

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 January 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  
Daniel J. McHugh, City Attorney  
Lorrie Poyzer, City Clerk  
Beatrice Sanchez, Deputy City Clerk  
(evening session)  
Jeffrey L. Shaw, Community Development Director  
Bonnie Johnson, Finance Director  
Mel Enslow, Fire Chief  
Larry E. Burgess, A. K. Smiley Public Library Director  
(afternoon session)  
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 Councilmember George 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: James Carscadden, Equipment Maintenance, Municipal Utilities Department; F. Joseph Huff, Equipment Maintenance, Municipal Utilities Department; Ronald Moreno, Solid Waste, Municipal Utilities Department; Mark Budd, Police Department; and Jeffrey Van Mouwerik, Police Department. Ten year service pins were presented to: Teresa Ballinger, City Manager's Office (who has also worked 14 years as a part-time employee); Keith Radford, Equipment Maintenance, Municipal Utilities Department; Harry Hill, Water Division, Municipal Utilities Department; Russell Dalzell, Police Department (who also worked an additional 7 years prior); and Joanna McCrary, Library. A fifteen year service pin was presented to: Rodger Orr, Electrical Division, Public Works. Twenty year service pins were presented to: Fred Caress, Equipment Maintenance, Municipal Utilities Department; Phillip Clem, Engineering Services, Public

Works; and James Harrison, Electrical Division, Public Works. In recognition of 30 years of service, gold watches were presented to: Lupe Vasquez, Parks Division, Public Works, and Larry Bullard, Street Trees Division, Public Works.

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

Category: Field

Rich Linder	Police Department
Len Nye	Street Division
	Public Works Department
Tom Jurgens	Water Division
	Municipal Utilities Department

Category: Safety

Shelly James	Police Department
Ken Goodner	Fire Department

Category: Administration

Teresa Ballinger	City Manager's Office
Brenda Garton	Utility Billing
	Municipal Utilities Department
Julie Gilbert	Finance Department

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

**Tom Jurgens, Water Division-Municipal Utilities Department** - Tom Jurgens is an exemplary employee who takes pride in his work and displays an excellent attitude. He is always willing to tackle new challenges no matter how big or small. The word "can't" does not exist in his vocabulary. Tom has recently taken on the responsibility of installing and maintaining the new Supervisory Control and Data Acquisition (SCADA) computer system which controls virtually all of the City's water systems. Tom and his crew saved the City thousands of dollars by installing all of the electrical conduit and several miles of wiring on this new project. Tom is an extremely valuable employee and it is a pleasure to have him as an employee of the City.

**Ken Goodner, Fire Department** - Ken Goodner has put in an extraordinary amount of off-duty time in correcting and development of the Fire Department's maps, keeping them current, accurate and easy to read, which saves several minutes while responding to an emergency call. He has also spent a lot of time in preparing for a grant to update Fire Department radios with a global Satellite Positioning (GPS) system to work with a computer aided dispatch system which

would allow each unit to have an on-board computer. Ken deserves this recognition and truly is one of the many City employees doing extra work and not seeking the pat on the back; he simply wants to be a meaningful member of the team.

**Brenda Garton, Utility Billing-Municipal Utilities Department** - Brenda Garton holds the position of Account Clerk II in the Utility Billing Division of the Municipal Utilities Department. She exhibits an exceptional work ethic and commitment to excellence in customer service. She has been very energetic and effective in enthusiastically supporting computerization of work orders to increase productivity and improve efficiency. She continuously offers many valuable suggestions which have been successfully implemented. When problems are discovered, she finds solutions. Her ability to consolidate services and streamline processes are demonstrated daily in the performance of her duties. The Municipal Utilities Department is very fortunate to have Brenda Garton as an employee.

### CONSENT CALENDAR

Minutes - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the minutes of the regular meeting of December 15, 1998, and the adjourned regular meeting of December 29, 1998, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the reports of the Planning Commission meetings held on December 29, 1998, and January 12, 1999, were acknowledged as received.

ERC Actions - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the report of the Environmental Review Committee meeting held on January 11, 1999, was acknowledged as received.

Agreement - Purchase of Fee Interest - Buoye - At the City Council meeting of December 15, 1998, the required hearing was held for consideration of Resolution No. 5577, a resolution of necessity for the acquisition of an easement for waterline improvements required for Tract No. 14790-1. The agenda item was continued to the adjourned regular meeting held on December 29, 1998, to allow the negotiating parties, John Patterson of Classic Pacific and Brian W. and Kimberly K. Buoye, to make another attempt at negotiating before the City Council took the eminent domain action requested. As no agreement was reached between the parties, the City Council adopted Resolution No.

5577, and then provided direction to staff to negotiate an Agreement Regarding Purchase of Fee Interest, with Brian and Kimberly Buoye, which was concluded and dated December 30, 1998, for a total sum of \$32,000.00. It was noted there is no fiscal impact to the City due to the approval of the agreement; costs of acquisition of the real property are offset by reimbursement by Classic Pacific, the developer of Sunset Hills, Tract No. 14790-1. Councilmember Freedman indicated he thought the price of the easement was appraised for \$1,000.00. Councilmember Cunningham was troubled that the driveway will cross the equestrian trail. Councilmember Banda moved to approve the agreement regarding purchase of fee interest for APN No. 294-111-08 with Brian and Kimberly Buoye. Motion seconded by Councilmember Gilbreath and carried with Councilmembers Freedman and Cunningham voting NO.

Funds - Emergency Management Assistance Funds - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously approved an additional appropriation in the amount of \$10,469.00 from the Emergency Management Assistance Funds to the Disaster Preparedness Fund. These grant funds were received on November 16, 1998, from the Federal Emergency Management Agency and the California Office of Emergency Services to establish a City employee family shelter plan to help stabilize employee levels during activation and impact periods; provide necessary communication support equipment for use by the City's RACES team; improve logistical equipment and personnel tracking capabilities; and update existing preparedness within the City's emergency operations center.

Dedication - Eureka Street - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously authorize the dedication of property owned by the City for street purposes and authorized the Mayor and City Clerk to sign the documents on behalf of the City. This dedication of property is required for the widening of Eureka Street between Redlands Boulevard and Pearl Avenue.

Resolution No. 5594 - San Timoteo Canyon Road - Mayor Cunningham left the Council Chambers and did not participate in this vote due to a possible conflict of interest. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council approved Resolution No. 5594, a resolution intent to adopt special covenants; request reimbursement of Emergency Relief funds for costs associated with debris removal and emergency protective measures; and Program Supplement No. M003 to the administering Agency-State Agreement for Federal-Aid Projects No. 08-5083 related to San Timoteo Canyon Road as a result of the 1998 storm damages.

Funds - Public Library Foundation - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously authorized the allocation of Public Library Foundation funds in the amount of

\$39,730.00 received from the State of California for the A. K. Smiley Public Library.

Proclamation - Convention in Support of Women's Rights - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously authorized issuance of a proclamation urging the United States Senate to ratify the convention to eliminate all forms of discrimination against women.

Minor Subdivision No. 209 - Final Approval - All conditions of approval having been met, Councilmember Freedman moved to grant final approval for Minor Subdivision No. 209, a subdivision of approximately .65 acres of land into two single family lots located at 610 Via Vista Drive. Motion seconded by Councilmember Gilbreath and carried unanimously. (Also see subdivision improvement agreement for Parcel Map No. 13837.)

Subdivision Improvement Agreement - Parcel Map No. 13837 - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously approved a subdivision improvement agreement between the City of Redlands and Cindy Boyer for the construction of off-site improvements in conjunction with the development of Parcel Map No. 13837 for property located at 610 Via Vista Drive. (Also see Minor Subdivision No. 209 .)

Resolution No. 5598 - Salary Schedule - Following brief discussion, on motion of Councilmember Banda, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5598, a resolution of the City Council of the City of Redlands amending Resolution No. 5567 (which established an employee salary schedule and compensation plan) to increase the number of authorized positions to add a Police Records Clerk. Grant funds for this position were received from the Office of Traffic Safety.

Subordination Agreement - 1173 Sunset Drive West - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously approved the subordination agreement action for property located at 1173 Sunset Drive as requested by James and Sonja Lampasi.

Ordinance No. 2393 - Sunset Hills - Dry Sewers - Ordinance No. 2393, an ordinance of the City of Redlands amending Section III.D.2 of the Sunset Hills Specific Plan No. 43 relating to the requirements for installation of dry sewers, was adopted on motion of Councilmember Freedman, seconded by Councilmember Gilbreath, by the following vote:

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

NOES: None

ABSENT: None

## PUBLIC HEARINGS

Resolution No. 5592 - Multifamily Housing Revenue Refunding Bonds - Public hearing was advertised for this time and place to consider Resolution No. 5592, a resolution of the City Council of the City of Redlands approving the issuance of multi-family housing revenue refunding bonds by the California Statewide Communities Development Authority (Parkview Terrace Club Apartments). Finance Director Johnson explained the Statewide Communities Development Authority intends to refinance the debt related to two multifamily housing projects located within the City of Redlands. The Internal Revenue Code of 1986 requires that the "applicable elected representative" with respect to the geographical area in which the multifamily housing project is located to hold a public hearing with respect to the refinancing and, if appropriate, approve the issuance of the bonds for the purpose of refinancing the project. The debt does not constitute a debt or obligation of the City of Redlands. Mayor Cunningham expressed concern that the face value of the bonds are still the same as when the projects were constructed 12 years ago. He also questioned if the City was monitoring the condition for the low-income set aside units. Finance Director Johnson responded that reports are filed with her office for Parkview Terrace Club Apartments and that they are in compliance. Redlands Lawn and Tennis Apartments file their reports with the County; a County representative is present to report their compliance. Mayor Cunningham asked to see documentation. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was continued to February 2, 1999, for further review on motion of Councilmember Banda, seconded by Councilmember Freedman, with Councilmember Gilbreath voting NO.

Resolution No. 5593 - Multifamily Housing Revenue Refunding Bonds - Public hearing was advertised for this time and place to consider Resolution No. 5593, resolution of the City Council of the City of Redlands approving the issuance of multi-family housing revenue refunding bonds by the California Statewide Communities Development Authority (Redlands Lawn and Tennis Apartments). Finance Director Johnson explained the Statewide Communities Development Authority intends to refinance the debt related to two multifamily housing projects located within the City of Redlands. The Internal Revenue Code of 1986 requires that the "applicable elected representative" with respect to the geographical area in which the multifamily housing project is located to hold a public hearing with respect to the refinancing and, if appropriate, approve the issuance of the bonds for the purpose of refinancing the project. The debt does not constitute a debt or obligation of the City of Redlands. Mayor Cunningham expressed concern that the face value of the bonds are still the same as when the projects were constructed 12 years ago. He also questioned if the City was monitoring the condition for the low-income set aside units. Finance Director Johnson responded that reports are filed with her office for Parkview Terrace

Club Apartments and that they are in compliance. Redlands Lawn and Tennis Apartments file their reports with the County; a County representative is present to report their compliance. Mayor Cunningham asked to see documentation. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was continued to February 2, 1999, for further review on motion of Councilmember Banda, seconded by Councilmember Freedman, with Councilmember Gilbreath voting NO.

## PLANNING AND COMMUNITY DEVELOPMENT

Mountain View Acres Annexation - Redlands Christian Home - Community Development Director Shaw reported that on December 15, 1998, LAFCO notified the City that an application for annexation had been filed for approximately 20 acres located on the east side of Wabash Avenue between Fifth and Highland Avenues on the east side of the City of Redlands. The same property is also the subject of an application for a general plan amendment, specific plan, and conditional use permit to allow development of a senior care facility with up to 400 residents. These applications were submitted on behalf of or by Redlands Christian Home. The general plan amendment and specific plan were approved by the Planning Commission and the City Council on December 29, 1998. The conditional use permit will be heard by the Planning Commission on January 12, 1999. The applicant proposes to annex the subject property into the City of Redlands in order to meet the requirements to obtain City services such as water and sewer connections. It is contiguous to existing City limits on the west side of Wabash Avenue. As determined in the action of the City Council for the approval of the general plan amendment and specific plan, the proposed use of the property is compatible with adjacent land uses in the City, and it is logical to extend services that already exist in Wabash Avenue. Therefore, it would appear that the annexation is a logical extension of City boundaries. Community Development Director Shaw reviewed the plan for services submitted by the applicant. The Library, Community Development Department and Police Department have advised that the document adequately reflected their ability to serve the property. Public Works advised that the document was generally correct except for a reference to anticipation of an assessment district to handle street lighting and landscaping. Based on recent failure of elections for assessment districts, Public Works recommended the affected language be revised to state that street lights and landscaping would be installed by the developer and that any required maintenance by the City would be funded by the General Fund. Municipal Utilities advised that the language contained in the Plan for Services for water, sewer, and solid waste needed revision and submitted suggested language to be inserted. Councilmember Freedman moved that the City Council support the annexation of Mountain View Acres located on the east side of Wabash Avenue between Fifth and Highland Avenues involving approximately 20 acres into the City of Redlands



(LAFCO No. 2848). Motion seconded by Councilmember Banda and carried unanimously. Councilmember Freedman moved that the Plan for Services be amended as proposed by staff and that the amended Plan for Services be certified as to its accuracy and completeness and forwarded to LAFCO. Motion seconded by Councilmember Banda and carried unanimously.

## COMMUNICATIONS

Appointments - Traffic and Parking Commission - Mayor Cunningham moved to nominate Ray Beggs and Michael Lee for reappointment to another four-year term on the Traffic and Parking Commission. Motion seconded by Councilmember Freedman and carried unanimously.

Appointments - Cultural Arts Commission - Mayor Cunningham moved to nominate Stanley Korfmacher and Phyllis Monk-Kinzle for reappointment to another four-year term on the Cultural Arts Commission. Motion seconded by Councilmember Freedman and carried unanimously.

Appointments - Housing Commission - Mayor Cunningham moved to nominate Roger Cejalvo and Charles Masuga for reappointment to another four-year term on the Housing Commission. Motion seconded by Councilmember Freedman and carried unanimously.

## NEW BUSINESS

Ordinance No. 2396 - Juvenile Curfew - Police Chief Bueermann explained the purpose of this proposed ordinance is to reduce daytime juvenile crime and the incidence of juvenile truancy that plagues our schools and creates a burden upon the health, safety and welfare of the community. The need exists for the institution of a truancy ordinance to prohibit any minor, under the age of 18, who is subject to compulsory education or to compulsory continuation education, subject to specific exceptions provided for in this ordinance, to loiter in or play upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds between the hours of 8:30 A.M. and 2:30 P.M. on days when said student's school is in session. This ordinance allows for the issuance of a citation similar to a speeding ticket and requires the juvenile and parent to appear before the Juvenile Traffic Referee. It also will allow for the charging of a police service fee for repeat offenders. Councilmembers received assurance from Police Chief Bueermann that his department does not make contact with juveniles without legal cause, and that they will work closely with the schools to educate students of this legislation prior to enforcement. Ordinance No. 2396, an ordinance of the City of Redlands amending Chapter 9.24 of the Redlands Municipal Code relating to juvenile curfew, 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. 2396 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 2, 1999.

#### JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Agreement - Redlands Senior Housing, Inc. - Police Chief Bueermann explained that on January 4, 1989, the City of Redlands entered into a Development Incentive Agreement and Covenant with Redlands Senior Housing, Inc. as part of a project approved under Conditional Use Permit No. 467. The project was a 75 unit senior housing development located on a two acre parcel on the west side of Redlands Boulevard, approximate 339 feet south of Fern Avenue, generally known as Casa de la Vista. The agreement provided for a reduction in the amount of required parking from 113 spaces to 36 spaces. In return, the developer committed to the project continuing to provide housing to low- and moderate-income seniors. The agreement is for a period of 40 years and was recorded with the County Recorder on February 10, 1989. As a result of a title search on an adjacent parcel for the Fern Lodge project, it was determined that the legal description for the agreement erroneously encumbered property located outside the boundaries of the original project. The developer of the Fern Lodge project, American Baptist Homes of the West, which is also the owner of the Casa de la Vista property, has requested the agreement be amended to correct the error in the legal description. Councilmember George moved to approve the proposed amendment to the agreement between the City of Redlands and Redlands Senior Housing Inc. to correct the error in the legal description and directed that the amendment be duly recorded with the County Recorder subject to receipt of verification of approval from HUD. Motion seconded by Councilmember Gilbreath and carried unanimously. (Also see Redevelopment Agency minutes for January 19, 1999.)

Resolution No. 5597 - Great Neighborhoods Program - Councilmember George moved to adopt Resolution No. 5597, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Project Area for the Great Neighborhoods Program to implement an additional five participant agreements which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember Gilbreath and carried unanimously. (Also see Redevelopment Agency minutes for January 19, 1999.)

Resolution No. 5599 - Habitat for Humanity - On behalf of the Habitat for Humanity Organization, Larry Hendon urged approval of the use of low- and moderate-income housing funds for the construction of an additional two homes in Redlands. Announcing he will be stepping down from the Board of Directors, Mr. Hendon expressed his pleasure having been associated with members of the City Council and the Redlands' staff. Councilmember Banda moved to adopt

Resolution No. 5599, 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 Neighborhood Program. Motion seconded by Councilmember Gilbreath and carried unanimously. This will allow for allocation of Redevelopment set-aside funds, not to exceed \$105,800.00, for the acquisition of land by the local Habitat for Humanity Organization for the construction of two additional homes located on Ohio Street for low-income families and to cover the payment of development impact fees as recommended by the Housing Commission at their December 10, 1998, meeting. (Also see Redevelopment Agency minutes dated January 19, 1999.)

### CLOSED SESSION

The City Council meeting recessed at 3:57 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:00 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
  - Majestic Realty Company v. Timberlake and City of Redlands (SCV 49347 and 51027)

The meeting reconvened at 7:00 P.M.

Mayor Cunningham welcomed members of the Boy Scout Troop 4 from the First United Methodist Church who were in attendance at this meeting.

### PRESENTATION

The Mission Gables - Bowl House Project - Bob Clark, Redlands Conservancy; Conant Halsey, Redlands Community Music Association; and Marsha Gebara, Redlands Community Music Association updated Councilmembers on the Mission Gables-Bowl House Project. Plans have been drawn for the renovation and reuse of the structure located at 168 South Eureka Street to provide much needed public restrooms, community meeting rooms and space, storage for Redlands Bowl equipment, a rehearsal hall for performers, and office space for the Redlands Community Music Association. A fund raising project is underway selling personalized bricks which will be placed in the patio and on a donor wall. At this time, they asked the City Council to waive all building permit fees for this project. Councilmembers expressed their enthusiasm for this project and directed staff to place this request on the February 2, 1999, agenda.

### PUBLIC HEARINGS

Ordinance No. 2386 - Signs - Public hearing was continued to this time and place to consider Ordinance No. 2386, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code concerning signs. Community Development Director Shaw recommended this public hearing be continued to February 2, 1999, to allow preparation of the final ordinance language in proper form. 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 Freedman, seconded by Councilmember Gilbreath.

Ordinance No. 2390 - Planning Provisions - Public hearing was continued to 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. Community Development Director Shaw recommended the City Council consider specific alternatives provided in the staff report relative to time extensions and provide staff with direction on whether to pursue an amendment to Title 17 of the Redlands Municipal Code for consistency with the State Subdivision Map Act. Councilmembers discussed the alternatives presented and the seven year period versus the current five year period which is now allowed, but not mandatory, by State law. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was continued to February 2, 1999, and on motion of Councilmember Freedman, seconded by Councilmember Banda, staff was directed to prepare a final draft of Ordinance No. 2390 for introduction and first reading of the title incorporating Alternative 3: initial two year project approval with all three one-year time extensions approved by the City Council through use of the Consent Calendar on its agendas, with Councilmembers Gilbreath and George voting NO as they preferred less involvement by the City Council.

Ordinance No. 2394 - Dry Sewer Installation - Public hearing was continued to this time and place to consider Ordinance No. 2394, an ordinance of the City of Redlands amending Chapter 13.44 of the Redlands Municipal Code relating to sewers. City Attorney McHugh explained the City Council approved Zoning Ordinance Text Amendment No. 258 and introduced Ordinance No. 2394. Subsequently, he prepared some modifications to the ordinance relative to form and content. Therefore, the revised ordinance is before the City Council for re-introduction and first reading of the title. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Ordinance No. 2394 was read by title only by City Clerk Poyzer, and on motion of Councilmember Banda, seconded by Councilmember George, further reading of the ordinance text was unanimously waived, and Ordinance No. 2394 was introduced with

unanimous Council approval and laid over under the rules with adoption scheduled for February 2, 1999.

Appeal - CUP 617 - Pharaoh's Lost Kingdom - Public hearing was continued for the revocation proceedings of Pharaoh's Lost Kingdom's conditional use permit from the December 1, 1998, City Council meeting in order to allow staff to return with additional information on the actual water usage of Pharaoh's as well as to provide the City Council with background information regarding the water impact fees that were assessed at the time Pharaoh's conditional use permit was originally approved. In addition, the City Council indicated they were in favor of modifying the conditional use permit by imposition of two of the four conditions that staff had recommended. These conditions were the one that dealt with temporary special events and the off-site parking issues. On behalf of Pharaoh's Lost Kingdom, Mr. Woodhouse asked the City Council to delay action on this matter until the Braswells could be present as a family emergency prevented their attendance at this meeting. Councilmember Freedman moved to grant this request and continue this matter to February 2, 1999. Motion seconded by Councilmember Banda and carried unanimously.

Resolution No. 5590 - General Plan Amendment No. 68 - Public hearing was advertised for this time and place to consider Resolution No. 5590, a resolution of the City Council of the City of Redlands approving General Plan Amendment No. 68 which will change the land use designation from low density residential (0-6 units per gross acre) to public/institutional on three parcels generally located along the north side of Brockton avenue at the intersection of Grove Street (Assessor's Parcel Nos. 168-231-12, 168-241-07 and 17) for the University of Redlands. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember George moved to approve the Environmental Review Committee's Negative Declaration for General Plan Amendment No. 68 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 Gilbreath and carried unanimously. Councilmember Gilbreath moved to adopt Resolution No. 5590. Motion seconded by Councilmember Freedman and carried unanimously.

Ordinance No. 2395 - Zone Change No. 367 - Public hearing was advertised for this time and place to consider Ordinance No. 2395, an ordinance adopting Zone Change No. 367, a change of zone from R-1 (single family residential - 7,200 square foot lots) District and A-1 (Agricultural - five acre lots) to E (Educational) District on four parcels generally located along the north side of Brockton avenue at the intersection of Grove Street (Assessor's Parcel Nos.

168-231-08 and 12, 168-241-07 and 17) for the University of Redlands as recommended by the Redlands Planning Commission. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments concerning this change of zone. None being forthcoming, the public hearing was declared closed. Councilmember George moved to approve the Environmental Review Committee's Negative Declaration for Zone Change No. 367 based on the finding that the project will not have 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 Gilbreath and carried unanimously. Ordinance No. 2395, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting a revised land use zoning plan as part of the Official Land Use Zoning Map and effecting Zone Change No. 367, was read by title only by City Clerk Poyzer and on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 2, 1999.

Resolution No. 5591 - Historic Resource - Public hearing was advertised for this time and place to consider the recommendation of the Historic and Scenic Preservation Commission to designate "The Keener House" located at 204 East Olive Avenue as Historic Resource No. 98. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments concerning this matter. Dr. Conrad Lucero, D.D.S. concurred with the findings of the Historic and Scenic Preservation Commission and urged approval of this historic designation. Dr. Lucero informed Councilmembers this building will be a dental office. There being no further comments, the public hearing was declared closed. Councilmember Banda moved to adopt Resolution No. 5591, a resolution of the City Council approving this recommendation. Motion seconded by Councilmember Freedman and carried unanimously.

## UNFINISHED BUSINESS

Appeals - Cities Pavillion Project - Community Development Director Shaw reported that Planning Commission Review and Approval (CRA) No. 696 and Conditional Use Permit (CUP) No. 681 were unanimously approved by the Planning Commission on November 10, 1998, after reviewing all submitted information and making proper findings for their approval. The approval for CRA No. 696 was only for Building A, which was designed to house an 18 screen theater, a restaurant, and retail floor area. The CUP No. 681 application specifically approved the theater use within the space allotted for this use in Building A under CRA No. 696. The Planning Commission found that architectural design, materials of construction, textures, and colors of this proposed building were identical to the previous approval of Planning

Commission Review and Approval (CRA) No. 682 and were satisfactory and appropriate for this action.

Redlands Joint Venture filed an appeal that focused on both approved applications. It is their contention the Planning Commission's action on these items was inappropriate for reasons stated in their appeal. On December 15, 1998, after holding and closing a properly noticed public hearing on this appeal, the City Council continued this item to this meeting. This continuance was to afford staff an opportunity to bring back findings that would reflect the City Council's action to uphold the Planning Commission's approval on both of these applications. Councilmember Freedman noted that although the public seems to think the City Council is "pushing" this approval, the Planning Commission approved this project in November, 1998, and we have worked long and hard on this and he did not see how the City Council could stop the planning process. Councilmember Gilbreath reiterated her opposition as she continued to feel this project and its modifications and changes should be subject to Measure U. On the basis of the appeal, Councilmember George stated he did not like Majestic's attacks on the Mayor as he felt they were unjustified; he also expressed concern that he did not think the environmental work was adequate and on that one point he would vote against the proposed motions.

CRA No. 696 - Cities Pavillion Project - Councilmember Banda moved to deny the appeal of Redlands Joint Venture challenging the Planning Commission's approval of Planning Commission Review and Approval (CRA) No. 696 and that the City Council hereby approve CRA No. 696 based upon the following findings which are contained within the City Council's staff report, and incorporated into this motion by reference, which have been reviewed and agreed upon by this City Council and which are based upon substantial evidence in the record of proceedings before the City Council for this matter:

1. That the appellant, Redlands Joint Venture, during the public hearing of its appeal of CRA No. 696, provided no factual or substantive testimony to this City Council which specifically related to the findings that must be made by the City Council to approve CRA No. 696, or which rebutted any of the findings made by the Planning Commission when it approved CRA No. 696.
2. That the site for the use authorized by CRA No. 696 is adequate in size and shape to accommodate the use, because all of the required yards, setbacks, walls or fences, landscaping, buildings, parking and other features meet or exceed the design standards of the East Valley Corridor Specific Plan.
3. That the site for use authorized by CRA No. 696 properly relates to local streets and highways, which are properly designed and will be improved to carry the type and quantity of traffic that may be generated by the use because improvements have been required for the use and incorporated into the project which include, but are not limited to, the widening of San Bernardino Avenue, the construction of New York Street, construction of

an extension of Pennsylvania Avenue to Tennessee Street, and other street and traffic improvements identified in the traffic study prepared for CRA No. 696.

4. That the conditions set forth in the approval of CRA No. 696, and those shown on the approved site plan, are deemed necessary to protect the public health, safety, and general welfare of the citizens of Redlands.
5. When completed, the use authorized by CRA No. 696 will contribute to the overall development of its surrounding area because this project is designated "Commercial" on the Land Use Element of the General Plan, will be consistent with other commercial uses, and will provide a buffer and transition area to the adjacent residential uses to the east.
6. City staff has carefully reviewed and analyzed the use proposed under CRA No. 696 and has determined, based on its professional expertise, that the use complies and is consistent with the policies, programs, and objectives of Concept Plan No. 4, the East Valley Corridor Specific Plan, and the Redlands General Plan.
7. That the conditions imposed on CRA No. 696, and shown on the approved site plan, are in compliance with law and are reasonable or necessary to protect the public health, safety and general welfare of Redlands' citizens.
8. That the use authorized by CRA No. 696 is not subject to Measure U or other City laws enacted after November 21, 1997, because the applicant for CRA No. 696 entered into a Development Agreement with the City of Redlands which became effective on November 21, 1997. Measure U became effective on December 12, 1997. The Development Agreement provides that the use authorized by CRA No. 696, the then-existing General Plan and City rules and regulations in effect on October 21, 1997, would be vested until September 30, 2007. Based upon testimony from the applicant, and based upon the specific intention of this City Council in approving the Development Agreement, any laws enacted after the effective date of the Development Agreement would be inconsistent with the vested elements of the Development Agreement because they could affect the rate, timing and/or expense of constructing the project.
9. CRA No. 696 and the Project were reviewed and analyzed under CEQA and State and City CEQA guidelines. The environmental analysis was conducted for Concept Plan No. 4, and included air quality, traffic, water, and all other environmental factors contained in the CEQA Initial Study Checklist. Concept Plan No. 4 received a recommendation for a Mitigated Negative Declaration by the Environmental Review Committee (ERC) on August 22, 1994. The Concept Plan anticipated the development of a retail/office project and received a Mitigated Negative Declaration from the City Council on August 1, 1995.
10. That CRA No. 696 is a project and use contained within the project description for which the Mitigated Negative Declaration identified in finding 9 was adopted. Subsequently, an updated traffic study was submitted for review (May 22, 1997) and the purpose of the traffic study



was to verify that the initial traffic study prepared for the Concept Plan was still valid. In accordance with Section 15162 of the CEQA Guidelines, staff reviewed the project, the CRA and the traffic report and determined that since the adoption of the Mitigated Negated Declaration there have been no substantial changes to the project which would require changes to the existing negative declaration due to new or more severe significant effects, there have been no substantial changes in the circumstances under which the project is undertaken which result in new or severe impacts and there is no new substantially important information relating to the project which would change or modify the conclusions reached in the mitigated negative declaration, and therefore, no additional environmental action is required. Staff also prepared, completed and submitted to the City Council a new "initial study checklist" under CEQA verifying staff's conclusions and which is incorporated into these findings.

11. That as to the various environmental concerns raised in the appeal by Redlands Joint Venture, these have been evaluated in an initial study of the project and it has been determined that there are no substantial changes associated with this project, pursuant to Section 15162 of the California Environmental Quality Act Guidelines, and specifically that the sites/projects identified in the appeal by Redlands Joint Venture which include Lewis Homes in Loma Linda, Alabama Bridge Project, Krikorian theater, did not affect this City's conclusion because they are not located in the immediate vicinity of this project and City staff has determined they would not have any impacts on this project, or the environment, cumulative or otherwise.
12. The City's consideration of CRA No. 696 does not require a public hearing and, therefore, notice of the same need not be published in any newspaper of general circulation. The purpose for considering CRA No. 696 with Conditional Use Permit No. 681 on the November 10, 1998, Planning Commission agenda was because both applications could be considered under the requirements of the Brown Act; and, reasons of efficiency and economy suggested they should be heard at the same time. The applications are for the same project (Building A).
13. That CRA No. 696 is an application for a use application which is not affected by Planning Commission Review and Approval (CRA) No. 682, and while the Planning Commission did reference CRA No. 682 when it determined that the approval of CRA No. 696 should supersede CRA No. 682 as it relates to Building A, this action does not otherwise amend or have any impact on the status of CRA No. 682.
14. That CRA No. 696 was approved pursuant to the requirements of the Redlands Municipal Code, the State of California Planning, Zoning and Development laws, and CEQA Guidelines.

The motion was seconded by Councilmember Freedman and carried by the following vote:

AYES: Councilmembers Banda, Freedman; Mayor Cunningham

NOES: Councilmembers Gilbreath, George  
ABSENT: None

CUP No. 681 - Cities Pavillion Project - Councilmember Banda moved to deny the appeal of Redlands Joint Venture challenging the Planning Commission's approval of Conditional Use Permit (CUP) No. 681 and that the City Council hereby approve CUP No. 681 based upon the following findings which are contained within this City Council's staff report and incorporated into this motion by reference, which has been reviewed and agreed upon by this City Council and which are based upon substantial evidence in the record of proceedings before this City Council for this matter:

1. That the site for the use authorized by CUP No. 681 is adequate in size and shape to accommodate the use, because all of the required yards, setbacks, walls or fences, landscaping, buildings, parking and other features meet or exceed the design standards of the East Valley Corridor Specific Plan.
2. That the site for use authorized by CUP No. 681 properly relates to local streets and highways, which are properly designed and improved to carry the type and quantity of traffic anticipated to be generated by the proposed use because improvements have been incorporated into the project to include the widening of San Bernardino Avenue, the development of New York Street within the project, the development and extension of Pennsylvania Avenue to Tennessee Street, and other street and traffic improvements identified in the traffic study prepared for CUP No. 681.
3. That the conditions set forth in the approval of CUP No. 681 and improvements shown on the approved site plan are deemed necessary to protect the public health, safety, and general welfare of the citizens of Redlands.
4. That the use authorized by CUP No. 681 on the proposed property is proper for a Conditional Use Permit because the property is designated "Commercial" on the Land Use Element of the General Plan, is designated "General Commercial" on Concept Plan No. 4, and the property is designed in a manner to be buffered from residential areas to the east with a landscaped buffer setback area and parking area.
5. That the use authorized by CUP No. 681 is desirable and will enhance the public welfare and convenience of Redlands' citizens and for the development of the community because the theater will provide for the entertainment needs of the community.
6. That the use authorized by CUP No. 681 is not detrimental to existing permitted uses in the zone where the use would be located because the use is a part of an overall master plan which anticipates uses such as restaurants, hotels, retail stores and offices which complement the theater use.
7. The proposed project is consistent with the policies, programs, and objectives of Concept Plan No. 4, the East Valley Corridor Specific Plan, and the Redlands General Plan.

8. That the use authorized by CUP No. 681 is not subject to Measure U or other City laws enacted after November 21, 1997, because the applicant for CUP No. 681 entered into a Development Agreement with the City of Redlands which became effective on November 21, 1997. Measure U became effective on December 12, 1997. The Development Agreement provides that the use authorized by CUP No. 681 (a theater), the then-existing General Plan and City rules and regulations in effect on October 21, 1997, would be vested until September 30, 2007. Based upon testimony from the applicant, and based upon the specific intention of this City Council in approving the Development Agreement, any laws enacted after the effective date of the Development Agreement would be inconsistent with the vested elements of the Development Agreement because they could affect the rate, timing and/or expense of constructing the project.
9. CUP No. 681 and the Project were reviewed and analyzed under CEQA and State and City CEQA guidelines. The environmental analysis was conducted for Concept Plan No. 4, and included air quality, traffic, water, and all other environmental factors contained in the CEQA Initial Study Checklist. Concept Plan No. 4 received a recommendation for a Mitigated Negative Declaration by the Environmental Review Committee (ERC) on August 22, 1994. The Concept Plan anticipated the development of a retail/office project and received a Mitigated Negative Declaration from the City Council on August 1, 1995.
10. That CUP No. 681 is a project and use contained within the project description for which the Mitigated Negative Declaration identified in finding 10 was adopted. Subsequently, an updated traffic study was submitted for review (May 22, 1997) and the purpose of the traffic study was to verify that the initial traffic study prepared for the Concept Plan was still valid. In accordance with Section 15162 of the CEQA Guidelines, staff reviewed the project, the CRA and the traffic report and determined that since the adoption of the Mitigated Negated Declaration there have been no substantial changes to the project which would require changes to the existing negative declaration due to new or more severe significant effects, there have been no substantial changes in the circumstances under which the project is undertaken which result in new or severe impacts and there is no new substantially important information relating to the project which would change or modify the conclusions reached in the mitigated negative declaration, and therefore, no additional environmental action is required. Staff also prepared, completed and submitted to the City Council a new "initial study checklist" under CEQA verifying staff's conclusions and which is incorporated into these findings.
11. That as to the various environmental concerns raised in the appeal by Redlands Joint Venture, these have been evaluated in an initial study of the project and it has been determined that there are no substantial changes associated with this project, pursuant to Section 15162 of the California

Environmental Quality Act Guidelines, and specifically that the sites/projects identified in the appeal by Redlands Joint Venture which include Lewis Homes in Loma Linda, Alabama Bridge Project, Krikorian theater, did not affect this City's conclusion because they are not located in the immediate vicinity of this project and City staff has determined they would not have any impacts on this project, or the environment, cumulative or otherwise.

12. That CUP No. 681 was approved pursuant to the requirements of the Redlands Municipal Code, the State of California Planning, Zoning and Development laws, and CEQA Guidelines.

The motion was seconded by Councilmember Freedman and carried by the following vote:

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

On behalf of the appellant, Attorney John Mirau addressed the City Council commenting that this was an interesting approach calling for public comments after the vote. He said was going to urge the City Council to uphold the appeal and again asked the City Council to treat all projects fairly. In response to Mr. Mirau's questions, City Attorney McHugh commented that the public hearing on this matter had been close at a prior City Council meeting; that he could not tell Mr. Mirau whether Ms. Nefouses's package of materials delivered to the City were in the hands of the City Council; and that Ms. Nefouse's materials were not part of the record because they came after the public hearing was closed. Mr. Bob Rappuchi congratulated the City Council for rejecting this appeal. Mr. Gary Negin also congratulated the City Council for standing up to Majestic.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:02 P.M. The next regular meeting will be held on February 2, 1999.

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City Clerk