

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 May 5, 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; 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

The meeting was opened with an invocation by Mayor Harrison with condolences extended to the family of Marvin Duncan 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 Ruby, a tan and white shepherd-mix, who is available for adoption at the Redlands Animal Shelter.

City of Beaumont - Redlands Bicycle Classic - On behalf of the City of Beaumont Police Department, Tony Negrette presented Certificates of Appreciation for the Redlands Police Department's assistance with logistics for the Redlands Bicycle Classic event recently held in the City of Beaumont.

CHP Master 10851 Award for Vehicle Theft Recovery - Corporal Kelvin Bryant was presented the CHP Master 10851 Award for Vehicle Theft Recovery. Corporal Bryant has recovered 12 stolen vehicles valued at \$42,000.00.

AB 811 - Energy Independence Program - Patrick Conlon, Palm Desert's Director of Energy Management, presented a lengthy summary of the loan process for the Energy Independence Program and lessons learned by the City of Palm Desert.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meeting of April 21, 2009, as submitted.

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

Proclamation - Debbie L. Brown - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation congratulating Debbie L. Brown upon being named as Assembly Member Bill Emmerson's 63rd District Woman of the Year and commending her for her many years of service through her work with the Children's Fund and the Bonnes Meres Auxiliary of Children's Fund.

Resolution No. 6819 - Traffic - Resolution No. 6819, a resolution of the City Council of the City of Redlands establishing the traffic regulations pursuant to Title 10 of the Redlands Municipal Code, was pulled from the agenda by staff and will be revised for a future meeting.

Resolution No. 6834 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6834, a resolution of the City Council of the City of Redlands establishing the following traffic regulations in accordance with Title 10 of the Redlands Municipal Code: establish a two-hour time limit parking zone on various streets surrounding the Beaver Medical Clinic located on Fern Avenue and Cajon Street, as recommended by the Traffic and Parking Commission.

Amendment - Rocky Comfort Mutual Water Company - Following discussion, Councilmember Gilbreath moved to approve the first amendment to the agreement with L. E. Patch and Leora E. Patch and the East Lugonia Mutual Water Company dated December 15, 1923, to implement periodic water rate increase adjustments for water service provided to Rocky Comfort Mutual Water Company 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 with Councilmember Bean voting NO. By consensus, the City Council directed the Municipal Utilities and Engineering Department to prepare a list of all water users on our system receiving low rates as requested by Councilmember Bean.

Temporary Entry Permit - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a temporary entry permit with the State of California Department of Water Resources for the purpose of conducting ground and aerial surveys, engineering, biological, geological, archaeological, flora and faunal studies,

installation of appurtenances, and for such other incidental purposes as may be required on Assessor's Parcel Nos. 0168-362-02, 03, 05 and 0168-363-02 and 03 in connection with the East Branch Extension which was built to convey State Project Water to the Yucaipa and Beaumont areas and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Backhoe Loader Purchase - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the purchase of a 24,251 pound backhoe loader from Johnson Machinery for the Quality of Life Department.

CNG Van Purchase - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized the purchase of a 2009 CNG Super Duty E354 XLT EXT Wagon from Redlands Ford for the transportation of prisoners for the Redlands Police Department.

Cost Recovery Services Agreement - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement with EF Recovery, LLC for cost recovery services for the Fire Department and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Annual Technical Service Support - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved renewal of the annual technical services support related to the Fire Department's emergency cardiac monitors agreement with Physio-Control, Inc. for Fiscal Year 2009-2010 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Tolling Agreement - Stanton Jay Diamond - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a tolling agreement with Stanton Jay Diamond in relation to a potential lawsuit and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

## PUBLIC HEARING

Resolution No. 6835 - Kaiser Permanente Bond Financing - Public hearing was advertised for this time and place to consider Resolution No. 6835, a resolution of the City Council of the City of Redlands approving a tax-exempt bond financing to be issued by the California Statewide Communities Development Authority to benefit Kaiser Permanente. Mayor Harrison declared the meeting open as a public hearing. Finance Director/City Treasurer Kundig reported Kaiser Foundation Hospitals, Kaiser Foundation Health Plan, Inc., Kaiser Health Plan Asset Management, Inc. and Kaiser Hospital Asset Management,

Inc. each a California 501 (c) (3) nonprofit public benefit corporation, completed an application requesting that the California Statewide Communities Development Authority (CSCDA) issue tax-exempt bonds in an aggregate principal amount of not-to-exceed \$2.2 billion for the financing and refinancing of certain health, parking and other support facilities owned or operated by Kaiser Foundation Hospitals or one of its affiliates. Approximately \$56.9 million aggregate principal amount is expected to be spent by Kaiser for reimbursement of expenditures and completion of the Redlands Medical Office Building located in the City of Redlands at 1301 California Street. Each financing completed by CSCDA is structured so the local agency completing the TEFRA hearing process has no liability with respect to the issuance of bonds or the repayment of any debt service relating to such bonds. In addition, the local agency completing the TEFRA hearing process is not a party to any of the financing documents relating to the issuance of the bonds nor is it named in any of the disclosure documents describing the bonds or the proposed financing. Representatives from CSCDA and Kaiser Hospital were present to answer questions. Mayor Harrison called for a public comments. Ronald Reese, who organizes security for Kaiser Hospitals, and Rudy Martinez, a security officer for the facility in Fontana, addressed the City Council and questioned the non-profit tax-exempt status of Kaiser. There being no further comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6835 approving the issuance of tax-exempt bonds in an aggregate principal amount of not-to-exceed \$2.2 billion by the California Statewide Communities Development Authority to benefit Kaiser Permanente for the purpose of financing and refinancing certain health, parking and other support facilities. 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.

Report on Effect of Proposed Initiative - City Clerk Poyzer reported a notice of intent to circulate a petition was filed in the City Clerk's Office on April 21, 2009. A copy of the notice and proposed initiative measure was transmitted to the City Attorney for preparation of a ballot title and summary of the proposed measure. Upon receipt of the ballot title and summary, the City Clerk will furnish a copy to the people proposing the ballot measure at which time they will cause the notice of intention and title and summary of the proposed measure to be published in a newspaper of general circulation. Within 10 days after the date of publication, the proof of publication shall be filed with the City Clerk. The proponents may commence to circulate the petition among the voters after the publication of the notice of intention and title and summary of the proposed measure. During the circulation of the petition, the City Council

may refer the proposed initiative measure for a report on any or all of the following:

1. Its fiscal impact.
2. Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
3. Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
4. Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
5. Its impact on the community's ability to attract and retain business and employment.
6. Its impact on the uses of vacant parcels of land.
7. Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
8. Any other matters the legislative body requests to be in the report.

The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition. Staff noted the Environmental Impact Report being prepared for the Super Wal-Mart may not cover all the effects of this proposed initiative as it will have a much broader effect. City Clerk Poyzer noted that if this initiative qualifies for the November 2009 election, the estimated cost is \$170-190,000.00.

City Council Goals and Objectives - Chief Information Officer Hexem reported on March 18, 2008, the City Council participated in a Goals and Objectives Workshop, facilitated by University of Redlands Professor James (Jim) Spee. At that time, actionable objectives for City staff to pursue for the following year were developed. The City Council has been updated on the status of goals and objectives during the past year. On April 7, 2009, the City Council was presented with the findings of the "Path to Excellence" (PATH) team, in concert with the department heads, with updated objectives for this next year which were consistent with the goals identified during the March 2008 workshop. During the April 7, 2009 meeting, the PATH team outlined the process by which objectives were gathered from the departments and how the information was organized. It was discussed that the goals from 2008's workshop were still a solid basis from which to formulate new, meaningful, and measurable objectives for the City. The objectives for the next year were presented during this meeting on a goal by goal basis. City Council comments and questions during this meeting have been incorporated into an updated goals and objectives

presentation, which was included as an attachment to the staff report. Some additional columns were added to address individual comments (revenue creation, new project, part of larger plan), as well as another breakout by department as opposed to goal by goal. As was stated during the last presentation, the PATH team welcomes input from the City Council on this material, as they feel that this will be a component part of the overall Path to Excellence which will move this city forward on the path of continuous improvement.

## NEW BUSINESS

Agreement - Workers' Compensation Program - Following a presentation by Kimberlee J. Braun, Administrative Analyst for the Human Resources Department, Councilmember Gilbreath moved to direct staff to enter into a three year contract with AdminSure for the administration of the City's Self-Insured Workers' Compensation Program 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. Councilmember Gilbreath asked for periodic reviews of this program.

Proclamation - Water Awareness Month - Following a presentation by Woody Hines, Water Conservation Coordinator for the Municipal Utilities and Engineering Department, Councilmember Gilbreath moved to authorize the issuance of a proclamation declaring the month of May 2009 as *Water Awareness Month* acknowledging the involvement of those citizens who already practice water conservation techniques, urging all citizens to learn more about water conservation and about how they can, as individuals, help future generations to "Use Water Wisely." Motion seconded by Councilmember Gallagher and carried unanimously.

Contract - Supervisory Control and Data Acquisition System Project - Following a presentation by Chris Diggs, Water Resources Manager for the Municipal Utilities and Engineering Department and discussion, Councilmember Gilbreath moved to award a contract to TESCO Controls, Inc. in the amount of \$739,050.00 to furnish design engineering services for supervisory control and data acquisition system project for the City's water system, authorized contingent costs up to ten percent over the proposal amount 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.

Contract - Disposal of Waste - California Street Landfill - Following a presentation by Quality of Life Director van Dorst and discussion, Councilmember Gilbreath moved to continue an agreement with Republic Services of Southern California for the disposal of municipal solid waste at

the California Street Landfill to May 19, 2009, in order to receive further information.

Contract - Fire Station Modular - Following a presentation by Municipal Utilities and Engineering Director Hoerning, Councilmember Gilbreath moved to determine the construction of temporary facilities for the Fire and Police Departments at the City Corporate Yard Emergency Operation Center at Fire Station No. 264 is exempt from review under the California Environmental Quality Act pursuant to California Environmental Quality Act Guidelines Section 15303(c). Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to approve a contract with M-Space in an amount of \$172,726.00 to fabricate and install the fire station modular at Fire Station No. 264 associated with the implementation of Phase 1 and Phase 2 of the Safety Hall Interim Local Plan, authorized a ten percent construction contingency 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.

Ordinance No. 2718 - Various Code Changes - Ordinance No. 2718, an ordinance of the City of Redlands amending, deleting and adding portions Chapters 1.06, 1.08, 1.22, 2.08, 2.14, 3.40, 5.08, 5.20, 5.28, 5.40, 5.44, 5.56, 5.60, 5.64, 6.04, 8.04, 8.48, 8.64, 10.40, 10.44, 15.04 and 15.24 of the Redlands Municipal Code relating to appeals, administration and personnel, revenue and finance, business taxes, licenses and regulations, animals, health and safety, vehicles and traffic, and buildings and construction, 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. 2718 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for May 19, 2009.

#### CLOSED SESSION

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) - The City of Redlands v. The California Gateway, L.P., et al., San Bernardino Superior Court Case No. CIVDS 906028." Motion seconded by Councilmember Gallagher and carried unanimously.

The City Council meeting recessed at 5:16 P.M. to a closed session to discuss the following in addition to the item noted above:

1. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a)

- a. One case - Workers' Compensation Administrative Proceeding - Lori D. Cooper
- b. Bunny Vincent v. City of Redlands et al - San Bernardino Superior Court Case No. SCVSS 140612
2. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)
  - a. One case - Facts and circumstances: Claim of Stanton Diamond
3. Conference with labor negotiators - Government Code §54956.6
  - 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; Teresa Ballinger, Assistant 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

Workers' Compensation Claim - City Attorney McHugh reported the City Council, during the closed session, unanimously approved the Workers' Compensation claim submitted by Lori D. Cooper.

ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath and Mayor Harrison reported on upcoming activities.

PUBLIC HEARINGS

Resolution No. 6809 - Adult Sport Program Fees - Public hearing was continued to this time and place to consider increasing fees for certain adult sport team recreation programs. Mayor Harrison declared the meeting open as a public hearing. Police Chief Bueermann reported City staff performed a fee analysis of all current adult sports programs being provided by the Recreation

Bureau of the Police Department. The only increase has been a one percent adjustment with the CPI. The analysis reflected that the City presently does not recoup its costs of providing these services. The recommended fee increase would allow the City to recoup 95 percent of its costs. At their meeting of March 11, 2009, the Recreation Advisory Commission recommended the City Council approve a proposed fee increase to the adult sports program in order to recover a majority percentage of the costs incurred with the running of the program. Mayor Harrison called for public comments. There being no verbal or written comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6809, a resolution of the City Council of the City of Redlands establishing specific fees and charges to recover costs reasonably borne, increasing specific fees in the adult sport programs and rescinding Resolution No. 6807. Motion seconded by Councilmember Gallagher and carried unanimously.

CDBG - Public hearing was advertised for this time and place to consider approval of the Five-Year Consolidated Plan (2009-2014) to establish a framework of housing and community development priorities for Redlands, aides in identifying and sets the foundation for projects and programs to help local low- and moderate-income communities solve their problems, meet their needs and achieve their goals; a One-Year Action Plan (2009-2010) for funding to specific programs and projects under the Community Development Block Grant (CDBG) Program; and Analysis of Impediments to Fair Housing Choice to be submitted to the U. S. Department of Housing and Urban Development. Mayor Harrison declared the meeting open as a public hearing. Redevelopment Manager Josefina Aguilar reported CDBG Program monies must be used to provide decent housing, a suitable living environment and expanded economic opportunity for City residents, particularly those earning low and moderate incomes. On January 15, 2008, the City Council authorized staff to proceed with the application process to become an Entitlement City and leave the Urban County program. In order to continue receiving CDBG funds, the City must prepare and submit to HUD a five-year consolidated plan and a one-year action plan. Prepared by the City's consultant, LDM, these documents constitute the application to become an Entitlement City. In compliance with HUD regulations, citizen participation was solicited throughout the process of developing the Consolidated Plan and Action Plan. Copies of the Draft Consolidated Plan, Action Plan and Analysis of Impediments were available for a 30-day public review and comment period beginning on April 6, 2009. These documents were accessible in hard-copy at the A. K. Smiley Public Library, the City Clerk's Office, and at the Redevelopment Agency office. These documents were also available online in PDF format on the City's website. Any public comments received during the hearing or submitted during the public comment period will be included in the Consolidated Plan that Staff submits to HUD on or before May 15, 2009. City Departments and public service agencies responded to the City's Notice of Funding Availability and submitted proposals to fund various projects in the City. Mayor Harrison called for public

comments. Representatives from the following organizations addressed the City Council and responded to Councilmembers' questions: Developing Aging Solutions with Disability (DASH), Family Services Association of Redlands, Gang Reduction Intervention Team (GRIT), Inland Temporary Homes, Redlands Community Music Association, San Bernardino County Sexual Assault Services, Inc., and Step By Step. Stephen W. Rogers submitted written comments expressing concerns and inaccuracies contained in the report. Debra Nester urged the City Council to help the people in need. There being no further comments, the public hearing was declared closed.

Resolution No. 6836 - Councilmember Gilbreath moved to adopt Resolution No. 6836, a resolution of the City Council of the City of Redlands approving the Five-Year Community Development Block Grant Consolidated Plan, One-Year Action Plan for Fiscal Year 2009-2010 and Analysis of Impediments to Fair Housing Choice and authorizing submittal to HUD to become an Entitlement City. Motion seconded by Councilmember Gallagher and carried unanimously.

CDBG Funding Allocations - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the funding allocation of 2009-2010 CDBG funds for capital projects, public service agencies and administration as follows:

Municipal Utilities and Engineering Department	
ADA/Handicapped Curb Cuts and Sidewalk Infill	\$418,000.00
Finance Department	
General CDBG Administration	97,000.00
Inland Fair Housing and Mediation Board	20,000.00
Boys and Girls Club of Redlands	5,000.00
Developing Aging Solutions with Disability, Inc.	5,000.00
Family Services Association of Redlands	10,000.00
Gang Reduction Intervention Team	5,000.00
Inland Temporary Homes	5,000.00
Redlands Community Music Association	5,000.00
San Bernardino County Sexual Assault Services, Inc.	5,000.00
Step by Step	5,000.00
YMCA of the East Valley	5,000.00

Action Plan - Councilmember Gilbreath moved to authorize the City Manager or his designee to adjust project budgets in the 2009-2010 Action Plan in the event that the final allocation from HUD differs from the planning estimate. Motion seconded by Councilmember Gallagher and carried unanimously.

## NEW BUSINESS

City Manager's Employment Agreement - Mayor Harrison announced the he and Councilmember Gallagher negotiated with City Manager Martinez modifications to his employment contract and presented the revised contract for consideration. Councilmember Harrison moved to approve the employment

agreement dated May 5, 2009, with N. Enrique Martinez. Motion seconded by Councilmember Gilbreath and carried unanimously.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:49 P.M. The next regular meeting will be held on May 19, 2009.