

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 November 7, 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
Douglas Headrick, Acting Municipal Utilities Director
Jeffrey L. Shaw, Community Development Director

ABSENT

None

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

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Haws, the minutes of the adjourned special meeting of October 17, 2000, the regular meeting of October 17, 2000, and the adjourned regular meeting of October 27, 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 October 24, 2000, was acknowledged as received.

Ordinance No. 2458 - Mobile Home Rent Control - Ordinance No. 2458, an ordinance of the City of Redlands amending Chapter 5.48 of the Redlands Municipal Code relating to mobile home rent control, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Haws.

Agreement - California Street Landfill - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved an agreement with Tom Dodson & Associates for furnish environmental siting and land use consulting services for the California Street Landfill Horizontal Expansion.

Agreement - California Street Landfill - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved an agreement with 3D Geo Services, Inc. to provide hydrogeologic conditions identification, assessment and monitoring support services for the California Street Landfill.

Resolution No. 5801 - Copy Costs - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5801, a resolution of the City Council of the City of Redlands establishing copying costs for City documents and amending Resolution Nos. 5324, 5455, and 5777 and rescinding Resolution No. 5506.

Agreement - General Employees - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously ratified a settlement agreement with the General Employees Association of the City of Redlands, represented by the San Bernardino Public Employees Association. Ratification of this agreement authorizes the preparation of a Memorandum of Understanding which will be placed on file in the City Clerk's Office.

Agreement - Management Employees - At the request of Councilmember Pepler, ratification of the settlement agreement with the Redlands Association of Management Employees was moved to be discussed during the closed session with a report after said closed session.

Redlands Heritage Park - Grove High School - Stan Weisser described the program proposed by the Grove High School to implement and maintain an agricultural-based, hands-on education program at the Van Grouw Dairy site at Redlands Heritage Park. Margie Armantrout, Redlands Heritage Park Committee, thanked Public Works Director Mutter for his assistance in this matter. Mamie Powell and another teacher also addressed the City Council urging approval of this request. Councilmember Haws moved to approve a memorandum of understanding and authorized staff to prepare the appropriate lease agreement for use of approximately eight acres of land, the house and structures at 11126 Iowa Street by Grove High School as part of their agriculture program. Motion seconded by Councilmember Freedman and carried unanimously.

Contract - Redlands Municipal Airport - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved a

contract with Schutt Moen Associates for the provision of professional aviation consulting services for evaluation of helicopter flight patterns and land use compatibility issues at the Redlands Municipal Airport.

CDBG Funds - Library - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved redirection of Community Development Block Grant Funds and allocation of City Council Unprogrammed Funds requested by A. K. Smiley Public Library, subject to determination of eligibility by the San Bernardino County Department of Economic and Community Development Department. These funds will be used to replace three leaky skylight windows in the Stack Wing at the library; once the windows are replaced, roof and interior repairs will be completed under the federal disaster application filed as a result of the 1998 El Niño storm systems.

CDBG Funds - Redlands Community Music Association - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved the redirection of Community Development Block Grant Funds and allocation of City Council Unprogrammed Funds as requested by the Redlands Community Music Association, subject to determination of eligibility by the San Bernardino County Department of Economic and Community Development Department. These funds will compliment and expand the Redlands Bowl Children's Festival Workshops.

CDBG Funds - Project Home Again - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved to cancel Project No. 111-20915/1229 (Counseling Center Design and Construction - Family Service Association, 402 West Colton Avenue) and transfer the allocated funds in the amount of \$50,000.00 to Project No. 111-20825/1230 (Project Home Again, Playground Equipment). On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved a change in the scope of Project No. 111-20825/1230 to delete costs associated with purchase of playground equipment and to allocate \$53,000.00 toward design and construction of an 8 inch water main and 8 inch sewer main for Family Service/Project Home again, 612 Lawton Street.

Fee Waiver - Optimist Club of Redlands - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved the fee waiver in the amount of \$240.00 to the Optimist Club of Redlands for use and reservation of the bandstand (gazebo) at Sylvan Park on July 21, 2001 for their annual car show.

Agreement - Transportation Program - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved an agreement with Omnitrans to proceed with the implementation of a

senior/disabled transportation program, and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Funds - Police Equipment - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously accepted the California Law Enforcement Equipment Program funds and authorized an additional appropriation in the amount of \$123,437.00 for the purpose of equipment purchases and upgrades.

Funds - COPS Program - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved the use of Citizens' Option for Public Safety funds as follows:

Two (2) Detective/Corporal positions:	
Salaries	\$117,061.63
Benefits	29,038.89
Overtime	1,074.32
Total COPS expenditures	\$147,174.84

Funds - COPS MORE 2000 Grant - Applauding Police Chief Bueermann's efforts, Mayor Gilbreath expressed concern about the fiscal impact of funding police positions and expanding programs with grant monies. Finance Director Johnson explained these grants are for specified periods and that there was a fiscal impact with the matching fund requirements. Police Chief Bueermann said his department has looked for opportunities for grants and has obtained over \$1 million this year. Councilmember Gilbreath moved to authorize acceptance of the U. S. Department of Justice COPS MORE 2000 Grand award of \$125,000.00 and authorized an additional appropriation of \$167,631.00 to the Police Department to fund the grant and the City's matching funds for the 2000-2001 fiscal year. Motion seconded by Councilmember George and carried unanimously.

Funds - Traffic Safety Grant - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously authorized acceptance of the State of California Office of Traffic Safety Grant in the amount of \$285,000.00 to the Police Department to fund two motorcycle officers and their motorcycles and equipment.

Funds - Contract - EIR Review - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved a contract with Helix Environmental Planning, Inc. for environmental services related to review of a draft Program Environmental Impact Report prepared by the San Bernardino Valley Municipal Water district for the proposed Regional Water Facilities Master Plan, and approved an additional appropriation for the

Community Development Department in the amount of \$5,000.00 for Account Number 01-1600-2190 for said contract.

Funds - Carry-Over Balances - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved additional appropriations to the 2000-2001 budget year for the 1999-2000 grant carry-overs.

Proclamation - Automobile Club of Southern California - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously authorized issuance of a proclamation to recognize and honor the Automobile Club of Southern California on the occasion of their 100th anniversary.

Employment Contract - City Manager - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved an employment contract with John Davidson for the position of the City Manager and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. Mayor Gilbreath introduced Mr. Davidson who was present in the audience. Mr. Davidson said he was honored to have been selected and was looking forward to working in Redlands. Mr. Davidson will start in this position on November 27, 2000.

Timberlake Group International, Inc. - Timberlake Group International, Inc. has requested one year time extensions on its applications as follows: Conditional Use Permit No. 681, an application for an extension of time to November 10, 2001, for an application to allow a 77,860 square foot 18 screen motion picture theater within a 96,800 square foot building generally located on the northwest corner of New York Street and Pennsylvania Avenue; Planning Commission Review and Approval No. 696, an application for an extension of time to November 10, 2001, for the construction of a 96,800 square foot commercial building which will contain an 18 screen theater, a restaurant, and retail uses on approximately 24.1 acres located between San Bernardino Avenue and Pennsylvania Avenue, on both sides of New York Street; and Minor Subdivision No. 246, an application for a time extension to December 9, 2001, for the subdivision of approximately 24.7 acres of land into 11 commercial lots for property located on the southeast corner of San Bernardino Avenue and Tennessee Street. Each application is within Concept Plan No. 4 of the East Valley Corridor Specific Plan. Representing the applicant, Sherman Stacy reviewed recent court decisions which determined this project is exempt of the provision of Measure U, and he urged approval of the time extension requests. City Attorney McHugh reported a letter was submitted shortly before this meeting was convened from Majestic Realty Company and UDHOPA indicating potential litigation if the City Council proceeded. Staff has not had the opportunity to review this letter. He further explained these time extensions

are considered discretionary acts and that staff has reviewed these applications and was unable to find any reason to deny the requests. Representing Majestic Realty Company and the United Donut Hole Owners Property Association (UDHOPA), John Mirau addressed the City Council and reviewed his letter dated November 7, 2000, setting forth objections to the approval of these time extensions. City Attorney McHugh presented a quick analysis of the five points addressed in this letter from Mr. Mirau and staff noted that there were no significant changes in the applications. Councilmember Freedman moved to grant the one year time extensions, as described above, subject to the findings contained in the staff reports presented. Motion seconded by Councilmember Pepler and carried with Councilmember Gilbreath voting NO as she felt this project should be subject to Measure U.

COMMUNICATIONS

School Crossings - Councilmember Freedman presented a petition from a citizens' group headed by Mr. Joe Gonzales regarding the need for additional signing at school crossing locations in Redlands. Councilmember Freedman commended Public Works Director Mutter for the new "bright yellow/orange crosswalks" and "Slow School Xing" signs recently painted on City Street enhancing the safety of the children. The citizen's group is also asking for more safety tools and suggested the use of an impactable pedestrian crossing device sold by Rubbertough Industries. Councilmember Freedman moved to purchase two or three of these devices to be used on a trial basis at critical school crossings during "to and from" schools hours at locations to be determined by staff and school officials. Motion seconded by Councilmember George and carried unanimously.

Proclamation - Reach 2 Save Lives - The following teachers and students urged the City Council to issue a proclamation supporting *Reach 2 Save Lives*, a campaign for alcohol free kids to report to the public and all elected officials the problems of teen tobacco use and underage drinking of alcohol, and to prepare a letter of support to the governor for a meeting with their task force: Lynn Gross, Sheryl Jeske, Judy Dods, Jennie Hong, Michaelle Chung, Gabriel Yunostroza, Candy Davis, Kevin Posalski, Chione Changanire, Brea Kelsey, P. J. Strong, Candice Palmer, and Sandy Goldman. Thanking the students for addressing the City Council, Councilmember George moved to authorize issuance of this proclamation which would include information to indicate Redlands East Valley High School's participation and letter. Motion seconded by Councilmember Pepler and carried unanimously.

City Motto - City Tree - City Flower - Noting the City did not have a designated motto, tree, or flower, Councilmember Haws moved to accept suggestions, which may be submitted to the City Clerk, up until January 16, 2001; to appoint a task force to review the suggestions and submit recommendations to the City

Council; and to offer a modest cash prize to the winner. Motion seconded by Councilmember Freedman and carried unanimously. Mr. Tony Martinez offered to donate \$100.00 for the motto winner. This offer was followed by donations of \$100.00 each from Mayor Gilbreath for the tree winner and Councilmember Haws for the flower winner.

Minor Subdivision No. 236 - Terrance Emershy - Mr. Emershy asked the City Council for assistance in obtaining final approval on his application for Minor Subdivision No. 236 which consists of four 10-acre homesites and a remainder parcel located in San Timoteo Canyon. This application was granted tentative approval in 1996. Mr. Emershy distributed a large folder of background information and presented a lengthy dissertation covering his concerns relating to types of roadway/driveways for onsite as well as offsite and the level of improvements, the requirement of a revised map, and fees. Community Development Director Shaw and Public Works Director Mutter briefly explained the history of this application and the development requirements and conditions of approval. Councilmember Haws asked staff and the City Attorney to review this project and prepare a report for the City Council's review.

Resolution No. 5816 - Transportation Enhancement Grant Application - Councilmember George distributed copies of the Transportation Enhancement Activities application form for grant funds for a downtown walking tour entitled "Interpretive Pedestrian Strollway" and moved to adopt Resolution No. 5816, a resolution of the City Council of the City of Redlands authorizing application for FY 2000-2001 Transportation Enhancement Activities call for projects. Motion seconded by Councilmember Freedman and carried unanimously.

PUBLIC HEARINGS

Local Law Enforcement Block Grant Funds - Public hearing was advertised for this time and place to consider acceptance of the U. S. Conference of Mayors Local Law Enforcement Block Grant award of \$97,762.00 and authorization of an additional appropriation of \$108,584.00 to fund the grant and the City of Redlands' matching funds. Police Chief Bueermann explained these funds will be used for the Custody Specialist Contract Program and the Custody Specialist Special Duty Program. 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 Freedman moved to approve the use of the Local Law Enforcement Block Grant Funds as described in the staff report prepared for this hearing. Motion seconded by Councilmember George and carried unanimously.

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 November 21, 2000, in order to complete the necessary revisions and include them in a staff report to the City Council. Councilmember Freedman moved to continue this public hearing until November 21, 2000. Motion seconded by Councilmember Haws and carried unanimously.

UNFINISHED BUSINESS

Lease Parcel Line - Redlands Aviation - Noting the City of Redlands has taken on the financial responsibility of providing janitorial services for the Redlands Municipal Airport lobby and covered patio in accordance with a sublease agreement with Redlands Aviation approved by the City Council on October 3, 2000, Councilmember Haws did not feel it was appropriate to approve the requested adjustment of the lease parcel line between lease Parcels 2 and 3 for Redlands Aviation without any compensation, and suggested referring this request back to staff for discussion and negotiations with Redlands Aviation. Lloyd Janzen, Redlands Aviation, told Councilmembers the parcels are landlocked and the adjustment of the lease parcel line would address this problem. Councilmember Haws reiterated Redlands Aviation is asking for a benefit from the City and he felt it was appropriate to negotiate this request with staff and conduct a thorough discussion on Parcels 2 and 3.

Minor Exception Permit No. 148 - Fence - Community Development Director Shaw explained Minor Exception Permit No. 148 was reviewed by the Advisory Committee on Fences on May 11, 2000. This request (after the fact) was to allow the placement of a solid block wall within the required 25 foot front yard setback area (adjacent to side and front property lines) higher than permitted by Code. The wall, which was constructed without building permits, ranges between six feet and eight feet, six inches in height. The applicant's request was unanimously denied by the Fence Committee and it was required that the wall be brought into compliance with Code requirements which would allow a wall at a maximum of three feet in height. The applicant disagreed with the action of the Advisory Committee and filed an appeal. The appeal was considered by the City Council on July 18, 2000. After hearing the concerns of the City Council the applicant's representative, James F. Lefebvre, requested the opportunity to work with the City to submit a redesigned wall for the City's consideration. Neither the applicant or his representative have submitted any additional information nor an alternative design for the Fence Committee to evaluate and

have requested several continuances of the meetings; therefore, the Fence Committee unanimously agreed on the following: deny the applicant's request for a continuance to November 7, 2000; recommend that the City Council support the Fence Committee's action on May 11, 2000, and deny the appeal; and direct staff (Code Enforcement) to initiate citation procedures. A letter was received via facsimile on November 7, 2000, requesting the City Council continue consideration on this matter to the next meeting. Councilmember Freedman, a member of the Fence Committee, said this was just another delay tactic and that the wall was not compatible with the neighborhood and he wanted to proceed. Councilmember Haws moved to continue this matter to the December 5, 2000, City Council meeting and to provide formal written notice to the landowner and his representative. Motion seconded by Councilmember Freedman and carried unanimously.

NEW BUSINESS

Resolution No. 5812 - San Timoteo Creek - Councilmember George moved to adopt Resolution No. 5812, a resolution of the City of Redlands approving a proposal and authorizing The Dangermond Group to file a joint application on behalf of the City of Redlands and the Riverside Land Conservancy for the Environmental Protection agency grant funds for the San Timoteo Creek Environmental Restoration Project Enhancements in the cities of Loma Linda and Redlands. Motion seconded by Councilmember Haws and carried unanimously. It was noted that if matching funds could not be found by the Riverside Land Conservancy, that the grant application could be withdrawn.

Resolution No. 5815 - Housing Mix - Community Development Director Shaw presented Resolution No. 5815, a resolution of the City Council of the City of Redlands adopting provisions pertaining to the implementation of Measure U regarding the 75 percent single family/25 percent multiple family residential housing mix. This resolution was prepared in response to the Planning Commission's recommendation presented at the October 3, 2000, City Council meeting. Councilmember Gilbreath moved to adopt Resolution No. 5815 and to appoint Councilmembers Freedman and Haws to a joint City Council/Planning Commission committee to implement the 75 percent single family/25 percent multiple family residential housing mix and related philosophical issues of providing a variety of housing types, urban sprawl, and open space. Motion seconded by Councilmember Pepler and carried unanimously.

Funds - Contract Award - HVAC Systems - Bids were opened and publicly declared on September 28, 2000, by the City Clerk for maintenance and service of City facility heating, ventilation, and air conditioning (HVAC) systems; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the

City was F. M. Thomas Air Conditioning, Inc. and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Freedman, seconded by Councilmember George, this recommendation was unanimously approved and an appropriation of \$47,600.00 from a combination of General Fund and Municipal Utilities Funds to cover the balance of the cost for this fiscal year.

PUBLIC COMMENTS

RAME - Jeff Shaw, President of the Redlands Association of Management Employees, indicated he would hold his comments until after the closed session since ratification of their settlement agreement was scheduled to be discussed during the closed session.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5810 - Neighborhood Initiative Program - Councilmember Haws moved to adopt Resolution No. 5810, 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 Neighborhood Initiative Program to implement an additional four participant agreements which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember Pepler and carried unanimously. (Also see Redevelopment Agency minutes for November 7, 2000.)

Resolution No. 5811 - Housing Rehabilitation Funds - Councilmember Freedman moved to adopt Resolution No. 5811, 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 Program for renovation of a four-plex located at 1023 Herald Street (Clive Hinckley, applicant). Motion seconded by Councilmember Pepler and carried unanimously. (Also see Redevelopment Agency minutes for November 7, 2000.)

Resolution No. 5817 - Redevelopment Project Amendment - Councilmember Haws moved to adopt resolution No. 5817, a resolution of the City Council of the City of Redlands consenting to a joint public hearing to be held on December 5, 2000, with the Redevelopment Agency of the City of Redlands on the proposed Third Amendment to the Redevelopment Plan, as amended, for the Redlands Redevelopment Project and finding there is no need to form a project area committee in connection with the amendment. Motion seconded by Councilmember Pepler and carried unanimously. (Also see Redevelopment Agency minutes for November 7, 2000.)

CLOSED SESSION

The City Council meeting recessed at 5:12 P.M. to continue the Redevelopment Agency meeting and reconvened at 5:15 P.M. to a closed session to discuss the following:

1. Conference with labor negotiator - Government Code Section 54957.6
Agency negotiator: Members of the City Council
Elected Official: City Clerk

2. Conference with labor negotiator - Government Code Section 54957.6
Agency negotiator: Members of the City Council
Elected Official: City Treasurer
3. 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
4. Conference with legal counsel: Anticipated litigation Government Code Section 54956.9(c) - One Case
5. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - LeBlanc v. City of Redlands SCVSS 59289
 - Osborn v. City of Redlands SCVSS 61552
 - City of Redlands v. Roberts & Morgan SCV 54179
 - City of Redlands v. State of California Case No. 00CS01241
 - City of Redlands v. Majestic Realty SCV38504
 - City of Redlands v. County of San Bernardino-Riverside Superior Court Case No. 293198
6. Conference with legal counsel: Government Code Section 54957
Public Employment - Title: Traffic Signal Technician I

The meeting reconvened at 7:09 P.M.

CLOSED SESSION REPORTS

Agreement - Management Employees - On motion of Councilmember Haws, seconded by Councilmember George, the City Council unanimously ratified a settlement agreement with the Redlands Association of Management Employees. Ratification of this agreement authorizes the preparation of a Memorandum of Understanding which will be placed on file in the City Clerk's Office.

City Treasurer - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized an increase in the salary for the City Treasurer at a level of 15 percent below that established for the Finance Director and all applicable benefits as granted to the Redlands Association of Management Employees in their settlement agreement ratified at this meeting.

Release of All Claims - Roberts & Morgan - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously ratified a settlement agreement and release of all claims in relation to the

litigation entitled *City of Redlands v. Roberts & Morgan, et al.*, San Bernardino County Superior Court Case No. SCV 54179.

PUBLIC COMMENTS

Congratulations - Mayor Gilbreath extended congratulations to Cheryl Entler, volunteer RTV3 Director, for having just recently earned her GED certificate.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:11 P.M. The next regular meeting will be held on November 21, 2000.

City Clerk