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 October 15, 1996.

PRESENT Beatrice Sanchez, Deputy City Clerk

There being no quorum present, Deputy City Clerk Sanchez recessed the meeting to 7:00 P.M. at which time the meeting was opened with an invocation by Mayor Pro Tem Gilbreath followed by the pledge of allegiance.

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
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
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
Alisa Slaughter, San Bernardino County Sun

ABSENT None

PRESENTATIONS

CHP Awards - Inland Division Area Sgt. Jim Abele, California Highway Patrol, presented CVC 10851 awards to the following Redlands Police Officers: Officer Michael Rinehart, Officer Travis Martinez, Officer Kelvin Bryant, Officer Shelly James, Officer Kenneth Wright, Officer Shawn Ryan, Officer Gregory Holmer, and Officer Michael Dorsey who received three awards. These officers have made the required number of grant theft auto arrests and recovered the mandatory number of stolen vehicles during a one year period to qualify for these awards.

Proclamation - Boy Scouts of America - Mayor Larson presented a proclamation to Ken King, Volunteer Chairman of the Boy Scouts of America, declaring the week of October 23-31, 1996, as *Grayback District Crime Prevention Week* in appreciation of the efforts the volunteers, leaders and youth members of Scouting have demonstrated to reduce crime in our communities.

Proclamation - Red Ribbon Week - Mayor Larson presented a proclamation to Ann Davis-Schultz, Redlands Unified School District, declaring the week of October 23-31,1996, as *Red Ribbon Week* and pledged the City Council's support to a community environment that demonstrates a commitment to healthy, alcohol-and-drug-free lifestyles and encouraged the residents to contribute to a drug and alcohol abuse-free society.

Councilmember Gil welcomed Adrian a member of Troup 134, St. Mary's Church.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the regular meeting of October 1, 1996, were unanimously approved as submitted.

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

Contract Award - Eureka Street Improvements- Bids were opened and publicly declared on October 4, 1996 by the City Clerk for the construction of the Eureka Street Improvements, Phase I; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City was S. J. Burkhardt, Inc. in the amount of $298,715.00, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Cunningham, seconded by Councilmember Larson, this recommendation was unanimously approved.

Agreement - Youth Ensemble of Strings - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an independent contractor agreement between the City of Redlands and Karen Thurman to provide instruction for the Youth Ensemble of Strings and authorized the Mayor to execute the agreement on behalf of the City.

Lease Agreement - WIC Program - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the lease agreement between the City of Redlands and the San Bernardino County WIC (Women-Infants-Children) Program, an educational program geared toward low-income mothers. This agreement will allow WIC officials to expand their program and utilize the Community Center facilities on Wednesday mornings.

Fee Waiver - American Legion Post 650 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the request for a waiver of field use fees for the American Legion Post 650 who will host an inter-Post adult softball tournament on Community Field No. 2.

Lot Line Adjustment No. 335 - Hillside Memorial Park - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an exchange of property between the City of Redlands and John and Sally Robertson at Hillside Memorial Park, through Lot Line Adjustment No. 355.

Scout House Lease Agreement - On motion of Councilmember Banda, seconded by Councilmember Larson, the City Council unanimously approved a lease agreement between the City of Redlands and Mentone scout groups for use of the Scout House and authorized the Mayor to execute the agreement on behalf of the City.

Resolution No. 5326 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 5326, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: no parking will be permitted between the hours of 11:00 P.M. and 6:00 A.M. on either side of Summit Avenue between Cajon Street and Bow "B" and Campbell Avenue easterly of Summit Avenue for a distance of 260 feet.

Resolution No. 5327 - Measure I Funds - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 5327, a resolution of the City Council of the City of Redlands adopting the five-year Capital Improvement Program and twenty-year Transportation Plan related to Measure I.

Joslyn Trust Fund Allocation - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized an appropriation in the amount of $5,000.00 from the Joslyn Trust account for the purchase of replacement bingo equipment for the Friday afternoon Joslyn Senior Center bingo program as recommended by the Joslyn Advisory Board.

Funds - Optimist Club Donation On motion of Councilmember Cunningham, seconded by Councilmember Gil, the City Council unanimously accepted a donation from the Optimist Club of Redlands in the amount of $500.00 and approved an appropriation of this donation into the Parks Division budget to be used for any needed improvements and repairs.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on October 8, 1996, was unanimously acknowledged as received.

COMMUNICATIONS

Pharoah's Lost Kingdom Alcoholic Beverage License - Following Pharoah's Lost Kingdom theme park's granting of a temporary liquor license for a "portable bar" in April, 1996, Eric Norris of the Community Development Department contacted Alcoholic Beverage Control and advised them that based on that Department's review a "portable bar" is not permitted without amending the Conditional Use Permit under which the theme park is operating. On October 10, 1996, Mr. Norris again contacted ABC citing the following concerns: the beer garden area, separated from the main building, is not a part of the approved CUP and additionally the underlying land use district for the theme park allows alcoholic beverage sales in conjunction with an "eating establishment," however, here the beer garden area is adjacent to an open-air "snack bar" which the City of Redlands does not consider an "eating establishment for the purpose of allowing alcoholic beverages. Councilmember Cunningham asked that this item be heard at this meeting because there will be an ABC hearing for a permanent license on December 10, 1996. He wondered why for special events a beer vendor with the required licenses couldn't be brought in. Community Development Director Jeff Shaw concurred that the beer garden was not part of the original plan. Mr. Jim Steller, speaking from the audience, applauded the park for providing entertainment for the youth of the area but protested a beer garden located outside of a restaurant. Councilmember Cunningham directed staff to explore what our options are and to report back so that Council can take appropriate action that is deemed necessary. Motion seconded by Councilmember Banda and carried unanimously.

Appointment - Santa Ana River Wash Committee - Mayor Larson moved to nominate himself to serve on the Santa Ana River Wash Area Coordinated Planning Activities Committee. Motion seconded by Councilmember Gil and carried unanimously.

Appointment - DRBA Advisory Board - Mayor Larson moved to nominate Tony Crotinger to serve a term on the Downtown Redlands Business Association Advisory Board as recommended by the DRBA Advisory Board. Motion seconded by Councilmember Gilbreath and carried unanimously.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Myrtle Street Parking Lot - Administrative Services Director Pettus reminded Councilmembers that during their closed session on October 1, 1996, the City Council directed staff to proceed with the conveyance of the Myrtle Street parking lot from the Redevelopment Agency to the City of Redlands. The parking facility is located within the City's Parking Authority boundaries, and all expenditures for maintenance and repairs are paid by the Parking Authority. The transfer of ownership will enable lease revenues to accrue to the City. Councilmember Banda moved to accept ownership of the Myrtle Street property. Motion seconded by Councilmember Gil and carried unanimously. (Also see Redevelopment Agency minutes dated October 15, 1996.)

UNFINISHED BUSINESS

Contract Award - CDBG Curb and Gutter Project - Bids were opened and publicly declared on October 4, 1996, by the City Clerk for the construction of the CDBG Curb and Gutter Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City was Contreras Construction, Inc., Indio, in the amount of $155,859.00, and it would be in the best interest of the City that this contract be awarded to said firm. Public Works Director Mutter reported that additional street improvements on Delaware Avenue from Orange Street to Sixth Street, as directed by the City Council, have been designed. After execution of the contract, a change order can be negotiated with the contractor and staff will return to the City Council for approval and appropriation of funds to perform this additional work. This contract award was a rebid, as directed by the City Council, for this project. The engineer's estimate amount has not changed from the original bid in June of this year, however the contractors bidding this project increased their bids. In order to maximize the amount of construction work, all administration, engineering, and inspection costs for this project by the Public Works' staff will be borne by Public Works Department fund. However, an additional appropriation is requested for $4,300 because $154,000 was allocated, to date $2,400 has been expended and the low bid is approximately $155,900. On motion of Councilmember Gil, seconded by Councilmember Banda, Council unanimously awarded the CDBG curb and gutter project to Contreras Construction Inc., Indio, and an additional appropriation of $4,300 and directed staff to request from the County's Office of Economic and Community Development an additional $4,300 to be allocated from the Contingency Account.

NEW BUSINESS

Resolution No. 5320 - Oppose Proposition 218 - Finance Director Chapman explained that Proposition 218, the so-called "Right to Vote" initiative or "Fox Initiative" which is on the November 5, 1996, ballot, has the potential to eliminate $1.55 million of City of Redlands discretionary revenues and due to the ambiguity of the wording in the initiative could place another $1.75 million at risk. Altogether, the initiative threatens to eliminate 13.8 percent of all general fund revenue which can severely affect public safety services as well as library, recreation, community development, and severely devastate the City's support service functions including City Manager, City Clerk, City Treasurer, Finance, Personnel, and Purchasing. If passed by the voters, the initiative would have far-reaching implications for local government agencies and would require voter approval of taxes and place limits on fees and assessments. It would directly affect general taxes, property assessments, and property-related fees. Practically all property assessments would become subject to extensive requirements including determination of special versus general benefit by parcel and majority approval by mail-in ballot. Once property-related fees comply with the restrictions of this constitutional initiative and before adopting any new fee or increasing an existing one, local government must mail information about the fee to every property owner. If a majority of owners protest in writing, the fee is rejected. Otherwise, the proposed fee or increase is subject to an election. General taxes' restrictions apply to any new or increased tax since January 1, 1995. The initiative constitutionalizes Proposition 62 and subjects all special taxes to a two-thirds majority vote (existing law) and requires a majority vote for general taxes. Councilmembers individually cited their personal reasons for not supporting Proposition 218. Councilmember Gilbreath moved to adopt Resolution No. 5320, a resolution of the City Council of the City of Redlands opposing Proposition 218, the "Right to Vote" initiative appearing on the November 5, 1996, general election ballot. Motion seconded by Councilmember Gilbreath and carried unanimously.

Ordinance No. 2336 - RDA Project - Mayor Swen Larson excused himself from the Chambers due to a possible conflict of interest. Finance Director Chapman presented the following "discussion" submitted to the City by its bond counsel, Stradling, Yocca, Carlson and Rauth: "At the time the Redevelopment Plan was approved for the Redlands Redevelopment Project (September 26, 1972), and when the Plan was amended to add territory (February 17, 1976), the Plan did not contain a limitation upon the time during which indebtedness could be incurred by the Redevelopment Agency for the Redevelopment Project. On December 16, 1986, by Ordinance No. 1974, the City Council established a limitation upon the time during which indebtedness could be incurred as the 2011-12 fiscal year. By virtue of AB 1290, which became effective January 1, 1994, redevelopment agencies were required to apply new time limitations for the incurring indebtedness. Under AB 1290, the Agency was limited to incurring indebtedness only until January 1, 2004, not the later date which had been effective previously. The Redlands Redevelopment Agency has, since the effective date of the adoption of AB 1290, treated the time limitation upon the incurring of indebtedness as applicable to the Agency. By the attached form of ordinance (Ordinance No. 2336), the City Council will formalize the recognition of January 1, 2004, as the latest date by which the Redevelopment Agency may incur indebtedness in connection with the Redlands Redevelopment Project. The proposed ordinance also reflects the requirements of AB 1290 concerning the termination of land use provisions of the Redevelopment Plan, and the limitation upon the period during which property tax revenues will be available to the Redevelopment Agency. The proposed ordinance does not: extend the life of the Project Area, increase the number of dollars of property taxes that can be received by the Redevelopment Agency, increase the amount the Redevelopment Agency is permitted to borrow, add any territory, or make any changes in land use designations applicable to the Project Area. Consequently, no new payments to or agreements with taxing agencies will be required." Ordinance No. 2336, an ordinance of the City of Redlands amending the Redevelopment Plan for the Redlands Redevelopment Project in accordance with Health and Safety Code Section 33333.6, was read by title only by Deputy City Clerk Sanchez, and on motion of Councilmember Cunningham, seconded by Councilmember Banda, further reading of the ordinance text was waived, and Ordinance No. 2336 was introduced with by AYE votes of all present with Councilmember Larson abstaining from Council approval and Ordinance No. 2336 was laid over under the rules with second reading scheduled for November 5, 1996.

Lease Agreement - Myrtle Street Parking Lot - On motion of Councilmember Cunningham, seconded by Councilmember Banda, the City Council unanimously approved a lease agreement between the City of Redlands and Betty Bennett for parking space in the Olive Avenue and Myrtle Street parking lot.

Funds - Voice Mail - Municipal Utilities Director Phelps said that in an effort to improve efficient and provide greater flexibility for customer contact, the Municipal Utilities and Police Departments have researched the use of "voice messaging" (voice mail). Voice messaging has proved to be beneficial to other agencies in providing improved message service, particularly long messages of a technical (or private in the case of Police) nature which are difficult for clerical personnel to write down on a message pad. The requirements for a voice message system includes all the industry standards and several "must have" features. Most important of the "must have" features was that, with the exception of the City's information line, all incoming calls would be answered in the traditional manner, and only when the party being requested was not accessible would the option of a written message or voice message be made available to the calling party. This provision assures that all callers to any department or division are first greeted by a staff member. The system will also provide an auto attendant, menu driven "City Information Line" with the capability for a caller to acquire information regarding City offices and other most frequently asked for information such as telephone numbers for other agencies. The system will provide complete security options for messages of a sensitive nature. In response to Councilmember Cunningham, City Manager Luebbers stated that proposals were received from three companies prior to selection. Councilmember Gil expressed concern about staff not answering phones. Councilmember Gilbreath moved to approve an agreement with Lucent Technologies (AT&T) for a "Definity Audix™" voice messaging system for the Civic Center and Police Annex facilities, and approve an additional appropriation in the amount of $26,175.29 from drug seizure revenues. Motion seconded by Councilmember Larson and carried with Councilmember Gil voting NO.

PUBLIC COMMENTS

Mayor Larson commended City Treasurer Reynolds for his excellent presentation on financial issues at the League of California Cities Conference. He is much appreciated.

CLOSED SESSION AND LATE BREAKING ITEM

City Attorney McHugh reported there was a need to add the following item to the agenda noting the need to take action was immediate: "Conference with legal counsel - Anticipated litigation - Government Code Section 54956.9(c) - One case." On motion of Councilmember Cunningham, seconded by Councilmember Banda, Council unanimously added the late breaking item to the agenda.

The City Council meeting recessed at 8:18 P.M. to a closed session to discuss the following matters:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
   - City of Redlands v. Honeywell, Inc.
2. Conference with labor negotiator
   - Agency Negotiator: Gary Luebbers
Employee: Redlands Police Officers Association and
Redlands Professional Fire Fighters Association
3. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(c) - One case

ADJOURNMENT

There being no further business, the City Council meeting adjourned to an adjourned regular meeting to be held on Tuesday, October 29, 1996, at 7:00 P.M. The next regular meeting will be held on November 5, 1996.

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Deputy City Clerk