

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 June 2, 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
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
(evening session)
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 Mayor Cunningham followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, the minutes of the adjourned regular meeting of May 19, 1998, and the regular meeting of May 19, 1998, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, the report of the Planning Commission meeting held on May 26, 1998, was acknowledged as received.

Ordinance No. 2380 - Massage Regulations - 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 adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

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

NOES: None

ABSENT: None

Ordinance No. 2370 - Sign Code - Ordinance No. 2370, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code relating to signs, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

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

NOES: None

ABSENT: None

Resolution No. 5524 - Railroad Trains - Citing a possible conflict of interest, Mayor Cunningham left the Council Chambers. Resolution No. 5524 directs staff to take all reasonable and necessary steps to ensure that the intent of the provisions of General Order No. 135 of the Public Utilities Commission of the State of California, which prohibits trains from blocking streets for more than 10 minutes, is enforced within the boundaries of the City of Redlands. It also will include wording of AB 2326, which is pending before the State Legislature, that additionally stipulates, as a three-year pilot project in Stanislaus County, that a fine of \$1,000.00 will be levied for every violation of the provisions of the PUC regulations. On motion of Councilmember Banda, seconded by Councilmember George, and so ordered by the Mayor, the City Council adopted Resolution No. 5524, a resolution of the City Council of the City of Redlands concerning railroad train blockage of City streets, with Councilmember Cunningham abstaining.

Resolution No. 5525 - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, the City Council adopted Resolution No. 5525, a resolution of the City Council of the City of Redlands, California, establishing a budget set-aside for financial assurance to reclaim the borrow site for the California Street Landfill in the amount of \$24,900.00 from the Solid Waste Fund.

Agreement - Measure U Socio-Economic Impact Model - Following brief discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, the City Council

approved an agreement for consulting services between the City of Redlands and David Taussig and Associates, Inc. in connection with the preparation of a socio-economic impact model in accordance with Measure U.

Appointment - Parks Commission - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, the City Council reappointed Marvin Duncan to a four-year term on the Parks Commission.

Wildland Fire Protection Amendment - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, the City Council approved an amendment to the agreement with the California Department of Forestry and Fire Protection for wildland fire protection which establishes a total cost for fiscal year 1998-99 of \$38,385.00.

Rejection of Bids - Ford Park Wildfire Demonstration Garden - Bids were opened and publicly declared on May 21, 1998, by the City Clerk for construction of the Ford Park Wildfire Demonstration Garden project; a bid opening report is on file in the Office of the City Clerk. Coons construction, Etiwanda, was the only responsive/responsible bid received. However, their bid, in the amount of \$141,200.00, is considerable higher than the FEMA grant funds available for this project. It was the recommendation of the Public Works and Fire Departments that all bids be rejected and that staff readvertise the project, and that in-lieu contributions be sought for various phases of the work to assist in keeping the project cost within budget. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, this recommendation was approved.

Funds - Joslyn Trust Fund - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, the City Council approved an allocation of \$500.00 from the Joslyn Trust Fund for the purchase of a replacement computer hard drive for use in the Joslyn Senior Center.

Fee Waiver - Community Ballfield Restroom Rehabilitation - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, the City Council approved the request from the Redlands Baseball for Youth to waive Building and Safety Division permit fees for the rehabilitation of the restroom facility at the Community Ballfield.

Notification - County Waste System Division - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, and so ordered by the Mayor, the City Council acknowledged receipt of the notification, as required by Public Resources Code 50001, submitted by the County Waste System Division. This notification provides site identification and description of three

landfills in order to facilitate expansion of the Landers, Mid-Valley (Rialto), and Victorville landfills, and allows for review and comment. Staff did not identify significant adverse impacts within the boundaries of the City of Redlands due to the proposed revisions to the Solid Waste Facility permits for these three landfills.

PLANNING AND COMMUNITY DEVELOPMENT

Tentative Tract No. 14762 - JLP Development - Time Extension - Community Development Director Shaw reported that Sections 66452.6 and 66463.5 of the State of California Subdivision Map Act provide that an applicant may submit up to three additional time extensions requests for one year each. The City Council granted these requests for Tentative Tract No. 14762, an application for the subdivision of 14.62 acres of land into 43 residential lots for property located west of University Street between Pennsylvania and San Bernardino Avenues in the R-E (Residential Estate) District, in 1992 and 1993. In addition, the State of California extended all active maps in the State for a total of three years during this time period. Given all of the City and State extensions, this left the applicant with an approval through September 18, 1997, subject to one additional extension. However, in July staff inadvertently sent the applicant incorrect information which told the applicant the tract map would expire in August, 1998. Since the applicant did not act to request an extension of the map because of a staff error, the applicant is now requesting that the one remaining eligible extension be made retroactively from September 18, 1997, to September 18, 1998, which would have been the original deadline or the last of the three extensions the City could grant. Responding to Councilmembers' concerns, City Attorney McHugh advised them that he did not believe they could grant retroactive approval as he was not aware of any law to revive a "dead tract." Councilmember Freedman moved to deny the request and deem the map expired as of September 18, 1997; motion seconded by Councilmember Gilbreath. Jeff Petrey, JLP Development, urged the City Council to approve their request indicating they would pursue legal routes if necessary. The motion was approved as so ordered by the Mayor.

RDA No. 92-I-1 - Tracts Nos. 12461 and 13575 - Citing a possible conflict of interest, Councilmember Gilbreath left the City Council Chambers. Community Development Director Shaw reported the applicant is proposing to transfer the ownership and modify the architectural elevations for 27 units in Tracts Nos. 12461 and 13575 which are located between San Bernardino and Pennsylvania Avenues, west of Judson Street (Dwight Yeoman, applicant). At its May 12, 1998, meeting, the Planning Commission examined the applicant's proposal, and in its opinion felt the applicant had significantly upgraded the architectural features. The Planning Commission was able to make the required finding that this project would not result in fewer points than the original project

and forwarded that finding to the City Council. In addition, the Planning Commission recommended approval of the transfer of ownership. Councilmember George moved to approve the alteration of RDA No. 92-I-1 and find that it would not result in fewer points than the original project and to approve the transfer of ownership. Motion seconded by Councilmember Freedman and so ordered by the Mayor.

COMMUNICATIONS

Legislative Bulletin - Mayor Cunningham noted that AB 1614, Internet Sales, could be a real threat to local jurisdictions and stated that we must protect ourselves. Councilmember George asked staff to urge neighboring cities to support AB 2586, Emergency Medical Services.

Booking Fees - Mayor Cunningham reported that Sheriff Penrod has stated that it is counter-productive to collect booking fees and moved to direct staff to write the Board of Supervisors showing our opposition to booking fees and also to send a letter to Sheriff Penrod thanking him for his stance. The motion was seconded by Councilmember George and there was no opposition voiced.

Alcoholic Beverage Control License - Mr. and Mrs. Michael L. Reno are in the process of opening "The Wine Seller" to be located at 19 East Citrus Avenue, Suite 103. They have applied for a liquor license and have been informed by the Department of Alcoholic Beverage Control (ABC) that this area is considered over-saturated with licenses. They asked the City Manager to provide a "Public Convenience or Necessity Finding" letter to ABC. With this authorization, the license fee would be \$134.00; if they have to purchase an existing license, the cost would be \$3,000.00-\$5,000.00. The City Manager denied their request, and Mr. and Mrs. Reno are now appealing his decision. The City Council did not take any action on this request at this time. At the end of the evening session, Mr. and Mrs. Reno addressed the City Council under "Public Comments" and urged Councilmembers to assist them by providing this letter. Councilmembers wished them success but would not support their request in regards to the liquor license.

Reservoir Road Citrus Grove Proposal - Mayor Cunningham reviewed actions taken by the Parks and Citrus Preservation Commissions regarding a proposal by the Redlands Host Lions Club to develop a citrus heritage park with the donation of seventy citrus trees to be planted on a parcel located on Reservoir Road between Wabash Avenue and Devonshire street. Public Works Director Mutter reported this area is currently a Landscape District, but that the residents in the area are not happy with the park as it is and have indicated in the past a willingness to give up the Landscape District if it were improved with the planting of trees. Mayor Cunningham moved to direct staff to poll the residents

in this Landscape District and report back to the City Council. The motion was seconded by Councilmember Banda and there was no opposition voiced.

Neighborhood Initiative Program - City Manager Luebbers recommended that the City Council designate the neighborhood bounded by Colton Avenue, Lugonia Avenue, Orange Street, and Church Street for the National Neighborhood Initiative Program, and that an authorization letter be sent to the Board of Supervisors to apply for the improvement funds which are available. Complimenting staff for their efforts in low-income housing improvements, Councilmember George moved to approve this recommendation. The motion was seconded by Councilmember Banda and so ordered by the Mayor.

Fire Station No. 261 Rehabilitation - Public Works Director Mutter presented a prioritized listing of improvements for the Fire Station No. 261 rehabilitation project. He noted that the roof repairs were included in the seismic analysis and retrofit, and that he would prefer to accomplish this segment of the project first as it would necessitate tearing up the walls and roof only one time. Mayor Cunningham informed Councilmembers that he had received a letter from Dan Crow, President of the Redlands Professional Firefighters, expressing their concern about the health effects in the living area of the building. In light of this communication, Mayor Cunningham directed Public Works Director Mutter to request a review of the facility by the Health Department and return to the City Council in two weeks with that report as well as estimates for immediate roof repairs. Councilmember Gilbreath presented an update on the fund raising efforts of the SOS Committee. The SOS Committee has been adopted by the Redlands Conservancy thereby bringing the committee under the 501(c)(3) status. Thus far, SOS Committee has received \$50,000.00-\$60,000.00 in pledges and cash.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5527 - Great Neighborhoods Program - Councilmember Banda moved to adopt Resolution No. 5527, 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. Motion seconded by Councilmember Gilbreath and so ordered by the Mayor. (Also see Redevelopment Agency minutes dated June 2, 1998.)

CLOSED SESSION

The City Council meeting recessed at 3:49 P.M. to a Redevelopment Agency meeting and reconvened at 3:50 P.M. to a closed session to discuss the following:

- a. Conference with legal counsel: Existing litigation - Government Code § 54956.9(c)
 - City of Redlands v. County of San Bernardino and Majestic Realty Company - Case Nos. SCV 34737, 33330, and 39880
 - Wenzel v. City of Redlands
 - Holden v. City of Redlands
- b. Conference with real property negotiator
 - Property: Orange Street and Pearl Avenue
APNs 169-201-29, 30, and 38
 - Negotiating parties: Gary M. Luebbers and Jay Golison
 - Under negotiation: Terms and price

The meeting reconvened at 7:00 P.M.

PUBLIC HEARING

Resolution No. 5516 - Parking and Business Improvement Area B - Public hearing was advertised for this time and place to consider Resolution No. 5516, a resolution of the City Council of the City of Redlands ordering the continued operation of Parking and Business Improvement Area B and confirming the annual report and assessments for fiscal year 1998-99. Police Chief Bueermann reported that the 1998-99 annual report, outlining assessments, district boundaries, proposed improvements and activities, and budgets, has been approved by the Advisory Board for the Parking and Business Improvement Area B and filed with the City Clerk in accordance with Section 36533 of the California Streets and Highways Code. Resolutions declaring the City Council's intent to levy assessments were approved on May 19, 1998. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Banda move to adopt Resolution No. 5516. The motion was seconded by Councilmember Freedman and so ordered by the Mayor.

Appeal - Tentative Tract No. 15832 - Public hearing was advertised for this time and place to consider an appeal to the Planning Commission decision made on April 14, 1998, approving a Negative Declaration and Tentative Tract No. 15832 to subdivide 4.76 acres into 11 residential lots and one lettered lot in the R-S (Suburban Residential) District located on the southwest corner of Cypress Avenue and Sunnyside Avenue. Community Development Director Shaw reported that Steven Becker, a property owner adjacent to the southwest of the

proposed site, filed an appeal to this decision citing the subdivision is too dense and has too many lots; the subdivision will create significant traffic safety problems; the subdivision is inconsistent with the character of the neighborhood; the subdivision may represent a water drainage problem; and the subdivision is inconsistent with the purposes and specific provisions of Measure U. These issues, as well as others, were considered by the Environmental Review Committee (ERC) during the environmental review process of the project and by the Planning Commission during a public hearing reported Community Development Director Shaw. After review by the ERC and Planning Commission, one of these issues were determined to potentially cause significant adverse impacts or to be of a significant level to warrant mitigation to a level of non-significance. Community Development Director Shaw responded to the issues raised by the appellant. He also explained that prior to the Planning Commission's approval of Tentative Tract No. 15832, the map incurred several revisions during the environmental process. The original submittal proposed a different configuration consisting of nine lots in which five lots fronted along Sunnyside Avenue and four lots long the west property line facing three adjacent parcels to the west and reliant upon a private easement for access from Cypress Avenue. This design created a number of concerns and was continued by the ERC for requested revisions. A second design was reviewed by the ERC which proposed ten lots in which all the lots fronted off a new cul-de-sac street from Sunnyside. Concerns were also expressed by the ERC over this design. The design of the subdivision that the Planning Commission approved and which is before the City Council at this time was the third revision of Tentative Tract No. 15832. Approval of this design was recommended as it is both consistent with the General Plan and zoning of the property and will be compatible with the adjacent surrounding properties.

Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. The appellant, Steven Becker, 1511 West Cypress Avenue, reviewed his concerns about the project in detail. Also speaking in support of the appeal were: Meryl McDowell, 734 Sunnyside Avenue; Marti Hardesty, 1515 West Cypress Avenue; Arnold Nelson, 1483 West Cypress Avenue; and Ron Anderson who lives across the street from the Hardesty property. On behalf of the applicant, Pat Meyer, Urban Environs, reviewed a proposed map for nine lots indicating he and his client preferred it, but that they did not want to have to go through the variance procedure that staff would require through the interpretation of the frontage requirements. The applicant, Beverly Olandt, indicated her consent to modify the application to nine lots. Mr. Meyer asked if there was any way that the City Council could act on the modification in two weeks without ERC or Planning Commission action. City Attorney McHugh reviewed the options available. Councilmember George moved to continue this matter for two weeks to allow staff to prepare a report to address modification of

the subdivision to nine lots. Motion seconded by Councilmember Gilbreath and so ordered by the Mayor.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:21 P.M. The next regular meeting will be held on June 16, 1998.

City Clerk