

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 July 7, 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; 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 Councilmember Bean 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 Natalie, a 9 month old Alaskan Malamute-mix, who is available for adoption at the Redlands Animal Shelter. Chief Information Officer Hexem announced the Redlands Animal Shelter is participating in the www.petharbor.com website.

365 Club - Mayor Harrison, Police Chief Buermann and Civilian Volunteer Patrol member Jim Stellar presented "365 Club" membership certificates to its members. Commander Fitzmaurice reported the "365 Club" was started by Mr. Stellar in 1990 and to date \$231,000.00 has been donated through this organization for the Civilian Volunteer Patrol. Mayor Harrison thanked the Civilian Volunteers for all they do for the City and thanked the "365 Club" members for their generous financial support.

Climate Action Task Force - Jan Hudson, Chairman of the Climate Action Task Force, presented a update on their goals and recommendations. The group anticipates presenting information for consideration to the City Council in January 2010.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the special meeting of June 22, 2009, as submitted.

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

Settlement Agreements - Mary Jane Both - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously acknowledged settlement and release agreements with Soroptimist International of Redlands and the Redlands Music Association, Inc. resulting from action filed in San Bernardino Superior Court, entitled Mary Jane Both v. City of Redlands, Case No. SCVSS 148597. The City Council authorized settlement of this claim and this agreement reflects the Council's terms and conditions for settlement of this claim.

Proclamation - Parks and Recreation Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring July 2009 as *Parks and Recreation Month*, urging all residents to support the goal of a Healthy Redlands by participating in the activities available through the recreation programs and at the City's parks.

Resolution No. 6850 - Traffic - Speed Surveys - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6850, 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: determine speed limits for Alabama Street, Alta Vista Drive, Barton Road, Brockton Avenue, Brookside Avenue, Center Street, Central Avenue, Colton Avenue, Cypress Avenue, Dearborn Street, Elizabeth Street, Fifth Avenue, Ford Street, Judson Street, Lugonia Avenue, Mariposa Drive, New York Street, Orange Street, Palo Alto Drive, Pioneer Avenue, San Timoteo Canyon Road, Texas Street, University Street, and Wabash Avenue.

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement with Vector Engineering, Inc. to provide operational support for the California Street Landfill and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Purchase - Truck - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the

purchase of a 2009/2010 regular cab 4WD 19,500 pound truck from DownTown Ford Sales in Sacramento for the amount of \$39,585.00.

CDBG Fund Allocation - Curb Ramp and Sidewalk Improvement Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the allocation of additional Community Development Bock Grant (CDBG-R) funds to the existing Curb Ramp and Sidewalk Improvement Project.

Resolution No. 6841 - Execution of Fire Training Agreements - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6841, a resolution of the City Council of the City of Redlands delegating the authority for the approval and execution of fire training agreements to the City Manager or to the City Manager's authorized designee.

PUBLIC HEARING

Resolution No. 6846 - Appropriations Limit (Gann) - Public hearing was advertised for this time and place to consider Resolution No. 6846, a resolution of the City Council of the City of Redlands establishing an appropriation limit for the Fiscal Year 2009-2010 pursuant to Article XIII B of the California Constitution. Mayor Harrison declared the meeting open as a public hearing. Finance Director/City Treasurer Kundig reviewed the proposed resolution. Mayor Harrison called for a public comments. There being no verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6846. Motion seconded by Councilmember Gallagher and carried unanimously.

NEW BUSINESS

Agreement - San Bernardino Valley Municipal Water District - Municipal Utilities and Engineering Director Hoerning reviewed the background on the progress of the LAFCO proceedings regarding its consideration of Matter No. 3076 relating to the possible consolidation of the San Bernardino Valley Water Conservation District and the San Bernardino Valley Municipal Water District. Councilmember Gilbreath moved to determine that the agreement with the San Bernardino Valley Municipal Water District regarding the Local Agency Formation Commission's Matter No. 3076 relating to the possible consolidation of the San Bernardino Valley Water Conservation District and the San Bernardino Valley Municipal Water District is categorically exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to conceptually approve the agreement between the San Bernardino Valley Municipal Water District and the City of Redlands regarding the Local Agency Formation Commission's Matter No.

3076 relating to the possible consolidation of the San Bernardino Valley Water Conservation District and the San Bernardino Valley Municipal Water District. Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to authorize staff to submit a letter to LAFCO, subject to the City Manager's review, to include certain conditions of approval in the agreement. Motion seconded by Councilmember Gallagher and carried unanimously.

COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, there were no reports forthcoming from Councilmembers.

Local Government Summit - Mayor Harrison announced the League of California Cities is sponsoring a Local Government Summit on Governance and Fiscal Reform to be held on July 17 and 18, 2009, in Sacramento and suggested someone from the City Council attend.

Deployment of Redlands Crime Incidents - Chief Information Officer Hexem reported a hosted website (www.crimemapping.com) will take information from the City's Records Management System and upload this information to their website for public consumption to communicate crime information. A presentation was made providing background and showing the capability of the site for the residents of the community. One feature will allow residents to register to receive e-mail alerts on crimes within proximity of an address.

2009-2010 Budget - Councilmember Bean asked the City Council to reconsider adoption of the 2009-2010 budget and to consider several other proposals rather than approving the Joint Power Authority proposal to be considered later in this meeting. His suggestions included implementing an additional 11 days of employee holiday furloughs, not replacing six of the General Fund positions vacant due to the golden handshakes, not hire the five additional police officers, reduce departmental overtime in the Police, Fire, Human Resources and Quality of Life Departments, reduce expenses for the Department of Innovation and Technology, reduce expenses for training and tuition reimbursement and reduce expenditures for consultants and other professional services. He reviewed each of his proposals in detail. During the discussion of his proposals, Mayor Pro Tem Gilbreath announced she would not be supporting the Joint Power Authority proposal having learned that the term would have to be 55 years and she would only support 2-1/2 years. In light of what the City Council heard from Mayor Pro Tem Gilbreath, Councilmember Bean moved to direct the City Manager to come back to the Council on July 21, 2009, with a balanced budget guided by some of the suggestions in the "Bean Report" and most importantly that the City employees have to share in solving these problems and that other measures incremental to the departments be taken; that the Council, as a matter of policy, rejects the idea of closing or decimating entire departments - this is a

policy thing, advice given to the City staff on how to balance this budget; and that the staff come back with a report listing the changes they have made in the budget. Motion seconded by Councilmember Gallagher and failed with Councilmembers Harrison, Aguilar and Gilbreath voting NO. Councilmember Harrison moved to direct staff to develop some options for a balanced budget; to bring them back to the City Council on July 21, 2009; and that the City Council determine the opportunities for at least one, if not more, special meetings of the full City Council between now and the 21st to discuss alternatives. Motion seconded by Councilmember Gallagher and carried with Councilmember Aguilar voting NO. Following discussion, Councilmembers concurred to adjourn this session to Wednesday, July 8, 2009, at 7:00 P.M. to continue discussion regarding the 2009-2010 budget.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6855 - Lease of City Water and Wastewater Facilities - Resolution No. 6855, a resolution of the City Council of the City of Redlands authorizing staff to solicit a proposal from the Redlands Utility Authority to lease the City's municipal water and wastewater systems and setting a public hearing date (July 21, 2009) to evaluate such proposal, and directing staff to issue a request for proposals to operate City water and wastewater facilities, was presented for the consideration. Special Counsel Don Hunt reviewed the background of the structure of a joint power authority. Speaking on behalf of the Street Tree and Park Divisions, Erik Reeves urged the City Council to approve this proposal. Opposed to the proposal were Bill Cunningham, on behalf of The Redlands Association and the Sierra Club, and Don Wallace. Following discussion, Councilmember Harrison moved to adopt Resolution No. 6855. Motion seconded by Councilmember Aguilar and failed with Councilmembers Gilbreath, Gallagher and Bean voting NO.

Resolution No. 6856 - Creation of Redlands Utility Authority - Councilmember Harrison moved to adopt Resolution No. 6856, a resolution of the City Council of the City of Redlands authorizing the creation of the Redlands Utility Authority and taking certain other actions in connection therewith. Motion seconded by Councilmember Aguilar and failed with Councilmembers Gilbreath, Gallagher and Bean voting NO. (Also see Redevelopment Agency minutes dated July 7, 2009.)

Note: Based on this action, there was no action taken on the items included on the agenda for the Redlands Utility Authority.

CLOSED SESSION

The City Council meeting recessed at 5:18 P.M. to continue the Redevelopment Agency meeting and reconvened at 5:22 P.M. to a closed session to discuss the following:

1. 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
 2. Conference with real property negotiator - Government Code §54956.8
 Property: APNs 0171-053-01 and 02
 Agency negotiators: N. Enrique Martinez and Dan Hobbs
 Negotiating party: General Growth Properties
 Under negotiation: Terms and price for extension of easement agreement
 Due to a potential conflict of interest, Councilmember Bean did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office.
 3. Conference with real property negotiator - Government Code §54956.8
 Property: APNs 0168-751-58 and 0168-161-02
 Agency negotiators: N. Enrique Martinez and Oscar Orci
 Negotiating party: Bergman Companies
 Under negotiation: Terms for possible exchange of properties
 (Withdrawn from the agenda as staff determined that additional research and analysis must be performed.)
 4. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)
 a. One case: Facts and circumstances: Claim of Stanton Diamond
 5. Conference with legal counsel: Existing Litigation - Government Code §54956.9(c)
 a. One Case - Possible initiation of litigation by the City
 6. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a)
 a. City of Redlands, et al. v. The California Gateway, L.P. et al. - San Bernardino Superior Court Case No. CIVDS 906028
 7. Conference with legal counsel - Existing Litigation - Government Code §54956.9(a)
 a. One Case: State of California, et al., ex rel. Armenta v. James Jones Co., et al., LASC Case No. BC173487 and City of Banning et al. v. James Jones Co., et al., LASC Case No. BC321513; City of Redlands
- 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: "Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) - One case - Nancy Ochs v. City of Redlands, et al., San Bernardino Court Case No. SCVSS 146251." Motion seconded by Councilmember Gallagher and carried unanimously.

The meeting reconvened at 7:00 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; 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

CLOSED SESSION REPORT

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

PRESENTATION

Healthy Redlands - Patty People reported on the success of the *Blue and You Fitness Challenge*. Mayor Pro Tem Gilbreath thanked Ms. People for chairing this event.

ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath reported on her attendance at recent SANBAG and SCAG meetings. Councilmember Gallagher reported on his attendance at an Omnitrans meeting. Mayor Harrison reported he attend League of California Cities policy meetings on June 25, 2009, and threw out the first pitch for the 20th anniversary of the Australian Baseball Tournament on July 2, 2009.

PUBLIC HEARINGS

Ordinance No. 2717 - Development Impact Fees - Public hearing was advertised for this time and place to consider Ordinance No. 2717, an ordinance of the City of Redlands amending Chapters 3.44, 3.48 and 13.40 of the Redlands Municipal Code to establish water and wastewater development impact fees for senior-restricted residential development. Mayor Harrison declared the meeting open as a public hearing. Project Manager Wen Huang

reviewed the proposed ordinance. Mayor Harrison called for a public comments. Jeff Parker, Senior Housing Services, LLC, updated Councilmembers on the progress of his project. There being no further comments, the public hearing was declared closed. Ordinance No. 2717 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. 2717 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for July 21, 2009.

NEW BUSINESS

Employee Furlough Program - Human Resources Director Scott-Leistra reported the City has been involved in discussions regarding furloughs with all City employees but there is nothing to report at this time.

PUBLIC COMMENTS

Budget - Vern Sisken and Jack Poster, Civilian Volunteer Patrol Commander, expressed concerns about the 2009-2010 budget.

Barking Dogs - Patrick Chilson asked for assistance regarding barking dogs and owners that do not control them.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:42 P.M. to adjourned regular meeting to be held on Wednesday, July 8, 2009, at 7:00 P.M. in the City Council Chambers.