

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 February 7, 2012 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:

None forthcoming

CLOSED SESSION:

The meeting recessed at 5:01 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(c) - One Case
 - a. Possible initiation of litigation by the City of Redlands
2. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) - One Case
 - a. Charles E. Holcombe, et al v. City of Redlands, San Bernardino Superior Court Case No. CIVDS 1107627
3. City in its role as Successor Agency to the Redevelopment Agency of the City of Redlands
 - a. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)(2)(C) - One Case

- i. Facts and circumstances – Claim of Redlands Unified School District for alleged delinquent tax increment revenues.

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

CLOSED SESSION REPORT:

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

PRESENTATIONS:

Redlands Animal Shelter – Animal Control Volunteer Cyndy Dunham introduced Tut, a four-month old Pharaoh Hound mix, who is available for adoption at the Redlands Animal Shelter along with sixty-eight other dogs and twenty-two cats. Ms. Dunham informed the Council thirty-eight dogs and thirteen cats have been adopted since the last City Council meeting.

Proclamation – Mayor Aguilar presented a proclamation to Denise Hertel, from the Pediatric Heart Association, declaring the week of February 7 – 14, 2012 as *Congenital Heart Defect Awareness Week*.

PUBLIC COMMENTS:

Safety Employees – Gertrude Jones, a school crossing guard who was recently hit by a car while performing her duties, said she experienced difficulty getting a police officer to respond at her time of need because all officers were occupied on other calls. She appealed to the City Council to give consideration to increasing police manning.

Corporate Constitutional Rights – Several members of Occupy Redlands spoke in support of a resolution they are asking the City Council to sign which calls for the abolition “corporate personhood”. Stephen Kemp and Chanel Emershy read the proposed resolution in its entirety. The group has asked to be put on the agenda of a future City Council meeting.

Flight Safety – Albert Kelley described potential hazards associated with the proximity to populated areas within the City of Redlands of San Bernardino International Airport and its flight pattern.

CONSENT CALENDAR:

Minutes – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the minutes of the adjourned

special meetings of January 11 and 31, 2012, the regular meeting of January 17, 2012 and the special meeting of January 31, 2012.

Trustee Appointments – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the reappointments of Rosa Gomez and Martin Davis to serve additional three-year terms on the Library Board of Trustees ending January 1, 2015. As a public comment, Dennis Bell questioned whether the Library Board was complying with the Brown Act and wanted to know where they posted their agenda for their meetings.

Commissioner Appointment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the appointment of Norman Miner to serve the remainder of an unexpired term on the Municipal Utilities/Public Works Commission ending November 16, 2012.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a proclamation congratulating Crafton Hills College upon the occasion of their 40th Anniversary and commending the faculty and staff for their continuing dedication to serving our community and excellence in education.

Tolling Agreement Amendment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Amendment No. 1 to a Tolling Agreement between the City of Redlands and the County of San Bernardino relating to the County's calculation of property tax administration fees. The Amendment extends the current agreement through March 2015 to allow time for settlement of litigation involving an administrative fees dispute between the County of Los Angeles and any city therein.

Fee Waiver - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved, by roll call vote, a request from the Childhood Cancer Foundation of Southern California for waiver of fees associated with the 12th Annual Easter Egg Hunt for Families of Children with Cancer which will be held at Sylvan Park on March 31, 2012.

Video Surveillance MOU Amendment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a First Amendment to a Memorandum of Understanding (MOU) between the City of Redlands and the Redlands Unified School District for video surveillance system support and maintenance of equipment. The amendment identifies two additional locations: the Educational Services Center and Judson & Brown Elementary School.

Facility Use Agreement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a Facility Use Agreement between the City of Redlands and the University of Redlands for the use of University facilities to conduct training, presentations, and qualifications.

CPDA Amendment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Amendment No. 1 to a Conditional Property Disposition Agreement (CPDA) between the City of Redlands and Howard Industrial Partners LLC. The amendment extends the Schedule of Performance to provide an additional thirty days to allow the City staff additional time to submit environmental documents to the state for a 30-day review period.

Resolution No. 7119 – Grant Application - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7119 authorizing the submittal of a joint grant application with the County of San Bernardino to the U.S. Economic Development Administration for the development of a biomedical tech park support center and designating the City of Redlands Economic Development Manager as an Authorized Organization Representative with authority to submit grant applications on behalf of the City.

Ordinance No. 2763 – Temporary Sales and Special Events Facilities - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Ordinance No, 2763 adding Section 18.195 to the Redlands Municipal Code to establish regulations governing temporary sales and special event facilities within developed commercial and industrial zoned properties.

Firefighter Grant Application - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously authorized the Fire Department to apply to the Department of Homeland Security, Federal Emergency Management Agency for a grant from the Staffing for Adequate Fire and Emergency Response (SAFER) Program.

COMMUNICATIONS:

Audit Documents – Kelly Culver, from LSL Certified Public Accountants, presented a summary of the findings associated with the FY2010-2011 Audit. On motion of Councilmember Bean, seconded by Councilmember Gardner, the City Council unanimously agreed to accept the City of Redlands Comprehensive Annual Financial Report, the 2010-2011 Single Audit Report for Federal Awards, the Independent Accountant’s Report, the SAS 115 Management Letter, and the Auditor’s Communication Letter.

CDBG Reports – Janet Miller, of the Development Services Department, presented a summary of the results of the Consolidated Annual Performance and Evaluation Report for the 2010-2011 Community Development Block Grant (CDBG) Program. While the City of Redlands received “high grades” for their program, the dissolution of the Redevelopment Agency will result in failure to met program goals. Staff recommendations for adjusting these goals will be the subject of a future City Council meeting.

Council Activities Schedule – Mayor Aguilar summarized changes reflected in a new meeting schedule and liaison assignments for City Council boards, commissions and committees. Councilmember Harrison pointed out that the Citrus Preservation Commission meeting schedule needs to be addressed and Councilmember Bean cited the existence of one ad hoc committee charged with developing the duties and compensation of the elected City Treasurer. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed to accept the City Council Liaison Assignments and Coffee with the Council Schedule as amended.

Ordinance No. 2775 - Commission Duties - On motion of Councilmember Bean, seconded by Mayor Pro Tem Foster, the City Council unanimously agreed to continue, until the City Council meeting of February 21, 2012, discussion of Ordinance No. 2775 amending Chapter 2.64 of the Redlands Municipal Code relating to the duties of the Citrus Preservation Commission and the operations and finances of the City of Redlands citrus groves. The new ordinance is intended to ensure protection of the City’s citrus heritage by being financially successful, clearly assigns ultimate responsibility for grove operations to City staff, establishes a schedule of monthly meetings for the Citrus Preservation Commission with the provision of appropriate financial and operational information for decision making, and requires semi-annual reports to the City Council on grove operations.

PUBLIC HEARINGS:

Resolution No. 7123 – Housing Revenue Bonds – Mayor Aguilar opened the hearing and called upon Michael Lengyel, of the Development Services Department, to provide a summary of events leading to a request from the Housing Authority of the County of San Bernardino to issue up to \$25,000,000 in multifamily housing revenue bonds to finance the acquisition, construction and equipping of a project to build a 228-unit planned residential development located at the northeast corner of Orange Street and Lugonia Avenue. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7123 approving the issuance of the bonds.

Resolution No. 7105 – Traffic Enforcement on Private Roads – Mayor Aguilar opened the hearing and called upon Redlands Police Chief Garcia to provide a

summary of events leading to a request to authorize traffic enforcement by the Redlands Police Department on certain private streets within the City. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved Resolution No. 7105 authorizing traffic enforcement by the Redlands Police Department on Delaware Avenue, Sixth Street, Holly Lane, and Sharon Road.

Resolutions No. 7116 and 7117 – Specific Plan Amendment and CUP - Mayor Aguilar opened the hearing and called upon Sergio Madera, of the Development Services Department, to provide a summary of events leading to a request from the applicant for a Notice of Exemption to California Environmental Quality Act guidance, and public hearings for Amendment No. 3 to Specific Plan No. 42, to include theater arts and acrobatic studios as a conditionally permitted use in the Plan's Office/Industrial District and Conditional Use Permit (CUP) No. 993 to establish such a studio in a 6,470 square foot tenant space of an existing industrial building located at 1280 Research Drive. As a public comment, Katie Zapparella, a school teacher and parent of former students, spoke as a reference as to the instructional capabilities of the applicant. She encouraged approval based on the benefit her daughters have received. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously agreed that approval of Resolutions No. 7116 and 7117 is categorically exempt from the California Environmental Quality Act, and approved Resolution No. 7116 approving Amendment No. 3 to Specific Plan No. 42 and Resolution No. 7117 approving CUP No. 993.

Resolution No. 7118 – Specific Plan Amendment - Mayor Aguilar opened the hearing and called upon Manuel Baeza, of the Development Services Department, to provide a summary of events leading to a request from the applicant for a Negative Declaration, and a public hearing for Amendment No. 40 to Specific Plan No. 40, to modify Figure 1-1 relating to Planned Development Envelopes within the East Valley Corridor Specific Plan and delete a development envelope bounded by Pioneer Avenue on the north, San Bernardino Avenue on the south, Texas Street on the east and the 210 Freeway on the west. Representing the applicant, Redlands Real Estate Holdings LLC, Robert Levyssohn said removal of the envelope would expedite the development process and make marketing to prospective occupants easier. As a public comment, Bob Roberts expressed skepticism as to the effectiveness of development envelopes. On a motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a Negative Declaration for Resolution No. 7118 approving Amendment No. 40 to Specific Plan No. 40, and approved the Resolution.

NEW BUSINESS:

Radio Maintenance - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a contract

between the City of Redlands and the County of San Bernardino for access and maintenance of the police 800MHZ radio system.

Resolution No. 7124 – Clean Transportation Grant - On motion of Councilmember Bean, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7124 to execute the Clean Transportation Funding grant award for \$90,000 from the South Coast Air Quality Management District and a supplemental appropriation of the same amount to co-fund the purchase of three natural gas heavy-duty solid waste vehicles.

E-Discovery - On motion of Councilmember Gardner, seconded by Councilmember Bean, the City Council unanimously approved an additional appropriation of \$30,000 to the Department of Innovation and Technology authorizing the procurement of hardware/software in support of e-discovery requirements.

Voting of City-owned Shares – The consensus of the Council was to have staff develop a policy for voting City-owned shares of mutual water company stock at annual shareholders’ meetings and return for approval at a future City Council meeting.

Reservoir Improvements Contract - On motion of Councilmember Bean, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the plans and specifications for the Smiley Reservoir Site Improvement Project and the award of a contract between the City of Redlands and Three Peaks Corporation, in the amount of \$57,539, to perform the work.

Waterline Relocation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the plans and specifications for the Fifth Avenue Pipeline Replacement Project and an agreement between the City of Redlands and the County of San Bernardino, in the amount not to exceed \$279,193.75 for the installation of waterlines along Fifth Avenue and Walnut Street.

Tree Trimming – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request for additional appropriation of funds, not to exceed \$75,000, to the Made in the Shade Program to ensure the program is not subsidized by the General Fund tree trimming budget. The program uses funds paid by residents for tree trimming. Mayor Aguilar asked staff to provide a map showing where the Made in the Shade Program is being utilized. As an aside, Quality of Life Director Fred Cardenas expressed appreciation for the efforts of Robert Dawes, who has been singularly instrumental in the success of the program.

ACTIONS TAKEN BY THE CITY COUNCIL AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF REDLANDS

Minutes - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the minutes of the regular meeting of January 17, 2012 and the special meeting of January 31, 2012 of the former Redevelopment Agency.

Audit Documents - Kelly Culver, from LSL Certified Public Accountants, presented a summary of the findings associated with the FY2010-2011 Audit. As a public comment, Albert Kelley asked for clarification of a remark made that said the City was “in the black” when the Redevelopment Agency had significant debts. Mayor Aguilar attempted a tutorial on Redevelopment Agency funding to explain the disparity in the remark. He then explained the “in the black” comment was in reference to the General Fund. On motion of Councilmember Bean, seconded by Councilmember Gardner, the City Council unanimously agreed to accept the Redevelopment Agency Basic Financial Statements with Independent Auditor’s Report for the Year Ended June 30, 2011 and the SAS 115 Management Letter.

COUNCILMEMBER ACTIVITIES:

Mayor Pro Tem Foster gave a good report of his experience attending the recent Chamber of Commerce Rise and Shine Breakfast.

ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 8:42 P.M. The Council will meet at their next regular meeting on February 21, 2012.