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 May 6, 1997.

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
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
Lewis W. Nelson, Police Chief
Ronald C. Mutter, Public Works Director

Valeria Godines, Press Enterprise
Joshua Lowe, Redlands Daily Facts
Alisa Slaughter, San Bernardino County Sun

ABSENT

None

The meeting was opened with an invocation by Mayor Larson followed by the pledge of allegiance.

PRESENTATIONS

Certificates of Appreciation - The Greenspot Scout House was built in the late 1940's by the entire Mentone community. In the tradition of the "barn raising" citizens worked together to ensure the Scouts would have a meeting place. Today, the Greenspot Scout House is used by five Girl Scout troops and one Boy Scout pack. In order to keep the spirit of this facility alive, these groups have dedicated their time and energy to maintaining and improving the Scout House. Examples of Scout projects include: installation of outdoor lights, a basketball hoop and fire rings, and interior improvements such as paint, curtains and shelves. Upcoming projects, possible due to a generous donation from the Lion's Club, are: landscaping, a patio with gazebo, and picnic tables. Mayor Larson presented certificates of appreciation to Randy Lincoln, Scout Master Troop 3, for The Boy Scouts of America and Girl Scout Troop No. 908 in recognition of their generous contribution towards improving the interior and exterior of the Greenspot Scout House. He also presented a certificate of appreciation to Luis de la Hoz and another member of The Lions Host Club in recognition of their generous $500.00 donation toward helping the local Scouts at the Greenspot Scout House.

Proclamation - Mayor Larson presented Charles Swift, Ph.D., Chairman of the Mental Health Commission of the County of San Bernardino, a proclamation declaring the month of May, 1997, as Mental Health Month.

Proclamation - Mayor Larson presented Lt. Col. Jeffrey L. Shaw, U. S. Army, Selective Service System, a proclamation declaring the month of May, 1997, as Selective Service System Awareness Month in the City of Redlands.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the regular meeting of April 15, 1997, and the adjourned regular meetings of April 15, 1997, April 17, 1997, April 23, 1997, and April 28, 1997, were unanimously approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on April 29, 1997, was unanimously acknowledged as received.

Fee Waiver - Sylvan Park - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the waiver of fees for the use of the Sylvan Park by the Children's Fund on July 26, 1997.

Fee Waiver - 4th of July Committee - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously waived all fees and rental charges for the Redlands 4th of July Committee, Inc. for the 1997 event, including personnel costs.

Resolution No. 5368 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 5368, 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: Provide 60 feet of additional no parking zone on the north side of Industrial Park Avenue, east of the Arrowhead Credit Union driveway at 1580 Industrial Park Avenue.

Resolution No. 5369 - Federal-Aid Projects - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 5369, a resolution of the City Council of the City of Redlands authorizing the Mayor of the City of Redlands to act for and on behalf of said City in the execution of an Administering Agency-State Master Agreement for Federal-aid projects for various street projects.

Council Liaison Assignments - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the rotation of City Council liaison assigned to the various Commissions and/or Boards as follows:

Airport Advisory Board	Swen Larson
Board of Appeals	Pat Gilbreath
Citrus Commission	Pat Gilbreath
Cultural Arts Commission	Geni Banda
Historic and Scenic Preservation Commission	Bill Cunningham
Housing Commission	Swen Larson
Human Relations Commission	Geni Banda
Library Board	Bill Cunningham
Parks Commission	Gilberto Gil
Planning Commission	Swen Larson
Public Works Commission	Pat Gilbreath
Recreation Commission	Bill Cunningham
Mobilehome Rent Review Board	Geni Banda
Traffic and Parking Commission	Bill Cunningham
Downtown Redlands Business Association	Gilberto Gil

Agreement - Eureka Street Widening Project - On motion of Councilmember Cunningham, seconded by Councilmember Gil, the City Council approved an agreement for valuation appraisal service for the Eureka Street widening project between the City of Redlands and Desmond, Marcello & Amster and authorized the Mayor to execute the document on behalf of the City. Desmond, Marcello & Amster specializes in the valuation of business fixtures, equipment and goodwill. Councilmember Larson abstained from this matter due to a possible conflict of interest.

General Employee Salaries - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council authorized changes to salaries and benefits for the General Employees of the City of Redlands as represented by the San Bernardino Public Employees Association with Councilmembers Cunningham and Banda voting NO.

Firefighters Salaries - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council approved the Memorandum of Understanding between the City of Redlands and the Redlands Professional Firefighters Association which incorporates all changes to salaries and benefits in accordance with the tentative agreement approved at the City Council meeting held on April 28, 1997, with Councilmembers Cunningham and Banda voting NO.

Late Breaking Item - Councilmember Gil moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Contract - Eureka Street Widening Project." Motion seconded by Councilmember Cunningham and carried by AYE votes of all present. Councilmember Larson abstained from this matter due to a possible conflict of interest.

Contract - Eureka Street Widening Project - On motion of Councilmember Cunningham, seconded by Councilmember Gil, the City Council authorized a contract agreement between the City of Redlands and Pacific Relocation Consultants, Inc. for relocation services relating to the Eureka Street widening project by AYE votes of all present. This contract authorizes Pacific Relocation Consultants, Inc. to ascertain the City's possible relocation obligations for those businesses impacted by the Eureka Street project. It was estimated the cost of these services will not exceed $15,000.00. An additional fee may be charged should the City request assistance beyond that which is contained in the agreement. Councilmember Larson abstained from this matter due to a possible conflict of interest.

COMMUNICATIONS

Legislative Bulletin - Council directed staff to send letters to our State legislators urging the following: support AB 323 - Community Care Facilities: Group Homes; oppose AB 869 - Smoking and Tobacco Control: Bars and Bar Areas; support SB 466 - Local Agencies: Property Tax Exchange; oppose SB 1325 - Impoundment, Vehicles; and support AB 1223 - Parks and Recreation: Fingerprinting - Fees.

Appointments - Public Works Commission - Mayor Larson moved to nominate Nina H. Modi to the Public Works Commission to complete the term to November 16, 1998, vacated by the resignation of Philip Arviso. Motion seconded by Councilmember Gilbreath and carried unanimously. Mayor Larson moved to nominate John L. Freedman to the Public Works Commission to complete the unexpired term to November 16, 1997, of Charles Heaton who passed away last January. Motion seconded by Councilmember Gilbreath and carried unanimously.

San Bernardino International Airport - Councilmember Cunningham expressed noise impact concerns if Stage 2 aircraft are now being allowed at San Bernardino International Airport which are outside the EIR (Environmental Impact Report). Council concurred to direct staff to prepare a letter to the Airport Authority for the Mayor's signature addressing this concern as well as reminding them to monitor the direction of flights and avoid the skies over Redlands.

Sand and Gravel Operations - Councilmember Cunningham reported he has been informed by citizens in the area of the Santa Ana Wash that Sunwest is starting its sand and gravel processing at 3:00 A.M. in violation of their agreement. Christine Jones, geologist for Sunwest, responded they were complying with the agreement which allows processing from 5:00 A.M. to 10:00 P.M. Monday through Friday, from 6:00 A.M. to 6:00 P.M. Saturdays, and none on Sundays. She will provide a "hot line" phone number for so that complaints can be addressed immediately.

Tobacco Regulations - In response to Councilmember Cunningham's concerns, Community Development Director Shaw reported the City's Smoking Prohibitions Ordinance is stronger than the tobacco regulations adopted by the Food and Drug Administration. Our ordinance will be preempted when the majority of the FDA's regulations become effective in August unless the City applies for a waiver from the preemption. Applications received by May 6, 1997, will be reviewed under an expedited procedure. He presented a draft letter for Councilmembers' consideration. Councilmember Cunningham moved to approve the letter of application of exemption from preemption as presented. Motion seconded by Councilmember Gil and carried unanimously.

San Timoteo Creek Flood Control Project - Councilmember Banda moved to direct staff to prepare a letter for the Mayor's signature to Congressman Jerry Lewis regarding the promotion of the soft bottom for the San Timoteo Creek Flood Control Project to the Army Corps of Engineers. Motion seconded by Councilmember Larson and carried with Councilmember Cunningham abstaining due to a possible conflict of interest. Councilmember Banda moved to direct staff to prepare a letter to the County regarding the grant search for the San Timoteo Creek Flood Control Project asking that outside monies be resolved by loans from the County, and asking the County to become as involved as the Greenway Conservancy in the applications for grants. The motion was seconded by Councilmember Larson but following discussion, this matter was continued to the next meeting for further information on motion of Councilmember Larson, seconded by Councilmember Banda (Councilmember Cunningham also abstained from this discussion due to a possible conflict of interest).

UNFINISHED BUSINESS

Ordinance No. 2335 - Second Dwelling Units - Ordinance No. 2335, an ordinance of the City of Redlands amending Article X of the Redlands Municipal Code relating to second residential units, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Larson, further reading of the ordinance text was unanimously waived, and Ordinance No. 2335 was adopted by the following vote:

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

Ordinance No. 2345 - Adult-Oriented Businesses - Community Development Director Shaw reported that since preparation of the staff report last week, concerns have been raised relative to the property currently owned by Seven W Enterprises, which is zoned M-2, as a potential location for adult businesses. Under the proposed ordinance, an adult business, with the landowners' consent, could make application to locate an adult business in that portion of the M-2 zones area which is 1,000 feet from the residential zoned properties in Mentone. Concerns have been expressed that if an adult business is located in this area, the only access to the site would be along Mentone Boulevard and Crafton Avenue which is a residential area and includes the Mentone Elementary School. Clientele going to these uses would pass by the residential areas and elementary school and this could have negative secondary impacts. The current interim ordinance has the same areas zoned as is proposed in Ordinance No. 2345 which expands significantly regulations pertaining to adult uses and responds to many of the potential secondary impacts of these uses.

Community Development Director Shaw also reported that based on a review of information pertaining to adult businesses in other communities and the experience of the Redlands Police Department, limitations of hours of operation for adult businesses have been incorporated into Ordinance No. 2345. There is evidence that there is an increase in crime which accompanies, concentrates around, and is aggravated by adult-oriented businesses to include but not limited to an increase in crimes of narcotics distribution and use, prostitution, pandering, rape, liquor law violations and violence against persons and property. Also based on the experience of the Redlands Police Department and other law agencies, these crimes tend to occur more frequently in the late night hours and are often associated with the closing time of businesses serving alcohol. Studies have confirmed that patrons of adult-oriented businesses often come from areas outside the City to patronize the businesses thereby causing an increase in the number of persons in Redlands requiring police protection which is greater than that caused by other commercial businesses in the late night hours when Police Department staffing is lowest. Finally, the zoning districts in which adult-oriented businesses would be permitted also allow the establishment of uses, including fast food restaurants and convenience stores which are frequented by children on their way to school during the morning hours. Ordinance No. 2345 includes limitations on hours of operation of adult-oriented businesses allowing them to be open between the hours of 10:00 A.M. and 2:00 A.M. of the following day. This restriction assists in reducing the impacts of the secondary effects from adult-oriented businesses during a period when police staffing is the lowest and during the early morning hours when children on their way to school could be exposed to these secondary effects.

Community Development Director Shaw concluded his presentation with the staff's recommendation that the City Council adopt Ordinance No. 2345 and direct staff to evaluate the concerns raised by Janet Weder, Seven W Enterprises, and Mentone residents, and return with a report to the City Council on possible alternatives or amendments that may address the issues raised.

Public hearing on this ordinance was advertised for and held on April 15, 1997, but the City Council permitted several residents of Mentone to address them at this time: Kelly Budd, David Gillotti, June Sartori (who submitted a petition of 144 signatures requesting this area be excluded from Ordinance No. 2345), Teresa de la Rosa, and Michael Reinhart. City Attorney McHugh explained the process and what has been done to address adult-oriented businesses regulations. Councilmembers expressed their apologies to the Mentone residents and assured them they would address their concerns.

Ordinance No. 2345, an ordinance of the City of Redlands adding Chapter 18.226 to the Redlands Municipal Code relating to zoning regulations applicable to adult-oriented businesses, adding Chapter 8.76 to the Redlands Municipal Code relating to the regulation of adult-oriented businesses, and repealing Articles II, III, and IV of Chapter 18.156 of the Redlands Municipal Code, was given its second reading of the title by City Clerk Poyzer. Councilmember Cunningham moved to waive further reading of the ordinance text; adopt Ordinance No. 2345; and directed staff to evaluate the concerns expressed by the Mentone residents and return with a report to the City Council within 30 days. Ordinance No. 2345 was adopted by the following vote:

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

<u>Resolution No. 5371 - PERS Service Actuarial Liabilities</u> - Finance Director Chapman explained in detail the safety employees' current unfunded PERS

(Public Employees' Retirement System) liability and the options explored by staff for amortizing the unfunded liability. As recommended by the Finance Director, the Police and Fire Departments submitted their 1997-98 budget requests using the retirement rates for the year 2011 funding deadline. This represents a 6.14 percent reduction in safety rates from the 1996-97 amounts and will generate $67,000.00 of cash flow savings to the General Fund. The fully amortized liability, however, will increase from the current $2.35 million to a total of $4.16 million, but will be paid over a period of 14 years. This is equivalent to a $2.35 million loan with an annual interest rates of 9.10 percent, compounded monthly for a period of 14 years. Councilmember Gilbreath moved to adopt Resolution No. 5371, a resolution of the City Council of the City of Redlands requesting the California Public Employees' Retirement system to extend the funding period for current service actuarial liabilities for the City of Redlands. Motion seconded by Councilmember Larson and carried unanimously.

Charter City Status - Councilmember Cunningham reiterated why he felt the City should move forward to change our General Law status to Charter status which he felt would give the City more local control. Councilmember Larson moved to table discussion on this matter. Motion seconded by Councilmember Gil and carried with Councilmembers Cunningham and Banda voting NO.

NEW BUSINESS

Resolution No. 5367 - TRANs - Finance Director Chapman explained that Resolution No. 5367 authorizes the issuance of not to exceed $5 million in 1997 Tax and Revenue Anticipation Notes (TRANs). The maturity of the 1997 TRANs will not exceed 15 months and will be dated July 1, 1997. The purpose of the temporary borrowing is to increase available cash balances which provide operating funds to cover cash shortfalls. Cash shortfalls arise due to the timing differential of monthly cash receipts and disbursements throughout the 1997-98 fiscal year. The borrowing also provides an additional source of revenue because the cost of the borrowing is less than reinvestment income, producing a net gain for the City. The TRANs will be issues through a statewide financing program jointly sponsored by the California State Association of Counties and the League of California Cities. This will mark the fifth consecutive year that the City has issued TRANs and would be the fourth consecutive year that the City has participated in the California Communities Cash Flow Financing program. Councilmember Gilbreath moved to adopt Resolution No. 5367, a resolution authorizing and approving the borrowing of funds for fiscal year 1997-1998; the issuance and sale of a 1997-1998 Tax and Revenue Anticipation Note therefore and participation in the California Communities Cash Flow Financing Program. Motion seconded by Councilmember Larson and carried unanimously.

Redlands East Valley High School Annexation - As the City Council is aware, Community Development Director Shaw explained, the new Redlands East Valley High School is currently under construction, working toward a 1997 school year opening. The new high school is outside the City limits, and the Redlands Unified School District has filed an application for annexation of the school site and adjacent properties into the City of Redlands. On November 5, 1996, staff provided a detailed report to the City Council on potential costs and revenues pertaining to the annexation of the Redlands East Valley High School. The City Council directed staff to assist the Redlands Unified School District in making application for annexation of the East Valley High School to the City of Redlands, and requested staff to continue to evaluate potential costs and revenues pertaining to the annexation and provide an updated report to the City Council. An updated report was provided to the City Council at this time including the construction cost estimate for the Colton Avenue and Wabash Avenue intersection improvements. On behalf of the Redlands Unified School District, Gary Cardinale informed Councilmembers the $300,000.00 was "still on the table" for the intersection improvements.

Resolution No. 5370 - Annexation No. 76 Tax Exchange - Resolution No. 5370, a resolution of the City Council of the City of Redlands in connection with the determination of the amount of property tax revenues to be exchanged between and among the County of San Bernardino and the City of Redlands resulting from the jurisdictional change described by LAFCO No. 2822, City of Redlands Annexation No. 76 (Redlands East Valley High School) was presented for City Council review. It was noted the County Board of Supervisors approved a similar action earlier this day. Councilmember Cunningham moved to table this matter for 30 days to allow for a window to negotiate with the County for additional funds for the Colton/Wabash Avenue improvements. Motion seconded by Councilmember Gilbreath and carried unanimously.

Funds - Street Light Poles - Public Works Director Mutter reported the Friends of Prospect Park have completed the interior renovations of the Carriage House. They are now attempting to complete exterior improvements that including landscaping and lighting. However, they have no more funding available and are seeking donations to complete this work. Landscaping work has been secured but lighting remains to be done. The Friends of Prospect Park has requested the City to furnish three new short street light poles for installation at the Carriage House. Mr. Mutter explained that the street lighting budget has been significantly reduced over the past three years. These continued reductions have not allowed for the ongoing purchase of replacement poles. New poles are installed only if the existing pole cannot be repaired or salvaged. Staff offered the Friends of Prospect Park three of the old short street light poles removed from Colton Avenue through the University of Redlands. Although the poles are not new and most have cracks in them, the cracks can be repaired or sealed but the Friends of Prospect Park turned the offer down. On April 10, 1997, the Parks Commission considered this request and recommended approval. Councilmember Cunningham moved to approve the request of the Friends of Prospect Park that the City furnish three new street light poles and fixtures from City stock for exterior lighting at the Carriage House and to appropriate $2,012.00 from the General Fund for the purchase when needed of replacement poles and fixtures for the Electrical Division of Public Works. Motion seconded by Councilmember Larson and carried unanimously.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5372 - Great Neighborhoods Program - Human Services Director Pettus reported that staff as qualified two more participants the Great Neighborhoods Program. Councilmember Cunningham moved to adopt Resolution No. 5372, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Redevelopment Project Area. Motion seconded by Councilmember Gil and carried unanimously. (Also see Redevelopment Agency minutes dated May 6, 1997.)

CLOSED SESSION

The City Council meeting recessed at 4:50 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:51 P.M. to a closed session to discuss the following:

(1) Conference with labor negotiator - Government Code Section 54957.6
Agency negotiator: Gary Luebbers
Employee organizations: Redlands Police Officers Association and Safety Management Employees

(2) Conference with legal counsel - Anticipated litigation - Government Code Section 54956.9(c)
- One Case

(3) Conference with legal counsel - Existing litigation - Government Code Section 54956.9(a)
- Julie Biggs v. Foster and Larson (City Attorney McHugh announced he had a conflict of interest and would not participate in this discussion.)

ADJOURNMENT

There being no further business, the City Council meeting adjourned. The next regular meeting will be held on May 20, 1997.

____
City Clerk