

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 6, 2007, at 3:00 P.M.

PRESENT

Jon Harrison, Mayor
Pat Gilbreath, Mayor Pro Tem
Gilberto Gil, Councilmember
Mick Gallagher, Councilmember
Pete Aguilar, Councilmember

ABSENT

None

STAFF

N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Jim Drabinski, Fire Chief; Steven H. Dukett, Interim Redevelopment Agency Director; Tom Fujiwara, City Engineer; Tina Kundig, Finance Director and Acting Administrative Services Director; Gary G. Phelps, Municipal Utilities Director; Jeffrey L. Shaw, Community Development Director; Kurt Smith, Chief Information Officer; Gary Van Dorst, Quality of Life Interim Director

The meeting was opened with an invocation by Mayor Pro Tem Gilbreath followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the regular meeting of October 16, 2007, and the special meeting of October 23, 2007, were approved as submitted.

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

Amendment - Document Services Agreement - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved Amendment No. 12 to the document services agreement with Xerox Corporation to include a unit for technology that allows scan, print and fax capabilities for the Redevelopment Agency office now located at 210-212 East Citrus Avenue and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

City Treasurer Operations - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously acknowledged receipt of a report on the status of the City Treasurer's office operations and confirmed of approval of the City staff actions. The City has contracted with Judy Jacobson to perform treasury operation duties and contracted with Ajilon Professional

Staffing, LLC for temporary staffing to assist in carrying out the operations of the City Treasurer's office.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on October 23, 2007, was acknowledged as received.

Tract No. 17676 - Final Approval - Vines Development, Applicant - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously granted final approval for Tract No. 17676 which will subdivide approximately 3.5 acres into six lots for property located on the southwest corner of Clifton Avenue and Harding Drive.

Funds - Open Space Land Acquisition - The request for an appropriation of Open Space Funds in the amount of \$39,324.57 to be used as a 45 percent match for an EPA grant for land acquisition and habitat enhancement of land in San Timoteo Canyon from the Cheisman Family Trust and Cardinal Family Trust was withdrawn from the agenda as requested by staff.

Voting Delegate - National League of Cities - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously designated Mayor Harrison to serve as the official voting delegate for the National League of Cities Congress of Cities annual business meeting to be held on November 17, 2007, in New Orleans, Louisiana.

Resolution No. 6665 - Investment of City Monies - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6665, a resolution of the City Council of the City of Redlands authorizing investment of City monies in the Local Agency Investment Fund by Tina T. Kundig, Finance Director, Thomas M. Steele, Assistance Finance Director; Judy Jacobson, Interim Revenue Manager; or N. Enrique Martinez, City Manager or such officer's successor in office.

Lease Agreement - Boys and Girls Club of Redlands - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a lease agreement with the Boys and Girls Club of Redlands for use of the land and structures at the southwest corner of Lugonia Avenue and Clay Street and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - Change Order - Boys and Girls Club of Redlands - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an appropriation of \$39,000.00 from the Neighborhood Improvement Program to fund a change order to the contract with Harris and Associates and approved an amendment to the contract with Harris and Associates to perform construction management services for the Boys and Girls

Club of Redlands building project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - Contract Amendment - Redlands Sports Park - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an appropriation of \$22,000.00 from the Park Fund to fund Amendment No. 9 to the contract with STB Landscape Architects, Inc. for the Redlands Sports Park and approved Amendment No. 9 to the contract with STB Landscape Architects, Inc. to include architectural construction management services for the Redlands Sports Park restroom building project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - Contract - Redlands Sports Park - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an appropriation of \$75,000.00 from the Park Fund to fund the contract with Harris and Associates for the Redlands Sports Park restroom building project and awarded a contract to Harris and Associates to perform construction management oversight and inspection services for the Redlands Sports Park restroom building project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Well Motor and Shaft - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with SoCal Pump & Well for the purchase and installation of a replacement well motor and head shaft for the City's Airport 2 well and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - One Stop Permit Center - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement for a public improvement project with Hinkley and Associates, Inc. for building alterations to facilitate construction of the One Stop Permit Center in the Civic Center based on a negotiated contract amount of \$28,113.00 and authorized staff to approve anticipated additional costs up to 10 percent over such total amount and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Reprogram CDBG Funds - Redlands Community Music Association - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the request to reprogram \$2,800.00 from unprogrammed Community Development Block Grant funds to Case No. 111-20627/1234 (Cultural Education Program: Redlands Community Music Association).

Vehicle Purchase - LNG Frontloaders - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of two LNG 2008 frontloaders from Carmenita Ford Truck Sales, Inc. in the amount of \$433,973.84.

Grant Application - Tree Planting - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized an application through the California Resources Agency for Environmental Enhancement and Mitigation Grant Funds to improve air quality through the planting of trees and other suitable plants.

Ordinance No. 2683 - Urinating and Defecating in Public - Ordinance No. 2683, an ordinance of the City of Redlands adding Section 9.16.040 to the Redlands Municipal Code relating to urinating and defecating in public, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gil.

Funds - COPS Funds - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the use of the 2007-2008 Citizens' Option for Public Safety Funds as outlined in the staff report and authorized an additional appropriation in the amount of \$137,248.00.

Local Emergency Report - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council acknowledged receipt of the report regarding the status of the declared local emergency at the Civic Center due to the flood, mold and asbestos remediation and efforts to return to normal City operations.

PLANNING AND COMMUNITY DEVELOPMENT

Density Bonus Housing Agreement - Housing Authority Partners I - Community Development Director Shaw reported the City Council, on June 19, 2007, approved multiple requests for the Housing Authority Partners I, Incorporated that included a General Plan Amendment, Zone Change and Conditional Use Permit to allow for the development of a 71-unit senior housing complex on approximately 3.63 acres located on the east side of Webster Street, north of Lugonia Avenue. The City Council also adopted a Mitigated Negative Declaration for the project. On staff's recommendation, the City Council continued the request for approval of a density bonus agreement. Because the project is designed for low or very low income seniors, it is eligible for this incentive. The Redevelopment Agency has been working concurrently on additional incentive agreements in order to ensure they are consistent with this density bonus agreement (See Redevelopment Agency minutes for November 6, 2007). Final concurrence has now been reached on the Agency Incentive agreements between staff and the applicant; therefore, staff now recommends the density bonus agreement be approved. Expressing

appreciation to all involved, Councilmember Gil moved to approve the density bonus agreement with Housing Partners I, Incorporated for Assessor's Parcel No. 167-201-68 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.

COMMUNICATIONS

Meeting Attendance - No reports were forthcoming from Councilmembers regarding attendance at any meetings at City expense as required by Government Code Sections 53232.2 and 53232.3. Mayor Harrison did report on his recent attendance at the United State Conference of Mayors Climate Protection Conference and will provide a report at the next City Council meeting. Mayor Pro Tem Gilbreath reported on her attendance at the grand opening of *Babies 'R Us* and thanked them for their donation to the Fire Department.

NEW BUSINESS

Resolution No. 6662 - Incentive for LEED Development - Quality of Life Interim Director Van Dorst presented Resolution No. 6662, a resolution of the City Council of the City of Redlands authorizing establishment of permit processing incentives for Leadership in Energy and Environmental Design (LEED) development. Processing permit incentives include streamlining the permit process for LEED certified development by moving the review and approval permit process for LEED development to the "head of the line." Jan Stephens, Inland Empire Labor and Management Cooperation Committee, supports cities and the County of San Bernardino to bring "green" into our communities and offered their assistance. Councilmember Gilbreath moved to adopt Resolution No. 6662. Motion seconded by Councilmember Gallagher and carried unanimously.

Ordinance No. 2684 - City Treasurer Duties - At a special meeting held on October 23, 2007, the City Council authorized the City Manager to accept certain additional duties associated with the operations of the City Treasurer's office. At the recommendation of the City Manager, Ordinance No. 2684 amends the provisions of the Redlands Municipal Code to reassign certain responsibilities and duties from the City Treasurer to the City's Finance Director or the Director's designee. Following discussion, Ordinance No. 2684, an ordinance of the City of Redlands amending Chapters 2.16, 3.24, 5.04, 5.16, 5.20, 5.68, 6.04 and 8.64 of the Redlands Municipal Code relating to duties associated with the sale of surplus City property, the administration of transient occupancy and business license taxes, the issuance of alarm system, outdoor festival, bingo and yard sale permits, and the administration of dog licenses and fortune telling permits, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Harrison,

further reading of the ordinance text was waived, and Ordinance No. 2684 was introduced and laid over under the rules with adoption scheduled for November 20, 2007, with Councilmember Gallagher voting NO.

Resolution No. 6663 - Call Special Municipal Election - Mayor Pro Tem Gilbreath presented Resolution No. 6663, a resolution of the City Council of the City of Redlands, California, calling and giving notice of the holding of a special election to be held on Tuesday, February 5, 2008, for the purpose of submitting to the voters the question of whether the Office of the City Treasurer shall be appointive, for consideration. Councilmember Gallagher felt the "checks and balances" system was important and that it was much too premature to take this action. Councilmember Gil did not feel this was the appropriate time to take this action and wanted to let the investigation take its course. Councilmember Aguilar also felt it was premature and was not supportive of this action at this point. Mayor Harrison felt more research and analysis was needed. No action was taken on this resolution.

Resolution No. 6664 - Ballot Arguments - No action was taken on Resolution No. 6664, a resolution of the City Council of the City of Redlands setting priorities for filing a written argument regarding the City Council's submission of the question to the voters of whether the Office of City Treasurer shall be appointive.

PUBLIC COMMENTS

Adrian Asencio asked Councilmembers what has been done about the weeds on State Street and Eureka Street. Mayor Harrison reported a citizens group is working on it, and Mr. Asencio suggested the areas be "weed-whacked" in the interim. Mr. Asencio stated his opposition to the proposed Super Wal-Mart and also thought light rail would enhance and help the City.

CLOSED SESSION

The City Council meeting recessed at 3:30 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code §54956.9(a) - Two cases (City Attorney McHugh)
 - a. Howard S. Butcher v City of Redlands; Frank Antonio Rocha, et al - San Bernardino County Superior Court Case No. SCVSS 144840
 - b. Dayle Yvette Lewis v City of Redlands, et al - San Bernardino County Superior Court Case No. SCVSS 139082

ADJOURNMENT

No report was expected following the closed session and the City Council meeting was adjourned. The next regular meeting will be held on November 20, 2007.