

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 August 3, 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
Michael Reynolds, City Treasurer
Jim Bueermann, Police Chief
John Habant, Deputy Fire Chief
Bonnie Johnson, Finance Director
Tom Fujiwara, Assistant 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 Pro Tem Banda followed by the pledge of allegiance.

PRESENTATIONS

Employee Service - Introductions were made by the departments heads and Mayor Cunningham presented five year service pins to: Julie Gilbert, Finance Department; Lori Waltman, Treasurer's Office; Janet Miller, Municipal Utilities Department; Marie "Toni" Barber, Police Department; Alesia Castaneda, Police Department; Carlos Castillo, Police Department; and Laurie Johnson, Public Works Department. A ten year service pin was presented to: Michael Smith, Police Department. Fifteen year service pins were presented to: Richard Rylett, Fire Department, and Denise Ausherman, Police Department. Twenty year service pins were presented to: Rick Long, Municipal Utilities Department; Tom Fitzmaurice, Police Department; and Police Chief Jim Bueermann. A twenty-five year service pin was presented to: Ramsey "Al" Webster, Public Works Department. In recognition of 30 years of service, a gold watch was presented to: Daniel Madrid, Public Works Department.

Employee of the Quarter - City Manager Luebbers introduced the following seven nominees for the Employee of the Quarter:

Category: Field

John Silva

Municipal Utilities Department
Equipment Maintenance Division

Jimmy Miller

Municipal Utilities Department
Solid Waste Division

Category: Safety

Kevin Fetterman

Fire Department

Carolyn Salisbury

Police Department

Ricky Smith

Police Department

Category: Administration

Mary Ellen Lambert

Finance Department

Sandra Sanchez

A. K. Smiley Public Library

Mayor Cunningham presented a plaque with the City seal to the selected employees of the quarter as follows:

Jimmy Miller, Municipal Utilities Department, Solid Waste Division -

Jimmy Miller was nominated for having consistent high productivity with one of the best productivity records in the garage while also being courteous and helpful on a daily basis for many years. He is an excellent employee and a pleasure to work with. Where he truly stands out is his attitude towards work. He has received numerous compliments about his excellent work and his terrific attitude. Recently, he was able to combine this great attitude with a little detective work and a lot of honesty to return a citizen's wallet, full of money, which he found on the street.

Ricky Smith, Police Department - Police Officer Ricky Smith was nominated for his tireless efforts to reduce the number of children injured in bicycle accidents in the City of Redlands and for bringing the Police Department closer to the community. Officer Smith is responsible for the development and implementation of the Police Department's bicycle safety program. He sought out and coordinated the donation of hundreds of bicycle helmets which are given to children in need. He has also sought donations from local merchants which are used to repair the bicycles of needy children at safety programs.

Sandra Sanchez, A. K. Smiley Public Library - Sandra Sanchez. Technical Assistant, was nominated for her superb leadership in the area of library automation which has advanced the library service to patrons by many degrees. Her work performance far exceeds even that of the most exemplary employee because of her wide range of responsibilities. On her own initiative, she has attended seminars, called purveyors, and combed the literature for the latest and best information on the intricate world of library automation.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the minutes of the regular meeting of July 20, 1999, and the adjourned regular meeting of July 27, 1999, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on July 27, 1999, was acknowledged as received.

Environmental Review Committee - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Environmental Review Committee meeting held July 26, 1999, and the tentative agenda for the Environmental Review Committee meeting to be held on August 9, 1999, were acknowledged as received.

Resolution No. 5669 - Weed Abatement Assessments - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5669, a resolution of the City Council of the City of Redlands providing for the assessment of costs resulting from the abatement of weeds which constitute a fire hazard.

Resolution No. 5674 - Paramedic Tax Assessments - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5674, a resolution of the City Council of the City of Redlands setting the special tax for emergency paramedic service for fiscal year 1999-2000.

Resolution No. 5675 - Conflict of Interest Code - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5675, 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 by adding the position of Assistant City Attorney as a designated position.

Resolution No. 5676 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5676, 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: provide for two handicapped parking spaces and

establish three-hour parking limit in a City-owned parking lot located on the east side of Orange Street between Redlands Boulevard and Oriental Avenue.

Agreement - B & B Squares - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a rental agreement between the City of Redlands Recreation Bureau and B & B Squares for square dancing classes and activities in the Community Center and Joslyn Senior Center and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

Settlement Agreement - Brickley et al v. PERS - Following clarification of the lawsuit was filed by several former employees for recalculation of retirement benefits with the Public Employees' Retirement System and its settlement, Councilmember Gilbreath moved to ratify the settlement agreement and release for a lawsuit entitled *Brickley et al v. PERS*. Motion seconded by Councilmember Banda and carried unanimously.

Funds - Telephone System - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved two additional appropriations in the total amount of \$15,000.00 (\$10,000.00 to come from current reserves of the General [01] Fund and \$5,000.00 from the current reserves of the Water [71] Fund) to purchase equipment and services to expand the existing telephone system.

Lease-Purchase Agreement - Street Sweepers - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a lease purchase agreement with Associates Commercial Corporation for the acquisition of two street sweepers and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

SCAG Housing Needs Assessment - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously acknowledged receipt of the SCAG Regional Housing Needs Assessment Housing Allocation Program for the City of Redlands and directed staff to continue to monitor and periodically report back on the ongoing review and adoption process regarding this program.

Resolution No. 5677 - Ballot Arguments and Impartial Analysis - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5677, a resolution of the City Council of the City of Redlands setting priorities for filing written arguments regarding City measures and directing the City Attorney to prepare an impartial analysis for each measure on the November 2, 1999, ballot.

Ordinance No. 2411 - Zone Change No. 371 - Ordinance No. 2411, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting an additional land use zoning plan as part of the Official Land Use Zoning Map and effecting Zone Change No. 371, a change of zoning

classification from A-1 (Agricultural) District to R-E (Residential Estate) District for 8.48 acres of property located on Lugonia Avenue, east of Dearborn Street (Assessor's Parcel No. 168-171-06), was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

AYES: Councilmembers Banda, Gilbreath, Freedman, George;
Mayor Cunningham
NOES: None
ABSENT: None
ABSTAINED: None

Ordinance No. 2404 - PRD Minimum Lot Size - Ordinance No. 2404, an ordinance of the City of Redlands amending Section 18.144.100 of the Redlands Municipal Code to allow for the reduction in minimum lot size in Planned Residential Developments, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

AYES: Councilmembers Banda, Gilbreath, Freedman, George;
Mayor Cunningham
NOES: None
ABSENT: None

COMMUNICATIONS

Legislative Bulletin - The Governor signed into law this week both AB 1661 (the \$150 million local government relief package) and AB 1662 (the \$50 million booking fee relief package). Mayor Cunningham noted the trailer bills for local agency finances are a modest step in the right direction. City Manager Luebbers reminded everyone that the State "take-aways" amount to more than \$20 million.

Appointment - Human Relations Commission - Mayor Pro Tem Banda moved to appoint Adnan Hasan to the Human Relations Commission for a four-year term ending August 3, 2003. Motion seconded by Councilmember George and carried unanimously. At the end of the evening session, Councilmember Freedman moved to reconsider this action. Motion seconded by Councilmember Cunningham and carried with Councilmembers Gilbreath and George voting NO. Mayor Pro Tem Banda again moved to appoint Adnan Hasan to the Human Relations Commission for a four-year term ending August 3, 2003. Motion seconded by Councilmember George and carried with Councilmember Freedman voting NO.

Northside Business and Residential Development - Councilmember Banda wishes to work a little more on a program she wants to coordinate to get disseminate more information to businesses and residents in the north side of Redlands.

Request for Reimbursement - Mayor Cunningham presented a letter from the Friends of Prospect Park requesting reimbursement for replacement signs (\$201.30) and permit fees (\$189.53) for the construction of a pavilion to be built in the park with private funds which will then be deeded to the City. Although supportive of the activities of the Friends of Prospect Park, Councilmember Gilbreath asked is this was an improper use of public funds after the fact. City Attorney McHugh was unable to answer the question as he did not have much background on the issue. Councilmember Banda suggested delaying this request. Councilmember Cunningham moved to approve the request from the Friends of Prospect Park for reimbursement subject to review by the City Attorney. Motion seconded by Councilmember Banda and carried unanimously.

Pay-Off List - City Attorney McHugh reported that District Attorney Stout responded to the City Council's request at their last meeting by saying there was no "pay-off list" as has been described in the press; that the document in question is not in the District Attorney's possession; and that the document is in the hands of the victim. Councilmember Freedman moved to ask Majestic Realty Company and Latham & Watkins, Attorneys at Law, if the document exists, and if so, would they mind sharing it with the City Council. Motion seconded by Councilmember Banda and following much contemplation by each Councilmember, the motion carried with Councilmember Gilbreath voting NO.

Area Code Status Report - Councilmember Freedman reported as liaison to the Public Utilities Commission that the 909 area code will not be split as we were supporting but that it will have an overlay which will take effect next November. Mayor Cunningham noted that an overlay area code is a real inconvenience.

Resolution No. 5680 - Mortgage Revenue Bonds - Mountain View Acres - Kenneth E. Feenstra, Vice President of Mountain View Acres, Inc., again requested the City Council consider their request that the City assist them in obtaining Mortgage Revenue Bonds to provide financing for their senior housing complex to be located on the east side of Wabash Avenue between Fifth and Highland Avenues on the east side of the City of Redlands. He assured Councilmembers there would be no financial obligation on the part of the City of Redlands, read his "staff report," and urged them to adopt Resolution No. 5680 which he had prepared for the City Council's consideration. Councilmember Banda moved to adopt Resolution No. 5680, a resolution of the City Council of the City of Redlands, California (the Council) declaring the Council's intent to issue an amount not to exceed \$6,700,000 of its variable rate demand Mortgage Revenue Bonds to provide financing for an assisted living facility to be owned and operated by Mountain View Acres, Inc. and known as

Mountain View Acres. Motion seconded by Councilmember Freedman and carried unanimously.

CLOSED SESSION

Councilmember Gilbreath move to add the following item to the agenda which arose subsequent to the agenda being posted: "Closed session: Conference with its real property negotiator - Government Code Section 54956.8 as follows:

Property: APN 299-011-05
Negotiating parties: Ronald C. Mutter and Fred J. and Anetha Stafford
Under negotiation: Terms and price"

Motion seconded by Councilmember Banda and carried unanimously.

The City Council meeting recessed at 3:40 P.M. to a Redevelopment Agency meeting and reconvened at 3:42 P.M. to a closed session to also discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - CNB v. City of Redlands
 - Redlands Joint Venture LLC v. City of Redlands and Timberlake - SCV 54994, 34737, 33330
 - Claim of Ms. Susan Reid
 - Aaron Van Mill v. City of Redlands
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c)
 - One case

The meeting reconvened at 7:00 P.M.

NEW BUSINESS

Specific Plan No. 45, Amendment No. 5 - Public hearing was advertised for this time and place to consider a Mitigated Negative Declaration for Amendment No. 5 to Specific Plan No. 45 for the acquisition of property and construction of a bus transit facility within the Town Center-Historic District located between Third Street and Orange Street, south of Shopper's Lane. Staff requested additional time to resolve certain issues with respect to the bus transit facility site and anticipated that the components of the project would be in final form for the September 7, 1999, City Council meeting. Councilmember Freedman moved to continue this item to September 7, 1999. Motion seconded by Councilmember Gilbreath and carried unanimously.

PUBLIC HEARINGS

Ordinance No. 2415 - Specific Plan No. 45, Amendment No. 5 - Public hearing was advertised for this time and place to consider Ordinance No. 2415 for the adoption of Amendment No. 5 to Specific Plan No. 45 for the acquisition of property and construction of a bus transit facility within the Town Center-

Historic District located between Third Street and Orange Street, south of Shopper's Lane. Staff requested additional time to resolve certain issues with respect to the bus transit facility site and anticipated that the components of the project would be in final form for the September 7, 1999, City Council meeting. Councilmember Freedman moved to continue this item to September 7, 1999. Motion seconded by Councilmember Gilbreath and carried unanimously.

Appeal - Conditional Use Permit No. 688 - Public hearing was continued to this time and place to hear an appeal to the Planning Commission decision of June 8, 1999, to approve a conditional use permit for a billiard room in the C-2 (Neighborhood Convenience) District at 1544 Orange Street; Ezequiel Ocampo, applicant. The City Council appealed this decision to afford an opportunity to review the project and consider neighborhood concerns. On July 20, 1999, the City Council, after review this proposal and taking into consideration testimony from other tenants within this existing Neighborhood Convenience Shopping Center, continued this item to this meeting. This continuation was to afford staff an opportunity to prepare findings for denial based on the public hearing and City Council input. Staff was unable to identify facts and findings to support a denial, however, prepared an alternative motion for denial in accordance with the City Council's direction. Mayor Cunningham declared the meeting open as a public hearing for any further questions or comments. Gloria Flores again expressed concerns for their clients at SHU which is located in the same complex. Caesar Ocampo, son of the applicant, urged the City Council to approve their application. Councilmember George presented a compromise since clear findings to deny the application cannot be found and suggested allowing the business to operate for a 90-day review period. He did not receive support for his suggestion. Staff noted that if the City Council continued this matter, it appears that the business can operate under the conditions of the Planning Commission's approval. Councilmember Freedman moved to continue this public hearing until September 7, 1999, and directed staff to prepare a report on the activities that led to the closure of the billiard hall on San Mateo Street and Brookside Avenue and to monitor this site. Motion seconded by Councilmember Banda and carried unanimously.

NEW BUSINESS (continued)

Ordinance No. 2416 - Laser Devices - Police Chief Bueermann reported the use of laser devices for medical, scientific, industrial, commercial, law enforcement, and sporting purposes is of unquestioned value and benefit. However, the misuse of laser devices to distract, intimidate, and/or harass serves no legitimate purpose and constitutes a hazard and danger to the health, welfare and safety of the citizens of the community. At this time, there is no State statute nor law regulating or prohibiting the uses of a laser device except if it is pointed or directed at aircraft. This proposed ordinance will restrict the use of laser devices without limiting its legitimate uses. Ordinance No. 2416, an ordinance

of the City of Redlands amending Chapter 9.21 of the Redlands Municipal Code regulating the use of laser devices, 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. 2416 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for September 7, 1999.

Ordinance No. 2419 - Ultralight Aircraft - During the time that Norton Air Force Base was in operation, the Federal Aviation Administration (FAA) required the City of Redlands to prohibit ultralight aircraft from operating at the Redlands Municipal Airport. Now that Norton Air Force Base has ceased operations, City staff has been informed by the FAA that the ultralight prohibition is no longer necessary. Further, the FAA has no objection to ultralight aircraft operating at the Redlands Municipal Airport and has encouraged the City to permit the operation of such aircraft. Ordinance No. 2419, an ordinance of the City of Redlands amending Chapter 12.56 of the Redlands Municipal Code relating to the operation of ultralight aircraft at the City's municipal airport, 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. 2419 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for September 7, 1999.

UNFINISHED BUSINESS

Ordinance No. 2414 - Ballot Measure - Further refinement of the language in Ordinance No. 2414, an initiative ordinance of the People of the City of Redlands amending the Land Use, Circulation and Health and Safety Elements of the Redlands General Plan to establish a new residential land use classification and change density standards in the San Timoteo Canyon and Live Oak Canyon areas, and establish City-wide grading limitations, was presented by Mayor Cunningham. Lois Bauman, who owns property on Alta Vista Drive, asked what the zoning status was on her property. This was discussed at length and she was given the choice of residential or commercial. Tex Moore had submitted hand-written suggestions earlier in the day to staff and reviewed his solutions. Councilmember George expressed serious concerns about applying grading limitations City-wide. Councilmembers concurred to apply these limitations only to the canyon areas. Pat Meyer asked for clarification on some of the hand-written comments. Councilmember Cunningham moved to approve the additional amendments recommended, the exemptions requested by Pat Meyer, directed staff to insure consistency occurs, and to place the revised Ordinance No. 2414 on the November ballot. Motion seconded by Councilmember Banda and carried with Councilmembers Gilbreath and George voting NO.

AB-1553 - Donut Hole Legislation - In response to the City Council's direction at the July 29, 1999, meeting, City Manager Luebbers presented a quote of \$20,000.00 from Stefan George Associates (note: no relationship to Councilmember George) for lobbying services. Based on Ms. George's grasp of the issue at hand and her work with the American Planning Association, it appears she would be a good choice to represent Redlands in its lobbying efforts to defeat AB 1553. Councilmember Freedman moved to approve the proposed contract with Stefan George Associates; authorized the Mayor to sign the contract on behalf of the City; authorized the City Manager to sign FPPC Form No. 602 authorizing this lobby activity; and authorized an appropriation in the amount of \$20,000.00 for the contract. Motion seconded by Councilmember Banda and following discussion carried with Councilmembers Gilbreath and George voting NO. Mayor Cunningham reported he would call a special meeting of the City Council to be held in Sacramento to allow all five Councilmembers to participate in this lobbying effort. Councilmember George suggested he and Councilmember Freedman take a one-day trip to Sacramento with two professional firefighters and see what they could accomplish. Councilmember Gilbreath moved to support this objective; motion seconded by Councilmember George. Mayor Cunningham stated he would still call a special meeting so that all five Councilmembers could go and the motion failed with Councilmembers Cunningham, Banda, and Freedman voting NO.

LATE BREAKING ITEM

Mayor Cunningham presented a letter dated July 29, 1999, from the Redlands YMCA asking for modifications of CDBG funds allocated to the YMCA and an additional allocation from the City's contingency fund. Noting that the need to take action was immediate, Councilmember Banda moved to add this request to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember Freedman and carried unanimously. Ken Stein, General Director of the Redlands YMCA, explained they are entering into a lease agreement for 10,000 square feet at the former Thrifty building at the corner of Church Street and Lugonia Avenue to open a pre-school for approximately 200 low-income children. The change of use from a drug store to a pre-school requires an adjustment to the water and sewer capitalization fees. He requested the City Council consider approving a re-direction of funds in the amount of \$5,000.00 allocated to the YMCA of Redlands for a fire sprinkler project in the boiler room area to the sewer/water capitalization and hook up charges, and to approve an allocation of \$14,000.00 from the City of Redlands CDBG contingency funds to the YMCA of Redlands to be used as partial payment of the sewer/water capitalization and hook up charges for the YMCA Pre-school project. Councilmember Gilbreath moved to approve this request subject to determination of eligibility by the San Bernardino County Department of Economic and Community Development Department and

contingent on the City of Redlands' plan approval and bidding process. Motion seconded by Councilmember Freedman and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:35 P.M. The next regular meeting scheduled to be held on August 17, 1999, will not be held. The City Council will meet on September 7, 1999.

City Clerk