

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 20, 2011 at 5:05 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:

Landfill Buffer Zone - Former Councilmember John Freedman submitted a letter and read from it to express his concerns about a proposal to sell City property which he believed had been intended to act as a buffer around the City of Redlands landfill.

CLOSED SESSION:

The meeting recessed at 5:10 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(c) - Two Cases
  - a. Possible initiation of litigation by the City of Redlands
  - b. Possible initiation of litigation by the City of Redlands
2. Conference with real property negotiator – Government Code §54956.8
  - Property: APNs 0292-044-09, -10, -11 and -12
  - Agency negotiators: N. Enrique Martinez, Oscar Orci
  - Negotiating parties: Tim Howard of Howard Industrial Partners
  - Under negotiation: Terms and price for possible purchase of City property

3. Conference with real property negotiator – Government Code §54956.8  
Property: APN 0292-158-03  
Agency negotiators: N. Enrique Martinez, Oscar Orci  
Negotiating parties: Bert Simons, Pacific Mercantile Bank  
Under negotiation: Terms and price for City purchase of property

The meeting reconvened at 6:13 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 no reportable actions were taken during the closed session.

PRESENTATIONS:

Redlands Animal Shelter - Volunteers Linda Ackerman and Cyndy Dunham introduced Chapel, a 10 month old, male German Shepherd mix, who is available for adoption at the Redlands Animal Shelter along with sixty-three other dogs and fifty-four cats. Ms. Ackerman informed the Council thirty-five dogs and thirteen cats have been adopted since the last City Council meeting.

ADMINISTRATIVE HEARING:

Special Assignment Grievance - Mayor Aguilar opened the hearing and called for a summary from Debbie Scott-Leistra, Human Resources Director, as to the events leading to a Grievance Case for Special Assignment by Employee/Grievant Mr. Tim Shields. While assigned the position of Building Inspector, Mr. Shields was given duties assisting with the Neighborhood Revitalization Program and, therefore, believes he is entitled to Special Assignment Pay under Article 10 of the San Bernardino Public Employees Association Memorandum of Understanding (MOU). A July 18, 2011 Advisory Opinion of the Arbitrator found Mr. Shields' grievance to be timely, but recommended it be denied on its merits due to the Union's inability to prove the City violated Article 10 of the MOU when it declined to find Tim Shields eligible for Special Assignment Pay for his assignment to the Neighborhood Revitalization Program between February 2009 and June 2010. As a public comment, Steve Rogers expressed dissatisfaction with the City of Redlands' choice for representation. Mr. Shields, representing himself, and Steve Filarsky, representing the City of Redlands, each presented arguments in support of and against the grievance. On motion of Mayor Pro Tem Foster, seconded by

Councilmember Gardner, the City Council unanimously approved the adoption of the Advisory Decision and findings of the arbitrator in the Case.

PUBLIC COMMENTS:

Thanks - Mario Saucedo, of the North Redlands Revitalization Committee, expressed his thanks to Rosemary Hoerning for her fine efforts as Municipal Utilities and Engineering Director and wished her well in her new position in Upland, CA. He complimented the organizers of the City of Redlands 9/11 remembrance ceremony for a job well done and encouraged the ongoing efforts to establish a Hometown Heroes Program to recognize Redlands residents serving in the military.

BOARDS AND COMMISSIONS REPORTS:

Historic and Scenic Preservation Commission - Chairman David Van Diest began with a history of the Commission and went on to define its functions and responsibilities as stewards of the City of Redlands Historic Properties Register. He provided an overview of the recent projects approved by the Commission and included those that are currently before them for consideration. Mr. Van Diest summarized the principles employed in decision making as well as 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 special meeting of August 23, 2011 and the regular meeting of September 6, 2011.

Resolution No. 7079 - Treasurer Authority - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved Resolution No. 7079 authorizing the annual delegation of duties of investing funds of the City of Redlands to the City Treasurer in accordance with Government Code Section 53607. As a public comment, Steve Rogers expressed concerns that the will of the people is not being properly addressed as long as the same person occupies the City Treasurer's office and the Finance Director's position.

Investment Policy - On motion of Mayor Pro Tem Foster, seconded by Councilmember Bean, the City Council unanimously approved the Statement of Investment Policy as recommended by the City Treasurer.

Resolutions No. 7076 and 7077 - PBIA B - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council unanimously approved Resolution No. 7076 giving preliminary approval of the Annual Report for Parking and Business Improvement Area (PBIA) B for FY 2011-

2012, and Resolution No. 7077 declaring the intention to levy and collect assessments for improvements and activities occurring within the boundaries of PBIA B. Councilmember Harrison restated his request to clearly delineate the costs and revenues associated with Market Night as separate from the other activities within PBIA B.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved a proclamation declaring the week of September 17-23, 2011 as *Constitution Week*.

Proclamation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved a proclamation declaring the week of October 9-15, 2011 as *Fire Prevention Week*.

Resolution No. 7075 - Weed Abatement Costs - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved Resolution No. 7075 providing for the assessment of costs resulting from the abatement of weeds which constitute a fire hazard.

Surveillance System Maintenance - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved the annual maintenance payment in the amount of \$49,254.35 to Leverage Information Systems for the City of Redlands Surveillance System.

Resolution No. 7080 - Traffic Regulation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved Resolution No. 7080 authorizing the installation of a multi-way stop at University Street and Pennsylvania Avenue.

Resolution No. 7081 - Traffic Regulation - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved Resolution No. 7081 authorizing the installation of a multi-way stop at Olive Avenue and Bellevue Avenue.

Resolution No. 7082 - Traffic Regulation - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved Resolution No. 7082 authorizing the installation of a multi-way stop at Valley Falls Avenue and Foothill Way. As a public comment, Bill Sirowy, a member of University Grove Board of Director's read from a letter form the Board President thanking staff for efforts to calm traffic, but requesting an additional 3-way stop at the intersection of Valley Falls Avenue and Revelation Way. Todd Wright reinforced the request with descriptions of traffic in the neighborhood. Councilmember Gardner asked for the issue of traffic calming at Valley Falls and Revelation to be addressed at a future City Council meeting.

Ordinance No. 2755 - Police Reserve Force - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved the adoption 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.

Sexual Assault Services - On motion of Councilmember Bean, seconded by Councilmember Harrison, the City Council unanimously approved an operational agreement and rental agreement, as changed to reflect the ability to relocate to another building if necessary, between the City of Redlands and San Bernardino County Sexual Assault Services for an on-site counselor to assist local survivors of sexual assault, domestic violence and other crimes. The City will receive one dollar per year in rent and will provide space for the counselor plus utilities excluding telephone services.

Shooting Ranges - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved contracts between the City of Redlands and the City of San Bernardino Police Department and the County of San Bernardino Sheriff's Department for the use of their respective shooting ranges.

Automated Police Systems - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved an agreement between the City of Redlands and the San Bernardino County Sheriff's Department for access to the California Law Enforcement Telecommunications System and the Central Name Index to provide the exchange of criminal offender records and other criminal justice information between the Redlands Police, the Sheriff and statewide criminal justice agencies. As a public comment, Steve Rogers expressed concerns about a potentially negative impact on civil rights of interconnected law enforcement data bases.

Alcohol Sales at Air Show - On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the sale of alcohol at the Redlands Municipal Airport during the Air Show on October 8, 2011. As a public comment, Dennis Brown, from the Redlands Air Show Committee, expressed his support for the request.

Hydrogeologic Consulting Services - On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council unanimously approved an agreement between the City of Redlands and Geo-Logic Associates to provide consulting services for hydrogeologic support, technical analysis and reporting services for the California Street Landfill.

Park Use Agreement - This item was pulled from the agenda for discussion at a later date.

#### COMMUNICATIONS:

Directional Signs - Councilmember Harrison introduced a letter from the Cultural Arts Commission requesting changes to the Redlands Municipal Code to include provisions to allow directional signs for museums, art centers, or other cultural centers. On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved directing staff to prepare an update to the Code as requested.

Fee Waiver Review - Fred Cardenas, Quality of Life Director, presented an overview of a detailed spreadsheet itemizing the City Council approved fee waivers from Fiscal Years 2009-2010, 2010-2011 and 2011-2012 to date. During the period of the spreadsheet, the City Council approved \$299,051.64 in fee waivers. As a public comment, Dennis Bell stated several reasons why organizations requesting fee waivers should "stand on their own two feet or go under." He said the City cannot afford to continue current fee waiver policies.

#### PUBLIC HEARING:

Resolution No. 7083 - CAPER Approval - Mayor Aguilar opened the hearing and called on Oscar Orci to present a summary of the requirement to allow citizens and public service agencies an opportunity to express their views concerning the use of Community Development Block Grant (CDBG) funds prior to approval of the City of Redlands Consolidated Annual Performance and Evaluation Report (CAPER). Discussion centered around the appropriateness of goals and the potential impacts on the CDBG program of impending decisions as to the future of redevelopment agencies. As a public comment, Steve Rogers submitted written comments and read from them to identify areas to which he objects. There being no further comments, Mayor Aguilar closed the public hearing. On motion of Councilmember Bean, seconded by Mayor Pro Tem Foster, the City Council unanimously approved Resolution No. 7083 approving the CAPER and authorizing submission of the Report to the U.S. Department of Housing and Urban Development.

#### NEW BUSINESS:

Commission Appointment - On motion of Mayor Aguilar, seconded by Mayor Pro Tem Foster, the City Council unanimously approved the appointment of Kenneth Jeske to fill an unexpired term on the Planning Commission ending January 6, 2014.

Compensation and Benefits Profile - On motion of Mayor Aguilar, seconded by Mayor Pro Tem Foster, the City Council unanimously approved Side Letters to

the Memoranda of Understanding (MOU) between the City of Redlands and the 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. The Side Letters clarify the interpretation that "Lifetime Health" and "Lifetime Medical" benefits for retirees shall include dental benefits. The provision does not change any MOU effective July 1, 2009 or thereafter that has specified the exclusion of such benefits in its exact language.

Safety Hall Study - Oscar Orci, Development Services Director, introduced Larry Kosmont, of Kosmont Companies, presented an overview of the Redlands Safety Hall Study. The presentation divided the study thus far into three parts: Part A - Preliminary Space Needs Assessment, Part B - Site Selection, and Part C - Refinement of Space Needs, Site Evaluation, Costs & Financing Alternatives. Part C was the focus of Mr. Kosmont's presentation. The study results to date have narrowed alternatives to three preferred sites, refined space requirements to 104,000 square feet and defined cost estimates to a range from \$32.5 million to \$41.2 million. The next step in the study will be Part D - Property Acquisition, Design and Implementation, Project Alternatives, Financing/Funding Sources, and Community Workshops. As a public comment, Ed Flores, of the Northside Impact Committee, said the current situation of a dispersed Police Department in several locations around town causes confusion among residents as to where to go for help for police matters. He articulated the need for a new Safety Hall to act as a beacon, one location for all safety needs. Stan Weisser volunteered to run a campaign to finance a new Safety Hall. Steve Rogers suggested the current Redlands Mall be used as the site for the future Safety Hall. On motion of Councilmember Harrison, seconded by Mayor Pro Tem Foster, the City Council unanimously approved proceeding on to Part D of the Safety Hall Study.

Property Disposition - This item was pulled from the agenda for discussion at a later date.

Solid Waste Compactor Repair - On motion of Councilmember Bean, seconded by Councilmember Gardner, the City Council unanimously authorized the expenditure of \$98,957.38 from the Solid Waste Fund for the repair of Unit 892, a 1987 Caterpillar 826C Solid Waste Compactor, work to be accomplished by Blane's Equipment Repair, Inc.

FAA Grant Award - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gardner, the City Council unanimously approved the grant award for \$448,875 and a supplemental appropriation in that amount to fund the

replacement of asphalt concrete in areas needing repaving, and mobilization, traffic control and striping costs.

Community Center Modification - Mike Poole, of the Municipal Utilities and Engineering Department, presented an overview of the Community Center Modification Community Development Block Grant/Neighborhood Initiative Program (CDBG/NIP) Project. The CDBG portion of the Project will replace the gymnasium hardwood floor and provide surface treatment and line painting. The NIP portion will replace the floors in the multi-purpose and service rooms, and upgrade electrical systems, casework and countertops. NIP funds will also be used to convert locker rooms into ADA accessible classrooms. As a public comment, Steve Rogers expressed concerns as to the timetable for expenditure of CDBG funds and questioned whether these funds can be spent in more than one fiscal year. Janet Miller, of the Development Services Department, clarified the timetable for funds expenditure and assured the City Council the project is in full compliance with CDBG guidelines. On motion of Councilmember Bean, seconded by Councilmember Harrison, the City Council unanimously agreed the approval of an agreement and construction of the Project is categorically exempt from further environmental review in accordance with California Environmental Quality Act guidelines, approved the Project plans and specifications, and awarded the contract for the construction to Regency-Pacific, Inc. in the amount of \$242,700.

#### COUNCILMEMBER ACTIVITIES:

None forthcoming.

#### ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 9:32 P.M. The Council will meet at their next regular meeting on October 4, 2011.