

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 18, 1999.

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
Michael Reynolds, City Treasurer
Jim Bueermann, Police Chief
Mel Enslow, Fire Chief
Bonnie Johnson, Finance Director
Ronald C. Mutter, Public Works Director
Gary G. Phelps, Municipal Utilities Director
Jeffrey L. Shaw, Community Development Director
John Jaquess, City Planner
(evening session)

ABSENT

None

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

PRESENTATION

Retirement Recognition - Public Works Director Mutter reported he hired Assistant Public Works Director Laaninen on January 12, 1987, and he has been a valuable member of the Public Works staff and employee of the City of Redlands. He is extremely knowledgeable, professional and proficient in what he has done and his efforts have benefited most of the City's citizens in some way. Mayor Cunningham presented a plaque with the City seal to Mr. Laaninen who will be retiring at the end of this month and thanked him for his dedicated service to the City of Redlands.

WORKSHOP

1999-2000 Budget - Noting possible conflicts on interests regarding the portion of the budget for mutual water company stock acquisition, Mayor Cunningham and Councilmember Gilbreath left the Council Chambers. Councilmember Freedman moved to approve the 1999-2000 budget for Water Stock Purchase,

Source Acquisition Fund (72), Program No. 8600, as proposed and presented. Motion seconded by Councilmember George and carried with Councilmembers Cunningham and Gilbreath abstaining. Following discussion as to what to include in the motion for approval of the proposed budget, on motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved the 1999-2000 budget with the following additions: authorize two part-time positions - one as support staff for the Joslyn Senior Center and another for the Parks Division whose only responsibility will be to clean restrooms in the parks; authorize an additional financial analyst position in the Finance Department; direction to the City Manager to prepare a financial plan for employee salary raises and a vehicle replacement program; and enhance vehicles currently in use especially for Electrician Jim Harrison. Councilmembers complimented City Manager Luebbers, Finance Director Johnson, Finance Accounting Manager Kundig, and the department heads for a job well done in the preparation of this conservative budget.

CONSENT CALENDAR

Minutes - Joan Dotson asked Mayor Cunningham for clarification in the minutes where it refers to her request at the May 4, 1999, meeting regarding the question of compliance with the Brown Act. Ms. Dotson understood that a legal opinion would be prepared by the City Attorney and placed on the agenda. Mayor Cunningham responded that the Attorney General's opinion distributed by Ms. Dotson seemed to answer the question in regard to Councilmembers sitting as observers in commission meetings. City Attorney McHugh again explained that document presented at the last meeting indicated that three Councilmembers could sit in on an advisory commission meeting with the caveat that the Councilmembers not speak publicly and that the Attorney General's opinion speaks for itself and was consistent with the way this City Council has been acting. In an effort to appease Ms. Dotson, Mayor Cunningham said we would place this matter on the next City Council agenda and make copies of the document available to Ms. Dotson and anyone else who wanted a copy. Councilmember Banda then moved to approve the minutes of the regular meeting of May 4, 1999, and the adjourned regular meeting of May 11, 1999, as submitted. Motion seconded by Councilmember Banda and carried unanimously.

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 May 11, 1999, was acknowledged as received.

Environmental Review Committee - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Environmental Review Committee meeting held May 10, 1999, and the tentative agenda for the Environmental Review Committee meeting to be held on May 24, 1999, were acknowledged as received.

Ordinance No. 2399 - SMARA - Ordinance No. 2399, an ordinance of the City of Redlands adding Chapter 18.266 to the Redlands Municipal Code to establish regulations for surface mining and reclamation activities (SMARA) and repealing Article XI of the Redlands Municipal Code, 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. 2401 - Human Relations Commission - Ordinance No. 2401, an ordinance of the City of Redlands amending Chapter 2.66 of the Redlands Municipal Code relating to the Human Relations Commission, 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

Minor Subdivision No. 241 - Joseph C. Murrey, Jr. - Final Approval - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously granted final approval for Minor Subdivision No. 241, a subdivision of approximately 3.4 acres into two single family residential lots in the R-E (Residential Estate) District located on the east side of Halsey Street, approximately 300 feet south of Garden Street, as all conditions of approval imposed on this project have been met.

Agreement - Redlands Baseball for Youth - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the amended rental agreement between the City of Redlands and Redlands Baseball for Youth and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Proclamation - Water Awareness Month - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation declaring the month of May as *Water Awareness Month* and acknowledged the involvement of those citizens

who already practice water conservation techniques and urge all citizens to learn more about water conservation and how they can, as individuals, help future generations *"Use Water Wisely - It's a Way of Life."*

Contract - Surface Mining - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a contract with Enviromine to provide professional services for surface mining and mining application processing services on an as needed basis.

Groundwater Management Database - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved Task Order No. 17 with the engineering firm of CH2M-Hill to provide continuing technical support of the Groundwater Management Database and authorize the Municipal Utilities Department to enter into an agreement in an amount not to exceed \$5,000.00.

Agreement - Recreation Bureau - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved an independent contractor agreement between the City of Redlands Recreation Bureau and Tony Birabent for trumpet lessons and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

Contract - Crossing Guards - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved an amended contract agreement between the City of Redlands and All City Management Services, Inc. to provide school crossing guard services at intersections with high pedestrian and vehicle traffic. Fifty percent of the contract is paid by the Redlands Unified School District.

Contract - CLETS - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved an amended contract agreement between the City of Redlands and the San Bernardino County Sheriff's Department for access to the California Law Enforcement Telecommunications Systems (CLETS) and authorized the Mayor and City Clerk to sign the contract on behalf of the City.

Permit Parking - Downtown Area - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a ninety-day trial period to test a permit process for extended parking in the two-hour parking areas in the downtown business district as recommended by the Traffic and Parking Commission and Downtown Redlands Business Association Advisory Board.

Airport Well No. 2 - Electrical Control Panel - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council

unanimously approved the purchase of an electrical control panel for Airport Well No. 2 from Brithinee Electric at the price of \$17,475.00. Airport Well No. 2 is located at the northeast corner of Judson Street and Riverview Avenue and was recently drilled and tested for potable water purposes and is expected to be in production this summer to augment water supply for the City.

COMMUNICATIONS

Legislative Bulletin - AB 977, sponsored by Redlands Joint Venture and authored by Assemblyman Vincent, is intended to add language to the sphere of influence law that says it is okay to have another agency provide sewer and water within an established city sphere of influence. This proposed legislation would apply statewide. Councilmembers directed staff to send a letter to the League of California Cities asking for their review and position, and that telephone calls and Fax's be sent to the review committee and our legislators opposing the legislation and asking for a continuance to allow notification of other cities. Councilmember Gilbreath did not support this action as she had just received memorandum and had not had an opportunity to review the information.

City Manager's Report - City Manager Luebbers announced that a ground breaking ceremony will take place on May 25, 1999, for the new Golison development located adjacent to Boston Market. This development will feature Starbucks Coffee, Rubio's Baja Grill, Togo's, Pacific Bell PCS Store, and Simmons Beautyrest Gallery Mattress. Construction has begun for the Fern Lodge which is located on the southwest corner of Redlands Boulevard and Fern Avenue.

General Plan Amendment - East Valley Corridor Specific Plan - Councilmember Freedman urged the City Council to re-evaluate its decision to designate a regional mall and commercial site in the donut hole and suggested the City move those designations within the City of Redlands. This was discussed at length with Councilmember Gilbreath noting we have the option to change zoning when a developer comes in with a project proposal. Councilmember George felt we should proceed with great caution in order to protect the citrus groves in the area and not adversely impact the downtown area. Mayor Cunningham noted any project out there will effect downtown, but that we need to assure ourselves the City will get the benefits of development and suggested shifting the designation west by approximately two miles. Mayor Cunningham asked staff to look at this issue and report back to the City Council at the June 15, 1999, meeting.

Fee Waiver - Redlands 4th of July Committee - Councilmember Banda moved to approve the request from the Redlands 4th of July Committee, Inc. to waive all fees and rental charges for their annual celebration which is co-sponsored by the City of Redlands, the University of Redlands, the Redlands Daily Facts, and the citizens of Redlands. Motion seconded by Councilmember Freedman and carried unanimously. Mayor Cunningham said the Redlands 4th of July Committee does a "yeoman job" and waiver of these fees and charges is a small subsidy compared to their contributions to the community.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5650 - Great Neighborhoods Program - Councilmember Banda moved to adopt Resolution No. 5650, 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 to implement an additional three participant agreements which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember Freedman and carried unanimously. (Also see Redevelopment Agency minutes for May 18, 1999.)

CLOSED SESSION

The City Council meeting recessed at 3:50 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:52 P.M. to a closed session to discuss the following:

- a. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - St. James v. City of Redlands
 - Redlands Joint Venture v. City of Redlands et al (SCV54994)
 - Charles Varvel - Workers' Compensation claim

Majestic Realty Company v. City of Redlands/Timberlake - City Attorney McHugh reported the City has won another lawsuit filed against it by Majestic Realty Company challenging the City's approvals of the Timberlake Project. Majestic Realty has now lost on its challenges to the City's approval of the Timberlake concept plan, the final development plan for Phase I for the project, the development agreement, the amended development agreement, and CEQA actions. One lawsuit remains which challenges the last two entitlements issued to Timberlake in January, and that hearing has been set for August 12, 1999.

The meeting reconvened at 7:00 P.M.

LATE BREAKING ITEM

Noting that the need to take action was immediate, Councilmember George moved to add an item to the agenda which arose subsequent to the agenda being posted regarding the Greenway Conservancy's recent meeting. Motion seconded by Councilmember Freedman and carried with Councilmember Cunningham abstaining due to a possible conflict of interest. Councilmember George reported that the City has the opportunity of gaining some grant money for preservation of the San Timoteo Creek, and moved to direct staff to communicate with his contact who has volunteered to assist in the applications for some grant monies that could amount to several hundred thousand dollars. Motion seconded by Councilmember Freedman and carried with Councilmember Cunningham abstaining due to a possible conflict of interest.

PUBLIC HEARINGS

Tentative Tract No. 12382 - CUP No. 685 - Walter Danielson - Public hearings were continued from May 4, 1999, to this time and place to consider the socio-economic cost benefit studies and notices of mitigated negative declaration for Tentative Tract No. 12382 and Conditional Use Permit No. 685 for a Planned Residential Development for the subdivision of 41.5 acres into 31 residential lots in the RA-A (Residential Estate-Animal) District and the A-1 (Agricultural) District, generally located east of Wabash Avenue and south of Sunset Drive; Walter Danielson, applicant. Community Development Director Shaw reported the Trails Committee reviewed this project on May 10, 1999, and recommended approval subject to the following design recommendations: (1) the terminus of Panorama Point Drive is to be relocated to the east in order to allow the proposed trail, which connects to Sunset Drive, to be within a lesser sloped area, and to preserve the rock wall by preventing vehicles from parking within this area; and (2) that there be a continuous trail along the north side of Sunset Drive from the east boundary of the project to the west boundary. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. Representing the Danielson family, Pat Meyer indicated they agreed with the Trails Committee recommendations and were confident they had addressed the neighbors' concerns about drainage. Anne Marie Godfrey, a member of the Danielson family, expressed her pleasure with the design that preserves open space. There being no further comments, the public hearing was closed.

Councilmember George moved to approve the Environmental Review Committee's Mitigated Negative Declaration for Tentative Tract No. 12382 and Conditional use Permit No. 685 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed

staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Banda and carried unanimously.

Councilmember George moved to approve the Socio-Economic Cost Benefit Study for Tentative Tract No. 12382 and Conditional use Permit No. 685 as the project will not create unmitigable physical blight or over-burden public services in the community, and no additional information or evaluation is needed, and that the proposed project, based on the overall Fiscal Impact Analysis, will provide the City with a positive annual revenue/cost ratio of 2.048. Motion seconded by Councilmember Banda and carried unanimously.

On motion of Councilmember Banda, seconded by Councilmember Freedman, the City Council unanimously approved Tentative Tract No. 12382 subject to the following findings and conditions of approval contained in Planning Commission minutes dated March 23, 1999:

1. That the proposed map is consistent with the policies, land use designation, and density prescribed by the General Plan;
2. That the design and improvements of the proposed subdivision are consistent with City standards;
3. That the site is physically suitable for the type of development;
4. That the design of the subdivision or the proposed improvements are not like to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
5. That the design of the subdivision or type of improvements will not cause any serious health problems;
6. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; and
7. That pursuant to California Government code section 66474.6, the discharge of waste from this subdivision will not result in violation of existing requirements prescribed by the Santa Ana Regional Water Quality Control Board pursuant to Division 7 of the California Water Code.

On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved Conditional Use Permit No. 685 subject to the following findings and conditions of approval contained in Planning Commission minutes dated March 23, 1999:

1. That the use applied for at the location noted is properly one for which a conditional use permit is authorized by Title 18 of the Redlands Municipal Code;
2. That the use is necessary or desirable for the development of the community, is in harmony with various elements or objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located;

3. That the site for the intended use is adequate in size and shape to accommodate the use, and all the yards, setbacks, walls or fences, landscaping and other features required in order to adjust the use of those existing or permitted future uses on land in the neighborhood;
4. That the site properly relates to streets and highways designed and improved to carry the type and quantity of traffic or to be generated by the proposed use;
5. That the conditions set forth on this conditional use permit are deemed necessary and reasonable to protect the public health, safety and general welfare, and the best interests of the neighborhood; and
6. That the proposed project will be consistent with the intent and guidelines of the General Plan.

UNFINISHED BUSINESS

Resolution No. 5612 - Landscape Maintenance District - Public Works Director Mutter explained that Section 22525 of the California Streets and Highways Code requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against benefiting properties. The process requires that two meetings be held by the City Council. One is a public meeting to review the report in concept and the other is a noticed public hearing. The preliminary report for the Landscape Maintenance District was presented to the City Council on April 20, 1999. Resolution No. 5610, granting preliminary approval to the Engineer's Report, and Resolution No. 5611, declaring its intention to levy and collect assessments for fiscal year 1999-2000 pursuant to the Lighting and Landscaping Act of 1972, were adopted by the City Council on April 20, 1999. This public meeting gives the City Council an opportunity to review the Engineer's Report and receive questions and input from the public. There is no assessment increase proposed, but Public Works Director Mutter reported the debt continues to grow and is covered by the General Fund.

Resolution No. 5616 - Street Lighting District - Public Works Director Mutter explained that Section 22525 of the California Streets and Highways Code requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against benefiting properties. The process requires that two meetings be held by the City Council. One is a public meeting to review the report in concept and the other is a noticed public hearing. The preliminary report for the Street Lighting District was presented to the City Council on April 20, 1999. Resolution No. 5614, granting preliminary approval to the Engineer's Report, and Resolution No. 5615, declaring its intention to levy and collect assessments for fiscal year 1999-2000 pursuant to the Lighting and Landscaping Act of 1972, were adopted by the City Council on April 20, 1999. This public meeting gives the City Council an opportunity to review the Engineer's Report and receive questions and input from the public. There is no assessment increase proposed.

NEW BUSINESS

Outside City Case No. 99-01 - Municipal Utilities Director Phelps reported the City has received a completed application for a water connection from Jeff Barlow for OSC No. 99-01 pursuant to Chapter 13.60 of the Redlands Municipal Code for outside the City utility connections to residential development within the City's Sphere of Influence. OSC No. 99-01 is an existing single family residence located at 31168 Highland Avenue and is 3,400 feet easterly of the City limits of Redlands. The application is to replace the existing private water source with City water source. Staff review indicates that this application is consistent with the Redlands General Plan and is subject to installation of an eight inch water main in Highland Avenue and meeting utilities development requirements. Councilmember Gilbreath moved to determine that OSC No. 99-01 is consistent with the City of Redlands General Plan and that the public health, safety and welfare, and the best interests of the citizens of Redlands are served by the City's continued processing of the application. Motion seconded by Councilmember Banda and carried unanimously.

Outside City Case No. 99-27 - Municipal Utilities Director Phelps reported the City has received a completed application for water and sewer connections from Nice Development Corporation for OSC No. 99-27 pursuant to Chapter 13.60 of the Redlands Municipal Code for outside the City utility connections to residential development within the City's Sphere of Influence. Tentative Tract No. 13768 is a 46 lots subdivision located on the northwest corner of Agate Avenue and Nice Avenue, $\frac{3}{4}$ of a mile east of the City limits of Redlands. Staff review indicates that Tentative Tract No. 13768 is consistent with the Redlands General Plan and requires no offsite extensions of water or sewer lines to be served subject to meeting utilities development requirements. Community Development Director Shaw responded to Mayor Cunningham's inquiry saying the developer understands they will comply with all of Redlands' standards. Councilmember Banda moved to determine that OSC No. 99-27 is consistent with the City of Redlands General Plan and that the public health, safety and welfare, and the best interests of the citizens of Redlands are served by the City's continued processing of the application. Motion seconded by Councilmember George and carried unanimously.

LATE BREAKING ITEM

Mayor Cunningham asked Councilmembers consider issuance of a proclamation for Memorial Day for the American Legion Post 650. Noting that the need to take action was immediate, Councilmember Gilbreath moved to add this item to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember George and carried unanimously. Councilmember Freedman moved to authorize issuance of this proclamation as requested. Motion seconded by Councilmember Banda and carried unanimously.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:28 P.M. The next regular meeting will be held on June 1, 1999.

City Clerk