

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 6, 2011 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: N. 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, Interim Municipal Utilities and Engineering Director; Fred Cardenas, Quality of Life Director; Tina Kundig, Finance Director/City Treasurer; Oscar W. Orci, Development Services Director; Deborah 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:

The meeting recessed at 5:00 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)(2)(C) - One Case
 - a. Facts and circumstances - threat of litigation by Redlands Country Club regarding non-potable water rates
2. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(c) - One Case
 - a. Possible initiation of litigation by the City of Redlands
3. Conference with real property negotiator – Government Code §54956.8
 - Property: Redlands Municipal Airport Hangars No. 2, 23, 27, 29 and 30
 - Agency negotiators: N. Enrique Martinez, Fred Cardenas

Negotiating parties: David Crosswhite, James Nyende, and Bobby Graham

Under negotiation: Lease of airport hangars

4. Public Employee Dismissal/Release - Government Code §54957
 - a. Consideration of disability retirement application of a public safety employee

5. Conference with labor negotiator - Government Code §54957.6
Agency Negotiator: Debbie Scott-Leistra
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

6. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) - Two Cases
 - a. Charles E. Holcombe, et al v. City of Redlands, San Bernardino Superior Court Case No. CIVDS 1107627
 - b. City of Redlands v. The California Gateway, L.P., et al, San Bernardino Superior Court Case No. CIVDS 906028

7. Conference with real property negotiator – Government Code §54956.8
Property: APNs 0292-053-01, -02, -09, -10, and -11
Agency negotiators: N. Enrique Martinez, Oscar Orci
Negotiating parties: William F. Craig, Jr. of Jones Lang LaSalle, representative for the Department of Veterans Affairs

Under negotiation: Terms of payment and price for City purchase of a recordable property interest/conveyance

The meeting reconvened at 6:00 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 the City Council unanimously approved a disability retirement application of a public safety employee. No further reportable actions were taken during the closed session. Councilmember Bean recused himself from discussions with legal counsel in the case of City of Redlands v. The California Gateway, L.P. due to his source of income relationship with Gateway.

PRESENTATIONS:

Redlands Animal Shelter - Animal Control Officer Bill Miller and volunteer Linda Ackerman introduced Ellie, a year and a half old, female Basset Hound mix, who is available for adoption at the Redlands Animal Shelter along with sixty-one other dogs and forty-five cats. Ms. Ackerman informed the Council eighty-nine dogs, forty-six cats, and one chicken have been adopted since the last City Council meeting.

Proclamation - Mayor Aguilar presented and Ron Venegas, Vice Chairman of the Human Relations Commission, read a proclamation declaring the period from September 15, 2011 to October 15, 2011 as *Hispanic Heritage Month*.

PUBLIC COMMENTS:

Bike Lanes - Dennis Bell observed that recent efforts to delineate bicycle lanes in the streets of Redlands are ineffective. He remarked that the lanes are not being used appropriately and are a waste of the taxpayers' money.

Labor Day - Steve Rogers read from an article entitled "Labor These Days" in which he said the celebration of Labor Day is outdated.

BOARDS AND COMMISSIONS REPORTS:

Planning Commission - Chairman Gary Miller provided an overview of the depth of experience inherent in the team of highly qualified planning commissioners we have in the City of Redlands. His presentation highlighted the functions of the Commission, the principles employed in decision making as well as the architectural guidelines used. He concluded with a list of ongoing projects and goals for the future.

CONSENT CALENDAR:

Minutes - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved the minutes of the regular meetings of July 19, 2011 and August 2, 2011 and the special meeting of July 20, 2011.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved a proclamation declaring September 17, 2011 as a *Day for Kids*.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved a proclamation recognizing September 11, 2011 as a day of solemn commemoration of the events of September 11, 2001.

Ordinance No. 2751 - City Boards and Commissions - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved the adoption of Ordinance No. 2751, amending Chapters 2.18, 2.24, 2.36, 2.46, 2.48, 2.50, 5.48, 13.04, 13.06, and 19.12 of the Redlands Municipal Code relating to membership and terms for City Boards and Commissions to (1) clarify that any appointment for an unexpired term of a commissioner that is more than two years will constitute a full term; (2) designate the Planning Commission to perform the role previously undertaken by the City's Housing Commission concerning the regulations governing mobile home rent and control and the City's allocation system for the award of annual building permits; and (3) change the constituency of the Board that hears resident utility charge disputes, and make the any decision of the City Manager on disputes over residential utility charges final and non-appealable.

Right of Entry Agreement - This item was pulled from the agenda at the request of staff.

Resolution No. 7070 - Signing Authority - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved Resolution No. 7070 authorizing the Mayor or any City Councilmember to execute state program agreements for federally funded capital improvement projects. As a public comment, Steve Rogers expressed concern this resolution would make it too easy to circumvent open government proceedings.

Water Exchange Entitlement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved water exchange entitlement agreements between the City of Redlands and John Paul and Kristi Chandra Andersen, and Peter and Michele Bottenberg.

Traffic Signal MOU - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a Memorandum of Understanding (MOU) between the City of Redlands and San Bernardino Associated Governments (SANBAG) regarding San Bernardino Valley Coordinated Traffic Signals. As a public comment, Steve Rogers observed the difficulty of coordinating priorities between the City of Redlands and SANBAG.

Jurisdiction Agreement - On motion of Mayor Pro Tem Foster, seconded by Mayor Pro Tem Foster, the City Council unanimously approved Master Jurisdiction Agreement No. C12022 between the City of Redlands and the San Bernardino County Transportation Authority as required for the Measure I program. As a public comment, Steve Rogers observed there are no Redlands projects listed in the Agreement.

Work Study 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 University of Redlands for the Off Campus Work Study Program for FY 2011-2012.

Fee Waiver - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a fee waiver request from Stater Bros. Charities for the 4th Annual Believe and Walk for the Cure event to benefit the Loma Linda University Cancer Center's Patient Resource Center to be held on October 2, 2011.

Bulldog Triathlon - This item was pulled from the agenda at the request of staff.

Contraband Detection - 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 Redlands Unified School District for the provision and operation of the Contraband Detection Canine Program.

Arrest and Control Training - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a hold harmless letter between the City of Redlands and the San Manuel Band of Mission Indians for the use of their training facility for an Arrest and Control Program. As a public comment, Steve Rogers questioned the limits of the hold harmless stipulation.

Voluntary Contribution - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved acceptance of a University of Redlands \$112,000 voluntary, contribution to be designated as follows: \$10,000 to the A.K. Smiley Public Library for the acquisition of books and/or Special Collections materials or for any other purpose as designated by the Library Board of Trustees; \$30,000 to the City of Redlands Fire Department in support of the campaign to raise matching funds for the procurement of a new ladder truck for the department; \$10,000 for the maintenance and improvement of Sylvan Park; \$10,000 to permit the City to fund its 30% share of University of Redlands student employee/internship positions in the police, library, recreation and/or other departments, with \$5,000 provided now and another \$5,000 to be provided in January, 2012; and \$52,000 of gift-in-kind contributions, estimated as the University's cost to repair and repave Colton Avenue between University Street and Grove Street, with review and approval by the City of Redlands. Further motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, with unanimous agreement from the City Council, approved appropriation of \$50,000 in the General Fund, with \$30,000 in support matching funds required for procurement of a new ladder truck for the Fire Department; \$10,000 in the Quality of Life Parks Division for maintenance and improvement of Sylvan Park; \$10,000 to assist in the funding of University of Redlands student employee/internship positions in the police, library, recreation

and/or departments. Lastly, an \$800 encroachment permit fee for street improvements on Colton Avenue provided by the University of Redlands was waived by the Council.

Fee Waiver - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a fee waiver request associated with a tenth anniversary September 11 Observance at the Redlands Bowl and agreed to support an co-sponsor the event. Former Mayor Kasey Haws and Rabbi Doug Cohn thanked the City Council for their support and expressed their appreciation for the efforts of many volunteers and the City staff to make the Observance a success.

Resolution No. 7069 - Time Extension for CRA No. 843 - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7069 extending for one year the time for Commission Review and Approval (CRA) No. 843; an 8048 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.

Development Agreements Review - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously agreed to receive and file a notice to conduct an annual review of approved development agreements with Mountainview Power Company, Robertson Ready Mix Ltd., Cemex Construction Materials, LP, Redlands Health Services and AV Associates, and Redlands Land Holding, LLC in accordance with Chapter 18.220 of the Redlands Municipal Code. As a public comment, Steve Rogers suggested the review might present an opportunity to renegotiate revenues received from Robertson Ready Mix and Cemex for fees on their quarry operations.

Housing Project Support - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously authorized the Mayor to execute and send a letter to the Housing Authority of San Bernardino County in support of the Lugonia Avenue Housing Project. As a public comment, Steve Rogers pointed out the lack of progress on the Project. Councilmember Harrison asked staff to provide a status report at a later City Council meeting.

Walmart EIR - On motions of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved Amendments No. 5 to an agreement between the City of Redlands and Michael Brandman Associates for consulting services to prepare an Environmental Impact Report (EIR) for the Redlands Crossing Project (Walmart) on approximately 45.71 acres located on the south east corner of San Bernardino Avenue and an agreement between the City of Redlands and Walmart Stores, Inc. to fund preparation of the EIR. The amendments reflect increased costs associated with the preparation of the EIR.

As a public comment, Steve Rogers requested the opportunity to speak with the Development Services Director before the EIR is completed.

Commission Appointments - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved the appointment of Nicholas A. Ynda and James Norwood to fill unexpired terms on the Parks and Recreation Advisory Commission ending March 1, 2015.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved a proclamation honoring Dave Stockton as the recipient of the Marine Corps Scholarship Foundation 2011 John Wooden Sportsman Award.

Military Service Recognition - Jill Castanon, a Yucaipa resident and mother of a serviceman, provided a public comment to encourage support for a Redlands Hometown Heroes Program to recognize local residents serving on active duty in every branch of the United States military. She recommended two changes to the Program as presented for decision: (1) Remove the restriction that honorees must have served in a Presidential decreed war zone, and (2) Add a photograph of the honoree to the banner. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the implementation of the Program incorporating the changes recommended by Mrs. Castanon.

Special Counsel - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a special counsel services agreement between the City of Redlands and Liebert Cassidy Whitmore for labor negotiation services. As a public comment, Steve Rogers suggested the labor negotiation services should be provided by in-house employees.

Drug Enforcement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved a State and Local Task Force Agreement between the City of Redlands and the Drug Enforcement Administration to combat trafficking and narcotics problems in Riverside and San Bernardino Counties.

COMMUNICATIONS:

Cityworks Demonstration - David Hexem, Chief Information Officer, introduced Phil Mielke of the Innovation and Technology Department, who provided a demonstration of the formats and capabilities of the Cityworks software developed by City of Redlands staff. The software program tracks the permitting process, measures performance and provides backup data on all the systems and services associated with properties within the City.

LAND USE:

On Plum Lane - Jonathan and Becky Joseph, Applicant - Consideration of a Negative Declaration. Public Hearing to consider Amendment No. 14 to Specific Plan No. 25 to add Section 3(B)(3) to allow learning centers for developmentally disabled adults as a conditionally permitted use in the Office/Industrial District of Specific Plan No. 25. Public Hearing to consider Conditional Use Permit (CUP) No. 987 to establish a learning center for developmentally disabled adults within a 2,432 square foot tenant space in an existing 16,882 square foot commercial building located at 1711 Plum Lane in the Office/ Industrial District of Specific Plan No. 25. Mayor Aguilar opened the hearings and called on Oscar Orci to present a summary of events leading to the applicant's request. There being no comments presented on either side of the issue, Mayor Aguilar closed the public hearing. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a Negative Declaration for Amendment No. 14 to Specific Plan No. 25 and CUP No. 987. On motions of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved Resolutions No. 7071 and 7072 adopting Amendment No. 14 and approving CUP No. 987 respectively.

NEW BUSINESS:

Resolution No. 7074 - Salaries - On motion of Councilmember Harrison, seconded by Councilmember Bean, the City Council unanimously approved Resolution No. 7074 civilianizing the City of Redlands Fire Marshal position to fund the City's obligation to a crossing guard contract, and pay for some tree trimming.

Compensation and Benefits Profile - This item was pulled from the Agenda by Mayor Aguilar to be addressed at the regular City Council meeting scheduled on September 20, 2011.

Nonpotable Water Rates - Chris Diggs, Assistant Utility Manager, provided an overview of a rate reduction program for customers who convert to the use of nonpotable water for irrigation needs as a measure to increase conservation. This program is included in the Urban Water Management Plan approved by the City Council. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved directing staff to prepare an ordinance for the establishment of a two tiered nonpotable water rate structure, and issue the required Proposition 218 notice for a public hearing.

Ordinance No. 2755 - Police Reserve Force - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the introduction of Ordinance No. 2755 amending Chapter 2.14 of the Redlands Municipal Code relating to the City's police reserve force. The new

ordinance clearly defines reserve police officers and force requirements in terms consistent with the current California Penal Code.

Commission Appointment - This item was pulled from the Agenda by Mayor Aguilar to be addressed at the regular City Council meeting scheduled on September 20, 2011.

Holiday Decorations - On motion of Mayor Pro Tem Foster, seconded by Councilmember Bean, the City Council unanimously approved a request from the Downtown Redlands Business Area (DRBA) for an additional appropriation not to exceed \$10,000 for the purchase of holiday decorations and ordered DRBA to rebid the contract for decorations.

Ad Hoc Committee Appointment - On motion of Mayor Aguilar, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the appointment of Councilmembers Bean and Gardner to an Ad Hoc Committee to examine City Treasurer Duties and Compensation. As a public comment, Steve Rogers suggested the vote by the people, in November 2010, to retain the City Treasurer as an elected position, also implied retaining the duties and compensation at the levels in place before the preceding City Treasurer was replaced.

Development Agreement Review - On motion of Councilmember Bean, seconded by Mayor Pro Tem Foster, the City Council unanimously agreed to receive and file a notice to conduct an annual review of an approved development agreement with Esri in accordance with Chapter 18.220 of the Redlands Municipal Code. Councilmember Harrison recused himself from discussion on this item due to his employment relationship with Esri. As a public comment, Steve Rogers suggested the review might present an opportunity to increase revenues received from Esri.

Development Agreement Review - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously agreed to receive and file a notice to conduct an annual review of an approved development agreement with Redlands Community Hospital in accordance with Chapter 18.220 of the Redlands Municipal Code. Councilmember Bean recused himself from discussion on this item due to his source of income relationship with the Hospital.

Settlement Disclosure - City Attorney McHugh informed the City Council of the public disclosure, in accordance with the Redlands Municipal Code, of details of a settlement agreement between the City of Redlands and Aladdin Entertainment, LP. The agreement is the result of Case No. CIVDS 906028, a Complaint filed by the City of Redlands in San Bernardino Superior Court against Aladdin, amongst others, seeking to abate alleged violations of a Conditional Use Permit for Pharoah's Lost Kingdom theme park, as well as the Drug Abatement Act. Under terms of the settlement, Aladdin will pay to the

City of Redlands the total sum of \$23,500 and Redlands will dismiss the Complaint with prejudice. The parties shall each bear their own attorneys' fees and other costs incurred in relation to the Case. Councilmember Bean recused himself from discussion on this item due to his source of income relationship with the Aladdin. As a public comment, Steve Rogers expressed confusion at the settlement.

Committee Appointments - On motion of Councilmember Gardner, seconded by Mayor Aguilar, the City Council unanimously approved the appointment of Weldon Foster Clegg and Linda Richards to fill unexpired terms, and the reappointment of Jim Rock and Paul Woltze to serve additional terms. All four terms will end February 16, 2015.

COUNCILMEMBER ACTIVITIES:

Coffee with the Council - Mayor Aguilar mentioned his and Councilmember Bean's very successful meeting with Redlands residents in August. The next coffee meeting is scheduled at Stell Coffee & Tea Company on September 17, 2011.

Atta Boys - Councilmember Gardner noted a significant number of complimentary e-mails received lately from residents appreciative of good service provided by City of Redlands staff. He congratulated everyone and encouraged them to keep up the good work.

SCAG - Councilmember Harrison discussed three documents the Southern California Association of Governments (SCAG) is currently addressing: the Regional Transportation Plan, the Sustainable Communities Strategy and the Housing Allocation. There will be public hearings to address all three. These documents will affect the City of Redlands and residents are encouraged to review them at www.scag.ca.gov, go to the public hearings and provide comment on them.

SANBAG - Mayor Aguilar highlighted a concept of toll "hot lanes" being proposed at San Bernardino Associated Governments (SANBAG) meetings for Interstate 10 in the Redlands area. He said, as the City's representative to SANBAG, he would be soliciting inputs from his fellow Councilmembers as to a position for or against such proposals.

ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 8:04 P.M. The Council will meet at their next regular meeting on September 20, 2011.