

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 16, 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:

Labor Contract Details – Arlen Einertson requested the public be given a detailed summary of the Memorandum of Understanding anytime an agreement is reached with any of the labor bargaining units in the City of Redlands.

CLOSED SESSION:

The meeting recessed at 5:08 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)(2) – One Case
 - a. Facts and circumstances – Consideration of a letter from the Environmental Protection Agency threatening City liability for property environmental remediation costs.
2. Conference with real property negotiator – Government Code §54956.8
 - Property: APN 0175-441-02 (1511 Cascante Court)
 - Agency negotiators: N. Enrique Martinez, Fred Cardenas
 - Negotiating party: Denny Shorett
 - Under negotiation: Terms and price for City purchase of property

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

3. 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

The meeting reconvened at 6:05 P.M. with an invocation by Councilmember Gardner 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 Spot, a five year old male Bassett mix, who is available for adoption, with 52 other dogs and 84 cats, at the Redlands Animal Shelter. Ms. Dunham informed the Council 46 dogs and 9 cats have been adopted since the last regular City Council meeting.

PUBLIC COMMENTS:

Unfunded Pension Liability – Amanda Frye warned against under funding pension liabilities as method of balancing the budget and suggested the labor unions might want to pay for an audit of employee pension funds.

Candidate Statements – Steve Rogers read from Mayor Aguilar’s Candidate Statement as included in the Elections Office Sample Ballot. He also asked why he is often accused of providing misinformation during his public comments at City Council meetings.

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 October 2, 2012.

League of Cities Delegate - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the designation of Councilmember Harrison as the voting delegate for the National League of Cities Annual Business Meeting to be held on December 1, 2012.

Use of Force Training - 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 Sheriff's Department for use of force trimester training.

Resolution No. 7220 – Files Destruction - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7220 authorizing the destruction of certain public records in the Redlands Police Department.

Ordinance 2772 – Massage Establishment Regulation – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the adoption 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 state law.

Water Exchange Entitlement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and Harold W. Willis to exchange entitlement water for delivery of water through the City's distribution system.

Resolution No. 7226 – Capital Project Analysis - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7226 adopting the Five-Year Measure I Capital Project Needs Analysis.

State Street Parking – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the State Street Parking and Signage Improvement Plan. The plan increases ADA accessible parking along State Street and attempts to improve the understanding of parking requirements through standardized signage.

Landscape Architectural Services - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and STB Landscape Architects for conceptual drawings of the Orange Street/Eureka Street/Interstate 10 on and off ramps.

Final Tract Map - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Final Tract Map No. 18762 for a San Bernardino County Housing Authority 228-unit planned residential development on approximately 19 acres located at the northeast corner of Orange Street and Lugonia Avenue.

COMMUNICATIONS:

Legislative Update – Public Information Officer Carl Baker introduced Letitia White and Heather Hennessy, from Innovative Federal Strategies, who provided a summary of issues currently before Congress which could impact Redlands. Ms. White highlighted lobbying efforts in the areas of grant applications, the Brookside Avenue Post Office, Community Development Block Grants, flood control, first responders and a Redlands transit center.

Youth Services – Councilmember Gardner introduced members of a team of students from the Master of Social Work program at California State University San Bernardino who presented their findings in a community-based research project for an inventory and needs assessment of services to children and youth in the City of Redlands. Rachel Dyer, a member of the team, summarized phase one of the project including goals, methodology and preliminary recommendations. The team identified 57 organizations in the Redlands area working to provide a variety of youth services. The project will continue efforts to coordinate these organizations' efforts and propose ways to fund efforts to address the needs of area youth.

PUBLIC HEARINGS:

Resolution No. 7152 – Fees and Services Charges - Mayor Aguilar opened the public hearing and called upon City Treasurer/Finance Director Tina Kundig to provide the background leading to the proposed Resolution No. 7152 establishing the amounts of fees and charges levied in connection with the City of Redlands' provision of regulations, products and services. As a public comment, representatives from the Building Industry Association, the Chamber of Commerce, and the San Bernardino Housing Authority suggested ways to soften the blow of significant fee increases. Steve Rogers asked that consideration of the fees be continued until after the November 6, 2012 election to allow the new City Treasurer the opportunity to weigh in on the schedule. Rosemary Tuohy expressed concern about the magnitude of fees associated with dog or cat adoption. After discussion, the staff was given guidance to amend the proposed

resolution to reflect the following policies: Quality of Life Department fees involving park reservations and tree trimming are to be subsidized at 50% of associated costs. Residents will not be charged fees for applying for Historic Resource designation. No Resolution No. 7152 fee increases are effective before January 1, 2013. Any applications for development in process before December 31, 2012 will not be subject to the new fee schedule. All fee increases will be subject to a phased-in schedule. Increases of less than 35% will take effect in the first year. Increases of 35% to 70% will be phased in to take full effect over a two year period. Increases over 70% will be phased in to take full effect over a three year period. All fee schedules should be reviewed annually prior to implementation of the phased-in increases. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed to continue consideration of Resolution No. 7152 until the next regular City Council Meeting on November 6, 2012.

Resolution No. 7227 - 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. Attorneys for both sides of the dispute over the demolition presented their arguments for and against upholding the permit. Residents from the affected neighborhood spoke of difficulties they have had applying for a Historic and Scenic District designation for the area and asked for a delay to allow time for consideration of their application. Discussion involved an attempt to reach compromise between the parties concerned, but no progress was made. The City Council failed to reach consensus on a motion of Mayor Aguilar, seconded by Councilmember Gardner, to approve Resolution No. 7227 which would have upheld the Historic and Scenic Preservation Commission's approval of Demolition Permit No. 222. Mayor Pro Tem Foster and Councilmember Harrison voted No on the resolution. Councilmember Bean recused himself from discussion and voting on this item due to the proximity of his residence to the property proposed for demolition.

UNFINISHED BUSINESS:

WALMART STORES, INC. – APPLICANT

Mayor Aguilar called upon Bob Dalquest, of the Development Services Department, to provide the background leading to a request for certification of an Environmental Impact Report (EIR), and approval of a Socio-Economic Cost/Benefit Study, a Conditional Use Permit (CUP), and a Tentative Parcel Map for the Walmart Stores, Inc development project known as Redlands Crossing. As public comment, numerous residents spoke in favor of, and against, the project. After lengthy, open forum discussion with Aaron Rios, the applicant's representative, the following conditions were added for approval of the development: Operating hours of the store shall be consistent with operating

hours of similar types of “big-box” stores located in the City of Redlands and within the same or an equivalent zoning district; provided, however, in no case shall the store be open to the public after 12:00 midnight. Within 30 days of the approval of its project, the applicant shall meet with an ad-hoc subcommittee of the City Council and use good faith efforts to consider the addition of architectural enhancements recommended by the subcommittee to the building façade to better reflect Redlands heritage. The applicant wishes to donate the amount of \$50,000 to the City of Redlands, at the time of issuance of a Certificate of Occupancy, to be placed in a special account for the costs of improvements to the City’s trail system. Mayor Aguilar expressed his view that, in spite of the added conditions for approval, the project has too many unmitigated impacts in the immediate area of the development and he could not support the project.

Resolution No. 7193 – EIR Certification - On motion of Mayor Pro Tem Foster, seconded by Councilmember Bean, the City Council approved Resolution No. 7193 certifying the Final Environmental Impact Report, adopting a Statement of Facts, Findings and Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program. Mayor Aguilar voted No on the resolution.

Resolution No. 7192 – Socio-Economic Cost/Benefit Study - On motion of Mayor Pro Tem Foster, seconded by Councilmember Bean, the City Council approved Resolution No. 7192 approving the Socio-Economic Cost/Benefit Study for Conditional Use Permit No. 945 and Tentative Parcel Map No. 19060. Mayor Aguilar voted No on the resolution.

Resolution No. 7194 – CUP No. 945 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Bean, the City Council approved Resolution No. 7194 approving Conditional Use Permit No. 945 for a development plan that proposes to construct a 256,614 square foot retail and commercial center on approximately 32.97 acres containing a 196,114 square foot Walmart store, nine (9) out-parcels with a potential of 60,500 square feet consisting of three (3) parcels for fast food restaurants with drive-through facilities, three (3) retail parcels, one parcel for retail and fast food restaurants without drive-through facilities, one parcel for retail with a drive-through facility and one sit-down restaurant parcel, and, a 0.56 acre detention basin located on the southeast corner of San Bernardino Avenue and Tennessee Street in Concept Plan No. 4 of the East Valley Corridor Specific Plan. Mayor Aguilar voted No on the resolution.

Resolution No. 7198 – Tentative Parcel Map No. 19060 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Bean, the City Council approved Resolution No. 7198 approving Tentative Parcel Map No. 19060 to subdivide 45 acres into eleven (11) parcels and one lettered lot for a proposed 256,614 square foot retail and commercial center located on the southeast corner of San Bernardino Avenue and Tennessee Street in Concept Plan No. 4 of the East Valley Corridor Specific Plan. Mayor Aguilar voted No on the resolution.

NEW BUSINESS:

Tree Replacement- 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 Seventh-Day Adventist Church and the Southeastern California Conference of Seventh-Day Adventists to replace two redwood trees which were cut and removed, without proper authority and permits, from the City of Redlands parkway on Buena Vista Street. The church will pay all costs associated with the purchase, transporting, planting and maintenance of the two replacement trees.

Painting Services - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved an agreement between the City of Redlands and MC Painting for exterior painting services at the Corporate Yard.

Storage Tank Assessment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and LOR Geotechnical Group, Inc. for professional consulting services to conduct an environmental assessment of the sediment beneath five above-ground petroleum storage tanks located on city-owned property on the north side of Redlands Boulevard between Texas and New York Streets.

Temporary Employees - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an amendment to the purchase order with Arrow Staffing for temporary workers. The amendment increases the amount of the purchase order from \$30,000.00 to \$100,000 to cover unanticipated temporary staffing costs.

Fire Contract – The entire City Council expressed appreciation to the firefighters union for their good faith bargaining efforts and recognized the concessions made for the benefit of the City. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a Memorandum of Understanding between the City of Redlands and the Redlands Professional Firefighters Association.

ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 11:43 P.M. The Council will meet at their next regular meeting on November 6, 2012.