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 March 21, 1995, 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
Beatrice Sanchez, Deputy City Clerk
Michael Reynolds, City Treasurer
Marjie Pettus, Administrative Services Director
Jeffrey L. Shaw, Community Development Director
Steven M. Chapman, Finance Director
Mel Enslow, Fire Chief
(evening session)
John Habant, Fire Division Chief
(afternoon session)
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 Cunningham followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - Minutes of the adjourned regular meeting of March 7, 1995, and the regular meeting of March 7, 1995, were approved as submitted.

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

Resolution No. 5157 - Candidates' Statements - On motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, Council unanimously approved Resolution No. 5157, a resolution of the City Council of the City of Redlands adopting regulations for candidates for elective officer pertaining to materials submitted to the electorate and the costs thereof for the General Municipal Election to be held in said City on Tuesday, November 7, 1995.

Agreement - Outdoor Sculpture Garden - On motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, Council unanimously approved an agreement between the City of Redlands and Tommie Moller for the loan of the sculpture known as "Ancient Rock Art" for display purposes in Smiley Park and authorized the Mayor to sign the agreement on behalf of the City.

Agreement - Outdoor Sculpture Garden - On motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, Council unanimously approved an agreement between the City of Redlands and Thomas Hester for the loan of the sculpture known as "Mountain Lion" for display purposes in Smiley Park and authorized the Mayor to sign the agreement on behalf of the City.

Resolution No. 5156 - Disaster Application - Resolution No. 5156, a resolution of the City Council of the City of Redlands authorizing designation of the applicant's agent for the purpose of obtaining Federal financial assistance as a result of the late winter storms, was prepared for this meeting. Councilmember Foster questioned the ownership of Monkey Face Falls which was included on the list of projects (Exhibit B). It was unclear who the owner was; therefore, Councilmember Foster moved to delete that item from the list of projects (Exhibit B) and approve Resolution No. 5156 as amended. Motion seconded by Councilmember Larson and carried unanimously.

PLANNING AND COMMUNITY DEVELOPMENT

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

Airport Land Use Plan - Community Development Director Shaw said AB 2831, which was enacted into law last year and became effective the first of this year, requires cities that own their own airport to create an Airport Land Use Commission or as an "alternate process" to formulate and implement a comprehensive Airport Land Use Plan that would control what land uses and development occurs around their airport. This "alternate process" would be in lieu of creating an Airport Land Use Commission that would have the control rather than the City. In analyzing the options offered by AB 2831, staff recommended that the City move forward and satisfy this new State law by pursuing the "alternative process" giving the City of Redlands full control. Following discussion, Councilmember Foster moved to direct staff to prepare a Request for Proposals for preparation of a comprehensive Airport Land Use Plan for the purpose of implementing the "alternative process" in accordance with AB 2831 guidelines, and to coordinate this effort with the City of San Bernardino and the former Norton Air Force Base. Motion seconded by Councilmember Cunningham and carried unanimously.

COMMUNICATIONS

Santa Ana River Crossings - Public Works Director Mutter presented a comprehensive storm damage report with special emphasis on the alternatives available to the City for the temporary emergency opening of Alabama and Orange Streets, and the construction of permanent bridges at those locations. He reported staff is conducting an aggressive campaign requesting Federal and State aid to re-open Alabama and Orange Streets as the City does not have the funds for the repairs nor the construction of new bridges. Over the past weekend, Governor Pete Wilson indicated he would suspended the environmental requirements for storm damaged projects which will provide us greatly needed relief. Councilmembers concurred that we needed to open Orange Street as quickly as possible. Noting we have more political influence at this time that we have had in the recent past, Mayor Pro Tem Foster asked staff to identify the constraints at the earliest possible opportunity so that they could try to overcome them. (See "late breaking" action taken during the evening session.)

Realignment of University Street - Public Works Director Mutter presented the proposed new alignment of University Street, south of Colton Avenue, addressing both safety and aesthetics in the area. The realignment will require the removal and/or relocation of a number of trees and the pathways will be reconstructed. The total area lost to Sylvan Park will be approximately 0.38 acres. The University of Redlands also wishes to include some type of roadway entrance treatment of the intersection at the time it is reconstructed. Councilmembers expressed their distress over the loss of the oak trees, but realized the important of the project.

Tow Truck Franchises - Police Chief Nelson reported he had been contacted by Mayor Pro Tem Foster regarding concerns that A&B Towing and Servco Towing were not in compliance with the tow truck franchise agreements, particularly the police rotation tows. Complaints have been received from another tow operator that A&B and Servco were not two companies but were in fact one company as evidenced by a shared "800" number and the use of magnetic signs from each other on their trucks, and that A&B and Servco were each being granted a spot on the police tow rotations (thereby allowing companies owned by Mr. Beagle the unfair advantage of getting two out of every four tows). Police Chief Nelson initiated an investigation into the entire tow issue to insure a fair review for all concerned parties, and presented the results and actions taken. It was apparent from the recent inspections that A&B Towing and Servco Towing are making a good effort to comply with existing City ordinances. L&L Towing, another longtime franchisee, has several compliance issues to address including a possible salvage activity. Loma Linda Towing has numerous major compliance issues to address as well as other minor issues. Chief Nelson reported he has met with the City Attorney to discuss the merit of using tow rate fees approved by the California Highway Patrol as the appropriate rate schedule for Redlands and amendments needed to the City's Tow Truck Ordinance. On behalf of Mr. Wenzel, owner of Loma Linda Towing, Mr. John Lightburn urged the City Council to assist them with the interpretation of the towing rotation and application of the Tow Truck Ordinance. Councilmembers concurred to continue this matter to April 4, 1995, for the City Attorney to review and report back on these recommended changes.

Appointment - Redlands 2000 Committee - Ms. Ruth Bricker expressed an interest in serving on the Redlands 2000 Committee after the initial appointments were made. Chairman Stephen Stockton has indicated he would appreciate her help and recommended her appointment. Mayor Larson moved to nominate Ruth Bricker to serve on the Redlands 2000 Committee. Motion seconded by Councilmember Gil and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 3:51 P.M. to a Redevelopment Agency meeting and reconvened at 3:52 P.M. to a closed session to discuss the following matters:

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

(b) Conference with real property negotiator:

Property:	APN 292-071-36
Negotiating parties:	Marjie Pettus and Redlands Mortgage Service/Cal.Tech.
Under negotiation:	Terms and price

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

PRESENTATIONS

Certificate of Appreciation - Mayor Larson presented a Certificate of Appreciation to Jim and Bee Walsh for their donation of an organ for the Community Center, Senior Multipurpose Center.

Proclamation - Mayor Larson presented a proclamation to Gary McGavin, Inland Chapter of the American Institute of Architecture, declaring March 26-April 1, 1995, as Architecture Week and urged all Californians to become aware of architecture, architectural design, and the architects who help to shape our built and natural environments.

Human Relations Commission Annual Report - Dr. Sam Byrts, Chairman of the newly formed Human Relations Commission presented their 1994 Annual Report. Dr. Byrts reviewed at length accomplishments realized during the Commission's first year, goals for the coming year, and areas of concern including the need for adequate funding and a staff liaison person to work with the Commission. On behalf of the City Council, Mayor Larson expressed appreciation to the Human Relations Commissioners for their efforts.

PUBLIC HEARINGS

Resolution No. 5155 - Historic Resource - Public hearing was advertised for this time and place to consider the recommendation of the Historic and Scenic Preservation Commission to designate The (Harry) Gregory Building located at 200-202 East State Street as Historic Resource No. 90. Noting a possible conflict of interest, Councilmember Gilbreath left the Chambers. Community Development Director Shaw reviewed the Historic and Scenic Preservation Commission's recommendation regarding this historic designation. Mayor Larson declared the meeting open as a public hearing for any questions or comments concerning this matter. None being forthcoming, the public hearing was declared closed. Councilmember Cunningham moved to adopt Resolution No. 5155, a resolution of the City Council approving this recommendation. Motion seconded by Councilmember Larson and carried by AYE votes of all present.

LATE BREAKING ITEM - LOCAL EMERGENCY

Santa Ana River Crossings - Public Works Director Mutter announced he had further information regarding the opening of Alabama and Orange Streets and asked if the City Council would consider adding this item to the agenda. Noting that the need to take action was immediate, Councilmember Larson moved to add the following item to the agenda which arose subsequent to the agenda being posted: " Discussion and possible action - Santa Ana River Crossings." Motion seconded by Councilmember Cunningham and carried unanimously. Public Works Director Mutter reviewed his comprehensive storm damage report presented this afternoon for members of the audience who were not present earlier. Mr. Mutter suggested the placement of precast box culverts to provide for a temporary crossing at Orange Street. This could be accomplished without having to wait for the water flow to decrease and could be done in a relatively short period of time if the bid process could be waived and a local contractor hired. Mr. Mutter said we very possibly will be confronted with additional rain and snow in the coming weeks, but that this crossing was a public health and safety concern as it is the only non-freeway crossing available between Tippecanoe Street and Greenspot Road causing hardships for the Redlands Unified School District, safety personnel, and businesses in Redlands and Highland. Diane Clark informed Councilmembers that business owners on Orange Street are suffering 20-40 percent losses since the floods started and that this is a critical situation.

Resolution No. 5167 - Existence of Local Emergency - Working in conjunction with the City Attorney and City Clerk, Public Works Director Mutter presented a possible solution and documents to proceed. City Attorney McHugh informed Councilmembers that Mayor Larson had signed a proclamation declaring the existence of a local emergency shortly before reconvening this meeting. He then presented Resolution No. 5167, a resolution of the City Council of the City of Redlands ratifying the proclamation declaring the existence of a local emergency. Adoption of this resolution will allow staff to proceed with applications for State and Federal financial assistance. Councilmember Cunningham moved to adopt Resolution No. 5167. Motion seconded by Councilmember Gilbreath and carried unanimously.

Resolution No. 5168 - Orange Street Crossing - In accordance with the requirements of Public Contract Code Section 22050, and based upon the testimony presented to the City Council by the City's Public Works Director, Councilmember Cunningham moved that this City Council find that substantial evidence exists that the emergency caused by the recent extraordinary storms and flooding that resulted in the destruction of the Orange Street crossing of the Santa Ana River will not permit a delay resulting from the competitive solicitation for bids; that this City Council further finds that the expenditure of public funds to repair and replace the Orange Street crossing over the Santa Ana River is necessary to respond to the emergency; and that this finding shall be recorded in the official minutes of the City Council. Motion seconded by Councilmember Gilbreath and carried unanimously. Councilmember Gil moved to adopt Resolution No. 5168, a resolution of the City Council of the City of Redlands declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, and property. Motion seconded by Councilmember Cunningham and carried unanimously.

UNFINISHED BUSINESS

Ordinance No. 2277 - Appeal Procedure for False Alarms - Ordinance No. 2277, an ordinance of the City of Redlands amending Chapter 5.12 of the Redlands Municipal Code relating to alarm system business and establishing an appeal procedure for false alarms, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Foster, seconded by Councilmember Cunningham, further reading of the ordinance text was unanimously waived. Ordinance No. 2277 was adopted on motion of Councilmember Foster, seconded by Councilmember Cunningham, by the following vote:

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

Morey Mansion Parking Agreement - City Attorney McHugh reported the Morey Mansion has been processing a conditional use permit with the City in conjunction with certain changes the owners are making to the Mansion's operations. One of the issues associated with the conditional use permit was the adequacy of on-site parking for persons who will attend the Morey Mansion activities. The Morey Mansion has encountered a number of problems in obtaining an agreement with the Redlands Community Hospital which substantially conforms to the Planning Commission's requirement. The best it has been able to do to date is a month-to-month agreement which can be cancelled by either party upon thirty days notice. The lease further provides that it the Morey Mansion fails to maintain adequate insurance, the lease may be terminated immediately. Because the City is a party to the parking agreement, the matter was presented to the City Council for its consideration. Council was assured by the City Attorney that if this lease is terminated, the City would have recourse through the conditional use permit. Mark Slotkin, owner of the Morey Mansion, urged the City Council to give preferential treatment to preserve historic landmarks and allow this short-term month-to-month agreement. Councilmember Foster moved to approve the parking agreement as presented. Motion seconded by Councilmember Gilbreath and carried with Councilmember Cunningham voting NO as he did not feel the City nor the neighborhood was adequately protected.

Contract Award - Community Park Security Lighting - Public Works Director Mutter reported that on March 10, 1995, quotes were received in the Office of the Public Works Director for construction of the six security lights in various locations throughout Community Park. Quotes were received as follows:

Flemington Electric, Redlands	$ 9,100.00
Paige Electric Company, San Bernardino	10,312.00
Kunert Electric, Redlands	10,315.00

TBM Electric, Redlands	10,780.00

It was recommended that the responsible bidder submitting the quote which will result in the lowest cost to the City was Flemington Electric, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, this recommendation was unanimously approved.

NEW BUSINESS

Fee Waiver - Air Show - Administrative Services Director Pettus reported the Chamber of Commerce and Experimental Aircraft Association would like to host an air show on September 30, 1995, in honor of the 50th anniversary of the Redlands Municipal Airport. This event would serve as fund-raising activity for the Chamber of Commerce. On behalf of the Chamber of Commerce and Experimental Aircraft Association, Diane Clark urged the City Council to grant them authorization to use the Redlands Municipal Airport, approval to have a "beer garden" on site, and requested a waiver of the non- out-of-pocket expenses. Councilmember Cunningham moved to authorize the Chamber of Commerce and Experimental Aircraft Association to use the Redlands Municipal Airport for a 50th anniversary air show, to waive the non-cost fees, and to authorize a "beer garden" to be operated under the rules and regulations of the ABC (State Department of Alcoholic Beverage Control). Motion seconded by Councilmember Gilbreath and carried unanimously.

Fee Waiver - Run Through Redlands - The Run Through Redlands is an annual event sponsored by the Redlands Noon Kiwanis Club and Redlands Daily Facts. All profits generated are returned to the community through donations and/or sponsorships. Due to a possible conflict of interest, Councilmember Cunningham left the Chambers. Councilmember Foster moved to waive all City fees except police services for the Run Through Redlands. Motion seconded by Councilmember Gil and carried by AYE votes of all present.

Resolution No. 5164 - Salary - City Manager Luebbers presented Resolution No. 5164 which reflected all of the changes in salaries previously approved by the City Council for all employee groups and the following items which Councilmember Foster requested individual review of:

1. The elimination of the Housing Coordinator position due to the recent resignation of Nestor Nazario. Utilizing the savings from the elimination of the position, upgrade the CDBG Associate Planner to Housing and CDBG Administrator and create a Staff Assistant position to provide staff support to the Housing and CDBG Administrator.
2. Conversion of one Police Property Technician to a Community Services Officer resulting in a 2.5 percent salary savings with no loss in productivity.

3. Increase salary for the Equipment Maintenance Manager position from MM 50 to MM 51.5 to compensate for the newly assigned responsibility of Corporate Yard Manager.
4. Addition of two Police Officers which will be contingent upon final approval from the COPS AHEAD grant.
5. Changing certain part-time Recreation Division salaries from a per game rate to an hourly rate to be in conformance with PERS regulations.
6. Upgrade the Building Maintenance Leadworker classification by 7.5 percent. Noting that this position had been determined to be 39 percent behind the average of comparable cities surveyed recently, City Manager Luebbers praised Gary Bierma's performance as far above that of a maintenance worker. Mayor Larson observed that Mr. Bierma was an outstanding employee worthy of this salary increase.
7. Decrease the number of Solid Waste Collectors from 8 to 7; increase the number of Solid Waste Truck Drivers from 15 to 16.

Councilmember Gilbreath moved to adopt Resolution No. 5164, a resolution of the City of Redlands rescinding Resolution No. 5120 establishing a salary schedule and compensation plan for City employees. Motion seconded by Councilmember Gil and carried unanimously.

General Fund Loan - Community Center Roof - Administrative Services Director Pettus reported the roof at the Community Center has been in need of repair for several months but that the current budget did not provide for the capital expenditure. Staff had planned to budget for the repairs in the next fiscal year. Unfortunately, the recent storms have caused serious damage and immediate attention is needed to prevent more costly damage. Councilmember Foster inquired if this project would qualify for CDBG funds. Staff assured Council this route would be pursued. Following discussion, Councilmember Cunningham moved to approve an additional appropriation from the General Fund which should be considered a loan if an application for CDBG funds could be processed and approved in the amount of $25,000.00 to repair the Community Center roof. Motion seconded by Councilmember Gilbreath and carried unanimously.

Contract Award - Bids were opened and publicly declared on February 16, 1995, by the City Clerk for the CDBG Redlands Day Nursery (Brockton Site) Remodeling Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Administrative Services Department that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City was Susan James Construction, Riverside, in the amount of $19,757.00 and it would be in the best interest of the City that this contract be awarded to said firm. The San Bernardino County Economic and Community Development Department has authorized the awarding of this construction contract. On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, this recommendation was unanimously approved.

HUD Funds - The San Bernardino County Housing Authority has requested the City Council's concurrence to spend allocated Housing and Urban Development (HUD) funds within the City of Redlands. Approval of this request will result in the expenditure of $1,354,700.00 to improve housing units in the City during the next five years. Due to a possible conflict of interest, Councilmember Foster left the Chambers. Councilmember Cunningham moved to authorize the San Bernardino County Housing Authority to spend these HUD funds within the City limits and authorized the Mayor and City Clerk to execute the necessary documents. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Independent Contractor Agreements - Recreation Division - Administrative Services Director Pettus explained the Recreation Division has received several requests to hold contract classes in the Community Center. The agreements proposed have been reviewed by the City Attorney and contain the appropriate hold harmless and protective language. Mrs. Pettus also requested the City Council consider authorizing the Mayor to execute standard Recreation Division independent contractors agreements without City Council review and approval. Councilmember Cunningham moved to increase the insurance amount to $1 million on all Recreation Division independent contractor agreements; to approve an independent contractor agreement between the City of Redlands and Tony Vallejos for martial arts classes, an independent contractor agreement between the City of Redlands and Delores Cowan for cheerleading classes, and an independent contractor agreement between the City of Redlands and Danny LaMaster for dog obedience classes; and further to authorize the Mayor and City Clerk to execute future standard Recreation Division independent contractor agreements. Motion seconded by Councilmember Foster and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:17 P.M. The next regular meeting will be held on April 4, 1995.

City Clerk