

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 March 20, 2001.

PRESENT

Pat Gilbreath, Mayor
Gary George, Mayor Pro Tem
John L. Freedman, Councilmember
Karl N. "Kasey" Haws, Councilmember

John Davidson, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Michael Reynolds, City Treasurer
Cletus Hyman, Deputy 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

Susan Pepler, Councilmember

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

COMMENDATION

Amy Noehren, one of our volunteer camera operators, is also a Fire Explorer. On Saturday, March 17, 2001, an electrical outlet caused a fire at a home on College Avenue. Fire Captain Ken Goodner rescued the family's unconscious cat from the house, and Ms. Noehren resuscitated the cat while firefighters extinguished the blaze. The cat was taken to a veterinarian and has recovered from its ordeal. Mayor Gilbreath commended Ms. Noehren for her work as a Fire Explorer.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Freedman, the minutes of the adjourned regular meeting of February 28, 2001, and the regular meeting of March 6, 2001 were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on March 13, 2001, was acknowledged as received.

Contract Award - Texonia Park Lights - Bids were opened and publicly declared on February 20, 2001, by the City Clerk for the Texonia Park North Field Lighting Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Police Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Remax Electric, Upland, in the amount of \$65,890.00, and it would be in the best interest of the City that this contract be awarded to said firm. Councilmember George moved to approve the mitigated negative declaration for the Texonia Park North Field Lighting Project 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 Freedman and carried by AYE votes of all present. On motion of Councilmember George, seconded by Councilmember Freedman, award of the contract for the Texonia Park North Field Lighting Project was made to Remax Electric, Inc. and the Mayor and City Clerk were authorized to sign the design and construction agreement on behalf of the City by AYE votes of all present.

Bid Rejection - Fire Department Temporary Apparatus Structure - Bids were opened and publicly declared on March 8, 2001, by the City Clerk for the design and construction of the Fire Department Temporary Apparatus Structure project; a bid opening report is on file in the Office of the City Clerk. Public Works Director Mutter reported this is strictly a temporary fire apparatus structure. The only bidder, W. B. Allen Construction, Inc. was not a responsive bidder; therefore the Public Works Department recommended the bid be rejected and the project re-advertised. On motion of Councilmember George, seconded by Councilmember Freedman, the City Council rejected the bids for the design and construction of the Fire Department Temporary Apparatus Structure project and directed staff to re-advertise the project by AYE votes of all present.

RDA 2001-1-1 - Standard Pacific Homes - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council accepted, by AYE votes of all present, the recommendations for points to be awarded for 150 single family homes in a planned residential development for Tract No. 16101 and Conditional Use Permit No. 713 generally located between Capri and Lugonia Avenues, west of Wabash Avenue (Standard Pacific Homes, applicant), and approved 35 building permit allocations for Residential Development Allocation No. 2001-1-1. On motion of Councilmember George, seconded by Councilmember Freedman, the City Council awarded an additional 82 building permit allocations, for a grand total of 117 building permit allocations, to Residential Development Allocation No. 2001-1-1 by AYE votes of all present.

Resolution No. 5779 - Parking Regulations - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council, by AYE votes of all present, adopted Resolution No. 5779, a resolution of the City Council of the City of Redlands amending Resolution No. 3339 relating to parking regulations along State Street to establish seven 30-minute, time-restricted, parking stalls in the downtown business district for a trial period of six months.

Funds - Plan Check Services - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council approved an additional appropriation in the amount of \$7,000.00 to increase "Other Professional Services" in the Building and Safety Division, account number 01.2200.2190 for outside plan check services by AYE votes of all present.

Funds - Labor Relations Consultant - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council approved a change order to the labor relations consultant contract and an additional appropriation in the amount of \$12,278.00 by AYE votes of all present. After successfully negotiating six labor contracts, the total cost was \$50,778.00.

Settlement Agreement - A settlement and release agreement with Victor Marquez for property damages due to a sewage overflow, as agreed to by the City Council in a closed session, was provided at this time to notify the public in accordance with requirements of the Brown Act.

Proclamation - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council authorized issuance of a proclamation, by AYE votes of all present, extending best wishes to the *American Business Women's Association* for continued success in their newly formed Inland Valley Council.

CDBG Funds - DASH, Inc. - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council approved an appropriation of \$2,150.00 of City Council Unprogrammed Community Development Block Grant Funds for payment of the appraisal fee for the DASH, Inc. purchase of property located at 306 West Colton Avenue by AYE votes of all present.

CNG Vans and Electric Bus - Mayor Pro Tem George clarified the request to approve the purchase of three (not two) compressed natural gas vans and one electric shuttle bus and noted this purchase will be going out to bid. He then moved to approve the purchase of three compressed natural gas vans and one electric shuttle bus subject to receipt of a confirmation letter from Caltrans of 100 percent reimbursement of this purchase through the State CMAQ/RSTP grant. Motion seconded by Councilmember Freedman and carried by AYE votes of all present.

Request for Proposals - Utility Fiscal Requirements - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council authorized, by AYE votes of all present, staff to issue a request for proposals for a review of water and wastewater utility fiscal requirements, rate revenue, and development impact fees.

Funds - Contract - Sports Park EIR - Councilmember Haws moved to table action for two weeks on a contract with Helix Environmental Planning, Inc. for preparation of an environmental impact report for the proposed sports park to be located on the north side of San Bernardino Avenue between Dearborn Street and Wabash Avenue and the request for an increase in appropriations for the Community Development Department in the amount of \$86,710.00 and asked staff to look at the potential of and report on the advisability of phasing the environmental impact report on various components and to also report on the status of the State monies. Motion seconded by Councilmember Freedman and carried by AYE votes of all present.

Agreement - Santa Ana River Watershed - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council authorized, by AYE votes of all present, Task Order No. 20 of the existing Engineering Master Services Agreement with the firm of CH2M Hill to provide engineering services to prepare the 2001 Update to the Sanitary Survey for the Santa Ana River Watershed.

East Valley Corridor Specific Plan - Used Car Sales - Community Development Director Shaw explained the City has received a number of requests to allow used car sales events in a number of locations within the East Valley Corridor Specific Plan. The East Valley Corridor Specific Plan allows the sale of new automobiles, motorcycles and other motor vehicles and allows for the sale of used automobiles and other vehicles if accessory to the sale of new vehicles. Councilmember George noted these sales events would not be in a permanent location. Following brief discussion, Councilmember Haws moved to direct staff to initiate an amendment to the East Valley Corridor Specific Plan to allow the sale of used automobiles' sales events as a permitted use. Motion seconded by Councilmember George and carried by AYE votes of all present.

COMMUNICATIONS

Hershey's Lawsuit - Councilmember Freedman reviewed three of the County of San Bernardino versus City of Redlands (Hershey's) lawsuit that he felt warranted comments. These included a memorandum of understanding relating to notices regarding future development projects pending in the East Valley Corridor Specific Plan; an acknowledgement from the City as to infrastructure improvements especially pertaining to Mountain View Avenue and California street; and the County wanting the City to give up its victory in the lawsuit

challenging the environmental review done by the County for its County-wide general plan amendments affecting development in sphere of influence areas.

Underground Electric Facilities - Councilmember Freedman shared a letter he had recently received from Beverly Powell, Region Manager, Southern California Edison, with Rule 20A information which sets forth the terms and conditions for replacing existing overhead electric facilities with underground electric facilities. Ms. Powell was present and explained Rule 20A in detail. Councilmember Freedman moved to request a staff report showing how much we have in Rule 20A funds, what we could do with those funds, a list potential areas that could be improved, and a record of what we have done in the past. Motion seconded by Councilmember George and carried by AYE votes of all present.

CDBG Funding - Legal Aid Society of San Bernardino - Councilmember Freedman asked Councilmembers to reconsider Community Development Block Grant funding for the Legal Aid Society of San Bernardino since they did not receive any allocation at the February 28, 2001, City Council meeting. He noted he would have voted for an allocation if he had not been snowed out and had been able to attend that meeting. On behalf of the Legal Aid Society, Roberta Shouse addressed the City Council. Councilmember Freedman moved to allocate \$2,000.00 to the Legal Aid Society of San Bernardino from the 2000-01 Unprogrammed CDBG funds. Motion seconded by Councilmember George and carried by AYE votes of all present.

Modular Housing - Mayor Pro Tem George moved to ask staff to bring back information on the concept of allowing modular housing units for low and moderate income housing. Motion seconded by Councilmember Haws and carried by AYE votes of all present although Mayor Gilbreath expressed some concerns about the life of this type of structure.

PUBLIC COMMENTS

Cul-de-Sac - Herrington Drive - Mr. and Mrs. Lawrence A. Luebbe addressed the City Council regarding a requirement for a cul-de-sac at the east end of Herrington Drive. This matter was referred to staff for a report to be presented on April 17, 2001.

Summit B Widening Project - Citing a possible conflict of interest on this matter, Mayor Gilbreath left the City Council Chambers, and Mayor Pro Tem George conducted the meeting. On behalf of his neighbor Kathleen White, Leon Armantrout addressed the City asking them to find a way to accommodate safety on Summit B without jeopardizing the flowers, shrubs, trees and picket fence along Mrs. White's property in relation to the widening of this street being done by Mark Hamilton, First Pacifica Development, in conjunction with his project. Mr. Hamilton was present and agreed to suspend work on that side of

the street until the City Council had the opportunity to review a report from staff. This request was referred to staff for a report to be presented on April 17, 2001. Councilmembers expressed their appreciation to Mr. Hamilton for his cooperation.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Annual Financial Report - Finance Director Johnson reported State statutes require an annual audit by independent certified public accountants. The accounting firm of Conrad and Associates, LLP was selected by the City to perform these services. The audit was also designed to meet the requirements of the Federal Single Audit Act of 1984 and related OMB Circular A-133. Councilmember Gilbreath moved to accept the City of Redlands Comprehensive Annual Financial Report for the year ended June 30, 2000. Motion seconded by Councilmember Freedman and carried by AYE votes of all present.

Resolution No. 5861 - Multi-Unit Rehabilitation - Community Services Division Manager Marjie Pettus described a request for Redevelopment Agency set-aside funds for the renovation of 20 units located at 201, 205, 209, 213, and 217 Kaye Court. She also explained the Crime Free Multi-Unit Housing Program which the applicant has completed. Councilmember George moved to adopt Resolution No. 5861, 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 multi-unit rehabilitation of 20 units on Kaye Court (Kisan Chavan, applicant). Motion seconded by Councilmember Haws and carried by AYE votes of all present. (Also see Redevelopment Agency minutes for March 20, 2001.)

Resolution No. 5863 - Great Neighborhood Program - Councilmember Freedman moved to adopt Resolution No. 5863, 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 Neighborhood Program to implement an additional participant agreement which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember George and carried by AYE votes of all present. (Also see Redevelopment Agency minutes for March 20, 2001.)

The City Council recessed at 4:14 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:12 P.M.

NEW BUSINESS

Joint Defense Agreement - FERC Proceedings - Citing a possible conflict of interest on this matter, Mayor Gilbreath left the City Council Chambers, and Mayor Pro Tem George conducted the meeting. City Attorney McHugh

reported that a number of affected water agencies in the region have been meeting regularly over the past three years to develop a strategy with regard to Southern California Edison's request that its hydro-electric projects be re-licensed by the Federal Energy Regulatory Commission. Edison's re-licensing applications significantly and adversely affect the City's water rights and the region's water agencies are strongly defending the position that none of their water rights should be lost on the Santa Ana River, Mill Creek, or Lytle Creek as a result of these proceedings. At this time, the water companies think it would be appropriate to develop a joint legal strategy with a joint defense agreement. A draft agreement has been prepared by special counsel to the San Bernardino Valley Municipal Water District and has been reviewed by our City Attorney. Councilmember George moved to approve the joint defense agreement and authorize the Mayor and City Clerk to execute the agreement on behalf of the City. Motion seconded by Councilmember Freedman and carried by AYE votes of all present, with Councilmember Gilbreath abstaining.

CLOSED SESSION

The City Council meeting recessed at 4:19 P.M. a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a):
 - a. County of San Bernardino v. City of Redlands and Spring Pacific - Case No. SCVSS 74079
 - b. Sunset Drive Corporation v. City of Redlands - SCVSS 29599
 - c. FERC administrative proceedings for relicensing of Edison Hydro-electric Facilities

The meeting reconvened at 7:00 P.M. at which time all members of said City Council were absent therefrom and the undersigned City Clerk of said City Council thereupon declared said meeting adjourned to the next regular meeting, April 3, 2001.

PUBLIC HEARINGS

Resolution No. 5840 - Street Vacation No. 119 - Public hearing was advertised for this time and place for the vacation of a portion of Iowa Street (Caseworx, applicant). At the request of the applicant this public hearing was continued to April 3, 2001.

Resolution No. 5804 - Street Vacation No. 118 - Public hearing was continued to this time and place for the vacation of a portion of Bryn Mawr Avenue in Concept Plan No. 2 of the East Valley Corridor Specific Plan (Spring Pacific Properties, applicant). At the request of the applicant this public hearing was continued to April 3, 2001.

City Clerk