

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 15, 2000.

PRESENT

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

Gary M. Luebbers, 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  
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 Mayor Gilbreath with a moment of silence to honor Ted Thompson and Dee Cochrane. Mr. Thompson, a resident of Redlands and former member of the Redlands Airport Advisory Board, was the pilot of Alaskan Airlines Flight 261 that crashed on January 31, 2000, in the Pacific Ocean near Port Hueneme, California, killing all 88 persons on board. Mrs. Cochrane was a Service Representative with the Utility Billing Division of the City of Redlands for 15 years and died February 3, 2000, following open heart surgery. The meeting continued with an invocation by Mayor Gilbreath followed by the pledge of allegiance.

PRESENTATIONS

Fire Department Commendations - Accompanied by Charlotte Burgess from the University of Redlands, Mayor Gilbreath presented Certificates of Commendations to University of Redlands' students Kevin M. Dyerly and Brian M. Silva for their quick thinking and bravery in the evacuation of the residence hall and suppression of a fire on December 13, 1999, at 4:45 A.M. in the lobby of Cortner Hall at the University of Redlands. Fire Chief Enslow and Fire Marshal Leonard Temby reported the Redlands Fire Department participates in training and orientation sessions each year at the University of

Redlands. While this fire was minor in scope, the actions of Messrs. Dyerly and Silva were instrumental in preventing any serious property damage or injury. Their actions are what the Fire Department personnel are encouraging through these annual training sessions.

## CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Haws, the minutes of the regular meeting of February 1, 2000, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Haws, the report of the Planning Commission meeting held on February 8, 2000, was acknowledged as received.

Resolution No. 5727 - Traffic - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5727, a resolution of the City Council of the City of Redlands establishing traffic regulations pursuant to Title 10 of the Redlands Municipal Code: extend the "No Parking" zone along the east side of Ford Street 64 feet in addition to the existing 16 feet on the north side of the driveway and establish a 40-foot "No Parking" zone on the south side of the driveway at 1605 Ford Street, Valley Preparatory School.

Resolution No. 5728 - Traffic - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5728, a resolution of the City Council of the City of Redlands establishing traffic regulations pursuant to Title 10 of the Redlands Municipal Code: establish a "No Parking" zone, 30 feet long on each side of seven driveways and at the west end of the Aquatic Center, along Brockton Avenue from University Street to Grove Street at the University of Redlands.

Resolution No. 5729 - Traffic - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5729, a resolution of the City Council of the City of Redlands establishing traffic regulations pursuant to Title 10 of the Redlands Municipal Code: post sign and repaint the existing curb from "yellow" to "white" for a passenger loading and unloading zone along the southerly side of Olive Avenue, westerly of Michigan Street, adjacent to McKinley Elementary School at 645 West Olive Avenue.

Fee Waiver - Showmobile - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously authorized a waiver of \$550.00 in fees for the City of Highland Historic and Cultural Preservation Board for the one day use of the "Showmobile" providing that certain other requirements noted in the rental contract are met for towing, set-up, a deposit, insurance coverage, and rental period.

Booking Fee - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved a supplemental settlement agreement with the County of San Bernardino eliminating the February 11, 2000, Criminal Justice Administrative Booking Fee increase and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

Funds - Tate Water Treatment Plant - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously authorized repairs due to earthquake damage at the Tate Water Treatment Plant to be performed by J. R. Filanc Construction Company and approved an additional appropriation in the amount of \$300,000.00 from current revenues and reserves in the Water Fund.

Funds - Professional Services and Plan Check Examiner - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved an additional appropriation of \$25,000.00 for Professional Services for Wildan and Associates for the Building and Safety Division and \$15,000.00 to fill the non-budgeted position of Plan Check Examiner to assist the Building and Safety Division.

Resolution No. 5730 - Salary - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5730, a resolution of the City Council of the City of Redlands amending Resolution No. 5684 to add the classification of Housing Coordinator (funded by Neighborhood Initiative Funds) and two additional police officers (funded by the U. S. Department of Justice, COPS in School Grant accepted November 2, 1999).

AB 1744 - Housing Element Revisions - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously authorized the Mayor to send letters to State representatives supporting Assembly Bill 1744 which provides for a six-month extension of the due date for completion of local housing element revisions.

Resolution No. 5725 - Disability Retirement - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5725, a resolution of the City Council of the City of

Redlands determining that Kathy Knapp, a local safety member of the Public Employees' Retirement System, employed by the City of Redlands, is incapacitated within the meaning of the Public Employees' Retirement Law for performance of her duties in the position of Police Officer.

Resolution No. 5726 - Disability Retirement - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5726, a resolution of the City Council of the City of Redlands determining that Carolyn Salisbury, a local safety member of the Public Employees' Retirement System, employed by the City of Redlands, is incapacitated within the meaning of the Public Employees' Retirement Law for performance of her duties in the position of Police Officer.

Agreement - Recreation Bureau - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved an independent contractor agreement between the City of Redlands Recreation Bureau and Dr. G. W. Abersold to provide history religion classes for seniors at the Joslyn Senior Center.

## COMMUNICATIONS

Downtown Redlands Brewery - Continued to the 7:00 P.M. session.

City Manager's Report - City Manager Luebbers reported we have received an extension from SANBAG for the grant funding of the transit center. The adult bookstore has closed this week. This morning, the Bear Valley Mutual Water Company Board of Directors approved the appointment of Douglas Headrick as the City's second representative on that board. An application has been received for a 200,000 square foot office building and restaurant site on Redlands Boulevard, just west of Lowe's project. A contract has been award to Shockey for the San Timoteo Canyon project. Councilmember George also announced a grant application is being prepared for submission to Congressman Lewis for two new parking structures in downtown, traffic calming devices on Citrus Avenue, and trails on the Zanja system.

Mid-Year Budget Review - City Manager Luebbers presented a fund balance status report and an updated General Fund budget estimate for 1997-98 through 2000-01 noting the numbers are better than we had hoped. He reported that with 50 percent of the fiscal year complete, General Fund revenues are 47.2 percent received while expenditures are 46.98 percent spent. Permit and fee revenue is more than had been anticipated. A large portion of the major General Fund revenues, such as property taxes, franchise fees, and business license fees, are normally collected in the second half of the fiscal year. Overall, expenditures are projected to come in under budget primarily due to salary savings from

vacant positions and employee turnover as well as each department's conscious effort to control costs.

Appointment - Planning Commission - Mayor Gilbreath moved to nominate James G. Macdonald to the Planning Commission to fill the unexpired term of Rufus Moore to January 6, 2002. Motion seconded by Councilmember Haws and carried unanimously.

Appointment - Recreation Commission - Mayor Gilbreath moved to nominate Rodney Shelffo to the Recreation Commission to fill the unexpired term of Michael Schneider to June 30, 2003. Motion seconded by Councilmember Pepler and carried unanimously.

Appointments - Housing Commission - Mayor Gilbreath moved to nominate Sandra Olguin and Alen Ritchie to the Housing Commission to fill the existing vacancies. Motion seconded by Councilmember George and carried unanimously.

Fees Waiver - Redlands Bicycle Classic - On behalf of the Redlands Bicycle Classic, Race Director James Reed urged the City Council to consider waiver of all fees, costs and charges, not to exceed \$15,000.00, associated with this event. He reviewed its history, growth and development, and the benefits of having this world-class sporting event in Redlands. Councilmembers discussed this request. Responding to questions, City Manager Luebbers said the City Council has, in the past, typically waived "soft costs" but not "hard costs" and personnel costs. Councilmember George moved to waive up to \$11,000.00 of fees, costs and charges for the Redlands Bicycle Classic. Motion seconded by Councilmember Freedman and carried unanimously.

AB 1544 - Councilmember George reported the Senate Local Government Committee hearing to be held on February 16, 2000, for AB 1544 was again cancelled; this hearing has been cancelled on four different occasions, and it is apparent that Assemblyman Granlund is attempting to try for an off-the-floor hearing which can be done quickly with no public comments. Councilmember George stated Mr. Granlund's actions are very unprofessional and felt we should decline to play the "cat and mouse game" any further. Councilmember Gilbreath moved to authorize the preparation of a letter which can be signed by all members of the City Council expressing our disappointment and intention not to participate anymore. Motion seconded by Councilmember George and carried by AYE votes of all present with Councilmember Haws abstaining due to a conflict of interest. Councilmember Haws asked that his conflict of interest be noted within the letter as an explanation for the absence of his signature.

Youth and Tobacco Survey - Councilmember George presented the California State University's most recent survey finding as it relates to youth and tobacco

habits. Additional data and community education materials will be forthcoming.

Census 2000 - Noting the importance of a more accurate census in California, Councilmember George reported he has applied for Census 2000 funds in the amount of \$2,499.99 for a joint event with Radio Lazer KXSB, KXRS, and KBTW to promote a complete census count of hard-to-reach populations in Redlands. Radio Lazer, the Inland Empire's favorite Spanish radio station, and the City will invite the Hispanic community to a North Redlands shopping center for free live entertainment. The Census Bureau will have a display booth and banners at the site. In addition, Radio Lazer will provide 75 public service announcements in the weeks preceding the event in order to encourage maximum public participation.

### CLOSED SESSION

The City Council meeting recessed at 4:07 P.M. to a Redevelopment Agency meeting and reconvened at 4:08 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
  - City of Redlands v. County of San Bernardino and Majestic Realty  
Case Nos. SCV 38504 and EO 21447
  - City of Redlands v. Morgan
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - one case
3. Conference with legal counsel: Existing Administrative Proceedings - Government Code Section 54956.9(a)
  - San Bernardino Valley Municipal Water District/Western Municipal Water District State Board proceedings for Santa Ana River
  - Brickley et al v. City of Redlands/PERS
4. Conference with labor negotiator - Government Code Section 54957.6  
City Negotiator: Gary Luebbers  
Employee organization: General Employees Association of Redlands

The meeting reconvened at 7:00 P.M.

Mayor Gilbreath welcomed Boy Scouts Troop 31 from the Church of Jesus Christ of Latter Day Saints, Second Ward, who were in attendance at this meeting. Mayor Gilbreath also welcomed Jessica Marzullo, Redlands East Valley High School, who participated in Civics Day on February 10, 2000, as the City Treasurer. The City Council acknowledged Redlands Daily Facts' reporter Andre Herndon's upstanding presence at this meeting and wished him a happy birthday.

## COMMUNICATIONS (Continued)

Downtown Redlands Brewery - Capital Improvement Fees - This item was continued from the afternoon session. Staff has been meeting with the owner of the Downtown Redlands Brewery discussing the \$80-85,000.00 Capital Improvement Fees due to the City. Louis Harsanyi, owner, has offered to pay \$30,000.00 in installments as soon as the business starts making money. As this offer was unacceptable to staff, Mr. Harsanyi requested an opportunity to address the City Council. He was unable to attend the afternoon session, and asked the item be continued to the evening. During the afternoon session, the owner of the property, Calvin McLean, addressed the City Council asking if the debt would be shifted to him if Mr. Harsanyi does not pay indicating he did not feel this would be fair as the City has not negotiated with him. The Redlands Municipal Code allows recourse against the property owner. Staff has informed Mr. Harsanyi that if payment is not forthcoming, water and sewer service will be terminated. This concerned Mr. McLean as there is only one connection to his building but he offered to assist the City if a separate line is needed. During the evening session, Mr. Harsanyi addressed the City Council at length noting the Brickhouse Brewery (previous tenants) obtained the loan from the City and that the two businesses were not related; therefore, Mr. Harsanyi did not feel he was responsible for these fees. Mr. Harsanyi was told he is legally obligated by the City's Code to pay these fees as is any other business. Councilmember Haws moved to direct the City Attorney and staff to take the necessary action to collect the Capital Improvement Fees within 60 days or proceed with cessation of service with the understanding that an extension of time would be considered if Mr. Harsanyi could show proof he is obtaining a loan to cover the amount due. Motion seconded by Councilmember Pepler and carried unanimously.

## PUBLIC HEARINGS

Conditional Use Permit No. 278 (Revision No. 4) - ESRI, Inc. - Public hearing was advertised for this time and place to consider a Socio-Economic Cost Benefit Study and Conditional Use Permit No. 278 (Revision No. 4) for a 9,410 square foot cafeteria at the existing office complex located at 380 New York Street in the M-1 (Light Industrial) District; ESRI, Inc., applicant. Community Development Director Shaw reviewed the application and the Planning Commission's recommendation. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember George moved to approve the Socio-Economic Cost Benefit Study for Conditional Use Permit No. 278 (Revision No. 4) with the finding that the project will not create unmitigable physical blight or overburden public services in the community and that no additional information or evaluation is needed. Motion seconded by Councilmember Freedman and carried unanimously. Councilmember George moved to approve Conditional Use Permit No. 278 (Revision No. 4) subject to

the conditions of approval contained in the staff report and based on the following findings:

1. The on-site cafeteria applied for at 380 New York Street is proper for a conditional use permit;
2. The on-site cafeteria at ESRI, Inc. as proposed is a project that is necessary, essential, and desirable for the public welfare as well as the development of the community;
3. The on-site cafeteria is not detrimental to existing or permitted uses in the M-1 (Light Industrial) District where it would be located;
4. The size and shape of the site are adequate for the proposed on-site cafeteria at ESRI, Inc.;
5. The site properly relates to New York Street which is designed and improved to carry the type and quantity of traffic to be generated by the proposed project;
6. The conditions set forth on this conditional use permit are deemed necessary and reasonable to protect the public health, safety and general welfare and the best interests of the neighborhood; and
7. The proposed project will be consistent with the existing Commercial designation of the General Plan.

Motion seconded by Councilmember Freedman and carried unanimously.

Minor Subdivision No. 251 - George Beccacio - Public hearing was advertised for this time and place to consider a Socio-Economic Cost Benefit Study and Minor Subdivision No. 251, a subdivision of 0.7 acres into two residential parcels for property located at 1571 Elizabeth Street in the R-E (Residential Estate) District; George Beccacio, applicant. Community Development Director Shaw reviewed the project and the Planning Commission's recommendation. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Peppler moved to approve the Socio-Economic Cost Benefit Study for Minor Subdivision No. 251 as the project will not create unmitigable physical blight or over-burden public services in the community; that no additional information or evaluation is needed; and the proposed project, based on the overall Fiscal Impact Analysis, will provide the City with a positive annual revenue/cost ratio of 1.88. Motion seconded by Councilmember Freedman and carried unanimously. Councilmember Peppler moved to approve Minor Subdivision No. 251 subject to the conditions of approval contained in the staff report and the following findings:

1. That the proposal is consistent with the General Plan of the City of Redlands;
2. That the site is physically suitable for the proposed density of development;
3. That the design of the subdivision will not cause substantial environmental damage to any kind of wildlife;



4. That the design of the subdivision will not cause serious public health problems; and
5. That the design of the subdivision and proposed improvements will not conflict with the easements required by the public-at-large for access through or use of property.

Motion seconded by Councilmember Freedman and carried unanimously.

Donut Hole - Councilmember Haws was not present during this discussion due to a possible conflict of interest. Councilmember George reported the City, once again, noticed all property owners in the Donut Hole of this meeting asking for their input. At the last Council meeting, the City Council offered to dismiss our lawsuit against Majestic Realty without prejudice. We have not received a response from representatives of Majestic and have instructed our attorneys to make such an offer in writing. If there is no response, nor an agreement, we will initiate a motion to dismiss the entire matter in court. Since our last meeting, Louis Fletcher has met with staff and hammered out a draft agreement providing vested development rights for 15 years; it locks in the General Plan designations on that section of the East Valley Corridor Specific Plan (EVCSP), EVCSP zoning, and development standards under the Redlands version of the EVCSP including uses of property, building heights, density and intensity of use and other development standards. This is the type of agreement the Donut Hole owners asked the City Council for over four years ago and did not get; this City Council is more understanding and will respond to this draft. It was Councilmember George's feeling that the response would be positive. Louis Fletcher addressed the City Council stating he was still reviewing the draft agreement but was pleased with the negotiating efforts of staff and the City Council. Councilmembers expressed their appreciation to Mr. Fletcher for his cooperation. Representing Majestic Realty, Attorney John Mirau again addressed the City Council about the process. He reported members of UDHOPA met recently and, by unanimous vote, appointed Richard Kunihiro as the spokesman and negotiator. He then read a letter dated February 15, 2000, from Mr. Kunihiro, who was unable to attend this meeting, clarifying their position in regards to the negotiations with the City Council. Responding to the lawsuit discussion, Mr. Mirau indicated they would be willing to dismiss the lawsuits but not without prejudice. With concurrence of the City Council, Councilmember George reiterated their invitation to UDHOPA representatives to come in and undertake negotiations with staff to process agreements to annex into the City of Redlands under the regulations of the EVCSP. He also pointed out the City Council feels this area is not for multi-family projects but is a job-creation/enterprise area. Councilmember Pepler noted we have had several unproductive meetings on this matter and asked Mr. Mirau to re-evaluate his approach as perhaps the problem with the past three City Council's is Majestic Realty Company and himself. A Donut Hole property owner, Don Tunnisen, stated he had attended the recent UDHOPA meeting and confirmed that Mr. Kunihiro represented the group. There being no further comments, Mayor

Gilbreath continued this public hearing to March 7, 2000. Councilmember Haws returned to the City Council dais.

### UNFINISHED BUSINESS

Tentative Tract No. 15867 - Campbell Avenue - Citing a possible conflict of interest, Mayor Gilbreath left the Council Chambers and Mayor Pro Tem George conducted the meeting for this discussion. Public Works Director Mutter reported he met with Tentative Tract No. 15867's representative and that the applicant is willing to process a new application to provide for the widening of Campbell Avenue. Staff will credit Development Impact Fees for that project to cover the difference of cost for the eight feet of additional pavement. On behalf of the City Council, Mayor Pro Tem George extended appreciation to the developer for his cooperation and assistance to remedy this situation. Mayor Gilbreath returned to the City Council dais.

Ordinance No. 2430 - Appointments - City Attorney McHugh presented an ordinance to change the manner by which City Commissioners are appointed as directed by the City Council at its last meeting. This ordinance will permit each City Councilmember to appoint a commissioner, on a rotating basis, as appointment opportunities or vacancies arise for the various City commissions, boards, and committees. This ordinance also implements the recent recommendations of the Recreation Advisory Commission that its membership be increased to ten members to accommodate a student member from the Redlands East Valley High School; deletes from the Municipal Code four commissions that are no longer in existence (Personnel Advisory Board, Redevelopment Advisory Commission, Relocation Appeals Board, and Town Center Advisory Commission); and consolidates two inconsistent and outdated ordinances relating to the Historic and Scenic Preservation Commission. Guy Daniels, member of the Traffic and Parking Commission, and Dick Courier, University of Redlands Interim Director of Public Safety, suggested the City Council consider the addition of a University of Redlands student to serve on the Traffic and Parking Commission. This was agreeable to the City Council. Councilmember Freedman recommended the draft ordinance be given to each commission/board for their review. This was acceptable to all members of the City Council and the motion to introduce Ordinance No. 2430 was withdrawn and the ordinance was continued for one month.

### NEW BUSINESS

Transient Occupancy Tax - Constantly looking for other sources of revenue that will not directly affect our residents, Councilmember George had asked staff to survey the Transient Occupancy Tax in other cities in Southern California. City Manager Luebbers reported the analysis showed a high of 12 percent and a low of 8 percent; currently Redlands collects a 10 percent Transient Occupancy Tax.

## PUBLIC COMMENTS

Downtown Alley - Mr. Cisneros, owner of Oscar's Restaurant, complained about the trash in the alley adjacent to his business that has been especially bad since the Downtown Redlands Brewery has opened. He felt that some of the businesses who use this alley needed trash picked up twice a day. His concerns were referred to staff.

Morning Dove Community Association - Cynthia Garrett asked the City Council for assistance for the enforcement of requirements placed on the original developer for the Morning Dove Community located at Terracina Boulevard and Ladera Street. The new developer wants to eliminate the walking trails, and there are drainage problems that need to be addressed. This request was referred to staff for investigation.

## ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:35 P.M. The next regular meeting will be held on March 7, 2000.

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City Clerk