MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, Suite 2, on December 20, 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 Gilbreath followed by the pledge of allegiance.

PRESENTATIONS

Retirement Recognition - Mayor Larson presented a City seal plaque to Patricia R. Foist in recognition of her employment with the Fire Department from October 21, 1994, through December 31, 1994.

Bike Trail - Mr. William R. Miller, Environmental Systems Research Institute, Inc. (ESRI), presented a proposal for the development of a bike trail to link ESRI and the University of Redlands to downtown Redlands and the proposed redevelopment area north of Redlands Boulevard. Councilmember Cunningham moved to direct staff to work with ESRI and the University on this project. Motion seconded by Councilmember Larson and carried with Councilmember Foster voting NO when he did not receive what he felt was a satisfactory response to his questions about the funding sources.

CONSENT CALENDAR

Minutes - Minutes of the regular meeting of December 6, 1994, were approved as submitted.

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

Employee Vacancies - On motion of Councilmember Cunningham, seconded by Councilmember Gil, Council unanimously approved filling the following vacant position: Secretary (Public Works Department).

Contract - Cemetery Sales - Following discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Gil, Council unanimously approved the independent contractor agreement between the City of Redlands and Ellen Kairot for pre-need sales services at Hillside Memorial Park.

Funds - Redlands Municipal Code - On motion of Councilmember Cunningham, seconded by Councilmember Gil, Council unanimously approved an additional appropriation in the amount of $2,600.00 for Account No. 01-1112-2880 for the Redlands Municipal Code supplements.

Contract Award - Bids were opened and publicly declared on December 12, 1994, by the City Clerk for the closure of the brine bond at the Wastewater Treatment Plant (Project No. 2-9513); a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Municipal Utilities Department that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City was Paul Hubbs Constriction of Riverside in the amount of $246,434.10, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Cunningham, seconded by Councilmember Gil, this recommendation was unanimously approved and the Mayor and City Clerk authorized to sign the contract on behalf of the City.

Funds - Hydrogeologic Services - Following discussion, on motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously authorized the Municipal Utilities Department to engage the firm of Richard C. Slade & Associates to provide hydrogeologic services for installation of groundwater monitoring wells and lysimeters at the California Street Landfill, and approved an additional appropriation in the amount of $50,000.00 to fund the design and construction of the project.

Resolution No. 5133 - Hazard Mitigation Grant Program - Following discussion, on motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously approved Resolution No. 5133, 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 Firestorms, 1993 (FEMA 1005-DR). The Fire Department proposes to submit an application requesting $250,000.0 to plan, develop, and implement a comprehensive fuel modification program for Very High Fire Hazard Severity Zones within Redlands.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - Following discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Larson, the report of the Planning Commission meeting held on December 13, 1994, was unanimously acknowledged as received.

PUBLIC HEARINGS

Appeal - CUP 619 - S.H.U. Business and Education Institute - Public hearing was advertised for this time and place to consider an appeal of the development impact fees for the proposed development of a social service agency and day care facility to be located within an existing shopping center in the C-2 (Neighborhood Shopping Center) District located at the southeast corner of Orange Street and San Bernardino Avenue. Community Development Director Jeffrey L. Shaw explained the applicant, a nonprofit organization, is appealing Municipal Utilities Department requirements. Specifically, the water acquisition charge, water capital improvement charge, and the sewer capital improvement charge. These are standard conditions of approval; the rates are standardized and have been adopted by resolution. This is a policy issue that only the City Council can resolve. The Council did grant waiver of fees to the Chamber of Commerce and the Morey Mansion in 1992; each of those decisions were unique with their own specific circumstances. Mayor Larson declared the meeting open as a public hearing. On behalf of Somos Hermanas Unidas (S.H.U.) Business and Education Institute, Emma Lechuga urged the City Council to waive these fees. There being no further comments, the public hearing was declared closed. On motion of Councilmember Gil, seconded by Councilmember Larson, the City Council unanimously approved Conditional Use Permit No. 619 subject to all departmental recommendations contained in Planning Commission minutes dated October 25, 1994, except conditions imposed by the Municipal Utilities Department relating to fees based on the following findings:

1. That the use applied for at the location noted is proper for a Conditional Use Permit;
2. That the use is necessary, essential, or desirable for the public welfare and convenience and for the development of the community and conforms to the elements and objectives of the General Plan;
3. That the use is not detrimental to existing or permitted uses in the zone where it would be located;
4. That the size and shape of the site are adequate;
5. That the site properly relates to streets and highways designed and improved to carry the type and quantity of traffic to be generated by the proposed use;

6. That the conditions set forth in this Conditional Use Permit are deemed necessary and reasonable to protect the public health, safety and general welfare, the best interest of the neighborhood, and the intent of the General Plan; and
7. That substantial evidence exists in the record that the proposed project will be consistent with the existing General Plan.

Resolution No. 5132 - Eminent Domain Acquisition - Public hearing was advertised for this time and place to consider adoption of a Mitigated Negative Declaration for a proposed resolution of necessity to acquire a portion of certain real property commonly known as Assessor's Parcel No. 292-041-06 (for the expansion of the California Street Landfill) in the EV/IR (Regional Industrial District of the East Valley Corridor Specific Plan located on the west side of Alabama Street, south of the Santa Ana Wash. Mayor Larson declared the meeting open as a public hearing and called upon the City Clerk for proof of mailing of notice of hearing. City Clerk Lorrie Poyzer reported she had mailed a copy of the notice by first-class mail to the owners of said property: Donald H. and Laura G. Teunissen, 4075 Mirada Street, Highland, California, 92346, on November 22, 1994, and that she had received a letter in response on November 28, 1994, from Mr. Teunissen indicating he desired to address the City Council on this matter Solid Waste Manager Valorie Shatynski reviewed the staff report (on file in the Office of the City Clerk) regarding the property possibly to be acquired as related to the City's purposes. Mr. Teunissen submitted a 12 page handwritten letter (on file in the Office of the City Clerk) relating to this matter earlier in the day and addressed the City Council during the public hearing. The Mayor declared the public hearing closed. Councilmember Foster moved to approve the Mitigated Negative Declaration for Resolution No. 5132 and directed staff to file and post a Notice of Determination in accordance with the City's CEQA guidelines noting it has been determined that this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code. Motion seconded by Councilmember Gilbreath and carried unanimously. Councilmember Foster moved to approve Resolution No. 5132 declaring that the acquisition of a portion of that certain real property commonly known as APN 292-041-06 by eminent domain is necessary for the expansion of the City's California Street Landfill site. Motion seconded by Councilmember Gilbreath and carried unanimously.

COMMUNICATIONS

San Bernardino County Hospital - Bob Christman, Mayor of Loma Linda, expressed concern about the financial status of the County of San Bernardino indicating it was premature at this time to incur further debt obligation to complete construction of the new County Medical Center. He urged the City Council to pass a resolution urging the County of San Bernardino to follow the "Guidelines for Leases and Certificates of Participation, issued by the California Debt Advisory Commission, especially Guideline No. 17 which would require the County to solicit public participation in its lease-purchase activities involving the sale of COPs; to prepare a detailed financial report analyzing the impact of long-term debt on the financial health of the County, focusing on the County's ability to meet increasing social service and public safety needs; and to postpone issuing another COP related to the new County Medical Center until a citizens advisory committee is formed to review the County's financial report. Charles R. Jervis, Director of the County Medical Center, provided a prepared statement of rebuttal and reported that re-building the medical center would be the most cost-effective procedure. Dev Gnanadev, M.D. urged the City Council to support the County in their endeavor to build a new medical center.

NEW BUSINESS

Appointment - Library Board - Mayor Larson moved to nominate William T. Hardy, Jr. to serve on the A. K. Smiley Public Library Board for another four-year term. Motion seconded by Councilmember Cunningham and carried unanimously.

Appointments - Traffic and Parking Commission - Mayor Larson moved to nominate (in alphabetic order) Ray Beggs to the new Traffic and Parking Commission for a four year term. Motion seconded by Councilmember Gil and carried unanimously. Mayor Larson nominated Guy A. Daniels, Jr. to the new Traffic and Parking Commission for a four year term. Motion seconded by Councilmember Cunningham and carried unanimously. Mayor Larson nominated Leigh Giarde to the new Traffic and Parking Commission for a four year term. Motion seconded by Councilmember Gilbreath and carried unanimously. Mayor Larson nominated E. Joseph Shaw to the new Traffic and Parking Commission for a four year term. Motion seconded by Councilmember Gilbreath and carried unanimously. Mayor Larson nominated Bettie D. Siebuhr to the new Traffic and Parking Commission for a four year term. Motion seconded by Councilmember Gil and carried unanimously. Mayor Larson nominated Stanley Welch to the new Traffic and Parking Commission for a four year term. Motion seconded by Councilmember Foster and carried unanimously.

Cable TV Tolling Agreement - Councilmember Cunningham moved to approve an extension of a tolling agreement with TCI Cablevision of California, Inc. to May 1, 1995, to maintain the status quo while negotiations occur over the extension of a cable television franchise.. Motion seconded by Councilmember Gilbreath and carried unanimously.

Development Impact Fees Financing Agreement - Councilmember Cunningham moved to approve the development impact fees financing agreement between Jim Robbins and the City of Redlands in the amount of $18,228.00. Mr. Robbins of Stan Robbins & Associates is in the process of remodeling the old Smart and Final building on Church Street which will be occupied by the County of San Bernardino.

MOU - Mid-Management Employees - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, Council approved a Memorandum of Understanding between the Redlands Association of Mid-Management Employees (RAMME) and the City of Redlands covering the period January 1, 1995, through December 31, 1997, with Councilmembers Foster and Cunningham voting NO

MOU-Management Employees - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, Council approved, with Councilmembers Foster and Cunningham voting NO, changes to salaries and benefits for the Management Employees, City Treasurer, and City Clerk as follows:

1. A two percent (2%) increase in base salary for members of this unit in January, 1995; an additional two percent (2%) increase in July 1995; and an additional one percent (1%) increase in January, 1996;
2. One additional floating holiday will be granted to members of this unit annually during the life of the agreement - this additional floating holiday will have to be used during the year it was accrued or will be forfeited; and
3. These changes to salary and benefits for Management Employees will remain in effect until December 31, 1996.

PUBLIC COMMENTS

The Redlands Association - On behalf of The Redlands Association, Tex Moore reported to Council the recent lawsuit against the City which is listed on the agenda for this meeting if being financed by contributions from citizens and not their dues. He then clarified the issue of their lawsuit and urged Councilmembers to think carefully before proceeding. Councilmember Cunningham announced he would not participate in City Council strategy meetings regarding The Redlands Association but that if he did, he would vote not to proceed.

CLOSED SESSION

The City Council meeting recessed at 4:43 P.M. to a Redevelopment Agency meeting and reconvened at 4:44 P.M. to a closed session to discuss the following matters:

(a) Conference with legal counsel: Liability claim against the City of Redlands
- Claimant: Long's Drug Store
- Claimant: Norm McPhail

(b) Conference with legal counsel: Anticipated litigation (two cases)

(c) Conference with legal counsel: Existing litigation - Government Code Section 54956.9
- The Redlands Association et al v. City of Redlands

(d) Conference with real property negotiator

- Property:	APN 174-192-03
Negotiating parties:	Ronald C. Mutter and Mark Buoye
Under negotiation:	Terms and price
- Property:	APN 172-471-35, 172-471-36, and 172-471-37
Negotiating parties:	Ronald C. Mutter and George Glenn
Under negotiation:	Terms and price
- Property:	APN 292-072-07
Negotiating parties:	Ronald C. Mutter and Raymond Kosi
Under negotiation:	Terms and price

(e) Conference with labor negotiator:

City Negotiator:	Gary M. Luebbers
Employee Organizations:	Redlands Professional Fire Fighters Association and Redlands Association of Safety Management Employees

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 4:44 P.M. The next regular meeting will be held on January 3, 1995.

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City Clerk