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 November 7, 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
Michael Reynolds, City Treasurer
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
Lewis W. Nelson, Police Chief
Ronald C. Mutter, Public Works Director

John Andrews, Redlands Daily Facts

ABSENT None

The meeting was opened with an invocation by Councilmember Gilbreath followed by the pledge of allegiance.

PRESENTATIONS

Retirement Recognition - Mayor Larson presented a plaque with the City seal to Ignacio Perez in honor of his retirement. Mr. Perez began working for the City of Redlands on September 9, 1963, and over the past 32 years has seen many changes in the City's solid waste collections, from completely manual to the automated service. Mr. Perez retired on October 20, 1995.

Proclamation - Mayor Larson presented Donna West, Erv Sanford and Bob Hodges a proclamation declaring November 19-24, 1995, as "Family Week" and urged all residents to focus attention on the value and importance of family. Ms. West announced the events scheduled during that week.

CONSENT CALENDAR

Minutes - The minutes of the regular meeting of October 17, 1995, were approved as submitted.

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

Contract Award - CDBG Handicap Ramp Project - Bids were opened and publicly declared on October 5, 1995, by the City Clerk for the construction of the Community Development Block Grant funds Handicap Ramp Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Administrative Services and Public Works Departments that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City was Chino Construction, Inc. in the amount of $38,890.00 and it would be in the best interest of the City that this contract be awarded to said firm. In response to Councilmember Gilbreath's questions, City Attorney McHugh said he had reviewed this contract and it appeared to be in satisfactory form. CDBG Administrator Paul Rae Espinoza explained that the original amount budgeted for this project was $34,000.00 and that the additional funds will be administratively transferred from the Contingency Fund. Council discussed the use of the CDBG Contingency Fund and directed staff to indicate its financial status in future staff reports. On motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, this recommendation was unanimously approved.

Contract Award - CDBG Home Again Project - Bids were opened and publicly declared on October 19, 1995, by the City Clerk for the construction of a 330 square foot laundry facility at the Project Home Again; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Department of Administrative Services that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City was H.C.H. Construction, Redlands, in the amount of $27,889.00, 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.

Rejection of Bids - Urban Forestry Grant - Bids were opened and publicly declared on October 19, 1995, by the City Clerk for the Smiley Park Historic District Urban Forestry Grant Program which would provide for the planting of 82 street trees. The following bids (as corrected) were received:

Landscape West, Inc. Anaheim	$11,708.00
Nature Tech Landscaping, Riverside	12,866.00
KDK Engineering Construction, Etiwanda	13,715.00
Diversified Landscape & Maintenance, Winchester	14,080.00
S & M Landscape Inc., Azusa	15,150.00
Booth Enterprises, Anaheim	16,100.00

Public Works Director Mutter reported that the Community Services Department, with the assistance of a citizens' committee, submitted the grant application. The Public Works Department assumed this grant project last year and as the bid call was being made, a review of the bid package was made by the State Department of Forestry. The State informed the City that the provisions of the grant only allow for the purchase of trees, root shields, and an informative pamphlet to be printed regarding the grant. Labor to plant the trees, plus the cost of the various soil amenities, is not included in the grant and must be funded by the local sponsor. It is estimated that 75 percent of the bid cost would need to be funded by the local sponsor and would not be allowed in the grant. At this time, there are no budgeted funds available to provide for the materials and labor to plant the trees. Therefore, it was recommended that the City Council reject all bids for the Smiley Park Urban Forestry Grant Program. It was further recommended that the City Council allow staff to seek alternative sources of funds and/or labor in an effort to purchase trees from the grant and plant them through a volunteer program. On motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, these recommendations were unanimously approved.

<u>Resolution No. 5223 - California Healthy Cities</u> - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously adopted Resolution No. 5223, a resolution of the City Council of the City of Redlands supporting the Healthy Cities Project and indicating the intent to participate in the project as established by the State of California Department of Health Services.

<u>Resolution No. 5224 - Transportation Improvement Program</u> - Following discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, the City Council unanimously adopted Resolution No. 5224, a resolution of the City Council of the City of Redlands adopting the financial constrained twenty-year "Baseline" Transportation Improvement Program for the San Bernardino Comprehensive Transportation Plan. This Plan identifies the programs, projects, and financing strategies needed to meet the County's transportation goals, consistent with economic development, social, and environmental objectives. It will examine future traffic conditions resulting from our expected growth, determine whether these

conditions are acceptable, and, if necessary, identify ways to improve those conditions.

Resolution No. 5225 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously adopted Resolution No. 5225, a resolution of the City Council of the City o Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: erect stop signs on Church Street at Pennsylvania Avenue, making the intersection a four-way stop, also providing left turn lanes on Church Street at Pennsylvania Avenue.

Funds - Compost Bins - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously authorized the Municipal Utilities Department to continue the Backyard Composing Project, purchase additional backyard compost bins and related materials, and approved an additional appropriation from current revenues in the amount of $25,000.00 to fund the project.

Development Impact Fees Report - Finance Director Chapman prepared the Annual Report of Development Impact Fees for the year ended June 30, 1995, in accordance with Government Code Section 66006. Finance Director Chapman noted that if fees are unexpended or uncommitted for a period of five years or more, the report must include a finding illustrating the continuing need for such development fees. If a continuing need cannot be shown, State laws requires that the City refund the unused, uncommitted fees. This 1994-95 report does not include any findings for unexpended, uncommitted fees because there are none. Responding to Councilmember Gilbreath's questions, Public Works Director Mutter identified the projects included in the Storm Drain Fund and Municipal Utilities Director Phelps identified the projects included in the Water Capital Improvement Fund. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approve the Annual Report of Development Impact Fees for the year ended June 30, 1995, as presented.

Resolution No. 5226 - Oppose Mobile Home Rental Assistance Initiative - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously adopted Resolution No. 5226, a resolution of the City Council of the City of Redlands opposing the "Rental Assistance" initiative, that will preempt local mobilehome rent control. This initiative is due to appear on the March 1996 Statewide ballot.

Funds - Santa Ana River TDS/TIN Study - Municipal Utilities Director Phelps explained the recommendation that the City Council authorize participation with other Santa Ana River Discharges Association (SARDA) agencies in the first phase of a joint Total Dissolved Solids/Total Inorganic Nitrogen (TDS/TIN) Study on the Santa Ana River. He also explained why this had not been included in the current budget. Councilmember Gilbreath moved to authorize participation in this study and to approve an additional appropriation in the amount of $71,000.00 to fund the City's portion of the project, and further requested that a discussion be held in the future as to whether or not we will be increasing our operating budget based upon the identified expansion of our wastewater treatment process. Motion seconded by Councilmember Foster and carried unanimously.

Agreement - Monkey Face Creek - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council authorized, with Councilmember Cunningham abstaining from the vote, Task Order No. 6 of the existing Engineering Master Services Agreement with the consulting firm of CH2M-HILL to provide engineering services for the repair and rediversion of the Monkey Face Creek which was damaged during the Landers' earthquake and subsequently during the last Big Bear earthquake.

Agreement - Urban Water Management Plan - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously authorized Task Order No. 10 of the existing Engineering Master Services Agreement with the firm of CH2M-HILL to provide engineering services to prepare the Urban Water Management Plan in accordance with Assembly Bill 797.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the report of the Planning Commission meeting held on October 24, 1995, was unanimously acknowledged as received.

COMMUNICATIONS

San Bernardino International Airport - Mayor Larson reviewed a number of inquiries fielded recently by the San Bernardino International Airport noting the diversity of the requests. A two-year contract has recently been signed for a company that repairs and retrofits aluminum can machines.

Appointment - Cultural Arts Commission - Mayor Larson moved to nominate Paul J. Little to fill the unexpired term of Katherine Thomerson to January 6, 1997, on the Cultural Arts Commission. Motion seconded by Councilmember Cunningham and carried unanimously.

Appointment - Airport Advisory Board - Mayor Larson moved to nominate John A. Krueger to fill the unexpired term of Kathleen Anderson to May 1, 1998, on the Airport Advisory Board. Motion seconded by Councilmember Foster and carried unanimously.

Recognition - Airport Anniversary Air Show - At its meeting on October 4, 1995, the Airport Advisory Board acknowledged the tremendous amount of work done by the Chamber of Commerce and the Experimental Aircraft Association, and unanimously recommended that the City Council give them recognition for their effort and fine work in sponsoring a very successful Airport Anniversary Air Show. Councilmembers concurred with this recommendation.

NEW BUSINESS

Ordinance No. 2300 - Execution of Documents - City Manager Luebbers presented Ordinance No. 2300, an ordinance of the City of Redlands adding Chapter 2.15 of the Redlands Municipal Code relating to the execution of warrants, written contracts and conveyances and instruments requiring the City Seal. This ordinance would allow the Mayor, the City Manager or the authorized designee of the City Manager to sign on behalf of the City. Mayor Larson felt this would place an unnecessary burden on the City Manager and suggested a "pecking order" be established; that in the absence of the Mayor, the Mayor Pro Tempore be so designated, followed by Members of the City Council. Ordinance No. 2300, amended to read as follows: "Section 2.15.010. Execution of Documents. All warrants drawn on the City Treasurer, all written contracts and conveniences made or entered into by the City, and all instruments requiring the City Seal may be signed by the Mayor, Mayor Pro Tempore, or any other Member of the City Council," was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived, and Ordinance No. 2300 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for November 21, 1995.

Resolution No. 5228 - Storm Drain Program Agreement - Councilmember Foster moved to adopt Resolution No. 5228, amending Resolution No. 4868, a resolution of the City Council of the City of Redlands adopting Amendment No. 1 to the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit Implementation Agreement No. 92-315 between the San Bernardino County Flood Control District and the Co-permittees listed in the agreement, including the City of Redlands, and authorized the Mayor to execute this amendment on behalf of the City. Motion seconded by Councilmember Gilbreath and carried unanimously.

Fee Waiver - Kiwanis Club - Councilmember Gilbreath moved to approve a waiver of fees requested by the Kiwanis Club for the use of the showmobile during the Christmas Parade scheduled for December 2, 1995. Motion seconded by Councilmember Gil and carried with Councilmember Cunningham abstaining from the vote.

Smiley Storm Drain Repair Project - Public Works Director Mutter reported the City is in the process of video taping all underground storm drain facilities pursuant to the requirements of the National Pollutant Discharge Elimination System (NYDES) permit. On October 27, 1995, a video was made of the drain running along an easement on the west side of Smiley Elementary School. This drain continues northerly through easement to a point near the intersection of Fulbright Avenue and San Rafael Street. The City was immediately notified that a significant problem existed with the storm drain pipe. Staff reviewed the videos and discovered a complete deterioration of the bottom of the pipe along with several "sink holes" that have developed in adjacent yards along the affected line and across the open field of Smiley Elementary School. Staff determined that immediate repairs must be made prior to any significant rain. If this emergency repair is not performed, the adjacent property owners could suffer property damage and safety hazards could exist. Due to the urgency of this repair, staff met with several contractors on November 1 and 2, 1995, and solicited quotes from four contractors to perform this emergency repair work. The following bids were received and opened on November 6, 1995, by the Public Works Department for the emergency repair of the Smiley Storm Drain:

Merlin Johnson, Mentone	$145,125.00
Wesley Ray & Son, Redlands	178,139.00
Slater Inc., Fontana	202,800.00

Resolution No. 5227 - Smiley Storm Drain Repair Project - Based upon the verbal and written testimony of the Public Works Director, Councilmember Gilbreath moved that substantial evidence exists that the proposed project is exempt from the requirements of CEQA in that the project constitutes emergency repair work to public services facilities necessary to maintain service, and further directed staff to file and post a Notice of Determination in accordance with the city's guidelines. Motion seconded by Councilmember Cunningham and carried unanimously. 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 Gilbreath moved that this City Council find that substantial evidence exists that the emergency caused by the deterioration of 36-inch and 42-inch storm drain sections which has caused sink-holes in and around adjacent property will not permit a delay in undertaking repair work from the competitive solicitation for bids; that this City Council further finds that the expenditure of public funds to repair the storm drain and sink-holes is necessary to respond to the emergency; and that this finding be recorded in the official minutes of the City Council. Motion seconded by Councilmember Cunningham and carried unanimously. Councilmember Gilbreath moved to adopt Resolution No. 5227, 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.

Funds - Smiley Storm Drain - Councilmember Gilbreath moved to approve an additional appropriation in the amount of $175,000.00 from the General Fund and award the contract for emergency repair of the Smiley Storm Drain to Merlin Johnson Construction. Motion seconded by Councilmember Cunningham and carried unanimously.

PUBLIC COMMENTS

Fire Explorer Scouts - Michael Savello, 32 San Mateo Street, addressed Councilmembers and asked for their support to establish a fire explorer scout program within the Redlands Fire Department.

CLOSED SESSION REPORT

Settlement Agreement - Teunissen - City Attorney McHugh reported a settlement and release agreement and an agreement for the purchase and sale and escrow instructions between the City of Redlands and Donald H. and Laura G. Teunissen has been finalized. These documents relate to the expansion of the geographical boundaries of the California Street Landfill and an exchange of property in the same general vicinity.

CLOSED SESSION

The City Council meeting recessed at 3:49 P.M. to a Redevelopment Agency meeting and reconvened at 3:50 P.M. to a closed session to discuss the following matters:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9
   - Longs Drugstore California, Inc. v. City of Redlands
   - PERS v. City of Redlands
   - SBVMWD/WMWD petition to State Water Resources Control Board regarding Santa Ana River
   - Dinwiddie v. City of Redlands

ADJOURNMENT

There being no further business, the City Council meeting adjourned to an adjourned regular meeting to be held on November 21, 1995, at 9:00 A.M. in the Council Chambers, Civic Center, 35 Cajon Street, Redlands, California.

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City Clerk