

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 1, 2009, at 3:00 P.M.

PRESENT Jon Harrison, Mayor
Pat Gilbreath, Mayor Pro Tem
Mick Gallagher, Councilmember
Pete Aguilar, Councilmember
Jerry Bean, Councilmember

ABSENT None

STAFF N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Carl Baker, Public Information Officer; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Jeff L. Frazier, Fire Chief; Oscar W. Orci, Community Development Director; Deborah Scott-Leistra, Human Resources Director; Gary van Dorst, Quality of Life Director

The meeting was opened with an invocation by Mayor Harrison followed by the pledge of allegiance to the American flag.

PRESENTATIONS

Pet Adoptions - Animal Control Officer Bill Miller and Redlands Animal Shelter volunteer Lynda Ackerman introduced Foreman, a three year old Shepherd-mix, who is available for adoption at the Redlands Animal Shelter.

Healthy Redlands - Mayor Pro Tem Gilbreath expressed appreciation to the Kaiser Foundation for their financial support for the recent Healthy Redlands Day. Representatives from Kaiser were present to accept the certificate of appreciation.

Proclamation - Energy Efficiency Month - By consensus, the City Council authorized issuance of a proclamation declaring September 2009 as *Energy Efficiency Month*. Mayor Harrison presented the proclamation to Larry Pyle, President of the Board of Directors of the Redlands Chamber of Commerce; Paul Foster, Member of the Board of Directors of the Redlands Chamber of Commerce; and Kathie Thurston, Executive Director of the Redlands Chamber of Commerce. Each representative presented information regarding the Flex Your Power grant. Mayor Harrison thanked for the Redlands Chamber of Commerce for their efforts.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the minutes of the regular meetings of August 4, 2009, and August 18, 2009, as submitted.

Salaries and Bills - Due to a potential conflict of interest, Councilmember Bean retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Councilmember Gilbreath moved to approve payment of salaries and bills. Motion seconded by Councilmember Gallagher and carried with Councilmember Bean having abstained.

Ordinance No. 2721 - Specific Plan No. 61 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously adopted Ordinance No. 2721, an ordinance of the City of Redlands rescinding the R-1 zoning designation established by prior ordinance and adopting Specific Plan No. 61 for the properties designated by the County of San Bernardino Assessor's Parcel Nos. 0167-221-13, 0167-221-14, 0167-371-01, 0167-372-01 and 0167-373-01 (San Bernardino County Housing Authority, applicant).

Time Extension - CR&A No. 837 - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request for an extension of time for Commission Review and Approval No. 837 for an approved mini-storage facility containing 60,857 square feet of building area, two industrial buildings that are each 11,880 square feet in size and a 14,285 square foot industrial building located on the northeast corner of Wabash Avenue and Nice Avenue (Ron Simus, applicant).

Amendment - EIR - Wal-Mart Stores, Inc. - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 3 to the agreement with Michael Brandman Associates for the provision of professional consulting services to prepare an Environmental Impact Report for the Redlands Crossing Project (Wal-Mart) on approximately 45.71 acres located on the southeast corner of San Bernardino Avenue and Tennessee Street and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Amendment - EIR Funding - Wal-Mart Stores, Inc. - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved Amendment No. 3 to the funding agreement with Wal-Mart stores, Inc. to fund the preparation of an Environmental Impact Report for the Redlands Crossing Project (Wal-Mart) on approximately 45.71 acres located on the southeast corner of San Bernardino Avenue and Tennessee Street and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Proclamation - Boys & Girls Club Day for Kids - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring September 12, 2009, as *Boys & Girls Club Day for Kids*.

Proclamation - POW/MIA Recognition Day - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized issuance of a proclamation declaring September 18, 2009, as *POW/MIA Recognition Day*.

Fee Waiver - State Bros. Charities - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the request by the Stater Bros. Charities for the use of Ed Hales Park, Smiley Park and the Redlands Bowl for the 2nd Annual Believe and Walk for the Cure to benefit the Loma Linda University Cancer Center's Patient Resource Center to be held on October 4, 2009. Councilmember Gilbreath stated she wanted the City Council to review and adopt a policy regarding fee waivers before the City got too far into the fiscal year. City Manager Martinez reported staff is preparing a recommendation, which will also include weighing the positive impact on the community for these the events, and expected to present their recommendation at the first meeting in November.

Purchase - Bear Valley Mutual Water Company Stock - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved the purchase of 22 shares of Bear Valley Mutual Water Company stock from Mr. Frank McCullough for a total price of \$2,750.00.

Contract - Trimester Use of Force Training - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously approved a contract with the San Bernardino County Sheriff's Department to provide Trimester Use of Force Training 2009-2012 to the Redlands Fire Department and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6883 - Emergency Management Performance Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Gallagher, the City Council unanimously authorized a grant application for Emergency Management Performance Grant funds from the State of California Office of Emergency Services.

PUBLIC HEARING

Resolution No. 6874 - Parking and Business Improvement Area B - Public hearing was advertised for this time and place to consider Resolution No. 6874,

a resolution of the City Council of the City of Redlands approving the Annual Report for Fiscal Year 2009-2010 for the Parking and Business Improvement Area B and the assessment for said fiscal year. Mayor Harrison declared the meeting open as a public hearing. Redevelopment and Economic Development Director Hobbs explained the process and reviewed the Annual Report. It was noted there was no increase in the assessments. Mayor Harrison called for a public comments. There being no verbal comments or written protests filed with the City Clerk prior to the public hearing, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6874. Motion seconded by Councilmember Gallagher and carried unanimously.

NEW BUSINESS

California Green Community Program - Mayor Harrison reported the City has been invited by Southern California Edison to participate in the California Green Communities program. Linda Ortiz, Southern California Edison, explained the program which will initially include ten cities in Southern California in partnership with the Institute for Local Government, the Environmental Media Association, Green Seal and Southern California Edison. The purpose of the challenge is to increase the participation by local governments in energy efficient programs and climate friendly environmental initiatives. It was noted the Climate Action Task Force has volunteered to assist staff with this program. Councilmember Gilbreath moved to authorize the Mayor and City staff to participate in the California Green Community Program. Motion seconded by Councilmember Gallagher and carried unanimously.

Ordinance No. 2720 - Mayor and Mayor Pro Tempore Terms - As a result of the City Council changing the City's regular municipal date from 2009 to 2010, the Councilmembers' terms of office were correspondingly extended, but the Redlands Municipal Code does not address this type of situation in regards to the terms of the mayor and mayor pro tempore. Mayor Harrison asked the City Attorney to prepare an ordinance which would not change the two-year term of the Mayor and Mayor Pro Tempore except if the Councilmembers' terms were lengthened or shortened in connection with any changes in the City's municipal election date. Councilmembers Gallagher, Bean and Gilbreath desired to elect a mayor and mayor pro tempore next December for a one year term. A revised ordinance will be prepared for the next City Council meeting.

Funds - University of Redlands Voluntary Contribution - Expressing appreciation to the University of Redlands, Councilmember Gilbreath moved to accept their voluntary contribution of \$50,000.00 and authorized expenditure of these funds on behalf of the City and the Library Foundation as designated by the University of Redlands:

- A. \$5,000.00 in support of the City's Public Arts Program to be used for the Public Arts inventory project or any other related objective as determined by the Cultural Arts commission and approved by the City Council.
- B. \$5,000.00 to the A. K. Smiley Public Library for the purpose of supporting reading programs for children or for any other purpose as designated by the Library Board of Trustees.
- C. \$10,000.00 to the A. K. Smiley Public Library for the purpose of supporting the *Lincoln in Film* Symposium, a program that is part of the ongoing celebration of the bicentennial of the birth of Abraham Lincoln. The symposium is being sponsored by the A. K. Smiley Public Library and the Lincoln Memorial Shrine and is being hosted on the campus of the University of Redlands on October 2-3, 2009.
- D. \$10,000.00 to permit the City to fund its 30 percent share of University of Redlands student employee/internship positions in the police, library and community services/recreation departments, with at least two positions placed at the A. K. Smiley Public Library.
- E. \$20,000.00 for general purpose funds to assist the City with its fiscal year 2009-2010 budget challenges, as designated by the City Manager and approved by the City Council.

Motion seconded by Councilmember Gallagher and carried unanimously. Councilmember Gilbreath moved to appropriate \$20,000.00 in the General Fund in the amount of \$10,000.00 to assist in the funding of University of Redlands student employee/internship positions in the Police, Library and Community Services/Recreation Departments; and in the amount of \$10,000.00 to assist in the funding of University of Redlands student employee/internship positions beginning in the City Manager, Human Resources, and Finance Departments, but rotating, as needed, to other General Fund departments. Motion seconded by Councilmember Gallagher and carried unanimously.

Contract Award - Water Pipeline Replacement Project - Project Manager Rudy Victorio reported bids were opened and publicly declared on July 30, 2009, by the City Clerk for the Water Pipeline Replacement Project, Phase III; a bid opening report is on file in the Office of the City Clerk. Councilmember Gilbreath moved to waive the requirement that a listing of subcontractor qualifications be submitted with the bid as a minor irregularity providing no competitive advantage to the apparent low bidder; approve the Capital Improvement Program Water Pipeline Replacement Project, Phase III, plans and specifications; and award a contract for the project to MCC Equipment Rentals, Inc. for a total bid amount of \$2,431,632.00. Motion seconded by Gallagher and carried unanimously. Councilmember Gilbreath moved to authorize the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City and authorize staff to approve contingent costs up to ten percent over the bid amount. Motion seconded by Councilmember Gallagher and carried unanimously.

Purchase - Trailer Mounted Generators - Water Resources Manager Diggs reported that as a part of the City's emergency preparedness, the Municipal Utilities and Engineering Department's Water Division budgeted for emergency generators. These generators are an important component to the readiness of the utility in the event of a power outage. Councilmember Gilbreath moved to approve the purchase of three 450 KW trailer mounted emergency generators from Johnson Power Systems for the amount of \$291,794.74. Motion seconded by Councilmember Gallagher and carried unanimously.

Lease Agreement - Redlands Community Investment Corporation - Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Councilmember Gallagher moved to authorize the Mayor Pro Tem to execute, and the City Clerk to attest to, a lease agreement with Redlands Community Investment Corporation for communications equipment on top of building located in the Citrus Plaza on behalf of the City. Motion seconded by Councilmember Aguilar and carried with Councilmember Harrison having abstained..

Funds - COPS Grant - Councilmember Gilbreath moved to accept the COPS Hiring Recovery Program Grant No. 2009RKWX0147 in the amount of \$1,384,824.00 for the purpose of hiring four police officers and to approve a supplemental appropriation of \$1,384,824.00. Motion seconded by Councilmember Gallagher and carried unanimously.

Mountain View Avenue Bridge and Roadway Improvement Project - Councilmember Aguilar presented a letter in support of the Mountain View Bridge and Road Improvement Project coordinated through the Inland Valley Development Authority and San Bernardino International Airport requesting federal ARRA TIGER grant funds. These funds are competed for on a national basis. The letter would not obligate the City to any funds for the project, but only to acknowledge that it is a regional project of significance recognized within the Regional Transportation Improvement Plan and the Goods Movement Gateway Project. As the City's representative at SANBAG, Mayor Pro Tem Gilbreath expressed concern this project would be competing with SANBAG's projects. Councilmember Harrison moved to authorize the Mayor to sign a letter in support of the Mountain View Bridge and Road Improvement Project, coordinated through Inland Valley Development Authority and San Bernardino International Airport, requesting federal ARRA TIGER grant funds. Motion seconded by Councilmember Aguilar and carried with Councilmembers Gilbreath and Bean voting NO.

Ethics Policy - Councilmember Bean suggested the development of an Ethics Policy to guide employees and elected officials on ethical conduct expected of them as they pursue their municipal duties. Following brief discussion, Councilmember Bean moved to direct staff to prepare and recommend an ethics

policy for employees and elected officials of the City of Redlands and that the recommended policy be presented to the City Council on or before December 1, 2009. Motion seconded by Councilmember Gilbreath and carried unanimously.

Resolution No. 6860 - Salary - Human Resources Director Scott-Leistra presented Resolution No. 6860, a resolution of the City Council of the City of Redlands establishing a salary schedule and compensation plan for City employees and rescinding Resolution No. 6787, which incorporates salary adjustments and organizational changes resulting from the Golden Handshake retirements reflected in the Fiscal Year 2009-2010 budget. She reviewed additional organizational changes which have been integrated into the resolution. The new salary tables will include the respective salary range increases in accordance with applicable Memoranda of Understanding provisions and effective dates. Bill Conway, President of the Redlands Professional Firefighters Association, expressed concern about their inability to come to terms with City representatives. MIS Specialist Robert Platt expressed concerns about the reorganization of the IT Department. Councilmember Gilbreath moved to adopt Resolution No. 6860. Motion seconded by Councilmember Harrison and carried with Councilmember Gallagher voting NO as negotiations with the Redlands Professional Firefighters Association were still ongoing.

COMMUNICATIONS

Recharge Water - Water Resources Manager Diggs reported at the August 5, 2009, San Bernardino Valley Municipal Water District (Muni) Board meeting, the Board accepted a Basin Technical Advisory Committee (BTAC) recommendation to bring recharge water to the Bunker Hill and Yucaipa basins at a substantially reduced cost to the retail water providers. This recommendation was derived from several meetings with producers within Muni's service area, including City staff, and Muni staff. A topic of much discussion was the concept of recharging the basin on an in-lieu basis. This concept allows the City of Redlands and Yucaipa Valley Water District to accept additional imported water from the State Water Project and at the same time shut off wells, thereby preserving ground water in the basin. Fortunately for the City, the Muni Board accepted the in-lieu concept as the City will benefit greatly from this arrangement. Because the recharge water is being provided to the City for \$60,00.00 per acre foot, and the City plans to utilize as much as 1,667 acre feet at the Hinckley and Tate surface water treatment plants, the City stands to save approximately \$81,500 in operations costs. Because the in-lieu water will be taken at an elevation high within the City's service area, the power needed to move water to the higher elevations to meet customer demands will not be necessary and thereby results in a savings to the City.

CLOSED SESSION

The City Council meeting recessed at 5:06 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing Litigation - Government Code §54956.9(a)
 - a. Stanton Diamond v. City of Redlands
San Bernardino Superior Court Case No. CIVDS 909795
 - b. Bunny Vincent v. City of Redlands
San Bernardino Superior Court Case No. SCVSS 140612
2. Conference with real property negotiator - Government Code §54956.8
Property: APNs 0171-053-01, 02
Agency negotiators: N. Enrique Martinez and Dan Hobbs
Negotiating party: General Growth Properties
Under negotiation: Terms and price for request for an option to purchase City-owned parking facilities associated with the Redlands Mall
Conflict - Due to a potential conflict of interest, Councilmember Bean did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office.
Public Comment - Bill Cunningham addressed the City Council regarding this closed session matter stating the loss of the Mall parking would be detrimental to downtown.
3. Conference with labor negotiator - Government Code Section 54957.6
Agency Negotiators: N. Enrique Martinez, Debbie Scott-Leistra and Steve Filarsky
Employee Organizations: Redlands Association of Management Employees; Redlands Association of Mid-Management Employees; General Employees Association of Redlands (SBPEA); Redlands Civilian Safety Employees Association (SBPEA); Redlands Police Officers Association; Redlands Professional Firefighters Association; Redlands Association of Safety Management Employees; and Redlands Association of Fire Management Employees

The meeting reconvened at 7:00 P.M.

PRESENT

Jon Harrison, Mayor
Pat Gilbreath, Mayor Pro Tem
Mick Gallagher, Councilmember
Pete Aguilar, Councilmember
Jerry Bean, Councilmember

ABSENT

None

STAFF

N. Enrique Martinez, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Carl Baker, Public Information Officer; Jim Bueermann, Police Chief; David Hexem, Chief Information Officer; Daniel Hobbs, Redevelopment Agency Director; Rosemary Hoerning, Municipal Utilities and Engineering Director; Tina Kundig, Finance Director/City Treasurer; Jeff L. Frazier, Fire Chief; Oscar W. Orci, Community Development Director; Gary van Dorst, Quality of Life Director

CLOSED SESSION REPORT

City Attorney McHugh announced there was no reportable action taken during the closed session.

ANNOUNCEMENTS/REPORTS

Mayor Pro Tem Gilbreath reported on her attendance at the recent SANBAG and SCAG meetings. Councilmember Gallagher reported on his attendance at the recent Omnitrans meeting. Mayor Harrison reported on his attendance at a League of National Cities committee meeting.

LAND USE AND PUBLIC HEARINGS

Judson Homes, LLC - Applicant - Public hearing was continued from July 21, 2009, and August 4, 2009, to this time and place to consider a Draft Mitigated Negative Declaration for Agricultural Preserve Removal No. 119 to remove the agricultural preserve designation from approximately 19.92 acres located north of San Bernardino Avenue, south of Pioneer Avenue and east of Judson Street; Zone Change No. 437 to change the zoning designation from A-1 (Agricultural) District to R-E (Residential Estate) District for two parcels totaling approximately 19.92 acres located north of San Bernardino Avenue, south of Pioneer Avenue and east of Judson Street; Conditional Use Permit No. 939 for a planned residential development containing 41 single family residential lots located on approximately 19.92 acres located north of San Bernardino Avenue, south of Pioneer Avenue and east of Judson Street; and Tentative Tract Map No. 18571 for the subdivision of approximately 19.92 acres into 41 lots for single family residential purposes and five lettered lots for open space purposes located north of San Bernardino Avenue, south of Pioneer Avenue and east of Judson Street; to hold a hearing to consider a Socio-Economic Analysis and Cost/Benefit Study for the above described project; and to hold public hearings to consider Agricultural Preserve Removal No. 119; Zone Change No. 437; and Conditional Use Permit No. 939 and Tentative Tract Map No. 18571. Mayor Harrison declared the meeting open as a public hearing. Community Development Director Orci explained that staff is requesting additional time to prepare resolutions for the City Council's review; the applicant has agreed to continue this matter. On behalf of the applicant, Al Mozayeni addressed the City Council and suggested continuing the matter "off calendar" to allow them

to hold discussions with Councilmembers and Airport Advisory Board Members in order to develop a project that will fit in and not hinder the airport. Opposed to the project were: Airport Advisory Board Members Ron Klinkebiel, Ingrid Biglow and Bob Pearce. Also opposed were Eric Paul, Julius Botelho and Joe Holland. City Attorney McHugh and Community Development Director Orci discussed the need for a waiver from the applicant regarding the CEQA extension and noticing requirements if this project was continued to an unspecified date. Councilmember Gilbreath moved to continue the hearings on the Mitigated Negative Declaration and the public hearings for the Socio-Economic Analysis and Cost/Benefit Study, Agricultural Preserve Removal No. 119, Zone Change No. 437, Conditional Use Permit No. 939 and Tentative Tract No. 18571. Motion seconded by Councilmember Gallagher and carried unanimously.

ESRI - Applicant - Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration for General Plan Amendment No. 119 to amend the General Plan Land Use Designation from Office to Commercial for approximately 0.60 acre located on the northwest corner of State Street and Texas Street in the A-P (Administrative and Professional Office) District (proposed for change to C-4 [Highway Commercial] District); Zone Change No. 436 to change the zoning designation from A-P (Administrative and Professional Office) District to C-4 (Highway Commercial) District on 0.60 acre located on the northwest corner of State Street and Texas Street; Variance No. 756 from Section 18.168.210 to eliminate a required landscape planter within the parking area for a proposed parking lot located on the northwest corner of State Street and Texas Street in the C-4 (Highway Commercial) District and the A-P (Administrative and Professional Office) District (proposed change to entirely the C-4 [Highway Commercial] District); Minor Subdivision No. 327 (Tentative Parcel Map 19134) to reconfigure three (3) contiguous parcels totaling 0.79 acre into two (2) parcels located on the northwest corner of State Street and Texas Street in the C-4 (Highway Commercial) District and the A-P (Administrative and Professional Office) District (proposed change to entirely the C-4 [Highway Commercial] District); and Commission Review And Approval No. 825 (Revision No. 4) to construct a 1,800 square foot parking lot containing twenty (20) parking spaces on 0.79 acre located near the ESRI campus on the northwest corner of State Street and Texas Street in the C-4 (Highway Commercial) District and the A-P (Administrative and Professional Office) District (proposed change to entirely the C-4 [Highway Commercial] District), for a public hearing to consider a Socio-Economic Analysis and Cost/Benefit Study for the above described project; for a public hearing to consider Resolution No. 6876 to approve General Plan Amendment No. 119; for a public to consider reading of the title and introduction of Ordinance No. 2722 to adopt Zone Change No. 436; and for

a public hearing for consideration of Variance No. 756 and Minor Subdivision No. 327 (Tentative Parcel Map No. 19135). Mayor Pro Tem Gilbreath declared the meeting open as a public hearing. Principal Planner Chris Boatman reviewed the proposed project. Mayor Pro Tem Gilbreath called for public comments. Melissa Hanson and Don Berry were present on behalf of ESRI and available for any questions. There being no verbal or written comments, the public hearing was declared closed.

Mitigated Negative Declaration - Councilmember Gallagher moved to approve the Mitigated Negative Declaration for General Plan Amendment No. 2009-3-A, Zone Change No. 436, Variance No. 756 and Minor Subdivision No. 327 and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Aguilar and carried with Councilmember Harrison having abstained.

Resolution No. 6876 - General Plan Amendment No. 2009-3-A - Councilmember Gallagher moved to adopt Resolution No. 6875, a resolution of the City Council of the City of Redlands adopting Amendment No. 2009-3-A to the Redlands General Plan as the City's third cycle General Plan amendment for calendar year 2009. Motion seconded by Councilmember Aguilar and carried with Councilmember Harrison having abstained.

Ordinance No. 2722 - Zone Change No. 436 - Ordinance No. 2722, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting a revised Land Use Zoning Map by changing the zoning designation from A-P (Administrative and Professional Office) District to C-4 (Highway Commercial) District on 0.60 acre located on the northwest corner of State Street and Texas Street and effecting Zone Change No. 436, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gallagher, seconded by Councilmember Aguilar, further reading of the ordinance text was waived, and Ordinance No. 2722 was introduced and laid over under the rules with adoption scheduled for September 15, 2009, with Councilmember Harrison having abstained.

Variance No. 756 - Councilmember Gallagher moved to approve Variance No. 756, to take full effect upon the effective date of Ordinance No. 2722, based upon the findings contained in the staff report. Motion seconded by Councilmember Aguilar and carried with Councilmember Harrison having abstained.

Appeal - CUP No. 617 - Pharaoh's Lost Kingdom Amusement Park - Due to a potential conflict of interest, City Manager Martinez retired from the Council Chambers and did not participate in this matter. Public hearing was advertised for this time and place to consider appeals, filed by Aladdin Entertainment Group, LLC and Aryana Companies & Individual, of the Planning Commission's decision to revoke Conditional Use Permit No. 617, as amended, concerning Pharaoh's Lost Kingdom Amusement Park. The Amusement Park is located on approximately 16.88 acres on the southwest corner of Lugonia

Avenue and California Street in the EV/CG (General Commercial District of the East Valley Corridor Specific Plan). Mayor Harrison declared the meeting open as a public hearing. Assistant City Attorney Reiter reviewed the process and noted a request had been received on August 24, 2009, from Bruce Varner, counsel for appellant Aladdin Entertainment Group, LLC., to continue this hearing because of pending litigation. Earlier today, a letter was received via FAX from Arizvel Tinoco, counsel for appellant Aryana Companies, requesting continuance of this hearing due to the unavailability of counsel. Assistant Community Development Director Robert D. Dalquest reviewed the history of Conditional Use Permit No. 617 and its revisions. At this time, Councilmember Gallagher moved to continue the public hearing regarding Conditional Use Permit No. 617 to the October 6, 2009, meeting at the 7:00 P.M. session. Motion seconded by Councilmember Gilbreath and carried with Councilmember Harrison and Aguilar voting NO as they wished to continue the hearing at this meeting.

PUBLIC COMMENTS

On behalf of the North Redlands Visioning Committee, Mario Saucedo expressed heartfelt appreciation to Councilmembers, the Redevelopment Agency and staff for all the revitalization work proceeding on the north side.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:21 P.M. The next regular meeting will be held on September 15, 2009.