

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 17, 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:

Goal Setting – Steve Rogers questioned the process by which the City Council discussed goal setting and performance evaluation during closed sessions.

CLOSED SESSION:

The meeting recessed at 5:03 P.M. to a closed session to discuss the following:

1. Public Employee Goal Setting 2012-2013 and Performance Evaluation – Government Code §54957
Title: City Manager
2. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) - One Case
 - a. Paving Décor Masonry v. City of Redlands; Kormx, Inc., et al, San Bernardino Superior Court Case No. CIVDS 1201494
 - b. City of Redlands v. Bobby Graham, individually and dba Bobby's Aero Services, San Bernardino Superior Court Case No. UDDS 1201137

The meeting reconvened at 6:04 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 no reportable action was taken by the City Council during closed session.

PRESENTATIONS:

Redlands Animal Shelter – Animal Control Officer Bill Miller introduced Woody, a five month old male Maltese, who is available for adoption, with fifty other dogs and twenty-five cats, at the Redlands Animal Shelter. Officer Miller informed the Council thirty dogs and eleven cats have been adopted since the last City Council meeting.

Citizens Academy – Mayor Aguilar presented Certificates of Recognition to ten members of the community who completed the Citizens' Academy course of study to familiarize themselves with the workings of the Redlands city government. Debbie Brown, Carole Coley, Ben Finnigan, Anthony Green, Victoria Hargrave, Jerry Linkhart, Toni Momberger, Richard Pennington, Ray Watts, and Ellen Weisser all received recognition.

PUBLIC COMMENTS:

Corporate Personhood – Several members of the Occupy Redlands movement presented points for discussion and read a proposed City Council resolution 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. The group expressed frustration with their inability to get their resolution on the City Council meeting agenda.

Art Show – David Lawrence, of the Cultural Arts Commission, provided details on the Redlands Art for Youth Art Show scheduled for April 28, 2012 and invited everyone to attend.

Under Aged Drinking – Mario Saucedo described efforts to curb under aged drinking in Redlands and announced a meeting at the Community Center April 24, 2012 at 6:00 P.M. to discuss the need for a social hosting ordinance.

CONSENT CALENDAR:

Minutes – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the minutes of the special and regular meetings of April 3, 2012.

Resolution No. 7149 – Records Destruction – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously

approved Resolution No. 7149 authorizing the destruction of certain public records in the Finance Department.

Ordinance No. 2773 – Rental Permits – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the adoption of Ordinance No. 2773 amending Chapters 5.04 and 5.98 of the Redlands Municipal Code relating to permit requirements for rental dwelling units. The amendment to Chapter 5.04 provides that any person renting a dwelling unit subject to Chapter 5.98 shall not be issued a business license unless that person has a valid dwelling unit rental permit. The amendments to Chapter 5.98 make changes to the City’s process for the issuance of rental dwelling unit permits to reassign some duties and responsibilities from the Quality of Life Department to the Finance Department. As a public comment, Bill Cunningham observed that several of the City's fee schedule were inequitable and said he looked forward to a thorough review of all fees.

Resolution No. 7150 – Traffic Regulation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7150 establishing a no parking zone along the east and west sides of Indiana Court at Lugonia Avenue beginning at the end of the existing curb return and heading south for approximately 100 feet.

Resolution No. 7151 – Traffic Regulation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7151 authorizing an engineering and traffic survey on Colton Avenue from Redlands Boulevard to Wabash Avenue.

Summer Camp Contractor - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an independent contractor agreement between the City of Redlands and Play-Well TEKnologies for youth summer camp activities.

Avigation Easement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved authorizing the City Manager to execute a form of acceptance for an avigation easement over property located adjacent to the Redlands Municipal Airport.

Fee Waiver - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from the Redlands 4th of July Committee for the waiver of fees associated with the annual celebration of the birth of our nation on July 4, 2012.

Fee Waiver - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from the Shiloh Messianic Congregation of Redlands for the waiver of fees associated with the March of Remembrance event to be held on April 22, 2012.

Fee Waiver - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from the Redlands Noon Kiwanis for the waiver of fees associated with the Run through Redlands event to be held on April 22, 2012.

Aging and Wellness - 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 Family Services Association for the use of the Redlands Senior Center to provide adult aging and wellness services.

Carriage House Lease - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a lease agreement between the City of Redlands, the Kimberly-Shirk Association, and Kimberly-Shirk Events, Inc. for use of the Prospect Park Carriage House.

Employment Program - 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 Department of Aging and Adult Services for the Senior Community Service Employment Program.

CUP Extension - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved a one year extension in time for Conditional Use Permit (CUP) No. 905 concerning an approved commercial center containing retail, restaurant and office uses and including a health club and financial institution drive-thru facilities on approximately 13.2 acres located south of the Interstate 10 Freeway and west of Eureka Street in the Town Center District of the Downtown Specific Plan No. 45. Mayor Pro Tem Foster requested a commitment from the applicant, represented by Andrew Clark of Howard Hughes Corporation, to demolish the blighted building structures present at the subject site. He set a goal of 60 days for Mr. Clark to accomplish the demolition.

COMMUNICATIONS:

Safety Hall Location – Development Services Director Orci introduced the Kosmont Team who presented a summary of events leading to a discussion of property acquisition options and project delivery strategies for a new Safety Hall Facility. On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison the City Council unanimously agreed to receive and file the Kosmont report.

Commissioner/Board Member Training – Mayor Aguilar opened discussion with his perception of the need to provide harassment training to commission/board members to protect the City's interests. Consensus of the Council is that manager level training is warranted for all commission/board members.

Ordinance No. 2779 – Fees and Service Charges – Finance Director/City Treasurer Kundig provided an overview for a staff request to delete the City of Redlands ordinance covering a fees schedule and to administer the schedule through resolutions. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the introduction 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.

Pre-Council Meetings – Chief Information Officer Hexem presented details on a trial program to be initiated by the City Manager's Office to provide members of the public more information and greater opportunity to ask questions and make comments regarding agenda items coming before the City Council. Beginning with the May 1, 2012 City Council meeting, City staff will be available in the Council chambers on the Monday before the meeting, from 4:00 P.M. to 5:00 P.M., to discuss items on the City Council agenda, answer questions and receive feedback. The meetings will be open to any member of the public.

PUBLIC HEARINGS:

Land Use – BNY, Inc. Applicant – Mayor Aguilar opened the public hearing and called upon Chris Boatmen, from the Development Services Department, to provide the background leading to 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. As a public comment, residents from the neighborhood adjacent to the proposed development expressed both support and opposition to the project. Opposition centered on the proposed zone change from single family residences to multi-family dwellings. Discussion clearly indicated a lack of support for the development among the members of the City Council. On a motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously voted to continue to the regular City Council Meeting on May 1, 2012, the public hearings for consideration of a Mitigated Negative Declaration, Socio-Economic Cost/Benefit Study, General Plan Amendment No. 2012-1-A, Zone Change No. 439, Street Vacation No. 154, CUP No. 986 and Tentative Tract No. 18795.

Land Use – Esri, Applicant - Mayor Aguilar opened the public hearing and called upon Chris Boatmen, from the Development Services Department, to

provide the background leading to an application for the construction of a parking lot containing 99 spaces on a 1.15 acre site located on the north side of State Street between Texas Street and New York Street. Councilmembers Bean and Harrison recused themselves from discussion and voting on this item. Councilmember Bean was excused from the remainder of the meeting for other obligations. Councilmember Harrison has a source of income relationship with the applicant.

Mitigated Negative Declaration - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the Mitigated Negative Declaration for General Plan Amendment No. 129, Zone Change No. 440, and Commission Review and Approval No. 825 (Revision No. 8) and directed staff to file and post a Notice of Determination in accordance with City of Redlands guidelines.

Resolution No. 7146 – General Plan Amendment No. 129 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Resolution No. 7146 amending the General Plan Land Use Designation from High Density Residential to Office for approximately 1.15 acres located on the north side of State Street, between Texas Street and Nevada Street.

Ordinance No. 2778 – Zone Change No. 440 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the introduction 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.

Land Use – Howard Industrial Partners LLC, Applicant - Mayor Aguilar opened the public hearing and called upon Tabitha Kevari, from the Development Services Department, to provide the background leading to an application for Plan changes and a street vacation associated with the construction of an 809,338 square foot warehouse distribution center on four contiguous parcels totaling 37.4 acres located north of Palmetto Avenue, east of Nevada Street and west of California Street.

Mitigated Negative Declaration - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the Mitigated Negative Declaration for General Plan Amendment No. 128, Amendment No.41 to Specific Plan No. 40, Street Vacation No. 156, Commission Review and Approval No. 873 and directed staff to file and post a Notice of Determination in accordance with City of Redlands guidelines.

Socio-Economic Cost/Benefit Study - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the Socio-Economic Study for the project.

Resolution No. 7143 – General Plan Amendment No. 127 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Resolution No. 7143 amending the General Plan Land Use Designation from Agricultural/City Grove to Commercial/Industrial for four contiguous parcels totaling 37.4 acres located north of Palmetto Avenue, east of Nevada Street and west of California Street and amending Figure 5.1 (Traffic Network) of the Circulation Element to change the designation of Palmetto Avenue, from California Street to Nevada Street, from a Major Arterial to a Collector.

Resolution No. 7144 – Specific Plan No. 40 Amendment No. 41 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Resolution No. 7144 changing the land use designation from EV/OS (Open Space) District to EV/IR (Regional Industrial) District of the East Valley Corridor Specific Plan for four contiguous parcels totaling 37.4 acres located north of Palmetto Avenue, east of Nevada Street and west of California Street and amending Figure 4-1 (Circulation Plan) and Figure 4-11 (Special Landscape Street) of the East Valley Corridor Specific Plan to change the designation of Palmetto Avenue, from California Street to Nevada Street, from a Major Highway to a Collector.

Resolution No. 7145 – Street Vacation No. 156 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Resolution No. 7145 vacating approximately 2,472 linear feet, 8 feet in width, along the north side of Palmetto Avenue, from California Street to Nevada Street, from a Major Highway to a Collector.

NEW BUSINESS:

Ordinance No. 2771 – DIVCA – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the introduction 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.

Landfill Expansion – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the plan of design and the award of a contract in the amount of \$2,368,109.00, between the City of

Redlands and Sukut Construction, Inc., for Phase Three of the California Street Landfill Expansion.

LED Street Lights - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the utilization of rebate funding in the approximate amount of \$269,000 from the California Solar Initiative Program to partially fund the Light Emitting Diode (LED) Street Light Conversion Program and the placement of rebate funds into a designated deposit account in the General Fund.

Resolution No. 7148 – Trenching Permits and Ordinance No. 2782 – Street Code – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Resolution No. 7148 establishing General Permit Conditions and Trench Specifications for the City of Redlands and the introduction of Ordinance No. 2782 amending chapter 12.20 of the Redlands Municipal Code relating to street construction and construction regulations. The purpose of the resolution and the ordinance is 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..

Ordinance No. 2781 – Fire Code. – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the introduction 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.

Downtown Enhancements - On motions of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the *Open for Business* and *Visitor Restroom Program*. The Council also authorized staff to accept donations for downtown amenities.

ACTIONS TAKEN BY THE CITY COUNCIL AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF REDLANDS

Resolution No. 7153 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Resolution No. 7153 adopting a revised enforceable obligation payment schedule pursuant to Division 24 of the California Health and Safety Code.

ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 10:02 P.M. The Council will meet at their next regular meeting on May 1, 2012.

