

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 August 19, 2014, at 5:03 P.M.

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

ABSENT: None

STAFF: Dan McHugh, City Attorney; Jeanne Donaldson, Deputy City Clerk; Carl Baker, Public Information Officer; Philip Gairson, Fire Marshall; Mark Garcia, Police Chief; Danielle Garcia, 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; Amy Martin, 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 negotiators: Richard Kreisler
Amy Martin
Employee Organizations: Redlands Police Officers Association
Redlands Civilian Safety Employees Association
2. Conference with real property negotiators – Government Code §54956.8
Property: APNs 0171-191-25, 700 Brookside Ave., Redlands
Agency negotiators: Don McCue, Bill Hardy
Negotiating party: Neshia S. Ritchie and Bill Heim of Lee and Associates Commercial Real Estate Services representing First Media Group/California Newspapers Partnership.
Under negotiation: Terms of payment and price for possible purchase of property

3. Conference with real property negotiators – Government Code §54956.8
 - Property: A portion of APN 0292-157-16 located at 1625 W. Redlands Blvd.
 - Agency negotiators: N. Enrique Martinez, Fred Mousavipour
 - Negotiating Party: Kmart Express LLC
 - Under negotiation: Terms of payment and price for City purchase of right-of way
4. Conference with legal counsel: Existing Litigation – Government Code §54956.9(a) Two Cases
 - a. Amelia Hamilton v. City of Redlands, San Bernardino Superior Court Case No. CIVDS 1212381
 - b. City of Redlands v. Verizon California In., et al., San Bernardino Superior Court Case No. CIVDS 1205452
5. Public Employee Dismissal – Government Code §54957

The meeting reconvened at 6:58 P.M. with an invocation by Mayor Pro Tem Foster followed by the pledge of allegiance to the American flag.

CLOSED SESSION REPORT:

City Attorney McHugh announced the City Council, by unanimous vote, rejected arbitrator’s dismissal of a former City Program Specialist during closed session.

PRESENTATIONS:

Redlands Animal Shelter – Redlands Animal Shelter volunteer, Carly Carlstrom, introduced “DK”, a four year old neutered male Jack Russell Terrier Mix, who is available for adoption along with sixty other dogs and eighty-four cats at the Redlands Animal Shelter. Volunteer Carlstrom informed the Council ninety-two cats, one hundred and fourteen dogs, three chickens and one cockatiel have been adopted since the last City Council meeting. Current Animal Shelter needs are kitten and puppy nursing formula.

PUBLIC COMMENT:

Oversight of Police Department – Arturo Ochoa detailed multiple events which occurred at his residence involving Redlands Police Officers and his family. He stressed the importance for the Council and the Police Department to uphold and protect our civil rights guaranteed in the Constitution. Mr. Ochoa also urged the Police Chief and command level officers to maintain the highest standards of training.

Redlands Airport Association – Ted Gablin, President of the Redlands Airport Association presented a brief report of the Association’s activities. Recently formed on June 21, 2014, the Association elected officers and adopted by-laws. The Association has great interest in the future welfare of the airport and looks forward to building a partnership with the City, possibly hosting “Coffee with the

Council” or a Candidate Forum for those running for election on November 4, 2014. He also explained how the Association has actively expressed their concerns to multiple agencies, the City included, related to flight hazards that exist at the airport. Monthly meetings are held on the third Sunday at 3:00 P.M. at the Redlands Airport lobby.

Hillside Cemetery Thefts – Councilmember Harrison received a request via social media asking the City to look into the continued thefts at Hillside Cemetery and staff was asked to investigate and report back at the City Council meeting to be held September 16, 2014.

CONSENT CALENDAR:

Minutes - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the minutes of the regular meeting of July 1, 2014, and the special meeting of August 11, 2014 as submitted.

Resolution No. 7433 – Conflict of Interest Code Review and Biennial Report – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution 7433 and acknowledged that this City Council has reviewed its Conflict of Interest Code in accordance with Governmental Code Section 87306.5 and finds that the following amendments are necessary: (1) Include new position that must be designated, (2) Revised disclosure categories, (3) Revise the titles of existing positions, and (4) Delete positions that no longer make or participate in governmental decisions.

Commission Appointments - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Stephen P. Stockton, Theresa Dale, Elizabeth E. Casey, Joseph Richardson, Chandrasekar Venkatraman, Brian Malone and Alexz Fibueroa to comprise the 2014 Utilities Advisory Commission to support the water and wastewater rate adjustment study.

Settlement Agreement – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a settlement agreement and release of all claims between the City of Redlands and International Paving Services, Inc., Orange Street Plaza, LLC, Golden Eagle Insurance and Liberty Mutual Group.

Resolution No. 7438 – Destruction of Public Records – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution 7438 for the destruction of certain public records in the City Attorney’s office.

Resolution No. 7439 – Destruction of Public Records – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution 7439 for the destruction of certain public records in the City Manager’s office/

Settlement Agreement – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a settlement agreement and release of all claims between the City of Redlands and Andreas Faulise and Foremost Insurance Group. Under the terms of the agreement, Andrea Faulise and Foremost Insurance Group will pay the City \$391.70 as full and final payment for damages resulting from a traffic collision.

Redlands Civilian Safety Employees Association Amendment – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved amendment of Article 8 of the current Memorandum of Understanding with the Redlands Civilian Safety Employee Association (RCSEA).

Salary Adjustment – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the new hourly rate of \$26.50 for the Part-Time Adult Literacy Coordinator position.

CalNet 3 Order – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the CalNet 3 Authorization to Order under State Contract to continue discounted service charges and in some cases to take advantage of even lower costs for services.

Discount Pricing Agreement – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the participation in a revised discount pricing agreement between the County of Riverside and Microsoft Volume Licensing Group through the execution of the required enrollment forms.

Fee Waiver – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from the YouthHope Foundation for a waiver of all fees associated with “A Day in the Park” event to be held on September 13, 2014 in the amount of \$530.

Fee Waiver – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from the YMCA of the East Valley for a waiver of all fees associated with the Family Fun Night event to be held on September 20, 2014 in the amount of \$1,314.

Fee Waiver – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from The Church of Latter Day Saints for a waiver of all fees associated with the Bike and Fun Run event to be held on September 27, 2014 in the amount of \$1,130.

Fee Waiver – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from Stater Bros.

Charities for a waiver of all fees associated with the Seventh Annual Believe Walk event to be held on October 4-5, 2014 in the amount of \$13,102.

Bid Rejection – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the rejection of all bids received for the A.K. Smiley Library HVAC Upgrade and authorized staff to solicit new bids with a revised scope.

Farmland Lease Termination – Quality of Life Director Fred Cardenas and Chris Boatman of Quality of Life Department confirmed for Councilmember Gilbreath that the term of the City owned farmland lease is month to month and that the City has paid the delinquent property taxes and is currently up-to-date. On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the termination of the Lease Agreement between the City of Redlands and Jose Gabino Cordero Meneses for City owned farming property and authorized staff to provide thirty (30) days prior written notice of termination to the lessee.

California Street Landfill Agreement – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed that approval of a contract to replace software and operation equipment at the California Street Landfill is categorically exempt from further environment review pursuant to Section 15301 of the California Environmental Quality Act Guidelines and approved the agreement between the City of Redlands and Paradigm Software, LLC in the amount of \$49,751.43 for the replacement of software and operating equipment at the California Street Landfill.

Easement Termination – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed that approval of the Termination of Easement with the Redlands Conservancy for 2.66 acres of land located in San Timoteo Canyon is exempt from further environment review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines and approved the Termination of Easement between the City of Redlands and the Redlands Conservancy for 2.66 acres of land located in San Timoteo Canyon.

Resolution No. 7441 – Traffic Regulation – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously adopted Resolution 7441 removing a portion of an existing 2-hour time limit parking zone and replacing it with a No Parking Bus Loading and Unloading Zone on the south side of Pennsylvania Avenue at Lugonia Elementary School beginning at the east side of the drive approach to the faculty parking lot and heading east approximately 50 feet.

San Bernardino Basin Area Water Conservation – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously

approved a \$20,000 level of participation in the cost sharing of the San Bernardino basin area public outreach plan implementation.

Easement Purchase – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the purchase of an easement for the right-of-way for the Redlands Boulevard and Alabama Street Intersection Improvement Project between the City of Redlands and K-mart Express LLC and authorized the Mayor or any City Councilmember to execute all documents necessary for completion of this acquisition.

Model Home Agreement – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed that approval of the Model Home Agreement does not require further environment processing, pursuant to Section 15162 of the California Environmental Quality Act Guidelines; and approved the Model Home Agreement between the City of Redlands and Redlands 15M 2013 for Final Tract Map No. 16742 located at the northwest corner of Center Street and Ridge Street; and accepted the associated surety (cash deposit) in the amount of \$20,000.

Resolution No. 7444 – Wildland Fire Protection – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously adopted Resolution 7444 approving the FY 2014-2015 agreement with Cal-Fire for wildland fire protection services.

Emergency Action Pursuant to Resolution No. 7442 – Emergency Operations Manager Fay Glass briefly provided an update of cost estimates associated with the sinkhole repair and damages sustained at City parks related to the severe weather event on August 3, 2014. Councilmember Gilbreath questioned staff as to whether all the costs associated with the sinkhole repair have been determined and she reiterated her concern that the contract award of \$200,000.00 seemed low. Manager Glass explained staff is still in the process of determining the costs of the sinkhole damage, allowing the City the ability to ask for additional funding. The estimate for the sinkhole repair is \$200,000; the estimate to repair the damages at the City parks is \$54,000. On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council unanimously determined there is a need to continue the emergency construction work with Matich Corporation

PUBLIC HEARINGS:

Resolution 7434 – Overruling Objections and Proceeding with Abatement – Mayor Aguilar opened the Public Hearing and called for a report from Fire Marshall Phil Gairson for background related to Council action on July 1, 2014 declaring weeds within the High Fire Severity Zone (JFSZ) to be a public nuisance and recommendation of the adoption of Resolution No. 7434 overruling objections and proceeding with abatement. On motion of Mayor Pro Tem Foster,

seconded by Councilmember Gardner, the City Council unanimously adopted Resolution 7434 overruling objections and proceeding with abatement.

Hillwood Investment Properties – Mayor Aguilar opened the Public Hearing and requested that we continue the public hearing to the September 16, 2014, City Council meeting at 6:00 p.m. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved continuing the public hearings for Planned Development No. 3, Tentative Parcel Map No. 19461 (Minor Subdivision No. 339), the associated Socio-Economic Cost/Benefit Study, and the consideration of the Mitigated Negative Declaration to September 16, 2014 at 6:00 p.m. or as soon thereafter as the matter may be heard.

Resolution 7435 – Specific Plan No. 45 (Amendment No. 18) – Mayor Aguilar opened the Public Hearing and Lorelee Farris of Development Services Department provided background to establish Amendment No. 18 to Specific Plan No. 45 amending section VI(B)(8)(D) and adding section VI(B)(8)(E) to distinguish between prohibited signs and signs requiring Planning Commission approval. Ms Farris explained that the project area is located within the downtown area, north of Redlands Boulevard, between Texas Street and Church Street and south of Interstate 10 Freeway; including a non-contiguous parcel located on the southeast corner of Orange Street and State Street. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously determined that Resolution 7435 amending Specific Plan No. 45 is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(B)(3) of the CEQA Guidelines; and approved Resolution 7435.

Resolution 7436 – Stage II Water Conservation Plan – Mayor declared open public hearing to consider Resolution No. 7436 implementing the City of Redlands Water Conservation Plan to Stage II. Chris Diggs of Municipal Utilities and Engineering (MUED) provided an updated summary of the City's water supply status. Cecilia Griego of MUED presented an overview of the water conservation plan implemented July 31, 2014 to comply with the State of California regulations. To comply with these requirements the City has put limits on its customers' water consumption and limits to the days and times customers may irrigate their landscaping. The restrictions require potable water customers with even addresses to irrigate only on even calendar days; and potable water customers with odd addresses to irrigate only on odd calendar days. MUED is reaching out to customers in a variety of ways and is even going out to customers' homes to help them program their automatic sprinkler system timer. She stressed the goal is to educate the public on the need to conserve water. Mayor Pro Tem Foster and Councilmember Gilbreath raised their concern for customers who are unable to program their automatic timers to meet the odd/even restrictions. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council adopted Resolution 7436 authorizing implementation of stage II, Mandatory Compliance of its water conservation plan and establishment of

assigned watering days. Councilmember Gilbreath opposed the Resolution based on the odd/even day restriction.

NEW BUSINESS:

Ordinance No. 2807 – Aggressive Solicitation – Police Chief Mark Garcia explained this item is to amend the City’s current aggressive solicitation ordinance, complying with current case law and in an effort to protect and promote the rights of the general public to be free from inappropriate conduct, the potential physical confrontations sometime associated with aggressive panhandling, and the safety of all persons. Mayor Aguilar stated that he and the other Councilmembers have all received many calls and emails from members of the public related to solicitation and aggressive panhandling. Mayor Aguilar thanked staff for looking out for the First Amendment rights of free speech for those who are in the City but persons loitering on median islands present a public safety hazard. As a public comment, Ted Nece, a Redlands resident and small business owner, supports the passage of the ordinance. Mr. Nece listed a number of ideas used by other cities to try to discourage panhandlers but stressed the importance of enforcement. As a guide, City Attorney, Dan McHugh said staff looked at other cities, followed federal law, and tailored this ordinance to the City of Redlands and he and Chief Garcia are considering future ordinances related to this issue. Chief Garcia described some of the proactive measures the Police Department currently has in place and they take the matter very seriously. All the Councilmembers weighed in as the discussion continued, centering on how we, as citizens can help panhandlers. A member of the Redlands Charitable Resource Coalition, from Trinity Episcopal Church displayed a hand-out that is currently being distributed. The pamphlet directs panhandlers to the various agencies in town best equipped to offer assistance, such as The Blessing Center and Family Services of Redlands. The Coalition is also working towards raising funds to develop a poster to place in local businesses which would provide a similar message as the hand-out. Councilmember Gardner thanked the Coalition for all their efforts. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the introduction of Ordinance No. 2807 amending Chapter 9.10 relating to aggressive solicitation and adding Chapter 9.14 to the Redlands Municipal Code relating to median island safety.

Fingerprinting Services – Chief Information Officer Danielle Garcia presented the annual maintenance invoice for the City’s Police Department’s Fingerprint Identification Services provided through the San Bernardino County Sheriff’s Department. Officer Garcia explained there are two consecutive 2% per capita assessment fee increases. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the authorization of payment of the annual maintenance invoice to the San Bernardino County Sheriff’s Department (CAL-ID / IDENTIX) for providing fingerprint identification services in the amount of \$73,303.65.

Delinquent Fine as Special Assessment – Quality of Life Director Fred Cardenas provided a brief overview of an appeal made by the property owner of 145 Escondido Road requesting an additional fifteen days to file an appeal associated with past due fines for administrative citations. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved permitting the property owner fifteen (15) days from today's date to file an appeal of the administrative citation issued to 145 Escondido Road based on the property owner's request to appeal, and because of the unique circumstances of this Code Enforcement matter.

Agreement for Purchase of Oil and Lubricants – Quality of Life Director Fred Cardenas an agreement for the purchase of oil and lubricants used by Equipment Maintenance operations staff for routine maintenance on a daily basis. He explained that the competitive bid process was followed. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously rejected two non-responsive low bids from Beck Oil and Merriman Energy Group; and approved an agreement between the City of Redlands and Poma Distribution, Inc., DBA Poma Companies for the purchase of oil and lubricants in the amount of \$80,000 for the equipment and maintenance division.

HVAC Units at Various City Buildings – Quality of Life Director Fred Cardenas explained Department of Energy (DOE) grant funds will be used for the HVAC Units at Various City Buildings Project. This will be the third and final project intended for the DOE grant funds. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously determined that the approval of the contract for the replacement HVAC units at various City buildings is categorically exempt from further from environmental pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines; and determined that Pacific Air Heating and Cooling Inc's bid as not a responsible bidder based on Pacific Air's reconsideration of its HVAC Replacement Project bid and that they misrepresented information contained with the bid document and rejected the bid received from Pacific Air Heating and Cooling Inc; and approved the contract between the City of Redlands and Airite Heating & Air Conditioning in the amount of \$359,963.00.

Loan Agreement – Chris Diggs of the Municipal Utilities and Engineering Department provided details on the San Bernardino Associated Governments (SANBAG) interest free loan program that allows cities to borrow up to 2/3 of necessary funding from annual revenues generated from the Measure I Major Streets/Arterial program. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a loan agreement with SANBAG to fund the construction of the Interstate 10-University Street Interchange Project.

Grant Funding – Chris Diggs of the Municipal Utilities and Engineering Department presented the Clean Transportation Funding program that is available to fund clean air projects. Staff has identified five locations in the City for installation of Class II bike lanes. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the agreement between the City of Redlands and the South Coast Air Quality Management District for grant funding in the amount of \$125,000 from the Mobile Source Air Pollution Reduction Review Committee.

Storm Drain Repair – Monte Morshed of the Municipal Utilities and Engineering Department presented an overview of the 2014 Storm Drain Repair Project. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously determined that the approval of the agreement and construction of the 2014 Storm Drain Repair Project, Project No. 40085 is categorically exempt from further environmental review in accordance with Section 15301 of the California Environmental Quality Act; and approved the 2014 Storm Drain Repair Project plans and specification; and awarded the construction contract between the City of Redlands and Ramona, Inc. in the amount of \$70,250.00.

Consulting Agreement – Chris Diggs of the Municipal Utilities and Engineering Department presented the need to review the existing and proposed O&M budgets, proposed yearly capital expenditures, short and long term planning documents, capital budgets, and current rate structures to make recommendations for rate adjustments if necessary. When formed, the members of the Utility Advisory Commission (Council approved the appointments earlier in the night), will work together with staff and the consultant. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the agreement between the City of Redlands and Raftelis Financial Consultants Inc. in the amount of \$107,815.00 to furnish consulting services to determine water, non-potable water and wastewater rates and water, non-potable water, wastewater, and storm drain development impact fees.

Learning Site Agreement – Human Resources/Risk Management Director Amy Martin provided an overview of California State University, San Bernardino Learning site Agreement designed to provide eligible business students with the opportunity to connect classroom knowledge with the workplace. Councilmember Harrison suggested that it would be beneficial to invite students involved in the program to a City Council meeting, introduce them and provide them an opportunity to talk about their experiences. Councilmember Gardner recused himself from discussion and voting on this item due to his source of income relationship with California State University, San Bernardino. On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved the agreement between the City of Redlands and California State University, San Bernardino

Work-Study Program – Human Resources/Risk Management Director Amy Martin provided an overview of the current work-study program with the University of Redlands designed to provide eligible students with the opportunity to earn money to help defray their educational costs, while gaining practical work experience. Mayor Aguilar recused himself from discussion and voting on this item due to his source of income relationship with the University of Redlands. On motion of Councilmember Gilbreath, seconded by Councilmember Gardner, the City Council approved the agreement between the City of Redlands and University of Redlands to participate in the 2014-2015 Work-Study Program.

COUNCILMEMBER ANNOUNCEMENTS AND ACTIVITIES:

Healthy Redlands – Councilmember Gilbreath was happy to report the *Celebration of Healthy Living* held on August 2, 2014 at the Redlands Saturday Morning Farmers’ Market was a huge success. She expressed her thanks to Director Cardenas and Quality of Life staff and a big thanks to Heather Smith and Janet Miller of the Development Services Department for all their efforts for a great day. To encourage everyone to participate, a shuttle was provided to those needing transportation from the Community Center.

ADJOURNMENT:

There being no further action required, Mayor Aguilar adjourned the meeting at 8:07 P.M. The next regular meeting of the City of Redlands City Council will be held at 5:00 P.M. on September 2, 2014.

Jeanne Donaldson, Deputy City Clerk