary services and equipment to upgrade and expand the current video surveillance monitoring system utilized by the Police Department. Councilmember Gilbreath moved to accept the United State Department of Justice COPS 2008 Technology Grant and authorized an additional appropriation in the amount of \$467,650.00 as recommended by Police Chief Bueermann. Motion seconded by Councilmember Gallagher and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 5:48 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code §54956.8
Property: APN 0292-063-46
1740 West Redlands Boulevard
Negotiating parties: N. Enrique Martinez, Police Chief Bueermann and
Dill Lumber Company
Under negotiation: Terms and price of lease
2. Conference with legal counsel: Existing litigation - Government Code §54956.9(a)
 - a. Lewis v. City of Redlands, et al - San Bernardino County Superior Court
Case No. CIVSS 704302
3. Conference with legal counsel: Anticipated litigation - Government Code §54956.9(b) - Facts and circumstances: Receipt of threat of possible litigation from City employee

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; 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/City Treasurer; Jeff L. Frazier, 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.

ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath reported the Healthy Redlands meeting has been re-scheduled to be held on Thursday, October 23, 2008, at 1:30 P.M. in the City Council Chambers.

Mayor Harrison reported he attended a Town and Gown meeting in San Luis Obispo and shared a "East Bay Green Corridor Statement of Principals" in which the mayors of the East Bay cities of Berkeley, Oakland, Richmond and Emeryville have come together with the Chancellor of the University of California at Berkeley and the Director of the Lawrence Berkeley National Laboratory to state their strong commitment to strengthening the regional economy through support for emerging green and sustainable industries, alternative energy research and a healthy built environment.

UNFINISHED BUSINESS

Redlands Economic Development Strategy Report - Redevelopment and Economic Development Director Hobbs reported the Economic Development Strategy Report was presented to the City Council on September 16, 2008. The report contained 62 recommendations. Execution of an economic strategy is a multi-year enterprise, and the City Council discussions on this important subject matter may take several meetings. Staff will be working with a matrix noting the comments made by Councilmembers and members of the public. Redevelopment and Economic Development Director Hobbs facilitated the discussion and Dr. John E. Husing responded to questions as they arose.

Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers and did not participate in the discussion relating to ESRI; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Mayor Harrison returned to the Council Chambers and the discussion covered Raising Income and Class A Office; Increasing City Revenues and Downtown Revitalization: Short Term; and Downtown Marketing Programmatic Details and the Downtown Specific Plan. Speaking from the audience were Fred Ford, Amanda Frye, Jeff Scerenka, Bob Roberts, and Bill Cunningham.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:52 P.M. The next regular meeting will be held on November 4, 2008.