

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 January 16, 2007, at 3:00 P.M.

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

ABSENT Gilberto Gil, Councilmember

STAFF Sam J. Racadio, Interim 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; 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.

PRESENTATIONS

Safety Employee of the Year - Fire Captain Mark Davis and Police Officer Cindy Gourlay were nominated by their peers for the Employee of the Year award from the safety category. Interim City Manager Racadio announced the recipient of the Employee of the Year from the safety category was Cindy Gourlay. Mayor Harrison presented a plaque with the City logo to Officer Gourlay and congratulated her.

Field Employee of the Year - Forensic Supervisor Richard Dysart, Police Patrol Parking Officers Janice Hawkins and Tami Pope, and Mechanic II Manuel Torres were nominated by their peers for the Employee of the Year award from the field category. Interim City Manager Racadio announced the recipient of the Employee of the Year from the field category was Manuel Torres. Mr. Torres was unable to attend this meeting and the plaque with the City logo will be given to him at a later date.

Administration Employee of the Year - Risk Management Analyst Kim Braun, Administrative Analyst Brenda Boon, MIS Specialist Kenny Cao, Senior Planner David Jump, Cemetery Services Assistance Julie Neizell, and Recreation Program Coordinator Erin Sanborn were nominated by their peers for the Employee of the Year award from the administration category. Interim City Manager Racadio announced the recipient of the Employee of the Year

from the administration category was Brenda Boon. Mayor Harrison presented a plaque with the City logo to Mrs. Boon and congratulated her.

Manager of the Year - Customer Service Manager Janet Miller, Director of Community Analysis and Technology Kurt Smith, Police Lieutenant Bill Cranfill, and Fire Battalion Chief Jim Topoleski were nominated by their peers for the Manager of the Year award. Interim City Manager Racadio announced the recipient of the Manager of the Year was Jim Topoleski. Mayor Harrison presented a plaque with the City logo to Fire Battalion Chief Topoleski and congratulated him.

Part-Time Employee of the Year - Recreation Coordinator Dennis Mullinex and Account Technician Olivia Villa were nominated by their peers for the Employee of the Year award from the part-time category. Interim City Manager Racadio announced the recipient of the Employee of the Year from the part-time category was Dennis Mullinex. Mayor Harrison presented a plaque with the City logo to Mr. Mullinex's mother as he was out of the country.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the minutes of the regular meeting of January 2, 2007, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the report of the Planning Commission meeting held on January 9, 2007, was acknowledged as received.

Lincoln Pilgrimage - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved the request of the Boy Scouts of America for waiver of fees for use of Smiley Park, the Redlands Bowl, barricades and public safety (police) services for the annual Lincoln Pilgrimage program to be held on February 10, 2007. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, required the clean-up deposit of \$800.00 be paid and that all certificates of insurance be submitted prior to the event. On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, required the Mission Gables House janitorial fee of \$225.00 be paid should the Boy Scouts of America request use of this facility for the Lincoln Pilgrimage.

Resolution No. 6564 - Disability Retirement Process - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, adopted Resolution No. 6564, a resolution of the City Council of the City of Redlands relating to the approval of disability retirement applicants and rescinding Resolution No. 6437.

Release of Claims Agreement - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, acknowledged the release of all claims agreement with St. Paul Travelers as subrogee of Karin and Kuscha Hatami for property damage at or near 5 East Citrus Avenue which occurred on April 28, 2006.

Lease Agreement - Redlands Community Music Association - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved a lease agreement with the Redlands Community Music Association for the ongoing use of the Redlands Bowl and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Amend DBE Agreement - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved an amendment to the Disadvantaged Business Enterprise (DBE) Race-Neutral Implementation Agreement and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Quit Claim - Equestrian Trail Easement - Tract No. 15468 - Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Mayor Pro Tem Gilbreath conducted the meeting. Councilmember Aguilar moved to approve a quit claim of an existing equestrian trail easement for Tract No. 15469 located at the south end of Sutherland Drive and South Lane and authorized the Mayor Pro Tem 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 Gil being absent and Councilmember Harrison having abstained from the vote.

Fee Waiver - Optimist Club Games Lunch - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved a waiver of \$240.00 in fees for the Optimist Club of Redlands for reservation and use of Sylvan Park for the Optimist Club Games lunch for special need students on Friday, April 20, 2007.

Annexation - Community Facilities District - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved the request of Hossein Afshari, the owner of

Minor Subdivision No. 309, that the City initiate proceedings to annex into Community Facilities District No. 2004-1 for the administration, operation and maintenance of the landscaped median islands in Redlands Boulevard identified as a part of said project and shown on the CFD Maintenance Area Map attached to the petition which was included in the staff report, contingent upon the owner of the subdivision depositing funds sufficient to pay the costs of such proceedings.

Mentone Boulevard Sewer Pipeline Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved the additional costs for the backfill material, mandated by the State of California Department of Transportation (Caltrans) for the Mentone Boulevard Sewer Pipeline Project under contract with Nikola Construction Corporation in the amount of \$68,738.40.

Resolution No. 6567 - Schedule of Equipment Rates - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, adopted Resolution No. 6567, a resolution of the City Council of the City of Redlands adopting a schedule of equipment rates applicable to major disasters and emergencies.

Funds - Heating System - Joslyn Senior Center - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council, by AYE votes of all present, approved an additional appropriation in the amount of \$53,584.00 and authorized the purchase of a new heating system for the Joslyn Senior Center.

COMMUNICATIONS

Meeting Attendance - In accordance with Government Code Sections 53232.2 and 53232.3, Mayor Harrison reported on his attendance at the League of California Cities Inland Empire Division meeting on January 4, 2007. In accordance with Government Code Sections 53232.2 and 53232.3, Councilmember Aguilar reported on his attendance at a League of California Cities meeting held in Sacramento last week.

Alley Work - Municipal Utilities Director Phelps reminded Councilmembers they received correspondence at their January 2, 2007, meeting from the property owners at 1029 College Avenue and 907 North University Street regarding their concerns with the condition of the sidewalk and alley paving near both residences. Both property owners expressed concerns with damaged paving and related safety and drainage issues due to work performed in the alley for the City's sewer pipeline replacement project. Staff from the Public Works and Municipal Utilities Departments evaluated the condition of existing paving in their alleys, sidewalk and alley drive approach on January 4, 2007. As a result of the evaluation, an existing section of the sidewalk along College

Avenue was removed and replaced and paving within the alley adjoining the residents' properties was repaired. In addition, the City's contractor for the sewer pipeline replacement project has completed general cleanup in the alley, including removal of excess paving base, asphalt and soil, and has also completed repairs to damaged fencing along the alley. Wendy Ditchfield submitted a letter thanking staff for repairing the center section of the driveway approach to the alley and sidewalk that covers the alley entrance, however, the extent of the repairs are insufficient in her opinion. She provided photos for Councilmembers and staff highlighting the degradation of the curbs, sidewalk and alley. This matter was referred back to the City Manager for further investigation and a report back in two weeks. Mrs. Ditchfield requested the matter be scheduled during the evening session.

Appointment - Airport Advisory Board - Mayor Harrison moved to appoint Ron Klinkebiel to serve the remainder of an unexpired term ending May 1, 2010, on the Airport Advisory Board. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Appointments - Cultural Arts Commission - Mayor Harrison moved to reappoint Frank Herendeen to another four-year term ending January 6, 2011, on the Cultural Arts Commission. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Appointments - Planning Commission - Mayor Harrison moved to reappoint John E. James to serve a four-year term on the Planning Commission ending January 6, 2011. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present. Mayor Harrison moved to appoint Carol M. Dyer to serve a four-year term on the Planning Commission ending January 6, 2011. Motion seconded by Councilmember Gallagher and by AYE votes of all present.

Appointment - Student Commissioners - Mayor Harrison moved to appoint Amber Ludikhuize to serve as the student commissioner on the Recreation Advisory Commission and Lance Baze to serve as the student commissioner on the Traffic and Parking Commission. Motion seconded by Councilmember Gallagher and carried by AYE votes of all present.

Appointment - Human Relations Commission - Councilmember Aguilar moved to appoint Jennifer Celize-Reyes to serve a four-year term on the Human Relations Commission. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Agreement/License - Fire Training - Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Mayor Pro Tem Gilbreath conducted

this portion of the meeting. Councilmember Aguilar moved to approve an agreement/license with ESRI, Inc. for entry upon land and release for destruction of property for fire training at 910, 912, 914, 916, 918 and 920 West State Street in the City of Redlands and authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Gallagher and with Councilmember Gil being absent and Councilmember Harrison having abstained.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6569 - Low and Moderate Income Housing Fund - Interim Redevelopment Agency Director Dukett explained adoption of this proposed resolution will declare the City Council's policy that the expenditure of monies from the low and moderate income housing fund outside the Redlands Redevelopment Project area for purposes authorized under the California Community Redevelopment Law are and will be of benefit to the Project. The adoption of this resolution will eliminate the need to consider future case by case benefit finding resolutions for affordable housing projects that will, in effect, conserve staff resources. Councilmember Gilbreath moved to adopt Resolution No. 6569, a resolution of the City Council of the City of Redlands finding and determining that the use of monies from the low and moderate income housing fund outside the boundaries of the Redlands Redevelopment Project will benefit the Project and authorizing the expenditure of such funds. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present. (Also see Redevelopment Agency minutes dated January 16, 2007, for action on Resolution No. 406.)

CLOSED SESSION

The City Council meeting recessed at 3:28 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:29 P.M. to a closed session to discuss the following:

1. Conference with labor negotiator - Government Code Section 54957.6
Agency negotiator: Sam J. Racadio, Interim City Manager
Employee organization: Redlands Association of Safety Management Employees
2. Conference with legal counsel - Existing litigation - Government Code Section 54956.9(a) - City of Redlands v. Dennis Arnold, San Bernardino Superior Court Case - SCVSS 136445
3. Conference with legal counsel - Anticipated litigation - Government Code Section 54956.9(b) - One case - Facts and circumstances: City Manager has received a verbal threat of litigation from a City employee
4. Conference with real property negotiator - Government Code Section 54956.8
Property: APN 0168-571-72 - East Sessums Drive
Negotiating parties: San Racadio, Jeff Shaw and Sani Panhwar

Under negotiation: Terms and price

The meeting reconvened at 7:00 P.M.

PRESENT

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

ABSENT

Gilberto Gil, Councilmember

STAFF

Sam J. Racadio, Interim 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; Ronald C. Mutter, Public Works Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director

CLOSED SESSION REPORT

None forthcoming.

PUBLIC HEARINGS

A notice of public hearing was mailed on November 30, 2006, to each record owner of each identified parcel upon which water and wastewater rates or charges are imposed upon advising said owners that on this date the City Council would consider adoption of ordinances increasing water and wastewater rates and charges. The notice explained the proposed increase in the City of Redlands water and wastewater (sewer) utility service rates and charges, the reason for the proposed increases, and an explanation how property owners could protest the proposed rates increase as required by Section 6 of the California Constitution, Article XIID (Proposition 218). Mayor Harrison declared the meeting open as a public hearing.

Municipal Utilities Director Phelps reported the City Council received a presentation on November 21, 2006, from the Utilities Advisory Committee regarding water and wastewater rates and charges. Ordinance No. 2654, relating to rates and charges for wastewater service, and Ordinance No. 2655, relating to rates and charges for water service, detail the proposed rates for the remainder of 2007 and for 2008. Mr. Phelps reviewed the means of distribution of the notice noting a total of 23,500 copies were distributed through a direct mailing as required by Proposition 218. Proposition 218 requires that a written protest be received from a majority of the owners of the parcels upon which the rates and charges are to be imposed, in order to legally prohibit the City from adopting the proposed increases. Approximately 9,500 protests would have

been required to have been received. As of the date of the preparation of the staff report, the City Clerk had received 144 written protests; less than one percent of the properties noticed.

Mayor Harrison called for a public comments. Opposed to the proposed increases were: Dora Morris, Kevin Morningstar (a member of the Utilities Advisory Committee), Karo Tonell, Shirley Kaufman, David Waters, Dora Waters, Phil Coulter, Jasmine Jarome, and Joe Gonzales (Northside Advisory Committee). City Clerk Poyzer reported a total of 200 protests against the water and wastewater rate increase were now received and tallied and 21 protests against the water rate increase were received and tallied. There being no further comments, the public hearing was declared closed.

Councilmembers asked questions of staff and Steve Stockton, Chairman of the Utilities Advisory Committee. Following discussion, the following action was taken.

Ordinance No. 2654 - Wastewater Rates and Charges - Ordinance No. 2654, an ordinance of the City of Redlands amending Chapters 3.62 and 13.44 of the Redlands Municipal Code relating to rates and charges for wastewater services, 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 waived, and Ordinance No. 2654 was introduced and laid over under the rules with adoption scheduled for February 6, 2007, by AYE votes of all present. (Note: Section 3 of Ordinance No. 2654 relates to the California Environmental Quality Act exemption which was noticed on the agenda for this meeting.)

Ordinance No. 2655 - Water Rates and Charges - Ordinance No. 2655, an ordinance of the City of Redlands amending Chapters 3.52, 3.53, 13.12 and 13.16 of the Redlands Municipal Code relating to rates and charges for water service, 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 waived, and Ordinance No. 2655 was introduced and laid over under the rules with adoption scheduled for February 6, 2007. (Note: Section 6 of Ordinance No. 2655 relates to the California Environmental Quality Act exemption which was noticed on the agenda for this meeting.)

UNFINISHED BUSINESS

Green Waste Processing - Municipal Utilities Director Phelps explained the City Council heard a request from City staff to authorize distribution of a green waste processing request for qualifications and bid proposal on August 1, 2006. At the request of City Council, staff returned with this item on September 5, 2006, with an additional motion to apply a one percent procurement preference to the bid evaluation as provided for under Resolution No. 5855. The City Council then expressed the need to have a better understanding of the process before moving forward. At the direction of the City Council a "Question and Answer" was prepared and distributed on September 13, 2006. Municipal Utilities Director Phelps reviewed considerations supporting the distribution of the request for qualifications and bid proposal and application of the local procurement preference. Staff has made every effort to resolve the business concerns expressed by Larry Curti, One Stop Landscaping. Revisions have been initiated in an effort to address the vendor's comments while retaining important rights and conditions that are in the best interests of the City and its customers.

Representing One Stop Landscaping, Mark Bulot expressed appreciation to staff for their efforts and submitted four recommendations at the meeting. A letter was also received from Eddie Tejeda expressing support for the proposal put forth by the Solid Waste Division.

Councilmembers and staff reviewed the recommendation received from Mr. Bulot. Councilmember Gilbreath moved to authorize issuing a request for qualifications and bid proposal for processing green waste with the following modifications:

1. Change on page 2 - Qualifications-Selection Process: "The City will then initiate negotiations with the qualified firm(s) proposing..." to "The City will then contract with the qualified firm(s) proposing..."
2. Change contract page 1, Article 3, Responsibilities of City, Section 3.2: "as required by contractor" to "as required by City".
3. Add a line to Exhibit C for contract scope of services, Section M3 to read "Per ton disposal rate to be paid by contractor for processed green waste ADC delivered by contractor to City Landfill."

and apply a one percent procurement preference in evaluation of the bids. Motion seconded by Councilmember Aguilar and carried by AYE votes of all present

PUBLIC COMMENTS

Ben Franklin's Birthday - Interim City Manager Racadio announced that tomorrow, January 17, 2006, is the famous Benjamin Franklin's birthday.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:17 P.M. The next regular meeting will be held on February 6, 2007.