

MINUTES

Regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on March 21, 2023 at 5:00 P.M.

Present: **Eddie Tejeda, Mayor**
 Paul Barich, Mayor Pro Tempore
 Denise Davis, Council Member
 Mario Saucedo, Council Member

Absent: **Jenna Guzman-Lowery, Council Member**

Staff: **Charles M. Duggan, Jr., City Manager; Yvette M. Abich Garcia, City Attorney;**
 Jeanne Donaldson, City Clerk; Janice McConnell, Assistant City Manager; Chris
 Boatman, Assistant City Manager; Carl Baker, Public Information Officer;
 Danielle Garcia, Management Services/Finance Director; Brian Desatnik,
 Development Services Director; John Harris, Municipal Utilities and Engineering
 Director; Rich Sessler, Fire Chief; Rachel Tolber, Interim Police Chief

Mayor Tejeda called the meeting to order and explained that comments could be presented in-person, via Zoom, via cell phone or landline. He offered the public an opportunity to provide comment on any item on the agenda for the closed session.

PUBLIC COMMENT

None forthcoming

CLOSED SESSION

Conference with legal counsel: Existing Litigation - Government Code §54956.9(d)(1)
(City Attorney Garcia)

Three Cases:

- a. City of Redlands v. Coyote Aviation, Inc., San Bernardino Superior Court, Case No. LLTVA2200544
- b. Allen v. City of Redlands, San Bernardino Superior Court, Case No. CIVDS1908766
- c. Alvarado-Salcido v. City of Redlands, et al., San Bernardino Superior Court, Case No. CIVSB2218452

Conference with real property negotiators - Government Code §54956.8
(Assistant City Manager Boatman)

Property: 204 E. Redlands Blvd (APN 0171-071-08-0000); 180 Ninth Street (APN 0171-088-06-0000, APN 0171-088-07-0000); 160 Ninth Street (APN 0171-088-05-0000)

Agency Charles M. Duggan, Jr. City Manager; Chris Boatman, Assistant City Manager
Negotiators:

Negotiating Party: Lance Lenhart, Redlands Community Investment Group

Under Negotiation: Terms of payment and price of possible purchase of property by City

RECONVENE CITY COUNCIL MEETING

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

CLOSED SESSION REPORT

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

PRESENTATIONS

Cesar E. Chavez Day Proclamation

Council Member Saucedo presented a Proclamation declaring March 31, 2023 as Cesar E. Chavez Day in the City of Redlands to Jerry Coyazo, and the Hispanic Caucus Teamster Local No. 1932.

PUBLIC COMMENT

Climate Action Plan Update - Richard Corneille, representing Accelerate Neighborhood Climate Action (ANCA) recommended it was time for the Council to review and update the City's Climate Action Plan, approved over five years ago in December of 2017.

Teamsters Support - Seventeen City employees briefly introduced themselves to the City Council, explaining they proudly represented the Teamsters Local 1932 Redlands Chapter. One hundred additional Teamsters were present in the Chambers in support of those who spoke: Julian Gonzalez, Andy Velasquez, Christopher Luis, Shari Haynes, Laura Loubriel, Jasmine Orozco Clark, Richard Vargas, John Coyazo, Ignacio Luis, Gregory Mishodek, Rob Briceno, Marcos Salis, Edgar Reyes, Sammy Moreno, Royal Sorrell, Mario Monreal and Conrad Calbes.

CONSENT CALENDAR

Minutes

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council approved, by roll call vote, the regular meeting minutes of March 7, 2023, and the special meeting minutes of March 13, 2023.

Vote: 5 - 0 Passed

Proclamation Cesar E. Chavez Day

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council approved, by roll call vote, the issuance of a proclamation declaring March 31, 2023, as Cesar E. Chavez Day.

Vote: 5 - 0 Passed

Street Tree Committee Appointment

As public comment, Andy Hoder requested the City consider revising the policy related to filling vacancies on Commissions, Boards and Committees.

On motion of Council Member Denise Davis, seconded by Mayor Pro Tempore Paul Barich, the City Council appointed, by roll call vote, Katherine Vienne to serve the remainder of a four-year term on the Street Tree Committee ending February 16, 2027.

Vote: 5 - 0 Passed

Airport Advisory Board Appointment

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously appointed, by roll call vote, Dennis Nodine to serve the remainder of a four-year term on the Airport Advisory Board ending May 1, 2025.

Vote: 5 - 0 Passed

Ordinance No. 2956 EV Parking

Interim Chief Tolber explained that Ordinance No. 2956 would provide the Police Department with the means to enforce and prohibit non-electric vehicles from parking in designated electric vehicle charging spots. As public comment, Joshua David Hall complained that electric vehicles were not good for the planet and emit more pollution than standard vehicles.

On motion of Council Member Denise Davis, seconded by Council Member Mario Saucedo, the City Council adopted, by roll call vote, Ordinance No. 2956, adding Chapter 10.70 to the Redlands Municipal Code to prohibit non-electric vehicles from parking in designated electric vehicle charging spots.

Vote: 5 - 0 Passed

Fire Service Instruction Training

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council approved, by roll call vote, the Inter-Agency Instruction Services Agreement with the San Bernardino Community College District for Fire Service Instruction Training by the Redlands Fire Department at the Crafton Hills College site for a five-year term beginning July 1, 2023, to June 30, 2028.

Vote: 5 - 0 Passed

Resolution No. 8450 Intent to Vacate

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council unanimously approved, by roll call vote, Resolution No. 8450, declaring its intention to vacate a portion of Reservoir Road, consisting of approximately 1,317 linear feet of public right-of-way, adjacent to the frontage of the vacant parcel located at the northwest corner of Reservoir Road and Wabash Avenue (APN: 0174-281-13-0000) as submitted by property owner Terracina Recovery, LLC. The proposed vacation of public right-of-way is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines.

Vote: 5 - 0 Passed

SB County Cooperative Agreement Amendment

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council determined, by roll call vote, that approval of Amendment No. 1 to the Cooperative Agreement with the County of San Bernardino for paving rehabilitation work is exempt from environmental review pursuant to Section 15061(b)(3) of the State's Guidelines implementing the California Environmental Quality Act; and approved Amendment No. 1 to the Cooperative Agreement with the County of San Bernardino for paving rehabilitation work. Amendment No. 1 will increase the City's cost share obligation from \$80,000 to \$176,250, which includes \$35,250 that will only be expended if additional unanticipated project costs arise. Based on recent construction cost trends, staff agrees that this increase is reasonable and necessary to ensure these City street rights-of-way are appropriately maintained.

Vote: 5 - 0 Passed

Homeland Security Grant Program Funding Award

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council accepted, by roll call vote, the 2020 Homeland Security Grant Program Funding award in the amount of \$21,209 for the purchase of mobile radios; and authorized an additional appropriation for the same.

Vote: 5 - 0 Passed

Resolution No. 8432 Surplus Lands Annual Report

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council approved, by roll call vote, Resolution No. 8432 to receive an annual report of City of Redlands surplus lands; and determined that approval of the Resolution is exempt from environmental review pursuant to Section 15061(b)(3) of the State's Guidelines implementing the California Environmental Quality Act.

Vote: 5 - 0 Passed

Redlands Bicycle Classic In-Kind Request

Assistant City Manager Boatman introduced a request for in-kind support related to the Redlands Bicycle Classic event hosted by the Redlands Bicycle Classic Inc. to be held on April 14 through April 16, 2023. As public comment, Dennis Bell stated this in-kind request of \$92,524 should not be on the Consent Calendar, the excessively large request should not be granted and the attendance numbers in the staff report were inflated. Debbie Kitchen expressed her support of the Classic, adding the event brought tremendous value to the City by drawing large crowds of people, filling hotels and restaurants throughout the town. Mayor Pro Tem

Barich pointed out the City benefits from the collection of the Transient Occupancy Tax as a source of revenue, as well.

On motion of Council Member Mario Saucedo, seconded by Council Member Denise Davis, the City Council determined, by roll call vote, the authorization for the sale and consumption of alcoholic beverages during the Redlands Bicycle Classic to be held April 14 through April 16, 2023, is categorically exempt from environmental review pursuant to Section 15061 (b)(3) of the State's guidelines implementing the California Environmental Quality Act; authorized and approved a request for in-kind support in the amount of \$92,524 related to this event; authorized the temporary street closures related to the event; and authorized the sale and consumption of alcoholic beverages during The Redlands Bicycle Classic event to be held on April 14, 2023, through April 16, 2023.

Vote: 5 - 0 Passed

MOU HumanGood

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council approved, by roll call vote, the Memoranda of Understanding between HumanGood and the City of Redlands to provide preference for homeless elderly for certain units at Casa de la Vista and Fern Lodge Senior apartments within the City of Redlands.

Vote: 5 - 0 Passed

COMMUNICATIONS

Library Board Annual Report

Board President William Hatfield provided the annual report of the Library Board of Trustees with an update of accomplishments, and he pointed out that providing a wide range of entertainment and educational programming has become an increasingly important part of their responsibilities. A partial list of activities included everything from computer literacy classes, history lectures, and job hunt workshops, to K Pop polco parties, virtual reality sessions, and a stuffed animal sleepover. In July, they began Smiley Live!, a series of monthly musical concerts ranging from the blues to bluegrass, that has attracted a strong following. Four separate programs were held to commemorate Black History Month, and the Library will again be taking part in the city's recognition of Cesar Chavez and Dolores Huerta. Adult literacy volunteer tutors were once again able to provide one-on-one instruction to over eighty adult learners in the community. Smiley Heritage Tours resumed their traditional bus tours of Redlands cultural sites for all RUSD fourth graders. And he was proud to announce that to help chart their path forward, the Library secured the services of MJ Gomez Associates to assist with developing a 5-year strategic plan for the Library. He thanked the City for their support and gave special thanks to the great library staff, who made this all possible.

Measure T Citizens' Oversight Committee Annual Report

Management Services/Finance Director Garcia introduced Chairperson Toni Momberger to present the annual report of the Measure T Citizens' Oversight Committee. The Committee provides oversight of Measure T sales tax revenue, and the Report covered the fiscal year beginning July 1, 2021 through June 30, 2022. Actual Measure T revenues exceeded budget

primarily due to the conservative approach in budgeting major tax revenues to compensate for the impact of the COVID19 pandemic and general economic recovery. The passage of Measure T has continued to stabilize the City budget and allowed the City to deliver on the expectations and desires of our community. This includes efforts towards enhanced services in public safety and infrastructure maintenance, as well as bringing back Library hours to pre-COVID levels and restoring general maintenance contracts for park and street upkeep. Measure T has allowed for significant investments in park improvements, fleet and heavy equipment replacement, and the addition of staff to enhance service delivery.

On motion of Council Member Mario Saucedo, seconded by Mayor Pro Tempore Paul Barich, the City Council approved, by roll call vote, to receive and file the Annual Report from the Measure T Citizens' Oversight Committee for FY 2021-22.

Vote: 5 - 0 Passed

Water Conservation National Mayors Challenge

Municipal Utilities and Engineering Director Harris provided background on the National Mayors Challenge and explained the Challenge was a Water Conservation campaign to engage residents in water-saving activities. Participants make various water conservation pledges (i.e., taking shorter showers, reducing lawn irrigation, etc.) and the cumulative annual water savings is estimated. Cities “compete” within population categories nationwide and participants are eligible for prizes. He encouraged everyone to sign up and participate.

NEW BUSINESS

Purchase and Sale Agreement Sunset Reservoir Site

Municipal Utilities and Engineering Director Harris offered details of a Purchase and Sale Agreement with Cathy Macknet, Mark Macknet, and Kenneth Macknet for the acquisition of property located at the top of Sunset Drive and Helen Court for \$1,400,000. The Macknet family proposal offers a rare opportunity for the City to mitigate the impact of future drought conditions by expanding water storage capacity at the City's second highest pressure zone. Purchasing these parcels will allow a new reservoir to be constructed east of the Sunset Reservoir prior to demolishing the existing reservoir, avoiding the need to install a temporary reservoir and reducing construction costs by approximately \$2.5M. Purchasing these parcels will also allow for termination of the Lease Agreement resulting in an annual savings of \$18,000.

On motion of Mayor Eddie Tejeda, seconded by Mayor Pro Tempore Paul Barich, the City Council determined, by roll call vote, that approval of a Purchase and Sale Agreement with Cathy Macknet, Mark Macknet, and Kenneth Macknet for APN 0300-451-13-0000, APN 0300-451-14-0000, APN 0300-451-24-0000, and APN 0300-451-25-0000 for \$1,400,000 is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act; approved the Purchase and Sale Agreement with Cathy Macknet, Mark Macknet, and Kenneth Macknet for the acquisition of APN 0300-451-13-0000, APN 0300-451-14-0000, APN 0300-451-24-0000, and APN 0300-451-25-0000 for \$1,400,000; and authorized the Mayor to execute the contract documents.

Vote: 5 - 0 Passed

Resolution No. 8439 Flag Display Policy

City Attorney Garcia reviewed Resolution No. 8439 amending the display policy for the United States, State, local and other flags to authorize the flying of the Rainbow Pride Flag at City Hall in the month of June. She addressed the importance of considering the First Amendment implications of such an amendment. Under the “government speech doctrine”, if the City has a written policy with clear guidelines, it may select which flags it wishes to fly as an expression of its own speech on city-owned flag poles, so long as the City does not endorse religion or encourage a certain vote in an election. Currently, the City’s Flag Display Policy only permits the flying of the flags of the U.S., State of California, City of Redlands and the POW/MIA flag.

As public comment, Joshua David Hall, Andrea Ramirez, audience member Kelly and zoom attendee "RH" voiced opposition to flying the Pride flag and, if approved, they thought the City was excluding other groups and other communities from participating at this level. Ruth Cook, Toni Momberger, Jennifer Kim and Dr. Traci Lowenthal urged the Council to authorize the Pride flag be flown in June as a visible sign the City protects and supports the queer community.

Council Member Saucedo was concerned the new policy might create confusion and he thought the City did not need to fly a flag to prove it was inclusive to all groups. Mayor Pro Tem Barich was worried about setting the wrong precedent and potentially opening the door to other groups demanding the City amend its policy to fly their flag. Council Member Davis stressed the importance of creating a safe environment that promotes inclusivity and allows all members of the community a place to feel welcome. Mayor Tejeda stated the new policy demonstrated the City's support of the LGBTQ community, and he hoped that in the future, the City might consider amending the policy to acknowledge other groups, such as members from the Hispanic, Black and or Tribal communities. With a potential vote split evenly, Council Members agreed to continue the matter to the next regular meeting scheduled for April 4, 2023.

Ordinance No. 2922 Sidewalk Vendors

Assistant City Manager Boatman summarized Ordinance No. 2922 adding Chapter 12.45 and amending Chapter 12.44 of the Redlands Municipal Code to establish regulations governing sidewalk vendors within City limits and explained that in 2018, the State Legislature passed Senate Bill 946 which prohibits cities from banning sidewalk vending outright or from otherwise restricting sidewalk vendors in the public right-of-way and in public parks. In recent years, the City has seen a trend in the operation of sidewalk vendors within City limits. Some vendors have risked the health and safety of the public by creating traffic hazards and operating without appropriate health or food handling permits. In April 2021, city staff prepared and drafted an ordinance for the City Council's consideration that established regulations for such use. However, the ordinance was never adopted. At the request of Mayor Tejeda, the ordinance for consideration tonight, includes revisions and recommendations to the original draft.

As public comment, Andrea Ramirez requested the Council codify the proposed ordinance to protect the public's health and safety and require vendors to comply with all state, county and city regulations. David Friedman suggested the City may want to speak with representatives of the Inland Coalition for Immigrant Justice (ICIJ), an organization which provides advocacy and serves the immigrant community. Council Members asked staff for clarification on certain points related to enforcement and then offered their personal perspectives. Council Member Davis thought having a conversation with the ICIJ could be useful and she pushed her colleagues to hold off

deciding on the matter tonight. Council Member Saucedo stated he supported the proposed code to protect both the public and the vendor and provide the City with some local control.

On motion of Council Member Mario Saucedo, seconded by Mayor Pro Tempore Paul Barich, the City Council introduced, by roll call vote, Ordinance No. 2922 adding Chapter 12.45 and amending Chapter 12.44 of the Redlands Municipal Code to establish regulations governing sidewalk vendors within City limits and determine that the Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State's guidelines implementing the California Environmental Quality Act.

Vote: 4 - 1 Passed

Redlands Downtown Market

Assistant City Manager Boatman provided background of the Redlands Downtown Market, explaining that the Market had shifted and was now offered on Saturday mornings, with an opening on March 4, 2023, on State Street, between Orange Street and 7th Street. The opening day included a farmers market, traditional vendors, food vendors, and family activities. After business owners voiced concerns about the market, two informal meetings were held, allowing for an open dialogue with the Mayor and city staff able to hear their feedback.

Different locations were presented as options to relocate the Downtown Market. The preferred alternative would relocate the market to Citrus Avenue between Eureka Street and Orange Street, and on Orange Street, between Citrus Avenue and State Street. Several benefits of this location were listed and included, parking on and adjacent to State Street would be reopened, farmers market vendors would be located on Orange Street, traditional vendors would be located on Citrus Avenue to minimize impacts to East State Street, and southbound traffic on Orange would be diverted up E. State Street, thereby creating increased visibility to downtown businesses.

As public comment, Evan Sanford, representing the Chamber of Commerce, presented the results of a survey conducted of Chamber members with the biggest challenge being lack of customer and employee parking. Dennis Bell wondered why we even needed a market any longer. Market vendors Dennis Chavez, Adrineh, Ian Trager and Rhonda preferred the State Street location and urged the Council to give it more time before making any changes. Audience member Kelly questioned why business owners were so upset about losing only three hours of their Saturday. David Friedman and Tansu Phillip pointed out that having the market on State Street provided a beautiful, inviting backdrop, well suited for families. Samantha Nicole, a downtown business owner downtown, said she preferred Option 1 on Citrus Street.

Debbie Kitchen stated the purpose of the Market was to bring people downtown and to grow the businesses, but the Saturday market takes away from the brick-and-mortar businesses. Esther Jacobson of Ozel Jeweler said the business owners were opposed to a Saturday market on State Street although they were willing to consider the Citrus location. Michael Eubanks, of Jacks Toys, added that his Saturday morning business had been negatively impacted but his Saturday afternoon sales had made up for the loss in the morning. Several vendors and business owners thought it was just too soon to fully understand how the Market will impact businesses.

On motion of Mayor Pro Tempore Paul Barich, seconded by Council Member Denise Davis, the City Council agreed to take no action on relocating the Downtown Morning Market to Citrus Avenue and Orange Street as described in the staff report, giving City staff more time to properly evaluate the Market impacts. The Market will continue in its current location.

Vote: 5 - 0 Passed

COUNCIL MEMBER ANNOUNCEMENTS AND ACTIVITIES

Due to the late hour, there were no Council Member reports presented.

ADJOURNMENT

There being no further action required the meeting adjourned at 9:36 P.M. The next regular meeting of the City of Redlands City Council will be held on April 4, 2023.

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