

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 July 7, 1998.

PRESENT

William E. Cunningham, Mayor
Geni A. S. Banda, Mayor Pro Tem
Pat Gilbreath, Councilmember
John L. Freedman, Councilmember
Gary George, Councilmember

Gary M. Luebbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
(evening session)
Michael Reynolds, City Treasurer
Jeffrey L. Shaw, Community Development Director
Bonnie Johnson, Finance Director
Mel Enslow, Fire Chief
Gary G. Phelps, Municipal Utilities Director
Jim Bueermann, Police Chief
Peter A. Laaninen, Assistant Public Works Director

ABSENT

None

NOTE

Cable TV Broadcast - This City Council meeting was broadcast live on cable television (Channel 3). At the end of the meeting, Councilmember George thanked Stan McKinzie, TCI General Manager, and Jerry Hanson, City Council Cable TV liaison, for their efforts to make this happen. Special thanks were expressed to Rebecca Huston, TCI Production Manager, and the citizen volunteers Rod Labori and Bob Ettleman, who produced today's broadcast. And appreciation was also expressed for the City's Electrical Division employees for their expertise.

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

ACCOLADES

4th of July Celebration - Mayor Cunningham announced the City has just celebrated as fine a 4th of July as anyone could want and expressed genuine pride in those volunteers, under the leadership of Bill McCalmon, Redlands 4th of July Committee, who put on the all-day event.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the minutes of the regular meeting of June 16, 1998, were unanimously approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on June 23, 1998, was acknowledged as received.

MOU - University of Redlands - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized the Mayor and Chief of Police to sign a memorandum of understanding between the City of Redlands and the University of Redlands for security personnel pursuant to Penal Code Section 830.7.

MOU - Loma Linda University - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized the mayor and Chief of Police to sign a memorandum of understanding between the City of Redlands and Loma Linda University for security personnel pursuant to Penal Code Section 830.7.

Resolution No. 5534 - Measure O Bonds - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5534, a resolution of the City Council of the City of Redlands, California, levying a tax rate for fiscal year 1998-99 to service the annual principal, interest, and other charges relating to the Measure O 1994 General Obligation Refunding Bonds.

Resolution No. 5535 - Paramedic Tax - It was noted in the staff report that the General Fund is presently supplementing the paramedic program approximately \$340,000.00 annually, and it was recommended that in lieu of increasing the General Fund expenditures, the City Council evaluate the need for an increase in the paramedic assessment tax. Councilmember Gilbreath confirmed that an increase in the tax would require a vote of the people. Councilmember Freedman asked the City Manager to report back on August 4, 1998, the amount and mechanism needed to place this issue on the ballot. Councilmember Gilbreath urged caution as she did not want to risk what we have in place. Councilmember Gilbreath moved to adopt Resolution No. 5535, a resolution of the City Council of the City of Redlands setting the special tax for emergency paramedic service in accordance with Ordinance No. 1900. Motion seconded by Councilmember Freedman and carried unanimously.

Resolution No. 5537 - Booking Fees - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5537, supporting Sheriff Gary Penrod's request to the San Bernardino County Board of Supervisors to the repeal of booking fees in San Bernardino County.

Resolution No. 5538 - Salary - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5538, a resolution of the City Council of the City of Redlands amending Resolution No. 5531 by increasing the number of authorized positions to add a Special Programs Coordinator in the Recreation Bureau of the Police Department. The expenses associated with the position were included with the Police Department budget submittals and funds were approved with the department budget.

Resolution No. 5539 - Weed Abatement Charges - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5539, a resolution of the City Council of the City of Redlands providing the for assessment of costs resulting from the abatement of weeds which constitute a fire hazard in accordance with Chapter 8.40 of the Redlands Municipal Code.

Resolution No. 5541 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5541, a resolution of the City Council of the City of Redlands establishing speed limits on University Street between Cypress Avenue and San Bernardino Avenue pursuant to Title 10 of the Redlands Municipal Code.

Resolution No. 5542 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5542, a resolution of the City Council of the City of Redlands establishing speed limits on Olive Avenue between Citrus Avenue and Terracina Boulevard pursuant to Title 10 of the Redlands Municipal Code.

Contract - State Mandated Cost Claim - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a contract with David M. Griffiths & Associates, Ltd. to provide Comprehensive State Mandated Cost Claiming services to the City of Redlands for fiscal year 1998-99.

Contract Award - Ford Park Irrigation System – Bids were opened and publicly declared on June 24, 1998, by the City Clerk for the construction of the Ford Park Hydro-pneumatic Non-potable Irrigation System (Project No. 1-9976); 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 bids for said project which will result in the lowest cost of the City was Schuler Engineering Corporation, Riverside, in the amount of \$175,800.00 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 Freedman, this recommendation was unanimously approved, and the Mayor and City Clerk authorized to execute a construction contract.

Lien Agreement Release - 328 South Eureka Street - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized release of the Lien Agreement to Secure Construction of Public Improvements for 328 South Eureka Street and to cancel all requirements for street improvements specified in the lien agreement.

Contract - Redlands Community Music Association - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council approved a 60 day contract with the Redlands Community Music Association for the implementation of a children's summer workshop which will be held at the Community Center.

PLANNING AND COMMUNITY DEVELOPMENT

Tract No. 15532 - Jeffrey Homes - The request for final approval for Tract No. 15532, a 36 single family lot subdivision on 9.38 acres of land located on the northwest corner of Wabash and Brockton Avenues was withdrawn from the agenda.

Minor Subdivision No. 230 - Talbert - Final Approval - Mr. Bob Pearce asked the request for final approval for Minor Subdivision No. 230, a subdivision of 3.92 acres into four single family lots on property located at 1355 Knoll Road, be removed from the agenda and that property owners within 300 feet be notified as is required by State law. City Attorney McHugh explained that final approval is an administrative act and that a hearing is not legally required at this time. Community Development Director Shaw reported a public hearing was noticed as required by law in 1994. Councilmember George moved to grant final approval for Minor Subdivision No. 230 as all conditions of approval have been met. Motion seconded by Councilmember Banda and carried with Councilmember Gilbreath voting NO.

Tentative Tract No. 14981 - Luebbe - Time Extension - On motion of Councilmember Banda, seconded by Councilmember Freedman, the City Council unanimously approved a one-year time extension for Tentative Tract No. 14981 extending its approval until June 11, 1999. This application is for

the subdivision of approximately 5.3 acres of land into nine residential lots for property located at the northeast corner of Citrus Avenue and LaSalle Street.

COMMUNICATIONS

Legislative Bulletin - Mayor Cunningham reported a letter had been received from Assemblyman Granlund regarding the status of items the City has expressed concerns about and a letter from SCAG explaining their stand on the vehicle license fee. Councilmember Freedman thought we needed to keep a finger on the pulse of ACA 4 (property tax return, cap the growth); Councilmembers expressed concern that there was no provision to recapture funds. Councilmember Banda referred to a letter from the State Public Utilities Commission regarding the use of telephone poles.

Appointments - Recreation Advisory Commission - Mayor Cunningham moved to nominate Carl R. Clapp to a four-year term on the Recreation Advisory Commission. Motion seconded by Councilmember George and carried unanimously. Councilmember Freedman moved to reappoint Dorothy Katich and Robert E. Hahn to serve additional four-year terms on the Recreation Advisory Commission. Motion seconded by Councilmember Banda and carried.

Trails Committee - Mayor Cunningham announced the 12-Point Trails Plan has been reviewed by all pertinent commissions and that the City Council now needs to finalize the program. He indicated there may be some fiscal impact for preparation of the maps and overlays. Councilmember George moved to direct staff to implement the 12-Point Trails Plan as recommended by the Planning Commission and as brought forward by the Trails Committee. Motion seconded by Councilmember Banda and carried unanimously.

Bicycle Commuter Coalition - Under the Trails Committee discussion (see previous paragraph), Barbara Bray and Ken Pierce, Bicycle Commuter Coalition of the Inland Empire, asked the City Council for \$11,223.37 to cover the shortfall of a grant approved by the South Coast Air Quality Management District. Their program, *Redlands on Two Wheels*, will provide incentives for Redlands' residents to buy bicycles and the installation of bike racks in various locations and bicycle lockers at ESRI and the University of Redlands. Their request was referred to the Public Works Director.

Cities Pavillion - This item was withdrawn from the agenda at the request of Councilmember Gilbreath.

Donut Hole Annexation - City Manager Luebbers announced that LAFCO will hold a hearing on Annexation No. 76 on July 15, 1998; the LAFCO Board is recommending approval of this annexation. The hearing for the Majestic annexation (Citrus Plaza) application is also scheduled for the same meeting. Councilmember Freedman expressed his hope that Majestic would continue with their application. Representing Majestic Realty Company, Attorney John Mirau informed Councilmembers they will be asking that their application be delayed as they are not in favor of annexation until a development agreement with the City of Redlands is approved. He also indicated other property owners in the "donut hole" area will not be in favor of the City's annexation without assurance there will not be any down-zoning or density ratio decrease. Mr. Mirau suggested the City Council withdraw Area C from Annexation No. 76. Mayor Cunningham assured Mr. Mirau that it is not the City's intent to annex this property as agricultural; that the City will honor the CSA 110. He further expressed his concerns about landscape standards and floor ratios; noted that tax revenue from this property could go towards the Alabama Street bridge; and suggested holding a meeting Monday, July 13, 1998, to meet with the property owners to discuss what is planned for that particular area. Mayor Cunningham then moved to re-confirm the 1989 adoption of the East Valley Corridor Specific Plan and land use designation as the zoning for the "donut hole" area and, in his prospective, to examine and insure that projects that go in there are more characteristic of Redlands than the two (Wal-Mart and Pharaoh's Lost Kingdom) we have at the present time. The motion was seconded by Councilmember Banda and no opposition was heard. Councilmembers asked that a presentation of the Citrus Plaza proposal be scheduled on the July 21, 1998, City Council agenda. Councilmember Gilbreath expressed concern with the possibility a hostile take-over annexation.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5540 - Great Neighborhoods Program - Councilmember Banda moved to adopt Resolution No. 5540, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands project area. The motion was seconded by Councilmember Freedman and carried unanimously. (Also see Redevelopment Agency minutes dated July 7, 1998.)

CLOSED SESSION

The City Council meeting recessed at 3:41 P.M. to a Redevelopment Agency meeting and reconvened at 3:42 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code § 54956.9(a)

- Holden v. City of Redlands
 - City of Redlands v. County of San Bernardino and Majestic Realty Company - Case Nos. SCV 34737, 33330, 39880, and 38504
 - Biggs v. Foster and Larson
(City Attorney McHugh announced he had a conflict of interest on this matter and would not participate in its discussion.)
2. Liability Claims
Claimant: Gregory Flores
Agency: City of Redlands
 3. Conference with legal counsel: Anticipated litigation - Government Code § 54956.9(b) - One case
 4. Conference with legal counsel: Anticipated litigation - Government Code § 54956.9(c) - One case

The meeting reconvened at 7:00 P.M.

PUBLIC HEARINGS

Resolution No. 5449 - Landscape Maintenance District No. 1 - Public hearing was advertised for this time and place to consider Resolution No. 5449, a resolution of the City Council of the City of Redlands ordering the maintenance of improvements in Landscape Maintenance District No. 1, giving final approval of the Engineer's Report, and confirming the assessment for the 1998-99 fiscal year. Section 22525 of the Streets and Highways Code of the State of California requires that an Engineer's report be prepared and filed annually outlining the assessment to be levied against benefiting properties. The process requires that two meetings be held by the City Council. One is a public meeting to review the report in concept and the other is a noticed public hearing. The preliminary report for the Landscape Maintenance Assessment District No. 1 was presented to the City Council on April 21, 1998. The City Council adopted Resolution No. 5447, granting preliminary approval to the Engineer's Report, and Resolution No. 5448, declaring its intention to levy and collect assessments for fiscal year 1998-1999, pursuant to the Lighting and Landscaping Act of 1972. On May 5, 1998, the City Council held a public meeting which gave the City Council an opportunity to review the Engineer's Report and receive questions and input from the public. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed and continued to July 21, 1998, at the request of the City Manager.

Resolution No. 5453 - Street Lighting District No. 1 - Public hearing was advertised for this time and place to consider Resolution No. 5453, a resolution of the City Council of the City of Redlands ordering the maintenance of improvements in Street Lighting District No. 1, giving final approval of the

Engineer's Report, and confirming the assessment for the 1998-99 fiscal year. Section 22525 of the Streets and Highways Code of the State of California requires that an Engineer's report be prepared and filed annually outlining the assessment to be levied against benefiting properties. The process requires that two meetings be held by the City Council. One is a public meeting to review the report in concept and the other is a noticed public hearing. The preliminary report for the Street Lighting Assessment District No. 1 was presented to the City Council on April 21, 1998. The City Council adopted Resolution No. 5451, granting preliminary approval to the Engineer's Report, and Resolution No. 5452, declaring its intention to levy and collect assessments for fiscal year 1998-1999, pursuant to the Lighting and Landscaping Act of 1972. On May 5, 1998, the City Council held a public meeting which gave the City Council an opportunity to review the Engineer's Report and receive questions and input from the public. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed and continued to July 21, 1998, at the request of the City Manager.

Resolution No. 5464 - Landscape Maintenance District No. 2 - Public hearing was advertised for this time and place to consider Resolution No. 5464, a resolution of the City Council of the City of Redlands giving final approval of the Engineer's Report, ordering the work in connection with Landscape Maintenance District No. 2, and confirming the assessment for the 1998-99 fiscal year. The Landscape and Lighting Act of 1972 provides agencies with the ability to assess benefiting property owners for the cost of maintaining landscape improvements in parkways and landscape easement that are associated with new developments. On February 3, 1998, the City Council adopted a resolution ordering the preparation of the Engineer's report for the formation of Landscape Maintenance District No. 2. On April 21, 1998, the City Council adopted resolutions giving preliminary approval to the Engineer's Report, declaring its intention to order the formation of the District, and setting a time and place for a public hearing regarding formation of the District and assessments to be levied to the various properties in the District. Article XIID of the California Constitution requires that notification be sent to each property owner when new or increased assessments are proposed and that ballots also be included with the notification. The notifications and ballots were sent to all property owners in the District. One ballot for each parcel was sent. Tabulation of the ballots is to be done at the time of the public hearing with the value of the ballots weighted according to the amount of assessment on each parcel. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed and continued to July 21, 1998, at the request of the City Manager.

Resolution No. 5468 - Street Lighting District No. 2 - Public hearing was advertised for this time and place to consider Resolution No. 5468, a resolution of the City Council of the City of Redlands giving final approval of the Engineer's Report, ordering the work in connection with Street Lighting Assessment District No. 2, and confirming the assessment for the 1998-99 fiscal year. The Landscape and Lighting Act of 1972 provides agencies with the ability to assess benefiting property owners for the cost of maintaining landscape improvements in parkways and landscape easement that are associated with new developments. On February 3, 1998, the City Council adopted a resolution ordering the preparation of the Engineer's report for the formation of Street Lighting District No. 2. On April 21, 1998, the City Council adopted resolutions giving preliminary approval to the Engineer's Report, declaring its intention to order the formation of the District, and setting a time and place for a public hearing regarding formation of the District and assessments to be levied to the various properties in the District. Article XIII D of the California Constitution requires that notification be sent to each property owner when new or increased assessments are proposed and that ballots also be included with the notification. The notifications and ballots were sent to all property owners in the District. One ballot for each parcel was sent. Tabulation of the ballots is to be done at the time of the public hearing with the value of the ballots weighted according to the amount of assessment on each parcel. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed and continued to July 21, 1998, at the request of the City Manager.

UNFINISHED BUSINESS

Resolution No. 5528 - Traffic - Resolution No. 5528, a resolution of the City Council of the City of Redlands establishing speed limits on Dearborn Street between Fifth Avenue and Lugonia Avenue pursuant to Title 10 of the Redlands Municipal Code, was continued from the last City Council meeting to this time and place. Citing a possible conflict of interest, Councilmember Banda left the City Council Chambers. Anette Nunn presented copies of a petition (copy not provided for the City Clerk) purported to contain 80 signatures of neighbors and parents of students at Moore Middle School and parents of AYSO participants asking the City Council to post a more reasonable speed limit on Dearborn Street between Fifth Avenue and Colton Avenue for the safety of their students. David Regalado, neighbor and principal at Moore Middle School, also urged a lower speed limit. Assistant Public Works Director Laaninen explained that in order for the Police Department to use radar to enforce speed limits, an engineering, traffic and speed survey must be conducted and speed limits set in accordance with State law. Police Chief Bueermann noted that if a lower speed limit is established by the City Council, his Traffic Division will not be able to issue citations, but that they would initiate an educational program in the area.

Councilmember Cunningham moved to change the recommended speed limit on Dearborn Street between Fifth Avenue and Colton Avenue to 30 miles per hour. Motion seconded by Councilmember Gilbreath and carried with Councilmember Banda abstaining from the vote. Councilmember George moved to adopt Resolution No. 5528 setting the following speed limits on Dearborn Street: 30 miles per hour between Fifth Avenue and Colton Avenue, and maintain the school zone as currently posted for the Moore Middle School. Motion seconded by Councilmember Freedman and carried with Councilmember Banda abstaining from the vote.

Resolution No. 5521 - Traffic - Assistant Public Works Director Laaninen reported that on April 23, 1998, the Traffic and Parking Commission reconsidered a request to change the parking on the south side of Citrus Avenue between Olive Avenue and Redlands Boulevard from all day parking to two-hour parking which was subsequently approved by the City Council on May 19, 1998. At the request of several downtown business owners, the matter was reconsidered by the Traffic and Parking Commission on June 25, 1998, at the request of the City Council. After hearing significant testimony from both sides of the issue, the Commission voted to recommend to the City Council denial of the request to suspend the two-hour parking limitation. The vote was 5-1 with two abstentions. Councilmember Banda felt this seemed to be a reasonable request and suggested suspending the parking limitation on Citrus Avenue until the downtown parking situation was resolved. Councilmember George indicated he had a problem with people on State Street telling people on Citrus Avenue what to do about parking on Citrus Avenue. Dolores Mercer again addressed Council asking them to suspend Resolution No. 5521 and reviewed the activities of the Downtown Redlands Business Association's new parking committee. Councilmember Banda moved to adopt Resolution No. 5543, a resolution of the City Council of the City of Redlands suspending, for a period of one year, the enforceability of Resolution No. 5521 relating to parking on the south side of Citrus Avenue between Olive Avenue and Redlands Boulevard. Motion seconded by Councilmember Gilbreath and carried with Councilmember George voting NO.

PUBLIC COMMENTS

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ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:40 P.M. The next regular meeting will be held on July 21, 1998.

City Clerk