

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 October 3, 2000.

PRESENT

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

Larry E. Burgess, Interim City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, 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 Haws followed by the pledge of allegiance.

PRESENTATION

Omnitrans Passenger Amenity Program - Representatives from Omnitrans and Lamar Transit Advertising presented information about their new program to provide a complete amenities program that delivers, to the customers and communities they serve, a comprehensive street furniture and maintenance solution that reflects positively on Omnitrans and its member cities. Responding to questions, Community Development Director Shaw informed Councilmembers our current Sign Code does not allow this type of advertising. Councilmember Haws suggested this program be presented to the Redlands Chamber of Commerce committee that is reviewing the sign code for inclusion in their report.

CONSENT CALENDAR

Minutes - On motion of Councilmember Haws, seconded by Councilmember Freedman, the minutes of the special meeting of September 1, 2000, and the regular meeting of September 19, 2000, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Haws, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on September 26, 2000, was acknowledged as received.

Ordinance No. 2449 - Garage Setbacks - Ordinance No. 2449, an ordinance of the City of Redlands amending Chapter 18.20 of the Redlands Municipal Code relating to accessory buildings in the A-1 Zone District, was unanimously adopted on motion of Councilmember Haws, seconded by Councilmember Freedman.

Contract - Majestic Realty Project - On motion of Councilmember Freedman, seconded by Councilmember Pepler, the City Council unanimously approved the contract with Helix Environmental Planning, Inc. for environmental services related to the review of a draft Supplemental Environmental Impact Report prepared by the County for the proposed Majestic Realty project located east of Alabama Street, north of Lugonia Avenue, west of the 210 Freeway, and south of San Bernardino Avenue, and authorized the Mayor and City Clerk to execute the contract on behalf of the City. Community Development Director Shaw noted this contract will require an appropriation from the General Fund.

Proclamation - National Breast Cancer Awareness Month - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation declaring the month of October, 2000, as National Breast Cancer Awareness Month and October 20th as National Mammography Day.

Commendation - University of Redlands - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a commendation congratulating the University of Redlands as it dedicates the Hedco Hall for biology and chemistry and the adjacent science classroom building, Gregory Hall, and the first two buildings in the new Stauffer Center for science and mathematics.

Commendation - Alzheimer's Association - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a commendation for the Riverside/San Bernardino Alzheimer's Association in its efforts to assist patients and families with Alzheimer's Disease and encourages participation in the Seventh Annual "Memory Walk" to be held on October 21, 2000, at the San Bernardino County Museum.

Resolution No. 5799 - Alcoholic Beverage Licenses - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5799 designating the Planning Commission as the subordinate agency for the purpose of recommending

alcoholic beverage licensing conditions pursuant to the California Business and Professions Code, Section 23800(e).

Funds - COPS Grant - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously accepted the Office of Community Oriented Policing Services' "Value-Based Initiative" grant and authorized an additional appropriation of \$215,000.00 to the Police Department.

Resolution No. 5805 - Municipal Volunteer Program - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved Resolution No. 5805 adopting guidelines for a Municipal Volunteer Program for participation of volunteers with City government.

Resolution No. 5800 - Redlands Historical Museum - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5800 designating the Board of Trustees for the A. K. Smiley Public Library as the administrator of the Redlands Historical Museum.

Funds - Fire Prevention Vehicle - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved a special appropriation of gift donations in the amount of \$31,969.54 for the purchase of a fire prevention vehicle and the installation of necessary equipment; said vehicle will have the capability of towing the fire prevention safety demonstration trailer.

Lease - Coyote Aviation - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously granted a five-month lease fee credit to Coyote Aviation for the period September 2000 through January 2001 as Coyote Aviation has been unable to actively use the parcel in their lease agreement approved on April 4, 2000.

Friends of Redlands Trails - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved the formation of a non-profit group to be named "Friends of Redlands Trails" as recommended by the Parks Commission.

Street Tree Donation - ESRI - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously accepted the donation of street trees and irrigation facilities from ESRI for the planting of trees along the north side of Redlands Boulevard between New York Street and Colton Avenue and along Tennessee Street between Redlands Boulevard and the I-10 Freeway, and also unanimously waived the encroachment permit fee required for street trees.

Crafton Park - Restroom/Snack Bar Building - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved a modification of the snack bar window at the restroom/snack bar

building at Crafton Park by the Los Gauchos Soccer Club with the condition that the window be replaced at such time as the rental agreement between Los Gauchos and the City of Redlands is terminated.

Funds - Lease Agreement - Police Substation - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved a lease agreement with Center Development for the downtown police substation located at 406 Orange Street; authorized the Mayor and City Clerk to execute the agreement on behalf of the City; and unanimously approved an additional appropriation of \$15,597.00 to fund said lease.

Bear Valley Mutual Water Company Stock - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council approved the purchase of 30 shares of Bear Valley Mutual Water Company stock from Stephen D. Foulkes at \$125.00 per share for a total price of \$3,750.00 with Councilmember Gilbreath abstaining due to a potential conflict of interest.

Agreement - Water Resources Management Plan - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved an engineering services agreement with CH2M Hill for continuation of the Water Resources Management Plan to include Task Order 18, "Groundwater Database Additional Support."

Lease-Purchase Agreement - Police Car - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved a lease-purchase agreement with Ford Motor Credit Company for the purchase of one vehicle for the Police Department.

COMMUNICATIONS

Redlands Municipal Airport Lobby - Mr. Lloyd Janzen, Redlands Aviation, presented a draft sublease agreement pertaining to the building comprising the lobby and its adjoining outdoor patio located at the Redlands Municipal Airport which was prepared following meetings with the City Manager and the City Attorney. Mr. Janzen reviewed its contents and asked the City Council to consider revising Section 8, Janitorial Services, to require the City to provide said services. Following brief discussion, Councilmember Haws moved to approve the sublease agreement between the City of Redlands and Redlands Aviation as presented. Motion seconded by Councilmember Pepler and carried unanimously.

Appointment - Recreation Advisory Commission - As recommended by Councilmember Freedman, Mayor Gilbreath moved to nominate Marge Emrick to the Recreation Advisory Commission to June 30, 2002, to fill the vacancy created by the resignation of Carl Clapp. Motion seconded by Councilmember Freedman and carried unanimously.

Helium Balloon - Redlands Auto Center - Erv Upton, Redlands Auto Center, asked the City Council to allow a helium balloon to be used as an aerial display on weekends for special events which can be seen from the freeway. City Attorney McHugh informed Councilmembers this request may need an amendment to our Sign Code. Community Development Director Shaw noted this was a significant policy issue to be reviewed; that the City Council did not want helium balloons when it last revised the Sign Code in 1997. Following lengthy discussion, this matter was referred to the Chamber of Commerce for inclusion in their recommendation for revisions to the current sign code.

Redlands Heritage Park - Margie Armantrout, Redlands Heritage Park Committee, presented a request for a change of designation from an ad-hoc committee subject to the Brown Act to a subcommittee of the Park Commission. This request was given a lot of thought by the committee members, and they feel this change would facilitate a more efficient mode of operation. Councilmember Gilbreath moved to approve this request; motion seconded by Councilmember George and carried unanimously.

Census - Mayor Pro Tem George announced the Census Report, just released, shows Redlands' residents responded to the questionnaire at 74 percent which is considerably above the national average of 67 percent and above the state average of 68 percent. On behalf of the City Council, he commended the citizens for these responses because the allocation of federal dollars is based on the latest census numbers. This response helps the City to ensure we receive our "fair share" of federal dollars.

San Timoteo Canyon - Mayor Pro Tem George thanked the Loma Linda City Council who voted on September 27, 2000, to join with the City of Redlands, the Wildlife Land Conservancy and the San Timoteo Greenway Conservancy in applying for \$2.5 million in grant funds for the restoration of wildlife habitat throughout the San Timoteo Creek. This initial step could lead to the completion of a state park or wildlife area that would protect San Timoteo Canyon and the "Badlands." He also expressed appreciation to Congressman Jerry Lewis for the federal funds he obtained for this project.

CLOSED SESSION

The City Council meeting recessed at 4:01 P.M. to a Redevelopment Agency meeting and reconvened at 4:03 P.M. to a closed session to discuss the following:

1. Conference with labor negotiator - Government Code Section 54957.6
 - Agency negotiator: Renée Mayne, Labor Management Success
 - Employee organizations: Redlands Association of Management Employees, Redlands Association of Mid-Management Employees, Redlands Police Officers Association, Redlands Association of Safety

- Management Employees, Redlands Professional Fire Fighters Association, General Employees Association of Redlands
2. Conference with labor negotiator - Government Code Section 54957.6
 - Agency negotiator: Members of the City Council
 - Elected Official: City Clerk
 3. Conference with labor negotiator - Government Code Section 54957.6
 - Agency negotiator: Members of the City Council
 - Elected Official: City Treasurer
 4. Conference pursuant to Government Code Section 54957 - Public Employee Appointment
 5. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - City of Redlands v. Roberts and Morgan - SCV 54179
 - Alderete v. City of Redlands - SCVSS 68410

The meeting reconvened at 7:00 P.M.

PUBLIC HEARINGS

Resolution No. 5764 - Housing Element Update - Public hearing was continued to this time and place to consider Resolution No. 5764, an update of the Housing Element of the City of Redlands General Plan. Community Development Director Shaw explained the City Council continued this public hearing on September 5, 2000, to allow interested Councilmembers the opportunity to discuss this matter in more detail with staff and the consultant. In the course of a meeting with an interested Councilmember and staff, it was determined that a modification to the document was needed to provide some clarification on the relationship of the Housing Element to the Land Use Element in the General Plan. That modification is being made by the consultant. It is, therefore, recommended that the public hearing be continued to October 17, 2000, in order to complete the necessary revisions and include them in a staff report to the City Council. This will still provide sufficient time for the required State review and final adoption by the City Council prior to the legislatively imposed deadline of December 31, 2000. Councilmember George moved to continue this public hearing until October 17, 2000. Motion seconded by Councilmember Haws and carried unanimously.

Planning Commission Review and Approval No. 712 - Public hearing was advertised for this time and place to consider approval of a Draft Mitigated Negative Declaration and Socio-Economic Cost/Benefit Study for Planning Commission Review and Approval No. 712 for the development of an eighty-four (84) unit apartment complex on approximately 8.8 acres, located at the southwest corner of Orange Avenue and Nevada Street in the EV/3000RM (Multiple Family Residential) District of the East Valley Corridor Specific Plan area (Gardner Construction & Development, LLC., applicant). Community Development Director Shaw explained the project. Mayor Gilbreath declared

the meeting open as a public hearing for any questions or comments. Teddy Banta did not feel this area was appropriate for apartments. Mark Gardner, the applicant, urged the City Council to approve his project. There being no further comments, the public hearing was declared closed. Councilmember Freedman's motion to continue this matter for two weeks to allow a meeting with the applicant and staff to discuss changing this project to single-family housing did not receive a second. Following discussion, Councilmember Haws moved to approve the Negative Declaration for Planning Commission Review and Approval No. 712 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Pepler and carried with Councilmember Freedman voting NO. Councilmember Haws moved to approve the Socio-Economic Cost/Benefit Study for Planning Commission Review and Approval No. 712 as the project will not create unmitigable physical blight or over-burden public services in the community, and no additional information or evaluation is needed. Motion seconded by Councilmember Pepler and carried with Councilmember Freedman voting NO. Councilmember Haws moved to approve Planning Commission Review and Approval No. 712 subject to the findings, conditions of approval, and departmental recommendations contained in the staff report. Motion seconded by Councilmember Pepler and carried with Councilmember Freedman voting NO.

Planning Commission Review and Approval No. 714 and Minor Planning Commission Approval No. 25 - Due to a potential conflict of interest, Councilmember George left the City Council Chambers and did not participate in this discussion. Public hearing was advertised for this time and place to consider the Socio-Economic Cost/Benefit Study for Planning Commission Review and Approval No. 714 and Minor Planning Commission Approval No. 25 to allow a reduction of the front setback by five feet for the construction of a 9,081 square foot office building located on a parcel with an area of 34,922 square feet in the Urban Services Commercial District of Specific Plan No. 25 located on the northeast corner of Idaho Street and Orange Tree Lane (KWB & Associates, applicant). Community Development Director Shaw explained the project. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. Tom Stafford, designer for this project, was available for questions. There being no further comments, the public hearing was declared closed. Councilmember Freedman moved to approve the Socio-Economic Cost/Benefit Study for Planning Commission Review and Approval No. 714 and Minor Planning Commission Approval No. 25 as the project will not create unmitigable physical blight or over-burden public services in the community, and no additional information or evaluation is needed. Motion seconded by Councilmember Gilbreath and carried with Councilmember George abstaining. Councilmember Freedman moved to approve Planning

Commission Review and Approval No. 714 subject to the findings, conditions of approval, and departmental recommendations contained in the staff report. Motion seconded by Councilmember Gilbreath and carried with Councilmember George abstaining. Councilmember Freedman moved to approve Minor Modification No. 25 to allow a five foot reduction in the required front yard setback because of the location of the lot and its position in relation to the other buildings and to find that the reduction will not cause a negative impact to the surrounding properties. Motion seconded by Councilmember Gilbreath and carried with Councilmember George abstaining.

NEW BUSINESS

Ordinance No. 2456 - Storm Drain Facilities - As part of the Redlands Municipal Code update process, Public Works Director Mutter explained that Ordinance No. 2456 has been prepared to eliminate the Advisory Committee which was established many years ago to consider requests from developers and to defer and/or waive certain public improvements required of developers. Development codes have changed since the committee's formation and often mitigation measures are imposed under CEQA that require improvements to be installed; therefore, there is no longer a need for the Advisory Committee. He also reviewed other changes relating to drainage facilities. Ordinance No. 2456, an ordinance of the City of Redlands deleting Chapter 12.24 and amending Chapter 17.28 of the Redlands Municipal Code relating to storm drain facilities, was read by title only by City Clerk Poyzer, and on motion of Councilmember George, seconded by Councilmember Haws, further reading of the ordinance text was waived, and Ordinance No. 2456 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for October 17, 2000.

Ordinance No. 2457 - Security Alarm Systems - Police Chief Bueermann explained his department has been working with the City Attorney to increase the effectiveness of the City's security alarm policies. Ordinance No. 2457 removes language requiring that all alarm holders obtain permits; it also strengthens the Police Department's ability to address multiple false alarm violations. Ordinance No. 2457, 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 City Clerk Poyzer, and on motion of Councilmember Haws, seconded by Councilmember Freedman, further reading of the ordinance text was waived, and Ordinance No. 2457 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for October 17, 2000.

Resolution No. 5797 - Alarm Fees - In conjunction with Ordinance No. 2457, Police Chief Bueermann presented Resolution No. 5797 which adjusts alarm fees to be in accordance with the new ordinance. On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously

adopted Resolution No. 5797 establishing fees for security alarm systems and rescinding Resolution No. 5694.

OSC 00-29 - Tract No. 15932 - Due to a potential conflict of interest, Councilmember Gilbreath left the City Council Chambers. Municipal Utilities Director Phelps explained the City received a completed application from DeSousa Development for water and sewer connections (Outside City Case 00-29) for Tentative Tract No. 15932 located in Mentone (north of Mentone Boulevard, south of Cedar Lane, west of Plumwood, and east of Crafton Avenue) pursuant to Chapter 13.60 of the Redlands Municipal Code. The Code requires the Community Development Director and the Municipal Utilities Director to present completed applications for outside City water and/or sewer connections to the City Council for its determination of whether the best interests of the citizens of Redlands are served by the continued processing of the applications, and to provide direction to staff with regard to the preparation of annexation agreements. He then explained the application procedure in detail and noted the applicant does not wish to pay certain fees the City has established under the current interpretation of Measure U. Representing the applicant, Pat Meyer explained they wished the City to continue processing the application but felt a new fee schedule for the Mentone area should be considered especially for property that is not contiguous to Redlands' boundary and cannot be annexed such as this property. The applicant is willing to pay the utility fees but not fees for services which will not be provided by the City such as the solid waste, storm drain, street improvement, traffic signal, public facilities, and parks fees. A lengthy discussion ensued reviewing the fees being applied to this project. City Attorney McHugh pointed out the staff report explains the philosophy of the prior City Council's interpretation of Measure U. Councilmember George expressed concern of the possibility of properties in Mentone being annexed without having paid the fees. Councilmember Gilbreath felt the City Council should continue processing the application but that the fees needed to be reviewed. Councilmember Freedman suggested sending this application back to staff for further study on these fees with the thought they could perhaps be paid when the property is annexed. Councilmember Haws pointed out this was a global issue that applies to all of Redlands' spheres of influence, not just the Mentone area. Councilmember Peppler felt Proposition 218 conflicts with Measure U which was adopted a year after Proposition 218 became effective. George Glenn addressed the City Council saying that Mentone builders are becoming frustrated with Redlands' growth control measures which they cannot vote on. David Sousa, DeSousa Development, told Councilmembers his parents came from the Azores in 1960; he and his brother were born and raised in Mentone and have taken over their father's business building homes in Mentone; but that they can no longer make a profit on home building with these fees which he felt were unfair and wrong. Pauline Tyler told Councilmembers she could not afford to purchase a home in Redlands but that Mr. Sousa is building houses in her price range and she urged early resolution. Larry Jacinto agreed with these speakers' thoughts. Bill

Cunningham explained the actions of the prior City Council. He and Councilmember Haws discussed at length their differing opinions as to the interpretation of Measure U. Councilmember Haws stated Measure U is anything but a model of clarity and that it was the responsibility of this City Council to implement it. Representing a client in the Mentone area, John Mirau supported Mr. Sousa's request and said ambiguity in Measure U and the implementing ordinance needs to be addressed as well as compliance with the California Government Code. Bob Roberts did not feel the City could justify these fees and thought the City was in violation of State law. Councilmember Freedman moved to determine that Outside City Case 00-29 for Tentative Tract No. 15932 is consistent with the City of Redlands' General Plan and that the public health, safety and welfare, and the best interests of the citizens of Redlands are served by the City's continued processing of application with the condition that the project be modified to comply with City of Redlands' development standards and that there be further discussion of payment of the fees required by Measure U and City policy. Motion seconded by Councilmember Peppler and carried with Councilmember Gilbreath abstaining.

Redlands Day Nursery Capital Improvement Fees - Councilmember Peppler, who place this matter on the agenda, requested this item be withdrawn from the agenda. She reported a meeting was held this morning with staff and Redlands Day Nursery board members and the problems were resolved to everyone's satisfaction.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:36 P.M. The next regular meeting will be held on October 17, 2000.

City Clerk