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 April 6, 1999.

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
Jim Bueermann, Police Chief
Mel Enslow, Fire Chief
Bonnie Johnson, Finance Director
Ronald C. Mutter, Public Works Director
Gary G. Phelps, Municipal Utilities Director
Jeffrey L. Shaw, Community Development Director

ABSENT

None

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

LATE BREAKING ITEMS

Noting that the need to take action was immediate, Councilmember Gilbreath moved to add the following items to the agenda which arose subsequent to the agenda being posted:
1. Authorize issuance of proclamation declaring the week of April 24-May 1, 1999, as National Diversity Week.
2. Closed session: Conference with legal counsel - Existing litigation - Government Code Section 54956.9(a) - Appeal - City of Redlands v. County of San Bernardino - San Bernardino Superior Court (SVC 28757)
Motion seconded by Councilmember Freedman and carried unanimously.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember George, the minutes of the regular meeting of March 16, 1999, and the special meetings of March 22, 1999, and March 30, 1999, as corrected to reflect the proper location, were approved as submitted.
Bills and Salaries - On motion of Councilmember Gilbreath, seconded by Councilmember George, bills and salaries were ordered paid.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember George, the report of the Planning Commission meeting held on March 23, 1999, was acknowledged as received.

ERC - On motion of Councilmember Gilbreath, seconded by Councilmember George, the report of the Environmental Review Committee meeting held March 22, 1999, and the tentative agenda for the Environmental Review Committee meeting to be held on April 19, 1999, was acknowledged as received.

Ordinance No. 2397 - Trench Cuts - Ordinance No. 2397, an ordinance of the City of Redlands amending Chapters 12.16 and 12.20 of the Redlands Municipal Code relating to street repair and construction permits and street repair and construction regulations, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember George, by the following vote:
AYES: Councilmembers Banda, Gilbreath, Freedman, George; Mayor Cunningham
NOES: None
ABSENT: None

Ordinance No. 2398 - Sign Standards - Specific Plan No. 45 - Ordinance No. 2398, an ordinance of the City of Redlands amending Ordinance Nos. 2185, 2269, and 2338 approving Amendment No. 4 to Specific Plan No. 45 (known as the Downtown Specific Plan) regarding sign standards, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember George, by the following vote:
AYES: Councilmembers Banda, Gilbreath, Freedman, George; Mayor Cunningham
NOES: None
ABSENT: None

Contract Award - Mt. View Avenue Water Main - Bids were opened and publicly declared on March 4, 1999, by the City Clerk for the construction of the Mt. View Avenue Water Main, Project No. 4-9918; 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 El-Co Contractors in the amount of $179,084.50, 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 George, this recommendation was unanimously approved and the Mayor and City Clerk were authorized to execute the construction contract on behalf of the City.
Contract Award - Funds - CDBG Cross Gutter Installations - Bids were opened and publicly declared on March 11, 1999, by the City Clerk for the Community Development Block Grant (CDBG) Cross Gutter Installations Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department and the County ECD Office that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was S Parker Engineering, Fountain Valley, in the amount of $113,500.75, 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 George, this recommendation was unanimously approved as well as an appropriation of $30,000.00 from the CDBG unallocated funds budget in the FY 1998-99 budget.

Honeywell Service Agreement Amendment - Responding to Mayor Cunningham, Finance Director Johnson said we are receiving reports from Honeywell summarizing the energy savings as a result of the service agreement, and that a report with the culmination of the past seven years is expected in the near future. Mayor Cunningham requested this information be added to an agenda when it becomes available, and moved to approve the proposed amendment to the existing service agreement between the City of Redlands and Honeywell, Inc. which consolidates maintenance and repair services for all HVAC systems in all City facilities into one service agreement and deletes a number of routine maintenance items which can be accomplished by the City's Building Maintenance crew at a significantly lower cost and authorized the Mayor and City Clerk to sign the amendment on behalf of the City. Motion seconded by Councilmember Banda and carried unanimously.

Natural Gas Engines Conversion - Change Order - Following brief discussion, Councilmember Cunningham moved to authorize the Project Manager to approve Change Order No. 8 under the contract with Schuler Engineering for the Natural Gas Engines Conversion to Electric Motors, Project No. 1-9808, in the amount of $25,091.34 and to affirm approval of Change Order No. 7 in the amount of $55,298.23. Motion seconded by Councilmember Freedman and carried unanimously.

Agreement - Colton and Wabash Avenues Funding - Public Works Director Mutter updated Councilmembers on the status of the Colton and Wabash Avenues Improvement Project. Directing Mentone residents' attention to this project, Councilmember Freedman moved to approve an agreement between the San Bernardino County Transportation Authority (SANBAG) and the City of Redlands for Measure I funding for the construction of improvements to the intersection of Colton and Wabash Avenues, and authorized the Mayor and City Clerk to sign the agreement on behalf of the City. Motion seconded by Councilmember George and carried unanimously.
Public Housing Drug Elimination Funds Grant - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized the Police Department to negotiate a contract with the Housing Authority of the County of San Bernardino enabling the City of Redlands to participate in the Public Housing Drug Elimination Funds Grant and receive $42,000.00.

Contract - SYETP Program - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved a contract with the County of San Bernardino Jobs Employment Services Department for a 1999 Summer Youth Employment Training Program (SYETP) and authorized the Mayor and City Clerk to execute the contract on behalf of the City.

Proclamation - Infant and Toddler Immunization Week - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized issuance of a proclamation declaring April 19-25, 1999 to be Infant Immunization Week, and April 19 through the end of May, 1999, as Toddler Immunization Month, and urging that we all work towards a healthy future for our children by ensuring early and on-time immunizations.

Proclamation - Architecture Week - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized issuance of a proclamation declaring the week of April 12-18, 1999, as Architecture Week and urging citizens to become aware of architecture, architectural design, and the architects who help to shape our built and natural environments.

Funds - Agreement - Fuel Storage System Repair - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized the Municipal Utilities Department to accept a quote from the firm of Island Construction and Maintenance for the repair of the fuel storage system at the City Corporate Yard and authorized an additional appropriation in the amount of $25,000.00 to fund the project.

Contract - GFOA - Staff recommended approval of a contract with the Government Finance Officers' Association (GFOA) in an amount not to exceed $50,000.00 for consulting services related to the development of a request for proposals, system selection, and contract negotiations with respect to a new financial system for the City. Councilmember Freedman felt the Finance Committee could do the contract negotiations and save $10,000.00, and moved to approve Phase 1 and 2 of the contract at a cost not to exceed $40,000.00. Motion seconded by Councilmember Gilbreath and carried unanimously.
Agreement - Nitrogen Removal Planning - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved an agreement with Carollo Engineers to provide engineering services for nitrogen removal planning and permit compliance for the Wastewater Treatment Plant effluent and approved Task Order No. 1 and Task Order No. 2.

Resolution No. 5629 - Eureka Street Phase II - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 5629, a resolution of the City Council of the City of Redlands, California, authorizing the Mayor of the City of Redlands to act for and on behalf of said City in the execution of Program Supplement No. 009 of the State-Local Entity Master Agreement under State Senate Bill (SB) 300 for reimbursement of a portion of the cost of the Eureka Street-Oriental Avenue to Pearl Avenue Project.

Agreement - Downtown Transit Center - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved a consulting services agreement between the City of Redlands and L. D. King, Inc. for the development of concept plans and the final design of the Downtown Transit Center and authorized the Mayor and City Clerk to sign the agreement on behalf of the City. $345,000.00 in funds has been granted to the City from SANBAG for the Petroleum Violation Escrow Account Redlands Metrolink Extension Project; all consultant service fees would be taken from this grant. It was proposed that the concept planning would be completed for a not-to-exceed fee of $7,500.00. Final design services would be in the range of $25,000.00 to $50,000.00 depending on the final approved scope of services.

Funds - SHO Grant - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved an additional appropriation of $10,723.00 for the SHO Grant to purchase computers and other equipment for the Police Department. All SHO Grant expenditures are fully reimbursable.

Resolution No. 5630 - Disability Retirement - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 5630, a resolution of the City Council of the City of Redlands determining that Brent Harp, a local safety member of the Public Employees Retirement System, is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Corporal.

Proclamation - Diversity Week - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously authorized issuance of a proclamation declaring the week of April 24-May 1, 1999, as National Diversity Week.
MINOR SUBDIVISION NO. 240 - TIME EXTENSION

On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved a one year time extension for Minor Subdivision No. 240, extending its approval until April 29, 2000. This is a subdivision of approximately 3.41 acres of land into two commercial parcels for property located on the northeast corner of Alabama Street and Orange Avenue in the EV/AP (Administrative Professional) District of the East Valley Corridor Specific Plan (Ruth J. Van Grouw, applicant).

CONDITIONAL USE PERMIT NO. 355 - TIME EXTENSION

On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved a one year time extension for Conditional Use Permit No. 355 (Revision 5), extending its approval until April 29, 2000. This is an application for the expansion of the floor area of the Central Plant and constructions of a "Cogeneration System" for the Redlands Community Hospital located at 350 Terracina Boulevard in the M-F (Medical Facility) District.

RESIDENTIAL DEVELOPMENT ALLOCATION NO. 86-IV-7

On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved the transfer of ownership for the remaining 20 lots in Residential Development Allocation No. 86-IV-7 in Tract No. 10084 located on the north side of Pioneer Avenue, approximately 660 feet east of Orange Street, to Gardner Construction and Development, Inc.

MINOR SUBDIVISION NO. 226 - TIME EXTENSION

On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved a one year time extension for Minor Subdivision No. 226, extending its approval until May 11, 2000. This is a subdivision of approximately 17.13 acres of land into two parcels for property located on the northwest corner of Lugonia and Wabash Avenues in the C-4 (Highway Commercial) District (Metro California Business Enterprises, applicant).

COMMUNICATIONS

Legislative Bulletin - Councilmember Freedman moved to support AB818 (Knox) which will force the Public Utilities Commission to review the entire system of area codes for land-based telecommunications. Motion seconded by Councilmember Banda and carried unanimously. Councilmember Cunningham moved to express concern and oppose AB1216 (Floyd) and AB1159 (Granlund) regarding smoking in bars and gaming clubs, and to support AB485 (Wildman).
regarding outdoor advertising. Motion seconded by Councilmember George and carried unanimously.

City Manager's Report - City Manager Luebbers reported a tenant has expressed interest in the Furr's Cafeteria site on Industrial Park Avenue. Office Depot is coming to Redlands. The sale of the fire station site at Redlands Boulevard and Citrus Avenue is not materializing; renovation of the fire station is continuing. The Golison project on Orange Street is proceeding and will be reviewed by the Planning Commission on April 13, 1999.

Resolution - Oppose Pacific Bell's 411 Rate Increase - SBC/Pac Bell is attempting to gain authority to charge up to $1.10 for "411" information calls. Although Pacific Bell does not serve Redlands, it can be anticipated that GTE will also apply for an increase. Therefore, Councilmember George moved to express the City of Redlands' opposition to this rate increase to the California Public Utilities Commission and note our concern that GTE will follow suit. Motion seconded by Councilmember Cunningham and carried with Councilmember Gilbreath voting NO as she felt we did not have enough information to form this decision.

Senate Bill 98 - Clean Fuel Program Surcharge - Senate Bill 98, pending before the State Legislature, would impose a $1.00 surcharge on vehicle registrations within the South Coast Air Quality Management District to enhance its ability to fund a clean fuels program and develop new air pollution reducing technologies in California. Councilmember George moved to write our legislators indicating our support of SB98. Motion seconded by Councilmember Cunningham and carried with Councilmembers Gilbreath and Freedman voting NO.

Ward Valley Lawsuit - Councilmember George happily reported the lawsuit to force the Department of the Interior to turn over the Ward Valley land to California, which would allow the nuclear waste disposal project to proceed, has been withdrawn. As a follow-up, Councilmember George moved to direct a letter be sent to the State Governor asking him to not appeal this decision. Motion seconded by Councilmember Cunningham and carried unanimously.

Human Relations Commission - As the City Council liaison to the Human Relations Commission, Councilmember Gilbreath expressed concerns the Commission seems to be operating in a dysfunctional fashion at this time. She reviewed the Commission's Mission Statement and it purpose, goals and responsibilities. Because several events have occurred during the past several months which indicate the Commission is out of control and needs re-direction from the City Council, Councilmember Gilbreath asked Councilmembers to consider disbanding the commission and starting over or direct the commission to resolve issues and move forward or bring these issues to the City Council.
She also asked the City Attorney review their by-laws to be sure they are consistent with their Mission Statement. Councilmember Gilbreath reviewed the situation with the Rainbow Council, an Inland Valley gay, lesbian and bisexual group, and the Redlands Christian Center Church for Councilmember Banda. Chairman Arthur Rand addressed the City Council saying his goal was to create a positive forum for all parties involved and urged the City Council to allow the commission to handle this matter as he felt they could resolve the situation. Councilmembers Cunningham and George expressed their appreciation to Chairman Rand and Commissioner Duan Kellum for their level-headed efforts. Councilmembers concurred to ask the City Attorney to review the Human Relations Commission's by-laws for any inconsistencies.

Pharaoh's Lost Kingdom - Water Demand Impact Fees - Municipal Utilities Director Phelps reviewed the status of the water demand impact fees study for Pharaoh's Lost Kingdom. Councilmember Freedman attempted to clarify the compromise he worked out with Jim Braswell. Councilmember George expressed his concerns and suggested extending the study period to include another summer season. City Manager Luebbers assured Councilmembers staff is attempting to get the best agreement for the citizens of Redlands.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5628 - Great Neighborhoods Program - Councilmember Gilbreath moved to adopt Resolution No. 5628, 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 for the Great Neighborhoods Program to implement an additional six participant agreements which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember Banda and carried unanimously. (Also see Redevelopment Agency minutes for April 6, 1999.)

Contract - Independent Auditor - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously approved the Finance Committee's recommendation to appoint the firm of Conrad & Associates to serve as Independent Auditor for the City of Redlands and the Redevelopment Agency of the City of Redlands (Also see Redevelopment Agency minutes for April 6, 1999.)

CLOSED SESSION

The City Council meeting recessed at 3:59 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:00 P.M. to a closed session to discuss the following:

a. Conference with real property negotiator Government Code Section 54956.8
b. Conference with real property negotiator Government Code Section 54956.8
Property: APN No. 299-011-19
Negotiating parties: Michael and Linda Palmer and Ron Mutter
Under negotiation: Terms and price

c. Conference with real property negotiator Government Code §54956.8
Property: APN No. 170-301-03 and 168-291-09
Negotiating parties: SANBAG for Los Angeles County Metro Transportation and Ron Mutter
Under negotiation: Terms and price

d. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
- Majestic Realty Company v. City of Redlands et al - SCV 49347, 51027
- Redlands Venture LLC v. City of Redlands et al - SCV 54994
- Sharon Scott v. City of Redlands and Redlands Unified School District - SCV 37417
- Jaurez v. City of Redlands - SCV 53457
- Macias v. City of Redlands - SCV 53458
- Appeal - City of Redlands v. County of San Bernardino - San Bernardino Superior Court - SVC 28757

e. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - one case

f. Conference with Labor Negotiator - Government Code Section 54957.6
Negotiating parties: Fire Chief Mel Enslow and Councilmember Freedman

The meeting reconvened at 7:00 P.M.

**CLOSED SESSION REPORT**

**Labor Negotiations - Fire Chief** - Councilmember Freedman moved to approve changes in salary and benefits for Fire Chief Mel Enslow as follows: increase vacation accrual to four weeks, advance his salary to Step F effective for the next pay period, and provide him a larger vehicle. Motion seconded by Councilmember Banda and carried with Councilmember Cunningham voting NO as he felt it was unfair to the other employees and sets a precedent.

**PUBLIC HEARING**

Pre-Annexation Agreement No. 98-02 - Neal T. Baker Enterprises - Councilmember Gilbreath abstained from this matter due to a possible conflict of interest. Public hearing was advertised for this time and place to consider the Notice of Preparation of Draft Negative Declaration and Socio-Economic Cost Benefit Study for an application for outside City utility connections for 10
residential lots in Tract No. 15410, generally located east of Crafton Avenue on the northeast corner of Nice Avenue and Ansley Lane in the unincorporated Mentone area. Community Development Director Shaw reported the applicant has been given a copy of the "draft" pre-annexation agreement for review and has raised several issues with respect to a clarification on certain provisions of the agreement. Therefore, it was recommended that this item be continued in order to provide the City Council an opportunity to deliberate on the issues in question. On motion of Councilmember Freedman, seconded by Councilmember Banda, the City Council continued this public hearing to May 4, 1999, by AYE votes of all present.

UNFINISHED BUSINESS

Chickens in Residential Zones - At the last City Council meeting, Mr. Kenneth Patchett, 823 College Avenue, asked the City Council to explain why he was not allowed to have chickens at his place of residence. Community Development Director Shaw explained that Mr. Patchett resides in the R-1-D Zone where animals are limited to 3 dogs and/or cats and litters of the same up to a certain age; other animals are not permitted. There are zones within the City which permit chickens within certain perimeters. He noted this law is not enforced unless there is a problem. Animal Control enforces the law if a complaint is lodged such as if the chickens are out of the yard or they are becoming a nuisance. Mr. Patchett was not present during this discussion having arrived at the meeting late. At the end of the meeting, he addressed the City Council and urged them to change the ordinance so that he could keep his two chickens and one rooster as pets. He informed Councilmembers that he has taken steps to keep the chickens in his yard in a fenced pen. Mayor Cunningham warned Mr. Patchett that pets are a problem when they become nuisances.

Comprehensive Strategy for Youth, Family and Community - Police Chief Bueermann urged the City Council to institute a comprehensive strategy for youth, family and community and to add this program to their list of goals for 1999. Mayor Cunningham agreed to do this.

Resolution No. 5627 - Annexation No. 77 - Community Development Director Shaw reported the property owner, Mountain View Acres, submitted an application to the Local Agency Formation Commission (LAFCO) for annexation of a 20 acre parcel located between Highland and Fifth Avenues, east of Wabash Avenue, to the City of Redlands. On December 29, 1998, subject to Conditional Use Permit No. 683, the applicant received Planning Commission approval to construct a multi-phased senior living facility on this site. The facility includes 30 single units, 102 assisted living units, 84 independent living units, and a 24 bed Alzheimer facility with a maximum population of 400 persons. The project approval is contingent upon annexation
of the site to the City. The parcel has 100 percent consent of the property owner for the annexation. Councilmember Freedman moved to adopt Resolution No. 5627, a resolution of the City Council of the City of Redlands ordering territory annexed to the City of Redlands (LAFCO No. 2848 - City of Redlands Annexation No. 77). Motion seconded by Councilmember Banda and carried unanimously.

NEW BUSINESS

Hillside Cemetery Endowment Task Force - Mayor Cunningham presented a report from the Hillside Cemetery Endowment Task Force dated March 24, 1999, summarizing its activities since its inception. Chairman Caroline B. Kurhajec addressed the City Council and asked the City Council for permission to attempt to seek the community's financial support in a similar fashion as is done for Caroline Park and Prospect Park. Mayor Cunningham commented that Don Graves, Cemetery Superintendent, is doing a fine job while having to work with a reduced staff. Councilmember George moved to authorize and direct the Hillside Cemetery Endowment Task Force to begin the process of fund raising for the endowment fund. Motion seconded by Councilmember Freedman and carried unanimously.

Measure O Funds - Citing a possible conflict of interest, Councilmember Gilbreath left the Council Chambers for this discussion. Municipal Utilities Director Phelps reported that Mr. J. Stanley Mullin has farmed citrus property in Redlands for many years. Because of his advanced age, he now wishes to withdraw from the citrus industry and dispose of his property. As a result, he has suggested a proposal to the City of Redlands. He wishes to sell 20 acres of his citrus property located at the northeast corner of Lugonia Avenue and Judson Street (APN 168-161-07 and 08) along with 60 shares of Lugonia Water Company stock to the City of Redlands. As a public service, he also wishes to donate to the City of Redlands an additional 10 acre parcel with 30 shares of Lugonia Water Company stock. The Citrus Preservation Commission has reviewed the proposal and determined that the property is in reasonable farming condition and that the asking price is well within the market value for similar citrus property. The Lugonia Water Company stock being offered has a separate value over and above the asking price for the property and is adequate for all of the irrigation needs. It is believed that the addition of this property would be an asset to the City's citrus operation and would help to preserve Redlands' citrus heritage. Councilmember Cunningham moved to approve an agreement and escrow instruction for the purchase of this citrus property and water stock from J. Stanley Mullin and John F. Mullin, and to approve an additional appropriation totaling $700,000.00: the remaining balance of $576,379.00 from the Measure O Bond Fund (17) and $123,621.00 from the Groves Operating Fund (18). Motion seconded by Councilmember Banda and carried by AYE votes of all present.
PUBLIC COMMENTS

Market Night - Ann Stevens, a licensed physic in Redlands, informed Councilmembers Market Night will no longer allow her to participate as a vendor and asked for assistance. Noting the Downtown Redlands Business Association (DRBA) is a separate entity and operates Market Night, Councilmember George referred Ms. Stevens to the DRBA Board of Directors, and offered, as a member of that Board, to speak to her after the City Council meeting.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:31 P.M. The next regular meeting will be held on April 20, 1999.

__________________________________
City Clerk