

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 18, 2012 at 5:00 P.M.

PRESENT: Pete Aguilar, Mayor
Jon Harrison, Councilmember
Jerry Bean, Councilmember
Bob Gardner, Councilmember

ABSENT: Paul Foster, Mayor Pro Tem

STAFF: Enrique Martinez, City Manager; Dan McHugh, City Attorney; Sam Irwin, City Clerk; Carl Baker, Public Information Officer; Jim Topoleski, Fire Battalion Chief; Mark Garcia, Police Chief; David Hexem, Chief Information Officer; Fred Mousavipour, 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 labor negotiator - Government Code §54957.6
Agency Negotiator: Richard Kreisler
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

Unrepresented Employees: City Manager and City Attorney
2. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) – Two Cases

- a. Eva Toppo v. City of Redlands, et al, San Bernardino Superior Court Case No.CIVDS 1205681
 - b. Timothy Moore v. City of Redlands, et al, San Bernardino Superior Court Case No.CIVDS 1003083
3. Conference with legal counsel: Anticipated Litigation – Government Code §54956.9(c)
 - a. One case: Possible initiation of litigation by the City of Redlands

The meeting reconvened at 6:28 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 that, during the closed session, by a four to zero vote, the City Council approved a waiver of attorney client privilege for a litigation related document in the San Bernardino Superior Court Case of Eva Toppo v. City of Redlands, et al.

PRESENTATIONS:

Redlands Animal Shelter – Animal Control volunteer Carly Carlstrom introduced Fox, a one year old male, Chihuahua who is available for adoption, with 59 other dogs and 79 cats, at the Redlands Animal Shelter. Ms. Carlstrom informed the Council 40 dogs and 12 cats have been adopted since the last regular City Council meeting.

Military Service Recognition – Mayor Aguilar presented a proclamation highlighting the lifetime accomplishments of Sergeant Major Chris J. Saucedo and sharing the honors bestowed upon him with the family of this Hometown Hero.

Memorial Donation – On behalf of the Quality of Life Department and the City of Redlands, Mayor Aguilar received a memorial donation for the Joslyn Senior Center from Barbara Dixon in honor of her mother, Pauline K. Stancliff.

PUBLIC COMMENTS:

Senior Center Support – Jo Tyler expressed her appreciation and support for the programs at the Joslyn Center.

Labor Negotiations – Steve Rogers offered his views on the labor negotiation priorities in the City of Redlands.

CONSENT CALENDAR:

Minutes – On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved the minutes of the special meeting of August 28, 2012, and the regular meeting of September 4, 2012.

Proclamation - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved a proclamation declaring the week of September 17-23, 2012 as *Constitution Week*.

Proclamation - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved a proclamation declaring the week of October 7-13, 2012 as *Fire Prevention Week*.

Commission Appointment - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved the appointment of Dennis Christensen to fill an unexpired term, ending January 6, 2014, on the Cultural Arts Commission.

DUI Enforcement - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved an agreement between the City of Redlands and the City of Ontario to allow Redlands Police Department officers to participate in a Regional Driving Under the Influence (DUI) Enforcement Program.

Resolution No. 7212 - Traffic Regulation - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved Resolution No. 7212 creating a no parking zone on the west side of Nordina Street between Olive Avenue and Clark Street excepting the frontages of 220 through 233 Nordina Street and creating a 2-hour time limit parking zone with resident/business parking permit hangers on the west side of Nordina Street between Clark Street and Olive Avenue from 220 to 233 Nordina Street.

Resolution No. 7213 - Traffic Regulation - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved Resolution No. 7213 creating a no parking zone on the State Street and 10th Street frontages of 604 East State Street and along the 10th Street frontage of Cuca's Restaurant located at 527 East State Street from State Street north to the driveway, between the hours of 9:00 P.M. and 3:00 A.M. Thursday through Sunday.

Easement Realignment - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved a Quitclaim Deed to Prologis as part of an effort to realign the City of Redlands water easement on property identified as APNs 0292-071-29 and -35. The realignment more closely follows the path of a redesigned water main on the property. As a public comment, Steve

Rogers questioned staff procedures in the accomplishment of this transaction and suggested different documentation would have been more appropriate.

Easement Realignment - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved a Quitclaim Deed to Prologis as part of an effort to realign the City of Redlands sewer easement on property identified as APNs 0292-071-50, -52, and -53. The realignment more closely follows the path of a redesigned sewer main on the property. As a public comment, Steve Rogers questioned staff procedures in the accomplishment of this transaction and suggested different documentation would have been more appropriate.

Dry Sewer Waiver - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council agreed a waiver of dry sewer requirements for Tentative Tract Map No. 17265 does not require further environmental processing pursuant to California Environmental Quality Act Guidelines and approved the waiver for the project to create 27 residential lots on the north side of Live Oak Canyon Road.

Trail Design - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved an agreement between the City of Redlands and RHA Landscape Architects-Planners, Inc. for professional engineering services for the design of the Orange Blossom Trail. The amount of the contract is \$49,000. As a public comment, Steve Rogers criticized the selection process in awarding this agreement.

Fee Waiver - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved a request from the Optimist Club of Redlands for waiver of fees associated with an Oktoberfest which will be held at Sylvan Park on September 22, 2012.

Settlement Agreement - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved the release of details of a settlement of a lawsuit involving \$27,141 held by the City of Redlands in response to Stop Notices filed with regard to the Ed Hales Park Improvement Project. The agreement provides a pro-rata distribution of the Stop Notice funds in the amounts of \$4,415.26 to Orco Block Co., Inc., \$8,024.75 to Wesco Distribution, Inc. and \$13,675.99 to Paver Décor Masonry, Inc. The City of Redlands retains \$1,025.00 for attorney fees and costs. As a public comment, Steve Rogers questioned the appropriateness of negotiating with subcontractors rather than the primary contractor for the Project.

JOINT MEETING OF THE CITY COUNCIL AND THE REDLANDS FINANCING
AUTHORITY:

A joint session of the City Council and the Redlands Financing Authority was called to order at 6:56 P.M.

Consulting Services – On motion of Councilmember Harrison, seconded by Councilmember Bean, the City Council and the Board approved agreements between the City of Redlands, the Redlands Financing Authority and Best, Best & Krieger LLP, for Bond Counsel and Disclosure Counsel Services, and with Citigroup Global Markets, Inc., for potential refunding of the Redlands Financing Authority's Series 1999 Water and Wastewater Revenue Refunding Bonds.

Resolutions No. 2012-07, 2012-08, 7217 and 7218 - Bond Refinancing – City Treasurer/Finance Director Tina Kundig introduced Robert Poor, of Fieldman, Rolapp & Associates, who summarized the cost savings associated with refinancing the City's Water and Wastewater Refunding Bonds. The advantageous reduction in interest rates results in an approximate combined annual savings of \$750,000 to the Water Fund and the Wastewater Fund, without extending the time to maturity of the bonds. On motion of Councilmember Bean, seconded by Councilmember Gardner, the Board approved Resolutions No. 2012-07 and 2012-08 authorizing the issuance, sale and delivery of not to exceed \$5.2 million wastewater and \$5.1 million water revenue refunding bonds series 2012A; and the City Council approved Resolutions No. 7217 and 7218 approving wastewater and water trust agreements, installment purchase agreements, escrow agreements and bond purchase agreements; authorizing changes thereto and execution thereof; approving the form of preliminary official statements and continuing disclosure certificates; and authorizing related actions and execution of related documents in connection therewith.

ADJOURNMENT OF THE JOINT SESSION:

The Redlands Financing Authority meeting was adjourned at 7:03 P.M.

PUBLIC HEARINGS:

Resolution No. 7215 – CAPER – Mayor Aguilar opened the public hearing and called upon Janet Miller, from the Development Services Department, to provide a summary of the 2011-2012 Consolidated Annual Performance and Evaluation Report (CAPER). The City of Redlands has met or exceeded all goals for the Community Development Block Grant Program. On motions of Councilmember Gardner seconded by Councilmember Harrison, the City Council approved Resolution No. 7215 approving the CAPER and directed staff to submit Resolution No. 7215 and the CAPER to the U.S. Department of Housing and Urban Development in accordance with federal regulations prior to September 30, 2012.

Resolution No. 7207 – Specific Plan Amendment - Mayor Aguilar opened the public hearing and called upon Tabitha Kevari, from the Development Services

Department, to provide a summary of a request for Amendment No. 4 to Specific Plan No. 41 to allow a reduction in the required eighteen foot landscape setback from Redlands Boulevard and twenty-five foot landscape setback from Palm Avenue for the installation of a drive-through lane for an existing freestanding bank. Representing the applicant, Pat Meyers summarized the history of the property, his client's efforts to avoid this request and the importance of the drive-through capability to the client's business plan. On motions of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved a Mitigated Negative Declaration for Amendment No. 4 to Specific Plan No. 41 and revision No. 1 to Commission Review and Approval No. 602, directed staff to file and post a Notice of Determination in accordance with City of Redlands guidelines and approved Resolution No. 7207 adopting the Amendment.

NEW BUSINESS:

CUP Revocation – Councilmember Harrison introduced this item with a summary of events resulting in the unauthorized removal of two redwood trees from public right of way on Buena Vista Avenue and adjacent to property owned by the Redlands Seventh-Day Adventist Church. As public comment, Bob Ziprick, attorney for the Church, and Zach Thorp, Church minister, expressed regret for the incident and a desire to make things right with respect to the loss of the trees. Chris Sedmack, Chairperson of the Redlands Street Tree Committee, and several residents expressed their anger at the loss of the trees and the disruption caused to the neighborhood by the Church's construction project. On motion of Mayor Aguilar, seconded by Councilmember Gardner, the City Council directed staff to seek a resolution to the situation with respect to the trees and, if satisfaction of all parties cannot be reached in two weeks time, initiate revocation proceedings for Conditional Use Permit (CUP) No. 946 for the Redlands Seventh-Day Adventist Church facilities located at 520 Brookside Avenue.

Resolution No. 7219 - PARIS – Municipal Utilities and Engineering Director Fred Mousavipour presented an update of the Pavement Accelerated Repair Implementation Strategy (PARIS) for the City of Redlands Pavement Resurfacing Program and requested implementation. As a public comment, Bill Cunningham, representing the Redlands Association, implied the impact analysis used to support PARIS was "overblown" and questioned whether raising solid waste rates in support of PARIS qualifies for consideration under Proposition 218. On motion of Councilmember Gardner, seconded by Councilmember Bean, the City Council approved Resolution No. 7219 adopting PARIS. Staff was directed to coordinate with the City Council pertaining to wording of the Proposition 218 ballot information brochure and to propose oversight mechanisms to track spending on the Pavement Resurfacing Program.

Resolution No. 7214 – Traffic Calming – Don Young, of the Municipal Utilities and Engineering Department, provided an overview of recommended traffic calming measures in front of the Redlands High School. As a public comment,

Steve Rogers queried as to the calming measures' compliance with the City of Redlands General Plan. Bill Cunningham questioned the necessity for corrective action when no significant incident has occurred in the area involved. On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved Resolution No. 7214 authorizing the restriping of Citrus Avenue from Church Street to University Street for traffic calming in the area of Redlands High School.

Paving Contract - On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council agreed approval of an agreement for the City of Redlands Street Resurfacing Program, Phase 1 is categorically exempt from further environmental review in accordance with California Environmental Quality Act, Section 15301(c), approved the Resurfacing Program, Phase 1 plans and specifications, and awarded a street resurfacing contract to All American Asphalt in the amount of \$2,460,000.

Resolution No. 7216 – Capital Improvement Program - On motion of Councilmember Gardner, seconded by Councilmember Harrison, the City Council approved Resolution No. 7216 adopting the 2012-2017 Measure “I” Capital Improvement Program. As a public comment, Steve Rogers summarized the use of Measure “I” funds.

CUP No. 990 Delay Request – Don Young, of the Municipal Utilities and Engineering Department, provided details on a request to delay construction of public improvements along Kansas Street and associated with Conditional Use Permit (CUP) No. 990 for a proposed Safeway Recreational Vehicle Storage Facility. On motion of Councilmember Gardner, seconded by Councilmember Bean, the City Council denied the request.

CPDA Amendment – Development Services Director Oscar Orci summarized the purpose of Amendment No. 2 to a Conditional Property Disposition Agreement, a Grove License Agreement and a Landfill License Agreement between the City of Redlands and Howard Industrial Partners LLC. The documents allow the City of Redlands to continue grove and landfill monitoring operations, after ownership is transferred of 37.4 acres located north of Palmetto Avenue, west of Nevada Street and east of California Street, until such time as the new owner is ready to begin excavation for new development. On motion of Councilmember Harrison, seconded by Councilmember Gardner, the City Council approved Amendment No. 2 to a Conditional Property Disposition Agreement, a Grove License Agreement and a Landfill License Agreement between the City of Redlands and Howard Industrial Partners LLC.

COUNCILMEMBER ANNOUNCEMENTS AND ACTIVITIES:

League of Cities – Mayor Aguilar attended the Annual Conference & Expo of the League of California Cities and was proud of the City's representation through

the participation at the conference of Police Chief Garcia and Phil Mielke, from the Innovation and Technology Department.

SANBAG – Mayor Aguilar relayed topics of on-going discussions at the San Bernardino Associated Governments (SANBAG) to look at pension reform and post-Redevelopment Agency operations.

Coffee – Mayor Aguilar thanked Councilmembers Harrison and Gardner for conducting “Coffee with the Council” on September 15, 2012. Discussion was said to be “lively”.

ADJOURNMENT:

There being no further business to address, this meeting was adjourned at 9:01 P.M. The Council will meet at their next regular meeting on October 2, 2012.