MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on December 7, 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

Gary Luebbers, City Manager
Stephen P. Deitsch, 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 Mayor Pro Tem Larson. Mayor DeMirjyn led the audience in the pledge of allegiance followed by the singing of *America the Beautiful*.

Resolution No. 5039 - Election Results - City Clerk Poyzer presented Resolution No. 5039, a resolution of the City Council of the City of Redlands reciting the fact of the General Municipal Election held on November 2, 1993, declaring the following results, and such other matters as provided by law:

	VOTES CAST
MEMBER OF THE CITY COUNCIL, DISTRICT 1	
Gilberto Gil	845
Stephen B. Denton	345
Anthony "Tony" Martinez	234
Turnout Percentage	30.6%
MEMBER OF THE CITY COUNCIL, DISTRICT 3	
Swen Larson	1,292
Jesse W. Siglow	986
Mary H. Banks	203
Turnout Percentage	38.5%

MEMBER OF THE CITY COUNCIL, DISTRICT 5	
Pat Gilbreath	2,893
Rolland Moore	1,867
Turnout Percentage	56.3%

MEASURE F: Shall the ordinance providing for the election of members of the legislative body of the City of Redlands at large be adopted?

Yes:	6,561
No:	6,547
Turnout Percentage:	41.5%

MEASURE G: Shall the ordinance providing for the election of members of the legislative body of the City of Redlands from districts be adopted?

Yes:	5,235
No:	7,706
Turnout:	41.5%

On motion of Councilmember Foster, seconded by Councilmember Larson, Resolution No. 5039 was unanimously adopted and the complete text ordered filed in the Office of the City Clerk.

Presentations - Mayor DeMirjyn presented a plaque with the City Seal to Dee Ann Milson recognizing her term as a Councilmember. Mrs. Milson addressed the audience and wished the new Councilmembers luck. City of Highland Councilmember Jody Scott presented proclamations from her City Council to Mr. DeMirjyn and Mrs. Milson. On behalf of the Cultural Arts Commission, George Riday expressed their appreciation to Mr. DeMirjyn and Mrs. Milson for their support. A resolution from the Board of Supervisors was delivered by Supervisor Barbara Riordan honoring Mr. DeMirjyn. Mayor Pro Tem Larson presented a plaque with the City Seal to Mr. DeMirjyn in appreciation for his service on the City Council since April 19, 1966, noting he had served the longest tenures as a Councilmember and Mayor in the City's history. Mr. DeMirjyn also received a gold watch from the City and a very large gavel designating his terms on the City Council and as Vice Mayor and Mayor. Mr. DeMirjyn thanked everyone, including City employees, volunteers and citizens, for the privilege of allowing him to serve the City both at City Hall and through his teaching career with the Redlands Unified School District.

Swearing-in Ceremony - Certificates of election were presented by City Clerk Poyzer to Councilmembers-elect Gilberto Gil, First District; Swen Larson, Third District; and Pat Gilbreath, Fifth District. City Clerk Poyzer administered the oaths of office to the newly-elected Members of the City Council.

Election of Officers - City Clerk Poyzer called for nominations for the Office of Mayor for a two-year term. Councilmember Gilbreath nominated Councilmember Larson for Mayor. Councilmember Cunningham nominated Councilmember Gilbreath for Mayor. Following a roll call vote, as follows, Councilmember Larson was elected Mayor for a two-year term:

For Larson:	Councilmembers Gil, Foster, Larson, and Gilbreath
For Gilbreath:	Councilmember Cunningham

City Clerk Poyzer called for nominations for the Office of Mayor Pro Tempore for a two-year term. Councilmember Cunningham nominated Councilmember Gilbreath for Mayor Pro Tempore. Councilmember Gilbreath nominated Councilmember Foster for Mayor Pro Tempore. Following a roll call vote, as follows, Councilmember Foster was elected Mayor Pro Tempore for a two-year term:

For Foster:	Councilmembers Gil, Foster, Larson, and Gilbreath
For Gilbreath:	Councilmember Cunningham

Following comments from Mayor Larson and Councilmembers Gil and Gilbreath, the meeting recessed at 3:50 P.M. and reconvened at 4:00 P.M.

COMMUNICATIONS

San Bernardino International Airport Authority - Mayor Larson reported the San Bernardino International Airport Authority hoped to have a lease of the Norton Air Force Base property signed by Christmas. Councilmember Foster moved to rescind the action taken by the City Council on October 19, 1993, relating to the Airport Authority with the understanding Mayor Larson would report to the City Council as need be. Motion seconded by Councilmember Gilbreath and carried with Councilmember Cunningham voting NO.

Request - Marabella Homeowners Association - The request from the Marabella Homeowners Association relating to the pump station for their sewage collection system located at 1365 Crafton Avenue, Mentone, was withdrawn from the agenda.

Recess - The City Council meeting recessed at 4:10 P.M. to a Redevelopment Agency meeting and reconvened at 4:11 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.

CLOSED SESSION REPORT

Biggs vs. Foster, et al. - City Manager Luebbers reported the Biggs vs. Foster, et al action has been dismissed by the Federal court without prejudice upon the request of the plaintiffs after it was consolidated with the related action filed by the same plaintiffs against Best, Best & Krieger. The stated reasons of the plaintiffs for making this request was to refile the same law suit in the State court. If this suit is filed, Council voted, in closed session, to retain Richard R. Terzian for representation. This action was taken with Councilmember Cunningham voting NO.

PRESENTATION

Retirement - Mayor Larson presented a plaque with the City Seal to Howard Emery honoring him upon his retirement. Mr. Emery has been with the Fire Department since September 16, 1965, and was voted Firefighter of the Year in 1986.

PUBLIC HEARING

Sale of RDA Property - (Also see Redevelopment Agency minutes for meeting held on December 7, 1993.) A joint public hearing of the City Council and the Redevelopment Agency of the City of Redlands was re-advertised for this time and place to consider the sale of Redevelopment Agency property located on the southwest corner of Eureka Street and Oriental Avenue and the southeast corner of Oriental Avenue and Eureka Street to Third Street to Tom Brand. Noting a possible conflict of interest, Mayor Larson abstained from this dicussion and action on this matter. Marjie Pettus, Management Analyst, reported the Redevelopment Agency Board approved, in principle, the proposed sale agreement with Tom Brand for a sum of $651,120.00. The sales agreement has been amended to require a theater project on the site, and a 24-month completion clause has also been added. Mayor Pro Tem Foster declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Following brief discussion, Councilmember Gilbreath moved to adopt Resolution No. 5035, 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 Tom Brand (Redlands Redevelopment Project Area). Motion seconded by Councilmember Gil, and carried by the following vote:

AYES: Councilmembers Foster, Gil, Gilbreath
NOES: Councilmember Cunningham
ABSTAIN: Councilmember Larson

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Wal-Mart Parking Facilities Lease Agreement - Finance Director Steve Chapman reviewed the history of the Wal-Mart Parking Facilities Lease Agreement and highlighted his negotiations with Mr. Gatlin for a buyout with a $2,850,000 settlement at 23½ percent (on top of the six percent discount). Councilmember Foster moved to accept this proposal. Motion seconded by Councilmember Gilbreath and carried unanimously.

UNFINISHED BUSINESS

Ordinance No. 2232 - Outside City Rate Surcharges - A public hearing was held on November 16, 1993, to review outside the City water and sewer rates. Municipal Utilities Director Gary G. Phelps reviewed his report prepared for that meeting. Geni Banda accused Mr. Foster of having a conflict of interest in this matter, citing partnerships in property ownership in Mentone. City Attorney Deitsch stated, in the City Attorney's opinion, Mr. Foster did not have a conflict as the effect of his vote would be the same for him as it would be for the public. Councilmember Foster said he intended to participate in all discussions regarding rates in order to fulfill his campaign promise to reduce rates. He then moved to adopt Alternative A determining there are no subsidies from the General Fund to the Utilities Enterprise Funds, at the current level of one-third the level recommended by the 1984 MSI Study, as updated. Motion seconded by Councilmember Gilbreath and carried with Councilmember Cunningham voting NO as he felt the subsidy should also be eliminated for inside City service. Ordinance No. 2232, an ordinance of the City Council of the City of Redlands amending Chapters 3.52 and 3.62 of the Redlands Municipal Code relating to outside City rate surcharges, was read by title only by City Clerk Poyzer, and on motion of Councilmember Foster, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived. After removing the preamble included in the draft copy, Ordinance No. 2232 was introduced and laid over under the rules with second reading scheduled for December 21, 1993, on motion of Councilmember Foster, seconded by Councilmember Gilbreath, with Councilmember Cunningham voting NO.

NEW BUSINESS

Development Impact Fees - First Steps Child Development Center, located at 821 Sun Avenue in the San Bernardino Housing Authority, requested the City Council to waive the development impact fee of $2,240.00 for their parking lot funded by CDBG funds. On behalf of their Board of Directors, Laurie Hicok informed Councilmembers they were a United Way agency, that the funds to pay this fee would come out of their operating funds, and they felt this would be unconscionable. Community Development Director Jeff Shaw indicated there were funds available in the CDBG contingency fund. Councilmember Cunningham moved to approve a transfer of $2,240.00 from the CDBG contingency fund for this purpose. Motion seconded by Councilmember Gil and carried unanimously.

Undergrounding of Overhead Utilities - Public Works Director Ron Mutter explained the State of California Public Utilities Commission (PUC) requires that electric companies such as the Southern California Edison Company (SCE) maintain a certain clearance between trees and electric wires of no less than six feet. In response to their mandate, SCE has begun to trim City parkway trees to provide the required clearance. Especially apparent is the trimming work done on many of the palm trees lining our scenic and historic streets. The palm trees have grown to a height that causes interference with the overhead SCE facilities. the trimming performed on these trees may comply with PUC requirements, but is proving both hazardous to the life of the trees as well as aesthetically unacceptable. Staff has discussed this problem with SCE representatives. They share our concern and have expressed a willingness to work with the City to reach an acceptable solution. The best approach appears to be a continuation of the Rule 20 undergrounding program prioritized to the areas where the palm trees are causing the most interference with SCE facilities. Previous Rule 20 projects have been completed along Brookside Avenue, Cajon Street, Center Street, and Olive Avenue. Mr. Mutter explained the process and scheduling needs and presented the recommended priority of list of streets as follows:

1. Cypress Avenue
   between Cajon Street and Center Street $114,000.00

2.	Highland Avenue between Serpentine Drive and Crown Street	120,000.00
3.	Cypress Avenue between Center Street and Cope Middle School	114,000.00
4.	Cypress Avenue between Lakeside Avenue and San Mateo Street	219,000.00
5.	Highland Avenue between San Jacinto Street and Monterey Street	105,000.00
6.	Terracina Boulevard between Olive Avenue and Brookside Avenue	572,000.00
7.	Palm Avenue between Cajon Street and Eureka Street	150,000.00
8.	Fern Avenue between Nanette Street and San Mateo Street	195,000.00
9.	Olive Avenue between Cajon Street and Citrus Avenue	129,000.00

Councilmembers Foster and Gil expressed concerns there were other streets in the City that were also critical but not included on this list. Mr. Mutter indicated the prioritization could be changed at any time by the City Council. Councilmember Cunningham moved to adopt the priority list of streets as presented to be included in the Rule 20 undergrounding program for overhead utilities. Motion seconded by Councilmember Gilbreath and carried unanimously.

<u>Ordinance No. 2234 - Disposition of Property</u> - Police Chief Lewis W. Nelson explained there are a significant number of needy children in Redlands who would benefit from a donation of bicycles such as those held unclaimed at the Police Department. The Redlands Police Officers' Association has agreed to purchase City bicycle licenses and bike locks for any bicycles donated to needy children through this process he is recommending. An amendment to the Redlands Municipal Code would be necessary and was presented to Council for their consideration. Mayor Larson commended the Police Department for their thoughtfulness. Ordinance No. 2234, an ordinance of the City Council of the City of Redlands amending Section 2.60.040 of the Redlands Municipal Code relating to the disposition of unclaimed property held by the Police Department, was read by title only by City Clerk Poyzer, and on motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived. Ordinance No. 2234 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for December 21, 1993, on motion of Councilmember Cunningham, seconded by Councilmember Gilbreath.

Councilmember Assignments - Mayor Larson moved to approve the following assignments: motion seconded by Councilmember Foster and carried unanimously:

Finance Committee	Councilmembers Foster and Gilbreath
I-10 Corridor Landscape Master Plan JPA	Councilmember Cunningham
Minor Exception Committee	Councilmember Larson
Alternate	Councilmember Foster
Water Committee	Councilmember Foster
Alternate:	Councilmember Gil
Chamber of Commerce	Councilmember Gilbreath
Alternate	Councilmember Larson
CONFIRE	Councilmember Gilbreath
Alternate	City Manager
County Solid Waste Task Force	Councilmember Gil
Alternate	Councilmember Foster
Crafton Hills Preservation	Councilmember Cunningham
East Valley Corridor Advisory Committee	Councilmember Foster
Gangs and Drugs Task Force	Councilmember Gil
OMNITRANS	Councilmember Larson
Alternate	Councilmember Gilbreath
SANBAG	Councilmember Foster
Alternate	Councilmember Gil
SANBAG Commuter Rail Committee	Councilmember Cunningham
Alternate	Councilmember Larson
San Bernardino International Airport Authority	Councilmember Larson
Alternate	Councilmember Gil
Santa Ana River Wash Coordinating Committee	Councilmembers Foster and Gil
Water Policy Advisory Commission	Councilmember Foster
Alternate	Councilmember Gil
SCAG	Councilmember Larson
Alternate	Councilmember Gil

CONSENT CALENDAR

Minutes - Minutes of the regular meeting of November 16, 1993, were approved as submitted.

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

Contract Monitoring Reports - The monthly contract monitoring reports updated through November 24, 1993, for projects currently being administered by the Public Works Department were unanimously acknowledged as received.

Resolution No. 5015 - Ambulance Fees - On motion of Councilmember Cunningham, seconded by Councilmember Foster, Council unanimously approved Resolution No. 5015, a resolution of the City Council of the City of Redlands establishing ambulance rates to be charged within the City of Redlands in accordance with Chapter 5.72 of the Redlands Municipal Code.

Resolution No. 5036 - Parking Regulations - Expressing his appreciation to staff their efforts, Councilmember Cunningham moved to adopt Resolution No. 5036, 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 two-our parking time limit on both side of University Street between the I-10 westbound onramp and Citrus Avenue. Motion seconded by Councilmember Foster and carried unanimously.

Resolution No. 5037 - Ford Street Storm Drain - On motion of Councilmember Cunningham, seconded by Councilmember Foster, Council unanimously approved Resolution No. 5037, 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 winter 1993 storms (FEMA-979-DR-CA), and unanimously accepted and adopted the City of Redlands, Public Works Department, Flood Hazard Mitigation Plan, dated October 1, 1993, as presented.

Resolution No. 5038 - East Valley Airport Land Use Commission - On motion of Councilmember Cunningham, seconded by Councilmember Foster, Council unanimously approved Resolution No. 5038, a resolution of the City Council of the City of Redlands withdrawing from the joint powers agreement which established the East Valley Airport Land Use Commission.

Funds - DRBA - On motion of Councilmember Cunningham, seconded by Councilmember Foster, Council unanimously approved an additional appropriation of $4,240.00 to cover holiday and security expenditures in the Downtown Redlands Business Association (DRBA) district. These funds are available from the DRBA revenues.

Seismic Retrofitting - Smiley Library - On motion of Councilmember Cunningham, seconded by Councilmember Foster, Council unanimously approved a project under the Hazard Mitigation Program for the seismic retrofitting of the stack wing at A. K. Smiley Public Library and unanimously approved a consultant contract between the City and Kenneth R. King for the design of the seismic improvements.

Employee Positions - On motion of Councilmember Cunningham, seconded by Councilmember Foster, Council unanimously authorized filling the following positions: Solid Waste Collector; Groundskeeper II, Water Production Division; and Personnel Technician.

Resolution No. 5040 - Salary Resolution - Following brief discussion regarding the availability of funding, Councilmember Foster moved to approve Resolution No. 5040, a resolution of the City Council of the City of Redlands amending Resolution No. 5027 which establishes a salary schedule and compensation plan for City employees and increases the number of authorized positions to include an Information Systems Technician. Motion seconded by Councilmember Gilbreath and carried unanimously.

Adjournment - There being no further business, the City Council meeting adjourned at 8:03 P.M. to an adjourned regular meeting to be held on Tuesday, December 14, 1993, at 2:00 P.M. in the Redlands Plaza Conference Room, 2 East Citrus Avenue, Suite 15C, Redlands, California.

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City Clerk