MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on September 7, 1993, at 3:00 P.M. This being the time set for a regular meeting of the City Council and there being no quorum present, the City Clerk declared the meeting recessed to 5:00 P.M. for a closed session for the purpose of discussing personnel matters, property acquisition and/or disposition, 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.

PRESENT

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

Gary Luebbers, City Manager
Ronald C. Mutter, Assistant City Manager
Daniel J. McHugh, City Attorney
John Rottschaeffer, City Attorney
Lorrie Poyzer, City Clerk
Ted Thomaidis, Redlands Daily Facts
Steven Church, The Sun

ABSENT None

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

Minutes of the adjourned regular meeting of August 3, 1993, the regular meeting of August 3, 1993, and the special meetings of August 12, 1993, and August 18, 1993, were approved as submitted.

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

Mayor DeMirjyn provided an opportunity for the City Councilmember candidates attending this meeting to introduce themselves; present were Rolland Moore, District No. 5, Jesse Siglow and Mayor Pro Tem Swen Larson, District No. 3

CLOSED SESSION REPORT

Appointment - It was announced the City Council appointed Gary Luebbers as City Manager during its closed session.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Cunningham, seconded by Councilmember Milson, the report of the Planning Commission meeting held on August 10, 1993, was unanimously acknowledged as received.

Tentative Tract No. 14790 - Conditional Use Permit No. 558 - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously granted a one year time extension to August 13, 1994, for Tentative Tract No. 14790 and Conditional Use Permit No. 558, a planned residential development for the subdivision of approximately 374 acres of land into 160 residential lots located east of Alessandro Road between San Timoteo Canyon Road and Sunset Drive in Specific Plan No. 43 (BEK Engineering, applicant).

Tentative Tract No. 15040 - Conditional Use Permit No. 547 - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously granted a one year time extension for Tentative Tract No. 15040 and Conditional Use Permit No. 547, a subdivision of approximately 52.27 acres of land into 58 residential lots located east of Ford Street and southerly of Golden West Drive (Robert and Odette Johnson, applicants).

PUBLIC HEARING

Resolution No. 5014 - Certificates of Participation - Public hearing was advertised for this time and place to hear and consider information concerning the possible issuance of certificates of participation by the City of Redlands to refinance the cost of acquisition of the existing 90-bed acute care psychiatric hospital located at 1710 Barton Road by Loma Linda University Medical Center. Finance Director Steven M. Chapman reviewed the process for the issuance of these certificates of participation. City Attorney Rottschaeffer assured Councilmembers there would be no recourse against the City under any circumstances. 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. 5014, a resolution of the City Council of the City of Redlands approving documents relating to the execution and delivery of its Refunding Certificates of

Participation (Loma Linda University Medical Center Project) Series 1993-D. Motion seconded by Councilmember Larson and carried with Councilmember Foster abstaining from the vote.

COMMUNICATIONS

Draft Environmental Assessment - Bicycle Trail - Community Services Director Dan Rodriguez reported the City has been requested by the Army Corps of Engineers to comment on the Draft Environmental Assessment for the San Timoteo Canyon Creek Recreational Bicycle and Equestrian Trail. Mr. Rodriguez also reported the Parks Commission reviewed the draft, and he provided a synopsis of their recommendation: That contact be made with the Army Corps of Engineers objecting to the proposed fencing of the flood control channel through San Timoteo Canyon. Fencing for safety may not deter criminals or criminal acts and may be more of an obstacle for a possible victim; that a fence would be a hindrance for wildlife in this corridor area; and that a fence is not used in the Orange County channel/trail area for this proposed purpose.

Fee Waiver Request - Terrace Emershy - On behalf of the applicant, Michael Atencio asked the City Council to waive the application fees for Mr. Emershy's request for removal of land from the Agricultural Preserve Boundaries. He noted his client was not offered the opportunity to sign a pre-annexation agreement (Annexation No. 72) nor was any notice given to the landowners in the Canyon. Application fees have not been required for Agriculture Preserve Removal No. 85 (Jane Un-MacDonald) and Agriculture Preserve Removal No. 84 (Mo Behzad), and Mr. Emershy is requesting the same consideration. Following discussion, Councilmember Milson moved to deny Mr. Emershy's request for the waiver of any fees associated with an Agriculture Preserve Removal. Motion seconded by Councilmember DeMirjyn and carried with Councilmember Foster voting NO.

Youth Accountability Board - Lt. Jim Bueermann presented a summary of the proposed Redlands Youth Accountability Board, an update on the status of the City's current Community Service Worker Program, and a brief discussion on the newly formed partnership between the City of Redlands and the Volunteer Center of the Inland Empire. Accountability Boards are panels of dedicated, adult community volunteers who serve as agents of the Probation Department as they hear and resolve cases involving first-time youthful offenders who are deemed most amenable to rehabilitative measures. The Community Service Worker Program has yielded several hundred man-hours of work from youths fulfilling their court or probation community service sentences. Unfortunately, it became apparent that the managerial challenges associated with the timely coordination of the community service commitments of large numbers of youths vastly outpaced the City's current staff resources. The formation of a partnership between the City and the Volunteer Center of the Inland Empire, a non-profit organization, funded primarily through grants and donations, was formed for the coordination of volunteer efforts in a variety of arenas. The City's commitment to this arrangement is to provide work opportunities for the workers, and office space (with office furniture, a telephone, and donated use thereof) for the Volunteer Center staff. Councilmember Milson enthusiastically moved to support the efforts of the Redlands Youth Accountability Board and the Redlands Volunteer Center. Motion seconded by Councilmember Larson and carried unanimously.

Southland Cablevision Franchise - Community Services Director Dan Rodriguez reported the recently enacted 1992 Cable Television Consumer Protection and Competition Act took effect on September 1, 1993. This piece of legislation has a direct impact on any and all negotiations being conducted for the renewal of the cable television franchise agreement with Southland Cablevision. Mr. Rodriguez recommended extension of the current franchise agreement to allow all parties involved to become familiar with the Act and pertinent language to be incorporated into the City's ordinance. Councilmember Larson moved to extend the cable television franchise agreement with Southland Cablevision to January 28, 1994.

UNFINISHED BUSINESS

Ordinance No. 2227 - Parking Violation Penalties - Ordinance No. 2227, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Milson, seconded by Councilmember Larson, further reading of the ordinance text was unanimously waived. Ordinance No. 2227 was adopted on motion of Councilmember Milson, seconded by Councilmember Larson, by the following vote:

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

Ordinance No. 2228 - Newspaper Rack Regulations - Ordinance No. 2228, 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 unanimously waived. Ordinance No. 2228 was adopted on motion of Councilmember Larson, seconded by Councilmember Foster, by the following vote:

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

NEW BUSINESS

Ordinance No. 2231 - Mural Regulations - Following the direction of the City Council, the City Attorney prepared two alternative draft ordinances which would amend the Redlands Municipal Code by establishing new regulations governing murals that are proposed within the City. Alternate "A" would allow only non-commercial murals within the City; any mural which advertised a business would be prohibited. Alternative "B" permits non-commercial murals within the City and also allows commercial murals within the downtown business district and requires all commercial murals to be reviewed by the City's Cultural Arts Commission and the Planning Commission. Following discussion, Councilmember Milson moved to continue this discussion after a committee consisting of herself, Councilmember Foster, a member of the Cultural Arts Commission, and staff from the Planning Department meet with City Attorney McHugh to review the criteria contained in the proposed ordinance. Motion seconded by Councilmember Foster and carried unanimously.

Resolution No. 5018 - Santa Fe Trail Parking Regulations - Assistant City Manager/Public Works Director Ronald C. Mutter explained the Parking Advisory Board voted unanimously at its meeting of August 25, 1993, to recommend to the City Council the establishment of two-hour parking on the north side of Santa Fe Trail, west of Orange Street. Staff recommends the request be denied because Santa Fe Trail is of a deficient width to allow parking according to current standards. Councilmember Cunningham moved to continue this matter. Motion seconded by Councilmember Larson and carried unanimously.

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

Year-End Encumbrances - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved an increase in Fiscal Year 1993-94 appropriations for all of the 1992-93 year-end encumbrances as detailed in the list included in the packet for this meeting.

Subordination Agreement - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved execution of a subordination agreement for property located at 1514 South Center Street (James and Jean Pettey, applicants).

Subordination Agreement - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved execution of a subordination agreement for property located at 110 Frank Avenue (Rolf and Susan Neuschaefer, applicants).

Council Policy - Waiver of Liability or Hold Harmless Agreements - On motion of Councilmember Foster, seconded by Councilmember Larson, Council unanimously authorized the City Manager, Acting City Manager, or Interim City Manager to enter into, agree to and sign waivers of liability or "hold harmless" agreements, subject to review by the City Attorney, while conducting the operations of the City of Redlands.

Funds - CLETS Terminal - Following an explanation from City Treasurer Michael Reynolds in response to Roberta Dostaler's questions, on motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved an additional appropriation of up to $7,800.00 from the General Fund for the purchase of an additional CLETS termination from the San Bernardino County Sheriff's Department for use in the City Treasurer's Office and to budget an additional $7,800.00 for parking citation revenue for the 1993-94 fiscal year.

Resolution No. 5009 - Speed Zones - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved Resolution No. 5009, a resolution of the City Council of the City of Redlands establishing speed zones for Olive Avenue pursuant to Title 10 of the Redlands Municipal Code.

Resolution No. 5011 - Street Vacation No. 106 - Denied - Community Development Director Jeffrey L. Shaw reported Street Vacation No. 106, the request for the vacation of a portion of excess right of way for property generally located at 1193 West Sunset Drive, James W. O'Neil, applicant, generated substantial public input at the Planning Commission's meeting held on July 13, 1993; a petition with 275 signatures was submitted opposed to the street vacation. Since that meeting, 48 letters of opposition have been received in the City Clerk's Office. The City Council considered this request in February 1992 and unanimously denied it at that time. Urging denial of this request were: neighbors and nearby property owners Mary Briccetti, Forrest Cathey, and Paul

Hammond. On behalf of the applicant, attorney Scott Reynolds requested approval of Resolution No. 5011 and the setting of a public hearing on this matter. Harold Hartwick, Hicks and Hartwick, did not understand why the excess street right-of-way could not be vacated indicating the new line would not eliminate the turnout; only relocate it. Councilmember Cunningham moved to deny Resolution No. 5011, a resolution of intention to approve Street Vacation No. 106. Motion seconded by Councilmember Larson and carried with Councilmember Foster voting NO.

Resolution No. 5013 - California Street Landfill - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved Resolution No. 5013, a resolution of the City Council of the City of Redlands approving the site identification and description for the California Street Sanitary Landfill Facility, Facility Identification No. 36-AA-0017.

Funds - Redlands Bowl - Mr. Conant Halsey, President of the Redlands Community Music Association, urged the City Council to approve the Parks Commission's recommendation to approve funds for termite extermination and to also authorize repair work on the doors and door jams at the Redlands Bowl. Councilmember Larson moved to approve an additional appropriation not to exceed $8,500.00 from the General Fund for termite extermination and repairs at the Redlands Bowl. Councilmember Foster seconded the motion with the understanding this project would be put out to bid; motion carried unanimously.

Video Games - Community Services Director Rodriguez explained that Uncle Howie's Pizza has offered to provide and maintain four video games in the Community Center's existing game room with 40 percent of the proceeds from the machines to be given to the Community Center for support of the Homework Study Room for the youth. On motion of Councilmember Larson, seconded by Councilmember Milson, Council approved the placement of four video games in the Redlands Community Center's existing game room on a six-month trial basis, with Councilmembers DeMirjyn and Cunningham voting NO.

Resolution No. 5016 - Parking Regulations - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved Resolution No. 5016, a resolution of the City Council of the City of Redlands establishing two-hour parking on the south side of West State Street between Eureka Street and First Street pursuant to Title 10 of the Redlands Municipal Code.

Resolution No. 5017 - Parking Regulations - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved Resolution No. 5017, a resolution of the City Council of the City of Redlands removing 15 feet of red curb and establishing one additional 24-minute parking space on the south side of Colton Avenue, west of Orange Street, and establishing 24-minute parking on the west side of Orange Street between Colton Avenue and the I-10 on-ramp, pursuant to Title 10 of the Redlands Municipal Code.

Resolution No. 5019 - Parking Regulations - On motion of Councilmember Foster, seconded by Councilmember Larson, Council unanimously agreed to continue Resolution No. 5019, a resolution of the City Council of the City of Redlands removing the first three parking spaces and establishing a no parking zone on the north side of Redlands Boulevard, east of Eighth Street, pursuant to Title 10 of the Redlands Municipal Code, to September 21, 1993.

Resolution No. 5020 - Disability Retirement - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved Resolution No. 5020, a resolution of the City Council of the City of Redlands authorizing the disability retirement of Nancy Thieman, Police Officer.

Cash Advance to Redevelopment Agency - In response to Roberta Dostaler's questions, Finance Director Steven M. Chapman explained a $3,000,000 cash advance to the Redevelopment Agency is a major component of the General Fund's working capital requirements in justifying the issuance of $6,000,000 in the 1993-94 Tax and Revenue Anticipation Notes (TRANS). On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council unanimously approved a $3,000,000 interest-free, five-month cash advance to the Redevelopment Agency from the General Fund to provide cash to meet current year operating expense and prior year's accumulated cash deficit until property taxes are received in December and January to allow for repayment of the advance.

Arbitration List - On motion of Councilmember Cunningham, seconded by Councilmember Milson, Council unanimously approved the list of arbitrators approved by the Superior Court for the Mobilehome Rent Review Board's use.

Employee Vacancy - On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council unanimously authorized the following positions in the Solid Waste Division be filled: Senior Equipment Operator and Automated Equipment Operator.

PUBLIC COMMENTS

Mentone Water Rates - Elisabeth Kraus and Gerald Ackley, residents of Mentone, asked the City Council when their water rates were going to be reduced as the current rates are causing many hardships. Public Works Director Mutter indicated the outside rate study is now underway and his department expects to present an ordinance to the City Council on November 16, 1993.

Measure G - From District Initiative Ordinance - Michael J. Atencio asked if the population breakdown was available for the proposed district map for Measure G which is on the November ballot. He also expressed concerns that different versions of the proposed map were circulating in the community.

Adjournment - There being no further business, the City Council meeting adjourned at 8:40 P.M. Next regular meeting, September 21, 1993.

City Clerk