

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 March 7, 2000.

PRESENT

Pat Gilbreath, Mayor
Gary George, Mayor Pro Tem
John L. Freedman, Councilmember
Susan Pepler, Councilmember
Karl N. "Kasey" Haws, 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
Jim Bueermann, Police Chief
Mel Enslow, Fire Chief
Bonnie Johnson, Finance Director
Tom Fujiwara, Assistant 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 Freedman followed by the pledge of allegiance.

LATE BREAKING ITEM

Bear Valley Water Stock - Citing a possible conflict of interest, Mayor Gilbreath left the Council Chambers and Mayor Pro Tem George conducted this portion of the meeting. Noting that the need to take action was immediate, Councilmember George moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Discussion and possible action - Purchase of Bear Valley Mutual Water Company water stock." Motion seconded by Councilmember Freedman and carried with Councilmember Gilbreath abstaining due to a possible conflict of interest. Chief of Water Resources Douglas Headrick reported Spring Pacific Properties is offering 6,579 shares of Bear Valley Mutual Water Company water stock for sale. Councilmember Freedman moved to authorize preparation of a non-binding, without legal obligation, letter of interest for purchase of this block of water stock. Motion seconded by Councilmember George and carried with Councilmember Gilbreath abstaining due to a possible conflict of interest.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Freedman, the minutes of the special meeting of February 14, 2000, the regular meeting of February 15, 2000, and the special meetings of February 23, 2000, February 25, 2000, and February 29, 2000 at 5:00 P.M. and February 29, 2000, at 6:00 P.M., were approved as submitted.

Bills and Salaries - On motion of Councilmember George, seconded by Councilmember Freedman, payment of bills and salaries was acknowledged.

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on February 22, 2000, was acknowledged as received.

Agreement - Fire Station No. 264 - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved a consulting services agreement between the City of Redlands and Claremont Environmental Design Group, Inc. for the development of concept plans and final design for Fire Station No. 264 to be located in the City Corporate Yard, adjacent to the Emergency Operations Centers, and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

Funds - Barton House Security - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved an appropriation of \$18,000.00 from the Parks Development Fund (Fund 24) to provide security for the Barton House to include a security fence and an alarm system.

Contract Award - California Street Improvements - Bids were opened and publicly declared on February 17, 2000, by the City Clerk for the construction of the California Street improvement project; a bid opening report is on file in the Office of the City Clerk. This project will construct street improvements from south of the railroad tracks to the eastbound freeway ramps, constructing ultimate width improvements on the east side of the street, and constructing a new railroad grade crossing. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Avila Construction, San Bernardino, in the amount of \$169,063.75, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember George, seconded by Councilmember Freedman, this recommendation was unanimously approved and the Mayor and City Clerk were authorized to sign the contract on behalf of the City.

Funds - Scooter - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously authorized an

additional appropriation of \$8,000.00 for the purchase of a three-wheel road scooter for the Recreation Bureau.

Fee Waiver - The Legendary Ink Spots - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved the waiver of fees and insurance requirements for use of the Redlands Bowl on September 10, 2000, by The Legendary Ink Spots.

WIC Program - The request for approval of a lease agreement with the San Bernardino County for the WIC Program was withdrawn from the agenda.

Funds - Solid Waste Service - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved an additional appropriation in the amount of \$36,000.00 to the Solid Waste Fund to obtain containers and bins necessary to serve 863 customers (including 49 which require commercial bin service) in Annexation No. 72.

Agreement - Redlands Recreation Bureau - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved an independent contractor agreement between the City of Redlands Recreation Bureau and Molly Simmons to provide *Bridge for Fun* classes in the Joslyn Senior Center, and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

Funds - Community Justice Center - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved an additional appropriation and expenditure, not to exceed \$30,000.00, from the Public Facilities Development Fund to conduct a site plan and space needs analysis for the proposed Community Justice Center.

Resolution No. 5734 - Landscape Maintenance District - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5734, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing an assessment engineer, and ordering the preparation of an Engineer's Report in the matter of Landscape Maintenance District No. 1.

Resolution No. 5738 - Street Lighting District - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5738, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing an assessment engineer, and ordering the preparation of an Engineer's Report in the matter of Street Lighting District No. 1.

Proclamation - American Business Women's Association - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation extending best wishes to the American Business Women's Association for continued success. The American Business Women's Association is an educational association devoted to the promotion of the professional, educational, cultural, and social advancement of business women.

Resolution No. 5731 - Public Works Fees - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5731, a resolution of the City Council of the City of Redlands establishing processing fees for the Public Works Department and rescinding Resolution No. 5334.

Proclamation - YMCA - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation congratulating the YMCA of Redlands for their dedication to the youth of our City and especially upon the completion of the Child Development Center named *Preschool University*.

COMMUNICATIONS

City Manager's Report - City Manager Luebbers reported he has had positive dialog with Mr. Shockley regarding grants. Omnitrans will hold a public meeting at the A. K. Smiley Public Library on March 23, 2000, to discuss proposed service changes in Redlands. On March 16, 2000, in the Loma Linda City Council Chambers, the County of Riverside and SANBAG will hold a meeting to discuss a transportation corridor between Moreno Valley and San Bernardino; additional information will be provided to Councilmembers when it becomes available. AB 1554 (limitation-spheres of influence/city authority) will be heard on the Senate Floor in Sacramento on March 9, 2000; the League of California Cities and several cities are also opposing this bill. We will be co-sponsoring, with no financial obligation, the World Trade Conference and Expo. Management Analyst Deborah Craney briefly described this event which will be held at the University of Redlands; the Downtown Redlands Business Association and the Redlands Chamber of Commerce will also be involved.

People Church of Redlands - Community Development Director Shaw explained an agreement was entered into between the People Church of Redlands and the City of Redlands in January, 1976. The agreement places covenants running on the land which requires several lots, which made up a site for which a proposed church was to be located, to be constituted and held as "one parcel of land and one lot." While the agreement was recorded (January 15, 1976, Book 8841, Page 658, Document No. 436), the related conditional use permit (CUP No. 231) and church improvements were never implemented. The conditional use permit is no longer valid and therefore the

associated agreement serves no purpose. The effect of the agreement at this time is to encumber the property and cause a hindrance to the owner in the sale and potential development of the site. Councilmember George moved to rescind this agreement and directed staff to record a document evidencing this decision. Motion seconded by Councilmember Freedman and carried unanimously.

Wissahickon Inn - Realtor Ray Alexander asked the City Council to consider assisting the prospective buyer of the Wissahickon Inn on Highland Avenue by waiving a portion of the service charge for solid waste service. He explained the buyer wants to restore several of the buildings and the Inn and is currently cleaning, at his own expense and with permission of the current owner, the structures and grounds. The buyer has already removed 4-1/2 tons of debris. The Disposal Division estimates a minimum of 20 of the City's largest bins will be needed to complete the project. Mr. Alexander asked the City Council to donate half of the estimated need (10 bins). Noting this is an unprecedented request, Municipal Utilities Director Phelps said the charge for a 40-yard bin is \$425.00 and expressed concern that the debris may include hazardous waste. Citing the following special circumstances of this request: the Wissahickon Inn and surrounding property is an historic resource; the non-owner is willing to do this cleaning with the approval and support of City officials and the existing owner; and the overall benefit to the City of Redlands, Councilmember Gilbreath moved to authorize the use of no more than 10 (ten) 40-yard bins, after the buyer has paid for the first 10 bins, with the understanding the City will not assume liability of any toxic waste and that this offer expires upon close of escrow and assumption of ownership. Motion seconded by Councilmember Freedman and carried unanimously.

Alternate Fuel Consultant - In relation to the Redlands Trolley project, Councilmember George moved to direct staff to prepare a consultant contract agreement for alternate fuel vehicles to Irv Upton for the City Council's approval at the next meeting. Motion seconded by Councilmember Haws and carried unanimously.

Risk Focus Policing - Police Chief Bueermann gave an overview of a study to be done by the United States Department of Justice Fund for Risk Focus Policing. The study will take place beginning next week and will take approximately a year to complete. He stated the Redlands Police Department is honored to have been selected as a site for this study.

JOINT MEETING - REDEVELOPMENT AGENCY AND CITY COUNCIL

Resolution No. 5732 - Habitat for Humanity - Councilmember George moved to adopt Resolution No. 5732, 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 Habitat for Humanity. Motion seconded by

Councilmember Freedman and carried unanimously. This action provides for the acquisition of a vacant lot located on Ohio Street and payment of development fees. (Also see Redevelopment Agency minutes dated March 7, 2000.)

RECOGNITION

Los Angeles Marathon - Councilmember Haws recognized the accomplishment of City Treasurer Mike Reynolds who participated in the Los Angeles Marathon last Sunday, March 5, 2000, by walking the 26.5 miles along with other members of the Redlands Kiwanis Club.

CLOSED SESSION

The City Council meeting recessed at 3:49 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:57 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c)
2. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
City of Redlands v. County of San Bernardino/Redlands Joint Venture LLC
(Case Nos. SCV 33330 and SCV 38504)

Noting the need to take action was immediate, Councilmember Freedman moved to add the following closed session item to the agenda which arose subsequent to the agenda being posted:

1. Conference with real property negotiator Government Code §54956.8
Property: Assessor's Parcel No. 0168-362-03 - Highway 38
Negotiating parties: Chief of Water Resources Douglas Headrick and the
Department of Water Resources
Under negotiation: Terms and price

Motion seconded by Councilmember Haws and carried unanimously.

The meeting reconvened at 7:00 P.M.

PRESENTATIONS

Proclamation - Captain Ted M. Thompson - The Redlands City Council acknowledged and honored the highly valued gifts of time, effort and concern so freely given to all by Captain Ted M. Thompson by authorizing the issuance of a proclamation memorializing his life. Captain Thompson, a resident of Redlands and former member of the Redlands Airport Advisory Board, was the pilot of Alaskan Airlines Flight 261 that crashed on January 31, 2000, in the Pacific Ocean near Port Hueneme, California, killing all 88 persons on board. Mayor Gilbreath expressed the Council's hope that this commemoration would bring some comfort to his family.

Family Service Association - Monty Dill, Chairman of the Family Service Association's Relocation Committee, informed Councilmembers of the services

provided by the Family Service Association and Home Again. It is hope to consolidate the activities of these two functions at the Home Again site on Lawton Street. He reviewed an architectural rendering of the project site plan which showed the existing facility, the new facilities to be constructed, and future construction plans. Councilmembers expressed their appreciation for the information and saluted the Family Service Association and Home Again for all of their efforts. Mr. Dill expressed his appreciation for the community support.

PUBLIC HEARINGS

Planning Commission Review and Approval No. 707 - Public hearing was advertised to consider the Socio-Economic Cost/Benefit Study and Planning Commission and Review Approval No. 707 for the construction of a 15,819 square foot concrete tilt-up building for light industrial/warehouse use located on a parcel with an area of .92 acres on the west side of Amigos Drive, approximately 300 feet north of Park Avenue in the EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan; Yocom-Baldwin Development, applicant. Community Development Director Shaw reviewed the project and the Planning Commission's unanimous recommendation to approve it and the associated Mitigated Negative Declaration and Socio-Economic Cost Benefit Study. Needed modifications to the model for the Socio-Economic Cost Benefit Study were noted again for projects such as this one. Mayor Gilbreath 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 Mitigated Negative Declaration for Planning Commission Review and Approval No. 707 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 approve the Socio-Economic Cost Benefit Study for Planning Commission Review and Approval No. 707 as the project will not create unmitigable physical blight or overburden public services in the community; that no additional information or evaluation is needed as the proposed project is an infill development within an existing Light Industrial Park and will not require the installation of any infrastructure or street improvements; and noting that the project is not a growth inducing development, therefore, it will not have a negative impact on the City's social services. Motion seconded by Councilmember Haws and carried unanimously. Councilmember George moved to approve Planning Commission Review and Approval No. 707 subject to the Conditions of Approval contained in the staff report and subject to the following findings:

1. That the site for this proposed development is adequate in size and shape to accommodate the use and other features required in order to adjust the use to those existing or permitted future uses in the vicinity;

2. That the project site for this proposed infill development properly relates to the adjacent public streets, which are designed to carry the type and quantity of traffic generated or to be generated by this proposed use;
3. That the proposed use is desirable for the development of the community, is consistent with the policies, goals, and objectives of the Redlands General Plan, and is not detrimental to existing or planned uses in the vicinity of the proposed project; and
4. That the conditions set forth in the permit and shown on the submitted site plan are necessary to protect the public health, safety, or general welfare.

Motion seconded by Councilmember Freedman and carried unanimously.

Ordinance No. 2403 - Housing Density Bonuses - Public hearing was advertised for this time and place to consider Ordinance No. 2403, an ordinance of the City of Redlands adding Chapter 18.226 to the Redlands Municipal Code to establish incentives (density bonus) for the production of very low, lower income and senior housing, and approving Zoning Ordinance Text Amendment No. 264. Community Development Director Shaw reported that State law and the City's General Plan Policy 6.10e provide the ability to give a density bonus of 25 percent to proponents of housing for low income or the elderly. The City Council also has a choice of providing incentives to the proponent of housing for low income or the elderly. This ordinance provides for specific implementation criteria, development standards for participating units, and incentives the City may consider in addition to the density bonus for qualified housing developments. Adoption of this ordinance will bring the City's zoning ordinance into compliance with State law on this subject. The Planning Commission reviewed Zoning Ordinance Text Amendment No. 264 on May 25, 1999, and February 8, 2000, and unanimously recommended approval. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. Councilmember Freedman urged a workshop study session be held on this matter before proceeding. By consensus, the City Council agreed to hold a workshop study session on this matter on April 4, 2000, at 1:30 P.M. and to continue the public hearing to April 18, 2000, at 7:00 P.M.

UNFINISHED BUSINESS

Review and Approval of Development Projects - Community Development Director Shaw reported that on February 22, 2000, the Planning Commission unanimously recommended the City Council amend the Redlands Municipal Code to provide for non-legislative project approvals and their associated socio-economic cost benefit studies be delegated to the Planning Commission for review and final action, and that legislative and combined legislative/non-legislative project approvals be reviewed and recommended by the Planning Commission for City Council review and final action. Councilmember Freedman felt this was a good compromise but expressed concern that it would take a majority of Councilmembers to appeal a Planning Commission decision. This was discussed at length. Planning Commissioner George Webber urged

the City Council to move forward and restore these powers to the Planning Commission. Councilmember Haws moved to direct staff to process an amendment to the Redlands Municipal Code which would provide that non-legislative project approvals and their associated socio-economic cost benefit studies be delegated to the Planning Commission for review and final action, and that legislative and combined legislative/non-legislative project approvals be reviewed and recommended by the Planning Commission for City Council review and final action. Motion seconded by Councilmember Gilbreath and carried with Councilmember Freedman voting NO.

Voir Dire Process - Community Development Director Shaw reported that neither the City Council nor the Planning Commission has specific provision for "voir dire." As directed by the City Council on February 1, 2000, staff conducted a survey of 13 cities in the Inland Empire and the County of San Bernardino to determine what they utilize to identify whether or not they have communicated with the developer, proponents, or opponents concerning a project under consideration. A summary of the results of this survey was presented at this time. Only one city, Moreno Valley, had a written policy on this issue. Councilmember Haws expressed his appreciation for this research. Councilmember George indicated he liked the Moreno Valley approach but since there did not seem to be any support from his fellow Councilmembers to change our current process, no action was taken.

Majestic Realty - Following a great deal of research, study and discussions with the City Attorney, Councilmember Haws clarified his conflict of interest in relation to the "donut hole" issues. By separating Redlands Joint Venture from the "donut hole" issues, it has been determined that Councilmember Haws does not have a conflict of interest in matters regarding Redlands Joint Venture. City Attorney McHugh then gave an updated report on the status of litigation against Redlands Joint Venture and the County of San Bernardino. Councilmember Haws said the City Council is prepared to review any project that comes before it and that Redlands Joint Venture is not a problem. Staff will continue with its on-going efforts to continue with good faith negotiations, and Councilmember Haws expressed confidence that "a deal will be made" in time as he felt there was room to negotiate within both proposals. Councilmember Freedman expressed bewilderment about the process with Majestic Realty/Redlands Joint Venture and agreed this matter did not need to be on every agenda since representatives from Majestic Realty/Redlands Joint Venture were not in attendance. Mayor Gilbreath stated the City is committed to meet, confer and negotiate whenever and wherever but noted there may not be a report to make at every Council meeting.

Donut Hole Development Proposals - Councilmember George reviewed the meetings that he and Mayor Gilbreath have held with representatives from Majestic Realty Company and the United Donut Hole Owners Property Association (UDHOPA) since last December. City Manager Luebbers read in

full a summary of a proposed form of a pre-annexation agreement between a donut hole owner and the City of Redlands which was presented by representatives of Majestic and UDHOPA. Councilmember George read the response from the negotiating team comprised of himself and Mayor Gilbreath. He noted that public meetings alone do not work, and the City will pursue settlement of this matter on all fronts. Mayor Gilbreath said that perhaps the voters should vote on a development agreement which contains exemptions from Measure U provisions. Representatives of Majestic and UDHOPA have indicated they will pay the cost for holding a special election. City Clerk Poyzer said her office requires a minimum of 120 days to prepare for an election; that the ballot measure must be in finalized form at the time the City Council calls an election. She estimated a "stand-alone" election could cost between \$60,000.00 to \$75,000.00 and requested bonus checks for her staff and herself to offset the impact of a special election. Mayor Gilbreath said it was a commitment of this City Council to proceed with the negotiations. Councilmember George asked the City Council to grant permission to Mayor Gilbreath and himself to continue the negotiations. Councilmember Freedman indicated he had hope to go through the proposal, point by point, with the developer in a City Council meeting. He felt the negotiating team had done a "yeoman's job." Councilmember Pepler thought that all Councilmembers should act responsibly and speak truthfully and accurately, that negative comments were not needed, and that it was important to continue to meet with all parties. On behalf of The Redlands Association, William Cunningham read a document containing issues of concern with regard to several elements of the proposed agreement. Mayor Gilbreath concluded this discussion noting that by consensus of a majority of the City Council, negotiations would continue and that Mr. Roski and Mr. Kunihiro will be advised the negotiating team is willing to meet as they desire.

NEW BUSINESS

Ordinance No. 2431 - Solid Waste Management - Municipal Utilities Director Phelps reported the solid waste utility in the City of Redlands operates under Chapter 13.64 of the Redlands Municipal Code. This proposed amendment gives the City discretion regarding prepayment deposit requirements for those residences in areas which were annexed to the City of Redlands by Annexation No. 72. Normally, new customers such as those in the annexation areas are required to make a prepayment deposit when opening an account with the City. However, because there are existing customers of private haulers which have provided services during the grace period after annexation, the City desires to bring these customers into the City services with as little disruption as possible. This amendment provides clarification to the Redlands Municipal Code to allow the City to consider the good past payment history of these customers, and thereby avoid the requirement of a prepayment deposit. Ordinance No. 2431, an ordinance of the City of Redlands amending Chapter 13.64 of the Redlands Municipal Code relating to City integrated solid waste management, was read

by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember George, further reading of the ordinance text was unanimously waived, and Ordinance No. 2431 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for March 21, 2000.

PUBLIC COMMENTS

Sign Variance - Mr. James Dickerson, who owns the property at 1549 West Redlands Boulevard, reviewed the history of this area of the City. There is an existing pole sign on the property which has been out of conformance since the late 1940's when the State of California widened Highway 99 (which is now Redlands Boulevard). When he was annexed into the City, Mr. Dickerson was promised that nothing would change but now the City is requiring removal of the pole sign. He asked the City Council to grant him a variance to be effective as long as the existing structure is there. This request was referred to staff.

Shopping for Seniors - Representing the Shopping for Seniors organization, Mr. Green asked the City Council why they have not been granted monies from the Community Development Block Grant (CDBG) funds for the past three years. Mayor Gilbreath explained that the City receives tremendous numbers of requests for CDBG but that we are receiving less CDBG funds for distribution. City Manager Luebbbers offered to meet with Mr. Green.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:14 P.M. The next regular meeting will be held on March 21, 2000.

City Clerk