

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 August 4, 2009, at 3:00 P.M.

PRESENT Pat Gilbreath, Mayor Pro Tem
Mick Gallagher, Councilmember
Pete Aguilar, Councilmember
Jerry Bean, Councilmember

ABSENT Jon Harrison, Mayor

STAFF N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Carl Baker, Public Information Officer; Tom Fitzmaurice, Police Commander; David Hexem, Chief Information Officer; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tom Steele, Assistant 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

Mayor Pro Tem Gilbreath opened the meeting with an invocation 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 Spot, a two year old lab-mix who is available for adoption at the Redlands Animal Shelter.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council approved the minutes of the regular meeting of July 21, 2009, as submitted.

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

Notification of Detection of DBCP and TCP in City Wells - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council acknowledged a notification of detection of DBCP and TCP in the City wells from the Municipal Utilities and Engineering Department.

Resolution No. 6870 - Recovery Act Grant Opportunity - Quality of Life Director van Dorst and Municipal Utilities and Engineering Director Hoerning responded to questions from Councilmembers Gallagher and Bean.

Councilmember Gallagher moved to adopt Resolution No. 6870, a resolution of the City Council of the City of Redlands authorizing an application to the U. S. Department of Energy for a Recovery Act grant opportunity for the deployment of waste energy recovery systems to fund the installation of a waste energy recovery fuel cell cogeneration system to produce 1400 kW at the Wastewater Treatment Plant. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Agreement - Maintenance of Breath Alcohol Analysis Instrument - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council approve, by AYE votes of all present, an agreement with the County of San Bernardino for the maintenance of the breath alcohol analysis instrument.

Funds - Amendment - Video Surveillance Services - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council approved, by AYE votes of all present, an appropriation of \$28,000.00 from the Public Facilities Fund and approved the first amendment to the Leverage Information Services Integrated Video Surveillance System agreement to furnish additional video surveillance services at the Safety Hall relocation interim facility in the amount of \$55,898.00, authorized the Mayor Pro Tempore to execute, and the City Clerk to attest to, the document on behalf of the City and authorized a construction contingency of up to 10 percent of the amended amount.

Funds - American Recovery and Reinvestment Act Award - In response to Councilmember Gallagher, Police Commander Fitzmaurice reported the grant-funded Police Criminologist position would only last as long as there are grant funds available which should be one year. Councilmember Gallagher moved to approve a supplemental appropriation of funds in the amount of \$149,355.00 to the Police Department from the 2009 American Recovery and Reinvestment Act Award for the purpose of hiring a grant-funded Police Criminologist and related computer equipment, the purchase of an automated vehicle license plate reader system and to offset the cost of Wackenhut Custody Officer contract. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Amendment - Telemedicine Research - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council approved, by AYE votes of all present, the first amendment to the City's existing agreement with Loma Linda University for telemedicine research to equip the firefighter/paramedics with portable audiovisual equipment and authorized the Mayor Pro Tempore to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution Nos. 6868-6869 - Parking and Business Improvement Area B - Mayor Pro Tem Gilbreath pointed out corrections needed on page three of the

Parking and Business Improvement Area B Annual Report. Councilmember Aguilar moved to Resolution No. 6868, a resolution of the City Council of the City of Redlands approving the annual report for Fiscal Year 2009-2010 for Parking and Business Improvement Area B. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present. Councilmember Aguilar moved to adopt Resolution No. 6869, a resolution of the City Council of the City of Redlands declaring its intention to levy and collect assessments for Fiscal Year 2009-2010 in Parking and Business Improvement Area B and setting a time and place for a public hearing on objections thereto (September 1, 2009, at 3:00 P.M.). Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Resolution No. 6871 - HOME Investment Partnerships Program - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council adopted, by AYE votes of all present, Resolution No. 6871, a resolution of the City Council of the City of Redlands authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnerships Program, any amendments thereto, and of any related documents necessary to participate in the HOME Investment Partnerships Program, and if selected, authorize the execution of a standard agreement and any related documents necessary to participate in the HOME Investment Partnerships Program and directed staff to prepare the application for submittal to the California State Department of Housing and Community Development by the deadline of August 14, 2009.

Resolution No. 6867 - CDBG Allocation - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council adopted, by AYE votes of all present, Resolution No. 6867, a resolution of the City Council of the City of Redlands approving the final allocation of Community Development Block Grant funds for the 2009-2010 fiscal year; authorizing the execution of certain agreements pertaining to the activities to be undertaken with Community Development Block Grant funds, and designating the City's Redevelopment Department as the lead department for the City's Community Development Block Grant program.

LAND USE

Santa Fe Depot - 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. In accordance with policies adopted by the City Council and the Planning Commission, the proposed expansion of the Santa Fe Depot building requires a Significant Project Presentation because the project entails alterations to a designated historic resource. Project Manager Tabitha Kevari reported the project involves a construction of a 3,351 square foot glass enclosure to the Santa Fe Depot building (colonnade) as well as interior improvements to the

structures. These additions would result in retail and restaurant areas. The project is located at 347 Orange Street in the Town-Center Historic District of the Downtown Specific Plan No. 45. The applications required to process this project include CEQA and a revision to Commission Review and Approval No. 624. The applicant's presentation is for informational purposes only. No action was required by the City Council at this time. A comment letter was received from Donn R. Grenda, Statistical Research, Inc. Representing the architects Leon Armantrout and J. Gary Stegemann, Janet Jones made a brief presentation for the adaptive use assessment for the Santa Fe Depot. Councilmember Gallagher said it looked like a great project. Mayor Pro Tem Gilbreath noted the Planning Commission was very enthusiastic about this project.

Housing Authority of the County of San Bernardino - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration for General Plan Amendment No. 2009-2-A to amend the General Plan Land Use Map by changing the Land Use Designation of approximately 19 acres located at the northeast corner of Orange Street and Lugonia Avenue from Low-Density Residential (0 to 6 units per gross acre) to Medium-Density Residential (0 to 15 units per gross acre); Specific Plan No. 61 for the development of approximately 19 acres into a single family and multiple family residential development containing 228 dwelling units and common area lots located on the northeast corner of Orange Street and Lugonia Avenue; a Housing Incentive and/or Concession Agreement to allow a development incentive that would allow waiver of the City's development standards for maximum exterior noise standards for residential development for a proposed 228-unit planned residential development on approximately 19 acres located at the northeast corner of Orange Street and Lugonia Avenue in the R-1 (Single Family Residential) District (proposed change to Specific Plan No. 61); Street Vacation No. 149 to vacate Sharon Road located generally north of Lugonia Avenue, east of Sixth Street and south of Delaware Avenue in the R-1 (Single Family Residential) District; Street Vacation No. 150 to vacate Holly Lane located generally north of Lugonia Avenue, east of Sixth Street and south of Delaware Avenue in the R-1 (Single Family Residential) District; Street Vacation No. 151 to vacate a segment of Sixth Street from Lugonia Avenue on the south to Delaware Avenue on the north in the R-1 (Single Family Residential) District; Street Vacation No. 152 to vacate a segment of Delaware Street from Orange Street on the west to its eastern terminus east of Sixth Street in the R-1 (Single Family Residential) District; Conditional Use Permit No. 955 to develop a 228-unit planned residential development on approximately 19 acres located at the northeast corner of Orange Street and Lugonia Avenue in the R-1 (Single Family Residential) District (proposed change to Specific Plan No. 61); and Tentative Tract Map No. 18762 to subdivide approximately 19 acres into forty-one (41) lots for a planned residential development having both single family and multiple family dwelling units on approximately 19 acres located at the northeast corner of Orange Street and Lugonia Avenue in the R-1

(Single Family Residential) District (proposed change to Specific Plan No. 61); for a public hearing to consider a Socio-Economic Analysis and Cost/Benefit Study for the above described project; and public hearings to consider Resolution No. 6872 to approve General Plan Amendment No. 2009-2-A; introduction and first reading of the title of Ordinance No. 2721 to approve Specific Plan No. 61; the Housing Incentive and/or Concession Agreement; Resolution No. 6873 to approve Street Vacation Nos. 149 through 152; Conditional Use Permit No. 955; and Tentative Tract Map No. 18762.

Mayor Pro Tem Gilbreath declared the meeting open as a public hearing. Principal Planner Manuel Baeza reviewed the proposed project. Mayor Pro Tem Gilbreath called for public comments. Susan Brenner, Executive Director of the Housing Authority, reviewed their proposed project. On behalf of The Redlands Association, Bill Cunningham expressed concern about the Housing Incentive and noise. Stephen Rogers expressed concern about the environmental review that he did not think was sufficient. On behalf of the applicant, Pat Meyer addressed Mr. Cunningham's concerns and expressed concurrence with the staff and Planning Commission's recommendation for a mitigated negative declaration. There being no further comments, the public hearing was declared closed.

Mitigated Negative Declaration - Councilmember Gallagher moved to approve the Mitigated Negative Declaration for General Plan Amendment No. 2009-2-A, Specific Plan No. 61, Street Vacation Nos. 149 through 152, Conditional Use Permit No. 955, Tentative Tract Map No. 18762 and the housing incentive and/or concession agreement and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Socio-Economic Analysis and Cost/Benefit Study- Councilmember Gallagher moved to approve the Socio-Economic Analysis and Cost/Benefit Study for General Plan Amendment No. 2009-2-A, Specific Plan No. 61, Street Vacation Nos. 149 through 152, Conditional Use Permit No. 955 and Tentative Tract Map No. 18762. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Resolution No. 6872 - General Plan Amendment No. 2009-2-A - Councilmember Gallagher moved to adopt Resolution No. 6872 to approve General Plan Amendment No. 2009-2-A. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Ordinance No. 2721 - Specific Plan No. 61 - Ordinance No. 2721, an ordinance of the City of Redlands rescinding the R-1 zoning designation established by prior ordinance and adopting Specific Plan No. 61 for the properties designated by the County of San Bernardino Assessor's Parcel Nos. 0167-221-13, 0167-221-14, 0167-371-01, 0167-372-01 and 0167-373-01, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gallagher, seconded by Councilmember Aguilar, further reading of the ordinance text was waived, and Ordinance No. 2721 was

introduced and laid over under the rules with adoption scheduled for September 1, 2009, by AYE votes of all present.

Resolution No. 6873 - Street Vacations - Councilmember Gallagher moved to adopt Resolution No. 6873, a resolution of the City Council of the City of Redlands finding that a portion of Sharon Road is unnecessary for present or prospective street purposes and ordering the vacation of a portion of Sharon Road (Street Vacation No. 149); that Holly Lane is unnecessary for present or prospective street purposes and ordering the vacation of Holly Lane (Street Vacation No. 150); that a portion of Sixth Street is unnecessary for present or prospective street purposes and ordering the vacation of a portion of Sixth Street (Street Vacation No. 151); and that a portion of Delaware Avenue is unnecessary for present or prospective street purposes and ordering the vacation of a portion of Delaware Avenue (Street Vacation No. 152). Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Conditional Use Permit No. 955 - Councilmember Gallagher moved to approve Conditional Use Permit No. 955, to be effective as of the effective date of Ordinance No. 2721, subject to the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Tentative Tract Map No. 18762 - Councilmember Gallagher moved to approve Tentative Tract Map No. 18762, to be effective as of the effective date of Ordinance No. 2721, subject to the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Building Height - Councilmember Gallagher moved to approve a building height in excess of two stories or greater than 35 feet in height for the proposed residential development pursuant to Section 4.40 of the General Plan based on the findings contained in the staff report. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present (a 4/5ths votes of the entire membership of the City Council was required on this motion).

Housing Incentive and/or Concession Agreement - Councilmember Gallagher moved to approve the Housing Incentive and/or Concession Agreement with the County of San Bernardino and authorized the Mayor Pro Tempore to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Judson Homes, LLC - Applicant - Public hearing was continued from July 21, 2009, to this time and place to consider a Draft Mitigated Negative Declaration for Agricultural Preserve Removal No. 119 to remove the agricultural preserve designation from approximately 19.92 acres located north of San Bernardino Avenue, south of Pioneer Avenue and east of Judson Street; Zone Change No. 437 to change the zoning designation from A-1 (Agricultural) District to R-E (Residential Estate) District for two parcels totaling approximately

19.92 acres located north of San Bernardino Avenue, south of Pioneer Avenue and east of Judson Street; Conditional Use Permit No. 939 for a planned residential development containing 41 single family residential lots located on approximately 19.92 acres located north of San Bernardino Avenue, south of Pioneer Avenue and east of Judson Street; and Tentative Tract Map No. 18571 for the subdivision of approximately 19.92 acres into 41 lots for single family residential purposes and five lettered lots for open space purposes located north of San Bernardino Avenue, south of Pioneer Avenue and east of Judson Street; to hold a hearing to consider a Socio-Economic Analysis and Cost/Benefit Study for the above described project; and to hold public hearings to consider Agricultural Preserve Removal No. 119; Zone Change No. 437; and Conditional Use Permit No. 939 and Tentative Tract Map No. 18571. Mayor Pro Tem Gilbreath declared the meeting open as a public hearing. Community Development Director Orci explained that staff recommends approval of an agreement with Judson Homes LLC to extend the time limits imposed by the California Environmental Quality Act for the completion of the environmental document for the subject project and that the public hearings associated with this agenda matter be continued to September 1, 2009, to allow for additional public testimony regarding the project. Eric Wroolie stated the future of the Redlands Municipal Airport was at stake if this project was approved and urged the City Council deny the project at this meeting. There being no further comments, the public hearing was declared closed. Councilmember Gallagher moved to approve the agreement with Judson Homes LLC extending the time limits for processing environmental documents pursuant to the California Environmental Quality Act and to continue consideration of the Mitigated Negative Declaration and the public hearings for the Socio-Economic Analysis and Cost/Benefit Study, Agricultural Preserve Removal No. 119, Zone Change No. 437, Conditional Use Permit No. 939 and Tentative Tract No. 18571 to September 1, 2009. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

PUBLIC HEARING

Resolution No. 6849 - Delinquent Municipal Services Account - Public hearing was noticed for this time and place to consider Resolution No. 6849, a resolution of the City Council of the City of Redlands approving a Delinquent Municipal Services Report and submittal of the report to the Auditor of San Bernardino County for lien processing. Mayor Pro Tem Gilbreath declared the meeting open as a public hearing. Assistant Finance Director Steele recommended adoption of Resolution No. 6849 for recordation of a special assessment on the 2009-2010 tax roll resulting from non-payment of a municipal services account. Mayor Pro Tem Gilbreath called for a public comments. Lorelie Samra, Tribal Reptile Company, Inc., said she was financially unable to pay the bill at this time. Her landlord Jenoto Chorselat complained that he had not been notified of the delinquent bill and complained about the problems they experience in the alley with illegal use of their

dumpster. There being no further comments, the public hearing was declared closed. Councilmember Gallagher moved to adopt Resolution No. 6849. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

NEW BUSINESS

Agreement - Hinckley Surface Water Treatment Plant - Following a report from Water Resources Manager Chris Diggs and discussion, Councilmember Gallagher moved to approve an agreement with URS Corporation in the amount of \$1,607,889.00 for design, engineering and construction management services for upgrades to the Hinckley surface water treatment plant and authorized the Mayor Pro Tempore to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

Resolution No. 6866 - Encroachment Permit Inspection Fee Waiver - Municipal Utilities and Engineering Director Hoerning reviewed Resolution No. 6866, a resolution of the City Council of the City of Redlands authorizing the waiver of encroachment permit fees for certain restoration improvements undertaken to cut-stone curbs by the Redlands Conservancy and for sidewalk improvements for existing residential and non-profit corporation-owned properties. Robert Daws, Redlands Conservancy, urged approval of this proposal. Councilmember Aguilar moved to adopt Resolution No. 6866. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Resolution No. 6865 - RDA Business Incentive Program - Redevelopment and Economic Development Director Hobbs reviewed the recommendation to approve the Redevelopment Agency Business Incentive Program and adopt Resolution No. 6865, a resolution of the City Council of the City of Redlands implementing the provisions of the City's General Plan by defining the phrase "new development projects" for purposes of the City's voter-approved initiative measure known as Measure "U." On behalf of The Redlands Association, Bill Cunningham addressed the City Council. Larry Pyle, Redlands Chamber of Commerce, felt this program would be an important tool for the revitalization of downtown and completely supported its approval. Councilmember Aguilar moved to approve the Redevelopment Agency Business Incentive Program and to adopt Resolution No. 6865. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

COMMUNICATIONS

Councilmember Aguilar reported on a meeting he attended with the East Valley Mayors regarding energy efficiency. Mayor Pro Tem Gilbreath reported on the League meeting held at Big Creek and reminded everyone of the Healthy

Redlands Health Fair to be held on Saturday, August 8, 2009, at the Community Center.

PUBLIC COMMENTS

Assembly Candidate - Darcel D. Woods introduced herself and announced she was running for the 59th Assembly District in 2010.

Noisy Animals - Patrick Chilson complained again about his neighbor's barking dogs and reported the Animal Control Board had not assisted him to his satisfaction. He urged the City Council to implement a policy and procedure to allow for an appeal to the City Council. Mr. Chilson was referred to Police Commander Fitzmaurice for further assistance.

CLOSED SESSION

The City Council meeting recessed at 4:38 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code §54956.8
Property: APN 0168-121-13
Agency negotiators: N. Enrique Martinez and Rosemary Hoerning
Negotiating party: Bruce Hinckley
Under negotiation: Terms and price of purchase of City property
2. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a)
 - a. One case: Octaviana Asamasama v. City of Redlands - San Bernardino Superior Court, Case No. CIVDS 901558
3. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(c)
 - a. One case: Possible initiation of litigation by City of Redlands
4. Conference with real property negotiator - Government Code §54956.8
Property: Portion of APNs 0292-156-16, 0175-011-62, 0175-011-77
Agency negotiators: N. Enrique Martinez and Rosemary Hoerning
Negotiating party: Marilee Rendulich, San Bernardino County Flood Control District
Under negotiation: Terms and price for easements
5. Conference with labor negotiator - Government Code Section 54957.6
Agency Negotiators: N. Enrique Martinez and Debbie Scott-Leistra
Employee Organizations: Redlands Association of Management Employees, Redlands Association of Mid-Management Employees, General Employees Association of Redlands (SBPEA), Redlands Civilian Safety Employees Association (SBPEA), Redlands Police Officers Association, Redlands Professional Firefighters Association, Redlands Association of Safety Management Employees and Redlands Association of Fire Management Employees

The City Council meeting reconvened at 6:20 P.M.

CLOSED SESSION REPORT

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

NEW BUSINESS

City Furlough Program - Human Resources Director Scott-Leistra reported the City has been involved in discussions with City employees regarding the furlough program for Fiscal Year 2009-2010. Four units have signed side letters agreeing to 80 hours of furlough time during the current fiscal year. The Redlands Association of Safety Management Employees have also agreed but the document is not ready for execution at this time. Councilmember Aguilar acknowledged those employees who stepped forward during this financial crisis. Councilmember Bean noted the citizens appreciation for the employees contributions. Councilmember Gallagher thanked the participating employees noting the citizens are also sacrificing by not having available as many hours of service from City employees. Mayor Pro Tem Gilbreath said this was a team effort and expressed appreciation to the participating employees. Councilmember Gallagher moved to approve the side letters regarding acceptance of Fiscal Year 2009-2010 employee furlough program for the Redlands Association of Management Employees, Redlands Association of Mid-Management Employees, the General Employees Association of Redlands and the Redlands Civilian Safety Employees Association and authorized the Mayor Pro Tem to execute the documents on behalf of the City. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 6:25 P.M.

The next regular meeting scheduled to be held on August 18, 2009, will not be held. The next City Council meeting will be held on September 1, 2009.