

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 Election Day, November 2, 1999.

PRESENT

William E. Cunningham, Mayor  
Geni A. S. Banda, Mayor Pro Tem  
Pat Gilbreath, Councilmember  
John L. Freedman, Councilmember  
Gary George, Councilmember

Gary M. Luebbers, City Manager  
Daniel J. McHugh, City Attorney  
Lorrie Poyzer, City Clerk  
Michael Reynolds, City Treasurer  
Jim Bueermann, Police Chief  
Mel Enslow, Fire Chief  
Bonnie Johnson, Finance Director  
Ronald C. Mutter, Public Works Director  
Gary G. Phelps, Municipal Utilities Director  
Jeffrey L. Shaw, Community Development Director

ABSENT

None

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

PRESENTATION

Compensation Study - Tony Gerczak, Personnel Concepts, Inc., presented the final report of the compensation study recently completed for City employees except represented Fire classifications. Mr. Gerczak reported the classifications needed serious updating and need to be implemented as the total system is "out of whack." In his many years of working on compensation studies, he said he had never seen numbers like this. The results of the labor market survey indicated that the City benchmark classifications are significantly below the labor market median (middle of the labor market). In many cases, the benchmarks are at the bottom of the labor market or within the bottom/lower quartile; some as much as 66 percent below. Mr. Gerczak also compared City salaries with school salaries and found the school's classes averaged 18 percent above the City's. Responding to Councilmembers' questions, City Manager Luebbers reported that eight years ago when the State was taking our funds and the economy was down, the employees were very patient and did not ask for any salary raises during a five year period; five years of no raises has compounded into the situation we are faced with today. Chris Prato, General Manager of the San Bernardino Public Employees Association, noted in his 21 years of experience, payment from employees for a compensation study is

unprecedented and urged the City Council to respond, the sooner the better, now that they know how big the problem is.

Salary - City Clerk - City Clerk Poyzer, whose salary is 66.8 percent below the median, requested the City Council approve a salary increase to bring her salary up to the median wage level received by other City Clerks in the area. She reviewed benefits not available to her as an elected official, i.e. sick leave, vacation, overtime, and, in her personal case, what she would have accumulated as an employee of the City. She detailed how little time she has taken off during her four terms in office showing that she has not abused the position of an elected official. After almost 24 years of loyal and dedicated service to the community, she felt she had earned a salary increase as she started her fifth term as City Clerk. Councilmember Freedman moved to ask the City Clerk, City Attorney, City Manager, and City Treasurer to bring back a recommendation for themselves, and also directed the other five labor groups bring forward proposals to the City Manager for the City Council's review on December 7, 1999. Motion seconded by Councilmember Banda and carried unanimously.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the minutes of the regular meeting of October 19, 1999, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on October 26, 1999, was acknowledged as received.

Environmental Review Committee - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the agenda for the Environmental Review Committee meeting to be held on November 8, 1999, was acknowledged as received.

Resolution No. 5698 - DRBA Parking Restrictions - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5698, a resolution of the City Council of the City of Redlands establishing parking restrictions within the Downtown Redlands Business Association boundaries during sponsored events, and it will provide a mechanism for police personnel to issue citations and/or move vehicles if necessary.

Funds - COPS in School Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously

authorized acceptance of the U. S. Department of Justice COPS in School grant award of \$250,000.00 and authorized an additional appropriation of \$56,804.28 to cover expenditures for the remainder of the 1999-2000 budget. This action will enable the Police Department to hire two additional School Resource Officers.

Funds - Computer Consulting Services - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a consulting agreement with Impact Technologies, Inc. and an additional appropriation in the amount of \$20,000.00 to fund the agreement.

Settlement Agreement - Michael St. James - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously acknowledged receipt of a settlement agreement with Michael St. James regarding his civil rights lawsuit against the City, and unanimously authorized the Mayor to sign the document on behalf of the City.

Funds - Resolution No. 5705 - Salary - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5705, a resolution of the City Council of the City of Redlands amending Resolution No. 5684 to add one additional classification of Associate Archivist in the Library and to add some temporary positions which were recently approved by a U. S. Department of Justice Grant, and to approve an additional appropriation in the amount of \$35,589 received from the State through the Public Library Foundation to fund the Associate Archivist.

Resolution No. 5694 - Security Alarm Fees - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5694, a resolution of the City Council of the City of Redlands establishing fees for alarm user permits and false alarms and amending the current Police Department fee scheduled and rescinding Resolution No. 5324. (Also see Ordinance No. 2418)

Fee Waiver - The Compassionate Friends - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a request by The Compassionate Friends for waiver of the \$25.00 reservation fee for use of Smiley Park for a memorial ceremony on December 12, 1999, with the following departmental conditions:

Public Works - The \$300.00 cash clean-up bond shall be posted;

Library/Lincoln Shrine - Any use of candles where the potential exists for hot wax to be dripped on the Lincoln Shrine walkways, steps, patios, etc. shall be prohibited;

Fire Department - No burning candles shall be held by individuals. Candles may be placed in an approved, stationary container.

Contract - Housing Element Update - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a contract with Parsons Harland Bartholomew & Associates, Inc. for the preparation of the Housing Element Update which must be updated prior to June 30, 2000, in accordance with Article 10.6 of the California Government Code.

## PLANNING AND COMMUNITY DEVELOPMENT

C.U.P No. 680 - Time Extension - A time extension for Conditional Use Permit No. 680 to construct an 84,114 square foot multiple building senior care facility consisting of an Alzheimer facility, an assisted living facility and eight senior apartments units with a total resident population of 140 people on 5.29 acres in the R-2 (Multiple Family Residential) District located south of Fern Avenue and east of La Verne Street, was requested by the applicant, Regent Assisted Living, Inc. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously determined that no subsequent environmental documents are necessary for the City Council's one year extension of Conditional Use Permit No. 680 which is consistent with the previous Mitigated Negative Declaration approved by the City Council on February 9, 1999, subject to the following findings:

1. No substantial changes are proposed in the project which will require major revisions of the previously approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  2. No substantial changes have occurred with respect to circumstances under which the project was undertaken which will require major revisions of the previously approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
  3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration for Conditional Use Permit No. 680 was previously approved, has been identified
- and unanimously granted a one year time extension for Conditional Use Permit No. 680 extending approval until February 9, 2001.

CC&R Amendment - Indiana Court Business Park - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the amendments to the Reciprocal Grant of Easements and Declarations of Establishment of Restrictions and Covenants for the Indiana Court Business Park, Minor Subdivision No. 189 for Clared Properties on an industrial parcel located on the east side of Indiana Court.

C.U.P No. 681 - Time Extension - Councilmember George asked the Timberlake Group International representative, Attorney Sherman Stacy, when

the applicant plans to proceed with the Cities Pavillion project. Mr. Stacy replied they were proceeding to complete the plans and pull permits. City Manager Luebbers reported the plans reviewed by the City and returned to the applicant have not yet been re-submitted. Councilmember Gilbreath asked the City Attorney if the City Council did not approve this request for a time extension, would the applicant have to re-apply and would they then come under the provisions of Measure N. City Attorney McHugh replied he would have to review the proposal before providing an answer. On motion of Councilmember George, seconded by Councilmember Freedman, the City Council determined that no subsequent environmental documents are necessary for the City Council's one year extension of Conditional Use Permit No. 680 (an application for the extension of time to allow a 77,860 square foot eighteen screen motion picture theater within a 96,800 square foot building generally located on the northwest corner of New York Street and Pennsylvania Avenue in Concept Plan No. 4 of the East Valley Corridor Specific Plan) which is consistent with the previous Mitigated Negative Declaration approved by the City Council for Concept Plan No. 4 on August 1, 1995, subject to the following findings:

1. No substantial changes are proposed in the project which will require major revisions of the previously approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. No substantial changes have occurred with respect to circumstances under which the project was undertaken which will require major revisions of the previously approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration for Conditional Use Permit No. 681 was previously approved, has been identified and granted a one year time extension for Conditional Use Permit No. 681 extending approval until November 10, 2000, with Councilmember Gilbreath voting NO.

CR&A No. 696 - Time Extension - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council determined that no subsequent environmental documents are necessary for the City Council's one year extension of Planning Commission Review and Approval No. 696 (an application for the extension of time to allow for the construction of a 96,800 square foot commercial building which will contain an eighteen screen theater, a restaurant, and retail uses on approximately 24.1 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; applicant: Timberlake Group International, Inc.) which is consistent with the previous

Mitigated Negative Declaration approved by the City Council for Concept Plan No. 4 on August 1, 1995, subject to the following findings:

1. No substantial changes are proposed in the project which will require major revisions of the previously approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. No substantial changes have occurred with respect to circumstances under which the project was undertaken which will require major revisions of the previously approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration for Planning Commission Review and Approval No. 696, has been identified

and granted a one year time extension for Planning Commission Review and Approval No. 696 extending approval until November 10, 2000, with Councilmember Gilbreath voting NO.

Minor Subdivision No. 246 - Time Extension - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council determined that no subsequent environmental documents are necessary for the City Council's one year extension of Minor Subdivision No. 246 (an application for the extension of time to allow for the subdivision of approximately 24.7 acres of land into eleven commercial lots for property located on the southeast corner of San Bernardino Avenue and Tennessee Street in Concept Plan No. 4 of the East Valley Corridor Specific Plan; applicant: Timberlake Group International, Inc.) which is consistent with the previous Mitigated Negative Declaration approved by the City Council for Concept Plan No. 4 on August 1, 1995, subject to the following findings:

1. No substantial changes are proposed in the project which will require major revisions of the previously approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. No substantial changes have occurred with respect to circumstances under which the project was undertaken which will require major revisions of the previously approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration for Concept Plan No. 4 and subsequently Minor Subdivision No. 246, has been identified

and granted a one year time extension for Minor Subdivision No. 246 extending approval until December 9, 2000, with Councilmember Gilbreath voting NO.

## COMMUNICATIONS

Krikorian Theatre Expansion - Transit Center Project - Councilmember George left the Council Chambers and did not participate in this discussion due to a possible conflict of interest. Noting there has been significant opposition expressed regarding the location of the proposed transit center, Mayor Cunningham asked Public Works Director Mutter if this matter was scheduled for the December 7, 1999, meeting, would his department be able to meet the deadlines. Public Works Director Mutter replied the schedule would be tight but he thought it would be possible. If an alternate site is looked at, it might be possible to ask for an extension. City Manager Luebbbers reported Mr. Krikorian will meet with staff in the near future to present a scaled down version of his proposed expansion. As soon as the plans are available they will be shared with members of the City Council. Mayor Cunningham moved to continue this discussion to November 16 and December 7, 1999, for more dialog. The motion was seconded by Councilmember Freedman and although no vote was called for, it appeared no one present opposed the motion.

Dial-A-Cab Program - Returning to the Council Chambers, Councilmember George reported he has received input that seniors would rather have Dial-A-Ride back instead of the trolley. He reviewed the Dial-A-Cab program sponsored by Omnitrans which is available now and explained the process to participate. Mayor Cunningham noted this program has been in place for some time but that there have been problems with the cab companies.

Resolution No. 5706 - CMAQ Program Call - Councilmember George asked the City Council to support Resolution No. 5706, a resolution of the City Council of the City of Redlands authorizing an application for Congestion Mitigation/Air Quality (CMAQ) Program Call for Projects. A specific project has not yet been identified; however, he will pursue a project complimentary to the proposed trolley system for the downtown area with the assistance of staff. Eligible items include fuel, construction of a CNG fuel station and funding to add additional trolleys to the fleet and technical support. Councilmember George moved to adopt Resolution No. 5706. Motion seconded by Councilmember Banda and carried unanimously.

DRBA - Halloween - Although not on the agenda, Councilmember George wanted to extend his compliments to the Downtown Redlands Business Association for sponsorship of the Halloween celebration Saturday night; It was a great success and is yet another reason why Redlands is so special.

## UNFINISHED BUSINESS

City Government Channel - City Attorney McHugh reported that during the past few weeks the City Council has discussed the possibility of expanding the amount and type of broadcasting done over the City's "governmental" access

channel. As the City Council is aware, under the City's franchise agreement with TCI Cablevision of California, Inc., the City has access to one cable television channel for non-commercial governmental programming and one channel for non-commercial educational programming. During the past year, the City activated its channel for non-commercial governmental program by televising City Council meetings. In addition, staff understands that other programming has been broadcast on that channel such as local high school football games. Apart from these types of broadcasting, staff is not aware that the staff has permitted any other type of broadcasting to occur on the channel. The City Council is now exploring whether to "open up" its governmental channel to additional broadcasting. In particular, the City Council is considering the possibility of broadcasting items such as a community bulletin board, public service messages from local service organizations, Chamber of Commerce events, and other items which might be of interest to the Redlands' community. To date, because of the limited broadcasting by volunteers which has occurred on the City's governmental channel, the City has no written policy or guidelines describing what kind of programming may occur on the channel, nor how such programming is to be financed and administered by the City. In accordance with the City Council's direction, staff has assembled copies of cable television programming guidelines adopted by a number of cities. City Attorney McHugh reviewed the following types of channels that exist under cable television law: governmental access channel, educational access channel, and public access channel. Noting we are not using this service to its full availability but not wanting to set the City up for litigation, Councilmember Banda moved to form an ad-hoc committee to look into the feasibility of using Redlands Channel 3 to its fullest extent. Motion seconded by Councilmember Freedman and carried unanimously.

Live Oak Grove - Mrs. Theodora Banta again approached the City Council regarding the purchase of a live oak grove in San Timoteo Canyon as a gift to the City. Noting she has never had so much trouble giving away money, she explained the hurdles she has tried to overcome to make this donation to preserve this area for all of the citizens of Redlands. City Attorney McHugh again explained the process in detail noting the problem in this case is a housing project is being processed and is scheduled for City Council review at the December 7, 1999, meeting. In response to Mayor Cunningham's question if the City could accept a gift of money conditioned to be returned if we could not acquire the property, City Attorney McHugh responded that any spent funds (for appraisals, etc.) could not be returned and that the contributor must be cognizant of this. Mrs. Banta would like to meet with the City Attorney and City Treasurer and bring back a proposal.

Sacramento Lobbyist - City Manager Luebbers reported that his research indicated it would cost the City approximately \$40,000.00 a year to retain a Sacramento lobbyist but that Ms. Sandi George's hourly rate would be very reasonable if we were to continue with her services. He has also obtained a list



of lobbyist representatives used by other cities. Mayor Cunningham indicated he would like to know what our neighboring cities do.

## NEW BUSINESS

Ordinance No. 2425 - Aerosol Paint Containers and Marker Pens - Police Chief Bueermann said the Penal Code provides that it is unlawful for any person, except a parent or guardian, to sell, give or furnish to a person under 18 years of age, any aerosol container of paint without first obtaining evidence of that person's majority and identity. It is also unlawful for any person under the age of 18 to purchase an aerosol container of paint that is capable of defacing property. Further, the Penal Code provides that every person who possesses an aerosol paint container, a felt tip pen marker with a tip exceeding three-eighths of one inch in width, with the intent to commit vandalism or graffiti, is guilty of a misdemeanor. Ordinance No. 2425 would amend the Redlands Municipal Code to require businesses who sell aerosol paint containers and felt tip markers to store such items in an area viewable by, but not accessible to, the public without employee assistance. Ordinance No. 2425, an ordinance of the City Council of the City of Redlands adding Chapter 8.44 to the Redlands Municipal Code to regulate the sale of aerosol paint containers and felt-tip marker pens, 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. 2425 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for November 16, 1999.

## PUBLIC COMMENTS

Outside City Water Service - Jeff and Mayna Barlow, 31168 Highland Avenue, requested the City Council to amend the City's requirement for an eight inch water main to serve their residence and allow them to use the three inch water main which is in existence. Council referred this request to staff for a review of our policy and a report back on a future agenda.

## JOINT MEETING - COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5704 - Great Neighborhoods Program - Councilmember Banda moved to adopt Resolution No. 5704, 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 Freedman and carried unanimously. (Also see Redevelopment Agency minutes for November 2, 1999.)

## CLOSED SESSION

The City Council meeting recessed at 4:38 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:39 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
  - City of Redlands v. Union Pacific SCVSS 60118
  - Brickley et al v. PERS
  - Administrative proceedings: SBVMWD/Western State Water Board application to redesignate fully appropriated stream status
  - Aaron Van Mill v. City of Redlands et al SCV51090
2. Conference with real property negotiator Government Code Section 54956.8
  - Property: APN 169-151-32
  - Negotiating parties: Gary Luebbers and Eleanor McGrath
  - Under negotiation: Terms and price

ADJOURNMENT

There being no further business, the City Council meeting. The next regular meeting will be held on November 16, 1999.

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City Clerk