

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on May 3, 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. Luebbbers, 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 Mayor Larson followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - Minutes of the adjourned regular meeting of April 19, 1994, and the regular meeting of April 19, 1994, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Foster, seconded by Councilmember Gil, the report of the Planning Commission meeting held on April 26, 1994, was unanimously acknowledged as received.

Funds - Election - Councilmember Foster moved to approve an additional appropriation in the amount of \$10,000.00 to cover the costs of the June 1994 election. Motion seconded by Councilmember Gil and carried with Councilmembers Cunningham and Gilbreath voting NO.

Summer Youth Employment Training Program Agreement - Following an explanation from Community Services Director Daniel Rodriguez, on motion of Councilmember Gil, seconded by Councilmember Foster, Council unanimously approved a contract with the County of San Bernardino Jobs Employment Services Department for a 1994 Summer Youth Employment Training Program (SYETP).

CDBG Agreement - Following an explanation from Community Development Director Shaw, on motion of Councilmember Gil, seconded by Councilmember Gilbreath, Council unanimously authorized the City to enter into a three-year Delegate Agency Agreement between the City of Redlands and the County of San Bernardino Economic and Community Development Department for the implementation of Community Development Block Grant (CDBG) funded activities.

Resolution No. 5083 - Underground Utility District No. 8 - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council unanimously adopted Resolution No. 5083, a resolution of the City Council of the City of Redlands establishing a date (June 7, 1994) for a public hearing to determine whether the public necessity, health, safety, or welfare requires the formation of an underground utility district along Cypress Avenue between Center Street and Cajon Street.

Resolution No. 5087 - Underground Utility District No. 9 - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council unanimously adopted Resolution No. 5087, a resolution of the City Council of the City of Redlands establishing a date (June 7, 1994) for a public hearing to determine whether the public necessity, health, safety, or welfare requires the formation of an underground utility district on Highland Avenue between Serpentine Drive and Crown Street and on Serpentine Drive between Highland Avenue and Crescent Avenue.

Resolution No. 5089 - Paramedic Service Tax - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously adopted Resolution No. 5089, a resolution of the City Council of the City of Redlands setting the special tax for emergency paramedic service in accordance with Ordinance No. 1900.

Employee Vacancies - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously authorized the following employee positions be filled: Account Clerk II (City Treasurer's Office), Administrative Clerks (Finance Department and Personnel Department), Maintenance Laborer (Street Division), and Solid Waste Collector.

Disposition of Surplus Property - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously approved the disposition of the surplus and low usage vehicles as recommended by staff.

Cable Television Franchise Agreement Extension - No action was taken on this matter.

Resolution No. 5090 - Parks and Wildlife Bond Act of 1994 - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council adopted Resolution No. 5090, a resolution supporting the Californians for Parks and Wildlife Bond Act of 1994 which will appear on the June 1994 ballot, with Councilmembers Foster and Larson voting NO.

Resolution No. 5091 - Grant Application - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously adopted Resolution No. 5091, a resolution of the City Council of the City of Redlands of San Bernardino County approving application for funding under the Urban Forestry Grant Program of the California Wildlife, Coastal, and Park Land Conservation Bond Act of 1988 for the purchasing and planting of trees in the Smiley Historic District.

COMMUNICATIONS

San Bernardino International Airport - Mayor Larson was pleased to announce the Defense Department selected San Bernardino International Airport and three other sites in the state to house military accounting centers.

Appointments - Airport Advisory Board - Six members of the Airport Advisory Board resigned; therefore, the following appointments were made: Mayor Larson nominated William E. Bratton and John A. Krueger. Mayor Pro Tem Foster nominated Kyle W. Larick. Councilmember Cunningham nominated Jesse Siglow. Councilmember Gilbreath nominated Albert B. Briccetti, M.D. Councilmember Gil nominated Kathleen Ann Anderson. On motion of Councilmember Foster, seconded by Councilmember Gil, these nominations were unanimously approved.

Appointment - Traffic Commission - Mayor Larson moved to appoint E. Joseph Shaw to the Traffic Commission to fill deceased John Perenchio's term which will expire July 1, 1996. Motion seconded by Councilmember Foster and carried unanimously.

CLOSED SESSION

City Attorney McHugh asked the City Council to add the following item to the Closed Session portion of the agenda: "Conference with legal counsel to discuss Barker vs. the City of Redlands (existing litigation). Noting that the need to take action was immediate, Councilmember Foster moved to add this item to the agenda. Motion seconded by Councilmember Gil and carried unanimously.

The City Council meeting recessed at 3:22 P.M. to a Redevelopment Agency meeting and reconvened at 3:55 P.M. to a closed session for the purpose of holding a conference with legal counsel to discuss the following existing litigation:

Case Name: DeVita v. County of Napa
(California Supreme Court review granted March 25, 1994)

Case Name: Sabelko v. City of Phoenix, et al
(9th Circuit Federal Court of Appeal)

Case Name: Daryl Babers v. City of Redlands
(Workers Compensation Claim)

Case Name: Walter Harrison v. City of Redlands
(Workers Compensation Claim);

and to hold a conference regarding the Trolley Car Barn with negotiating parties Manley R. Hyde, M.D. and Marjie Pettus to discuss the terms and price.

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

CLOSED SESSION REPORT

City Attorney McHugh reported the following actions were taken by the City Council, during its closed session: authorized the sale of the Trolley Car Barn with Councilmember Cunningham voting NO; unanimously authorized settlement of Daryl Babers' Workers Compensation claim; authorized settlement of Walter Harrison's Workers Compensation claim with Councilmember Foster voting NO; approved Friend of the Court participation, DeVita v. County of Napa, with Councilmember Foster voting NO; unanimously approved Friend of the Court participation, Sabelko v. City of Phoenix, et al.

PRESENTATIONS

Proclamation - Mayor Larson presented Postmaster James Owens and Letter Carrier Tom Strouds a proclamation declaring May 14, 1994, as *Letter Carrier Food Drive Day* and commended the National Association of Letter Carriers for their participation and coordination in the promotion and collection of non-perishable food donations for the Redlands Salvation Army.

Proclamation - Mayor Larson read a proclamation declaring May 17, 1994, as *Adult School Day* and saluted the administration, teachers, and students of the Redlands Adult School for their efforts and accomplishments.

Proclamation - Mayor Larson presented Police Chief Lewis W. Nelson and Chuck Ehrlick and Bill Cozzo, Directors of the International Footprint Association, Chapter 67, a proclamation from Mayor Larson declaring the week of May 15-21, 1994, as *Blue Ribbon Week* in recognition and support of all peace officers and law enforcement agencies.

PUBLIC HEARING

Ordinance No. 2247 - Seismic Strengthening Provision - Public hearing was advertised for this time and place to consider Ordinance No. 2247, an ordinance of the City of Redlands adding Chapter 15.52 to the Redlands Municipal Code relating to seismic strengthening provisions for unreinforced masonry bearing wall buildings. Community Development Director Jeffrey L. Shaw report this ordinance was prepared in conformance with Senate Bill 547 which requires the development and implementation of a mitigation program for unreinforced masonry bearing wall buildings which are potentially hazardous. It was noted that implementation of this ordinance is contingent upon the State of California or other governmental agency adopting an adequate funding program. 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. 2247 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. 2247 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for May 17, 1994, on motion of Councilmember Cunningham, seconded by Councilmember Gilbreath.

UNFINISHED BUSINESS

Ordinance No. 2243 - Rent Stabilization for Mobilehome Parks - Ordinance No. 2243, an ordinance of the City of Redlands amending Chapter 5.48 of the Redlands Municipal Code relating to rent stabilization for mobilehome parks, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, further reading of the ordinance text was unanimously waived. Ordinance No. 2243 was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, by the following vote:

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

Ordinance No. 2244 - Home Occupation Permits - Ordinance No. 2244, an ordinance 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 Occupation Permits, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember foster, further reading of the ordinance text was unanimously waived. Ordinance No. 2244 was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Foster, by the following vote:

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

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, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Larson, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived. Ordinance No. 2248 was adopted on motion of Councilmember Larson, seconded by Councilmember Gilbreath, by the following vote:

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

NEW BUSINESS

Beaumont Avenue Bridge - Public Works Director Ronald C. Mutter met with representatives of the San Bernardino County Transportation Department on April 3, 1994, to discuss the possibility of local agencies funding a portion of the cost to replace the Beaumont Avenue bridge across San Timoteo Creek. The bridge improvement would be completed with the proposed Corps of Engineers project to improve the creek channel. County officials are assuming the bridge replacement would be 80 percent funded by the Federal Bridge Replacement Program. Thus the remaining 20 percent would be provided by local sources. They suggested the Cities of Loma Linda and Redlands split the local share of \$48,600.00 between the two agencies. The Beaumont Avenue bridge is located outside of the City of Redlands and our sphere of influence. It is currently located in County territory within Loma Linda's sphere. Staff sees the improvement of the bridge as providing a minimal benefit to Redlands at this point in time. Staff does agree that now would be the time to improve the bridge considering the improvements proposed by the Corps. However, Mr. Mutter felt the ultimate improvement of this bridge should rest with the County and Loma Linda. Councilmember Cunningham moved to deny the request from the San Bernardino County Transportation Department to fund a portion of the cost of the replacement of the Beaumont Avenue bridge across San Timoteo Creek. Motion seconded by Councilmember Gilbreath and carried with Councilmember Foster voting NO.

Flood Control Improvements - The San Bernardino County Flood Control District has requested the City grant consent to a resolution of the County Board of Supervisors declaring its intention to issue bonds pursuant to the San Bernardino County Flood Control District Act to finance flood control improvements. Public Works Director Ronald C. Mutter said projects to be included are the Seven Oaks Dam, the Mill Creek Levee, San Timoteo Creek, and Mission Zanja Creek. There would be no fiscal impact to the City of Redlands; however, assessments would be made on those parcels receiving benefit from the proposed improvements. Mr. Ken A. Miller, Flood Control Engineer, presented an overview of the project. On behalf of the Redlands Association, Mr. R. A. Moore listed a number of their concerns including the cost, design, impact on the wildlife, disruption of the trails system, loss of water percolation, permanent loss of wetlands, and the increased risk of flooding. Councilmember Foster moved to consent to the resolution of the San Bernardino County Flood Control District Board of Supervisors declaring the intention to issue bonds pursuant to the San Bernardino County Flood Control Act to finance flood control improvements. Motion seconded by Councilmember Gil and carried with Councilmembers Cunningham and Gilbreath voting NO.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:55 P.M. to an adjourned regular meeting to be held on May 17, 1994, at 9:00 A.M. in the City Council Chambers, Safety Hall, 212 Brookside Avenue, Redlands, California.

City Clerk