

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 19, 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
Mel Enslow, Fire Chief
Gary G. Phelps, Municipal Utilities Director
Lewis W. Nelson, Police Chief
Peter A. Laaninen, Assistant Public Works
Director

Renee Groese, Redlands Daily Facts
Bettye Wells Miller, The Sun

ABSENT None

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

Mayor Larson welcomed the substitute reporters Renee Groese, Redlands Daily Facts, filling in for vacationing John Andrews, and Bettye Wells Miller, The Sun, filling in for Steven Church who is on paternity leave following the birth of a daughter on September 17, 1995. Mayor Larson also acknowledged the following candidates present at the afternoon session: Incumbents Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Bill Cunningham, Councilmember; and City Council candidate Jeff Sabatini. Also present at this session was Larry L. Rhinehart, Intergovernmental Affairs Director of the South Coast Air Quality Management District, who addressed the City Council later in the afternoon.

PRESENTATION

Liberty Pole Plaques - City Manager Luebbers presented slices of The Liberty Pole, which was decommissioned due to the ravages of age and termites on September 9, 1995, and cut down on September 12, 1995, to the Councilmembers. A plaque, memorializing the historic flag pole, was provided by Mick Gallagher, Gallagher Jewelers, and a Certificate of Authenticity was prepared by City Clerk Poyzer.

CONSENT CALENDAR

Minutes - The minutes of the regular meeting of September 5, 1995, were approved as submitted.

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

Resolution No. 5210 - Veterinarian Fees - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, the City Council unanimously adopted Resolution No. 5210, a resolution of the City Council of the City of Redlands establishing fees for veterinarian services provided to animals at the Redlands Animal Shelter and making it possible to be reimbursed by the owner for the fees incurred in connection with veterinarian services rendered for an injured, lost or stray animal impounded at the Redlands Animal Shelter.

Resolution No. 5214 - Disadvantage Business Enterprise Program - Following brief discussion, Councilmember Gil moved to adopt Resolution No. 5214, a resolution of the City of Redlands establishing a Disadvantage Business Enterprise (DBE) Program, appointing a DBE liaison officer, establishing DBE goals, and rescinding Resolution No. 4483. State and Federal agencies require this program prior to performing street construction projects using Federal and/or State highway monies. Motion seconded by Councilmember Foster and carried unanimously.

Rental Agreement - Greenspot Scout House - The proposed Rental Agreement between the City of Redlands and the Redlands Service Unit of the San Geronio Girl Scout Council was continued to October 3, 1995.

Funds - Steele Grants - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council

unanimously approved the allocation of \$2,500.00 from the Steele Grant Funds for the purpose of providing the following grants to local arts organizations as recommended by the Cultural Arts Commission:

The Year of the Arts Committee (pending incorporation)
for the purpose of providing an annual Community-wide
Arts Fair \$1,000.00

The Redlands Festival Ballet Company "Ballet: Give Your Life A Life" project for the purpose of purchasing
ballet shoes and costumes 250.00

Redlands Music Booster, Inc. Middle Schools music project for the purchase of electronic instruments for the
students at Moore and Cope Middle Schools 1,000.00

Family Services Association Home Again Project for the
purchase of art materials 500.00

Funds - Steele Foundation - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously approved that the sum of \$50.00 be allocated for membership in the San Bernardino County Arts Foundation utilizing Steele Grant Funds as recommended by the Cultural Arts Commission.

Funds - Steele Foundation - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously approved the sum of \$50.00 be allocated for membership in the California Assembly of Local Arts Agencies utilizing Steele Grant Funds as recommended by the Cultural Arts Commission.

Funds - Unmarked Police Vehicles - On motion of Councilmember Foster, seconded by Councilmember Gilbreath, Council unanimously authorized the use of \$140,072.00 in drug asset seizure funds for the purchase of six unmarked emergency vehicles for the Police Department.

Lease-Purchase Agreement - Police Vehicles - Following brief discussion Councilmember Cunningham moved to approve Lease-Purchase Agreement No. 39672

with Ford Motor Credit Company to finance the purchase of seven 1995 Ford Crown Victoria P71 police sedans which were approved in the 1995-96 budget and financed through the Utility Users' Tax. Motion seconded by Councilmember Gil and carried unanimously.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - Councilmember Gil questioned the application submitted by the Second Baptist Church for Conditional Use Permit No. 621, a proposed development of a church and senior housing facility totaling 34,228 square feet on 4.62 acres of land in the R-1 (Single Family Residential) District located on the southwest corner of Lugonia Avenue and Texas Street. Community Development Director Shaw explained this application was continued by the Planning Commission to September 26, 1995, and that this is a permitted use in this zone. Councilmember Gil also questioned why the Planning Commission denied the application submitted by Alvarez Design Studios for Conditional Use Permit No. 620 (Revision 1), a proposed development of a 2,500 square foot drive-through restaurant on 0.52 acres of land in the EV/CG (General Commercial) District of the East Valley Corridor Specific Plan located at the southeast corner of Lugonia Avenue and Alabama Street. Community Development Director Shaw explained that the applicant asked for a waiver of the Public Works requirement to re-locate a power pole which would be very expensive. The applicant will ask for assistance from Southern California Edison Company. Councilmember Gil moved to accept the report of the Planning Commission meeting held on September 12, 1995. Motion seconded by Councilmember Foster and carried unanimously.

COMMUNICATIONS

Utility Users' Tax Report - Finance Director Chapman presented the 1994-95 4th quarter Utility Users' Tax Report. Total revenues were \$2.75 million compared to the adopted budget of \$2.80 million. However, Mr. Chapman reported, fiscal year 1994-95 does not represent a typical full year of revenue since several service providers including long distance carriers had not implemented the tax by July 1, 1994. The \$3.0 million budget adopted for 1995-96 will be representative of a typical year. Overall expenditures are \$160,000.00 less than budget primarily as a result of the new paramedic unit becoming operational in late November rather than early July 1994. The unexpended balance for fire vehicle replacement was encumbered on June 30, 1995, and will be expended during fiscal year 1995-96.

Voting Delegate - League of California Cities - Councilmember Larson moved to designate Swen Larson as the voting delegate and Bill Cunningham as the alternate voting delegate to the League of California Cities Annual Conference scheduled for October 22 through October 24, 1995, in San Francisco. Motion seconded by Councilmember Gilbreath and carried unanimously.

Resolution No. 5216 - Sales Tax Redistribution - Councilmember Cunningham moved to adopt Resolution No. 5216, a resolution of the City Council of the City of Redlands supporting the League of California Cities' resolution on sales tax redistribution to increase the amount received by cities to two percent. Motion seconded by Councilmember Gilbreath and carried unanimously. This resolution directs the League to initiate legislative actions, wither through the State legislature or through a ballot initiative, to change the percentage split to four percent for the State and two percent to cities.

PUBLIC COMMENTS

AQMD - Intergovernmental Affairs Director Larry L. Rhinehart updated Councilmembers on the activities of the South Coast Air Quality Management District emphasizing the Business Clean Air Partnership proposal adopted by the SCAQMD Governing Board on April 14, 1995.

LATE BREAKING ITEMS

Fire Code Revision - Councilmember Gil moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Discussion and possible action - Fire Code Revision." Motion seconded by Councilmember Cunningham and carried unanimously. City Manager Luebbers explained that after the devastating fire on September 14, 1995, which appears to have been caused by the use of heating devices to remove paint from the Victorian-style house located at 201 West Fern Avenue, staff recommended a revision to the Fire Code to regulate the "torching" process of paint removal. Councilmember Larson moved to direct staff to investigate this matter and bring forth a recommendation. Motion seconded by Councilmember Gil and carried unanimously.

Reward - Councilmember Gil moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Discussion and possible action - Homicide reward." Motion seconded by Councilmember Cunningham and carried unanimously. Redlands' first homicide of this year occurred on September 17, 1995. Daniel Mayorga Luna, 79-years-old, was found dead in his residence in the 1020 block of Lawton Avenue. Newspaper reports indicated Mr. Luna was tied up and his home had been ransacked. Staff recommended that a \$5,000.00 reward for the arrest and conviction of whomever was responsible for this death be offered. Councilmember Gil moved to authorize an appropriation in the amount of \$5,000.00 for this purpose. Motion seconded by Councilmember Gilbreath and carried unanimously. City Councilmember candidate Jeff Sabatini suggested a fund be established to accept donations from members of the public for this type of reward and pledged \$100.00 of his own personal funds towards this fund.

CLOSED SESSION

The City Council meeting recessed at 3:31 P.M. to a Redevelopment Agency meeting and reconvened at 3:43 P.M. to a closed session to discuss the following matters:

1. Conference with legal counsel: anticipated litigation - Government Code Section 54956.9(b)
2. Conference with labor negotiator
City negotiator: Gary M. Luebbers
Employee Organizations: City Police and Fire Departments

The City Council meeting reconvened at 7:00 P.M. Mayor Larson acknowledged the following candidates present at this session: Incumbents Lorrie Poyzer, City Clerk, Michael Reynolds, City Treasurer, Bill Cunningham, Councilmember; City Council candidates Ray Alexander, Kyle Larick, Jon Harrison, and Jeff Sabatini.

PRESENTATION

Proclamation - Mayor Larson presented Dr. Sam Byrts, Chairman of the City's Human Relations Commission, a proclamation declaring the month of October as the Second Annual Cultural Diversity Month and encouraged all residents to reflect on the richness and uniqueness of opportunity that is available to us through the multiplicity of cultures in our

community. Dr. Byrts announced that Human Relations Commissioner Joan Silver was developing a calendar of events for the month of October.

PUBLIC HEARING

Ordinance No. 2297 - Development Agreement No. 7 - Public hearing was advertised for this time and place to consider a development agreement between the City of Redlands and Krikorian Premiere Theatres, Inc. for property bounded by Eureka Street, Oriental Avenue, Third Street, and the abandoned southern Pacific Railroad right-of-way for development of a 12 to 14 screen movie theater complex and restaurant. Indicating a possible conflict of Interest, Mayor Larson excused himself from the Chambers. Community Development Director Shaw reviewed the contents of the proposed development agreement. Mayor Pro Tem Foster presided over the meeting and declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. City Clerk Poyzer read the title of Ordinance No. 2297, an ordinance of the City of Redlands approving Development Agreement No. 7 with Krikorian Premiere Theatres, Inc. and authorizing the Mayor and City Clerk to execute the same. Councilmember Gilbreath moved to waive further reading of the ordinance and introduce Ordinance No. 2297, based upon the following findings: (1) that the potential environmental impacts of the proposed development agreement are adequately addressed in the Mitigated Negative Declaration adopted by the City Council and Redevelopment Agency of the City of Redlands on September 5, 1995, for the proposed Krikorian theater project and its associated actions, and (2) that the development agreement is consistent with the objectives, policies, and land use plans for the Redlands General Plan and the Downtown Specific Plan (Specific Plan No. 45). Motion seconded by Councilmember Cunningham and carried by AYE votes of all present.

CLOSED SESSION REPORT

Property Sale - City Attorney McHugh announced that on September 5, 1995, the City Council approved the sale of the property located at 172 South Eureka Street to James and Sharon Stewart in the amount of \$85,000.00.

PRESENTATION

Robbins Retreat - Robbins Retreat, located at 302 Nordina Street, is owned by Gil Velasco and managed by Dennis Monfett who lives on site. Mr. Velasco took possession of the facility and received the current licensing in May of 1992. The facility is currently licensed by the State of California to house a maximum of 45 mental health "board and care" clients, all of which are screened to meet State criteria for this type of facility. Today there are 29 clients housed at the facility. Additionally, the facility has a separate detached structure which can house a maximum of seven individuals who are "room and board" tenants only. From 1986 to 1989, the Redlands Police Department responded to Robbins Retreat 17 times, a yearly average of 4.25 times. During 1990 and 1991, the Redlands Police Department responded to the facility a total of 73 times. This period began the transition from Robbins Retreat being exclusively a home for elderly retirees to housing mental health "board and care" type clients. During 1993, the first full year of operation of Robbins Retreat by Mr. Velasco, the Redlands Police Department responded to the facility 101 times. The department responded to the facility 89 times during 1994 and has responded 61 times to far this year. The Fire Department Paramedics have responded as follows: 1990: 23 calls; 1991: 26 calls; 1992: 16 calls; 1993: 43 calls; 1994: 13 calls, and 1995: 9 calls to date. A list of unusual calls was provided by the Fire Department and included a patient who wanted a prescription refilled, one who wanted a ride to his sister's home in Needles, complaints of muscle spasms after visiting the planet Venus, seeing colored lights, suffering gas pains, and one patient who did not have a complaint but staff dialed 9-1-1 because the subject was shaking his arms.

During the fall of 1994 complaints from neighbors in the area surrounding Robbins Retreat reached a level that necessitated a Community Policing response. In January 1995, the Redlands Police Department initiated a meeting with the owners of Robbins Retreat to analyze neighborhood complaints about their facility and implemented procedures designed to alleviate the problems. In February 1995 the Redlands Police Department initiated community meetings in the area to deal with complaints from neighbors of the facility regarding their clients' behaviors and has continued those meetings monthly.

A comparison of the relevant statistics relating to police response to Robbins Retreat during the months of February 1995 through September 1995 and the same months for the year 1994 revealed the following changes: a 29 percent reduction in calls for police service; a 46 percent reduction in assaults at the facility; and a 40 percent reduction in Welfare and Institutions Code 5150 (persons who are a danger to themselves or others) calls.

Kristen M. Titera, 303 South Nordina Street, presented a petition to the City on August 17, 1995, containing 74 signatures which she indicated represented property owners, residents, and business owners within the immediate vicinity of Robbins Retreat and the Wissahickon Inn which is located at the northeast corner of Center Street and Highland Avenue. As a result of roaming patients, they felt dangerous neighborhood conditions have been created. The number of Police Department responses to complaint calls has caused considerable expense to the City, and the petitioners requested the City seek reimbursement of these costs. They also requested the number of patients at Robbins Retreat be reduced and maintained at a level of 21 patients until a procedure for closing the facility can be worked out. Also speaking in support of the requests contained in the petition were: Richard Titera, 516 West Highland Avenue; and Rick West, 325 Sonora Street. On behalf of the State Department of Social Services, Debra Melloy explained the permitting process and indicated that a facility this size was not typically located in a residential neighborhood such as in Redlands. Robbins Retreat Administrator Dennis Monfett indicated he was working hard to keep the patients under control and assured everyone that they could not accept parolees. Claudette Bohaty stated she felt the neighbors were reacting in a distinctly un-Christian manner.

The City Council commended Police Chief Nelson, Lt. Fitzmaurice, Sgt. Dalzell, and Corp. Kloepper for their community policing efforts. City Attorney McHugh explained the City has no control over the State licensing procedures for this type of facility. Community Development Director Shaw reported this facility has been licensed for board and care since 1974 and that the R-2 zoning, which allows this type of facility, has been in effect in this neighborhood since at least 1955. A City-wide Comprehensive Cost Recovery System for emergency services will be

presented at the October 17, 1995, meeting for the City Council's review.

The City Council meeting briefly recessed at 7:45 P.M. and reconvened at 7:57 P.M.

PUBLIC HEARING

Ordinance No. 2292 - Zone Change No. 356 - Public hearing was advertised for this time and place to consider Ordinance No. 2292, an ordinance adopting Zone Change No. 356, a change of zone from R-R (Rural Residential) District to R-A (Residential Estate) District for property generally located on the south side of Sunset Drive, east of Alessandro Road and west of Edgemont Drive, as recommended by Redlands Planning Commission Resolution No. 844. Due to a possible conflict of interest, Councilmember Gilbreath excused herself and left the Council Chambers. Mayor Larson declared the meeting open as a public hearing for any questions or comments concerning this change of zone. None being forthcoming, the public hearing was declared closed. Councilmember Foster moved to approve the Environmental Review Committee's Negative Declaration for Zone Change No. 356 and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Gil and carried by AYE votes of all present. Ordinance No. 2292, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting an additional land use zoning plan as part of the Official Land Use Zoning Map and effecting Zone Change No. 356, was given its first 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 waived, and Ordinance No. 2292 was introduced and laid over under the rules with second reading scheduled for October 3, 1995, by AYE votes of all present.

UNFINISHED BUSINESS

Ordinance No. 2293 - Photograph and Filming Permits Guidelines - 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 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. 2293 was adopted by the following vote:

AYES: Councilmembers Foster, Cunningham, Gil, Gilbreath;

Mayor Larson

NOES: None

ABSENT: None

Ordinance No. 2295 - Repeal Existing General Plan - Ordinance No. 2295, an ordinance of the City of Redlands repealing Ordinance Nos. 2086, 2148, 2271, 2281, 2282, and 2290 relating to the amendment of the City's General Plan, 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. 2295 was adopted by the following vote:

AYES: Councilmembers Foster, Gil, Gilbreath; Mayor Larson

NOES: Councilmember Cunningham

ABSENT: None

PUBLIC COMMENTS

Development Agreements - Mr. James Barton, owner of the property generally bounded by Mountain View, California Street, Lugonia Avenue, and San Bernardino Avenue, clarified his comments contained in the minutes of the City Council meeting held on September 5, 1995, to indicate he had spent \$700,000 to process his application; \$400,000 was for the development agreement.

Sign Enforcement - Neil Glines, owner of Elite Detailing, 1105 West Redlands Boulevard, asked the City Council for assistance regarding the use of a banner to identify his business. Mr. Glines did not feel he was being treated equally by the City's Code Enforcement Division. Mr. Glines was referred to Community Development Director Shaw. Councilmembers Gil and Foster asked that review of the Code Enforcement Officer position be scheduled on the next agenda for review.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:06 P.M. The next regular meeting will be held on October 3, 1995.

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City Clerk