

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 March 19, 2013, at 5:00 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 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:

1. Conference with labor negotiator - Government Code §54957.6  
Agency Negotiator: Richard Kreisler/Adrianna Guzman  
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 Association of Safety Management Employees
2. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)(2)(C)
  - a. One Case: Facts and circumstances – Threat of litigation by Adam Love relating to policing matters

3. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(c)
  - a. One Case: Possible initiation of litigation by the City of Redlands
4. 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 meeting reconvened at 6:40 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 Volunteer Cyndy Dunham, assisted by Redlands TV intern Cyndy Alvarez, introduced “Berry”, an eight month old female Chihuahua mix, who is available for adoption, with forty-seven other dogs and thirty cats, at the Redlands Animal Shelter. Ms. Dunham informed the Council twenty-three dogs and thirteen cats have been adopted since the last City Council meeting.

ANNUAL COMMISSION REPORT:

Library Board – Board President William T. Hardy provided an in depth accounting of Library operations statistics, highlighted ongoing programs and discussed the impacts of recent personnel changes at the Library.

Parks and Recreation Advisory Commission – Chairman Roy Cencirulo began with a discussion of the recent renovation of the Community Recreation Center and highlighted several new programs at the Center, including Lego Engineering and Pee Wee Tap Dancing. Thanked the Council for funding a program to place electronic locks on park bathrooms. Looking forward, the Commission plans to address the prioritization for the use of funds generated by the sale of the Palmetto Nevada Grove, to include consideration of a skate park and development of the “duck head” area of the Sports Park.

## PUBLIC COMMENT:

GEAR Contract - General Employees Association of Redlands (GEAR) President Robert Luna and Union member Anthony Walters spoke in representation for a room full of employees asking for progress in contract negotiations.

Center Operating Hours - Mark Jurado thanked the Councilmembers for an increase in operating hours at the Community Center.

## GRIEVANCE HEARING:

New Employee Probation – Mayor Aguilar opened discussion and offered those present the opportunity to provide public comment on the consideration of an Arbitration Decision and Award for a Redlands Association of Mid-Management Employees' (RAMME) grievance relating to the probationary period for new employees. RAMME asserted the probationary period is six months. The City of Redlands asserted the probationary period is twelve months. In summary, the Arbitrator found that RAMME's grievance was timely filed, and that the City violated RAMME's MOU such that the grievance should be sustained. The Arbitrator also awarded the RAMME employees whatever merit increases they would have been paid based upon their entitlement, as adjusted by their respective six-month anniversary dates. As a public comment, Steve Rogers said the grievance process is a waste of the taxpayers' money in attorneys' fees. Representatives from each side of the issue were given time to present arguments and rebuttals for and against the Arbitration Decision under consideration in this process. On motion of Councilmember Gardner, seconded by Mayor Pro Tem Foster, the City Council voted to adopt the Arbitration Decision and Award. Councilmember Gilbreath voted No on the motion stating she agreed with the Decision, but she did not believe the merit increases should be automatically awarded.

## CONSENT CALENDAR:

Minutes - On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the minutes of the regular meeting of March 5, 2013 were approved as submitted.

Proclamation - On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council unanimously approved a proclamation declaring March 31, 2013 as *Cesar E. Chavez Day*.

Fee Waiver – On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council unanimously approved a request from Grove High School for a waiver of all fees associated with the use of Orangewood High School and Clement Middle School softball fields.

Rental Agreement – On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council unanimously approved an agreement between the City of Redlands and the Family Service Association of Western Riverside County for the use of the multi-purpose room to serve a free nutritional lunch for senior citizens age 62 and older, in the Community Senior Center, for a term of three years, renewable to extend the term by an additional two years, for \$250 a month.

CDBG Funds Reprogramming – Representing the YMCA of the East Valley, Darwin Barnett expressed support for funding the Legal Aid Program. On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the reprogramming of \$7,800 in the FY2012-2013 Community Development Block Grant (CDBG) funds from Step By Step, A Community Reentry Coalition to Family Services Association (\$4,000), Inland Temporary Homes (\$1,900), and the YMCA Legal Aid Program (\$1,900); and approved subrecipient agreements between the City of Redlands and the agencies receiving the funds.

Ordinance No. 2790 – Purchasing Regulations - On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the adoption of Ordinance No. 2790 amending Chapter 2.16 of the Redlands Municipal Code relating to purchasing regulations and the sale of surplus personal property.

#### COMMUNICATIONS:

Passenger Rail Project – Mayor Aguilar and Councilmember Harrison stated that they did not believe either had any conflict of interest on this item but were recusing themselves to avoid any perception of one due to their respective source of income relationships with the University of Redlands and Esri. A team of presenters made up of Bob Dalquest, of the Development Services Department, Lance Schulte of HDR, Mitch Alderman of San Bernardino Associated Governments (SANBAG), Municipal Utilities and Engineering Director Fred Mousavipour, Phil Doolittle of the University of Redlands, and Don Berry of Esri provided an update on a proposed high capacity transit system with eventually up to ten transit stations along a nine mile corridor between downtown San Bernardino and the University of Redlands. As a public comment, Steve Rogers highlighted the possible perception of a conflict of interest declared by the Mayor and Councilmember Harrison and asked how that would impact decision making on the project.

Citrus Report – Quality of Life Director Fred Cardenas introduced the City of Redlands Citrus Division Annual Report for 2012. The citrus grove operations had a net cash flow of \$59,735.47 for the year. Consensus agreed to receive and file the Report.

Citrus Marketing – Councilmember Harrison expressed a concern that previous decisions as to the selection of a packing house facility to handle City of Redlands fruit may have an adverse effect on the economic viability of some of the smaller grove operations within the City. For the May 21, 2013 City Council Meeting, he asked for the Citrus Preservation Commission and others to provide an assessment of the business models of packing houses in the area and an opinion on the impact if Foothill Groves Packing House closed.

CHERP – Councilmember Harrison summarized the concept and goals of the Community Home Energy Retrofit Project (CHERP). He announced an event, in coordination with the Redlands Sustainability Network, to be held in the City Council chambers on April 10, 2013, at 7:00 P.M., to educate the community on energy audit opportunities to help reduce home energy consumption and utility costs.

Bylaws Amendment – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed to support approval of two proposed amendments to the League of California Cities' Bylaws. The first amendment would require concurrence from five or more cities for a resolution to be presented to General Assembly of the League. The second amendment would require a two-thirds vote of the Directors present for the League Board to take a position on a statewide ballot measure.

#### NEW BUSINESS:

Joint Use Agreement – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a joint use agreement between the City of Redlands and the Grove High School for use of the Community Center Gymnasium and the Grove farm campus.

Transaction Fees – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the disbursement of \$97,249.52 to the Redlands Conservancy from the seller's portion of an escrow account established in association with the Thompson Property acquisition. As a public comment, Steve Rogers expressed confusion with regards to this transaction and suggested the money should be used to acquire Crystal Springs property.

CDBG – Janet Miller, of the Development Services Department, presented the rationale behind a proposal to change the City of Redlands participation in the Community Development Block Grant (CDBG) Program and still provide assistance to public service agencies. As a public comment, Cheryl Heesen of the Family Service Association of Redlands, thanked the Council for their support in the past and expressed some concern about possible negative impacts of the proposed changes. Joseph Rodriguez, of the Gang Reduction Intervention Team,

requested consideration for his program. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed to direct staff to (1) initiate the process to terminate its CDBG Entitlement City status with the U.S. Department of Housing and Urban Development (HUD) to become effective June 30, 2014 and; to initiate the process with HUD to become a Participating Jurisdiction in the Urban County Program to become effective July 1, 2014 by the required deadlines; (2) prepare the Draft 2013-2014 Action Plan using \$402,696 as the planning estimate and authorize staff to make the necessary adjustments (as a result of impending sequestration cuts) to the approved funding categories when the final allocation is published by HUD, if necessary; and to make the Draft 2013-2014 Action Plan available for a 30 day public review and comment period in accordance with federal regulations; and (3) include funding based upon the planning estimate in the Draft 2013-2014 Action Plan in the amount of \$261,752 to the Economic Development Loan Program (EDLP) and to include \$60,404 in funding to three public service agencies as follows: Family Services Association - \$30,404, Inland Temporary Homes - \$15,000 and YMCA-Legal Aid - \$15,000.

Realignment Impacts Funds – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the acceptance of funds in the amount of \$75,920 from the Board of State and Community Corrections for the purpose of addressing the crime impacts of realignment and authorized an additional appropriation of funds in that amount to the Police Department.

Well Rehabilitation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed an East Lugonia 4 Well Rehabilitation Project is categorically exempt from review under the California Environmental Quality Act and approved a contract award to Legend Pump and Well Service, Inc., in the amount of \$128,719, to perform the work.

#### OLD BUSINESS:

Property Tax Settlement - 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 County of San Bernardino, in the amount of \$712,563.32 for settlement of property tax administrative fees incorrectly charged to the City for Fiscal Years 2006-2007 through 2011-2012. As a public comment, Steve Rogers provided background on property tax administrative fees and suggested the settlement funds be used for a skate park.

#### COUNCILMEMBER ANNOUNCEMENTS AND ACTIVITIES:

Investment Advisory Committee – Councilmember Gilbreath announced her first meeting with City Treasurer Robert Dawes was held to further progress in the

formation of an Investment Advisory Committee to help with decisions on investing City of Redlands funds.

Coffee – Councilmembers Gilbreath and Gardner attended the most recent Coffee with the Council Session on March 16, 2013 at the Corner Bakery. “It was a warm, chilly encounter.”

Healthy Redlands – Councilmember Gilbreath invited everyone interested to attend an organizational meeting being held in the City Council Chambers on March 27, 2013 at 4:00P.M. to breathe new life into the Healthy Redlands program. In conjunction with this effort, Councilmember Gilbreath is looking for a grant writer.

Dancing with Stars – Councilmember Gilbreath reminded everyone she will be dancing at the Redlands Symphony Gala fundraiser this year and she will be placing contribution envelopes in each Council member’s mail box.

City County Conference – Mayor Aguilar announced he will be attending the Conference later in the week at Lake Arrowhead, at his own expense, and a report will be forthcoming.

ADJOURNMENT:

There being no further action required, and in memory of the death of long time Redlands real estate icon Lois Lauer, Mayor Aguilar adjourned the meeting at 9:40 P.M. The next regular meeting of the City of Redlands City Council will be held on April 2, 2013.