

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 April 4, 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
Marjie Pettus, Administrative Services
Director
Jeffrey L. Shaw, Community Development
Director
Steven M. Chapman, Finance Director
John Habant, Fire Division Chief
Gary G. Phelps, Municipal Utilities Director
Cletus Hyman, Police Captain
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 Mayor Larson followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - Minutes of the adjourned regular meeting of March 21, 1995, and the regular meeting of March 21, 1995, were approved as submitted.

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

Agreement - Senior Nutrition Program - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously approved a second amendment to extend the Letter of Agreement between the City of Redlands and the San Bernardino County Community Services Department through June 30, 1995, for use of the City's kitchen and multipurpose room to operate a senior nutrition program.

Alcoholic Beverages Licenses - City Attorney McHugh reported a letter was received on March 8, 1995, from the Department of Alcoholic Beverage Control regarding the implementation of a new law relating to the issuance of licenses for the sale of alcoholic beverages. The new law is Business and Professions Code Section 23958.4 which defines the term "undue concentration" for the purpose of determining whether or not the public convenience and necessity warrants the issuance of an alcohol sales permit when there is a concentration of licenses within a specific area. Presently, the City Council has the authority to make this determination. The City Council may delegate this determination to a subordinate body such as the Planning Commission or to a department head such as the Chief of Police. No action was taken on this matter; therefore, the City Council retained this authority.

Contract Award - Bids were opened and publicly declared on March 22, 1995, by the City Clerk for the installation of groundwater wells and lysimeters; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Department of Municipal Utilities that due to some legal implications regarding the apparent low bidder and the fact that there were only two bids received, that the best option in this case was to reject all bids and readvertise the project. On motion of Councilmember Foster, seconded by Councilmember Gil, this recommendation to reject all bids was unanimously approved.

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 March 28, 1995, was unanimously acknowledged as received.

RDA No. 92-I-1 - Andly Development Company - Community Development Director Shaw reported the Planning Commission reviewed the proposed change in architecture for RDA (Residential Development Application) 92-I-1 for Tracts 12461 and 13575 located south of San Bernardino Avenue, westerly of Judson Street, and found them to be at least equal to the points originally assigned for the RDA categories of consistency with zone classification and

standards, architectural design, and open space. Councilmember Foster moved to approve the proposed change in architecture for RDA 92-I-1. Motion seconded by Councilmember Gilbreath and carried unanimously.

Contract Amendment - Hidden River Country Club Estates - Community Development Director Shaw presented a amendment to the contract between Blankenship Land Company, Inc. and the City of Redlands for the completion of an Environmental Impact Report (EIR) for the Hidden River Country Club Estates which addressed revisions to identify the fee amount and that the applicant will pay for the printing costs for the EIR documents distributed in the review process. Councilmember Foster moved to approve this contract amendment. Motion seconded by Councilmember Gilbreath and carried unanimously.

Contract - Hidden River Country Club Estates - Community Development Director Shaw reported that on May 18, 1993, the City Council approved a contract between the Chambers Group, Inc. and the City of Redlands for the preparation of an Environmental Impact Report (EIR) for the Hidden River Country Club Estates. On December 21, 1993, the City Council approved a contract amendment to include a study of the Stevens Kangaroo Rat. Following this amendment, the EIR was then essentially completed by the Chambers Group. The applicant failed to submit the related applications (i.e. General Plan Amendment, Specific Plan, and Agricultural Preserve Removal) so review of the EIR document was stopped. A new contract has been prepared in order to update sections of the EIR that became stale due to the time period involved. Mark Blankenship stated the delay in the EIR was not the sole responsibility of his client, but assured Councilmembers they would work in cooperation with the City. Councilmember Foster moved to approve a contract between the Chambers Group, Inc. and the City of Redlands for the completion of an Environmental Impact Report for the Hidden River Country Club Estates. Motion seconded by Councilmember Gilbreath and carried unanimously.

COMMUNICATIONS

San Bernardino International Airport - Mayor Larson reported that Lockheed is almost ready to completely vacate the premises at the airport; that the U. S.

Forestry Service is relocating from Hemet in the Fall of 1996 and will utilize about 2,500 acres; that the IVDA and the County jointly entered into a contract with ESRI for geographic information; and that four marketing firms presented their proposals last week with PEMCO being awarded the contract.

CLOSED SESSION

The City Council meeting recessed at 3:10 P.M. to a Redevelopment Agency meeting and reconvened at 3:11 P.M. to a closed session to discuss the following matters:

- (a) Conference with legal counsel: Existing litigation
- Government Code Section 54956.9
- The Redlands Association et al v. City of Redlands et al
- Opp v. City of Redlands
- (b) Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9 - Two Cases

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

PRESENTATIONS

Proclamation - Mayor Larson presented Acting Fire Marshall Leonard Temby a proclamation declaring April, 1995, as California Earthquake Preparedness Month and encouraged all citizens to actively prepare in an effort to make our State's next earthquake less devastating. Mayor Larson complimented staff for their intensive three-day emergency preparedness training and exercise held last week. Mr. Temby announced the City will sponsor an Community Safety Fair on May 21, 1995, in the Community Ball Field, from 9:00 A.M. to 3:00 P.M.

CLOSED SESSION REPORT

There was no report from the closed session.

PUBLIC HEARINGS

General Plan Amendment No. 54 - Public hearing was continued to this time and place to continue the review of the General Plan Update document. Community Development Director Shaw reported the City Council has held 13 public hearings on the General

Plan beginning July 5, 1994. Staff has provided the City Council with an overview of the General Plan describing the development of the Plan and public input, purpose of the plan, an overview of themes, the Housing Element, environmental impact report and master environmental assessment, and the Planning Commission recommendation. The City Council has given specific direction on several issues. Since September 20, 1994, the City Council began going through the General Plan document by chapter and has reviewed Chapters 1 through 7 thus far. Referencing Chapter 8, Mr. Shaw informed Councilmembers that Smith, Peroni, and Fox are substantially revising and updating the Seismicity, Geology, and Soils section. Changes to the Airport Safety section will be proposed as a result of AB 2831 and the need to prepare an Airport Land Use Plan. Revisions are also anticipated to the Emergency Management section as the City revises its Emergency Plan as a result of the recent emergency preparedness training and excersises. The Water Quality section will be updated by staff. When review of the entire document has been completed, a revised edition will be prepared by staff and the consultant. The revised edition, its associated environmental impact report, and findings and the statement of overriding considerations regarding environmental impacts and mitigation monitoring plans will then be readvertised for public hearing. Council then proceeded with its review of the General Plan document:

Chapter 8, Health and Safety Element - Water Quality - Due to a possible conflict of interest, Councilmember Cunningham left the Council Chambers and did not participate in the discussion regarding Section 8.20, Water Quality. In response to Councilmember Foster's questions, Municipal Utilities Director Phelps assured Councilmembers they would evaluate this entire section and updated the materials.

Chapter 8, Health and Safety Element - Air Quality - Councilmember Cunningham returned to the Council dais. Mr. Shaw noted air quality policies were new ground for general plans and these policies were based on County policies and other jurisdictions in the Inland Empire. Councilmember Foster felt Policies 8.12dd, 8.12ee, and 8.12ff needed clarification and expansion.

Chapter 8, Health and Safety Element - Drainage and Flooding - This section also needs to be modified to reflect recent actions of the City Council establishing new drainage development impact fees. Although the collection of fees for the downtown drainage and the Crafton Detention Basin were deleted, Councilmember Cunningham desired to leave references to these projects in the General Plan. Councilmember Foster felt if the projects were not going to be built, they should not be included in the General Plan. City Attorney McHugh assured Council this section would be reviewed by staff and the necessary clarifications brought back to the City Council.

Chapter 9 - Noise Element - Community Development Director Shaw reviewed Table 9-A, Noise/Land Use Compatibility Matrix, which has been reviewed to reflect the majority Council vote establishing Community Noise Equivalent Levels (CNEL).

Chapter 10 - Human Services Element - Councilmember Foster's motion to delete this entire section did not receive a second. Following discussion, Community Development Director Shaw was directed to circulate this chapter to the United Way of Redlands and Redlands 2000 Committee for their input.

Chapter 11 - Economic Development Element - Councilmember Gilbreath did not feel this chapter was big enough. Councilmember Cunningham moved to delete the sixth paragraph on Page 1, which read: "Given the rate at which the City has been growing, and current residential growth initiative restrictions, the economic future of the City could be questionable due to diminished residential growth and the improvements and City services provided by that type of development. It is essential that the City maintain an aggressive role in attracting business and industry that can help to fill any potential economic void, while at the same time providing local employment." Motion seconded by Councilmember Larson and failed with Councilmembers Foster, Gilbreath, and Gil voting NO.

Appendix A - South East Area General Plan Amendment - Community Development Director Shaw informed Councilmembers that Appendix A, General

Plan Amendment No. 38, South East Area General Plan Amendment, need to be reviewed at a separate meeting.

Public Hearing - At this time, Mayor Larson declared the meeting open as a public hearing for any questions or comments. G. Louis Fletcher read a statement declaring he was not in support of a proposal to put housing back in the CSA 110 Plan as he felt there were much better areas for housing in the City of Redlands and its vicinity. Chairman of the Landowners Association within the "Donut Hole" Michelle Nelson informed Councilmembers there was a consensus of a majority of the landowners that some element of residential, in a limited amount, should be included in the plan. There being no further comments at this time, the public hearing was unanimously continued to April 18, 1995, on motion of Councilmember Larson, seconded by Councilmember Foster.

Ordinance No. 2271: General Plan Amendment No. 55 - Public hearing was advertised for this time and place to consider Ordinance No. 2271, an ordinance of the City of Redlands approving General Plan Amendment No. 55 to change the land use designation from Urban Reserve (Agricultural) and Park to Very Low Density and Park for approximately 6.57 acres of land located on the west side of Orange Street, approximately 1,500 feet north of Pioneer Avenue. Community Development Director Shaw explained that staff recommended the creation of a new land use designation for the existing General Plan of "Very Low Density Residential" and the Planning Commission concurred. In evaluating the technical aspects of the General Plan Amendment, staff believes that the creation of the new land use designation requires its own ordinance and separate action. For that reason, this request pertaining to a specific piece of property is recommended for continuance to allow staff time to process a separate General Plan Amendment to create the "Very low Density Residential" land use designation. Mayor Larson declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was unanimously continued to June 6, 1995, on motion of Councilmember Foster, seconded by Councilmember Gilbreath.

Ordinance No. 2272 - Zone Change No. 354 - Public hearing was advertised for this time and place to consider Ordinance No. 2272, an ordinance of the City Council approving Zone Change No. 354, a change of zone from A-1 (Agricultural) District to R-E (Residential Estate) District and "O" (Open Land) District for approximately 6.57 acres of land located on the west side of Orange Street, approximately 1,500 feet north of Pioneer Avenue. Based on the presentation and action taken for Ordinance No. 2271 (above), Community Development Director Shaw recommended this matter also be continued. Mayor Larson declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was unanimously continued to June 6, 1995, on motion of Councilmember Foster, seconded by Councilmember Gilbreath.

UNFINISHED BUSINESS

Resolution No. 5170 - Monkey Face Falls Project - At the City Council meeting held on March 21, 1995, the question of property ownership of the Monkey Face Falls was posed. As a result of no one being present to resolve the questions, the project was deleted from 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 due to the late winter floods. Due to a possible conflict of interest, Councilmember Cunningham left the Council Chambers. Utilities Manager Michael L. Huffstutler explained that Monkey Face Falls itself is located on property owned by the Crafton Water Company. Rights to the water of Monkey Face Falls are owned jointly by the City of Redlands and the Crafton Water Company, with Redlands owning 44.7 percent and Crafton owning 55.3 percent. In addition, the City of Redlands controls approximately 39.5 percent of the Crafton Water Company through direct and indirect stock ownership. The City of Redlands, by contractual agreement, is responsible for the maintenance and repair of jointly held water production facilities in Mill Creek Canyon and "up fronts" the funds for any necessary maintenance and repair projects. Crafton Water Company, in turn, reimburses its percentage share of maintenance and repair costs to the City of Redlands. Furthermore, as a result of a water rights dispute, Redlands also has a contractual obligation to provide water to the

residents of Mountain Home Village and Camp Kilcare. During most winters, all of the water needs of these residents is provided from Monkey Face Falls, and any excess water continues into the Mill Creek flow lines and on to the City of Redlands and the Crafton Water Company. At times, such as now, when water from Monkey Face Falls is not available, Redlands is responsible for providing water from Mill Creek Canyon wells to the Village and Camp residents. Following this explanation, Councilmember Larson moved to adopt Resolution No. 5170, a resolution of the City Council of City of Redlands authorizing designation of the applicant's agent for the purpose of obtaining Federal financial assistance, with the inclusion of the Monkey Face Falls projects on the list of projects damaged due to the recent late winter storms. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Councilmember Cunningham returned to the Council Chambers.

NEW BUSINESS

Ordinance No. 2266 - Shopping Carts - Ordinance No. 2266 would regulate the retrieval and storage of abandoned shopping carts. The ordinance declares abandoned shopping carts to be a nuisance and allows City staff to collect and store them for the ultimate disposition to their prior owners. It also requires that all shopping carts have an appropriate tag placed upon them identifying the name and address of the owner, and provides an exemption for retail establishments that demonstrate to the satisfaction of the City that they have implemented a plan whereby employees provide for cart retrieval or where the cart owner has entered into a contract with a cart retrieval service. A letter was received from the California Grocers Association requesting the City Council to delay action on this proposal so that the local retailers can meet again with City staff to continue to discuss the ongoing effort to rid the streets of stray carts. Councilmember Gilbreath moved to continue this matter for 30 days (to May 2, 1995) to allow further discussion with the Chamber of Commerce and California Grocers Association. Motion seconded by Councilmember Cunningham and carried unanimously.

Resolution No. 5121 - Fees - Shopping Carts -
Resolution No. 5121, a resolution of the City Council of the City of Redlands establishing fees for the retrieval and storage of abandoned shopping carts in accordance with Ordinance No. 2266, was also continued to May 2, 1995.

Funds - Contract Award - Library Seismic Retrofit -
Bids were opened and publicly declared on March 9, 1995, by the City Clerk for the construction of the A. K. Smiley Public Library Seismic Retrofit Project for the stack wing and north wing areas of the building; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Department of Public Works that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City was RSH Construction, Alta Loma, in the amount of \$170,833.00 and it would be in the best interest of the City that this contract be awarded to said firm. Public Works Director Mutter informed Councilmembers this project is being financed through a Damage Survey Report from FEMA/OES. FEMA will pay 75 percent of the total cost, OES will pay 18.75 percent of the total cost, and the City will be responsible for 6.25 percent of the total cost. It is estimated that the City's obligation will be between \$12,500.00 and \$15,000.00; therefore, an appropriation of \$15,000.00 has been requested. On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, Council unanimously awarded the contract for the construction of the A. K. Smiley Public Library Seismic Retrofit Project to RSH Construction and approved an appropriation from the General Fund in the amount of \$15,000.00.

Auditing Services - Finance Director Chapman reported Request for Proposals were mailed to nine accounting firms in February, 1995. Five of the nine firms responded with formal proposals. The Audit Committee reviewed each proposal and reduced the list of firms to be interviewed to three: Vavrinek, Trine, Day & Co., McGladrey & Pullen, and Soren McAdams Bartells. Councilmember Gilbreath explained the interview procedure. Following the interviews on March 29, 1995, Vavrinek, Trine, Day & Co. was chosen based upon its governmental audit experience, its commitment to the City of Redlands audit, and the fact that it was the lowest bid of the three finalists. Councilmember Gilbreath moved to appoint

the firm of Vavrinek, Trine, Day & Co. as the City's independent auditors for fiscal year 1994-95 and authorized the Finance Director to negotiate an auditing services agreement to be signed by the Mayor on behalf of the City. Motion seconded by Councilmember Foster and carried unanimously.

Ordinance No. 2261 - Graffiti Abatement - Ordinance No. 2261, an ordinance of the City of Redlands amending Chapter 8.42 of the Redlands Municipal Code relating to graffiti abatement, was presented for City Council consideration by City Manager Luebbers. This ordinance incorporates a provision to hold the parent or legal guardian responsible for damages caused by an minor child who is convicted of graffiti vandalism. It also will require utilities within the City that install freestanding, above surface metal fixtures to paint them with a uniform paint type and color to facilitate the re-painting and removal of graffiti; add a requirement to the City's encroachment permit which allows the City to condition issuance on the permittee's application of an anti-graffiti material to the encroaching structure; authorize the City to require applicants to apply anti-graffiti materials to construction associated with discretionary land use entitlements; institute a reward process for persons assisting in the conviction of persons causing graffiti vandalism; and add additional penalties to the Redlands Municipal Code to further deter the commission of graffiti. Ordinance No. 2261 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. 2261 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for April 18, 1995, on motion of Councilmember Cunningham, seconded by Councilmember Gilbreath.

Resolution No. 5169 - Prisoner Fees - Police Captain Hyman said the San Bernardino County Sheriff's Department is using the Redlands Police Department Holding Facility for the housing of prisoners who are awaiting court proceedings. The Redlands Police Department is required to monitor these prisoners to ensure their safety as well as the safety of department personnel. The Police Department also provides personal hygiene items as required. In addition to the impact on personnel and supplies, the

housing of the County prisoners requires increased jail maintenance. Councilmember Cunningham moved to adopt Resolution No. 5169, a resolution of the City Council of the City of Redlands establishing fees for the housing of County prisoners at the Redlands Police Department Holding Facility. Motion seconded by Councilmember Gilbreath and carried unanimously.

Ordinance No. 2268 - Pretreatment and Regulation of Waste - Municipal Utilities Director Phelps informed Council that Federal regulations and the discharge permit issued by the State require that the City have and administer an industrial waste pretreatment program meeting prescribed requirements. Redlands' program is not currently in compliance and must be upgraded and updated to meet certain regulations. Ordinance No. 2268, an ordinance of the City Council of the City of Redlands amending Chapter 13.52 of the Redlands Municipal Code relating to pretreatment and the regulation of wastes and rescinding Ordinance No. 2145, was read by title only by City Clerk Poyzer, and on motion of Councilmember Foster, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived. Ordinance No. 2268 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for April 18, 1995, on motion of Councilmember Foster, seconded by Councilmember Gil.

Resolution No. 5166 - Pretreatment and Regulation and Wastes - In accordance with Section 13.52.030C of the Redlands Municipal Code which authorizes the City Council to establish, by resolution, local limits on pollutants which are more stringent than those required by Federal law, Councilmember Foster moved to adopt Resolution No. 5166, a resolution of the City Council of the City of Redlands establishing local limits for the pretreatment and regulation of waste. Motion seconded by Councilmember Gil and carried unanimously.

Agreement - Pretreatment and Regulation of Wastes - Councilmember Foster moved to approve the inter-jurisdictional agreement with the County of San Bernardino for enforcing Ordinance No. 2268 for pretreatment and regulation of wastes, and authorized the Mayor to execute the agreement with only minor non-substantive changes as authorized by the City Attorney. Motion seconded by Councilmember Gil and carried unanimously.

Note - Water and Sewer Development Impact Fees - Finance Director Chapman presented a development impact fees financing agreement, a note between the City of Redlands and UDO Partners V, L.P. Mr. Elliott S. Zorensky of Urban Development Organization, Ltd. is the owner and manager of the shopping center located at Orange Street and San Bernardino Avenue. He has recently negotiated a lease with a tenant to open a new laundromat in the shopping center and requested financing of the development impact fees in the amount of \$41,850.00. Mr. Zorensky agreed to pay 20 percent down or \$8,370.00 (which was paid on March 21, 1995), a maximum amortization of 48 months, and an interest rate in the first year equal to 100 basis points (1.00 percent) above the City Treasurer's current yield with an increase of 50 basis points for each successive year. Councilmember Foster requested a ruling from the City Attorney whether or not this note was non-recourse. Councilmember Gil moved to approve a development impact fees financing agreement between the City of Redlands and Urban Development Organization, Ltd. in the amount of \$33,480.00 be amortized over a 48 month period. Motion seconded by Councilmember Foster and carried unanimously.

PUBLIC COMMENTS

Landfill Concerns - Mr. James A. Hammond presented an offer and preliminary proposal from Pyrowaste Corporation, Huntsville, Alabama, to set up and operate a pyrogenic gasification plant of 75 ton per day capacity for the City. Pyrowaste Corporation uses pyrogenic gasification, a patented pyrolysis process to convert waste into usable products.

Mobilehome Parks - On January 12, 1995, the Mobilehome Rent Advisory Board referred a matter regarding installation of individual water meters in mobilehome parks to the City Attorney for a decision. At this time, Helen Alexander, resident in the Lugonia Fountains Mobile Estates, and Robert M. Holt, resident of Orange Grove Mobile Estates and member of the Golden State Mobilehome Association, reiterated their concerns. Noting the need to discuss this matter was immediate, Councilmember Cunningham moved to add this item to the agenda which arose subsequent to the agenda being posted Motion seconded by

Councilmember Larson and carried with Councilmember Foster voting NO as he felt this matter should be noticed on an agenda. City Attorney McHugh explained that this is an extremely complex matter. A number of issues have been raised both by the tenants in one or more parks and also by the owners themselves about the validity of the tenants' request. Mr. McHugh indicated he finds himself in somewhat of an unusual situation regarding not overstepping his bounds as City Attorney and becoming an attorney for the tenants. He said a number of letters have come which appear to be requesting personal advise which ordinarily we do not give. He is reviewing materials submitted to him by Mrs. Alexander and the park owners, and he will respond when he feels he has a good sound legal basis and can insure that the City Council is not going to incur any liability one way or the other in regards to the park owners and tenants. He cautioned the City Council that we are in the midst of an administrative hearing that he suspect is heading towards litigation, and he does not want to prejudice ourselves or the tenants by saying anything that might affect that lawsuit. He indicated he could come back with some specific issues such as whether or not the tenants can bring this before the City, whether or not the tenants have met their standing requirements, whether or not we have the legal authority to step in at this time and do this in house or if we need to advise the tenants they need to seek their own legal representation. Councilmember Foster moved to direct that this matter be accelerated and, if need be, to bring in additional legal counsel to determine what our ordinance says, what the State law says, and where we are supposed to be. Motion seconded by Councilmember Gil and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:01 P.M.

Next regular meeting, April 18, 1995.

City Clerk