

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 December 1, 1998.

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)
Michael Reynolds, City Treasurer
Jeffrey L. Shaw, Community Development Director
Bonnie Johnson, Finance Director
Mel Enslow, Fire Chief
Gary G. Phelps, Municipal Utilities Director
Jim Bueermann, Police Chief
Ronald C. Mutter, Public Works Director

ABSENT

None

The meeting was opened with an invocation by Mayor Pro Tem Banda followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the minutes of the adjourned regular meeting of November 17, 1998, the regular meeting of November 17, 1998, and the adjourned regular meeting of November 20, 1998, were approved as submitted.

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

ERC Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Environmental Review Committee meeting held on November 23, 1998, was acknowledged as received.

Ordinance No. 2385 - Development Agreements - Ordinance No. 2385, an ordinance of the City of Redlands amending Chapter 18.220 of the Redlands

Municipal Code relating to development agreements, 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

Ordinance No. 2387 - Zone Change No. 368 - Ordinance No. 2387, an ordinance of the City of Redlands adopting Zone Change No. 368 to establish pre-zoning classification pending annexation of 8.95 acres within the City's sphere of influence to A-1 (Agricultural) District (five-acre lots) located on the southeast corner of Wabash Avenue and Sixth Street 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

Ordinance No. 2389 - Zone Change No. 370 - Ordinance No. 2389, an ordinance adopting Zone Change No. 370 and establishing pre-zoning classification pending annexation of 82 acres of land within the City's Sphere of Influence to the M-2 (General Industrial) District for property bounded by the Santa Ana River to the north, City Limit Line to the east, San Bernardino Avenue to the south, and Mountain View Avenue to the west, 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. 5553 - Conflict of Interest Code - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5553, 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 reflecting the new position, Deputy Fire Chief, and deleting the positions Fire Division Chief and Legal Assistant.

Sale of Surplus Equipment - Councilmember Gilbreath moved to declare certain natural gas engines and associated miscellaneous equipment and the 1975 Crown ladder fire truck as surplus, subject to the provision that the ladder fire truck would not be sold until the new ladder fire truck is in use and full

operation and that proceeds from said sale would be applied to the renovation project for Fire Station No. 1, and authorized the Municipal Utilities Department to negotiate a sale or disposal of the surplus equipment. Motion seconded by Councilmember Freedman and carried unanimously.

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized a professional services agreement with 3D GeoServices, Inc. for the groundwater monitoring program analytical and reporting services for the California Street Landfill.

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized a professional services agreement with 3D GeoServices, Inc. to provide Joint Technical Document and Preliminary Closure Plan Reporting Services for the California Street Landfill.

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized an engineering services agreement with Vector Engineering, Inc. to furnish operational and closure engineering services for the California Street Landfill vertical expansion.

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized an agreement with Janechek & Associates to provide landfill gas system engineering services for the California Street Landfill.

Agreement - Honeywell Service - At the request of staff, an amendment to the existing service agreement between the City of Redlands and Honeywell, Inc. for HVAC systems was continued to December 15, 1998.

Easement - Metropolitan Water District - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the sale of a five-year temporary easement to the Metropolitan Water District of Southern California for 2.22 acres at the Redlands Municipal Airport for the price of \$17,538.00 and authorized execution of the temporary easement deed by the Mayor and City Clerk; staff was also directed to work with the Metropolitan Water District to finalize the temporary easement deed and joint escrow instructions which are acceptable to the City Attorney and the Federal Aviation Administration. The Metropolitan Water District plans to use the area at the Redlands Municipal airport for storage of equipment and material needed for the construction of the Inland Feeder.

Agreement - Richmond Technologies - Following brief discussion, on motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously approved an agreement between the City of Redlands and Richmond Technologies regarding removal of the railroad spur at Colton and Wabash Avenues in connection with the improvement project at that location.

Resolution No. 5579 - Socio-Economic Impact Studies - Mayor Cunningham announced the City Council adopted Resolution No. 5580 earlier in the day (see minutes of adjourned regular meeting of December 1, 1998) approving the socio-economic cost/benefit criteria and process for compliance with the implementation of Measure U and the General Plan, and that the City is now moving forward to begin processing projects. He then moved to adopt Resolution No. 5579, a resolution of the City Council of the City of Redlands implementing the voter-approved initiative amending the Redlands General Plan commonly known as Measure U as the measure related to socio-economic impact studies. Motion seconded by Councilmember Banda and was so ordered by the Mayor as there was no opposition to the motion. This resolution provides that only development projects with specific building design or construction plan shall be required to submit a socio-economic impact analysis and cost/benefit study.

PLANNING AND COMMUNITY DEVELOPMENT

Water Main - Tract No. 14790-1 (Sunset Hills) - Notice was advertised for this time and place to consider a mitigated negative declaration for the acquisition of a water main easement and construction of a water main extending between Lantern Crest Drive and Sunset Hills Lane to serve Tract No. 14790-1 (Sunset Hills). At the request of staff, this item was continued to December 15, 1998, at 3:00 P.M.

COMMUNICATIONS

Appointment - Public Works Commission - An appointment to the Public Works Commission was postponed by the Mayor to December 15, 1998.

Budget Review - City Manager Luebbers reported the Finance Committee met on November 24, 1998, to discuss General Fund finances and review the expenditures and receipts for the first quarter of the 1998-99 fiscal year. The savings reflected are mainly due to the decision to hold certain employee positions vacant and to delay certain capital outlay in an effort to control costs. The three-year projection continues to look bleak with a \$685,930.00 deficit projected in fiscal year 1999-00 and a \$1,314,230 projected deficit in fiscal year 2000-01. Although every effort is being made to reduce expenditures, there is a

limit to how far down this road one can go before the impact begins to be felt in reduced services and or personnel. The discussion of enhancing revenues has been minimal but is equally as compelling as reducing expenditures. A number of options, from specific taxes to an aggressive retail development posture, are available and should be explored. Councilmember George thanked Mr. Luebbers for the dose of reality and his good work and expressed his concerns that these efforts are only a temporary solution. He felt the City needed to aggressively seek in-fill tenants now that we have the opportunity to move forward having completed the lengthy process to implement Measure U. Councilmember Freedman agreed and gave the "green light" to City Manager Luebbers to go get the business and bring it into town. Councilmember Banda stated that was already being done but wanted the process continued with renewed energy. Councilmember Gilbreath expressed her concerns that this City was not going to grow economically with only residential building and said the quality of life is not the same in Redlands. She cited the patching of sidewalks with blacktop as one example. Sidewalk repair was discussed at length by the City Council. Mayor Cunningham expressed his appreciation to City Manager Luebbers for the presentation of the most bleak scenario but noted there are projects in the pipeline that will bring in more property taxes. Councilmembers agreed they needed to continue to lobby State legislators to return cities' monies that have been taken away by the State during the past several years.

NEW BUSINESS

Ordinance No. 2392 - Animals - Police Chief Bueermann explained that due to modifications in State legislation pertaining to animal regulations and the care and handling of animals, it is necessary to update and amend the Redlands Municipal Code. In addition, Animal Control Officers have found that the municipal code does not address the variety of animals and situations they are confronted with on a regular basis. Chapter 6 has been amended to include new vaccination, rabies, and impounding requirements as well as a process for keeping and regulating non-domestic animals. Ordinance No. 2392, an ordinance of the City of Redlands amending Chapters 6.04, 6.05, 6.08, 6.12, 6.16, 6.20, and 6.24 of the Redlands Municipal Code relating to animals, was read by title only by City Clerk Poyzer, and on motion of Councilmember Freedman, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived, and Ordinance No. 2392 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for December 15, 1998.

Ordinance No. 2391 - DRBA Advisory Board - Police Chief Bueermann explained the Downtown Redlands Business Association Board has proposed an amendment to the Redlands Municipal Code which would allow, as an option, a

Councilmember to serve as a voting member of their board. Members believe this will facilitate communication between the downtown business operators and the City Council and promote downtown interests. A minor amendment eliminating reference to the Parking and Business Improvement Area has also been amended to reflect the City Council's previous approval of changing the name of the business area to the Downtown Redlands Business Association. Ordinance No. 2391, an ordinance of the City of Redlands amending Chapter 2.22 of the Redlands Municipal Code relating to the Downtown Redlands Business Association Advisory Board, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember George, further reading of the ordinance text was unanimously waived, and Ordinance No. 2391 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for December 15, 1998. Councilmember George informed Councilmembers he had been asked to serve in this capacity by the DRBA board members and that he was comfortable with taking on this responsibility.

Commission/Board Council Liaisons - During the above discussion, Mayor Cunningham noted that in the past Councilmembers have rotated Commission/Board liaison assignments on a quarterly basis. This has not been done this past year, but Councilmembers indicated by not commenting that the current assignments were satisfactory and that the rotation was not necessary.

Funds - Contract Award - Community Center Renovations - Bids were opened and publicly declared on November 19, 1998, by the City Clerk for the construction of the Community Center Renovations, Phase II, project; 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 NBI General Contractors in the amount of \$145,000.00, and it would be in the best interest of the City that this contract be awarded to said firm. Staff also recommended an appropriation of \$65,000.00 from the Community Development Block Grant fund to cover the amount of the contract award. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, these recommendations were unanimously approved.

Resolution No. 5578 - Measure U Exemption - Councilmember Cunningham moved to adopt Resolution No. 5578, a resolution of the City Council of the City of Redlands determining an exemption from traffic and socio-economic study requirements of the Redlands General Plan (Measure U) for the Mountain View Acres Senior Retirement Facility proposed on property located on the corner of Fifth and Wabash Avenues in the County of San Bernardino, subject to a written agreement signed by them that meet the conditions contained within the resolution. Motion seconded by Councilmember Banda. Councilmember

George expressed his concerns that Buildings E and F showed kitchenettes on the plans which did not indicate congregate care. He also noted the property has not been annexed to the City yet and felt there was no hurry proceeding at this time. Councilmember Cunningham said the authors of Measure U had this project in mind for exemption when the initiative was drafted; he also noted that if the property is not annexed to the City, this action is moot. The motion then carried with Councilmember George voting NO.

Lease Agreement - Boys and Girls Club of Redlands - Councilmember Banda moved to approve a lease agreement between the City of Redlands and the Boys and Girls Club of Redlands and authorized the Mayor and City Clerk to execute the document on behalf of the City. Motion seconded by Councilmember Freedman and carried unanimously. This lease agreement provides for the use of one parking space at Joslyn Senior Center which will be auctioned during the Chocolate Fantasy fundraiser for the bidder's exclusive use during the 1999 season of the Redlands Bowl's Summer Music Festival. This is the third year this offering has been auctioned by the Boys and Girls Club of Redlands.

CLOSED SESSION

The City Council meeting recessed at 3:50 P.M. to a Redevelopment Agency meeting and reconvened at 3:51 P.M. to a closed session to discuss the following:

- a. Conference with legal counsel: Existing litigation - Government Code § 54956.9(a) - Redlands Crossing v. City of Redlands - CV 98-2296WDK
- b. Conference with legal counsel: Anticipated litigation - Government Code § 54956.9(c) - One case

The meeting reconvened at 7:00 P.M.

RECOGNITION

Mayor Cunningham welcomed Boy Scout Troop No. 14 from the American Legion Post No. 650 to this meeting.

PUBLIC HEARINGS

Ordinance No. 2386 - Signs - Public hearing was advertised for this time and place to consider a Negative Declaration and Zoning Ordinance Text Amendment No. 262 related to sign approval, prohibited signs, signs in the downtown business district, automobile dealership signs, and banner signs. Staff announced additional time was needed to prepare the final ordinance language in proper form and recommended continuing this public hearing to December 15, 1998. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was unanimously continued as recommended on motion of Councilmember Cunningham, seconded by Councilmember Banda.

Ordinance No. 2388 - Zone Change No. 369 - Public hearing was advertised for this time and place to consider a proposal for a negative declaration and rezoning pending annexation of 229 acres of land within the City's sphere of influence. This zone change was initiated in response to Annexation No. 76A which included the Redlands East Valley High School, Sunchase residential community, and several industrial properties. As of November 18, 1998, the annexation application was denied by the Local Agency Formation Commission. Therefore, this rezoning is no longer necessary, and staff stated it was appropriate to close the file and terminate the matter at this time. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was closed, and Councilmember Banda moved to terminate proceedings on Ordinance No. 2388 and withdraw Zone Change No. 369 from consideration. Motion seconded by Councilmember Freedman after he said it was a shame that LAFCO denied this application. The motion carried unanimously.

Appeal - Pharaoh's - Public hearing was advertised for this time and place to consider a City Council appeal of the Planning Commission's consideration for the revocation of Conditional Use Permit No. 617 for Pharaoh's Lost Kingdom Amusement Park located on approximately 16.88 acres of land in the CG (General Commercial) District of Concept Plan No. 3 located on the southwest corner of California Street and Lugonia Avenue.

Community Development Director Shaw reported the Planning Commission reviewed the revocation of Pharaoh's Lost Kingdom's conditional use permit on September 22, 1998, and October 13, 1998. Section 18.192.150 of the Redlands Municipal Code provides that the Planning Commission, after notice and public hearing, may revoke or modify any conditional use permit for noncompliance with any of its conditions. There were six issues that staff presented at the September 22, 1998, hearing relating to the manner in which the applicant has been operating the amusement park and/or issues that the City has sought

resolution for some time. The Planning Commission's staff report and background information was provided to the City Council. Community Development Director Shaw reviewed the issues in question:

1. Conducting temporary special events, such as outdoor music festivals and charity duck races, that far exceeded the projected peak attendance (2,573 people) considered in the original approval of Conditional Use Permit No. 617;
2. Illegal use of the vacant and unimproved property, located at the southeast corner of California Street and Orange Tree Lane, for temporary parking facilities to accommodate overflow parking for the temporary special events;
3. Installation of two illegal cross connections between the park's on-site non-potable well discharge line served by a metered connection to the City's domestic water system;
4. Re-occurring violations of the Redlands Sign Code which included: failure to acquire the appropriate City permits for the use of banners and a searchlight; the use of and failure to remove signs within various areas of the park that are classified as "prohibited signs", i.e. flags, pennants, balloons, etc.;
5. Failure to correct certain violations of the Uniform Fire Code; and
6. Placement of a six foot wrought iron fence at the property line along Lugonia Avenue without obtaining formal approval or a building permit and in violation of the conditional use permit.

After much discussion, the Planning Commission directed staff to address some of these issues in the form of additional conditions that could be applied to their conditional use permit and for staff to bring back the proposed conditions for their consideration on October 13, 1998. A synopsis of each issues was provided to the City Council. Many of the violations were resolved prior to that meeting, but because of Pharaoh's Lost Kingdom's noncompliance with the conditions of its permit, the Planning Commission amended the conditions of approval for Conditional Use Permit No. 617 as recommended by staff and imposed the following new conditions which re-emphasize and clarify the existing limitations on the permit:

1. The maximum attendance at any time during the operations of the amusement park shall not exceed 2,573 people;
2. The applicant shall provide the Community Development Director with a copy of the daily attendance figures of the park on a monthly basis and shall be submitted by the 10th of the following month;
3. No temporary special events shall be held unless and until the applicant obtains approval of a revision to Conditional Use Permit No. 617 to conduct such events and to ensure that the appropriate parking is authorized for the regular operations as well as the temporary special events. Temporary special events are deemed to be those events conducted beyond the normal operations of the venues of the amusement park during operating hours; and

4. Under no circumstances shall the amusement park utilize off-site parking for the operations of the park except as provided under Section 18.164 of the Redlands Municipal Code.

Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. Rich Woodhouse provided the City Council with copies of their response and position on the issues. He stated Pharaoh's endorsed and would comply with the parking requirements set by the Planning Commission. Regarding the water issue, he stated a mistake had happened but assured Councilmembers it would not happen again and provided a copy of a new policy for their employees. He concluded his presentation saying they had made mistakes but had corrected them and would comply with all City laws in the future. Art Braswell apologized for causing City staff these problems but noted that construction and operation of an amusement park was a first for the owners and City staff and that it had been a learning experience for all involved. He urged the City Council to uphold the Planning Commission finding and decision. Jim Braswell stated he was embarrassed to be in this situation and pledged to continue to support the City of Redlands. Mayor Cunningham reviewed the issues and asked for clarification regarding a recent news story that reported Pharaoh's was delinquent in its property taxes. The comptroller of Pharaoh's stated they have paid all tax bills received but that he was expecting to receive escape assessments following the requested audit. He assured Councilmembers they were working with the County Tax Collector and he would investigate the allegation of delinquent taxes. Councilmembers expressed satisfaction with the Planning Commission's approval of the amendments to the conditional use permit, but were desirous of additional information on actual water usage and a report from staff regarding the water impact fee which may have been estimated too low. Mayor Cunningham declared the public hearing closed, and on motion of Councilmember Cunningham, seconded by Councilmember Banda, this item was continued to January 19, 1999.

Ordinance No. 2390 - Zoning Ordinance Text Amendment No. 260 - Public hearing was advertised for this time and place to consider Ordinance No. 2390, an ordinance of the City of Redlands amending Chapters 18.12, 18.192, and 18.196 of the Redlands Municipal Code relating to time limit of development on approved applications and City Council approval on certain variances, as recommended by the Planning Commission. Community Development Director Shaw explained the proposed ordinance revises appropriate sections of the Development Code (Title 18) to accomplish three objectives: increase the time period for non-legislative project approvals from one year to two years; provide internal consistency in the Development Code and add new text which allows for time extensions of one year increments for a maximum of three on approved non-legislative projects as currently provided only in the conditional use permit

chapter (18.192); and provide new text that variances filed in conjunction with projects requiring a Socio-Economic Cost/Benefit Study shall be granted by the City Council. The proposed amendment does not include legislative applications, such as zone changes, general plan amendments, or specific plans, as they are permanent approvals. In addition, subdivision map applications are not included as they are covered under the State Subdivision Map Act and are afforded an initial two year tentative map approval and one year time extensions (maximum of three). Mayor Cunningham expressed concern that the City Council was not involved in the extension of the variance approval process. This was discussed at length and the City Council agreed to continue this matter to allow staff to return with specific alternatives for their review. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was unanimously continued to January 19, 1999, on motion of Councilmember Banda, seconded by Councilmember Gilbreath.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:18 P.M. The next regular meeting will be held on December 15, 1998.

City Clerk