

MINUTES

of a regular meeting of the City Council of the City of Redlands held on April 21, 2009, at 3:00 P.M. This was a teleconference meeting held at the following locations:

1. Council Chambers, Civic Center, 35 Cajon Street, Suite 2, Redlands, California, and
2. Hilton Portland and Executive Tower, 921 SW 6th Avenue, Portland, Oregon

All votes during this teleconferencing meeting were conducted by roll call. Mayor Pro Tem Gilbreath conducted the meeting in the City Council Chambers.

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; Tom Fitzmaurice, Police Commander; 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 Councilmember Gallagher 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 Jane, a 9-12 month old Queensland Healer/Shepherd mix who is available for adoption at the Redlands Animal Shelter.

PUBLIC HEARING

Resolution No. 6809 - Adult Sports Program Fees - Public hearing was advertised for this meeting at the 7:00 P.M. session to consider Resolution No. 6809, a resolution of the City Council of the City of Redlands establishing specific fees and charges to recover costs reasonably borne, increase specific fees in the adult sports program and rescinding Resolution No. 6807. Councilmember Gallagher moved to move this matter to the afternoon session

in order to continue the public hearing to May 5, 2009, at 7:00 P.M. Motion seconded by Councilmember Aguilar and carried unanimously by roll call vote.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council unanimously approved by roll call vote the minutes of the regular meeting of April 7, 2009, and the special meeting of April 10, 2009, as submitted.

Salaries and Bills - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, payment of salaries and bills was acknowledged unanimously by roll call vote.

Resolution No. 6831 - Destruction of Public Records - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council unanimously adopted by roll call vote Resolution No. 6831, a resolution of the City Council of the City of Redlands approving the destruction of certain public records (accounts payable check copies and original back up documentation from July 1, 2003, to June 30, 2004).

Agreement - Reclamation Plan - Upper Santa Ana River Wash Area - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council unanimously approved by roll call vote an agreement with the City of Highland to designate the City of Redlands as lead agency for review, approval and administration of the Reclamation Plan for the Upper Santa Ana River Wash Area and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Final Approval - Tract No. 18699 - Mountain View Acres, Inc. - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council unanimously granted approval by roll call vote of the final map for Tract No. 18699 for the subdivision of 20.33 gross acres into 21 residential lots and one common area lot for the property located on the northeast corner of Fifth Avenue and Wabash Avenue within Specific Plan No. 54 as submitted by Mountain View Acres, Inc. (Redlands Christian Home).

Resolution No. 6823- Street Lighting District No. 1 - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council unanimously adopted by roll call vote Resolution No. 6823, a resolution of the City Council of the City of Redlands instituting proceedings, appointing an assessment engineer and ordering the preparation of an Engineer's Report in the matter of Street Lighting District No. 1.

Resolution No. 6827 - Landscape Maintenance District No. 1 - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City

Council unanimously adopted by roll call vote Resolution No. 6827, a resolution of the City Council of the City of Redlands instituting proceedings, appointing an assessment engineer and ordering the preparation of an Engineer's Report in the matter of Landscape Maintenance District No. 1.

Resolution No. 6832 - Identity Theft Prevention Program - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council unanimously adopted by roll call vote Resolution No. 6832, a resolution of the City Council of the City of Redlands adopting an Identity Theft Prevention Program in accordance with the Federal Fair and Accurate Credit Transactions Act of 2003.

Agreement - Removal of Invasive Plant Species - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council unanimously approved by roll call vote an agreement with the Inland Empire Resource Conservation District to remove invasive species from City property along San Timoteo Creek and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - 2009 American Recovery and Reinvestment Act Award - On motion of Councilmember Gallagher, seconded by Councilmember Aguilar, the City Council unanimously approved by roll call vote an interlocal agreement between the Town of Apple Valley and the Cities of Adelanto, Barstow, Big Bear Lake, Chino, Colton, Fontana, Grand Terrace, Hesperia, Highland, Loma Linda, Montclair, Needles, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Upland, Victorville, Yucaipa, Yucca Valley and the County of San Bernardino concerning distribution of the 2009 American Recovery and Reinvestment Act Award and authorized the City Manager to execute, and the City Clerk to attest to, the document on behalf of the City.

COMMUNICATIONS

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

American Recovery and Reinvestment Act of 2009 - Municipal Utilities and Engineering Director Hoerning presented a progress report on the American Recovery and Reinvestment Act of 2009. In late 2008, at the direction of the City Manager, staff prepared a potential project funding list which was presented for City Council consideration. On January 6, 2009, the City Council adopted six priority projects to pursue potential Federal funding opportunities. Michael Reiter has been appointed single point of contact with Van Scoyoc Associates, the City's Federal legislative advocate, and Rosemary Hoerning will be responsible for coordinating the American Recovery and Reinvestment Act. The City Council has used this list and program package to meet with

Congressman Lewis and other legislators in pursuing funding for these projects. The Council adopted these priority projects in Resolution No. 6806:

- A. Redlands Boulevard and Colton Avenue Improvement Project
- B. Downtown Storm Drain Replacement Project
- C. Recycled Water Project
- D. Crime Control Research Program
- E. City Facility HVAC Replacement Project
- F. Safety Hall Replacement Project

On February 17, 2009, President Obama signed the American Recovery and Reinvestment Act (ARRA) of 2009 into law. The stated purpose of the ARRA is:

1. To preserve and create jobs and promote economic recovery.
2. To assist those most impacted by the recession.
3. To provide investments needed to increase economic efficiency by spurring technological advances in science and health.
4. To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.
5. To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

Since the President signed the ARRA of 2009, the programs included within the act have been evolving. Staff is using the League of California Cities Funding Book as a guide to identifying and evaluating potential projects. This funding booklet is a dynamic work in progress and is being revised as additional information becomes available. At the City Manager's request, all Department Directors and their respective staff will be working together to develop and pursue potential projects. The projects identified by staff are considered viable projects that provide added value to revenues or the community. Staff is committed to provide a best effort to prepare and submit funding applications to meet the funding criteria and timeline requirements and to secure supplemental funding to improve the quality of life for Redlands residents. Starting in December 2008, regional and State agencies, such as the San Bernardino County Economic Development Agency, Caltrans, and SANBAG, have requested project information from cities for consideration as part of their program submittals. Redlands has been responsive to these requests. At this time, under the ARRA's new Energy Efficiency Community Block Grant Program (EECBG), the City will receive \$678,400. This amount is a non-competitive population based allocation for projects conforming to these program requirements. Municipal Utilities and Engineering Director Hoerning reviewed the list of projects staff has identified and is further developing based upon the various funding programs, their program objectives, and funding thresholds. Staff and the Federal Legislative Advocate are monitoring, developing and preparing funding packages and project documents. This requires a special dedication of staff time, which impacts other daily activities.

These impacts are exacerbated by the reduced work schedule associated with employee furloughs. However, staff is hopeful that these staff and consultant efforts will realize additional supplemental funding resources to make improvements within the community. Mayor Pro Tem Gilbreath commended staff for a remarkable job.

Overtime Report - Finance Director/City Treasurer Kundig presented the findings and recommendations from a report on a study of overtime policies and practices of the Fire and Police Departments. A summary of the recommendations contained in that report is as follows:

1. Adopt a dollar cap on overtime pay for the Fire and Police Departments, as well as a cap on the percentage of overtime pay individual fire and police personnel can receive;
2. Adopt a policy of computing overtime based on hours worked rather than hours paid, for all City employees, not just Fire and Police personnel;
3. Reassess minimum staffing levels in the Fire Department;
4. Adopt a formal policy whereby all Fire and Police shift trades must be recorded on the books of the City, must be approved by supervisors, and must not be used to "create" overtime, if no overtime would have otherwise existed but for the shift trade;
5. Man special events held within the City of Redlands with "on-duty" Fire crews instead of assigning personnel on an overtime basis; bill sponsors for special event personnel costs, including overtime;
6. Where overtime is being incurred on a regular and consistent basis, evaluate whether it is more cost effective to add a Full Time Equivalent employee than to pay overtime.

William S. Morgan, CPA, Director of Consulting Services for Diehl, Evans & Company presented their findings and recommendations to the City Council. City Manager Martinez noted that many of these recommendations can be handled administratively. The major issues for the City Council to consider and which will need to be negotiated with the employee unions include constant manning guidelines and how the City should calculate overtime; City Manager Martinez recommended the calculation be based on hours worked rather than hours paid.

NEW BUSINESS

Street Tree Planting Plan - Quality of Life Director van Dorst presented the Street Tree Planting Plan, a culmination of more than three years of work by City staff, the Street Tree Committee and West Coast Arborists. The maintenance of our urban forest is supported by a budget that has historically declined in proportion to declining Public Works revenue. The current budget for tree trimming is adequate for the purpose of trimming the City's street trees and park trees an average of approximately once every 30-35 years. City staff will report back to the City Council in detail on this issue. That said, the adoption of a new street tree planting plan should provide long-term mitigation

for certain maintenance costs by assuring that we have planted the right tree in the right place. This plan is characterized by the following:

1. The plan is based on a complete inventory of the City's street trees, including the creation of a data base that delineates the species of every tree by location address and notes the locations of vacant sites suitable for planting street trees.
2. The Street Tree Planting Plan includes recommendations for approved street tree species by location, taking into account the presence of overhead utilities and space planting widths.
3. Street tree species have been selected on the basis of several criteria, including but not limited to the longevity and health of the tree species in our area, appropriateness of the tree to the space, minimal maintenance, adaptability to local soil conditions, hardiness to insect infestations and disease and root systems that do not buckle sidewalks or enter sewer lines.
4. The Street Tree Planting Plan is organized by district and includes recommended species by street relative to the parkway width and other conditions.

Rick Cross, Quality of Life Department, and a representative from West Coast Arborists, answered Councilmembers questions. Janet Ward, a member of the Street Tree Committee, urged approval of the Street Tree Planting Plan noting the fee paid to the West Coast Arborists was from private donations. Councilmembers thanked members of the Street Tree Committee and Quality of Life Department for their efforts and acknowledged with gratitude the planting of 250 trees by Mr. and Mrs. Ward. Councilmember Bean expressed concern that palm trees along the major streets should be preserved. Councilmember Harrison suggested a policy on the urban forest be included as part of the General Plan. Councilmember Gallagher moved to adopt the Street Tree Planting Plan in order to provide a street tree palette of approved street tree species organized by the appropriateness of each tree species to planting space widths and specific conditions. Motion seconded by Councilmember Aguilar and carried unanimously by roll call vote.

Contract - Employee Dental Insurance - Human Resources Director Scott-Leistra reported the City received proposals from dental coverage carriers. Each proposal exhibited certain savings. In accordance with the Employee Memoranda of Understanding, the City met and conferred with all employee units and provided presentations for each plan. The employee units unanimously chose the Principal Financial Group plan which offered enhanced benefits to the employees as well as a savings of approximately \$159,000.00 for a twelve month period on a contract of approximately \$516,000.00. Coverage under this plan will be effective May 1, 2009. Councilmember Bean felt the staff report was not sufficient as it did not include information regarding the bidding process. Councilmember Gallagher moved to approve the contract with The Principal Financial Group to provide dental insurance for all City employees and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember

Aguilar and carried unanimously by roll call vote.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Roadway Easements - Stuart Avenue - Redevelopment Consultant Project
Manager Art Morgan reported the Redevelopment Agency owns two separate parcels (Assessor's Parcel Numbers 0169-281-19 and 23) on the south side of Stuart Avenue at Third Street. One parcel is located at the southeast corner of Stuart Avenue and Third Street; and the second parcel is located at the southwest corner of Stuart Avenue and Third Street. The City of Redlands is requesting a grant for an irrevocable roadway easement along a portion of Stuart Avenue to construct, maintain, operate, replace, and renew the roadway and appurtenant structures in, upon and across said easement area. The easement area for APN 0169-281-19 would grant to the City an approximate area of 2,494.02 square feet. The easement area for APN 0169-281-23 would grant to the City an approximate area of 1,825 square feet. The ultimate result of these actions would lead toward the widening of Stuart Avenue for vehicular or pedestrian traffic within the downtown. Councilmember Gallagher moved that the City Council accept the easements and authorized the City Manager to execute the Certificates of Acceptance. Motion seconded by Councilmember Aguilar and carried unanimously by roll call vote. (Also see Redevelopment Agency minutes for April 21, 2009.)

PUBLIC COMMENTS

None forthcoming.

CLOSED SESSION

The City Council meeting recessed at 4:50 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:52 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code §54956.8
Property: 0171-271-11 and 13;
0171-272-01, 02, 03, 04, 05, 06 and 06
(City Civic Center property)
Agency negotiators: N. Enrique Martinez and Oscar Orci
Negotiating party: Mona Penner and Calvin Mclean
Under negotiation: Terms and price for offer for purchase of City property
2. Conference with legal counsel: Government Code §54956.9(a)
 - a. One case: Possible initiation of litigation by City
3. Conference with legal counsel: Government Code §54956.9(c)
 - a. One case: Possible initiation of litigation by City
4. Conference with labor negotiators - Government Code §54956.6
 - a. Unrepresented Employee: City Manager

LATE BREAKING ITEM

Closed Session - Noting the need to take action was immediate, Councilmember Gallagher moved to add the following item to the agenda under "Closed Session" which arose subsequent to the agenda being posted:

1. Conference with real property negotiator - Government Code §54956.8

Property: 0171-271-11 and 13;
0171-272-01, 02, 03, 04, 05, 06 and 06
(City Civic Center property)

Agency negotiators: N. Enrique Martinez and Oscar Orci

Negotiating party: L. Timothy Rochford

Under negotiation: Terms and price for offer for purchase of City property

Motion seconded by Councilmember Aguilar and carried unanimously by roll call vote.

Mayor Pro Tem Gilbreath reconvened the meeting at 5:44 P.M.

PRESENT

Pat Gilbreath, Mayor Pro Tem
Mick Gallagher, Councilmember
Jerry Bean, Councilmember

ABSENT

Jon Harrison, Mayor
Pete Aguilar, Councilmember

STAFF

Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Carl Baker, Public Information Officer; Tom Fitzmaurice, Police Commander; Gary van Dorst, Quality of Life Director

CLOSED SESSION REPORT

City Attorney McHugh reported that during the closed session the two real property offers were rejected and staff was authorized to initiate litigation regarding a hangar at the Redlands Municipal Airport. These actions were approved unanimously by roll call vote with Mayor Harrison having participated in the teleconference meeting.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 5:46 P.M. The next regular meeting will be held on May 5, 2009.

/s/ City Clerk