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 September 5, 1995, 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 M. Luebbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Beatrice Sanchez, Deputy City Clerk
Michael Reynolds, City Treasurer
Marjie Pettus, Administrative Services Director
Jeffrey L. Shaw, Community Development Director
Steven M. Chapman, Finance Director
Mitch McKee, Acting Fire Chief
Gary G. Phelps, Municipal Utilities Director
Lewis W. Nelson, Police Chief
Ronald C. Mutter, Public Works Director

John Andrews, 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.

CONSENT CALENDAR

Minutes - The minutes of the regular meeting of August 1, 1995, were approved as submitted.

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

Funds - Year-End Encumbrances - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously approved the additional appropriations for all 1994-95 year-end encumbrances.

Funds - Optimist Club Donation - On motion of Councilmember Foster, seconded by Councilmember Gilbreath Council unanimously approved the appropriation of $500.00 from the General Fund to the FY 1995-96 Parks Division budget in order to utilize the donation from the Redlands Optimist Club given to the City in appreciation for the use of Sylvan Park for their annual antique car show. The funds will be used to complete the required maintenance efforts at Sylvan Park.

Agreement - Expansion of Cemetery Facilities - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously approved the consultant services agreement between the City of Redlands and Hicks and Hartwick, Inc. for the design of the expansion of the gravesite area at Hillside Memorial Park.

Bid Rejection - Bids were opened and publicly declared on August 24, 1995, by the City Clerk for the installation of a groundwater monitoring well at the California Street Landfill; a bid opening report is on file in the Office of the City Clerk. One bid was received and was approximately $8,000.00 over the engineer's estimate for the project. Due to the fact that only one bid was received, which is significantly higher than the engineer's estimate, the Municipal Utilities Department recommended it would be in the City's best interest to reject this bid and re-advertise for the project. On motion of Councilmember Foster, seconded by Councilmember Gilbreath, this recommendation was unanimously approved.

Resolution No. 5200 - Salary - Resolution No. 5200 reflects all of the changes in salaries based on the cost of living adjustment for all employee groups previously approved by the City Council. It also reflects the following changes that were previously approved during the FY 1995-96 budget hearings and several changes that were implemented as a result of City Council action during the last year: (1) changing the Special Collections Manager to Special Collections Coordinator and decreasing salary range from Mid-Management 49.5 to General 44; (2) downgrading the salary range for Industrial Waste Inspector from G 46.5 to G 44; (3) downgrading the salary range for Business License Inspector from G 43.5 to G 40; (4) reassigning the Principal Planning Classification from the Management unit of representation to the Mid-Management unit of representation; (5) changing the titles of Town Center Assistant and Recreation Supervisor to Special

Programs Coordinator with no increase in salary range; (6) budgetary addition of one Special Programs Coordinator for the new Senior Nutrition Site; (7) changing the Senior Administration Clerk at Joslyn Senior Center to Special Programs Coordinator; (8) the budgetary addition of a part-time Code Enforcement Officer; (9) the budgetary upgrade of part-time DRBA Coordinators; (10) the budgetary addition of the Emergency Services Battalion Chief; and (11) the budgetary addition of one Senior Solid Waste Truck Driver. The following changes were also recommended for incorporation into the resolution: (1) as a result of the downgrade of the Industrial Waste Inspector {Item 2 above} and a minor reorganization of the Wastewater Division, it was recommended the title of the Chemist be changed to Regulatory Compliance Officers with an increase of five percent from G 48 to G 49; that one Laboratory Technician II be changed to Supervising Lab Technician with an increase from G 44 to G 45, resulting in a net savings of $648.00 annually; (2) as a result of the elimination of one Fire Division Chief classification, it was recommended the salaries for Assistant Fire Marshall and Fire Inspector I be increased by 10 percent each due to increased responsibilities; that the Assistant Fire Marshall's title be changed to Fire Marshall and the Fire Inspector I's title be changed to Assistant Fire Marshall, resulting in a net savings of $59,797.00 annually; and (3) the Senior Recreation Supervisor classification be upgraded to Recreation Superintendent from G 44 to MM 44. In response to Councilmember Gilbreath's questions, City Manager Luebbers reported the peak number of full-time employees prior to the layoffs was 444; this resolution reflects 428 full-time employees. Councilmember Gilbreath moved to adopt Resolution No. 5200, a resolution of the City of Redlands rescinding Resolution No. 5164 and establishing a salary schedule and compensation plan for City employees. Motion seconded by Councilmember Gil and carried unanimously.

<u>Funds - Joslyn Senior Center</u> - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously authorized transfer of $10,000.00 from the Joslyn trust account for the purchase of furnishings for the Joslyn Senior Center and upgrade of the computer system as recommended by the Joslyn Advisory Board on July 17, 1995.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, the report of the Planning Commission meeting held on August 8, 1995, was unanimously acknowledged as received.

Resolution No. 5208 - Street Vacation No. 111 - Councilmember Gilbreath moved to adopt Resolution No. 5208, a resolution of the City Council of the City of Redlands declaring its intention to vacate portions of Central Avenue between Ninth Street and East Redlands Boulevard, and setting the public hearing for this street vacation for October 3, 1995, at 7:00 P.M. Motion seconded by Councilmember Foster and carried unanimously.

COMMUNICATIONS

San Bernardino International Airport - The Airport Authority has not held a meeting for the past three weeks while on summer hiatus; therefore, Mayor Larson did not make a report.

Community Center - Tony Martinez's request to name the Community Center after Mr. Henry Bixler was continued to the 7:00 P.M. session.

Appoint - DRBA Advisory Board - Councilmember Cunningham moved to appoint Donna Pohlman to complete the unexpired term of Katherine Thomerson on the Downtown Redlands Business Association Advisory Board as recommended by the DRBA Nomination Committee. Motion seconded by Councilmember Gilbreath and carried unanimously.

1995-96 Budget Book - Finance Director Chapman announced the 1995-96 adopted budget book has been printed and distributed as required. Since the City Council's final action on June 20, 1995, to adopt the 1995-96 budget, a number of corrections have been made which are consistent with previous City Council discussion and action. Some format changes to the book include more detail of the utility user's tax-funded appropriations including highlighting the capital items within the Capital Outlay Detail section. Funding plans and revenue detail which appear in the Financial Plans/Summaries' section are now also located within the respective department sections. Councilmember Gilbreath moved to accept the 1995-96 adopted budget book as submitted. Motion seconded by Councilmember Foster and carried with Councilmember Cunningham voting NO.

"Donut Hole" Development Agreement Proposal - City Attorney McHugh reported a proposed annexation and development agreement has been received from Michelle Nelson of Karahalios Realty on behalf of certain unidentified property owners within the "Donut Hole." A group of property owners in the Donut Hole has been holding discussions with Ms. Nelson about possibly annexing their properties to the City in connection with the consideration of a development agreement. Cary Lowe, an attorney representing the property owners, has had several discussions with the City Attorney about the urgency of the matter and the reason they are requesting a development agreement. Based upon Mr. Lowe's comments, it is Mr. McHugh's understanding that the property owners are particularly concerned about the effect the initiative (known as Measure H) on the November ballot might have upon development of their properties, if the initiative is approved by the voters. Because of this uncertainty, the property owners would like to have the proposed development agreement approved before the initiative would take effect. Mr. McHugh noted the usual course for processing a development agreement in the City would be for the project applicant to make application through the Planning Department for both the development agreement and the project subject to the agreement, and pay the appropriate fees. These fees include a deposit of $10,000.00 for the City staff to review the proposal. To date, no application for either a development project or the development agreement has been made by the property owners. Responding the Councilmembers' questions, Mr. McHugh explained vested rights in relation to the initiative. Expressing concerns about the contents of the proposed agreement, Councilmember Gilbreath requested the applicant submit their application through the regular process and directed staff to continue its review. Motion seconded by Councilmember Gil and carried with Councilmember Cunningham voting NO.

CLOSED SESSION

The City Council meeting recessed at 3:15 P.M. to a Redevelopment Agency meeting and reconvened at 3:40

P.M. to a closed session to discuss the following matters:

(a) Conference with legal counsel - Anticipated litigation - Government Code Section 54956.9(b) - Three cases

(b) Conference with legal counsel - Existing litigation - Government Code Section 54956.9 - Redlands Association et. al. v. City of Redlands

(c) Conference with real property negotiator
Property: 172 South Eureka Street
Negotiating parties: Marjie Pettus and Ted Sutton
Under negotiation: Terms and price

(d) Conference with real property negotiator
Property: 172 South Eureka Street
Negotiating parties: Marjie Pettus and Mr. and Mrs. Stuart
Under negotiation: Terms and price
(This item, which arose subsequent to the agenda being posted, was unanimously added to the agenda on motion of Councilmember Larson, seconded by Councilmember Cunningham.)

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

CLOSED SESSION REPORT

City Attorney McHugh reported the following property exchanges were approved at the prior closed session: (1) APN 174-281-13, 24, 26, and 28 - Wabash Avenue right-of-way between the City of Redlands and Mrs. James King and Mr. Ai-ken-Shen; and (2) APN 168-031-21 and 22, 168-041-45 and 46, 292-072-07 and 12 - Tennessee Grove and Sessums between the City of Redlands and Hudson Company, a California general partnership, Raymond Kosi and Phil Sirianni, Jr. Councilmember Cunningham noted he was opposed to these two property exchanges.

PUBLIC HEARINGS

Resolution No. 5211 - Kirkorian Premiere Theatres, Inc. - A joint public hearing with the Redevelopment Agency of the City of Redlands was advertised for this time and place to consider a Draft Mitigated Negative Declaration, Disposition and Development Agreement, Purchase and Sale Agreement and Escrow Instructions, and Lease/Purchase Agreement for property bounded by Eureka Street, Oriental Avenue, Third Street, and the abandoned Southern Pacific Railroad right-of-way for the development of a 12 to

14 screen movie theater complex and restaurant. Mayor Larson excused himself from the Chambers indicated he had a possible conflict of interest. Mayor Pro Tem Foster presided over meeting and public hearing regarding this matter. City Manager Luebbers explained the details of the transaction which were contained in documents provided for the City Council. He noted that the Lease/Purchase Agreement scheduled for approval at this meeting will not be executed until the Conditional Use Permit is approved and the "Bauer" parcel purchased. Mayor Pro Tem Foster declared the meeting open as a public hearing for any questions or comments. Representatives from Kirkorian Premiere Theatres, Inc. were present and expressed enthusiasm having their project in Redlands. An architectural rendering was shown of the proposed structure. There being no further comments, the public hearing was declared closed. Councilmember Gilbreath moved to approve the mitigated Negative Declaration for Conditional Use Permit No. 630 and directed staff to file and post a "Notice of Determination" in accordance with City guidelines. Motion seconded by Councilmember Cunningham and carried by AYE votes of all present. Councilmember Gilbreath moved to adopt Resolution No. 5211, a resolution of the City Council of the City of Redlands approving and authorizing the execution of a Disposition and Development Agreement and Lease with Option to Purchase Agreement by and between the Redevelopment Aency of the City of Redlands and Krikorian Premiere Theatres, Inc. Motion seconded by Councilmember Cunningham and carried by AYE votes of all present. (Also see Redevelopment Agency minutes dated September 5, 1995.)

<u>COMMUNICATIONS</u> (continued from afternoon session)

<u>Community Center</u> - Mr. Tony Martinez addressed the City Council to seek support for his proposal to name the Community Center after Mr. Henry Bixler. The City Council recognized six members of Mr. Bixler's family who were present as this meeting. Administrative Services Director Pettus reported that on August 10, 1995, the Recreation Commission voted 3-2 to deny the request noting the City did not have facilities named after City employees, and suggested development of a "Wall of Honor" to recognize all employees and volunteers who have made contributions to the Community Center. Staff has also suggested naming an interior room in memory of Mr. Bixler or

establishing a resting or garden area in his memory. Councilmember Gil, who, as a 16-year-old, was a member of the Board who hired Mr. Bixler, moved to accept any of the three alternatives proposed. Motion seconded by Councilmember Foster and carried unanimously.

At this time Mayor Larson acknowledged the presence of the following candidates running for member of the City Council: Ray Alexander, Jon Harrison, Geni Banda, Jeff Sabatini, Kyle Larick, and incumbent Bill Cunningham; for City Clerk: Lewis Webster and incumbent Lorrie Poyzer; and for City Treasurer: incumbent Michael Reynolds.

PUBLIC HEARINGS (Continued)

Resolution No. 5206 - Historic Resource - Public hearing was advertised for this time and place to consider the recommendation of the Historic and Scenic Preservation Commission to designate the Böettger House located at 809 East High Avenue as Historic Resource No. 92. Mayor Larson declared the meeting open as a public hearing for any questions or comments concerning this matter. None being forthcoming, the public hearing was declared closed. Councilmember Cunningham moved to adopt Resolution No. 5206, a resolution of the City Council approving this recommendation. Motion seconded by Councilmember Gil and carried unanimously.

Ordinance No. 2291 - Neighborhood Convenience Center District (Failed) - Public hearing was advertised for this time and place to consider Ordinance No. 2291, an ordinance of the City of Redlands adopting Zoning Ordinance Text Amendment No. 240 which relates to the allowed hours of operation in the C-1 (Neighborhood Stores) and C-2 (Neighborhood Convenience Center) Districts. Community Development Director Shaw explained this amendment would extend the hours of operation for businesses in these districts with approval of a Conditional Use Permit from the Planning Commission. The Planning Commission unanimously recommended the City Council deny Ordinance No. 2291, citing their concern about the negative impacts this proposal would have on neighborhoods City-wide and felt it would not be a necessity for the community and would be a disruption to the residential neighborhood. Mayor Larson declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the

public hearing was declared closed. (See Public Comments at the end of the minutes.) Councilmember Foster moved to approve the Environmental Review Committee's Negative Declaration for Zoning Ordinance Text Amendment No. 240 which relates to the allowed hours of operation in the C-1 (Neighborhood Stores) and C-2 (Neighborhood Convenience Center) Districts, and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Gil and failed by the following vote:
AYES: Councilmembers Foster and Gil
NOES: Councilmembers Cunningham, Gilbreath; Mayor Larson
Ordinance No. 2291, an ordinance of the City of Redlands amending Chapters 18.84 and 18.88 of the Redlands Municipal Code relating to operating hours in the Neighborhood Stores District and Neighborhood Convenience Center district, was read by title only by City Clerk Poyzer. Councilmember Gilbreath moved to deny Ordinance No. 2291. Motion seconded by Councilmember Cunningham and carried with Councilmembers Foster and Gil voting NO.

General Plan Amendment No. 54 - Community Development Director Shaw reported the City Council has held 21 public hearings on the General Plan. As a result of the public hearings, the City Council has taken actions to delete, add, and modify portions of the General Plan. The Master Environmental Assessment (MEA) and Environmental Impact Report (EIR) were circulated for review on August 9, 1995. The end of the formal review period is September 25, 1995. The General Plan, MEA, and EIR have been circulated to the Planning Commission and the City Council. The Planning Commission reviewed certain issues pertaining to the General Plan at their study session on August 8, 1995. An additional study session is scheduled for September 26, 1995. A public hearing before the Planning Commission is anticipated to occur on October 10, 1995, and before the City Council on October 17, 1995. These public hearings will be re-advertised and noticed. Mayor Larson declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed.

Ordinance No. 2295 - Repeal Existing General Plan - Following discussion, Ordinance No. 2295, an ordinance of the City of Redlands repealing Ordinance Nos. 2086, 2148, 2271, 2282, and 2290 relating to the amendment of the City's General Plan, was read by title only by City Clerk Poyzer, and on motion of Councilmember Foster, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived, and Ordinance No. 2295 was introduced and laid over under the rules with second reading scheduled for September 19, 1995, with Councilmember Cunningham voting NO.

UNFINISHED BUSINESS

Ordinance No. 2274 - Storm Drain Regulations - Ordinance No. 2274, an ordinance of the City of Redlands adding Chapter 13.44 to the Redlands Municipal Code establishing regulations relating to storm drains, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Foster, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived, and Ordinance No. 2274 was adopted by the following vote:
AYES: Councilmembers Foster, Cunningham, Gil, Gilbreath;
Mayor Larson
NOES: None
ABSENT: None

Ordinance No. 2286 - A-1-20 Zoning District - Ordinance No. 2286, an ordinance of the City of Redlands adding Chapter 18.21 to the Redlands Municipal Code to establish regulations for the A-1-20 (Agricultural) Zoning District, 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, and Ordinance No. 2286 was adopted by the following vote:
AYES: Councilmembers Foster, Gil, Gilbreath; Mayor Larson
NOES: Councilmember Cunningham
ABSENT: None

CDBG Funds - Boys and Girls Club - CDBG Administrator Paula Rae Espinoza explained that on August 22, 1995, the Boys and Girls Club of Redlands submitted a letter to the City requesting a change of scope for their Community Development Block Grant (CDBG) fund project to utilize the $70,000.00 funds solely for at-risk youth programs as follows:

1 Renovation of the Community Center$30,000.00
2. Tenant improvements for the room to be

utilized by the Boys and Girls Club 10,000.00
3. Purchase and installation of a Computer Resource Center 20,000.00
4. Boys and Girls Club Personnel 10,000.00

Due to the number of proposed activities, staff recommended that the Boys and Girls Club submit proposed tenant improvement plans with drawings; submit a proposed prototype for resource computer center to include layout, computer type, and materials; submit a proposed 1995-96 budget for personnel; and that the CDBG funds remaining from the $10,000.00 allocated for tenant improvement be added to the Community Center renovation budget. Councilmember Gil moved to authorize the change of scope in the Boys and Girls Club of Redlands' Community Development Block Grant project from acquisition of a facility to the purchase and installation of a resource center and Community Center renovation. Motion seconded by Councilmember Cunningham and carried unanimously.

NEW BUSINESS

Ordinance No. 2293 - Filming Permit Procedures - Following brief discussion, Ordinance No. 2293, an ordinance of the City of Redlands adding Chapter 12.42 to the Redlands Municipal Code and establishing guidelines for photography and filming permits, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Foster, further reading of the ordinance text was unanimously waived, and Ordinance No. 2293 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for September 19, 1995.

Fee Reduction - Junior All American Football - On behalf of the Redlands' Junior All American Football, Marvin Duncan urged the City Council to approve their proposed "rental agreement" whereby they pay a flat fee of $3,000.00 for the use of Community Park fields during the 1995 football season. Councilmember Gil moved to approve this request for a fee reduction as proposed by the Junior All American Football for the 1995 season. Motion seconded by Councilmember Foster and carried unanimously.

Waiver of Fee - Redlands High School Homecoming - Councilmember Foster moved to approve the request for waiver of fees for the use of the Redlands Bowl by the Redlands High School on October 12-13, 1995, for their homecoming rehearsal and rally. Motion seconded by Councilmember Gil and carried unanimously.

Waiver of Fee - United Way - Councilmember Gil excused himself from the Council Chambers citing a possible conflict of interest on this matter. Councilmember Gilbreath moved to approve the request for a waiver of fees for the use of the Redlands Bowl as a fund raiser for the United Way on September 17, 1995. Motion seconded by Councilmember Foster and carried by AYE votes of all present.

San Bernardino Valley Water Conservation District - Councilmember Foster moved to oppose the dissolution of the San Bernardino Valley Water Conservation District or its replacement by a joint powers authority and authorize the City Manager to prepare a letter to this effect directed to their Board, State Assemblyman James Brulte, and State Senator Bill Leonard. Motion seconded by Councilmember Gil and carried unanimously.

Citrus Plaza (Majestic) Project - City Manager Luebbers reported an application has been filed and the application fee of $10,000.00 paid for a development agreement for the Citrus Plaza (Majestic) project. Councilmember Foster moved to authorize staff to proceed with its review, evaluation, and preliminary negotiations. Motion seconded by Councilmember Gilbreath and carried unanimously.

Agreement - Eureka Street Design - Councilmember Foster moved to approve the Consultant Services Agreement between the City of Redlands and Hicks and Hartwick, Inc. for the design of the widening and reconstruction of Eureka Street between Redlands Boulevard and Pearl Avenue. Motion seconded by Councilmember Gilbreath and carried unanimously.

Resolution No. 5212 - Outside City Utility Connection Regulations - Councilmember Foster moved to continue Resolution No. 5212, a resolution of the City of Redlands rescinding Resolution No. 4683 which established regulations for the extension of City water and sewer services outside the City's boundaries, to October 3, 1995, for review by the City Attorney. Motion seconded by Councilmember Gil. Opposed to this action were: Jeff Sabatini and Tex

Moore who read a statement on behalf of The Redlands Association. The motion to continue this matter was approved with Councilmember Cunningham voting NO.

PUBLIC COMMENTS

Development Agreements - James Barton, owner of the property generally bounded by Mountain View, California Street, Lugonia Avenue, and San Bernardino Avenue, asked the City Council what changes had occurred since he had negotiated his development agreements at a cost of $700,000.00.

Tex Moore informed Councilmembers he was offended that a Councilmember had attacked him personally during this meeting and that he was not allowed to respond; Mr. Moore asked Councilmember Foster to be polite during future meetings.

Ordinance No. 2291 - Convenience Store Hours - Beth Seville, owner of the 7-11 Store located on Citrus Avenue, showed petitions which she indicated contained 1,240 signatures of people who wanted her store to be allowed to be open later hours. She urged the City Council to reconsider their action on Ordinance No. 2291 which was denied during the Public Hearing portion of this meeting.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:30 P.M. The next regular meeting will be held on September 19, 1995.

City Clerk