

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 November 4, 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 Buermann, 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

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 Louise, a one-two year old lab mix, who is available for adoption at 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 21, 2008, and the special meeting of October 28, 2008, as submitted.

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

Resolution No. 6770 - Orange Blossom Trail - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6770, a resolution of the City Council of the City of Redlands approving an application for grant funds for the California River Parkways Grant Program under the Safe Drinking Water, Water Quality

and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), for the first phase of the Orange Blossom Trail construction which has been identified as the segment between California and Alabama Streets.

Resolution No. 6772 - City Clerk Compensation - Councilmember Bean asked for a clarification regarding the stipend for the City Treasurer position and other questions regarding the salary and benefits contained in Resolution No. 6772, a resolution of the City Council of the City of Redlands establishing compensation for the City Clerk. Councilmember Bean moved to adopt Resolution No. 6772. Motion seconded by Councilmember Gilbreath and carried unanimously.

Lease Agreement - Dill Lumber Company - Following brief discussion, Councilmember Bean moved to acknowledge the commercial lease agreement with Dill Lumber Company that the City Council authorized entering into at a recent closed session which reflects the City Council's terms and conditions for the lease for the property located at 1740 West Redlands Boulevard to be used as offices for the Redlands Police Department and affiliated staff. Motion seconded by Councilmember Gilbreath and carried unanimously.

Proclamation - Findlay House - Mayor Harrison introduced Daniel Cozad, current owner of the Findlay House. Mr. Cozad thanked the City Council and staff for their support in the rehabilitation of Findlay House, originally located at 902 West Fern Avenue and now located at 360 Lakeside Avenue. Mr. Cozad shared the program for the Centennial Rededication to be held on November 7 and 8, 2008. Daniel N. Findlay was one of Redlands' early businessmen arriving in the City in 1888 where he operated Reid and Findlay, a men's furnishing establishment in Redlands and other businesses in Riverside. Councilmember Harrison moved to authorize the issuance of a proclamation recognizing the rededication of the Findlay House on its 100th anniversary. Motion seconded by Councilmember Gilbreath and carried unanimously.

Revised Agreement - Tentative Tract No. 17253 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the revised agreement with Caltrans for landscape maintenance of the parkway on Lugonia Avenue within Caltrans right-of-way (State Route 38) associated with the Grove Homes, LLC Development, Tentative Tract No. 17253.

Agreement - Country Club Reservoir Replacement - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement to furnish professional engineering design services with Black & Veatch Corporation, for the replacement of the Country Club Reservoir No. 1 in an amount of \$109,000.00

and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6774 - CFD No. 2004-1 - Annexation No. 4 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6774, a resolution of the City Council of the City of Redlands declaring the results of the special election for Community Facilities District No. 2004-1 (Annexation No. 4) on the proposition of the annual levy of special taxes within the territory proposed to be annexed to said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District, determining that the territory proposed to be annexed is added to and part of said Community Facilities District with full legal effect, and ordering the recording of a map of the boundaries of said Community Facilities District including the territory annexed thereto.

Resolution No. 6775 - CFD No. 2004-1 - Annexation No. 5 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6775, a resolution of the City Council of the City of Redlands declaring the results of the special election for Community Facilities District No. 2004-1 (Annexation No. 5) on the proposition of the annual levy of special taxes within the territory proposed to be annexed to said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District, determining that the territory proposed to be annexed is added to and part of said Community Facilities District with full legal effect, and ordering the recording of a map of the boundaries of said Community Facilities District including the territory annexed thereto.

Funds - Asset Seizure Budget - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the Police Department's Asset Seizure Budget for Fiscal Year July 1, 2008, through June 30, 2009, in the amount of \$307,601.00.

Funds - DUI Enforcement and Awareness Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously accepted the DUI Enforcement and Awareness Grant Project No. AL0940 for Local Law Enforcement Agencies in the amount of \$87,320.00 and approved an additional appropriation for the same.

Funds - Click It or Ticket Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously accepted the Next Generation "Click It or Ticket" Grant Project No. AL0940 for local law enforcement agencies in the amount of \$33,785.00 and approved an additional appropriation for the same.

## COMMUNICATIONS

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

Councilmembers Gallagher, Gilbreath and Harrison reported on their activities and attendance at meetings during the past two weeks and upcoming events.

## NEW BUSINESS

Budget Committee - Mayor Harrison reported that at the City Council meeting on May 1, 2007, in connection with establishing a financial management plan and a General Fund reserve policy, the City Council took action to appoint the City Treasurer to the City's Budget Committee. With that action, the Budget Committee became subject to the Ralph M. Brown Act and has since held its meetings in compliance with that law. In addition to the City Treasurer, the Budget Committee is comprised of two Councilmembers. Finance Director Tina Kundig and Assistant Finance Director Tom Steele regularly provide staff support to the Budget Committee. With the recent appointment of Ms. Kundig to the elective office of City Treasurer, it does not appear necessary or appropriate to retain the City Treasurer as an official member of the Budget Committee. Councilmember Gilbreath moved to eliminate the position of City Treasurer from the City's Budget Committee as recommended by Mayor Harrison. Motion seconded by Councilmember Gallagher and carried unanimously.

State Street Improvements - Redevelopment and Economic Development Director Hobbs reported in an effort to improve the appearance of downtown, last fall the City Manager formed a Downtown/State Street Task Force, comprised of representatives from various City departments, charged with the responsibility of addressing specific maintenance and beautification issues. The Task Force identified several areas of concern that were quickly addressed which provided immediate aesthetic improvements to the extended downtown. The initial issues identified and addressed included additional street sweeping and re-striping on State Street, pressure washing the sidewalks more frequently, developing a façade improvement program, addressing temporary construction screens, window signage, broken windows, etc. One of the most visible and publicly recognized components to the effort was the Redevelopment Agency's financial contribution to replace the street furnishings in the extended downtown. The Redevelopment Agency Board of Directors approved the Fiscal Year 2008-2009 budget appropriating a \$100,000.00 line item for State Street improvements that will serve as a second phase of the beautification efforts initiated last fall. The Downtown Redlands Business Association's merchant advisory committee has made the following recommendations: (1)

low-maintenance landscaping, irrigation repairs and improvements, enhancing approximately 50 planters on State Street, Fifth Street, Redlands Boulevard and the periphery and (2) parking sign consolidations to reduce the number of time-restriction signs peppering downtown street poles and lampposts to consolidated, attractive signage located in key areas of individual blocks. Senior Special Programs Coordinator Heather Smith reviewed the proposed improvements and responded to Councilmembers' questions. Pursuant to California Health and Safety Code Section 33445, Councilmember Gilbreath moved to approve the use of \$100,000.00 of Redevelopment funds for State Street improvements including landscaping and consolidated parking signs. Motion seconded by Councilmember Gallagher and carried unanimously.

Landscape Maintenance Agreement - As recommended by staff, Councilmember Gilbreath moved to approve an agreement with Caltrans for landscape maintenance for the right-of-way improvements associated with Commission Review and Approval No. 826 for property on the southeast corner of California Street and Orange Tree Lane. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6776 - Landscape Maintenance Agreements - As recommended by staff, Councilmember Gilbreath moved to adopt Resolution No. 6776, a resolution of the City Council of the City of Redlands delegating to the City Manager the authority to approve agreements for the City's maintenance of landscaping and improvements in Caltrans' rights-of-way. Motion seconded by Councilmember Gallagher and carried unanimously.

## UNFINISHED BUSINESS

Redlands Economic Development Plan - The City Council continued its review and discussion regarding the Economic Development Strategy Report first presented to the City Council on September 16, 2008, and again on October 21, 2008. Councilmembers discussed the recommendations regarding infrastructure and residential property values/housing crisis.

## LATE BREAKING ITEM

Resolution No. 6778 - Local Emergency - Safety Hall Flood - 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: "Proclamation of a local emergency: Resolution No. 6778 - Request the City Council find and determine that a local emergency will not permit a delay caused by the solicitation of competitive bids for the necessary work to alleviate the emergency and authorize the City Manager to negotiate and award such necessary contracts." Motion seconded by Councilmember Gallagher and carried unanimously. Fire Battalion Chief Scott MacDonald reported a severe

isolated thunderstorm on November 1, 2008, flooded the Police Department's Communication Center and the Safety Hall basement. The basement houses the entire City government telecommunications systems necessary to support continuity of government, the provision of public safety and the technology necessary to support communications for police officers and public safety. In addition, the delicate nature of the telecommunication system is at risk every time it rains. Immediate protective measures should be taken in order to protect this essential infrastructure. Pursuant to the request of the City Manager (the City's Director of Emergency Services), Councilmember Gilbreath moved that this City Council proclaim the existence of a "local emergency" in accordance with Chapter 2.52 of the Redlands Municipal Code. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved that the City Council find and determine that City staff has presented the City Council with verbal and written testimony which constitutes substantial evidence that the local emergency caused by the accidental flooding of the Police Department's Communication Center and Safety Hall basement will not permit a delay in undertaking the work to alleviate the local emergency that would result from a competitive solicitation of bids for the project. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to adopt Resolution No. 6778, a resolution of the City Council of the City of Redlands declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and property. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved that the City Council determine that the City's award of a contract for the repairs does not require further environmental processing pursuant to Section 15269 of the California Environmental Quality Act Guidelines based on the following determination: emergency repairs to publicly owned service facilities necessary to maintain service essential to the public health, safety and welfare are exempt from the requirements of California Environmental Quality Act. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to authorize the City Manager to negotiate and award the necessary contracts to alleviate the emergency at the Police Communication Center and Safety Hall basement. Motion seconded by Councilmember Gallagher and carried unanimously.

## PUBLIC COMMENTS

Smoking Ban - Dr. Jesus Flores explained a problem he is experiencing at the Dr. Flores Family Dental Office located at 1585 West Redlands Boulevard with people smoking near the entrance to his office and asked the City Council to amend the smoking ban to include dental offices. Dr. Flores was referred to the City Manager for assistance.

## CLOSED SESSION

The City Council meeting recessed at 4:49 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a)
  - a. Mary Jane Both v. City of Redlands, et al  
San Bernardino County Superior Court Case No. SCVSS 148597
2. Conference with real property negotiator - Government Code §54956.8  
Property: APN 0167-242-15, 16 and 17  
Negotiating parties: N. Enrique Martinez, Gary van Dorst and  
P. T. McEwen, Boys and Girls Club of Redlands  
Under negotiation: Terms and price relating to possible transfer of property

The meeting reconvened at 5:08 P.M.

## PRESENT

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

## ABSENT

None

## CLOSED SESSION REPORT

There was no reportable action taken during this closed session.

Disability Retirement - City Attorney McHugh reported the City Council unanimously approved a disability retirement for the position of Police Lieutenant at its meeting of September 16, 2008.

## ADJOURNMENT

There being no further business, the City Council meeting adjourned at 5:09 P.M. with the reminder to vote in today's national election. The next regular meeting will be held on November 18, 2008.