

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 20, 2009, at 3:00 P.M.

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

ABSENT Pete Aguilar, Councilmember  
(Attended the Presidential Inauguration in Washington, D.C.)

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; 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 Mayor Harrison followed by the pledge of allegiance to the American flag.

#### PRESENTATIONS

Pet Adoptions - Animal Control Officer Bill Miller and Assistant City Attorney Michael Reiter introduced Jet, a seven month old black domestic short-hair cat who is available for adoption at the Redlands Animal Shelter. Mr. Reiter announced the shelter has received donations in the amount \$15,609.00 for their spay/neuter program.

#### CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council approved the minutes of the regular meeting of January 6, 2009, and the special meeting of January 7, 2009, as submitted, by AYE votes of all present.

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

Settlement Agreement - Gill - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council acknowledged, by AYE votes of all present, a Settlement and Release Agreement with Deborah J. and Gerald L. Gill for an accident, casualty or event which occurred on or about November 26, 2008, at or near 420 South Center Street. The City Council

authorized settlement of this lawsuit/claim and this agreement reflects the Council's terms and conditions for settlement.

Proclamation - Martin Luther King, Jr. Day - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council authorized, by AYE votes of all present, issuance of a proclamation declaring January 19, 2009, as *Martin Luther King Jr. Day*.

Temporary Entry Permit - California Department of Water Resources - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council approved, by AYE votes of all present, a one-year extension for a temporary entry permit with the State of California Department of Water Resources for the purpose of conducting ground and aerial surveys, engineering, biological, geological, archaeological, flora and faunal studies, installation of appurtenances, and for such other incidental purposes as may be required on Assessor's Parcel Nos. 0168-351-05 and 0297-111-07 in conjunction with the State Project Water Project to the Mentone, Yucaipa and Beaumont areas.

OSC 08-51 - Tom's Burgers, Applicant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council determined that Outside City Case (OSC) 08-51, Assessor's Parcel No. 298-094-21, is consistent with the City of Redlands General Plan, and that the public health, safety, and welfare, and the best interests of the citizens of Redlands, are served by the City's continued processing of the application, by AYE votes of all present

SBVMWD and SBVWCD Consolidation - On behalf of the San Bernardino Valley Water Conservation District, Richard Corneille expressed appreciation to the City staff for their recommendation to reverse their standing to "neutral" in regards to the proposed consolidation of the San Bernardino Valley Municipal Water District and San Bernardino Valley Water Conservation District. Councilmember Gilbreath moved to authorize staff to represent the City pertaining to the LAFCO proceedings regarding the potential consolidation of the San Bernardino Valley Municipal Water District and San Bernardino Valley Water Conservation District Valley Municipal Water District and San Bernardino Valley Water Conservation District and remain neutral as to a potential LAFCO determination. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Local Emergency Reports - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council acknowledged receipt of the reports regarding the status of the declared local emergencies at the Safety Hall (Resolution Nos. 6778 and 6803).

## COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, Mayor Pro Tem Gilbreath reported on her attendance at the League of California Cities' Board meeting earlier this month. Mayor Pro Tem Gilbreath announced she has been appointed to the League of California Cities policy committee for transportation and will be attending meetings in Sacramento.

## NEW BUSINESS

Resolution No. 6497 - Naming of Public Facilities - Quality of Life Director van Dorst reported the City currently has no policy for the naming of City facilities, and in the absence of such a policy, the City is unable to formally name new facilities. This condition can lead to confusion in communications to the general public and presents a dilemma to staff or others with respect to cartography. The City Council authorized the formation of a committee to assist in drafting a policy for considering names for City facilities. The Parks Commission reviewed the committee's draft of the policy and provided input that was incorporated into the proposed resolution. The Parks Commission recommended adoption of a policy due to the need to name existing and future park facilities. Councilmember Gilbreath expressed concern regarding the three-year death requirement prior to designating a person's name for a park in certain circumstances, building or other public facility and moved to adopt Resolution No. 6497, a resolution of the City Council of the City of Redlands establishing procedures for the naming of City parks, buildings, streets and other public facilities with a modification to allow more flexibility in relation to her concern. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Fee Waiver - Lincoln Pilgrimage - On behalf of the Boy Scouts of America, Don Buchanan urged the City Council to approve their annual request for waiver of fees for the annual Lincoln Pilgrimage program scheduled to be held on February 7, 2009. Tina Caldwell, Dave Ahler, Kristin Saukel and Dr. Harold Hill were also present supporting this request. Councilmember Gilbreath moved to approve the request of the Boy Scouts of America for a waiver of fees for use of Smiley Park, the Redlands Bowl, use of City streets, barricades and Public Safety (Police) services for the annual Lincoln Pilgrimage program to be held on February 7, 2009. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present. Councilmember Gilbreath moved that the fees for Mission Gables restrooms and Park Attendant not be waived and to require all Certificates of Insurance be submitted prior to the event. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present. Councilmember Gilbreath moved that the clean-up deposit for Smiley Park and the Redlands Bowl in the amount of \$750.00 be waived with the caveat that the Boy Scouts of America be responsible for reimbursing the City for any clean-up

costs related to the usage of these facilities. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Redlands Foothill Groves - Voting Designee - Councilmember Gilbreath moved to authorize the Quality of Life Director or his designee to be a voting member at the annual cooperative members' meeting for the Redlands Foothill Groves Board of Directors meeting to be held on January 30, 2009. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Appointment - Library Board of Trustees - Mayor Harrison moved to reappoint Rosa Gomez and Martin Davis to the Library Board of Trustees to serve another three-year term ending January 1, 2012. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Appointment - Planning Commission - Mayor Harrison moved to reappoint Gary Miller to serve another four-year term ending January 6, 2013, on the Planning Commission. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Auto Dealers - Economic Relief Proposal - Redevelopment and Economic Development Director Hobbs explained a meeting was held at the request of the local auto dealers on December 17, 2008. Attending were City Manager Martinez, City Attorney McHugh, Redevelopment and Economic Development Director Hobbs and six representatives from the new car Redlands auto dealers. Project Manager Frank Rocha reviewed the proposal presented by the auto dealers and the subsequent recommendations from staff. At this point, citing 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. Councilmember Gilbreath expressed concern about taking any action today with Councilmember Aguilar being absent. She noted she would not support this proposal as she has always felt businesses need to stand on their own. Councilmember Gallagher questioned why Redlands' business license tax is higher than San Bernardino as implied by the auto dealers. Representing the auto dealers, Paul Smith urged the City Council to approve the staff recommendation. He expressed concern that the business license tax is due on January 31 and the next meeting of the City Council is scheduled after the due date. Finance Director/City Treasurer Kundig noted late fees are not charged until March 1. Councilmember Harrison asked for further information especially sales tax revenues from new car dealers. Councilmember Gilbreath moved to continue this matter until February 3, 2009. Motion seconded by Councilmember Gallagher and carried with Councilmember Bean having abstained and Councilmember Aguilar having been absent.

## CLOSED SESSION

The City Council meeting recessed at 3:46 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated litigation - Government Code §54956.9(b)(1)(B)
  - a. Three cases
    - Facts and circumstances: Claim of Rocky Comfort Mutual Water Company
    - Facts and circumstances: Claim of Farmers Insurance
    - Facts and circumstances: Claim of Stacy Knox
2. Conference with real property negotiator - Government Code §54956.8  
Property: APN 0282-071-48  
Negotiating parties: N. Enrique Martinez, Oscar Orci and Prologis  
Under negotiation: Terms and price
3. Conference with labor negotiators - Government Code Section 54957.6  
Agency Negotiators: N. Enrique Martinez and Debbie Scott-Leistra  
Employee Organizations: Redlands Association of Fire Management Employees; Redlands Association of Safety Management Employees; Redlands Police Officers Association; Redlands Professional Firefighters Association
4. Public Employee Performance Evaluation -Government Code Section 54957
  - a. Title: City Manager

The meeting reconvened at 7:00 P.M.

### PRESENT

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

### ABSENT

Pete Aguilar, Councilmember  
(Attended the Presidential Inauguration in Washington, D.C.)

### STAFF

N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Teresa Ballinger, Assistant 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; 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 her recent attendance at a SANBAG meeting and at the SCAG state budget committee. Councilmember Gallagher reported on his attendance at a recent Omnitrans meeting. Mayor Harrison attended a regional forum sponsored by Congressman Baca regarding the federal stimulus package. The Climate Action Task Force held its organizational meeting and will meet again on January 28, 2009, and on the second Wednesday in February.

## PUBLIC HEARINGS

Resolution No. 6807 - Fees and Charges - Public hearing was advertised for this time and place to consider Resolution No. 6807, a resolution of the City Council of the City of Redlands amending specific fees and charges to recover costs reasonably borne and rescinding Resolution No. 6802. Mayor Harrison declared the meeting open as a public hearing. Finance Director/City Treasurer Kundig reviewed the updated fee schedule to include a CPI increase of 1 percent. She reviewed certain fees that were not increased. Mayor Harrison called for a public comments. There being no verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6807. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Water and Sewer Rates - Public hearing was noticed in accordance Proposition 218 for this time and place to consider Ordinance No. 2712, an ordinance of the City of Redlands amending Chapters 3.52 and 3.53 of the Redlands Municipal Code relating to rates and charges for water service, and Ordinance No. 2713, an ordinance of the City of Redlands amending Chapter 3.62 of the Redlands Municipal Code relating to rates and charges for wastewater services. Mayor Harrison declared the meeting open as a public hearing. Municipal Utilities and Engineering Director Hoerning reviewed the proposed ordinance and offered to have Steve Stockton, Chairman of the Utilities Advisory Committee, review the presentation made at the November 18, 2008, City Council meeting. Also available for questions was Water Resources Manager Chris Diggs. Mayor Harrison called for a public comments. John Garman, James Meyer, Mary Krusak and Mario Saucedo asked the City Council to consider the economic crisis residents are facing at this time noting this was not a good time for an increase. Richard Corneille supported the increases. City Clerk Poyzer reported written protests were received as follows: 183 protesting the increase in the water and sewer rates, 48 protesting the increase in the water rates only, and one qualified protest for the non-potable water rate change; a majority

protest was not received. The public hearing was declared closed. Councilmember Gallagher asked the IT Department to look into the feasibility and cost to provide residents with a monthly bill.

Ordinance No. 2712 - Water Rates - Ordinance No. 2712 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 waived by AYE votes of all present. Ordinance No. 2712 was introduced, by AYE votes of all present, and laid over under the rules with adoption scheduled for February 3, 2009, on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Ordinance No. 2713 - Sewer Rates - Ordinance No. 2713 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 waived. Ordinance No. 2713 was introduced, by AYE votes of all present, and laid over under the rules with adoption scheduled for February 3, 2009, on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

## LAND USE AND PUBLIC HEARING

Ebbe Videriksen, Applicant - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration for Amendment No. 4 to Specific Plan No. 43 for a development plan to subdivide 44.35 acres into twenty-seven (27) single family residential lots and seven (7) lettered, open space lots located on the east side of Alessandro Road in Neighborhood 2 of Specific Plan No. 43; Variance No. 755 from Section IV(A)(6) of Specific Plan No. 43 to allow a reduction in the required 150-foot minimum lot depth for Lots 4 through 7 within a Planned Residential Development consisting of the subdivision on 44.35 acres into twenty-seven (27) single family residential lots and seven (7) lettered, open space lots located on the east side of Alessandro Road in Neighborhood 2 of Specific Plan No. 43; Conditional Use Permit 941 for a Planned Residential Development to subdivide 44.35 acres into twenty-seven (27) single family residential lots and seven (7) lettered, open space lots located on the east side of Alessandro Road in Neighborhood 2 of Specific Plan No. 43; and Tentative Tract Map No. 18560 to subdivide 44.35 acres into twenty-seven (27) single family residential lots and seven (7) lettered, open space lots located on the east side of Alessandro Road in Neighborhood 2 of Specific Plan No. 43; hold a public hearing to consider approval of a Socio-Economic Analysis and Cost/Benefit Study for this project; and hold public hearings to consider approval of Amendment No. 4 to Specific Plan No. 43; Variance No. 755; Conditional Use Permit No. 941, and Tentative Tract Map No. 18560. Mayor Harrison declared the meeting open as a public hearing. Community Development Director Orci requested additional time to review and complete the City Council transmittal for this project as several changes were required by the Planning Commission which necessitated revisions to the project's plans and exhibits. The continuance will provide the time needed for

the applicant to submit copies of the revised plans and for staff to review and complete the staff report. Mayor Harrison called for public comments. There being no verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to continue the hearing on the Mitigated Negative Declaration and the public hearings on Specific Plan No. 43 (Amendment No. 4), Variance No. 755, Conditional Use Permit No. 941, Tentative Tract No. 18560 and the associated Socio-Economic Cost/Benefit Study to the February 3, 2009, City Council meeting. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

#### PUBLIC COMMENTS

None forthcoming.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:38 P.M. The next regular meeting will be held on February 3, 2009.