

MINUTES

of a regular meeting of the City Council of the City of Redlands held on November 17, 2009, at 3:00 P.M. This was a teleconference meeting held at the following locations:

1. Council Chambers, Civic Center, 35 Cajon Street, Suite 2, Redlands, California, and
2. Conference Room Andros A, The Mirage Resort, 3400 South Las Vegas Boulevard, Las Vegas, Nevada.

All votes during this teleconferencing meeting were conducted by roll call vote.

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; 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; Scott MacDonald, Fire Battalion 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 Harrison 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 Autumn, a one-year old female Vizsla-mix, who is available for adoption at the Redlands Animal Shelter.

Cut-Stone Curb Project - Robert Daws, Redlands Conservancy, presented a status report regarding the Cut-Stone Curb Project which has started this week.

Santa Ana River Trails Alignment Project - This will be re-scheduled on a future agenda.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved unanimously by roll call vote the minutes of the regular meeting of November 3, 2009, as submitted.

Ordinance No. 2723 - City Clerk Duties - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted, by roll call vote, 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.

Appointment - Traffic and Parking Commission - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously appointed, by roll call vote, Paul Letson to serve the remainder of the four-year term on the Traffic and Parking Commission ending December 12, 2012, as recommended by Mayor Harrison.

Resolution No. 6902 - Authority of City Treasurer - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted, by roll call vote, Resolution No. 6902, a resolution of the City Council of the City of Redlands confirming the authority of the City Treasurer, pursuant to Government Code Section 53607, and delegating the duties of investing or reinvesting funds of the City or to sell or exchange securities so purchased.

Resolution No. 6903 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted, by roll call vote, Resolution No. 6903, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: establish a two-hour time limit parking zone on New Jersey Street, north of Redlands Boulevard.

Resolution No. 6904 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted, by roll call vote, Resolution No. 6904, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: establish a two-hour time limit parking zone along the frontage of 453 Cajon Street.

Proclamation - Arbor Day - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation for the celebration of National Arbor Day in the City of Redlands.

Purchase and Sale Agreement - Cancellation - Granite Homes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved cancellation, by roll call vote, of the purchase and sale agreement and escrow instructions between the City of Redlands and GH Redlands, LLC (Granite Homes) for the sale of City property for Tract No. 16586.

Refund of Park Reservation Fees - SCVNGR, Inc. - SCVNGR, Inc.'s request to refund fees associated with their fund raising event scheduled to occur on November 14, 2009 was unanimously continued by roll call vote to December 1, 2009, on motion of Councilmember Harrison, seconded by Councilmember Gilbreath.

Resolution No. 6906 - California Energy Commission Application - Quality of Life Director van Dorst reviewed the proposed application with the City of San Bernardino to the California Energy Commission for the State Energy Program Municipal Financing District Program Opportunity for an amount of \$2 million with no matching requirement. Councilmember Harrison moved to adopt Resolution No. 6906, a resolution of the City Council of the City of Redlands authorizing the submission of a joint application with the City of San Bernardino to the California Energy Commission for the State Energy Program Municipal Financing District Program Opportunity for an amount of \$2 million with no matching requirement. Motion seconded by Councilmember Gilbreath and carried unanimously by roll call vote.

Resolution No. 6907 - Energy Leader Partnership Agreement - Quality of Life Director van Dorst reviewed the list of projects proposed under the Energy Leadership Partnership Agreement with Southern California Edison. Councilmember Harrison moved to adopt Resolution No. 6907, a resolution of the City Council of the City of Redlands authorizing the execution of an Energy Leadership Partnership Agreement with Southern California Edison, to renew an "Energy Leader Partnership" for Program Cycle 2010-2012. Motion seconded by Councilmember Gilbreath and carried unanimously by roll call vote.

Lease Agreement - Policing Station - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved, by roll call vote, a lease agreement with Orange Center LLC for the use of the North Orange Street Policing Station and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - Citizens' Option for Public Safety - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved, by roll call vote, the use of the 2009-2010 Citizens' Option for Public Safety funds and authorized an additional appropriation in the amount of \$110,991.00 to be expended as follows:

Applied Technology Specialist	\$27,648.00
Video Camera Monitor Operators	64,207.00
Specialized Training	<u>19,136.00</u>
Total	\$110,991.00

Funds - U. S. Department of Justice - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, by roll call vote, the City Council unanimously approved the grant award from the U. S. Department of Justice Community Oriented Policing Services and authorized an additional appropriation of \$161,999.00 to the Police Department for use of video camera technology to thwart on-campus crime at four school campuses.

Funds - City-Wide Art Inventory - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, by roll call vote, the City Council unanimously authorized the Cultural Arts Commission to fund a City-wide art inventory project, develop a promotional brochure for the arts and to expend the donated funds for this project not to exceed \$10,000.00.

Agreements - "Cityworks" Permitting and Server MMS - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved, by roll call vote, a software license agreement and the update and support agreement with Azteca Systems, Incorporated, for the training and implementation support for the "Cityworks" Permitting and Server MMS in the amount of \$68,500.00 and authorized the Mayor to execute, and the City Clerk to attest to, the documents on behalf of the City.

## 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 through a roll call vote with Councilmember Bean having abstained.

Donation - Friends of Prospect Park - On behalf of the Friends of Prospect Park, Kristen Saukel presented a check in the amount of \$50,000.00 to Mayor Harrison who then handed the check to Police Commander Tom Fitzmaurice who turned the check over to Finance Director/City Treasurer Kundig. Councilmember Gilbreath happily moved to accept the \$50,000.00 donation to the Police Department's Prospect Park Surveillance Camera Project from the Friends of Prospect Park. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote.

Appointments - Planning Commission - Mayor Harrison moved to reappoint Paul Foster and Eric Shamp and to appoint Jan Hudson and Conrad Guzkowski to serve four-year terms on the Planning Commission ending January 6, 2014. Motion seconded by Councilmember Gilbreath and carried unanimously by roll call vote. Councilmembers thanked Ruth Cook and James Macdonald (who were "termed out") for their many years of service on the Planning Commission.

Five-Year Water Main Capital Improvement Program - Water Resources Manager Diggs and Phil Mielke from the IT Department presented information regarding the Five-Year Water Main Capital Improvement Program which is also available on the City's website.

Ordinance No. 2724 - Water Efficient Landscape Requirements - Woody Hynes, Water Conservation Coordinator, reviewed Ordinance No. 2724, an ordinance of the City of Redlands amending Chapter 15.54 of the Redlands Municipal Code to establish water efficient landscape requirements. Ordinance No. 2724 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 by roll call vote, and Ordinance No. 2724 was introduced and laid over under the rules with adoption scheduled for December 1, 2009.

Ordinance No. 2725 - Payment of Claims and Warrants - Finance Director/City Treasurer Kundig reviewed Ordinance No. 2725, an ordinance of the City of Redlands amending Chapter 3.08 of the Redlands Municipal Code relating to the payment of claims and warrants. Ordinance No. 2725 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 by roll call vote, and Ordinance No. 2725 was introduced and laid over under the rules with adoption scheduled for December 1, 2009.

Statement of Investment Policy - Karin Grance, Revenue Manager, reviewed the proposed amendments to the Statement of Investment Policy. Councilmember Gilbreath moved to approve the Statement of Investment Policy as amended and recommended by the City Treasurer. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote.

Report on Effects of Initiative Ordinance - Mayor Harrison noted that Section 9212 of the California Elections Code authorized the City Council to call for the preparation of a report on the effects of a proposed initiative ordinance. He asked the City Council to consider requesting the preparation of such a report analyzing the economic/redevelopment impacts of the initiative ordinance proposing to prohibit "Mega-Retail Development" in the City. He recommended retaining John Yonai of Tierra West Advisors who is presently providing the City and Redevelopment Agency with professional consulting services relating to the City economics, financial impacts and redevelopment.

Tax increment funds may be properly used to pay the costs of this report. Speaking from the audience were Bill Cunningham on behalf of The Redlands Association, John Husing, Larry Pyle representing the Chamber of Commerce, Phill Courtney representing the Redlands Good Neighbor Coalition, Kyle Renteria, Pat Cabral, Phil Wizer, Frank Garcia, Steve Rogers, Mario Saucedo representing the North Redlands Visioning Committee, and John Yonai. A letter was received from Dorene Isenberg relating to this matter. Councilmember Gallagher moved to engage the services of John Yonai of Tierra West Advisors to prepare a report on the "Mega-Retail Development" initiative ordinance for a cost not to exceed \$20,000.00. Motion seconded by Councilmember Harrison and carried by roll call vote with Councilmember Gilbreath voting NO as she did not want to expend the funds.

Downtown Redlands Flood Mitigation Management - Municipal Utilities and Engineering Director Hoerning reported Congressman Jerry Lewis's Office is accepting funding requests from local agencies within his district area for consideration for possible inclusion in the 2010 Water Resource Development Act. The City of Redlands' Mill Creek tributary directs significant storm water to and through the downtown residential and business district. Historic flood records demonstrate that Redlands experiences significant flooding even during moderate storm events. This flooding impacts schools, public services, residents and businesses and is a deterrent to economic development. Councilmember Gilbreath moved to authorize staff to request downtown Redlands flood mitigation funding under the 2010 Water Resources Development Act through Congressman Lewis's office. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote.

Purchase and Sales Agreement - Property One, LLC - 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 this meeting. Municipal Utilities and Engineering Director Hoerning explained the recommendation to sell surplus City property located west of Texas Street and north of State Street. Councilmember Gallagher moved to approve a purchase and sales agreement to sell surplus City property located west of Texas Street and north of State Street (Assessor's Parcel No. 0171-171-07) to Property One, LLC in the amount of \$35,870.00. Motion seconded by Councilmember Bean and carried by AYE votes of all present through a roll call vote with Councilmember Harrison having abstained.

## ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath announced Healthy Redlands will participate at the Community Center's Christmas party on December 19, 2009; she also reported on her attendance at the Sister Cities Committee, North Redlands Visioning Committee, SANBAG and SCAG meetings. Councilmember Gallagher

reported Omnitrans did not hold a meeting this month. Mayor Harrison reported he attended the kick off for the Green Community Challenge, a National League of Cities meeting, and the Interagency Commission on Homeless meeting. SCAG is working on a grant relating the transfer of development rights.

## PUBLIC COMMENTS

Fee Waivers - Dr. Anderson again addressed the policy of fee waivers. Mayor Harrison informed him staff was developing a process to review these requests.

## CLOSED SESSION

The City Council meeting recessed at 4:49 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 0292-155-06  
(Redlands Business Spectrum Center)  
Agency negotiators: N. Enrique Martinez and Oscar Orci  
Negotiating party: John van der Velde  
Under negotiation: Terms and price for City's lease of property
3. Conference with real property negotiator - Government Code §54956.8  
Property: APN 872-36-12H  
Agency negotiators: N. Enrique Martinez and Oscar Orci  
Negotiating party: Oasis Church  
Under negotiation: Terms and price for City's lease of property to Oasis Church
4. Conference with real property negotiator - Government Code §54956.8  
Property: APN 0171-021-05  
Agency negotiators: N. Enrique Martinez and Rosemary Hoerning  
Negotiating party: American Legion Post 106  
Under negotiation: Terms and price for City purchase of easement
5. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) and possible initiation of litigation pursuant to Government Code §54956.9(c)
  - a. Cowan v University of Redlands, et al. – San Bernardino Court Case No. CIVSS808948

The meeting reconvened at 6:02 P.M.

PRESENT

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

ABSENT

Pete Aguilar, Councilmember

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; Rosemary Hoerning, Municipal Utilities and Engineering Director; Oscar W. Orci, Community Development 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

Stuart Avenue Storm Drain Improvements - Following a brief presentation by Municipal Utilities and Engineering Director Hoerning, Councilmember Gilbreath moved to authorize the purchase of an easement (Assessor's Parcel No. 0171-021-05) for the Stuart Avenue storm drain improvements from Redlands Post 106 the American Legion Department of California. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 6:03 P.M. The next regular meeting will be held on December 1, 2009.