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 May 16, 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
Gary G. Phelps, Municipal Utilities Director
Cletus Hyman, Acting 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 - The minutes of the adjourned regular meeting of May 2, 1995, the regular meeting of May 2, 1995, and the adjourned regular meeting of May 9, 1995, were approved as submitted.

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

Contract Award - Lysimeter Installation - Bids were opened and publicly declared on May 4, 1995, by the City Clerk for the installation of three lysimeters, which will constitute an addition to the groundwater monitoring system for the California Street Landfill; 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 Beylik Drilling, Inc. of La Habra in the amount of $13,529.00, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Foster, seconded by Councilmember Gil, this recommendation was unanimously approved.

Contract Award - Airport Improvements Project - Bids were opened and publicly declared on April 13, 1995, by the City Clerk for the construction of the Airport Improvements Project which will repair cracks, slurry seal, restripe, and relocate lighting to extend the landing length on the runway; 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 California Pavement Maintenance Company, Inc. of San Diego in the amount of $71,400.00, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Foster, seconded by Councilmember Gil, this recommendation 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 May 9, 1995, was unanimously acknowledged as received.

COMMUNICATIONS

Human Relation Commission - Mayor Larson announced appointments to fill two vacancies on the Human Relations Commission will be delayed until the next Council meeting (June 6, 1995).

Initiative Report - City Clerk Poyzer reported that Section 9212 of the Elections Code provides the City Council the opportunity to refer a proposed initiative measure to staff for a report on any or all of the following:

1. Its fiscal impact.
2. Its effect on the internal consistency of the General Plan, specific plans, the housing element, the consistency between planning and zoning, the limitations on City actions under Section 65008 of the Government Code which relates to the prohibition of discrimination, and Chapters 4.2 (commencing with Section 65913) entitled "Housing Development Approvals" and 4.3 (commencing with Section 65915) entitled "Density Bonuses and Other Incentives" of the Government Code.

3. Any other matters the City Council requests to be in the report.

On behalf of the Redlands Association, Tex Moore commented he did not think preparation of this report was worth the time and effort it would require of staff to complete and that he felt this was a delaying tactic against their initiative. City Manager Luebbers suggested hiring an outside financial firm to prepare this report as it would take in inordinate amount of time to prepare. Councilmember Foster moved to authorize the City Manager to obtain proposals for preparation of a report covering Sections 1 and 2 as noted above relating to the proposed initiative measure entitled *The Redlands Growth Management Act of 1995.* Motion seconded by Councilmember Gilbreath and carried with Councilmember Cunningham voting NO.

LATE BREAKING ITEM

Water Committee Report - Councilmember Foster reported the Water Committee had met on Friday and made a recommendation regarding the water flowing in Mill Creek. Councilmembers Gilbreath and Cunningham stated they had potential conflicts of interest and excused themselves from the Chambers. Noting that the need to take action on this matter was immediate, Councilmember Foster moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Discussion and possible action: Temporary diversion of Redlands; water flow from Mill Creek." Motion seconded by Councilmember Gil and carried by AYE votes of all present. Councilmember Foster explained that the because of a very wet winter season, there is a lot of excess storm or surplus water in Mill Creek which is flowing out to the ocean, and it was felt we should make use of it. The Water Committee recommended that Redlands' water be transferred into the Yucaipa basin for the benefit of Redlands by recharging its water wells. Utilities Manager Michael L. Huffstutler explained the piping and water was available and the transfer would be relatively easy, but that he was not comfortable with this recommendation at this time as he did not have all of the answers. City Attorney McHugh indicated the San Bernardino Valley Municipal Water Board supported this action and had agreed to provide all needed basin make up water that might result from the diversion; would ensure that Redlands suffered no lost power generator charges; and that no precedential effect should occur with regard to deferred exchange credits because this diversion was for Redlands' water and was outside of the exchange agreement's terms. He had contacted Anne Thomas of Best, Best & Krieger and she indicated she did not see anything absolutely illegal about this action, however there were issues which neither she or the City Attorney could cause. He noted that all agencies would have to agree to it. Councilmember Foster moved to authorize the export of water from Mill Creek to the Wilson Percolate Basin in Yucaipa to recharge the

South Mountain Water Company wells and directed staff to take the necessary action accomplish this task. Motion seconded by Councilmember Gil and carried by AYE votes of all present.

Councilmembers Gilbreath and Cunningham returned to the Council Chambers.

CLOSED SESSION

The City Council meeting recessed at 3:25 P.M. to a Redevelopment Agency meeting and reconvened at 3:31 P.M. to a closed session to discussion the following matters:

(a) Conference with real property negotiator
Property: 111 West Lugonia Avenue
Negotiating parties: Marjie Pettus and San Bernardino County Office on Aging and Adult Services
Under negotiation: Terms and price

(b) Conference with real property negotiator
Property: APN 272-071-36 (10.62 acres on bluff at Route 30)
Negotiating parties: Marjie Pettus and Mark Buoye
Under negotiation: Terms and price

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

PRESENTATIONS

Retirement - Don Messersmith - Mayor Larson and Water Superintendent Steve Dickey presented Don Messersmith a set of City service pins and a City Seal plaque recognizing and honoring his 35 years of service to the City of Redlands. Mr. Messersmith started working for the City as a Water Service Worker Helper on May 19, 1960. His position was that of a laborer and on his first day of work he was laying an eight inch water main. He moved to his current position, Water Quality Control Officer, in 1984, and will officially retire on June 2, 1995, ending 35 excellent years of services to the citizens of this City.

Certificate of Appreciation - Redlands Junior Academy - Mayor Larson presented a certificate of appreciation to Jolene Boyatt-Roeske and one of her 7th grade students at the Redlands Junior Academy for their generous donation of time and talent in painting the gymnasium at the Community Center.

Certificates of Appreciation - Orange Street Reconstruction Project - Mayor Larson and Public Works Director Mutter presented certificates of appreciation to Larry Jacinto, President of Larry Jacinto Construction, Inc.; Phillip S. Slater, President of Slater, Inc.; Dolores Payne, President of Interstate Striping, Inc.; Mina Ghaly on behalf of Ken Miller, Director of the San Bernardino County Public Works Group; and Martin Matich, Chairman of Matich Corporation, Inc. for their efforts on behalf of the City in the expeditious repair and replacement of the Orange Street crossing at the Santa Ana River. Public Works Director Mutter expressed his appreciation for the cooperation of all involved in this project which he was pleased to announce was completed under budget. In deep appreciation from the members of the City Council, Mayor Larson surprised Mr. Mutter with the presentation of a certificate of appreciation for he and his staff's outstanding work in coordinating and implementing this project.

CLOSED SESSION REPORT

Agreement - Church of Jesus Christ of Latter-Day Saints - City Attorney McHugh announced the City Council approved a Compromise, Settlement and Release Agreement with the Church of Jesus Christ of Latter-Day Saints relating to impact fees.

UNFINISHED BUSINESS

Resolution No. 5184 - Assessment District - County Flood Control - Public Works Director Mutter reported on Tuesday, April 18, 1995, the Board of Supervisors initiated proceedings for the formation of an assessment district to finance local share costs of the San Timoteo Creek improvement project. The general concept of this assessment district is that those properties that are currently subject to flooding from San Timoteo Creek would be assessed to pay for the local share of costs under a joint project with the U. S. Army Corps of Engineers. The total project cost is estimated at $58 million of which the Federal government would pay 75 percent or $43.5 million and the local interest would be required to pay 25 percent or approximately $14.5 million. Mina Ghaly from the County Public Works Group was present to answer questions. Councilmember Cunningham noted this was a very expensive project requiring an enormous transfer of funds for the benefit of Tri-City and Hospitality Lane in San Bernardino and that the benefit was not proportional to the cost of the Redlands' citizens. He also expressed displeasure with the design which he felt was not consonant with the planning goals of Redlands. San Timoteo Canyon resident Elizabeth Voss informed Councilmembers her assessment amounts to $60,000.00 and the channel will split her parcel in half. She felt the assessment was unfair and asked Councilmembers for their support and protection. Noting he needed more information, Councilmember Gil moved to continue this matter and requested that an assessment engineer attend a meeting. Motion seconded by Councilmember Foster and carried with Councilmember Cunningham voting NO as he did not want to proceed with the project.

Ordinance No. 2266 - Shopping Carts - Following brief discussion, Ordinance No. 2266, and ordinance of the City Council of the City of Redlands adding Chapter 8.72 to the Redlands Municipal Code relating to the abandonment of shopping carts, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, further reading of the ordinance text was unanimously waived. Ordinance No. 2266 was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, by the following vote:

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

Resolution No. 5121 - Fee - Shopping Carts - Councilmember Gilbreath moved to adopt Resolution No. 5121, a resolution of the City Council of the City of Redlands establishing fees for retrieval and storage of abandoned shopping carts. Motion seconded by Councilmember Cunningham and carried with Councilmember Foster voting NO.

Resolution No. 5181 - A & B Towing DBA Servco Fleet Towing - City Attorney McHugh explained that this item was continued from the last meeting at the request of the applicant. He reminded Councilmembers of their directive at that meeting to prepare an ordinance addressing the ownership of towing companies as related to the Police Department's towing rotation to indicate one owner - one slot in the towing rotation. The proposed ordinance will also address the necessary legislation to update the Redlands Municipal Code requirements governing insurance as well as adding a provision which obligates the tow company to defend, indemnify and hold the City harmless from any liability caused by the negligent or intentional acts of omissions of the tow company in conducting its business. Mr. Paul Beagle, owner of A & B Towing DBA Servco Fleet Towing told Councilmembers he felt he was being discriminated against by not be allowed to conduct more than one business. Councilmember Foster moved to deny the request Mr. Beagle's request for a towing franchise under the name A & B Towing DBA Servco Towing. Motion seconded by Councilmember Gil and carried with Councilmembers Cunningham and Larson voting NO.

Resolution No. 5189 - Towing Franchise - Based on the information received on the above related matter, Councilmember Foster moved to approve Resolution No. 5189, a resolution of the City Council of the City of Redlands granting to A & B Towing, Inc. a franchise to operate authorized tow trucks over, along and upon the streets of the City of Redlands and to operate an authorized storage garage for impounded or stored vehicles in the City of Redlands, as recommended by the City Attorney to include the insurance and indemnification requirements. Motion seconded by Councilmember Gilbreath and carried unanimously.

Resolution No. 5182 - TRANS - Councilmember Cunningham moved to adopt Resolution No. 5182, a resolution of the City of Redlands authorizing and approving the borrowing of funds for fiscal year 1995-96; the issuance and sale of a 1995-96 Tax and Revenue Anticipation Notes, and participation in the California Communities Cash Flow Financing Program, and authorized execution of the necessary documents. Motion seconded by Councilmember Gilbreath and carried with Councilmember Foster voting NO.

Traffic - Ramona Drive - Public Works Director Mutter presented three alternative approaches to traffic control measures addressing the concerns discussed at the previous Council meeting (May 2, 1995): (1) designation of Ramona Drive between Highland Avenue and Crescent as a one way street in a southbound direction and Crescent Avenue between Ramona Drive and Knoll Road as a one way street in a westbound direction; (2) designation of Crescent Avenue between Elizabeth Street and 100 feet west of Knoll Road as a one way street in a westbound direction; and (3) designation of Crescent Avenue between Knoll Road and 100 feet east of Knoll Road as a one way street in a westbound direction. Two petitions containing approximately 37 signatures were presented to the City Council which indicated opposition to the establishment of any one way streets in their neighborhoods; three letters were also received asking that the traffic patterns remain unchanged. Mr. Mutter again recommended that the City do nothing at this time. Robert Pearce, 1320 Knoll Road, deplored any action to change the traffic flow in this area. Phillip Livoni, 705 West Highland Avenue, urged there be no change. Dana Carson, 516 West Crescent Avenue, objected to any one way streets and suggested that directional signs be posted indicating traffic should proceed on Center Street to go downtown or get to the freeway. Margot Williams, 502 West Crescent Avenue, who originally requested that Crescent Avenue be closed between Knoll Road and Elizabeth Street, indicated she was in favor of the limited one way street at Elizabeth Street for a trial period of two years. Councilmembers discussed possible placement of directional signs at the corner of Crescent Avenue and Center Street, enhancement of speed advisory signs, and the relocation or removal of the 35 MPH sign on Crescent Avenue near Elizabeth Street. Councilmember Foster moved to authorize staff to re-work signage with the understanding this matter did not need to come back to the City Council. Motion seconded by Councilmember Gilbreath and carried unanimously.

NEW BUSINESS

Funds - Granular Activated Carbon - Utilities Manager Michael L. Huffstutler explained that the need to combat the loss of groundwater production capacity resulting from contamination with Trichloroethylene (TCE) and Dibromochloropropane (DBCP), the City has constructed two granular activated carbon (GAC) wellhead treatment projects. The Rees Well Project was completed in 1991 and the Texas Street Project in 1993. During the initial evaluation of these projects, it was recognized that in addition to the capital costs for engineering, design and construction, and the normal operating costs, there would also be an ongoing expense for the replacement of the GAC that has absorbed the maximum amount of contaminant possible. North Western Carbon Corporation has presented a proposal, which is a "piggyback" on a currently existing contract with the City of San Bernardino, contains provisions for reactivating and stockpiling spent GAC removed from the City's facilities which will result in cost savings on future replacement. It was recommended the City Council authorize the Municipal Utilities Department to purchase 600,000 pounds of GAC from North Western Carbon Corporation and approve an additional appropriation from current revenues in the amount of $380,000.00 to fund the purchase. Councilmember Cunningham moved to approve this recommendation. Motion seconded by Councilmember Foster and carried unanimously.

Multi-Species Conservation Plan - Community Development Director Shaw presented a Memorandum of Understanding which has been formulated and is being considered by the various affected cities in the southwestern portion of the County, State and Federal agencies, the County of San Bernardino, and other participating agencies for the purpose of developing and implementing a Multi-Species Habitat Conservation Plan to conserve wildlife and plant species of concern in the San Bernardino Valley. Councilmembers expressed opposition to this document for various reasons including the expenditure of the one-half cent sales tax on things not pertaining to traffic and desiring something more definitive the City. Bob Roberts noted the City will need to amend the General Plan to implement this document. No action was taken on this matter.

Regional Transportation Improvement Plan - Public Works Director Mutter reported that every three years municipalities are required to submit projects for inclusion in the Regional Transportation Improvement Plan (RTIP) and presented said listing for inclusion in the 1996-2002 RTIP. Councilmember Cunningham noted that the realignment of the lower San Timoteo Canyon Road needed to be included. Councilmember Foster moved to change the year of construction to 1995-96 on Item No. 10, Wabash Avenue/I-10 to Fifth Avenue, examine the San Timoteo Canyon Road project for inclusion in next year's review, and approve the project listing as amended for inclusion in the 1996-2002 Regional Transportation Improvement Plan. Motion seconded by Councilmember Gil and carried unanimously.

Fee Waiver - Chamber of Commerce Chili Cookoff - Councilmember Larson moved to approve the request made by the Chamber of Commerce Chili Cookoff and Fireman's Muster Committee to waive the fees for the use of the Showmobile for entertainment during the event scheduled for July 22, 1995. Motion seconded by Councilmember Gilbreath and carried unanimously.

CDBG Funds Reallocation - Redlands Community Music Association - Councilmember Cunningham moved to approve a mid-year allocation of $2,150.00 of Community Development Block Grant funds from the City's CDBG contingency fund to the Redlands Community Music Association for the development and implementation of a summer workshop program at the Community Center. Motion seconded by Councilmember Gilbreath and carried unanimously.

PUBLIC COMMENTS

Waiver of Insurance Requirement - Baccalaureate Services - On behalf of the Redlands High School Baccalaureate Services Committee, Larry Polland asked the City Council to consider waiving the liability insurance coverage requirement for the annual baccalaureate services scheduled for June 10, 1995, in the Redlands Bowl. Noting that the need to take action on this request was immediate, Councilmember Cunningham moved to this matter to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember Gilbreath and carried unanimously. Councilmember Cunningham moved to grant this request for a waiver of the liability insurance coverage requirement. Motion seconded by Councilmember Larson and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:00 P.M. to an adjourned regular meeting to be held on May 23,1995, at 9:00 A.M. in the Council Chambers, Civic Center, 35 Cajon Street, Redlands, California.

City Clerk