

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 October 6, 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 Councilmember Freedman followed by the pledge of allegiance.

PRESENTATIONS

Make A Difference Day - Leanora Jimenez-Sims, co-chairman of the Human Relations Commission, announced the Human Relations Commission will be sponsoring "Make A Difference Day" on Saturday, October 24, 1998. This is a national day of volunteering created in 1992 by *USA Weekend* magazine in partnership with the Points of Light Foundation. The Redlands' Human Relations Commission will help some of the homeless in Redlands by giving bagged lunches at the Jenny Davis Park on Redlands Boulevard and New York Street from 11:00 A.M. to 2:00 P.M. on that day. They are also asking for donations of new or used clean clothing, blankets, sleeping bags, toiletries, or monetary donations. Ms. Jimenez-Sims invited Councilmembers and the community to join them on October 24, 1998.

Step Back - Lucille Juarez informed Councilmembers about the program "Step Back" to save our children's lives by teaching them to lay down their weapons

and pick up tools to make a better life. She is working with the Redlands Police Department and *Building A Generation*. She asked for the City Council's support of this new program. Police Chief Bueermann commended Ms. Juarez for her efforts.

Certificates of Recognition - Councilmember Gilbreath presented Certificates of Recognition to Jim Nolin, Scoutmaster for the Trinity Episcopal Boy Scout Troop No. 33, Kevin Summerfield, Scoutmaster for the Sacred Heart Boy Scout Troop No. 11, and Jim Gates, Scoutmaster for the First Congregational Church Boy Scout Troop No. 44 for their outstanding service in helping to raise funds for the Redlands Save Our Station project by operating a car wash at Fire Station No. 1 last Saturday, September 26, 1998. Jim Macdonald, treasurer of the SOS Committee, reported the Boy Scouts raised \$677.00 at that car wash, and will be sponsoring another one on Saturday, October 10, 1998, at Fire Station No. 1.

Sister City Exchange - Barbara Wormser, member of the Sister Cities Committee, introduced Fire Captain Darrell Feuerhahn and Firefighter/Paramedic David Kessler who have recently returned from Hino, Japan, having participated in the Sister City Exchange Program. The firemen expressed their appreciation to the Sister Cities Committee, which is totally self-funded, for this wonderful opportunity and shared some of their experiences, highlighting the information received about the nerve gas terror in the Tokyo subway system in March, 1995.

Redlands 4th of July Committee - On behalf of the Redlands 4th of July Committee, Lorrie Poyzer presented two 20 by 30 foot American flags to fly on the Liberty Pole continuing the committee's promise to provide these very-large flags for the Liberty Pole. The Redlands 4th of July Committee has provided all the large flags that have flown on the new Liberty Pole since its dedication on November 11, 1995. Mayor Cunningham acknowledged the donation and thanked the 4th of July Committee for their on-going commitment to the community.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the minutes of the regular meeting of September 15, 1998, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on September 22, 1998, was acknowledged as received.

Contract - Problem Solving Partnership Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized a contract with Environmental Systems Research Institute to provide technical computer assistance which will focus on those factors contributing to adolescent drinking pursuant to the Police Department's Problem Solving Partnership Grant.

Funds - Multi-Hazard Video Production - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved an additional appropriation in the amount of \$19,245.00 to pay for costs associated with the multi-hazard video production. These funds are a portion of the grant received from the Federal Emergency Management Agency as approved in Resolution No. 5345 which was adopted on January 16, 1996.

1997-98 Encumbrances - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved additional appropriations to the 1998-99 budget year for the 1997-98 year-end encumbrances and carry-overs.

Agreement - Water Transmission Main Project - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved an agreement with Boyle Engineering to provide engineering services for the design of the Nevada, Park, Alabama, Center Water Transmission Main Project. Bid opening for the Well No. 39 project is scheduled for October 8, 1998. This well will provide an additional source of potable water to compensate for the loss in potable water production due to the presence of ammonium perchlorate in the ground water at the Texas Street Wellhead Treatment Facility.

Agreement - Ballroom Dancing Instruction - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the independent contractor agreement between the City of Redlands and Lucy M. Guss for ballroom dancing instruction at the Joslyn Senior Center and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Piano Lessons - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the independent contractor agreement between the City of Redlands and Doris

Wells for piano lessons at the Community Center and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Dance and Tumbling Classes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the independent contractor agreement between the City of Redlands and Andrea Locke for dance and tumbling classes at the Community Center and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Lease Agreement - Inland Empire Stars - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a lease agreement between the City of Redlands and Inland Empire Stars for their winter baseball organization and use of the Community Park baseball fields and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Storm Drain Easements - Fern Lodge - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the quitclaim of two storm drain easements on property located at the southwest corner of Redlands Boulevard and Fern Avenue for the Fern Lodge housing project.

City Council Chambers Voting Machine - Staff has received comments from the public regarding the televised City Council meetings, and the most predominant question has been how each Councilmember voted on agenda items. A voting machine would eliminate this problem and allow the public to see the votes on their television. Two companies have products on the market with a cost range between \$10,000.00 and \$15,000.00 to purchase and install a voting system. The cost to purchasing and installing a voting system would come from the total allocated credit from TCI for materials and labor to upgrade the Council Chambers for televising. Councilmember Freedman moved to ask staff to come back to the City Council with other suggestions for better use of these funds. Motion seconded by Councilmember Banda and carried unanimously.

Fee Waiver - Kiwanis Haunted House - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the Redlands Morning Kiwanis Club's request to use the vacant house at 458 Highland Avenue as the site for their annual haunted house; waived fees for the rental of disposal roll-aways and electrical inspections; and authorized closure of the alley immediately south of the property from the west property line to Rosette Street during the operation hours.

Proclamation - Breast Cancer Awareness Month - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation declaring the month of October as National Breast Cancer Awareness Month and urging all women and their families in Redlands to get the facts about mammography.

Proclamation - World Population Awareness Week - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation declaring the week of October 25-31, 1998, as World Population Awareness Week.

Subscriber Agreement - MOU - Fingerprinting - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a subscriber agreement between the City of Redlands and the Department of Justice Live Scan for the Indentix equipment used by the Police Department to fingerprint applicants and authorized the Mayor and City Clerk to execute the document on behalf of the City. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a Memorandum of Understanding between the City of Redlands and the Department of Justice Live Scan and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Contract - Youth Ensemble of Strings - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a contract between the City of Redlands and Karen Thurman-Palmer and Kimberly Sogioka for the Youth Ensemble of Strings Program as recommended by the Cultural Arts Commission and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Contract Award - Airport Well No. 2 - Bids were opened and publicly declared on September 23, 1998, by the City Clerk for the construction of the Airport Well No. 2, Project No. 4-9981, a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Municipal Utilities Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Layne Christensen Company in the amount of 236,800.00 and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, this recommendation was unanimously approved and the Mayor and City Clerk were authorized to execute a construction contract on behalf of the City.

Resolution No. 5567 - Salary - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5567, a resolution of the City Council rescinding Resolution Nos. 5531, 5538, and 5557, and establishing a salary schedule and compensation plan for City employees. This resolution makes a change in the clerical/administrative support staff of the Community Development Department, changes classifications within the Solid Waste Division, and reflects the changes to salary ranges for cost of living adjustments previously approved in employment agreements with all of the bargaining units.

Application - Hazard Mitigation Grant Program - Public Works Director Mutter introduced Mary Petite, the City's Cost Recovery Administrator, who updated the City Council on recent legislation for funding of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Mayor Cunningham complimented Ms. Petite for a job well done. On motion of Councilmember Banda, seconded by Councilmember Freedman, the City Council unanimously authorized an application for additional project funding through Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for damage sites affected by FEMA-1203-DR-CA (El Niño Winter Storms).

PUBLIC HEARING

Local Law Enforcement Block Grant Funds - Public hearing was advertised for this time and place to consider the designation of "purpose areas" for law enforcement funds received from the U. S. Conference of Mayors Law Enforcement Block Grant Funds as follows:

Custody Specialist Program	\$122,499.00
Custody Specialist Special Duty Program	2,450.00
Technology improvements:	14,449.00
Computer workstation, Investigations Bureau	
Optical imaging report retrieval system	
Total HR 728 Expenditures	\$139,398.00

Police Chief Bueermann explained that the Omnibus Appropriations Act, Public Law 104-208, provides \$523 million for the implementation of the Local Law Enforcement Block Grant program through the Federal Bureau of Justice Assistance. The funds must be used for municipal police services and must supplement, not supplant, existing funding for municipal police services. The City Council must consider the written request for the use of these funds separate and apart from the proposed allocations from the General Fund. The proposed fund use is designed to increase police presence, reduce response times, and to reduce the amount of time that is spent on duties that may be better handled by non-sworn personnel. 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 moved to approve the use of the Local Law Enforcement Block Grant funds as described above. Motion seconded by Councilmember Freedman and carried unanimously.

PLANNING AND COMMUNITY DEVELOPMENT

Resolution No. 5562 - Waiver of Measure U Requirements - Community Development Director Shaw explained that at the City Council meeting of September 15, 1998, the Redevelopment Agency approved the sale of property located on the west side of Orange Street, south of Pearl Avenue within the Downtown Specific Plan No. 45 to Golison Development. As part of that action, there was discussion of the developer's intent to proceed as expeditiously as possible in the processing of the development plans through City review and permitting. In recognition of that and the City's interest in encouraging development in the downtown area as evidenced in the General Plan, the Mayor directed staff to bring back a resolution for the City Council's consideration that would implement the exemption provided in Section 2.B.2.E of Measure U. This exemption provides that new development projects subject to the Downtown Specific Plan No. 45 are exempt from the provisions of Measure U upon a four-fifths (4/5) vote of the total authorized membership of the City Council. Councilmember Banda moved to adopt Resolution No. 5562, a resolution of the City of Redlands waiving requirements of Measure U in Downtown Specific Plan No. 45 for property located on the west side of Orange Street, south of Pearl Avenue, for Golison Development specifically as they relate to socio-economic studies and traffic. Motion seconded by Councilmember George and was so ordered by the Mayor as there was no opposition to the motion.

Measure U - Redlands Christian Home - The Redlands Christian Home has requested a City Council interpretation of Measure U as it applies to their project. This proposed project is a licensed care facility for the elderly to be located at the northeast corner of Wabash and Fifth Avenues. This facility is in the County of San Bernardino and has an environmental negative declaration and an approved conditional use permit issued by the County of San Bernardino. The applicant has indicated a desire to annex the subject property and build the facility within the City of Redlands. Based on the fact they are a congregate care project, 501C (non-profit) organization, have a legal interest in the property, and are church-owned, Councilmember Freedman moved to direct the City Attorney to prepare the necessary legislation to exempt this project from the socio-economic and traffic analysis requirements of Measure U. Motion seconded by Councilmember Banda and carried with Councilmember George voting NO as he wanted a more specific description of the project before deciding if it would be exempt.

RDA No. 85-2A Transfer - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the transfer of ownership for Residential Development Allocation No. 85-2A to Silverado Investment for Tentative Tract No. 12628 located between Brockton and Cornell Avenues and west of Emily Street.

Subdivision Improvement Agreement - Classic Pacific - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously approved Amendment No. 1 to the Subdivision Improvement Agreement with Classic Pacific for improvements required for Tract No. 14790-1, Sunset Hills, with the following correction: change date of seventh day of October to read seventh day of September throughout the document.

COMMUNICATIONS

Legislative Bulletins - No discussion.

SBVMWD - The four items regarding the San Bernardino Valley Municipal Water District were continued to the 7:00 P.M. session.

Appointment - Airport Advisory Board - Mayor Cunningham moved to nominate Ted D. Barker to fill the unexpired term of John Krueger on the Airport Advisory Board. Motion seconded by Councilmember George and was so ordered by the Mayor as there was no opposition to the motion.

Appointment - Board of Appeals - Mayor Cunningham moved to nominate Monte L. Stuck to a four-year term on the Board of Appeals. Motion seconded by Councilmember Freedman and was so ordered by the Mayor as there was no opposition to the motion.

Appointment - Public Works Commission - Mayor Cunningham moved to nominate Mark Stanson to fill the unexpired term of Keith Dagostino on the Public Works Commission. Motion seconded by Councilmember Banda and was so ordered by the Mayor as there was no opposition to the motion.

Appointment - Recreation Advisory Commission - Mayor Cunningham moved to nominate Alicia O'Donnell to fill the unexpired term of Robert Hahn on the Recreation Advisory Commission. Motion seconded by Councilmember Freedman and was so ordered by the Mayor as there was no opposition to the motion.

Appointment - DRBA Advisory Board - Mayor Cunningham moved to approve the recommendation of the Downtown Redlands Business Association Advisory Board to reappoint Tony Crotinger to another four-year term on the DRBA Advisory Board. Motion seconded by Councilmember Banda and was so ordered by the Mayor as there was no opposition to the motion.

Reservoir Road Citrus Grove - Public Works Director Mutter reported that the City Council had previously directed staff to survey residents within the Reservoir Road assessment district to ascertain opinions on the proposed planting of a citrus grove between Reservoir Road and the I-10 Freeway at the existing mini park. Staff sent letters and a questionnaire to the 35 residents included in the assessment district. Thirteen responses were received by the return deadline. A summary of the survey with comments from the residents was included in the staff report. It would appear from the survey results that the area residents would support and approve the change from the existing mini park to a citrus grove. They would also support the reduction of their annual assessments. Several opinions suggested that the new landscaping be planted along the entire street/freeway frontage and others suggested that soundwalls be constructed. Mayor Cunningham noted the Redlands Host Lions Club has offered assistance for this project and that Larry Jacinto has offered to donate the trees if the park was named in memory of his father, Frank Jacinto. Councilmember George moved to direct staff to proceed with the development of the citrus grove and that development of said citrus grove be assigned to the Citrus Commission for appropriate design, scheduling, and implementation. Motion seconded by Councilmember Banda and was so ordered by the Mayor as there was no opposition to the motion.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5565 - Great Neighborhood Program - Councilmember Banda moved to adopt Resolution No. 5565, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Project Area for the Great Neighborhoods Program. Motion seconded by Councilmember Freedman and was so ordered by the Mayor as there was no opposition to the motion. (Also see Redevelopment Agency minutes of October 6, 1998.)

Resolution No. 5566 - Set-Aside Funds - Judy Miller asked the City Council for their support for the approval of Resolution No. 5566 as recommended by the Housing Commission. Councilmember Freedman moved to adopt Resolution No. 5566, 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 Doyle and Judy Miller, property owners of two four-plex properties located at 1006 and 1016 Lombard Drive. Motion seconded by

Councilmember Banda and was so ordered by the Mayor as there was no opposition to the motion. (Also see Redevelopment Agency minutes of October 6, 1998.)

Funds - Housing Bureau - Police Chief Bueermann said this request comes in response to the reorganization of the Community Development Block Grant (CDBG) contract administration. Housing personnel will no longer be responsible for CDBG construction projects and therefore cannot charge staff time to the CDBG account. Public Works will bill future contract administration for CDBG construction projects in an amount not to exceed \$16,384.00, the County's percentage limitation for allowable administrative fees. Councilmember George moved to approve an additional appropriation in the amount of \$16,384.00 to support salary and benefit costs in the Housing Bureau to cover salary and benefit expenses currently allocated in the CDBG fund. Motion seconded by Councilmember Gilbreath and was so ordered by the Mayor as there was no opposition to the motion. (Also see Redevelopment Agency minutes of October 6, 1998.)

CLOSED SESSION

The City Council meeting recessed at 3:52 P.M. to continue the Redevelopment Agency meeting. The City Council meeting reconvened at 3:55 P.M. and recessed immediately to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code § 54956.9(a)
 - Wenzel v. City of Redlands (SCV 43189)
 - Majestic Realty Company v. City of Redlands and Timberlake Group Intl. (SCV 51027 and SCV 49347)
 - Redlands Crossing v. City of Redlands (SCV 797365)
 - Carillo v. Lockheed Martin et al
 - Keith Roberts v. City of Redlands
2. Conference with legal counsel: Anticipated litigation - Government Code § 54956.9(b) - 2 Cases
3. Conference with real property negotiator
 - Property: APN 167-011-09 and APN 167-011-12 (Wash area)
 - Negotiating parties: Gary M. Luebbers and Robert M. Matich
 - Under negotiation: Terms and price

The meeting reconvened at 7:00 P.M.

Accolades - Mayor Cunningham was proud to announce that the City of Redlands was well represented at the League of California Cities Annual Conference held this past weekend in Long Beach during which the City was one of nine recipients of the Helen Putnam Award. Representing the City of

Redlands were: Rick Hulbert, Jim Grant, Linda Arnold, Mitch McKee, Mike Reynolds, and Janet Miller. City Treasurer Reynolds also moderated two panels; one of which Police Chief Bueermann and City Manager Luebbers made a presentation. Municipal Utilities Director Phelps and Community Development Director Shaw were also present at the conference. Mayor Cunningham stated it was a genuine pleasure to receive the recognition and to represent the finest City in California. City Manager Luebbers announced that the National League of Cities informed us today that the City of Redlands had been selected to receive another award for our volunteers in the Police Department. Deputy Chief Clete Hyman, Sgt. Tom Fitzmaurice, and three Civilian Volunteer Patrol personnel present were congratulated on their successful program. City Manager Luebbers said representatives will go to Kansas City later this year to receive the award.

COMMUNICATIONS (continued)

San Bernardino Valley Municipal Water District - Mayor Cunningham scheduled several items on this agenda relating to the San Bernardino Valley Municipal Water District, and invited SBVMWD Executive Director Louis Fletcher to explain the proposed water sales agreements with Orange County Water District and Inland Empire Utilities Agency (Chino). Mr. Fletcher explained in detail the proposed water sales which will lower the water table in San Bernardino to address the liquefaction factor and damage to roads and flooded basements caused by the high ground water table in San Bernardino.

San Timoteo Canyon Water Services - Councilmember Gilbreath left the City Council Chambers during the following discussion due to a possible conflict of interest. SBVMWD Executive Director Louis Fletcher explained why the San Bernardino Valley Municipal Water District has contracted with CM Engineering Associates, Inc. for locating and specifying a test well, construction of a domestic production well and water system planning in the San Timoteo Canyon area. This is being done in response to property owners' request to the Riverside-Highland Water Company for domestic water service. Generally, the properties requesting service are southerly of San Timoteo Canyon Road and westerly of Redlands Boulevard. Mr. Fletcher reported that the information received so far is bad and that this contract was entered into in an attempt to decide if the project should go any further.

Redlands Water Service Areas - In an effort to protect the City of Redlands' investment, Mayor Cunningham asked SBVMWD Executive Director Louis Fletcher if anyone in the donut hole has requested service. Mr. Fletcher responded that this type of information was kept to themselves; but did say no formal request has been made, only inquiries. He also stressed that due to the fact that he is a property owner in the donut hole he wished to disqualify

himself. Board member Joan Dotson and Board member candidate Mark Bulot were also present at this meeting.

UNFINISHED BUSINESS

UDOPA Preannexation Agreement Proposal - Councilmember Gilbreath expressed concern about the pre-annexation agreement negotiation process for the United Donut Hole Property Owners Association (UDOPA). There have been transmittals back and forth between Keith Cunningham and Mayor Cunningham but she has not seen any pre-annexation agreement presented at this level. Keith Cunningham addressed the City Council and said there has been no effort on the part of the City to meet with UDOPA since two Council meetings ago and he asked for the opportunity to sit down to see if there is a deal. Mayor Cunningham responded to Keith Cunningham and the two men bandied back and forth. Councilmember Gilbreath stated we need to move forward and encouraged the Mayor to begin the process of negotiating. Mayor Cunningham asked Councilmembers to give him a list of items they are willing to negotiate and promised he would meet with representatives of UDOPA.

Lisa Marie Lane Dedication - Public Works Director Mutter reported the City Council adopted Resolution No. 5555 on September 1, 1998, accepting an offer of dedication for portions of Lisa Marie Lane (also known as Smiley Boulevard) as shown on Parcel Map No. 3373. Portions of the actual roadway do not follow the dedication accepted, and the dedication accepted does not extend to the City limit/County line. Private access easements have been executed for all portions of the existing roadway. William Bonadiman, a partner of the development in Riverside County, is requesting that the City of Redlands accept the dedication for the remaining roadway to the City limit/County line. If the offer of dedication for the roadway is accepted, there are several points that should be considered. If accepted, an easement is granted to the City of Redlands for public roadway purposes. The remainder of Lisa Marie Lane would become a public street and as such would be able to be used by the general public as a roadway. The City of Redlands would be responsible for all maintenance and potentially all liability associated with the roadway within the easement. If the roadway is to be developed as a public street, staff recommended that the roadway be constructed to Public Works' standards, including improvements to structural and geometric standards, drainage improvements, traffic control, adequate roadway lighting, etc. This should also include improvements to the intersection of San Timoteo Canyon Road to provide adequate right and left turn lanes. Councilmember Freedman moved to deny acceptance of the dedication for Lisa Marie Lane between San Timoteo Canyon Road and the Redlands' City limit/Riverside County line excepting that portion previously accepted for dedication. Motion seconded by

Councilmember Banda and was so ordered by the Mayor as there was no opposition to the motion.

Annexation No. 76 - Councilmember George did not feel the City was going to resolve the United Donut Hole Property Owners Association problems in the immediate future and urged the City Council to consider amending the properties to be included in the Annexation No. 76 to eliminate the private property within the donut hole. Redlands Unified School District President Mike Ramos urged Councilmembers to proceed with the annexation of Redlands East Valley High School and asked the Councilmembers to adopt a severance resolution to remove their parcel from the donut hole annexation application. Councilmember George moved to modify the request to LAFCO to change Annexation No. 76 by deleting any property in the donut hold that is not owned by the City of Redlands; motion seconded by Councilmember Gilbreath and failed by the following vote:

AYES: Councilmembers Gilbreath, George

NOES: Councilmembers Banda, Freedman; Mayor Cunningham

Michelle Nelson attempted to address the City Council regarding this matter but was not allowed to speak by Mayor Cunningham after the vote and was escorted by the Police Chief back to her seat.

Socio-Economic Study - Councilmember Gilbreath expressed concern about the length of time it was taking to implement the Measure U socio-economic study and invited three individuals to address the City Council to relate the effect of the delay on their projects. Hal Hagen (housing project on Sunset Drive), Dawn D. Rinker (Wissahickon Inn), and Keith Cunningham (Hampton Heights) addressed the City Council. It was noted the Planning Commission is holding a special workshop study session Wednesday, October 7, 1998, to discuss the committee's report on this matter.

The City Council briefly recessed at 9:06 P.M. and reconvened at 9:14 P.M.

NEW BUSINESS

Appeal - Cities Pavillion Project - An appeal was filed by Majestic Realty Company to the Planning Commission decision of September 8, 1998, to approve final landscaping, irrigation and architectural detail plans as required by the conditions of approval for Planning Commission Review and Approval No. 682 for Cities Pavillion, a commercial center within a 21.44 acre site generally located between San Bernardino Avenue and Pennsylvania Avenue on both sides of New York Street in Concept Plan No. 4 of the East Valley Corridor Specific Plan.

Community Development Director Shaw reported that this project, Planning Commission Review and Approval (CRA) No. 682, is located in the Special Development District of the East Valley Corridor Specific Plan No. 40. This proposed project is the result of Concept Plan No. 4 and is part of the first stage of development for this proposed center. Concept Plan No. 4 established two land use designations: "General Commercial" and "Administrative and Professional." This Concept Plan received a recommendation for a Mitigated Negative Declaration by the Environmental Review Committee on August 22, 1994. On August 1, 1995, the City Council reviewed and certified the Mitigated Negative Declaration. The City Council on this same date also adopted Concept Plan No. 4 as recommended by staff. On June 24, 1997, Phase One of the development for the overall commercial center, under CRA No. 682, was reviewed and approved by the Planning Commission subject to the various departmental conditions of approval. This phase consisted of four buildings which included a 20 screen theater, two restaurants, and several retail shops. The total combined floor area for all four buildings was approximately 192,690 square feet. This phase of development was reviewed and found to be within the parameters of the approved Mitigated Negative Declaration for Concept Plan No. 4. On March 2, 1998, the Building and Safety Division issued a grading permit for Phase One. On September 8, 1998, the Planning Commission reviewed and approved the final landscape and irrigation plans and the architectural details that were submitted to satisfy specific conditions of approval imposed on Phase One of this commercial center. Although the initial approval was for four buildings (A through D), only Building A was submitted for Planning Commission consideration. The submittal of Building A was deemed consistent with the originally approved project and is designed to function as one independent commercial entity. All required parking, traffic circulation, landscaping, irrigation, lighting and other amenities would be provided as required. The architectural details for the other buildings that comprise Phase One will need to be submitted for separate staff review and Planning Commission approval. Also, those uses requiring a Conditional Use Permit will need to be submitted for separate review and approval by the Planning Commission.

The appellant, Majestic Realty Company, is a property owner of approximately 124 acres located between San Bernardino Avenue, Alabama Street, Lugonia Avenue, and the Route 30 Freeway. The grounds of the appeal cited in this application were as follows:

- "1) The CRA approved for the Pavillion project in June 24, 1997 expired on June 24, 1998 and accordingly the entire project, and all aspects thereof, must be reviewed by the Planning Commission and the City Council. This decision wrongly relied upon the continued validity of the 1997 CRA for the Project.

- 2) Under city ordinance 18.192.180 approval of a CRA application must be made by the City Council.
- 3) Approval of a CRA for a project in excess of 5,000 square feet is subject to Measure U. None of the requirements for Measure U have been complied with in connection with this project.
- 4) Architectural design of the project is substandard sets a precedent for the surrounding areas that will be detriment to adjacent landowners and the City in general.
- 5) Approval of the project is in violation of the California Environmental Quality Act due to the (i) the original project has expired and consideration of a new project to subject to CEQA, and (ii) the project as proposed is significantly different than the project originally approved.
- 6) Approval of a theater requires a Conditional Use Permit, which has never been granted for this project.
- 7) Approval of the project is reliant in part on the existence of a Development Agreement, which is invalid due to violation of state statutes and City ordinances relating to Development Agreements."

Community Development Director Shaw concluded his presentation stating the appeal by Majestic Realty Company mirrors several issues that are the subject of litigation with the City of Redlands pertaining to the Cities Pavillion project. Therefore, staff did not provide a detailed analysis in their report but instead reviewed certain key issues, staff analysis, and staff recommendations in the closed session held earlier in the day.

On behalf of the appellant, Majestic Realty Company, John Mirau reviewed in detail their appeal covering the description of the Planning Commission's approval on September 8, 1998, the status of the Planning Commission review and approval; its effect on the Citrus Plaza project; the Planning Department staff and Planning Commission review of the project; architectural style; the need for a Conditional Use Permit; application of Measure U; and the status of the Development Agreement. Representing Cities Pavillion, Sherman Stacy responded to each of the issues and provided photographs confirming grading of the site and copies of the daily reports of work performed by Diffenbaugh Construction and a letter from Kenneth R. King, Civil Engineer, regarding the periodic inspections of the grading work. Mr. Mirau was allowed a short rebuttal to these comments.

Councilmember Gilbreath stated she was concerned with some of the Planning Commission comments and this was not a vision of what she wanted in Redlands. Councilmember George moved to direct staff to provide additional scope and detail. Seconding the motion, Councilmember Banda noted this was not her choice, that she preferred Majestic's architecture style, but that she did not have a problem with the Cities Pavillion plans. City Attorney McHugh

asked for a clarification of the motion as to whether the City Council wanted to uphold or deny the Planning Commission's decision. A poll of the Councilmembers indicated the majority wanted to uphold the decision, and Councilmembers George and Banda were willing to amend their motion to reflect this and that the findings be brought back to the October 20, 1998, meeting. The amended motion carried with Councilmember Gilbreath voting NO.

Resolution No. 5560 - Nuisance Abatement - Community Development Director Shaw introduced Code Enforcement Officer Jim Grant who reported that on May 13, 1998, at a Redlands Police Department Neighborhood Improvement Team meeting, the property located at 107 East San Bernardino Avenue was discussed and identified as a long-term problem. There have been two fires set in the house, graffiti spray painted, and there is an open and dangerous swimming pool in the back yard. On June 2, 1998, Code Enforcement, Redlands Police Department, and Redlands Fire Department personnel inspected the property. On June 10, 1998, a certified letter was mailed to the last known registered address of the owner; the letter was returned as "unclaimed" on June 26, 1998. The problems that exist at the site and continue to worsen were identified and a summary of the actions taken was reviewed that resulted in this hearing to abate the nuisance. Mayor Cunningham asked if anyone from the audience wanted to address this matter. No one being forthcoming, Councilmember George moved to adopt Resolution No. 5560, a resolution of the City Council of the City of Redlands finding that the conditions on the property known as 107 East San Bernardino Avenue constitute a public nuisance. Motion seconded by Councilmember Freedman and was so ordered by the Mayor as there was no opposition to the motion. If the abatement of the above nuisance is not completed, the same will be removed and repaired, and the nuisance will be abated by the City of Redlands, in which case the cost of such removal or repair shall be assessed upon the property on which said unsafe, dangerous, and hazardous conditions exist, and such cost will constitute a lien upon such property until paid.

Resolution No. 5561 - Nuisance Abatement - Community Development Director Shaw introduced Code Enforcement Officer Jim Grant who reported that on August 9, 1995, Code Enforcement received a complaint that vagrants were using the property located at 707 East Colton Avenue. Certified letters to clean up the property were mailed in 1995, 1997, and 1998, and all letters have been returned as "unclaimed." In April, 1998, the Redlands Fire Department cut down and removed all tall weeds and grass to abate a potential fire hazard. Code Enforcement completed site inspections on June 3, 1998, and July 27, 1998. The problems that exist at the site and continue to worsen were identified and a summary of the actions taken was reviewed that resulted in this hearing to abate the nuisance. Mayor Cunningham asked if anyone from the audience

wanted to address this matter. No one being forthcoming, Councilmember George moved to adopt Resolution No. 5561, a resolution of the City Council of the City of Redlands finding that the conditions on the property known as 707 East Colton Avenue constitute a public nuisance. Motion seconded by Councilmember Gilbreath and was so ordered by the Mayor as there was no opposition to the motion. If the abatement of the above nuisance is not completed, the same will be removed and repaired, and the nuisance will be abated by the City of Redlands, in which case the cost of such removal or repair shall be assessed upon the property on which said unsafe, dangerous, and hazardous conditions exist, and such cost will constitute a lien upon such property until paid.

Fee Waiver - San Bernardino Vet Center - The San Bernardino Vet Center requested waiver of reservation fees for the use of Sylvan Park for a disabled veterans' luncheon. They expect 60 persons to attend this event and have requested a reservation for the covered picnic area for this event. Public Works Director Mutter explained that in the past, the City Council has generally waived fees for registered non-profit groups. The San Bernardino Vet Center is a non-profit Federal agency with the Department of Veterans Affairs. The total fee is \$210.00 for the reservation of the covered picnic area at Sylvan Park. Councilmember Freedman's motion to deny this request died for lack of a second. Councilmember Gilbreath moved to approve the request for a waiver of fees for the use of the Sylvan Park by the San Bernardino Vet Center. Motion seconded by Councilmember Banda and carried unanimously.

Paramedic Tax Special Tax Ballot Measure - Fire Chief Enslow said the special tax for emergency paramedic services has been in effect since fiscal year 1982-83 and currently generates \$925,000.00 annually. With an annual program operating budget of \$1.3 million, a General Fund subsidy of approximately \$375,000.00 is required. Over the past 17 years, \$1.5 million in General Funds have been used to subsidize the paramedic program. Future funding requirements are expected to bring the annual General Fund subsidy to an estimated \$683,000.00 by fiscal year 2001-02. The General Fund subsidy would be reduced annually and eliminated entirely if the current charge for a single family home was raised \$30.00 per year over a three year period and all other building categories (multi-family, mobile home, commercial, and industrial) raised proportionately as well. During the three year implementation period, the cumulative General Fund subsidy is expected to reach \$2,550,000.00. To insure a self-sustaining program, staff recommended an annual COLA or CPI increase in order to ensure the ongoing future funding of the program. In the opinion of the City Attorney, taking an action to increase this tax would not jeopardize the City's ability to continue collecting the existing special tax. All appropriate documents would require City Council approval on or before July 6, 1999, to place this issue on the November 1999

general election ballot. Councilmember Freedman moved to continue this matter for 30 days for more study on the figures presented. Motion seconded by Councilmember Banda and was so ordered by the Mayor as there was no opposition to the motion.

PUBLIC COMMENTS

Public Nuisance - Gerrard A. Gonthier, 930 Renee Street, asked the City Council for assistance regarding properties located at 926 Renee Street and 923 Clock Street that are not being maintained by the landlord. City Manager Luebbers informed Councilmembers an ordinance is being prepared which will allow staff to be more aggressive addressing this type of concern. Mr. Gonthier was referred to Community Development Director Shaw for assistance with his particular complaint.

Speakers' Protocol - Having not been allowed by the Mayor to address the City Council earlier in the evening, Michelle Nelson asked the City Attorney how one can be acknowledged from the audience to speak at a City Council meeting. She then re-attempted to address the City Council regarding Annexation No. 76, but was stopped by the Mayor as this portion of the agenda is for matters not already scheduled on the agenda.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 10:25 P.M. The next regular meeting will be held on October 20, 1998.

City Clerk