

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 May 16, 2000.

PRESENT

Pat Gilbreath, Mayor
Gary George, Mayor Pro Tem
John L. Freedman, Councilmember
Susan Peppler, Councilmember
Karl N. "Kasey" Haws, Councilmember

Daniel J. McHugh, City Attorney
Beatrice Sanchez, Deputy City Clerk
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
Jeffrey L. Shaw, Community Development Director

ABSENT

None

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

Happy Birthday - Mayor Gilbreath invited RTV3 Producer Bob Ettleman out from the Director's Bay as well as Director Cheryl Entler. Ms. Entler concealed a bouquet of birthday balloons and a birthday cake for Mr. Ettleman as a surprise for his upcoming birthday on May 30th. However, because he had a feeling she was up to something, Bob asked that Cheryl too share in the goodies because her birthday is May 18th. Mayor Gilbreath introduced the televising team that makes the Council meeting broadcasts possible.

Baker to Vegas Run - Police Chief Jim Bueermann announced that Redlands Police Department participated in the "Baker to Vegas" run made up of law enforcement personnel. This year Redlands came in first place. Eleven of the team members were present and stood up. This year's captain, Brad Kloepfer, as well as next year's captain, Marc Tilson, came forward to receive a plaque and trophy.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Freedman, the minutes of the regular meeting of May 2, 2000, were approved as submitted.

Bills and Salaries - On motion of Councilmember George, seconded by Councilmember Freedman, payment of bills and salaries was acknowledged.

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on May 9, 2000, was acknowledged as received.

Resolution No. 5755 - Animal Shelter Fees - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5755, a resolution of the City Council of the City of Redlands amending Resolution No. 5324 regarding fees for the Redlands Animal Shelter.

Resolution No. 5760 - Traffic - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5760, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: erect stop signs on Colton Avenue at Grove Street.

Resolution No. 5761 - Traffic - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5761, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: post sign to establish a passenger loading and unloading zone along the north side of Fifth Avenue, adjacent to Moore Middle School.

Settlement Agreement - David La Vau - In accordance with the requirements of the Brown Act, the agreement with David La Vau was placed on the agenda to notify the public of the settlement in accordance with the terms agreed to by the City Council in closed session.

Funds - Friends of Hillside Memorial Park - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved an appropriation of \$405.00 collected as donations to the cemetery and to be turned over to the Friends of Hillside Memorial Park Fund.

Resolution No. 5762 - Recycling Grant - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5762, a resolution of the City Council of the City of Redlands authorizing the submittal of a funding request to the California Department of Conservation's Division of Recycling.

Contract - Trolley Program - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved a

contract with Irv Upton to coordinate the City's CMAQ grant and implementation of the trolley project.

PLANNING AND COMMUNITY DEVELOPMENT

Subdivision Improvement Agreement - Tract No. 15937 - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council approved, by AYE votes of all present, a subdivision improvement agreement for Tract No. 15739, a subdivision of 160 single family lots on 61.27 acres generally located on the northeast corner of Lugonia Avenue and Dearborn Street R-E (Residential Estate) District.

Tract No. 15739 - Final Approval - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council accepted and granted final approval, by AYE votes of all present, for Tract No. 15739 and authorized recordation with the County Recorder. Tract No. 15739 is a subdivision of 160 single family lots on approximately 61.27 acres generally located on the northeast corner of Lugonia Avenue and Dearborn Street in the R-E (Residential Estate) District; Standard Pacific of the Inland Empire, applicant.

COMMUNICATIONS

Council Policy - Written Agenda Materials - Councilmember Peppler asked the City Council to consider adopting a policy regarding items that are submitted by individual Councilmembers for discussion and possible action on the City Council agendas. She felt City Council, City staff, and the public would greatly benefit from having written backup materials submitted for each agenda item. Councilmember Freedman agreed, however, there are instances when a Councilmember becomes aware of a situation that should be placed on an agenda the day the agenda is distributed. Councilmember Haws concurred and recommended the deadline for backup materials be Mondays before a Council meeting. Councilmember Peppler moved to enact a policy that no item be placed on the agenda without at least a brief written memo on the background of the topic and what should be discussed; the deadline is extended to Mondays, noon, for urgent matters placed on an agenda without backup materials. Motion seconded by Councilmember Haws and carried unanimously.

Exclusive Negotiations Agreement - Sports Complex - Empire A/G Recreation, LLC representatives met with individual Councilmembers and City staff regarding a proposal to develop the City's sports complex in the northeast section of the City. A PowerPoint presentation was made on the financing of the sports park and master plan proposals. Mr. David Willis, General Partner, Empire A/G Recreation LLC, reviewed an Exclusive Negotiation Agreement he urged Council to approve. Councilmember George stated the City has been contacted by other companies who would like to present proposals; the City needs to keep their options open. Councilmember Haws stressed that the doors

are open to communicate with staff, Parks Commission, Recreation Commission and community groups. Councilmember George expressed his concern with the suggested sale of alcohol at the complex; Mr. Willis stated it would be the same as a team or family going to Shakey's Pizza Parlor after a game; he added that he would be glad to continue meeting with staff. By consensus, this matter was continued to a future meeting date.

State of the City Meeting - On motion of Councilmember Freedman, seconded by Councilmember George, Council unanimously approved holding a "State of the City" meeting on June 21, 2000, at Heritage Hall of Redlands, 225 East Olive Avenue. Redlands Chamber of Commerce will co-sponsor the event. Each Councilmember will have an opportunity to report on projects they are involved with. Department heads were also invited to participate.

LATE BREAKING ITEM

Noting that the need to take action was immediate, Councilmember Freedman moved to add the following item to the agenda which arose subsequent to the agenda being posted:

Recess City Council to a closed session:

- a. Conference with real property negotiator - Government Code §54956.8
Property: APN 172-481-02
Negotiating parties: Deborah Craney and Laith Mahmood
Under negotiation: Terms and price
- b. Conference with legal counsel: Existing litigation - Government Code § 54956.9(a)
 - Majestic Realty Company/Redlands Joint Venture LLC v. City of Redlands/Cities Pavilion Partners, Timberlake Group International et al (4th Civil No. EO25297)

Motion seconded by Councilmember George and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 3:45 P.M. to a Redevelopment Agency meeting and reconvened at 3:46 P.M. to a closed session to discuss the following:

- 1. Public employee appointment - Government Code Section 54957
 - Interim City Manager
- 2. Conference with labor negotiator - Government Code § 54957.6
 - Redlands Association of Management Employees, Redlands Association of Mid-Management Employees, Redlands Police Officers Association, Redlands Association of Safety Management Employees, Redlands

Professional Fire Fighters Association, General Employees Association of
Redlands, City Clerk, City Treasurer, and City Attorney

CLOSED SESSION (continued)

3. Conference with real property negotiator - Government Code §54956.8
Property: That portion of vacant land bordering Lugonia Terrace
Tract No. 4808, east of Texas Street, west of Calhoun
Street, south of Pennsylvania Avenue, and north of
Lugonia Avenue
Negotiating parties: Deborah Craney and Dean Papapetru for
Dean Properties
Under negotiation: Terms and price

The meeting reconvened at 7:00 P.M.

PUBLIC HEARINGS

Deodara Apartments - David A. Van Diest and Rosa E. Gomez - Councilmember Peppler announced a potential conflict of interest and left the Chambers during this discussion. Public hearings were advertised for this time and place to consider a Negative Declaration for General Plan Amendment No. 65 and Specific Plan No. 52 for a 16 unit apartment complex on 1.16 acres of property located on the southeast corner of Clifton Avenue and San Mateo Street. Community Development Director Shaw reported that the proposed project entails the preservation and rehabilitation of eight existing units which are contained within a historic church building, six unique apartment units that were constructed in 1928 and construction of eight new two-story townhouse-style apartment units within the interior of the site. The project would include on-site amenities such as improved private and common open space areas, carports, and a pool/spa area. At the Planning commission meeting a significant number of the public spoke in favor of the project; a consensus of the public appears to be a willingness to accept the increased density of the project as a trade-off to facilitate a project that preserves the unique structures on the property. Staff reports included petitions from the public that are either in favor of the project or in opposition.

Mayor Gilbreath declared the meeting open for any questions or comments from the approximately 155 citizens filling the Council Chambers. Following a presentation describing the project by the applicants, David A. Van Diest and Rosa E. Gomez, citizens speaking in favor of the project were: Alex Justice (also representing his mother, Tamra Madai), Liz Beguelin, Ken King, Leon Armantrout, Jim Jordan, Loren Weisbrod, Pam Morris (reading a letter from the an adjoining property owner, the Clark family), Paul Morris, Jo Dierking, Frank Herendeen, Ken Oliviee, Dan Cocco, and Laurel Hampton-Hunt. Speaking in opposition were: Ron Wright, Tom Crist, Wayne Knox, Julie Leggin, and Chris Sedmack who also presented a copied petition containing 105 signatures and 39 speaker forms from individuals who did not speak (some of

which were also signers on the petition). The public hearing was declared closed after approximately 60 minutes of comments.

Councilmember George pointed out that staff does not recommend the project as presented, yet the Planning Commission does recommend it. We all want to save the property but also want to respect the wishes of the neighbors. He would like to see a compromise of less, but larger, units and eliminating the two-story design. Councilmember Freedman stated he could not support over 11 units so as to not impact the neighborhood. He wants to keep this at low-medium density project and added the drawings are wonderful. The applicant returned to the podium to respond to questions from Council regarding the City-required improvements on Clifton Avenue and San Mateo Avenue. Councilmember Haws stated that he thought the two-story, eight-unit structure changes the character of the neighborhood; he would prefer to see one-story bungalows and requested the applicant go back and get together with staff to see what can be worked out with City help in preserving the historical structure. Councilmember Gilbreath added that the City has a wonderful historical inventory; the City is open to being flexible, perhaps Clifton Avenue needs to remain rural looking instead of putting in curb and gutter. Councilmember Haws pointed out the bungalow look vs. apartment complex is the dividing line among the neighbors and agreed curb and gutters disturb the feel of the area. The City needs to do whatever we can to help without the apartment look. Planning Director Shaw confirmed the Development Team could meet and take a look at any new design. Councilmember Freedman moved to continue this item to June 20, 2000. Motion seconded by Councilmember George and carried by AYE votes of all present with Councilmember Peppler abstaining.

To allow the large audience to leave the Chambers, the Mayor called for a short recess from 8:26 P.M. to 8:30 P.M.

Ordinance No. 2439 - Drive-through Restaurants - Public hearing was advertised for this time and place to consider a mitigated negative declaration for Ordinance No. 2439, an ordinance of the City of Redlands amending Chapter 18.156 of the Redlands Municipal Code relating to separation requirements between drive-through restaurants. Community Development Director Shaw reported that it has been staff's experience that locating driveways within close proximity has not created any adverse traffic issues. There are established safeguards in place that subject these types of facilities to an adequate level of scrutiny and potential traffic impacts are one of many issues that would be considered by the final acting body. Mayor Gilbreath declared the meeting open for any questions or comments. None being forthcoming, the public hearing was declared closed.

Councilmember George moved to approve the Mitigated Negative Declaration for Ordinance No. 2439 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 Haws and carried unanimously. Ordinance No. 2439 was read by title only by Deputy City Clerk Sanchez, and on motion of Councilmember George, seconded by Councilmember Haws, further reading of the ordinance text was unanimously waived, and Ordinance No. 2439 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for June 6, 2000.

Resolution No. 5748 - Parking and Business Improvement Area B - Public hearing was advertised for this time and place to consider Resolution No. 5748, 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 2000-2001. Police Chief Bueermann reported the Advisory Board for Parking and Business Improvement Area B recommended approval of this resolution. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Freedman moved to adopt Resolution No. 5748. Motion seconded by Councilmember George and carried unanimously.

UNFINISHED BUSINESS

Ordinance No. 2434 - Taxicabs - This item was continued from the May 2, 2000, Council meeting at the request of Mr. Scott Schaffer, Bell Cab Company, because of concerns about the liability insurance limits. Councilmember George stated that he met with Mr. Schaffer today because he could not attend tonight's meeting. Mr. Schaffer operates cabs between Ontario and Yucaipa. Increasing the required liability limits adds an additional 21% to his insurance policy and that have to be carried by all his cabs. Finance Director Johnson stated she too met with Mr. Schaffer and still feels this is a standard amount and it is not in the City's best interest to make an exception. Ordinance No. 2434 was read by title only by Deputy City Clerk Sanchez, and on motion of Councilmember Haws, seconded by Councilmember Peppler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2434 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for June 6, 2000.

Resolution No. 5737 - Landscape Maintenance District - Public Works Director Mutter explained that Section 22525 of the California Streets and Highways Code requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against benefiting properties. The process requires that two meetings be held by the City Council. One is a public meeting to review the report in concept and the other is a noticed public hearing. The

preliminary report for the Landscape Maintenance District was presented to the City Council on April 18, 2000. Resolution No. 5735, granting preliminary approval to the Engineer's Report, and Resolution No. 5736, declaring its intention to levy and collect assessments for fiscal year 2000-2001 pursuant to the Lighting and Landscaping Act of 1972, were adopted by the City Council on April 18, 2000. This public meeting gives the City Council an opportunity to review the Engineer's Report and receive questions and input from the public. There is no assessment increase proposed, but Public Works Director Mutter reported the debt continues to grow and is covered by the General Fund.

Resolution No. 5741 - Street Lighting District - Public Works Director Mutter explained that Section 22525 of the California Streets and Highways Code requires that an Engineer's Report be prepared and filed annually, outlining the assessments to be levied against benefiting properties. The process requires that two meetings be held by the City Council. One is a public meeting to review the report in concept and the other is a noticed public hearing. The preliminary report for the Street Lighting District was presented to the City Council on April 18, 2000. Resolution No. 5739, granting preliminary approval to the Engineer's Report, and Resolution No. 5740, declaring its intention to levy and collect assessments for fiscal year 2000-2001 pursuant to the Lighting and Landscaping Act of 1972, were adopted by the City Council on April 18, 2000. This public meeting gives the City Council an opportunity to review the Engineer's Report and receive questions and input from the public. There is no assessment increase proposed.

Closed Session Report - Interim City Manager - Mayor Gilbreath announced that following interviews with Interim City Manager candidates on May 11th and May 15th, it was decided in closed session today that the candidates were not appropriate for Redlands. In the meantime, we will utilize a part-time Acting City Manager to assist department heads and to exercise signature powers. The City Council has selected, and has already been accepted by, Dr. Larry Burgess, who will serve in conjunction with his responsibilities as A. K. Smiley Library Director. The Council will continue to search for a permanent City Manager. Councilmember Peppler added it was a consensus of the Council that we already possess many qualifications among our own department heads who work well together; there is no need to spend the extra money. On motion of Councilmember Gilbreath, seconded by Councilmember Freedman, Council unanimously authorized naming Dr. Larry Burgess as Acting City Manager/A. K. Smiley Library Director effective immediately.

Consulting Firm to Search for New City Manager - Personnel Manager Karen Olsen reported on two proposals from DMG-Maximus and Shannon & Associates submitted for the City Manager nationwide search. She recommended a representative from each firm making a presentation to Councilmembers; Councilmembers Haws and Freedman volunteered to sit in on the interviews. On motion of Councilmember Freedman, seconded by

Councilmember George, staff was directed to evaluate both firms and return to award the contract.

NEW BUSINESS

Agreement - State Highway Electrical Facilities - On motion of Councilmember George, seconded by Councilmember Pepler, Council unanimously authorized the Mayor and Deputy City Clerk to sign an agreement with the State of California Department of Transportation (Caltrans) for sharing costs of State highway electrical facilities.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:53 P.M. to an adjourned regular meeting to be held on May 19, 2000, at 8:30 A.M. in the City Council Chambers, 35 Cajon Street, Redlands, California. The next regular meeting will be held on June 6, 2000.

Deputy City Clerk