

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 October 2, 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; Chris Catren, Police Lieutenant; 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 5:01 P.M. to a closed session to discuss the following:

1. 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
2. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) – Two Cases

- a. Timothy Pepper as Guardian for Adam Pepper v. Esther Vargas, et al, San Bernardino Superior Court Case No.CIVDS 1112160
 - b. Sara Wheaton v. City of Redlands, et al, San Bernardino Superior Court Case No.CIVDS 1014498
3. Conference with real property negotiator – Government Code §54956.8
 - Property: APNs 0300-241-17, -18, -19 and -20
 - Agency negotiators: N. Enrique Martinez, Oscar Orci
 - Negotiating party: Frank Mistretta Jr. representing the Frank J. Mistretta Family Trust and Mistretta Family Properties; and Sherli Leonard of the Redlands Conservancy
 - Under negotiation: Terms and price for City purchase of property
 4. Conference with real property negotiator – Government Code §54956.8
 - Property: APNs 0300-231-31 and -38, and 0300-241-15
 - Agency negotiators: N. Enrique Martinez, Oscar Orci
 - Negotiating party: Dr. Ralph Thompson representing the Ralph & Carolyn Thompson Living Trust, the Ellsworth Wareham Trust, Live Oak Associates, LLC and the Barbara N. Wareham Trust ; and Sherli Leonard of the Redlands Conservancy
 - Under negotiation: Terms and price for City purchase of property
 5. Conference with real property negotiator – Government Code §54956.8
 - Property: APN 0300-231-24
 - Agency negotiators: N. Enrique Martinez, Oscar Orci
 - Negotiating party: Curtiss Allen Sr.
 - Under negotiation: Terms and price for City purchase of property
 6. Conference with real property negotiator – Government Code §54956.8
 - Property: APNs 301-191-13 and 301-1743-36
 - Agency negotiators: N. Enrique Martinez, Oscar Orci
 - Negotiating party: Larry Jacinto
 - Under negotiation: Terms and price for City purchase of property
 7. Conference with real property negotiator – Government Code §54956.8
 - Property: APNs 0175-012-02 and 0175-121-01 and -02
 - Agency negotiators: N. Enrique Martinez, Oscar Orci
 - Negotiating party: Josephine Hogue
 - Under negotiation: Terms and price for City purchase of property
 8. Conference with real property negotiator – Government Code §54956.8
 - Property: APNs 0175-131-25 and 0175-122-13
 - Agency negotiators: N. Enrique Martinez, Oscar Orci

Negotiating party: Bobbie Skelton of ERA-First American
representing Paul and Mary Muro
Under negotiation: Terms and price for City purchase of property

The meeting reconvened at 6:02 P.M. with an invocation by Mayor Pro Tem Foster followed by the pledge of allegiance to the American flag.

CLOSED SESSION REPORT:

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

PRESENTATIONS:

Redlands Animal Shelter – Animal Control volunteers Cyndy Dunham and Juan Nunez introduced Eddy, a six year old male, Chihuahua who is available for adoption, with 54 other dogs and 77 cats, at the Redlands Animal Shelter. Ms. Dunham informed the Council 37 dogs and 15 cats have been adopted since the last regular City Council meeting.

Employee Recognition – Assisted by Chief Frazier and Lt Chris Catren of the Police Department, Mayor Aguilar presented Certificates of Recognition to Police Officer Breanna Herrera, Fire Captain Mike Howard, Fire Engineer Shawn Corbett, Firefighter Jonathan Hearn, Firefighter/Paramedic Chad Meketarian and Firefighter/Paramedic Orlando Ramirez for their exemplary professional conduct during a rescue of a five year old boy from a swimming pool drowning incident. The boy, Zane Holmes, attended the meeting and presented gifts to each of his rescuers.

League of Cities Award – Nancy Cisneros, representing the League of California Cities, presented two Helen Putnam Awards, for excellence in innovative solutions, to the City of Redlands. Redlands received recognition in the category of Engaging Youth, for the Redlands Emergency Service Academy, and the category of Transportation, for the 3-1-1 Mobile Phone App. Mayor Aguilar received the awards on behalf of the City and thanked the staff for their significant contributions toward achieving this recognition.

PUBLIC COMMENTS:

Call for Change – Seth Kaufman presented his perspectives on the current political environment and offered a challenge to everyone to reflect and contemplate their options in the coming election.

Priorities - Dennis Bell spoke critically of the City of Redlands approach to maintaining infrastructure and questioned priorities.

Host Ordinance – Ronald Ynda described an environment of loud parties and under-age drinking in his neighborhood. He called for a social host ordinance to aid the police in dealing with the current situation.

Job Search – Steve Rogers expressed his frustration with the process of obtaining employment with the City of Redlands.

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 September 18, 2012.

Settlement Agreement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the release of details of a settlement of a lawsuit alleging race discrimination, harassment and retaliation filed against the City of Redlands by a former employee.

Settlement Agreement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the release of details of a settlement of a lawsuit alleging the malfunction of City of Redlands traffic lights resulting in an automobile accident.

Development Agreement Review - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed to receive and file notices to conduct annual reviews of approved development agreements with Mountainview Power Company, Robertson Ready Mix, Ltd, Cemex Construction Materials, LP, and Cal-Red Facility LLC, for year 2012, in accordance with Chapter 18.220 of the Redlands Municipal Code. As a public comment, Steve Rogers suggested the review would present an opportunity to renegotiate revenue rates associated with these agreements.

Resolution No. 7222 – Investment Authority - On motion of Councilmember Bean, seconded by Councilmember Harrison, the City Council unanimously approved Resolution No. 7222 delegating investment authority to the City Treasurer pursuant to Government Code §53607. As a public comment, Steve Rogers called for reconsideration of the City Council decision to make the City Treasurer a part time position.

Investment Policy - On motion of Councilmember Bean, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the annual review of the City of Redlands statement of investment policy. As a public comment, Steve Rogers called for reconsideration of the City Council decision to make the City Treasurer a part time position.

Fee Waiver - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from the Grove High School for waiver of fees associated with the use of the Community Center gymnasium for volleyball practices and games which will be held Monday through Friday, from 3:00 P.M. to 5:00 P.M., September 19 through October 31, 2012.

COMMUNICATIONS:

Downtown Events – Heather Smith, of the Development Services Department, provided an overview of events planned to stimulate economic development in the downtown area during the fourth quarter of 2012. These events include a pre-Halloween movie screening of *Monsters Versus Aliens* at Ed Hales Park on Friday, October 26th, *Safe Trick or Treat* from 3:00 P.M. to 5:00 P.M. on Halloween afternoon and *Holiday Tree Lighting* from 4:00 P.M. to 7:00 P.M. on Saturday, November 17th.

Resolutions No. 7223 and 7224 - Public Benefit Resources – Councilmember Harrison introduced John James, Planning Commissioner and Chairman of the Public Benefit Resources Task Force Committee, who summarized the goals, membership and activities of the Committee. Through a series of meetings utilizing the Delphi Method of decision making, the Committee arrived at a proposed allocation for funds received by the City of Redlands for the sale of approximately 37 acres of orange grove property located at Nevada Street and Palmetto Avenue. The Committee recommended the following allocation of funds to the following categories: 33% to Parks & Recreation, 8% to Trails, 25% to Agricultural Open Space, 18% to Natural Open Space, and 16% to Other Public Benefit Improvements. After discussion, the Council changed the allocation to 38% to Parks & Recreation and 20% to Agricultural Open Space. All other allocations remained as proposed by the Committee. As a public comment, Steve Rogers asked where a proposed skateboard park would fit in the allocation. On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved Resolution No. 7223 rescinding Resolution No. 6679, a previously approved allocation of funds from the sale of orange grove properties. On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council approved Resolution No. 7224 prescribing the expenditure of funds realized from the property sale. Councilmember Gardner voted No on Resolution No. 7224 because it did not allow some allocation for payment of the City's debt load.

UNFINISHED BUSINESS:

Walmart Stores, Inc. – Applicant – At the request of the applicant, and on motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to continue consideration of Resolution No. 7193, certifying the Final Environmental Impact Report for the Redlands Crossing Project

Development Plan and adopting the Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program, Resolution No. 7192, approving the Socio-Economic Cost Benefit Study for Conditional Use Permit No. 945 and Tentative Parcel Map No. 19060 (Minor Subdivision No. 330), Resolution No. 7194, approving Conditional Use Permit No. 945, and Resolution No. 7198, approving Tentative Parcel Map No. 19060 (Minor Subdivision No. 330), to the City Council meeting of October 16, 2012. As public comments, both Dennis Bell and Steve Rogers expressed dissatisfaction with the process used to decide the approval or disapproval of the Redlands Crossing Project.

PUBLIC HEARING:

Demolition Permit Appeal - Mayor Aguilar opened the public hearing and called upon Chris Boatman, of the Development Services Department, to provide the background leading to an appeal of Demolition Permit No. 222 to demolish a 1,692 square foot, single family dwelling and attached garage located at 1222 Monte Vista Drive. At the request of staff and on motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to continue the public hearing for the appeal to the regular meeting of the City Council scheduled for October 16, 2012. Councilmember Bean recused himself from discussion and voting on this item due to the proximity of his residence to the property proposed for demolition.

NEW BUSINESS:

Ordinance 2772 – Massage Establishment Regulation – Police Chief Mark Garcia provided a summary of legislation which changed the California Business and Professions Code and established a new comprehensive massage practitioner and therapist certification process. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the introduction of Ordinance No. 2772 amending Chapter 5.28 of the Redlands Municipal Code regulating massage establishments within the City of Redlands. The new ordinance changes Redlands' procedures to be consistent with new law.

Pipeline Replacement – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed construction of a Brookside Avenue Water Pipeline Replacement Project, Project No. 71234, is categorically exempt from further environmental review in accordance with the California Environmental Quality Act, approved the Project plans and specifications, and awarded a contract to Christiansen Pipeline, Inc., in the amount of \$289,660 to perform the work.

Burglar and Fire Alarm System – Danielle Garcia, of the Quality of Life Department, provided details on a three year contract to provide burglar and fire alarm monitoring service at all City of Redlands facilities. On motion of Mayor

Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and Pacific Alarm Service, Inc. for burglar and fire alarm monitoring and service.

Development Agreement Review - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to receive and file a notice to conduct an annual review of an approved development agreement with Esri, for year 2012, in accordance with Chapter 18.220 of the Redlands Municipal Code. Councilmember Harrison recused himself from discussion and voting on this item due to his employment relationship with Esri.

Development Agreement Review - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to receive and file a notice to conduct an annual review of an approved development agreement with the Redlands Community Hospital, for year 2012, in accordance with Chapter 18.220 of the Redlands Municipal Code. Councilmember Bean recused himself from discussion and voting on this item due to his newspapers' source of income relationship with the hospital.

Development Incentive – Development Services Director Oscar Orci introduced a plan to establish a framework whereby the City of Redlands provides financial incentives to encourage improvements to the Hatfield Buick GMC auto sales facility. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a Development Incentive and Operating Covenant Agreement between the City of Redlands and Hatfield Buick GMC. Councilmember Bean recused himself from discussion and voting on this item due to his newspapers' source of income relationship with Hatfield Buick/GMC.

Development Incentive - Development Services Director Oscar Orci introduced a plan to establish a framework whereby the City of Redlands provides financial incentives to encourage improvements to the Tom Bell Chevrolet auto sales facility. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a Development Incentive and Operating Covenant Agreement between the City of Redlands and Tom Bell Chevrolet. Councilmember Bean recused himself from discussion and voting on this item due to his newspapers' source of income relationship with the auto sales industry.

ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 8:15 P.M. The Council will meet at their next regular meeting on October 16, 2012.