

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 July 2, 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; Tom Steele, Assistant Finance Director; Oscar Orci, Development Services Director; Ashley Shear, Interim 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 legal counsel: Existing litigation – Government Code §54956.9(d)(1) One Case
  - a. Barbara Graham v. City of Redlands, San Bernardino Superior Court Case No. CIVDS 1209396
2. Conference with legal counsel: Anticipated litigation – Government Code §54956.9(d)(2)(e)(3) One Case
  - a. Facts and circumstances – Consideration of a letter from the Environmental Protection Agency threatening City of Redlands liability for costs associated with the clean up of the Casmalia Disposal Site
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 lease/purchase of City property

The meeting reconvened at 6:02 P.M. with an invocation by Councilmember Harrison 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. Councilmember Harrison recused himself from discussion and voting on the last item on the closed session agenda due to his source of income relationship with the prospective buyer of the property.

## PRESENTATIONS:

Redlands Animal Shelter – Animal Control Officer Bill Miller introduced “Tiger”, a two-year old male Mastiff Pit bull mix, who is available for adoption, with sixty-two other dogs and one hundred and fifty-seven cats, at the Redlands Animal Shelter. Officer Miller informed the Council that thirty-three dogs and twenty-six cats have been adopted since the last City Council meeting.

## PUBLIC COMMENT:

Business License – Steve Rogers said he isn’t buying a business license anymore because he can’t find work in Redlands.

Greenspot Development – Bill Cunningham advised the City Council to meet with representatives from the City of Highland to ensure Redlands’ interests are appropriately considered when planning for transportation and water needs associated with proposed development in the Greenspot area.

## CONSENT CALENDAR:

Minutes - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the minutes of the special meetings of June 17 and 19, 2013 and the regular meeting of June 18, 2013 were unanimously approved as submitted.

Resolution No. 7284 – CONFIRE JPA - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7284 adding the Rancho Cucamonga Fire Protection District as a member agency of the CONFIRE JPA and changing the name of Consolidated Agencies of the EAST Valley to the Consolidated Fire Agencies.

ABC Grant Distribution - On motions of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and Alcoholic Beverage Control (ABC) concerning the distribution of a grant award in the amount of \$23,714 and authorized an additional appropriation in that amount to the Police Department.

Justice Assistance Grant Distribution - On motions of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an Interlocal Agreement between the City of Redlands and the Town of Apple Valley; the Cities of Adelanto, Barstow, Chino, Colton, Fontana, Hesperia, Montclair, Ontario, Rancho Cucamonga, Rialto, San Bernardino, Upland, and

Victorville; and the County of San Bernardino concerning the distribution of the 2013 Justice Assistance Grant award in the amount of \$16,225 and authorized an additional appropriation in that amount to the Police Department.

Banking Agreement – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and Wells Fargo Bank for notice of assignment of accounts.

Resolution No. 7287 – Measure “O” Tax Rate - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7287 authorizing the 2013-2014 tax rate for the Measure “O” (Open Space) 2003 General Obligation Refunding Bonds.

Bond and Disclosure Counsel - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and Best, Best & Krieger, LLP (BB&K) for bond and disclosure counsel services associated with a proposed 2013 solid waste financing. As a public comment, Steve Rogers called for a release letter from BB&K indicating that the City is aware of a potential for liability associated with counsel serving the public in a dual capacity, bond and disclosure counsel and special counsel to the City Attorney, and expressed concerns about a perceived inappropriate work relationship between BB&K and the City Attorney.

Resolution No. 7292 – Traffic Regulation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7292 establishing a loading/unloading zone along the frontage of 1438 Pacific Street.

Resolution No. 7293 – CFD No. 2004-1 Taxes - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7287 levying special taxes within the City of Redlands Community Facilities District (CFD) No. 2004-1.

Resolution No. 7294 – Traffic Survey - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7294 approving an engineering and traffic survey for Garden Street from Cajon Street to Mariposa Drive relating to the establishment of speed limits.

Resolution No. 7296 – Traffic Survey - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7296 approving an engineering and traffic survey for San Mateo Street from Brookside Avenue to Highland Avenue relating to the establishment of speed limits.

Fee Waiver - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council voted to table a request from the Boys and Girls Club of Redlands for waiver of all fees associated with the use of the Redlands Community Center Gymnasium for their summer program to allow time to negotiate and coordinate the use of the facilities between the Boys and Girls Club and the Healthy Redlands Summer Camp. Mayor Aguilar voted No on the motion expressing concern about the impact of delayed approval on the Boys and Girls Club programs.

Fee Waiver - On motion of Councilmember Gilbreath, seconded by Councilmember Gardner, the City Council approved portions of a request from Redlands Pride AAU Football for waiver of all fees associated with the use of the Texonia Park South Field. Waiver of fees associated the electric bill for the use of field lighting was not approved. Mayor Aguilar and Mayor Pro Tem Foster voted No on the motion expressing concerns about dissecting waiver requests and changing the policy on fee waivers in general. Staff was directed to prepare a review of hard costs, soft costs and associated costs related to fee waivers. The subject will be addressed at a City Council meeting in September.

EAP 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 Community Action EAP to provide employee assistance program (EAP) services to City employees. As a public comment, Steve Rogers expressed concerns about the longevity of the contractual relationship between the City of Redlands and Community Action EAP which has been in place continuously since 1992.

Grant Application - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council unanimously approved the submission of an application to the Corporation for National and Community Services grant program for funds to train and retain volunteers to assist during an emergency or disaster. Councilmember Harrison highlighted the series of grant applications on the agenda and lauded the return of emphasis on emergency preparedness.

Grant Application - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the submission of an application to the Department of Homeland Security, Federal Emergency Management Agency for the 2013 State Homeland Security Grant Program for funds for planning, organization, equipment, training, and exercises to address acts of terrorism and other catastrophic events.

Grant Application - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the submission of an application to the Department of Homeland Security, Federal Emergency Management Agency for the 2013 Emergency Management Performance Grant Program for funds to update and enhance the City of Redlands emergency management program.

Environmental Study - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a funding agreement between the City of Redlands and Hillwood Enterprises, L.P. for the preparation of an environmental initial study and associated documents for a proposed 1,015,740 square foot warehouse/distribution center on 50.66 acres located north of Interstate 10, along the south side of Lugonia Avenue, east of Bryn Mawr Avenue, within Concept Plan No. 3 of the East Valley Corridor Specific Plan.

Resolution No. 7288 – Intention to Abandon Park Property - Councilmember Harrison recused himself from discussion and voting on this item due to his source of income relationship with Esri, the prospective buyer of the property. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Resolution No. 7288 declaring the intention to abandon property acquired for purposes of a public park, specifically, a triangular shaped parcel of land, 1.37 acres in size, located north of Redlands Boulevard between Texas and New York Streets. As a public comment, Steve Rogers expressed concerns about soil contamination on the property and questioned whether the sequence of events and procedures utilized in this transaction are in compliance with Environmental Protection Agency regulation. The City Attorney assured the Council that the transaction is in compliance.

#### COMMUNICATIONS:

IT Master Plan – David Krout and Tom Jakobsen, of ClientFirst Technology Consulting, presented an update on the implementation of the IT Master Plan. All projects are underway and scheduled for completion in accordance with the Plan. The telecommunications network assessment has been modified to include a design effort for a new telephony system for the City. This modification to the Plan was necessary to define the specifications for the data center relocation project. Councilmember Harrison endorsed the efforts of the consultants and predicted a significant increase in staff efficiencies and capabilities as a result of their work.

#### NEW BUSINESS:

Annual Purchase Orders – Purchasing Manager Dana Abramovitz-Daniel presented the annual purchase orders for the City of Redlands. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the annual purchase orders with Lowe's, Grainger, Fastenal, Home Depot, and Office Depot, to provide miscellaneous tools, equipment and supplies on a need-by-need basis for a total annual amount of \$840,000.

Resolution No. 7297 - Salaries – Interim Human Resources/Risk Management Director Ashley Shear provided a summary of significant changes in the FY

2013-2014 Salary Resolution. As a public comment, Rick Foster pointed out that the Resolution deleted all positions at Hillside Cemetery and consequently closed the office at that location. His remarks on the inappropriateness of this action were supported by Mario Saucedo and Mayor Pro Tem Foster. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7297, as amended, adopting the FY 2013-2014 Salary Resolution and rescinding Resolutions No. 7185 and 7256. The amendment retains the positions and the office at Hillside Cemetery. Staff was directed to prepare a report on operations at the cemetery and a proposal to address the \$1.2 million debt of the Cemetery Enterprise Fund.

Workers' Compensation Administration – Kim Braun, of the Human Resources/Risk Management Department, provided background on the City's Self-Insured Workers' Compensation Program. As a public comment, Steve Rogers suggested administration of the Program should be done in house. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a three year contract between the City of Redlands and AdminSure, in the amount of \$299,712 for administration of the Program.

Software Technical Support – Interim Chief Information Officer Danielle Garcia provided an overview of a two year agreement to provide technical support for all areas related to the operation of the enQuesta licensed software. As a public comment, Steve Rogers asked why the City needs technical support for a system which is going to be replaced. Councilmember Harrison pointed out the agreement is necessary to keep systems working until replacement of enQuesta is accomplished. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved a contract between the City of Redlands and Systems and Software, Inc., in the amount of \$137,879 per year, for a period of two years, for database and customer service software.

CONFIRE Participation – Fire Chief Jeff Frazier presented the history and benefits of Redlands Fire Department's participation in the CONFIRE JPA. On motion of Councilmember Gardner, seconded by Councilmember Gilbreath, the City Council unanimously approved City of Redlands membership in the CONFIRE JPA for FY 2013-2014 and payment of the associated fees up to \$569,696.

Ordinance No. 2795 – Synthetic Drugs Prohibition – Police Commander Shawn Ryan introduced a proposal to prohibit the distribution and sale of certain intoxicating chemical compounds known as synthetic drugs. As a public comment, several residents and representatives from the community provided first hand testimony of witnessing the effects of these drugs and expressed support for the ordinance. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the introduction of Ordinance No. 2795 adding Chapter 9.36 entitled "Psychoactive Bath Salts, Psychoactive Herbal Incense, and other Synthetic Drugs" to the

Redlands Municipal Code to prohibit the distribution and sale of certain intoxicating chemical compounds known as synthetic drugs.

Annual Fuels Purchase - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and Nuckles Oil Company, Inc. dba Merit Oil Company, Inc. for the purchase of 87 octane and diesel fuel for FY 2013-2014, and authorized the issuance of an annual purchase order in the amount of \$525,000 for 87 octane fuel and \$360,000 for diesel fuel.

Flood Control – Monty Morshed, of the Municipal Utilities and Engineering Department, provided background on the need to develop a flood control master plan for the City of Redlands. As a public comment, Steve Rogers expressed concerns about the scope and process for deriving the master plan. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and RBF Consulting, in the amount of \$296,000, for professional consulting services to develop a flood control master plan.

PARIS Pavement Rehabilitation – Mike Pool, of the Municipal Utilities and Engineering Department, provided background on the need to evaluate paving methods and applications used during the on-going Pavement Accelerated Repair Implementation Strategy (PARIS) Resurfacing Program. As a public comment, Steve Rogers questioned the selection process by which the consultant for this assessment was chosen and questioned the timing of the assessment when PARIS is already underway. Municipal Utilities and Engineering Director Mousavipour said the purpose of the assessment is to identify efficiencies which may decrease the overall cost of the PARIS 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 Dynatest Consulting, Inc., in the amount of \$258,845, for professional and geotechnical engineering services to develop a pavement condition assessment and rehabilitation methodologies for the PARIS Program.

#### COUNCILMEMBER ANNOUNCEMENTS AND ACTIVITIES:

Healthy Redlands – Councilmember Gilbreath announced the Summer Camp will begin Monday, July 8, 2013 at the Community Center. Due to the high temperatures forecast, the Camp will be held indoors for at least the first few days.

Uniform of the Day – Mayor Aguilar announced a more casual attire for Councilmembers may be expected at the July 16, 2013 City Council meeting.

ADJOURNMENT:

There being no further action required, Mayor Aguilar adjourned the meeting at 7:55 P.M. The next regular meeting of the City of Redlands City Council will be held on July 16, 2013.