

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 April 21, 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. Luebbbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
(evening session)
Jeffrey L. Shaw, Community Development Director
Bonnie Johnson, Finance Director
Mel Enslow, Fire Chief
Gary G. Phelps, Municipal Utilities Director
Lewis W. Nelson, 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.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the minutes of the regular meeting of April 7, 1998, were unanimously approved as submitted.

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

Planning Commission Actions - On April 14, 1998, the Planning Commission approved a Negative Declaration and Tentative Tract No. 15832 to subdivide 4.75 acres into 11 residential lots and one lettered lot in the R-S (Suburban Residential) District located on the southwest corner of Cypress Avenue and Sunnyside Avenue. Mayor Cunningham reported a letter (not on file in the City Clerk's Office) was received from Pat Meyer, Urban Environs, on behalf of the applicant indicating they would like the Planning Commission to re-examine this application for nine lots rather than 11. Mayor Cunningham expressed his appreciation for their efforts to reduce the density of this project. On motion of

Councilmember Cunningham, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on April 14, 1998, was unanimously acknowledged as received.

Resolution No. 5506 - Fee - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5506, a resolution of the City Council of the City of Redlands establishing a fee for mailing the agenda or agenda packet.

Agreement - Colton and Wabash Avenues - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a cooperative agreement between the City of Redlands, County of San Bernardino, and Redlands Unified School District for cost sharing and development of improvements to the intersection of Colton Avenue and Wabash Avenue.

Minor Subdivision No. 226 - Metro California Business Enterprises - Following brief discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a one year time extension for Minor Subdivision No. 226, an application for a subdivision of approximately 17.13 acres of land into two parcels for property located at the northwest corner of Lugonia and Wabash Avenues in the C-4 (Highway Commercial) District. This action extended approval for Minor Subdivision No. 226 until May 11, 1999.

Fee Waiver - Legendary Ink Spots - A request from Arthur Rand representing the Legendary Ink Spots asked for a fee waiver for use of the Redlands Bowl for an annual event to be held on September 13, 1998, waiver of the banner fee, waiver of insurance requirements, and waiver of all future fees for performances of the Legendary Ink Spots on the second Sunday of September of following years. Councilmember Gilbreath moved to approve the request for waiver of fees by the Legendary Ink Spots for this year's event only with the caveat that the beneficiary of their fund raiser event be a 501c (registered non-profit organization) and that future requests indicate who the recipient will be. Motion seconded by Councilmember Banda and so ordered by the Mayor.

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved an agreement with 3D GeoServices, Inc. to provide hydrogeologic and regulatory compliance services for the California Street Landfill vertical expansion, final cover modeling and analyses.

Agreement - California Street Landfill - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council

unanimously approved an agreement with 3D GeoServices, Inc. to provide hydrogeologic and regulatory compliance services for the California Street Landfill vertical expansion, interim fill phasing, drainage planning, and soil cover evaluation.

Grace Stewart Mullen Monument - Mayor Cunningham moved to approve the placement of a lighted bronze bust of Grace Stewart Mullen on a plain granite base in Smiley Park adjacent to the Redlands Bowl as recommended by the Parks Commission. Motion seconded by Councilmember Banda and so ordered by the Mayor.

COMMUNICATIONS

Legislative Bulletin - Councilmembers did not oppose Mayor Cunningham's recommendations on State legislative activities as follows: AB 1614: California Internet Tax Freedom Act - oppose; AB 2586: emergency medical services, fire districts - support with a follow-up phone call; AB 2488: developer fees and exactions, "rough proportionality" - oppose; AB 2354: development agreement: accounting of fees - oppose; AB 726: sexually-oriented businesses, local regulations - continued opposition; AB 2569: drug free zones, parks, beaches, and now libraries - support; AB 1938: alcoholic beverages, license fees - support; and SB 2: Park Bond, local grants - neutral at this time. Police Chief Nelson explained SB 2215: public safety officers procedural bill of rights, which the Police Chief's Association supports.

Recycling - Special Collections Coordinator Janet Miller reviewed the City's recycling programs which include curbside recycling, residential green waste, community clean-up days, tire recycling, free mulch give-aways, backyard composting, sharps disposal, school-based recycling, a quarterly newsletter, and special events. By focusing on continuing education, expanding the commercial recycling program, and exploring commercial and multi-family green waste diversion programs, the City will meet the required 50 percent reduction by the year 2000.

Car Wash - Calvary Chapel of Redlands - City Manager Luebbers explained that Calvary Chapel of Redlands has submitted a request to utilize the upper level of the City-owned parking lot located at Citrus Avenue and Sixth Street in downtown Redlands to conduct a fund-raising car wash on Sunday, April 26, 1998, from noon to 4:00 P.M. Staff recommended approval subject to the following requirements:

1. Applicant to provide a certificate of insurance to cover the liability, both for the general public and the participants of the car wash;
2. Applicant to pay \$300.00 refundable deposit to cover any damage or clean-up necessary after the car wash;

3. Applicant to be charged at the rate of \$0.72/100 cubic feet for water usage (it is estimated the applicant will use 5-10 ccf (4,000-8,000 gallons) which would cost \$3.60-\$7.20 depending on usage); and
4. Applicant to contact Public Works Department regarding requirements for closing and posting the upper level of the parking lot with "Parking Lot Closed" signs.

Councilmember Banda moved to approve this request subject to compliance with City requirements and fees. Motion seconded by Councilmember Freedman and so ordered by the Mayor.

Rehabilitation of Fire Station No. 1 - Mayor Cunningham wanted to clarify that the Public Works Director is in charge of this program and asked Public Works Director Mutter or Chief Building Official Anderson to determine what needs to be done for the rehabilitation of Fire Station No. 1, and moved to direct Public Works Director Mutter to prepare a report for the May 5, 1998, City Council meeting. Motion seconded by Councilmember Gilbreath who also wanted to include funding to Mr. Armantrout for engineering and architectural work. The motion carried unanimously.

City Council Correspondence - Mayor Cunningham moved to direct that his mail and City Council mail be opened and copied by a secretary in the City Manager/City Council office and placed in his box and that the originals then be transmitted to the City Clerk's Office for distribution to members of the media. Motion seconded by Councilmember Banda and carried with Councilmember Gilbreath voting NO as she felt the current process with the City Clerk opening and distributing City Council mail was a precautionary system and that change now would be incorrect.

CDBG Funding Reallocation - United Way - Councilmember Gilbreath announced she had a possible conflict of interest on this item and left the Council Chambers. Councilmember Banda expressed concern that the reduction in the allocation approved by the City Council on February 17, 1998, for CDBG funding for the United Way Information and Referral may cause the service to be discontinued. Police Chief Nelson said meetings held with United Way personnel have clarified issues and staff recommends allocating the additional funds necessary to allow continuance of this vital service. Councilmember Banda moved to approve the full amount originally requested by United Way Information and Referral and to approve an additional allocation of \$20,000.00 from the City's contingency funds provided the County can qualify under the 15 percent public service requirement. Motion seconded by Councilmember Freedman and carried with Councilmember Gilbreath abstaining.

PUBLIC COMMENTS

South Coast Air Quality Management District - David Madden and Larry Rhinehart, South Coast Air Quality Management District, reviewed a summary of Assembly Bill 2194 which extends the \$1.00 fee on the renewal of motor vehicles in the District to fund the Clean Fuels Program to August 1, 2010, and asked the City Council for their support. Mayor Cunningham directed staff to place this request on the next City Council agenda.

CLOSED SESSION

The City Council meeting recessed at 4:04 P.M. to a Redevelopment Agency meeting and reconvened at 4:06 P.M. to a closed session to discuss the following:

- (a) Conference with legal counsel: Existing litigation - Government Code § 54956.9(a)
 - City of Redlands v. County of San Bernardino and Majestic Realty Company - Case Nos. SCV 34737, 33330, and 39880
 - Redlands Crossing LLC v. City of Redlands
Case No. USDC CV98-2296WDK
 - Mendoza v. City of Redlands
Case No. SCV 27575
 - Allstate Insurance v. City of Redlands et al
Case No. RECI 45831
- (b) Conference with real property negotiator - Government Code § 54956.8
 - Property: APN 176-222-10
Negotiating parties: Ron Mutter and Mrs. Osborne
Under negotiation: Terms and price
 - Property: APNs 294-111-08 and 176-121-02
Negotiating parties: Brian Buoye, Eric K. Naftzer, and Gary Phelps
Under negotiation: Terms and price

The meeting reconvened at 7:00 P.M.

CLOSED SESSION REPORT

Police Chief - As a result of the adjourned regular meeting held on April 21, 1998, at 9:00 A.M., it was announced that the City Council appointed James R. (Jim) Bueermann as the new Police Chief to replace retiring Police Chief Lewis W. Nelson. They also created a new position, Office of Deputy Chief, and appointed Cletus Hyman to fill the position.

PUBLIC HEARING

Appeal - ERC Decision - Private Road - Public hearing was continued from April 7, 1998, to this time and place to consider an appeal of the Environmental Review Committee's decision on February 9, 1998, to adopt a Mitigated Negative Declaration for the construction of a proposed private road through Parcel Map No. 3373 in the A-1 (Agricultural) District, located approximately 200 feet west of the intersection of San Timoteo Canyon Road and Alessandro Road and extending south through the San Timoteo Canyon area into the County of Riverside to Tract No. 26837-1. Community Development Director Shaw reported that this item was continued in order that additional information received shortly before the meeting of April 7, 1998, could be reviewed by staff and to allow time to clarify several points concerning the Treemont Ranch development. A letter from Edwin D. Studor, Transportation Planning Manager for the County of Riverside, addresses the issue relative to the proposed private road becoming a potential north-south connector between the Moreno Valley area and Redlands. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. San Timoteo Canyon resident Bob Schultz sold the 155 acres and gave the purchaser the right-of-way for the road; he urged the City Council to approve the request for a paved road citing safety concerns and dust control. Representing the applicant, Attorney William J. Ward reviewed his letter dated April 16, 1998, which set forth their belief the negative declaration should be issued. Bruce E. Cash presented a copy of a letter from the San Bernardino Associated Governments regarding the AQMD's ruling regarding unpaved road. Attorney Penny Alexander Kelley, representing Jane Un and the San Timoteo Canyon Association, urged the City Council to require consideration of environmental impacts on the road within San Bernardino County. Engineer David Crosswaite asked that City staff be allowed to look into this further and make recommendations. Terrance Emershy again urged the City Council to approve the paved road. There being no further comments, the public hearing was declared closed. Citing traffic concerns on San Timoteo Canyon Road and south Redlands' streets, Councilmember Freedman moved to deny this project and refer the matter back to staff to provide findings to support the denial based on evidence heard and presented at the public hearings. Motion seconded by Councilmember Banda and carried with Councilmembers Gilbreath and George voting NO. Councilmember George indicated he did not think it was appropriate to direct staff to find reasons on a decision to deny a project.

UNFINISHED BUSINESS

Resolution No. 5508 - Annexation No. 76 - City Manager Luebbbers reviewed Resolution No. 5504 adopted on April 7, 1998, which directed staff to prepare and file an application to annex five areas located adjacent to the City's boundaries and in the Redlands Sphere of Influence as follows:

- Area A: Redlands East Valley High School and vicinity which includes properties west of the school and areas north of Colton Avenue to Nice Avenue.
- Area B: Property at the southeast corner of Sixth Street and Wabash Avenue owned by John H. Danielson and Karin L. Godfrey.
- Area C: Property north of Lugonia Avenue and west of State Route 30 which includes property owned by Majestic Realty (Citrus Plaza), 36 acres adjacent to and west of the Majestic site, and property owned by Redlands Town Center (located at the northwest corner of Alabama Street and Lugonia Avenue).
- Area D: Property at the northeast corner of San Bernardino Avenue and Mountain View owned by Thermo Ecotek.
- Area E: Property west of Alabama Street and State Route 30 right-of-way owned by the City of Redlands and Caltrans.

The City Council indicated a willingness to consider additional areas for annexation pending such requests from additional property owners. Several additional property owners located within the "donut hole" have since requested annexation by the City of Redlands. On motion of Councilmember Freedman, seconded by Councilmember George, the City Council unanimously adopted Resolution No. 5508, a resolution of the City Council of the City of Redlands amending Resolution No. 5504 (to include properties located within the "donut hole") relative to an application to the Local Agency Formation Commission to initiate proceedings for annexation of certain inhabited territory (Annexation No. 76), and authorized staff to negotiate preannexation agreements with property owners that will be a part of this annexation.

NEW BUSINESS

Resolution Nos. 5447-5448 - Landscape Maintenance District No. 1 - Public Works Director Mutter explained that the City Council ordered the formation of Landscape Maintenance District No. 1 on July 7, 1987. On February 3, 1998, the City Council authorized the preparation of the annual Engineer's report for the District. Section 10, Estimated Assessments for the 1998-99 Fiscal Year, of the Engineer's Report gives a description of each existing area to be assessed. The assessment district diagrams are included in the Engineer's Report. There will be no new annexations to the District for fiscal year 1998-99. Public Works Director Mutter explained the process for increasing assessments noting that if the District is dissolved, the areas in public right-of-way may be maintained by the City forces as City park land adding to the workload and cost of operation for the Parks Division. The areas that are on private property will have to be maintained by homeowners' associations or by individual property owners in the tracts if they are to be maintained at all. The City Council may reject the Engineer's Report for cause and/or decide not to order the work in connection with the continuation of Landscape Maintenance District No. 1 and

essentially dissolve the District, or it may vote to maintain the assessments at the current level and order the preparation of a revised Engineer's Report fulfilling that requirement. Following discussion, Councilmember Gilbreath moved to maintain the assessments at the current level and ordered the preparation of a revised Engineer's Report and to adopt Resolution No. 5451 giving preliminary approval of the revised annual Engineer's Report for Landscape Maintenance District No. 1. Motion seconded by Councilmember Freedman and so ordered by the Mayor. Councilmember Gilbreath moved to adopt Resolution No. 5448 declaring the City Council's intention to levy and collect assessments at last year's level for fiscal year 1998-99 in Landscape Maintenance District No. 1, specifying the location of the District, and setting May 5, 1998, for a public meeting and July 7, 1998, for a public hearing to consider all assessments to the District. Motion seconded by Councilmember Freedman and so ordered by the Mayor.

Resolution Nos. 5451-5452 - Street Lighting District No. 1 - Public Works Director Mutter explained that the City Council ordered the formation of Street Lighting District No. 1 on September 19, 1989. On February 3, 1998, the City Council authorized the preparation of the annual Engineer's report for the District. Section 10, Estimated Assessments for the 1998-99 Fiscal Year, of the Engineer's Report gives a description of each existing area to be assessed. The assessment district diagrams are included in the Engineer's Report. There will be no new annexations to the District for fiscal year 1998-99. Public Works Director Mutter reported the assessment fee will remain the same for all district parcels. Councilmember Freedman moved to adopt Resolution No. 5451 giving preliminary approval of the annual Engineer's Report for Street Lighting District No. 1. Motion seconded by Councilmember George and carried unanimously. Councilmember Freedman moved to adopt Resolution No. 5452 declaring the City Council's intention to levy and collect assessments for fiscal year 1998-99 in Street Lighting District No. 1, specifying the location of the District, and setting May 5, 1998, for a public meeting and July 7, 1998, for a public hearing to consider all assessments to the District. Motion seconded by Councilmember George and carried unanimously.

Resolution Nos. 5462-5463 - Landscape Maintenance District No. 2 - Public Works Director Mutter explained the Landscape and Lighting Act of 1972 provides agencies with the ability to assess benefiting property owners for the cost of maintaining landscape improvements in parkways and landscape easement that are associated with new developments. On February 3, 1998, the City Council adopted a resolution ordering the preparation of the Engineer's report for the formation of Landscape Maintenance District No. 2. That report has been prepared by the Public Works Department staff and was provided at this meeting. Public Works Director Mutter then explained the process for the formation of an assessment district which will require an election.

Councilmember Freedman moved to adopt Resolution No. 5462 giving preliminary approval of the Engineer's Report for the formation of Landscape Maintenance District No. 2. Motion seconded by Councilmember George and carried with Councilmember Cunningham voting NO. Councilmember Freedman moved to adopt resolution No. 5463 declaring the City Council's intention to order the formation of Landscape Maintenance District No. 2, an assessment district; specifying the boundaries of said District; and setting May 5, 1998, for a public meeting and July 7, 1998, for a public hearing to consider the formation of the District and all assessments to be levied in the District. Motion seconded by Councilmember George and carried with Councilmember Cunningham voting NO.

Resolution Nos. 5466 - 5467 - Street Lighting District No. 2 - Public Works Director Mutter explained the Landscape and Lighting Act of 1972 provides agencies with the ability to assess benefiting property owners for the cost of maintaining landscape improvements in parkways and landscape easement that are associated with new developments. On February 3, 1998, the City Council adopted a resolution ordering the preparation of the Engineer's report for the formation of Street Lighting District No. 2. That report has been prepared by the Public Works Department staff and was provided at this meeting. Public Works Director Mutter then explained the process for the formation of an assessment district which will require an election. Councilmember Freedman moved to adopt Resolution No. 5466 giving preliminary approval of the Engineer's Report for the formation of Street Lighting District No. 2. Motion seconded by Councilmember George and carried with Councilmember Cunningham voting NO. Councilmember Freedman moved to adopt resolution No. 5467 declaring the City Council's intention to order the formation of Street Lighting District No. 2, an assessment district; specifying the boundaries of said District; and setting May 5, 1998, for a public meeting and July 7, 1998, for a public hearing to consider the formation of the District and all assessments to be levied in the District. Motion seconded by Councilmember George and carried with Councilmember Cunningham voting NO.

PUBLIC COMMENTS

Drainage Ditch - Realtor Marjorie Lewis, representing Eve Arnold, informed the City Council about a culvert/drainage ditch located on the property at 1224 Magnolia Avenue. Elm trees are growing in the ditch and the water is now eroding Ms. Arnold's property, and they asked for the City Council's assistance. Public Works Director Mutter informed Councilmembers that this is a natural ravine on private property, and that he does not use taxpayers' money to clear private property. He suggested Ms. Arnold could put in a drainage system and grant an easement to the City which would then maintain the system.

Chamber of Commerce - David Diver, president of the Redlands Chamber of Commerce, formally presented a letter dated April 20, 1998, and results of a survey of Chamber members regarding the Alabama Street Bridge, lawsuits related to issues raised by developers of the Redlands Crossing Mall, and the change in the authority of the Planning Commission. He urged the City Council to hold a public hearing on the issue of the Alabama Street Bridge. He also encouraged Councilmembers to participate in events of the Chamber of Commerce to keep their membership informed.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:38 P.M. The next regular meeting will be held on May 5, 1998.

City Clerk