

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 17, 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 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 Mayor Pro Tem Gilbreath followed by the pledge of allegiance to the American flag.

PRESENTATIONS

Pet Adoptions - Animal Control Officer Bill Miller and Redlands Animal Shelter volunteer Lynda Ackerman introduced Petey, a lab-pit mix, who is available for adoption at the Redlands Animal Shelter. Ms. Ackerman announced Luis, the Chihuahua-mix featured at the last City Council meeting, was adopted Saturday and will be re-locating to Colorado.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the special meeting of February 3, 2009, the regular meeting of February 3, 2009, and the special meeting of February 10, 2009, as submitted.

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

Ordinance No. 2714 - Amendment No. 4 - Specific Plan No. 43 - Bill Cunningham asked the City Council to consider reducing the street light requirement for Tentative Tract No. 18560 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 to keep

San Timoteo Canyon dark and to save energy. Community Development Director Orci stated the requirement allows staff to keep the lighting to a minimum. Councilmember Gilbreath moved to adopt 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 (Ebbe Videriksen, applicant). Motion seconded by Councilmember Gallagher and carried unanimously.

Ordinance No. 2716 - Commission 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 unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Temporary Entry Permit - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a temporary entry permit with the State of California Department of Water Resources for the purpose of conducting ground surveys, installation of appurtenances, and for such other incidental purposes as may be required on Assessor Parcel Nos. 0297-111-05, 0168-321-11 and 0302-082-06 in conjunction with the State Water Project.

Conservation Easement - Redlands Conservancy - Bob Roberts expressed concerns about the proposed grant of a conservation easement to the Redlands Conservancy for the preservation of 19.86 acres of land in perpetuity. As staff had not had time to review the facsimile Mr. Roberts sent just prior to the meeting. Councilmember Gilbreath moved to continue this matter to the March 3, 2009, meeting. Motion seconded by Councilmember Gallagher and carried unanimously.

Citrus Disease Report - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously acknowledged the report regarding the Asian Citrus Psyllid and Huanglongbing disease in citrus. Staff will continue to monitor this problem, and the City-owned groves are as well protected as possible through regular inspections. Staff has accommodated all requests to trap within City-owned groves and communicates regularly with experts in the field. If the Asian Citrus Psyllid is detected in City-owned groves, staff is prepared to immediately implement controlling measures.

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).

MOU - Redlands Fire Department Explorer Post No. 261 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the Memorandum of Understanding with the Boy Scouts of America, California Inland Empire Council, Learning for Life Division, for the Redlands Fire Department Explorer Post No. 261 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Telemedicine Research - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement with Loma Linda University for telemedicine research and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Mobile Data Computers - A professional services agreement with Amrel Systems, LLC for the extended warranty for 27 Amrel Mobile Data computers was pulled from the agenda.

Contract - Video Surveillance System - In response to Councilmember Bean's questions, Police Chief Buermann reviewed the request to approve a contract with Leverage Information Systems for the purchase of an integrated video surveillance system for the Police Department. The Downtown Security Enhancement Program would provide an additional 22 cameras and supporting infrastructure in the core area that will provide real-time video to the Police Dispatch Center. The Downtown Security Enhancement Program has been reviewed and endorsed by both the Downtown Redlands Business Association Advisory Board and the Business and Economic Development Advisory Commission. Both groups believe the program will contribute to a safer business environment and improve local economic development efforts. A summary of the funding plan for this project is as follows:

<u>Source</u>	<u>Amount</u>
Redlands Bowl Donation	\$ 2,000.00
COPS Technology Grants	298,975.00
SLESF Grant	22,608.00
Homeland Security Grant	51,705.00
Redevelopment Agency	<u>252,400.00</u>
Project Total:	\$627,688.00

Councilmember Bean reiterated he felt this was an unwise use of Redevelopment Agency Funds. Councilmember Aguilar said he appreciated staff's creativity and moved to approve the contract with Leverage Information Systems for the purchase of an integrated video surveillance system for the Police Department and authorized the Mayor to execute, and the City Clerk to attest to, the documents on behalf of the City. Motion seconded by Councilmember Gallagher and carried with Councilmember Bean voting NO.

Joint Defense Agreement - On Texas Street, LLC - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a joint defense agreement with On Texas Street, LLC and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. The Redlands Association filed suit against the City and On Texas Street, LLC, who is the applicant for the Redlands Commons project, challenging the City's approval of the Redlands Commons project.

ANNOUNCEMENTS AND REPORTS

Mayor Pro Tem Gilbreath reported on her attendance at the recent SANBAG and SCAG meetings. Councilmember Gallagher reported on his attendance at the recent Omnitrans meeting. Mayor Pro Tem Gilbreath invited Councilmembers and staff to sign up for the Team Healthy Redlands initiative by exercising 30 minutes every day for a three month period. Healthy Redlands will meet on Thursday, February 19, 2009, at 1:30 P.M. in the City Council Chambers.

COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, there were no reports forthcoming from Councilmembers.

NEW BUSINESS

Ordinance No. 2709 - Foreclosed Properties Registration - Quality of Life Director van Dorst reported the City of Redlands has an estimated 376 properties in foreclosure. Foreclosed and abandoned properties are often associated with neighborhood blight when families move out and the property ceases to be maintained. Proposed Ordinance No. 2709 augments and supports the City's current property maintenance ordinance by providing the City with additional code enforcement tools to address the growing problem from foreclosed and abandoned properties. Bob Roberts commended staff for the new agenda format on the website which now includes the staff reports; having reviewed the staff report and proposed ordinances online, he felt the process of notifying the banks of the requirements before fines are imposed would not cause undue hardship. City Clerk Poyzer reported an e-mail was received from Amber Costa supporting adoption of Ordinance Nos. 2709 and 2715. Ordinance No. 2709, an ordinance of the City of Redlands adding Chapter 8.10 to the Redlands Municipal Code to require the registration of abandoned residential properties and compliance with property maintenance standards, 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. 2709 was

introduced with unanimous Council approval and laid over under the rules with adoption scheduled for March 3, 2009.

Ordinance No. 2715 - Foreclosed Properties Maintenance - Quality of Life Director van Dorst reported the City of Redlands has an estimated 376 properties in foreclosure. Foreclosed and abandoned properties are often associated with neighborhood blight when families move out and the property ceases to be maintained. Proposed Ordinance No. 2715 augments and supports the City's current property maintenance ordinance by providing the City with additional code enforcement tools to address the growing problem from foreclosed and abandoned properties. Bob Roberts commended staff for the new agenda format on the website which now includes the staff reports; having reviewed the staff report and proposed ordinances online, he felt the process of notifying the banks of the requirements before fines are imposed would not cause undue hardship. City Clerk Poyzer reported an e-mail was received from Amber Costa supporting adoption of Ordinance Nos. 2709 and 2715. Ordinance No. 2715, an ordinance of the City of Redlands adding Chapter 8.11 to the Redlands Municipal Code relating to maintenance of vacant residential properties acquired through foreclosure, 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. 2715 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for March 3, 2009.

Appointments - Street Tree Committee - Mayor Harrison moved to reappoint Christine Sedmack to serve another four-year term on the Street Tree Committee ending February 16, 2013, and Augustin Ortega to serve another four-year term on the Street Tree Committee ending February 16, 2013. Motion seconded by Councilmember Gilbreath and carried unanimously.

Smart Growth Implementation - Mayor Harrison reported the City Council approved the formation of the Climate Action Task Force on November 18, 2008, to assist the City in identifying strategies and actions for reducing green house gas (GhG) emissions in Redlands. The task force has recently become aware of the Environmental Protection Agency's call for applications for technical assistance from communities that want to incorporate smart growth in their future development to meet environmental and other community goals. The task force members have expressed their interest in pursuing this opportunity for the City and are willing to develop and prepare the necessary application materials on behalf of the City. Councilmember Gilbreath moved to direct the City of Redlands Climate Action Task Force to prepare the necessary application materials to apply for the Environmental Protection Agency's Smart Growth Implementation Assistance Program and authorized the Mayor to execute the application and necessary documents on behalf of the City. Motion seconded by Councilmember Gallagher and carried unanimously.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

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. Of that amount, approximately \$7,778,634.58 is for the Low and Moderate Income Housing Fund and \$7,491,208.37 is for the Redevelopment Project Fund. At this time, staff recommended the City Council and Redevelopment Agency Board of Directors adopt respective resolutions approving a public works agreement by and between each party and authorizing the funding of the following City infrastructure and public improvement projects with Redevelopment Agency Bond Proceeds: Lugonia Avenue Storm Drain Project, design and staff oversight of Safety Hall reconstruction project, water and traffic improvement projects providing additional capacity for new development, capital improvements to public buildings principally HVAC related capital improvements and Stuart Avenue Storm Drain project. It was also recommended that the City Council and Redevelopment Agency Board of Directors approve adjustments to the City's and Agency's mid-year budgets to reflect a \$1 million loan to City's "operating" budget fund and that the City Council approve a note and loan of budgeted "reserve" funds to the City's "Operating fund." The loan would be for a term of six years, with no principal and interest payments becoming due until after the third year of the loan and with interest to accrue at the State's "Local Agency Interest Fund" rate. Councilmember Bean stated that although he has been assured this is a legal expenditure, he did feel this was a good use of Redevelopment funds.

Resolution No. 6812 - Councilmember Gilbreath moved to adopt Resolution No. 6812, 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.

Mid-Year Budget Adjustments - Councilmember Gilbreath moved to authorize staff to adjust the mid-year budgets of the City and the Redevelopment Agency to reflect the payments and reimbursements identified in Exhibits "A" of City Council Resolution No. 6812 and Redevelopment Agency Resolution No. 431. Motion seconded by Councilmember Gallagher and carried with Councilmember Bean voting NO.

Note Evidencing Loan - Councilmember Gilbreath moved that the City Council approve a "Note" authorizing and evidencing the loan of certain General Fund monies held in reserve to the City's operating budget, pursuant to the repayment of terms of such "Note" 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. (Also see Redevelopment Agency minutes for February 17, 2009.)

PUBLIC COMMENTS

Disturbance of the Peace - Albert Kelly complained about the rave parties being held at Pharaoh's Lost Kingdom and the loud music that started at 11:00 P.M. on Saturday, February 14, 2009, and woke he and his neighbors up at 3:30 A.M. on Sunday, February 15, 2009. Mr. Kelly lives at least five miles from Pharaoh's. Mayor Pro Tem Gilbreath asked staff to agenda this matter on a future agenda. City Attorney McHugh reported staff is reviewing the entitlements and will have the information available tomorrow (February 18, 2009).

CLOSED SESSION

Late Breaking Item - Noting the need to take action was immediate, Councilmember Gilbreath moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Closed Session:

Conference with legal counsel: Existing Litigation - Government Code Section 54956.9(a)

a. James Reynolds v. City of Redlands, et al - San Bernardino Superior Court Case No. CIVSS 700107

Motion seconded by Councilmember Gallagher and carried unanimously.

The City Council meeting recessed at 4:16 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:44 P.M. to a closed session to discuss the following in addition to the item added to the agenda:

1. Conference with real property negotiator - Government Code §54956.8

Property: APN 0282-071-48

Agency negotiators: N. Enrique Martinez and Oscar Orci

Negotiating party: Prologis

Under negotiation: Terms and price of property purchase

2. Conference with real property negotiator - Government Code §54956.8

Property: APN 0292-021-19

Agency negotiators: N. Enrique Martinez and Rosemary Hoerning

Negotiating party: Southern California Edison

Under negotiation: Terms and price of sale of City property

3. Conference with real property negotiator - Government Code §54956.8

Property: APN 0171-171-26

Agency negotiators: N. Enrique Martinez and Rosemary Hoerning

Negotiating party: Property One LLC

Under negotiation: Terms of payment and price for the City's acquisition of an easement

Due to a potential conflict of interest, Councilmember Harrison did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office.

4. Conference with legal counsel: - Government Code §54956.9(c)
 - a. Possible initiation of lawsuit by City
5. Conference with legal counsel: Existing Litigation - Government Code Section 54956.9(a)
 - a. Nancy Ochs v. City of Redlands, et al, San Bernardino Court Case No. SCVSS 146251
6. Public Employee Performance Evaluation - Government Code Section 54957
 - a. Title: City Manager

ADJOURNMENT

No report was expected following the closed session. The next regular meeting will be held on March 3, 2009.