

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 5, 2002.

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; Leslie E. Murad II, Assistant City Attorney; Lorrie Poyzer, City Clerk; Beatrice Sanchez, Deputy City Clerk (evening session); Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief (afternoon session); Mel Enslow, Fire Chief; Bonnie Johnson, Finance Director; Ronald C. Mutter, Public Works Director; Karen Olsen, Personnel Director (afternoon session); 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.

PUBLIC COMMENTS

Apology - San Bernardino Mayor Judith Valles addressed the City Council regarding campaign fliers concerning a referendum petition being circulated in Redlands against Resolution No. 5998 which adopted an agreement with the County of San Bernardino and County Service Area No. 70-EV-1 for the provision of utilities and other municipal services to CSA 70-EV-1 and the "Donut Hole" and for the sharing of sales taxes and property taxes generated within the "Donut Hole." The first flyer was mailed to Redlands' voters from the Redlands Public Safety Association and the second flyer mailed was a report from Mayor Haws and the Redlands Chamber of Commerce. Flyers supporting the referendum are being distributed by proponents of the referendum. She felt the flyers were highly offensive to her city and demanded a public apology from Mayor Haws. Mayor Haws responded by stating he had called Mayor Valles to apologize and also sent a letter of apology to her. Councilmember George said the flyer from Mayor Haws was not seen in advance by the City Council and that the City Council was not consulted. Councilmember Gilbreath felt the City seal (logo) should not be used on any political materials and asked that a policy for its use be formalized on the next City Council agenda.

PRESENTATION

The Brown Act - Assistant City Attorney Murad reviewed The Brown Act (California's open meeting law) and questions that may be posed by a Councilmember and their answers.

Conflict of Interest - Assistant City Attorney Murad reviewed conflict of interest laws under the California Political Reform Act and answered questions relating to serial obtaining of votes, conference calls, and e-mail guidelines.

CONSENT CALENDAR

Minutes - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the minutes of the regular meeting of January 15, 2002, and the special meeting of January 29, 2002, were approved as submitted.

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

Funds - Workers' Compensation - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved an additional appropriation in the amount of \$41,867.00 to cover the unanticipated increase in the City's Workers' Compensation coverage insurance.

Planning Commission Actions - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the report of the Planning Commission meeting held on January 22, 2002, was acknowledged as received.

Ordinance No. 2482 - Subdivisions - Ordinance No. 2482, an ordinance of the City of Redlands amending Title 17 of the Redlands Municipal Code relating to subdivisions, was unanimously adopted on motion of Councilmember Pepler, seconded by Councilmember Haws.

Resolution No. 6002 - Street Vacation No. 123 - Resolution No. 6002, a resolution of the City Council of the City of Redlands declaring its intention to vacate a public alley/trail extending between Alta Vista Drive and Knoll Road and generally located between Hilltop Drive and Mesa Drive, and setting the public hearing for this street vacation at 7:00 P.M. on March 5, 2002, was presented at this time. Responding to Councilmember Harrison, Public Works Director Mutter said the Trails Committee had held an information discussion on this matter and had no concerns. Councilmember Harrison moved to adopt Resolution No. 6002. Motion seconded by Councilmember Haws and carried unanimously.

Tentative Tract No. 15469 - Time Extension - Gresham Roskamp, Applicant - On motion of Councilmember Pepler, seconded by Councilmember Harrison,

it was unanimously determined that no subsequent environmental documents are necessary for the City Council's one year extension of Tentative Tract No. 15469 (located south of the terminus of Sutherland Drive, Ashforth Drive, and South Lane in Specific Plan No. 47) which is consistent with the previous Mitigated Negative Declaration adopted by the City of Redlands on January 18, 2000, based on the findings contained in the staff report. On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved a one year time extension for Tentative Tract No. 15469 extending approval until January 18, 2003.

Funds - Printing Expenses - Treasurer's Office - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved an additional appropriation in the amount of \$1,800.00 for printing expenses in the Treasurer's Office for business tax forms and certificates.

Proclamation - National Engineers' Week - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously authorized issuance of a proclamation declaring the week of February 17-23, 2002, as National Engineers' Week.

CDBG Transfer of Allocation - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved a transfer of \$20,000.00 from CDBG Project 111-26105/2007 (Street Improvements/Sun Avenue and Union Street, Revision 1) to Project 330-20612-1319 (Barton House Seismic Retrofit).

Contract Award - Barton House Seismic Retrofit - This matter was withdrawn from the agenda.

Resolution No. 6005 - DBE Program - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 6005, a resolution of the City of Redlands establishing a Disadvantaged Business Enterprise (DBE) Program, appointing a DBE liaison officer, establishing DBE goals, and rescinding Resolution No. 5822.

Fee Waiver - Lincoln Pilgrimage - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved the request by the Boy Scouts of America for waiver of use and attendant fees in the amount of \$340.00 for use of the Redlands Bowl, Smiley Park, barricades, and public safety (police) services for their annual Lincoln Pilgrimage program.

Hold Harmless Agreement - Pipeline Replacement Project - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved a hold harmless agreement with Pansy Jacinto covering the City's use of a construction and staging area during a pipeline

replacement project. The pipeline will replace an existing 100-year-old canal along the southwestern tow of the Crafton Hills.

Ammonium Perchlorate Research Projects - Texas Street Treatment Facility - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously authorized the Mayor and City Clerk to sign closeout documents for a subcontract with Penn State University that provide for reimbursement of the Municipal Utilities Department's costs in support of ammonium perchlorate research projects conducted at the Texas Street Treatment Facility.

Appointments - Utilities Advisory Committee - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously appointed the following persons to comprise the Utilities Advisory Committee to support the water and wastewater rates and charges study: George D. Bartch, Amando R. Cisneros, Monty Dill, David V. Garcia, Michael L. Huffstutler, John E. James, Ken Jeske, David Kohler, JoAnn Nash, Russell Richardson, Thomas Slemmer, and Mark Stanson.

Agreement - Electricity Cogeneration Facility - Water Resources Chief Headrick addressed Councilmember Gilbreath's concerns about an interconnection agreement and interconnection facilities financing and ownership agreement with Southern California Edison Company in support of the electricity cogeneration facility. Councilmember Gilbreath then moved to approve this agreement. Motion seconded by Councilmember Haws and carried unanimously.

Quitclaim Deed - Utility Facilities - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously authorized the Mayor and City Clerk to sign a quitclaim deed to Regent Summerfield Investments, LLC, an Oregon Corporation, releasing a blanket easement for utility facilities over Parcel 1 of Parcel Map No. 10749 in the City of Redlands.

Switchgear - Electricity Cogeneration Facility - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously authorized the purchase of electrical switchgear for the electricity cogeneration facility from Stewart & Stevenson in the amount of \$249,000.00.

Funds - Racial Profiling Research Grant - Police Chief Bueermann reported that recently the Redlands Police Department was awarded a one year, \$200,000.00 research grant from the U. S. Department of Justice, Office of Community Oriented Policing Services, under its "Promoting Cooperative Strategies to Reduce Racial Profiling" grant program. The department has agreed to study various technologies potentially useful in reducing racial profiling and produce a report that will be distributed nationally. The grant covers the purchase of equipment and consulting services. Roberto H. De La Riva spoke to the City Council at length stating he felt he was being subjected to racial profiling by the Redlands Police Department. Police Chief Bueermann responded that this

matter is being thoroughly investigated as a personnel complaint, and that his department is committed to providing service to everyone. Councilmember Haws moved to authorize the Mayor and City Clerk to sign the award acceptance with the U. S. Department of Justice, Office of Community Oriented Policing Services relating to the Police Department's grant and authorized an additional appropriation of \$200,000.00 to the Police Department. Motion seconded by Councilmember Pepler and carried unanimously.

Agreement - Boys and Girls Club of Redlands - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved a facility use agreement with the Boys and Girls Club of Redlands for the building located at 1235 Clay Street and authorized the Mayor and City Clerk to sign the document on behalf of the City.

Agreement - Redlands Spanish Seventh Day Adventist Church - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously approved an amendment to the facility use agreement with the Redlands Spanish Seventh Day Adventist Church for the building located at 1235 Clay Street and authorized the Mayor and City Clerk to sign the document on behalf of the City.

Funds - Annie E. Casey Foundation Grant - On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council unanimously accepted the Annie E. Casey Foundation grant and authorized an additional appropriation of \$10,000.00 for the Police Department. This grant will be used to cover expenses relating the Police Department's participation in the second Annual Cops and Clergy Network *Faith and Justice Summit* and to hire a writer to document the department's work with the Police and Corrections Team.

COMMUNICATIONS

Appointments - Planning Commission - Mayor Haws moved to nominate Ruth M. Cook to a four-year term on the Planning Commission to fill an existing vacancy. Motion seconded by Councilmember Harrison and carried unanimously. Mayor Haws moved to nominate James Macdonald for reappointment to a four-year term on the Planning Commission. Motion seconded by Councilmember Harrison and carried unanimously.

City Council Liaisons - Councilmember Gilbreath moved to approve the City Council assignments to boards and commissions as reflected on Exhibit A attached to the staff report effective February 5, 2002. Motion seconded by Councilmember George and carried unanimously.

Ammonium Perchlorate Drinking Water Action Level - Water Resources Chief Headrick provided a report as required by the California Health and Safety Code, Section 116455, to the City regarding the notification of new ammonium

perchlorate drinking water action level and the impacts on the City's water supply. This new regulatory action by the U. S. Environmental Protection Agency and California Department of Health Services will impact the City's water supply, at least in the short term. Accordingly, staff has already begun to aggressively pursue other water supply options to prevent, if at all possible, the delivery of any water with even small concentrations of perchlorate. This is a wide-ranging water quality issue that impacts many Californians, and the Municipal Utilities Department plans to continue to be at the forefront of the efforts to implement a treatment technology to effectively remove perchlorate. Councilmember George wondered what we would do when everyone is out of compliance with this new regulation.

Contract Award - Sun Avenue Improvements Project - Bids were opened and publicly declared on December 20, 2001, by the City Clerk for the construction of street improvements on Sun Avenue between Orange Street and Post Street, including missing curb, gutter, sidewalk and driveway approaches; a bid opening report is on file in the Office of the City Clerk. Public Works Director Mutter explained that while Tiger Equipment Company, Inc. was the lowest bidder on the project, they failed to submit the correct bid bond as required in the instructions to bidders. They inadvertently submitted a bid bond for another project, corrected the error about two weeks later, and the City now has the correct bid bond. The City Council may waive the discrepancy and determine that they are the lowest responsive/responsible bidder. The San Bernardino County Office of Economic and Community Development has reviewed the bid documents from the two lowest bidders and can accept either contractor awarded the project by this City Council. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Tiger Equipment Company, Inc. in the amount of \$161,602.50, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Haws seconded by Councilmember Harrison the City Council unanimously awarded the contract for construction of the Sun Avenue Improvements Project to Tiger Equipment Company, Inc.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6001 - Great Neighborhood Program - Councilmember Harrison moved to adopt Resolution No. 6001, 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. Motion seconded by Councilmember George and carried unanimously. (Also see Redevelopment Agency minutes for February 5, 2002.)

CLOSED SESSION

The City Council meeting recessed at 4:11 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:18 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator -
Government Code Section 54956.8
Property: APNs 169-151-20, 21, and 27
Negotiating parties: Linda Emmerson and David Christensen
Under negotiation: Terms and price
2. Conference with legal counsel: Existing litigation - Government Code
Section 54956.9(a) - Sunset Drive Corporation v. City of Redlands - SCV
29599

The meeting reconvened at 7:00 P.M.

ANNOUNCEMENTS/REPORTS

Meeting America's Challenge - Congressman Jerry Lewis - Mayor Haws announced Congressman Jerry Lewis will be at the University of Redlands, Memorial Chapel, on Monday, February 18, 2002, at 7:30 P.M. The topic of the public forum, which is free and open to the public, is "Meeting America's Challenge; Perspectives on the World Situation."

Mayor Haws announced he will participate in the Redlands Triathlon at Redlands East Valley High School this Saturday at 8:00 A.M. Councilmember Pepler said she was working with the coordination of the planning workshop. Councilmember Harrison said he was assisting in the organization of the urban design workshop.

LATE BREAKING ITEM

Possible Purchase of Fire Truck - Mayor Pro Tem Pepler asked the City Council to consider the addition of an item to this agenda. She explained that staff was recently notified of a window of opportunity to purchase a second fire engine at a reduced cost which would save \$15-20,000.00 off the purchase price if the City was in a position to commit to this additional purchase on or before February 19, 2002. Noting the need to take action was immediate, Councilmember Pepler moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Possible purchase of fire truck." Motion seconded by Councilmember Haws and carried with Councilmember Gilbreath voting NO as she felt this matter should be discussed during the regular budget cycle. Mayor Pro Tem Pepler explained her rationale for bringing this request forward at this time noting that two fire trucks (the 1983 Mack Pumper Unit No. 916 and the 1989 Hush E-One Engine Unit No. 921) are in poor condition as shown by the maintenance costs listed in a memorandum dated February 4, 2002. Fire Engineer Dan Crow described several life-threatening incidents with these trucks. Fire Chief Enslow informed Councilmembers it takes nine months minimum to take delivery of a new fire truck. It was noted the mid-year budget review is scheduled for the February 19, 2002, meeting and, by consensus, this matter will be scheduled for further review at that time.

LAND USE AND PUBLIC HEARINGS

Pre-Annexation Agreement No. 01-02 - Brian Bascom, Applicant - Public notice was published for this time and place to consider a draft negative declaration for Pre-Annexation Agreement No. 01-02 for outside City utility connections for one residential lot located between La Colina and St. Catherine Drives in Crafton, Assessor's Parcel No. 299-261-01. Community Development Director Shaw described the project. No comments were forthcoming. Councilmember Haws moved to approve the Environmental Review Committee's Negative Declaration for Pre-Annexation Agreement No. 01-02 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Pepler and carried unanimously. Councilmember Haws moved approve Pre-Annexation Agreement No. 01-02. Motion seconded by Councilmember Harrison and carried unanimously.

CUP NO. 736 - OTA NO. 277 - Realty Bancorp Equities, Applicant - Public notice for a draft mitigated negative declaration and public hearings for Conditional Use Permit No. 736 for the construction of a 16,784 square foot retail building with drive-through service on 1.65 acres located within the University Shopping Center at the southeast corner of Church Street and Lugonia Avenue in the C-2 (Neighborhood Convenience Center) District and Ordinance No. 2492, Zoning Ordinance Text Amendment No. 277, to amend Section 18.88.100 of the Redlands Municipal Code to allow drive-through facilities as a permitted use in the C-2 (Neighborhood Convenience Center) District were published for this time and place. Community Development Director Shaw described the proposed project. Mayor Haws declared the meeting open as a public hearing for any questions or comments. No comments were forthcoming. Councilmembers expressed concerns about opening up drive-through facilities in the C-2 Zone and staff was asked to incorporate language in Ordinance No. 2492 to limit the drive-through facilities for pharmaceutical only. On motion of Councilmember Haws, seconded by Councilmember Pepler, the public hearing was continued to February 19, 2002.

UNFINISHED BUSINESS

Ordinance No. 2491 - Commissions - Ordinance No. 2491, relating to the "deletion" of term limitations, was presented to the City Council for discussion at its meeting on January 2, 2002. Staff was directed to prepare an ordinance for consideration that would require a four-fifths vote of the City Council to extend a commissioner's term beyond the two-term limitation. Other minor

"housekeeping" items were detected during staff's review of this section of the Code and appropriate amendments have been included in this ordinance. These items were reviewed by staff at the meeting. It was noted that Section 1 did not include the total number of members on the Airport Advisory Board. Councilmembers also desired to include a clause for each board and commission, except the Citrus Commission, to require a service break of six months before reappointment. Ordinance No. 2491, an ordinance of the City of Redlands amending Section 2 of the Redlands Municipal Code relating to commission and advisory boards, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Haws, further reading of the ordinance text was unanimously waived, and Ordinance No. 2491 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 19, 2002.

Resolution No. 5993 - Commissioners' Term Limitation - In conjunction with Ordinance No. 2491, Councilmember Gilbreath moved to approve Resolution No. 5993 to rescind Resolution No. 4313 which established a policy regarding the terms of office for commission and advisory board members. Motion seconded by Councilmember Haws and carried unanimously.

Redlands' Sister Cities Association - Liability Insurance - City Manager Davidson reported at the January 2, 2002, meeting, the Redlands' Sister Cities Association (Association) requested the City of Redlands name them as an additional insured under the City's general liability insurance program as the cost of such coverage was determined to be cost prohibitive by the Association and would jeopardize its ability to continue with its programs. On January 17, 2002, staff and a representative from the City's insurance broker, Davis and Graeber, met with Association Board Members Ellen Weisser, Richard Bueermann, and Association President Lowa Anderson. It was determined and agreed upon that the interest of both parties would be best served by the City paying the Association's annual insurance premium and that the Association's annual dues and insurance costs be included as a line item in the City's annual budget review process. Councilmember Haws moved to pay the Redlands' Sister Cities Association annual liability insurance premium in an amount not to exceed \$2,000.00 from the City Manager's budget and directed staff to include their annual membership dues and insurance costs as a line item under the City Manager in the City's annual budget. Motion seconded by Councilmember Pepler and carried unanimously.

Resolution No. 6007 - Priority Listing - Development Projects - The City Council held its second annual community goal-setting workshop on January 29, 2002. Resolution No. 6007 identifies the City-initiated development projects, in order of priority, for purposes of seeking federal, state and local grant funding as discussed at that meeting. Applauding Mayor Pro Tem Pepler for her leadership in this endeavor, Councilmember Haws moved to adopt Resolution No. 6007, a resolution of the City Council of the City of

Redlands establishing a priority listing of City development projects for purposes of federal, state and local funding for the year 2002. Motion seconded by Councilmember Pepler and carried unanimously.

NEW BUSINESS

ADA Audit of City Facilities - City Manager Davidson reported the Americans with Disabilities Act (ADA) prohibits discrimination and ensures equal opportunity for persons with disabilities in employment, State and local government services, public accommodations, commercial facilities, and transportation. To ensure that all City buildings, facilities, and operations comply with the standards and requirements of the ADA, staff is requesting authorization to develop a request for proposals for the purposes of having an independent ADA audit completed on all City-owned buildings, facilities, and operations. Councilmember Pepler moved to authorize staff to solicit requests for proposals for an audit of City facilities to address the Americans with Disabilities Act, Public Law 336. Motion seconded by Councilmember Harrison and carried unanimously.

Shoppers Lane - Councilmember Gilbreath reported on a meeting held with several property owners to discuss parking and solid waste issues for the area known as Shoppers Lane bordered by Orange Street on the west, Fifth Street on the east, Redlands Boulevard on the south, and the railroad tracks on the north. This discussion led to further discussion on the need to prepare a parking arrangement and specific plan for this area. Solid Waste Manager Gary Van Dorst reviewed his thoughts for this project. Councilmember Gilbreath moved to direct staff to host a meeting of stakeholders and the Business and Economic Development Advisory Commission to seek input for the development of a master site plan for Shoppers Lane pedestrian way and parking area. Motion seconded by Councilmember Haws and carried unanimously. Councilmember Harrison moved to appoint Councilmember Gilbreath as the City Council representative to coordinate this effort. Motion seconded by Councilmember Pepler and carried unanimously.

PUBLIC COMMENTS

Bear Valley Mutual Water Company - Proxy - On behalf of the San Bernardino Valley Municipal Water District, Mark Bulot reported their Board of Directors voted to assign their proxy for the Bear Valley Mutual Water Company's annual meeting to the City of Redlands. He also reported the Board approved continuance of the arrangement made a year ago for the City's use of Bear Valley water stock.

Donut Hole Referendum - Public comments regarding the referendum being circulated against Resolution No. 5998, which adopted an agreement with the County of San Bernardino and County Service Area No. 70-EV-1 for the provision of utilities and other municipal services to CSA 70-EV-1 and the "Donut Hole" and for the sharing of sales taxes and property taxes generated within the "Donut Hole," were heard beginning at 8:17 P.M. and concluding at 9:15 P.M. The following proponents of the referendum petition addressed the

City Council with their complaints against the methods of intimidation used by the opponents of the referendum petition: Gerry Troy, Geni Banda, Joan Serrao, Robert Custer (who yielded his time to Tex Moore), Jeri Rappuchi, Sally Beck, April Haverty, Bill Javert, Robert Beck, Dora M. Morris, Durand Jacobs, and Helen Law. On behalf of The Redlands Association, Tex Moore outlined why the referendum was initiated and their concerns about the agreement. A proponent of the agreement, Dean Papapetru addressed the City Council, saying he had been harassed by the proponents, and commended this City Council for having done a good job. Bill Cunningham refuted Mr. Papapetru's comments. Mayor Haws addressed the speakers saying the voters had spoken in the last two elections by electing the current members of the City Council to negotiate this agreement, and that the agreement approved on January 8, 2002, was in the best interests for the citizens of Redlands in the long term. As Mayor Haws was speaking, several members of the audience walked out of the City Council Chambers. Councilmember George concluded the meeting noting this had been a dark period for Redlands.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:23 P.M. The next regular meeting will be held on February 19, 2002.

City Clerk