

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 Wednesday, January 2, 2002, in accordance with Section 2.02.020 of the Redlands Municipal Code.

PRESENT Karl N. (Kasey) Haws, Mayor
Susan Pepler, Mayor Pro Tem
Pat Gilbreath, Councilmember
Gary George, Councilmember
Jon Harrison, Councilmember

ABSENT None

STAFF John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Jim Bueermann, Police Chief; Mel Enslow, Fire Chief; Bonnie Johnson, Finance Director; Ronald C. Mutter, Public Works Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director.

The meeting was opened with an invocation by Mayor Pro Tem Pepler followed by the pledge of allegiance.

LATE BREAKING ITEM

Resolution No. 5999 - Street Vacation No. 118 - City Attorney McHugh reported that after the agenda for this meeting was posted, Pat Meyer, Urban Environs, came to the City and expressed the concern of one of his clients, Robert Pattillo Properties, that its sale of property to Hershey's would be held up by language inadvertently adopted by the City Council in a resolution when the City vacated a "paper" street. The Pattillo/Hershey transaction is supposed to close within a few days after this meeting. The City Attorney has reviewed the resolution in question and agrees that certain language can be removed from Resolution No. 5804 which relates to reserved utility easements and has prepared Resolution No. 5999, a resolution of the City Council of the City of Redlands finding that a portion of a certain street is unnecessary for present or prospective street purposes and ordering the vacation and rescinding Resolution No. 5804. Noting the need to take action was immediate, Councilmember Pepler moved to add the following item to the Consent Calendar which arose subsequent to the agenda being posted: "Resolution No. 5999 for Street Vacation No. 118." Motion seconded by Councilmember George and carried unanimously. Councilmember George moved to adopt Resolution No. 5999, Motion seconded by Councilmember Harrison and carried unanimously.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Harrison, the minutes of the regular meeting of December 18, 2001, were approved as submitted.

Bills and Salaries - On motion of Councilmember George, seconded by Councilmember Harrison, payment of bills and salaries was acknowledged.

Settlement Agreement - McCall - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously approved a settlement agreement with Allen L. and Peggy L. McCall relating to damage to their property resulting from sewer back-ups from the City's sewer system.

Contract Change Order - CFD 2001-1 - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously approved a change order in the amount of \$1,500.00 to the contract with The Heath Group for appraisal services relating to the Community Facilities District No. 2001-1.

Subdivision Improvement Agreement - Final Approval - Tract No. 16101 - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously approved a subdivision improvement agreement, and accepted and granted final approval of Tract No. 16101 for property located between Capri and Lugonia Avenues, west of Wabash Avenue (Standard Pacific, applicant).

Terminate CC&Rs - Cypress Villas - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously authorized the Mayor and City Clerk to execute the Declaration of Termination of Covenants, Conditions and Restrictions previously recorded on the property located on the north side of Cypress Avenue, approximately 180 feet west of Redlands Boulevard, which is being purchased by Cypress Villas.

Resolution No. 5996 - Support Proposition 42 - Councilmember Gilbreath explained that Sanbag has recommended adoption of a resolution supporting Proposition 42, the Transportation Congestion Act, which is on the March 5, 2002, statewide ballot allocating a portion of the existing State sales tax on gasoline to cities and counties to be used for transportation improvements. Councilmember Pepler moved to continue this matter to January 15, 2002, for more information. Motion seconded by Councilmember Haws and carried unanimously.

Barton House Seismic Retrofit Project - Contract award for the Barton House Seismic Retrofit Project was withdrawn from the agenda.

Resolution No. 5991 - Grant Application - Safe Routes to School - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 5991, a resolution of the City of Redlands approving the application for grant funds through the State of California Business, Transportation and Housing Agency and the California Office of Traffic Safety, for a project referred to as *Safe Routes to School*. The target location for this project is E. M. Cope Middle School on Cypress Avenue.

Resolution No. 5994 - Regional Transportation Improvement Plan Program - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 5994, a resolution of the City Council of the City of Redlands certifying that the City of Redlands has the resources to fund the projects submitted for inclusion in the Fiscal Years 2002/03-2007/08 Transportation Improvement Program and affirming its commitment to implement all of the projects submitted in the program.

Church Street Right-of-Way Agreement - Torres - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously approved an agreement regarding purchase of fee interest with William C. Torres, III (111 North Church Street, APN 0171-086-09) in the amount of \$1,500.00 for street right-of-way in conjunction with the widening of Church Street from Redlands Boulevard to Colton Avenue and authorized the Mayor and City Clerk to sign the document on behalf of the City.

Proclamation - National Arbor Day - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously authorized issuance of a proclamation declaring April 26, 2002, as National Arbor Day and encouraging all residents to observe this day and the following week by planting trees which are horticulturally and aesthetically appropriate for this area.

Contract Award - Wastewater Treatment Facilities Project - Bids were opened and publicly declared on December 20, 2001, by the City Clerk for the Demolition of Identified 1952 and 1972 Wastewater Treatment Facilities Project, Project No. 2-0221; a bid opening report is on file in the Office of the City Clerk. This project involves the demolition of facilities at two locations. The 1952 wastewater facility is located adjacent and easterly of Alabama Street within the Santa Ana River Wash. The Imhoff structure at this site has not been used since 1962 and needs to be demolished due to safety concerns. The 1972 Wastewater Treatment Plant is located at 1950 North Nevada Street and has five unused facilities that require removal to facilitate the construction of the Redlands Recycled Water Project. 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 for the City was Viking Equipment Corporation and J & G Industries, Inc., a Joint Venture, in the amount of \$118,700.00, and it would be in the best interest of the City that this contract be awarded to said firm.

On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously approved this recommendation.

Ordinance No. 2485 - Emergency Organization - Ordinance No. 2485, an ordinance of the City of Redlands amending Chapter 2.52 of the Redlands Municipal Code relating to the City's emergency organization, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Harrison.

Resolution No. 5992 - Agreement - Home Finance Programs - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 5992, a resolution of the City Council of the City of Redlands approving a Home Mortgage Finance Program and additional home finance programs in cooperation with the County of San Bernardino and authorizing the Mayor and City Clerk to execute for and on behalf of the City a cooperative agreement with the County of San Bernardino. This cooperative agreement will allow continued participation in the County's home finance programs.

CDBG Change of Scope - Texonia Park Project - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously approved a proposed change of scope as recommended by the Recreation Commission for the Community Development Block Grant (CDBG) Texonia Park project and authorized the staff to submit the modification to the San Bernardino County Department of Economic and Community Development.

Funds - Joslyn Senior Center - Expanded Hours - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously approved a six-month trial period for expanded Sunday operating hours at the Joslyn Senior Center and unanimously authorized an additional appropriation of \$4,500.00 to fund personnel expenses.

COMMUNICATIONS

Sister Cities Association - Liability Insurance - Mayor Haws reported the Redlands' Sister Cities Association has requested the City of Redlands name them as an additional insured under the City's general liability insurance program. The reason the request is being made is that the cost of such coverage would be cost prohibitive to the Association and thus jeopardize its ability to continue with its program. Ellen Weisser, member of the Board of Directors, addressed the City Council thanking them for their past support and reminding them of the long-standing relationship. Ross Jones, insurance broker for the City and representative for Davis and Graeber, informed Councilmembers that if the Association is added to the City's umbrella policy, they or the City would be responsible for the first \$500,000.00 (deductible, per occurrence); a separate policy for the Association would cost approximately \$1,200.00 to \$1,500.00 per

year and would not have a deductible. Councilmembers concurred to table this request to allow staff to meet with representatives from the Redlands' Sister Cities Association Board of Directors for further discussion.

Councilmembers' Announcements/Reports - Mayor Haws asked Councilmembers to consider adding an item to future agendas to allow Councilmembers to make announcements and/or reports within the confines of the "Brown Act." Councilmembers concurred and it will be scheduled as the first item of business during the evening session.

UNFINISHED BUSINESS

Resolution No. 5998 - Donut Hole Services Agreement - Mayor Haws reviewed the negotiations that have occurred over the past several months with representatives of the County of San Bernardino, County Service Area 70 EV-1, Majestic Realty, and City staff and policy-makers regarding a proposal for Redlands to provide utilities and other municipal services to CSA 70 EV-1 and the "donut hole." City Attorney McHugh reviewed the documents made available today and summarized the proposal, legal issues, and CEQA requirements. Noting he was reviewing the ninth version at this time, Councilmember George cited four areas changed or subject to re-analysis: sales tax split, annexation, infrastructure costs, and property tax increment. Another meeting is scheduled to be held on Thursday, January 3, 2002. Councilmembers discussed, at length, the proposed agreement and, by consensus, directed that we negotiate to remove all references to annexations; eliminate Section 6 regarding property tax and let the 1992 IVDA agreement stand, strike language referring to "freezing" rates, and apply City policy in relation to water conservation efforts. Mayor Haws also reviewed a list of items to be addressed at Wednesday's meeting. Speaking from the audience were: Bill Cunningham who stated none of the documentation was available prior to the meeting nor was there any announcement in the newspapers that this matter would be discussed at this meeting. Tex Moore who felt the agreement would amount to a substantial subsidy, violates Measure U, and urged Councilmembers to let the Redlands' voters decide on this agreement. In an attempt to meet the County's deadline of January 8, 2002, Councilmembers agreed to continue this discussion at an adjourned regular meeting to be held on January 8, 2002, at 6:00 P.M.

NEW BUSINESS

Ordinance No. 2991 - Resolution No. 5993 - Commissions/Boards - Mayor Haws proposed Councilmembers consider the deletion of the two-term limitation for residents appointed to the City's commissions and boards. In response to his proposal staff has prepared Ordinance No. 2991 and Resolution No. 5993 to address this proposal as well as other minor "housekeeping" items which include the deletion of the Town Center Advisory Board which has been replaced with the Downtown Redlands Business Association, deletion of the Personnel Advisory Board, and updating job titles of staff that are ex-officio members of the Historic

and Scenic Preservation Commission and the Traffic and Parking Commission. Many suggestions were made by Councilmembers such as allowing a vote of the Council to waive term limits on a individual basis, addressing only certain commissions/boards or if no applications are received, changing the limit to three terms, or requiring a four-fifths votes for a third term. Jim Macdonald, Planning Commissioner, urged the City Council to remove term limits. By consensus, this matter was continued to February 5, 2002, and staff was directed to prepared other options.

PUBLIC COMMENTS

None forthcoming.

CLOSED SESSION

The conference with the real property negotiator item was withdrawn from agenda.

ADJOURNMENT

The City Council meeting adjourned at 4:27 P.M. to an adjourned regular meeting to be held on Tuesday, January 8, 2002, at 6:00 P.M. in the Council Chambers, Civic Center, 35 Cajon Street, Redlands, California.

City Clerk