

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on May 5, 1992, at 3:00 P.M.

PRESENT

Charles G. DeMirjyn, Mayor
Swen Larson, Mayor Pro Tem
William E. Cunningham, Councilmember
Jim Foster, Councilmember

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

ABSENT Dee Ann Milson, Councilmember

The meeting was opened with an invocation by Councilmember Cunningham followed by the pledge of allegiance.

Minutes of the adjourned regular meeting of April 21, 1992, the regular meeting of April 21, 1992, and the adjourned regular meeting of April 28, 1992, were approved as submitted.

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

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - April 28, 1992 - Following brief discussion, on motion of Councilmember Larson, seconded by Councilmember Foster, the report of the last Planning Commission meetings was acknowledged as received.

PUBLIC HEARING

Public hearing was advertised for this time and place to consider a proposed special assessment district known as Assessment District No. 91-1 for the construction of certain public improvements. The property owners in the proposed assessment district have all agreed that a continuation of the hearing is appropriate. Mayor DeMirjyn declared the meeting open as a public hearing, and motion of Councilmember Larson, seconded by Councilmember Foster, the public hearing was continued by AYE votes of all present to June 2, 1992, at 3:00 P.M.

Council recessed at 3:09 P.M. to a closed session for the purpose of discussing pending litigation. In accordance with State law, the City Attorney prepared a confidential memo providing justification for the closed session. Council reconvened at 3:31 P.M.

PLANNING AND COMMUNITY DEVELOPMENT (Continued)

Residential Development Allocations - One project has been submitted for consideration for Residential Development Allocations in 1992. RDA 92-I-1 includes two tracts (Tract 12461 and 13575) being developed with the same project by one developer. The total number of lots is 47 (20 in Tract 12461 and 27 in Tract 13575). The subdivisions are located in the same vicinity south of San Bernardino Avenue, approximately 330 feet west of Judson Street. Both tracts have been reviewed previously and failed to receive allocations because they did not receive the minimum of 90 points. The current evaluation received 79.5 points. On behalf of Andly Development Company, A. C. Nejedly reviewed the revisions submitted following the Planning Commission's meeting and indicated his willingness to work with the City. Council reviewed the revisions and on motion of Councilmember Foster, seconded by Councilmember Larson, revised the points in the following categories thereby increasing the total points to 91 and awarded 47 allocations to RDA 92-I-1 by AYE votes of all present: Consistency with Zone: 5 points; Site Design/Grading: 8 points, and Landscaping: 5 points.

Council recessed at 3:55 P.M. to a Redevelopment Agency meeting and reconvened at 3:56 P.M. to a closed session for the purpose of discussing personnel matters, property acquisition, 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.

PRESENTATIONS

Mayor DeMirjyn presented a certificate of recognition to Lt. Clete Hyman to acknowledge the Redlands Police Department Citizen Volunteer Patrol for its dedication and service to the Redlands Police Department and the community. Over 8,200 hours of service have been donated by members of the Redlands Police Department Citizen Volunteer Patrol since May 1991. After only one year in existence, it has established itself as a vital part of the Redlands Police Department and serves as a model for similar organizations throughout the State.

Mayor DeMirjyn also presented a certificate of recognition to Emmett W. (Bill) Hughes for his dedication and service to the Redlands Police Department. Mr. Hughes has performed the duties of the Citizen

Volunteer Patrol Commander since November 1990 and donated countless manhours toward the daily operation of the Citizen Volunteer Patrol since its implementation.

Mayor DeMirjyn presented a plaque with the City seal and a gold watch to Charlene "Jean" Black in honor of her recent retirement after working for the City for almost 22 years. Mrs. Black started working for the City on August 3, 1970, in the Library, transferring to the Finance Department on May 15, 1973, and then to the Treasurer's Office on August 16, 1982.

Mayor DeMirjyn presented Public Works Director Ron Mutter a proclamation declaring the week of May 11-17, 1992, as Water Awareness Week and encouraged Redlands' citizens to increase their awareness of water and use water efficiently.

PUBLIC HEARING

Ordinance - Public hearing was advertised for this time and place to consider adoption of Ordinance No. 2188, an ordinance of the City Council of the City of Redlands amending Chapter 15.20 of the Redlands Municipal Code by adopting the Uniform Fire Code, 1991 Edition. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments concerning this ordinance. None being forthcoming, the public hearing was declared closed. Ordinance No. 2188 was read by title only by City Clerk Poyzer, and on motion of Councilmember Larson, seconded by Councilmember Foster, further reading of the ordinance text was waived. Ordinance No. 2188 was read by title only by City Clerk Poyzer, and on motion of Councilmember Larson, seconded by Councilmember Foster, further reading of the ordinance text was waived. Ordinance No. 2188 was introduced by AYE votes of all present and laid over under the rules with second reading scheduled for May 19, 1992, on motion of Councilmember Larson, seconded by Councilmember Cunningham.

PUBLIC COMMENTS

Dr. W. Murad solicited the City Council for assistance in his desire to move The Black House, located at 1502 North Orange Street, to Highland. Dr. Murad indicated he needed additional time to complete the necessary coordination with utility companies, governmental agencies, and his contractor and urged the City Council to contact the owner of the house to indicate their support of his quest. Council concurred that the Mayor would write a letter of support to the owner indicating conceptual approval of this body and to include any perimeters necessary and a time element.

Wanda Moore urged Council to reconsider their vote on the appointment of a representative to serve on the San Bernardino Regional Airport Authority. Mrs. Moore felt Councilmember Milson was the appropriate official to serve as she lives within Councilmanic District 1 which will be directly impacted by the reuse of Norton Air Force Base.

John Moore asked for an update on the C. L. Pharris and Robertson sand and gravel operations in the Santa Ana Wash. City Attorney McHugh replied the citizens committee had held several meetings and that a report will be made at the May 19, 1992, City Council meeting.

UNFINISHED BUSINESS

Sidewalk Policy - Public Works Director Mutter explained the Street Division of the Public Works Department fights a continuous battle with raised sidewalks caused by street tree roots. The problem is not isolated to certain sections of the City, but is common throughout the City. Complaints have been received from virtually all sections of the City where sidewalks and parkway trees exist together and where the trees are old enough to have developed a significant root system. The inability to keep up with the numerous complaints requires that an approved sidewalk policy be established to reduce the City's liability for injuries caused by raised sidewalks and to set up a uniform policy for dealing with the damaged sidewalks. Mr. Mutter reviewed the proposed policy which is not significantly differently from the procedures currently used. On motion of Councilmember Cunningham, seconded by Councilmember Foster, Council adopted by AYE votes of all present the following policy on the repair of damaged sidewalk with the inclusion of an appeal process:

"Upon receipt of a complaint, the Public Works Department will inform the resident that it is the adjacent property owner's responsibility to maintain the sidewalk in a condition that shall not endanger persons or safety (Redlands Municipal Code 12.12.120). If repairs are not done expeditiously by the property owner, the City may opt to wedge the sidewalk and bill the property owner.

If, however, the sidewalk is raised because of root growth from a City-owned street tree, then the City shall assume responsibility for making repairs. This responsibility for making repairs shall also extend to any damage caused to the sidewalk by City workers or by the operation of City equipment and to any damage caused by work done under a City contract.

After receiving a request to repair a raised sidewalk condition, the Street Maintenance Superintendent or his representative will determine by measurement what method, if required, will be used to rectify the condition. This decision shall be based on the following criteria:

1. If vertical displacement is less than ½ inch along the entire length of the developed crack, no work will be required on the sidewalk. In this case, root severance is recommended.
2. If the maximum vertical displacement is between ½ and 3 inches, the condition shall be rectified by wedging the uplifted sidewalk with "Steelgrip" or any other product approved by the Public Works Director. The wedge, if required, shall be constructed within ten working days from the day the request was made. Removal and replacement will be made at the convenience of the City.
3. Vertical displacement exceeding 3 inches shall be wedged as described above and the damaged sidewalk shall be scheduled for replacement within the coming year. All sidewalk replacement will be preceded by a root severing operation, if recommended by the Parks Superintendent. If crowning or removal of the tree is required, that shall also be determined by the Parks Superintendent."

Ordinance No. 2177 - Parades - Ordinance No. 2177, an ordinance of the City of Redlands amending Chapters 8.64 and 12.40 of the Redlands Municipal Code relating to outdoor festivals, parades and public assemblies, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Foster, seconded by Councilmember Larson, further reading of the ordinance text was unanimously waived. Ordinance No. 2177 was adopted on motion of Councilmember Foster, seconded by Councilmember Larson, by the following vote:

AYES: Councilmembers Larson, Cunningham, Foster;
Mayor DeMirjyn
NOES: None
ABSENT: Councilmember Milson

Ordinance No. 2182 - Signs - Ordinance No. 2182, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code relating to signage, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember DeMirjyn, seconded by Councilmember Larson, further reading of the ordinance text was waived. Ordinance No. 2182 was adopted on motion of Councilmember Larson, seconded by Councilmember Foster, by the following vote:

AYES: Councilmembers Larson, Cunningham, Foster;
Mayor DeMirjyn
NOES: None
ABSENT: Councilmember Milson

Ordinance No. 2189 - Street Sweeping Fee - Ordinance 2189, an ordinance of the City of Redlands amending Chapter 5.96 of the Redlands Municipal Code decreasing the established street sweeping fee, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Larson, seconded by Councilmember Foster, further reading of the ordinance text was waived. Councilmember Larson moved to adopt Ordinance No. 2189; motion seconded by Councilmember Foster and failed by the following vote as its required a four-fifths vote:

AYES: Councilmembers Larson, Foster; Mayor DeMirjyn

NOES: Councilmember Cunningham

ABSENT: Councilmember Milson

Councilmember Larson then moved to reconsider the vote; motion seconded by Councilmember Foster and carried by AYE votes of all present. Councilmember Foster moved to continue this matter to May 19, 1992. Motion seconded by Councilmember Larson and carried by AYE votes of all present.

Certificates of Participation - A revised copy of Resolution No. 4870 was presented for Council's consideration. Councilmember Cunningham indicated his support for the concept but expressed disappointment the draft resolution continued to reflect a principal amount not to exceed \$27,000,000 and expressed a desire for additional time to study the documents. Councilmember Larson moved to continue this matter for one month. Motion seconded by Councilmember Cunningham and carried by AYE votes of all present.

NEW BUSINESS

Audit - On March 17, 1992, the City Council authorized solicitation of proposals for financial audit services for fiscal year 1991-92 through 1995-96. The selection procedures, as established by the Finance Committee, authorized a subcommittee comprised of the Finance Director, City Treasurer and Financial Consultant to evaluate the proposals received and recommended three firms for participation in the final selection interview process with Councilmembers Larson and Foster serving on the Finance Committee (Selection Panel). Peat Marwick was the unanimous choice of the final Selection Panel. Councilmember Cunningham expressed dismay the other bids were not included in the packet. Councilmember Foster explained the review procedure and moved to award the contract for audit services for fiscal year 1991-92 to Peat Marwick. Motion seconded by Councilmember Larson and carried with Councilmember Cunningham voting NO.

Funds - On March 20, 1990, the City of Redlands entered into a lease agreement with Gatlin/Berger Developments, Inc., to provide quarterly

rent payments to Gatlin/Berger (now assigned to The Pavilion of Redlands) for the use of the parking facility located at the Wal-Mart Shopping Center. The first two quarters' rent becomes due April 1, 1992, and July 1, 1992, and is payable in arrears for the fourth calendar year quarter of 1991 and first calendar year quarter of 1992, respectively. The term of this lease is ten years. The rent payments each quarter are the lesser of \$121,116.77 or an applicable percentage of sales tax generated from the shopping center. However, if the applicable percentage of sales tax is less than the base rent amount, the City can temporarily defer the difference an interest rate of 11 percent annum, compounded monthly. Regardless of the cash savings available through the deferral process, \$242,234 of rent expense will accrue to the General Fund for fiscal year 1991-92. Councilmember Cunningham moved to authorize an appropriation in the General Fund of \$242,234 for the lease agreement applicable to fiscal year 1991-92 by and between the City of Redlands and The Pavilion at Redlands, Limited. Motion seconded by Councilmember Larson and carried with Councilmember Foster ABSTAINING.

Airport - An agreement to provide administrative and inspection services at the Redlands Municipal Airport with Skyways Flight Training was continued to May 19, 1992, on motion of Councilmember Larson, seconded by Councilmember Cunningham. Members of the Airport Advisory Board Anders E. Testman and Ted Thompson indicated their support of the recommendation of the staff and urged approval of this agreement at the next meeting.

The following items were acted upon during the afternoon session:

Youth Employment - On motion of Councilmember Foster, seconded by Councilmember Larson, Council authorized by AYE votes of all present the Community Services Department, Recreation Division, to apply for funding from the San Bernardino County Career Training and Development Department to provide the 1992 Summer Youth Employment Training Program (SYETP); and further, should the Recreation Division be successful in securing these grant funds, authorized, through the Recreation Superintendent, acceptance and expenditure of the funds for the 1992 SYETP.

City Property - On motion of Councilmember Foster, seconded by Councilmember Larson, Council authorized by AYE votes of all present the sale of property located at 800 South Wabash Avenue for \$165,000.00 to Avery and Teresa Gilliland.

Food Program - On motion of Councilmember Foster, seconded by Councilmember Larson, Council authorized by AYE votes of all present the Community Services Department, Recreation Division, to apply for

funding from the USDA to provide summer lunches for the local youth; and further, should the Recreation Division be successful in securing these funds, authorized through the Recreation Superintendent, acceptance and expenditure of these funds for the 1992 USDA Summer Food Program.

Subordination - On motion of Councilmember Foster, seconded by Councilmember Larson, Council unanimously approved a subordination agreement for property located at 1801 Smiley Ridge.

Airport Lease - Following brief discussion, on motion of Councilmember Cunningham, seconded by Councilmember Foster, Council approved by AYE votes of all present Lease Amendment No. 4 of the Master Lease for Lease Parcel No. 4, Lease Amendment No. 4 for Parcel No. 5, and Memorandum of Master Ground Lease for Lease Parcel No. 5 at the Redlands Municipal Airport, as recommended by the Airport Advisory Board.

Sessums Drive - On motion of Councilmember Foster, seconded by Councilmembers Larson, Council approved by AYE votes of all present a Declaration of Dedication for land at the Redlands Municipal Airport for public road purposes on Sessums Drive and authorized the Mayor and City Clerk to execute said document.

Resolution No. 4871 - Parking - On motion of Councilmember Foster, seconded by Councilmember Larson, Council approved by AYE votes of all present Resolution No. 4871, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: establish a two-hour parking limit on the south side of Olive Avenue and the west side of Myrtle Street fronting 222 East Olive Avenue.

There being no further business, the meeting adjourned at 8:13 P.M. to an adjourned regular meeting to be held on Tuesday, May 12, 1992, at 6:00 P.M. in the City Hall Auditorium, 30 Cajon Street, Redlands, California.

Next regular meeting, May 19, 1992.

ATTEST:

City Clerk

0-0-0-0-0-0-0

