

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 October 5, 1999, at 3:00 P.M.

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
Beatrice Sanchez, Deputy City Clerk
Michael Reynolds, City Treasurer
Jim Bueermann, Police Chief
Mel Enslow, Fire Chief
Bonnie Johnson, Finance Director
Ronald C. Mutter, Public Works Director
Gary G. Phelps, Municipal Utilities Director
Jeffrey L. Shaw, Community Development Director

ABSENT

None

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

PRESENTATION

Helen Putnam Award - Riverside Mayor Ron Loveridge, on behalf of the League of California Cities, announced the City of Redlands was the proud recipient of the 1998 Helen Putnam Award of Excellence honored for its Community Based Customer Service Program. A plaque was presented to Mayor Cunningham on behalf of the City who also introduced the following staff members representing their departments: Gary Phelps, Municipal Utilities Department Director; Jim Grant, Code Enforcement Officer, Community Development Department; Richard Hulbert, Downtown Community Policing Corporal, Police Department; Mitch McKee, Battalion Chief, Emergency Services, Fire Department; Janet Miller, Administrative Assistant, Municipal Utilities Department; and Brenda McGlasson, Acting Billing Office Manager, Municipal Utilities Department. Mayor Cunningham commended staff who do yeoman work and are examples of the employees Redlands has the pleasure of having.

Presentation - Certificates of Commendation were presented by Fire Chief Mel Enslow to Ms. Tami Lopez and Ms. Nicole Hadfley for immediately alerting the Fire Department of a dangerous situation at 1173 West Sunset Drive. Oily rags were incorrectly stored; resulting in spontaneous combustion fire which had already spread to a five-gallon lacquer container. A potentially disastrous event was averted; the fire could have consumed the three-story home or spread into San Timoteo Canyon.

Councilmember Freedman announced that this day is Mayor Cunningham's birthday.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the minutes of the regular meeting of September 21, 1999, were approved as submitted.

Bills and Salaries - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, bills and salaries were ordered paid.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the report of the Planning Commission meeting held on September 28, 1999, was acknowledged as received.

Environmental Review Committee - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the report of the Environmental Review Committee meeting held on September 27, 1999, was acknowledged as received.

Ordinance No. 2424 - Adult-Oriented Businesses - Ordinance No. 2424, an ordinance of the City of Redlands amending Chapter 8.76 of the Redlands Municipal Code relating to the operation of adult-oriented businesses and repealing Ordinance No. 2421, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Banda, by the following vote:

AYES: Councilmembers Banda, Gilbreath, Freedman, George;
Mayor Cunningham

NOES: None

ABSENT: None

Fee Waiver - Redlands Morning Kiwanis Club - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, Council unanimously approved a waiver of fees to the Redlands Morning Kiwanis Club for a \$30.00 special electric inspection fee and a 35.00 rental fee of a 40 cubic yard roll-away trash bin for their annual haunted house at 458 E. Highland Avenue October 23, 1999, through October 31, 1999.

Agreement - Redlands Adult School - An Independent Contractor Agreement between the City of Redlands Recreation Bureau and Redlands Adult School to provide specialized classes for adults at the Community Center and senior centers was unanimously approved and the Mayor and City Clerk authorized to sign documents on motion of Councilmember Gilbreath and seconded by Councilmember Banda.

Beta Site License Agreement - ESRI has offered to provide the City with ARC Logistics Route software for use in support of the Solid Waste Division's routing functions at no cost in exchange for the ability to test this feature in a real solid waste operation. On motion of Mayor Cunningham, seconded by Councilmember Freedman, the ESRI Beta Site License Agreement, Contract No. 99S3823, for ARC Logistics software, was unanimously approved.

Master Loan Agreement With Compaq - The City of Redlands was awarded a grant from ESRI to develop and implement a GIS mapping program as part of the GIS Satellite Communications Network Public Safety Demonstration Project which will enable the Fire Department to inform and serve the residents in a more efficient and pro-active manner. The agreement ensures ownership of the computers is maintained by Compaq Corporation until the City decides to purchase or return them. Councilmember Gilbreath expressed concern that the City may not be granted reasonable time to convert back to previous procedures if Compaq Corporation exercises the right to request return of the equipment and software City Attorney McHugh stated he could correspond with Compaq Corporation and negotiate terms that would be more equitable. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the Master Loan Agreement with Compaq Computers was approved unanimously pending revision to the two items discussed.

Sewer Easement through Franklin Park - Property owners of vacant property at 16 Campbell Avenue requested permission to install a private sewer lateral through a portion of Franklin Park, located on the northerly side of Garden Street at Franklin Avenue, in order to construct a home and connect to the City's sewer system. On motion of Councilmember Gilbreath, seconded by Councilmember Banda, Council unanimously approved the execution of an easement for a private sewer line through Franklin Park and authorized the Mayor and City Clerk to sign the document on behalf of the City.

Funds - U.S. Department of Justice School Based Partnership Grant - Redlands Police Department was awarded a grant to enable participation in a crime prevention program designed to prevent violence between Hispanic students living in the City of Redlands or attending Redlands Unified School District schools. Grant funds provide for the hiring of a full-time civilian coordinator to act as a campus facilitator, six computers and an optical imaging station. Noting that the Police Department has been awarded a staggering amount of grants and kudos for their hard work Councilmember Gilbreath moved to

accepted the U.S. Department of Justice School Based Partnership grant award of \$144,780.00 and authorized an additional appropriation of \$144,780.00 to the Police Department to fund the grant. Motion seconded by Councilmember Freedman and carried unanimously.

COMMUNICATIONS

Legislative Bulletin - Councilmember Banda read from the Legislative Bulletin dated September 17, 1999, describing how numbered Assembly Bills can be totally gutted and language for an entirely different bill on a different subject can be inserted keeping the same number. This is a classic example of how the process can be circumvented.

Freeway Soundwalls - Public Works Director Mutter reported that Caltrans has developed a master plan for I-10 improvements through Redlands which calls for the ultimate widening to five lanes in each direction. Caltrans must look at the construction of soundwalls along areas developed with residential neighborhoods, generally the entire northerly side of the freeway between Sixth Street and Highland Avenue and the southerly side of the freeway between Central Avenue and Highland Avenue, to mitigate potential noise impacts associated with increased freeway capacity. The proposed walls would be generally constructed of block materials to a height of 12 feet. Staff agrees with the need, but has reservations about the height along elevated sections, lack of landscaping along internal portions, and the view from residential areas will be hampered. It is anticipated that the soundwalls will be constructed about 2005 or 2006. Caltrans is requesting City input as to their desires on the construction of soundwalls as part of the widening project. Councilmember Freedman expressed the importance of including City staff and the citizens of Redlands in the process. He then moved to support the installation of soundwalls along Interstate 10 through Redlands during the freeway widening project and to include a cooperative effort between Caltrans and Redlands' citizens and staff. Motion seconded by Councilmember Banda and carried unanimously.

Policies for Broadcasting on City Government Channel - Councilmember Banda stated she put this item on the agenda because she is aware service clubs, like the Contemporary Club, would like to broadcast informative videos. The Council has not yet addressed implementing the City's government channel for community groups and organizations. According to our franchise with TCI, Channel 3 is designated as a "government channel" not a "community channel." She would like to direct staff to research other cities and draft policies and guidelines that would allow public, non-profit local community organizations to air videos of local events. City Attorney McHugh cautioned that once you start opening up a station, unless you have very narrow rules, you could become public; he will bring back a draft policy for Council's review. Councilmember Freedman asked instead that staff bring back a report on what we can do and cannot do; he would rather know what the ramifications are in advance.

Councilmember George added that we must be careful to limit programming to government-related events; otherwise anyone with a video could demand airing anything. Guidelines must be narrowly prescribed. Councilmember Gilbreath stated TCI already does a good job airing public events like "Chamber Live." This is probably not an area the City should be involved in. Councilmember Banda moved to direct staff to research this and bring back a preliminary draft November 2, 1999, so that regulations and ramifications can be explored. Motion seconded by Councilmember Freedman and carried with Councilmember Gilbreath voting NO.

Solid Waste Rate Options - Councilmember George stated he wanted to know if there could be a solid waste reduced rate alternative for those residents taking measures to reduce impacts on the landfill and moved to direct staff to report back whether this was feasible. Councilmember Banda seconded and added that the City should reward citizens; there must be something we can do to create an incentive. Councilmember Freedman questioned how do you determine who pays less? Accumulating trash for less pick-up might be a health and safety issue; neighbors may begin to complain. Motion carried with Councilmembers Gilbreath and Freedman voting NO.

Legislative Audit Committee Information Request - AB 1553 - City Manager Luebbers reported that AB 1553 is on the Governor's desk and he has until October 10, 1999, to take action. The Council on September 21, 1999, chose not to make a response to the State Joint Legislative Audit Committee because the request came in the same day of the meeting; however, that was not viewed favorably because the Committee's Chairman is still obligated to act on the audit request. Mr. Luebbers suggested retaining the firm of CH2M-Hill to audit our investments in the "donut hole." This firm is knowledgeable with our system and facilities. Councilmember Freedman concurred and moved to retain the firm of CH2M-Hill. Councilmember Banda agreed it was a good idea to secure professional services to put together a report of what our investments are. Mayor Cunningham stated unless we make a claim to the State Department of Finance, it would be a waste of rate payers funds. Some of the services in the "donut hole" go back to the 1940s and 1950s. It is going to be an expensive task to put this data together but cannot think of any other firm who would be more skilled. Councilmember Gilbreath stated she could not support the motion. We spend too much on this effort; this would further damage our reserves so she could not support this request. Councilmember George concurred and seconded the motion provided we not take action on the contract until we are informed the Governor has signed the bill. Councilmember Freedman stated he does want to respond to the Committee and to hire a professional firm because at some time we will need the information. Councilmember George withdrew his modification to the motion. City Manager Luebbers clarified that the information is wanted by the Committee whether the Governor vetoes AB 1553 or not; this is a matter of cooperation. Motion carried with Councilmember Gilbreath voting NO.

Sports Complex - Mayor Cunningham asked for this to be placed on the agenda to discuss master planning for a future sports complex. Newly-approved home construction projects in the area are significant and will impact roads as well as schools. Mayor Cunningham moved to direct staff to contact Redlands Unified School District staff, AYSO representatives, individuals involved in residential planning, and any other groups interested in sports facilities to explore the best alternatives. Motion seconded by Councilmember Banda and carried unanimously.

Krikorian Theatre Expansion and Transit Center Project - Councilmember George excused himself from participating in the discussion because of a possible conflict of interest. Mayor Cunningham reported on a meeting held September 23, 1999, which brought together the Chamber of Commerce, DRBA, Redlands Conservancy, Mayor Cunningham, Councilmember Banda and Mr. George Krikorian regarding the theater expansion. Another meeting was held October 1, 1999, to explore funding for the Transit Center, parking, Krikorian Theatre's expansion, and the feasibility of a 110-130 room hotel where Coast Federal is presently located. Public Works Director Mutter reported to Councilmembers on the Transit Center location, design phases, the bus terminal and conditions for Metrolink coming to Redlands. The only feasible location for Metrolink is the Santa Fe Station and the bus terminal must be in close proximity to satisfy Omnitrans and Metrolink. We could lose \$300,000.00 in funding if we do not move forward. Mayor Cunningham stressed we have an urgent timeline. It is imperative that this item be placed on all future agendas for updates. Mr. Robert Frost then addressed Council saying that he supported working with Mr. Krikorian for development of the whole area because it will benefit the whole City; expanding the facility and eliminating the packing house will augment the whole area.

LATE BREAKING ITEM

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:

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

Motion seconded by Councilmember Banda and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 4:04 P.M. to a Redevelopment Agency meeting and reconvened at 4:10 P.M. to a closed session to discuss the following:

- a. Conference with legal counsel: Existing litigation - Government Code §54956.9(a)
 - Redlands Crossing v. City of Redlands Case No. 797365
 - H & E Center v. City of Redlands/Lowe's Case No. SCVSS58528
 - Michael St. James v. City of Redlands Case No. EDCV98-0067RT
- b. Administrative Proceedings:
 - SBVMWD State Water Board Application for Santa Ana River
- c. Conference with real property negotiator Government Code §54956.8
 - Property: Portion of Tentative Tract No. 15469
 - Negotiating parties: Councilmember Banda and Gresham Roskamp
 - Under negotiation: Terms and price

The meeting reconvened at 7:00 P.M.

PUBLIC HEARINGS

Tentative Tract No. 15469 - Gresham (Ross) Roskamp - Public hearing was continued to this time and place to consider a Socio-Economic Cost Benefit Study, Tentative Tract No. 15469, and an accompanying Negative Declaration for the subdivision of 110.3 acres into 24 residential lots located south of the terminus of Sutherland Drive, Ashforth Drive and South Lane in Specific Plan No. 47 (Gresham [Ross] Roskamp, applicant). Development Director Shaw explained that the applicant has requested this item be continued to October 19, 1999. On motion of Councilmember Freedman, seconded by Councilmember Banda, this item was unanimously continued to the City Council meeting of October 19, 1999, at 7:00 P.M.

Resolution No. 5673 - Vacate portion of Margarita Drive - Public hearing was advertised for this time and place to consider a proposed street vacation as the result of a condition of approval imposed on Tentative Tract No. 15040 by the Public Works Department in 1990 which required the applicant to dedicate for and construct a standard cul-de-sac at the northerly terminus of Margarita Drive which was recorded with the Tract Map. However, the applicant was unsuccessful in acquiring the additional property that would enable the construction of the standard cul-de-sac. On March 2, 1999, the City Council reviewed this issue and unanimously voted to waive the requirement. Mayor Cunningham opened the public hearing, none being forthcoming the public hearing was declared closed. On motion of Councilmember Banda, seconded by Councilmember Freedman, Council unanimously approved Resolution No. 5673, a resolution of the City Council of the City of Redlands finding that a portion of a certain street is unnecessary for present or prospective street purposes and ordering the vacation of said portion, Street Vacation No. 114.

Resolution No. 5688 - Socio-Economic Analyses/Cost Benefit Studies Fee - Public hearing was set for this time and place to consider Resolution No. 5688 adopting a fixed fee for Socio-Economic Analyses/Cost Benefit Studies. The concept of using a deposit was utilized in the interim as a result of Measure U. Mayor Cunningham opened the public hearing, none being forthcoming, the public hearing was closed. On motion of Councilmember Banda, seconded by Councilmember Freedman, Council unanimously approved Resolution No. 5688 to amend the City Fee Schedule adopting a fixed fee for Socio-Economic Analyses/Cost Benefit Studies that involve a negative or mitigated negative declaration or are otherwise exempt from California Environmental Quality Act.

UNFINISHED BUSINESS

Ordinance No. 2418 - Security alarm Systems - Police Chief Bueermann reported that false alarms have significantly impacted the department's resources and call load. Man hours utilized in response to the false alarms averaged 185.6 hours per month for a year-to-date cost of \$35,431.78. Under the proposed ordinance, alarm users will be required to obtain a permit by filing an application with the Police Department. The ordinance grants the Police Chief authority to institute an immediate non-response policy for any violation of sections contained in Chapter 5.12 of the Municipal Code after appropriate notification has been given to the alarm user and any alarm company involved. Ordinance No. 2418, an ordinance of the City of Redlands amending Chapter 5.12 of the Redlands Municipal Code relating to security alarm systems, was read by title only by Deputy City Clerk Sanchez, and on motion of Councilmember Banda, seconded by Councilmember Freedman, further reading of the ordinance text was unanimously waived, and Ordinance No. 2418 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for October 19, 1999.

NEW BUSINESS

Resolution No. 5691 - Five-Year Capital Improvement Plan and Twenty-Year Transportation Plan - Mayor Cunningham asked that the Resolution No. 5691 be acted on in two segments due to his conflict of interest on the Twenty-Year Transportation Plan - Fern Avenue/San Timoteo Canyon Road to Terracina Boulevard. All Councilmembers concurred. On motion of Councilmember Banda, seconded by Councilmember Freedman, Resolution No. 5691, adopting the Five-Year Capital Improvement Plan and Twenty-year Transportation Plan related to Measure I, excluding the Twenty-Year Transportation Plan - Fern Avenue/San Timoteo Canyon Road to Terracina Boulevard, widen and reconstruct item, was unanimously approved. On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the Twenty-Year Transportation Plan - Fern Avenue/San Timoteo Canyon Road to Terracina

Boulevard, widen and reconstruct item, was approved with Mayor Cunningham abstaining.

Therapeutic Swim Program at Heisner/Selzer Pool - Police Chief Bueermann reported on the history of the pool at Mission Elementary School pointing out the many costly repairs, down time, and revenue versus expenses resulted in a therapeutic swim program net loss of \$34,127.00 for fiscal year 1998-99. Currently there are 35 people registered for therapeutic swim classes, 15 are Redlands' residents. The Recreation Commission voted unanimously to recommend, regrettably, that the Council discontinue the program and requested Council authorize to redistribute aquatics funds into other youth programs and services. Speaking from the audience Sue McCluskey, Yucaipa, wanted to know why the program participants were not part of the decision-making and who are the Recreation Commissioners? Jeannine Megert, Calimesa, thanked the Council for the time they were able to utilize the pool for therapy. Councilmember Gilbreath added that because of under-utilization and down time of the pool, the City lost the Arthritis Foundation Grant. Mayor Cunningham explained that the property belongs to the Redlands Unified School District and he understands the District may have other plans for the property in January, 2000. Councilmember Banda then moved to discontinue the therapeutic swim program held at the Heisner/Selzer Pool, and authorized staff to provide notification of cancellation to Redlands Unified School District for use of the facility; and to redistribute the aquatics funds to other youth programs and services offered by the Recreation Bureau. Motion seconded by Councilmember Freedman and carried unanimously.

PUBLIC COMMENTS

Mr. Lansing White explained to Council that unfortunately his son, who will speak next, was recently arrested and acted out in a way that felony charges were made against him. He is speaking out because his son made a mistake and is looking for compassion. If convicted, his son will not be able to vote or join the military service. Dustin White stated he would like to apologize to the City of Redlands; for ten minutes of speaking out, he will be convicted.

CLOSED SESSION REPORT

Mayor Cunningham then gave the following report of closed session items:

1. Lockheed Martin - Potential Litigation

Lockheed Martin made an offer to settle any potential claims the City has for the sum of \$3.7 million. There are no "strings" attached to the Lockheed proposal which will adversely affect the City. The City Council accepted Lockheed's offer and authorized City staff to finalize paperwork in connection with the settlement.

2. H & E Bros., Inc., v. City of Redlands

H & E proposes to dismiss its lawsuit against the City (with prejudice) provided the City does not seek to recover any costs for attorney's fees against H & E. The dismissal/settlement agreement will acknowledge that the City will provide information to H & E on the mitigation measures that the City has imposed on the Lowe's project. Further, the City and Lowe's will agree to take temporary measures to ensure there are no "traffic jams" associated with opening day of the Lowe's project. City Council approved the agreement and will be finalized to dismiss the case.

3. Redlands Crossing (State lawsuit)

The City has received a settlement offer from Redlands Crossing that it will now dismiss its appeal and end the litigation if we dismiss our attorneys' fees claim. Council agreed to accept the proposal and with the City's prevailing in Federal court against Redlands Crossing, it now appears the litigation with Redlands Crossing will soon be over.

LATE BREAKING ITEM

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:

- a. Closed session: Conference with legal counsel - Existing litigation - Government Code Section 54956.9(a) - Aaron Van Mill v. City of Redlands - San Bernardino Superior Court (SVC 51090)

Motion seconded by Councilmember Banda and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:35 P.M. The next regular meeting will be held on October 19, 1999.

Deputy City Clerk