

MINUTES: of a special meeting of the City Council of the City of Redlands held on July 26, 2012, at 6:00 P.M.

PRESENT: Pete Aguilar, Mayor
Jon Harrison, Councilmember
Jerry Bean, Councilmember
Bob Gardner, Councilmember

ABSENT: Paul Foster, Mayor Pro Tem

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; Phil Mielke, Innovation and Technology Department; Fred Mousavipour, Municipal Utilities and Engineering Director; Fred Cardenas, Quality of Life Director; Tom Steele, Assistant Finance Director; 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 to be discussed in closed session.

PUBLIC COMMENTS:

Contract Dispute – Jared Himle, of Weka, Inc., declared a formal protest as to the award of a contract for the Capital Improvement Program 2012 Pipeline Replacement Project.

LATE BREAKING ITEM:

Anticipated Litigation – On motion of Councilmember Harrison, seconded by Councilmember Bean, the City Council agreed to include the following item with the closed session agenda:

Conference with legal counsel: Anticipated Litigation – Government Code §54956.9(b)(2)
a. One Case: Facts and Circumstances – claim of Charles Holcombe and settlement discussions for property damages incurred at 624 West State Street

CLOSED SESSION:

The closed session portion of this meeting was a teleconference held at the following locations:

1. Council Chambers, Civic Center, 35 Cajon Street, Suite 2, Redlands, California, and
2. Cliffs at Princeville, Room 7105, 3811 Edward Road, Princeville, Hawaii

All votes during this teleconferencing meeting were conducted by roll call vote.

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

ABSENT: None

The meeting recessed at 6:03 P.M. to a closed session to discuss the late breaking item and the following:

1. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(c)
 - a. One Case: Possible initiation of litigation by the City of Redlands
2. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)(2)
 - a. One Case: Facts and Circumstances – threat of litigation relating to the City’s award of a contract for its 2012 Pipeline Replacement Project
3. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) Two Cases
 - a. Stanton J. Diamond, et al v. City of Redlands, et al, San Bernardino Superior Court Case No. CIVDS 909795
 - b. Daniel Christensen v. City of Redlands, et al, San Bernardino Superior Court Case No. CIVDS 1012314
4. Public Employee Dismissal/Release – Government Code §54957
 - a. Consideration of an industrial disability retirement application of a Public Safety Employee
5. Conference with labor negotiator - Government Code §54957.6
Agency Negotiator: Richard Kreisler
Employee Organizations: Redlands Association of Department Directors; Redlands Association of Management Employees; Redlands Association of Mid-Management Employees; General Employees Association of Redlands (SBPEA); Redlands Civilian Safety Employees Association; Redlands Police Officers Association; Redlands Professional Firefighters Association; Redlands Association of Safety Management Employees; and Redlands Association of Fire Management Employees

Unrepresented Employees: City Manager and City Attorney

The meeting reconvened to an open session at 7:56 P.M.

CLOSED SESSION REPORT:

City Attorney McHugh announced that, during the closed session, the City Council unanimously approved, by a roll call vote, an industrial disability retirement application of a Public Safety Employee.

CONSENT CALENDAR:

AYSO Payment – On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved the first amendment to an agreement between the City of Redlands and the American Youth Soccer Organization (AYSO) for the establishment of an annual payment due date.

Junk Mail Opt-Out - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved change in contract assignment for the junk mail opt-out program from Catalog Choice to TrustID.

Memorial Trust Fund - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved the establishment of a memorial trust fund in the name of Pauline Stancliff.

Landfill Analysis - On motion of Councilmember Bean, seconded by Councilmember Harrison, the City Council approved an agreement between the City of Redlands and TestAmerica to provide groundwater, leachate and condensate laboratory analysis services for the City's landfill operations.

Resolution No. 7202 – CFD No. 2004-1 Tax Levy – As a public comment, Steve Rogers observed the staff report on this item did not include discussion of several amendments to the District. Municipal Utilities and Engineering Director Mousavipour introduced Paul Thompson, from Webb Associates, who provided details on the amendments. On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved Resolution No. 7202 levying special taxes within the City of Redlands Community Facilities District (CFD) No. 2004-1.

YMCA Ingress/Egress - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved a license agreement between the City of Redlands and the YMCA for temporary ingress and egress through a city-owned parking lot and determined the agreement is exempt from the California Environmental Quality Act.

Resolution No. 7205 – PEG Fee - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved Resolution No. 7205 establishing a one percent cable franchise Public Education Government (PEG) fee for public access. Councilmember Bean voted No on the resolution stating that a one percent tax is too high.

Animal Shelter Upgrade - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved an agreement between the City of Redlands and the Home Depot Foundation for the acceptance of a grant for beautification projects, kennel repairs and upgrades to the Redlands Animal Shelter.

NEW BUSINESS:

Resolution No. 7201 – Loan to Successor Agency - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved Resolution No. 7201 authorizing a loan of \$3,157,400 to the Successor Agency to the former Redevelopment Agency of the City of Redlands to pay for enforceable obligations of the Successor Agency.

Surveying Services - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved an agreement between the City of Redlands and Aero Tech Surveys for the provision of on-call and project related aerial mapping land surveying services. Councilmember Bean voted No on the agreement stating his dissatisfaction with the lack of competition in the process to select Aero Tech Surveys for the services.

Green Waste Processing - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved an agreement between the City of Redlands and One Stop Landscape Supply for green waste processing services.

Alternative Fuel Vehicles - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved an additional appropriation of \$85,000 in the General Capital Improvement Fund (240) resulting from a grant award from the South Coast Air Quality Management District to offset the cost of purchasing alternative fuel vehicles.

Annual Purchase Orders - On motion of Councilmember Gardner, seconded by Councilmember Bean, the City Council approved the Quality of Life Department's annual purchase order requests.

Pipeline Replacement - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved a contract award to Munoz Construction Corporation for the Capital Improvement Program Water Pipeline Replacement Project and determined the project is categorically exempt from further review in accordance with the California Environmental Quality Act. As a public comment, Jared Himle restated his protest of the contract award and said it set a bad precedent. Steve Rogers said he agreed the contract award was improper. Kenneth Munoz, from Munoz Construction, said he was available to answer any questions about his company.

LED Street Lighting - On motion of Councilmember Harrison, seconded by Councilmember Bean, the City Council approved a contract award to Flatiron Electric Group for Phase 1 of the Citywide Liquid Electronic Diode (LED) Streetlight Conversion Project.

Purchase Order Modifications - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved the modification of existing annual purchase orders providing miscellaneous tools, equipment and supplies on a need-by-need basis for total annual amounts of \$131,550 for Home Depot and \$111,062 for Office Depot.

Resolution No. 7204 – Campaign Expenditures - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved Resolution No. 7204 establishing a voluntary election campaign contribution policy. The final wording of the exhibits associated with the resolution is to be provided by the City Attorney after consideration of concerns expressed by Councilmembers during discussion. Councilmember Bean voted No on the resolution stating his concerns that the campaign process is too far along for the November 6, 2012 election to be trying to hurriedly implement campaign finance reform.

Resolution No. 7206 – Sexual Harassment Training - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved Resolution No. 7206 establishing mandatory sexual harassment training for standing commissions and committees of the City of Redlands. As a public comment, Steve Rogers wanted to know if the City Council and volunteers were included in the group to receive training.

PUBLIC COMMENTS:

None forthcoming

ADJOURNMENT:

There being no further business, this meeting was adjourned at 9:15 P.M. The Council will meet next at their regular meeting on September 4, 2012.

Sam Irwin, City Clerk