

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on April 5, 1994, at 3:00 P.M.

PRESENT

Swen Larson, Mayor
Jim Foster, Mayor Pro Tem
William E. Cunningham, Councilmember
Gilberto Gil, Councilmember
Pat Gilbreath, Councilmember

Gary Luebbbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Ted Thomaidis, Redlands Daily Facts
Steven Church, The Sun

ABSENT

None

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

COMMUNICATIONS

San Bernardino International Airport - Mayor Larson reported as of March 31, 1994, the military officially moved out of the former Norton Air Force Base. Security and landscape maintenance is now being handled by the IVDA, and the Airport Authority will have its first tenant to sign a lease in the near future.

CLOSED SESSION

The City Council meeting recessed at 3:12 P.M. to a Redevelopment Agency meeting and reconvened at 3:13 P.M. to a closed session for the purpose of holding conferences with real property negotiators as follows: (1) Negotiate price and terms of payment for Luetcke Well, Parcel 12, Assessor's Map Book 174, Page 14; negotiating parties: City of Redlands, Bruce and Clive Hinckley, and Leon Stafford; and (2) Negotiate price and terms of payment for Assessor's Parcel 318-061-07 known as Avenue "E" road Improvements; negotiating parties: South Mountain Water Company in care of City of Redlands and City of Yucaipa.

The City Council meeting reconvened at 7:00 P.M.

CLOSED SESSION REPORT

City Attorney McHugh reported the City Council unanimously approved the purchase of the Luetcke Well during its closed session.

PRESENTATIONS

Proclamation - Mayor Larson presented a proclamation to Nick J. Anderson, Redlands' Chief Building Official, declaring the week of April 10-16, 1994, as "Building Safety Week" in Redlands and urged citizens to visit their local building departments to better familiarize themselves with the important safety information and services provided by the Building and Safety employees.

Certificate of Appreciation - Mayor Larson presented a Certificate of Appreciation to Wanda Weder, Seven-W Enterprises, in recognition of nine years of dedicated service to the youth and Police Department of Redlands through her generosity and support of drug abuse resistance education. Ms. Weder underwrites the costs of the D.A.R.E. shirts which are given to the children prior to graduation from the course.

Proclamation - Mayor Larson presented a proclamation to Police Chief Lewis W. Nelson and D.A.R.E. Officer Jim Mead declaring April 21, 1994, as D.A.R.E. Day in the City of Redlands, and expressed appreciation to members of the Redlands Police Department for their ongoing effort to combat drug abuse by children in our community.

Proclamation - Congratulating the University of Redlands on its completion of "A Campaign for Redlands," the most ambitious fund-raising effort in the institution's history, which has made possible the construction of the Hunsaker University Center, Mayor Larson presented a proclamation to Vice President Ronald Stephany declaring the week of April 11, 1994, as University of Redlands Campaign Celebration Week.

PUBLIC HEARINGS

Community Development Block Grant Funds Allocation - Public hearing was advertised for this time and place to establish prioritization and funding distribution of the Community Development Block Grant (CDBG) Project proposals for the 1994-95 funding cycle. Community Development Director Jeffrey L. Shaw reported the 1994-95 allocation amounted to \$379,200.00, and 37 applications were received. Each eligible project proposal had an on-site visit, and staff researched and analyzed each proposal's benefit to the City, its very-low and low income residents, and the City's diversified communities. An

overview of all CDBG project proposals submitted for the 1994-95 funding cycle was provided.

Mayor Larson declared the meeting open as a public hearing. Addressing their requests for funding were: Eldon Rynders and David Lopez, Ability Counts, Inc.; Lori Panzino, Bethlehem House Project (Councilmember Gilbreath was not present due to a possible conflict of interest); Michael Ramos, Boys and Girls Club of Redlands; Paula Miller and youngsters Ganette and Julian, Camp Fire-San Andreas Council; Lorraine Townsend, DASH-The Other Place; Amy Casil, Family Services Association for Home Again Project; Robert Banfill, East Valley Information Referral Program (Councilmember Gil was not present due to a conflict of interest); Ellis Ray, Fontana Native American Indian Center; Tammy L. Ellis, First Step Child Development Center; Elaine Cilbrith, Inland Temporary Homes; Father Patricio Guillén, Libreria del Pueblo Immigration Services; Barbara Cayon, Mobilehome Park Outreach; Daniel Rodriguez, City of Redlands Senior Nutrition Center; Lewis W. Nelson, City of Redlands Police Department; Marsha Gebara, Redlands Community Music Association; Adrienne Morales, Redlands Day Nursery; James Wyant, Redlands Rehabilitation, Inc.; Mary Trost, Redlands-Yucaipa Guidance Clinic; Don Vigil, Rolling Start, Inc.; Captain John Tolar, Salvation Army Redlands Corps; Gloria Flores, Somas Hermanas Unidas, Inc.; Kay Kelley, Volunteer Center of the Inland Empire; and Kay Ross, Yucaipa Outreach (Councilmember Gilbreath was not present due to a possible conflict of interest). There being no further comments, the public hearing was closed, and the following prioritization for funding allocations for the 1994-95 Community Development Block Grant program year were unanimously approved unless noted otherwise:

	<u>Allocation</u>
<u>Public Service</u>	
Boys and Girls Club of Redlands	\$15,000.00
Camp Fire-San Andreas	5,000.00
Frazee Redlands Senior Homeless Shelter	4,000.00
United Way of East Valley -	
Information and Referral Program	15,000.00 ①
Redlands Volunteer Center -	
Graffiti Abatement Project	5,000.00
Somos Hermanas Unidas -	
Job Training & Employment Program	5,000.00
Salvation Army Meal Feeding Program	10,000.00
DASH - The Other Place	2,880.00
Redlands Police Department (Substation)	0.00 ②
Inland Temporary Homes, Inc.	5,000.00
Ability Counts, Inc.	4,000.00

Redlands Music Association	2,150.00	
Redlands-Yucaipa Guidance Clinic	0.00 ③	
Bethlehem House Program	2,000.00 ④	
Camp Fire- San Andreas	2,500.00	
Somos Hermanas Unidas -		
Job Training and Employment Program	5,000.00	
Salvation Army Meal Feeding Program	5,000.00	\$87,530.0
 <u>Construction/Acquisition Projects</u>		
Senior Nutrition Multipurpose Center	\$70,000.00	
Salvation Army Redlands Corps -		
Construction of new facility	50,000.00	
Family Service Association -		
Construction of new facility	20,000.00	
Home Again Project -		
Purchase and installation of		
playground equipment	3,000.00	
Project First Steps -		
Installation of handicapped ramps	9,500.00	
Redlands Day Nursery I -		
Purchase of dishwasher	3,000.00	
Redlands Day Nursery II -		
Acquisition of play activity lofts	6,000.00	
Bethlehem House Project	5,000.00 ④	
Boys and Girls Club (Construction)	20,000.00	
DASH - The Other Place	5,000.00	\$191,500.00
Contingency Fund		62,250.00
 City of Redlands staff costs		
		37,920.00
1994-95 Allocation		\$379,200.00

- ① Councilmember Gil abstained from the vote due to a conflict of interest.
- ② Councilmember Cunningham voted NO.
- ③ Councilmember Foster's motion to allocate \$5,000.00 for the Redlands-Yucaipa Guidance Clinic, seconded by Councilmember Cunningham, failed with Councilmembers Gil, Gilbreath, and Larson voting NO.
- ④ Councilmember Gilbreath abstained from the vote due to a possible conflict of interest.

Other actions were also taken as follows: (1) On motion of Councilmember Foster, seconded by Councilmember Gil, Council concurred not to allocate any funding for the Redlands/Yucaipa Outreach Program, with Councilmember

Gilbreath abstaining from the vote due to a possible conflict of interest. (2) A motion by Councilmember Gil, seconded by Councilmember Larson to allocate \$2,500.00 for Libreria del Pueblo Immigration Services failed with Councilmembers Cunningham, Foster, and Larson voting NO. (3) Councilmember Foster's motion to approve the staff's funding recommendation if the County must impose HUD's 15 percent public service funding limit was seconded by Councilmember Cunningham and carried unanimously.

The Selinger Project - Public hearing was advertised for this time and place to consider environmental review for, and a project consisting of, a General Plan Amendment (No. 52), Zone Change (No. 351), and Specific Plan (No. 46) for the proposed subdivision of 254 acres into 330 lots for 328 single family and 82 multiple family units. The Specific Plan addresses Sector 6 of the Southeast Area General Plan and encompasses 326 acres. The project is located in an area north of Live Oak Canyon and south of Sunset Drive. The applicant is Stephen Selinger/Sunset Drive Corporation.

Community Development Director Jeffrey L. Shaw reported that in accordance with State and local laws, all provisions relating to processing of a general plan amendment, zone change, and specific plan have been complied with, including publication of public notice on March 11 and 24, 1994, and the holding of public hearings by the Planning Commission on March 22, 1994, and by the City Council at this time. At the public hearing held on March 22, 1994, the Planning Commission unanimously recommended, after consideration of the staff report and public testimony, that the Draft Environmental Impact Report (DEIR) prepared by the applicant is factually inaccurate, internally inconsistent, possibly legally deficient, and that staff take no further action on the document until the applicant makes arrangements satisfactory to the City to revise the DEIR to reflect the City's independent analysis and judgment. A summary of the Planning Commission's public hearing was included in the staff report prepared for this Council meeting. Staff recommends the City Council find the DEIR to be factually inaccurate, internally inconsistent, possibly legally deficient, and that the DEIR does not reflect the City's independent analysis and judgment. Because the applicant has failed to respond to City requests to make arrangements with the City for revision of his DEIR, staff recommends denial of General Plan Amendment No. 52, denial of Zone Change No. 351, and denial of Specific Plan No. 46. Mr. Shaw distributed copies of a facsimile letter received this afternoon from the County of Riverside Transportation Department concurring that the application and environmental assessment are incomplete and inadequate and asking for the opportunity to review and comment on the revised document when available. A letter was hand delivered at this meeting from Ted and Nadine E. Garrett indicating they have not given anyone their consent to apply for planning on their property (Assessor's Parcel 294-151-23),

and requesting the City to not include their property in any mapping, planning or development projects or programs at this time excepting those pertaining to the City's General Plan.

The California Environmental Quality Act (CEQA) Guidelines outline in detail processing requirements of environmental documents, required contents of Environmental Impact Reports (EIR), preparation of EIR's, and standards of review for the documents. Mr. Shaw reviewed his staff report which included the steps taken by the City in compliance with CEQA guidelines for this application. Richard Rust, The Chambers Group, Inc., presented a brief overview of the "Technical Review of the Sunset Canyons Specific Plan Draft Environmental Impact Report" and informed Council that overall, they believe that the DEIR for Sunset Canyons Specific Plan has serious deficiencies which may not be rectified by a response to comments only and which could hinder the ability of the City of Redlands to make an informed decision about the project. The DEIR does not completely meet minimum standards of adequacy relative to CEQA, both in terms of the letter of law and the more subjective intent of CEQA. The document is woefully inadequate when considering the level of sophistication which has become typical of EIR documentation for a project of this scale as currently practiced in the State of California. Additionally, they found that the language contained within the document is vague and confusing with respect to identification of impact significance, and it is not possible to consistently identify the specific mitigation measures that apply to a specific impact. Also, the document does not fully identify or analyze all of the potentially significant environmental impacts which may occur. This deficiency is in part due to the seriously incomplete description of the proposed development. It is also apparent that the DEIR text has not incorporated appropriate and pertinent information and recommendations from some of the technical appendices.

Public Works Director Ronald C. Mutter reported the DEIR contained inconsistencies and errors, and mitigation measures were not adequately defined under the traffic and circulation element nor the hydrology and drainage element. Municipal Utilities Director Gary G. Phelps reported the DEIR was generally inadequate and inaccurate in regards the municipal utilities and that master planning issues need to be addressed. Fire Division Chief Marshall Mead reported the fire service levels contained in the DEIR are not adequate. Police Chief Lewis W. Nelson reported the DEIR does not call for the necessary law enforcement service level mitigations.

Mayor Larson declared the meeting open as a public hearing. The applicant, Stephen Selinger, requested an extension and indicated he was willing to work with staff to respond to their concerns. Mr. Selinger's consultant, Paul Toomy,

said consultants reviewing consultants' work is not always efficient and felt the staff concerns could be discussed. One of Mr. Selinger's attorneys, Bob Break, said that there was no need for the Council to act on this project by April 11, 1994, that his client is willing to concede his self-imposed April 11, 1994, deadline is not an issue, and that he has requested a continuance and agreed to the continuance suggested by staff. A speaker form was submitted by Terrance Emershly to speak for the project; Mr. Emershly did not speak.

On behalf of the Concerned Citizens of Redlands, Attorney James DeAguilera submitted a legal opinion regarding these pending land use entitlement applications. Mr. DeAguilera did not think the State Permit Streamlining Act and Housing Element Law required the City Council to grant approval, nor would "automatic approval" occur as represented by the applicant. He addressed his clients' concerns about compliance with Measure N and noted they felt the preliminary DEIR was grossly inadequate. On behalf of the Board of Directors of the Redlands Association and the Concerned Citizens for Redlands, R. A. Moore summarized their concerns expressed in a letter to the Environmental Review Committee and Planning Commission about the general inadequacy of the DEIR and the inconsistency of the project with the City's General Plan and the tremendous increase in the probability of a disastrous wildfire. Jack Sessums said the DEIR does not address wildlife in the canyons; there is no mention of the Golden Eagles; and it does not address the instability of the soil. Albert Kelley told Council box canyon areas are death traps when fires occur; that density bonuses were not created to circumvent CEQA; that the DEIR does not address the canyons' wildlife; and suggested TDRs with the School District. Allen Gustafson said developments like this contribute to the City's decay. Kathleen Stirle said she opposed approval of this project. George Heim would rather contribute more money to the Community Development Block Grant applicants rather than the project's low-income housing proposed. Representing several homeowners on Live Oak Canyon Road, Ward Thompson expressed traffic concerns, the loss of aesthetics in the canyon, and expressed concerns for the Golden Eagles. Clive Hinckley addressed traffic concerns noting his family owned the land with the 40 foot road easement. Arthur J. Silvergleid, M.D. felt a large scale project such as this had the potential to completely destroy Redlands' uniqueness. A new resident, Gil Turnquist, felt it was a travesty the neighbors even had to be at this meeting and supported his neighbors by opposing this project. Representing the Friends of Live Oak Canyon, David Matuszak told Council to even consider a project like this was outrageous and urged the City Council to deny the project tonight. Speaker forms were also submitted by the following people opposed to this project: Rolland Moore, Bonnie Hansen, Bettina McLeod, Theodora Banta, Kenneth Jutzy, Pascal Imperato, M.D., Jae G. Kim, Ben and Jean Raddatz, Dr. Ravindra Rao, Cheryl Leventhal, J. Frank Sorenson, Sue Griffin, and Kathy Faxon.

Mr. Selinger was allowed the opportunity to rebut the public comments and again requested the City agree to a continuance of the public hearing to allow him to sit down with staff to address their concerns. There being no further comments, the public hearing was declared closed.

In light of the new information from the applicant heard at this hearing, and the need to take immediate action, City Attorney McHugh recommended recessing to a closed session to continue this morning's discussion of pending litigation regarding the Selinger Project pursuant to Section 54956.9(b)(1)(B) of the California Government Code. Mr. McHugh felt this new information could possibly affect the City Council's directions to the City Attorney regarding the City's legal position from the earlier closed session.

The City Council meeting recessed at 11:00 P.M. and reconvened at 11:15 P.M. at which time City Attorney McHugh reviewed the substance of telephone conversations with Mr. Selinger's attorney Johnny Griggs regarding Mr. Selinger's request for an extension of time to take action on his project. Mr. Griggs summarized his client's desires: that they did not want an open-ended extension and that his client was willing to meet with staff and fund the necessary revisions of the DEIR so that it reflects the City's independent analysis and judgment. After citing his credentials, Attorney Break indicated State statutes authorized a 90-day extension which would allow time for revisions and circulation of a revised document. City Attorney McHugh stated that there was a fundamental disagreement between Mr. Selinger's attorneys and the City as to the applicability of the Permit Streamlining Act to Mr. Selinger's project. Mr. McHugh stated the City's position was that neither the Act nor the 90-day extension time period referred to by Attorney Break were applicable to the project. Mr. McHugh suggested that no definite time frame for processing be agreed to, and that the City table the matter pending actions by Mr. Selinger to make arrangements with the City to revise his DEIR. Neither Mr. Selinger nor his attorneys objected to the suggestion to table. Noting it might be difficult to execute the necessary actions within 90 days as the timing depended on Mr. Selinger, Councilmember Cunningham moved to table this application with the understanding that Mr. Selinger would work with the City to revise the DEIR for the project and that the public hearing would be re-advertised at the appropriate time. Motion seconded by Councilmember Gil and carried unanimously.

UNFINISHED BUSINESS

Ordinance No. 2241 - Storm Drain Facilities - Ordinance No. 2241, an ordinance of the City of Redlands amending Chapter 3.56 of the Redlands

Municipal Code relating to storm drain facilities fees, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Foster, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived. Ordinance No. 2241 was adopted on motion of Councilmember Foster, seconded by Councilmember Gilbreath, by the following vote:

AYES: Councilmembers Foster, Gil, Gilbreath; Mayor Larson

NOES: Councilmember Cunningham

ABSENT: None

NEW BUSINESS

Ordinance No. 2246 - Concealed Weapon Permit Investigations - Police Chief Lewis W. Nelson proposed an increase in the total fees assessed for a concealed weapon permit (CCW) to reflect the actual costs. At the current time, the actual costs are approximately \$320.00 but the City is charging \$45.00. The proposal would increase the amount charged to \$320.00 which includes \$3.00 for an application fee, \$42.00 for the State for fingerprinting, and \$275.00 for processing and investigation. The new guidelines will greatly tighten the City's CCW policy while providing much greater liability protection for the City through a more thorough background investigation. Ordinance No. 2246, an ordinance of the City of Redlands amending Section 3.16.040 of the Redlands Municipal Code relating to fees and service charges and establishing that 100 percent of costs reasonably borne be recovered from a concealed weapon permit application, processing and investigation, was read by title only by City Clerk Poyzer, and on motion of Councilmember Larson, seconded by Councilmember Cunningham, further reading of the ordinance text was unanimously waived. Ordinance No. 2246 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for April 19, 1994, on motion of Councilmember Larson, seconded by Councilmember Cunningham.

Ordinance No. 2242 - Utility Users' Tax - City Manager Luebbers presented the proposed ordinance to establish a Utility Users' Tax on telephone, cable television, electricity, gas, and water (other than Redlands). Speaking in opposition to this tax was Dr. Paul Pawlik. Speaker forms were turned in earlier from Gail Gerrard Rice, president of the Redlands Chamber of Commerce, who submitted a written statement urging the Council to approve nothing higher than a three percent rate, O. H. Rogers, and Helen Alexander who submitted a petition signed by approximately 155 citizens opposed to the proposed five percent tax. Due to the late hour, these folks were not present during this discussion. Speaking in favor of the tax were Brent Harp on behalf of the Redlands Police Officers Association, Mel Enslow on behalf of the Redlands Fire Department, and Dan Crow on behalf of the Redlands Professional Firefighters. Ordinance No. 2242, an ordinance of the City of Redlands adding Chapter 3.64 to the Redlands Municipal Code and levying a utility users' tax, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived. Councilmember Gilbreath moved to introduce Ordinance No. 2242 with the following provisions included: set the amount of tax to be charged at four percent; set the maximum tax amount to be paid by any service user for any one year at \$30,000.00; tax to be effective June 1, 1994, with a drop dead date of June 1, 1998; include an exemption for individuals who live alone whose annual gross income is less than \$9,000.00 and for individuals married or living as a part of a family unit whose combined annual gross income is less than \$12,000.00; eliminate Section 3.64.060 entitled "Water Users Tax"; and add the provision that a quarterly public report be prepared showing revenue and expenses. Motion seconded by Councilmember Gil and carried with Councilmembers Cunningham and Foster voting NO. Ordinance No. 2242 was then laid over under the rules with second reading and public hearing scheduled for April 19, 1994.

CONSENT CALENDAR

Minutes - Minutes of the regular meeting of March 15, 1994, were approved as submitted.

Bills and Salaries - Bills and salaries were ordered paid as approved by the Finance Committee.

Planning Commission Actions - On motion of Councilmember Foster, seconded by Councilmember Gil, the report of the Planning Commission meeting held on March 22, 1994, was unanimously acknowledged as received.

Waiver of Fees - Redlands Community Music Association - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously waived the rental fees for the use of the Redlands Community Music Association for their 1994 Summer Music Festival at the Redlands Bowl.

Resolution No. 5073 - Fire Storms - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously adopted Resolution No. 5073, a resolution of the City Council of the City of Redlands designating the applicant's agent (Gary M. Luebbers, City Manager, or Mel Enslow, Fire Chief) for the purpose of obtaining Federal financial assistance for the fire storms which occurred in October and November of 1993.

Funds - 1994 General Obligation Refunding Bonds - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously approved an appropriation in the amount of \$103,132.00 for the costs of issuance relating to the 1994 General Obligation Refunding Bonds.

Funds Transfer - Drug Confiscation Proceeds - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously approved to transfer \$70,705.64 of drug confiscation proceeds for fiscal years 1989-90 through 1992-93 from the General Fund to the Designated Receipts Fund in compliance with drug asset seizure law.

Employee Vacancy - On motion of Councilmember Foster, seconded by Councilmember Gil, Council unanimously authorized the following position be filled: Wastewater Facilities Operator II.

Waiver of Fee - Demolition Permit - Citing a possible conflict of interest, Councilmember Gilbreath left the Council Chambers. Community Development Director Jeffrey L. Shaw explained that Fred Ford of Fred Ford and Company is the contractor hired by Elinor Nordskog to demolish a residential structure located at 1950 Park Avenue. The structure appears to be in excess of 50 years old, and by ordinance is required to be reviewed by the Historic and Scenic Preservation Commission. The fee associated with the review of the application is \$680.00. Mr. Ford contacted the Redlands Fire Department and asked if they were interested in utilizing the structure for fire training purposes. In a memo from Fire Division Chief Marshall Mead, the Fire Department does find the structure to be valuable for fire training purposes although this is not in their budget. Mr. Ford has requested the \$680.00 filing fee be waived and in return the structure be made available to the Fire Department for fire training purposes. On motion of Councilmember Larson, seconded by Councilmember Foster, Council approved the request from Fred Ford for waiver of fees for a demolition permit for the structure located at 1950

Park Avenue, with the understanding the structure will be made available to the Fire Department for fire training purposes, with Councilmember Gilbreath's abstention.

Resolution No. 5074 - Wal-Mart Lease Agreement Amendment - Finance Director Steven M. Chapman provided the missing dollar amounts in a second amendment to the Lease Agreement between the City, The Pavilion at Redlands, and Wal-Mart Stores, Inc. which was prepared by Kim Byrens, bond counsel with Best, Best & Krieger, to provide for the prepayment of lease payments due. On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously adopted Resolution No. 5074, a resolution of the City Council of the City of Redlands authorizing execution of said amendment.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 11:51 P.M. to an adjourned regular meeting to be held on Tuesday, April 19, 1994, at 9:00 A.M. in the Council Chambers, Safety Hall, 212 Brookside Avenue, Redlands, California.

City Clerk