

MINUTES of a regular meeting of the City Council of the City of Redlands held in the City Council Chambers, Civic Center, 35 Cajon Street, Suite 2, on October 4, 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

DEDICATION

On this historic day, Mayor Larson opened the meeting in the new City Council Chambers located in the Civic Center, 35 Cajon Street, Suite 2. He expressed appreciation to City Manager Luebbbers for his long range planning and fiscal responsibility in keeping within the budget to renovate the former bank building. He also expressed appreciation to Public Works Director Ronald C. Mutter and his crew, Gary Bierma and Ed Broughton, for all their efforts in this renovation project. Mayor Larson noted that when the Council Chambers in Safety Hall were dedicated in 1963, the Redlands Daily Facts reported the City was using the same furniture as had been used in the previous Chambers which had been located in the basement of City Hall. As in 1963, the furniture was moved this past week from Safety Hall to these new Chambers in the Civic Center. Mayor Larson said that in 1888 the first meeting of the Board of Trustees of the City of Redlands was held in the Judson and Brown office on the corner of State and Orange Streets. In 1891 the meetings were moved to the Academy of Music building located on the northeast corner of State and Orange Streets. The City of Redlands purchased the YMCA building, located on the northwest corner of Vine and Cajon Streets, in 1894 for the City offices and meeting room. Fire completely destroyed this building on February 3, 1939; the City rebuilt City Hall (now being used as the Police Department's Annex) and held the first meeting in its basement on February 5, 1941. The City Council Chambers in Safety Hall were dedicated in May 1963. In a dedication speech in 1941, Mayor Gunther said, "What we do in this Council Chambers today and the future meetings will have much influence on Redlands fifty years hence. It is a

beautiful building provided for us by the taxpayers of this City. Let us resolve to, at every meeting, do our very best to give the City a good government." Mayor Larson felt this statement was appropriate then as well as today. He then gave the invocation for the meeting which was followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - Minutes of the regular meeting of September 20, 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 Cunningham, the report of the Planning Commission meeting held on September 27, 1994, was unanimously acknowledged as received.

Employee Positions - On motion of Councilmember Foster, seconded by Councilmember Cunningham, Council unanimously authorized filing the following positions: Building Maintenance Worker and Maintenance Laborer (Landfill).

Resolution No. 5117 - Habitat Conservation Plan - Resolution No. 5117, a resolution of the City Council of the City of Redlands, California, for the purpose of planning and implementing a program to conserve wildlife and plant species of concern in the San Bernardino Valley, was presented for the City Council's consideration. Expressing concern that we should not commit ourselves at this time to participate in a joint powers authority, Councilmember Cunningham moved to adopt Resolution No. 5117 with a modification in Section 1 reflecting this concern. Motion seconded by Councilmember Gilbreath and carried with Councilmember Foster abstaining from the vote.

Funds - Police Computer System - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council unanimously approved an additional appropriation in the amount of \$3,114.00 for the Police Department to purchase a computer system for the Investigative Services Bureau. These funds were anonymously donated for this purpose; Councilmembers asked Police Chief Lewis W. Nelson to communicate their appreciation to the anonymous donor.

Contract - Waste Discharge Report - Municipal Utilities Director Gary G. Phelps responded to Councilmember Gibreath's questions regarding the proposal to engage the firm Kleinfelder to prepare a report of waste discharge, which includes technical descriptions of all landfill design and environmental characteristics, and an operating plan for the California Street Landfill, as required by the Santa Ana Regional Water Quality Control Board. On motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, Council unanimously authorized the Municipal Utilities Department to engage the firm of Kleinfelder to prepare this report as recommended by staff.

Bid Report - State Street Electrical Project - Bids were opened and publicly declared on September 15, 1994, by the City Clerk for the construction of the State Street Electrical project; 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 all bids received be rejected in order to allow staff to scale-down the size of the project in order for bids to be within budget. Following brief discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, this recommendation was unanimously approved.

COMMUNICATIONS

Barking Dog Ordinance - Betti Jimenez, 1723 Deanna Way, and her husband appealed to the City Council to consider an amendment to the barking dog ordinance. Under existing municipal code provisions, dog barking prosecutions can only take place if the complaining residence is located within 200 feet of the property with the alleged noisy animal. Mr. and Mrs. Jimenez have pursued assistance from the Police Department and Animal Control to control barking dogs which they allege live at the residence located at 1185 East Pioneer Avenue. Ryan and Cheryl Grosz who own the accused dog addressed Council and said their dogs are not barking when they receive the complaint phone calls. Senior Animal Control Officer Gayle Lipes told Councilmembers this was a difficult case; that she personally has not heard the dogs and that even after a personal investigation, she was unable to get them to bark. Police Chief Lewis W. Nelson urged Mr. and Mrs. Jimenez to call the Police Department when the noise occurs and hopefully, they will be able to identify where the barking dog lives.

City-Owned Housing - Housing Commission Chairman Douglas Kinzle reported that the Housing Commission has studied two subjects at length: disposition of City-owned homes and the startup of a low and moderate income home buyers assistance program. At the September 15, 1994, Housing Commission meeting, the Commissioners recommended the following:

1. Retain the two multi-unit properties, upgrade the units with Redevelopment set-aside funds, or other funds, lease the properties out to a non-profit agency to be maintained and utilized as housing for low or very low income residents; and the house located at 180 South Eureka Street and 11 Grant Street be placed out for sale with the proceeds generated utilized to rehabilitate and upgrade the structures located at 168 and 172 South Eureka Street, or used in tandem with Redevelopment monies for additional low income affordable housing programs;
2. The Housing Commission also recommended a second alternative: to sell all properties "as is" to a private party with the stipulation that the properties be maintained as affordable housing for low income residents.

The Housing Commission also recommended that the proposal by Northbay Ecumenical Homes to establish a Community Assisted Share Appreciation (CASA) affordable home ownership program be given serious consideration. This program which targets the "working poor" who, while they have an income, cannot afford to purchase a home in Redlands. The characteristics of the CASA plan are such that the initial investment in this program acts as seed money that will continue to grow as more and more people purchase homes and refinance or sell later. The social benefits to the community as home ownership increases, people's lives turn around, and neighborhoods stabilize are enormous. The City also will see an improved tax base as houses are either built, improved, or turned over.

These recommendations resulted after two community meetings were held on August 4, 1994, and September 14, 1994., during which time the Housing Commission reviewed several alternatives prepared by staff. Complimenting the Commissioners on their conscientious job, Council acknowledged receipt and filing of this report and ordered it held over for the Housing Coordinator to review when he comes on board (October 11, 1994). This action was approved on motion of Councilmember Foster, seconded by Councilmember Gilbreath, with Councilmember Cunningham abstaining from the vote due to a possible conflict of interest.

San Bernardino International Airport - Mayor Larson briefly reported on the activities of the San Bernardino International Airport.

Parks and Recreation Commission - Public Works Director Ronald C. Mutter reported that since his department assumed the administration of the Recreation Commission in June two meetings have been scheduled. Neither meeting contained a quorum of members and the meetings were canceled. Staff has had a number of items for the Commission; however, action was taken administratively since the Commission did not meet. With the new focus on improvement of the Recreation Division, a significant number of changes are being made. The Commission's input would be valuable, but must be provided in a timely manner. Secondly, a number of projects are being considered, such as a major sports complex, that would equally affect both the Parks and Recreation Commissions and several joint meetings would be needed between the two commissions. Efficiency and effectiveness of staff time, budgets, and the overall operation of the Public Works administrative staff must also be considered. One meeting per month to cover parks and recreations would be far more efficient than two meetings covering generally the same topics. It is recommended that the Parks Commission and the Recreation Commission be combined. Councilmember Foster moved to direct staff to prepare the appropriate Code amendments necessary to combine the Parks Commission and the Recreation Commission. Motion seconded by Councilmember Gil and carried with Councilmembers Cunningham and Gilbreath voting NO.

Traffic Commission and Parking Advisory Board - Public Works Director Ronald C. Mutter reported the Parking Advisory Board consists of seven appointed members who consider parking matters in and near the central business area. Currently there are three vacancies on the Board with two members having resigned and one term having expired on July 1, 1994. There have been three meetings thus far in 1994. There were no meetings between August 1993 and March 1994, due to a lack of agenda items for this Board to consider because of its narrow area of responsibility. The Traffic Commission considers all parking issues outside of the central business area. It also considers traffic control matters throughout the City. It is recommended that the Traffic Commission and Parking Advisory Board be combined. Councilmember Foster moved to direct staff to prepare the appropriate Code amendments necessary to combine the Traffic Commission and the Parking Advisory Board. Motion seconded by Councilmember Gil and carried unanimously.

Waiver of City Fees - A request has been received from Somos Hermanas Unidas Job Training and Employment Program for a waiver of the City's processing fees relative to the development of a day care facility to be located at the southeast corner of Orange Street and San Bernardino Avenue. The City Council approved Community Development Block Grant Funds in the amount of \$10,000.00 for this project in this year's allocation. While staff cannot

support the waiver of fees, there are funds available in the Community Development Block Grant Funds contingency account for the City Council to allocate additional funds towards this project. Site Director Gloria Flores urged the City Council to further assist their project. Councilmember Gil moved to allocate CDBG contingency funds for Somos Hermanas Unidas Job Training and Employment Program in the amount of \$2,000.00. Motion seconded by Councilmember Foster and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 4:01 P.M. to a Redevelopment Agency meeting and reconvened at 4:02 P.M. to a closed session to discuss the following matters:

- (a) Conference with legal counsel - Existing litigation
PERS v. City of Redlands (Administrative Hearing)
- (b) Conference with real property negotiator
Property: APN 168-291-02
Negotiating parties: George Glenn and Ronald C. Mutter
Under negotiation: Terms and price
- (c) Conference with legal counsel - Anticipated litigation pursuant to Section 54956.9(b) of the Government Code: One potential case

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

PRESENTATIONS

Proclamation - Fire Prevention Week - Mayor Larson presented a proclamation to Assistant Fire Marshal Leonard Temby, Fire Insurance Agent Perry Hayes, and U. S. Forestry Department representative Lenora Will declaring the week of October 9-15, 1994, as Fire Prevention Week and urged the residents of Redlands to participate in fire prevention activities at home, work, and school and to heed the message "Wildfires Strike Home." The Fire Department will hold an open house on October 14, 1994. Mr. Temby distributed lapel pins honoring Smoky the Bear's 50th birthday to the Councilmembers.

PUBLIC HEARINGS

A notice was advertised for the holding of a public forum at this time and place to listen to TCI cable television customers' input regarding the local service. From the standing-room-only audience, seventeen customers addressed Council. Their concerns included complaints about customer service including billing, administrative problems, lack of service during the weekend, lack of responsiveness of TCI to citizens' desires, poor reception, prolific outages,

channel sharing for more than one station, abundance of foreign language stations, and preferences of channels. Several customers suggested the formation of a citizens advisory board. At his own expense, Jeffrey Sabatini published a petition in the Redlands Daily Facts demanding the City Council rescind the exclusive territorial privilege held by TCI; 92 were returned to the City Council and are on file in the City Clerk's Office. Kathleen Ouillette, TCI General Manager, explained they were upgrading an old system and would continue to do so if they could obtain a long-term commitment from the City and requested an extension in the negotiations. Ms. Ouillette responded to some of the citizens' concerns and answered Councilmembers' questions who indicated they had received more complaints about cable television than on any other subject. The City Council meeting then briefly recessed after the 90 minute forum.

Ordinance No. 2259 - Composting Operations - Public hearing was advertised for this time and place to consider Ordinance No. 2259, an ordinance of the City of Redlands amending Chapter 18.20 of the Redlands Municipal Code by adopting Zoning Ordinance Text Amendment No. 233 which would allow composting operations, which may include the use of sludge and other composting materials, as a conditional use in the A-1 (Agricultural) District. Community Development Director Jeffrey L. Shaw reported a letter dated October 4, 1994, was received from James DeAguilera, an attorney representing The Redlands Association addressing several environmental issues and recommended continuing this public hearing for at least 30 days to allow staff to review and respond to this letter. Mayor Larson declared the meeting open as a public hearing for any questions or comments. Mr. DeAguilera outlined their position indicated they felt an Environmental Impact Report was needed.

Conflict of Interest - At this time, Councilmember Foster questioned the City Attorney regarding a conflict of interest on the part of Councilmember Cunningham. Mr. Foster noted Mr. Cunningham, as president of The Redlands Association, was threatening litigation against the City and asked the City Attorney how Mr. Cunningham could participate in this discussion. City Attorney McHugh stated he has spoken to Mr. Cunningham who states he has no financial interest and therefore there is not a conflict of interest. Councilmember Foster moved to direct to the City Attorney to check with the Fair Political Practices Commission (FPPC) on this issue and request a written opinion from the State. Motion seconded by Councilmember Gil and carried with Councilmembers Cunningham and Gilbreath voting NO.

Representing the applicant, Michael Atencio asked the City Council to change Paragraph F of Ordinance No. 2259 to read as follows: "Composting operation

which may include the use of sludge and other composting materials and landscape supply sales." Tom Slamal, 1648 Smiley Heights Drive, urged the City Council to not approve any additional expansion for Larry Curti, One Stop Landscape, and reminded them that the annual smell problem would be returning soon with the coming of the rainy season. There being no further comments, the public hearing was unanimously continued to November 1, 1994, at 7:00 P.M. on motion of Councilmember Foster, seconded by Councilmember Gil.

Ordinance No. 2260 - Zone Change No. 353 - Public hearing was advertised for this time and place to consider Ordinance No. 2260, an ordinance adopting Zone Change No. 353, a change of zone from R-2 (Multiple Family Residential) District to P (Off-Street Parking) District for property located at 224 Nordina Street (First United Methodist Church, applicant), as recommended by Redlands Planning Commission Resolution No. 828. Mayor Larson declared the meeting open as a public hearing for any questions or comments concerning this change of zone. None being forthcoming, the public hearing was declared closed. Councilmember Foster moved to approve the Environmental Review Committee's Negative Declaration for Zone Change No. 353 and directed staff to file and post a Notice of Determination in accordance with the City's guidelines and to acknowledge that it has been determined this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code. Motion seconded by Councilmember Gilbreath and carried unanimously. Ordinance No. 2260, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting an additional land use zoning plan as part of the Official Land Use Zoning Map and effecting Zone Change No. 353, was given its first reading of the title 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. 2260 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for October 18, 1994, on motion of Councilmember Foster seconded by Councilmember Gilbreath.

Ordinance No. 2256 - General Plan Amendment No. 54 - Public hearing was continued to this time and place to consider General Plan Amendment No. 54 and its associated Environmental Impact Report, findings and statement of overriding considerations regarding environmental impacts and mitigation monitoring plan. Mayor Larson declared the meeting open as a public hearing. Due to the lateness of the hour, Councilmember Foster moved to continue this public hearing to an adjourned regular meeting to be held on Tuesday, October 11, 1994, at 7:00 P.M. Motion seconded by Councilmember Gilbreath and carried unanimously.

UNFINISHED BUSINESS

Ordinance No. 2263 - Measure O Expenditure Limitations - Ordinance No. 2263, an ordinance of the City of Redlands establishing expenditure limitations for Measure O - Open Space and Park Land Acquisition Fund - and repealing Ordinance No. 2010, was scheduled at this time for second reading of the title and adoption. On behalf of the Board of Directors of The Redlands Association, Sally Beck urged the City Council to retain Ordinance No. 2010 as it reflected the desires of the citizens who voted for Measure O, and R. A. Moore questioned the purchase of the large parcel of open space which necessitated this ordinance amendment. Joan Silver, who served on the original Measure O Committee, requested further information. Public Works Director Ronald C. Mutter reported the Measure O Executive Committee has reviewed all purchases of land and that they had recommended approval of the purchase of this large parcel. Ordinance No. 2263, was given its second reading of the title 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. 2263 was adopted on motion of Councilmember Foster, seconded by Councilmember Gilbreath, by the following vote:

AYES: Councilmembers Foster, Gil, Gilbreath; Mayor Larson

NOES: Councilmember Cunningham

ABSENT: None

NEW BUSINESS

Ordinance No. 2262 - Post Parking Restrictions - Ordinance No. 2262, an ordinance of the City Council of the City of Redlands amending Section 10.40.310 of the Redlands Municipal Code relating to posted parking restrictions, 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. 2262 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for October 18, 1994, on motion of Councilmember Foster, seconded by Councilmember Gilbreath.

PUBLIC COMMENTS

Quail Hunting - Mr. Jeff Sabatini urged the City Council to provide for a quail hunting permit in San Timoteo Canyon. He explained that prior to the annexation, firearms were permitted in the Canyon but that since the annexation, guns cannot be discharged within the City Limits. He was referred to the City Manager.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:06 P.M. to an adjourned regular meeting to be held on Tuesday, October 11, 1994, at 7:00 P.M. in the City Council Chambers, Civic Center, 35 Cajon Street, Suite 2, Redlands, California.

City Clerk