

MINUTES

of an adjourned 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 29, 1999.

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
Jim Bueermann, Police Chief
Mel Enslow, Fire Chief
Bonnie Johnson, Finance Director
Ronald C. Mutter, Public Works Director
Gary G. Phelps, Municipal Utilities Director
John Jaquess, Acting Community Development Director

ABSENT

None

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

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the minutes of the regular meeting of June 15, 1999, and the special meeting of June 22, 1999, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on June 22, 1999, was acknowledged as received.

Environmental Review Committee - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the report of the Environmental Review Committee meeting held June 14, 1999, and the tentative agenda for the Environmental Review Committee meeting to be held on July 12, 1999, were acknowledged as received.

Ordinance No. 2402 - Fire Codes - Ordinance No. 2402, an ordinance of the City of Redlands amending Chapter 15.20 of the Redlands Municipal Code adopting and amending the 1997 Edition of the Uniform Fire Code and Uniform Fire Code Standards and adopting and amending the 1998 Edition of the California Fire Code, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

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

Ordinance No. 2405 - Uniform Housing Code - Ordinance No. 2405, an ordinance of the City of Redlands amending Chapter 15.24 of the Redlands Municipal Code relating to the adoption of the Uniform Housing Code, 1997 Edition, and making amendments thereto, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

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

Ordinance No. 2406 - Uniform Code for Building Conservation - Ordinance No. 2406, an ordinance of the City of Redlands amending Chapter 15.52 of the Redlands Municipal Code relating to the adoption of the Uniform Code for Building Conservation, 1997 Edition, and making amendments thereto, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

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

Ordinance No. 2407 - Uniform Building Codes - Ordinance No. 2407, an ordinance of the City of Redlands amending Chapter 15.04 of the Redlands Municipal Code relating to the adoption of the Uniform Building Code, 1997 Edition, Uniform Administrative Code, 1997 Edition, Uniform Code for Abatement of Dangerous Buildings, 1997 Edition, and making amendments thereto, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

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

Ordinance No. 2408 - National Electric Code - Ordinance No. 2408, an ordinance of the City of Redlands amending Chapter 15.12 of the Redlands Municipal Code relating to the adoption of the National Electric Code, 1996 Edition, and making amendments thereto, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

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

Ordinance No. 2409 - Uniform Plumbing Code - Ordinance No. 2409, an ordinance of the City of Redlands amending Chapter 15.08 of the Redlands Municipal Code relating to the adoption of the Uniform Plumbing Code, 1997 Edition, and making amendments thereto, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

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

Ordinance No. 2410 - Uniform Mechanical Code - Ordinance No. 2410, an ordinance of the City of Redlands amending Chapter 15.16 of the Redlands Municipal Code relating to the adoption of the Uniform Mechanical Code, 1997 Edition, and making amendments thereto, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, by the following vote:

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

Resolution No. 5662 - General Municipal Election - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5662, a resolution of the City Council of the City of Redlands, California, calling and giving notice of the holding of a General Municipal Election for the purpose of electing two members of the City Council for the full term of four years, a City Clerk for the full term of four years, and a City Treasurer for the full term of four years and requesting the Board of Supervisors of the County of San Bernardino to consolidate said election with the election to be held on Tuesday, November 2, 1999. (also see "Unfinished Business" for ballot measures.)

Grant Agreement - Alabama Street Bridge - Councilmember Freedman expressed his appreciation to Congressman Jerry Lewis for obtaining

\$500,000.00 Federal funding for the Alabama Street Bridge, and moved to authorize execution of the Grant Agreement for Project No. B-99-SP-CA-0046 between the Department of Housing and Urban Development and the City of Redlands in consideration of a \$500,000.00 grant for reconstruction of the Alabama Street Bridge at the Santa Ana River. Motion seconded by Councilmember Banda and carried unanimously. Mayor Cunningham noted that this completes the funding package for this project and that no general funds from the City of Redlands are being used.

Agreement - Water Transmission Main - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a revised "Agreement Regarding Purchase of Fee Interest" with Brian and Kimberly Buoye for the purpose of installing and maintaining a water transmission main (through and over Assessor's Parcel No. 294-111-08). The original agreement was approved by the City Council on December 30, 1998.

Funds - Dedication - Colton and Wabash Avenues - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a dedication of right-of-way from the City of Redlands to the City of Redlands in conjunction with the reconstruction and widening of Colton and Wabash Avenues and authorized the Mayor and City Clerk to sign the documents on behalf of the City, and further authorized the transfer of \$11,552.00 from the project to the General Fund as compensation for property acquired for street purposes.

Agreement - MBIA MuniFinancial - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a professional services agreement with MBIA MuniFinancial to provide solid waste consulting services to update the Solid Waste Master Plan and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

Garage Demolition - 168 South Eureka Street - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the Redlands Community Music Association's plan for demolition of the garage located at 168 South Eureka Street as part of the Mission Gables project. The Planning Commission approved a conditional use permit for this project, and the Historic and Scenic Preservation Commission also approved the demolition.

COMMUNICATIONS

Legislative Bulletin - Councilmember George reported he was meeting with Senators Boxer and Feinstein on Wednesday to urged their assistance to protect our property tax funds.

City Manager's Report - City Manager Luebbers updated Councilmembers on the status of the State budget and its impact on local government. He is also keeping in close touch with the League of California Cities regarding any pending State legislation regarding spheres of influence. He also reported the State Police Olympics were recently held and from our Police Department, Shelley James received a gold medal and Kelvin Bryant finished seventh in his event. Councilmembers congratulated them and expressed their pride in their employees.

Agenda Protocol and Backup Materials - Councilmember Gilbreath expressed her concern that on several occasions, items of importance have been scheduled on the City Council agenda without backup materials or the materials have been made available late. She encouraged Councilmembers to establish a policy that would make agenda materials available at least five days in advance of the meeting. Joan Dotson shared Councilmember Gilbreath's concerns stating she felt the public was being short-changed by not having the materials available in advance at the library as it stated on the last page of the agenda.

Appointments - Parks Commission - Mayor Cunningham moved to nominate Mary Ellen Harris to the Parks Commission to fill the unexpired term of Ellen Weisser to June 16, 2000, and Robert Carothers and Kathi B. Jensen to the Parks Commission to serve four-year terms which will expire on June 16, 2003. Motion seconded by Councilmember Banda and carried unanimously. One vacancy still exists on the Parks Commission.

Paramedic Funding - Councilmember Freedman reported he has been meeting with a task force, consisting of the Fire Chief, Deputy Fire Chief, and Finance Director, to determine how the paramedic service is currently funded and what approach to take to close the shortfall gap. The task force recommended that an outside firm be hired to audit the tax rate structure currently in place for the paramedic service and bring back recommendations for any changes to either the tax or the cost of the program as they felt an independent audit was essential to provide a fair and equitable funding structure for continuing this service that our citizens demand and deserve. Councilmember Freedman moved to direct staff to solicit bids for this audit and report to the City Council for further direction. Motion seconded by Councilmember Banda and carried unanimously.

Memorial Plaque - Tristen Jensen - Public Works Director Mutter reported the Parks Commission considered a request from Gregory M. Nelson to plant a tree and place a plaque in Sylvan Park in memory of Tristen Jensen. Master Jensen was the young man who was murdered last year and later found in the City's sewer system. The Parks Commission approved the planting of a tree and the placement of a plaque in accordance with the adopted Donor Wall Program. This program requires a minimum contribution of \$1,000.00 and allows only

small plaques to be placed on a designated "donor wall" within the park. No individual plaques are allowed to be placed at any other location, including adjacent to a tree or other donated item. Text on the plaques are limited to basically a name and date. Public Works Director Mutter noted we have received numerous requests in the past which have been turned down because of the logistics. The Parks Commission created the Donor Wall Program which has been implemented at Carolyn Park. Asking how many have died in that manner, Councilmember Banda moved to approve Mr. Nelson's request. Her motion was not seconded. Mayor Cunningham asked staff to write a letter of appreciation for the planting of the tree and no further action was taken.

LATE BREAKING ITEMS

Caltrans Beautification Program - Councilmember Freedman moved to add an item of discussion regarding the removal of the vegetation in the median of the I-10 Freeway to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember Banda and carried unanimously. At the last City Council meeting, the City Council asked Caltrans to not remove the landscaping in the median in the I-10 Freeway, but that action came too late and the oleanders were removed. Since that incident, Caltrans has met with staff and the Street Tree Committee and has authorized a supplemental contract for an entry gateway of landscaping at Orange Street and Pearl Avenue along with changes in the signage. Caltrans has been very helpful and the dialogue has been fruitful. Councilmember Cunningham moved to accept Caltrans' offer and immediately proceed. Motion seconded by Councilmember Freedman and carried unanimously.

Funds - Chamber of Commerce - Councilmember Banda moved to add an item of discussion regarding financial arrangements with the Redlands Chamber of Commerce which arose subsequent to the agenda being posted. Motion seconded by Councilmember Freedman and carried unanimously. Mayor Cunningham reported the Redlands Chamber of Commerce is under fiscal restraints and he has been informed they have not yet paid last year's bill for police services for their community events such as the Fireman's Muster and the Optimist Car Show. Councilmember Cunningham moved to authorize the City Manager and staff to proceed with the necessary documents to forward a loan to the Chamber of Commerce in the amount of \$15,000.00 for one year and deduct from that amount the funds owed to the City of Redlands. Motion seconded by Councilmember Freedman and carried unanimously. Councilmember Gilbreath asked the City Council to consider waiving the City's fees for this year; there was no response to this suggestion.

CLOSED SESSION

The City Council meeting recessed at 3:32 P.M. to a Redevelopment Agency meeting and reconvened at 3:33 P.M. to a closed session to hold a conference

with its real property negotiator as allowed under Government Code Section 54956.8 as follows:

Property: APN 299-011-05

Negotiating parties: Ronald C. Mutter and Fred J. and Anetha Stafford

Under negotiation: Terms and price

The meeting reconvened at 7:00 P.M.

PUBLIC HEARINGS

CUP No. 682 - Helix Development (Winston Tire) - Public hearing was advertised for this time and place to consider Conditional Use Permit No. 682 (Revision No. 1) to revise conditions of approval relating to hours of operation and required walls for a conditional use permit involving a commercial building under construction containing an automotive tire service business on a building pad within the Wal-Mart Shopping Center located in the General Commercial District of the East Valley Corridor Specific Plan. Acting Community Development Director Jaquess reviewed the Planning Commission's recommendation to deny the applicant's request to delete Conditions of Approval No. 7 and No. 8 relating to walls under the Community Development Department for Conditional Use Permit No. 682, and to allow modification of Condition of Approval No. 20 to reflect the hours of operation for Winston Tire to be 7:00 A.M. to 9:00 P.M. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. A representative of Helix Development urged the City Council to approve their request noting that the owner of Jack In The Box was adamantly opposed to the walls, but that if the wall requirements were upheld that Condition No. 8 be modified so that the south end of the wall be wrought iron rather than the block wall that is now required. Kevin Andrews, Winston Tires, felt the wall requirements would impede traffic flow for the Jack In The Box drive-through lane and would create parking problems. There being no further comments, the public hearing was declared closed. Councilmembers asked why the owner of Jack In The Box was not present to share his concerns and also wondered why the residents of the condominiums had not been heard from. Following discussion, Councilmember Cunningham moved support the Planning Commission's recommendation and to approve an amendment to Condition of Approval No. 8 to allow wrought iron fencing for the last 16 feet at the south end. Motion seconded by Councilmember Freedman and carried with Councilmember Banda voting NO as she wanted to delete Condition of Approval No. 8 as requested by the applicant.

UNFINISHED BUSINESS

Metricom Wireless Data Services - Public Works Director Mutter reported that on April 20, 1999, staff presented a request to the City Council from Metricom, Inc. to approve a franchise agreement for the installation, operation and

maintenance of a wireless data communications system in the City of Redlands. Metricom has developed and is marketing this system which is registered as *Ricochet Wireless Network*, a brand of wireless communication and access solutions which connect to a variety of networks. This system would provide high-speed wireless online and Internet access, and provides a wireless alternative to standard telephone modems requiring phone line connections. Following the presentation by Richard Bartoccini, Councilmembers asked a number of questions regarding this proposal that required additional research and information. Public Works Director Mutter presented the additional information at this time, including the results of a questionnaire sent to 40 cities in California that have completed an agreement with Metricom, Inc. to install the subject system. Mr. Bartoccini was present to answer questions. Councilmember Freedman expressed his appreciation for the comprehensive report and asked that rather than automatic renewal of the franchise agreement, he would prefer the City Council have the opportunity to periodically review the system. Councilmember Banda moved to consider the request from Metricom, Inc. for approval of a franchise agreement to install, maintain and operate a wireless data communication system in the City of Redlands, and directed staff to prepare and bring back to the City Council the formal agreement which would include a 30-day City Council review period prior to renewal and an audit upon request of the City. Motion seconded by Councilmember Cunningham and carried unanimously.

Ballot Measures - General Plan Amendments - City Attorney McHugh presented a draft initiative ordinance prepared in response to the City Council's direction that certain amendments to the Redlands General Plan be submitted to the voters next November. These proposed amendments related to the Growth Management, Design, Land Use and Circulation Elements of the General Plan. This draft ordinance was prepared using materials presented by Mayor Cunningham at the June 15, 1999, meeting, text received from Mayor Cunningham, and input from the Community Development Department. The draft ordinance contains certain blanks where further policy guidance is required from the City Council or from the Community Development Department. Councilmembers reviewed the draft ordinance at length. Pat Meyer requested the opportunity to review the final language and map prior to placement of the measure on the ballot. Tex Moore clarified several issues presented by staff. Bob Roberts expressed concerns about the proposed ordinance.

The City Council briefly recessed at 9:15 P.M. and reconvened at 9:20 P.M. at which time Mayor Cunningham cited a conflict of interest on the next proposed initiative ordinance and left the Council Chambers.

Canyon Land Use Category - City Attorney McHugh presented a second draft initiative ordinance related to the proposal submitted by Councilmember Banda at the June 15, 1999, meeting that requested certain properties in the southeast

area of the City of Redlands be re-designated in the General Plan to a lower density. Specifically, the properties which Councilmember Banda was concerned with were those presently designated as "Resource Preservation" on Figure 4.5 of the Redlands General Plan. Councilmember Banda also requested that properties located in "Planning Sector No. 2" of the General Plan be excluded from this density re-designation. The new proposal would take those properties designated "Resource Preservation" and establish a new residential land use classification having a lower density. The law requires General Plans to be internally consistent. Once the City Council decides which properties this new designation would apply to, the City Council may also wish to direct the Community Development Department to undertake a comprehensive review of the General Plan to determine whether any additional provisions should be amended to ensure consistency and effectuate the City Council's intentions. Councilmembers reviewed the proposed ordinance at length. Mayor Emeritus Carole Beswick addressed the City Council urging them to review the files for Annexation No. 72 and to abide by the pre-annexation agreements approved at that time. Pat Meyer encouraged the City Council to notify the landowners affected by this proposal. Teddy Banta asked that San Timoteo and Live Oak Canyons not be destroyed by grading and cut and fill tactics. Caroline Laymon urged preservation of the "Emerald Necklace" concept and keeping the density as minimal as possible. Bob Roberts discussed the pre-annexation agreements approved prior to Annexation No. 72's approval.

Councilmembers agreed to discuss these matters further on Monday, July 12, 1999, at 7:00 P.M. and directed staff to notify, by mail and public notice, property owners impacted by this proposal. Mayor Cunningham returned to the City Council Chambers at 10:10 P.M.

Readerboard Signs - City Attorney McHugh presented a draft initiative ordinance relating to outdoor commercial "readerboard" signs which includes the exact language suggested by the City Council. However, staff has identified a number of potential legal issues associated with this proposal which he explained. Mayor Cunningham said that he has met with the auto dealers several times and they feel this is exceedingly important and he is concerned we will lose the auto dealers to another city. Staff will explore the alternatives available that will protect the community from an over-proliferation of readerboard signs and return with further information at the July 12, 1999, meeting.

PUBLIC COMMENTS

I-10 Landscaping - Mayor Cunningham responded to Teddy Banta's question regarding the removal of the oleanders from the I-10 Freeway. (see: Late Breaking Items; Caltrans Beautification Program above.)

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 10:34 P.M. The next regular meeting scheduled for July 6, 1999, will not be held; that meeting will be adjourned to Monday, July 12, 1999, at 7:00 P.M.

City Clerk