

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 16, 1999.

PRESENT

William E. Cunningham, Mayor
Geni A. S. Banda, Mayor Pro Tem
Pat Gilbreath, Councilmember
John L. Freedman, Councilmember
Gary George, Councilmember

Gary M. Luebbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
(evening session)
Jim Bueermann, Police Chief
Mel Enslow, Fire Chief
Bonnie Johnson, Finance Director
Ronald C. Mutter, Public Works Director
Gary G. Phelps, Municipal Utilities Director
Richard Pepper, Acting Community Development Director
Robert D. Dalquist, Senior Planner
(evening session)

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 Gilbreath, seconded by Councilmember Banda, the minutes of the regular meeting of March 2, 1999, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the report of the Planning Commission meeting held on March 9, 1999, was acknowledged as received.

ERC - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the report of the Environmental Review Committee meeting held March 1, 1999, was acknowledged as received.

Ordinance No. 2396 - Juvenile Curfew - Ordinance No. 2396, an ordinance of the City of Redlands amending Chapter 9.24 of the Redlands Municipal Code relating to juvenile curfew, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Banda, by the following vote:

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

NOES: None

ABSENT: None

Resolution No. 5618 - Cable TV Franchise Transfer - City Manager Luebbers assured Councilmembers that all terms in the cable television franchise will remain the same and in effect upon transfer of the ownership. Jerry Hanson was thanked by Councilmember Freedman for his efforts as liaison with TCI Cablevision. On motion of Councilmember Cunningham, seconded by Councilmember Banda, the City Council unanimously adopted Resolution No. 5618, a resolution of the City of Redlands approving the transfer of the cable television franchise from TCI Cablevision of California, Inc. to Century-TCI California, L.P.

Resolution No. 5619 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously adopted Resolution No. 5619, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: set speed limits on Ford Street between Garden Hill Drive and Citrus Avenue.

Resolution No. 5620 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously adopted Resolution No. 5620, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: set speed limits on Judson Street between Citrus Avenue and Pioneer Avenue.

Resolution No. 5621 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously adopted Resolution No. 5621, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: set speed limits on Dearborn Street between Colton Avenue and Fifth Avenue.

Resolution No. 5622 - Traffic - Councilmember George expressed appreciation to Mary M. Bergey who initiated and followed through on the request for a stop sign on Fifth Avenue at Dearborn Street, and moved to adopt Resolution No. 5622, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal

Code: install stop sign on Fifth Avenue at Dearborn Street making the intersection an all-way stop. Motion seconded by Councilmember Banda and carried unanimously.

Resolution No. 5623 - Conflict of Interest Code - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously adopted Resolution No. 5623, a resolution of the City Council of the City of Redlands adopting an amended conflict of interest code pursuant to the Political Reform Act of 1974 and amending Resolution Nos. 3290 and 5553, and eliminating the position of Chief Building Official as the position has been changed from management to mid-management as a result of City Council action on March 2, 1999.

Resolution No. 5624 - Candidate Statement Regulations - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously adopted Resolution No. 5624, a resolution of the City Council of the City of Redlands adopting regulations for candidates for elective office pertaining to materials submitted to the electorate and the costs thereof for the general municipal election to be held in said City on Tuesday, November 2, 1999.

Airport Master Lease Agreement Amendment - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approved Lease Amendment No. 5 to the Master Lease Agreement for Parcel No. 4 at the Redlands Municipal Airport. This amendment will correct the dates in the Master Lease Agreement to provide for the proper initial term and extension.

Proclamation - National Diversity Week - Councilmember Gilbreath reported the Human Relations Commission will hold a workshop on March 29, 1999, to discuss diversity in the community, and moved to continued this request for a proclamation declaring the week of April 24 - May 1, 1999, as National Diversity Week in Redlands to April 6, 1999, and refer the request to the Human Relation Commission for their review. Motion seconded by Councilmember Freedman and carried unanimously.

Funds - Recreation Bureau - Gift - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approve the appropriation in the amount of \$500.00 to fund equipment and supplies for mobile recreation programs within the Recreation Bureau. These funds were won by Mayor Pro Tem Geni Banda at a recent Manufactured Housing Education Trust (MHET) luncheon honoring elected officials.

Superior Court, Redlands Division, Agreement - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously

approved an amended Letter of Agreement between the City of Redlands and the County of San Bernardino Superior Court, Redlands Division, for use of the Assembly Room (old City Council Chambers) located at 212 Brookside Avenue and authorized the Mayor and City Clerk to execute the amendment on behalf of the City. This amendment eliminates the \$100.00 per day use fee through June 30, 1999, and in exchange the County will provide and pay for janitorial services for the assembly room.

Criminal Justice Administration Settlement Agreement - The supplement settlement agreement between the County of San Bernardino and the City of Redlands eliminating the February 11, 1999, Criminal Justice administration fee increase was continued to the evening session to allow staff to provide fiscal information. At that time, City Manager Luebbers presented the budget for last year and this year. The County charges \$158.00 per individual and was going to increase that fee to \$160.00. Eliminating the fee will save the City \$12-1,500.00 per fiscal year. Councilmember Freedman, moved to approve the supplement settlement agreement between the County of San Bernardino and the City of Redlands eliminating the February 11, 1999, Criminal Justice administration fee increase, and authorized the Mayor and City Clerk to execute the document on behalf of the City. Motion seconded by Councilmember Banda and carried unanimously.

COMMUNICATIONS

City Manager's Report - Following up on the goals established by the City Council, City Manager Luebbers announced the City Council held a study session this morning regarding the rehabilitation and funding for Fire Station No. 1, discussed sale of the old ladder truck, reviewed the Water and Wastewater System Master Plans, and authorized preparation of a Solid Waste System Master Plan. The Eureka Street improvement project started this week. On Wednesday, March 24, 1999, a meeting will be held with a large national retail developer to discuss property just west of the donut hole.

Water Board Representative - City Manager Luebbers asked the City Council to consider appointing a representative and an alternate as voting members on any water company board of directors in which the City owns stock. Councilmembers Cunningham and Gilbreath left the City Council Chambers due to possible conflicts of interest. Councilmember Banda moved to appoint Michael L. Huffstutler and Gary G. Phelps as alternate to represent the City as a voting member on any water company board of directors in which the City of Redlands owns stock. Motion seconded by Councilmember Freedman and carried by AYE votes of all present. Councilmembers Cunningham and Gilbreath returned to the City Council Chambers for the remainder of the meeting.

Unclaimed Funds - State of California - Mayor Pro Tem Banda reported that a citizen had contacted her regarding the State holding, as unclaimed funds, \$2,138.00 of City money; this information was found on the Internet. When she approached staff, City Attorney McHugh and Finance Director Johnson had already processed the claim. She thanked Dave Anderson, City Attorney McHugh and Finance Director Johnson for their prompt attention to this matter.

San Bernardino County General Plan Amendment - Mayor Cunningham reported the County Board of Supervisors is moving rapidly and with little notice on their proposed General Plan text amendment to revise goals and policies related to land use and growth management in Spheres of Influence. The Cities of Highland, Loma Linda, and Yucaipa have expressed strong opposition to this amendment; the City of Rancho Cucamonga has called a special meeting to address this matter. Mayor Cunningham has communicated with all 23 other cities within the County of San Bernardino regarding this amendment. Councilmember Freedman said he hoped the Board of Supervisors would hold off on this amendment allow further review by SANBAG and other cities. During the evening session, Councilmember George moved to authorize staff to send a letter to the County Board of Supervisors reflecting our concerns and include Community Development Director Shaw's memo dated March 10, 1999. Motion seconded by Councilmember Banda and carried unanimously.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5625 - Great Neighborhoods Program - Councilmember Freedman moved to adopt Resolution No. 5625, 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 Neighborhoods Program to implement an additional seven participant agreements which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember Gilbreath and carried unanimously. (Also see Redevelopment Agency minutes for March 16, 1999.)

CLOSED SESSION

The City Council meeting recessed at 3:30 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:36 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - Majestic Realty Company v. Timberlake and City of Redlands - San Bernardino Superior Court (SCV 49347 and 51027)
 - Redlands Joint Venture v. City of Redlands/Timberlake (SCV 54994)
 - City of Redlands v. County of San Bernardino - San Bernardino Superior Court (SVC 28757)

2. Conference with labor negotiator
Agency negotiator: Karen Olsen, Personnel Analyst
Employee organization: Redlands Professional Fire Fighters Association
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c): one case

The meeting reconvened at 7:00 P.M. at which time Mayor Cunningham recognized Civics Day participants who were present at this meeting. Civics Day will be held on March 18, 1999.

PRESENTATIONS

Service Recognitions - Assisted by City Clerk Poyzer, Mayor Cunningham presented plaques with the City seal to the following commissioners and thanked them for their many years of service: Gerald W. Hanson who served on the Planning Commission from January 6, 1991, to February 16, 1999; Helen Ludwig who served on the Historic and Scenic Preservation Commission from January 18, 1991, to February 2, 1999; and Cynthia Hoghaug who served on the Historic and Scenic Preservation Commission from January 18, 1991, to February 2, 1999.

PUBLIC HEARINGS

Resolution No. 5608 - Annexation No. 76C - Public hearing was advertised for this time and place to consider approval of Annexation No. 76C. Acing Community Development Director Pepper explained this annexation encompasses 41± acres consisting of City of Redlands' property generally bordered by the City of Redlands on the north, Alabama Street on the west, and parcel lines on the south and east. It primarily consists of evaporation ponds used as part of the City's wastewater treatment plant. By completing this annexation, the City-owned property will not longer be subject to property taxes as it has been while in the unincorporated area. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. Councilmember Freedman noted a letter had been received from Caltrans dated March 9, 1999, requesting follow-up information if this annexation is approved. There being no comments from the audience, the public hearing was declared closed. Councilmember George moved to adopt Resolution No. 5608, a resolution of the City Council of the City of Redlands ordering territory annexed to the City of Redlands, identified as LAFCO No. 2839C - Annexation No. 76C. Motion seconded by Councilmember Gilbreath and carried unanimously.

Ordinance No. 2398 - Amendment No. 4, Specific Plan No. 45 - Public hearing was advertised for this time and place to consider Amendment No. 4 to Specific Plan No. 45 (known as the Downtown Specific Plan) removing the sign standards found in Section 8(c) relating to the height of letters. Senior Planner

Dalquist explained that when Specific Plan No. 45 was adopted in June, 1994, it included sign criteria that limited all sign letters to a maximum height of eight inches. This was done in an effort to preserve the historic nature of the downtown area in the specific plan. After adoption of the initial specific plan, there were implementation problems with the sign criteria in that it was deemed to be strict and to unfairly regulate business. In December, 1994, the City Council added language that increased the height of the letter to 12, 24, or 36 inches dependent on the size of the business. Since that time, staff has had time to observe how the sign criteria has worked. In staff's opinion, the criteria still limits the size of letters artificially as compared to sign lettering outside the specific plan area. Mr. Dalquist then reviewed the proposed amendment. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Ordinance No. 2398, an ordinance of the City of Redlands amending Ordinance Nos. 2185, 2269, and 2338 relating to Specific Plan No. 45 (known as the Downtown Specific Plan) and adopting Amendment No. 4 relating to sign standards, was read by title only by City Clerk Poyzer, and on motion of Councilmember Banda, seconded by Councilmember Freedman, further reading of the ordinance text was unanimously waived, and Ordinance No. 2398 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for April 6, 1999.

CUP No. 673 - Minor Subdivision No. 249 - Creekside Gardens, L.P. - Public hearings were advertised for this time and place to consider the Socio Economic Cost Benefit Study and Mitigated Negative Declaration for Conditional Use Permit No. 249 to construct an 88,236 square foot, 120 unit, multiple building, Senior Assisted Living/Alzheimer's Facility with a resident population of 192 people on 4.06 acres, and the Socio Economic Cost Benefit Study and Mitigated Negative Declaration for Minor Subdivision No. 249, a subdivision of 4.06 acres into four residential lots in the EV/3000 RM (Multiple Family Residential-3000) District of the East Valley Corridor Specific Plan located on the northeast corner of Nevada Street and Orange Avenue (Creekside Gardens, L.P., applicant). City Manager Luebbers reported this project was continued from the March 9, 1999, meeting of the Planning Commission in order for the applicant to work with City staff on issues relating to the sewer, architecture, and density. Therefore, it was recommended these public hearings be continued to May 4, 1999. On motion of Councilmember Banda, seconded by Councilmember Freedman, the City Council unanimously continued these public hearings as recommended by staff.

UNFINISHED BUSINESS

Street Sweeping - City Manager Luebbers recommended this discussion be continued to the 1999-2000 proposed budget hearings scheduled in May and

that the existing contract be extended on a month-to-month basis. Councilmembers concurred with this recommendation.

1999 City Council Goals - As requested by Mayor Cunningham, this item was again placed on this agenda to allow for public input regarding the City Council goals for 1999. Mayor Emeritus Carole Beswick urged Councilmembers to make our downtown a priority goal emphasizing the need for a hotel, additional parking, induce new businesses, and implementation of Specific Plan No. 45. Councilmember George said a meeting was held yesterday with representatives from the Chamber of Commerce, DRBA, Redlands Conservancy, and Redlands Mall; they decided to meet monthly and to invite a representative from Krikorian Theatre to also attend. Mayor Cunningham reviewed the actions already in progress towards meeting the goals which have been discussed during the past two meetings. Councilmember George desired to hold meetings in alternative venues, i.e. Community Center, Joslyn Senior Center, and on the campus of the University of Redlands or Crafton School to take additional community input.

NEW BUSINESS

Ordinance No. 2397 - Utility Trench Cutting - Public Works Director Mutter reported that last year, the City Council directed staff to research the possibility of adopting a street trench cut fee program in an effort to mitigate roadway damages due to utility cuts. Staff researched a number of similar ordinances in other cities and prepared a comprehensive report that was presented to the City Council on November 17, 1998. The report addressed various topics and concerns including legal issues, required engineering studies, various City construction standards and policies, issues to utility companies, and required ordinance and resolutions. During the meeting, utility company representatives requested that the City Council allow them to work with staff to formulate an ordinance. Staff further suggested that the solution to the trench-cut problem was one of quality construction methods more than the assessment of a fee. The City Council directed staff to meet with the utility companies to work out a position and draft an ordinance which addresses quality trench cuts. A meeting was scheduled with all interested utility companies being invited. Several minor modifications were suggested and incorporated into the proposed ordinance. The utility companies in attendance felt that the ordinance was fair to both the City of Redlands and the utility companies. They were agreeable to the proposed ordinance and indicated support of its adoption. Ordinance No. 2397, an ordinance of the City of Redlands amending Chapters 12.16 and 12.20 of the Redlands Municipal Code relating to street repair and construction permits and street repair and construction regulation, was read by title only by City Clerk Poyzer, and on motion of Councilmember Banda, seconded by Councilmember Freedman, further reading of the ordinance text was unanimously waived, and Ordinance No. 2397 was introduced with unanimous

Council approval and laid over under the rules with adoption scheduled for April 6, 1999.

Resolution No. 5626 - Measure U Interpretation - Mayor Cunningham reported there is misinformation being circulated in the development community about Measure U and its socio economic and fee provisions. This is evident by two articles which recently appeared in the Building Industry Association's newsletter which do not accurately reflect the City Council's final actions establishing procedures for socio economic impact reports or Measure U's policy regarding infrastructure costs for new development. Accordingly, he requested City Attorney McHugh to prepared a resolution for the City Council's consideration which staff believes may clarify the City Council's policy and intent in carrying out certain portions of Measure U. City Attorney McHugh reviewed the proposed resolution. Following discussion, Councilmember Freedman moved to adopt Resolution No. 5626, a resolution of the City Council of the City of Redlands restating City policies, intentions and determinations regarding the voter-approved General Plan amendment commonly known as Measure U. Motion seconded by Councilmember Banda and carried unanimously.

Lowes Home Improvement Company - City Manager Luebbers reported that one of the sales tax leakage areas in Redlands is home improvements. Representative from Lowes Home Improvement Company, based in North Carolina, have entered into discussions proposing to building a facility on Redlands Boulevard and Iowa Street. City Manager Luebbers presented a draft agreement for the construction and operation of a home improvement center, the provision of related City benefits, and the deferral of payment of the costs of public infrastructure. Mike Skiles, Lowes Home Improvement Company, outlined what Lowes' history, noting they are the second largest home improvement company in the country, and presented their site plans. Edward Stein, co-owner of H & E Do It Yourself Center of Redlands, reminded Councilmembers his business had been in Redlands for 20 years and during those years, had received no assistance from the City. He expressed his disappointment with the lack of response when he approached Mayor Cunningham regarding the closures of Alabama Street and beseeched Council not to give Lowes special treatment. Mr. Stein was assured by Mayor Cunningham that Lowes would go through the applicable procedures. Noting that Lowes has paid a \$10,000.00 application fee, Councilmember Banda moved to authorize staff to continue negotiations with Lowes Home Improvement Company. Motion seconded by Councilmember Freedman and carried unanimously although Councilmember Gilbreath pointed out she would not support an inequitable agreement.

PUBLIC COMMENTS

East Valley News - Carole Beswick informed Mayor Cunningham that many citizens were offended by an article in a recent East Valley News published by Mr. Cunningham entitled "The Rules" that could be construed as sexist. Petitions, some of which were distributed at this meeting, are being circulated asking for an apology, and Mrs. Beswick urged Mr. Cunningham to issue a retraction. Beverley Cunningham responded stating she was the one who asked him to print it as a joke, and that there would be another one in the next issue on men.

Chickens - Mr. Kenneth Patchett, 823 College Avenue, wrote a letter to Councilmembers regarding the ordinance pertaining to chickens and asked that a response to his request to be allowed to have chickens as pets be placed on the agenda for the April 6, 1999, meeting.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:17 P.M. The next regular meeting will be held on April 6, 1999.

City Clerk