

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on November 17, 1998, at 3:00 P.M.

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  
Cletus Hyman, Deputy 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.

PRESENTATIONS

Major Crime Investigation Participants - Following the discovery of human bones in the sewer and an intensive investigation, fifteen-year-old John Procter (J.P.) Remsen was arrested and charged for the gruesome stabbing murder of Tristen Jensen, age 14. Explosives were found at the Remsens' residence on Phlox Court and his parents were also arrested. Asking the participants in this investigation to stand and be recognized, Deputy Police Chief Hyman reported that 126 individuals representing 25 units/organizations devoted over 1,300 hours, 600 hours of overtime to this investigation. This labor intensive investigation was a graphic example of partnership teamwork of a wide assortment of employees. Mayor Cunningham and Deputy Police Chief Hyman presented certificates of appreciation to Deputy District Attorney Mike Ramos, and representatives from The Gas Company, Redlands Fire Department, Redlands Municipal Utilities Department, Redlands Public Works Department, Riverside Police Department E.O.D., San Bernardino County Coroner's Office,

San Bernardino County Sheriff's Department Bomb/Arson Unit, San Bernardino County sheriff's Department Crime Lab, San Bernardino County Sheriff's Department Volunteer K9 Corps, and Southern California Edison Company. Also acknowledged for their assistance was the Federal Bureau of Investigation - Riverside Office, Federal Bureau of Investigation - S.A.F.E. Team, Los Angeles, and the Los Angeles Police Department Bomb Squad. Redlands Police Department personnel were asked to stand and be recognized.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the minutes of the regular meeting of November 3, 1998, and the adjourned regular meeting of November 10, 1998, were approved as submitted.

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

Planning Commission Actions - Mayor Cunningham moved to appeal the Planning Commission's decisions on November 10, 1998, regarding Planning Commission Review and Approval No. 696 and Conditional Use Permit No. 681 for Cities Pavillion Partners' applications for a 96,800 square foot commercial building which will contain an 18 screen theater, restaurants, and retail uses on approximately 21.4 acres in Concept Plan No. 4 of the East Valley Corridor Specific Plan located between San Bernardino and Pennsylvania Avenues on both sides of New York Street. Motion seconded by Councilmember Gilbreath and carried unanimously.

Ordinance No. 2363 - Nuisances - Ordinance No. 2363, an ordinance of the City of Redlands amending Chapter 8.04 of the Redlands Municipal Code relating to nuisances, was adopted on motion of Councilmember Freedman, seconded by Councilmember Gilbreath, by the following vote:

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

NOES: None

ABSENT: None

Funds - Curb Ramp Improvement Project - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously approved an additional appropriation in the amount of \$35,492.00 in the Local Transportation Fund (22 Fund) to pay for costs associated with the Curb Ramp Improvement Project. The Public Works Department has prepared plans and specifications for this project which will construct approximately 50 curb ramps at various locations throughout the City. When the project is

completed, a TDA Claim form will be sent to SANBAG requesting 100 percent reimbursement for the cost of the project up to the balance existing in the City's account.

Funds - Fire Safety Demonstration Trailer - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously approved an additional appropriation in the amount of \$26,930.00 in the 52 Fund to pay for costs associated with the Multihazard Mitigation Education Program related to FEMA-979-DR-CA. These funds will be used to purchase a Fire Safety Demonstration Trailer. This is a 50-50 percent cost share grant. Fire Marshal Temby has secured donations from Wal-Mart (\$3,000.00) and Seven-W Enterprises, Inc. (\$500.00), and a letter of commitment from Loma Linda University Medical Center (up to \$23,000.00).

Agreement - Single Family Mortgage Revenue Bonds - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously approved an agreement between the City of Redlands and San Bernardino County authorizing the allocation of Single Family Mortgage revenue Bonds in Redlands. Redlands has maintained a cooperative agreement with the County for this purpose since 1995.

Resolution No. 5576 - Salary - Councilmember Cunningham moved to adopt Resolution No. 5576, a resolution of the City Council of the City of Redlands amending Resolution No. 5567 to move the Information Systems Technician position from the Police Department to the Municipal Utilities Department, change the M.I.S. Manager title to Senior Information Systems Technician, and change the title of Engineering Manager to Civil Engineer with R.E. (Registered Engineer) in the Municipal Utilities Department. Motion seconded by Councilmember Banda and unanimously carried.

Appointments - DRBA Advisory Board - On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously appointed Larry Statler and Tammy Barr to the Downtown Redlands Business Association Advisory Board as recommended by the DRBA Advisory Board.

## COMMUNICATIONS

Trench Cut Fee Program - Public Works Director Mutter prepared a report providing information regarding the establishment of a fee to mitigate roadway damages due to utility cuts. The report considered various topics and concerns including legal issues, required engineering studies, various City construction standards and policies, issues to utility companies, and required ordinances and resolutions. Larry Todd, Southern California Edison Company Compliance

Manager, asked the City Council to consider letting them work with City staff to formulate an ordinance. He also informed Councilmembers they were studying better trench methods to alleviate roadway damage. Arnold Dickson, The Gas Company, also addressed the City Council in support of sitting down with staff noting they could do a better job without a stick. By consensus, Council directed staff to meet with the utility companies and the Municipal Utilities Department to work out a position and draft an ordinance which addresses quality trench cuts.

Fire Station No. 261 Renovation - Councilmember Gilbreath reported that Jim Glaze offered to donate \$25.00 for each car sold during the month of October to the Save Our Station Committee. In a show of support, his employees worked hard and had an outstanding sales month. Councilmember Gilbreath presented a check from Jim Glaze in the amount of \$3,125.00 to SOS Committee Treasurer Jim Macdonald and said she would deliver a certificate of appreciation to Mr. Glaze. Fire Chief Enslow reported the remodel project funding program is well underway. SOS Committee members Jim Macdonald and Mayor Emeritus Swen Larson recently met with himself and Public Works Director Mutter to coordinate their budget with those funds already committed by the City of Redlands. During the meeting, the SOS Committee took on the complete responsibility of funding and remodeling the kitchen of the fire station. He then presented a revised funding plan which leaves a balance of only \$35,359.00 yet to be funded. Staff is convinced the deficit can be made up by competitive bidding and continued receipt of donations by the SOS Committee. Public Works Director Mutter reported on the progress of the renovation project. City Manager Luebbers announced the new ladder truck arrived this week and will be in service by the first of the year.

Appointment - Public Works Commission - Mayor Cunningham reported an appointment to fill the vacancy on the Public Works Commission will be re-scheduled for the December 1, 1998, City Council meeting.

#### JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5575 - Great Neighborhoods Program - Councilmember Banda moved to adopt Resolution No. 5575, 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 carried unanimously. (Also see Redevelopment Agency minutes of November 17, 1998.)

#### LATE BREAKING ITEM

Proclamation - Family Week - Councilmember Gilbreath moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Authorization to issue a proclamation declaring the week of November 21-28, 1998, as Family Week." Motion seconded by Councilmember Banda and carried unanimously. Councilmember Freedman moved to authorize issuance of this proclamation which encourages our community to focus attention on the value and importance of the family. Motion seconded by Councilmember Gilbreath and carried unanimously.

## CLOSED SESSION

The City Council meeting recessed at 3:32 P.M. to a Redevelopment Agency meeting and reconvened at 3:35 P.M. to a closed session to discuss the following:

- a. Conference with legal counsel: Existing litigation - Government Code § 54956.9(a) - Redlands Crossing v. City of Redlands (CV98-2296WDK)
- b. Conference with legal counsel: Anticipated litigation - Government Code § 54956.9(c) - One case

The meeting reconvened at 7:00 P.M.

## PUBLIC HEARINGS

Ordinance No. 2385 - Development Agreements - Public hearing was advertised for this time and place to consider Ordinance No. 2385, an ordinance of the City of Redlands amending Chapter 18.220 of the Redlands Municipal Code relating to development agreements. Community Development Director Shaw reported the intent of proposed Zoning Ordinance Text Amendment No. 261 was to establish a comprehensive procedure for the requirement of an annual review of development agreements and to ensure that the applicant provides written documentation of its legal or equitable interest in the property covered by the development agreement. Councilmember Gilbreath questioned the appeal process. City Attorney McHugh explained it is covered under another section of the Code. Councilmember Cunningham suggested amending the proposed ordinance to include a provision requiring notice of the annual review of a development agreement be included on the Consent Calendar of the City Council's agenda 30 days prior (or thereabouts). This was agreeable to all Councilmembers. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Ordinance No. 2385 was read by title only by City Clerk Poyzer, and on motion of Councilmember Banda, seconded by Councilmember Freedman, further reading of the ordinance text was unanimously waived, and Ordinance No. 2385 was introduced, as amended,

with unanimous Council approval and laid over under the rules with adoption scheduled for December 1, 1998.

Ordinance No. 2386 - Signs - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, Ordinance No. 2386, an ordinance of the City of Redlands amending the Redlands Municipal Code concerning signs, was unanimously continued until December 1, 1998.

Ordinance No. 2387 - Zone Change No. 368 - Public hearing was advertised for this time and place to consider Ordinance No. 2387, an ordinance of the City of Redlands adopting Zone Change No. 368 to establish pre-zoning classification pending annexation of 8.95 acres within the City's sphere of influence to A-1 (Agricultural) District (five-acre lots) located on the southeast corner of Wabash Avenue and Sixth Street, as recommended by the Redlands Planning Commission. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments concerning this pre-zoning classification. None being forthcoming, the public hearing was declared closed. Councilmember George to approve the Environmental Review Committee's Negative Declaration for Zone Change No. 368 based on the finding that the project will not have 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 Gilbreath and carried unanimously. Ordinance No. 2387, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting a revised land use zoning plan as part of the Official Land Use Zoning Map and effecting Zone Change No. 368, was read by title only by City Clerk Poyzer and on motion of Councilmember Gilbreath, seconded by Councilmember George, was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for December 1, 1998.

Ordinance No. 2388 - Zone Change No. 369 - On motion of Councilmember Banda, seconded by Councilmember George, Ordinance No. 2388, an ordinance effecting Zone Change No. 369 which will establish pre-zoning classifications pending annexation of 229.2 acres of land within the City's sphere of influence bounded by Wabash Avenue to the west, Nice Avenue to the north, Crafton Avenue to the east, and Third Avenue to the south, was unanimously continued until December 1, 1998.

Ordinance No. 2389 - Zone Change No. 370 - Public hearing was advertised for this time and place to consider Ordinance No. 2389, an ordinance adopting Zone Change No. 370 and establishing pre-zoning classification pending annexation of 82 acres of land within the City's Sphere of Influence to the M-2

(General Industrial) District for property bounded by the Santa Ana River to the north, City Limit Line to the east, San Bernardino Avenue to the south, and Mountain View Avenue to the west, as recommended by the Redlands Planning Commission. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments concerning this pre-zoning classification. None being forthcoming, the public hearing was declared closed. Councilmember Banda moved to approve the Environmental Review Committee's Negative Declaration for Zone Change No. 370 based on the finding that the project will not have 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. Ordinance No. 2389, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting a revised land use zoning plan as part of the Official Land Use Zoning Map and effecting Zone Change No. 370, was read by title only by City Clerk Poyzer and on motion of Councilmember Banda, seconded by Councilmember Freedman, was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for December 1, 1998.

#### UNFINISHED BUSINESS

Appeal - Cities Pavillion Project - Planning Commission Review and Approval No. 682 approved the final landscape and irrigation plan and the architectural design detail plan as required by the condition of approval for a permit 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. An appeal was filed by Majestic Realty Company, and a public hearing was held at the City Council meeting held on October 6, 1998. Following a lengthy report from Community Development Director Shaw and the public hearing, the City Council continued the matter to allow staff to prepare facts and findings to support the Planning Commission's decision. Community Development Director Shaw reviewed the staff report. Representing Majestic Realty Company, John Mirau again urged the City Council to deny the application. Representing Cities Pavillion, Amanda MacPherson urged the City Council to approve the application and asked for further findings. City Attorney McHugh did not feel it was necessary to address irrelevant issues as requested by Ms. MacPherson. Councilmembers Freedman, Cunningham, Banda, and Gilbreath reiterated their viewpoints; Councilmember George felt that since the City is in litigation, the less comment from the City Council, the better. Councilmember Banda moved to deny the appeal by Majestic Realty Company and approve the landscaping, lighting, and architectural plans for

Planning Commission Review and Approval No. 682 based on the following facts and findings:

1. The project is located within the East Valley Corridor Specific Plan.
2. The project is located in Concept Plan No. 4 of the East Valley Corridor Specific Plan. On August 1, 1995, the City Council reviewed and certified the Mitigated Negative Declaration and approved Concept Plan No. 4 as recommended by staff.
3. The application for Planning Commission Review and Approval No. 682 is to allow a commercial retail project located within Concept Plan No. 4, East Valley Corridor Specific Plan.
4. The Planning Commission reviewed and approved Planning Commission Review and Approval No. 682 on June 24, 1997, for phase one of the development for a commercial center subject to the various departmental conditions of approval. Conditions of approval pertaining to architectural details, final landscaping and irrigation plans, and lighting plans for Building "A" were required to be returned to the Planning Commission for final review and approval.
5. The Planning Commission on September 8, 1998, reviewed and considered a staff report, colored architectural elevations, a materials board, final landscaping and irrigation plans, and lighting plans for Building "A."
6. On September 8, 1998, the Planning Commission considered a staff presentation, input and response from those in attendance at the meeting to include the project engineer for Cities Pavillion, Ken King; the project landscape architect for Cities Pavillion, Ron Kammeyer; and an attorney representing Majestic Realty Company, John Mirau.
7. At the September 8, 1998, Planning Commission meeting, the Planning Commission, after considerable discussion and review, approved the architectural detail plans, final landscape and irrigation plans, and lighting plans for Building "A" of Planning Commission Review and Approval No. 682, subject to specific conditions of approval, on a 5-1 vote.
8. At the City Council meeting of October 6, 1998, the City Council considered the staff report; the Planning Commission's review and recommendation; the architectural elevations; the materials board; landscaping, irrigation, and lighting plans and lighting plans; the written appeal submitted by Majestic Realty Company; the staff presentation; a presentation by John Mirau representing the appellant Majestic Realty Company; and a presentation and information submitted into the record by Sherman Stacy who represented the applicant, Cities Pavillion.
9. Upon consideration of all facts and information, the City Council hereby finds that the architectural elevations; the materials board; landscaping, irrigation, and lighting plans; and lighting plans are consistent with the goals, objectives, and criteria of the East Valley Corridor Specific Plan, Concept Plan No. 4, and Planning Commission Review and Approval No. 682 finding (a) the proposed development is in conformity with the East



Valley Corridor Specific Plan, Concept Plan No. 4, the Redlands Municipal Code, and Planning Commission Review and Approval No. 682; (b) the proposed development is in the best interest of the public health, safety and general welfare of the City of Redlands; and (c) the proposed development is compatible with the character of adjacent and surrounding developments, and is of comparable composition, materials, textures and colors.

Motion seconded by Councilmember Freedman and carried with Councilmember Gilbreath voting NO.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:38 P.M. to an adjourned regular meeting to be held on November 20, 1998, at 9:00 A.M. in the City Council Chambers, 35 Cajon Street, Suite 2, Redlands, California.

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City Clerk