

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on February 21, 1995, at 3:00 P.M.

PRESENT

Swen Larson, Mayor
Jim Foster, Mayor Pro Tem
William E. Cunningham, Councilmember
(afternoon session only)
Gilberto Gil, Councilmember
Pat Gilbreath, Councilmember

Gary M. Luebbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
Michael Reynolds, City Treasurer
(afternoon session only)
Marjie Pettus, Administrative Services
Director
Jeffrey L. Shaw, Community Development
Director
Steven M. Chapman, Finance Director
John Habant, Fire Division Chief
Don McCue, Acting Library Director
Gary G. Phelps, Municipal Utilities Director
Lewis W. Nelson, Police Chief
Ronald C. Mutter, Public Works Director

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.

CONSENT CALENDAR

Minutes - Minutes of the adjourned regular meeting of February 7, 1995, the regular meeting of February 7, 1995, the special meeting of February 13, 1995, and the special meeting of February 16, 1995, were approved as submitted.

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

Funds - Contract Award - Bids were opened and publicly declared on January 19, 1995, by the City Clerk for the contract for construction of the State

Street Electrical project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Department of Public Works and the Downtown Redlands Business Association Board of Directors that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City was AAA Electrical Services, Anaheim Hills, in the amount of \$43,000.00, that it would be in the best interest of the City that this contract be awarded to said firm, and that an additional appropriation of \$15,000.00 from the DRBA Fund be approved.. On motion of Councilmember Foster, seconded by Councilmember Gil, this recommendation was unanimously approved.

Resolution No. 5149 - Traffic - On motion of Councilmember Foster, seconded by Councilmember Gil, Resolution No. 5149, a resolution of the City Council of the City of Redlands establishing speed limits on Redlands Boulevard pursuant to Title 10 of the Redlands Municipal Code, was unanimously adopted.

Resolution No. 5150 - Traffic - On motion of Councilmember Foster, seconded by Councilmember Gil, Resolution No. 5150, 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, was unanimously adopted: removing the yield signs and erecting stop signs on Pacific Street at Cedar Avenue and on Clark Street at Grant Street.

Resolution No. 5151 - Traffic - On motion of Councilmember Foster, seconded by Councilmember Gil, Resolution No. 5151, 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, was unanimously adopted: establish a school bus loading zone on the east side of Church Street fronting Redlands High School, and establish a passenger loading zone on Washington Street fronting the Community Center.

Resolution No. 5152 - Traffic - On motion of Councilmember Foster, seconded by Councilmember Gil, Resolution No. 5152, 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, was unanimously adopted: establish two-hour parking with resident exemption on Roosevelt Road between Cypress Avenue and Home Place,

and establish two-hour parking on the east side of Dearborn Street, south of Citrus Avenue.

Funds - Steele Foundation - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously authorized the expenditure of \$600.00 from the Steele Foundation Grant Fund to support the *Redlands Living Community Magazine* for the 1995 calendar year as recommended by the Cultural Arts Commission.

Funds - Steele Foundation - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously granted \$5,000.00 from the Steele Foundation Grant Fund to the Redlands Symphony Association to support the Eleventh Annual Family Concert, a segment of the Young Audience Development Program as recommended by the Cultural Arts Commission.

Funds - Steele Foundation - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously authorized the expenditure of \$2,000.00 from the Steele Foundation Grant Fund to pay for costs associated with the Second Outdoor Sculpture Garden as recommended by the Cultural Arts Commission.

Funds - Steele Foundation - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously approved the establishment of a maximum of \$1,000.00 per sculpture for insurance from the Steele Foundation Grant Fund to cover possible vandalism for the no more than seven pieces that will be displayed in the 1995 Outdoor Sculpture Garden as recommended by the Cultural Art Commission.

Resolution No. 5153 - Disability Retirement - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously adopted Resolution No. 5153, a resolution of the City Council approving the disability retirement for Police Corporal Henry L. Reyes.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Foster, seconded by Councilmember Gil, the report of the Planning Commission meeting held on February 14, 1995, was unanimously acknowledged as received.

COMMUNICATIONS

Utility Users' Tax Review - Finance Director Chapman presented a report showing the expenditures funded by the Utility Users' Tax and a revenue summary for the first two quarters. Police Chief Nelson, Fire Division Chief Habant, Public Works Director Mutter, and Acting Library Director McCue reviewed their accomplishments from the expansion of City services funded by the Utility Users' Tax.

Appointment - Crafton Hills Open Space Conservancy - The Crafton Hills Open Space Conservancy has an opening for a member from the City of Redlands. At their meeting of February 9, 1994, the Parks Commission unanimously recommended that Commissioner Jan Sherman serve in this capacity. On motion of Councilmember Larson, seconded by Councilmember Cunningham, Council unanimously approved this recommendation.

Material Recovery Facility - Solid Waste Manager Valorie Shatynski informed the City Council of the status of the responses to the requests for proposals for a material recovery facility (MRF) and curbside recycling program. A series of workshops will be scheduled for the City Council to evaluate and implement immediate, short-term changes in existing programs including curbside collection, avenues of materials marketing, and yard waste management, and to proceed with decisions regarding long-term solid waste management such as waste stream control, methods of material recovery and marketing, and landfill disposal.

CLOSED SESSION

The City Council meeting recessed at 3:26 P.M. to a Redevelopment Agency meeting and reconvened at 3:27 P.M. to a closed session to discuss the following matters:

1. Conference with labor negotiator
Agency negotiator: Gary M. Luebbers
Employee organization: Redlands Police Officers' Association
2. Conference with legal counsel: Pending litigation
- Government Code Section 54956.9: The Redlands Association, et al v. City of Redlands

3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b) - Two (2) cases

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

PRESENTATIONS

Proclamation - Youth Accountability Board - Mayor Larson presented Captain Jim Bueermann a proclamation recognizing and commending the Youth Accountability Board for its 95 percent success rate of minor first time offenders.

PUBLIC HEARINGS

Ordinance No. 2259 - Composting Operations - Public hearing was set 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 relating to the A-1 (Agriculture) District. Community Development Director Shaw reminded Council that the purpose of this ordinance text amendment was to meet the criteria of a legal agreement between the owner of One Stop Landscaping Supply Center, Larry Curti, and the City of Redlands. Approval of this text amendment would remove the current status of "legal non-conforming land use" from the existing sludge composting facility by identifying it as a permitted use in the A-1 District. Since August 9, 1994, when the Planning Commission unanimously voted to recommend approval of this text amendment, this items has been continued twice by the City Council. It has been suggested that this ordinance text amendment, as written, will only tend to allow any number of sludge composting facilities and related activities to be situated on any land zoned A-1 District. The overall consensus is that this proposed ordinance text amendment be re-written to include specific criteria that would limit a proliferation of other similar facilities. In discussing these concerns with Mr. Michael Atencio, representative for Mr. Larry Curti, he indicated that he is in agreement with staff's suggestion that the proper solution to this situation might be the formulation of a new zone classification to focus specially on his client's particular use and site. Mayor Larson declared the meeting open as a public hearing. There being no comments, the public hearing was declared closed. Councilmember Foster moved to

terminate further processing of Ordinance No. 2259 and directed staff to formulate a new zone classification to adequately address sludge recycling facilities and related activities; and that this new zone classification shall incorporate specific criteria that will meet the criteria of the legal agreement between One Stop Landscaping Supply Center and the City of Redlands; and that said criteria will include and identify that similar uses shall also be subject to the approval of a conditional use permit. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

CDBG Funds Reprogramming - Public hearing was advertised for this time and place to consider reprogramming of Community Development Block Grant (CDBG) funds. CDBG Administrator Paula Rae Espinoza explained that Ability Counts, Inc. and the Redlands Community Music Association, Inc. have withdrawn their projects for CDBG funds. She recommended the City Council approve the reprogramming of \$4,000.00 from the 1994-95 Community Development Block Grant funds, Project No. 111-20927, Ability Counts, Inc. and reprogramming of \$2,150.00 from the 1994-95 Community Development Block Grant funds, Project No. 111-20827, Redlands Community Music Association, Inc. to the City's contingency account, Project No. 111-00020. Mayor Larson declared the meeting open as a public hearing. On behalf of the Redlands Community Music Association Marsha Gebara indicated she was in agreement with this recommendation. There being no further comments, the public hearing was declared closed. Councilmember Gilbreath moved to approve the recommendation as presented. Motion seconded by Councilmember Foster and carried by AYE votes of all present.

Resolution No. 5134 - Conflict of Interest Code - Public hearing was set for this time and place to consider an amendment to the City's Conflict of Interest Code. City Clerk Poyzer reported the amendment reflects job title changes in the list of designated employees required to file conflict of interest statements. Mayor Larson declared the meeting open as a public hearing. There being no comments, the public hearing was declared closed. Councilmember Foster moved to adopt Resolution No. 5134, a resolution of the City Council of the City of Redlands amending the Conflict of Interest Code of the City of Redlands. Motion seconded by

Councilmember Gil and carried by AYE votes of all present.

UNFINISHED BUSINESS

Sewer Capital Improvement Charge Waived - Mr. Jerry Bongiorno, resident and owner of the property at 1681 Garden Street, presented a petition for relief from paying the sewer capital improvement charge to the City Council at their meeting on February 7, 1995. Municipal Utilities Director Phelps explained a building permit was obtained in 1963. At that time, the City Code required a "sewer construction charge" of \$100.00 be paid by any applicant for a building permit or any applicant for a permit to connect to the City sewer system. This payment constituted the sewer capital improvement charge that was due at that time for the amount of sewerage flow from the residence or a flow credit. Although there is no proof of payment on this particular residence, either in the City's records nor from Mr. Bongiorno, based on the requirements of the City Code at that time, it may be presumed that the payment required was made at the time a building permit was issued. Councilmember Foster moved to authorize the Municipal Utilities Department to credit a sewer capital improvement charge for the sewer connection to the existing residence at 1681 Garden Street. Motion seconded by Councilmember Gil and carried by AYE votes of all present. Mr. Bongiorno expressed his appreciation to the City Council and complimented staff for their professionalism.

Odors - San Timoteo Canyon - Valorie Shatynski, Solid Waste Manager, prepared a memorandum to the City Council transmitting the South Coast Air Quality Management District's (SCAQMD) findings regarding odors in San Timoteo Canyon. Municipal Utilities Director Phelps informed Council that several potential sources of odors were identified. These included One Stop Landscaping Supply Center, a dairy, a horse ranch, orange groves, and the landfill. During the investigation period, One Stop, the horse ranch, and the dairy each improved and modified their operations. Mr. Steve Grechny of the Public Facilities Branch at the SCAQMD has indicated he feels the changes in these operations significantly reduced the potential for odor generation at these locations. Mr. Tom Slamal, 1648 Smiley Heights Drive, indicated he has become weary of complaining

but that the odors do not seem to be as bad as they were.

Ordinance No. 2270 - Swimming Pool Regulations - Ordinance No. 2270, an ordinance of the City of Redlands amending Chapter 15.48 of the Redlands Municipal Code relating to the regulations of swimming pools, 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. 2270 was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Foster, by the following vote:

AYES: Councilmembers Foster, Gil, Gilbreath; Mayor Larson

NOES: None

ABSENT: Councilmember Cunningham

Ordinance No. 2275 - Water Rates - Ordinance No. 2275, an ordinance of the City Council of the City of Redlands amending Chapter 3.52 of the Redlands Municipal Code providing for a ten percent reduction in water usage rates, 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. 2275 was introduced with unanimous Council approval and laid over under the rules with second reading and public hearing scheduled for March 7, 1995, on motion of Councilmember Foster, seconded by Councilmember Gilbreath.

NEW BUSINESS

CDBG Funds - Salvation Army - CDBG Administrator Paula Rae Espinoza explained that in April of 1994, the City Council allocated \$50,000.00 to the Salvation Army of Redlands for the construction or landscaping phase of their new building. Due to the fact that CDBG funds were not available when the Salvation Army began the construction phase of the project, CDBG funds could not be incorporated without tainting the project. In addition, the landscaping phase of the project was already included in the bid; therefore, CDBG funds could not be utilized for this activity either. In October of 1994, the Salvation Army requested these funds be utilized for the purchase and installation of playground equipment which will include fencing, a sand play zone area, physical development play equipment, a picnic area,

and a basketball court and lighting. Once the playground equipment is installed, the children who utilize the Salvation Army as well as the residential community will have a recreational playground for their use. Changing the scope of a CDBG project requires the approval of the local authorizing authority according to HUD regulations. On behalf of the Board of Directors of the Salvation Army, Richard Hickey was present to answer questions. Councilmember Gil moved to authorize the Salvation Army of Redlands to change the scope of their CDBG project from construction to purchase and installation of playground equipment. Motion seconded by Councilmember Gilbreath and carried by the following vote:

AYES: Councilmembers Gil, Gilbreath; Mayor Larson

NOES: None

ABSTAIN: Councilmember Foster

ABSENT: Councilmember Cunningham

Morey Mansion Parking Agreement - City Attorney McHugh reported a revised proposed parking agreement between the Alameda Holdings, Inc. DBA "Morey Mansion" and the Redlands Community Hospital was received today; therefore, he recommended this matter be continued to March 7, 1995, to allow staff to review the new document. On motion of Councilmember Foster, seconded by Councilmember Gil, this recommendation was approved by AYE votes of all present.

Rental Agreement - Sunkissed Square Dance Club - On motion of Councilmember Larson, seconded by Councilmember Gilbreath, Council approved by AYE votes of all present a Community Center rental agreement between the City of Redlands and Sunkissed Square Dance Club and authorized the Mayor and City Clerk to sign the rental agreement on behalf of the City.

Rental Agreement - B n B Square Dance Club - On motion of Councilmember Larson, seconded by Councilmember Gilbreath, Council approved by AYE votes of all present a Community Center rental agreement between the City of Redlands and B n B Square Dance Club and authorized the Mayor and City Clerk to sign the rental agreement on behalf of the City.

Agreement - Ford Park Tennis Courts - On motion of Councilmember Larson, seconded by Councilmember

Gilbreath, Council approved by AYE votes of all present an Independent Contractor Agreement between the City of Redlands and Gary George for tennis programs at Ford Park and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

Waiver of Fees - Baseball for Youth - Baseball for Youth has submitted a request to utilize Community Park ball fields from March 4 through July 15, 1995. In the proposal they have submitted, they have offered to pay \$10,000.00 toward field maintenance and \$5,000.00 for utilities. Based on this information, Councilmember Larson moved to waive the remaining portion of the fee, \$63,030.00, for Baseball for Youth. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Funds - Electrical Components - Councilmember Foster moved to appropriate \$4,300.00 from the General Fund for replacement of electrical components at Crafton Park which were stolen several weeks ago. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Weed Abatement Contract - Councilmember Foster moved to approve the renewal of a contract for weed abatement and waste removal between the City of Redlands and Larry Jacinto Farming, Inc. and authorized the Mayor and City Clerk to sign the contract on behalf of the City. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

MOU - Redlands Professional Firefighters Association - Councilmember Gilbreath moved to approve an agreement between the City of Redlands and the Redlands Professional Firefighters Association covering the period February 1, 1995, through January 31, 1997. Motion seconded by Councilmember Gil and carried by the following vote:
AYES: Councilmembers Gil, Gilbreath; Mayor Larson
NOES: Councilmember Foster
ABSENT: Councilmember Cunningham

Resolution No. 5154 - Home Mortgage Program - Councilmember Foster moved to adopt Resolution No. 5154, a resolution of the City Council of the City of Redlands, California, approving a Home Mortgage Finance Program in cooperation with the County of San Bernardino and authorizing the Mayor and City Clerk

to execute for and on behalf of the City a cooperative agreement between the County of San Bernardino and the City. Motion seconded by Councilmember Gil and carried by AYE votes of all present. This action is consistent with the First Time Home Buyers Program recently approved by the City Council on December 20, 1994.

Funds - Landfill Gas Collection System - Councilmember Foster moved to authorize the Municipal Utilities Department to proceed with bidding for additions to the gas collection system at the California Street Landfill, and to approve an additional appropriation from current revenues in the amount of \$42,000.00. Motion seconded by Councilmember Gil and carried by AYE votes of all present.

Salaries - Part-Time Employees - Councilmember Gilbreath moved to authorize an increase in hourly rates for all part-time employees consistent with the salary increase recently approved for the General Employees which provided for a two percent increase on the next paycheck, an additional two percent increase in July, 1995, and an additional one percent increase in January, 1996. Motion seconded by Councilmember Gil and carried by the following vote:
AYES: Councilmembers Gil, Gilbreath; Mayor Larson
NOES: Councilmember Foster
ABSENT: Councilmember Cunningham

Ordinance No. 2273 - Drug Free Zones in Parks - Ordinance No. 2273, an ordinance of the City Council of the City of Redlands amending Chapter 12.44 of the Redlands Municipal Code and designating specified public parks to be "Drug Free Zones", was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Larson, further reading of the ordinance text was waived. Ordinance No. 2273 was introduced by AYE votes of all present and laid over under the rules with second reading scheduled for March 7, 1995, on motion of Councilmember Gilbreath, seconded by Councilmember Foster.

Resolution No. 5139 - Landscape Maintenance District - Councilmember Gilbreath moved to adopt Resolution No. 5139, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing an assessment engineer, and ordering the preparation of

an engineer's report in the matter of Annexation No. 11 to Landscape Maintenance District No. 1. Motion seconded by Councilmember Gil and carried by the following vote:

AYES: Councilmembers Gil, Gilbreath; Mayor Larson

NOES: Councilmember Foster

ABSENT: Councilmember Cunningham

Resolution No. 5143 - Street Lighting District - Councilmember Gilbreath moved to adopt Resolution No. 5143, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing an assessment engineer, and ordering the preparation of an engineer's report in the matter of Annexation No. 8 to Street Lighting District No. 1. Motion seconded by Councilmember Gil and carried by the following vote:

AYES: Councilmembers Gil, Gilbreath; Mayor Larson

NOES: Councilmember Foster

ABSENT: Councilmember Cunningham

PUBLIC COMMENTS

Request for Zone Change - Mr. Kenneth E. Kayden again requested the City Council to initiate a change of zone for his commercial strip center located at 1263-1265 Brookside Avenue. This matter was ordered placed on the next agenda for a report from staff.

Measure N Lawsuit - Geni Banda urged the City Council to withdraw its lawsuit against The Redlands Association as relates to the proposed General Plan and Measure N.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:05 P.M. to an adjourned regular meeting to be held on March 7, 1995, at 9:00 A.M. in the Council Chambers, Civic Center, 35 Cajon Street, Redlands, California.

City Clerk