

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 September 4, 2012 at 5:00 P.M.

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

ABSENT: Jon Harrison, Councilmember

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.

LATE BREAKING ITEM:

On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council 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 0301-191-13 and 0301-1743-36  
Agency negotiators: N. Enrique Martinez, Oscar Orci  
Negotiating party: Larry Jacinto  
Under negotiation: Terms and price for City purchase of property

Mayor Aguilar offered those present the opportunity to provide public comment on any item on the agenda for the closed session.

PUBLIC COMMENT:

Labor Representation – Steve Rogers requested clarification as to what city employee positions were being addressed by the consultant labor negotiator and asked why the City Clerk and City Treasurer were not included.

CLOSED SESSION:

The meeting recessed at 5:03 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: Anticipated Litigation - Government Code  
 §54956.9(a) – Three Cases
  - a. Stanton J. Diamond, et al v. City of Redlands, et al, San Bernardino  
 Superior Court Case No.CIVDS 909795
  - b. Paver Décor Masonry, Inc. v. City of Redlands, et al, San Bernardino  
 Superior Court Case No.CIVDS 1201494
  - c. Mamco, Inc. v. City of Redlands, et al, San Bernardino Superior Court  
 Case No.CIVDS 1203062
  
3. Conference with real property negotiator – Government Code §54956.8  
 Property: APN 0171-022-13  
 Agency negotiators: N. Enrique Martinez, Oscar Orci  
 Negotiating party: Veronica Burgess representing Property One,  
 LLC  
 Under negotiation: Terms and price for purchase of City property.
  
4. Conference with real property negotiator – Government Code §54956.8  
 Property: APNs 0292-044-09, 10, 11 & 12  
 Agency negotiators: N. Enrique Martinez, Oscar Orci  
 Negotiating party: Timothy Howard representing Howard Industrial  
 Partners  
 Under negotiation: Terms and price for purchase of City property
  
5. 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 Properties,  
 and Sherli Leonard of the Redlands Conservancy  
 Under negotiation: Terms and price for City purchase of property

6. 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
  
7. 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 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: Visman Chow of Universal Bank representing Redlands Orange, Inc.  
 Under negotiation: Terms and price for City purchase of property

The meeting reconvened at 6:35 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 that no reportable action was taken during the closed session.

#### PRESENTATIONS:

Redlands Animal Shelter – Animal Control Officer Bill Miller introduced Calvin, a nine year old male, Pomeranian mix who is available for adoption, with 56 other dogs and 87 cats, at the Redlands Animal Shelter. Officer Miller informed the Council 76 dogs and 42 cats have been adopted since the last regular City Council meeting.

New Police Dog – Chief Garcia introduced Kass, the new canine detection dog for the Redlands Police Department.

Economic Development Efforts – Mayor Aguilar and Mayor Pro Tem Foster presented certificates of outstanding service to Al Hernandez and Heather Smith for their efforts in support of the downtown Redlands *June is Jumpin'* events.

PUBLIC COMMENTS:

Consideration in Representation – Dr. Sam Wong stressed the importance of proper consideration for all issues raised from all constituents within the City.

Employee Complaint – Renee Hernandez spoke for her husband Pedro in an appeal for consideration of his personal injury claim and decisions made by the Human Resources Department in administering his employee benefits.

Boards and Commissions – Dennis Bell pointed out the tenure of many commissioners and committee members in the City of Redlands and called for new faces with new ideas on these boards.

Labor Negotiations – Michael Moore, of the General Employees Association of Redlands (SBPEA), spoke of the dedication and professionalism of those employees represented by his union and called for good faith bargaining practices during the current round of negotiations.

Treasurer's Duties – Steve Rogers reviewed events surrounding the evolution of the job description of the Redlands City Treasurer and argued against making the position part-time.

CONSENT CALENDAR:

Minutes – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the minutes of the special meetings of July 3, 11, 18, and 26, 2012, the special joint meeting of July 11, 2012, and the regular meeting of July 17, 2012.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a proclamation declaring September 8, 2012 as *Adult Literacy Day*.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a proclamation declaring September 15, 2012 as *A Day for Kids*.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a proclamation declaring the week of September 16-21, 2012 as *Redlands Historic Preservation Week*.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a proclamation declaring September 2012 as *Thyroid Cancer Awareness Month*

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a proclamation declaring September 2012 as *Childhood Cancer Awareness Month*.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a proclamation declaring the period of October 1-21, 2012 as *Bi-National Health Weeks*.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a proclamation recognizing the 125<sup>th</sup> Anniversary of the Second Baptist Church of Redlands.

Settlement and General Release Agreement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the release of details of a settlement agreement between the City of Redlands and Daniel Christensen associated with a lawsuit which resulted from a traffic accident caused by an alleged faulty signal light at the corner of Orange and Alabama Streets in Redlands. Under the terms of the agreement, Mr. Christensen agrees to dismiss the lawsuit and the City agrees to waive recovery of a \$465 sanction.

Partial Release Agreement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the release of details of a second partial release of claim as part of a settlement from a property damage incident which occurred at 624 West State Street on or about December 27, 2010. The partial release is in consideration for a partial payment of \$110,000 to Charles E. Holcombe, Jr., Sandra Gillam, James Gillam, Amy Holcombe and Timothy R. Holcombe, the property owners, to allow commencement of repairs.

Extension of CRA No. 843 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed the extension of time for Commission Review and Approval (CRA) No. 843 does not require further environmental processing pursuant to California Environmental Quality Act guidelines and approved a one year extension for an approved 8,048 square foot retail and commercial center on 1.07 acres located at the southwest corner of Tennessee Street and Lugonia Avenue in the EV/CG (General Commercial) District of the East Valley Corridor Specific Plan.

Surrounding Jurisdictions Projects - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to receive and file a report of notices of environmental actions and pending projects received from surrounding jurisdictions. The report provided details on a City of Highland proposal to develop 1,657 acres at the eastern edge of the City within the Greenspot area.

Sobriety Checkpoint Grant - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the acceptance of an Office of Traffic Safety Sobriety Checkpoint Mini-Grant and authorized an additional appropriation to the Police Department in the amount of \$85,000.

Traffic Enforcement Grant - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the acceptance of an Office of Traffic Selective Traffic Enforcement Grant and authorized an additional appropriation to the Police Department in the amount of \$74,815.

Analysis Instrument Maintenance - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved an agreement between the City of Redlands and the County of San Bernardino for the maintenance of the breath alcohol analysis instrument effective on July 1, 2012.

Annual Maintenance Payment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved payment to the San Bernardino County Sheriff's Department of an annual maintenance invoice for the Fingerprint Identification System.

Fee Waiver - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a waiver request from Building a Generation for fees associated with the annual charity softball tournament to be held on September 8, 2012.

Street Sweeping - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved an amendment to the agreement between the City of Redlands and Cannon Pacific Services, Inc. for street sweeping services throughout the City.

Work Study Program - On motion of Councilmember Bean, seconded by Councilmember Gardner, the City Council approved a letter of agreement between the City of Redlands and the University of Redlands for the Off-Campus Work Study Program. Mayor Aguilar recused himself from discussion and voting on this item due to his source of income relationship with the university.

125<sup>th</sup> Anniversary Celebration - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved an agreement between the City of Redlands and Pennington Designs for a Marketing and Revenue Share Plan for the City of Redlands 125<sup>th</sup> Anniversary Celebration. As a public comment, Dennis Bell called for an accounting of all staff time being used in support of planning efforts for the celebration.

Commission Appointments - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the appointments of John Van Winkle and Patrick Hafley to fill unexpired terms, ending March 1, 2013, on the Parks and Recreation Advisory Commission.

#### COMMUNICATIONS:

Mills Act – Mayor Pro Tem Foster introduced Ron Running, of the Redlands Area Historical Society, who voiced support for a plan to reduce property taxes on buildings identified as historically significant to incentivize the renovation and maintenance of such structures. On motion of Mayor Pro Tem Foster, seconded by Councilmember Bean, the City Council agreed to direct staff to initiate the process to implement the Mills Act for the City of Redlands.

Development Incentive – Mayor Aguilar introduced a plan for a development incentive, construction and operating covenant agreement for tenant improvements to Hatfield Buick/GMC facilities. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to direct staff to negotiate and commence preparation of such a plan. 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 - Mayor Aguilar introduced a plan for a development incentive, construction and operating covenant agreement for tenant improvements to Tom Bell Chevrolet facilities. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to direct staff to negotiate and commence preparation of such a plan. Councilmember Bean recused himself from discussion and voting on this item due to his newspapers' source of income relationship with the auto sales industry.

#### 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 2, 2012.

NEW BUSINESS:

Resolution No. 7211 – Website Policy - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Resolution No. 7211 establishing a City of Redlands City Website Policy.

Telecommunication Consolidation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a contract between the City of Redlands and Ernest Communications to consolidate City terrestrial telecommunication costs. The contract results in a \$155,000 annual savings in phone costs.

Reservoir Improvements – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed a Country Club Reservoir Booster Station and Site Improvements Project is categorically exempt from further environmental review in accordance with the California Environmental Quality Act and awarded a contract to MMC, Inc., in the amount of \$879,110 to perform the work.

Bid Rejection - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the rejection of all bids received on July 24, 2012 for the Brookside Avenue Water Pipeline Replacement Project. The first two lowest bids for this project failed to qualify and the third lowest bid was 31% higher than the engineering estimate for the work.

NPDES Fee Payment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the payment of \$97,100 to the County of San Bernardino for the National Pollutant Discharge Elimination System (NPDES) Stormwater Implementation Agreement annual fee. As a public comment, Steve Rogers described the impacts of the NPDES fees.

Recycled Water Report - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved an agreement between the City of Redlands and URS Corporation for engineering services to complete a recycled water engineering report.

University Donation - On motion of Councilmember Bean, seconded by Councilmember Gardner, the City Council approved the acceptance of a voluntary contribution of \$80,000 from the University of Redlands. The contribution is a directed gift for the following designated purposes: \$12,000 to the A.K. Smiley Library to support four programs (1) the “1863 Exhibit”



honoring the 150<sup>th</sup> Anniversary of the Civil War, (2) a symposium on emancipation's 1863 meaning, (3) sponsorship of a leading authority on children's reading for the Charlotte Huck Children's Literature Conference, and (4) adding materials for University class research interests; \$40,000 to the Police Department for a replacement patrol vehicle; \$8,000 to the Fire Department for Personal Protective Equipment; \$10,000 for the 125<sup>th</sup> Anniversary Celebration; and \$10,000 for student employee/internship positions. Mayor Aguilar recused himself from discussion and voting on this item due to his source of income relationship with the university.

Heritage Park Planning - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved an agreement between the City of Redlands and STB Landscape Architects, Inc. to provide landscape architectural services for the conceptual drawings of Heritage Park. To allow time for coordination of service projects at the park, staff was directed to include a date of completion in early December 2012 as part of the agreement. As a public comment, Steve Rogers questioned the process used to select the contractor for this agreement.

#### PUBLIC HEARINGS:

Resolution No. 7152 – Fees and Service Charges - Mayor Aguilar opened the public hearing and called upon Finance Director Kundig to provide the background leading to a request for approval of a fee and service charge revenue/cost comparison system; establishment of amounts of fees and charges levied in connection with the City's provision of regulations, products and services; and the rescinding of Resolutions No. 5914 and 7099. As a candidate for the office of City Treasurer, Steve Rogers asked that discussion and voting on a new fee schedule be delayed until after the election on November 6, 2012. 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 Resolution No. 7152 to the regular meeting of the City Council scheduled for October 16, 2012.

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. As a public comment, Pamela Smyth applauded any effort to preserve and protect views and vistas. 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 2, 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.

## COUNCILMEMBER ANNOUNCEMENTS AND ACTIVITIES:

Coffee – Mayor Aguilar highlighted the children’s health issues raised at the last Coffee with the Council. The next event will be held at Innabi’s Mediterranean Café on Saturday, September 15, 2012.

League of Cities – Mayor Aguilar will be attending the Annual Conference & Expo of the League of California Cities this week.

SANBAG – Mayor Aguilar described on-going discussions at the San Bernardino Associated Governments (SANBAG) to look at the future functions for the organization.

Water District – As the City of Redlands’ representative to the Advisory Committee, Councilmember Bean described the San Bernardino Valley Municipal Water District efforts to spread water to areas throughout Southern California for future use when needed.

125<sup>th</sup> Anniversary – Mayor Pro Tem Foster expressed enthusiasm for efforts underway for the anniversary celebration and thanked everyone involved.

## ADJOURNMENT:

There being no further business to address, this meeting was adjourned in honor of the memory of Redlands East Valley football coach Chuck Baker, at 8:04 P.M. The Council will meet at their next regular meeting on September 18, 2012.