

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on April 19, 1994, at 3:00 P.M.

PRESENT

Swen Larson, Mayor
Jim Foster, Mayor Pro Tem
William E. Cunningham, Councilmember
Gilberto Gil, Councilmember
Pat Gilbreath, Councilmember

Gary M. Luebbers, City Manager
Daniel J. McHugh, 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 Gil followed by the pledge of allegiance.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, the report of the Planning Commission meeting held on April 12, 1994, was unanimously acknowledged as received.

STUDY SESSION

Utility Billing - Municipal Utilities Director Gary G. Phelps and Utility Billing Office Supervisor Linda Arnold presented information regarding the conversion to a postcard billing for the municipal utilities and monthly billing. Councilmember Foster moved to authorize staff to proceed with a postcard billing format immediately. Motion seconded by Councilmember Cunningham and carried unanimously. Councilmember Foster moved to table the discussion regarding monthly billing. Motion seconded by Councilmember Gilbreath and carried unanimously.

"Donut Hole" Annexation - Community Development Director Jeffrey L. Shaw reported Annexation No. 75, often referred to as the "Donut Hole," was initiated in late 1989 by the City. On August 15, 1990, the City Council unanimously voted to terminate annexation proceedings based on a protest petition from some of the property owners. The annexation was formally abandoned by the City Council on September 4, 1990, with the adoption of Resolution No. 4672.

Mr. Shaw suggested the City distribute a survey or hold a meeting with the property owners to see if they would like to reconsider annexation to the City at this time. Council requested staff research the IVDA agreement as it relates to this property. Councilmember Foster moved to authorize staff to meet with the property owners regarding this matter. Motion seconded by Councilmember Larson and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 4:20 P.M. to a Redevelopment Agency meeting and reconvened at 4:44 P.M. to a closed session for the purpose of holding a conference with legal counsel to discuss the following existing litigation:

- Case Name: Joseph Holley v. City of Redlands
(Administrative appeal pending before PERS)
- Case Name: Dinwiddie v. City of Redlands, et al
(San Bernardino Superior Court)
- Case Name: Michael Magie, et al v. City of Redlands, et al
(Superior Court Case No. SCV 01624)
- Case Name: Industrial Indemnity Company v. City of Redlands
(Municipal Court Case No. RECI 09916)
- Case Name: Santa Clara County Local Transportation Authority v. Guardino (Jarvis Association)
(California Supreme Court, Case No. 5036269)
- Case Name: City of Redlands v. CALTRANS
(San Bernardino Superior Court)

The City Council meeting reconvened at 7:00 P.M.

CLOSED SESSION REPORT

City Attorney McHugh reported the City Council unanimously rejected the Holley case during its closed session. The City Council also authorized the City Attorney to proceed with the Santa Clara County Local Transportation Authority case with Councilmember Cunningham voting NO.

PUBLIC HEARINGS

Ordinance No. 2242 - Utility Users' Tax - In accordance with California Government Code Section 54954.6, public hearing was advertised for this time and place to consider Ordinance No. 2242, an ordinance of the City of Redlands adding Chapter 3.64 to the Redlands Municipal Code levying a utility users' tax. Mayor Larson declared the meeting open as a public hearing for any questions

or comments. Opposing adoption of this ordinance were: Tex Moore on behalf of The Redlands Association, Paul Pawlih, and Jane Booth. There being no further comments, the public hearing was declared closed. Ordinance No. 2242, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived. Ordinance No. 2242 was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gil, by the following vote:

AYES: Councilmembers Gil, Gilbreath; Mayor Larson

NOES: Councilmembers Cunningham, Foster

ABSENT: None

Utility Rates - Councilmember Gilbreath directed preparation of a study to reduce City utility rates. Motion seconded by Councilmember Foster and carried unanimously.

Ordinance No. 2244 - Home Occupation Permits - Public hearing was advertised for this time and place to consider Ordinance No. 2244, an ordinance of the City Council of the City of Redlands amending Chapter 18.160 of the Redlands Municipal Code by adopting Zoning Ordinance Text Amendment No. 230 relating to home occupations. Community Development Director Jeffrey L. Shaw explained the proposed modification for the issuance of a Home Occupation Permit and responded to questions. Mayor Larson declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Ordinance No. 2244 was read by title only by City Clerk Poyzer, and on motion of Councilmember Foster, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived. Ordinance No. 2244 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for May 3, 1994, on motion of Councilmember Foster, seconded by Councilmember Gilbreath.

Ordinance No. 2247 - Seismic Strengthening Provisions - Public hearing was advertised for this time and place to consider Ordinance No. 2247, an ordinance of the City of Redlands amending the Redlands Municipal Code by the addition of Chapter 15.52 relating to seismic strengthening provisions for unreinforced masonry bearing wall buildings. Mayor Larson declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was unanimously continued to May 3, 1994, as recommended by staff on motion of Councilmember Foster, seconded by Councilmember Gilbreath.

UNFINISHED BUSINESS

Ordinance No. 2246 - Concealed Weapon Permit Investigations - Ordinance No. 2246, an ordinance of the City of Redlands amending Section 32.16.040 of the Redlands Municipal Code relating to fees and services charges for concealed weapon permit investigations, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived. Ordinance No. 2246 was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gil, by the following vote:

AYES: Councilmembers Foster, Gil, Cunningham, Gilbreath; Mayor
Larson
NOES: None
ABSENT: None

NEW BUSINESS

Ordinance No. 2243 - Rent Stabilization for Mobilehome Parks - City Attorney McHugh explained that on January 1, 1994, the State Legislature amended the laws relating to notification to tenants of proposed increases in rents for their mobile homes. Specifically the law now requires the mobilehome park owners to give tenants ninety (90) days advance written notice; therefore, an amendment was prepared to reflect the new requirements under State law. Currently the Municipal Code refers to an outdated Consumer Price Index; this amendment authorizes the most up to date Consumer Price Index. Ordinance No. 2243, an ordinance of the City Council of the City of Redlands amending Chapter 5.48 of the Redlands Municipal Code relating to rent stabilization for mobilehome parks, was read by title only by City Clerk Poyzer, and on motion of Councilmember Foster, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived. Ordinance No. 2243 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for May 3, 1994, on motion of Councilmember Foster, seconded by Councilmember Gilbreath.

Tax and Revenue Anticipation Notes - Finance Director Steven M. Chapman recommended the City Council authorize the issuance of Tax and Revenue Anticipation Notes (TRANS) for 1994-95 as this is the most advantageous method of financing the City's General Fund cash flow needs. Councilmember Larson moved to authorize the issuance of Tax and Revenue Anticipation Notes by the City of Redlands for fiscal year 1994-95 with the actual sizing of the issue to be presented to the City Council at a later date as an "Unfinished Business" item. Motion seconded by Councilmember Cunningham and carried unanimously.

Ordinance No. 2248 - Cable Television Franchise Regulations - Ordinance No. 2248, an ordinance of the City of Redlands amending Chapter 5.76 of the Redlands Municipal Code relating to cable television franchise regulations by increasing the franchise fee from three percent (3%) to five percent (5%) which reflects the actual franchise fee amounts being paid to the City, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived. Ordinance No. 2248 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for May 3, 1994, on motion of Councilmember Gilbreath, seconded by Councilmember Gil.

CONSENT CALENDAR

Minutes - Minutes of the adjourned regular meeting of April 5, 1994, and the regular meeting of April 5, 1994, 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 April 12, 1994, for projects currently being administered by the Public Works Department was presented for the City Council's information.

Funds and Contract Award - Bids were opened and publicly declared on March 31, 1994, by the City Clerk for construction of the traffic signals on Redlands Boulevard at Nevada Street and New Jersey Street; 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 \$386,012.00 and it is in the best interest of the City that this contract be awarded to said firm. It was further recommended the City Council appropriate \$150,000.00 to cover the cost of construction of the traffic signal at Redlands Boulevard and New Jersey Street from the Local Transportation Fund. Following brief discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Foster, these recommendations were unanimously approved.

Landscape Maintenance District Annexation - Following discussion, on motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council approved Resolution No. 5058, a resolution of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing an engineer of work, ordering the preparation of an Engineer's Report indicating

the proposed boundaries of an annexation to Landscape Maintenance District No. 1, and providing for other engineering services in the matter of the Annexation to Landscape Maintenance District No. 1, with Councilmember Foster voting NO. On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council approved Resolution No. 5059, a resolution of the City Council of the City of Redlands, County of San Bernardino, of preliminary approval of the Engineer's Report for Annexation No. 10 to Landscape Maintenance District No. 1, with Councilmember Foster voting NO. On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council approved Resolution No. 5060, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, declaring its intention to order the 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 expenses thereof; designating said annexation as Annexation No. 10 to Landscape Maintenance District No. 1; determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections thereto with Councilmember Foster voting NO.

Street Lighting District Annexation - Following discussion, on motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council approved Resolution No. 5062, resolution of the City Council of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing a assessment engineer, and ordering the preparation of an Engineer's Report in the matter of the annexation to Street Lighting District No. 1, with Councilmember Foster voting NO. On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council approved Resolution No. 5063, a resolution of the City Council of the City of Redlands, County of San Bernardino, State of California, of preliminary approval of the Engineer's Report for Annexation No. 7 to Street Lighting District No. 1, with Councilmember Foster voting NO. On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council approved Resolution No. 5064, 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. 7 to Street Lighting District No. 1 and to be assessed the cost and expense thereof; designating said annexation as Annexation No. 7 to Street Light District No. 1 pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections thereto, with Councilmember Foster voting NO.

Landscape Maintenance District - Annual Engineer's Report - Following discussion, on motion of Councilmember Cunningham, seconded by Councilmember Larson, Council approved Resolution No. 5076, a resolution of the City Council of the City of Redlands, County of San Bernardino, of preliminary approval of the Engineer's Report for fiscal year 1994-95 for Landscape Maintenance District No. 1, with Councilmember Foster voting NO. On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council approved Resolution No. 5077, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, declaring its intention to levy and collect assessments for fiscal year 1994-95 in 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 areas within the Landscape Maintenance District No. 1 and to be assessed the cost and expenses thereof; designating said district as Landscape Maintenance District No. 1; determining that the proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections thereto, with Councilmember Foster voting NO.

Street Lighting District - Annual Engineer's Report - On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council approved Resolution No. 5080, a resolution of the City Council of the City of Redlands, County of San Bernardino, of preliminary approval of the Engineer's Report for fiscal year 1994-95 for Street Lighting District No. 1, with Councilmember Foster voting NO. On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council approved Resolution No. 5081, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, declaring its intention to levy and collect assessments for fiscal year 1994-95 in 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 areas within Street Lighting District No. 1 to be assessed cost and expense thereof; designating said district as Street Lighting District No. 1; and determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections hereto, with Councilmember Foster voting NO.

Funds - Police Vehicles - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously authorized the purchase of seven (7) new and two (2) used unmarked police vehicles using asset forfeiture monies not to exceed \$160,000.00.

Funds - Brush Chipper - Following brief discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Gil, Council unanimously

approved an appropriation in the amount of \$7,495.00 from an insurance settlement to the Parks Maintenance Fund for the replacement of a brush chipper which was stolen from the store room at Sylvan Park several months ago.

Resolution No. 5085 - Parking Regulations - Following discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Gil, Council unanimously adopted Resolution No. 5085, a resolution of the City Council of the City of Redlands establishing the traffic regulations pursuant to Title 10 of the Redlands Municipal Code as follows: changes in parking regulations in the vicinity of the Redlands Plaza and City Hall to accommodate use by City departments and City businesses due to the changes of use taking place at these two locations.

Resolution No. 5086 - Parking Regulations - Following discussion, On motion of Councilmember Larson, seconded by Councilmember Gil, Council adopted, with Councilmembers Cunningham and Foster voting NO, Resolution No. 5086, a resolution of the City Council of the City of Redlands establishing the traffic regulations pursuant to Title 10 of the Redlands Municipal Code as follows: removal of two parking spaces on the south side of Fern Avenue, east of Fourth Street, which will create no parking on the south side of Fern Avenue, east of Fourth Street, for a distance of 38 feet.

Employment Agreement - City Attorney - Following discussion, Councilmember Gilbreath moved to approve an employment agreement with Daniel J. McHugh for "in-house" City Attorney services. Motion seconded by Councilmember Gil and carried with Councilmembers Cunningham and Foster opposing the severance pay and voting NO.

Employment Agreement - City Manager - Following discussion, Councilmember Gilbreath moved to approve an amendment, which would provide nine (9) months severance pay and a \$300.00 monthly transportation allowance in lieu of use of a City provided vehicle, to the employment agreement with Gary M. Luebbers, City Manager. Motion seconded by Councilmember Gil and carried with Councilmembers Cunningham and Foster opposing the severance pay and voting NO.

Funds - Arts Flag Program - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously approved the proposal by the Cultural Arts Commission to display "Arts" flags in the downtown area and on Cajon Street to Prospect Park on Highland Avenue; unanimously authorized the expenditure of \$500.00 from the Steel Foundation Grant Fund to support this

program; and unanimously authorized an additional appropriation in the amount of \$200.00 from unbudgeted surplus to help support this program.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:36 P.M. to an adjourned regular meeting to be held on May 3, 1994, at 9:00 A.M. in the City Council Chambers, 212 Brookside Avenue, Redlands, California.

City Clerk