

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on September 21, 1999, at 3:00 P.M.

PRESENT

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

Gary M. Luebbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Jeffrey L. Shaw, Community Development Director

Afternoon Session Only:
Michael Reynolds, City Treasurer
Jim Bueermann, Police Chief
Mel Enslow, Fire Chief
Bonnie Johnson, Finance Director
Ronald C. Mutter, Public Works Director
Gary G. Phelps, Municipal Utilities Director

ABSENT None

The meeting was opened with an invocation by Councilmember George 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 September 7, 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 September 14, 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 on September 13, 1999, was acknowledged as received.

Proclamation - Geography Awareness Week - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation declaring the week of November 15-19, 1999, as National Geographic Awareness Week to promote geographic literacy in schools.

Ordinance No. 2420 - Mobile Home Rent Arbitration - Ordinance No. 2420, an ordinance of the City of Redlands amending Chapter 5.48 of the Redlands Municipal Code relating to mobile home rent stabilization and costs for mobile home rent control arbitration proceedings, 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

Contract Award - Colton/Wabash Intersection - Bids were opened and publicly declared on July 29, 1999, by the City Clerk for construction of the Colton/Wabash Intersection Improvements project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Eastland Construction, Inc., San Bernardino, in the amount of \$634,143.75, and it would be in the best interest of the City that this contract be awarded to said firm. Councilmember Freedman noted this was an important contract and that the improvements will benefit the Redlands East Valley High School, and he urged the citizens to contact the Local Agency Formation Commission Board Members to vote for approval of our renewed request for annexation of the school property. Councilmember Freedman moved to approve the Environmental Review Committee's Negative Declaration for the Colton/Wabash Intersection Improvements project based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Gilbreath and carried unanimously. On motion of Councilmember Freedman, seconded by Councilmember Gilbreath, the City Council unanimously awarded the contract as recommended and the Mayor and City Clerk were authorized to sign the contract on behalf of the City.

Metricom Agreement - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved an Attachment Permit Agreement between the City of Redlands and Metricom, Inc. for the installation, operation and maintenance of a wireless data communications

system in the City of Redlands and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

Transportation Enhancement Activity Call - Public Works Director Mutter reported that on August 4, 1999, SANBAG's Board approved a combined Call for Projects for both the Transportation Enhancement Activities (TEA) and TDA Article 3 programs. The TEA program is designed to provide transportation enhancements above and beyond what is normally required for the mitigation of transportation projects. Staff has initiated an informal meeting with representatives of Caltrans, District 8, to discuss partnership efforts to secure TEA funds. In this meeting, participants identified one project that will offer the City and Caltrans the opportunity to enhance landscaping and visual effects at the gateway to the City of Redlands. Eric Figueroa, representative from Caltrans, presented sample pictures of possibilities of highway art depicting well-known scenes of Redlands at the undercrossings at Orange Street, Eureka Street, and Sixth Street. Councilmember George also noted projects he is working on for historical signage, pedestrian wayfinding, and bicycle access. On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously authorized staff to apply for the Fiscal Year 1999 Transportation Enhancement Activity Call for Projects to enhance landscaping and visual effects on the north side of the I-10 slope/easement between Eureka and Sixth Streets and the freeway underpass abutments on Eureka Street and Orange Street.

Agreement - Wackenhut - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the independent contractor agreement between the City of Redlands and The Wackenhut Corporation for jail services at the Redlands Police Department. COPS funds, as established by AB 3229, will be utilized for this service.

Resolution No. 5690 - Wildfire Disaster Assistance - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5690, a resolution of the City Council of the City of Redlands authorizing designation of the applicant's agent to obtain Federal and Natural Disaster Assistance Act Financial Assistance (FEMA-3140-EM/NDAA-99-05-Severe Fires). This resolution will allow the City to apply for disaster assistance funds as relates to the many state-wide wildfires during the past August.

ESRI Livable Community Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously authorized staff to apply for an ESRI Livable Communities Grant Series Community Development Grant. The goal of this program is to foster and support the integration of geographic information systems and will be implemented in the Community Development Department.

Agreements - Recreation Bureau - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved independent contractor agreements between the City of Redlands Recreation Bureau and Jody Hoelle (storytelling workshop), Cinda Brunken Peterson (life story writing workshop), Catherine Dicus (performing arts), and Renee Fox (jazz dance) and authorized the Mayor and City Clerk to execute the agreements on behalf of the City.

Lease Agreement - Police Substation - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved an amended lease agreement between the City of Redlands and 7-Eleven, Inc. for the Citrus Avenue police substation and authorized the Mayor and City Clerk to execute the agreements on behalf of the City.

Proposal - Cost Allocation Plans - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously accepted a proposal from David M. Griffiths & Associates, Ltd. (DMG) to prepare city-wide service cost allocation plans in accordance with applicable State and Federal guidelines. In addition to the cost allocations plans, DMG will provide the City with the software and training on the software to enable the City to perform its own annual updates of the plans.

Lease - Redlands Municipal Airport - Councilmember Banda expressed excitement about the concept presented by Coyote Aviation for the development of lease parcel on the West Ramp at the Redlands Municipal Airport to develop a project to construct hangars, restrooms, office areas, a lobby/pilot lounge and a future restaurant. As cited in the staff report prepared by Public Works Director Mutter, long term impact would be positive. Lease payment would be made to the City, and with the development of these facilities on the West Ramp, increased rental of City-owned tie-down spaces can be anticipated. This revenue would be used to fund airport administration and operations. It would also reduce the annual General Fund subsidy to the Special Aviation Fund and could allow for some repayment of past subsidies. Representing Coyote Aviation, Gil Brown told Councilmembers they are looking forward to this project. Councilmember Banda moved to approve the concept presented and directed staff to begin the process of negotiating a lease, including the necessary appraisal for the establishment of an appropriate lease rate. Motion seconded by Councilmember George and carried unanimously.

Resolution No. 5687 - DBE Program - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5687, a resolution of the City of Redlands establishing a Disadvantaged Business Enterprise (DBE) Program and appoint a DBE Liaison Officer and establishing DBE goals, and rescinding Resolution No. 5556. State and Federal agencies require this program prior to performing street construction projects using Federal and/or State highway monies.

Settlement Agreement - Sharon Scott Lawsuit - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved a mutual release agreement between the Redlands Unified School District and the City of Redlands relating to the Sharon Scott lawsuit (SCV 37417) and authorized the Mayor and City Clerk to execute the agreements on behalf of the City.

World Harvest Church Service - On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, the City Council unanimously approved the request by World Harvest Church to conduct a church service on private property at the southeast corner of Lugonia Avenue and Texas Street on Friday, September 24, 1999, from 7:00 P.M. to 10:00 P.M.

Stop Signs - Palm Avenue and Grove Street - Councilmember Freedman moved to continue the appeal for a request, which was denied by the Traffic and Parking Commission at their meeting held on July 22, 1999, for a four-way stop at the intersection of Palm Avenue and Grove Street by installing stop signs on Grove Street to the October 19, 1999, meeting at 7:00 P.M. to allow the neighbors the opportunity to present their request. Motion seconded by Councilmember Gilbreath and carried unanimously.

COMMUNICATIONS

League of California Cities - Councilmember Banda reported that at a League dinner meeting held last week, she asked that the League's year-end report consolidating State legislation also include the information on the League's stand and results. She asked that a committee be formed to development communications with State legislators.

AB 1553 - Claim against the State - At the request of Mayor Cunningham, City Manager Luebbers reviewed a demand letter dated September 17, 1999, from Scott Wildman, Chairman of the State Joint Legislative Audit Committee, for a detailed accounting of the \$5.5 million dollar utility infrastructure cost in the "donut hole" which will contribute to the decision on whether to direct the Bureau of State Audits to conduct a comprehensive fiscal and performance audit. This request came when Mayor Cunningham indicated that if AB 1553 was signed into law, the City would possibly submit a claim against the State for reimbursement of these costs. Councilmembers felt this request was premature; that the City Council would address filing a claim if AB 1553 is signed by the Governor and becomes law in January, 2000. Mayor Cunningham asked staff to contact the State Department of Finance and inquire how to file a claim against the State.

Friends of Hillside Park Group - Mayor Cunningham reported the Hillside Park Group has done a yeoman job during the past 18 months but that there is a great

deal more work to be done. He moved to accept the offer from this group to form *The Friends of Hillside Cemetery*. Motion seconded by Councilmember Banda and carried unanimously with Councilmember Gilbreath noting this would not be a formal City committee under tax laws.

TCI Cablevision Complaints - Many cablevision customers have been complaining about the recent actions of TCI regarding the HBO channel and rate increase for the converter box and remote control now needed. Jerry Hanson, the City Council liaison, reminded everyone that the City has a non-exclusive franchise with TCI and that the City cannot control rates nor programming. Stan McKenzie, TCI General Manager, addressed Councilmembers explaining why this had to be done noting this is the first step towards updating their obsolete equipment. Mayor Cunningham noted that TCI has created quite a furor in this community and that if the City Council could control TCI, they would.

Majestic "Payoff" Document - Mayor Cunningham reported a letter has been received from Lathan and Watkins regarding our request for a copy of the alleged "payoff" document stating this document is a figment of someone's imagination.

Transit Center and Hotel - Mayor Cunningham felt there was a critical need to review important development issues regarding the proposed Krikorian Theatre expansion and the proposed transit center and asked Councilmembers to consider holding a workshop study session on Thursday, September 23, 1999, at 9:00 A.M. Three Councilmembers had conflicts and would not be able to attend. Mayor Cunningham said he and Councilmember Banda would be present to receive any public input.

Fire Station No. 1 Rehabilitation Project - In response to Mayor Cunningham's request, Public Works Director Mutter reviewed the status of the rehabilitation project for Fire Station No. 1. The contract for the door expansion has been approved and the next two phases are in plan check.

Lawsuits Report - City Attorney McHugh provided a memorandum at Mayor Cunningham's request regarding cost of litigation initiated by the City in the last two years; litigation brought against or by the City as a direct result of the passage of Measure U; the cost to the City for defense of the three Majestic lawsuits against the City and Timberlake; the cost of the City for the defense of the lawsuit against the City and Lowe's; and the last time the City lost a land use lawsuit. Bob Roberts said the analysis is only for lawsuits initiated by the City during the past two years but felt the relevant analysis is now much in litigation costs has been incurred as a result of the actions of Bill Cunningham as Mayor and previously as a member of the Redlands Unified School District. His analysis estimated that cost at \$3 million to \$5 million in attorneys fees and staff time. Mayor Cunningham rebutted Mr. Roberts points which in turn

caused a verbal altercation within the audience between Rufus A. (Tex) Moore and Mr. Roberts.

Santa Ana River Trail - On behalf of the Trails Committee, Teddi Banta submitted a letter on September 15, 1999, asking the City Council to join them in support of the completion of the Santa Ana River Trail. The U. S. Forest Service has completed their portion of the trail and it is now time to complete the link to the Riverside County line. Mayor Cunningham moved to support this concept and letter. Motion seconded by Councilmember Banda and carried unanimously.

Fire Program - Fire Chief Enslow, assisted by Fire Captain Al Stevens and Fire Engineer David Graves, showed a 24-minute PowerPoint presentation of the many programs the Fire Department and its personnel are involved in. Photographs included in the presentation were taken by our local firefighters at local incidents. The Fire Department's new motto, *Preserving the Past - Protecting the Future*, shows their pride in their service to the community.

NEW BUSINESS

Resolution No. 5685 - PERS Contract - At the request of Councilmember Freedman, Personnel Analyst Olsen reported research was done on what was involved to amend the City's contract with the California Public Employees' Retirement System (PERS) to add the option of purchasing service credit for military service. This amendment will allow Redlands' employees who have served in the military to "buy" those years of service and add it to their service credit as public service for retirement purposes. Employee payments to PERS for this purpose can be spread over several years and submitted via payroll deduction. There is no employee cost associated with this amendment. Councilmember Freedman said he wanted to make this option available to all employees, and moved to adopt Resolution No. 5685, a resolution of intention to approve an amendment to the contract between the Board of Administration California the City Council of the City of Redlands. Motion seconded by Councilmember Banda and carried unanimously.

Ordinance No. 2422 - PERS Contract - Ordinance No. 2422, an ordinance of the City of Redlands authorizing an amendment (see Resolution No. 5685 above) to the contract between the City Council of the City of Redlands and the Board of administration of the California Public Employees' Retirement System, was read by title only by City Clerk Poyzer, and on motion of Councilmember Freedman, seconded by Councilmember Banda, further reading of the ordinance text was unanimously waived, and Ordinance No. 2422 was introduced with unanimous Council approval and laid over under the rules with adoption to be scheduled as required by law.

Ordinance No. 2418 - Security Alarm Systems - On motion of Councilmember Cunningham, seconded by Councilmember Gilbreath, this ordinance was unanimously continued to the October 5, 1999, meeting.

JOINT MEETING - REDEVELOPMENT AGENCY AND CITY COUNCIL

Resolution No. 5689 - Great Neighborhoods Program - Councilmember Banda moved to adopt Resolution No. 5689, 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 for the Great Neighborhoods Program to implement an additional eight participant agreements which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember Freedman and carried unanimously. (Also see Redevelopment Agency minutes for September 21, 1999.)

CLOSED SESSION

The City Council meeting recessed at 4:45 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:46 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - St. James v. City of Redlands - EDCV 98-0067RT
 - City of Redlands v. County of San Bernardino - SCV 60116
2. Conference with real property negotiator
 - Property: Portions of APN 299-011-22 and 170-311-06
Negotiating Parties: Ron Mutter and William Locklin
Under Negotiation: Terms and price
 - Property: APN 298-061-19
Negotiating Parties: Ron Mutter and Caltrans
Under Negotiation: Terms and price
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - One case

The meeting reconvened at 7:00 P.M.

PUBLIC HEARINGS

CRA No. 703 - Yocom-Baldwin Development - Public hearing was advertised for this time and place to consider Socio-Economic Cost Benefit Study, Planning Commission Review and Approval No. 703, and an accompanying Mitigated Negative Declaration for the construction of a 15,819 square foot concrete tilt-up building for light industrial/warehouse use on .92 acres located on the west side of Amigos Drive, approximately 600 feet north of Park Avenue in the EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan (Yocom-Baldwin Development, applicant). Community

Development Director Shaw reviewed the application and the Planning Commission's recommendation for approval. He also noted the Fiscal Impact Cost would theoretically be less than reflected on the Cost Benefit Study. However, the only way for the model to determine the actual costs under fire and police services would be to expand the Non-residential Uses category to reflect several different categories. This would require a fairly extensive revision to the current Cost Benefit Model but would render a more precise service cost analysis. However, there is no funding available to modify the model at this time. Councilmember George and Mayor Cunningham both felt the model needed to be revised to make it more accurate.

Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. Representing the Vista Loma Homeowners Association, Mr. Walker Clute thanked the applicant for their concerns and efforts as related to the neighboring condominiums and reported that an agreement has been reached with Yocum-Baldwin regarding the mutual wall engineering and landscaping. Councilmember George extended his compliments to the Vista Loma Homeowners Association and Yocum-Baldwin for their cooperation and willingness to address the concerns. There being no further comments, the public hearing was declared closed. Councilmember Banda moved to approve the Environmental Review Committee's Negative Declaration for Planning Commission Review and Approval No. 703 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Freedman and carried unanimously. Councilmember Banda moved to approve the Socio-Economic Cost Benefit Study for Planning Commission Review and Approval No. 703 as the project will not create unmitigable physical blight or over-burden public services in the community, and no additional information or evaluation is needed, and that the proposed project is an infill development within an existing light industrial park and will not require the installation of any infrastructure or street improvements; as it is not a growth inducing development, it will not have a negative impact on the City's social services. Motion seconded by Councilmember Freedman and carried unanimously. Councilmember Banda moved to approve Planning Commission Review and Approval No. 703 subject to the following findings and the Conditions of Approval attached to the staff report:

1. That the site for this proposed development is adequate in size and shape to accommodate the use and other features required in order to adjust the use to those existing or permitted future uses in the vicinity;
2. That the project site for this proposed infill development properly relates to the adjacent public streets which are designed to carry the type and quantity of traffic generated or to be generated by this proposed use;

3. That the proposed use is desirable for the development of the community, is consistent with the policies, goals and objectives of the Redlands General Plan and is not detrimental to existing or planned uses in the vicinity of the proposed project; and
4. That the conditions set forth in the permit and shown on the submitted site plan are necessary to protect the public health, safety or general welfare.

Motion seconded by Councilmember Freedman and carried unanimously.

Tentative Tract No. 15469 - Gresham (Ross) Roskamp - Public hearing was advertised for this time and place to consider Socio-Economic Cost Benefit Study, Tentative Tract No. 15469, and an accompanying Negative Declaration for the subdivision of 110.3 acres into 24 residential lots located south of the terminus of Sutherland Drive, Ashforth Drive and South Lane in Specific Plan No. 47 (Gresham [Ross] Roskamp, applicant). Development Director Shaw reviewed the application and the Planning Commission's recommendation for approval, and reported the applicant has requested a continuance to October 5, 1999, due to the fact that their representative could not attend this meeting. Mayor Cunningham declared the meeting open as a public hearing for any questions or comments. Mike Kelly, Redlands Trails Committee, asked that the map be returned for their review as it is not satisfactory at this time. He promised they would call a special meeting prior to October 5, 1999, to review the map and make recommendations. Councilmember Gilbreath moved to continue this public hearing to October 5, 1999. Motion seconded by Councilmember Banda and carried unanimously.

UNFINISHED BUSINESS

Adult-Oriented Businesses - City Attorney McHugh presented two ordinances amending Chapter 8.76 of the Redlands Municipal Code relating to adult use businesses. These ordinances follow up on the City Council decision on September 7, 1999, to adopt an urgency ordinance amending the City's adult business regulations. After again reviewing the City's Code and hearing the comments of Mr. Diamond, the attorney for Déjà Vu, staff suggested certain additional code amendments be made. The ordinances are necessary to update the City's Code both in terms of the definitions for particular types of adult business and to provide operational standards in keeping with current case law designed to eradicate the secondary effects associated with these types of businesses. The proposed ordinances establish reasonable time, place and manner restrictions on adult uses. The offered studies and cases which have been made available for the City Council and are located in the City Attorney's Office and in the City Clerk's Office, provide the evidentiary and factual foundation to reasonably conclude that adult businesses create serious and deleterious secondary effects and that the proposed operating standards are needed to combat these secondary effects. The proposed ordinances enact comprehensive operating standards including: making technical amendments relating to permit approvals and appeals and providing for prompt judicial

review; precluding direct touching between patrons and performers of live adult entertainment facilities; requiring that performers and patrons maintain a 10 foot distance separation; and precluding direct tipping or payment for live entertainment performers. City Attorney McHugh reviewed the recent changes in case law pertaining to the regulation of adult uses which support the recommendation for changes to the Code regulating adult businesses. Adopting the proposed ordinances provides comprehensive operational standards for adult businesses provides the City with the mechanism to thoroughly and aggressively regulate the harmful secondary effects of these businesses. The proposed ordinances strike the requisite balance between the City's interests in protecting the public safety, health and welfare and the constitutional protection afforded adult businesses. Ordinance No. 2423 is an urgency ordinance which would take effect immediately provided there are at least four affirmative votes of Councilmembers.

Ordinance No. 2423 - Adult-Oriented Businesses - Ordinance No. 2423, an urgency ordinance of the City of Redlands amending Chapter 8.76 of the Redlands Municipal Code relating to the operation of adult-oriented businesses and repealing Ordinance No. 2421, was read by title only by City Clerk Poyzer, and on motion of Councilmember Banda, seconded by Councilmember Freedman, further reading of the ordinance text was unanimously waived and Ordinance No. 2423 was adopted, as an urgency ordinance, by the following vote:

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

Ordinance No. 2424 - Adult-Oriented Businesses - Ordinance No. 2424, an ordinance of the City of Redlands amending Chapter 8.76 of the Redlands Municipal Code relating to the operation of adult-oriented businesses and repealing Ordinance No. 2421, was read by title only by City Clerk Poyzer, and on motion of Councilmember Banda, seconded by Councilmember Freedman, further reading of the ordinance text was unanimously waived, and Ordinance No. 2424 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for October 5, 1999.

PUBLIC COMMENTS

Adult-Oriented Businesses - Don Wallace thanked the City Council for sending a clear message to businesses of this sort, they are not welcome. He invited Councilmembers to a prayer vigil Sunday, September 26, 1999, at 6:00 P.M. at the Adult Book Store on Colton Avenue.

Human Relations Commission - Don Wallace expressed concerns about a recent appointment to the Human Relations Commission hoping he will not push his personal beliefs as he will be watched closely by citizens of Redlands.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:21 P.M. The next regular meeting will be held on October 5, 1999.

City Clerk