

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 16, 2006, 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 John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Jim Drabinski, Fire Chief; Don Gee, Redevelopment Agency Director; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director

The meeting was opened with an invocation by Mayor Harrison followed by the pledge of allegiance.

DEPARTMENTAL INFORMATION REPORT

Fire Department - Fire Chief Drabinski introduced Battalion Chief Mitch McKee who presented information regarding the Disaster Preparedness Program in Redlands.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the minutes of the regular meeting of May 2, 2006, were approved as submitted.

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

Resolution No. 6504 - Property Tax Transfer - Annexation No. 87 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6504, a resolution of the City Council of the City of Redlands in connection with the determination of the amount of property tax revenues to be exchanged between and among the County of San Bernardino and the City of Redlands resulting from the Jurisdictional changed described by LAFCO No. 3030 for Annexation No. 87 (Repp).

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the report of the Planning Commission meeting held on May 9, 2006, was acknowledged as received.

Notice of Environmental Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the report on pending environmental actions received from surrounding jurisdictions was acknowledged as received.

Amendment - Environmental Consulting Services - Redlands Mall - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 1 to the agreement with RBF Consulting for the provision of professional environmental consulting services for the Redlands Mall Redevelopment Project in the amount of \$3,250.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Fire Protection Exchange - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a revised agreement for exchange of fire protection and rescue services - automatic aid between the City and the County of San Bernardino Fire District (County Services Area 38) for the Mentone area and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6502 - Grant Application - Preserve America - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6502, a resolution of the City Council of the City of Redlands approving the application for grant funds to preserve and promote America's heritage and cultural assets under the Preserve American Historic Preservation Grant Fund Program. The basis of the application is to hire a consultant to develop a Master Plan of Heritage Park.

Proclamation - City of Upland Centennial Celebration - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation celebrating the City of Upland's 100th anniversary.

Railroad Quiet Zone - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously directed staff to initiate appropriate proceedings for the submittal of applications for the establishment of quiet zones along the Union Pacific Railroad at the San Timoteo Canyon Road crossing, provided that all costs associated with the feasibility report, applicant process, engineering design and construction are paid by the applicant or other private funds with no costs to be borne by the City of Redlands.

Consulting Services Agreement - Smothers Appraisal - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City

Council unanimously approved a consulting services agreement with Smothers Appraisal for appraisal services for two parcels of property required as right-of-way for the widening of San Bernardino Avenue, east of Mountain View Avenue.

Resolution Nos. 6486-6487 - Landscape Maintenance District No. 1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6486, a resolution of the City Council of the City of Redlands, County of San Bernardino, of preliminary approval of the Engineer's Report for Fiscal Year 2006-07 for Landscape Maintenance District No. 1. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher the City Council unanimously adopted Resolution No. 6487, a resolution of the City Council of the City of Redlands declaring its intention to levy and collect assessment within Redlands Landscape Maintenance District No. 1 for Fiscal Year 2006-07 pursuant to the Landscaping and Lighting Act of 1972, and establishing a time and place for hearing protests (Wednesday, July 5, 2006, at 7:00 P.M.).

Resolution Nos. 6490-6491 - Street Lighting District No. 1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6490, , a resolution of the City Council of the City of Redlands, County of San Bernardino, of preliminary approval of the Engineer's Report for Fiscal Year 2006-07 for Street Lighting District No. 1. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6491, a resolution of the City Council of the City of Redlands declaring its intention to levy and collect assessment within Redlands Street Lighting District No. 1 for Fiscal Year 2006-07 pursuant to the Landscaping and Lighting Act of 1972, and establishing a time and place for hearing protests (Wednesday, July 5, 2006, at 7:00 P.M.).

Resolution No. 6503 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6503, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: install multi-way stop signs at the intersection of Wabash Avenue and Brockton/Nice Avenues.

Resolution No. 6505 - 2006 Regional Transportation Improvement Program - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6505, a resolution of the City Council of the City of Redlands certifying that the City of Redlands has the resources to fund the projects submitted for inclusion in the Fiscal Year 2006/2007 to 2011/2012 Transportation Improvement Program and affirming its commitment to implement all of the projects submitted in the program.

Agreement - Alessandro Road Quiet Zone - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a consulting services agreement with Wilson and Company to prepare Phase II of the City's Alessandro Road Quiet Zone project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Fire Training Site - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement for entry upon property and release of use of property as a training site with DC Developers to conduct Fire Department training exercises at their property located at 1744 Marion Road (APN 0174-281-04) and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Ordinance No. 2641 - Sewer Charges Billing - Ordinance No. 2641, an ordinance of the City of Redlands amending Chapter 13.48 of the Redlands Municipal Code relating to the billing of sewer charges, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gallagher.

Quit Claim Deed - Barton Vineyards - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the abandonment of a "B" Contract Pipeline easement at Barton Vineyards in the City of Redlands and authorized the Mayor to execute, and the City Clerk to attest to, a Quit Claim Deed for the abandonment of said easement on behalf of the City.

Agreement - 2006 Update of Sanitary Surveys - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement for engineering services with Palencia Consulting to prepare the 2006 Update to the Sanitary Surveys for the Mill Creek and Santa Ana River Watersheds and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Fencing Installation - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved an agreement for a public improvement project with Fencing by B. Acrey for the purchase and installation of perimeter fencing at the Agate Reservoir and Texas Street Pumping Plant in the amount of \$70,618.87 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Contract Award - Civic Center Facilities Improvement Project - Bids were opened and publicly declared on April 27, 2006, by the City Clerk for the Improvements to Civic Center Facilities Project; a bid opening report is on file in the Office of the City Clerk. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously waived the bid irregularity on the basis that waiver of the irregularity is legally permissible and provides no competitive advantage to the apparent low bidder. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously awarded the contract for the Improvements to Civic Center Facilities Project, Project No. 1-0665, to Hinkley and Associates, Inc. based on the total bid amount of \$216,000.00 and authorized staff to approve contingent costs up to 10 percent over the total bid amount and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Filter Media - Water Treatment Plant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously determined that the approval of a contract for the purchase and installation of filters for the City's water treatment plant is exempt from CEQA pursuant to Guidelines Section 15269(b) which relates to emergency repairs for publicly-owned facilities necessary to provide essential public services. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously declared, based upon the substantive evidence presented in writing by City staff, that an emergency exists necessitating the repair and/or replacement of filters at the City's Water Treatment Plant and that the award of a contract, without bids, for the purchase and installation of filters is necessary to respond to the emergency. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the agreement for a public improvement project with ERS Industrial Services, Inc. for purchase and installation of filter media at the Horace Hinckley Water Treatment Plant in the amount of \$80,000.00.

MOU Amendment - Redlands Professional Firefighters Association - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 2 of the Memorandum of Understanding with the Redlands Professional Firefighters Association pertaining to union activities and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6499 - Hybrid Entity - HIPAA - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Resolution No. 6499, a resolution of the City Council of the City of Redlands designating the City of Redlands a "Hybrid Entity" under the Health Insurance Portability and Accountability Act and the administrative regulations issued by the Department of Health and Human Services.

COMMUNICATIONS

Meeting Attendance - No reports forthcoming.

Appointment - Street Tree Committee - Mayor Harrison moved to appoint Augustin C. Ortega to serve the remainder of the unexpired term ending February 16, 2009, on the Street Tree Committee. Motion seconded by Councilmember Gilbreath and carried unanimously.

Appointment - Airport Advisory Board - Mayor Harrison moved to appoint Nicholas P. Costa to serve a four-year term ending May 1, 2010, on the Airport Advisory Board. Motion seconded by Councilmember Gilbreath and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 3:15 P.M. to a closed session to discuss the following:

1. Public employee performance evaluation - Government Code Section 54957 - City Manager
2. Conference with legal counsel: Existing Litigation - Government Code Section 54956.9(a)
 - a. Patricia Goodman v Raymond Edward Hernandez, Gloria Parra, City of Redlands, County of San Bernardino, et al - SCVSS 127084

The meeting reconvened at 7:00 P.M.

PRESENT

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

ABSENT

None

STAFF

John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Teresa Ballinger, Assistant City Clerk; Michael Reynolds, City Treasurer; Tom Fitzmaurice, Police Captain; Don Gee, Redevelopment Agency Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Douglas Headrick, Municipal Utilities Chief of Water Resources; and Jeffrey L. Shaw, Community Development Director

CLOSED SESSION REPORT

None forthcoming.

PRESENTATION

Sister Cities Program - Roy Cencirulo, Vice President of the Redlands Sister Cities Association, introduced Valesca Dwyer, President of the Redlands Sister Cities Association. Ms. Dwyer introduced the students who recently accompanied them on a trip to Japan and narrated a PowerPoint presentation of the highlights of their trip. Mayor Harrison expressed appreciation to the students noting they were excellent ambassadors.

LAND USE AND PUBLIC HEARINGS

Medical Real Estate Development Company, Applicant - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as a public hearing for a Socio-Economic Analysis and Cost/Benefit Study and Consideration of Commission Review and Approval No. 810, a Commission Review and Approval to develop a 31,647 square foot, two-story medical office building on a two (2) acre parcel located at the northeast corner of Barton Road and Iowa Street within the EV/AP (East Valley Corridor Specific Plan Administrative Professional) District; public hearing to consider Resolution No. 6494, Street Vacation No. 135, the vacation of a portion of the east side of Iowa Street approximately ten (10) feet in width and four hundred twenty eight (428) feet in length located immediately north of Barton Road and eight hundred (800) feet south of Orange Avenue as shown on Exhibits "A" and "B" on file in the City Clerk's Office, City of Redlands; and public hearing to consider Resolution No. 6495, Street Vacation No. 136, the vacation of a portion of the north side of Barton Road approximately eight (8) feet in width and two hundred four (204) feet in length and located immediately east of Iowa Street at the intersection of Barton Road and Iowa Street as shown on Exhibits "A" and "B" on file in the City Clerk's Office, City of Redlands. Mayor Harrison declared the meeting open as a public hearing. Community Development Director Shaw reviewed the proposed project. Mayor Harrison asked staff if there would be sufficient right-of-way available on Barton Road and Iowa Street for a Class 2 bikeway. Public Works Director Mutter replied if we prohibited parking on Barton Road, there would be plenty of room for this purpose. He suggested Nevada Street be used for a north/south Class 2 bikeway as it is a wider street. On behalf of the applicant, Ken Spear addressed the City Council indicating they agreed with the conditions for approval but expressed concern that his project was 100 percent responsible for the traffic signal at Alabama Street and Orange Avenue. Although the Redlands Municipal Code does not address shared costs with other developers, Councilmembers suggested Mr. Spear contact other developers in the area to negotiate an agreement to share the cost of this signal. Mr. Spear indicated he would prefer his project be

continued to allow him this opportunity. Community Development Director Shaw reported the CEQA action needed action now unless the developer agreed to a 90-day extension of time from May 28, 2006. Mr. Spear verbally agreed to this extension of time. There being no further comments from the audience, Councilmember Gilbreath moved to continue this project until June 6, 2006. Motion seconded by Councilmember Gallagher and carried unanimously.

County of San Bernardino, Applicant - Public notice was advertised for this time and place to consider authorization for a Mitigated Negative Declaration for Pre-Annexation Agreement 06-02 and General Plan Amendment No. 109 to change the land use designation from Railway Corridor to Public Institutional on approximately 8.82 acres located on the northwest corner of Mentone Blvd and Opal Avenue; and consideration of Pre-Annexation Agreement 06-02 for San Bernardino County as applicant for Metropolitan Water District on an 8.82 acre parcel located on the northwest corner of Mentone Boulevard and Opal Avenue in the Mentone Area. Community Development Director Shaw reviewed the proposed project and the application for a water and sewer connection to a non-residential development within the City's Sphere of Influence and not contiguous to the City limits, and the request for continued processing for Outside City Utilities Connections 06-50 for the County senior center, library and park, a project located at the northwest corner of Mentone Boulevard and Opal Avenue in the Mentone Area. There were no comments from the audience.

OSC 06-50 - Councilmember Gilbreath moved to determine that Outside City Case 06-05 for property at APN 298-047-17 is consistent with the City of Redlands General Plan, and that the public health, safety, and welfare, and the best interests of the citizens of Redlands, are served by the City's continued processing of the application. Motion seconded by Councilmember Gil and carried unanimously.

Negative Declaration - Councilmember Gilbreath moved to approve the Environmental Review Committee's negative declaration for General Plan Amendment No. 06-I-01 (File No. 109) and Pre-Annexation Agreement No. 06-02 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Gil and carried unanimously.

Pre-Annexation Agreement No. 06-02 - Councilmember Gilbreath moved to approve Pre-Annexation Agreement No. 06-02. Motion seconded by Councilmember Gil and carried unanimously.

Bonita Development, Applicant - The City Council was asked to consider a request to waive dry sewer requirement for Tentative Tract No. 17265 located north of Live Oak Canyon Road. Chief of Water Resources Headrick reported

staff has reviewed and evaluated the factors which the City Council is to consider for this waiver based on the factual criteria listed for each factor: there are no sewer trunk main extensions identified in the City's Capital Improvement Program; the development project is consistent with the land use designation (very low density) in the Redlands General Plan, and due to the very low density of the development project, it meets the guidelines permitting use of septage systems and, therefore, it is not anticipated that the development project will adversely effect local groundwater quality; and the properties between the development project and an available sewer have developed without sewage facilities, and due to street configuration and topography, it is unlikely that such facilities will be constructed for the development project within a reasonably foreseeable time after construction of the development project. There were no comments from the audience.

CEQA Exemption - Councilmember Gilbreath moved to find that the waiver of the dry sewer requirement for Tentative Tract No. 17265 is categorically exempt under section 15061(b)(3) based on the finding that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Motion seconded by Councilmember Gil and carried unanimously.

Waiver - Dry Sewer Requirement - Councilmember Gilbreath moved to waive the dry sewer requirement for Tentative Tract No. 17265. Motion seconded by Councilmember Gil and carried unanimously.

NEW BUSINESS

Transient Occupancy Tax - Mayor Harrison reminded Councilmembers the City initiated a start-up Cultural and Heritage Tourism Program last year by allocating \$30,000.00 from the General Fund that was matched by a grant of \$10,000.00 from the University of Redlands. For cultural and heritage tourism to become a significant force in the economic development and well-being of Redlands, Mayor Harrison believed it needed a permanent and dedicated funding system and suggested a 2 percent increase to the transient occupancy tax would provide this revenue stream. He asked for the City Council's support in directing staff to prepare a report and recommendation regarding placing this item on the ballot for the November 7, 2006, election. To be considered at this election, the cultural and heritage tourism fee would need to be voted as a special tax requiring approval of 2/3 of the voters. Among the items to be included in the report are: cost of this special election; schedule for the special election; identification of staff, materials and programs that would be funded by the cultural and heritage tourism fee and would be included in the election materials; estimate of annual revenue that would be anticipated from the fee at 2 percent and potentially other fee levels; recommendation of the appropriate fee level to include in the special election based on a survey and evaluation of TOT levels in surrounding communities and state; and other items that staff feels would assist the City Council in determining whether or not to proceed with a special election on this item. City Treasurer Reynolds estimated the

proposed two percent increase would bring in \$140,000.00-\$150,000.00 additional revenue. Following discussion, Mayor Harrison moved to direct staff to prepare an evaluation and recommendation relative to conducting a special election on November 7, 2006, to consider an increase in the transient occupancy tax (TOT) and dedicate the funds resulting from that increase to a cultural and heritage tourism program for the City of Redlands; said report to be presented on June 6, 2006. Motion seconded by Councilmember Gil and carried unanimously.

PUBLIC COMMENTS

SCE - Beverly Powell, Southern California Edison Region Manager, provided an energy outlook for this summer. She informed Councilmembers the recent increase in rates was caused by the increase in cost of natural gas, continuing to payoff the 2001-02 costs to the State, and replacement of the old infrastructure. She urged people to look for alternatives to save money by reading the inserts included with their bill or check out SCE's website. She concluded her informative talk noting she would be meeting with the City Manager and department heads in the near future to discuss energy-saving efforts.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

California Welcome Center - Community Development Director Shaw reported the Downtown Redlands Business Association, based upon feedback from its members, has determined it would like to promote tourism activity in the downtown and is of the opinion assisting in financing the development of a California Welcome Center in cooperation with the San Bernardino Convention and Visitors Bureau and other agencies would be an appropriate action to achieve tourism goals. The mission of the California Welcome Center (CWC) program is to provide a statewide network of readily accessible and recognizable visitor information centers that will encourage tourism in California and provide benefits to the state economy. The California Division of Tourism (California Tourism) is required to establish conditions on which to base the designation of an entity as a CWC, and to ensure consistency of operating standards among the Centers. There are currently 10 CWC's throughout California. It has been represented by Steve Henthorn, President and CEO of the San Bernardino Convention and Visitors Bureau, that by becoming an Investment Partner, which requires a commitment of \$25,000 per year for the next five years, the City of Redlands would be assured of its own display area within the CWC. The specific details of this program are still being worked out and are contingent upon San Bernardino being selected as the site for a CWC. The City Council (General Fund) and Agency Board (Agency Funds) commitments, combined, are for \$10,000 each year for the next five years. To become an Investment Partner an additional commitment of \$15,000 each year for the next five years will be needed from other public or private institutions within the City. Possible entities participating could include the

Chamber of Commerce, the University of Redlands, and private businesses. Mr. Henthorn addressed the City Council at length explaining how the proposal will be implemented and answered questions from Councilmembers. Urging approval of this proposal were members of the informal Tourism Committee Molly Burgess and Char Burgess. Following discussion, Councilmember Harrison moved to continue this discussion to June 6, 2006, at the 7:00 P.M. session for further study by individual Councilmembers. Motion seconded by Councilmember Gallagher and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:44 P.M. The next regular meeting will be held on June 6, 2006.

City Clerk