

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, at 3:00 P.M. on June 3, 1997.

PRESENT

Swen Larson, Mayor  
Pat Gilbreath, Mayor Pro Tem  
William E. Cunningham, Councilmember  
Gilberto Gil, Councilmember  
Geni A. S. Banda, 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  
Ronald C. Mutter, Public Works Director

Alisa Slaughter, San Bernardino County Sun  
Valeria Godines, Press Enterprise  
Steven Tuckey, Redlands Daily Facts

ABSENT

None

The meeting was opened with an invocation by Mayor Larson followed by the pledge of allegiance.

PRESENTATION

Finance Director - Mayor Larson presented a plaque with the City Seal to Steven M. Chapman, Finance Director, recognizing his service to the City from May 22, 1989, to June 10, 1997. Mr. Chapman has accepted the position of Finance Director/City Treasurer with the City of Moreno Valley. City Manager Luebbers noted Mr. Chapman will be missed and hard to replace; he expressed his appreciation to Mr. Chapman for making his job "a whole lot easier." Councilmember Cunningham also expressed his appreciation for Mr. Chapman's competence and professionalism.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the regular meeting of May 20, 1997, were unanimously approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on May 27, 1997, was unanimously acknowledged as received.

Landscape Maintenance District - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 5374, a resolution of the City Council of the City of Redlands, County of San Bernardino, of preliminary approval of the Engineer's Report for fiscal year 1997-98 for Landscape Maintenance District No. 1. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 5375, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, declaring its intention to levy and collect assessments for fiscal year 1997-98 in Landscape Maintenance District No. 1, an assessment district; declaring the work to be of more local than ordinary public benefit; specifying the exterior boundaries of the areas within Landscape Maintenance District No. 1 and to be assessed the cost and expenses thereof; designating said District as Landscape Maintenance District No. 1; determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972; and offering a time and place for hearing objections thereto (July 15, 1997, for a public meeting and August 5, 1997, for a public hearing).

Street Lighting District - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 5378, a resolution of the City Council of the City of Redlands, County of San Bernardino, of preliminary approval of the Engineer's Report for fiscal year 1997-98 for Street Lighting District No. 1. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 5379, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, declaring its intention to levy and collect assessments for fiscal year 1997-98 in Street Lighting District No. 1, an assessment district; declaring the work to be of more local than ordinary public benefit; specifying the exterior boundaries of the areas within Street Lighting District No. 1 and to be assessed the cost and expenses thereof; designating said District as Street Lighting District No. 1; determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act

of 1972; and offering a time and place for hearing objections thereto (July 15, 1997, for a public meeting and August 5, 1997, for a public hearing).

Fee Waiver - Redlands Theatre Festival - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the permanent waiver of all fees for use of the Sewall Theatre by the Redlands Theatre Festival until such time as the City Council may wish to reconsider user fees.

Fee Waiver - United Way of the East Valley - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the waiver of fees for use of the Redlands Bowl by the United Way of the East Valley for a fund raising program featuring "The Legendary Ink Spots" to be held on August 31, 1997.

Funds - Healthy Cities Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an appropriation in the amount of \$5,000.00 for the implementation of the California Healthy Cities project. These grant funds, received upon designation as a California Healthy City, will be used for the Redlands' project: Building a Generation.

Property Acquisition Procedures - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted the updated rules and regulations for relocation assistance guidelines and property acquisition procedures as prepared by Pacific Relocation Consultants.

## COMMUNICATIONS

University of Redlands' Contribution - City Manager Luebbers announced the University of Redlands will make an annual gift of \$40,000.00 to the City of Redlands beginning in 1998. Last week, University of Redlands President James R. Appleton reported that the University began considering making contributions following the March 4, 1997, election in which Redlands' voters rejected Measure I, a proposal to continue a four percent Utility Users Tax. The University has asked the City to designate this donation to support the Police and Fire Departments. It was noted the University of Redlands will, beginning in 1998, subtract any future taxes that may be assessed by the City from its annual gift based on its legal status as a tax-exempt, non-profit institution of higher learning. Mayor Larson thought this was the first educational facility "west of the Mississippi" that had made a contribution such as this, and, on behalf of the City Council, expressed his deep appreciation for the University of Redlands' generosity.

Legislative Bulletins - Councilmember Cunningham directed that letters of support for the legislation to increase the amount of property taxes proposed to be shifted back to cities, counties, and special districts. AB 107 passed in the Assembly on Friday, May 30, 1997, by a vote of 73 ayes - 0 noes.

Appointments - Airport Advisory Board - Mayor Larson moved to nominate William E. Bratton and Kyle W. Larick for reappointments to four-year terms on the Airport Advisory Board. Motion seconded by Councilmember Gilbreath and carried unanimously.

Appointment - Parks Commission - Mayor Larson moved to nominate Annorr Gowdy for reappointment to another four-year term on the Parks Commission. Motion seconded by Councilmember Gilbreath and carried unanimously.

Appointment - Housing Commission - Mayor Larson moved to appoint Dorothy E. Muller (to replace Robert Carothers) to the Housing Commission. Motion seconded by Councilmember Cunningham and carried unanimously.

Santa Ana River Wash Coordinating Committee - City Manager Luebbers explained that several years ago, in an attempt to resolve problems relating to the various uses of the Santa Ana River Wash, a coordinating committee made up of those entities with interests in the area was established. The committee consisted of both policy makers and staff which presented difficulties in reaching consensus for those committee members without policy making authority. As a result of the frustration brought on by this situation, the committee discontinued their meetings for the past approximately two years. However, it is still believed that a committee to build consensus is in the best interests of all entities involved in the uses of the Santa Ana River Wash. In order to re-establish the committee, it has been suggested that a two-tier approach would be effective with a panel of elected officials responsible for establishing policy supported by a technical group made up of senior staff members from the various agencies. Councilmember Larson moved to designate Councilmember Cunningham as the primary representative and Councilmember Banda as the alternate representative to serve on the Santa Ana River Wash Coordinating Committee. Motion seconded by Councilmember Gilbreath and carried unanimously.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5383 - Great Neighborhoods Program - Human Services Director Pettus reported that staff has qualified two additional participants in the Great Neighborhoods Program. The participants are requesting assistance with exterior painting and/or electrical upgrade. Councilmember Gil moved to adopt Resolution No. 5383, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Project Area. Motion seconded by Councilmember Cunningham and carried unanimously. (Also see Redevelopment Agency minutes dated June 3, 1997.)

CLOSED SESSION

The City Council meeting recessed at 3:16 P.M. to a closed session to discuss the following:

- (a) Conference with labor negotiator - Government Code Section 54957.6  
 Agency negotiator: Gary Luebbers  
 Employee organizations: Redlands Police Officers Association and Redlands Association of Safety Management Employees
- (b) Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
  - City of Redlands v. County of San Bernardino (SVC 34737 and SVC 33330)
  - Julie Biggs v. Foster and Larson (City Attorney McHugh and Councilmember Larson announced they had a conflict of interest on this matter and would not participate in the discussion.)
  - ACLU v. City of Redlands
- (c) Conference with real property negotiator - Government Code Section 54956.8  
 Properties: Schuler - 506-508 North Eureka Street  
 Richards - 516 North Eureka Street  
 Crain - 606 N. Eureka Street  
 Negotiating Parties: Gary Luebbers and Schuler, Crain and Richards (owners)  
 Under negotiation: Terms and price  
 (Councilmember Larson announced he had a conflict of interest on this matter and would not participate in the discussion.)

The meeting reconvened at 7:00 P.M.

PUBLIC HEARINGS

Ordinance No. 2349 - Citrus Village Shopping Center - Public hearing was advertised for this time and place to consider Ordinance No. 2349, an ordinance of the City of Redlands amending Specific Plan No. 41 (Citrus Village Shopping Center) to extend the hour of opening by one hour in the morning to 5:00 A.M. with a Conditional Use Permit (24-Hour Fitness, formerly known as Family Fitness, applicant). Community Development Director Shaw reported Specific Plan No. 41 was created to ensure that the Citrus Village Shopping Center remained a neighborhood shopping area with minimal impacts on the adjacent neighborhood. Therefore, this specific plan contains strict controls on land use, hours of operation, and signage generally corresponding with the C-2 (Neighborhood Convenience) District. The applicant has applied for an amendment to change the hours of operation by one hour in the morning and the evening with a conditional use permit. The hours requested were from 5:00 A.M. to 11:00 P.M. The current hours of operation are restricted from 6:00 A.M. to 10:00 P.M. With the applicant's concurrence, the Planning Commission modified the request to allow the change only to the morning hour with a conditional use permit. The proposal would allow any business in Specific Plan No. 41 to apply for a conditional use permit to extend their hours of operation in the morning. The change to the number of businesses with expanded operating hours will be limited since each request will be required to submit an application for a conditional use permit. This will give the Planning Commission the ability to review each application and place appropriate conditions as necessary. As an example, the Planning Commission may want to restrict parking to a certain area and limit lighting in order to minimize impact to the surrounding area. The Planning Commission would also have the ability to deny an application for extended hours. Mayor Larson declared the meeting open as a public hearing for any questions or comments. No speaker sign-up forms were submitted and no one came forward immediately; therefore, the public hearing was declared closed. Following closure of the public hearing, several people addressed the City Council. Four neighbors were opposed to extending the hours and complained about the noise originating from the shopping center. Two 24-Hour Fitness employees and four clients urged approval of the application. Mayor Larson again closed the public hearing. Ordinance No. 2349 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, and Ordinance No. 2349 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for July 1, 1997.

Resolution No. 5366 - Parking and Business Improvement Area B - Public hearing was continued to this time and place to consider Resolution No. 5366, a resolution of the City Council of the City of Redlands ordering the continued operation of Parking and Business Improvement Area B and confirming the

Annual Report and assessment for fiscal year 1997-98. Human Services Director Pettus reported the Downtown Redlands Business Association Advisory Board reviewed and approved the 1997-98 Annual Report and it has been filed with the City Clerk in accordance with Section 36533 of the California Streets and Highways Code. Mayor Larson declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Larson moved to adopt Resolution No. 5366. Motion seconded by Councilmember Banda and carried unanimously.

### UNFINISHED BUSINESS

San Timoteo Canyon Flood Control Project - Councilmember Banda provided a "Creek Summary" to Councilmembers only and asked that letters be sent to Supervisor Dennis Hansberger, Ken Miller with the County Flood Control, and U. S. Representative Jerry Lewis reiterating the City's position for a soft-bottom channel. San Timoteo Greenway Conservancy members Peter Coonradt and Lisa Pierce also addressed the City Council.

Police Department Tow Yard - Mayor Pro Tem Gilbreath expressed concern that the City was taking on private sector business in regard to the tow storage yard proposed by the Police Department and asked the Police Chief to explore a public/private partnership. Police Chief Nelson reported he is meeting with the tow companies and they are working out a program beneficial to all. Representatives from L & L Towing and A & B Towing were present and nodded their approval from the audience.

### NEW BUSINESS

Adult-Oriented Businesses - Community Development Director Shaw reported that the City Council adopted Ordinance No. 2345, an ordinance establishing regulations applicable to adult-oriented businesses, on May 6, 1997. During the meeting issues were raised as to the appropriateness of allowing adult uses to locate within the area zoned M-2 for property located north of Maderia Avenue and East of Crafton Avenue. The site is owned by one owner, 7-W Enterprises. The concerns raised centered around the limited access available to the site and that the limited access required patrons of a potential adult use to pass by residential areas, an elementary school, and a park all located on Crafton Avenue, north of Mentone Boulevard. The City Council indicated that these concerns appeared justified and directed staff to return to the City Council with some alternative amendments to the regulations applicable to adult-oriented businesses that might address and resolve these issues. He then presented four alternatives for the City Council's consideration. Councilmember Cunningham moved to direct staff to prepare an ordinance amending Section 8.76 of the

Redlands Municipal Code relating to the regulation of adult oriented businesses utilizing alternative "A" which would delete the "M-2 (General Industrial) Zone" from Section 18.226.030 of the Redlands Municipal Code thereby prohibiting adult-oriented uses from the M-2 Zone. The motion was seconded by Councilmember Gilbreath. Mentone residents Teresa de la Rosa and David Gilloth addressed the City Council. Mr. Gilloth encouraged the City Council to expedite the amendment process and presented additional petitions containing 308 signatures opposing adult uses in this area. The motion was then approved unanimously.

Outside Utility Connections - Tract No. 12222 - Municipal Utilities Director Phelps reported the City has received a completed application for water connections for Tract No. 12222. The application does not fall under the purview of Chapter 13.60 of the Redlands Municipal Code for outside City utility connections, but Chapter 13.60 was used as a guideline where applicable. Tract No. 12222 is unique in that the project is located in the City of Yucaipa. Mr. Phelps explained the procedure staff followed for their review and reported their finding as follows: "Tract No. 12222 is a recorded lot tract located on 75 acres, submitted by CM Engineers for SJK Enterprises and is unique in that the project is located in the City of Yucaipa and is not subject to Ordinance No. 2302. The project is requesting water connections only, which does not require a major extension to serve. Subject to meeting Utilities (Department) development requirements and availability of water connections, staff has concluded that Tract No. 12222 can be served." Councilmember Cunningham expressed concerns about the elevation of the property and indicated he would like the five percent (5%) outside service surcharge re-examined by staff. Mr. George Glenn questioned this application's effect on the allocations limit. On behalf of the applicant, Mohamad Younes addressed the City Council urging approval of this request although he indicated they would probably not begin construction during this calendar year. Based on the testimony from the applicant's representative, Pat Meyer urged the City Council not to allow the applicant to hold up the allocations if they are not going to use them. Jim Fahs, JMS Properties, expressed concern that his project, which is located in Mentone near the new high school, might not be able to get the necessary allocations if they are being held by SJK Enterprises. He indicated his project could be under construction late this summer and that he did not want his project held up because of the lack of utility allocations as he did not want to find himself annexed into the City along with the new high school and having to comply with the proposed growth management initiative that will be on the November, 1997, ballot. Mr. Fahs further stated he did not wish to be annexed to the City prior to approval of his final subdivision map because City fees would increase the cost of his project by approximately \$10,000.00 per lot. Noting the City had a legal obligation from past events pertaining to Tract No. 12222, and that although he did not want to serve water in another City, Councilmember



Cunningham moved to authorize the provision of water service for Outside City Case (OSC) 97-26 for Tract No. 12222, subject to availability of outside City utility connections, and their expiration, in accordance with Chapter 13.60 of the Redlands Municipal Code, and which is to be used as a guideline by staff to apply to the project. Motion seconded by Councilmember Larson and carried unanimously.

Preannexation Agreement - Burchill - Councilmember Cunningham moved to approve the agreement for annexation and provision of City utility services between the City of Redlands and Marilyn J. Burchill (OSC 97-28 - Tract No. 15602). Motion seconded by Councilmember Gil and carried unanimously.

Preannexation Agreement - Sousa - Councilmember Cunningham moved to approve the agreement for annexation and provision for City utility services between the City of Redlands and John and Andrade Sousa (OSC 97-27 - Tract No. 15733). Motion seconded by Councilmember Larson and carried unanimously.

#### LATE BREAKING ITEMS

Eureka Street Widening Project - Noting that the need to take action was immediate, Councilmember Gilbreath moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Request for approval of agreement between the City of Redlands and Esther Schott." Motion seconded by Councilmember Gil and carried with Councilmember Larson abstaining due to a possible conflict of interest. Human Services Director Pettus explained that as part of the Eureka Street Widening Project, the City has made a number of purchase offers to property owners for right-of-way acquisition. All offers were based upon appraisals provided by Parkcenter Realty Advisors. Mrs. Esther Schott has accepted our offer of \$7,300.00 and has executed a Purchase and Sale Agreement. Councilmember Cunningham moved to approve the agreement between the City of Redlands and Esther Schott and authorize the Mayor to execute the document and staff to open escrow. Motion seconded by Councilmember Gil and carried with Councilmember Larson abstaining due to a possible conflict of interest.

ACLU Lawsuit - City Attorney McHugh asked the City Council to consider adding a settlement agreement with the ACLU to the agenda. Councilmember Gilbreath moved to add this matter, which arose subsequent to the agenda being posted, to the agenda; motion seconded by Councilmember Banda and carried unanimously. City Attorney McHugh explained that based upon the Judge's order and the clear backing away of support from some of the groups that initially contacted us and in an effort to save taxpayer money, approval of a settlement agreement with the ACLU was the most appropriate action to take at this time. The settlement with the ACLU revokes the March for Jesus proclamation, agrees to a stipulated judgment (which the City Attorney has reviewed), and pays the ACLU attorneys fees which are approximately \$11,000.00. Under protest, Councilmember Gilbreath moved to approve this settlement agreement. Motion seconded by Councilmember Gil and carried unanimously.

#### PUBLIC COMMENTS

Burglary - Mayor Pro Tem Gilbreath applauded the Police Department for their efforts to solve the second burglary of her home. She facetiously announced there was nothing left for future thieves and that she was not replacing the stolen items.

Mentone Annexation - June Sartori and Mrs. Fred Stafford expressed their concerns about the City of Redlands annexing "patchwork areas" of Mentone.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:55 P.M.

Next regular meeting, June 17, 1997.

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City Clerk