

MINUTES

of a regular meeting of the City Council of the City of Redlands, held in the Council Chambers, 212 Brookside Avenue, on January 15, 1991, at 3:00 P.M.

PRESENT

Charles G. DeMirjyn, Mayor
Carole Beswick, Mayor Pro Tem
William E. Cunningham, Councilmember
Sven Larson, Councilmember
Dee Ann Milson, Councilmember

James D. Wheaton, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Steven Church, Redlands Daily Facts
Pamela Fitzsimmons, The Sun

ABSENT

None

War

The meeting opened with the observance of a moment of silence for reflection on the Middle East crisis followed by the pledge of allegiance. (Operation Desert Storm for the liberation of Kuwait commenced at 4:00 P.M. Pacific Standard Time on January 16, 1991.)

Mayor DeMirjyn acknowledged and recognized Jody Scott, Mayor of the City of Highland.

Minutes of the regular meeting of December 18, 1990, and the adjourned regular meetings of December 18, 1990, and December 18, 1990, were approved as submitted.

Bills and salaries were ordered paid as approved by the Finance Committee.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - January 8, 1991

On motion of Councilmember Beswick, seconded by Councilmember Larson, the report of the last Planning Commission meeting was unanimously acknowledged as received.

The request to approve the concept of allowing Oasis Christina Fellowship to comply with meeting parking code requirements through the use of "in-lieu parking fees" as provided for in Specific Plan 34 and to allow Redlands Avenue to be utilized for public parking was withdrawn from the agenda and will be reviewed by the Planning Commission.

Ordinance

COMMUNICATIONS

National Guard Armory

Councilmember Larson moved to authorize staff to negotiate and extension of the National Guard Armory lease for the building located on Texas Street, south of Colton Avenue and to include joint use in the negotiations. Motion seconded by Councilmember Beswick and carried unanimously.

Subordination Agreements

City Attorney McHugh explained that several requests from property owners have been received for the City Manager to execute agreements on behalf of the City that would subordinate existing City improvement lien agreements to trust deeds which those property owners would give to lenders to secure new financing. According to the City Engineer, a practice evolved some time ago whereby the City Manager, on a case by case basis, would execute subordination agreements to facilitate a property owner's attempt to secure financing. The effect of the execution of the subordination agreement was to give a lesser priority to the City's lien agreement than the trust deed securing the new loan being made to the property owner. A written policy of the City Council which authorized the City Manager to execute subordination agreements or set standards for their execution has not been located. It is legal counsel's opinion that the conservative approach of never executing a subordination agreement is the best practice for the City to follow. However, there may be instances which arise from time to time where the City could make a determination that a property owner will suffer significant hardship if he is unable to subordinate a lien agreement, and that there is little-to-no-risk that the City's lien will be jeopardized by the execution of the subordination agreement. Councilmember Milson's motion, seconded by Councilmember Beswick, to review requests for subordination agreements on a case-by-case basis with approval by resolution of the City Council was continued when Councilmember Cunningham requested information on our current exposure. The motion to continue was made by Councilmember Beswick, seconded by Councilmember Milson, and carried unanimously.

Material Recovery Facilities

Councilmember Beswick moved to adopt Option A (Local Solid Waste Advisory Task Force) (SWATF) Review and Comment - an application for the proposed facility must be submitted to SWATF, and SWATF must comment on the proposal and transmit the comments to the applicant, the County and to all cities) for siting of Material Recovery Facilities that recover less than fifteen percent. Motion seconded by Councilmember Larson and carried unanimously.

Privatization

Service

Councilmember Beswick moved to direct the City Manager to take all necessary steps to determine the costs and impacts of placing City operations under private company jurisdiction and to report the results of the study to the City Council. Motion seconded by Councilmember Milson and carried unanimously.

Each Councilmember shared information obtained from their attendance at various meetings including Omnitrans, General Plan Committee, Open Space Committee, Parks Commission, Cultural Arts Commission, League of California Cities, Air Quality Management District, and Gang and Drug Task Force. It was announced the Smiley brothers' statue will be unveiled in a ceremony scheduled for the twins' birthday, March 17.

JOINT PUBLIC HEARING

Resolution
No. 4726

A joint public hearing was advertised for this time and place to consider the proposed sale of real property (205 West Stuart Avenue, Assessor Parcel Number 169-281-23) to Parkwest Group, Inc. Notice of this hearing was published in the Redlands Daily Facts, a newspaper of general circulation, on December 28, 1990 and January 4, 1991. Mayor DeMirjyn declared the meeting open as a public hearing on the proposed sale of real property to the Parkwest Group for the purpose of redevelopment as a professional office complex and related public improvements within the Redlands Redevelopment Project. Redevelopment Director McMenemy was available for questions. John Moore, Parkwest Group, Inc., presented architectural renderings of their proposal. There being no further comments, the public hearing was declared closed. Councilmember Cunningham moved to approve Resolution No. 4726, a resolution of the City Council of the City of Redlands approving the Disposition and Development Agreement between the Redevelopment Agency of the City of Redlands and the Parkwest Group, Inc. Motion seconded by Councilmember Beswick and carried unanimously. (Also see Redevelopment Agency Resolution No. 217.)

Council recessed at 4:30 P.M. to a Redevelopment Agency meeting and reconvened at 4:45 P.M. to a closed session for the purpose of discussing property disposition and pending litigation. In accordance with State law, the City Attorney prepared a confidential memo to Council providing justification for the pending litigation portion of the closed session. Council reconvened at 7:00 P.M. with a moment of silence in memory of Maurice Clapp who died this past week. Mr. Clapp was a Councilmember from April 1936 through April 1952 and served as Mayor for two terms.

Mayor DeMirjyn acknowledged and recognized Boy Scout Troop 29 who were present to earn their Citizenship badges.

Barbara Wormser introduced six women visiting from our Sister City Hino City, Japan, who will be displaying their beautiful embroidery work at the Library. Embroidered oriental poppies were presented to the Mayor and will be permanently on display at the Joslyn Senior Center. Mayor DeMirjyn presented the visitors tea towels depicting Smiley Park and City seal pins.

PUBLIC HEARINGS

CUP 544

Variance 462

Public hearing was continued to this time and place to consider an appeal to the Planning Commission decision regarding Conditional Use Permit No. 544, an application to permit the conversion of the first floor of the residence to offices, and Variance No. 462, an application for a variance from the property development standards of the Redlands Municipal Code to permit less than the required number of parking spaces for property located at 454 Cajon Street. Staff recommended that this appeal and related items be continued to the February 5, 1991 Council meeting. This was agreeable to the appellant's representative. Councilmember Beswick moved to continue this public hearing as recommended. Motion seconded by Councilmember Larson and carried unanimously.

UNFINISHED BUSINESS

Citrus Avenue

Street Improvements

On behalf of the property owners, Mr. and Mrs. Buoye, Michael Atencio explained to Council that the agreement negotiated during the City Council meeting on December 18, 1990, was misunderstood by his clients. The confusion comes from the term "No Parking." Mr. Mutter would provide for the parking lane of eight feet and paint the curb red. The Buoyes assumed "No Parking" meant the elimination of the parking lane at this time. City Engineer Ron Mutter explained the current traffic flow problems. Following lengthy discussion, Councilmember Cunningham moved to direct staff to redesign that portion of Citrus Avenue adjacent to the Buoyes' property with two lanes (12 and 14 feet) and a curb line; to receive the bid report for the original project and information on the redesign cost at the February 5, 1991, Council meeting; and directed that the site lines be reviewed by staff and the Buoyes for visibility at the intersection. Motion seconded by Councilmember Milson and carried unanimously. Mr. Buoye apologized for the misunderstanding during the last Council meeting.

Ordinance No. 2134

Sidewalk Maintenance

A memorandum prepared by Best, Best & Krieger, dated September 13, 1990, made reference to California Streets and Highway Code and the Redlands Municipal Code regarding the duty of properly maintained

sidewalks. These codes provided that it is the duty of the owner of any property fronting on a public street to maintain any sidewalk in a condition that will not endanger persons or property. The codes do not clearly define legal liability if the sidewalks are not adequately maintained. As a result, former City Manager John Holmes requested the City Attorney to prepare the appropriate ordinance clarifying that the owners of real property will be liable to members of the public. Each member of the City Council indicated concerns with the proposed ordinance. Councilmember Beswick moved to continue the matter for further refinement by staff after consulting with a committee of two Councilmembers (Sven Larson and Carole Beswick). Motion seconded by Councilmember Larson and carried with Councilmembers DeMirjyn and Cunningham voting NO as they did not want to take any action.

**Capital Improvement
Programs**

Councilmember Cunningham moved to adopt the Water, Wastewater, and Solid Waste Capital Improvements Programs for fiscal year 1990-91 through fiscal year 1994-95. Motion seconded by Councilmember Beswick and carried unanimously.

Election of Mayor

A draft resolution was prepared to illustrate the form of the two questions to be presented to the voters of the City of Redlands if the City Council chooses to propose that there be an elective Mayor in Redlands. Speaking in opposition were R. Craig Wesson and on behalf of the Committee for Fair Representation Eleanor Preston and Michael Atencio. City Clerk Poyzer explained the decisions that would have to be made prior to the next City Council meeting in order to place this measure on the June 1991 ballot. Following lengthy discussion, no action was taken on this matter.

**Council District
Boundaries**

In accordance with Government Code Section 57301 and California Elections Code Section 35103, the City Council shall re-examine the boundaries of its councilmanic districts after current population estimates are obtained following an annexation. Councilmembers selected one citizen and on alternate from each district to serve on a committee to review the boundaries and unanimously agreed to recommend changes as depicted on a map presented at this meeting. On behalf of the Committee for Fair Representaion Ed Flores and Michael Atencio argued that these requirements cited by the City Attorney did not apply until 1993 following the election of five councilmembers from the five districts. Bill Emmerson, member of the ad hoc redistricting committee, took exception to these comments and recommended approval of the committee's recommendation. Council expressed its appreciation to the members of the committee (Marty Davis, Bill Emerson, Ed McCormick, John Moore, and Donald Shasky) for their efforts. Councilmember Beswick moved to accept the committee's report.

Motion seconded by Councilmember Larson and was unanimously approved.

Operation Desert
Storm

As the clock approached 9:00 P.M., the United Nations' deadline for Iraqi dictator Saddam Hussein's withdrawal from Kuwait, Council recessed for a moment of reflective silence for our President and our troops in the Persian Gulf.

NEW BUSINESS

Crossing Guard

Councilmember DeMirjyn moved to authorize a new Crossing Guard position on Palo Alto Drive to serve Mariposa School. Motion seconded by Councilmember Beswick and carried unanimously.

Council authorized a joint meeting with the Public Works Commission to discuss the Development Impact Fee program. Although a time and date was agreed upon, the meeting was cancelled the following day and will be rescheduled.

Councilmember Beswick left the Chambers at 9:03 P.M.

Resolution No. 4734
AB 939

Councilmember Cunningham moved to adopt Resolution No. 4734, a resolution of the City of Redlands adopting Source Reduction and Recycling Elements (as required by Assembly Bill 939) goals and objectives. Motion seconded by Councilmember Milson and carried by AYE votes of all present.

Ordinance No. 2145
Wastes Regulations

Ordinance No. 2145, and ordinance of the City of Redlands amending Chapter 13.52, Pretreatment and Regulation of Wastes, of the City of Redlands Municipal Code and rescinding Ordinance No. 2072, was read by title only by City Clerk Poyzer, and on motion of Councilmember Larson, seconded by Councilmember Cunningham, further reading of the ordinance text was waived. Ordinance No. 2145 was introduced and laid over under the rules with second reading scheduled for February 5, 1991, on motion of Councilmember Larson, seconded by Councilmember Cunningham, by the following vote

AYES: Councilmembers Cunningham, Larson, Milson; Mayor DeMirjyn

NOES: None

ABSENT: Councilmember Beswick

The following matters were acted upon during the afternoon session:

Claim	On motion of Councilmember Beswick, seconded by Councilmember Larson, the claim of Sally and Roger Stokes in the amount of \$3 million was found not to be a proper charge against the City and therefore was unanimously rejected.
Claim	On motion of Councilmember Beswick, seconded by Councilmember Larson, the claim of Lena Mullenix for Jeffrey Mullenix in an unknown amount was found not to be a proper charge against the City and therefore was unanimously rejected.
Report	City Engineer Ron Mutter presented the monthly contract monitoring reports updated to January 8, 1991 for projects currently being administered by the Engineering Services Department and responded to Councilmember Milson and Larson' questions.
Funds Fire Department	On motion of Councilmember Cunningham, seconded by Councilmember Beswick, Council unanimously authorized an additional appropriation in the amount of \$9,238.91 for the purchase of seven hand-held radios and one mobile radio for the Fire Department.
Financial Report	On motion of Councilmember Bewick, seconded by Councilmember Larson, Council unanimously accepted the City of Redlands Comprehensive Annual Financial Report for the year ended June 30, 1990.
Pipeline License	On motion of Councilmember Beswick, seconded by Councilmember Larson, Council unanimously approved and authorized execution of a pipeline license between the City of Redlands and the Atchison, Topeka and Santa Fe Railway Company which is needed for the Center Trunk Sewer, Phase III, project which will replace and enlarge the existing trunk line sewers identified in the 1985 Wastewater Collection Facilities Master Plan.
Traffic	On motion of Councilmember Beswick, seconded by Councilmember Larson, Resolution No. 4728, a resolution establishing speed limits for Sunset Drive, was unanimously adopted.
Traffic	On motion of Councilmember Beswick, seconded by Councilmember Larson, Resolution No. 4729, a resolution establishing speed limits for Palo Alto Drive, was unanimously adopted.
Traffic	On motion of Councilmember Beswick, seconded by Councilmember Larson, Resolution No. 4730, a resolution establishing speed limits for Alta Vista Drive, was unanimously adopted.

Traffic On motion of Councilmember Beswick, seconded by Councilmember Larson, Resolution No. 4731, a resolution establishing speed limits for Crestview Road, was unanimously adopted.

Traffic On motion of Councilmember Beswick, seconded by Councilmember Larson, Resolution No. 4732, a resolution establishing speed limits for Church Street, was unanimously adopted.

Traffic On motion of Councilmember Beswick, seconded by Councilmember Larson, Resolution No. 4733, a resolution establishing speed limits for Orange Tree Lane, was unanimously adopted.

Resolution No. 4735
Park and Open Space
District

The San Bernardino County Regional Parks Department and interested cities within the San Bernardino County met and addressed quality of life issues. A County-wide Open Space Assessment District was identified to meet the City and regional needs and will be on the June 1991 ballot. Resolution No. 4735, a resolution of the Redlands City Council requesting to be included in the creation of the proposed San Bernardino County Regional Parks and Open Space District, and a memorandum of understanding relating to the proposed district were presented at this meeting in response to a presentation at the meeting held on December 18, 1990. Gary Newcombe from the San Bernardino County Regional Parks District was present at this meeting and responded to Councilmembers' questions. Urging support were Albert Kelley and Gertrude Hagum. Expressing concerns was Jody Scott. Following discussion, Councilmembers concurred that the public had the right to vote on this matter and Councilmember Beswick moved to approve Resolution No. 4735 and authorized execution of the revised Memorandum of Understanding for the San Bernardino County Open Space District. Motion seconded by Councilmember Larson and carried unanimously.

Engineering Services
Agreement

On Motion of Councilmember Cunningham, seconded by Councilmember Beswick, Council unanimously authorized execution of an amendment to the agreement to furnish engineering services for the design of the Rees Well GAC Water Treatment System with Camp Dresser & McKee to include construction phase engineering services.

Consultant Services
Agreement

On motion of Councilmember Beswick, seconded by Councilmember Larson, Council unanimously authorized the Municipal Utilities Director to enter into an agreement with Kleinfelder, Inc. to perform consulting engineering services for the Revision of the California Street Landfill Report of Disposal Site Information.

Contract Award
Rees Well GAC
Water Treatment System

Bids were opened and publicly declared on January 7, 1991, by the City Clerk for the construction of the Rees Well GAC Water Treatment System, Project No. 1-9184; a bid opening report is on file in the Office of the City Clerk. At this time, it is the recommendation of the Municipal Utilities Department that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City is P.R. Burke Industrial Corporation of Tustin in the amount of \$1,157,631.00 and it is in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Cunningham, seconded by Councilmember Beswick, this recommendation was unanimously approved.

There being no further business, the meeting adjourned at 9:05 P.M. to and adjourned regular meeting to be held on Tuesday, January 22, 1991. (Note: the following day, this meeting was cancelled.)

Next regular meeting, February 5, 1991.

City Clerk