

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 March 3, 1998.

PRESENT

William E. Cunningham, Mayor  
Geni A. S. Banda, Mayor Pro Tem  
Pat Gilbreath, Councilmember  
John L. Freedman, Councilmember  
Gary George, Councilmember

Gary M. Luebbbers, City Manager  
Daniel J. McHugh, City Attorney  
Lorrie Poyzer, City Clerk  
Beatrice Sanchez, Deputy City Clerk  
(evening session)  
Michael Reynolds, City Treasurer  
Jeffrey L. Shaw, Community Development Director  
Bonnie Johnson, Finance Director  
Mel Enslow, Fire Chief  
Gary G. Phelps, Municipal Utilities Director  
Lewis W. Nelson, Police Chief  
Ronald C. Mutter, Public Works Director

ABSENT

None

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

PRESENTATIONS

Certifications of Recognition - Councilmember George presented Certificates of Recognition to Rebecca Beall and Robin Murray who, at no benefit to themselves, befriended Jerry Robert Jordan, a fellow human in need. They gave of their time, resources and attention, expecting and asking nothing in return. Their act of kindness exemplifies the highest standards of human behavior and they are a credit to our community. Councilmember George announced that on Tuesday, March 10, 1998, on the second anniversary of the savage beating, which ultimately caused Mr. Jordan's death, a candlelight vigil will be held.

Fire Safety Education Commendation - Mayor Cunningham and Fire Marshall Leonard Temby presented Martin Gomez a Firesafety Education commendation. Martin, a second grade student, has been taking the "Learn Not to Burn" class. He burned himself at home on a hot pan when reaching for a dish from the cabinet which was adjacent to the stove. Without consulting his

mother he ran to the kitchen sink faucet and ran cool water on his arm for several minutes having learned that in class. His burn has since healed nicely although it left a scar about one inch in length.

### CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the minutes of the regular meeting of February 17, 1998, and the special meeting of February 24, 1998, were approved as submitted.

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

Planning Commission Actions – Councilmember Banda asked that the vote be corrected in the report of the Planning Commission actions for their meeting held on February 24, 1998. She then moved to acknowledge the report as received. Motion seconded by Councilmember George and carried unanimously.

Resolution No. 5481 – Conflict of Interest Code Amendment – On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously adopted Resolution No. 5481, a resolution of the City Council of the City of Redlands adopting an amended Conflict of Interest Code pursuant to the Political Reform Act of 1974 to reflect the change of title from Principal Planner to City Planner and the addition of the Legal Assistant.

Funds – General Municipal Election - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approved an additional appropriation in the amount of \$2,700.00 to cover the cost of the November 4, 1997, General Municipal Election. The total cost for that election was \$32,700.00.

Fee Waiver – Showmobile - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously authorized a waiver of \$550.00 in fees for the City of Highland for the one day use of the Showmobile providing that certain other requirements noted in the rental contract are met for towing, set-up, a deposit, insurance coverage, and rental period.

Comprehensive Annual Financial Report - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously

accepted the City of Redlands' Comprehensive Annual Financial Report for the year ended June 30, 1997.

HOME Funds/Mountain View Acres – Following brief discussion, on motion of Councilmember Cunningham, seconded by Councilmember Banda, the City Council unanimously authorized the Mayor to sign a letter to the County of San Bernardino endorsing the Mountain View Acres Project and the usage of HOME funds to provide a portion of its units for our low-income elderly population.

Resolution No. 5498 – Orange Village Apartments Project - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously adopted Resolution No. 5498, a resolution of the City Council of the City of Redlands approving the execution and delivery of a second supplemental indenture of trust and approving an amendment to the form of a promissory note, and authorizing the execution and delivery of certain other documents pertaining to Housing Revenue Bonds, 1988 Series A and 1988 Series B for the Orange Village Apartments Project.

Minor Subdivision No. 209 – Time Extension - On motion of Councilmember Gilbreath, seconded by Councilmember Banda, the City Council unanimously approved a one year time extension to February 26, 1999, for Minor Subdivision No. 209, a subdivision of approximately .65 acres of land into two parcels for property located between Via Vista and Valley View Drives, Cindy A. Boyer, applicant.

## COMMUNICATIONS

Legislative Bulletin – Following brief discussion, Councilmember George directed Police Chief Nelson to write letters to our legislators supporting the League of California Cities opposition to AB 297 regarding smoking and tobacco control in bars and gaming clubs.

Commercial Complex – Kenneth E. Kayden – Since the last City Council meeting held on February 17, 1998, Mr. Kenneth E. Kayden has sent eleven facsimiles to the City Council regarding what he considers unfair treatment in relation to signage and the requirement to install a handicapped ramp at his complex located at 1263-1265 Brookside Avenue. He again addressed Councilmembers at this meeting reiterating his concerns. Councilmember George noted his inspection of the complex revealed that access in the back is not handicapped accessible as Mr. Kayden alleged. Councilmember Banda also conducted a site inspection and stated she believed the staff did an excellent job.

Councilmember Freedman felt the new sign looks a lot better than the existing signs and hoped the others will change.

Appointments – SOS Committee – On motion of Councilmember Cunningham, seconded by Councilmember Freedman, the City Council unanimously appointed the following people to the SOS (Fire Station No. 1 Fund Raising and Renovation) Committee: Swen Larson, Chairman; Leonard Goymerac, Bill Emmerson, Irv Upton, Gary McCormick, James G. MacDonald, Dan Crow, Darlene Hunt, Amal Bousson (Muscle Mike's Tavern & Bar), Jeff Novak, Jim Avakian, Fire Chief Enslow, and Councilmember Gilbreath. Mr. Larson reviewed what has been accomplished thus far and suggested the City Council authorize the architect and engineer to proceed in preparation of the plans.

Appointments – Massage Ordinance Review Committee – On motion of Councilmember Cunningham, seconded by Councilmember Banda, the City Council unanimously appointed the following people to the Massage Ordinance Review Committee: Mayor Pro Tem Banda, Chairman; Kim Butler, Jackie Smillie, Annette Grisafe, Becky Schutt, Yolanda Hernandez, Johnnie Cerda, Billie Lynn Bonnett, Daniela Ayala, Steve Jiannino, City Attorney McHugh, and Police Captain James R. Bueermann.

Appointments – Measure U: Socio-Economic Study Committee – On motion of Councilmember Cunningham, seconded by Councilmember George, the City Council appointed the following people to the Measure U: Socio-Economic Study Committee: Mayor Cunningham, Councilmember George, Jim Stellar, Dr. Paul Pawlik, Robert O'Brien, John O'Neil, Robert Rappuchi, Mike Haverty, Ray Alexander (Board of Realtors), Monty Dill (Chamber of Commerce), Teri Shira (Redlands Unified School District), Ron Stephany (University of Redlands), Richard Caudle (Downtown Redlands Business Association), and Rolland Moore (Downtown Property Owner). Councilmember Gilbreath opposed the motion as she did not feel there had been sufficient Council input in this selection.

Oak Valley Project – Speaking as a private citizen, Gary Schook (who is also a member of the Calimesa City Council) described the proposed Oak Valley Project located between Live Oak and Beaumont, the I-10 Freeway, and San Timoteo Canyon Road, and responded the Councilmembers' questions. He indicated they want to work with all the communities in the I-10 Corridor and Pass to minimize the impact and downside of this project. Mayor Cunningham expressed concerns regarding water, traffic, the use of a 10-year-old Environmental Impact Report, and felt we should share our concerns with the Cities of Yucaipa and Calimesa. Councilmember George moved to direct staff to communicate with the Calimesa Planning Commission expressing our concerns

prior to their meeting scheduled for March 9, 1998, Motion seconded by Councilmember Freedman and carried unanimously.

Army Corps of Engineers – Mill Creek Zanja Expanded Inlet Project - Public Works Director Mutter reported that in 1994, staff began a process to develop a storm drain improvement project in conjunction with the Army Corps of Engineers and the San Bernardino County Flood Control District. This project would analyze the potential of improving the Mill Creek Zanja inlet at Redlands Boulevard and Ninth Street. On January 28, 1998, the Zone 3 Advisory Committee met to discuss their budget for 1998-99. City staff had asked that local funding for the Mill Creek Zanja Expanded Inlet Project be continued. However, staff had not been informed that the feasibility study had been completed and a recommendation made to not continue with Federal participation in the project. Public Works Director Mutter reviewed the Detailed Project Report and four alternatives noting that the bottom line is that improvements to the Mill Creek Zanja inlet could result in some increased street flooding impacts. It is the policy of the Corps of Engineers that whenever potential flooding impacts are increased at any location due to a proposed project, regardless of how much benefit may be derived from the project at other locations, the project would not be built utilizing Federal funds through the Corps of Engineers. Staff recommended the City Council appeal the decision of the Army Corps of Engineers regarding the Mill Creek Zanja Expanded Inlet project and request that the Corps continue the project utilizing Alternative No. 4 (which would provide for an enclosed box culvert and no bubble-up structures) as identified in the Feasibility Study, and further that the City Council accept the potential for additional flooding impacts as related to this alternative. Councilmember George moved to appeal the decision of the Army Corps of Engineers regarding the Mill Creek Zanja Expanded Inlet Project and to request the Corps continue the project utilizing Alternative No. 4 as identified in the Feasibility Study. Motion seconded by Councilmember Banda and carried unanimously. Councilmember Gilbreath moved that the City Council accept the potential for additional flooding impacts as related to this alternative. Motion seconded by Councilmember Banda and carried unanimously.

Alabama Street Bridge Project - Public Works Director Mutter explained in a written report that during the January 1993 winter storms, the multi-plate arch bridge structure on Alabama Street at the Santa Ana River was completely destroyed. Emergency repair funds through the Federal Highway Administration were utilized to repair the roadway on an interim basis. However, the ultimate goal of the City has been to develop a program to construct an all-weather crossing on Alabama Street. Staff immediately began a process to recover costs and initiate a program to replace this structure with a

new bridge meeting the current codes and standards of the City of Redlands' General Plan and regional transportation plans. Public Works Director Mutter reviewed the history of this project and several potential funding sources. If the project is stopped, grants from the Highway Bridge Replacement and Rehabilitation Program and Natural Disaster Assistance Act program administered by the State Office of Emergency Services will be cancelled. Each year the roadway is closed during the winter months due to river flows. Clean-up and repair efforts each year can run as high as \$40,000.00. Alabama Street has washed out five times over the past 25 years. Based on the past history, Public Works Director Mutter believes that it makes good financial sense to allocate local funds for a permanent repair. Councilmember Freedman commended Public Works Director Mutter and his staff for the excellent job obtaining outside funds, but asked Councilmembers to consider revisiting this issue as he felt the \$450,000.00 local funds could be utilized elsewhere to a greater advantage. He then moved to send this matter back to staff for a full report in 30 days of alternatives, to notify neighboring agencies of our intent (with the thought they might be willing to share in the local cost), and authorized proceeding with the Environmental Impact Report and design work. Motion seconded by Councilmember Banda and carried with Councilmember Gilbreath voting NO as she was in favor of proceeding with the project as previously approved.

Majestic Development Agreement Negotiations - Mayor Cunningham reported on a recent meeting he and Councilmember George held with Brook Morris, Majestic Realty, to continue negotiations for a development agreement.

Status of Local Emergency – Public Works Director Mutter reported on the status of repairs resulting from the rains that fell on Monday, February 23, 1998, which resulted in the declaration of a local emergency at a special emergency meeting of the City Council held on February 24, 1998. He will provide another report at the next City Council meeting in accordance with State law. It is expected that all repairs will be completed by that time and that a resolution terminating the local emergency will be presented for approval.

Late Breaking Item – Resolution No. 5499 – Federal Financial Assistance – Resolution No. 5499, a resolution of the City Council of the City of Redlands authorizing designation of applicant's agent for the purpose of obtaining Federal financial assistance in relation to the local emergency which was declared on February 24, 1998, was presented at this time. Noting that the need to take action was immediate, Councilmember Banda moved to add this resolution to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember Freedman and carried unanimously.

Councilmember Banda moved to adopt Resolution No. 5499. Motion seconded by Councilmember Freedman and carried unanimously.

SBVMWD – Lakes and Streams Proposal – The San Bernardino Valley Municipal Water District is in the process of developing a concept plan for the construction of an urban lake project to be located in an alleged blighted area of the City of San Bernardino. The approximate area being considered is bordered on the east by Arrowhead Avenue, on the west by H Street, on the north by Baseline Street, and on the south by 7th Street. A review of the concept plan by the SBVMWD, Advisory Commission on Water Policy, which is made up of all the water producers in the SBVMWD district boundaries, and its technical advisory committee, the Upper Santa Ana river Water Resources Association, have generated many unanswered technical questions and concerns regarding the proposed project. These questions and concerns have resulted in a position of non-support of the “Lakes and Streams” concept as a water project. Councilmember Freedman moved to support the February 23, 1998, San Bernardino Valley Municipal Water District, Advisory Commission on Water Policy, and the Upper Santa Ana River Water Resources Association Executive Committee position of opposition regarding the San Bernardino Valley Municipal Water District’s “Lakes and Streams” Project. Motion seconded by Councilmember George and carried unanimously.

#### CLOSED SESSION

The City Council meeting recessed at 4:13 P.M. to a Redevelopment Agency meeting and reconvened at 4:15 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code § 54956.9(a)
  - Biggs v. Larson and Foster  
(City Attorney McHugh stated he had a conflict of interest on this litigation and would not participate in its conference.)
  - City of Redlands v. County of San Bernardino  
Case Nos. SVC 34737, SVC 33330, and SVC 39880
  - Big Bear Municipal Water District v. North Fork, et al
2. Conference with real property negotiator  
Property: APN 167-011-09, Parcel No. 3  
Negotiating parties: Bob Matich and Gary M. Luebbers  
Under negotiation: Terms and price

#### RECOGNITIONS

The meeting reconvened at 7:00 P.M. Mayor Cunningham recognized Redlands Boy Scout Troop 31 from the Redlands 2nd Ward of the Later Day Saints and Troop 29 from the Redlands 3rd Ward of the Later Day Saints who were present at this meeting.

## PUBLIC HEARINGS

Appeal – Conditional Use Permit No. 665 – University of Redlands – On January 27, 1998, the Planning Commission approved a conditional use permit and mitigated negative declaration for the construction of a 43,345 square foot science laboratory building and a 13,707 square foot classroom building on the campus of the University of Redlands. The subject property is located near the northwest corner of Colton Avenue and Grove Street in an area of the University known as the “East Campus.” This area is largely undeveloped, and the University is planning a multiple-phased development of academic facilities with the initial phase consisting of the subject project. The site plan submitted by the University also showed a future phase which consists of a 3,700 square foot lecture hall building and a 27,000 square foot math/physics building located north of the project site. In addition, a large parking lot is also depicted between the project site and Grove Street. This future phase was not a part of the Planning Commission’s approval and the University has not indicated as to when they plan to construct this phase. The appeal filed by the University concerns one of the conditions of approval that was applied to the Conditional Use Permit. The Public Works Department required the project to construct street improvements along the west side of Grove Street between Colton Avenue and Brockton Avenue. The off-site improvements were required to be constructed with the project. Although the University is not in opposition to this requirement, the basis of the appeal is the timing of the street improvements. The University is requesting that the street improvements be permitted to be completed within one year after construction of the two building.

Mayor Cunningham declared the meeting open as a public hearing for any questions or comments concerning this appeal. Dr. James Appleton, President of the University of Redlands, and Phil Doolittle, Vice President for Finance and Administration of the University of Redlands, urged the City Council to uphold their appeal with their promise to complete the street improvement requirement within one year after completion of the science laboratory and classroom buildings. Dr. Appleton indicated their willingness to provide a letter of credit or whatever documentation the City desired to fulfill this promise. He explained that delaying construction of the street improvements will afford them additional time in raising the funds necessary to construct the improvements, and that the improvements would be cost effective if designed in conjunction



with the future parking lot planned along Grove Street and would also provide an integrated approach to landscaping this area for compatibility with the adjacent residential neighborhood to the east. There being no further comments, the public hearing was declared closed.

Councilmember George moved to approve Conditional Use permit No. 665 based on the following findings and modification of the Public Works street improvement requirements:

1. The use applied for at the location noted is proper for a conditional use permit;
2. The use is necessary, essential, or desirable for the public welfare and convenience and for the development of the community;
3. The use is not detrimental to existing or permitted uses in the zone where it would be located;
4. The size and shape of the site are adequate to accommodate the proposed use;
5. The site properly relates to streets and highways designed and improved to carry the type and quantity of traffic to be generated by the proposed use;
6. The conditions set forth on this conditional use permit are deemed necessary and reasonable to protect the public health, safety and general welfare, and the best interest of the neighborhood;
7. The proposed project will be consistent with the intent and guidelines of the General Plan;
8. That the Public Works Department street improvement requirements for Grove Street be modified to require a performance bond and that the improvements be completed no later than one year after completion of the construction of the science laboratory and classroom buildings; and
9. That Conditional Use Permit No. 665 be approved subject to all departmental recommendations, as modified, contained in Planning Commission minutes dated January 27, 1998.

Motion seconded by Councilmember Banda and carried unanimously.

Resolution No. 5480 – Fees – Public hearing was advertised for this time and place to consider Resolution No. 5480, a resolution of the City Council of the City of Redlands establishing processing fees for the Community Development Department for socio-economic/cost benefit studies and banner signs. Community Development Director Shaw said the City of Redlands is in the process of implementing Measure U which includes a requirement for preparation of socio-economic studies and cost/benefit analyses as part of the development review process. In addition, the City is in the process of adopting a new sign ordinance which includes a provision for banner signs. Staff recommended adoption of Resolution No. 5480 to establish these fees. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments.

None being forthcoming, the public hearing was declared closed. Councilmember Banda moved to adopt Resolution No. 5480. Motion seconded by Councilmember Freedman and carried unanimously.

Ordinance No. 2375 – Prohibit Certain Development Approvals – Public hearing was advertised for this time and place to consider Ordinance No. 2375, an urgency ordinance of the City of Redlands extending a prohibition against certain development approvals within the City pending consideration of a General Plan Amendment to augment and implement the voter-approved initiative ordinance commonly known as Measure U. Community Development Director Shaw explained that on January 20, 1998, the City Council adopted, as an urgency measure, an interim ordinance temporarily prohibiting certain development approvals within the City pending implementation of Measure U. Staff has continued and accelerated its work on a General Plan Amendment, and Mr. Shaw reviewed what has been accomplished over the past 45 days. At this time, staff is recommending that the urgency ordinance be extended until the date on which the proposed General Plan Amendment will take effect which could be as soon as April 17, 1998. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Ordinance No. 2375 was read by title only by City Clerk Poyzer, and on motion of Councilmember Freedman, seconded by Councilmember George, further reading of the ordinance text was unanimously waived, and Ordinance No. 2375 was adopted by the following vote:

AYES: Councilmembers Banda, Gilbreath, Freedman, George;  
Mayor Cunningham  
NOES: None  
ABSENT: None

## STUDY SESSION

Measure U - Community Development Director Shaw reviewed staff's work on the General Plan amendment which is scheduled for public hearing on March 17, 1998. Earlier this week, he provided a memorandum to the Councilmembers reporting the status of projects on file in the Community Development Department.

Cities Pavillion Project - City Attorney McHugh reviewed the status of the vesting issues as related to the Cities Pavillion project and their development agreement in response to Councilmember Gilbreath's inquiry. He noted that he had received several communications, one as late as 6:55 P.M. this evening, which he has not had a chance to review regarding the question of whether or not Cities Pavillion has a legal equitable interest in the subject property. At this time the applicant has not provided staff

with proof of this equitable interest to the City Attorney's satisfaction. Councilmember Gilbreath asked staff to resolve this issue as she feels strongly it is our responsibility to follow through and determine if Measure U applies to this project. Sherman L. Stacey, attorney for Cities Pavillion Partners, LLC, stated they believe they do have an interest in the properties in question. Loren Geib, owner of one parcel located within the development plan, confirmed that Timberlake Group International, Inc./Cities Pavillion Partners, L.L.C. has been authorized by him to include his property in the development plan, and that they have an option to purchase his property, subject to certain terms and conditions.

Planning Commission Powers - Councilmember George reported that the Planning Commission has expressed concerns the City Council is attempting to remove their powers and continued the discussion as to their role in the implementation of Measure U until all Planning Commissioners were present. He noted that the language in Measure U was clear that the City Council was to review the socio-economic/cost benefit study; the Planning Commission is important in that they serve in the capacity of the land use function.

## UNFINISHED BUSINESS

Contract Award – Community Park Field No. 1 Lighting Project – As reported at the February 17, 1998, City Council meeting, bids were opened and publicly declared on January 8, 1998, by the City Clerk for the design and construction of Community Park Field No. 1 Lighting Project; a bid opening report is on file in the Office of the City Clerk. Public Works Director Mutter reported the two lowest bids were adjusted to include additional costs to include anti-glare devices to keep "spill light" within acceptable limits in surrounding neighborhoods. All bids were in excess of the available funds contained within the current budget set by the City Council. This matter was continued for further study at the request of the City Council. Public Works Director Mutter noted that all existing poles are in need of replacement and deleting some poles would not be wise due to public safety/liability in the park, and recommended (with the concurrence of the Baseball for Youth members) that these bids be rejected; that the project be re-designed for the benefit of the contractors who have already laid their numbers on the table; and that the City Council authorize staff to re-advertise. Following discussion, Councilmember Freedman moved to accept the low bid for the design and construction of the Community Park Field No. 1 Lighting Project and to authorize an additional appropriation of \$40,000.00 for this project. This motion died for lack of a second. Councilmember Gilbreath moved to reject all bids received for the design and

construction of the Community Park Field No. 1 Lighting Project and authorized staff to re-advertise using the same design. Motion seconded by Councilmember George and carried unanimously.

Ordinance No. 2370 – Sign Code – Ordinance No. 2370, an ordinance of the City of Redlands modifying Section 15.36 of the Redlands Municipal Code concerning the City of Redlands' Sign Code, was continued to March 17, 1998.

#### NEW BUSINESS

Trails Plan – Theodora Banta, Carolyn Lyman, and Craig Wesson addressed the City Council regarding their concerns about the future of the trails system in San Timoteo Canyon and urged adoption of legislation to protect and retain the existing trails.

#### PUBLIC COMMENTS

Mollenauer's Rostrum – Robert D. Mollenaur, Jr. demanded an answer to his recent letter pertaining to the lack of handicapped parking spaces throughout various locations in town; threatened to remove home sale signs on public property if City personnel allowed them to stand; and suggested the Police Department target traffic safety enforcement at Ford Street and Redlands Boulevard.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:18 P.M. The next regular meeting will be held on March 17, 1998.

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City Clerk