

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 Wednesday, July 5, 2000.

PRESENT

Pat Gilbreath, Mayor
Gary George, Mayor Pro Tem
John L. Freedman, Councilmember
Susan Pepler, Councilmember
Karl N. "Kasey" Haws, Councilmember

Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
Michael Reynolds, City Treasurer
Cletus Hyman, Deputy Police Chief
Mel Enslow, Fire Chief
Bonnie Johnson, Acting City Manager and 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 Haws who thanked members of the Redlands 4th of July Committee, under the leadership of Bill McCalmon, for their efforts in organizing a wonderful Independence Day celebration. The invocation was followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Freedman, the minutes of the adjourned regular meeting of June 20, 2000, the regular meeting of June 20, 2000, and the adjourned regular meeting of June 21, 2000, 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 June 27, 2000, was acknowledged as received.

Resolution No. 5774 - Special Municipal Election - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5774, a resolution of the City

Council of the City of Redlands calling and giving notice of the holding of a Special Municipal Election and requesting the Board of Supervisors of the County of San Bernardino to consolidate said election with the election to be held on Tuesday, November 7, 2000. The measure to be submitted relates to a special tax for emergency paramedic services. Later in the meeting, Councilmember Freedman asked staff to further review the fee schedule and return the proposed ordinance to the City Council on July 18, 2000.

Agreement - Joslyn Senior Center - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved an independent contractor agreement with Judy Kea for basic art and drawing classes to be held in the Joslyn Senior Center.

Ordinance No. 2445 - Citrus Preservation Commission - Ordinance No. 2445, an ordinance of the City of Redlands amending Chapter 2.64 of the Redlands Municipal Code relating to membership of the City's Citrus Preservation Commission, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Haws, by the following vote:

AYES: Councilmembers George, Pepler, Haws; Mayor Gilbreath

NOES: Councilmember Freedman

ABSENT: None

Contract - Interim City Manager - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved an agreement with Larry E. Burgess for employment as Interim City Manager.

Agreement - Street Sweeping by Mountainview Power - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously directed staff for formalize an agreement with Mountainview Power for contract street sweeping services relative to PM¹⁰ offsets (dust in the form of very fine particulate matters) and bring the agreement to the City Council for formal approval.

2000-01 Budget - Finance Director Johnson presented the finalized version of the 2000-01 budget as approved by the City Council on June 20, 2000, which included the "wish list" items which are reflected with more precise estimates and only one year of the three-year lease purchase contract for vehicles. With the concurrence of the Community Development Director and Personnel Manager, the request for funding of \$7,500.00 for an increase in the salary of the vacant Associate Planner position was withdrawn as it was felt it would be more appropriately implemented as part of the compensation study. Councilmember Haws expressed concern about the vacant Associate Planner position. Councilmember Gilbreath moved to approve the 2000-01 General Fund appropriations in the amount of \$27,699,895.00 and all other

appropriations by fund totaling \$51,465,531.00 as presented. Motion seconded by Councilmember Freedman and carried with Councilmember Haws voting NO as he did on June 20, 2000.

Resolution No. 5777 - Fire Department Fees - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5777, a resolution of the City council of the City of Redlands establishing fees for the Redlands Fire Department and rescinding Resolution No. 5361.

Agreement - Vector Monitoring Services - Landfill - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously authorized an agreement with the San Bernardino County Vector Control program to furnish vector monitoring services for the California Street Landfill alternative Interim Cover Project.

Agreement - Barton House - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved a consultant services agreement with Neal L. Smithhammer, Civil Engineer, for conducting structural analysis and retrofit design for the Barton House in the amount of \$11,175.00.

Agreement - Church Street Widening Project - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved a consultant services agreement with Smothers Appraisal to conduct property appraisals for the right-of-way acquisition for the Church Street Widening Project from Redlands Boulevard to Colton Avenue in the amount not to exceed \$25,000.00.

Resolution No. 5778 - Salary - Personnel Manager Olsen presented Resolution No. 5778 which reflects all salary changes which were approved by the City Council during the recent budget hearings. Included are positions which were added, eliminated or reclassified either by department head recommendation or by the City Council as "wish list" items. As part of the proposed budget, the Police Chief recommended a reorganization which included a ten-percent upgrade in pay for the classification of Police Records Technician. Speaking on behalf of the Police Department Clerks, Kathy Avila and Barbara Wiggins asked the City Council to consider granting them equal wages of the other clerks within the City and explained their roles. Representing the General Employees, Chris Prato noted there are several inequities that need to be addressed and that to single out any particular group of employees in any department for selective salary adjustment was unfair and discriminatory to all other City employees. He asked that everyone be treated equally through bargaining and negotiations. Deputy Police Chief Hyman said he and Police Chief Buermann felt the classification study was flawed in this instance as

Redlands' Police Clerks do much more than other clerks do in other cities. Community Services Division Manager Marjie Pettus explained the reorganization effort in the Police Department; she also noted this group of employees appealed the consultant's recommendation that their positions not be reclassified but the appeal was not granted. Councilmember Freedman moved to adopt Resolution No. 5778, a resolution of the City of Redlands rescinding Resolution No. 5772 and establishing a salary schedule and compensation plan for City employees, as presented. Motion seconded by Councilmember Pepler and failed with Councilmembers Gilbreath, George, and Haws voting NO. Councilmember Haws moved to direct staff to review the Police Clerks classification, as well as the downgraded electrician position, and report back in two weeks. Motion seconded by Councilmember George and carried unanimously. Councilmember Gilbreath moved to amend Resolution No. 5778 by deleting the upgraded classification of Police Records Technician and then to adopt the balance of Resolution No. 5778. Motion seconded by Councilmember George and carried unanimously.

PUBLIC HEARINGS

Ordinance No. 2433 - Cellular Antenna Towers - Public hearing was advertised for this time and place to consider Ordinance No. 2433, an ordinance of the City of Redlands adding Chapter 18.178 to the Redlands Municipal Code to establish zoning standards for wireless service facilities, antennas and towers, and amending Chapter 18.152 of the Redlands Municipal Code. Community Development Director Shaw explained there has been an increasing number of requests for cellular towers and antennas in the City in recent years. Several new applications have been filed in the past year and two are pending action by the Planning Commission. While recent approvals of towers and antennas generally use stealth technology where they are visible to the community, there are no detailed regulations or requirements in place to provide applicants, staff, or the Planning Commission direction on how to address these requests. Community Development Director Shaw reviewed the proposed legislation. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. Noting he supported the ordinance overall, Sam Knappenberger urged the City Council to not allow any towers in residential areas. He explained a proposal has been presented to the Board of Directors of the Redlands Country Club for placement of a tower on their grounds but that a petition protesting this proposal has been submitted to the Redlands Country Club Board and residents will follow the application if it progresses through City channels. Community Development Director Shaw noted the Environmental Review Committee has required a focused Environmental Impact Report to address aesthetic issues for this proposal but that an appeal could be filed. There being no further comments, the public hearing was declared closed. Councilmember Freedman moved to approve the Negative Declaration for Ordinance No. 2433 (Zoning Ordinance Text Amendment

No. 267) 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 Haws and carried unanimously. Ordinance No. 2433 was read by title only by City Clerk Poyzer, and on motion of Councilmember Freedman, seconded by Councilmember Haws, further reading of the ordinance text was unanimously waived, and Ordinance No. 2433 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for July 18, 2000.

Conditional Use Permit No. 705 - Public hearing was advertised for this time and place to consider approval of a Draft Mitigated Negative Declaration and Socio-Economic Analysis and Cost/Benefit Study for the construction of a two-story, 9,212 square foot micro brewery and restaurant with a drive-through facility on approximately 1.28 acres located on the south side of Industrial Park Avenue, south of the Interstate 10 Freeway and west of Alabama Street in the GC (General Commercial) District of the East Valley Corridor Specific Plan (Nuttall/Uchizono Associates, applicant). Community Development Director Shaw explained the project and reviewed the Planning Commission's recommendation for approval. A rendering of the building and a color board were provided. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. Scott Difeld, manager of the restaurant in Santa Fe Springs, and architect Stan Uchizono were present to answer questions. Councilmembers expressed their pleasure with the appearance of this project which will simulate a renovated historic brick warehouse. There being no further comments, the public hearing was declared closed. Councilmember Pepler moved to approve the Mitigated Negative Declaration for Conditional Use Permit No. 705 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 Pepler moved to approve the Socio-Economic Cost/Benefit Study for Conditional Use Permit No. 705 as the project will not create unmitigable physical blight or over-burden public services in the community, and no additional information or evaluation is needed, and that the proposed project, based on the overall Fiscal Impact Analysis, will provide the City with a positive annual revenue/cost ratio of 1.441. Motion seconded by Councilmember Freedman and carried unanimously. Councilmember Pepler moved to approve Conditional Use Permit No. 705 subject to all departmental recommendations and the following findings:

1. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this title;
 2. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located;
 3. That the site for the intended use is adequate in size and shape to accommodate the proposed use, and all yards, setbacks, walls or fences, landscaping, and other features required in order to adjust the use to those existing or permitted future uses on land in the neighborhood;
 4. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use; and
 5. That the conditions set forth in the permit and shown on the approved site plan are necessary to protect the public health, safety or general welfare.
- Motion seconded by Councilmember Freedman and carried unanimously.

COMMUNICATIONS

City Council Liaisons - Mayor Gilbreath presented a chart indicating the current liaison for each City commission/board/committee as approved by the City Council last December. The chart also includes a suggested rotation of Councilmembers' assignments. Noting his work schedule would make it impossible for him to attend Housing Commission's morning meetings, Councilmember George asked Councilmember Freedman to serve in that capacity. This was agreeable to Councilmember Freedman. Mayor Gilbreath moved to approve the assignments as amended. Motion seconded by Councilmember George and carried unanimously.

Appointments - Parks Commission - Mayor Gilbreath moved to nominate Brian T. King to the Parks Commission to a four-year term to fill the expired term of Craig Wesson as recommended by Councilmember Pepler. Motion seconded by Councilmember Pepler and carried unanimously. Mayor Gilbreath moved to reappoint Don Gifford and Mary Ellen Harris to four-year terms on the Parks Commission. Motion seconded by Councilmember Haws and carried unanimously.

Appointments - Recreation Advisory Commission - Mayor Gilbreath moved to reappoint Wally Sanchez, Patty Holohan, Keith Shomaker, and David Eason to four-year terms on the Recreation Advisory Commission. Motion seconded by Councilmember Haws and carried unanimously.

Mining Tax Proposal - Councilmember George reported that Cemax is close to signing an agreement with the City for payment of a mining tax but that negotiations with Robertson are still in process. He asked staff to prepare the

necessary documents for the next meeting to place a mining tax measure on the November ballot with an exclusion for any contract with maintenance of effort clause and to designate the revenue for youth and senior activities. No one opposed this request.

UNFINISHED BUSINESS

Appeal - Certificate of Appropriateness No. 151 - A public hearing was held on June 21, 2000 to consider an appeal of a decision made by the Historic and Scenic Preservation Commission regarding the installation of three skylights into the roof of the west elevation of a home which is located at 135 Grant Street within Historic and Scenic District No. 8 (Ralph Thornburg, appellant). Community Development Director Shaw reported that at the April 20, 2000, meeting of the Historic and Scenic Preservation Commission, the applicant presented a request for three skylights on the west (front) and south (side) elevations of the structure. At their May 18, 2000, meeting, a Certificate of Appropriateness for three skylights on the south elevation was approved. This was proposed by the Commission and considered a compromise stance of all the alternatives that had been examined. The skylights on the south elevation are not in question by the applicant and not part of this appeal. The applicant has appealed the Commission's decision as he desires three skylights on the west (front) elevation. The main issue for the City Council to address is the placement of these skylights and how they will ultimately affect the integrity of the historic structure. This matter was continued to this meeting to allow the applicant to meet with staff to discuss the alternatives available on this proposal and that meeting was held on June 26, 2000. Community Development Director Shaw reviewed the applicant's concerns that were discussed at the meeting with staff. At this time, Mr. Thornburg addressed the City Council and reiterated the skylights are wood framed and flush with the roof and that he felt this was a minor project. Bettina McCloud, who lives in the historic district and was instrumental in its formation, informed Councilmembers that the district was formed as residents were concerned about demolitions but not minor revisions to the structures. She has discussed this project with Historic and Scenic Preservation Commissioners and has made her concerns known that minor changes such as this should not be discouraged and urged the Commissioners and Councilmembers to be flexible. Councilmember Gilbreath moved to find that the installation of three skylights in the west (front) elevation of the roof as proposed by the applicant in Certificate of Appropriateness No. 151 is not detrimental to the Historic Resource and is consistent with the City's Historic Preservation Ordinance and approve Certificate of Appropriateness No. 151 as requested by the applicant. Motion seconded by Councilmember George and carried with Councilmember Haws voting NO as he would rather have the Historic and Scenic Preservation Commission re-review the application. It was noted that approval of Certificate of Appropriateness No. 151 is exempt from the California Environmental Quality Act (CEQA) based on

Section 15061(b)(3) since the activity covered has no potential to cause a significant impact on the environment.

NEW BUSINESS

Resolution No. 5775 - Ballot Arguments - Councilmember Gilbreath moved to adopt Resolution No. 5775, a resolution of the City Council of the City of Redlands setting priorities for filing a written argument regarding the special tax for emergency paramedic service and authorizing all members of the City Council to submit an argument in favor. Motion seconded by Councilmember Freedman and carried unanimously. Councilmember Freedman brought forward a discussion regarding the fee schedule for the emergency paramedic service; this discussion is covered under Resolution No. 5774, Consent Calendar.

Greenspot Area Annexation - Community Development Director Shaw explained an application submitted to LAFCO by the City of Highland dated May 22, 2000, includes approximately 23,220 acres and is generally located within Sections 4 through 9, and 14 through 17, Township 1 South, Range 2 West. The area includes the whole of the City of Highland Sphere of Influence. The annexation (reorganization) area is generally bordered by the City of Highland/City of Redlands boundary on the west, parcel boundaries on the north and east (the Highland Sphere boundary) and the City of Redlands' corporate limits and/or Sphere of Influence boundary on the south. Councilmember George moved that the City Council support the proposed annexation to the City of Highland and the East Valley Water District for their Sphere of Influence area in the Greenspot area and direct staff to forward this action to the Local Agency Formation Commission, and further to direct the Mayor to write to the City of Highland and ask them to support our application for annexation in the western section of the Greenspot area. Motion seconded by Councilmember Freedman and carried unanimously.

Conflict of Interest Appraisals - City Attorney McHugh explained that approximately three years ago, the City Council discussed Councilmember potential conflicts of interest and the need to obtain appraisals to determine whether or not any particular Councilmember did, in fact, have a conflict under the Fair Political Practices Commission's regulations. When the City Council discussed this matter in June of 1997, the Council "okayed" among itself the expenditure by any Councilmember of an amount up to \$5,000.00 to obtain an appraisal if he or she had a potential conflict of interest. Since that time, three Councilmembers have obtained appraisals to assist them and the FPPC in determining whether a conflict of interest exists. Funds have not been allocated within the current budget for these appraisals. Councilmember Gilbreath moved to approve an additional appropriation of \$10,000.00 for Fiscal Year 1999-2000 to cover the cost of two conflict of interest appraisals previously authorized by the City Council. Motion seconded by Councilmember Haws and carried with Councilmember Freedman voting NO. In regards to the Fiscal Year 2000-01, Councilmember Freedman moved to reconfirm the previous

policy that the City Council will continue allowing other Councilmembers to obtain appraisals on an as-needed basis to address conflicts of interest up to the \$5,000.00 limit with no further Council approval and once the appraisal is completed, if needed, staff will bring it back for an additional appropriation out of the appropriate budget. Motion seconded by Councilmember George and carried unanimously.

PUBLIC COMMENTS

Democratic National Committee - Councilmember Peppler proudly announced that Police Chief Bueermann was recommended by Vice President Al Gore to testify at the Democratic National Committee's Platform Committee regarding crime and policing in America based on the Redlands Police Department's innovative approach.

CLOSED SESSION

The City Council meeting recessed at 4:57 P.M. to a Redevelopment Agency meeting and reconvened at 4:58 P.M. to a closed session to discuss the following:

1. Conference with labor negotiator - Government Code Section 54957.6
 - Agency negotiator: Renée Mayne, Labor Management Success
 - Elected Officials: City Clerk and City Treasurer;
Contract employee: City Attorney; and
Employee organizations: Redlands Association of Management Employees, Redlands Association of Mid-Management Employees, Redlands Police Officers Association, Redlands Association of Safety Management Employees, Redlands Professional Fire Fighters Association, General Employees Association of Redlands
2. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a) - Wenzel v. City of Redlands
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - One case
4. Conference with real property negotiator Government Code §54956.8
 - Property: APN 171-481-02 (located at Bellevue and Brookside Avenues)
 - Negotiating parties: Deborah L. Craney and Bruce L. Taber, DDS
 - Under negotiation: Terms and price

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 4:59 P.M. The next regular meeting will be held on July 18, 2000.

City Clerk