

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 20, 2010 at 3:00 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; Sam Irwin, City Clerk; Carl Baker, Public Information Officer; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Jeff 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 Gilbreath followed by the pledge of allegiance to the American flag.

PRESENTATIONS:

Redlands Animal Shelter - Animal Control Officer Bill Miller and Volunteer Lynda Ackerman introduced DJ, a one year old male Boxer/Lab mix who is available for adoption at the Redlands Animal Shelter. Ms. Ackerman informed the Council there are currently have 32 dogs and 14 cats at the shelter. Nineteen dogs and fifteen cats have been adopted since the previous Council meeting.

Meritorious Service – Fire Captain Mike Howard was recognized for his many years of conscientious service to the residents of our community.

Soroptimist Anniversary - Mayor Gilbreath presented Betsy Ellsworth with a proclamation recognizing the Soroptimist International of Redlands' 60th Anniversary.

CONSENT CALENDAR:

Minutes - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the special and regular meetings of April 6, 2010 as submitted.

Veteran Appreciation Month - On motion of Mayor Gilbreath, seconded by Mayor Pro Tem Bean, the City Council unanimously approved a proclamation

declaring May 2010 as “Veteran Appreciation Month.” The Mayor announced she would present the proclamation to an American Legion Post at an appropriate time.

Blue Ribbon Week - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved a proclamation declaring May 9-15, 2010 as “Blue Ribbon Week.”

Sexual Assault Awareness Month - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved a proclamation declaring April 2010 as “Sexual Assault Awareness Month.”

Eagle Scout Achievement - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously agreed to approve a Certificate of Achievement to Robert Foster, Jr. for attaining the highest rank in scouting of Eagle Scout.

Rotational Tow Agreements – Mayor Pro Tem Bean inquired as to the tow policy of the Redlands Police Department. He was assured by Chief Bueermann that every effort was made to avoid undue hardship for vehicle owners subject to towing. Individuals specifically forbidden from driving by the courts are the only cases in which mitigating circumstances are not considered prior to towing. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved rotational tow applications from Bronc’s Towing, Inc., L&L Towing, and Bill and Wag’s Inc.

Computer Software Agreements - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved an amended Software License Agreement and an amended Update and Support Agreement with Azteca Systems, Inc. for the training and implementation support for the “Cityworks” Permitting and Server Maintenance Management System.

Wastewater Reclamation Facility - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the purchase from Flo-Systems, Inc. of three peak pond pumps for the wastewater treatment plant.

Resolution No. 6934 – Transportation Programs - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6934 authorizing the Mayor and any City Council Member to execute California State Transportation (Caltrans) Program Agreements and related documents for state highway projects authorized by the City Council.

Well Rehabilitation - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously determined the approval of an agreement for the rehabilitation of Mentone Acres Well No. 2 is categorically exempt from further environmental review in accordance with the California Environmental Quality Act and awarded a construction contract with South West Pump and Drilling, Inc. to rehabilitate the well.

Pipeline Replacement Project - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously determined the approval of an agreement and construction of the Brookside Avenue Sewer Pipeline Replacement Project is categorically exempt from further environmental review in accordance with the California Environmental Quality Act, approved plans and specifications for the project and awarded a construction contract for the work to MCC Equipment Rentals, Inc.

Pavement Repair Project - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously determined the approval of an agreement and construction of the Nevada Street Sewer Trench Repair Project is categorically exempt from further environmental review in accordance with the California Environmental Quality Act, approved plans and specifications for the project and awarded a construction contract for the work to TE Roberts, Inc.

NEW BUSINESS:

Resolution No. 6941 – Desert Protection – Marisa Calderon, of the California Wilderness Coalition, provided a presentation on the California Desert Protection Act of 2010, a bill to designate certain federally owned lands in Southern California as National Monuments and Off Highway Vehicle Recreation Areas for the purpose of creating a framework to address renewable energy development, recreation on these lands and ecotourism in the area. Several speakers, representing diverse groups, provided public comments in support of the bill. Mayor Pro Tem Bean expressed concern that no one was present to speak against the bill. He pointed out that a proper decision should consider both sides of an argument. On motion of Councilmember Aguilar, seconded by Councilmember Harrison, the City Council unanimously approved Resolution No. 6941 endorsing and supporting the designation of wilderness, wild and scenic rivers, national monuments and National Park and Preserve wilderness additions within the California Desert Conservation Area.

Budget Advisory Committee - On motion of Mayor Gilbreath, seconded by Mayor Pro Tem Bean, the City Council voted to approve the appointment of Mayor Pro Tem Bean and Council Member Gallagher to an Ad-hoc Fiscal Year 2010-2011 Budget Advisory Committee whose purpose is to advise the City Council, the City Manager and staff regarding that budget. The committee's duration is to be limited and it is not subject to the Brown Act. Councilmember

Aguilar expressed his nonconcurrency with the formation of a budget subcommittee. He said he preferred to have all budget issues addressed by the City Council as a whole. Councilmembers Harrison and Aguilar voted against appointing the subcommittee.

Petroleum Product Purchase Agreements - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the award of bids to Petro Diamond, Merit Oil and Beck Oil for the purchase of fuel, oil, coolant, greases and hydraulic fluids.

Pipeline Replacement Project - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously determined the approval of the agreement and construction of the 2010 Sewer Capital Improvement Program Pipeline Replacement Project are categorically exempt from further environmental review in accordance with the California Environmental Quality Act, approved the Project plans and specifications, and awarded the contract for the work to MAMCO, Inc.

Reservoir Replacement - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Mitigated Negative Declaration for the Replacement of Country Club Reservoir No. 1 Project, directed staff to file and post a "Notice of Determination" in accordance with City of Redlands guidelines, approved the Project plans and specifications and awarded the contract for the work to Paso Robles Tank, Inc.

Street, Sidewalk and Landscaping Improvements - Rosemary Hoerning, Municipal Utilities and Engineering Director, and Gary Van Dorst, Quality of Life Director, each presented portions of a presentation describing projects to beautify the downtown business area. Every Councilmember agreed effort will provide a significant upgrade. Mayor described the projects as "our own stimulus package" pointing out that all the financing will come from sources external to the General Fund. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously determined the approval of the agreement and construction of the Orange Street and Redlands Boulevard Resurfacing, Sidewalk and Landscaping Improvement Project are categorically exempt from further environmental review in accordance with the California Environmental Quality Act and approved appropriations for the Project to be reimbursed from SANBAG Local Stimulus Funds. The motion also granted EBS, Inc. relief from its bid, dated April 7, 2010, for work on the Project and awarded the contract to All American Asphalt. On an additional motion from Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved the Ed Hales Park Improvement Reinvestment Project to be funded by Redevelopment Agency and Park Development Fund monies.

Computer Software Maintenance - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved an annual maintenance payment of \$129,015.87 to Systems and Software, Inc. for the enQuesta application.

PUBLIC HEARING:

Resolution No. 6932 - Sign Conditional Use Permit (CUP) No. 12 – Mayor Gilbreath opened the public hearing and called for a report from Manuel Baeza, Principal City Planner, covering the facts bearing on the CUP request to construct a freeway-oriented sign with an area of approximately 570 square feet and a height of 80 feet for Toyota of Redlands located at 921 New York Street in the EV/CG (General Commercial) District of the East Valley Corridor Specific Plan. Applicant testimony was provided by Gary Quiel, the builder of the sign, and Tom Bell, business owner. Mr. Quiel said the panels on the sign could be changed to accommodate changes in automobile inventory brand names. In response to a question from Mayor Pro Tem Bean, Mr. Bell assured the Council that shared use of the sign by neighboring like businesses would be a negotiable option if the situation were to arise in the future. As a public comment, Jeff Sceranka, President, Redlands Chamber of Commerce, expressed his support of the CUP request. On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved Resolution No. 6932 authorizing Sign CUP No. 12.

CLOSED SESSION:

1. Conference with real property negotiator - Government Code §54956.8
Property: APN 167-101-16
Agency Negotiator: N. Enrique Martinez and Rosemary Hoerning
Negotiating party: Southern California Edison
Under negotiation: Terms and price
2. Conference with legal counsel – Anticipated Litigation Government Code §54956.9(b) – Facts and circumstances: CSI Services’ threat of litigation relating to an inspection services contract with the City

The meeting reconvened at 6:00 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; Sam Irwin, City Clerk; Carl Baker, Public Information Officer; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Jeff 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:

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

NEW BUSINESS:

Grant of Easement - On motion of Mayor Pro Tem Bean, seconded by Councilmember Gallagher, the City Council unanimously approved doubling the size of an easement currently granted to Southern California Edison at the Texas Grove Facility.

PUBLIC HEARING:

Ordinance No. 2730 - Solid Waste Pull Down Service Rate – Mayor Pro Tem Bean and Councilmember Gallagher recused themselves from discussion and decisions on Ordinance No. 2730 because they are subscribers to Solid Waste Pull Down Service. Mayor Gilbreath opened the public hearing and called for a report from Gary Van Dorst, Quality of Life Director, who introduced Richard Tagore-Erwin of R3 Consulting Group, Inc. Discussion was confined to service rates for 280 subscribers of the City of Redlands Pull Down Service which involves containers being pulled down to the street by city employees prior to loading onto solid waste vehicles. On motion of Councilmember Aguilar, seconded by Councilmember Harrison, the three remaining principals unanimously approved the introduction of Ordinance No. 2730 which raises pull down service rates to \$12.87 effective 7/1/2010 and \$14.16 effective 1/1/2011.

Ordinance No. 2729 - Solid Waste Service Rates - Mayor Gilbreath opened the public hearing and called for Mr. Tagore-Erwin to continue his report to include all other solid waste service rates. The reasons cited for the need to increase service rates included a decrease in revenues from recycling, an increase in road use taxes, a loss of revenues due to the Redlands Unified School District changing service providers, and the need to replace vehicles in the aging solid waste collection fleet. Steve Stockton, from the Municipal Utilities and Public Works Commission, stated the commission fully supports the rate increases. Mayor Gilbreath pointed out that a major portion of the cost increases are due to mandates dictated by agencies external to the City of Redlands. As a public comment, Frederick Petry, President of the Brookside Park Apartments

Homeowners Association, pointed out the timing of the rate increases does not provide adequate warning to address the change in his organization's budget planning process. He suggested a phased process of three equal increases beginning with January 1, 2011 and continuing on July 1, 2011 and again on January 1, 2012. On motion of Councilmember Aguilar, seconded by Councilmember Harrison, the City Council voted to transfer \$28,914.00 from the General Fund to the Solid Waste Enterprise Fund to address additional costs associated with Blue Curb Service and direct staff to provide more information on Blue Curb Service within 90 days, and examine alternative ways to fund this service. Mayor Gilbreath and Councilmember Gallagher opposed the motion. On motion of Councilmember Aguilar, seconded by Councilmember Harrison, the City Council voted to approve the introduction of Ordinance No. 2729 which raises all other solid waste service rates 10% effective 7/1/2010 and another 10% effective 1/1/2011. Councilmember Gallagher was not convinced the rate increases cannot be avoided and voted against introducing the ordinance.

PUBLIC COMMENTS:

Volunteerism – Dennis Shelby, a 52 year resident of Redlands, expressed his displeasure with the junk mail he receives and then adds to his solid waste usage. He questioned whether lawn care workers in his neighborhood have business licenses. He volunteered to help enforce license requirements and recommended the use of volunteers to provide Blue Curb Service to invalid residents.

ADJOURNMENT

There being no further action required, the City Council meeting adjourned at 6:49 P.M. The City Council will meet at their next regularly scheduled meeting on May 4, 2010.