

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 19, 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
Leslie E. Murad, II, Assistant City Attorney
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
(evening session)
Michael Reynolds, City Treasurer
Jim Bueermann, Police Chief
(afternoon session)
Mel Enslow, Fire Chief
(afternoon session)
Bonnie Johnson, Finance Director
(afternoon session)
Ronald C. Mutter, Public Works Director
Gary G. Phelps, Municipal Utilities Director
Jeffrey L. Shaw, Community Development Director

ABSENT

None

The meeting was opened with an invocation by Mayor Cunningham followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the minutes of the regular meeting of October 5, 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 October 12, 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 on October 12, 1999, was acknowledged as received.

Ordinance No. 2418 - Security Alarm Systems - Ordinance No. 2418, an ordinance of the City of Redlands amending Chapter 5.12 of the Redlands Municipal Code relating to security alarm systems, 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

Contract Award - Herald Street Rehabilitation - Bids were opened and publicly declared on September 29, 1999, by the City Clerk for the construction of the Herald Street Rehabilitation Project; a bid opening report is on file in the Office of the City Clerk. Public Works Director Mutter reported this project will construct missing portions of curb and gutter, sidewalk, driveway approaches and street trees, and resurface the street from Brockton Avenue to Lugonia Avenue, including standard curb returns and handicap ramps at intersection corners. This project is part of the new Federal Neighborhood Initiative program, and this is the first phase of work on Herald Street. Staff has completed the design and is ready to proceed to bid the remainder of work on Herald Street from Brockton Avenue to Colton Avenue upon authorization from the County to do so. At this time, it was the recommendation of the Public Works Department, with concurrence from the San Bernardino County Economic and Community Development Department, that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Holland-Lowe Construction, Inc., San Bernardino, in the amount of \$159,268.00, and it would be in the best interest of the City that this contract be awarded to said firm. Noting she was happy to see this project move forward, Councilmember Banda moved to approve this recommendation and authorize the Mayor and City Clerk to sign the contract on behalf of the City. Motion seconded by Councilmember Freedman and carried unanimously.

Agreement - Xerox Corporation - Citing a possible conflict of interest, Councilmember Freedman abstained from voting on the following matter. On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council approved, by AYE votes of all present, a document services agreement with Xerox Corporation which will cover all 20 machines operated within City offices.

Ordinance No. 2422 - PERS Amendment - Ordinance No. 2422, an ordinance of the City of Redlands authorizing an amendment to the contract between the City Council of the City of Redlands and the Board of Administration of the California Public Employees' Retirement System (PERS) which approves

military service credit buy back, 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

Resolution No. 5695 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5695, 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: erect stop signs on Dreka Avenue at Clay Street, Webster Street, Ohio Street, and Washington Street.

Resolution No. 5696 - Street Vacation No. 116 - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, Resolution No. 5696, a resolution of the City Council of the City of Redlands declaring its intention to vacate a portion of public right-of-way located on the west side of Iowa Street, south of Redlands Boulevard (applicant: Lowe's Company, Inc.) and setting the public hearing for this street vacation for November 16, 1999, at 7:00 P.M., was unanimously adopted.

Resolution No. 5699 - Transportation Enhancement Activity Call - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5699, a resolution of the City Council of the City of Redlands authorizing application for FY 1999-2000 Transportation Enhancement Activities Call for Projects with the State of California, Department of Transportation, District 8, Landscape Architecture.

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized an engineering service agreement with Vector Engineering, Inc. to furnish preliminary engineering design for the California Street Landfill horizontal expansion and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized an engineering service agreement with Vector Engineering, Inc. to furnish engineering services for the California Street Landfill horizontal expansion and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Agreement - Safety Hall Assembly Room - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized the City Manager to sign a letter of agreement with the

Superior Court of California for use of the assembly room located in Safety Hall, 212 Brookside Avenue. Said letter waives the \$100.00 per day use fee with the Court agreeing to provide janitorial services through June 30, 2000.

Lease Agreement - Prospect Park Carriage House - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a lease agreement between the City of Redlands and Ronn and Diane Jenks, acting as live-in caretakers, for rental of the living quarters at the Carriage House in Prospect Park.

Resolution No. 5701 - Disability Retirement - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5701, a resolution of the City Council of the City of Redlands determining that William Hutchison, a local safety member of the Public Employees Retirement System is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his duties in the position of Police Officer.

Funds - Year-End Encumbrances - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved additional appropriations to the 1999-2000 budget year for the 1998-1999 year-end encumbrances and carry-overs.

Funds - Agreement - Pipeline Project - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved Amendment No. 2 with the firm of Camp, Dresser and McKee in the amount of \$5,075.00 for engineering services for the modification of the Henry Tate Water Treatment Plant Effluent Line, authorized an additional appropriation in the same amount to cover design changes requested by the Department of Health Services, and authorized the Mayor and City Clerk to sign the amendment on behalf of the City.

PLANNING AND COMMUNITY DEVELOPMENT

CUP No. 680 - Time Extension - The request for a one year time extension for Conditional Use Permit No. 680 for the construction of an 84,114 square foot multiple buildings senior care facility on 5.29 acres in the R-2 (Multiple Family Residential) District located south of Fern Avenue and east of La Verne Street (applicant: Regent Assisted Living, Inc.) was continued to November 2, 1999.

COMMUNICATIONS

Krikorian Theatre Expansion - Transit Center - Citing a possible conflict of interest, Councilmember George abstained from the following discussion. Mayor Cunningham asked for an update on progress on discussions regarding the Krikorian Theatre expansion and transit center. Community Development

Director Shaw reported another meeting was held with Mr. Krikorian to discuss an alternate site for the transportation center and the expansion of the theater and his architect; no final decision was made nor was a subsequent meeting scheduled although Mr. Krikorian does not feel he can incorporate the packing house in his plan. Public Works Director Mutter reported the design of the transit center is in progress and it is scheduled to go to bid after the first of the year. At this time, a new location could jeopardize the project as we are faced with a June 30, 2000, deadline to complete the process to receive the transportation grant funds. Mayor Cunningham suggested another study session be scheduled the week after the election (November 2, 1999) for all interested parties to continue discussions.

Appointment - Housing Commission - Mayor Cunningham moved to nominate John P. Lujan to the Housing Commission to fill the vacancy created by the resignation of Troy Grantz to January 18, 2001. Motion seconded by Councilmember Banda and carried unanimously.

Appointment - Trails Committee - Mayor Cunningham moved to nominate Donna Coates to the Trails Committee to fill the vacancy created by the resignation of Harry John to February 16, 2003. Motion seconded by Councilmember Banda and carried unanimously.

Adult-Oriented Business Ordinance - Councilmember Banda reviewed the history of ordinances regulating adult-oriented businesses noting the City has made the ordinances as strict as legally possible. Ordinance No. 2424 will take effect on November 5, 1999. Police Chief Bueermann reported his department will enforce any and all applicable sections after the ordinance become effective; his department will consult with the City Attorney regarding enforcement techniques.

Resolution No. 5700 - Interpretive Pedestrian Strollway - Councilmember George explained that SANBAG approved a combined Call for Projects for both the Transportation Enhancement Activities (TEA) and TDA Article 3 programs on August 4, 1999, and he submitted a project under the pedestrian or bike facilities category entitled *Interpretive Pedestrian Strollway* with Mary Petite's assistance. The scope of the project includes the historic area bounded on the north by Pearl Avenue, on the south by Olive Avenue, on the east by Sixth Street, and the west by a line running south on Eureka Street to Redlands Boulevard, west of Redlands Boulevard to Buena Vista Street, and southeast on Buena Vista Street to Olive Avenue. This project will provide a self-guided walking tour of the downtown area to emphasize the cultural and historic character of Redlands and educate people to appreciate the historical treasure we have in Redlands. Signs will be installed at the bottom of both the Orange Street and Sixth Street off-ramps of the I-10 Freeway directing motorists to the Shoppers Lane area between Eureka and Orange Streets to begin the tour. Buildings and/or historical sites to be included on the tour are the Santa Fe

Depot, Crittenden Building, Phinney Building, Zanja, Citrus Building, Cope Building, City Hall, Smiley Library, Lincoln Memorial Shrine, Redlands Bowl, and Redlands Post Office. Letters of supports for this project have been received from the Redlands Area Historical Society, Redlands Conservancy, and Downtown Redlands Business Association. Asking for the City Council's support, Councilmember George moved to adopt Resolution No. 5700, a resolution of the City Council of the City of Redlands authorizing an application for FY 1999-2000 Transportation Enhancement Activities Call for Projects for the Interpretive Pedestrian Strollway. Motion seconded by Councilmember Banda and carried unanimously. Mayor Cunningham complimented Councilmember George for his efforts to obtains the funds.

Sacramento Lobbyist - Councilmember Freedman said the veto of AB 1553 could not have been accomplished without intense effort on the part of the City Council and members of our community and without the assistance of Sande George and Associates as a Sacramento lobbyist. He thanked all who participated in this process. Councilmember Freedman felt it was imperative that the City continue to have representation in Sacramento at the earliest stages of the 2000 legislative season, and asked for the City Council's support and moved to direct the City Manager to initiate asking for quotes for lobbying services and to report back to the City Council for its consideration; motion seconded by Councilmember Banda. Councilmember Gilbreath felt the League of California Cities involvement in State legislative matters was sufficient and much more cost effective. Councilmember George indicated he was willing to look at costs but warned he may not be supportive if the cost was excessive. The motion carried with Councilmember Gilbreath voting NO.

Federal Disaster Recovery Funds - Public Works Director Mutter announced the City of Redlands has been preliminarily awarded a \$1 million Federal Disaster Recovery Initiative grant from the Department of Housing and Community Development's CDBG program. These funds will be used for a long-needed storm drain improvement project of the Zanja at Redlands Boulevard and Ninth Street. He commended Mary Petite for her research and preparation of the presentation for this grant application. This award is contingent upon the Department of Housing and Urban Development's approval of the State's Action Plan.

AB 1553 - A letter from Governor Gray Davis, explaining his stance on AB 1553's veto, indicated that if no progress is made on a fair and equitable resolution of the development of the property known as the Donut Hole and service responsibility issues, that he would look favorably on similar legislation next year. Mayor Cunningham felt the City should pursue the possibility of a mediator to work with the City and property owners. He suggested contacting the Governor's Office for assistance. Charles House, board member of the United Donut Hole Property Owners Association which represents approximately 90 percent of the assessed valuation of the property in the Donut

Hole, addressed the City Council regarding the mediation proposal. Mr. House informed Councilmembers that his association is not interested in being a pawn in the upcoming election and reviewed the problems they have with the mediation proposal and presented suggestions as how to proceed with "good faith" negotiations. He closed his lengthy comments requesting the City Council meet with them after the November election and come to a "win win" resolution. Councilmembers discussed this matter at length with Mayor Cunningham leading this discussion. Councilmember George felt we owed Governor Davis a great deal for this courage to veto this bill, and expressed his desire for both sides to get together and negotiate this before it has to go back to the Governor. Mayor Cunningham expressed his delight to find some one (referring to Mr. House) who was willing to sit down at the table to negotiate a development agreement. He and Councilmember Banda expressed their willingness to represent the City at the negotiations.

CLOSED SESSION

The City Council meeting recessed at 3:57 P.M. to a Redevelopment Agency meeting and reconvened at 3:58 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a) - Cuaron v. City of Redlands - SCV 54931

The meeting reconvened at 7:00 P.M.

PRESENTATION

Live Oak Grove - Tentative Tract No. 15469, located south of the terminus of Sutherland Drive, Ashforth Drive and South Lane in San Timoteo Canyon, has been reviewed by the Planning Commission with the recommendation to approve the project. Within this property is a grove of California Live Oak trees some of which will be designated as open space within the development. Mrs. Theodora Banta has offered to the City 5,000 shares of various appreciated stocks with which to purchase Lots 10, 11, 12, 6 and portions of Lots 13, 15, and 5 for the citizens of Redlands and to save the live oaks and the indigenous flora and fauna. She also felt that changes were needed to the layout of the lots and roads. Encouraging the City Council to accept this offer were: Peter Coonradt, Ted Balph, John Nill Hoefs, and Anne Monike. Councilmembers were most appreciative of this generous offer from Mrs. Banta and discussed the tax implications for her as well as the need for the Mr. Gresham (Ross) Roskamp, the developer, to be willing to change the configuration of his development. Councilmember Freedman moved to continue this discussion to the November 2, 1999, meeting to allow Mrs. Banta and Mr. Roskamp to have a meeting. Motion seconded by Councilmember George and carried with Councilmember Cunningham voting NO as he wanted to act at this meeting.

PUBLIC HEARINGS

Tentative Tract No. 15469 - Gresham (Ross) Roskamp - Public hearing was continued to this time and place to consider a Socio-Economic Cost Benefit Study, Tentative Tract No. 15469, and an accompanying Negative Declaration for the subdivision of 110.3 acres into 24 residential lots located south of the terminus of Sutherland Drive, Ashforth Drive and South Lane in Specific Plan No. 47 (Gresham [Ross] Roskamp, applicant). Development Director Shaw explained that the applicant has requested this item be continued to December 7, 1999. On motion of Councilmember Freedman, seconded by Councilmember Banda, this item was unanimously continued as requested.

Tentative Tract No. 16029 - Inland Cities Corporation - Public hearing was advertised for this time and place to consider a Socio-Economic Cost Benefit Study, Tentative Tract No. 16029, and an accompanying Negative Declaration for the subdivision of 9.69 acres into 33 residential lots and one lettered lot in the R-1 (Single Family Residential) District on property located on the northwest corner of Pioneer Avenue and Church Street (Inland Cities Corporation, applicant). Community Development Director Shaw review this project and the recommendation of the Planning Commission. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. On behalf of the applicant, Jim Ahmad was present to answer any questions. There being no further comments, the public hearing was declared closed. Councilmember Banda moved to approve the Environmental Review Committee's Negative Declaration for Tentative Tract No. 16029 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 Freedman and carried unanimously. Councilmember Banda moved to approve the Socio-Economic Cost Benefit Study for Tentative Tract No. 16029 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, and that the proposed project, based on the overall Fiscal Impact Analysis, will provide the City with a positive annual revenue/cost ratio of 1.215. Motion seconded by Councilmember Banda and carried unanimously. Councilmember Banda moved to approve Tentative Tract No. 16029, subject to the Conditions of Approval contained in the Planning Commission minutes dated September 14, 1999, and subject to the following findings:

1. That the proposed map is consistent with the policies, land use designation, and density prescribed by the General Plan;
2. That the proposed project qualifies as "infill" in accordance with the criteria established in Policy 2.2.3(a) of the Redlands Municipal Airport Land Use Compatibility Plan;

3. That the design and improvements of the proposed subdivision are consistent with City standards;
 4. That the site is physically suitable for the type of development;
 5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
 6. That the design of the subdivision or the type of improvements will not conflict with easement, acquired by the public at large, for access through or use of, property within the proposed subdivision; and
 7. That pursuant to California Government Code Section 66474.6, the discharge of waste from this subdivision apparently will not result in violation of existing requirements prescribed by the Santa Ana Regional Water Quality Board pursuant to Division 7 of the California Water Code.
- Motion seconded by Councilmember Freedman and carried unanimously.

UNFINISHED BUSINESS

Resolution No. 5703 - Stop Signs - Public Works Director Mutter reported the Traffic and Parking Commission unanimously recommended denial of a request for a four-way stop at the intersection of Palm Avenue and Grove Street by installing stop signs on Grove Street at its meeting held on July 22, 1999. An appeal to this recommendation was filed by Councilmember Freedman. Initially, the request was submitted to the Traffic and Parking Commission by Damon Bogan, 1314 East Palm Avenue. Currently, there are stop signs on Palm Avenue but not on Grove Street. The primary reason for the existing stop signs on Palm Avenue is to force the east and west bound traffic to stop and cross a gutter dip located along the east side of Grove Street at a slow speed to prevent potential injury to passengers and vehicles. Research of the reported accidents at this intersection indicated there was one reported accident in 1999, two in 1998, two in 1997, two in 1996, and one in 1994. Based on the accidents, this intersection does not meet the accident warrant according to the Caltrans Traffic Manual. The intersection also does not meet the warrant for a minimum traffic volume outlined in the Caltrans Traffic Manual in order to qualify for a four-way stop intersection. According to the Institute of Transportation Engineers, stop signs should not be installed arbitrarily. The stop sign causes interruption to the smooth flow of traffic and inconvenience to the drivers. This may result in forcing drivers to use an alternative route which was originally not designed to accommodate the increased traffic flow, causing additional traffic problems. The stop sign also reduced efficiency of the vehicle, increases wear and tear on the vehicle, and contributes to air pollution. Public Works Director Mutter concluded that it is important to recognize that standards, policies, and guidelines issued by the State of California, Caltrans, and the Institute of Traffic Engineers, which are based on years of studies, experiments, analyses using accumulated traffic engineering knowledge, have proven to work in the real world. Variance from standards, policies, and guidelines should only be considered in exceptional cases. Calling the

intersection dangerous and urging the City Council to authorize the installation of stop signs on Grove Street were nearby residents: Lucyndi Bogan, Robert M. Jaime, and Damon Bogan. A petition supporting this request and representing 20 households near the intersection was also submitted by Mr. Bogan. Councilmember Freedman moved to approve this appeal and adopt Resolution No. 5703, 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: erect stop signs on Grove Street at Palm Avenue making the intersection of Palm Avenue and Grove Street a four-way stop. Motion seconded by Councilmember Banda and carried unanimously.

Pre-Annexation Agreement - Mountainview Power Company - Community Development Director Shaw reported that as a part of the negotiations with Mountainview Power Company regarding annexation of land they own at the northeast corner of Mountain View Avenue and San Bernardino Avenue, it was agreed that Mountainview Power would request approval of a pre-annexation agreement. A revised copy of the proposed pre-annexation agreement was received via facsimile on Monday, October 18, 1999, and extends the completion date to February 1, 2000. Councilmember Freedman moved to approve the Pre-Annexation Agreement between the City of Redlands and Mountainview Power Company with the finding that this action is exempt from the California Environmental Quality Act under Section 15061(b)(3). Motion seconded by Councilmember Banda and carried unanimously.

NEW BUSINESS

Agreement - CH2M-Hill - Donut Hole Issues - Municipal Utilities Director Phelps reported in August of 1996, the City of Redlands entered into an Agreement to Furnish Engineering Consulting Services on Water and Wastewater Issues with the firm of CH2M-Hill. The Water and Wastewater Issues Study was comprised of individual "task orders" for engineering consulting support to the City of Redlands associated with development in the Donut Hole. The Water and Wastewater Issues Study anticipated that there would be a continuing effort by CH2M-Hill to provide additional services through task orders by amendment to our agreement as future situations required. Currently, the City of Redlands is faced with the requirement to provide a response to the Joint Legislative Audit Committee of the California Legislature regarding the value of municipal utility facilities that serve the Donut Hole. This will require a study of the cost, economic, and engineering factors to determine the value of the City's investment in the Donut Hole. At the City Council meeting on October 5, 1999, the City Council ordered that the City retain the firm of CH2M-Hill to audit our investments in the Donut Hole. City Manager Luebbers noted the amendment should not exceed the amount of \$13,400.00 which is remaining from the amounts that were previously anticipated and authorized for CH2M-Hill for prior task orders. This amount may not complete research needed and staff may have to return to the City

Council for an additional appropriation. Councilmember Freedman moved to approve Amendment No. 3 to the Agreement to Furnish Engineering Consulting Services on Water and Wastewater issues with CH2M-Hill in an amount not to exceed \$13,400.00; motion seconded by Councilmember Banda. Councilmember Gilbreath felt the State should do the audit without cost to the taxpayers of Redlands. Councilmember Cunningham questioned if this matter could be continued until after the election. City Manager Luebbers responded the State Committee gave us a deadline which has expired but that they are awaiting action tonight before proceeding. He indicated he could ask for a two week continuance not knowing when we would "cross the line." The motion then carried with Councilmember Gilbreath voting NO.

Minor Subdivision No. 245 - Dry Sewer Requirement Waiver - Municipal Utilities Director Phelps reported a request has been received from Urban Environs, representing John D. McAlearney, Jr., Trustee of the Clan McTrust UDT, to waive the dry sewer requirement for Minor Subdivision No. 245 located on Chaparral Drive, south of Sunset Drive. Staff has reviewed the written request and determined that the three items noted in the request do comply with the three requirements of Section 13.44.080.D of the Redlands Municipal Code and provide the basis for the City Council action to waive the dry sewer requirement. Councilmember Banda moved to waive the dry sewer requirement for Minor Subdivision No. 245. Motion seconded by Councilmember Cunningham and carried unanimously.

PUBLIC COMMENTS

AB 1553 - Donut Hole - Mr. Robert Rappuchi asked Councilmember Gilbreath whether or not she supported AB 1553. She responded that she had been contacted by Senator Brulte but declined to sign a letter of support.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:16 P.M. The next regular meeting will be held on November 2, 1999.

City Clerk