

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 15, 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  
Peter A. Laaninen, Assistant Public Works Director

ABSENT

None

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

PRESENTATIONS

CVC 10851 Awards - California Highway Patrol Lt. Harbottle, California Highway Patrol and Police Chief Bueermann presented CVC 10851 pins to Redlands Police Officers Justin Jimenez, Darren Means, and Robert Williams recognizing their efforts in the recovery of stolen vehicles. Mayor Cunningham expressed the citizens' and City Council's appreciation for their work.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the minutes of the adjourned regular meeting of December 1, 1998, and the regular meeting of December 1, 1998, 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 December 8, 1998, was acknowledged as received.

ERC Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Environmental Review Committee meeting held on December 14, 1998, was acknowledged as received.

Ordinance No. 2391 - DRBA Advisory Board - 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 Board to allow a Councilmember to serve as a voting member of their board, 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. 2392 - Animal Regulations - Ordinance No. 2392, an ordinance of the City of Redlands amending Chapters 6.04, 6.05, 6.98, 6.12, 6.16, 6.20, and 6.24 of the Redlands Municipal Code relating to animals, 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

Development Impact Fees Annual Report - Government Code Section 66066 (AB 1600) requires municipalities imposing development impact fees to prepare a report providing beginning and ending balances for the fiscal year, the fees, interest income and another income, a description of how the fees were expending during the past year, and any refunds or allocations. Mayor Cunningham announced he had a possible conflict of interest in regards to the Water Source Acquisition Fund (72). Remarking on the remaining funds in the report, he noted there were some significant loans from the General Fund for the library and City yard and then moved to accept the annual report of the development impact fees for the year ended June 30, 1998, for the Park Development Fund, Storm Drain Fund, Public Facilities Development Fund, Street Construction Fund, Open Space Fund, Traffic Signals Fund, Sewer

Capital Improvement Fund, Water Capital Improvement Fund, and Solid Waste Capital Improvement Fund. Motion seconded by Councilmember Banda and carried unanimously. Councilmember Gilbreath moved to accept the annual report of the development impact fees for the year ended June 30, 1998, for the Water Source Acquisition Fund. Motion seconded by Councilmember Freedman and carried with Councilmember Cunningham abstaining from the vote.

Minor Subdivision No. 209 - The request for final approval of Minor Subdivision No. 209, a subdivision of approximately .65 acres of land into two single family lots for property located on a through lot between Via Vista and Valley View Drives, approximately 354 feet east of Margarita Drive in the R-E (Residential Estate) District, was withdrawn from the agenda.

Contracts - Recreation Bureau - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the independent contractor agreement between the City of Redlands Recreation Bureau and Jackie Briggs to provide instruction in modeling and self esteem and authorized the Mayor and City Clerk to execute the document on behalf of the City. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman the City Council unanimously approved the independent contractor agreement between the City of Redlands Recreation Bureau and Don Miller to teach karate and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Waiver of Fees - Lincoln Pilgrimage - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the request by the Boy Scouts of America for waiver of fees for the use of the Redlands Bowl, barricades, and public safety (police) services for the annual Lincoln Pilgrimage program.

Resolution No. 5588 - Eureka Street Conveyance - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved Resolution No. 5588, a resolution of the City Council of the City of Redlands relating to the conveyance of real property located along Eureka Street to David P. Crain and Kathleen A. Crain.

Funds - Cities Pavillion Plan Check - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the appropriation of funds in the amount of \$1,196.40 for professional services associated with structural plan check for the Cities Pavillion project. It was noted that the costs for these technical services are paid by the applicant.

Waiver of Fees - Showmobile - Pointing out the City of Redlands is known to cooperate with its neighboring cities, Councilmember George moved to authorize a waiver of \$550.00 in fees for the City of Highland Historic and Cultural Preservation Board for the one day use of the showmobile providing that certain other requirements noted in the rental contract are met for towing, set-up, a deposit, insurance coverage, and rental period. Motion seconded by Councilmember Freedman and carried unanimously.

High Groundwater Extraction Agreement - In another good neighbor gesture, Councilmember Cunningham moved to approve a high groundwater extraction agreement between the City of Redlands, the San Bernardino Valley Municipal Water District, and the West Municipal Water District of Riverside, and authorized the Mayor and City Clerk to execute the document on behalf of the City. Motion seconded by Councilmember Banda and carried unanimously.

Metrolink Extension Project - Noting we are moving forward in increments, Councilmember Banda moved to approve the memorandum of understanding between the City of Redlands and SANBAG for the Petroleum Violation Escrow Account (PVEA) Redlands Metrolink Extension Project which will provide for the rerouting of Omnitrans buses off of Redlands Boulevard and nearer the proposed Metrolink Station, and authorized the Mayor, City Clerk, and City Attorney to execute the document on behalf of the City. Complimenting City Manager Luebbers for his efforts, Councilmember George seconded by motion which carried unanimously.

## NEW BUSINESS

Resolution No. 5577 - Acquisition of Property - Public hearing was advertised for this time and place to consider a resolution of necessity and the accompanying Negative Declaration for the acquisition of property and the construction of water line facilities to serve Tract No. 14790-1, said facilities extending between Lantern Crest Drive and Sunset Hills Lane. Mr. Brian K. Buoye, property owner, has given notice that he intends to appear and be heard at 7:00 P.M. on this date; therefore, this item was continued to the 7:00 P.M. session.

Lease Agreement - Junior All American Football - Police Chief Bueermann reported that the Junior All American Football (JAAF) organization has been utilizing Community Park ballfields to offer youth football programs. JAAF has requested a lease agreement which will allow them to provide field maintenance services in lieu of paying rental fees. As proposed, JAAF will submit receipts depicting maintenance expenditures totaling a minimum of \$3,500.00 per year which is the field rental fee estimated per their schedule of use. Dave Eason assured Mayor Cunningham that concerns expressed about the

timing problems the field lighting have been addressed. Councilmember George moved to approve the lease agreement between the City of Redlands and the Junior All American Football and authorized the Mayor and City Clerk to execute the document on behalf of the City subject to review and approval by the City Attorney. Motion seconded by Councilmember Banda and carried unanimously.

## COMMUNICATIONS

Appointment - Public Works Commission - Mayor Cunningham moved to nominate James Q. Reed to serve a four-year term on the Public Works Commission. Motion seconded by Councilmember George and carried unanimously.

Appointments - Library Board - Mayor Cunningham moved to nominate William D. Hatfield and James R. Dunn to a second three-year term on the Library Board. Motion seconded by Councilmember Gilbreath and carried unanimously. Mayor Cunningham complimented members of the Library Board for their dedication to the A. K. Smiley Public Library.

## JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5587 - Great Neighborhoods Program - Councilmember Banda moved to adopt Resolution No. 5587, 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. Motion seconded by Councilmember Gilbreath and carried unanimously. (Also see Redevelopment Agency minutes of December 15, 1998.)

## CLOSED SESSION

The City Council meeting recessed at 3:23 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:24 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a): Sharon Ann Scott v. City of Redlands and Majestic Realty Company v. City of Redlands

The meeting reconvened at 7:00 P.M.

## NEW BUSINESS

Resolution No. 5577 - Acquisition of Property - Notice was given for this time and place to consider a resolution of necessity and the accompanying Negative

Declaration for the acquisition of property and the construction of water line facilities to serve Tract No. 14790-1, said facilities extending between Lantern Crest Drive and Sunset Hills Lane. Mayor Cunningham declared the meeting open for this hearing and called upon City Attorney McHugh who explained the nature and scope of this hearing. City Clerk Poyzer reported that a notice of this hearing was sent on November 23, 1998, to Brian W. and Kimberly K. Buoye by certified mail with a return receipt requested; said notice was returned by the Post Office to the City on December 14, 1998, as unclaimed. Municipal Utilities Director Phelps reported this easement is required for the construction of a waterline and appurtenances through private property to serve Tract No. 14790-1 located off of Alessandro Road. The tract is presently under development and contains 40 residential lots. The subdivision is required to install a waterline and appurtenances within the easement to provide the necessary fire flow (1,500 gallons per minute) required by the Redlands Fire Department. The easement will traverse along a ridge starting from the terminus of Lantern Crest Drive (cul-de-sac) to a connection point on Sunset Hills Lane within the subdivision. The easement is 20 feet in width and contains an eight inch water main and will also serve to implement a portion of the General Plan trail system with which it coincides, providing an easement for trails. City Clerk Poyzer reported that on December 3, 1998, a written notice was received from Brian W. Buoye giving notice of intent to appear and be heard at this hearing regarding the property at issue.

At this time, Mayor Cunningham called upon Mr. Buoye to address the City Council. Mr. Buoye explained at length that he had been in negotiations with Mr. John Patterson, President of Classic Pacific, for the past two months, and that he is unwilling to grant the requested easement at the proposed price as he feels it will destroy his property for development purposes. He did not understand why the pipeline could not be placed down the middle of the road rather than across his property. Mr. Eric Naftzger, an adjacent property owner, informed Councilmembers he was troubled with the developer's disregard for unimproved property. Mr. Patterson also addressed the City Council explained how the negotiations have proceeded and noted the waterline goes through the equestrian trail easement which is already on the property. City Attorney McHugh explained the how the City became involved in this situation noting that the appraiser hired by the City appraised the land at \$982,000. Following over an hour of discussion with the parties involved, Councilmember Freedman moved to continue this matter to the December 29, 1998, adjourned regular meeting which is scheduled to be held at 10:30 A.M. which would allow Messrs. Buoye and Patterson to make another attempt at negotiating before the City Council takes the eminent domain action requested. Motion seconded by Councilmember Gilbreath and carried unanimously.

## PUBLIC HEARINGS

Ordinance No. 2386 - Sign Code - Public hearing was advertised for this time and place to consider Ordinance No. 2386 adopting Zoning Ordinance Text Amendment No. 262 by amending Chapter 15.36 of the Redlands Municipal Code concerning signs with specific changes as follows: Section 15.36.100, "Sign Approval Required"; 15.36.150, "Prohibited Signs"; 15.36.250, "Signs in the Downtown Business District"; 15.36.400, "Automobile Dealership Signs"; and 15.36.520 "General Regulations for Banner Signs." Community Development Director Shaw reported that in July, 1998, the City's first comprehensive update of the Sign Code took effect. After this Code amendment took effect, the car dealers approached the City Council about changes that they desired. On August 4, 1998, the City Council directed staff to complete a zoning ordinance text amendment to accommodate the auto dealers' request. One important note about this proposal is that it only applies new car dealerships; used car dealerships are not included. Additional changes included in this amendment are recommended based on problems that occurred since the new Sign Code was implemented. Community Development Director Shaw reviewed the proposed changes. Mayor Cunningham expressed concerns about the language allowing temporary signs and balloons. He felt there should be code enforcement controls included and was adamant that the big balloons on roof tops should not be allowed. Councilmembers concurred with his thoughts. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was continued to January 19, 1999, and staff was directed to share the City Council's concerns with representatives of the auto dealerships and modify the language within proposed Ordinance No. 2386.

Appeals - Cities Pavillion Project - Public hearing were advertised for this time and place to consider appeals filed by the City of Redlands and Majestic Realty Company as relates to Planning Commission Review and Approval No. 696 for a 96,800 square foot commercial building which will contain an 18 screen theater, restaurants, and retail uses on approximately 21.4 acres in Concept Plan No. 4 of the East Valley Corridor Specific Plan located between San Bernardino Avenue and Pennsylvania Avenue, on both sides of New York Street, and Conditional Use Permit No. 681 for a 77,860 square foot 18 screen motion picture theater within a 96,800 square foot building in Concept Plan No. 4 of the East Valley Corridor Specific Plan located between San Bernardino Avenue and Pennsylvania Avenue, on both sides of New York Street. Community Development Director Shaw reported this development project is located at the southeast corner of Tennessee Street and San Bernardino Avenue in the Special Development District of the East Valley Corridor Specific Plan. The project has been the subject of several previously approved land use entitlements. The entitlements include approval of Concept Plan No. 4 (approved by the City

Council on August 1, 1995), approval of Development Agreement No. 9 (approved by the City Council on October 21, 1997), and approval of Planning Commission Review and Approval No. 682 (approved by the Planning Commission on June 24, 1997). The purpose of the development agreement was to "lock-in" the rules and regulations governing the development of the project which includes a multi-phased commercial center, administrative professional uses, a multi-screen theater, and related improvements relative to the overall project site, to those rules and regulations in effect on October 21, 1997. On November 10, 1998, Cities Pavillion received Planning Commission approval for Commission Review and Approval No. 696 (CRA 696) and Conditional Use Permit No. 681 (CUP 681). CRA 696 approves Building A for the project which was designed for an 18 screen theater (77,800 square feet), a restaurant (4,500 square feet), and retail uses (14,440 square feet). CUP 681 specifically approved the proposed theater use within the space allotted for this use in Building A under CRA 696. The design, materials of construction, textures and colors of the architecture of Building A are identical to those previously approved by the City under CRA 682. This is true also for the landscaping and irrigation plans, traffic circulation, and required number of spaces to support all three proposed land uses (theater, restaurant, and retail area). CRA 696 and CUP 681, which were unanimously approved by the Planning Commission on November 10, 1998, are being appealed by Redlands Joint Venture. It is the appellant's contention that the Planning Commission's action on both of these items was inappropriate for the reasons stated in the appeal. The appellant is the owner of property located in the County of San Bernardino and the developer of a competing commercial project proposed on approximately 124 acres located between San Bernardino Avenue, Alabama Street, Lugonia Avenue, and Route 30 Freeway. Community Development Director Shaw then reviewed the appellant's reasons and staff's responses.

Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. Representing Redlands Joint Venture, Attorney John Mirau reiterated at length the reasons the appeal was filed. Attorney Sherman Stacy, representing Cities Pavillion, responded at length to Mr. Mirau's allegations. There being no further comments, the lengthy public hearing was closed. Having reviewed the stack of papers, listening to the rhetoric of both sides, relying on what staff has said, and the analysis prepared for this hearing and staff's response to every item that was put forth by the appellant, Councilmember Freedman said he was convinced the City Council should support our Planning Commission on this decision. He then moved to direct staff to bring back findings that would support the Planning Commission decisions and clarify, if needed, the environmental issues and prepare the appropriate findings for the City Council's action on January 19, 1999. The motion was seconded by Councilmember Banda. Councilmember Gilbreath



stated she would oppose the motion as she agreed with Mr. Mirau's opinion. Councilmember George indicated he was uncomfortable directing staff to bring back findings based on the Planning Commission decision; that he would prefer staff analyze the testimony heard at this public hearing and provide the City Council with options. Councilmember Banda said she had not heard anything new at this public hearing. Councilmember Freedman did not feel his motion pre-determined a decision because he was asking staff to review the testimony heard at this public hearing. Mayor Cunningham responded at length to Mr. Mirau's comments stating they were unfair and invalid. Councilmember George said he wished that Majestic would sell out and let the City negotiate with another party along another track. The motion carried with Councilmembers Gilbreath and George voting NO.

Recess - The City Council recessed at 9:35 P.M. and reconvened at 9:45 P.M.

General Plan Amendment No. 67 - Public hearing was advertised for this time and place to consider General Plan Amendment No. 67 which includes six separate components that propose changes to the text of the General Plan and Land Use Map. Community Development Director Shaw explained that these amendments include one text change to Section 1A.10, Principles of Managed Development; one text change to Section 4.0, Land Use Element; and four specific land Use Map changes. The purpose of these amendments is to bring the General Plan into conformance with previous actions that have been taken which necessitate consideration by the City Council. He then presented a detailed analysis of each component of the General Plan 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, and the following actions were taken:

Resolution No. 5581 - General Plan Amendment No. 67(A) - Councilmember George moved to adopt Resolution No. 5581, a resolution of the City Council of the City of Redlands adopting General Plan Amendment No. 67(A) revising the text of Section 1A.10(B) of the Land Use Element of the Redlands General Plan and insert Pre-Annexation Agreements among the projects requiring a socio-economic cost/benefit study. Motion seconded by Councilmember Freedman and carried unanimously.

Resolution No. 5582 - General Plan Amendment No. 67(B) - Councilmember George moved to adopt Resolution No. 5582, a resolution of the City Council of the City of Redlands adopting General Plan Amendment No. 67(B) revising the text of Section 4.40 of the Land Use Element of the Redlands General Plan and revising the slope density formula structure contained in the Rural Living and Very Low Density categories to be consistent with Section 4.42(m). Motion seconded by Councilmember Freedman and carried unanimously.

Resolution No. 5583 - General Plan Amendment No. 67(C) - Councilmember George moved to adopt Resolution No. 5583, a resolution of the City Council of the City of Redlands adopting General Plan Amendment No. 67(C) revising the Official Land Use Map of the Redlands General Plan changing the land use designation from Medium-Density Residential to Parks/Golf Courses on a triangular portion of land within the boundaries of an existing City park located on the south side of Highland Avenue, west of the El Carmelo Retreat. Motion seconded by Councilmember Freedman and carried unanimously.

Resolution No. 5584 - General Plan Amendment No. 67(D) - Councilmember George moved to adopt Resolution No. 5584, a resolution of the City Council of the City of Redlands adopting General Plan Amendment No. 67(D) revising the Official Land Use Map of the Redlands General Plan changing the land use designation from low Density Residential to Parks/Golf Courses for two small triangular portions of land adjacent to and along the north side of a designated linear park south along the Santa Ana River approximately 656 feet east of Church Street. Motion seconded by Councilmember Freedman and carried unanimously.

Resolution No. 5585 - General Plan Amendment No. 67(E) - Councilmember George moved to approve the Environmental Review Committee's Negative Declaration for General Plan Amendment No. 67(E) 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 George moved to adopt Resolution No. 5585, a resolution of the City Council of the City of Redlands adopting General Plan Amendment No. 67(E) revising the Official Land Use Map of the Redlands General Plan changing the land use designation from Flood Control/Construction Aggregates to Very Low Density Residential for consistency with the Flood Insurance Rate Map (FIRM) boundaries on unincorporated property within the City's Sphere of Influence located along the north side of Highway 38, approximately 4,250 feet east of Garnet Street and along the south side of the City Limit Line to its intersection with Highway 38. Motion seconded by Councilmember Freedman and carried unanimously.

Resolution No. 5586 - General Plan Amendment No. 67(F) - The Planning Commission voted 3-3 on General Plan Amendment No. 67(F); this equates a no-action vote and therefore must be carried over to the December 29, 1998, Planning Commission meeting for further discussion and recommendation. Councilmember George moved to continue Resolution No. 5586, a resolution of

the City Council of the City of Redlands which would adopt General Plan Amendment No. 67(F) to change the land use designation from Rural Living to Low Medium Density Residential on an unincorporated 20.44 acre parcel located at the northeast corner of Wabash Avenue and Fifth Avenue, within the City's Sphere of Influence, to the December 29, 1998, adjourned meeting of the City Council to be held at 10:30 A.M. Motion seconded by Councilmember Freedman and carried unanimously.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:58 P.M. to an adjourned regular meeting to be held on Tuesday, December 29, 1998, at 10:30 A.M. (or as soon thereafter as Planning Commission business will permit) in the City Council Chambers, 35 Cajon Street, Suite 2, Redlands, California.

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City Clerk