

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 April 7, 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 Councilmember Bean 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 Bandit, a small one-year old male, who is available for adoption at the Redlands Animal Shelter.

Mayor Harrison announced the following items were pulled from the agenda and will be scheduled on a future agenda:

Consent Calendar Item No. D-14, an agreement with AdminSure for Workers' Compensation Administration.

New Business Item F-7, an agreement with San Bernardino Valley Municipal Water District relating to LAFCO's Matter No. 3076 relating to the possible consolidation of the San Bernardino Valley Water Conservation District with the San Bernardino Valley Municipal Water District.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meetings of March 3, 2009, and March 17, 2009, and the special meetings of March 17, 2009, and March 18, 2009, as submitted.

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

Resolution No. 6820 - Authorized Signers - Investment Accounts - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6820, a resolution of the City Council of the City of Redlands designating new authorized signers for investment accounts and authorizing the Mayor to execute substantially similar resolutions for the opening of additional investment accounts with broker/dealers and financial institutions as recommended by the City Manager and Finance Director/City Treasurer and rescinding Resolution No. 6680.

CUP 836 - Time Extension - WF Construction, Applicant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously acknowledged the request for an extension of time for Conditional Use Permit No. 836, an approved 40 unit apartment complex located at the southeast corner of Sylvan Boulevard and Grove Street, does not require further environmental processing, pursuant to Section 15162 of the California Environmental Quality Act Guidelines, based on the following findings: (1) the proposed extension of time would not result in new significant environmental effects or a substantial increase in the severity of previously identified effects; the project has not changed in a way that would generate new environmental impacts; (2) no substantial changes have occurred with respect to the circumstances under which the project will be undertaken; the project will be conducted in accordance with the conditions of approval and, (3) there is no new information of substantial importance with respect to the project's environmental consequences that was not known at the time the previous Environmental Impact Report was adopted; no new information of substantial importance has come to light since adoption of the Environmental Review Report. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a one year time extension for Conditional Use Permit No. 836, subject to the original conditions of approval and amended conditions of approval from the Municipal Utilities and Engineering Department.

CR&A 849 - Time Extension - PCH Architects, LLP, Applicant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously acknowledged the request for a time extension for Commission Review and Approval No. 849, an 8,132 square foot office building on 0.78 acres located on the northeast corner of Plum Lane and Idaho Street, does not require further environmental processing, pursuant to Section 15162 of the California Environmental Quality Act Guidelines, based on the following findings: (1) the proposed revision would not result in new significant environmental effects or a substantial increase in the severity of the project's previously identified effects; no aspect of the project other than its expiration date will change as a result of this revision; (2) no substantial

changes have occurred with respect to the circumstances under which the project will be undertaken; no new information has been identified which impact the circumstances present at the time of approval; and (3) there is no new information of substantial importance with respect to the project's environmental consequences that was not known at the time the previous Mitigated Negative Declaration was adopted; the site and its surroundings have not changed since the original approval. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a one year time extension for Commission Review and Approval No. 849, subject to the original conditions of approval.

Notice of Environmental Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, a report on notices of pending environmental actions and pending projects received from surrounding jurisdictions was acknowledged as received.

Resolution No. 6822 - Terminate Local Emergencies - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6822, a resolution of the City Council of the City of Redlands terminating the local emergencies at Safety Hall ratified by Resolution Nos. 6778 and 6803.

Proclamation - Norman Buckner - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation commending Norman Buckner, CDH Analyst II, for his years of service to the community of Redlands assisting in obtaining and administering special funding programs utilized the Community Development Block Grant funds.

Proclamation - Child Abuse Prevention Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring the month of April 2009 as *Child Abuse Prevention Month*.

Proclamation - Donate Life Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring the month of April 2009 as *Donate Life Month* and encouraged its residents to check "YES" when applying for or renewing their DMV driver's license or I.D. card or by signing up at www.donateLIFECalifornia.org.

Proclamation - Days of Remembrance - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring the week of April 19-26, 2009, as *Days of Remembrance* for the victims of the Holocaust.

Proclamation - Blue Ribbon Week - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring the week of May 10-16, 2009 as *Law Enforcement Appreciation Blue Ribbon Week*.

Proclamation - Silver Star Banner Day - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring Monday, May 1, 2009, as *Silver Star Banner Day* and encouraged our residents to remember the sacrifice of so many in the Armed Forces.

Agreement - Workers' Compensation Program - Mayor Harrison announced at the beginning of the meeting that a three year contract with AdminSure for the administration of the City's Self-Insured Workers' Compensation Program was pulled from the agenda and would be scheduled on a future agenda. Charlotte Stephan, President of ACME Administrators, Inc., had sent an e-mail communication earlier in the day asking that approval of this agreement be pulled for re-evaluation, financial analysis and re-consideration. As the owner of ACME Administrators, Inc., the second highest ranking company, she completed a cost comparison with comments noting the measurable difference in fees for competitive services between AdminSure and ACME Administrators, Inc. was approximately \$100,000.00. She thanked the City Council for re-scheduling this matter. Teri Mangus, Cost Containment Solutions, stated she would comment when the matter was re-scheduled.

Resolution No. 6816 - Small Claims Court Representatives - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6816, a resolution of the City Council of the City of Redlands appointing small claims court representatives to represent the City and rescinding Resolution No. 6324.

City Property Sale to SCE - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the sale of a City-owned property located on the northeast corner of Mountain View Avenue and San Bernardino Avenue (APN 0292-021-19) to Southern California Edison and authorized the Mayor to execute, and the City Clerk to attest to, the property sales agreement on behalf of the City.

Tolling Agreement - Senior Housing Services, LLC - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the second tolling agreement with Senior Housing Services, LLC.

Safe Routes to School, Cycle 8 Grant Program - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council

unanimously authorized staff to apply for the Safe Routes to School, Cycle 8 Grant Program in an amount not to exceed \$900,000.00.

Funds - CDBG Reprogramming - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved reprogramming unspent 2008-2009 Community Development Block Grant funds to CDH Project No. 111-32111/2906, ADA curb, ramp and sidewalk improvements in the Target Area.

Truck Purchase - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the purchase of a 2009 Ford F-250 pickup truck in the amount of \$21,555.52 from Fairview Ford Sales, Inc. for the Water Distribution Division of the Municipal Utilities and Engineering Department.

License Agreement - AYSO - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a license agreement with the American Youth Soccer Organization, subject to approval from I-Bank, for installation of commemorative bricks at the City of Redlands Sports Park and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Fee Waiver - Run Through Redlands - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request of the Kiwanis Club of Redlands for a waiver of fees for use of the Redlands Bowl, use of City streets, barricades and public safety (police) services for the annual Run Through Redlands event to be held on April 19, 2009; that the fees for Mission Gables restrooms and the Park Attendance not be waived; that all certificates of insurance must be submitted prior to the event, and that the clean-up deposit for the Redlands Bowl in the amount of \$600.00 be waived with the caveat that the Kiwanis Club will be responsible for reimbursing the City for any clean-up costs related to the usage of these facilities.

Fee Waiver - 2009 Relay for Kids - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request of the Loma Linda Ronald McDonald House for a waiver of fees for the use of Sylvan Park and solid waste services for the 2009 Relay for Kids to be held on May 16-17, 2009.

Fee Waiver - Million \$ Mutt Mansion - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request of the Redlands Chamber of Commerce for a waiver of fees for the use of Sylvan Park for the Million \$ Mutt Mansion, a dog house auction fund raiser, to be held on May 30, 2009.

Fee Refund - Candlelighters - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request of the Candlelighters, Childhood Cancer Foundation of the Inland Empire, for a refund of the Sylvan Park reservation fees for their 9th Annual Easter Egg Hunt which was held on April 4, 2009.

Fee Waiver - Building-A-Generation - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the waiver of field use rental fees for Building-A-Generation's Community Ties Softball Tournament for the use of the Clement softball fields on September 12, 2009.

Funds - Contract - COPLINK Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a payment contract with Cletus Hyman in connection with his services for the San Bernardino County Chiefs' and Sheriffs' Association's COPLINK project, authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City and approved an additional appropriation in the amount of \$75,000.00 for the COPLINK project manager contract.

Tolling Agreement - County of San Bernardino - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously acknowledged a tolling agreement with the County of San Bernardino relating to the County's calculation of property tax administration fees and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. The City Council discussed the provisions of this agreement in closed session in connection with potential litigation with the County of San Bernardino over the County's calculation and charge to the City for property tax administration fees.

COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, Mayor Harrison and Councilmembers Aguilar and Bean reported on their attendance at the City/County Conference held on March 26-27, 2009. Mayor Pro Tem Gilbreath reported on her attendance at the National League of Cities' Congressional City Conference held on March 14-18, 2009.

Goals and Objectives - Chief Information Officer Hexem presented an annual update on the progress of the goals and objectives set by the City Council at a workshop session held on March 18, 2008. At the direction of the City Manager, the Chief Information Officer (CIO) and the Executive Interns (Natasha Crawford, Frank Rocha) have developed the "Redlands Path to Excellence" which was attached to the staff report. This is a process which will guide the City in the areas of continuous improvement, process streamlining, and strategic planning (short- and long-term) The development of good, quality

goals and objectives are foundational and necessary to move the City to the next step along the PATH as a City. This PATH team, working closely with each department head, has compiled a list of objectives from each department (in some cases shared objectives across multiple departments) and has put these into a format where all objectives are listed and have been categorized by goal. The PATH team feels that the goals developed at last year's session are an excellent starting point that should be built upon. A list of these goals was also included as an attachment to the staff report. In contrast to the workshop format from last year, this year the PATH team would like to present recommendations to the City Council outlining what they heard from the City departments and proposing City-wide priorities. In addition to presenting all staff objectives, the PATH team welcomes the addition of any objectives that the City Council deems important and will add them to the list for prioritization. Councilmembers added their suggestions and asked staff to return in two weeks with an updated report.

2008-2009 Budget Review - Finance Director/City Treasurer Kundig presented a review of the information presented to the Budget Committee on March 2, 2009, and subsequently presented via email to the Council at-large. It identifies administrative budget actions taken by the City Manager and the Executive Team since mid-year, as well as options requiring separate action by the City Council which have been placed on the City Council's agenda. Together these amount to \$442,140 of cost savings or increased revenues to the General Fund. As indicated at mid-year, the goal of the City Manager and Executive Team has been to find \$900,000 of additional budget cuts or increases in revenues between now and June 30, 2009 to close a projected revenue shortfall of \$5,525,000. The following is the list of options for budget cuts or increases in revenues presented to the Budget Committee and, via email, to the City Council-at-large:

- Municipal Utilities purchase of a reservoir site located on Sports Park property: Appraised Value \$110,000; (Separate Council Action Required)
- Municipal Utilities repurchase of Bear Valley water shares previously sold to the General Fund to provide water for the Sports Park: 1,350 shares at \$125/share or \$168,750 plus \$49,000 annual entitlement fee/overage charges for water usage;
- Community Development Plan Check Engineer left vacant: \$103,000;
- Purchase of property by Mountain View Power: \$12,080; (Separate Council action required)
- Quality of Life part-time position eliminated: \$6,700;
- City Attorney's Office savings due to delay in hiring: \$6,500;
- Transfer remaining 50 percent of Building Inspector to RDA for remainder of Fiscal Year 2008-2009: \$29,400;
- Potential revenue from impacts on streets/trees from Utilities/Solid Waste: \$114,000 annual; \$28,500 potential for Fiscal Year 2008-2009 if implemented by April 1, 2009; (Separate Council action required)
- Increase in Tow Fees revenue: \$30,000.

Several of the options presented required further review and as noted above, several require separate City Council action. Upon further review, staff determined that the Bear Valley Water shares had been leased by the General Fund, rather than purchased, so while approximately \$49,000 in annual savings will be achieved as a result of the Water Enterprise picking up the cost of providing water to the Sports Park, as it does for other City parks, the General Fund will not realize \$168,750 from the purchase of water shares by Municipal Utilities. In addition, upon completion of a study by R-3 Group on the impacts of Solid Waste and Water or Wastewater vehicles on the City's streets, and after review by the City Attorney, it has been determined that any revenues collected by the General Fund from Solid Waste or Municipal Utilities to pay for street impacts, must be used to replace or repair streets, rather than for discretionary use as part of the \$900,000 budgetary goal. As a result, staff has pursued alternative options in an attempt to achieve increased sources comparable to these original options. A separate Council action will be presented at your meeting of April 21, 2009, for approval of agreements for the importation of waste at the California Street Landfill which is expected to generate revenues between now and June 30, 2009 of \$95,460, assuming 100 tons per day at \$22.20/ton for 43 days. This amount is sufficient to offset the \$28,500 in revenues from impacts to City streets that must be used exclusively for streets, as well as to offset \$66,960 of the \$168,750 that will not be realized from the sale of water shares. The potential benefit to the General Fund for all of the above options is approximately \$442,140. The City Manager and staff are continuing in their efforts to find additional cost-cutting or revenue-generating options to reach \$900,000 by June 30, 2009. Two additional options presented to the Budget Committee on March 2, 2009, although not endorsed by the committee at that time, were as follows:

- RDA Purchase of Mall Parking Lot: \$4.4 million appraised value (2006) - annual installment payments to General Fund – Example: \$500,000/year at 2.5% interest results in final payment in Yr. 11; (Annual amount may need to be revised downward depending on available tax increment and prospective projects)
- Eliminate part-time staffing: Library \$35,000; Police Department - Police and Community Services staff \$221,000 (Feb. 2009) (Savings for part-time staffing for Police assumed a February implementation date, which equates to approximately \$44,200 per month).

NEW BUSINESS

Appointment - Citrus Preservation Commission - Mayor Harrison moved to appoint Peter Buoye to serve the remainder of a term ending April 16, 2010, on the Citrus Preservation Commission. Motion seconded by Councilmember Gilbreath and carried unanimously.

Compass Blueprint Planning Program Grant Application - Mayor Harrison reported the Southern California Association of Governments has announced its

open call for Demonstration Project proposals from governments within the SCAG region. Grant applications are due May 15, 2009. Through this program, Compass Blueprint planning services are available, free of charge, to local government jurisdictions for the 2009-2010 fiscal year. The program promotes creative, forwarding-thinking and sustainable development solutions that fit local needs and support shared regional values. Services are offered for Demonstration Projects that are expected to provide local and regional benefits including fewer car trips, lower carbon emissions, more transit use and improved public health. Preliminary discussion with staff of San Bernardino County and the County Supervisors indicate a willingness to file this application jointly as well as to pursue the project jointly if a grant award is received. Following discussion, Councilmember Gilbreath moved to authorize staff to work with the County of San Bernardino to submit a grant application, as well as a grant application for the downtown planning process for our own grant application process, under the Southern California Association of Governments Compass Blueprint Planning Program. Motion seconded by Councilmember Gallagher and carried unanimously.

Gasification Plant - Mayor Harrison reported the City has been approached by Biomassekraftwerk Güssing, an Austrian firm seeking to establish a pilot gasification plant in Redlands. This firm has indicated an interest in locating a plant in the vicinity of the California Street Landfill. The negotiation process will require confidentiality during the initial stages of discussion. Dr. Tim Krantz, University of Redlands, presented a PowerPoint explaining the company's gasification process. Councilmember Harrison moved to authorize the selection of an outside negotiator to work with a sub-committee of the City Council and City staff to move forward with discussions with Biomassekraftwerk Güssing and to bring back a report and recommendations to the City Council. Motion seconded by Councilmember Gilbreath and carried unanimously.

Funds - Vehicle Street Maintenance Pavement Impact - Quality of Life Director van Dorst explained the City executed an agreement with R3 Consulting Group, Inc. following a Request for Proposal to analyze the impact of solid waste, recycling and green waste collection vehicles and water and wastewater vehicles on the City street maintenance costs. It was the conclusion of this study that the annual non-discretionary funding shortfall attributed to Solid Waste vehicles was \$105,000 and \$4,000 for Water and Wastewater vehicles. To this end, City staff is recommending payment of these amounts to the General Fund for pavement projects from the appropriate Enterprise Funds. Councilmember Gilbreath moved to direct staff to implement the payment of \$105,000.00/year from the Solid Waste Fund and \$4,000.00/year from the Municipal Utilities and Engineering Water and Wastewater Funds to the General Fund for pavement projects. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6821 - Single-Use Bags Fee - Quality of Life Director van Dorst reported approximately 14 billion plastic grocery and merchandise bags are used annually in California and only a small fraction of this number is recycled. AB 68 and AB 87, as currently proposed, would require that consumers pay a \$0.25 fee for single-use bags distributed at large grocery stores, pharmacies and convenience stores. Following discussion, Councilmember Gilbreath moved to adopt Resolution No. 6821, a resolution of the City Council of the City of Redlands supporting State legislation that would establish a fee for single-use bags. Motion seconded by Councilmember Gallagher and carried unanimously.

Funds - Non-Potable Water Reservoir Site - Water Resources Manager Diggs reported that for years, the City has supplied many of its customer's non-potable water for irrigation and industrial uses. As demands for water increase, this resource has become more important to improving the local water supply reliability. In order to increase the use of non-potable water, the City will need to install additional infrastructure. One of the projects involved with increasing the use of non-potable water is the building of a reservoir to supply the City's 1570 pressure zone. Staff has identified a parcel on Sessums Drive, north of the Redlands Sports Park complex, as an ideal location for the reservoir. Councilmember Gilbreath moved to approve a transfer of \$110,000.00 from the Water Enterprise to the General Fund for the Water Enterprise's use of a 30,000 square foot portion of City-owned parcel (APN 0168-041-45) for a non-potable water reservoir site. Motion seconded by Councilmember Gallagher and carried with Councilmember Bean voting NO.

Agreement - SBVMWD - An agreement with the San Bernardino Valley Municipal Water District regarding to the Local Agency Formation Commission's matter No. 3076 relating to the possible consolidation of the San Bernardino Valley Water Conservation District and the San Bernardino Valley Municipal Water District was pulled from agenda and will be re-scheduled at a future meeting.

Contract Award - Sewer Pipeline Replacement Project - Eric L. Weck, Associate Civil Engineer, reported bids were opened and publicly declared on March 5, 2009, by the City Clerk for the Capital Improvement Program Sewer Pipeline Replacement Project; a bid opening report is on file in the Office of the City Clerk. Councilmember Gilbreath moved to approve the mitigated negative declaration for the capital improvement program and directed staff to file and post a "Notice of Determination" in accordance with City guidelines. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to approve the project plans and specifications and award a contract for the project to Weka, Inc. for a total bid amount of \$1,052,350.40. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to authorize the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City, and authorized staff to approve contingent costs up to 10 percent over the bid

amount. Motion seconded by Councilmember Gallagher and carried unanimously.

Easement Purchase - Stuart Avenue Storm Drain Project - 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 the meeting. Municipal Utilities and Engineering Director Hoerning reported the City needs to acquire a portion of property from Property One, LLC to construct the outlet structure for the Stuart Avenue Storm Drain Project. This is the same outlet structure that will be needed for the 120-inch diameter master plan storm drain to be constructed through the downtown area in the near future. Both outlet structures are being constructed simultaneously through the intersection of Redlands Boulevard and Texas Street, to minimize construction costs and public traffic inconvenience. The City is seeking 1,911 square feet of real property from Property One, LLC for the easement necessary to construct this storm drain outlet structure. With the appraised value of the land at \$10 per square foot, the total property acquisition cost is \$19,110.00. The appraisal cost was \$4,000.00 which has been paid by the property owner. Therefore, this action will authorize payment to Property One, LLC in the amount of \$23,110.00 for property acquisition and appraisal reimbursement. Councilmember Gallagher moved to authorize the purchase of an easement for the Stuart Avenue storm Drain Project from Property One, LLC. Motion seconded by Councilmember Aguilar and carried with Councilmember Harrison having abstained.

Master Agreement - Safe Routes to School Grant - Municipal Utilities and Engineering Director Hoerning reported a master agreement is a prerequisite document required for the City to be able to receive Federal Transportation Funds. It establishes the terms and conditions applicable to the City for receiving these funds. The City has secured two Safe Routes to School Grants, Cycle 5 and Cycle 6, from the federal government through the State of California. The grants are to design and construct safe routes to school for children at fourteen school sites within the City of Redlands city limits. Execution and return of the program supplement agreements is the final step in completing all necessary paperwork for the Cycle 5 and Cycle 6 projects. Program Supplement No. N008 sets forth the special requirements for receiving the Safe Routes To School Grant Project No. STPLHSR-5083 (010) for Cycle 5. Program Supplement No. N009 sets forth the special requirements for receiving the Safe Routes To School Grant Project No. STPLHSR-5083 (011) for Cycle 6. Councilmember Gilbreath moved to approve the Master Agreement Administering Agency-State Agreement for Federal-Aid Project No. 08-5083R; the Program Supplement No. N008 for the Safe Routes to School Grant, Cycle 5; and the Program Supplement No. N009 for the Safe Routes to School Grant, Cycle 6, 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.

Agreement - Infrastructure Design - Safe Routes to School Grant - Municipal Utilities and Engineering Director Hoerning reported the City has secured a Safe Routes to School Grant, Cycle 5 from the federal government through the State of California. The grant is to design and construct safe routes to school for children at 13 school sites within the City of Redlands city limits. The schools are Clement Middle School, Cope Middle School, Crafton Elementary School, Kimberly Elementary School, Lugonia Elementary School, McKinley Elementary School, Montessori School, Moore Middle School, Orangewood High School, Pathway Christian School (formerly Temple Baptist School), Redlands Christian School, Redlands High School and Smiley Elementary School. Work will include new sidewalks, pedestrian access ramps, striping and signing work at the various school locations. City staff will be working closely with Redlands Unified School District staff to ensure the needs of school children are adequately addressed at each school site. The improvements will require design of various improvements, and design costs are authorized as a part of the grant funds. Councilmember Gilbreath moved to approve an agreement for professional services with Willdan Engineering for infrastructure design for Safe Routes to School Grant, Cycle 5 Project, 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.

CLOSED SESSION

The City Council meeting recessed at 5:26 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing Litigation - Government Code Section 54956.9(a)
 - a. Hannum v. City of Redlands, et al - San Bernardino Superior Court Case No. CIVSS916265
2. Conference with legal counsel: Anticipated Litigation - Government Code Section 54956.9(b)
 - a. Two cases: Facts and circumstances: Claim of Debbie Gill
Facts and circumstances: Claim of Stanton Diamond
3. Conference with legal counsel: Anticipated Litigation - Government Code Section 54956.9(c)
 - a. One case - Possible initiation of litigation by City
4. Conference with labor negotiators - Government Code Section 54956.6
 - a. Unrepresented Employee: City Manager

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; Tom Fitzmaurice, Police Commander; 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.

ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath reported on the March and April SANBAG and SCAG meetings. Councilmember Gallagher reported on the recent Omnitrans meeting. Councilmember Bean reported on the recent CONFIRE meeting. Councilmember Aguilar reported he participated in the University of Redlands' Volunteer Day by working at the Hillside Memorial Park. Other volunteers worked with the Redlands Family Service Association and others hiked up the hill to the University's "R" to do annual maintenance. Mayor Harrison reported on his attendance at the Wash Plan Committee, the National League of Cities and the League of California Cities Environmental Quality 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, December 16, 2008, February 3, 2009, and March 17, 2009. There was no quorum present at the meeting of March 17, 2009, and consideration of this appeal was re-advertised for 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 public hearing. Associate Planner Tabitha Kevari reviewed the background on this appeal reporting staff received a traffic analysis prepared by the City's consultant W. J. (Rusty) Beardsley from RBI who reviewed the appropriateness of allowing a full access driveway onto Eureka Street as part of the proposed Walgreen's project. The results of the report indicated that the right turns in and out of the proposed driveway on Eureka Street would cause minor safety issues. However, significant safety and operational issues were found at this same location with both the left in and left out movements. If this project is considered for approval, staff recommended the subject driveway be restricted to right in and right out movement only. The report recommended that this action be accomplished by extending the existing raised median on Eureka Street to the south to provide a positive barrier to left turns. Representing Walgreens, Gary Mull urged approval of the project and Paul Martin, a traffic engineer from RBF, presented three additional concepts. Marie DeBello stated there was a nightmare of traffic at Eureka Street and Redlands Boulevard, and she did not think it was necessary to build a Walgreens at this location. Dr. Art Anderson reported he had an appointment with the District Attorney on Thursday (April 9, 2009) to discuss the fallout from his letter to the editor; he urged the City Council to not allow the demolition of the McEwen's Furniture Store building. Members of the Geissinger family (owners of the McEwens Furniture store) addressed the City Council urging approval of the project. The public hearing was declared closed.

Councilmember Gilbreath moved to continue the Mitigated Negative Declaration and the public hearings on the Socio-Economic Cost/Benefit Study, Conditional Use Permit No. 932 and Variance No. 753 to allow staff the opportunity to prepare suggested findings for approval. Motion seconded by Councilmember Gallagher and failed by the following vote:

AYES: Councilmembers Gilbreath and Gallagher
NOES: Councilmembers Harrison and Aguilar
ABSTAINED: Councilmember Bean

Councilmember Gilbreath moved to continue the Mitigated Negative Declaration and the public hearings on the Socio-Economic Cost/Benefit Study, Conditional Use Permit No. 932 and Variance No. 753 to allow the applicant to make revisions to its proposed project. Motion seconded by Councilmember Gallagher and failed by the following vote:

AYES: Councilmembers Gilbreath and Gallagher

NOES: Councilmembers Harrison and Aguilar

ABSTAINED: Councilmember Bean

Councilmember Aguilar moved that the City Council deny the appeal of the Planning Commission's decision not to approve Variance No. 753 based upon the findings contained in the staff report. Motion seconded by Councilmember Harrison and failed by the following vote:

AYES: Councilmembers Harrison and Aguilar

NOES: Councilmembers Gilbreath and Gallagher

ABSTAINED: Councilmember Bean

Councilmember Aguilar moved that the City Council deny the appeal of the Planning Commission's decision not to approve Conditional Use Permit No. 932 based upon the findings contained in the staff report. Motion seconded by Councilmember Harrison and failed by the following vote:

AYES: Councilmembers Harrison and Aguilar

NOES: Councilmembers Gilbreath and Gallagher

ABSTAINED: Councilmember Bean

City Attorney McHugh stated that the tie votes meant the Planning Commission's decision to deny the project would stand.

PUBLIC HEARING

Resolution No. 6817 - Street Vacation No. 143 - Public hearing was advertised for this time and place to consider Resolution No. 6817, a resolution of the City Council of the City of Redlands finding that a portion of Iowa Street is unnecessary for present or prospective street purposes and ordering the vacation of said portion of Iowa Street (Street Vacation No. 143, IDS Real Estate Group, Inc., applicant). Mayor Harrison declared the meeting open as a public hearing. Community Development Director Orci reported the Planning Commission determined that Street Vacation No. 143 was in conformance with the General Plan, pursuant to Section 65402 (C) of the State Planning and Zoning Laws. Iowa Street, north of the Mission Zanja is a "local street" with a sixty-six foot right-of-way and a thirty foot half width. The project required a thirty three foot half width dedication per the conditions of approval, which the applicant has provided. The dedication exceeds requirements by three feet for half width; the proposed street vacation is consistent with the Circulation Element of the General Plan. On August 14, 2007, the Planning Commission approved Commission Review and Approval Nos. 847 & 848 and Tentative Parcel Map 18429, which allowed the subdivision of 20.62 acres into six (6) condominium lots and the construction of a two-story, 329,075 square foot industrial warehouse and office complex. The proposal included the use of a seven (7)

foot wide, approximately 1,433 foot long strip of excess right-of-way on the east side of Iowa Street. Although the structures meet set-back requirements from the existing property line, the property gained by this approval is necessary to provide additional area for the proposed parking areas. Mayor Harrison called for a public comments. Amanda Frye felt the applicant should pay for the land if they want the street vacated and suggested the proceeds from said sale could be applied to the many needs in the City such as lighting at the tennis courts. Municipal Utilities and Engineering Director Hoerning explained the City does not own the land as it is considered an easement and if a street is vacated, the property converts back to the property owner. Mayor Harrison declared the meeting closed as a public hearing

Councilmember Gilbreath moved to determine Street Vacation No. 143 does not require further environmental processing pursuant to Section 15162 of the California Environmental Quality Act Guidelines based on the following findings: (1) the proposed revision would not result in new significant environmental effects or a substantial increase in the severity of previously identified effects; the proposed street vacation was evaluated as part of the whole project and all impacts will be mitigated through the project's conditions of approval; (2) no substantial changes have occurred with respect to the circumstances under which the project will be undertaken; the design of the project and surrounding area remain unchanged and no new circumstances exist; and (3) there is no new information of substantial importance with respect to the project's environmental consequences that was not known at the time the previous Mitigated Negative Declaration was adopted; all impact mitigation measures adopted under the previous project approval continue to address potential impacts generated by the street vacation, and to adopt Resolution No. 6817. Motion seconded by Councilmember Gallagher and carried unanimously.

PUBLIC COMMENTS

Pharaoh's Raves - Albert Kelley, Jonathan Baty, Paul Mupo, Lisa McClain and Al McClain expressed concerns about the all-night raves being held Pharaoh's Lost Kingdom on California Street. Mayor Harrison assured them that the City is aggressively pursuing a solution as the City does not condone these activities either.

Redevelopment Neighborhood Revitalization Program - On behalf of the North Redlands Visioning Committee, Mario Saucedo thanked the City for its participation in the Redevelopment Neighborhood Revitalization Program. Several neighbors were present in support of this program. Mr. Llamas, whose renovations were completed this week, personally thanked the City for their efforts.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:59 P.M. The next regular meeting will be held on April 21, 2009.