

MINUTES

of a regular meeting of the City Council of the City of Redlands on July 21, 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, 92373, and
2. Mohonk Mountain Homes, 1000 Mountain Rest Road, Room 9, New Paltrz, New York, 12561.

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

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; Jim Bueermann, Police Chief; 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; Tom Steele, Assistant Finance Director; Leslie Tafoya, Budget Analyst; 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 Gallagher 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 Cowboy, a one-year-old Shepherd/Basset mix, who is available for adoption at the Redlands Animal Shelter.

Water Conservation Poster Contest Winners - Woody Hines, Water Conservation Coordinator, reported 120 entries were received in the Water Conservation Poster Contest. Jared Orland, a third grader at Crafton Elementary School, and Heidi Lai, a fifth grader at Kimberly Elementary School, were the winners. Mayor Harrison presented Certificates of Recognition to Jaret and Heidi. Their posters are on display in the hallway near the entrance of the City Council Chambers.

Southern California Edison - Region Manager Beverly Powell introduced her replacement Linda La Pierre Ortiz. A PowerPoint was presented reviewing the state of the Southern California Edison utility system in the Redlands area. Mayor Harrison expressed appreciation to Ms. Powell for her exemplary service to the City during the past 12 years.

### LATE BREAKING ITEM

Closed Session - 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 - Anticipated Litigation - Government Code §54956.9(c): One case - Possible initiation of litigation by the City." Motion seconded by Councilmember Gilbreath and carried unanimously by roll call vote.

### CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved by roll call vote the minutes of the regular meeting of July 7, 2009, the adjourned regular meeting of July 8, 2009, and the special meeting of July 13, 2009, as submitted.

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

Resolution No. 6853 - Measure "O" Tax Levy - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted by roll call vote, Resolution No. 6853, a resolution of the City Council of the City of Redlands, California, levying a tax rate for Fiscal Year 2009-2010 to service the annual principal, interest and other charges relating to the Measure "O" 2003 General Obligation Refunding Bonds.

Resolution No. 6851 - CFD 2001-1 Tax Levy - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted by roll call vote Resolution No. 6851, a resolution of the City Council of the City of Redlands levying special taxes within the City of Redlands Community Facilities District No. 2001-1 (Northwest Development Project).

Resolution No. 6852 - CFD 2003-1 Tax Levy - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted by roll call vote Resolution No. 6852, a resolution of the City Council of the City of Redlands levying special taxes within the City of Redlands Community Facilities District No. 2003-1 (Redlands Business Center).

Time Extension - Walton Development, LLC - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved by roll call vote the request for a time extension by Walton Development LLC for a 90 day extension of the processing time limit established by the Permit Streamlining Act pursuant to Section 65957 of the State Planning and Zoning laws for Tract Nos. 16465 and 16627 for property located in the vicinity of the intersection of San Bernardino Avenue and Judson Street, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Safety Hall Request for Proposal - Mayor Harrison suggested additions to the Request for Proposal for "as-needed" project and construction management services for a new Safety Hall to include qualifications and experience with "Green Building"; requiring a specific contact person during the pre-bid process to ensure all receive the same information; advising the vendor they will be working with a committee of Councilmembers, staff and members of the public and that we will need assistance for the bond issue election; and various clean up in language and refining the process. Councilmember Bean suggested a report to the City Council be made periodically for their input. Councilmember Harrison moved to acknowledge receipt and ordered filed the Safety Hall Request for Proposal. Motion seconded by Councilmember Gilbreath and carried unanimously by roll call vote.

Ordinance No. 2717 - Water and Wastewater Development Impact Fees - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted 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.

Resolution Nos. 6861-6863 - Recycled Water Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted by roll call vote Resolution Nos. 6861, 6862 and 6863 enabling completion of a financial assistance application through the California Clean Water State Revolving Fund for American Reinvestment and Recovery Act funding for the recycled water project.

Resolution No. 6864 - CFD 2004-1 Tax Levy - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted by roll call vote Resolution No. 6864, a resolution of the City Council of the City of Redlands levying special taxes within the City of Redlands Community Facilities District No. 2004-1 for Tract No. 16408, Tract No. 16287, Parcel Map No. 17353 and Commission Review and Approval No. 826.

Resolution No. 6858 - Climate Showcase Communities Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted by roll call vote Resolution No. 6858, a resolution of the City Council of the City of Redlands authorizing submission of a grant application to the U. S. Environmental Protection Agency for a Climate Showcase Communities grant opportunity to fund an improvement to the existing electricity cogeneration facility at the City's wastewater treatment plant.

Resolution No. 6859 - Tree Partnership Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted by roll call vote Resolution No. 6859, a resolution of the City Council of the City of Redlands authorizing submission of a grant application to the South Coast Air Quality Management District for a tree partnership grant to replace and replant citrus trees in areas where the present species have become unproductive or unprofitable within the 204 acres of City-owned groves.

Support SB 696 - CEQA Exemptions: Emission Reduction Credit - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized by roll call vote the Mayor and City staff to support SB 696 (Wright) to provide a limited California Environmental Quality Act exemption for implementation of specific south Coast Air Quality Management District rules creating or providing air emission offsets from their internal air emissions bank within the District's air basin.

Resolution No. 6857 - Levy Paramedic Tax - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted by roll call vote Resolution No. 6857, a resolution of the City Council of the City of Redlands setting the special tax for emergency paramedic services as permitted by Ordinance No. 1900.

## COMMUNICATIONS

Meeting Attendance - In compliance with Government Code Sections 53232.2 and 53232.3, there were no reports forthcoming from Councilmembers since the Boardmembers are paying their own expenses to attend meetings as their contribution to the budget crises.

## UNFINISHED BUSINESS

2009-2010 Adopted Budget - Finance Director/City Treasurer Kundig reported that at its special meeting on June 22, 2009, the City Council approved the Fiscal Year 2009-2010 proposed budget on a 4-1 vote, including the addition of a part-time Administrative Assistant in the City Clerk's office for \$16,200.00 and reclassification of a Quality of Life department Project Specialist I to a Project Specialist II for an additional \$2,600.00. Prior to approving the Fiscal

Year 2009-2010 budget, the City Council reviewed the concept of closing the General Fund's Fiscal Year 2009-2010 projected \$2.5 million budget gap by forming a Joint Powers Authority to lease the City's Water and Wastewater facilities as allowed by the Public Utilities Code, with annual lease payments to the General Fund of \$2.5 million annually (\$2 million from Water and \$500,000.00 from Wastewater, respectively). While a motion to approve the lease payments over a 4-year period failed, a motion to approve the lease payments over a 2.5 year period passed by a vote of 3-2. Inclusion of the JPA concept into the Fiscal Year 2009-2010 Budget provided for a balanced budget.

At its July 7, 2009 Council meeting, Councilmember Bean asked the City Council to reconsider adoption of the Fiscal Year 2009-2010 budget. During the discussion of this item, Mayor Pro Tem Gilbreath indicated that she would withdraw her support of a JPA because she was uncomfortable with the legal opinion that the term of the lease would have to be set long-term, and during later discussion of the JPA by outside legal counsel, she did withdraw her support. The budget session was adjourned to a session on July 8, 2009, at which time staff presented three options to the Council to address the \$2.5 million budget gap that remained as a result of elimination of the JPA option. The following options were presented:

Option 1: This option was previously presented to Council Members and was developed on the premise that police and fire would be preserved and revenue-generating departments would not be impacted. It provided for reductions in the Parks and Street Trees Divisions, City Attorney, Recreation and Senior Services and Library with reductions totaling \$2.8 million. (Note: The JPA lease option was the recommended option of the City Manager and staff, in lieu of Option 1. However, Option 1 was recommended when the Council eliminated the JPA option. Other options were presented to respond to the Council actions of July 7, 2009.)

Option 2: This option provided alternatives to budget reductions in the form of borrowing of funds and/or sale of City property to meet the \$2.5 million shortfall.

Option 3: This option, prepared following the July 7, 2009 Council meeting provided reductions in various other departments in addition to some considered in Option 1 and totaled \$2.6 million, plus additional reductions of \$148,000.00 in the Department of Innovation and Technology, not all of which would impact the General Fund.

After a review of reductions proposed in Option 3, the Council recommended the following cuts:

City Council

Reduce SCAG and NLC Membership Dues (10%)	\$ 1,176.00
Reduce Office Supplies for Proclamations and Certificates	250.00

Finance

Reduce Software and Development for maintenance agreement with Bi-tech (financial software system) 3,000.00

Reduce Auditing and Accounting Services for annual audit and infrastructure update 3,000.00

Fire

Various cuts totaling \$277,250.00 were presented; however, Council rejected these in total and asked the Fire Chief to bring back \$50,000.00 in cuts. The Fire Department has recommended the following:

Suppression:

Computer Software 1,800.00

Temporary Services 7,500.00

Special Contractual Services 5,000.00

Prevention:

Special Contractual Services 2,200.00

Emergency Preparedness:

Meetings and Professional Development 500.00

Software Support and Maintenance 8,000.00

Emergency Medical Services:

Fixed Assets (delay replacement of cardiac monitors) 25,000.00

Police

Eliminate hiring of 5 police officers at mid-year 264,472.00

Department of Innovation and Technology

Reduce number of citywide PC replacements (\$40,000.00 reduction: 54% of savings allocated to General Fund (\$21,600.00) and 46% to non-General Fund departments (\$18,400.00) 21,600.00

Total General Fund Reductions \$ 343,498.00

After recommending cuts from Option 3, the Council discussed the possibility of staff looking for additional cuts as well as the borrowing of funds from either the General Fund's Reserved Fund Balance or from other funds.

In response to Council's request, staff undertook further review and reconciliation of special contractual services in individual departments in comparison to costs included in the IT budget. An analysis by Police, IT and Finance determined that \$122,837.00 in costs that had been moved into the IT budget were not specifically IT expenditures and therefore should be charged to the appropriate line-item expenditures in the Police Department. Alternatively, \$180,080.00 of special contractual and telephone costs included in the Police budget were determined to be IT related expenditures, most appropriately charged to the IT budget and then allocated to the department through IT charges. The adjustment to expenditures of \$122,837.00 in IT will be offset by corresponding revenue from IT charges, so there is no net impact to the IT budget. However, adjustments in various special contractual and telephone

expenditure line-items of \$180,080.00 and in Police IT charges of \$122,837.00, result in net savings to the General Fund of \$302,917.00.

A review of IT charges for the Library showed that the increase in IT charges from the prior year was the result of \$65,500.00 in direct charges to the Library for Software Support and Maintenance, Hardware Maintenance/Replacement and Communications Services and Rentals. Library Board President Bill Hardy, and Library Director Larry Burgess, met with staff and indicated the Foundation's desire to continue to provide financial support for information technology at the Library. Accordingly, they recommended that the Foundation pick up the direct charges for the Library and that these costs be removed from the budget.

In addition to the proposed cuts, staff provided the following options to Council for borrowing of funds from outside the General Fund as follows:

1. Water Operating Fund (501) - As of June 30, 2009 the cash balance in the Water Fund, excluding liabilities and reserves is \$19.5 million.
2. Wastewater Operating Fund (521) - As of June 30, 2009 the cash balance in the Wastewater Fund, excluding liabilities and reserves is \$5.6 million.
3. Open Space Impact Fund (227) - As of June 30, 2009 the cash balance in the Open Space Fund is approximately \$2 million with no liabilities or expenditures.
4. Park Development Impact Fund (250) - As of June 30, 2009 the cash balance in the Park Development Fund is approximately \$2.6 million with requirements for debt service payments on the Sports Park loan of approximately \$100,000.00 annually.

After taking into consideration the City Council's approved reductions of .00343,498, as well as additional savings of \$302,917.00 from Police and \$65,500.00 from the Library, the remaining budget gap is \$1,788,085.00. The Council may choose to borrow funds to meet this remaining gap, either from outside the General Fund or from the General Fund Reserves. City Manager and staff have identified General Fund Reserves as a potential source for borrowing, instead of from outside the General Fund. Ordinance No. 2660 allows the City Council, by a 4/5 vote, to use reserve funds in certain specified circumstances, and does not require that this be in the form of a borrowing. However, since the ordinance makes it clear that the intent of the balanced budget requirement is not to use reserve funds for on-going operations and also establishes a minimum reserve policy, it may be more appropriate to "borrow" rather than "take" funds from General Fund Reserves, and to replenish the reserves as soon as feasible. Given the current state of the economy and the expectation that the economy will not recover quickly, it is proposed that any borrowing be in the form of a loan over five years, with no payments until the end of year two, and with an interest rate based on Local Agency Investment Fund (LAIF) interest rates. Deferral of payments for two years provides an opportunity for the City to get through the immediate difficult economic times

and to pursue revenue enhancements. At the request of the City Council, the City Manager and staff are currently exploring options with the Budget Committee to consider for revenue generating ballot measures over the Fiscal Years 2009-2010 and 2010-2011.

Expressing concerns about the possible cuts to the Recreation and Senior Services' budgets were Natalie Herbert, Kristen Stephens, and Lajos F. Vardos. Steven Rogers submitted written comments and stated he did not see the crises is there was \$6.1 million "unspent" from the prior fiscal year. Following discussion, Councilmember Gilbreath moved to amend the Fiscal Year 2009-2010 adopted budget as follows: remove the JPA lease revenue from Fiscal Year 2009-2010 adopted budget and incorporate \$711,915.00 in additional reductions into the Fiscal Year 2009-2010 adopted budget. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote. Councilmember Aguilar moved to amend the Fiscal Year 2009-2010 adopted budget as follows: balance the Fiscal Year 2009-2010 Financial Sources to Requirements by allocating \$1,788,085.00 from the General Fund Reserve with the goal to balance the current year budget without use of those reserves. Motion seconded by Councilmember Gallagher and carried by the required four-fifths vote with Councilmember Gilbreath voting NO in the roll call vote. Councilmember Aguilar moved to request staff report back to the full City Council and Redevelopment Agency Board of Directors the effects of the state budget enactment at a meeting in September. Motion seconded by Councilmember Gilbreath and carried unanimously by roll call vote.

Budget Committee Report - Councilmember Aguilar reported that at the Budget Committee meeting held on Monday, July 13, 2009, Councilmembers Aguilar and Bean discussed with staff potential revenue-generating ballot options for upcoming elections. The following recommendations were made by the Budget Committee: (1) not to pursue a ballot measure for the November 2009 election because the timeline is too short; however, keep the June and November 2010 election dates open for consideration by the City Council at-large and (2) with consensus of the City Council at-large, issue a Request for Proposal for a consultant to conduct polling and assist with educational information prior to placing a revenue-generating measure on the ballot. Councilmembers concurred with these recommendations.

Economic Development Plan - 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 the meeting. Redevelopment and Economic Development Director Hobbs reported the Economic Development Strategy Report was presented to the City Council on September 16, 2008. The City Council reviewed the Husing Report at the October 21, 2008, November 4, 2008, December 9, 2008, and January 6, 2009 meetings. At the completion of those



discussions, the Mayor requested that the final staff report address the seven major categories organized by Dr. Husing in his initial presentation. The City Manager had also requested that those recommendations which staff suggests going forward with, be organized according to the previously established Council Goals. All staff recommendations in the report are described as objectives in support of specific Council Goals. And, all objectives contain specific measurement criteria. Those measures are quantitative, qualitative, or descriptive. At the suggestion of the Mayor, the report was circulated to all Boards and Commissions for review and comment on February 26, 2009, with a requested return date of March 27, 2009. On June 2, 2009 the City Council reviewed and modified the wording as needed. The City of Redlands Economic Development Plan and Work Program was adopted for Fiscal Year 2009-2010 as modified. A final copy with the revised language has been provided to Councilmembers for their review. Steven Rogers submitted written comments regarding what he felt were inconsistencies within the 2009-2010 operating budget, Economic Development Plan and Draft 5-year Consolidated Plan as approved on May 5, 2009. Councilmember Gilbreath suggested several changes to staff regarding the Compass Blueprint and transit-oriented development. Councilmember Gilbreath moved to receive and file the Economic Development Plan for Fiscal Year 2009-2010. Motion seconded by Councilmember Aguilar and carried by roll call vote with Councilmember Harrison having abstained.

## NEW BUSINESS

League of California Cities Annual Conference - Following a discussion about who would be attending the League of California Cities Annual Conference in September, Councilmember Harrison moved to designate Mayor Pro Tem Pat Gilbreath to serve as the voting delegate for the League of California Cities' 2009 Annual Conference scheduled for September 16-18, 2009, in San Jose. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote. Councilmember Harrison moved to designate Councilmember Pete Aguilar and Mayor Jon Harrison to serve as the alternate voting delegates for the League of California Cities' 2009 Annual Conference. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote.

Contract - Safety Hall Relocation - Municipal Utilities and Engineering Project Manager Tim Wilson reported the City's Safety Hall on Brookside Avenue was vacated late last year. Police Officers and support personnel were temporarily relocated to other facilities. Currently, the City is preparing the Emergency Operations Facility at Fire Station 264 on Park Avenue to receive displaced personnel. An additional facility to house the displaced Fire Department personnel and a separate facility to address the booking and lockup functions of the Safety Hall are both specifically designed for their use and are currently being manufactured. These modular units will be moved to the Corporation Yard and are "essential facilities" and as such require utilities and site work to

support their functionality. To solve this problem staff prepared plans and specifications to reconstruct and add new utilities, emergency standby generator and parking lot reconfiguration, accessible walkways and address any code compliance issues. Upon completion of the project, the new modular units will have been installed and the facility will be prepared for the installation of tenant improvements and occupancy. Staff estimates the construction time to be 80 days. Additional items related to the implementation of the tenant improvement to complete the Police Department occupancy of the facilities will be provided separately. Councilmember Gilbreath moved to determine that the award of the contract for construction of the Safety Hall Relocation Interim Facilities Site Work project at the City Corporation Yard is exempt from environmental review under the California Environmental Quality Act (“CEQA”) Guidelines Section 15301 and direct staff to file a Notice of Exemption in accordance with law. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote. Councilmember Gilbreath moved to approve the project site work plans and specifications, waive the minor irregularity in the apparent low bidder bid proposal (failure to acknowledge Addendum No. 2), and award a contract to Hinkley Construction Company for the total bid amount of \$233,000.00. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote. Councilmember Gilbreath moved to approve the contract with Hinkley Construction Company, authorize the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. and authorize the expenditure of a construction contingency up to 10 percent of the contract amount. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote.

### CLOSED SESSION

The City Council meeting recessed at 4:44 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 legal counsel: Existing Litigation - Government Code §54956.9(a)
  - a. Marisela Labastida v City of Redlands, et al - Los Angeles County Superior Court Case No. BC400800
3. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(c)

- a. One case - Possible initiation of litigation by the City (added as a late breaking item at the beginning of the meeting.)

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; 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

CLOSED SESSION REPORT

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

ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath announced a Healthy Kids Fair will be held on August 8, 2009, from 10:00 A.M. at the Community Center. Councilmember Aguilar reported he and Mayor Harrison and Mayor Pro Tem Gilbreath attended the League of California Cities Inland Empire Division meeting. Councilmember Gallagher reported he and Councilmember Aguilar attended the recent LAFCO meeting on behalf of the City, and he attended a Water Advisory Board meeting.

## LAND USE AND PUBLIC HEARINGS

Judson Homes, LLC - Applicant - Public notice was advertised for 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 Harrison declared the meeting open as a public hearing. Project Manager Sergio Madera reviewed the proposed project and the Planning Commission's recommendation the project be denied citing several reasons including: residential development encroaching airport; the lack of architectural plans and final landscape plans for their review with the tentative tract; the surplus housing inventory in the City (including approved un-built units) coupled with the state of the housing market; and whether or not residential land uses are appropriate for the site. Mayor Harrison called for public comments. Representing the applicant, Attorney William Holzwarth reviewed the proposed project and stated they agreed with the staff's conclusion with respect to the governing documents and policies that are in effect and guide future development within the vicinity that the project is consistent with and complies with all the relevant documents and policies that guide development within the City. Mr. Holzwarth also submitted a letter earlier in the day. Opposed to the proposed project were: Ingrid Biglow, member of the Airport Advisory Board and Redlands Flying Club; Eric Wroolie, pilot and tenant at the Redlands Municipal Airport; Eric Paul, Redlands Hangar Owners Association; Dr. Peter Rohl, Advatech Pacific, Inc. located at the Redlands Municipal Airport; Ron Klinkebiel, member of the Airport Advisory Board; and Brad Baurer, High Performance Helicopters located at the Redlands Municipal Airport. City Clerk Poyzer reported an e-mail was received from Bob Pearce, member of the Airport Advisory Board, opposing the agricultural zone change, and the letter from the applicant's attorney. The public hearing was declared closed. Councilmembers discussed the proposed project and its proximity to the runway at the Redlands Municipal Airport and the flight pattern for helicopters. Councilmembers Harrison,

Gallagher, Gilbreath and Aguilar indicated their support of the Planning Commission's recommendation but expressed a willingness to continue the matter so that staff could prepare the findings necessary to deny the project. Councilmember Harrison moved to continue this matter to August 4, 2009. Motion seconded by Councilmember Gilbreath and carried unanimously by roll call vote.

## PUBLIC HEARINGS

Resolution No. 6854 - Historic Resource - Public hearing was advertised for this time and place to consider the recommendation of the Historic and Scenic Preservation Commission to designate property located at 314 West Colton Avenue as Historic Resource Designation No. 110. Mayor Harrison declared the meeting open as a public hearing for any questions or comments concerning this matter. Associate Planner Tabitha Kevari reviewed the application and recommendation of the Historic and Scenic Preservation Commission. Janet Nakada, the applicant, was present and concurred with the recommendation. There being no further verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to find that the City's possible approval of Resolution No. 6854 was exempt from the California Environmental Quality Act pursuant to Section 15061b(3) of the CEQA Guidelines. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote. Councilmember Gilbreath moved to adopt Resolution No. 6854 a resolution of the City Council designating the property located at 314 West Colton Avenue as an historic property (Historic Resource Designation No. 110). Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote.

Resolution No. 6826 - Street Lighting Assessment District - Public hearing was advertised for this time and place to consider Resolution No. 6826, a resolution of the City Council of the City of Redlands confirming a diagram and assessment for the 2009-2010 fiscal year in connection with Street Lighting Assessment District No. 1 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code. Mayor Harrison declared the meeting open as a public hearing. Municipal Utilities and Engineering Director Hoerning reported the preliminary report for the Street Lighting Assessment District No. 1 was presented to the City Council on June 2, 2009. The City Council adopted Resolution No. 6824 on June 2, 2009, granting preliminary approval to the Engineer's Report and adopted Resolution No. 6825 setting this time and place for a public hearing to consider its intention to levy and collect assessments for Fiscal Year 2009-2010. It was noted the assessments collected do not cover the cost to the General Fund in the amount of \$37,412.00 but that staff is preparing for an election to increase the assessments by the end of the calendar year. Mayor Harrison called for any public comments. There being no verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt

Resolution No. 6826. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote.

Resolution No. 6830 - Landscape Maintenance Assessment District - Public hearing was advertised for this time and place to consider Resolution No. 6830, a resolution of the City Council of the City of Redlands confirming a diagram and assessment for the 2009-2010 fiscal year in connection with Landscape Maintenance District No. 1 pursuant to the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code. Mayor Harrison declared the meeting open as a public hearing. Municipal Utilities and Engineering Director Hoerning reported the preliminary report for the Landscape Maintenance Assessment District No. 1 was presented to the City Council on June 2, 2009. The City Council adopted Resolution No. 6828 granting preliminary approval to the Engineer's Report on June 2, 2009, and adopted Resolution No. 6829 setting this time and place for a public hearing to consider its intention to levy and collect assessments for Fiscal Year 2009-2010. It was noted the assessments collected do not cover the cost to the General Fund in the amount of \$45,051.00 but that staff is preparing for an election to increase the assessments by the end of the calendar year. Mayor Harrison called for any public comments. There being no verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6830. Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote.

## NEW BUSINESS

Memoranda of Understanding - Side Letters - Human Resources Director Scott-Leistra reported there was nothing to report at this time.

Appeal - Pharaoh's Lost Kingdom Theme Park - Due to a potential conflict of interest, City Manager Martinez retired from the Council Chambers and did not participate in this matter. City Attorney McHugh announced that he and Community Development Director Orci, who are involved in the litigation and revocation of proceedings for Conditional Use Permit No. 617, as amended, would not participate in this matter to ensure all parties of an unbiased assessment. Assistant City Attorney Reiter and Assistant Community Development Director Dalquest joined staff at the dais. Assistant Community Development Director Dalquest reported the City of Redlands has received two appeals of the Planning Commission's decision to revoke Conditional Use Permit No. 617, as amended. In accordance with the provisions of Chapter 1.06 of the Redlands Municipal Code, the City Council must set the matter for a public hearing. Once the hearing date is established the City will provide written notice of the time and place of said hearing in accordance with the State Planning and Zoning Laws. Councilmember Gilbreath moved to set a public hearing on September 1, 2009, at 7:00 P.M. in the City Council Chambers to consider the appeals of the Planning Commission's decision to revoke

Conditional Use Permit No. 617 (Pharaoh's Lost Kingdom Theme Park). Motion seconded by Councilmember Gallagher and carried unanimously by roll call vote.

#### PUBLIC COMMENTS

Community Center - An instructor of Tai Chi classes at the Community Center asked for permission to unlock the Community Center to conduct her classes in the evening now that the Community Center is operating under reduced hours. She was directed to work with Police Chief Bueermann at the close of the meeting.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:03 P.M. The next regular meeting will be held on August 4, 2009.