

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 November 3, 2009, at 3:00 P.M.

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

ABSENT None

STAFF N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Carl Baker, Public Information Officer; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; 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 followed by the pledge of allegiance to the American flag.

PRESENTATIONS

Redlands Animal Shelter - Animal Control Officer Bill Miller and Redlands Animal Shelter volunteer Lynda Ackerman introduced Chris, a one-year old Dachshund, who is available for adoption at the Redlands Animal Shelter.

Redlands Service Club Coalition - Councilmember Bean presented proclamations recognizing the following members of the Redlands Service Club Coalition for its generous donation of monies and labor for the Sylvan Park improvements: Assistance League of Redlands, American Legion Post 106, Grayback District of the Boy Scouts of America, Kiwanis Club of Redlands, Kiwanis Club of Redlands-Evening, Kiwanis Club of Redlands-Morning, Knights of Columbus-Council 3109, Lions Club-Evening, Redlands Community Hospital Auxiliary, Redlands Elk Lodge No. 583, Redlands Interfaith Council, Redlands Lodge 300 Free & Accepted Masons, Redlands Optimist Club, Redlands Round Table, Redlands Sunrise Rotary, Rotary Club of Redlands, Soroptimist International of Redlands, University of Redlands Office of Community Service Learning, and Zonta Club of Redlands.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meeting of October 20, 2009 as submitted.

Resolution No. 6894 - Event Tickets and Passes Policy- City Attorney McHugh explained the new regulations enacted by the Fair Political Practices Commission governing the distribution of event tickets or passes by a public agency to its officials. Following discussion, Councilmember Bean moved to adopt Resolution No. 6894, a resolution of the City Council of the City of Redlands approving a policy for the distribution of event tickets and passes to City officials with the City Clerk being responsible for administering the policy. Motion seconded by Councilmember Gilbreath and carried unanimously.

Settlement Agreement - Project Resources Group, Inc./Time Warner Cable - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously acknowledged a settlement and release agreement with Project Resources Group, Inc./Time Warner Cable from the incident which occurred on or about June 16, 2009, at or near Lugonia Avenue and Alabama Street. The City Council authorized settlement of this claim and this agreement reflects the Council's terms and conditions for settlement of this claim.

Proclamation - Honoring Dr. and Mrs. West - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation honoring Dr. Robert and Mrs. Donna West as the 2009 Grayback Council of Boy Scouts of America's Distinguished Citizens.

Proclamation - Diabetes Awareness Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring November 2009 as *Diabetes Awareness Month*.

Appointment - Citrus Preservation Commission - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously appointed Wayne Mishak to serve the remainder of a term ending April 16, 2012, on the Citrus Preservation Commission.

Resolution No. 6901 - Notice of Default - VicSeth Construction, Inc. - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6901, a resolution of the City Council of the City of Redlands authorizing issuance of a notice of default to subdivider and subdivider's surety related to Parcel Map No. 16021 and

extend the time for 180 days that the improvements may be constructed by VicSeth Construction, Inc. and/or Financial Pacific Insurance Company.

Agreement - Photovoltaic System - Wastewater Plant - Municipal Utilities and Engineering Director Hoerning reported the United States Department of Energy awarded the City a direct formula grant as part of the Energy Efficiency and Conservation Block Grant Program. This grant is part of the American Recovery and Reinvestment Act of 2009. Following discussion, Councilmember Harrison moved to approve a consultant service agreement with AECOM USA, Inc. in the amount of \$61,694.76 for design engineering services for a photovoltaic system at the wastewater plant and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Gilbreath and carried unanimously. Councilmember Aguilar complimented staff for their efforts working with the American Recovery and Reinvestment Act of 2009.

Fee Waiver - Redlands Professional Resources - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request by Redlands Professional Resources to waive City-related reservation fees associated with the use of Ed Hales Park to provide street music as a part of the "Shop Redlands First" campaign for downtown.

Agreement - Contraband Detection Canine Program - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement with the Redlands Unified School District for the provision and operation of a Contraband Detection Canine Program and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6899 - Neighborhood Stabilization Program - Redevelopment and Economic Development Director Hobbs reported the City signed a joint agreement with the County of San Bernardino on May 19, 2009, to administer the Neighborhood Stabilization Program, a state program designed to address housing foreclosures. The reason for this request from the County is that no cities in the region that are already operating a Neighborhood Stabilization Program have been able to fund a down payment assistance loan, but they have funded a few properties under the Acquisition Rehabilitation and Resale Program. If the County does not meet the deadlines to obligate these funds in a timely manner and spend it within three years, the money may be in jeopardy. This transfer would enable rehabilitation of foreclosed properties and because it is a loan program, the funds would be repaid and could be returned to the affordability Gap Assistance Category in the future. Councilmember Bean moved to adopt Resolution No. 6899, a resolution of the City Council of the City of Redlands authorizing the transfer of \$200,000.00 from the Affordability Gap Assistance Category to the Acquisition, Rehabilitation and Resale Category of the City's Neighborhood Stabilization Program pursuant to the request of the County of San Bernardino. Motion seconded by Councilmember Gilbreath and carried unanimously.

NEW BUSINESS

Salaries and Bills - 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 approve payment of salaries and bills. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present with Councilmember Bean having abstained.

Membership - IVDA/SBIAA - On March 18, 2008, the City Council authorized staff to pursue the possibility of the City of Redlands joining the Inland Valley Development Agency/San Bernardino International Airport Authority, a regional Joint Powers Authority. Councilmember Aguilar and Redevelopment and Economic Development Director Hobbs reviewed the possible benefits for the City as well as the possible reasons for not joining as a member of the Inland Valley Development Agency/San Bernardino International Airport Authority. Representatives from the Inland Valley Development Agency and San Bernardino International Airport Authority were present to answer questions. Councilmember Aguilar moved to consider participation in the Inland Valley Development Agency and San Bernardino International Airport Authority regional joint powers authorities and request formal amendments of both joint powers agreement to admit the City of Redlands. Motion seconded by Councilmember Gilbreath and carried unanimously.

Fee Waiver Policy - Redevelopment and Economic Development Director Hobbs reported the City Council had requested staff to look into the current policies and procedures, as well as the economic impact, related to the waiving of fees for City provided services and/or rental rates for City facilities for various non-profit groups. Staff reviewed what neighboring cities' current procedures are and their proposed procedures. Staff also received input from the City's economic consultant, John Yonai of Tierra West Advisors, who reported that "while various events may not generate sufficient public revenues to offset the actual City costs to support the events, the overall City's economic benefits derived from the recreational events throughout the year provide a stimulus to the local community; both economic and not-economic. These events are included as part of the City's economic development strategy that promotes the City, encourages visitations, provides local shopping, sustains property values, promotes community participation and encourages over 200,000 people a year to participate in events in the City of Redlands." It was recommended the City Council consider requiring requesting groups to include along with their waiver request, an economic impact statement that includes the estimated number of attendees and estimated per capita expenditure of goods and services by attendees, and to include an annual appropriation for fee waivers as a line item in the General Fund budget, and transfer funds to the respective department to cover the waiver to provide for fiscal discipline and proper accounting. Bill Cunningham noted it would be difficult to provide an

economic evaluation of the Christmas parade. Councilmembers discussed this matter at length and agreed there would be no maximum amount established and that staff would develop a better accounting for the economic benefits by creating an evaluation tool such as utilized by the City of Rancho Cucamonga.

Consolidation of Commissions - Following a presentation by Redevelopment and Economic Development Director Hobbs, Councilmember Gilbreath moved to approve the concept of consolidating the Housing Commission and the Business and Economic Development Advisory Commission and to direct the Redevelopment Agency/Business and Economic Development staff to develop a new mission statement for the consolidated commission and recommend the commission's title, membership, and powers and duties. Motion seconded by Councilmember Gallagher and carried unanimously.

Goals and Scopes of Service - Boards and Commissions - Quality of Life Director van Dorst explained the City Council adopted Resolution No. 6757 in September 2008. Resolution No. 6757 directed staff to work with their respective boards and commissions to develop specific scopes of service for adoption by the City Council and to report annually to the City Council on their progress. It was the intent of the City Council to establish rules for the City's boards and commissions that focus their attention on core policy issues and development of a City Council adopted scope of services. To date, nine boards and commissions have complied with the City Council's direction. In some instances, the attachments reflect the mission and direction to boards and commissions contained within the City of Redlands Municipal Code or other laws. In some instances, the goals and scopes of services were formally adopted and discussed by the respective boards or commissions and represent an active program by some boards or commissions to precisely define and clarify their role and responsibilities for the upcoming year. The motion recognizes that some boards and commissions have not yet addressed this City Council direction and directs staff to work with those respective boards and commissions to establish scopes of service in conformance with Resolution No. 6757. It was noted the City Council could modify the scopes of service or give direction to City staff on scopes of service for boards and commissions not yet addressed. The City Council could also choose to take up the discussion of consolidating boards and commissions by revisiting an earlier discussion. This discussion hinged on the efficiency of maintaining 16 separate boards and commissions and staff expending an estimated 11,000-plus hours in support of City Council appointed boards and commissions. Councilmembers concurred to consolidate the Open Space, Trails and Street Trees Committees under the Parks Commission and possibly consolidate the Parks and Recreation Commissions. Councilmember Gilbreath moved to accept the goals and scopes of services for the boards and commission as presented and directed City staff to complete scopes of services for the City's remaining boards and commission in conformance with Resolution No. 6757 including the redesign of committees

and commissions as discussed. Motion seconded by Councilmember Gallagher and carried unanimously.

Ordinance No. 2723 - City Clerk's Duties - Ordinance No. 2723, an ordinance of the City of Redlands amending Chapter 2.06 of the Redlands Municipal Code relating to the duties of the elective office of the City Clerk, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, further reading of the ordinance text was unanimously waived, and Ordinance No. 2723 was introduced with unanimous City Council approval and laid over under the rules with adoption scheduled for November 17, 2009, with the additional duty added which was approved earlier during this meeting by the adoption of Resolution No. 6894: Administrator of Ticket/Pass Distribution Policy.

Lease-Purchase Agreement - Police Vehicles - Councilmember Gilbreath moved to approve a lease-purchase agreement with California First National Bank for the lease of five 2010 Crown Victoria Police Interceptors from Redlands Ford and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Gallagher and carried unanimously.

PUBLIC COMMENTS

Police Department - Amanda Frye expressed her outrage at what she considered police harassment. Mayor Harrison asked City Attorney McHugh to work with the City Manager and Police Chief to address Ms. Frye's complaint.

CLOSED SESSION

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

1. Conference with labor negotiator - Government Code §54957.6
Agency Negotiator: 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
2. Conference with real property negotiator - Government Code §54956.8
Property: APN 0294-121-20
Agency negotiators: N. Enrique Martinez and Oscar Orci
Negotiating party: Gordon English
Under negotiation: Terms and price of possible purchase of property by the City

3. Conference with real property negotiator - Government Code §54956.8
Property: APNs 292-041-08 and 0292-041-44
Agency negotiators: N. Enrique Martinez and Gary van Dorst
Negotiating party: Dr. Tim Krantz, North American Biomass Company
Under negotiation: Terms and price for lease of City property
4. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) - Two cases:
 - a. City of Redlands v Shell Chemical Company, et al., San Bernardino Superior Court Case No. SCVSS 120627
 - b. Workers' Compensation Administrative Proceeding: Howard Davis

The meeting reconvened at 7:12 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; Rosemary Hoerning, Municipal Utilities and Engineering 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

Memorandum of Understanding - North American Biomass Company - Following an explanation from Quality of Life Director van Dorst, Councilmember Gilbreath moved to approve a memorandum of understanding with North American Biomass Company regarding the lease of City property. Motion seconded by Councilmember Gallagher and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:14 P.M. The next regular meeting will be held on November 17, 2009.