

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on September 21, 2004, at 3:00 P.M.

PRESENT Susan Pepler, Mayor  
Gilberto Gil, 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; Tom Fitzmaurice, Police Captain; Mel Enslow, Fire Chief; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director

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

#### ANNOUNCEMENTS/REPORTS

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

#### PRESENTATIONS

Certificates of Appreciation - Redlands Trolley - Assisted by Community Development Director Shaw, Councilmember George presented certificates of recognition and appreciation for support and assistance in the re-establishment of the trolley services in Redlands to Beaver Medical Group, Congressman Jerry Lewis, Omnitrans, Redlands Downtown Business Association, and the University of Redlands. The new clean air trolleys are celebrating their first anniversary this month and have proven to be quite successful.

#### CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember George, the minutes of the regular meeting of September 7, 2004, were approved as submitted.

Conflict of Interest Code - Review and Biennial Report - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously acknowledge review of their Conflict of Interest Code and

found that amendments are necessary and authorized execution of the notice relating to the amendments. The Code must be revised and approved 90 days from the date this biennial notice was submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember George, the report of the Planning Commission meeting held on September 14, 2004, was acknowledged as received.

Ordinance No. 2585 - OTA 305 - Ordinance No. 2585 an ordinance of the City of Redlands amending Chapter 18.28 of the Redlands Municipal Code allowing an increase in lot coverage for nonconforming lots in the R-R (Rural Residential) Zone, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember George.

Ordinance No. 2586 - Zone Change No. 405 - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Ordinance No. 2586, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by revising the City's Land Use Zoning Map by approving Zone Change No. 405, and changing the zoning designation for the approximately 9.76 acres of land located at 350 Wabash Avenue and identified as APN 0174-192-03 from A-1 (Agricultural) to R-E (Residential Estate) District.

Ordinance No. 2587 - Zone Change No. 404 - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Ordinance No. 2587 an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by revising the City's Land Use Zoning Map by approving Zone Change No. 404, and changing the zoning designation for the approximate 5.5 acres of land located on the northeast corner of Fifth Avenue and Dearborn Street and identified as APN 0174-471-01 from A-1 (Agricultural) District to R-E (Residential Estate) District.

CUP 801 - CEQA Time Extension - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved an agreement with Sprint PCS for a 60 day extension of processing time as provided for under the California Environmental Quality Act.

Agreement - Mailing Services - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved an agreement with Inland Presort and Mailing Services to provide pick-up and processing of first class metered and/or permit mail and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Settlement and Release Agreement - Trujillo - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved a settlement and release agreement with Eric and Joan Trujillo and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Phillips and Cohen - On motion of Councilmember Gilbreath, seconded by Councilmember George, it was announced the City Council, in closed session on September 7, 2004, authorized, the retention of outside counsel Phillips and Cohen on a contingency basis to pursue a False Claims and Common Law Fraud action against the James Jones Company for misrepresentation as to the content of metal in their parts supplied to the City, and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Resolution No. 6324 - Small Claims Court Representatives - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 6324, a resolution of the City Council of the City of Redlands appointing certain individuals to represent and appear on behalf of the City of Redlands in the lawful process of any and all small claims actions filed for, or against, the City of Redlands in Small Claims Court.

Resolution No. 6319 - Underground Utility District No. 13 - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 6319, a resolution of the City Council of the City of Redlands establishing a date (October 19, 2004, at 3:00 P.M.) for a public hearing to determine whether the public necessity, health, safety or welfare requires the formation of an underground utility district (No. 13) on Church Street between Redlands Boulevard and Colton Avenue.

Beaumont Avenue Bridge - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously denied the request from the San Bernardino County Department of Public Works to share in the cost of the local match for construction of the Beaumont Avenue Bridge.

Bid Rejection - Lighted Crosswalk on Cypress Avenue - Councilmember Harrison stated he concurred with staff's recommendation to cancel the Lighted Crosswalk on Cypress Avenue as the bids received have exceeded the available funds, but suggested the \$30,000.00 in CDBG funds to be applied to further fund the Mission Gables Bowl House Project if additional funding is needed. He agreed that if the Mission Gables Bowl House Project did not need the additional funding, that the CDBG funds be used towards construction of additional handicap ramps as recommended by staff. Mayor Peppler asked if there were other projects waiting in the wings. Councilmember Harrison moved to reject all bids for construction of the Lighted Crosswalk on Cypress Avenue

Project and directed staff to cancel the project. Motion seconded by Councilmember Gilbreath and carried unanimously.

Agreement - Water and Wastewater Rate Study - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved an agreement to furnish professional services with Raftelis Financial Consultants for the 2004 Water and Wastewater Rates and Charges Study and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Non Potable Water System Study Update - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved a professional services agreement with Engineering Resources to provide an update for the Non Potable Water System Study and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Dissolution of Bryn Mawr Mutual Water Company - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized the filing of required dissolution documents for the Bryn Mawr Mutual Water Company and authorized the Mayor and City Clerk to execute the documents on behalf of the City.

Amendment - Wackenhut Contract - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved an amendment to the agreement with Wackenhut for the provision of jail services and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Grant - Redlands Yucaipa Guidance Clinic Association - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously accepted and authorized the expenditure of a \$10,000.00 grant from the Redlands Yucaipa Guidance Clinic Association to support the Recreation Bureau's Friday night teen activities, and also approved an agreement with the Redlands Yucaipa Guidance Clinic Association to provide staff support services and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Resolution No. 6294 - Salary - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 6294, a resolution of the City Council of the City of Redlands amending the salary schedule and compensation plan for City employees reflecting new positions approved during the 2004-05 budget cycle and in subsequent City Council actions. Authorized part-time and "at will" positions and negotiated salary increases have also been added to the resolution.

Resolution No. 6325 - Widows and Orphans Monument - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 6325, a resolution of the City Council of the City of Redlands for the purpose of placing a monument honoring widows and orphans of United States' war heroes in the Jennie Davis Park near the Eternal Flame monument.

## COMMUNICATIONS

Grant Application - Rail-to-Trail Project - Councilmember Harrison provided information relating to a joint application with the City of Redlands and the County of San Bernardino for a Community-Based Transportation Planning Grant through CalTrans. This grant would be used to prepare a conceptual plan for the rail-to-trail project through Redlands and would eventually connect with the Santa Ana River Trail. Responding to Mayor Peppler's questions, he noted that 20 percent matching funds were required but that that would be split with the County of San Bernardino and that the matching funds can be "in-kind." He thought that at most, \$5,000.00 cash would be required. Councilmember Harrison received concurrence from Councilmembers to proceed with this application.

## UNFINISHED BUSINESS

Texonia Park - Joe Gonzales, Northside Advisory Committee, made a presentation to the Parks Commission at their meeting of March 11, 2004, to rename Texonia Park to Tony Martinez Park in memory of Mr. Martinez. Mr. Gonzales presented staff with a petition containing 423 signatures with no addresses to verify residency. Staff has also received letters of support from Dr. C. Hyman and Arthur Rand of the Human Relations Commission. Public Works Director Mutter reported Texonia Park is an 11-acre park located at the northwest corner of Texas Street and Lugonia Avenue. It is used as a local neighborhood park and for several programs sponsored by the City's Recreation Division. These programs include T-ball and soccer for youth. The park contains a lighted softball field, lighted soccer fields, a playground and a small picnic area. The City Council continued this request on April 20, 2004, and again on May 4, 2004. Cheryl Butler addressed the City Council noting the park was first developed by the neighbors and she was not supportive of the proposed name change. Mayor Emeritus Carole Beswick, who also spoke on behalf of Mayor Emeritus Charles G. DeMirjyn and former Councilmember Barbara Wormser, felt the City needed a process to name a public facility and suggested preparing a list of appropriate names; she urged denial of this request and appointing a committee to set up a procedure. Amos Isaac suggested naming the park the "Martinez Park" in honor of former Councilmembers Oddie Martinez and Norman Martinez as well as Tony Martinez; and that if a committee is appointed he urged that half of the membership be from the northside. Joe Gonzales, Northside Advisory Committee, reiterated they had

met all of the requirements suggested by the City and urged that a decision be made. Ediberto Flores, Northside Impact Committee, felt more community input was need and that all citizens of Redlands needed to be comfortable with the park's name. Leanora Sims emphatically stated it is "our park" and we should be able to name it what we want to and that it should be an honor to name the park after Tony Martinez. Mayor Pepler read a letter from Congressman Joe Baca supporting the re-naming of the community park after Tony Martinez. Councilmembers discussed this matter and the need to have a committee establish a procedure/policy for naming public facilities. Councilmember George made a motion to approve the re-naming of Texonia Park to Martinez Park with a plaque recognizing Tony Martinez, Oddie Martinez, and Norman Martinez on the premises to indicate their contributions to the City of Redlands and to direct staff to make all necessary changes to signs, maps and records. Mr. Gonzales again addressed the City Council and Councilmember George withdrew his motion which had not been seconded. Councilmember Gil moved to deny the request to change the name of the Texonia Park to Tony Martinez Park and to direct staff to form an ad hoc commission to establish policies on re-naming public parks and buildings in the City of Redlands. His motion was seconded by Councilmember Gilbreath and carried with Councilmembers George and Pepler voting NO.

Ordinance No. 2579 - Noise Control - Community Development Director Shaw reported the Planning Commission recommended approval of a proposed noise ordinance on April 27, 2004. On June 1, 2004, the City Council unanimously approved the first reading of introduction of Ordinance No. 2579. Prior to the scheduled adoption, the City received a letter from Phillip Doolittle of the University of Redlands requesting the City Council delay approval as the University wanted time to have an acoustical consultant review the ordinance for potential impacts to the operations and activities conducted on the campus and at five properties operated by the University that are located off-campus. On July 22, 2004, staff also received a letter from Harvey Hanson of Redlands Community Hospital asking that adoption of the noise ordinance be postponed to allow them the opportunity to examine the potential effects on their operation. Staff met separately with representatives of both institutions to discuss their specific concerns and the method to best resolve their issues. The noise ordinance now before the City Council has been revised in three sections addressing their concerns. Last Friday (September 17, 2004), Mr. Doolittle from the University of Redlands requested two additional minor changes. The minor changes are to Section 8.06.120(D), on page 12 of the ordinance, and adds the words "and operations" and "and university". Staff finds these changes to be minor and clarifies the existing provisions and recommended approval as modified. As modified at this meeting, Ordinance No. 2579, an ordinance of the City of Redlands adding Chapter 8.06 to the Redlands Municipal Code to establish regulations for noise control, was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember Harrison, further reading of the ordinance text was

unanimously waived, and Ordinance No. 2579 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for October 5, 2004.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 4:03 P.M. The next regular meeting will be held on October 5, 2004.

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City Clerk