

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 April 16, 2013, at 5:05 P.M.

PRESENT: Pete Aguilar, Mayor
Paul Foster, Mayor Pro Tem
Jon Harrison, Councilmember
Bob Gardner, Councilmember
Pat Gilbreath, Councilmember

ABSENT: None

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

Mayor Aguilar called the meeting to order.

LATE BREAKING ITEM:

On motion of Councilmember Gilbreath, seconded by Councilmember Harrison the City Council unanimously agreed to add the following “late breaking” item to the Closed Session agenda:

1. Conference with real property negotiator – Government Code §54956.8
Property: APNs 0175-231-02, and -03, 0175-241-04, and -05, 0175-232-02, 0175-242-02, 0175-251-05, 0294-091-06, -07, -13, -36, -38, and -41, and 0294-101-22
Agency negotiators: N. Enrique Martinez, Fred Cardenas
Negotiating party: David Wong and Armando Carlos of Universal Bank representing Redlands Orange, Inc.
Under negotiation: Terms and price for City purchase of property

The Mayor 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:

1. Public Employee Goal Setting 2013-2014 and Performance Evaluation - Government Code §54957
 - a. Title: City Manager

The meeting reconvened at 6:07 P.M. with an invocation by Mayor Aguilar 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 Volunteer Cyndy Dunham introduced “Who”, a ten month old male Dachshund mix, who is available for adoption, with forty-seven other dogs and twenty cats, at the Redlands Animal Shelter. Ms. Dunham informed the Council thirty dogs and fifteen cats have been adopted since the last City Council meeting.

PUBLIC COMMENT:

Investigation Request – Steve Rogers read from a letter he has written to the District Attorney’s Office requesting an investigation of governmental practices in the City of Redlands with respect to the San Bernardino County Housing Authority’s Valencia Grove development.

Water Fund Distribution – Citing information from the April 2, 2013 City Council meeting, about a one-time payment of \$2.2 million from the San Bernardino Valley Municipal Water District to the Water Fund, Arlen Einertson suggested the money be distributed among the City’s water utility customers as a rebate.

Exporter Forum – Sarah Benoit, from the Office of Congressman Gary Miller, announced an Exporter Forum, in collaboration with the Export-Import Bank of the United States, to learn how to increase your company’s foreign sales. The event will be held at the Norton Event Center, at the San Bernardino International Airport, on Thursday, May 2, 2013, from 8:30 A.M. to Noon.

Labor Union Negotiations – Representatives from the General Employees Association of Redlands (SBPEA) thanked the Council for progress in recent contract negotiations, identified issues yet to be discussed, and advocated an environment of mutual respect and good faith bargaining for future sessions.

CONSENT CALENDAR:

Minutes - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the minutes of the regular meeting of April 2, 2013 were approved as submitted. As a public comment, Steve Rogers asked for more detail on verbal exchanges during Council meetings.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a proclamation declaring April 28 through May 4, 2013 as *Childhood Cancer Awareness Week*.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a proclamation declaring May 13 through May 25, 2013 as *Redlands Historic Preservation Fortnight*. As a public comment, Sherli Leonard, of the Redlands Conservancy, expressed appreciation and support for efforts to accentuate Redlands' historic resources and encouraged participation in Fortnight activities.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a proclamation declaring the week of May 13, 2013 as *Blue Ribbon Week*.

Fee Waiver – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from the Redlands Professional Firefighters Association for a waiver of all fees associated with the 17th Annual Redlands Firefighters' Car Show to be held May 26, 2013.

Ordinance No. 2788 – Permitted Uses in Zoning Districts - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the adoption of Ordinance No. 2788 amending various sections of Title 18 of the Redlands Municipal Code (RMC) by codifying previous City Council determinations regarding permitted uses in applicable zoning districts of the City of Redlands; and amending Section 18.88.100 (C-2, Neighborhood Convenience Center District) and Section 18.64.030 (A-P, Administrative and Professional Office District) of the RMC to allow Day Spas as a permitted use.

Settlement Disclosure – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the disclosure of details of a settlement and mutual general release agreement between the City of Redlands and the Holcombe family related to a claim for damages to property at 624 West State Street and action resulted from the failure of the Zanja (storm drain channel) during heavy rains on or about December 27, 2010. Under the terms of the settlement, the City of Redlands pays the Holcombes a total of \$389,460 to settle all disputed claims related to the incident.

Settlement Disclosure – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the disclosure of details of a settlement and mutual general release agreement between the City of Redlands and Stephen W. Rogers related to a lawsuit stemming from a dispute over access to certain documents held by the City of Redlands. Under the terms of the settlement, Mr. Rogers agrees to discontinue the lawsuit and the City of Redlands agrees to waive the right to seek recovery of attorney's fees and costs incurred in the defense of Mr. Rogers' claims. As a public comment, Steve Rogers expressed concurrence with revisions included in the final version of the settlement agreement.

COMMUNICATIONS:

Significant Project – Development Services Director Oscar Orci introduced Pat Meyer of Urban Environs, representing McShane Corporation, who presented his client's proposal to change an already approved development plan to a 1,013,460 square foot warehouse/distribution center on 50.54 acres located on the north side of Lugonia Avenue, the south side of Almond Avenue and the east side of Research Drive in Concept Plan No. 1 of the East Valley Corridor Specific Plan. Councilmember Harrison asked Mr. Meyer to look at enhanced filtration systems for the infiltration basins to further address contaminants in run off water in planning for this new structure.

PUBLIC HEARINGS:

Reasonable Accommodation Permit Appeal – Mayor Aguilar opened the public hearing and called for a report from Manuel Baeza, of the Development Services Department, for background on an appeal of a Minor Exception Permit Committee (MEPC) decision to deny Reasonable Accommodation Permit No. 6 (variance) concerning a request to allow a five foot reduction in the required ten foot side yard setback pursuant to section 18.40.130 of the Redlands Municipal Code (RMC), and to exceed the maximum lot coverage permitted pursuant to section 18.40.100 of the RMC to allow construction of a bathroom addition to a single family dwelling located at 714 Brentwood Place in the R-S (Suburban Residential) District. The applicant, Madeline Hendershot, reviewed events leading to the current structure on her property, presented plans for altering that structure to comply with a five foot setback and articulated mitigating factors for consideration in deciding the appeal. As a public comment, several neighbors to the Hendershot property spoke both in favor and against approval of the accommodation. Discussion centered on the fact that all work done to date on this renovation had been done without regard for the code or the permitting process. On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council voted to continue the public hearing to May 21, 2013 at 6:00 P.M. and directed staff to prepare a resolution for the denial of Reasonable Accommodation Permit No. 6 for the Council's consideration at that time. Councilmember Gilbreath voted No on the motion.

NEW BUSINESS:

Resolution No. 7262 – Ontario International Airport – Mayor Aguilar provided the background on an ongoing dispute between the Los Angeles International Airport Authority and the City of Ontario over the ownership and control of Ontario International Airport. As a public comment, Steve Rogers expressed support for the proposed resolution, but offered editorial changes. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7262 supporting the transfer of the airport to local control.

Resolution No. 7265 – Superior Court Funding – Mayor Aguilar provided the background on a request to all stakeholders from the San Bernardino County Board of Supervisors asking all parties to work together to provide funding for the County Superior Court consistent with the court’s workload to ensure residents’ access to justice. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7265 supporting efforts to provide adequate, equitable and ongoing funding for the San Bernardino County Superior Court.

CUP Extension – Development Services Director Oscar Orci provided details on a request from Howard Hughes Corporation to extend for one year the period of Conditional Use Permit (CUP) No. 905, an approved 149,800 square foot commercial center located south of Interstate 10 and west of Eureka Street in the Town Center District of the Downtown Specific Plan No. 45. Greg Fitchitt, Howard Hughes Corporation Vice President for Development, spoke in support of the application and stated his company was currently looking at two options for the property. They are reviewing purchase offers from prospective buyers of the property and evaluating the option to develop the property for their own use. Either option will require an extension on the CUP. A motion of Councilmember Gilbreath, seconded by Mayor Aguilar, agreeing an extension of CUP No. 905 does not require further environmental processing in accordance with California Environmental Quality Act guidelines and approving an extension, to May 15, 2014, for CUP No. 905 was defeated by a vote of three to two with Mayor Pro Tem Foster and Councilmembers Harrison and Gardner voting No. When offered an opportunity to commit to allowing the construction of a monument sign on the property to welcome visitors to the City of Redlands, Mr. Fitchitt stated the design of such a monument would have to wait until development plans for the property are finalized. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council voted to agree an extension of CUP No. 905 does not require further environmental processing in accordance with California Environmental Quality Act guidelines and approved an extension to October 17, 2013, for CUP No. 905 with the condition that if the applicant filed for and received approval of a CUP amendment relating to the entry way sign at issue, then the CUP extension would automatically be extended for an additional 6 months. If the applicant fails to submit the application, the CUP shall expire on October 17, 2013 without further action by the City Council. Councilmembers Harrison and Gilbreath voted No on the Mayor Pro Tem’s motion.

Pipeline Replacement – Greg Brooks, of the Municipal Utilities and Engineering Department, summarized the Soffel Avenue Water Pipeline Replacement Project. On motions of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed a Pipeline replacement project is categorically exempt from further environmental review in accordance with the State of California Environmental Quality Act guidelines, and awarded a contract to MCC Equipment Rentals, Inc., in the amount of \$352,815.81, for the work.

Engineering Services – Greg Brooks, of the Municipal Utilities and Engineering Department, summarized a proposal to sell reservoir capacity and water. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement, in the amount of \$186,500, between the City of Redlands and Black & Veatch to perform professional engineering services for the design of the Texas Street nonpotable water reservoir.

Contract Termination – Cal Davis, of the Municipal Utilities and Engineering Department, provided the background on a request to terminate a contract for the Brookside Avenue Water Pipeline Replacement Project. As a public comment, Steve Rogers suggested that if the contractor's failure to perform was due to saturated soil conditions beyond the contractor's control, the termination may be unfair. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the termination of a contract between the City of Redlands and Christiansen Pipeline, Inc. for the Project.

Ordinance No. 2792 – Administrative Citations – At the request of staff, this item was removed from the agenda for further coordination.

Fuels Purchase - Quality of Life Director Fred Cardenas summarized a proposal to increase existing annual purchase order for fuel. On motions of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a modification to increase an existing annual purchase order with Petro Diamond, Inc. to the annual amount of \$472,500 for the provision of 87 Octane and 89 Octane fuel for FY 2012-2013.

Park Development - Quality of Life Director Fred Cardenas presented a request for an additional appropriation, in the amount of \$34,977, from the Park Development Fund for Heritage Park. The appropriation will facilitate the completion of other work, including medians and other maintenance, placed on hold as a result of the redirection of staff time to the Heritage Park project. On motion of Councilmember Gardner, seconded by Mayor Pro Tem Foster, the City Council voted to approve the appropriation. Councilmember Harrison disagreed on the source of funding for the appropriation and voted No on the motion.

Library Air Conditioning - Quality of Life Director Fred Cardenas presented details on the A.K. Smiley Public Library HVAC upgrade. Discussion centered on the adequacy of the upgrades to address the total environmental needs of the library. Library Director Don McCue, identified other components needed to complete the upgrade of the entire library system. Evaluation of the adequacy of the library ductwork and control systems remains as an unfunded priority. On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council unanimously approved a contract between the City of Redlands and Allison Mechanical, Inc., in the amount of \$329,599, for the work.

Funding Priorities – Finance Director Tina Kundig presented the City Manager's plan for allocating a portion of the excess fund balance achieved at June 30, 2012. As a public comment, Arlen Einertson suggested some of the excess fund balance

should be used to trim palm trees and pick up palm fronds. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an appropriation of \$100,000 toward the future purchase of a Fire Apparatus (Type I), \$92,864 to the General Fund's contingency reserve, and \$100,000 for repair and maintenance of flood control channels.

Temporary Staffing – Human Resources Director Deborah Scott-Leistra presented a proposal for a third amendment to an agreement between the City of Redlands and Arrow Staffing. As a public comment, Steve Rogers stated his opinion that temporary employees are a misuse of resources and the work cited for this agreement amendment should be accomplished by staff personnel. On motions of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an increase in the contract amount from \$200,000 to \$300,000 to cover unanticipated temporary staffing costs.

COUNCILMEMBER ANNOUNCEMENTS AND ACTIVITIES:

Healthy Redlands – Councilmember Gilbreath announced she had attended the Healthy Cities Conference in Los Angeles last week and the community can expect further meetings for planning and goal setting.

Committee Conflicts – Councilmember Harrison attended a meeting of the California League of Cities Environmental Quality Committee to decide support for a bill to encourage development of inner cities versus the use of peripheral agricultural lands for growth. While the vote on that committee was unanimously in favor of the bill, the Finance Committee of the same organization voted unanimously in opposition to the bill.

ADJOURNMENT:

There being no further action required Mayor Aguilar adjourned the meeting at 8:42 P.M. The next regular meeting of the City of Redlands City Council will be held on May 7, 2013.