

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 1, 2012 at 5:00 P.M.

PRESENT: Pete Aguilar, Mayor  
Paul Foster, Mayor Pro Tem  
Jon Harrison, Councilmember  
Jerry Bean, Councilmember  
Bob Gardner, Councilmember

ABSENT: None

STAFF: Enrique Martinez, City Manager; Dan McHugh, City Attorney; Sam Irwin, City Clerk; Carl Baker, Public Information Officer; Jeff Frazier, Fire Chief; Mark Garcia, Police Chief; David Hexem, Chief Information Officer; Fred Mousavipour, Municipal Utilities and Engineering Director; Fred Cardenas, Quality of Life Director; Tina Kundig, Finance Director/City Treasurer; Oscar Orci, Development Services Director; Debbie Scott-Leistra, Human Resources Director

Mayor Aguilar called the meeting to order and offered those present the opportunity to provide public comment on any item on the agenda for the closed session.

PUBLIC COMMENT:

None forthcoming.

CLOSED SESSION:

The meeting recessed at 5:00 P.M. to a closed session to discuss the following:

1. Conference with real property negotiators - Government Code §54956.8  
Property: APN 292-182-05 (Northeast corner of West Park Avenue and Alabama Street)  
Agency Negotiators: N. Enrique Martinez, Oscar Orci  
Negotiating Party: Bill Korek of Korek Land Co. representing Pacific Coast National Bank and Provident Bank  
Under Negotiation: Terms and price for City purchase of property
  
2. Conference with real property negotiators - Government Code §54956.8  
Property: APN 292-158-03 (Southwest corner of West Park Avenue and Alabama Street)  
Agency Negotiators: N. Enrique Martinez, Oscar Orci  
Negotiating Party: Bert T. Simmons of Pacific Mercantile Bank  
Under Negotiation: Terms and price for City purchase of property

The meeting reconvened at 6:04 P.M. with an invocation by Councilmember Harrison followed by the pledge of allegiance to the American flag.

CLOSED SESSION REPORT:

City Attorney McHugh announced no reportable action was taken by the City Council during closed session.

PRESENTATIONS:

Redlands Animal Shelter – Animal Control Volunteers Cyndy Dunham and Karington Sebastian introduced Kami, Jesse and Cody, a mother Chihuahua mix and her two puppies, who are available for adoption, with thirty other dogs and thirty-two cats, at the Redlands Animal Shelter. Ms. Dunham informed the Council thirty dogs and twelve cats have been adopted since the last City Council meeting.

Volunteer Appreciation – City of Redlands Volunteer Coordinator Tabettha Wittenmyer presented Certificates of Appreciation to Cyndy Dunham, for her many hours of service to the Redlands Animal Shelter, and to Ben Matlock for his contributions as a volunteer worker in the Development Services Department. Tabettha pointed out and expressed appreciation for the significant volunteer workforce augmenting the City of Redlands staff on a daily basis.

Planner Recognition – Mayor Pro Tem Foster highlighted the significant efforts put forth by Manuel Baeza as Principle Planner for the City of Redlands, thanked him for his many contributions toward economic development in the city and presented him with a Certificate of Recognition.

PUBLIC COMMENTS:

Olio – Al Kelley offered his observations on Police Department supervision of youth activities and the historic and scenic designation process in Redlands.

County/City Interrelations - Steve Rogers read from newspaper articles to infer events in Redlands are closely tied together with events in the surrounding San Bernardino area.

CONSENT CALENDAR:

Minutes – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the minutes of the regular meeting of April 17, 2012.

Resolution No. 7154 – Conflict of Interest Code – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7154 amending the City of Redlands Conflict of Interest Code pursuant to the Political Reform Act of 1974 and rescinding Resolution No. 6996.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a proclamation declaring May 2012 as *Perinatal Depression Month*.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a proclamation declaring May 5-6, 2012 as *Relay for Life Weekend*.

Facility Use Agreement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved application and agreement between the City of Redlands and the Redlands Unified School District for use of the Blackstone Theatre at Redlands East Valley High School for a piano recital to showcase the performances of youth and adults enrolled in the piano lesson program offered through the City of Redlands Community Center.

Household Hazardous Waste - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and the San Bernardino County Fire Protection District for household hazardous waste collection management.

Software Agreement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and Docview LLC to provide online services for traffic collision report retrieval.

Justice Assistance Grant - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and LeadsOnline for internet access to information from pawnshops, second hand stores, game stores and online auction sites to aid in tracking down stolen property. Funding in the amount of \$4,950 for this service will come from a 2009 Justice Assistance Grant.

Grant Distribution - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and the Town of Apple Valley, the Cities of Adelanto, Barstow, Chino, Colton, Fontana, Hesperia Highland, Montclair, Ontario, Rancho Cucamonga, Rialto, San Bernardino, Upland, and Victorville, and the County of San Bernardino concerning the distribution of the 2012 Justice Assistance Grant. The motion included an additional appropriation of \$17,707 to the Police Department as a result of the Grant.

Contraband Detection - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and the Redlands Unified School District for the provision and operation of a Contraband Detection Canine Program.

Crystal Springs Ranch – As a public comment, Pamela Smyth presented arguments in support of a historic and scenic designation for property located at 12261 Wabash Avenue, also known as Crystal Springs Ranch. Amanda Frye expressed questions as to how a civil engineer’s report was going to impact a decision to designate a property as historic and scenic. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed to receive and file a report relating to the status of efforts associated with the possible designation.

Ordinance No. 2779 – Fees and Service Charges – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the adoption of Ordinance No. 2779 deleting Chapter 3.16 of the Redlands Municipal Code relating to the City’s fee and service charge revenue/cost comparison system and summary of user fee study results, amending Chapter 3.52 of the Code by deleting subsections relating to water meter installation charges, outside city service review fees, and miscellaneous water department service fees, and amending Chapter 5.68 by deleting yard sale permit fees.

Ordinance No. 2781 – Fire Code – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the adoption of Ordinance No. 2781 amending Chapter 15.20 of the Redlands Municipal Code and adopting the 2010 Edition of the California Fire Code which incorporates by reference the 2009 Edition of the International Fire Code, with necessary California amendments.

Ordinance No. 2771 – DIVCA – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the adoption of Ordinance No. 2771 amending Chapter 5.76 of the Redlands Municipal Code relating to the Digital Infrastructure and Video Competition Act (DIVCA) of 2006. The ordinance transfers issuance of video service franchises from the City of Redlands to the California Public Utilities Commission, while retaining for the City the authority to establish penalties for a franchisee’s non-compliance with DIVCA.

Ordinance No. 2782 – Street Code – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the adoption of Ordinance No. 2782 amending chapter 12.20 of the Redlands Municipal Code relating to street construction and construction regulations. The purpose of the ordinance is to ensure City streets are properly maintained and traffic is controlled safely when utility and service providers make cuts into pavement to access or install infrastructure in the City right-of-way.

#### COMMUNICATIONS:

Safety Hall Location – Development Services Director Orci introduced the Larry Kosmont who presented clarifications for points raised at the April 17, 2012 City Council meeting and suggested the next steps to be taken toward property acquisition options and project delivery strategies for a new Safety Hall Facility. Discussion centered on the pace with which to proceed and consensus favored a plan to wait at least until calendar year 2013 to attempt an election ballot decision on ways to fund the project. Kosmont was directed to continue evaluation of a fire station project alternative, development of an existing asset monetization strategy and property acquisition activities. Staff was directed to confirm cost estimates and timelines for a June 2013 election. All were asked to look at coalition building to solicit public support for the facility. A target date of August 2012 was set for further discussions on this item.

Resolution No. 7158 - Corporate Constitutional Rights - Mayor Aguilar introduced a draft resolution for the purpose of addressing concerns expressed by residents during several public comment periods, over an extended period of time, at regular and special City Council meetings. As a public comment, several speakers presented points for discussion calling for a reversal of court decisions which grant Constitutional rights to corporations and characterize the spending of money as a form of speech also protected by the US Constitution. In opposition, several other speakers said the subject is inappropriate at the city level of government and should not be addressed by the City Council. In an effort to focus concerns expressed to the need for election campaign reform, Councilmember Harrison suggested a change in the wording of the draft resolution to include unions and other special interest groups as parties which use spending money as a form of speech to influence the outcome of elections.

On motion of Councilmember Harrison, seconded by Councilmember Bean, the City Council unanimously approved the wording change. On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved Resolution No. 7158 urging Congress to propose a constitutional amendment ending corporate personhood. Mayor Pro Tem Foster and Councilmember Bean voted No on the resolution stating their belief the subject is inappropriate at the city level of government.

NEW BUSINESS:

Ordinance No. 2780 – Social Host Liability – Police Lt Travis Martinez presented the background and intended benefits of a proposed social host liability ordinance. The proposed ordinance imposes strict liability on property owners and other responsible persons for the nuisances created by, and the cost associated with, responding to loud and unruly gatherings. As a public comment, several people endorsed the need to address underage drinking and drug abuse among the youth of Redlands. Support for the ordinance was expressed by the Common Vision Coalition, and Mothers Against Drunk Driving. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the introduction of Ordinance No. 2780 adding Chapter 9.30 to the Redlands Municipal Code establishing social host liability.

Bridge Repair - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed the Iowa Street Bridge Repair Project is categorically exempt from further review in accordance with California Environmental Quality Act Guidelines and approved a contract between the City of Redlands and KAD Paving Company, in the amount of \$54,530, to repair the bridge.

Fleet Purchases - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved purchase orders for the City of Redlands Equipment Maintenance Division payable to Johnson Machinery Co., in the amount of \$35,000, for service, parts, supplies, oils, lubricants and repair and maintenance of heavy equipment; payable to Daniels Tire Service, Inc., in the amount of \$60,000, for tire purchases and services; and payable to Pete's Road Service, Inc., in the amount of \$52,000, for tire purchases and repairs and parts and supplies. The term of all three purchase orders is through the end of the FY 2011-2012.

Temporary Staffing - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved existing annual purchase orders and related invoices for temporary staffing with Arrow Staffing, Labor Ready and Manpower. Additionally, the motion approved change orders to the annual purchase orders with Arrow Staffing, in an amount

not-to-exceed \$132,000, and Labor Ready, in an amount not-to-exceed \$350,000.

Ordinance No. 2778 – Zone Change No. 440 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the adoption of Ordinance No. 2778 changing the zoning designation from an R-2 (Multi-Family Residential) District to an A-P (Administrative and Professional Office) District for approximately 1.15 acres located on the north side of State Street, between Texas Street and Nevada Street. Councilmember Harrison recused himself from discussion and voting on this item due to his employment relationship with Esri, the applicant for this zone change.

License Agreement Amendment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Amendment No. 1 to an Enterprise License Agreement between the City of Redlands and Esri to add one copy of CityEngine to the list of Enterprise Licensed Software included in the agreement, at no cost to the City. Councilmember Harrison recused himself from discussion and voting on this item due to his employment relationship with Esri.

Computer Software Maintenance - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved payment to Systems and Software, Inc. of the second installment of a two-year agreement for the annual and related third party maintenance for the enQuesta application. The installment amount is \$136,335 to provide support to the City's utility billing, account management and related functions.

#### PUBLIC HEARINGS:

Land Use - BNY, Inc., Applicant - Mayor Aguilar opened the public hearing and called upon Oscar Orci, Development Services Director, to provide the background leading to the denial of an application for the development of a multifamily dwelling condominium project on approximately 3.14 acres located on the east side of Occidental Drive, approximately 657 feet north of Brockton Avenue. No comments were offered to either support or oppose the project.

Resolution No. 7096 – General Plan Amendment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7096 denying a request to amend the General Plan Land Use Designation from Low-Density Residential (0 to 6 units per gross acre) to Medium-Density Residential (0 to 15 units per gross acre) for the project.

Resolution No. 7101 – Zone Change - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7101 denying Zone Change No. 439, to change the zoning designation from R-1 (Single Family Residential) District to R-2 (Multiple Family Residential) District for the project.

Resolution No. 7102 – Street Vacation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7102 denying Street Vacation No. 154, to vacate Crystal Court; approximately 317 linear feet located on the east side of Occidental Drive, approximately 657 feet north of Brockton Avenue in the R-1 (Single Family Residential) District (Proposed to change to R-2 [Multiple Family Residential] District).

Resolution No. 7103 – CUP - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7103 denying Conditional Use Permit (CUP) No. 986 for the development of thirty-four (34) townhomes on approximately 3.14 acres located on the east side of Occidental Drive, approximately 657 feet north of Brockton Avenue in the R-1 (Single Family Residential) District (Proposed to change to R-2 [Multiple Family Residential] District).

Resolution No. 7104 – Tentative Tract - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7104 denying Tentative Tract No. 18795, to subdivide approximately 3.14 acres into thirty-four (34) numbered lots and one common lot for a townhome development located on the east side of Occidental Drive, approximately 657 feet north of Brockton Avenue in the R-1 (Single Family Residential) District (Proposed to change to R-2 [Multiple Family Residential] District).

CDBG Planning Documents - Mayor Aguilar opened the public hearing and called upon Janet Miller, from the Development Services Department, to provide the background leading to suggested changes to the City of Redlands planning documents for the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding consideration. As a public comment, Steve Rogers submitted for the record, and read aloud, a letter voicing his concerns about the CDBG process.

Consolidated Plan - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the FY 2009-2013 Five-Year Consolidated Plan amendment.

FY 2011-2012 Action Plan – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the FY 2011-2012 One-Year Action Plan amendment.

Resolution No. 7155 – FY 2012-2013 Action Plan - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7155 approving the CDBG One-Year Action Plan for FY 2012-2013.



Document Submission – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council directed staff to submit the approved documents to HUD.

Subrecipient Agreements - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved authorization for the Mayor to execute Subrecipient agreements with the selected public services agencies after receiving final approval of the FY 2012-2013 One-Year Action Plan from HUD.

COUNCILMEMBER ANNOUNCEMENTS:

Community Service Day – Councilmember Gardner highlighted the events of Saturday, April 28, 2012, a day in which the Redlands Service Club Council and the Church of Latter Day Saints combined efforts to perform work projects in support of the community, and veterans in particular, with funding from Home Depot Foundation. Lunch was prepared and served by the Redlands Noon Kiwanis. A good time was had by all.

Coffee with the Council – Mayor Pro Tem Foster observed his and Councilmember Harrison’s participation in the most recent session. He said the effort continues to be informative and worthwhile.

ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 9:36 P.M. The Council will meet at their next regular meeting on May 15, 2012.