

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 May 19, 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; 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

The meeting was opened with an invocation by Mayor Pro Tem Gilbreath with condolences extended to the family of Beverley Cunningham, wife of Mayor Emeritus William C. Cunningham, 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 Banyan, a three-year old neutered male terrier/poodle-mix, who is available for adoption at the Redlands Animal Shelter.

CalFire Presentation - This presentation to recognize of Fire Battalion Chief Jim Topoleski was withdrawn from the agenda as the representative from CalFire was unable to attend this meeting.

Mothers Against Drunk Drivers Presentation - A representative from Mothers Against Drunk Drivers (MADD) presented a plaque recognizing the 93 Driving Under the Influence (DUI) arrests made in 2008 by Sergeant Travis Martinez. A plaque was also provided for the Police Department.

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: "Discussion and possible action - Authorize the Mayor to send a letter of support to General Motors Corporation to continue its sales and service agreement with Hatfield Buick/GMC." Motion seconded by Councilmember Gallagher and carried unanimously. Later in the meeting, the City Council unanimously authorized the Mayor to send a letter of support to General Motors Corporation, with copies to the appropriate people in the Federal Government, to continue its sales and service agreement with Hatfield Buick/GMC on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meeting of May 5, 2009, as submitted.

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

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.

Notice of Annual Review - Development Agreements - Due to a potential conflict of interest, Councilmember Bean retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Councilmember Gilbreath moved to accept a notice that the development agreements with Kaiser Foundation Hospitals, Mountainview Power Company, Robertson Ready Mix, Ltd., Cemex Construction Materials, L.P., Redlands Community Hospital, Redlands Health Services and AV Associates, and Redlands Land Holding, LLC (AKA General Growth Properties) will be subject to an annual review in accordance with Chapter 18.220 of the Redlands Municipal Code. Motion seconded by Councilmember Gallagher and carried with Councilmember Bean having abstained.

Ordinance No. 2718 - Various Amendments - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Ordinance No. 2718, an ordinance of the City of Redlands amending, deleting and adding various portions of the Redlands Municipal Code relating to appeals, administration and personnel, revenue and finance, business taxes, licenses and regulations, animals, health and safety, vehicles and traffic, and buildings and construction.

Proclamation - Neurofibromatosis Awareness - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council

unanimously authorized issuance of a proclamation declaring May, 2009, as *Neurofibromatosis (NG) Awareness* month.

Resolution No. 6819 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6819, a resolution of the City Council of the City of Redlands establishing the following traffic regulations in accordance with Title 10 of the Redlands Municipal Code: establish two-hour time limit parking zone on Eureka Street from Fern Avenue to Home Place excluding the frontages of properties at 448 and 456 South Eureka Street and retaining the no parking zone previously established on Fern Avenue along the rear of Cope Middle School for approximately 300 feet and the loading zone previously established on the north side of State Street, beginning at the end of the no parking zone on the east side of the drive approach at 301 Tennessee Street, and extending easterly for approximately 80 feet.

Fee Waiver - Optimist Club - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request of the Redlands Optimist Club for a waiver of fees for the use of Sylvan Park for their annual fundraiser auto show to take place on July 18, 2009.

Resolution No. 6837 - Neighborhood Stabilization Program - Following a presentation by Redevelopment and Economic Development Director Hobbs, Councilmember Aguilar moved to adopted Resolution No. 6837, a resolution of the City Council of the City of Redlands authorizing the Mayor or his designee to execute an agreement (which will be provided by the County of San Bernardino at a later date) for participation in the Neighborhood stabilization Program with the County of San Bernardino, Department of Community Development and Housing. Motion seconded by Councilmember Gilbreath and carried unanimously.

UNFINISHED BUSINESS

Resolution No. 6818 - City Public Arts Program - Presentations were made by Mayor Harrison, Cultural Arts Commissioner Mike Layne and David Lawrence, a consultant working with the Cultural Arts Commission, regarding Resolution No. 6818, a resolution of the City Council of the City of Redlands establishing a (voluntary) City Public Arts Program. Section 3 was revised to include a provision that interest earned in the Public Art Fund would be retained in said fund. Councilmember Gilbreath moved to adopt Resolution No. 6818 with this revision. Motion seconded by Councilmember Gallagher and carried unanimously.

Contract - Disposal of Waste - California Street Landfill - Consideration of this contract was continued from the May 5, 2009, meeting. Quality of Life

Director van Dorst reviewed the proposed contract with Republic Services for the disposal of waste at the California Street Landfill. Mark Bulot, Fred Ford and Larry Curti questioned the bias towards certain contractors and expressed concern that the City was not protecting our dump. Tim Krantz expressed concern about Section 10 regarding the first right of refusal. Regarding Section 10, the applicant expressed his willingness to delete the last sentence ("Should the City propose to accept additional volumes of Outside Waste from third parties after the Term of this Agreement, Republic shall have the right of first refusal to deliver Waste to City's California State [sic, Street] Landfill at such additional volumes, and at the disposal rate agreed to by such third parties with City.) A representative for the applicant answered Councilmembers questions. Following lengthy discussion, Councilmember Gilbreath moved that pursuant to Section 15162 of the California Environmental Quality Act Guidelines, that no further environmental processing is required for approval of the waste disposal contract with Republic Services based on the following findings: the proposed contract would not result in any new significant environmental effects or a substantial increase in the severity of previously identified effects discussed in the Environmental Impact Report (EIR) for approval of the City's landfill; no substantial changes will occur with respect to the circumstances under which the landfill will be operated as a result of the approval of the Republic contract which would necessitate a revision to the EIR prepared for the landfill because of new significant environmental effects; and there is no new information of substantial importance having substantial environmental consequences arising to the City's attention as a result of the City's consideration of the Republic Contract that was not known, or could not have been known, at the time the Environmental Impact Report was adopted for the City's landfill. Motion seconded by Councilmember Aguilar and carried with Councilmembers Gallagher and Bean voting NO. Councilmember Gilbreath moved to approve the contract with Republic Services of Southern California for the disposal of solid waste at the California Street Landfill and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Aguilar and carried with Councilmembers Gallagher and Bean voting NO.

NEW BUSINESS

Notice of Annual Review - Development Agreement - Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Mayor Pro Tem Gilbreath conducted this portion of the meeting. Councilmember Gallagher moved to accept a notice that the development agreement with ESRI will be subject to an annual review in accordance with Chapter 18.220 of the Redlands Municipal Code. Motion seconded by Councilmember Aguilar and carried with Councilmember Harrison having abstained.

Biomass Gassification Plant - Following a presentation by Quality of Life Director van Dorst, Councilmember Gilbreath moved to approve a letter of intent between the City of Redlands and Care Beteiligungsverwaltung GMBH for negotiation and discussion of an agreement to partner in the siting, construction and operation of a biomass gassification plant near the California Street Landfill and authorized the Mayor to execute the letter of intent on behalf of the City. Motion seconded by Councilmember Aguilar and carried unanimously.

Contract Award - Funds - Police Lock-Up Modular - Following a presentation by Municipal Utilities and Engineering Director Hoerning, Councilmember Gilbreath moved to appropriate \$278,000.00 from the Public Facilities Fund and approve a contract with M-Space Holdings, Inc. in an amount of \$252,764.00 to fabricate and install the Police Department Lock-Up Modular at Fire Station No. 264 associated with the implementation of Phase 3 of the Safety Hall Interim Location Plan, authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City, and authorized a ten percent construction contingency. Motion seconded by Councilmember Gallagher and carried unanimously.

Appointment - Cultural Arts Commission - Mayor Harrison moved to appoint Chris Beach to serve the remainder of a term ending January 6, 2010, on the Cultural Arts Commission. Motion seconded by Councilmember Gilbreath and carried unanimously.

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

Resolution No. 6838 - State Budget - Following a presentation by Finance Director/City Treasurer Kundig, Councilmember Gilbreath moved to adopt Resolution No. 6838, a resolution of the City Council of the City of Redlands finding that a severe fiscal hardship will exist if additional City property tax funds are seized and additional unfunded mandates are adopted by the State of California. Motion seconded by Councilmember Gallagher and carried unanimously.

Resolution No. 6833 - Registration Fee - Abandoned/Vacant Properties - Public hearing was advertised for this date during the evening session to consider Resolution No. 6833 to establish a registration fee for abandoned and vacant properties. In light of the May 19, 2009, special State election, staff recommended moving this item to this time in order to consider continuation of the public hearing to June 2, 2009, at 3:00 P.M. Councilmember Gilbreath moved to approve this recommendation; motion seconded by Councilmember Gallagher and carried unanimously.

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 dinner meeting held on May 7, 2009. Mayor Pro Tem Gilbreath announced upcoming meetings and events. Mayor Pro Tem Gilbreath and Mayor Harrison announced they will not be able to attend the June 16, 2009, City Council meeting and asked that the proposed budget for 2009-2010 be considered at another meeting,

PUBLIC COMMENTS

None forthcoming.

CLOSED SESSION

The City Council meeting recessed at 4:52 P.M. to closed session to discuss the following:

1. 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

No report was expected following the closed session.

ADJOURNMENT

There being no further business, the City Council meeting adjourned following the closed session. The next regular meeting will be held on June 2, 2009.