

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 March 6, 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 5:00 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) - One Case
  - a. Timothy Moore v. City of Redlands, et al, San Bernardino Superior Court Case No. CIVDS 1003083
2. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)(2)(c) - One Case
  - a. Facts and circumstances – Consideration of a claim by Matheson Postal Services, Inc.

The meeting reconvened at 6:00 P.M. with an invocation by Mayor Aguilar followed by the pledge of allegiance to the American flag.

## CLOSED SESSION REPORT:

City Attorney McHugh announced that no reportable action was taken during the closed session.

## PRESENTATIONS:

Redlands Animal Shelter – Animal Control Volunteers Cyndy Dunham and Karington Sebastian introduced Blackie, a one-year old male Chihuahua Dachshund mix, who is available for adoption at the Redlands Animal Shelter. Ms. Dunham informed the Council thirty-one dogs and eighteen cats have been adopted since the last City Council meeting.

Donation – Mayor Aguilar, Chief Garcia and Officer Bill Miller, on behalf of the Redlands Animal Shelter, received a donation in the amount of \$16,960 from Tom Bell Auto Sales. The donation was the result of a pledge to give \$20 to the animal shelter for each car sold at three sales locations in Redlands during the months of October, November and December 2011.

## PUBLIC COMMENTS:

Nutrition – Amanda Frye thanked the Council for the attention being given to nutrition awareness. She cited two websites as reference sources on the subject: [www.choosemyplate.gov](http://www.choosemyplate.gov) and [www.eatright.org](http://www.eatright.org).

Olio – Dennis Bell reflected on several subjects from the police apprehending homicide suspects, the high cost of gasoline, the cost burden associated with operating city-owned citrus groves, and appreciation for those serving in the military.

Corporate Personhood – Several members of the Occupy Redlands movement presented points for discussion and read a proposed City Council resolution calling for a reversal of court decisions which grant Constitutional rights to corporations and characterize the spending of money as a form of speech also protected by the US Constitution. The group expressed frustration with their inability to get their resolution on the City Council meeting agenda.

## 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 February 21, 2012.

Proclamation – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a proclamation declaring March 2012 as *National Nutrition Month*.

Commissioner Appointment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the appointment of Robert E. Reid to serve a four-year term on the Human Relations Commission ending March 6, 2016.

Crime Analysis Upgrade - 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 Omega Group, Inc. for the upgrade of the Police Department's crime analysis software to the latest platform available.

Bike Classic Beer Concession - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from the Redlands Sunrise Rotary Club to sell beer at the Redlands Bicycle Classic.

Land Lease Agreement - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an agreement between the City of Redlands and the South Coast Air Quality Management District for an area at the Dearborn Reservoir to place a portable air monitoring trailer and a meteorological tower.

Resolution No. 7128 – Proposition 218 Voting – On motion of Councilmember Bean, seconded by Councilmember Harrison, the City Council voted to approve Resolution No. 7128, with suggested changes to clarify ballot validity instructions and establish a policy for tabulating protest votes pursuant to Proposition 218 for utility rate adjustments. Mayor Pro Tem Foster voted No on the motion stating satisfaction with current Proposition 218 procedures and his opposition to any change which would have a financial impact on staff. As a public comment, Steve Rogers suggested the postage fees associated with Proposition 218 protests should be paid by the City. As a result of the resolution, the City Manager, the City Attorney and the City Clerk were directed to develop a protest vote validation process within thirty days.

Ordinance No. 2774 – Water and Sewer Development Impact Fees – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the adoption of Ordinance No. 2774 amending Chapters 3.44, 3.48 and 13.40 of the Redlands Municipal Code to establish revised amounts for water and wastewater development impact fees. The new ordinance reduces fees. As a public comment, Steve Rogers observed that fees charged to developers were being decreased at the same time water and sewer user rates are being increased.

Fee Waiver - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved a request from the Kimberly-Shirk Events, Inc. for waiver of fees associated with a

revised Conditional Use Permit application for expanded uses at Kimberly Crest House and Gardens.

Service Agreement - On motion of Councilmember Bean, seconded by Mayor Pro Tem Foster, the City Council unanimously approved an agreement between the City of Redlands and Kosmont & Associates, Inc. for real estate advisory services. Staff was tasked to provide to the Council a pay rate schedule referred to as Exhibit "A" in the agreement, but not included with Council documents.

Trails Agreement Amendment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved an amendment to a common use agreement between the City of Redlands and the San Bernardino Country Flood Control District for recreational multi-use community trails.

#### COMMUNICATIONS:

AB 1437 – Nathan Miller, Field Representative for Assemblymember Mike Morrell, provided a brief presentation on Assembly Bill (AB) 1437 which would require the State Budget to be posted on a publicly available internet website for three days before the Legislature can vote on it. On motion of Councilmember Bean, seconded by Mayor Pro Tem Foster, the City Council approved a letter of support for the legislation to be signed by the Mayor. Councilmember Gardner voted No on the motion saying AB 1437 doesn't go far enough to address the problems associated with the State Budget process.

SCAG Conference Representatives – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council approved the designation of Councilmember Harrison to serve as delegate and Mayor Aguilar to serve as alternate for the 2012 Southern California Association of Government (SCAG) General Assembly.

Emergency Management – Fire Chief Frazier presented the rationale for re-emphasizing City of Redlands emergency response planning. On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved directing staff to coordinate a meeting of the Disaster Council as described in the Redlands Municipal Code Chapter 2.52 and authorizing the Mayor and City Manager conduct a meeting to name members of the Citizens Corps Council.

Pavement Management – Fred Mousavipour, Municipal Utilities and Engineering Interim Director, and Philip Mielke, GIS Director, presented an overview of the City of Redlands Pavement Management Program utilizing as a briefing aid, a new interactive "touchtable" which was donated to the City by Esri. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the City of Redlands

Pavement Management Program 2012 Report and authorized staff to utilize the report as a guideline to prioritize and schedule maintenance and rehabilitation of the City's roadway system.

CDBG Program – At the request of staff, this item was pulled from consideration at this meeting and will be addressed at a later date.

#### PUBLIC HEARINGS:

Historic Resource Application No. 114 – Mayor Aguilar opened the hearing and called upon Tabitha Kevari, of the Development Services Department, to provide a summary of events leading to a request to designate property located at 12261 Wabash Avenue, also known as Crystal Springs Ranch, within the A-1 (Agricultural) District and R-A-A (Residential Estate-Animals) District as an historic resource. As nominator, Pam Smyth presented her rationale for preserving Crystal Springs Ranch citing the historical significance, natural beauty and ecological importance of the area. Representing the property owner, Pat Meyer offered alternatives to designating the entire ranch in an attempt to mitigate the financial impact on the owner. Several speakers voiced support for the historic resource designation. Members of the Redlands Junior Historical Society appealed to the Council to save areas such as Crystal Springs for future generations. On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously agreed to table this application pending further efforts by the staff, the nominator and the property owner to explore options whereby all interests concerned can be accommodated to some degree. Staff was tasked with providing a status report on this item at the May 1, 2012 regular meeting of the City Council.

#### NEW BUSINESS:

Ordinance No. 2775 – Citrus Commission Duties – Councilmember Harrison summarized events leading to a proposed ordinance to clarify roles and responsibilities in managing the City of Redlands citrus grove operations. As a public comment, Gary Branstetter, Chairman of the Citrus Preservation Commission, fully endorsed the ordinance and said the Commission looks forward to taking on the task assign to them. Discussion centered on the timing of progress reports. On motion of Councilmember Harrison, seconded by Councilmember Bean, the City Council unanimously approved the introduction 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.

Tree Donation – Fred Cardenas, Quality of Life Director, introduced an offer to donate, plant and provide irrigation for trees in Heritage Park. Shelli Stockton, of Esri, expressed the donor's desire to get trees into the ground at Heritage Park, so they can begin to grow and beautify the area, realizing the Park plans have not been finalized and future modifications may require replanting some trees later on. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to accept the donation of trees and related irrigation for Heritage Park and approved an appropriation of \$3,000 into the General Fund Parks Division account for maintenance. Councilmember Harrison recused himself from discussion and voting on this item due to his employment relationship with Esri.

CPDA Termination – Economic Development Manager Michael Lengyel presented examples of noncompliance and rationale for termination of a Conditional Property Disposition Agreement (CPDA) between the City of Redlands and ShowProp Redlands LLC. As a public comment, several members of the Redlands Junior Historical Society voiced support for terminating the CPDA. Citing the amount of money already spent and items remaining for compliance with the CPDA, George Krikorian and Peter Lehmann, of ShowProp Redlands, appealed for an extension in time to complete the items in noncompliance. Steve Rogers said this item is an example of poor development planning and called for a new approach. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council agreed to terminate the CPDA and directed staff to prepare a letter notifying ShowProp of the termination. Councilmember Bean recused himself from discussion and voting on this item due to his source of income relationship with ShowProp Redlands.

Oversight Board Appointments - On motion of Mayor Aguilar, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the appointment of Paul Foster and Oscar Orci to the Oversight Board to the Successor Agency to the Redevelopment Agency of the City of Redlands. Mayor Pro Tem Foster will represent the City of Redlands. Development Services Director Orci will represent the employees of the former redevelopment agency. As a public comment, Steve Rogers reminded the Council he had volunteered to be on the Oversight Board.

COUNCILMEMBER ANNOUNCEMENTS AND ACTIVITIES:

Professionalism – Mayor Aguilar complimented Police Chief Mark Garcia and Public Information Officer Carl Baker for their handling of a news conference on March 5, 2012 announcing the arrest of four individuals in connection with a double homicide committed in January 2011. He also thanked the Police Department at large for their efforts in solving this difficult, high visibility case.

ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 10:07 P.M. The Council will meet at their next regular meeting on March 20, 2012.