

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 5, 2013, at 5:00 P.M.

PRESENT Pete Aguilar, Mayor
Paul Foster, Mayor Pro Tem
Jon Harrison, Councilmember
Pat Gilbreath, Councilmember

ABSENT: Bob Gardner, Councilmember

STAFF Enrique Martinez, City Manager; Dan McHugh, City Attorney; Sam Irwin, City Clerk; Robert Dawes, City Treasurer; Carl Baker, Public Information Officer; Phil Gairson, Fire Marshal; Mark Garcia, Police Chief; Danielle Garcia, Interim Chief Information Officer; Fred Mousavipour, Municipal Utilities and Engineering Director; Fred Cardenas, Quality of Life Director; Tina Kundig, Finance Director; 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:

1. Public Employee Dismissal/Release – Government Code §54957
 - a. Consideration of an industrial disability retirement application of a public safety employee
2. Conference with legal counsel: Anticipated Litigation - Government Code §54956.9(b)(2)(c) - Four Cases
 - a. Facts and Circumstances – consideration of a claim by Samia Fisher and Geico Insurance as subrogee of Samia Fisher
 - b. Facts and Circumstances – consideration of a claim by Amanda Dawn Emmanuel and Wawanesa Insurance as subrogee of Shirley Robinson
 - c. Facts and Circumstances – consideration of a claim by Progressive Insurance as subrogee of Craig Dobler

- d. Facts and Circumstances – receipt of a threat of possible litigation from a City employee
3. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a) - Two Cases
 - a. Shelly Rodriguez v. City of Redlands et al, San Bernardino Superior Court Case No. CIVDS 1016720
 - b. Stephen W. Rogers v. City of Redlands et al, San Bernardino Superior Court Case No. CIVDS 1016381

The meeting reconvened at 6:02 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, by a vote of four to zero, the City Council approved an industrial disability retirement application of a public safety employee.

PRESENTATIONS:

Redlands Animal Shelter – Animal Control Volunteers Cyndy Dunham and Juan Nunez introduced “Hanz”, a year and a half old male pinscher/dachshund mix, who is available for adoption, with forty other dogs and thirty-seven cats, at the Redlands Animal Shelter. Ms. Dunham informed the Council sixty-four dogs and thirty-three cats have been adopted since the last City Council meeting.

Anniversary Celebration Sponsors – Mayor Aguilar and Mayor Pro Tem Foster presented recognition gifts to the major donors to the 125th Anniversary Celebration. Diamond Sponsors (\$10,000): Redlands Noon Kiwanis, Kaiser Permanente, and the University of Redlands; Emerald Sponsors (\$5,000): EMS and the Redlands Rotary Clubs; Ruby Sponsors (\$1,000): American Legion Post 106, Arrowhead Orthopedics, B&G American Contractors, Eadie & Payne, Flamingo Lounge, Gary Wuchenich, Jean Showalter Insurance, Jerry & Brenda Bean, L&L Environmental, La-Z-Boy Furniture, and Redlands Teachers Association; and Sapphire Sponsors (\$500): Bob & Karen Gardner, HDR Engineering, Pete Aguilar, and Rettig Machine.

PUBLIC COMMENT:

Congressional Representation – Sarah Benoit, from the office of Congressman Gary Miller, Representative of the 31st District, introduced herself, offered her assistance in any matters under the Congressman’s jurisdiction, and provided her contact information. She also mentioned her office is looking for a college-aged student intern to work for and learn about government service experience.

Gun Control – Adrian Asencio voiced his opposition to any efforts to legislate infringement on the citizens' right to own guns.

ANNUAL COMMISSION REPORT:

Human Relations Commission – Ed Gomez, Chairman of the Human Relations Commission, reviewed the goals and activities of the Commission during 2012. The Commission has given priority to addressing literacy, youth outreach and the needs of area veterans. Events of the past year sponsored and supported by the Commission include the Christmas Block Party, a memorial held in observation of the one year anniversary of an area shooting incident, Martin Luther King memorial observation, and the annual Cesar Chavez Breakfast. Mr. Gomez concluded his report with a request to have the Commission meet more frequently than what is currently every other month.

CONSENT CALENDAR

Minutes - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the minutes of the regular meeting of January 15, 2013 were approved as submitted.

Ordinance No. 2785 – Sign Code - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved the adoption of Ordinance No. 2785 amending Chapter 12.55.070 to the Redlands Municipal Code establishing regulations for vertical pole banners and expanding the permitted locations for A-frame signs.

Ordinance No. 2780 – Social Host Liability - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved the adoption of Ordinance No. 2780 adding Chapter 9.30 to Redlands Municipal Code to establish social host liability.

Criminological Research - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved an amendment to an agreement between the City of Redlands and the Police Foundation to conduct criminological research. The amendment increases the allocated budget for a National Institute of Justice grant funded project to allow the Police Foundation to complete the project consistent with a revised timeline specified by the funding agency.

Criminal Record Sharing - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved an agreement between the City of Redlands and the San Bernardino County Probation Department to share criminal offender record information.

ABC Mini-Grant - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved the acceptance of a Department of Alcoholic Beverage Control (ABC) mini-grant for local law enforcement agencies and the additional appropriation to the Police Department in the amount of \$7,500.

Paramedic Training - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved an agreement between the City of Redlands and the National College of Technical Instruction to provide field externship training to paramedic students.

Technology Assessment - On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council approved a non-disclosure agreement between the City of Redlands and ClientFirst to protect sensitive city department information during a City-wide technology assessment being performed by ClientFirst.

Tree Trimming/Removal Access - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved an agreement between the City of Redlands and the Morris, Richard M. & Susan K. Living Trust to allow entry upon land and release for tree trimming and/or tree removal activity associated with clearing a field of vision for a video surveillance camera to adequately view a cold weather shelter at the Salvation Army facility located at 833 Alta Street.

Anniversary Video - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved an agreement between the City of Redlands and Work and Play Productions for a 125th Anniversary documentary video including a joint authorship provision to allow Work and Play Productions to market the final product.

Agreement Termination – At the request of staff, this item was removed from the meeting agenda.

Resolution No. 7252 – Bond Compliance Procedures – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved Resolution No. 7252 approving post issuance compliance procedures for bonds.

Resolution No. 7251 – Signing Authority – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved Resolution No. 7251 authorizing the Municipal Utilities and Engineering Director to sign and submit an application to the U.S. Department of the Interior, Bureau of Reclamation, for a WaterSMART grant and designating the City Manager as the authorized signatory for the grant agreement.

Proclamation - On motion of Councilmember Gilbreath, seconded by Mayor Pro Tem Foster, the City Council approved a proclamation declaring February 2013, as *American Heart Month*.

Commission Appointment - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved the appointment of Richard Hernandez to serve the remainder of an unexpired term on the Municipal Utilities and Public Works Commission ending November 16, 2016.

COMMUNICATIONS

Council Liaison – On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council approved a list of liaison assignments to the City's boards, commissions, committees and outside agencies as recommended by Mayor Aguilar.

Anniversary Celebration Project – Mayor Pro Tem Foster provided an overview of efforts by the Redlands Service Club Council and the Church of Latter Day Saints to establish Heritage Park as a recreation area for the Redlands community. In a “barn raising” fashion, 2,500 to 3,000 volunteers will gather at the Park on April 27, 2013 to work on the Barton Schoolhouse and Grove School Farm, install a flagpole, build a Zanja demonstration facility, fence the area and construct entry landmarks. In preparation for this service day, the Park will be graded for landscaping and Esri has donated trees and an irrigation system for the entire area.

Significant Project Presentation – John Magness, of Hillwood Company, presented details of a planned development to construct a 770,910 square foot warehouse/distribution center on a 35.59 acre parcel located on the northeast corner of California Street and Lugonia Avenue in the EV/SD (Special Development) District of the East Valley Corridor Specific Plan.

PUBLIC HEARINGS (LAND USE):

Resolution No. 7250 - Beauticians and Day Spas - Mayor Aguilar opened the public hearing and called for a report from Manuel Baeza, of the Development Services Department, for background on a proposal to permit beauticians and day spas within districts of the Downtown Specific Plan. On motions of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council approved a Negative Declaration for Resolution No. 7250 and Ordinance No. 2788, directed staff to file and post a Notice of Determination in accordance with City of Redlands guidelines, and approved Resolution No. 7250 amending Section III, Table 1, Specific Plan No. 45, to permit Beauticians and Day Spas in the Town Center (TC) and Town Center-Historic (TC-H) Districts of the Downtown Specific Plan.

Ordinance No. 2788 – Towing Yards and Day Spas - Mayor Aguilar opened the public hearing and called for a report from Manuel Baeza, of the Development Services Department, for background on a proposal to incorporate into the Redlands Municipal Code, previous City Council determinations regarding permitted uses in applicable zoning districts of the City and to permit towing yards and day spas in certain districts. At the request of staff, and on motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council agreed to continue to February 19, 2013 at 6:00 P.M. this Public Hearing on Ordinance No. 2788 to allow further refinement of the ordinance.

NEW BUSINESS:

Encumbrances and Carryovers – On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved additional appropriations to the FY 2012-2013 Budget for the FY 2011-2012 year-end encumbrances and carryovers.

Fee Waiver - Quality of Life Director Fred Cardenas introduced the item for consideration. As a public comment, Dennis Bell expressed his opposition to the waiver and asked why the estimated cost to the City of Redlands increased over 50% from the request submitted one year ago for the same event. On motion of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council approved a request from the Redlands Bicycle Classic for a waiver of all fees associated with police and fire personnel, barricades, parking lots/structures, solid waste services, and the City of Redlands stage for the 29th Annual Redlands Bicycle Classic to be held April 4-7, 2013.

Maintenance and Repair Services – Jocelynn Santa Cruz, of the Quality of Life Department, presented the staff recommendation for the award of contracts for vehicle maintenance and repair services. On motions of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved two service agreements and rejected all bids for a third. An agreement between the City of Redlands and Crest Chevrolet was approved for the provision of vehicle maintenance and repair services in the amount of \$150,000 for a period of one year with two options to extend the agreement for one year each. An agreement between the City of Redlands and Johnson Cat Machinery was approved for the provision of specialty off-road, heavy equipment maintenance and repair services in the amount of \$200,000 for a period of one year with two options to extend the agreement for one year each. At the recommendation of staff, all bids received pertaining to service for solid waste, fire, on-road heavy and specialty street equipment were rejected with the direction to amend and re-advertise the request for bid for these services.

Trees Replacement – Quality of Life Director Fred Cardenas presented the staff recommendation for the award of a contract to install and maintain two redwood trees on Buena Vista Street near Brookside Avenue. As a public comment, Fred

Ford and Brian Watkins asked for reconsideration of the type of tree used to replace the redwoods. Representatives from the Redlands Seventh Day Adventist Church, located at the sight of the planting, asked for a limit to the cost of the project and the size of the replacement trees. After discussion, the consensus of the Council was to return the item to staff for an alternative plan which would call for the planting of smaller trees, selected from the Street Tree Pallet in coordination with the Street Tree Committee, and charging the Redlands Seventh Day Adventist Church \$80,000 regardless of the cost of the project. Any remaining funds, after efforts to “make the neighborhood whole” are accomplished, will be used for replacement planting of trees throughout the City of Redlands. As an additional public comment, Marie Louise Bosin asked for equal treatment between developers and non-profit organizations in incidents such as this.

Landfill Fence – Quality of Life Director Fred Cardenas presented the staff recommendation for the award of a contract to install a security fence around the California Street Landfill. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved an agreement between the City of Redlands and El Rod Fence Company, in the amount of \$69,819, for the installation of the security fencing to comply with regulatory requirements.

Heritage Park Grading – Quality of Life Director Fred Cardenas presented the staff recommendation for the award of a contract for the Heritage Park Grading Project. As a public comment, Bill Cunningham expressed his support for the effort to complete Heritage Park as a recreation and education area for the citizens of Redlands. On motions of Mayor Pro Tem Foster, seconded by Councilmember Harrison, the City Council rejected a bid received from International Paving Services, Inc. and approved an agreement between the City of Redlands and Cooley Construction, Inc. in the amount of \$138,965 for the grading of Heritage Park and the additional appropriation of \$72,865 in the Park Development Fund for extra grading expenses, environmental monitoring and construction staking. While voting in favor of the motion, both Councilmembers Harrison and Gilbreath expressed concern about the remaining balance in the Park Development Fund and the need for caution to protect other uses earmarked for that money.

Stormwater Management – Ross Wittman, of the Municipal Utilities and Engineering Department, presented the background on the City’s participation in the Opal Basin Improvements and the Judson Agricultural Preservation Project. On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved a draft of a funding agreement between the City of Redlands and the California Department of Water Resources for grant funding of the projects to provide construction of flood control and aquifer recharge facilities in San Bernardino County areas east of Redlands.

Airport Apron Rehabilitation – Goutam Dobey, of the Municipal Utilities and Engineering Department, presented the background on the Redlands Municipal Airport Apron Rehabilitation Project. On motions of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council agreed the approval of the agreement and construction of the Project Phase II is categorically exempt from environmental review in accordance with California Environmental Quality Act guidelines, the Phase II plans and specifications, and awarded a contract, in the amount of \$545,000, to Matich Corporation for the work.

Temporary Employees - On motion of Mayor Pro Tem Foster, seconded by Councilmember Gilbreath, the City Council approved a second amendment to an agreement between the City of Redlands and Arrow Staffing for temporary workers. The amendment increases the contract amount from \$100,000.00 to \$200,000 to cover unanticipated temporary staffing costs.

COUNCILMEMBER ANNOUNCEMENTS AND ACTIVITIES:

Free Clinic – Mayor Aguilar, Mayor Pro Tem Foster and Chief Garcia attended the opening of the New Hope Free Clinic at the Blessing Center.

Anniversary Update – Mayor Pro Tem Foster attended the regular Thursday noon meeting of the Rotary Club of Redlands, provided members there an update of activities planned for the 125th Anniversary Celebration, and looks forward to the Club's support through the year of events.

Orientation – Councilmember Gilbreath had meetings with Don McCue, the new Director of the A. K. Smiley Library, to discuss the future of library services; with Development Services Director Orci, Economic Development Manager, Mike Nelson, to discuss downtown issues; and with the Advisory Council to the San Bernardino County to discuss plans in that area.

Service Project – Councilmember Gilbreath gave a progress report on the Sunrise Rotary work project, planting trees at the Mission Gables property at Eureka Street on January 19, 2013.

Fundraising - Councilmember Gilbreath reminded everyone of the Redlands Sunrise Rotary's Crab n' Jazz event to be held on Friday, March 1, 2013 at the Edwards Mansion and also announced she will be dancing at the Redlands Symphony Gala fundraiser this year.

ADJOURNMENT:

There being no further action required the meeting adjourned at 8:20 P.M. The next regular meeting of the City of Redlands City Council will be held on February 19, 2013.

