

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 6, 2009, 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; 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; 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 followed by the pledge of allegiance to the American flag.

PRESENTATIONS

Redlands Animal Shelter - Animal Control Officer Bill Miller and Redlands Animal Shelter volunteer Lynda Ackerman introduced Scruff, a three year old male terrier-mix who is available for adoption at the Redlands Animal Shelter. Cindy Dunham introduced Angel, a long-haired Chihuahua, who was recently left at the Redlands Animal Shelter and was suffering from an old injury of a broken front leg. Angel was in bad shape and Ms. Dunham received permission to set up a special fund for surgery for Angel. Dr. Chauhan, East Valley Pet Hospital, offered to do the surgery at a reduced fee. Although missing a leg, Angel is healing well and is now very playful and a happy dog. Mayor Harrison presented a certificate of recognition to Dr. Chauhan for his dedication and outstanding service to our community by donating surgical and other veterinary services for the care of Angel.

Firefighter of the Year - Fire Captain William Robert Sandberg has been chosen as the 2009 Redlands Fire Department Firefighter of the Year. Fire Chief Frazier reviewed Captain Sandberg accomplishments and service, and Mayor Harrison presented him a proclamation in recognition his achievement. Captain Sandberg thanked Fire Chief Frazier and Mayor Harrison and noted that the honor should be shared as it is about everyone working as a team.

Residents Academy Participants - Certificates of recognition for participants of the first Redlands Residents Academy, a seven-month course designed to provide those who live and work in Redlands a breadth of background and knowledge of the intricacies of our City government - its people, purposes, resources, and methods, were presented by Mayor Harrison to George Barich, Julius (Hap) Botelho, John Coley, Joan Dotson, Joe Gonzales, Tim Murone, Zach Tucker, Don Wallace, Neal Waner, and Stan Weisser. As a result of this endeavor, the Kiwanis Club of Redlands - Noon Club donated \$10,000.00 to the City for use by the Fire and Police Departments.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meeting of September 15, 2009, as submitted.

Judson Homes, LLC - CEQA Time Waiver - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement with Judson Homes LLC waiving the time limits for processing environmental documents pursuant to the California Environmental Quality Act in conjunction with their application for Agricultural Preserve Removal No. 119; Zone Change No. 437, Conditional Use Permit No. 939 and Tentative Tract Map No. 18571 for their proposed Planned Residential Development located north of San Bernardino Avenue, south of Pioneer Avenue and east of Judson Street, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Annual Development Agreements Review - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously accepted a report for the annual review of approved development agreements and determined the annual reports for Kaiser Foundation Hospitals, Mountainview Power Company LLC, Robertson's Ready Mix, and CEMEX are complete and directed staff to prepare a Certificate of Compliance that can be recorded by the applicants.

Proclamation - Dyslexia Awareness Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring October 2009 as *Dyslexia Awareness Month*.

Proclamation - Arts and Humanities Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring October 2009 as *Arts and Humanities Month*.

Fee Waiver - Kiwanis Club of Redlands - Mayor Pro Tem Gilbreath again brought up the continuance of waiving fees for different events in town noting this needs to be addressed before the mid-year budget review. City Manager Martinez responded staff is preparing a report for the City Council but has expanded the review to include the "ripple effect" on the City by having these special events held in town and attracting people who shop at our local businesses. Councilmember Gilbreath moved to approve the request of the Kiwanis Club of Redlands to waive all City-related fees, costs and charges associated with the annual Redlands Christmas Parade to be held on December 5, 2009. Motion seconded by Councilmember Gallagher and carried unanimously.

Agreement - Parent Project Class - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement with the Redlands Unified School District for the use of a school-district facility for the City's Parent Project class and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Proclamation - Lights on AfterSchool Day - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring October 22, 2009, as *Lights On Afterschool Day*.

Resolution No. 6890 - Family Services Association Grant Application - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6890, a resolution of the City Council of the City of Redlands authorizing the execution of local jurisdictional approval of an application for Homeless Prevention and Rapid Re-Housing Program funds to the State of California Housing and Community Department submitted by Family Services Association of Redlands.

COMMUNICATIONS

Monthly Utility Billing Option - Cindy Tryon, Customer Service Operations Supervisor in the Municipal Utilities and Engineering Department, reported that on March 3, 2009, the City Council approved the implementation of a monthly bill payment option as a measure to strengthen the services provided to the City's utility customers. This monthly billing alternative is based on estimated usage and allows customers the option of paying their bi-monthly utility bill on a monthly basis via automatic debit from a checking or savings account. Interested customers can now enroll in this alternative payment option through the City's website or by calling Customer Service. It is anticipated that ongoing costs to maintain this customer service option will be very minimal since processing electronic payments is less costly than processing checks. Ms. Tryon demonstrated how to sign up for this option on the computer.

Major Development Projects - Chief Information Officer Hexem reported In August 2009, the City Manager assigned to the Community Development Director, Public Information Officer, and Chief Information Officer the task of determining how to better present and highlight major development projects within the City of Redlands on the City's website. Goals set by the Manager included: identification of major projects within the City of Redlands, greater transparency to the community on these major development projects via the city's website, enhanced use of GIS in the presentation of the projects, and consistency of project presentation by staff. Staff from each department worked together to develop a pilot project on the City's website that will provide ready information and a calendar of important dates to help interested community members follow a development project, identify appropriate hearings and provide comment as the project progresses through the City's review and entitlement process. The presentation would be accessible through a variety of portals allowing interested residents to find information through a listing of projects as well as a GIS-based interface for those interested in a project area without knowing the details of the development. The Community Development Department currently uses established criteria to identify Major Projects that require preliminary presentations to the City Council and Planning Commission. Those same criteria would be used to determine which projects are posted to the website.

UNFINISHED BUSINESS

Ordinance No. 2720 - Mayor/Mayor Pro Tempore Terms - Proposed Ordinance No. 2720 provides that in the event the terms of the City Council members are extended in connection with a change in the City's municipal election date, that for such extended term, the City Council shall again select a Mayor and Mayor Pro Tempore. Ordinance No. 2720, an ordinance of the City of Redlands amending Chapter 2.02 of the Redlands Municipal Code relating to the terms of the Mayor and Mayor Pro Tempore, 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 unanimously waived, and Ordinance No. 2720 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for October 20, 2009.

City Clerk Vacancy - Pursuant to the request of the City Council, continued discussion of options for filling the vacancy of the City Clerk due to the retirement of Lorrie Poyzer on December 17, 2009, was scheduled on this agenda for further discussion. City Attorney McHugh prepared a memorandum stating the City Council's options for filling the position are as follows: The City Council, within thirty days of the date of the vacancy in the office of the City Clerk, must appoint a qualified person to serve as City Clerk or call a special election to fill that position. Although Government Code Section 36512 allows

the City Council to adopt an ordinance establishing other options for filling vacancies in the office or positions of elected officials, the specific option which allows for making an interim appointment and then calling a special election for filling a vacancy for an elected official applies only to vacant City Council positions, and not vacancies occurring in the offices of other elective officials, such as the City Clerk. With information provided by City Clerk Poyzer, the Human Resources Director provided information relating to the duties and responsibilities of the current City Clerk. It was a consensus of the City Council that they would appointment a replacement. Council discussed various procedures to accomplish this and directed staff to create a advertisement for the position opening. The duties of the City Clerk will not change, and applications will be accepted through November 2, 2009. Councilmembers Aguilar and Bean will serve on a City Council sub-committee to work with the Human Resources Department to determine compensation and desired qualities for a full-time position. A panel will evaluate the applications between November 2 through November 14, 2009, and the City Council will decide on an appointment at the second meeting in November.

Resolution No. 6886 - Six-Year Local Street Improvement Program - Due to a potential conflict of interest, Councilmembers Bean and Gallagher retired from the Council Chambers and did not participate in this matter; Public Disclosure of Potential Conflict of Interest forms are on file in the City Clerk's Office. Municipal Utilities and Engineering Director Hoerning reviewed the Six-Year Local Street Improvement Program related to Measure "I." Councilmember Gilbreath moved to adopt Resolution No. 6886, a resolution of the City Council of the City of Redlands establishing and adopting a Six-Year Local Street Capital Improvement Program related to Measure "I" funds. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present with Councilmembers Bean and Gallagher having recused themselves.

Resolution No. 6887 - Five-Year Capital Project Needs Analysis - Municipal Utilities and Engineering Director Hoerning reviewed the Five-Year Capital Project Needs Analysis Program related to Measure "I." Councilmembers concurred to hold a future workshop to discuss these projects in depth. Councilmember Gilbreath moved to adopt Resolution No. 6887, a resolution of the City Council of the City of Redlands adopting the Measure "I" Five-Year Capital Project Needs Analysis. Motion seconded by Councilmember Gallagher and carried unanimously.

NEW BUSINESS

Meeting with School District - Mayor Harrison suggested formation of a joint committee of the City Council and the Board of Education of the Redlands Unified School District to discussion matters of mutual concern. City Attorney McHugh advised Councilmembers that the Brown Act would apply if two members from each legislative body met. Mayor Pro Tem Gilbreath suggested

a joint meeting of both bodies. Councilmembers concurred with this suggestion and directed City Manager Martinez to set up such a meeting.

Agreement - Construction Inspection Services - Following a presentation by Municipal Utilities and Engineering Director Hoerning, Councilmember Gilbreath moved to approve the first amendment to a professional services agreement with Willdan Engineering to provide construction inspection services in an amount of \$55,000.00 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.

Resolution No. 6896 - Regional Transportation Improvement Program - Following a presentation by Municipal Utilities and Engineering Director Hoerning, Councilmember Gilbreath moved to adopt Resolution No. 6896, a resolution of the City Council of the City of Redlands certifying that the City of Redlands has the resources to fund the projects submitted for inclusion in the San Bernardino County Transportation Improvement Program. Motion seconded by Councilmember Gallagher and carried unanimously.

Bills and Salaries - 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. Councilmember Gilbreath moved to approve payment of salaries and bills. Motion seconded by Councilmember Gallagher carried by AYE votes of all present with Councilmember Bean having recused himself.

Annual Development Agreement Review - Due to a potential conflict of interest, Councilmember Harrison 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. Mayor Pro Tem Gilbreath conducted this portion of the meeting. Following a presentation by Community Development Director Orci, Councilmember Gallagher moved to accept the report for the annual review of the approved development agreement with ESRI and determined the annual report for ESRI is complete and directed staff to prepare a Certificate of Compliance that can be recorded by the applicants. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present with Councilmember Harrison having recused himself.

Annual Development Agreements Review - 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. Following a presentation by Community Development Director Orci, Councilmember Gilbreath moved to accept a report for the annual review of the approved development agreements with Redlands Community Hospital and Redlands Health Services and determined the annual reports for Redlands Community Hospital and Redlands Health Services are complete and directed staff to prepare a Certificate of Compliance that can be recorded by the applicants. Motion seconded by

Councilmember Gallagher and carried by AYE votes of all present with Councilmember Bean having recused himself.

CLOSED SESSION

The City Council meeting recessed at 4:34 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code §54956.8
Property: APNs 0292-034-02, 05 and 08
Agency negotiators: N. Enrique Martinez and Gary van Dorst
Negotiating party: Robert Best and Robert Brenner
Under negotiation: Terms and price for the possible sale of property to the City
2. Conference with real property negotiator - Government Code §54956.8
Property: APNs 0300-241-17, 18, 19 and 20
Agency negotiators: N. Enrique Martinez and Gary van Dorst
Negotiating party: Frank J. Mistretta Family Trust
Under negotiation: Terms and price for the possible purchase of property by the City
3. Conference with real property negotiator - Government Code §54956.8
Property: APNs 292-041-08 and 0292-041-44
Agency negotiators: N. Enrique Martinez and Gary van Dorst
Negotiating party: Dr. Tim Krantz, North American Biomass
Under negotiation: Terms and price for lease of City property
4. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)
 - a. One Case: Claim of Project Resources Group/ Time Warner Cable
5. Conference with labor negotiator - Government Code Section 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

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

Michael Reiter, Assistant City Attorney; Lorrie Poyzer, City Clerk; Carl Baker, Public Information Officer; Jim Bueermann, Police Chief; Rosemary Hoerning, Municipal Utilities and Engineering Director; Jeff L. Frazier, Fire Chief; Robert D. Dalquest, Assistant Community Development Director; Gary van Dorst, Quality of Life Director

CLOSED SESSION REPORT

Assistant City Attorney Reiter announced there was no reportable action taken during the closed session.

ANNOUNCEMENTS/REPORTS

Councilmembers reported on their activities and attendance at meetings during the past three weeks and upcoming events.

LAND USE AND PUBLIC HEARINGS

Appeals - CUP No. 617 - Pharaoh's Lost Kingdom Amusement Park - 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. Also due to potential conflict of interests, City Manager Martinez and City Attorney McHugh did not participate in this matter. Public hearing was continued to this time and place to consider appeals, filed by Aladdin Entertainment Group, LLC and Aryana Companies & Individual, of the Planning Commission's decision to revoke Conditional Use Permit No. 617, as amended, concerning Pharaoh's Lost Kingdom Amusement Park. The amusement park is located on approximately 16.88 acres on the southwest corner of Lugonia Avenue and California Street in the EV/CG (General Commercial District of the East Valley Corridor Specific Plan). Assistant City Attorney Reiter informed Councilmembers that a fax and e-mail were received late this afternoon withdrawing the appeal filed by Aryana Companies including Shahvand Arana and Pharaoh's Water and Theme Park, Inc. The appeal filed by Aladdin Entertainment Group LLC was withdrawn in a letter dated September 29, 2009, from the appellant's legal representative Bruce D. Varner of Varner & Brandt, LLP. Therefore the public hearing was not necessary, and the Planning Commission's decision to revoke Conditional Use Permit No. 617, as amended, stands. In accordance with the Redlands Municipal Code, Councilmember Gilbreath moved the City Council consent to the withdrawal of both appeals. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present with Councilmember Bean having recused himself. On behalf of Aladdin Entertainment Group LLC, Mr. Varner expressed appreciation to the City for their efforts, and reported Consultant Pat Meyer will be working with

them in the process of applying for a new Conditional Use Permit. Mr. Varner assured Councilmembers Aladdin will be a good neighbor in the future.

NEW BUSINESS

Waiver of "Waiting Period" for Conditional Use Permit Application - Due to a potential conflict of interest, Councilmember Bean did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Mayor Harrison said the owner and lessee of the property on which Pharaoh's Lost Kingdom Theme Park was constructed wish to apply for a new conditional use permit from the City to establish new conditions under which a rehabilitated theme park will operate. The existing theme park has been defunct since 2006 and has fallen into a state of disrepair. The owner and lessee of the property on which the park was constructed have committed to quickly undertake a renovation of the property with the hope of opening a new theme park in April 2010. To facilitate the processing of an application for a new Conditional Use Permit, Mayor Harrison requested the City Council consider waiving the provisions of Section 18.192.110 of the Redlands Municipal Code as they apply to this specific Conditional Use Permit application. The City Attorney has confirmed that California case law holds that an entity may waive statutory provisions which are enacted solely for that entity's benefit. Planning Commission Chairman Paul Foster assured Councilmembers the Planning Commission is prepared to process a new Conditional Use Permit and will be happy to work with staff and the applicant. Councilmember Gilbreath moved to waive the provisions of Section 18.192.110 of the Redlands Municipal Code. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present with Councilmember Bean having recused himself.

Ad-Hoc Sub-Committee - Pharaoh's Theme Park Matters - Due to a potential conflict of interest, Councilmember Bean did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Mayor Harrison reported that in April of this year, the City Council recognized that there were a significant number of matters being addressed by City staff relating to the Pharaoh's Lost Kingdom Theme Park. At that time, the City Manager informed the City Council he had a potential conflict of interest in connection with Pharaoh's-related matters, and with the advice of the City Attorney, the City Manager found it necessary to recuse himself from discussions, deliberations and actions relating to the current operations at the theme park. As a consequence, to ensure that City staff had a means of resolving questions and obtaining direction on matters that might otherwise be addressed by the City Manager, the City Council formed an ad-hoc City Council sub-committee comprised of the Mayor and Councilmember Bean. Within the past week, Councilmember Bean has become aware that he may now have a potential conflict of interest with respect to Pharaoh's Theme Park related matters and, as a result thereof, has informed the Mayor he has resigned

from the sub-committee. Councilmember Gilbreath moved to appoint Councilmember Gallagher to replace Councilmember Bean on this sub-committee. Motion seconded by Councilmember Harrison and carried by AYE votes of all present with Councilmember Bean having recused himself.

PUBLIC COMMENTS

Healthy Redlands - On behalf of the Kaiser Foundation, Paul Foster congratulated the City on their efforts for the Healthy Redlands Initiative.

Water Bottle Labels - Mayor Pro Tem Gilbreath announced the City's water bottles are now sporting a new label showcasing the water poster contest's winning posters.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:29 P.M. The next regular meeting will be held on October 20, 2009.