

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 May 19, 1998.

PRESENT

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

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

ABSENT

None

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

PRESENTATIONS

Proclamations - On behalf of Plymouth Village, Administrator Julie Michaels and Mary Lou Jones, accepted proclamations from Mayor Cunningham that will be presented to the following five distinguished citizens from Plymouth Village at a dinner May 21, 1998: Eleanor Douglass, Olene McCrary, Sarah Mercado, Edna Steinman and Jason Jahn.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the minutes of the adjourned regular meeting of May 5, 1998, the regular meeting of May 5, 1998, and the adjourned regular meetings of May 8, 1998, and May 9, 1998, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the report of the Planning Commission meeting held on May 12, 1998, was acknowledged as received.

Resolution No. 5518 - Conflict of Interest Code Amendment - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, Council unanimously approved Resolution No. 5518, a resolution of the City Council, adopting an amended Conflict of Interest Code pursuant to the Political Reform Act of 1974 by adding the position of Deputy Police Chief as a designated employee and amending Resolution No. 5481.

Ordinance No. 2365 - Personnel Regulations - Ordinance No. 2365, an ordinance amending Chapter 2.56 of the Redlands Municipal Code relating to personnel regulations, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Banda, by the following vote:

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

NOES: None

ABSENT: None

Agreement - California Street Landfill Revised Rule 1150.1 Compliance Plan - On motion of Councilmember Banda, seconded by Councilmember Freedman, the City Council unanimously approved an agreement with Kleinfelder, Inc. to provide air quality consulting and engineering services for the California Street Landfill Rule 1150.1 Compliance Plan.

Appointments - Airport Advisory Board - Councilmember Gilbreath moved to reappoint John Krueger and James Thorp to additional four-year terms on the Airport Advisory Board. Motion seconded by Councilmember Banda and carried unanimously.

Resolution No. 5520 - Erect Stop Signs on Sixth Street - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, Resolution No. 5520, a resolution of the City Council of the City of Redlands approving stop signs on Sixth Street at Pearl Avenue creating an all-way stop at the intersection, was unanimously approved.

Resolution No. 5521 - Establish two-hour parking on Citrus Avenue - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, Resolution No. 5521, a resolution of the City Council of the City of Redlands establishing two-hour parking, 8:00 A.M. to 6:00 P.M., except Sundays, on the south side of Citrus Avenue between Olive Avenue and the existing no parking zone west of Redlands Boulevard, was unanimously approved.

Resolution No. 5522 - Remove No Parking Zone and Replace with Loading Zone - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, Resolution No. 5522, a resolution of the City Council of the City of Redlands authorizing the removal of 49 feet of no parking zone and replacing it with 49 feet of loading zone fronting 2 West Fern Avenue (Beaver Medical Clinic), was unanimously approved.

Agreement - California Street Landfill Gas System Consulting Services and Construction of Horizontal Gas Collection Wells - Phase I - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approved an agreement with Janechek & Associates to provide professional landfill gas system consulting services for the California Street Landfill and construction of horizontal landfill gas collection wells - Phase I.

Resolution No. 5514 - Annual Report for Parking and Business Improvement Area B - On motion of Councilmember Freedman, seconded by Councilmember Banda, Council unanimously approved Resolution No. 5514 approving the Annual Report for Parking and Business Improvement Area B for Fiscal Year 1998-99 and correcting page 5 of the Annual Report to read "Estimated fund Balance, June 30, 1999."

Resolution No. 5515 - Intent to Levy and Collect Assessments in Parking and Business Improvement Area B, and setting a Public Hearing - On motion of Councilmember Freedman, seconded by Councilmember Banda, Council unanimously approved Resolution No. 5515 declaring its intention to levy and collect assessments for Fiscal Year 1998-99 in Parking and Business Improvement Area B, an assessment district, and offering a time and place for hearing objections thereto.

Vesting Determination for Tract 15040 - Osborne Development Company - Council unanimously determined that the Osborne Development, Tract 15040, located south of I-10 and east of Ford Street is "vested" under Measure U and therefore not subject to its provisions, on motion of Councilmember George and seconded by Councilmember Banda.

COMMUNICATIONS

Legislative Bulletin - By consensus of the Council, staff was directed to initiate letters to legislators indicating our position on the following: oppose AB 2065 (Cardenas) - Preemption, Business License Fees, Home Based Businesses; oppose AB 2471 (Brewer) - Property Tax Shift, Over and Underequity Jurisdictions and oppose SB 1651 (Polanco) - Leaf Blowers. Discussion then followed pertaining to opposing the vehicle license fee (VLF) repeal/reduction. A five-year phase-out of vehicle license fees is proposed with a General Fund backfill for the loss coming from State sales tax revenues. VLF is the third largest revenue source for cities. All Councilmembers agreed to continue opposition efforts along with the League of California Cities. City Manager Luebbers prepared a list identifying the State take-aways of City revenues (shift in property and cigarette taxes) versus the revenue to replace take-aways (COPS Grants and Proposition 172). Councilmember George directed staff to correspond with Assemblyman McClintock stressing Redlands' opposition to this proposal. Councilmember Freedman added that a list similar to the one submitted by the City Manager would be beneficial to include which puts in perspective what position cities are being placed.

Trench Cut Cost Recovery - Mayor Cunningham shared with Councilmembers an article from the March 1998 edition of Western City Magazine which discussed roads trenched or cut up repairs being paid by cities. In Sacramento, and soon in various other cities, it is the entity that damaged the street, including utilities and cable companies who will be responsible. Their ordinance requires a fee based on pavement age. Revenue received is placed in a special fund and used for streets that have been trenched or cut. Public Works Director Mutter stated he concurred with the article. Mayor Cunningham asked the Public Works Director, City Manager, and City Attorney to explore this matter and report back what other cities are doing. Representing Southern California Edison, Susan Peterson requested to be part of any committee because there are ordinances already proposed before the League of California Cities that assess those individuals that do not warranty their work.

Trains blocking vehicle access to San Timoteo Canyon - Mayor Cunningham excused himself from participating in this discussion due to a possible conflict of interest. Police Chief Bueermann reported that over the last several months there have been an increased number of instances where Alessandro Road and San Timoteo Canyon Road have been blocked by trains straddling the railroad tracks where they cross. He has been in touch with the railroads and was advised that dispatching is controlled in Oklahoma and Colorado. Trains can be stopped because of crews reaching their 12-hour duty threshold or stacking of trains in Colton. However, the only authorized stopping place is east of Live Oak Canyon Road. The Public Utilities Commission prohibits trains from blocking crossings for more than ten minutes. Fire Chief Mel Enslow described

the difficulties safety vehicles have experienced trying to get to emergency situations and having to try and get around stopped trains. Councilmember Banda expressed the need to take an official position and made a motion to direct staff to prepare a resolution addressing road hazards of blocking roads. Motion seconded by Councilmember Freedman and carried by AYE votes of all present with Mayor Cunningham abstaining.

Service Club Signs - A request was received from the Redlands Service Club Council for approval from the City Council to maintain and coordinate the use of service club signs at City entrances. Mr. Jim Stellar, Chairman of the Entry Signs Committee, stated their Council (made up of the presidents of Redlands' 12 service clubs) would follow the following criteria: eligibility for participation, standards for approval, and loss of privilege to participate. Also provided was a roster of service clubs. Presently there is no mechanism for maintaining these signs. By consensus of the Council, the Redlands Service Club Council was granted permission to maintain and coordinate these signs which are located in the public right of way.

Report on Socio-Economic Study Measure U Committee - Mayor Cunningham reported that the committee has been meeting for several weeks. The process should be wrapped up soon; perhaps May 20th or the following week. Their recommendations then should go to the City Attorney for review, perhaps back to the Committee, then to the Planing Commission for a workshop, and to the City Council for a noticed public hearing. Councilmember George (the Committee Chairman) listed the committee members' names: Mayor Cunningham, Councilmember George, Jim Stellar, Dr. Paul Pawlik, Robert O'Brien, John O'Neil, Robert Rappuchi, Mike Haverty, Ray Alexander, Monty Dill, Teri Shira, Ron Stephany, Richard Caudle, and Rolland Moore. The Committee is concerned with: "What brings people to Redlands," "Why do they stay," and "Why do they leave." They have identified the following categories and revised the order of priority and rank as follows: public safety, traffic, open space/wildlife, schools, historic downtown, citrus and agricultural trees, University of Redlands, heritage and historic neighborhoods, parks and facilities, cultural resources, recreational programs, employment/job base, social services (private), landfill, and wastewater treatment plant. An economic assessment model is being studied now. Mayor Cunningham commended Councilmember George for his hard work. Councilmember George asked that any Planning Commission and City Council meeting on this matter be held in the evening so that more of the public can attend.

UNFINISHED BUSINESS

Ordinance No. 2370 - Sign Code - Community Development Director Shaw reviewed changes recommended at prior Council meetings of the draft sign

code. Staff prepared an ordinance to incorporate those changes as recommended by the Council. Changes include a revised boundary for those areas which would be regulated under the special provisions of the Downtown Business District which has been amended to include those areas bounded by Redlands Boulevard and Stuart Avenue to the south, Orange Street to the east, the I-10 Freeway to the north and Eureka Street and Lawton Street on the west. Other changes by staff are revisions to incorporate a process for reviewing signs that are larger than 120 square feet, as required by Measure U, modified provisions to allow a second freestanding sign for service stations, deletion of the provisions for dual tenant off-site signs, and a revised section on code enforcement and administration. An opportunity was extended to one of the regional shopping center developers to possibly incorporate changes requested; however, the developer has not presented a list of proposed changes. Staff did receive a letter from Pharaoh's Lost Kingdom requesting consideration for a freeway oriented sign for their theme park; however, a majority of the Planning Commission did not support provisions of freeway oriented signs for theme parks. Multi-tenant signs for more than three tenants were then discussed. Mr. Jon Gittleman, Sales Manager, Pharaoh's Lost Kingdom, addressed Council and requested a re-zoning that would enable them to be granted approval for a freeway sign so that they may be able to serve motorists.

Councilmember George moved that the City Council approve the Negative Declaration for Ordinance No. 2370, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code relating to signs, and directed staff to file and post a "Notice of Determination" in accordance with City guidelines. It has been determined this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code. Motion seconded by Councilmember Banda and carried unanimously.

Ordinance No. 2370, an ordinance of the City of Redlands Chapter 15.36, was given its first reading of the title by Deputy City Clerk Sanchez, and on motion of Councilmember George, seconded by Councilmember Banda, further reading of the ordinance text was unanimously waived, and Ordinance No. 2370 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for June 2, 1998.

Pre-Annexation Agreement No. 98-01 - Crafton Hills Area - Hampton Land, LTD., LP - A request was received for a pre-annexation agreement for approximately 463 acres of land generally located southeast of the intersection of Sand Canyon Road and Crafton Avenue within the Crafton Hills Area. This agreement was continued to this date by the City Council at their meeting on May 8, 1998, in order to allow time to make necessary changes to the document that were suggested by the Council and agreed on by the applicant's

representative, Mr. Pat Meyer. An amended pre-annexation agreement was presented at this meeting with the following changes: Page 1, Recitals - Paragraph B: deletion of the first four sentences referring to permitted maximum yield of residential dwelling units; Page 3, Section 2, - effective date of agreement - reworded the last sentence to reflect the pre-annexation agreement shall remain in effect up to 18 months following its approval; and Page 7, deletion of Section 6 - Entertainment Tax. Councilmember Freedman pointed out that the effective date of the agreement should reflect today's approval date. On motion of Councilmember Banda, seconded by Councilmember Freedman, Council unanimously adopted a Negative Declaration for Pre-Annexation Agreement No. 98-01 and directed staff to file and post a "Notice of Determination" in accordance with City guidelines. It has been determined this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code. On motion of Councilmember Banda, seconded by Councilmember Freedman, Council unanimously approved Pre-Annexation Agreement No. 98-01 as amended. Under "Public Comments," Mr. Keith Cunningham, representing Hampton Land, LTD., LP, thanked Council for approving this pre-annexation agreement. Tomorrow he will be filing for annexation and submitting \$50,000 in fees. He is also requesting consideration of a development agreement contingent upon completion of an EIR and successful annexation. He also stressed the developers' hope they wouldn't invest nine months, \$400,000 to \$500,000 in fees, and then run into some "bump." Mayor Cunningham stated he believes the process can go forward.

Resolution No. 5519 - Implementation of Measure U for Outside City Utility Connections - A workshop was previously held on pertinent issues related to implementation of Measure U for City water and/or sewer utility connections to development outside the City limits but within the adopted sphere of influence. Based on the consensus at the workshop, staff prepared Resolution No. 5519. On motion of Councilmember Banda, seconded by Council-member Freedman, Council unanimously approved Resolution No. 5519, implementation of Measure U for outside the City utility connections.

NEW BUSINESS

Ordinance No. 2380 - Massage Establishment Regulations - Police Chief Jim Bueerman thanked the Blue Ribbon Committee and Mayor Pro Tem Banda for her guidance. The Committee at first displayed caution that government was getting involved but soon they understood the City wished to protect the legitimate technician; they surprisingly strengthened and increased the requirements. Mayor Pro Tem Banda added that the Committee accomplished the task of drafting this ordinance in three meetings. Ordinance No. 2380, an ordinance of the City of Redlands amending Chapter 5.28 of the Redlands Municipal Code relating to massage establishments and rescinding Ordinance No. 2363, was read by title only by Deputy City Clerk Sanchez and on motion of Councilmember Banda, seconded by Councilmember George, further reading of the ordinance text was unanimously waived, and Ordinance No. 2380 was unanimously introduced and laid over under the rules with adoption scheduled for June 2, 1998.

Redlands 4th of July Committee - On motion of Councilmember George, seconded by Councilmember Banda, Council unanimously approved a request for waiver of all fees and rental charges for the 4th of July celebration in Redlands to include but not limited to: use of Section A in Sylvan Park, use of Police, Fire, Street and Parks Department personnel as deemed appropriate, use of barricades, banner fee, use of snow fencing, use of 40-yard trash roll-off for stadium, fireworks permit fee, use of City's portable stage for Sylvan Park, parade permit, and partial street closure for parade and park activities. The event is organized by the Redlands 4th of July Committee and co-sponsored by the City of Redlands, the University of Redlands, The Redlands Daily Facts and the citizens of Redlands.

Redlands 4th of July Committee - In 1995 the Redlands 4th of July Committee sponsored an event at the Redlands Bowl featuring the 4th of July Band, the Tornadoes, and fireworks to close the program. A similar show is proposed to be held September 5, 1998, as an end of the summer/back to school family evening. Donations will be accepted to help cover the cost of the show and the fireworks company will provide insurance covering all applicable entities including the City of Redlands. On motion of Councilmember Freedman, seconded by Councilmember Banda, Council unanimously approved a request for waiver of all appropriate fees for the use of the facilities.

PUBLIC COMMENTS

See Mr. Keith Cunningham's, representing Hampton Land, LTD., LP, comments above.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Selection of Bond Counsel - 1993 Water and Sewer COP's and RDA Debt Issue Refinancing - At this morning's adjourned regular meeting session, the Council approved refinancing to a fixed rate the 1993 Water and Sewer COP's and RDA Debt Issue Refinancing. Finance Director Johnson reported that the Finance Committee interviewed three applicants. All fees were comparable ranging from .25 to .30 of a percent based on the total issuance. The firm being recommended is also willing to negotiate further. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, Council unanimously selected the firm of Orrick, Herrington and Sutcliffe to serve as Bond Counsel for the City and Redevelopment Agency. (Also see Redevelopment Agency minutes dated May 19, 1998.)

CLOSED SESSION

The City Council meeting recessed at 4:15 P.M. to a Redevelopment Agency meeting and reconvened at 4:16 P.M. to a closed session to hold a conference with its legal counsel as follows:

- a. Conference with legal counsel: Existing litigation - Government Code § 54956.9(a)
 - City of Redlands v. County of San Bernardino and Majestic Realty Company; Case Nos. SCV 34737, 33330, and 39880
 - C. L. Pharris Sand & Gravel v. S. F. Construction, et al
San Bernardino Superior Court Case No. RECI 46343

ADJOURNMENT

There being no further business, the City Council meeting adjourned to the next regular meeting to be held on Tuesday, June 2, 1998.

Deputy City Clerk