

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 December 20, 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: 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 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:

Information Format – Amanda Frye asked for clarification as to what piece of property is on the closed session agenda and suggested future agendas should include plain text property descriptions for items to be discussed. Steve Rogers reinforced her request and agreed the public should be getting better information.

CLOSED SESSION:

The meeting recessed at 5:17 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator – Government Code §54956.8
Property: APNs 0300-231-24
Agency negotiators: N. Enrique Martinez, Oscar Orci
Negotiating party: Curtiss B. Allen
Under negotiation: Terms and price for City purchase of property.

The meeting reconvened at 6:03 P.M. with an invocation by Councilmember Bean followed by the pledge of allegiance to the American flag.

CLOSED SESSION REPORT:

City Attorney McHugh announced no reportable actions were taken during the closed session.

PRESENTATIONS:

Redlands Animal Shelter – Animal Control Volunteers Linda Ackerman and Cyndy Dunham introduced Mamas, a four year old, female miniature Pinscher/Chihuahua mix, who is available for adoption at the Redlands Animal Shelter along with twenty-seven other dogs and thirty eight cats. Ms. Ackerman informed the Council sixty dogs and twenty-six cats have been adopted since the last City Council meeting. This was Linda's last meeting to present for the animal shelter. Mayor Aguilar thanked her for her many years of volunteer service.

Happy Holidays – Missionary Elder Webster and the Primary Children's' Choir, from the local wards of the Church of Jesus Christ of Latter Day Saints, presented a program of two songs to put everyone into the holiday spirit.

PUBLIC COMMENTS:

Casa de la Vista Flooding – Jo Hale wanted to erase any perceptions, conceived from her comments at the December 6, 2011 City Council meeting, that she has not received adequate attention from staff concerning her flooding problems. She said she is called regularly and kept apprised of the progress of the project to mitigate her situation.

Tree of Hope – Steve Rogers presented a seedling to the City of Redlands as the "Tree of Hope", expressing a desire for government and citizens to work together and cooperate to solve problems.

Overflight Safety – Al Kelley expressed concerns associated with the safety of operations at San Bernardino International Airport and requested the City of Redlands file a Freedom of Information Act request to find out what is going on at the Airport.

Corporations' Rights – Several speakers representing Occupy Redlands spoke in opposition to rights given to corporations in the U.S. and against the National Defense Authorization Act of 2012.

EIR Review – Amanda Frye thanked the City Manager for extending the comment period for the Super Walmart Environmental Impact Review (EIR). Virginia Kleinhaus expressed her opposition to the development proposal.

CONSENT CALENDAR:

Minutes – On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the minutes of the regular meeting of December 6, 2011 and the adjourned special meeting on December 7, 2011.

Local Appointments Report - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously accepted the Local Appointments List for 2012 in accordance with Government Code §54972.

Settlement Disclosure - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved public release of details of a settlement and release of all claims relating to San Bernardino Superior Court Case no. CIVDS 1111722, Destiny Boone v. City of Redlands.

Ordinance No. 2766 – Child Safety Zones - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the introduction of Ordinance No. 2766 adding Chapter 9.14 to the Redlands Municipal Code establishing City Parks as Child Safety Zones where registered sex offenders are prohibited from entering without written permission.

Ordinance No. 2765 – Mobile Billboard Advertising - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved the introduction of Ordinance No. 2765 adding Chapter 8.58 to the Redlands Municipal Code establishing regulations governing mobile billboard advertising. As a public comment, Bill Cunningham thanked the City Attorney for assuring him that any kind of billboard is prohibited within the City of Redlands.

Ordinance No. 2767 – Remote Caller Bingo – On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the introduction of Ordinance No. 2767 adding Chapter 5.18 to the Redlands Municipal Code establishing regulations governing remote caller bingo.

Ordinance No. 2760 – Disestablishment of PBI A B - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved Ordinance No. 2760 ordering the disestablishment of Parking and Business Improvement Area B (PBI A B) and repealing Chapter 18.216 of the Redlands Municipal Code relating to Redlands PBI A B. As a public comment, Barbara Garcia, president of the Downtown Redlands Business Association, said revenues associated with PBI A B remain on the books and the Association would appreciate being included in the decision-making process for dispersal of those funds

Development Agreements Review - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council agreed to receive and file a report for the annual review of approved development agreements with Mountainview Power Company LLC, Cemex, Robertson's Ready Mix, Redlands Health Services (Cal-Red Facility, LLC) and Redlands Land Holding, LLC, determined that these companies are in compliance with the terms of the agreements and directed staff to prepare a Certificate of Compliance for each that can be recorded. Councilmember Bean recused himself from discussion and voting on this item due to his source of income relationship with Redlands Health Services. As a public comment, Steve Rogers suggested these annual reviews would be an opportune time to negotiate mining fees received by the City of Redlands from Cemex and Robertson's Ready Mix.

Fee Waiver - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved a waiver request from the Salvation Army for fees associated with the operation of a seasonal cold weather shelter.

Non-Disclosure Agreement - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved a confidentiality and non-disclosure agreement between the City of Redlands and Time Warner Cable. The agreement facilitates the procedures review of cable television provider franchise fees directed by the Council on October 4, 2011.

Community Facilities Districts - On motion of Councilmember Harrison, seconded by Councilmember Mayor Pro Tem Foster, the City Council unanimously agreed to receive and file the annual reports for Community Facilities Districts 2001-1 and 2003-1 in accordance with Government Code §53411.

Fee Waiver - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved a waiver request from the Redlands Bicycle Classic Organizing Committee for fees associated with the 28th Annual Redlands Bicycle Classic to be held March 22-25, 2012. As a public comment, Dennis Bell expressed his opposition to the fee waiver saying the Bike Classic should pay its own way and the City can't afford to give away services.

Fee Waiver - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved authorizing Chris Gaspar to hold a fundraiser soccer clinic at the Redlands Sports Park and waiving fees associated the use of the Park. The event will be held on January 28, 2012 to benefit the City of Redlands recreation scholarship fund which assists families and youth with financial support for participation in City recreation programs.

Music Education - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved an Independent Contractor Agreement between the City of Redlands and Musicstar, LLC to provide music education and instrument instructional classes at the Community Center.

Living Legacies - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved an Independent Contractor Agreement between the City of Redlands and Ariel Hollender to provide services to document the life experiences of City of Redlands senior citizens at the Community Senior Center.

Fitness Classes - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved an Independent Contractor Agreement between the City of Redlands and Ana M. Martinez to provide Zumba fitness classes at the Community Center.

FSA Administration - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved agreements between the City of Redlands and Aflac to provide IRS Section 125 Plan, Flexible Spending Account (FSA), administration and between the City of Redlands and PAYPRO Administrators for the function of Third Party Administrators.

COMMUNICATIONS:

Student Commissioner Appointments - On motions of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved the appointment to serve as student commissioner of Madison Eddings on the Human Relations Commission, Rio Gifford on the Parks and Recreation Commission, and Deeksha Goyal on the Traffic and Parking Commission.

Major Project Presentation – Howard Industrial Partners presented an overview of their proposal to build an 812,000 square foot warehouse distribution center on 35.5 gross acres located on the north side of Palmetto Avenue, the west side of Nevada Street and the east side of California Street within the EV/OS (Open Space) District of the East Valley Corridor Specific Plan.

Citrus Grove Replanting – Danielle Garcia, of the Quality of Life Department, provided an overview of a project, utilizing South Coast Air Quality Management District grant funds, to replant the unproductive Fifth Avenue Grove between Dearborn and Judson Streets.

NPDES Requirements – Chris Diggs, of the Municipal Utilities and Engineering Department, provided an overview of the unfunded mandates associated with the National Pollution Discharge Elimination System (NPDES). As a public

comment, Bill Cunningham observed the disadvantageous impact of this program on any business with an address in the City of Redlands. On motion from Councilmember Bean, seconded by Mayor Pro Tem Foster, staff was tasked to develop language for billing of the NPDES program to include explaining the program details, outlining the inspection schedules and defining the process for appeals, to include a discussion of how a business goes from one level to another in the program. Staff was also tasked to direct an inquiry to other cities as to examples of what types of businesses are in what category.

Commissions, Boards and Committees – Mayor Aguilar reviewed actions taken in December 2010 affecting the schedules of City Council Boards and Commissions and efforts to improvement information exchanges between the Council, the City Manager and residents. He announced further changes to be effective January 1, 2012. Discussion centered on ways to implement changes to improve support for the boards and commissions, access to meetings and transparency of decision-making.

PUBLIC HEARINGS:

Ordinance No. 2762 – Density Bonus Requirements – Mayor Aguilar opened the hearing and called upon Manny Baeza, of the Development Services Department, to provide a summary of events leading to the requested amendment to Redlands Municipal Code relating to the State Density Bonus Law. As a public comment, Steve Rogers pointed out the impacts of density bonuses on the entire City of Redlands. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the introduction of Ordinance No. 2762 amending Chapter 18.228 of the Redlands Municipal Code relating to density bonus requirements. The new ordinance aligns the Code with state requirements.

Land Use – BNY, Inc. Applicant - Mayor Aguilar opened the hearing and called upon Chris Boatman, of the Development Services Department, to provide a summary of events leading to a request from the applicant for a Mitigated Negative Declaration, a General Plan Amendment, a Zone Change, a Street Vacation, a Conditional Use Permit and a Tentative Tract Number for the development of a multifamily dwelling condominium project on approximately 3.14 acres located on the east side of Occidental Drive, approximately 657 feet north of Brockton Avenue. Several residents from the neighborhood affected by this development spoke in opposition to the application saying they wanted the area preserved for single family dwellings. The applicant's representative, Bud Thatcher described efforts to accommodate concerns expressed by the opposition. Real estate consultant, Perrie Mundy described potential owner profiles of prospective buyers of the project and expressed optimism as to the salability of the units. Discussions centered on ways to improve the sustainability impacts of the project and to reduce the street front profile of the buildings. On a motion of Mayor Pro Tem Foster, seconded by Mayor Aguilar,

the City Council voted to return the proposal to staff for modification to address sustainability concerns and other design changes before consideration of the application. Councilmember Bean voted No on the motion saying the proposal is inappropriate for the planned location.

Resolution No. 7099 – Remote Caller Bingo Fee – At the request of staff, this item was removed from the agenda. A public hearing on this subject will be held at the next regular City Council meeting.

NEW BUSINESS:

Lobbying Services - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved the second renewal an agreement between the City of Redlands and Innovative Federal Strategies, LLC for federal legislative advocate services.

Development Impact Fees - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council unanimously agreed to receive and file the annual report of development impact fees for the year ended June 30, 2011.

Finance Information System - On motion of Councilmember Bean, seconded by Councilmember Gardner, the City Council unanimously approved an annual maintenance agreement between the City of Redlands and SunGard Public Sector for software support.

Citrus Grove Maintenance - On motions of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously authorized the payment of outstanding invoices totaling approximately \$110,000 to Larry Jacinto Farming and Redlands Farming for the performance of farming maintenance services for City owned citrus groves and a not to exceed \$50,000 payment to Jacinto Farming and Redlands Farming for the performance of farming maintenance services through the first meeting in February. The Citrus Preservation Commission was tasked with the review of invoices prior to payment to the two companies.

Future Citrus Grove Maintenance – Danielle Garcia provided an overview of the process used to select a contractor for the care, maintenance and harvest of the City owned citrus groves. The impetus of the proposal to change the way the City of Redlands manages its sixteen citrus groves is to more accurately forecast and control costs. In response to concerns that the proposal would negatively impact the long term sustainability of the City groves, Gary Brandstetter, Chairman of the Citrus Preservation Commission, expressed his frustrations and discontent. As a public comment, Pete Marcum, of Redlands Farming Company, read from a letter which he submitted to describe his experience as a grower/ contractor working for the City of Redlands and expressed his

opposition to the proposed contract. Consensus agreed that further assessment of the options available to manage the groves is necessary. On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council unanimously agreed to defer this item to the first regular Council meeting in February.

Resolution No. 7098 – Capital Improvement Program – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7098, which adopts the Measure “I” Five Year Capital Improvement Program for FY 2011-2012 through FY 2015-2016.

Hinckley Treatment Plant Renovation – At the request of staff, this item was pulled from the agenda for consideration at a later date.

Safety Hall Consultant – Oscar Orci, Development Services Director, described the services covered by a proposed contract between the City of Redlands and Kosmont and Associates in the amount not to exceed \$160,000 for consulting services associated with acquiring a new Safety Hall facility. On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council voted to authorize the City Manager to negotiate and execute the contract. As a public comment, Sean Flynn, of the Redlands Police Officers Association, expressed support for the contract. Councilmember Gardner voted No on the motion expressing his belief the City of Redlands has many other unfunded needs which should be addressed ahead of these services.

Development Agreement Review - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to receive and file a report for the annual review of the approved development agreement with Redlands Community Hospital (RCH), determined that RCH is in compliance with the terms of the agreement and directed staff to prepare a Certificate of Compliance that can be recorded. Councilmember Bean recused himself from discussion and voting on this item due to his source of income relationship with RCH.

Ordinance No. 2764 – Parks and Animals – On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council approved Ordinance No. 2764, amending Chapter 12.44 of the Redlands Municipal Code relating to park regulations and animals. The new ordinance provides that dogs, whether leashed or unleashed, are prohibited within the Redlands Sports Park during American Youth Soccer Organization activities. Councilmember Gardner recused himself from discussion and voting on this ordinance due to the proximity of his residence to the Sports Park.

Development Agreement Review - On motion of Mayor Pro Tem Foster, seconded by Councilmember Bean, the City Council agreed to receive and file a report for the annual review of the approved development agreement with Esri,

determined that Esri is in compliance with the terms of the agreement and directed staff to prepare a Certificate of Compliance that can be recorded. Councilmember Harrison recused himself from discussion and voting on this item due to his employment relationship with Esri.

ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 11:23 P.M. The Council will meet at their next regular meeting on January 17, 2012.