

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, at 3:00 P.M. on September 3, 1996.

PRESENT

Swen Larson, Mayor
Pat Gilbreath, Mayor Pro Tem
William E. Cunningham, Councilmember
Gilberto Gil, Councilmember
Geni A. S. Banda, Councilmember

Gary M. Luebbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
Michael Reynolds, City Treasurer
(evening session only)
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
James R. Bueermann, Police Captain
Peter A. Laaninen, Assistant Public Works Director

John Andrews, Redlands Daily Facts
Alisa Slaughter, San Bernardino County Sun

ABSENT

None

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

PRESENTATIONS

Retirement Recognition - In recognition of his retirement, Ronald R. Ramirez received a plaque with the City Seal and a gold watch. Mayor Larson reported that Ronnie began his employment as a maintenance man for the Sewer Department on June 17, 1970, and retired as Solid Waste Collection Superintendent on August 30, 1996. Municipal Utilities Director Phelps informed the audience that "Bubbles" Ramirez was brought into the Solid Waste Division to bring back morale and teamwork to the solid waste collections. He worked very hard at this with a firm, but understanding, approach with the crew. Today, after much hard effort, many hard feelings and old grudges in the crew

have been put behind them and they are glad to come to work knowing they are valued as employees in the work they perform. Mr. Phelps thanked him for his heartfelt effort and said they will miss him greatly. Solid Waste Manager Shatynski said Ronnie has a lot of friends at the City and has indicated it is those friends that he worked with for so many years that he will miss the most. He looks back on all of the good times, the laughter, hard work and great people he has worked among with fond memories. On behalf of the City of Redlands, Mayor Larson wished Ronnie the best in his well deserved retirement.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the minutes of the adjourned regular meeting of August 6, 1996, the regular meeting of August 6, 1996, and the special meetings of August 16, 1996, and August 19, 1996, were unanimously approved as submitted.

Bills and Salaries - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, bills and salaries were unanimously ordered paid.

Contract - Funds - California Street Storm Drain - Bids were opened and publicly declared on August 8, 1996, by the City Clerk for the California Street Storm Drain, Project No. 3-9608; 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 Southern Sierra Contracting, Inc. of Sun City in the amount of \$111,752.20, 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 Banda, the City Council unanimously approved this recommendation and approved an additional appropriation in the amount of \$50,000.00.

Environmental Monitoring Agreement - California Street Storm Drain - Municipal Utilities Director Phelps explained that this proposed agreement is for environmental monitoring services for the California Street Storm Drain Project due to the existence of a Federally listed endangered plant species in the Santa Ana Wash known as the Santa Ana River Woollystar. He recommended the City Council authorize an agreement with Tom Dodson & Associates, with compensation on a time and materials basis estimated at \$3,200.00 for this purpose. Councilmember Gil moved to authorize said agreement. Motion seconded by Councilmember Cunningham and carried unanimously.

Agreement - Joslyn Senior Center - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approved an independent contractor agreement between the City of Redlands and Joann Sepp to provide senior health education at the Joslyn Senior Center and authorized the Mayor to execute the document on behalf of the City.

Agreement - Community Center - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approved independent contractor agreements between the City of Redlands and (1) Dan LaMaster to provide dog obedience training and (2) Sally Smith for belly-dancing classes at the Community Center and authorized the Mayor to execute the documents on behalf of the City.

Lease/Purchase Agreement - Xerox Copy Machine - Following a brief explanation by Fire Chief Enslow of the estimated cost and projected savings, Councilmember Banda moved to approve a lease/purchase agreement between the City of Redlands and Xerox Corporation for the lease/purchase of a Xerox 5334 copy machine with 20-bin sorter and authorized the Mayor to execute the documents on behalf of the City. Motion seconded by Councilmember Cunningham and carried unanimously. It was noted the cost of this copy machine will be distributed among the Fire Department, Finance Department, and City Treasurer's Office.

Tolling Agreement - TCI Cablevision - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously authorized an extension of the tolling agreement with TCI Cablevision of California, Inc. to December 31, 1996. This extension will allow negotiations to continue with Gerald Hanson representing the City.

Refinancing Note - 800 South Wabash Avenue - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approved the terms for refinancing the installment note with Diana Heemstra for the purchase of the property located at 800 South Wabash Avenue and authorized the Mayor to execute the Modification of the Deed of Trust on behalf of the City.

Fees - Pancho's Mexican Grill - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approved the six-month financing of conditional use permit and variance fees owed to the City from Francisco Jara, Pancho's Mexican Grill located at 1124 Orange Street, and authorized the Mayor to execute the agreement on behalf of the City.

Fee Waiver - Showmobile - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously authorized a waiver of \$350.00 in fees for the Redlands Resident Advisory Group of the County Housing Authority for one day's use of the City's Showmobile, provided that certain other requirements noted in the rental contract are met for towing, set-up, a deposit, insurance coverage, and rental period.

Fee Waiver - Redlands Bowl - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approved a waiver of fees in the amount of \$200.00 for use of the Redlands Bowl by the Girl Scouts of America on October 19, 1996, for their Annual Night Walk with a program by the Redlands YMCA circus.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the report of the Planning Commission meeting held on August 13, 1996, was unanimously acknowledged as received.

COMMUNICATIONS

Citrus Plaza Regional Mall - Councilmember Cunningham wondered why the County is proceeding with the Citrus Plaza Regional Mall application in light of the 1984 agreement between the City of Redlands, County of San Bernardino, and the Local Agency Formation Commission (LAFCO) regarding utilities within CSA 110. He felt we needed to take all the necessary actions to protect our interest which the City Attorney is doing. Councilmember Gilbreath has indicated she wants to be a part of the negotiations. Staff said there is nothing formal occurring at this time, but noted the lines are open if the applicant wishes to proceed with the annexation process.

Redlands Fashion Center - Mr. Terry Lowe reported they are still working with Taubman Company to finalize an agreement for the development of the Redlands Fashion Center.

League of California Cities Legislative Bulletin - Mayor Larson asked Police Captain Bueermann to provide input regarding SB 282, Public Safety Officers: Procedural Bill of Rights. Councilmember Cunningham noted this legislative session has really been a bust for cities.

San Timoteo Creek Channelization - Councilmember Cunningham reported the San Timoteo Creek Channelization project is still going forward. He asked staff

to find out what the Army Corps of Engineers and the County Flood Control's response is to our letter of concerns.

Appointments - DRBA Advisory Board - On motion of Councilmember Larson, seconded by Councilmember Gilbreath, the City Council unanimously approved the following appointments as recommended by the DRBA Advisory Board to the Downtown Redlands Business Association Advisory Board: Shelli Stockton to complete the term vacated by Greg Woodbury and Stephen Lehmann to serve the full term vacated by Tricia Jeffers.

Appointments - Mobile Home Rent Review Board - Councilmember Larson moved to appoint Arthur L. Burton to fill the vacancy on the Mobile Home Rent Review Board created by the resignation of Ruth Saldana, and to appoint Roger E. Thompson to serve as the alternate on the Mobile Home Rent Review Board. Motion seconded by Councilmember Gilbreath and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 3:25 P.M. to a Redevelopment Agency meeting and reconvened at 3:26 P.M. to a closed session to discuss the following matter:

1. Conference with Labor Negotiator
 - Agency Negotiator: City Attorney
 - Unrepresented Employee: City Manager

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

PUBLIC HEARING

Resolution No. 5314 - Adult Uses Fees - Public hearing was advertised for this time and place to consider Resolution No. 5314, a resolution of the City Council of the City of Redlands establishing fees for processing exceptions to City regulations governing adult uses. Community Development Director Shaw explained that on August 19, 1996, the City Council approved Ordinance No. 2334 as an interim moratorium on adult uses and providing an exception process allowing applications for exceptions as to adult uses within the City. This resolution establishes fees for the processing of exceptions to City regulations governing adult uses. The Community Development Department has also prepared a supplementary application form for making an application for exceptions to City's regulations governing adult uses. Mayor Larson declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Council-

member Cunningham moved to adopt Resolution No. 5314. Motion seconded by Councilmember Banda and carried unanimously.

UNFINISHED BUSINESS

Ordinance No. 2301 - Outside City Utility Connections - Ordinance No. 2301, an ordinance of the City of Redlands adding Chapter 13.62 to the Redlands Municipal Code relating to utility connections for non-residential development outside the City boundaries and repealing Chapters 13.10 and 13.58, was introduced at the June 4, 1996, meeting. City Attorney McHugh reminded Councilmembers that if there were any revisions at this time, the ordinance should be back for first reading. Pat Meyer asked why the map provided by Water Resources and Utility Operations Chief Huffstutler in July was not included as an exhibit to this ordinance. Councilmembers discussed the map which shows property in "historic old Mentone" which could be excluded from the annexation requirement. Noting that clean-up language can be added through the amendment process, Councilmember Cunningham indicated his preference to adopt the ordinance at this time. Ordinance No. 2301 was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Cunningham, seconded by Councilmember Larson, further reading of the ordinance text was unanimously waived, and Ordinance No. 2301 was adopted by the following vote:

AYES: Councilmembers, Cunningham, Gil, Banda; Mayor Larson

NOES: Councilmember Gilbreath

ABSENT: None

Ordinance No. 2302 - Utility Connections - Residential - This item was continued to September 17, 1996.

Ordinance No. 2331 - Household Hazardous Waste Disposal Fees - Municipal Utilities Director Phelps explained that since 1987, the Redlands Fire Department has staffed and operated a Household Hazardous Waste Collection site for residents to dispose of their household hazardous waste. The costs to dispose of hazardous waste and staffing have increased funding requirements to continue the program. The City Council adopted Ordinance No. 2314 on June 18, 1996, setting the residential household hazardous waste fee at \$0.35 per residential dwelling unit per month. Ordinance No. 2331 does not make any substantive changes to the content of Ordinance No. 2314, but needs to be adopted as a housekeeping matter to place the fees in the Redlands Municipal Code and facilitate implementation of the approved fee. Since this is a utility rate ordinance, it requires a 2/3 majority vote of the City Council for adoption. Ordinance No. 2331, an ordinance of the City of Redlands amending Chapter 3.66 of the Redlands Municipal Code relating to Solid Waste Disposal Fees for

Household Hazardous Waste, was read by title only by City Clerk Poyzer, and on motion of Councilmember Banda, seconded by Councilmember Larson, further reading of the ordinance text was waived, and Ordinance No. 2331 was introduced and laid over under the rules with second reading scheduled for September 17, 1996, with Councilmember Cunningham voting NO.

9/80 Work Week - Councilmember Cunningham moved to direct staff to proceed with the implementation of a 9/80 work week for City employees for at least a one-year trial period. Motion seconded by Councilmember Larson and carried with Councilmember Gilbreath voting NO.

Economic Development - Councilmember Gilbreath distributed information regarding the formation of an Economic Development Commission or Committee, and urged the City Council to look at some sort of vehicle of volunteers to provide a forum for economic development. She indicated more information would be forthcoming.

NEW BUSINESS

League of California Cities - Voting Delegate - Councilmember Larson moved to designate himself as voting delegate and Mayor Pro Tem Gilbreath as alternate voting delegate to the League of California Cities 1996 Annual Conference scheduled for October 13-15, 1996, in Anaheim. Motion seconded by Councilmember Gil and carried unanimously.

Ordinance No. 2332 - Informal Bidding Procedures - City Attorney McHugh reminded Councilmembers they had adopted a resolution at a past meeting implementing the City Manager's to follow the provisions of the Uniform Public Construction Cost Accounting Act (Public Contract Code Sections 22000 et seq.) for soliciting bids for public works projects. In summary, for public projects having a value of less than \$25,000.00, the Act authorizes the City to perform public projects by day labor, by negotiated contract, or by purchase order. For those public projects falling within a value range of \$25,000.00 to \$75,000.00, the Act requires the City to adopt an ordinance establishing informal bidding procedures. Only public projects exceeding a value of \$75,000.00 are required to be let by formal bid. The State Controller's Office has issued a "Policies and Procedures Manual" for implementing the provision of the Act to provide public agencies guidance in the establishment of informal bidding procedures. This ordinance follows the State Controller's suggestions and would establish an informal bidding process. Mr. McHugh explained, in a memorandum dated August 20, 1996, the procedures the City must follow. He also noted that Section 3.74.040 of the ordinance provides that the award of contracts may be made by the Department Head responsible for undertaking the

project with the consent of the City Manager. However, if the City Council wishes to eliminate this section and have all contracts come before it, it may do so. Councilmembers concurred to delete Section 3.74.040, and Ordinance No. 2332, an ordinance of the City of Redlands adding Chapter 3.74 to the Redlands Municipal Code establishing informal bidding procedures under the Uniform Public Construction Cost Accounting Act, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Banda, further reading of the ordinance text was unanimously waived, and Ordinance No. 2332 was introduced, as amended, with unanimous Council approval and laid over under the rules with second reading scheduled for September 17, 1996.

Resolution No. 5316 - Crossings at Orange and Alabama Streets - Councilmember Gilbreath moved to adopt Resolution No. 5316, a resolution approving Program Supplement Agreement No. 016-R1 to Local Agency-State Agreement No. 08-5083 covering preliminary engineering, construction engineering, and construction for the temporary emergency crossings at Orange and Alabama Streets. Motion seconded by Councilmember Banda and carried unanimously. This program supplement agreement will reimburse the City the remaining \$28,870.00 expended on the emergency openings of Orange and Alabama Streets.

Agreement - Redlands Water Company - Councilmembers Gilbreath and Cunningham left the Council Chambers during the ensuing discussion due to possible conflicts of interest. Water Resources and Utility Operations Chief Huffstutler explained that beginning around 1950, the City of Redlands entered into a program to acquire water stock in the various mutual water companies providing irrigation water in the Redlands' area. The purpose of the program was to gain entitlement to the use of the surface waters of the Santa Ana River and Mill Creek to satisfy present and future water demands. Recently the City of Redlands entered into an agreement with Redlands Water Company to provide irrigation water directly from the domestic water system to the Redlands Water Company stockholders in exchange for delivery of the Redlands Water Company surface water entitlement delivered to a City treatment facility. This agreement is a benefit to both Redlands, who is the majority stockholder, and the Company in that it allows the Redlands Water Company to abandon little used, high maintenance pipelines, thereby reducing operations costs. In addition to the water exchange agreement, Redlands Water Company also conceded to enter into an agreement where shares of currently City-owned Lugonia Water Company water stock will be exchanged with Redlands Water Company. The proposed exchange of entitlement water will provide the City of Redlands with a direct voice in water issues on the Santa Ana River and should be beneficial to Redlands' future water supply.

Councilmember Banda moved to approve a water rights exchange agreement with Redlands Water Company and authorize the Mayor to sign the agreement on behalf of the City. Motion seconded by Councilmember Gil and carried with Councilmembers Gilbreath and Cunningham abstaining.

Bids - CDBG Curb and Gutter Project - Assistant Public Works Director Laaninen explained the City Council awarded the CDBG Curb and Gutter Project to Shields, Inc. on June 18, 1996. A Notice of Award was sent to them the following day with information advising them of the bond and insurance requirements along with a contract for their execution. The project specifications stipulate that the contractor must enter into a contract within 14 days of the Notice of Award. After more than a month and numerous telephone conversations, the necessary documents were finally received on August 5, 1996. The City Attorney reviewed the documents and determined that the bond provided did not meet the requirements set forth in the contract documents. At that time, it was determined that it was in the best interests of the City to terminate any further dealings with Shields Industries, Inc. The second lowest bidder, Delta Engineering USA, Riverside, was contacted regarding possible award to them. Their references were checked out; information received from the references was not positive. Information promised from the contractor regarding a reference in Southern California was never produced. Based upon these developments, it is staff's recommendation the best course of action would be to reject all bids and readvertise this project. Councilmember Gil desired to add another section of curb and gutter repairs to the project: on Delaware Avenue between Lugonia School and the Housing Authority from Orange Street east to Sixth Street. Councilmember Cunningham moved to reject all bids received for the CDBG Curb and Gutter Project and directed staff to readvertise the project for bids and to include Councilmember Gil's request. Motion seconded by Councilmember Gil and carried unanimously.

State Aviation Grant - Assistant Public Works Director Laaninen reported the Airport Advisory Board, at it meeting on August 7, 1996, voted unanimously to recommend to the City Council that they authorize the Caltrans Aeronautics Program grant application for the slag shoulder project at the Redlands Municipal Airport and that they authorize the financing of the local match amount (\$2,889.00) from the Special Contractual Services line item in the approved 1996-97 budget. Expressing financial concerns this early in the fiscal year, Councilmember Cunningham moved to continue this matter to September 17, 1996, and directed staff to see if we accept the grant, do we have to use it. Motion seconded by Councilmember Gil and carried unanimously.

California West Construction Financing Agreement - Finance Director Chapman explained that California West Construction wants to begin

construction of 11 single family homes on Magnolia Avenue between Lakeside and Bellevue Avenues (Tract 13700). Of the \$133,356.00 in total impact fees owed to the City of Redlands, the builder has requested that the City finance \$47,000.00. Representing California West Construction, Mr. Matt Meiners has agreed to a two-year amortization at an interest rate of "prime plus one percent." The note would be secured by a second trust deed on the property and as each lot is sold, the City would provide for a partial reconveyance. Councilmember Cunningham moved to approve a two-year financing, up to a maximum of \$47,000.00, over two years of impact development fees charged to California West Construction with the caveat that staff ensure the level of equity so we feel secure in the second trust deed, and authorized the Mayor to execute the agreement on behalf of the City. Motion seconded by Councilmember Larson and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:55 P.M. The next regular meeting will be held on September 17, 1996.

City Clerk