

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 January 19, 2010 at 3:00 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; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Scott McDonald 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 Gallagher followed by the pledge of allegiance to the American flag.

PRESENTATIONS

Redlands Animal Shelter - Animal Control Officer Bill Miller and Volunteer Resources Coordinator Tabatha Johnson introduced Sasha, a darling year and a half old Mastiff/Chow-mix who is available for adoption at the Redlands Animal Shelter.

PB & J Drive - Tabatha Johnson also presented the results of the city staff drive to donate peanut butter and jelly to the Redlands Family Services Association and Joseph's Storehouse. The drive accumulated over 350 jars of peanut butter and jelly to be distributed to needy families within the city.

Poverty Awareness – Mayor Gilbreath issued a proclamation declaring January 2010 as Poverty Awareness Month.

Student Commissioners – Mayor Gilbreath presented the four Student Commissioners for the year 2010. Julie Goldstein, Human Relations Commission; Amanda Ramirez, Parks Commission; Jonathan Widjaja, Recreation Advisory Commission; and Lindsay Rowe, Traffic and Parking Commission.

Volley Ball Champions – Mayor Gilbreath presented a Commendation to the Redlands East Valley High School Volley Girls Volley Ball Team for winning the CIF Southern Section Division II Championship for the third year in a row.

CONSENT CALENDAR

Minutes - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meeting of December 15, 2009, and the special meetings of December 18, 2009 and December 21, 2009 as submitted.

Waiver and Release of Claims - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the agreement with Walmart Stores, Inc. regarding the California Environmental Quality Act.

Lease Disclosure – On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to receive Mayor Gilbreath’s disclosure of her leasehold interest for property located at 104 East State Street.

Library Board of Trustees Reappointment - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to reappoint William Hardy Jr. to the Library Board of Trustees.

Recreation Advisory Commission Appointment - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to appoint David C. Baer, II to serve the remainder of an unexpired term ending June 30, 2011.

Release of Claims - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve the “Release of all Claims” settlement in the action filed on the San Bernardino Superior Court entitled Stacy Knox v. City of Redlands William Hoyt and Does 1 to 10 inclusive, Case no. CIVDS 903710.

Release of Claims - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve the “Settlement Agreement and Release of all Claims” between the City of Redlands and Occidental Chemical Corporation.

Recycled Water Improvements - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve the standard agreement amendment with the State Water Resources Control Board relating to recycled water improvements at the Water Treatment Plant.

Property Sale – This item was withdrawn from the agenda and will be addressed at a later date.

Engineering Design Services - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve a consultant services agreement with RCE Consultants for design engineering services for the 2010 capital improvement program water pipeline replacement project.

Engineering Design Services - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve a consultant services agreement with Ludwig Engineering for design engineering services for the 2010 capital improvement program water pipeline replacement project.

Water Projects Pavement Repair - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve plans and specifications and award a construction contract to G. M. Sager Construction Inc. for the FY 09/10 City Wide Pavement Repair for Water Projects.

Rees Treatment Facility Modifications - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve an agreement with Lockheed Martin Corporation for modifications to the Rees treat plant and determine that approval of the agreement is exempt from environmental review under CEQA pursuant to the CEQA guidelines section 15302.

Resolution No. 6917 - Waste Tire Cleanup and Amnesty - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to authorize submission of a grant application to the California Integrated Waste Management Board Local Government Waste Tire Cleanup and Amnesty Event Program.

Bicycle Classic Fee Waiver - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to waive all fees, costs and charges associated with the 26th annual race, to be held March 25 through March 28, 2010, with the following stipulations: The Redlands Bicycle Classic shall present a recycling plan to the Quality of Life Director prior to the date of the event as mandated by RMC §13.65. The Redlands Bicycle Classic shall be required to appropriate insurance naming the City as an additional insured.

Hangar Lease Form and Authority - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve a form to be used for Airport Hangar Lease Agreements and to

authorize the use of the form by staff to execute individual Hangar Lease Agreements with a term of up to three years between the City and airport tenants.

Revised COPLINK Contractor Agreement - On motion of Councilmember Gallagher, seconded by Councilmember Harrison, the City Council unanimously agreed to approve the City's revised agreement with Cletus Hyman in connection with this services for the San Bernardino County Police Chiefs and Sheriffs Association's COPLINK Project and to approve an additional appropriation in the amount of \$100,000 for the COPLINK Project Management Contract.

Music Performance Agreement - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve and authorize the Mayor to execute a Music Performance Agreement with Broadcast Music, Inc. for the purposes of compliance with United States Copyright law.

Fee Waiver Form - On motion of Mayor Gilbreath, seconded by Mayor Pro Tem Bean, the City Council unanimously agreed to approve the use of a standard form for fee waiver requests received from non-profit or charitable organizations. Mayor Gilbreath stipulated that approval of the proposed form was subject to changes to be made to include the City resident/non-resident status of waiver applicants.

COMMUNICATIONS

Healthy Redlands Program – Mayor Gilbreath relayed the receipt of Congressional Recognition from the Office of Joe Baca, State Recognition from the Office of Gloria Negrete McLeod, Recognition from Kaiser Permanente, and Recognition from the California Assembly all citing the good work done by this exemplary program. The Mayor also expressed appreciation to Amanda Frye for her participation in the program.

Mustard Seed Tutorial Center – Mayor Gilbreath informed the City Council of a letter she had written to Stater Brothers Charities in support of the Mustard Seed Tutorial Center's request for funding.

Streets and Roads Needs Assessment – Municipal Utilities and Engineering Director Hoerning presented an update of the findings of the California Statewide Local Streets and Roads Needs Assessment Report. The bottom line of the report is that our streets and roads are currently classified as "at risk" and with our present level of funding the classification will be "poor" by 2033. The State projects a shortfall of \$71.4 billion in funds required to adequately maintain our streets and roads for the next ten years. If that shortfall is

addressed with an increase in gas tax, that would equate to an additional \$.38 per gallon of gas.

PUBLIC HEARING

Resolution No. 6915 – Tax Exempt Bond Financing – Public Hearing was noticed for this time and place to consider Resolution No. 6915 of the City Council of Redlands Approving a Tax-Exempt Bond Financing to be Issued by the California Statewide Communities Development Authority to Benefit American Baptist Homes of the West and Certain Affiliates. Mayor Gilbreath declared the TEFRA Hearing open and called for questions/comments from members of the City Council, called for comments/questions/testimony from members of the public, and called upon the city clerk to note any written comments received. There being none, Mayor Gilbreath called for the motion and vote. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to adopt Resolution No. 6915 approving the issuance of bonds in an aggregate principal amount not-to-exceed \$150,000,000 by the California Statewide Communities Development Authority to benefit American Baptist Homes of the West and certain affiliates.

NEW BUSINESS

Initiative Petition – The City Clerk notified the City Council that the initiative petition filed by The Good Neighbor Coalition entitled “An Initiative Ordinance of the People of Redlands Adding Chapter 18.275 to the Redlands Municipal Code to Prohibit the Approval of ‘Mega-Retail Development’” has met the required standard of not less than 15 percent required by Section 9214 of the California Elections Code and is certified as sufficient. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to receive and file the City Clerk’s certification of the Good Neighbor Coalition Initiative Petition. The next significant event in the initiative process will occur when the Tierra West Advisors Impact Study requested by the City Council on November 17, 2009 is returned for consideration. This study is due within 30 days of the City Clerk’s certification of the petition. In a public comment, Stephen Rogers expressed his concerns as to the qualifications of Tierra West Advisors to adequately evaluate the impact of the proposed ordinance.

Solid Waste Rate – Quality of Life Director Van Dorst gave a presentation on the history of solid waste disposal rates charged to the residents of the City. He pointed out that rates have not increased for 18 years, but an increase is now becoming necessary. Councilmember Gallagher asked if charging higher rates to outside agencies using our landfill would defer the necessity to raise rates to City residents. On motion of Mayor Pro Tem Bean, seconded by Councilmember Harrison, a majority of the City Council voted to direct the City staff to prepare and distribute the Proposition 218 Notice of Solid Waste Rate

Increase and set a public hearing date of April 20, 2010 for City Council consideration of rate adjustments. The City Council further directed the City staff to review and report back to the City Council on the need for rate adjustments on a biennial basis. Councilmember Gallagher voted NO on the motion.

ADA Ramps - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to authorize staff to submit a Community Development Block Grant (CDBG) application and pursue the installation of missing and/or repair/replacement of damaged concrete ADA ramps, sidewalks, driveways, curb and gutter, and other improvements within the target area as recommended by staff. Councilmember Harrison asked staff to look into expanding the list of projects funded by CDBG next year.

Downtown Street and Pedestrian Improvement Projects - On motion of Councilmember Aguilar, seconded by Councilmember Gallagher, the City Council unanimously agreed to appropriate \$607,250.00 from the Traffic Congestion Relief Fund allocation to the Local Transportation Fund for the implementation of the Orange Street and Redlands Boulevard Street Improvement and Downtown Pedestrian Improvement Project. In a public comment, Amanda Frye asked that planners try to incorporate bike lanes into the project.

Speed Control Management - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to direct staff to prepare a residential district speed control management study with recommendations for policy consideration. The study would be a joint effort of the Police and Municipal Utilities and Engineering Departments and should three areas of study related to traffic speed management: engineering traffic management solutions, public education and speed awareness, and regulatory enforcement. In a public comment, Carl Davis presented information on the use of “speed undulations” to aid in speed control. Mayor Gilbreath instructed staff to explore the use of undulations in the study.

Foothill Groves - On motion of Councilmember Harrison, seconded by Councilmember Aguilar, the City Council unanimously agreed to authorize the Quality of Life Department Director or his designee to be a voting member at the annual Cooperative Members’ Meeting of the Redlands Foothill Groves Board of Directors.

Joint Powers Authority - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Bean, the City Council unanimously agreed to direct staff to cooperate with officials from the City of San Bernardino and the County of San Bernardino in preparation of a Joint Powers Authority Agreement to establish a municipal financing district; and authorize staff to work with the County and

City staff to provide technical assistance related to the preparation of joint grant documents for AB 811 funding and program guidelines.

Resolution No. 6919 – Priority List of City Projects – On motion of Councilmember Aguilar, seconded by Councilmember Harrison, the City voted to adopt the subject resolution. Mayor Pro Tem Bean, Councilmember Harrison and Councilmember Aguilar voted YES and Mayor Gilbreath and Councilmember Gallagher voted NO. The No votes were due to opposition to the Reentry Officer Demonstration Project. Resolution 6919 lists the following development projects for the purposes of eligibility for federal funding: Safety Hall Replacement Project, Alabama Street / Colton Avenue / Redlands Boulevard Intersection Realignment Project, Mission-Mill Creek Zanja Flood Control / Downtown Storm Drain Project, Recycled Water Project, Reentry Officer Demonstration Project, and the North Redlands Reinvestment Program. In a public comment, Stephen Rogers expressed dissatisfaction with the City’s planning process citing the need to update several planning documents which do not reflect the priorities stated in Resolution 6919.

Non-motorized Trails - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Bean, the City Council unanimously agreed to pursue submission of a grant request to CALTRANS to develop a Non-Motorized Rail Master Plan and to enter into a co-applicant relationship with the Local Government Commission for the grant. This relationship will be defined in a contract between the City and the Local Government Commission to be approved by the City Council.

PUBLIC COMMENTS

Paul Chabot introduced himself, announced he is a candidate for Assemblyman from the 63rd District and listed his qualifications for the position.

Mario Saucedo of the Northside Visioning Committee expressed his appreciation for all the efforts of the City Council to improve conditions in North Redlands and said he looked forward to working with the Council again this year.

CLOSED SESSION

The City Council meeting recessed at 5:43 P.M. to a closed session to discuss the following:

1. Conference with labor negotiator - Government Code § 54957.6
Agency Negotiator: Steve Filarsky
Employee Organizations: Redlands Association of Management Employees; Redlands Association of Mid-Management Employees; General Employees Association of Redlands (SBPEA); Redlands Civilian Safety Employees Association (SBPEA); Redlands Police Officers Association; Redlands Professional Firefighters Association; Redlands Association of Safety Management Employees; and Redlands Association of Fire Management Employees
2. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) – Two cases
 - a. City of Redlands v. Shell Chemical Company, et al., San Bernardino Superior Court Case No. SCVSS 120627
 - b. The Redlands Association v. City of Redlands, et al., San Bernardino Superior Court Case No. CIVDS 901208
3. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b) – Two cases
 - a. Facts and circumstances: Workers' Compensation Claim of Clint Ketcherside
 - b. Facts and circumstances: Workers' Compensation Claim of Charles Kraft

SUBSEQUENT NEW BUSINESS

Extension of Memoranda of Understanding - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve the Side Letters to the Memoranda of Understanding between the City of Redlands and the Association of Fire Management Employees, Redlands Police Officers Association, and the Redlands Professional Firefighters Association regarding the Furlough Program and authorize the Mayor to execute the Side Letters.

City Council Pay Reduction - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to voluntarily donate one paycheck during the 2009-2010 fiscal year to city budget reduction efforts with the donation to be made with the second paycheck in March.

ADJOURNMENT

There being no further action required, the City Council meeting adjourned at 6:53PM. The City Council will meet at their next regularly scheduled meeting on February 2, 2010.