

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 February 18, 2003.

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; Michael Reynolds, City Treasurer; 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 Haws followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the minutes of the regular meeting of February 4, 2003, were approved as submitted.

Resolution No. 6126 - Candidates' Statements Regulations - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 6126, a resolution of the City Council of the City of Redlands adopting regulations for candidates for elective office pertaining to materials submitted to the electorate and the costs thereof for the general municipal election to be held on Tuesday, November 4, 2003.

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

Planning Commission Actions - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the report of the Planning Commission meeting held on February 11, 2003, was acknowledged as received.

Ordinance No. 2507 - Signs in the Commercial Zoning District - Ordinance No. 2507, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code relating to signs in the commercial zoning district (Home Depot USA, applicant), was unanimously adopted on motion of Councilmember Pepler, seconded by Councilmember Harrison.

Development Strategy - Core Block - Following a request for clarification, Councilmember Harrison moved to accept the detailed budget as submitted by Ralph Megna, Economic Development Director, and directed staff to prepare a Request for Proposals to complete a development strategy for the core block in downtown Redlands. Motion seconded by Councilmember Pepler and carried unanimously. The costs associated with preparing this report is estimated to be \$59,750.00, time expended by Mr. Megna towards the project, and City staff time in providing mapping, data and time in preparing this plan. On January 21, 2003, the City Council expressed a preference to use the "Park Once" grant funds that will be available in April rather than utilizing Redevelopment Agency funds.

Housing Element - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously acknowledged receipt of the review of the Housing Element goals, policies and programs and ordered the report filed. A summary of 50 specific programs and the current status of these programs and identification of staff's plans for action over the next few months was provided with the staff report.

Ordinance No. 2535 - Parades and Public Assemblies - Ordinance No. 2535, an ordinance of the City of Redlands amending Chapter 12.40 of the Redlands Municipal Code relating to parades and public assemblies, was unanimously adopted on motion of Councilmember Pepler, seconded by Councilmember Harrison.

Ordinance No. 2536 - Residential Development Allocations - Ordinance No. 2536, an ordinance of the City of Redlands amending Title 19 of the Redlands Municipal Code relating to residential development allocations, was unanimously adopted on motion of Councilmember Pepler, seconded by Councilmember Harrison.

Settlement Agreement - Lockheed Martin Corporation - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously ratified a settlement agreement with Lockheed Martin Corporation which was authorized by the City Council in closed session on February 4, 2003.

Settlement and Release Agreement - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved settlement and release agreements with Jeni-Tsu Pensader and Alan Pensader, by and through her Guardian Ad Litem Val Joseph Pensader and Mother and Trustee Diana Jeter and authorized the Mayor and City Clerk to execute the documents on behalf of the City.

Council Liaisons - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously appointed Susan Pepler as the City Council liaison to the Recreation Advisory Commission and Jon Harrison as the City Council liaison to the Street Tree Committee. The alternate liaison assignments remain unchanged: Mayor Haws as the alternate City Council liaison to the Recreation Commission and Councilmember Gilbreath as the alternate City Council liaison to the Street Tree Committee.

Resolution No. 6127 - Traffic - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 6127, 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: install multi-way stop at Orange Avenue and Nevada Street, install multi-way stop and school zone crosswalk at Tennessee Street and Orange Avenue/Pine Street; create a right turn only lane on west bound Colton Avenue at Judson Street, and designate five parking spaces at the Citrus Avenue and Fifth Street parking structure for motorcycle parking.

Funds - Community Field Lights Project - Councilmember Gilbreath moved to approve an additional appropriation in the amount of \$81,500.00 with the understanding these funds will be reimbursed to the City upon submittal of an application to the State for Proposition 12 grant money and authorized staff to execute a change order for the design and construction of a new lighting per Alternate No. 1 on Field No. 2 at Community Field as a part of the Community Field Lights Project. Motion seconded by Councilmember Harrison and carried unanimously.

Contract Amendment - Redlands Sports Park - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously authorized a third amendment to the STB Landscape Architects contract to provide construction drawings for the Redlands Sports Park parking lot and drive aisle west of the Big League Dreams and soccer area in the amount of \$8,200.00.

Consulting Services Agreement - Redlands Sports Park - Following a clarification, Councilmember Gilbreath moved to approve a consulting services agreement with RBF Consulting for the constructability review of the Redlands Sports Park phase 1 construction documents for a fee of \$26,040.00. Motion seconded by Councilmember Pepler and carried unanimously.

Agreement - SCE - Redlands Sports Park - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved an agreement with Southern California Edison Company (SCE) to design the Redlands Sports Park to be energy efficient. SCE is offering incentive to business and cities across the State who design their new buildings to exceed the Title 24 building requirements for energy efficiency. This

program is funded by utility customers through the Public Purpose Programs surcharge.

Agreement - California Street Landfill - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved an agreement with Janecek and Associates to furnish landfill gas engineering services for the California Street Landfill.

Bear Valley Mutual Water Company - Due to a potential conflict of interest, Councilmember Gilbreath did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. On motion of Councilmember George, seconded by Councilmember Pepler, the City Council approved the purchase of 54 shares of Bear Valley Mutual water Company stock from Randy Maas for a total price of \$6,750.00 with Councilmember Gilbreath abstaining from the vote.

Contract Award - MUD Office Remodel - Bids were opened and publicly declared on January 30, 2003, by the City Clerk for the Municipal Utilities Department Loft Remodel Project 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 for the City was Hinkley and Associates, Inc. in the amount of \$79,780.00, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved this recommendation and authorized staff to approve costs up to ten percent (10%) over the total bid amount, and authorized the Mayor and City Clerk to execute the construction contract on behalf of the City.

Funds - Grant Award - Family Services Unit - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously authorized the Mayor to accept the Governor's Office of Criminal Justice Planning Grant award of \$64,000.00 to maintain a Community Service Officer serving in the Family Services Unit of the Police Department and authorized an additional appropriation to fund the position.

Funds - Contract Award - Community Center Gymnasium - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved an additional appropriation in the amount of \$33,160.00 from the State Proposition 12 Grant fund for repairs and upgrades to the Community Center gymnasium and awarded the contract for said project to Tomark Sports, Inc. and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Frederick Demki - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved

an independent contractor agreement with Frederick Demki to develop and conduct computer literacy classes for the City's Recreation Bureau and authorized the Mayor and City Clerk to execute the document on behalf of the City.

COMMUNICATIONS

Appointments - BEDAC - Mayor Haws moved to nominate Peter M. Barnack and Brad L. Hundman to fill two unexpired terms to October 15, 2005, on the Business and Economic Development Advisory Commission (BEDAC). Motion seconded by Councilmember Harrison and carried unanimously.

Appointments - Planning Commission - Mayor Haws moved to nominate Carolyn Laymon for reappointment to another four-year term on the Planning Commission. Motion seconded by Councilmember Harrison and carried unanimously. Mayor Haws moved to nominate Thomas Osborne for reappointment to a third four-year term on the Planning Commission. Motion seconded by Councilmember Pepler and carried unanimously (4/5 vote of the City Council required).

Redlands Christian Home - Bill Feenstra, Redlands Christian Home, updated Councilmembers on their progress developing their 17.84 acres project on the northeast corner of Fifth Street and Wabash Avenue and expressed their appreciation for all the assistance they have received from the City of Redlands.

Public Comments - Grace Lester, Yucaipa, interrupted the meeting and commented on several items under the Consent Calendar and New Business.

Agreement - County Service Area 38 - At the December 17, 2002, meeting the City Council approved an agreement for fire protection services to CSA 38 with a modification to reflect the City's ability to receive payment up-front for services being provided and that the agreement include a provision and/or proration formula that would allow the City to "pay back" based on the amount of property annexed. In an effort to address the concerns expressed by the City Council, Mayor Haws, Mayor Pro Tem Pepler, and the City staff have been working with Supervisor Hansberger and his staff to develop a revised CSA 38 fire protection service agreement that meets the needs of both the City Council and the County Board of Supervisors. Grace Lester, Yucaipa, expressed concerns about the Donut Hole. Following brief discussion, Councilmember Pepler moved to approve the revised agreement with County Service Area 38 for fire protection and ALS/Paramedic services (Donut Hole). Motion seconded by Councilmember Harrison and carried unanimously.

Resolution No. 6137 - Zero-Emission Vehicle Program - Councilmember George explained the Air Resources Board staff has recently proposed changes to the current California Zero-Emission Vehicle (ZEV) Program to be

considered on February 27, 2003. Adoption of these proposed changes would result in no new ZEV product until the 2008 or 2009 model year, dealing a major blow to the efforts advancing ZEV technology and commercialization which would be extremely difficult to reverse in future years. Councilmember George moved to adopt Resolution No. 6137, a resolution of the City of Redlands supporting the Zero-Emission Vehicle Program for the Air Resources Board. Motion seconded by Councilmember Harrison and carried unanimously.

NEW BUSINESS

Ordinance No. 2537 - Massage Regulations - Ordinance No. 2537, an ordinance of the City of Redlands amending Chapter 5.28 of the Redlands Municipal Code relating to massage parlors, was read by title only by City Clerk Poyzer, and on motion of Councilmember Peppler, seconded by Councilmember George, further reading of the ordinance text was unanimously waived, and Ordinance No. 2537 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for March 4, 2003.

Special Municipal Bond Election - Police Chief Bueermann presented his request to the City Council to place a municipal bond measure on the June 3, 2003, ballot. The question to be brought to the voters would be: "Shall the City of Redlands be authorized to issue General Obligation Bonds in the amount of thirty-four million dollars (\$34,000,000) principal amount to finance the renovation and improvement of the Redlands Historical Museum, and the acquisition, construction and improvement of a new police, fire administration and emergency operations center and a new parking facility, including the acquisition of real property therefor, and all costs incident thereto?" Police Chief Bueermann described the need for new facilities for the police and reported in order to meet election deadlines, action must be taken at this meeting. Fire Chief Enslow explained the need for a new fire administration and emergency operations center. On behalf of Library Director Burgess, City Manager Davidson reported Dr. Burgess is committed to working with the community and staff to pass the bond measure which would provide for the improvements needed in the old City Hall located at 30 Cajon Street (currently the Police Department Annex) to become the Redlands Historical Museum. On behalf of the Redlands Historical Museum, Liz Beguelin urged the City Council to proceed with this ballot measure; several museum supporters were also in attendance. Noting this was a win-win situation for everyone, Bill Buster also urged the City Council to put this question to the voters. Bill Cunningham expressed concerns about the timing, noting placing this measure on the November ballot would be more cost effective as well as allowing more time to address the significant impact this will have on the taxpayers who are already faced with an increase in their utilities bills. Grace Lester, Yucaipa, also addressed the City Council. Councilmember George felt that any property sales resulting from re-location of the police facilities should go towards retiring the bond issue. Councilmember Harrison supported the concept but felt he needed

more information before proceeding. Councilmember Gilbreath felt the issue should be broken down such as police/fire and museum and parking; she also felt we needed more information and time to organize and sell the proposal. Councilmember Haws felt there would be a moment in time when we needed to do this but also wanted to see the results of a poll to be conducted later in the week and information regarding segregating the issues. Councilmember Pepler wanted to see the questions being asked in the poll. Following discussion, this matter was continued to the evening session in order to get information from bond counsel. At the evening session, City Attorney McHugh reported the resolution must be adopted before the ordinance and requires a 4/5 votes of the City Council. The ordinance cannot be adopted at a special meeting, also requires a 4/5 vote, and must be in the same form at time of adoption as it was introduced. The ordinance could be amended and then re-introduced at a special meeting (February 26, 2003, being the last date available). Councilmember Harrison did not feel he was in a position to support the ballot measure as presented at this time as he wanted to review an organized package, but indicated he would be willing to proceed at this meeting with no guarantee he would support it on March 4, 2003.

Resolution No. 6136 - Special Municipal Bond Election - Councilmember George moved to adopt Resolution No. 6136, a resolution determining that the public interest and necessity demand the acquisition, construction, and completion by the City of Redlands of the following municipal improvements, to wit: Redlands Historical Museum renovations and improvements, a new police, fire administration and emergency operations center and new parking facility, including acquisition of real property and construction of facilities, works, property or structures necessary or convenient for said municipal improvements for the City of Redlands; and that the cost of said municipal improvements will require an expenditure greater than the amount allowed therefor by the annual tax levy. Motion seconded by Councilmember Pepler and carried with Councilmember Gilbreath voting NO.

Ordinance No. 2540 Special Municipal Bond Election - Ordinance No. 2540, an ordinance of the City of Redlands, State of California, calling and providing for a municipal bond election for the purpose of submitting to the qualified electors of said city a ballot measure of whether bonded indebtedness of said city should be incurred for the purpose herein set forth; declaring the amount of bonds proposed to be issued and the maximum rate of interest to be paid thereon; making provisions for the levy and collection of taxes; fixing the date of said election and the manner of holding the same and the procedure for voting for or against said measure; and providing for notice of said election, was read by title only by City Clerk Poyzer, and on motion of Councilmember George, seconded by Councilmember Pepler, further reading of the ordinance text was waived, and Ordinance No. 2540

was introduced and laid over under the rules with adoption scheduled for March 4, 2003, with Councilmember Gilbreath voting NO.

Appeal - Donut Hole Water Meter - On January 16, 2003, The Redlands Association filed a letter appealing the issuance of a water connection permit and/or other entitlements (water meter) to Majestic Realty for its Citrus Plaza project. The City Council set this time and place to hear their appeal. City Attorney McHugh reported The Redlands Association has also asked the Local Agency Formation Commission to reconsider its decision regarding service in the Donut Hole and a hearing has been set for March 19, 2003, and that the City Council may wish to continue this hearing until they have all information available. On behalf of The Redlands Association, Jerry Biggs read a letter dated February 18, 2003, citing their reasons why they feel the water permit issued for Kohl's Department Store should be rescinded. Grace Lester, Yucaipa, addressed the City Council. Councilmember Haws moved to continue this appeal to the first meeting in April. Motion seconded by Councilmember Peppler and carried unanimously.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Financial Report - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously accepted the City of Redlands Comprehensive Annual Financial Report for the year ended June 30, 2002. (Also see Redevelopment Agency minutes for February 18, 2003.)

CLOSED SESSION

The City Council meeting recessed at 4:40 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:41 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - a. City of Redlands v Federal Home Loan Mortgage Corporation et al (Mountain Crest receivership) - SCVSS 95891

The meeting reconvened at 7:00 P.M.

Staff Present: John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Jim Bueermann, Police Chief; Ronald C. Mutter, Public Works Director; and Mary Petite, CDBG Administrator.

PRESENTATION

Proclamation - César Chavez Day of Service and Learning - Dr. Charles Hyman and Leanora Jimenez-Sims, Human Relations Commissioners, invited students from the Mecha Club at Redlands High School to join them at the dais with

Mayor Haws. Mecha Advisor Brian Vura-Weiss described their function on campus and their desire to become involved in the César Chavez Day of Service and Learning. Councilmember George announced the American Legion Post 650 will host a breakfast on March 31, 2003 at 7:00 A.M. to honor César Chavez. Mrs. Jimenez-Sims invited interested people to the Human Relations Commission meeting to be held on Monday, February 24, 2003, to coordinate events to honor César Chavez. Councilmember George moved to authorized issuance of a proclamation declaring March 31, 2003, as *César Chavez Day of Service and Learning* in Redlands. Motion seconded by Councilmember Haws and carried unanimously.

ANNOUNCEMENTS/REPORTS

Councilmembers reported on their activities and attendance at meetings during the past two weeks.

NEW BUSINESS

Special Municipal Bond Election - Discussion regarding the special municipal bond election was continued to the evening session; see above for complete minutes on this matter. Following this discussion, City Attorney McHugh, Police Chief Bueermann, and Finance Director Johnson were excused from the meeting.

CDBG/CC Unprogrammed City Funds - Y-Alliance - Ken Stein, General Director of Y-Alliance, asked the City Council to consider allocation funds from the Unprogrammed Community Development Block Grant funds to complete their roofing and exterior repair and painting project. Councilmember Harrison moved to allocate \$7,000.00 from the City Council Unprogrammed Community Development Block Grant Funds to the Y-Alliance. Motion seconded by Councilmember George and carried unanimously.

PUBLIC HEARING

CDBG Allocations - A public hearing was advertised for this time and place to establish prioritization and funding distribution of the Community Development Block Grant (CDBG) proposals for the 2003-04 funding cycle. CDBG Administrator Petite said this is the 29th year of implementing the CDBG program. This year the City received proposals totaling \$1,884,395.00 in requested CDBG funds. This year, the City's HUD allocation will be at least \$402,600.00. As of this afternoon, the U. S. Congress and Senate had not yet appropriated HUD funding. The San Bernardino Economic and Community Development Department has suggested that we based our funding priorities on a CDBG allocation of \$419,400.00. If the actual grant amount announced by HUD results in a significant increase or decrease, the City's allocation may change.

Mayor Haws declared the meeting open as a public hearing. Representatives from the following organizations addressed the City Council and responded to Councilmembers' questions: ASG (After School Growth), Assistance League of Redlands, Boys and Girls Club of Redlands, Childhelp USA Foster Family Agency, City of Redlands Public Works Department (Program Administration), City of Redlands Public Works Department (Mission Gables Bowl House), City of Redlands Public Works Department (Pedestrian Ramp Improvements), City of Redlands Public Works Department (Union Avenue Improvements), City of Redlands Police Department (Recreation Effects), Day Harvest Ministries, Family Service Association of Redlands, GRIT (Gang Reduction Intervention Team), Inland Temporary Homes, Libreria Del Pueblo, Inc., Legal Aid Society of San Bernardino, Redlands Community Music Association, San Bernardino Sexual Assault Services, Inc., Somas Hermanas Unidas, and Y Alliance. There being no further comments, the public hearing was closed at 8:36 P.M.

On motion of Councilmember Haws, seconded by Councilmember George, the City Council unanimously voted to allocate the following Community Development Block Grant projects for the 2003-04 Community Development Block Grant year as follows and with the understanding that, if additional funds are available, \$1,000.00 each will be set aside for San Bernardino Sexual Assault Services, Inc. and the Legal Aid Society of San Bernardino:

(See next page)

CDBG Allocations (continued)

\$ 301,950.00	Construction/Acquisition Projects
60,390.00	Public Service Projects
<u>40,260.00</u>	Administrative Costs
\$402,600.00	Total Allocation

The individual project allocations were approved as follows:

Public Service	Amount
Boys and Girls Club of Redlands	\$ 5,000.00
City of Redlands Police Department Recreation Effects	19,002.00
DASH, Inc.	3,000.00
Family Service Association of Redlands	10,000.00
GRIT (Gang Reduction Intervention Team)	4,888.00
Inland Temporary Homes	2,500.00
Legal Aid Society of San Bernardino	2,000.00
Redlands Community Music Association (Children's Workshop Series)	5,000.00
San Bernardino Sexual Assault Services, Inc.	4,000.00
Somos Hermanas Unidas	<u>5,000.00</u>
Total Public Service	\$60,390.00
Construction/Acquisition Projects	
Assistance League of Redlands	\$ 20,000.00
City of Redlands Public Works Department Mission Gables Bowl House	51,950.00
City of Redlands Public Works Department Cypress Avenue (Cope Middle School) Curb Cuts	30,000.00
City of Redlands Public Works Department Pedestrian Ramp Improvements	20,000.00
City of Redlands Public Works Department Union Avenue Improvements	160,000.00
Y-Alliance (HVAC Installation)	<u>20,000.00</u>
Total Construction/Acquisition Projects	\$301,950.00
CDBG Administration	
City of Redlands Public Works Department Program Administration	<u>\$40,260.00</u>
Total CDBG Administration	<u>\$ 40,260.00</u>
Total Allocation	\$402,600.00

PUBLIC COMMENTS

Mountain Crest Apartments - Karla Kreissig, who owns property within the Mountain Crest complex on Oxford Drive, informed the City Council she would be selling her buildings as she did not want to continue receiving letters from the City regarding the condition of her buildings. She invited Councilmembers to come and see her buildings.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:00 P.M. The next regular meeting will be held on March 4, 2003.

City Clerk