

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on January 5, 1993, at 3:00 P.M.

PRESENT

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

Ronald C. Mutter, Assistant City Manager
Daniel J., McHugh, City Attorney
Lorrie Poyzer, City Clerk
Ted Thomaidis, Redlands Daily Facts
Pamela Fitzsimmons, The Sun

ABSENT None

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

Minutes of the adjourned regular meeting of December 15, 1992, the regular meeting of December 15, 1992, were approved as submitted.

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

PLANNING AND COMMUNITY DEVELOPMENT

City-Owned Houses - On behalf of the Housing Commission, Chairman Richard Edwards submitted a letter expressing needs to be addressed concerning City-owned houses. Councilmembers agreed to schedule this matter for discussion in conjunction with the General Plan study session, to invite members of the Housing Commission and Historic and Scenic Preservation Commission to a meeting on February 10, 1993, at 6:30 P.M. for this purpose, and to schedule a walking tour of the properties that same afternoon.

COMMUNICATIONS

Sister City Program - Chairman of the Sister City Committee Barbara Wormser addressed Council regarding the deletion of dues to the national organization from the year's budget. She reminded Councilmembers the Committee solicits donations for their programs and only asks the City to pay the dues. Also urging continuance of this membership were Julia Buchanan, Albert Clark and Harley Tillett. Indicating support of the Sister City Committee's programs, Councilmember Foster offered to donate \$100.00 of his City salary and moved to reinstate this membership without the use of City's monies. Also offering a donation and seconding the motion was Councilmember Larson. Councilmember Cunningham also offered a personal donation and the motion carried unanimously.

Appeal - Street Improvements - A request was made by Ayad Said Makar for relief of the dedication and street construction requirements at 1101 North Orange Street in conjunction with Conditional Use Permit No. 589. Public Works Director Ron Mutter explained that on November 30, 1992, the Advisory Committee met and reviewed this request which cited the cost of the improvements as the only reason for his request. It was determined that the required improvements at this location, a corner lot, would not cause traffic or drainage problems and could enhance traffic flow at the Orange Street and Brockton Avenue intersection. Therefore, after review of the project, the Advisory Committee unanimously denied the request.

Following brief discussion, Councilmember Foster moved to grant the appeal of the Advisory Committee action on November 30, 1992, and allow Ayad S. Makar to sign a lien agreement for off-site improvements required as a condition of approval for Conditional Use Permit No. 589, to include a clause within the lien agreement requiring the applicant to pay the cost of enforcement of said agreement, and to require the Caltrans dedication. Motion seconded by Councilmember Milson and carried with Councilmember DeMirjyn voting NO.

Parks Commission - Community Services Director Dan Rodriguez reported the Parks Commission, over the past several years, has been fulfilling their duties as described within the adopted ordinance creating the Commission. The Parks Commission has also followed general guidelines to govern themselves within the ordinance and has not reviewed their Philosophy, Duties and Goals since 1973. Over the past three months, the Parks Commission has reviewed and revised their guiding instrument and recommends a revised document. At this time, it was presented to the City Council for their information with the recommendation that the City Council review it with the Parks Commission at a joint study session on February 2, 1993.

Appointments - Mayor DeMirjyn appointed Bee Walsh to replace Bill McCallum on the Cultural Arts Commission for a four-year term effective January 6, 1993; this appointment was unanimously approved by the City Council on motion of Councilmember Cunningham seconded by Councilmember Larson. Staff will readvertise for applications to fill the remaining vacancy on the Parks Commission.

JOINT PUBLIC HEARING - REDEVELOPMENT AGENCY

Sale of Redevelopment Agency Land - Public hearing was continued to this time and place to consider for the purpose of Redevelopment for a professional office building the sale of Redevelopment Agency-owned lands located at the northeast intersection of North Eureka Street and West Stuart Avenue to Ingrid E. and Steven J. Trenkle. Mayor DeMirjyn declared the meeting open as a public hearing to hear any comments concerning the sale of this property. None being forthcoming, the public hearing was declared closed. Councilmember Larson moved to adopt Resolution No. 4931, a resolution of the City Council of the City of Redlands approving escrow instructions and a grant deed between the Redevelopment Agency of the City of Redlands and Ingrid E. Trenkle and Steven J. Trenkle. Motion seconded by Councilmember Milson and carried unanimously. (Also see Redevelopment Agency minutes dated January 5, 1993.)

The City Council meeting recessed at 3:44 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:46 P.M. to a closed session for the purpose of discussing personnel matters and pending litigation. In accordance with State law, the City Attorney prepared a confidential memo to the City

Council providing justification for the pending litigation portion of the closed session. The City Council meeting reconvened at 7:00 P.M.

PRESENTATION

Proclamation - Mayor DeMirjyn presented a proclamation declaring January 23, 1993, as "Keep Redlands Beautiful Litter Clean-Up Day" to Claude Johnson, a very dedicated volunteer.

CLOSED SESSION REPORT

Settlement Agreement - City Attorney McHugh reported the City Council unanimously approved Resolution No. 4945, a resolution of the City Council of the City of Redlands approving the "Settlement by and between the County of San Bernardino, the Treasurer of San Bernardino County," during their closed session. This agreement resulted from a lawsuit that alleged failure of distribution of fine revenues collected from defendants convicted of misdemeanors in the San Bernardino Municipal Courts.

PUBLIC HEARINGS

Appeal - Tentative Tract No. 14999 - Smith Family - Public hearing was advertised for this time and place to consider an appeal to the Planning Commission's decision to deny the applications for amendments to the conditions of approval for a single family residential subdivision to allow the relocation of a drainage easement in a southerly direction and to modify the pad elevations for Lots 1-13 for property located at 916 West Olive Avenue in the R-S (Suburban Residential) Zone. Community Development Director Shaw explained the applications. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments concerning this matter. Joe Kicak, engineer for the project, reviewed his letter dated September 25, 1992, regarding the pad elevations. John Smith addressed Council and urged approval of his applications. There being no further comments, the public hearing was declared closed. Based on the testimony, Councilmember Foster moved to grant the appeal and allow relocation of the drainage easement and modification of pad elevation as requested. Motion seconded by Councilmember Larson and carried unanimously.

UNFINISHED BUSINESS

Mobilehome Park Rent Stabilization - City Attorney McHugh presented a revised draft of Ordinance No. 2207, an ordinance of the City of Redlands amending Chapter 5.48 of the Redlands Municipal Code relating to rent stabilization for mobilehome parks, and reviewed the revisions and modifications. Dick Bessire urged Council to utilized a common anniversary date such as the City of San Jose does. Helen Alexander noted she was not familiar with the San Jose ordinance and requested time to review any language refinements. Ordinance No. 2207 was read by title only by City Clerk Poyzer, and on motion of Councilmember Milson, seconded by Councilmember Foster, further reading of the ordinance text was unanimously waived. Ordinance No. 2207 was introduced and laid over under the rules with second reading scheduled for January 19, 1993, with common anniversary language included, on motion of Councilmember Milson, seconded by Councilmember Foster, with Councilmember Cunningham voting NO.

NEW BUSINESS

Southern California Water Committee - The Southern California Water Committee monitors State water policy issues, publishes a newsletter, sponsors public forums, educates decision-makers and focuses on Southern California water interests. At this time, the Public Works Department recommends that the Council select a Councilmember to serve as representative to the Southern California Water Committee and cast a vote for a member of the Board of Trustees. Council discussed the benefits of this membership, and on motion of Councilmember Cunningham, seconded by Councilmember Milson, unanimously voted to drop their membership in this organization.

California Trout, Inc. Complaint - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously adopted Resolution No. 4944, a resolution of the City of Redlands supporting Big Bear Municipal Water District in opposition to a complaint filed with State Water Resources Control Board by California Trout, Inc.

Consent Calendar - The following items were acted upon during the afternoon session:

Grove Maintenance Agreement - John Smith addressed Council and referred to this letter dated December 22, 1992, which indicated his family would agree to terminate a joint management agreement for the maintenance of the grove located at 916 West Olive Avenue under certain conditions. The Citrus Committee has not had an opportunity to review these conditions; therefore, Councilmember Foster moved to continue this matter until a meeting could be held and directed the City Attorney to participate in the negotiations. Motion seconded by Councilmember Larson and carried unanimously.

Contract Award - Bids were opened and publicly declared on October 29, 1992, by the City Clerk for the installation of twenty-seven (27) street lights at various locations within an area bounded by Texas Street, Lugonia Avenue, Orange Street and Colton Avenue; a bid opening report is on file in the Office of the City Clerk. At this time, it is recommended by the Community Development Department as authorized by the County Department of Economic and Community Development that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City is A.M. Paul Electric, Inc. in the amount of \$50,200.00, and it is in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Foster, seconded by Councilmember Larson, this recommendation was unanimously approved.

Street Lighting District - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council approved Resolution No. 4935, a resolution of the City Council of the City of Redlands, County of San Bernardino, State of California, instituting proceedings, appointing an Assessment Engineer, and ordering the preparation of an Engineer's Report in the matter of the annexation to Street Lighting District No.1, CRA 648, and CUP 581, with Councilmember DeMirjyn and Foster voting NO. on motion of Councilmember Cunningham, seconded by Councilmember Milson, Council approved Resolution No. 4936, a resolution of the City Council of the City of Redlands, County of San Bernardino, State of California, of preliminary approval of Engineer's Report for Annexation No. 6 to Street Lighting District No. 1, with Councilmembers DeMirjyn and Foster voting NO. On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council approved Resolution No. 4937, a resolution of the City Council of the City of Redlands, County of San Bernardino, State of California, declaring its intention to order an annexation to Street Lighting District No. 1, an assessment

district; declaring the work to be of more local than ordinary public benefit; specifying the exterior boundaries of the area to become Annexation No. 6 to Street Lighting District No. 1 and to be assessed the cost and expense thereof; designating said annexation as Annexation No. 6 to Street Lighting District No. 1; determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act 1972; and offering a time and place for hearing objections thereto (March 2, 1993), with Councilmembers DeMirjyn and Foster voting NO.

Landscape Maintenance District - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council approved Resolution No. 4939, a resolution of the City Council of the City of Redlands, County of San Bernardino, State of California, instituting proceedings, appointing an Assessment Engineer, and ordering the preparation of an Engineer's Report indicating the proposed boundaries of an annexation to Landscape Maintenance District, and providing for other engineering services in the matter of annexation to Landscape Maintenance District No. 1, with Councilmember DeMirjyn and Foster voting NO. On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council approved Resolution No. 4940, a resolution of the City Council of the City of Redlands, County of San Bernardino, State of California, of preliminary approval of Engineer's Report for Annexation No. 9 to Landscape Maintenance District No. 1, with Councilmembers DeMirjyn and Foster voting NO. On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council approved Resolution No. 4941, a resolution of the City Council of the City of Redlands, County of San Bernardino, State of California, declaring its intention to order an annexation to Landscape Maintenance District No. 1, an assessment district; declaring the work to be of more local than ordinary public benefit; specifying the exterior boundaries of the area to be annexed to Landscape Maintenance District No. 1 and to be assessed the cost and expense thereof; designating said annexation as Annexation No. 9 to Landscape Maintenance District No. 1; determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act 1972; and offering a time and place for hearing objections thereto (March 2, 1993), with Councilmembers DeMirjyn and Foster voting NO.

Contract Award - Bids were opened and publicly declared on December 10, 1992, by the City Clerk for the construction of the Fern Avenue improvements; a bid opening report is on file in the Office of the City Clerk. At this time, it is the recommendation of the Department of Public Works that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City is Larry Jacinto Construction, Inc. in the amount of \$496,229.84, and it is in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Larson, seconded by Councilmember Cunningham, this recommendation was unanimously approved. Mayor Pro Tem Larson commended Public Works Director Mutter and his staff for a job well-done on this project.

Earthquake Funds - Orange Street Bridge - On motion of Councilmember Foster, seconded by Councilmember Larson, Council unanimously approved Resolution No. 4933, a resolution of the City Council of the City of Redlands approving the application for grant funds under the Hazard Mitigation Grant Program (HMGP) funding related to the Landers/Big Bear earthquakes (FEMA 9470DR0CA). On motion of Councilmember Foster, seconded by Councilmember Larson, Council unanimously approved Resolution No. 4934, a resolution designating City Manager James D. Wheaton, Assistant City Manager/Public Works Director Ronald C. Mutter and Deputy Public Works Director Peter A. Laaninen as the applicant's agent for the Hazard Mitigation Grant Program. (NOTE: On January 8, 1993, the Mayor signed a proclamation which was ratified by the City Council on January 13, 1993, declaring the

existence of a local emergency caused by flood and storm. The Orange Street Bridge collapsed the evening of January 7, 1993.)

Funds - Police Canine - On motion of Councilmember Larson, seconded by Councilmember Cunningham, Council unanimously accepted donations in the amount of \$4,750.00 and approved an additional appropriation in the same amount for the purchase of a police canine. Council expressed its appreciation to the following businesses who donated the funds for this purchase:

Jim Glaze Auto Center	\$1,250.00
Tom Bell Chevrolet	625.00
Tom Bell Toyota	625.00
Hatfield Buick	500.00
Upland Feed Company	300.00
Redlands Nissa	250.00
Bromberger's Sports and Pizza	200.00
Eureka Auto Sales	200.00
Sounds Plus	200.00
Alfred Pragasam, DDS	100.00
Jerry Murphy's Redlands Dodge	100.00
Mervyn's	100.00
Midas Muffler & Brakes	100.00
Redlands Pet & Feed	100.00
Uncle Howie's Pizza	100.00
 TOTAL	 \$4,750.00

Funds - Police Bicycle Patrol - On motion of Councilmember Larson, seconded by Councilmember Cunningham, Council unanimously accepted a donation in the amount of \$250.00 and approved an additional appropriation in the same amount for the purchase of additional equipment for the Police Department's bicycle patrol program. Council expressed its appreciation to Redlands Federal Bank for its donation for the purchase of this equipment.

Consent to Hypothecation - Aerodynamic, Inc. - On motion of Councilmember Foster, seconded by Councilmember Larson, Council unanimously approved the Consent to Hypothecation requested by Aerodynamics, Inc. which will allow individual purchase of hangars in their facility , subject to all requirements of their lease agreement with the City.

Freeway Maintenance Agreement - On motion of Councilmember Foster, seconded by Councilmember Larson, Council unanimously approved and authorized the Mayor and City Clerk to execute on behalf of the City a freeway maintenance agreement between the State of California Department of Transportation (Caltrans) and the City of Redlands which defines the responsibilities of each relative to the maintenance and operation of streets, sidewalks, drainage structures, lights and traffic signals at the various vehicular overcrossing and undercrossings along the I-10 Freeway.

Solid Waste Collection Trucks - On motion of Councilmember Foster, seconded by Councilmember Larson, Council unanimously authorized the General Services Manager to negotiate the purchase of two

used front loader trucks for the Solid Waste collection operations utilizing COPs funding not to exceed \$75,000.00.

PUBLIC COMMENTS

Sewer Lateral - Brigitte Williams, 1261 Morrison Drive, asked the City Council for assistance with her sewer blockage problem which she felt was caused by City tree roots. Assistant City Manager Mutter explained the procedure noting that State law prohibited the City from working on private property. Mrs. Williams was referred to Mr. Mutter for assistance in filing a claim which would initiate the process to determine if the City was negligent.

Agenda Format - Tony Martinez and Marie Hanson urged City Council to move the "Public Comments" portion of the agenda back to the earlier time frame during the evening session.

San Timoteo Canyon - Marie Hanson inquired about the status of the report from the Air Quality Management District. Staff responded that the report was expected at the end of the month. She requested a traffic count of the trucks traversing to and from One-Stop Landscaping and Supply. She also distributed a letter citing a potential conflict of interest involving Councilmember Foster and demanded the City Attorney respond to it within a week. City Attorney McHugh explained that his office will not look into a citizen's inquiry unless the City Council directs it be done. Amelia Spletzer distributed copies of a letter dated December 10, 1992, from Alan W. Curtis, Attorney at Law, representing the Citizens for a Livable and Safe Environment (C.L.A.S.E.), putting the City of Redlands on notice that the residents and landowners in the area adjacent to and in the immediate vicinity of the One Stop Landscaping facility have joined together for the purpose of resolving the damage they feel is being caused to them by One Stop Landscaping and its owners.

There being no further business, the meeting adjourned at 8:11 P.M. to an adjourned regular meeting to be held on January 13, 1993, at 6:30 P.M. in the City Council Chambers, 212 Brookside Avenue, Redlands, California.