

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 4, 2010 at 3:08 P.M.

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

ABSENT: None

STAFF: N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Sam Irwin, City Clerk; Carl Baker, Public Information Officer; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Tom Steele, Assistant Finance Director; Jeff 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 Harrison followed by the pledge of allegiance to the American flag.

PRESENTATIONS:

Redlands Animal Shelter - Animal Control Officer Bill Miller and Volunteer Lynda Ackerman introduced Sarge, a two year old male Akita/Lab mix who is available for adoption at the Redlands Animal Shelter. Ms. Ackerman informed the Council there are currently have 32 dogs and 18 cats at the shelter. Nineteen dogs and six cats have been adopted since the last City Council meeting.

CONSENT CALENDAR:

Minutes - On motion of Councilmember Aguilar, seconded by Mayor Pro Tem Bean, the City Council unanimously approved the minutes of the regular meeting of April 20, 2010 as submitted.

Resolution No. 6935 – Destruction of Records - On motion of Councilmember Aguilar, seconded by Mayor Pro Tem Bean, the City Council unanimously approved Resolution No. 9635 authorizing the destruction of records reflecting accounts payable check registers dated from July 1, 2003 to June 30, 2004 and accounts payable check copies and original back up documentation dated from July 1, 2004 to June 30, 2005.

Settlement Agreement – On recommendation from City Attorney McHugh, a settlement agreement between the City of Redlands and Dr. Shahrokh Shabahang pertaining to a lawsuit filed by the City of Redlands with the San

Bernardino Superior Court was presented. Under the terms of the agreement, Dr. Shabahang shall pay the City of Redlands Eleven Thousand, Seven Hundred Dollars (\$11,700). Upon receipt of funds, the City of Redlands will file a dismissal of the lawsuit with prejudice. Each Party shall bear its own attorneys' fees and costs incurred in connection with the lawsuit and preparation of the agreement.

Surveillance Project Contract - On motion of Councilmember Gallagher, seconded by Mayor Pro Tem Bean, the City Council unanimously approved the third amendment to the Leverage Integrated Surveillance System agreement to implement the aerial phase of the Police Department surveillance camera project.

Employment Agreements – City Manager/City Attorney - On motion of Councilmember Aguilar, seconded by Councilmember Harrison, the City Council voted to approve the First Amendment to the Employment Agreement for the City Manager's Employment Contract and the Eighth Amendment to the Employment Agreement for the City Attorney's Employment Contract. The amendments restate the City Manager's and City Attorney's fringe benefits to ensure their consistency with those granted by City Council to City Department Directors and Redlands Association of Management Employees (RAME) employees. Mayor Pro Tem Bean and Councilmember Gallagher moved to continue the item to allow a rewrite of the amendments to remove all reference to RAME and to look at those and possibly other amendments to the contracts. With the motion to continue defeated by a vote of three to two, Mayor Pro Tem Bean and Councilmember Gallagher voted against the original motion in the form presented. Mayor Gilbreath pointed out that the City Manager, the City Attorney and all Department Directors are participating fully in the furlough program to reduce costs. The City Manager pointed out that the City Council members are also helping by forgoing a portion of their stipend entitlement.

Tree Trimming Contract - On motion of Councilmember Harrison, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement between the City of Redlands and West Coast Arborists, Inc. for annual tree trimming and arboricultural services for a five-year term. Councilmember Harrison asked that West Coast Arborists consider subcontracting with local businesses for disposal of the larger pieces of tree trimmings too big for their chipper/shredder.

COMMUNICATIONS:

Home Depot Grant – Tabetha Johnson, City of Redlands Volunteer Resource Coordinator, described the work project planned for Saturday, May 8, 2010, involving over 500 members of the Latter Day Saints Church. Renovations and tree plantings will be accomplished in five city parks and cleanup activities will be performed at a City of Redlands orange grove and the airport. All materials

for the projects will be purchased with funds from numerous Redlands service clubs and a Thirty-Five Thousand Dollar (\$35,000) grant from the Home Depot Foundation. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to receive and file Ms. Johnson's report.

Budget Update – Tina Kundig, City Treasurer/Finance Director, provided an update on the Fiscal Year 2009-2010 Deficit Reduction Plan efforts. The update included a review of four previous reports on this subject which reflected the efforts of the City Manager and staff to address revenue shortfalls caused by the significant decrease in economic activity. General government revenues for FY2009-2010 are currently estimated to be under budget by approximately \$3.2 million, which includes an estimated shortfall of \$2.6 million in franchise fees and \$600,000 in sales taxes. Other revenue categories experiencing significant shortfalls include approximately \$800,000 in Community Development revenues and \$300,000 in engineering revenues due to the decline in development activity. Additionally, waste importation revenues are expected to be approximately \$300,000 less than budget. As of this last update, the City Manager and staff are continuing efforts to find an additional \$900,000 in cost reductions/savings to minimize the use of General Fund Unreserved Fund assets to address budget shortfalls. On motion of Mayor Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously agreed to receive and file the budget update report.

UNFINISHED BUSINESS:

Ordinance No. 2729 – Solid Waste Service Rates - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council voted to approve the introduction of Ordinance No. 2729 which raises all other solid waste service rates 10% effective 7/1/2010 and another 10% effective 1/1/2011. Mayor Gilbreath voted against adopting the ordinance.

Ordinance No. 2730 – Solid Waste Pull Down Service Rate - Mayor Pro Tem Bean and Councilmember Gallagher recused themselves from discussion and decisions on Ordinance No. 2730 because they are subscribers to Solid Waste Pull Down Service. On motion of Councilmember Aguilar, seconded by Councilmember Harrison, the three remaining principals unanimously approved the adoption of Ordinance No. 2730 which raises pull down service rates to \$12.87 effective 7/1/2010 and \$14.16 effective 1/1/2011.

NEW BUSINESS:

Resolution No. 6936 – California Jobs Initiative - On motion of Mayor Gilbreath, seconded by Councilmember Gallagher, the City Council voted to approve Resolution No. 6936 and authorized the Mayor to execute a letter on behalf of the City of Redlands requesting the Governor and the legislature

suspend or repeal AB 32. Councilmember Harrison took issue with the facts reflected in the resolution and expressed concerns that the requirements for resuming AB32 would be unachievable and, therefore, would kill efforts to clean up the air we breathe. He asked, and was accommodated, to have the wording of the resolution reflect the fact that the vote on the motion was less than unanimous. Councilmember Aguilar pointed out the focus of legislative strategy endorsed by the League of California Cities would be obscured by support for the California Jobs Initiative. Councilmembers Harrison and Aguilar voted no on the motion.

Settlement Agreement Disclosure – On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to have the City Attorney prepare, for City Council consideration, an ordinance adding to the Redlands Municipal Code the requirement for disclosure, on the City Council meeting agenda, of legal settlements and real estate transactions that have been approved by the City Council in closed session.

Agricultural Preserve Removal - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to direct staff to prepare the appropriate environmental documentation and reports, and notice a public hearing for the City Council's consideration of the possible removal of property located east of the Sunset Hills Development in San Timeteo Canyon, APN 294-151-49, from agricultural preserve status. Anne Hernandez, the property owner, spoke in support of the motion. She summarized her business plan for a riding academy on the property and highlighted differences of opinion on issues between the owners and the staff.

UAC Appointments - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the appointment of Mark Martinez, Harvey Wimer, David V. Garcia, Brad Evans, Ken Jeske and David E. Raley to comprise the 2010 Utilities Advisory Committee (UAC) to support the water and wastewater rate adjustment study. These appointments are for six of the seven approved positions on the UAC, reflecting all the applications received. Rosemary Hoerning, Municipal Utilities and Engineering Director, assured the Council that, if more applications are received, one more appointment would be brought before them for approval.

PUBLIC HEARING:

Resolution No. 6942 – Entitlements Revocation – Mayor Gilbreath opened the public hearing and called for a report from Manuel Baeza, Principal City Planner, who summarized a settlement agreement between the City of Redlands and the Redlands Association in which the City agreed to rescind entitlements previously granted to the Redlands Commons Project. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6942 rescinding

Resolutions No. 6769, 6790, 6791, 6792, 6793, 6794, 6799 and 6800 which articulated those entitlements.

Resolution No. 6943 – One-Year Action Plan - Mayor Gilbreath opened the public hearing and called for a report from Janet Miller, Redevelopment Project Manager, who summarized events leading to the proposed list of Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) sub-recipients and offered three options for distribution of CDBG funds. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6943 and the One-Year Action Plan and directed staff to submit the Plan to HUD. The Council selected the first option for funds distribution, allocating \$122,892 to Administration, \$88,550 to Public Service Agencies, and \$403,017 to Capital Improvement Projects. As a public comment, Joseph Rodriguez, from the Gang Reduction Intervention Team (GRIT), provided an update of his agency's success stories. Mayor Gilbreath read an input from Allan Griesemer, of Step by Step, thanking the Council for past support and the currently proposed allocation.

PUBLIC COMMENTS:

Measure O – Steve Rogers asked for clarification on the role of the North Redlands Visioning Committee (NRVC) in the arguments for and against Measure O in the June 8, 2010 Special Municipal Election. The City Attorney informed him that the NRVC is an independent nongovernmental agency and any clarification would have to come from them.

Request for Information – Bill Cunningham, of the Redlands Association, informed the Council and staff that he had filed a public records request for information and a response to his request is overdue.

ADJOURNMENT:

There being no further action required, the City Council meeting adjourned at 4:40 P.M. The City Council will meet at their next regularly scheduled meeting on May 18, 2010.