

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 February 3, 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; 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 at 3:22 P.M. with an invocation by Councilmember Gallagher followed by the pledge of allegiance to the American flag.

PRESENTATIONS

Pet Adoptions - Animal Control Officer Bill Miller and City Manager Martinez introduced Louis, a 1-2 year old Chihuahua-mix who is available for adoption at the Redlands Animal Shelter. City Manager Martinez offered to pay for two months worth of food for Louis to whomever adopted him. Speaking from the audience, Tom Bell offered to pay for 20 adoptions from the Redlands Animal Shelter.

San Manuel Indian Tribe Donation - Councilmember Aguilar recently attended an event during which \$7 million was donated by the San Manuel Indian Tribe to various organizations. At this meeting, a representative from the San Manuel Indian Tribe presented a check for \$150,000.00 to the Crafton Hills Community College Foundation. Representatives from the Foundation explained the funds will be used for the Redlands Emergency Services Academy (RESA). Mayor Harrison thanked the San Manuel Indian Tribe for their support.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meeting of January 20, 2009, as submitted.

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

Amendment - Wal-Mart EIR - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 2 to the contract with Michael Brandman Associates in the amount of \$34,800.00 for a total contract amount of \$412,300.00 for preparation of an Environmental Impact Report for the Redlands Crossing (Wal-Mart) project proposed to be located on approximately 45.71 gross acres located on the southeast corner of San Bernardino Avenue and Tennessee Street.

Amendment - Funding Agreement - Wal-Mart - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 2 to the funding agreement with Wal-Mart Stores, Inc. in the amount of \$41,760.00 for a total amount of \$494,760.00 with a 20 percent contract administration fee to fund the preparation of an Environmental Impact Report for the Redlands Crossing (Wal-Mart) project proposed to be located on approximately 45.71 gross acres located on the southeast corner of San Bernardino Avenue and Tennessee Street.

Settlement Agreement - Beatriz Garcia - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously acknowledged a Settlement and Release Agreement for settlement of a claim filed with the City by Farmers Insurance as subrogee of Beatriz Garcia for an accident, casualty or event which occurred on or about October 27, 2008, at or near Center Street and State Street. The City Council authorized settlement of this lawsuit/claim and this agreement reflects the Council's terms and conditions for settlement.

Ordinance No. 2712 - Water Rates and Charges - 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, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Ordinance No. 2713 - Wastewater Rates and Charges - 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, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Emergency Operations Center Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized staff to apply for the U. S. Department of Homeland Security Fiscal Year 2009 Emergency Operations Center grant.

Resolution No. 6810 - SANBAG Grant Application - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6810, a resolution of the City Council of the City of Redlands authorizing submission of a grant application to the San Bernardino Association of Government (SANBAG) Transportation Development Act Article Three grant for the construction of a segment of the Orange Blossom Trail.

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).

Wireless Connection Link - Police Dispatch Center - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the purchase of a wireless connection link in support of the new Police Department Dispatch Center from Leverage Information Systems in the amount of \$61,667.58 using funds from the U. S. Department of Justice COPS technology grant approved by the City Council on June 6, 2004.

Proclamation - Rachel's Challenge Day - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring February 11, 2009, as *Rachel's Challenge Day* for the Redlands Council Parent-Teacher Association. The president of the Redlands Council PTA explained that Rachel Scott was the first person killed in the Columbine High School tragedy on April 20, 1999. She left behind an amazing legacy and a simple challenge to anyone who will accept it: "Treat others with kindness and compassion and you just may change the world you live in." Residents may hear her incredible story of courage and hope on February 11, 2009, at 7:00 P.M. at the University of Redlands Chapel. The program is sponsored by the Redlands Council PTA and San Manuel Band of Mission Indians.

COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, Councilmember Aguilar reported on his attendance at the League of California Cities Inland Empire Division meeting held on January 8, 2009. Mayor Pro Tem Gilbreath reported on her attendance at the California League Transportation Committee meeting in Sacramento on January 22, 2009.

UNFINISHED BUSINESS

Auto Dealers - Economic Relief Proposal - 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. 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 Redlands new car auto dealers. This item was brought to the City Council meeting on January 20, 2009. At that time it was requested by Councilmember Gilbreath that the item be postponed until this meeting due to the fact that only three Councilmembers were present at that meeting. Project Manager Frank Rocha reviewed the proposal presented by the auto dealers and the subsequent recommendations from staff. Bill Cunningham supported the proposal for the advertising campaign but felt it was inappropriate at this time to consider a reduction or loan of the business license tax. Patty Peoples felt the proposal regarding the business license tax for the auto dealers would set a bad precedent noting it appeared the City was saving money with the employee furloughs and giving that savings as loans to the auto dealers. Councilmembers discussed this at length. Councilmember Gilbreath again indicated she did not support the proposal except for the advertising package. Councilmember Gallagher felt the City needed to step up and support the auto dealers' request. Councilmember Aguilar was hesitant to lose \$122,000.00 during this fiscal year but wanted to have further dialog with the auto dealers to consider relief for the next fiscal year. Councilmember Gilbreath moved to authorize staff to implement assistance in a "Shop Redlands" mass mailing advertisement and production of profiles of businesses in town, starting with the auto dealers, to be aired on the Redlands TV channel. The motion was seconded by Councilmember Gallagher. Dave Marvin, Redlands Nissan, told Councilmembers the auto dealers wanted to open a dialog with the City but did not want to cause divisiveness with their request. Bob Clark suggested allowing payments of the business license tax rather than a lump sum. Councilmember Gilbreath's motion then carried by AYE votes of all present with Councilmember Bean having abstained. Again noting he was concerned about this fiscal year, Councilmember Aguilar moved to direct City staff to continue to engage and explore the auto industry individuals' on assistance that includes billing amortization and future fiscal year business license tax, collectively analyzed at the staff level and surveyed among peers. Motion seconded by Councilmember Gallagher and carried with Councilmember Gilbreath voting NO and with Councilmember Bean having abstained.

Resolution No. 6767 - Parking Restrictions - Senior Special Programs Coordinator Heather Smith reviewed the Downtown Redlands Business Association Advisory Board's recommendation to establish and operate a farmers-only certified farmers' market on Saturday mornings. DRBA Advisory Board Chairman Al Hernandez reported the Board now fully supports this

proposal. Councilmember Gilbreath moved to approve a negative declaration for Resolution No. 6767, a resolution of the City Council of the City of Redlands establishing parking regulations related to the Saturday Morning Certified Farmers' Market pursuant to Section 10.40.090 of the Redlands Municipal Code, directed staff to file and post a Notice of Determination in accordance with the City's guidelines as it has been determined that this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to adopt Resolution No. 6767. Motion seconded by Councilmember Gallagher and carried unanimously.

PUBLIC HEARING

Redlands Crossing Project - Wal-Mart - Mayor Harrison declared the meeting open as a public hearing. Assistant Community Development Director Robert Dalquest reported the proposed project concerns a 275,500 square foot commercial center on 45.71 gross acres located on the southeast corner of San Bernardino Avenue and Tennessee Street in Concept Plan No. 4 of the East Valley Corridor Specific Plan. The commercial center is anchored by a 215,000 square foot Wal-Mart Supercenter store and establishes nine out-parcels that will contain approximately 60,500 square feet of commercial uses. The entitlements for this project entail a conditional use permit for the commercial center, a tentative parcel map to subdivide the site into 15 parcels, a Socio-Economic Analysis and Cost/Benefit Study and an Environmental Impact Report. This presentation is for informational purposes only with no action required by the City Council at this time. The presentation is intended to solicit questions and comments from the City Council. On behalf of the applicant, Pat Meyer presented this project to the City Council. Opposing the project were Jonathan Peske, Patty Peoples and Gene Hines. The public hearing was declared closed.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6808 - Expenditure of RDA Bond Funds - Redevelopment and Economic Development Director Hobbs reported the Redevelopment Agency issued Series 2003A Bonds in 2003 for the amount of \$17,145,064.25. At this time staff is recommending a program to expend the bond proceeds commencing with the reimbursement of certain street repair work (San Timoteo/Live Oak Rehabilitation) undertaken by the City. Councilmember Bean felt this recommendation was a "stretch" to meet the requirements of Section 33445 of the Community Redevelopment Law and moved to postpone this matter until February 17, 2009, to allow him additional time for further study. Councilmember Bean's motion died for lack of a second. Councilmember Gilbreath moved to adopt Resolution No. 6808, a resolution of the City Council of the City of Redlands approving and authorizing the

execution of a public works agreement with the Redevelopment Agency of the City of Redlands and making certain findings in connection with the provision of public improvements and authorizing such improvements in connection therewith. Motion seconded by Councilmember Gallagher and carried with Councilmember Bean voting NO. (Also see Redevelopment Agency minutes for February 3, 2009.)

NEW BUSINESS

Ordinance No. 2716 - Commissioners and Committee Members Qualifications - Ordinance No. 2716, an ordinance of the City of Redlands amending Chapters 2.18, 2.24, 2.28, 2.32, 2.36, 2.38, 2.40, 2.46, 2.48, 2.50, 2.64, 2.66 and 2.68 of the Redlands Municipal Code relating to qualifications for City commissioners and committee members, 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. 2716 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 17, 2009. Ordinance No. 2716 clarifies that no commissioner or committee member may serve on a second standing commission or committee; however, the amendment would allow such commissioners or committee members to simultaneously participate as members of specialized ad hoc commissions and committees of the City.

Resolution No. 6811 - Funding Themes - Resolution No. 6811, a resolution of the City Council of the City of Redlands establishing funding themes for the City of Redlands and granting authority for City staff and the City's federal legislative advocate to seek funding for theme-related projects, was unanimously continued to February 17, 2009, on motion of Councilmember Harrison, seconded by Councilmember Gilbreath.

Appointments - Cultural Arts Commission - Mayor Harrison moved to appoint Tomi Olson and Ted Parsons to serve four-year terms on the Cultural Arts Commission ending January 6, 2013. Motion seconded by Councilmember Gilbreath and carried unanimously.

Appointments - Historic and Scenic Preservation Commission - Mayor Harrison moved to reappoint Elizabeth Beguelin, Judith Hunt, and David Van Diest to serve additional four-year terms on the Historic and Scenic Preservation Commission. Motion seconded by Councilmember Gilbreath and carried unanimously.

Appointment - Municipal Utilities and Public Works Commission - Mayor Harrison moved to appoint George Bartch to serve a four-year term on the Municipal Utilities and Public Works Commission ending November 16, 2012. Motion seconded by Councilmember Gilbreath and carried unanimously.

Appointment - Human Relations Commission - Councilmember Gallagher moved to appoint Donald L. Singer to serve a four-year term on the Human Relations Commission. Motion seconded by Councilmember Gilbreath and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 5:40 P.M. to continue the Redevelopment Agency meeting and reconvened at 5:42 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code §54956.8
Property: APN 0292-041-08, 38 and 44
Agency negotiators: N. Enrique Martinez and Gary van Dorst
Negotiating party: Burrtec
Under negotiation: Terms and price for possible lease of City property
2. Conference with real property negotiator - Government Code §54956.8
Property: APN 0292-034-02, 05 and 08
Agency negotiators: N. Enrique Martinez and Gary van Dorst
Negotiating party: Robert W. Best Family Trust
Under negotiation: Terms and price of City purchase of property
3. Conference with labor negotiator - Government Code Section 54957.6
Agency Negotiators: N. Enrique Martinez, Debbie Scott-Leistra and 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

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; Jeff L. Frazier, Fire 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.

PRESENTATION

Healthy Redlands - Mayor Pro Tem Gilbreath introduced Susie O'Neil and Annemarie Meyer who shared their story of the living donor experience they shared. Mayor Pro Tem Gilbreath reported that Healthy Redlands will sponsor a Team Healthy Redlands whose goal will be to walk 30 minutes each day.

ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath announced she has been appointed to the National League of Cities Transportation Steering Committee. Mayor Harrison announced he has been appointed to the National League of Cities Energy, Environment and Natural Resources Committee.

LAND USE AND PUBLIC HEARINGS

Appeal - Walgreens, Applicant - 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. Consideration of an appeal of the Planning Commission's decision to deny Variance No. 753 was continued from October 21, 2008, December 2, 2008, and December 16, 2008, to this time and place. Variance No. 753 is for a request to allow diamond planters in the parking lot instead of a continuous five-foot planter in between double row parking spaces located at the northeast corner of Redlands Boulevard and Eureka Street in the TC-H (Town Center-Historic) District of the Downtown Specific Plan No. 45 and Conditional Use Permit No. 932 for the development of a 14,350 square foot drug store with a drive through pharmacy and a 2,040 square foot retail shop pad on a 1.48 acre property located on the northeast corner of Redlands Boulevard and Eureka Street in the TC-H (Town Center-Historic) District of the Downtown Specific Plan No. 45; to consider approval of a draft mitigated negative declaration for the development of a 14,350 square foot drug store with a drive through pharmacy and a 2,040 square foot retail

shop pad on a 1.48 acre property located on the northeast corner of Redlands Boulevard and Eureka Street in the TC-H (Town Center-Historic) District of the Downtown Specific Plan No. 45; and hold a public hearing to consider a Socio-Economic Analysis and Cost/Benefit Study for the development of a 14,350 square foot drug store with a drive through pharmacy and a 2,040 retail shop pad on a 1.48 acre property located on the northeast corner of Redlands Boulevard and Eureka Street in the TC-H (Town Center-Historic) District of the Downtown Specific Plan No. 45. Mayor Harrison declared the meeting open as a continued public hearing. At this time, staff is recommending the project be continued to March 17, 2009, in order to select a Traffic Engineer to prepare the requested traffic analysis and allow time for staff's review. Councilmember Gilbreath moved to continue the Mitigated Negative Declaration and the public hearings on the Socio-Economic Cost/Benefit Study, Variance No. 753 and Conditional Use Permit No. 932 to March 17, 2009. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Ebbe Videriksen, Applicant - Consideration of 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 was continued from January 20, 2009, to this time and place. Mayor Harrison declared the meeting open as a public hearing. Assistant Community Development Director Robert D. Dalquest reviewed the proposed project. Mayor Harrison asked about the connection of the trails and was assured staff was requiring trails be connected whenever a project is proposed in this area. Mayor Harrison suggested a formal conservation easement, to be recorded, be required. The applicant was agreeable to this suggestion. City Clerk Poyzer reported one e-mail was received from Greg Schneider who did not support the

request for Variance No. 755. There being no comments from the audience, the public hearing was declared closed.

Mitigated Negative Declaration - Councilmember Gilbreath moved to approve the Mitigated Negative Declaration for Specific Plan No. 43 (Amendment No. 4), Conditional Use Permit No. 941, Tentative Tract No. 18560 and Variance No. 755 and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Gallagher and carried unanimously.

Socio-Economic Analysis and Cost/Benefit Study- Councilmember Gilbreath moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Specific Plan No. 43 (Amendment No. 4), Conditional Use Permit No. 941, Tentative Tract No. 18560 and Variance No. 755 as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community and no additional information or evaluation is needed. Motion seconded by Councilmember Gallagher and carried unanimously.

Ordinance No. 2714 - Specific Plan No. 43 - Amendment No. 4 - Ordinance No. 2714, an ordinance of the City of Redlands amending Specific Plan No. 43 (Amendment No. 4) to add Exhibit 9 to the Specific Plan and establish a development plan for Neighborhood No. 2 of the Specific Plan, 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. 2714 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 17, 2009.

Variance No. 755 - Councilmember Gilbreath moved to approve Variance No. 755 based on the findings and subject to the Conditions of Approval contained in the staff report. Motion seconded by Councilmember Gallagher and carried unanimously.

Conditional Use Permit No. 941 - Councilmember Gilbreath moved to approve Conditional Use Permit No. 941 subject to the findings and Conditions of Approval contained in the staff report. Motion seconded by Councilmember Gallagher and carried unanimously.

Tentative Tract No. 18560 - Councilmember Gilbreath moved to approve Tentative Tract No. 18560 subject to the findings and Conditions of Approval contained in the staff report, and, in addition, in recognition of the applicant's voluntary agreement to grant the City a conservation easement over the parcels designated as Lots A, B and C, the applicant shall grant and provide to the City, as a condition of the final map approval and recordation, a conservation easement deed in favor of the City and in a form satisfactory to the City, preserving and protecting the conservation and open space values of Lots A, B and C. Motion seconded by Councilmember Gallagher and carried unanimously.

NEW BUSINESS

Employee Memoranda of Understanding - Human Resources Director Scott-Leistra reported a collaborative team of management staff and the Safety Employee Units are recommending approval of the agreements with the safety employee groups to participate in the furlough program for Fiscal Year 2008-2009. She commended this outstanding group of employees who are ready to do their part to assist the City during this financial situation. Councilmember Gilbreath moved to approve side letters with the Redlands Police Officers Association, Redlands Association of Safety Management Employees, Redlands Professional Firefighters Association and Redlands Association of Fire Management Employees regarding participation in the City's furlough program. Motion seconded by Councilmember Gallagher and carried unanimously.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:59 P.M. The next regular meeting will be held on February 17, 2009.