MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on May 4, 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

James D. Wheaton, City Manager
Ronald C. Mutter, Assistant City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Ted Thomaidis, Redlands Daily Facts
Bill Rogers, The Sun

ABSENT None

The meeting was opened with a moment of silence in memory of former Vice Mayor William T. Hartzell who died on April 22, 1993. Mayor Pro Tem Larson delivered an invocation followed by the pledge of allegiance.

Minutes of the adjourned regular meeting of April 20, 1993, the regular meeting of April 20, 1993, and the adjourned regular meeting of April 21, 1993, were approved as submitted.

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

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Larson, seconded by Councilmember Foster, the report of the Planning Commission meeting held on April 27, 1993, was unanimously acknowledged as received.

Minor Subdivision No. 209 - Time Extension - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously approved a one year time extension to February 26, 1994, for Minor Subdivision No. 209, a subdivision of approximately .65 acres of land into two lots for property located on a through lot between Via Vista and Valley View Drives.

COMMUNICATIONS

Appointment - Mayor DeMirjyn moved to appoint George Barich to serve as a member of the Redlands Public Improvement Corporation; motion seconded by Councilmember Foster and carried with Councilmember Cunningham voting NO.

Request for Waiver of Park Fees - The Braille Institute requested a fee waiver for table rentals and the use of the gazebo at Sylvan Park for their Spring Luau to be held on June 18, 1993. Councilmember Milson moved to deny this request as recommended by staff; motion seconded by Councilmember Larson and carried with Councilmember Foster voting NO.

JOINT MEETING - REDEVELOPMENT AGENCY

Resolution No. 4962 - Sale of Redevelopment Agency Property - Public hearing was advertised for this time and place for a joint meeting of the City Council and the Redevelopment Agency of the City of Redlands to consider the sale of Redevelopment Agency-owned property located at the southwest intersection of Fern Avenue and Redlands Boulevard. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Larson moved to adopt Resolution No. 4962, a resolution of the City Council of the City of Redlands approving and authorizing execution of escrow instructions between the Redevelopment Agency of the City of Redlands and American Baptist Homes of the West. Motion seconded by Councilmember Foster and carried unanimously. (Also see Redevelopment Agency minutes dated May 4, 1993.)

Request for Waiver of Fees - As reported to the City Council on April 20, 1993, the Southern California Housing Development Corporation is proposing to develop a first time home buyer project for 35 units within an 85 unit townhouse development to be located on the south side of Orange Avenue, easterly of Alabama Street. They have requested deferment of the City's fees, calculated to total $1,024,000, indicating they could be recouped in the future from the Redevelopment Agency's housing set-aside fund. The City Council continued this item to this time; staff has evaluated the availability of Redevelopment Agency housing set-aside funds, met with County representatives on possible HOME funding, and discussed these issues with the applicant. The applicant, County representatives, and staff will meet to pursue the HOME project and hope to have the determination of the use of HOME funding and a viable proposal for presentation at the May 18, 1993, Council meeting. With this information, Councilmember Foster moved to continue this request to May 18,

1993. Motion seconded by Councilmember Larson and carried unanimously. Councilmember Cunningham requested a study session prior to May 18, 1993, to inform him where the money is in the Redevelopment Agency.

Recess - The City Council meeting recessed at 3:12 P.M. to a Redevelopment Agency meeting and reconvened at 3:14 P.M. to a closed session for the purpose of discussing personnel matters and property disposition. The City Council meeting reconvened at 7:00 P.M.

CLOSED SESSION REPORT

Property Sales - City Attorney McHugh reported the City Council, during closed session, unanimously authorized staff to enter into escrow for the sale of the property located at 320 West Olive Avenue. At the close of the evening session, Council recessed to a closed session for the purpose of discussing the disposition of property. Following the closed session, the City Council reconvened and made the following report: The City Council unanimously authorized staff to enter into escrow for the sale of the property located at 128 Grant Street.

PUBLIC HEARINGS

General Plan Amendment No. 49 - Public hearing was continued to this time and place to consider General Plan Amendment No. 49 to change the land use designation from Urban Reserve (Agricultural) to Low Density Hillside for property located south of San Timoteo Canyon Road, approximately one mile northwesterly of the intersection of San Timoteo Canyon Road and Alessandro Road (Lantech Group, applicant). Mayor DeMirjyn declared the meeting open as a public hearing. Councilmember Larson moved to continue this public hearing to May 18, 1993, to allow staff to prepared a revised negative declaration. Motion seconded by Councilmember Milson and carried unanimously.

Zone Change No. 348 - Public hearing was continued to this time and place to consider Zone Change No. 348, a change of zone from A-1 (Agricultural) District to R-R (Rural Residential) District for an area south of San Timoteo Canyon Road, approximately one mile northwesterly of the intersection of San Timoteo Canyon Road and Alessandro Road (Lantech Group, applicant). Mayor DeMirjyn declared the meeting open as a public hearing. Councilmember Larson moved to continue this pubic hearing to May 18, 1993, to allow staff to prepare a revised negative declaration. Motion seconded by Councilmember Milson and carried unanimously.

Street Lighting District - Public hearing was advertised for this time and place to consider approval of Annexation No. 6 to Street Lighting District No. 1. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Cunningham moved to adopt Resolution No. 4938, a resolution of the City Council of the City of Redlands ordering the work in connection with Annexation No. 6 to Street Lighting District No. 1 for Planning Commission Review and Approval No. 648 and Conditional Use Permit No. 58l. Motion seconded by Councilmember Milson and carried with Councilmembers DeMirjyn and Foster voting NO.

Landscape Maintenance District - Public hearing was advertised for this time and place to consider approval of Annexation No. 9 to Landscape Maintenance District No. 1. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Milson moved to adopt Resolution No. 4942, a resolution of the City Council of the City of Redlands ordering the work in connection with Annexation No. 9 to Landscape Maintenance District No. 1 for Planning Commission Review and Approval No. 648 and Conditional Use Permit No. 581. Motion seconded by Councilmember Cunningham and carried with Councilmembers DeMirjyn and Foster voting NO.

UNFINISHED BUSINESS

Ordinance No. 2219 - Councilmanic District Boundaries - Tony Martinez threatened the City Council with legal action if it did not approve the City Councilmanic district boundaries as contained in Map No. 5. John Wycoff threatened the City Council with legal action if it approved Map No. 5 as he felt this map was an example of gerrymandering and violated his civil rights by denying him his right the vote; he also urged the City Council to abolish the district system. Ordinance No. 2219, an ordinance of the City of Redlands amending Chapter 2.10 of the Redlands Municipal Code to adjust boundaries of Councilmanic Districts pursuant to California Elections Code Section 35101 and approving Map No. 5, was given its second reading of the title by Deputy City Clerk Sanchez, and on motion of Councilmember Larson, seconded by Councilmember Foster, further reading of the ordinance text was unanimously waived. Ordinance No. 2219 was adopted on motion of Councilmember Larson, seconded by Councilmember Foster by the following vote:

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

Initiative Ordinances - Election of Councilmembers - City Attorney McHugh reported to the City Council the two proposed initiative ordinances, submitted by Michael Haverty at the last Council meeting, providing for the election of members of the City Council of the City of Redlands at large and providing for the election of Councilmembers from districts complied with State law. He noted the proposed initiative ordinance submitted by Claude Johnson providing for the election of Mayor on a citywide basis for a term of two years and the election of a Councilmember from each of four districts for a term of four years did not comply with election law. He indicated staff was willing to work with Mr. Johnson to correct the deficiency. Michael Atencio did not feel it would be proper for the City Council to place these measures on the November ballot; he felt the proponents should have to circulate petitions to qualify the measure for election. Councilmember Cunningham's motion to place the two initiative ordinances submitted by Mr. Haverty on the November 1993 ballot was not seconded. Councilmember Foster indicated he felt any change to the method of election of Councilmembers should be done by circulated petitions. Councilmember Milson indicated her support of the concept of district representation but felt Councilmembers should be responsible to all citizens. Councilmember Larson felt that Councilmembers should support the entire City. No action was taken at this meeting.

Contract Award - Orange Street and Alabama Street - Bids were opened and publicly declared on April 23, 1993, in the Office of the Public Works Directors for the Alabama and Orange Street Emergency Reopenings Over the Santa Ana River Project. At this time, it is the recommendation of Ron Mutter, Director 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 Riverside Construction Company in the amount of $468,728.00, and it is in the best interest of the City that this contract be awarded to said firm. He indicated work would commence next week and should be completed by the first of July, l993. On motion of Councilmember Larson, seconded by Councilmember Cunningham, this recommendation was unanimously approved.

NEW BUSINESS

City-Owned Property - Elizabeth Schaffer, a tenant in the City-owned house located at 128 Grant Street, addressed Council expressing her concerns regarding the sale of several of the City-owned houses and urged the City Council to have consideration and compassion for the low-income, elderly renters.

Utilities Users' Tax - Mayor DeMirjyn requested the City Council's indulgence by permitting the calling for a public hearing on the utility users' tax for the limited purpose of beginning the long process required to cover the public notice. From the time the City Council would act to set a hearing, at least 45 days must elapse before a hearing may be held. If the decision to have a tax is delayed, the Council will have to decide how much money must be raised and the percentage of the tax rate would have to be adjusted accordingly. Mayor DeMirjyn felt that setting a hearing, regardless of the ultimate decision on the tax, was the wisest step to take at this time. In response to questions, City Attorney McHugh said a utility users' tax for a specific use required an election with a two-thirds voter approval but that a general tax can be approved by the City Council. Gordon Dittemore opposed a utility users' tax but suggested a city sales tax. Phyllis Irshay urged the City Council to continue their support of the library. Chester Horstmann felt it would be a great disservice and mistake to cut library services and urged approval of a utility users' tax. Sherman Fitzgerald presented a petition, containing approximately 138 signatures of members of the Joslyn Senior Center showing support of a one percent utility tax. On behalf of the senior citizens he represents, Tony Martinez indicated support if the funds go to a specific fund - not the general fund. President of the A. K. Smiley Public Library Board Bill Hardy reported unanimous support for a utility users' tax. Following discussion, Councilmember Cunningham moved to direct staff to bring back a recommendation to place this matter on the November ballot with uses of the funds specified. Motion seconded by Councilmember Milson and carried with Councilmember Foster voting NO.

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

Animal Control Contract - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously authorized the renewal of an agreement for the City of Redlands to provide animal control services to the City of Highland.

Resolution No. 4974 - Cable Television Franchise - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously approved Resolution No. 4974, a resolution of the City of Redlands approving the transfer of the cable television franchise from American Cable TV of Redlands Joint Venture to TCI Cablevision of California, Inc.

Resolution No. 4975 - Regulation for Candidates' Statements - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously approved Resolution No. 4975, a resolution of the City Council of the City of Redlands adopting regulations for candidates for elective office pertaining to materials submitted to the electorate and the costs thereof for the General Municipal Election to be held in said City on Tuesday, November 2, 1993.

Resolution No. 4976 - Parking Regulations - Following assurance the proposed parking regulations for the parking structure located at Citrus Avenue and Sixth Street would not affect Market Night, Councilmember Cunningham moved to approve Resolution No. 4976, 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: designate the upper level of the parking structure located at Citrus Avenue and Sixth Street for unrestricted free parking and designate the lower level of the same parking structure as leased parking, with leasing of spaces administered by the City Treasurer. Motion seconded by Councilmember Milson and carried unanimously.

Outside City Connections - Tract No. 13768 - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously approved the allocation of 58 water and sewer connections for Tract No. 13768 and Tract No. 13768-1 located on the north side of Nice Avenue, between Agate Avenue and Olivine Avenue in Mentone.

Employee Vacancies - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously authorized filling the position of Water Line/Fire Specialist in the Public Works Department.

Agreement - Mining Activities - On motion of Councilmember Milson, seconded by Councilmember Cunningham, Council unanimously continued an agreement between the Cities of Redlands and Highland for regulation of the mining activities at the C. L. Pharris "Johnson Pit" and "Redlands Aggregates" mining sites to May 18, 1993, City Council meeting.

Water Development Impact Fees - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously denied the request of Caltrans to waive Water Source Acquisition and Water Capital Improvement

Charge fees for the development of a back-up potable water system at the I-10/SR 30 interchange.

Lease-Purchase Agreement - Copy Machine - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously authorized a lease purchase agreement with Xerox Corporation for acquisition of a 5034 ZTAST copier to replace an older, unreliable copier machine in the Public Works Department.

Funds - Household Hazardous Waste - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously approved an appropriation of $8,725.00 from the Hazardous Waste Special Contractual Services Account No. 56-7204-1880 and approved receipt of Household Hazardous Waste Grant Funds in the same amount to Revenue Account No. 56-480.

Recess - The City Council meeting recessed at 7:58 P.M. to a closed session for the purpose of discussing the disposition of property. Following the closed session, the City Council reconvened and made the following report: The City Council unanimously authorized staff to enter into escrow for the sale of the property located at 128 Grant Street.

Adjournment - There being no further business, the meeting adjourned to an adjourned regular meeting to be held on May 11, 1993, at 9:00 A.M. in the City Council Chambers, 212 Brookside Avenue, Redlands, California.

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City Clerk