

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 February 19, 2008, 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; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Jim Drabinski, Fire Chief; Steven H. Dukett, Interim Redevelopment Agency Director; Tina Kundig, Finance Director; Chris Diggs, Interim Municipal Utilities and Engineering Director; Bob Dalquest, Interim Community Development Director; Deborah Scott-Leistra, Human Resources Manager; Kurt Smith, Chief Information Officer; Gary Van Dorst, Quality of Life Director

The meeting was opened with an invocation by Councilmember Bean followed by the pledge of allegiance.

PRESENTATIONS

Pet Adoptions - Animal Control Officer Bill Miller introduced Tommy, a very friendly chow chow, and Animal Shelter Volunteer Lynda Ackerman introduced the very vocal wire-haired dachshund named Freddie; both are available for adoption at the Redlands Animal Shelter. Mr. Miller announced that Sadie, the retriever mix, who appeared at the last City Council meeting, has been adopted.

Proclamation - African American History Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring February as *African American History Month*. Dr. John Walsh, Human Relations Commissioner, presented the proclamation to Dr. Amos Isaac in recognition of his efforts to break down racial barriers in the Redlands Unified School District, providing inspiration in his service on the Redlands Interracial Council and City of Redlands Human Relations Commission, and assistance in organizing a Juneteenth celebration in Redlands. In celebration of Black History Month the Olive Avenue Market provided roses for distribution at the meeting.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the minutes of the regular meeting of February 5, 2008, were approved as submitted.

Ordinance No. 2694 - Election Date - Ordinance No. 2694 an ordinance of the City of Redlands moving the date of the City's General Municipal Election from the first Tuesday after the first Monday in November of odd-numbered years to the first Tuesday after the first Monday in November of even-number years commencing with the year 2010, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

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

Ordinance No. 2678 - Purchasing Policy - Councilmember Bean said there were several significant changes in Ordinance No. 2678 an ordinance of the City of Redlands amending Chapter 2.16 of the Redlands Municipal Code relating to City purchases; changes he felt may not be the best policies. He reviewed several sections of the ordinance where he had concerns including the need for more procedures and guidelines for single source purchases; criteria for the lowest, responsible bidder, approaching professional services on a cost basis, and the City Manager and City Council awarding contracts without input from the Purchasing Department. Following a lengthy dialogue, Councilmember Bean moved to approve the formation of a seven member citizens' panel to examine the operations of the City's Purchasing Department and procurement policies under which the City operates and to make recommendations if the panel finds changes that are needed to foster competitive, open, fair purchasing that serves the City's best interests; members of the panel would be executives from large businesses, universities and organizations including at least five professional purchasing executives; members of the panel would be appointed by the Mayor and approved by the City Council; and the panel would be asked to recommend to the City Council any proposed changes in the City's purchasing operation and policy by September 1, 2008. Further discussion ensued with City Manager Martinez promising that quarterly reports of any contracts signed by the City Manager would be provided in regards to single source and sole source purchases. Councilmember Bean withdrew his first motion which was not seconded and moved to change Section 2.16.170 to require competitive bidding on professional services unless exempted by sole source procedures as provided for in this ordinance with the exception of those areas exempted under Government Code Section 4526 which are to be based on qualifications. Motion seconded by Councilmember Harrison. Councilmember Gallagher said he was in favor of forming the citizens' panel but felt "you get what you pay for." The motion then carried with Councilmember Gallagher voting NO. Councilmember Harrison moved to continue Ordinance No. 2678 to March 4, 2008. Motion seconded by Councilmember Gallagher and carried

with Councilmember Gilbreath voting NO as she wanted to adopt the ordinance as presented.

Planning Commission Actions - Due to potential conflicts of interest, Councilmembers Aguilar and Bean retired from the Council Chambers and did not participate in this matter; Public Disclosure of Potential Conflict of Interest forms are on file in the City Clerk's Office. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the report of the Planning Commission meeting held on February 12, 2008, was acknowledged as received.

Ordinance No. 2690 - California Building Code - Ordinance No. 2690 an ordinance of the City of Redlands amending Chapter 15.04 of the Redlands Municipal Code relating to the adoption of the 2007 California Building Code (California Code of Regulations, Title 24, Part 2) by reference and making amendments thereto, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Ordinance No. 2691 - California Plumbing Code - Ordinance No. 2691, an ordinance of the City of Redlands amending Chapter 15.08 of the Redlands Municipal Code relating to the adoption of the 2007 California Plumbing Code (California Code of Regulations, Title 24, Part 5) by reference and making amendments thereto, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Ordinance No. 2692 - California Electrical Code - Ordinance No. 2692, an ordinance of the City of Redlands amending Chapter 15.12 of the Redlands Municipal Code relating to the adoption of the 2007 California Electrical Code (California Code of Regulations, Title 24, Part 3) by reference and making amendments thereto, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Ordinance No. 2693 - California Mechanical Code - Ordinance No. 2693, an ordinance of the City of Redlands amending Chapter 15.16 of the Redlands Municipal Code relating to the adoption of the 2007 California Mechanical Code (California Code of Regulations, Title 24, Part 4) by reference and making amendments thereto, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Funds - Contract - Santa Ana River Wash Management Plan - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a contract with Reinhart-Fontes Associates, Inc. for conducting an appraisal of City-owned property located in the Santa Ana River Wash on approximately 186.6 acres on the west side of the 210 Freeway, east of Alabama Street (APNs 167-011-09 and 11), to determine the value of approximately 80 acres designated as habitat area within the proposed Santa Ana River Wash Management Plan, authorized the Mayor to execute, and the

City Clerk to attest to, the document on behalf of the City and approved an additional appropriation in the amount of \$5,450.00 for the same.

Lot Line Adjustment - City-Owned Property - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved (pursuant to an earlier City of Redlands' Purchase and Sale Agreement with Oakmont National Development II, LLC dated September 4, 2007) filing of a lot line adjustment application with the County of San Bernardino for City-owned property (APNs 292-041-08, 09 and 17) generally located near Palmetto Avenue and Nevada Street.

Funds - San Bernardino Avenue Street Widening Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an appropriation of \$245,201.00 from the Local Transportation Fund to fund the acquisition of a roadway easement for the San Bernardino Avenue street widening project.

Reprogram CDBG Funds - Redlands Community Music Association - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved reprogramming \$5,050.00 from City Council's Unprogrammed Community Development Block Grant funds to Case No. 111-20627/1234 - Cultural Education Program: Redlands Community Music Association.

Reprogram CDBG Funds - Tree Planting - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved reprogramming \$30,000.00 from the City Council's Unprogrammed Community Development Block Grant funds to the Quality of Life Department Community Development Block Grant 2008-2009 Program Year proposal related to tree planting in the target area.

Ordinance No. 2679 - Property Maintenance - Ordinance No. 2679, an ordinance of the City of Redlands adding Chapter 8.08 to the Redlands Municipal Code relating to property maintenance and deleting Chapters 8.16, 8.28 and 8.32 relating to hospitals, public eating places and slaughtering of animals, respectively, was unanimously continued to March 4, 2008, on motion of Councilmember Harrison, seconded by Councilmember Gallagher.

Agreement - Wildland Fire Protection Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an annual agreement with the California Department of Forestry and Fire Protection Services for wildland fire protection services and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Ordinance No. 2689 - California Fire Code - Ordinance No. 2689, an ordinance of the City of Redlands amending Chapter 15.20 of the Redlands Municipal Code, and adopting with certain amendments the 2006 Edition of the International Fire Code incorporating the 2007 Edition of the California Fire Code, Part 9 of Title 24 of the California Code of Regulations, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Agreement - Kristi Viera - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an independent contractor agreement with Kristi Viera for toddler music classes for the City's Recreation Bureau and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Ordinance No. 2695 - Vicious Dogs - Ordinance No. 2695, an ordinance of the City of Redlands amending Chapter 6.05 of the Redlands Municipal Code relating to vicious and potentially dangerous dogs, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Amendment - Density Bonus Agreement - Housing Partners I - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the first amendment to a density bonus agreement with Housing Partners I (approved November 6, 2007) and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Proclamation - Optimist Club of Redlands - Civics Day - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation commending the Optimist Club of Redlands for sponsoring Civics Day which is scheduled to be held on March 4, 2008.

COMMUNICATIONS

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

Agreement - American Youth Soccer Organization - Due to a potential conflict of interest, Councilmember Gallagher 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. Quality of Life Director Van Dorst presented an agreement with the American Youth Soccer Organization (AYSO) pertaining to the use of fields at the Redlands Sports Park. The proposed agreement incorporates the revised phasing of the Redlands Sports Park. No other changes were made to the agreement from November 2005. On behalf of AYSO, Kyle Larick addressed the City Council and answered their questions. Mayor Harrison asked staff and Mr. Larick to consider setting up an

endowment fund for future renovations and refurbishing of the fields. Mayor Harrison also expressed interest in including an Exhibit B to show the "duck's head" with a notation indicating first right of refusal by AYSO for development. Discussion also included an explanation that the area identified on Exhibit A as a future phase was outside the scope of this agreement and the City was not obligated to develop it. Councilmember Gilbreath moved to approve the field use and youth soccer agreement with the American Youth Soccer Organization (AYSO) pertaining to the use of fields at the Redlands Sports Park and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Bean and carried by AYE votes of all present with Councilmember Gallagher having abstained. Mr. Larick expressed his appreciation for the City's support.

Utility Advisory Committee - Mayor Harrison asked for City Council concurrence to direct staff to prepare a recommendation for the Utility Advisory Committee (UAC) process. Presently, the ordinance that established this committee contains no specifics as to the membership of the committee or the committee's term. Staff's recommendation should include the size of the committee, the term and scope of charge and any related ordinance amendments to implement that recommendation. In the past, the City Council has appointed the same residents who had previously served. At this time, Mayor Harrison recommended a more defined process be developed and that the committee composition be analyzed further. He also recommended staff coordinate with the City's rate study consultant as to any modifications to the consultant's scope of work and associated costs that may be needed to accommodate the Utility Advisory Committee as part of the consultants work program. Councilmember Harrison moved to direct staff to prepare a recommendation for the Utility Advisory Committee selection process for the next evaluation period of the utility rates and to coordinate with the City's rate study consultant as to any modifications to the consultant's scope of work and associated costs that may be needed to accommodate the UAC as part of the consultant's work program and recommended modifications to the ordinance that implements the Utility Advisory Committee in terms of clarifying how it would operate in the future. Motion seconded by Councilmember Gilbreath and carried unanimously.

Grant Deed - Redlands Palmetto II, LLC - Quality of Life Director Van Dorst explained the City executed a purchase and sale agreement in September 2007 to sell 5.65 acres of the Marshburn property to Oakmont Industrial Group. Councilmember Gilbreath moved to authorize the Mayor to execute, and the City Clerk to attest to, a grant deed with Redlands Palmetto II, LLC. Motion seconded by Councilmember Aguilar and carried unanimously. Councilmember Gilbreath moved to approve an assignment of leases to Redlands Palmetto II, LLC, on behalf of the City, and approve an assignment of purchase and sale agreement with Redlands Palmetto II, LLC; and authorize the Mayor to execute, and the City Clerk to attest to, a quitclaim and termination of lease with Jay II Lee and Jose Gabino Codero Meneses. Motion seconded by Councilmember Gallagher and carried unanimously.

Presentation - EB-5 Visa Economic Development Loan Program - Interim Redevelopment Agency Director Dukett reported the Business and Economic Development Advisory Commission received a presentation from Patrick Hogan and William Hurley of California Military Base Export (CMB) LLC on January 9, 2008. At the February 6, 2008, meeting, Commissioners Greg Horton and Jeff Sceranka provided the Business and Economic Development Advisory Commission further information which concluded that CMB's EB-5 Visa Economic Development Loan Program could be a very useful financial resources to both the private and public sectors in Redlands. Interim Redevelopment Agency Director Dukett and William Hurley, Executive Director of CMB, reviewed this program for the City Council. BEDAC members Kathy Thurston and Jeff Sceranka were also available to answer questions. Councilmember Gilbreath moved to invite and encourage CMB Export LLC to offer their EB-5 Visa Economic Development Loan Program to the private and public sectors within the City of Redlands and to authorize staff to consider such loans for eligible City projects. Motion seconded by Councilmember Gallagher and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 4:30 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code §54956.8
(Interim Community Development Director Dalquest)
Property: APNs 0292-034-02, 05 and 08
Negotiating parties: N. Enrique Martinez, Bob Dalquest and
Robert W. Best Family Trust
Under negotiation: Terms and price for City purchase of property
2. Conference with real property negotiator - Government Code §54956.8
(Interim Municipal Utilities and Engineering Director Diggs)
Property: 2300 West San Bernardino Avenue
Negotiating parties: N. Enrique Martinez, Chris Diggs and
Steve Ames (US Industrial REIT II)
Under negotiation: Terms and price for termination of City utility
easement
3. Conference with legal counsel: Anticipated litigation - Government Code
§54956.9(b)
(City Attorney McHugh)
 - a. Facts and Circumstances - Consideration of claim of Rocky Comfort
Mutual Water Company
4. Public employee performance evaluation - Government Code §54957
 - a. City Manager

5. Conference with labor negotiators - Government Code §54957.6
 - a. Unrepresented employee - City Manager

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; Clete Hyman, Deputy Police Chief; Jim Topoleski, Battalion Fire Chief; Tina Kundig, Finance Director; Chris Diggs, Interim Municipal Utilities and Engineering Director; Bob Dalquest, Interim Community Development Director; Deborah Scott-Leistra, Human Resources Manager; Kurt Smith, Chief Information Officer; Gary Van Dorst, Quality of Life Director

CLOSED SESSION REPORT

No reportable action.

ANNOUNCEMENT/REPORTS

SANBAG Meeting - Mayor Pro Tem Gilbreath reported on the SANBAG meeting held on February 6, 2008.

Omnitrans Meeting - Councilmember Gallagher reported on the Omnitrans meeting held on February 6, 2008.

NEW BUSINESS

Termination of Utility Easement - US Industrial REIT II - The request for termination of the City's easement for a portion of vacated Bryn Mawr Avenue within Parcel 1 of Parcel Map 15565 was unanimously continued to March 4, 2008, on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

PUBLIC HEARING

CDBG Allocations - A public hearing was advertised for this time and place to establish prioritization and funding distribution of the Community Development Block Grant (CDBG) proposals for the 2008-09 funding cycle. Mayor Harrison declared the meeting open as a public hearing.

Quality of Life Director Van Dorst reported that San Bernardino County Community Development and Housing has asked the City Council to limit its funding priorities within a Community Development Block Grant allocation of \$339,243.00. This amount is 60 percent of the \$565,405.00 allocation for the City of Redlands announced by the U. S. Department of Housing and Urban Development on January 18, 2008. The cooperative agreement, expiring in 2009, requires that the remaining 40 percent be utilized by the County to provide the City's share of Countywide Housing Preservation, Fair Housing and administrative activities. Staff's recommendations are based upon how the proposals benefit the community as a whole and the number of low- and moderate-income people served. The funds become available July 1, 2008. Quality of Life Director Van Dorst then reviewed the construction/public projects recommended for the City of Redlands Quality of Life Department's tree planting in the target area and City of Redlands Municipal Utilities and Engineering Department's ADA curb cuts and sidewalks.

Representatives from the following organizations addressed the City Council and responded to Councilmembers' questions: A Special Place, Children's Hands on Museum for special needs program; Community Action Partnership of San Bernardino for a financial literacy program; Developing Aging Solutions with Heart, Inc. for continuation of geriatric care for family caregivers; Family Services Association of Redlands, Inc. for continuation of homeless prevention case management and assistance; Gang Reduction Intervention Team for continuation of gang intervention program for high risk youth; Hill Country for transitional sober living/homeless; Inland Temporary Homes, Inc. for continuation of emergency shelter services to homeless families; Legal Aid Society of San Bernardino, Inc. for continuation of legal aid services; Neighborhood Housing Services of the Inland Empire for homebuyer education; San Bernardino Sexual Assault Services, Inc. for continuation of crisis intervention/counseling; Sunflower Community Services, Inc. for social services; and the YMCA of the East Valley for continuation of legal aid services. There being no further questions or comments, Mayor Harrison closed the public hearing.

Councilmember Gallagher suggested an additional \$2,500.00 be allocated to the Gang Reduction Intervention Team; this was agreed upon by all Councilmembers. Councilmember Gilbreath moved to approve the individual project allocations as follows. Motion seconded by Councilmember Aguilar and carried unanimously.

(see next page)

City of Redlands - Program Administration	\$ 33,924.00
City of Redlands - Quality of Life Department	
Tree Planting in Target Area	25,000.00
City of Redlands - Municipal Utilities and Engineering	
Department - ADA Curb Cuts/Sidewalks	229,432.00
Department of Aging and Adult Services	6,250.00
Developing Aging Solution with Heart, Inc.	
Alzheimer Care	6,000.0
Family Services Association of Redlands, Inc.	10,000.00
Gang Reduction Intervention Team	7,500.00
Inland Temporary Homes, Inc.	5,000.00
San Bernardino Sexual Assault Services, Inc.	5,000.00
YMCA of the East Valley	5,000.00
Unallocated Reserve	2,028.00

PUBLIC COMMENTS

Accolade - Brooks Minchin expressed his appreciation to the Redlands Police Department in a recent situation involving his daughter.

Ford Park Tennis Courts - On behalf of the Redlands Youth Tennis, Evelyn Alms and Lori Fenster asked the City Council to consider refurbishing and resurfacing the Ford Park Tennis Courts. They were referred to City Manager Martinez.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:25 P.M. The next regular meeting will be held on March 4, 2008.