

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 September 3, 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; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Beatrice Sanchez, Deputy City Clerk (evening session); Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Mel Enslow, Fire Chief; Rod Hill, Assistant 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 Mayor Pro Tem Pepler followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the minutes of the regular meeting of August 6, 2002, were approved as submitted.

Funds - Donut Hole Referendum Petition - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved an additional appropriation in the amount of \$10,682.00 for Account No. 101110-5196 (Elections) to pay for legal services in regards to the Donut Hole referendum petition lawsuit (Case No. SCVSS 090773).

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

Agreement - Trolley Project - Following discussion, Councilmember Gilbreath moved to approve entering into a funding and cooperative services agreement with Omnitrans related to the Redlands Downtown Rubber-Tired Trolley Project. Motion seconded by Councilmember George and carried unanimously.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the reports of the Planning Commission

meeting held on August 13, 2002, and August 27, 2002, were acknowledged as received.

Agreement - Citrus Avenue Tree Project - Following discussion, Councilmember Gilbreath moved to approve a grant of easement with Provident Federal Savings and Loan Association dba Provident Savings Bank for the placement of irrigation equipment for the Citrus Avenue Tree Project and authorized the Mayor and City Clerk to execute the document on behalf of the City. Motion seconded by Councilmember George and carried unanimously.

Restaurant Assistance Program - Following discussion, Councilmember Gilbreath moved to endorse a restaurant assistance program as recommended by the Business and Economic Development Advisory Commission and directed staff to develop the program in greater detail addressing such issues as eligible boundaries, capitalization, leveraging, and parking. Motion seconded by Councilmember Harrison and carried unanimously.

Property Appraisals - Northside Library Project - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously authorized staff to obtain property appraisals for Assessor Parcel Nos. 167-161-10 and 167-221-16 (northeast corner of Orange Street and Pennsylvania Avenue and southwest corner of Church Street and Lugonia Avenue) to assist the City in determining the best site for the proposed northside library.

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

Settlement and Release Agreement - Kilborn and Moya - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved a settlement and release agreement with Jeremy Kilborn and Sandra Moya and authorized the Mayor and City Clerk to execute the document on behalf of the City.

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

Proclamation - Second Baptist Church - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously authorized issuance of a proclamation congratulating the Second Baptist Church on their 110th anniversary and wishing the congregation continued blessings. The Second Baptist Church is the first and oldest African-American church in Redlands and was founded in 1892 by a small group of African-American families breaking away from slavery and seeking the freedom to worship.

Proclamation - Prostate Cancer Awareness Month - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously authorized issuance of a proclamation declaring September, 2002, as Prostate Cancer Awareness Month.

Certificate of Recognition - Robin Stein - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously authorized issuance of a certificate of recognition for Robin Stein commending her for her outstanding and dedicated service to the YMCA of the East Valley.

Resolution No. 6062 - Traffic Regulation - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 6062, 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: create a no parking zone for fire access on the public alleyways that are on either side of Kaye Court and Craig Court on the north side of Central Avenue.

Contract - LNG/LCNG Fueling Station - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously awarded a contract for construction of the LNG/LCNG fueling station project to General Physics Corporation.

Agreement - Geotechnical Services - LNG/LCNG Fueling Station - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved a consultant services agreement with Converse Consultants to provide geotechnical engineering services for a soil investigation report and a grading report and to provide construction inspection services on an as-needed basis for construction of the LNG/LCNG fueling station.

Airport Shoulder Stabilization Project - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved a contract change order for the Redlands Municipal Airport Shoulder Stabilization Project with LD Anderson, Inc. in the amount of \$39,357.60 and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Contract - Airport Shoulder Stabilization Project - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved a consulting services agreement with CAL-WEST Consultants to provide engineering services for materials and compaction testing not to exceed \$10,000.00 for the Redlands Municipal Airport Shoulder Stabilization Project.

Agreement - Henry Tate Water Treatment Plant - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously

approved a professional services agreement with Black & Veatch Corporation to perform training, design and construction of modifications to the Henry Tate Water Treatment Plant and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Wastewater Treatment Plant - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved an engineering services agreement with Carollo Engineers for the design of additional drying beds at the City's wastewater treatment plant and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Contract Award - Recycled Water Transmission Main Project - Bids were opened and publicly declared on August 22, 2002, by the City Clerk for the Recycled Water Transmission Main Project - Marigold Avenue and Palmetto Avenue, 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 Albert W. Davies, Inc. in the amount of \$505,300.00, 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 Harrison, the City Council unanimously approved this recommendation, authorized the Mayor and City Clerk to execute the document on behalf of the City, and authorized staff to approve costs up to ten percent (10%) over the bid amount.

Contract - Janitorial Service - Police Facilities - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved a janitorial contract with Custom Service Systems for janitorial service for all police facilities and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Subordination Agreement - Downtown Police Substation - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved a subordination, attornment and non-disturbance/estoppel agreement with Kiwi Associates, LLC/OSA and Associates 2, LLC, property managers for the Orange Street Place, for the downtown police substation and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Funds - Citizen Volunteer Patrol - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously authorized an additional appropriation of \$9,725.00 to purchase radios for the Citizen Volunteer Patrol (CVP) unit; funds will be transferred from the CVP donation account to the police budget.

Resolution No. 6065 - Police Department Fees - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 6065, a resolution of the City Council of the City of Redlands establishing fees for the Redlands Police Department.

Funds - Crime Prevention Grant Program - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously authorized \$5,000.00 from Community Crime Prevention Grant Program awards to the Gang Reduction Intervention Team and the Community Presbyterian Church to fund an after-school program.

Contract - COMPASS Initiative - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved a contract with Julie Wartell to provide management services to the Police Department's East Valley COMPASS Initiative.

Contract - Funds - Senior Transportation - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved an Alternative Fuels Local Government Match Program contract with South Coast Air Quality Management District, authorized the Mayor and City Clerk to execute the document on behalf of the City, and approved an additional appropriation in the amount of \$115,000.00 for the purchase of two alternative fuel vehicles for the senior transportation plan.

Independent Contractor Agreement - Recreation Bureau - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously approved an independent contractor agreement with Fang Lai to develop and conduct Tai Chi and Chi Gong classes for the City's Recreation Bureau, and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Independent Contractor Agreements - Building A Generation - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved independent contractor agreements with Sherry Edwards, Gabriela Alonso, Valarie Peterson, Jesse Gonzalez, Cherrie Burris, and Anthony Frankson to provide grant coordination and evaluation services for the Building A Generation Children and Families Commission grant. Maureen O'Keefe Hodge, Director of Outreach Services for Building A Generation, introduced the folks who will provide social work coordination, evaluation, and parent education services.

Resolution No. 6078 - Salary - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously adopted Resolution No. 6078, a resolution of the City Council of the City of Redlands establishing a salary schedule and compensation plan for City employees and

rescinding Resolution No. 6067, reflecting changes recommended by the Police Department.

COMMUNICATIONS

League Voting Delegates - By consensus of the City Council, Councilmember Gilbreath was designated to serve as the voting delegate for the League of California Cities' 2002 Annual Conference scheduled for October 2-5, 2002, in Long Beach; Councilmember George was designated to serve as the alternate voting delegate for the League of California Cities' 2002 Annual Conference.

Appointments - Parks Commission - Mayor Haws moved to nominate Kristin Saukel to fill the unexpired term of Robert Carothers on the Parks Commission to June 16, 2003, and Roy Savage to fill the unexpired term of Don Gifford on the Parks Commission to June 16, 2004. Motion seconded by Councilmember Harrison and carried unanimously.

Appointments - Municipal Utilities/Public Works Commission - Mayor Haws moved to nominate Joseph Stejskal and Michael Lee for reappointment for four-year terms on the Municipal Utilities/Public Works Commission. Motion seconded by Councilmember Harrison and carried unanimously.

Prohibition of Smoking - Market Night - Nancy Kirkwood, San Bernardino County Museum, reported that members of the San Bernardino County Museum Youth Club obtained a grant funded by California State Proposition 99, and circulated a petition to urge the adoption of a smoke-free policy at the Redlands Market Night. Their proposal will be presented to the City Council on September 17, 2002, during the evening session.

Redlands Community Foundation - Councilmember Gilbreath reported receipt of a \$5,000.00 donation to the Redlands Community Foundation, which she founded in 2000, from The Will J. Reid Foundation to support efforts in preserving trees. Councilmember Gilbreath moved to authorize the Street Tree Committee to assist in implementing this grant. Motion seconded by Councilmember Haws and carried unanimously.

Measure I Status Report - Public Works Director Mutter presented a status report on current funding and expenditures of the Measure I Capital Improvement Program. An updated Capital Improvement Plan, as required by SANBAG, will be presented at the September 17, 2002, City Council meeting.

Fox Theatre Renovation - Calvin McLean and Mona Penner addressed the members of the City Council during the evening session and asked for assistance to provide parking for their proposal to build four stories of luxury apartments on top of the Fox Theatre portion of the building located on the southeast corner of Cajon and Vine Streets. They requested the City donate to

their project parking places in the underground parking garage under the Civic Center as follows: the 13 tandem spaces; the 10 parking spaces currently rented out on a monthly basis, and an additional 12 spaces. During the discussion with Councilmembers, they conceded they would be willing to lease or rent the parking spaces. Community Development Director Shaw noted an amendment to the Redlands Municipal Code would be required to allow off-site parking. Mayor Haws referred Mr. McLean and Ms. Penner to City Manager Davidson and Community Development Director Shaw and advised them to go through the development process.

Redlands Water Supply - A PowerPoint presentation covering the City of Redlands' water supply conditions was presented by Municipal Utilities Director Phelps and Water Resources Chief Headrick. Although this past year has been the driest year on record since 1877 with only 20 percent of normal precipitation falling in the mountain watersheds and is the fourth consecutive year of drier than normal conditions, and the Santa Ana River is at an historic low flow today, and groundwater levels, especially in the higher elevation areas, are falling, Redlands' water supply is stressed, but we will not run out of water as we have more than one source available. Mr. Headrick concluded his report stating that water supply projects must be completed to continue to meet demands and regulatory requirements.

Fee Waiver - Mexican Independence Day Fiesta - Robert Gonzales, Executive Director of Inland Mexican Heritage, reported on the proposed activities at the Mexican Independence Day Fiesta scheduled for September 14, 2002, in Community Park. Councilmember George moved to waive the fees for police services for this event. Motion seconded by Councilmember Pepler and carried unanimously.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6079 - First Time Home Buyer Program - Councilmember George moved to adopt Resolution No. 6079, 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 a First Time Home Buyer loan agreement which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember Harrison and carried unanimously. (Also see Redevelopment Agency minutes for September 3, 2002.)

CLOSED SESSION

The City Council meeting recessed at 4:02 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:10 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code Section 54956.8

- a. Property: APN 168-041-51
 Negotiating parties: Municipal Utilities Director Phelps and Mike Huffstuttler, Bear Valley Mutual Water Company
 Under negotiation: Terms and price
 (Due to a potential conflict of interest, Councilmember Gilbreath did not participate in this discussion. A public disclosure of potential conflict of interest form is on file in the City Clerk's Office.)
 - b. Property: APN 292-166-09
 Negotiating parties: City Manager John Davidson and Terry Vines
 Under negotiation: Terms and price
 - c. Property: 1540 Alessandro Road
 Negotiating parties: Assistant City Attorney Murad and Kevin Avery, Verizon
 Under negotiation: Terms and price
 - d. Property: 1604 North Crafton Avenue
 Negotiating parties: Assistant City Attorney Murad and Kevin Avery, Verizon
 Under negotiation: Terms and price
 - e. Property: 500 Dearborn Street
 Negotiating parties: Assistant City Attorney Murad and Nathan Stromberg, AT&T
 Under negotiation: Terms and price
 - f. Property: Sunset Reservoir
 (Sunset Drive and Helen Drive)
 Negotiating parties: Assistant City Attorney Murad and Daneen DeAngelis, Cingular
 Under negotiation: Terms and price
2. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
- a. The Redlands Association v City of Redlands - SCVSS 86680
 - b. The Redlands Association v City of Redlands - SCVSS 79374
 - c. City Council of the City of Redlands v City Clerk of the City of Redlands and The Redlands Association - EO32138
 - d. Claim of Jose Ramirez for sewage backup
 - e. Workers Compensation claims of Joe Bodnar and Harry Hill
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - One case

The meeting reconvened at 7:00 P.M.

CLOSED SESSION REPORT

Litigation - Mountain Crest Apartments - City Attorney McHugh announced the City Council, during its closed session, authorized the City Attorney's Office to

initiate litigation against those property owners and water account holders at the Mountain Crest Apartments who have delinquencies with the City of Redlands.

PRESENTATIONS

Blue Star Service Banner - American Legion Commander Bill Harden, Post 106, and American Legion Commander Henry Mendoza, Post 650, presented a Blue Star Service Banner to Mayor Haws which is to be displayed at City Hall to represent employees serving in the armed forces.

September 11th Bell Ringing - Mr. Harden announced the American Legion Posts have asked the local houses of worship to ring their bells in remembrance of the sad events that took place on September 11, 2001. The bells will ring at 8:45 A.M., 9:03 A.M., 9:43 A.M., and 10:00 A.M. - the hours of attack last year on the north and south Twin Towers in New York City, the Pentagon in Washington, D.C. and the crash of the airliner jet in a field in Pennsylvania. Citizens are asked to observe a moment of silence following the ringing of the bells.

Proclamation - Patriot Day - Mayor Haws presented framed proclamations to American Legion Commander Bill Harden, Post 106, and American Legion Commander Henry Mendoza, Post 650, joining President George W. Bush in designating September 11th as Patriot Day and asking that the United States flag be flown at half-staff from sunrise to sundown.

Cinco de Mayo Queen - Lupe Sanchez introduced Cinco de Mayo Queen Marie Sanchez and Princess Veronica Gonzalez who reported on a trip to the State Capital in Sacramento on August 15, 2002. The Queen and her Court raised \$1,100.00 to make this trip.

ANNOUNCEMENTS/REPORTS

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

September 11th - Patriot Day - The City of Redlands will observe Patriot Day on September 11 with the dedication of the bronze memorial statue at 6:00 P.M. in Smiley Park at north side of the Old City Hall. An evening of remembrance and resolve will commence at 7:00 P.M. in the Redlands Bowl. Mayor Haws expressed deep appreciation to Bill McCalmon, President of the Redlands 4th of July Committee, and Curtiss Allen, Director of the Redlands 4th of July Band, for their efforts organizing this event.

Come Play on the Freeway - The completion of the State Route 210 Freeway will be celebrated on September 28, 2002, with a fun run/walk/ride and grand opening celebration. Councilmember Gilbreath invited all to come play on the freeway before it opens.

LATE BREAKING ITEM

Fee Waiver - Patriot Day - Noting the need to take action was immediate, Councilmember Haws moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Request for waiver of fees and charges - September 11 Patriot Day." Motion seconded by Councilmember Pepler and carried unanimously. Councilmember Haws moved to waive all fees and personnel costs for the September 11th Patriot Day event to be held on September 11, 2002, in the Redlands Bowl at 7:00 P.M. Motion seconded by Councilmember Harrison and carried unanimously.

UNFINISHED BUSINESS

Landscaping - Public Works Projects - Public Works Director Mutter reported the Public Works Department administers a variety of capital improvement projects for the City of Redlands. These projects may include street improvements, public building rehabilitation and construction, park development and improvements, and others. Generally, these projects are developed in a manner that provides for all related improvements including landscaping. By consensus, the City Council directed that City public works projects be reviewed the same as private sector projects, agreed the Planning Commission was the appropriate review board followed by the City Council, and suggested joint meetings be held with other commissions/committees as needed.

NEW BUSINESS

Ordinance No. 2499 - Fire Code - Fire Chief Enslow presented Ordinance No. 2499, an ordinance of the City of Redlands amending Chapter 15.20 of the Redlands Municipal Code and adopting with certain amendments the 2000 Uniform Fire Code, with errata, and the 2000 Uniform Fire Code Standards incorporating the 2001 California Fire Code, Part 9 of Title 24 of the California Code of Regulations. Ordinance No. 2499 was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Pepler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2499 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for September 17, 2002.

Ordinance No. 2504 - Tax Refund Claims Procedure - City Attorney McHugh presented Ordinance No. 2504, an ordinance of the City of Redlands adding Chapter 3.10 to the Redlands Municipal Code to establish a local government tax refund claims procedure. Ordinance No. 2504 was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Pepler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2504 was introduced with unanimous Council

approval and laid over under the rules with adoption scheduled for September 17, 2002.

PUBLIC COMMENTS

Redlands Municipal Airport Security - Deborah Davidson expressed concern about the recent changes in security measures at the Redlands Municipal Airport. She complained about the gate charge fees that have doubled and the requirement to submit very detailed background information. She felt the City was harassing airport users and asked the City to re-think the gate card issue.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:00 P.M. The next regular meeting will be held on September 17, 2002.

City Clerk