

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 December 1, 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; 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 Councilmember Aguilar 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 Bentley, a two-year old West Highland terrier-mix who is available for adoption at the Redlands Animal Shelter.

REORGANIZATION OF CITY COUNCIL

Random Drawing - City Clerk Poyzer randomly drew names of the members of the City Council from a bowl to determine the roll call vote order if it was necessary during the elections for Mayor and Mayor Pro Tempore.

Election of Mayor - City Clerk Poyzer called for nominations for the office of Mayor for a one-year term. Councilmember Gallagher nominated Pat Gilbreath. Councilmember Aguilar nominated Jon Harrison. Pat Gilbreath was elected to the office of Mayor for a term of one year by the following roll call vote:

Councilmember Gilbreath: Councilmembers Gilbreath, Gallagher and Bean
Councilmember Harrison: Councilmembers Harrison and Aguilar

Election of Mayor Pro Tempore - City Clerk Poyzer called for nominations for the office of Mayor Pro Tempore for a one year term. Councilmember Gilbreath moved to nominate Jerry Bean. Councilmember Harrison moved to nominate Pete Aguilar. Jerry Bean was elected to the office of Mayor Pro Tempore for a term of one year by the following roll call vote:

Councilmember Bean: Councilmembers Gallagher, Gilbreath and Bean
Councilmember Aguilar: Councilmembers Aguilar and Harrison

Following comments from each Councilmember, the City Council recessed at 3:10 P.M. and reconvened at 3:12 P.M.

CONSENT CALENDAR

Minutes - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meeting of November 17, 2009, as submitted.

Ordinance No. 2725 - Payment of Claims and Warrants - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously adopted Ordinance No. 2725, an ordinance of the City of Redlands amending Chapter 3.08 of the Redlands Municipal Code relating to the payment of the claims and warrants.

Resolution No. 6910 - Bicycle Transportation Account Grant - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6910, a resolution of the City Council of the City of Redlands establishing a commitment for a required cash match in connection with the City's Bicycle Transportation Account grant application.

Special Counsel - Gussing Gassification Project - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the special counsel services agreement with Bingham McCutchen LLP associated with the Gussing Gassification Project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Proclamation - Native American Heritage Day - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring Friday, November 27, 2009, and each Friday following Thanksgiving as *Native American Heritage Day*.

Ordinance No. 2724 - Water Efficient Landscape Requirements - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously adopted Ordinance No. 2724, an ordinance of the City of Redlands adding Chapter 15.54 to the Redlands Municipal Code to establish water efficient landscape requirements.

Fee Waiver - YMCA - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the YMCA of Redlands' request to waive the barricade/sign rental fees for the YMCA's 43rd Annual Holiday Home Tour scheduled to take place on Sunday, December 6, 2009.

Amendment - Rental Agreement - B & B Square Dance - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously approved an amendment to the rental agreement with B & B Square Dance for the use of the City's multi-purpose room and kitchen at the City's Community Center located at 111 West Lugonia Avenue and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Amendment - Rental Agreement - Sunkissed Squares - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously approved an amendment to the rental agreement with Sunkissed Squares for the use of the City's multi-purpose room and kitchen at the City's Community Center located at 111 West Lugonia Avenue and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Facility Use Agreement - Family Service Association - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously approve a rental agreement with the Family Service Association of Western Riverside County to continue to rent the kitchen, kitchen storage area, and rear office at the Redlands Senior Center located at 111 West Lugonia Avenue to provide senior citizens, 60 years of age and older, a hot lunch Monday through Friday in the multi-purpose room in the Community Senior Center and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Amendment - Redlands Senior Housing, Inc. (Casa de la Vista) - On motion of Councilmember Bean, seconded by Councilmember Gallagher, the City Council unanimously approved an amendment to the development incentive agreement and covenant with Redlands Senior Housing, Inc. for the refinancing of the Casa de la Vista multifamily, low-income senior housing project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

PLANNING AND COMMUNITY DEVELOPMENT

Residential Development Allocations - Fourth Quarter - Project Manager Manuel Baeza reviewed the following application for residential development allocations for the fourth quarter of 2009 as recommended by the Planning

Commission, the Historic and Scenic Preservation Commission, the Housing Commission, City departments and the Redlands Unified School District:

1. RDA 2009-IV-01 - Housing Authority of the County of San Bernardino, Applicant - Conditional Use Permit No. 955 and Tentative Tract No. 18762, an approved 39-unit single-family and 189-unit multi-family planned residential development on a 19.23 acre site located at the northeast corner of Lugonia Avenue and Orange Street in Specific Plan No. 61.

Councilmember Harrison asked staff to review the criteria process for future allocations. Councilmember Bean moved to award the recommended 121 points to the project and approve the allocation of 228 units to RDA 2009-IV-01, Housing Authority of the County of San Bernardino. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6911 - Architectural Guidelines - Paul Foster, Chairman of the Planning Commission, presented the non-residential architectural guidelines for the City Council's consideration as recommended by the Planning Commission on November 10, 2009. These guidelines incorporate comments from the Planning Commission and City Council joint meeting as well as the additional Planning Commission comments. If established, the guidelines would be advisory only for non-residential development and would apply to those areas located outside of the City's downtown area. It will be the responsibility of staff to provide this information to developers. Councilmembers complimented the Planning Commission for the development of these guidelines. Councilmember Bean moved to adopt Resolution No. 6911, a resolution of the City Council of the City of Redlands establishing architectural guidelines for non-residential development located outside of the City's downtown area. Motion seconded by Councilmember Gallagher and carried unanimously.

NEW BUSINESS

Initiative Petition - The Good Neighbor Coalition - City Clerk Poyzer reported representatives of The Good Neighbor Coalition filed an initiative petition 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* on October 14, 2009. Said petition requested the initiative ordinance be submitted to the City Council of the City of Redlands either for adoption without change or for the submission to the voters of the City of Redlands as provided by law. In the event that the City Council does not adopt the ordinance without change, they requested that the ordinance be submitted immediately to a vote of the people at a special election if the petition is signed by not less than 15 percent of the voters of the City of Redlands, or to the voters at the next regular election if and only if the petition is signed by less than 15 percent of the voters. The random signature examination of 500 signatures was completed by the San Bernardino County Registrar of Voters on November 24, 2009. In accordance with Section 9115 of the California Elections Code, the

statistical sampling shows the number of valid signatures is 104.70 percent. If the statistical sampling showed that the number of valid signatures was within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the elections official shall, within 60 days from the date of the filing of the petition, excluding Saturdays, Sundays and holidays, examine and verify each signature filed. Therefore the deadline to determine the sufficiency of this petition is now January 8, 2010. On behalf of Dorene Isenberg of the Redlands Good Neighbor Coalition, Jess Mendez read a statement regarding the preparation of the consultant report on the impact of the proposed initiative.

Funds - Contract - Polling Services - Following a presentation by Finance Director/City Treasurer Kundig, Councilmember Bean moved to authorize staff to enter into an agreement with True North Research, Inc. to provide public opinion research (polling) services to the City of Redlands relating to potential revenue-generating measures for the June 2010 or November 2010 ballots, authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City, and to approve an additional appropriation of \$19,078.00. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6905 - Traffic - Alta Vista Drive - On September 22, 2009, the City was contacted by Amanda Frye and Varnum Fletcher concerning the five mile per hour (MPH) increase in the speed limit from 35 MPH to 40 MPH on Alta Vista Drive between Florida Street and Sunset Drive. The reasons for their request to revert back to the previously posted speed of 35 MPH is that they believe the new posted speed of 40 MPH is too fast and that this speed is dangerous. They indicate there are no sidewalks for children and pedestrians to walk outside of the roadway; that there are school bus pick-up and drop-off locations along Alta Vista Drive promoting the congregation and use of the street by school age children; the area is rural and used by horse riders; and the road has a number of curves and residents back out of their properties onto Alta Vista Drive which should also be considered in evaluating the speed for the roadway. There is an existing multi-use trail that crosses Alta Vista Drive between Highview Lane and South Lane; this crossing is posted with two equestrian signs at both approaches. There is also a School Bus Stop Ahead 500 Feet sign posted at the southwest corner of Alta Vista Drive and Highview Drive. For all of these factors the roadway speed should be adjusted back to the 35 MPH previous posted speeded limit. In response to the request, staff field reviewed the street and the speed survey prepared by Al Grover and Associates which was conducted in the morning of February 5, 2009. The speed survey prepared by Al Grover and Associates was performed in accordance to methods for performing an "Engineering Traffic Survey" as provided in the California Manual of Uniform Traffic Control Devices. Given these results the speed limit survey without further consideration could have resulted in establishing the street speed at 45 MPH. However, the MUTCD allows for a five mile per hour adjustment for field conditions, all of the factors that were mentioned by the

residents as concerns are valid and were considered in establishing a reduced speed limit on this street segment. The MUTCD establishes the method for setting speed limits that are enforceable by radar speed enforcement practices. The MUTCD criteria provide the agency shall round to the nearest five mile per hour increment, in this case 45 MPH. It further allows the agency to reduce the speed by five mile per hour to adjust for field conditions that warrant a reduction in speed, such as all the factors of concern that were mentioned by the residents. The Traffic Engineer considered these factors and the speed was reduced to 40 MPH. This speed was recommended to the Traffic and Parking Commission on May 28, 2009. The Commission in turn recommended approval to the City Council and the speed was adopted by Resolution No. 6850 on July 7, 2009. Staff recently posted the new 40 MPH speed limit regulatory signs, which has resulted in concern from the residents. Staff elected to conduct new speed surveys with in-house personnel along Alta Vista Drive to see if different results would be realized because the road is composed of a straight segment and a curved segment. In both segments surveyed by in-house staff the results validated the 40 MPH speed that was previously surveyed and recommended by Al Grover and Associates. Staff also conducted a "Ball Bank" survey within the curved sections of the roadway. This survey allows for the placement of advisory speed signs, which indicates the recommended speed for driving within the curved segments of the roadway. The results of the Ball Bank survey indicated that the lowest curve on the hill, curve No. 1, does not require an advisory curve speed limit; the next curve heading west, curve No. 2, requires a 35 MPH advisory speed limit sign to be posted for westbound traffic; the next curve heading west, curve No. 3, requires a 35 MPH advisory speed limit sign to be posted for eastbound traffic; the last curve at Sunset Drive, curve No. 4, requires a 35 MPH advisory speed limit sign to be posted for both the westbound and eastbound lanes. The MUTCD speed establishment methodology includes conducting "Engineering Traffic Survey". The 85th Percentile is the target speed, which is the speed that 85 percent of the cars surveyed are driving. In general, the 85th percentile target has been selected because this is the speed that most drivers feel comfortable driving the street under normal conditions. The California Vehicle Code requires an "Engineering Traffic Survey" and engineering analysis of the field conditions be done typically every five years to insure the posted speed meets the California uniform practice for establishing a reasonable speed. Courts have ruled that posted speeds that do not meet the criteria established by the engineered traffic survey methodology can not be enforced by "radar enforcement" methods. Courts consider these streets to be potential jurisdictional speed traps with unwarranted ticketing activities. Therefore, tickets issued by "radar enforcement" are not upheld on streets that do not have a valid "Engineering Traffic Survey" which has been adopted by the governing body. However, the Police Department may employ alternative enforcement methods (Pacing) or erratic/hazardous driving as reasons for citing motorists. In considering the street and its features the potential traffic calming measures that could be employed to reduce speeds would be the installation of a white

edge strip to restrict the driving lane widths to 10-foot in each direction. This controlled and narrowed driving width is expected to reduce the level of comfort that motorist currently experience when driving Alta Vista and would most likely result in reduced driving speeds along this street. Adding additional pavement striping will change the character of the street. Additionally, the cost of the striping design and installing these improvements is not budgeted. Speaking in favor of reducing the speed limit were Jody Stout, Sharon Fletcher, Charles Frye (who also sent an e-mail on November 30, 2009), Bill Cunningham, Susan Finsen and Tom Westerfield. Councilmembers discussed this matter at length agreeing that the state law needed to be amended to allow local consideration. Councilmember Bean moved to retain the speed limit at 35 MPH, directed staff to paint calming methods, asked the Police Department to accelerate its non-radar enforcement in that area using whatever kind of enforcement ideas that they have, and then do an internal survey to see what the speed is to see if we can in effect legitimize the 35 MPH speed limit; and directed staff to prepare an amendment to Resolution No. 6850 adopted on July 7, 2009, for City Council consideration on December 15, 2009. Motion seconded by Councilmember Gallagher and carried with Councilmembers Harrison and Aguilar voting NO.

Lease Agreement - Xerox Corporation - Following a presentation by Chief Information Officer Hexem, Councilmember Bean moved to approve a professional services and equipment lease agreement with Xerox Corporation for multi-function printer equipment and support 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.

PUBLIC COMMENTS

None forthcoming.

CLOSED SESSION

The City Council meeting recessed at 4:27 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a)
 - a. Knox v. City of Redlands, et al, San Bernardino Superior Court Case No. CIVDS903710
2. Conference with real property negotiator - Government Code §54956.8
 - Property: APN 872-36-12H
 - Agency negotiators: N. Enrique Martinez and Oscar Orci
 - Negotiating party: Oasis Christian Fellowship
 - Under negotiation: Terms and price for City's rental of property to Oasis Christian Fellowship

The meeting reconvened at 4:53 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; Lorrie Poyzer, City Clerk; Carl Baker, Public Information Officer; David Hexem, Chief Information Officer; 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

CLOSED SESSION REPORT

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

NEW BUSINESS

Parking Space Rental Agreement - Oasis Christian Fellowship - Project Manager Chris Boatman reviewed the proposed parking space rental agreement with Oasis Christian Fellowship. On behalf of Oasis Christian Fellowship, Steve Mason asked that the renter not be responsible for any more fees or maintenance than has been previously discussed. Following discussion, Councilmember Gallagher moved to find that the parking space rental agreement with Oasis Christian Fellowship is exempt from the California Environmental Quality Act pursuant to Section 15061b(3) of the CEQA Guidelines. Motion seconded by Councilmember Harrison and carried with Councilmember Bean voting NO. Councilmember Gallagher moved to approve, in concept, a parking space rental agreement with Oasis Christian Fellowship for 55 parking spaces on City-owned property located between Seventh and Ninth Streets with two modifications: Use of the parking spaces from 6:00 A.M. to 11:00 P.M. and a clarification if sweeping is necessary and include any additional costs if incurred by the City for sweeping. Motion seconded by Councilmember Harrison and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 5:24 P.M. The next regular meeting will be held on December 15, 2009.