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 November 21, 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
Paula Rae Espinoza, CDBG/Housing Coordinator
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
Ronald C. Mutter, Public Works Director

John Andrews, Redlands Daily Facts
Sulipsa Luque, The Sun

ABSENT

None

The meeting was opened with an invocation by Mayor Larson. Mayor Larson extended condolences to the family of Oddie J. Martinez, former Councilmember and Mayor, who died November 7, 1995. This was followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - The minutes of the regular meeting of November 7, 1995, were approved as submitted.

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

<u>California Street Landfill - Task No. 6</u> - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously approved Task No. 6, as an addendum to the agreement with the firm of 3D GeoServices, Inc. for hydrogeologic services relating to installation of groundwater monitoring wells at the California Street Landfill.

<u>Resolution No. 5229 - Traffic</u> - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously adopted Resolution No. 5229, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: remove the "no parking" zone and permit parking on the east side of Grove Street, fronting 630 North Grove Street, as recommended by the Traffic Commission.

<u>Resolution No. 5230 - Traffic</u> - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously adopted Resolution No. 5230, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: erect a stop sign on westbound Central Avenue at Ninth Street, as recommended by the Traffic Commission.

<u>Funds - Steele Grant Funds</u> - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously approved the appropriation of $98.00 from the Steele Grant Funds for the purpose of subscribing to the publication entitled *Arts & Culture Funding Report* as recommended by the Cultural Arts Commission.

<u>Resolution No. 5232 - California Street Landfill</u> - On motion of Councilmember Gilbreath, seconded by Councilmember Foster, the City Council unanimously adopted Resolution No. 5232, a resolution of the City Council of the City of Redlands, California, establishing a budget set-aside for financial assurance to reclaim the borrow site for the California Street Landfill. The Planing Commission approved Conditional Use Permit No. 592 (Revision I) and the related Mitigated Negative Declaration on January 24, 1995, following the recommendation for a Mitigated Negative Declaration on November 29, 1994, by the Environmental Review Committee. As part of the approved conditional use permit, a Reclamation

Plan was prepared in accordance with the Public Resources Code, Section 2207. The Reclamation Plan provides for adequate drainage and erosion control as well as financial assurance for reclamation. The financial assurance established within Resolution No. 5232 includes reclamation for both the existing borrow site area and the extension of the borrow site area.

Project First Steps Child Care Facility - Following brief discussion, on motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the deletion of CDBG Project No. 111-21208, Project First Steps Parking Lot Expansion, in the amount of $4,000.00 and approved staff's recommendation to reprogram these funds to CDBG Project No. 111-19602, Project First Steps Facility Improvement. This will allow the construction of a concrete surface with a shade structure as requested by the Board of Directors of Project First Steps.

Lease Purchase Agreement - Police Radio Equipment - City Attorney McHugh noted a correction was needed within a lease purchase agreement with Motorola Communications and Electronic Inc. on Page 2, Paragraph No. 5, as the references to the State of Georgia Code were inappropriate. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the City of Redlands to enter into the lease purchase agreement presented, as corrected, with Motorola Communications and Electronic Inc. for the lease purchase of radio equipment for the Police Department. This equipment was approved as part of the 1995-96 budget.

Settlement Agreement - Booking Fees - On motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, the City Council unanimously approved a settlement agreement with the County of San Bernardino relating to booking fees and authorized the Mayor to execute the agreement on behalf of the City. Finance Director Chapman reported he has been working with the County Administrative Office and Office of the Auditor/Controller-Recorder to determine the City's refund of previously expended fees and how they can be applied to amounts owed and unpaid for the period April, 1995, to the present.

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on November 14, 1995, was unanimously acknowledged as received.

LATE BREAKING ITEM

Subordination Agreement - Councilmember Gilbreath explained a subordination agreement was needed to close an escrow prior to our next City Council meeting for property in the Sunset Ridge development. Noting that the need to take action was immediate, she moved to add this to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember Foster and carried unanimously. Public works Director Mutter said he had reviewed the documentation and recommended approval of a subordination agreement for property located at 1706 Smiley Ridge. Councilmember Foster moved to approve this request and authorize the Mayor to sign the subordination agreement on behalf of the City. Motion seconded by Councilmember Gilbreath and carried unanimously.

NEW BUSINESS

Resolution No. 5233 - Nuisance Abatement - Wissahickon Inn - Community Development Director Shaw reported in a staff report that it was recommended that the City Council take action under the provisions of the Health and Safety Code Section 17980 to safeguard life, limb, health property and public welfare and abate the nuisance of the structurally unsafe, unreinforced three-story vacant apartment building located at 565 Walnut Avenue known as the Wissahickon Inn. In January, 1994, the Fire Department performed an annual fire inspection. The inspection revealed building code and life safety violations. Because of the unsafe conditions, the Fire Department instructed the owner to remove the remaining tenants from the building. Over the past several months, the owner has been sent notices about the unsafe conditions. Because of the condition of the building and grounds, and the complaints from the tenants, a task force was assembled to reinspect the three-story building on March 3, 1995. This inspection affirmed the identified violations. Since March 24, 1995, no contact by the owner or progress have been made to correct any of the identified violations. On August 1, 1995, a letter from the City Attorney to the owner indicating legal proceedings would be commenced if no response or action occurred within ten days from the date of his letter. Again, no response from the property owner in regards to the City Attorney's letter. On September 15, 1995, a certified letter from the City Manager informed the property owner that because of his lack of action, a hearing would be held. At the request of the owners, who were present during this session of the City Council meeting, Mayor Larson moved this item from the evening session, but upon hearing from City Clerk Poyzer that neighbors had been notified this hearing would be held during the evening session, Councilmember Foster moved to continue the hearing to December 5, 1995, at 7:00 P.M. Motion seconded by Councilmember Gil and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 3:12 P.M. to a Redevelopment Agency meeting and reconvened at 3:31 P.M. to a closed session to discuss the following matters:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9
   - Robert Morris v. City of Redlands
   - Chris Gernand v. City of Redlands
   - Katrina Maksimuk v. City of Redlands
   - Darrell Babbers v. City of Redlands
   (Noting that the need to take action on existing litigation, Babbers v. City of Redlands, was immediate, Councilmember Cunningham moved to add it to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember Gilbreath and carried unanimously.)
2. Conference with real property negotiator
   Property: APN 168-343-01 - Mill Creek Road and Amethyst Avenue
   Negotiating parties: Marjie Pettus and Dennis Rieger
   Under negotiation: Terms and price

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

PRESENTATION

Certificate of Appreciation - Mayor Larson presented a Certificate of Appreciation to Nancy Stone who accepted the Certificate on behalf of the Bachelors 'n' Bachelorettes Club in recognition of their contribution to "spruce up" the Community Center on October 25, 1995, in recognition of "Make a Difference Day."

CLOSED SESSION REPORT

Agreement - Luetcke Well - City Attorney McHugh announced an agreement for the City's acquisition of the Luetcke Well (Assessor's Parcel No. 174-141-12) has been signed by the sellers. The purchase price for the 31.25 percent owned by The Hinckley Trust will be $951.00 and for the 18.75 percent owned by Leon Stafford will be $570.00.

NEW BUSINESS

Resolution No. 5233 - Nuisance Abatement - Wissahickon Inn - This matter was continued to December 5, 1995, at 7:00 P.M. See afternoon session for this action.

PUBLIC HEARINGS

Appeal - San Bernardino County Central Credit Union - Public hearing was advertised for this time and place to consider an appeal, filed by the San Bernardino County Central Credit Union, of Conditional Use Permit No. 631, an application to consider the adoption of a Mitigated Negative Declaration and action on a conditional use permit for a 5,652 square foot drive through office structure on a 40,307 square foot lot in the EV/CG (General Commercial) District of the East Valley Corridor Specific Plan for property located on the north side of Industrial Park Avenue, east of Alabama Street. Community Development Director Shaw said the applicant is appealing Condition No. 19 which requires removal of the existing pole sign prior to issuance of building permits. The applicant would like the sign to remain and use it to advertised the Credit Union until a use is developed on the project site. Mr. Shaw explained why staff established this condition to remove the existing pole sign: that the sign is obsolete, which is prohibited by the Sign Code, as it was for a business (a skating rink) that is no longer in operation due to a structure fire; that the applicant is not a freeway oriented business as defined by the Sign Code and is not entitled to freeway signage; that the use of the sign by the applicant would constitute off-site signage which is prohibited by the Sign Code; that the sign far exceeds the combined total maximum sign area permitted by the Sign Code; and the location of the existing pole may not be suitable for any future development of this parcel and the new Parcel 2 could be occupied by a freeway-oriented business which could apply for a pole sign substantially higher than the existing sign.

Mayor Larson declared the meeting open as a public hearing for any questions or comments. Larry Sharp, President of the San Bernardino County Central Credit Union, urged the City Council to allow them to proceed with construction of their new facility and address the pole sign issue at a later date. He felt that the sign could be an asset in regards to the future sale of the second parcel, and that in the meantime, his business would clean it up and maintain it for the future owner. He indicated they would like to use the sign for the Credit Union until such time as it was needed for the owner of the parcel to be sold, but as this would violate several sections of the Sign Code, the City Council was not in favor of allowing this temporary use. Also speaking on behalf of the Credit Union was David Moore who felt this pole was a significant asset and that it could be extended. There being no further comments, the public hearing was declared closed.

Following lengthy discussion, Councilmember Foster moved to approve the Mitigated Negative Declaration for Conditional Use Permit No. 631 and directed staff to file and post a Notice of Determination in accordance with City guidelines. Motion seconded by Councilmember Gilbreath and carried unanimously. Councilmember Foster moved to modify Condition No. 19 to read as follows: "The monument sign proposed with this application shall be subject to a Staff Sign Review application, subject to review and approval by the Planning Division, prior to issuance of a building permit. The project site will be permitted a maximum of one hundred twenty-seven (127) square feet of signage. The existing pole sign shall be removed, prior to issuance of ~~building permits~~ a Certificate of Occupancy," and further to approve Conditional Use Permit No. 631 based on the following findings and subject to all departmental recommendations contained in Planning Commission minutes dated October 10, 1995:

1. The proposed project is permitted in the EV/CG (General Commercial) District of the East Valley Corridor Specific Plan subject to the approval of a conditional use permit;
2. The use is desirable for the development of the community, is consistent with the policies, programs, and objectives of the Redlands General Plan, and is not detrimental to existing or planned uses in the vicinity of the proposed project;
3. The project site is of sufficient size to accommodate the proposed use and all development standards of the East Valley Corridor Specific Plan;
4. Industrial Park Avenue and other roadways in the vicinity of the project site have sufficient capacity to accommodate projected traffic,

including traffic generated by the proposed use; and

5. The conditions of approval for the proposed office facility are reasonably related to the use of the site and address potential effects which are necessary to protect the public health, safety, and welfare.

Motion seconded by Councilmember Gilbreath and carried unanimously.

Acknowledgment - Mayor Larson acknowledged the presence of Boy Scouts Troop 44 from the First Congregational Church.

Ordinance No. 2296 - Zone Change No. 358 - A notice of public hearing containing an inaccurate description of the property for the proposed change of zone from A-1 (Agricultural) District to A-1-20 (Agricultural) District for 20 acres of land located on the east side of Palomares Road, south of San Timoteo Canyon Road, was advertised for this time and place. A corrected notice of public hearing has been readvertised; therefore, this matter was continued to December 5, 1995, at 7:00 P.M. on motion of Councilmember Gilbreath, seconded by Councilmember Gil, with Councilmembers Foster and Cunningham voting NO.

UNFINISHED BUSINESS

Ordinance No. 2300 - Execution of City Documents - Ordinance No. 2300, an ordinance of the City of Redlands adding Chapter 2.15 of the Redlands Municipal Code relating to the execution of warrants, written contracts and conveyances, and instruments requiring the City Seal and allowing the Mayor, the Mayor Pro Tem, or any other member of the City Council in such order of availability, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Cunningham, further reading of the ordinance text was unanimously waived, and Ordinance No. 2300 was adopted by the following vote:

AYES: Councilmembers Foster, Gil, Cunningham, Gilbreath; Mayor Larson
NOES: None
ABSENT: None

Lease Agreement - Community Center - Councilmember Foster moved to approve renewal of a lease agreement between the City of Redlands and the San Bernardino County Department of Public Health for one year to continue use of two rooms in the Community Center to conduct the Women-Infant-Children (WIC) educational programs. Motion seconded by Councilmember Gil and carried unanimously. Councilmember Gilbreath felt this contract should be reviewed annually with the possible addition of a cost-of-living rent increase.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:47 P.M. The next regular meeting will be held on December 5, 1995.

Mayor Larson noted a special joint meeting with the Human Relations commission will be held on Monday, November 27, 1995, at 7:00 P.M. in the Community Center, 111 West Lugonia Avenue, Redlands, California.

City Clerk