

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 December 17, 2002, at 3:00 P.M.

PRESENT Karl N. (Kasey) Haws, Mayor  
Susan Pepler, Mayor Pro Tem  
Pat Gilbreath, Councilmember  
Gary George, Councilmember  
Jon Harrison, Councilmember

ABSENT None

STAFF John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Beatrice Sanchez, Deputy City Clerk (evening session); Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief (afternoon session); Cletus Hyman, Deputy Police Chief (evening session); Mel Enslow, Fire Chief; Bonnie Johnson, Finance Director; Ronald C. Mutter, Public Works Director; Karen Olsen, Personnel Director (afternoon session); Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director.

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

### INTRODUCTION

Public Works Director Mutter introduced Ron Morrow, the new Urban Forester/Park Superintendent who started working for the City Monday, December 16, 2002. Copies of Mr. Morrow's resume were provided. On behalf of the City Council, Mayor Haws welcomed Mr. Morrow.

### CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Pepler, the minutes of the regular meeting of December 3, 2002, were approved as submitted.

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

Planning Commission Actions - Appeal - Community Development Director Shaw presented the report of the Planning Commission held on December 10, 2002, and reported an appeal had been filed regarding the determination of General Plan consistency for the San Timoteo Creek Flood Control Improvements. The Planning Commission determined this consistency on a 3-2 vote with Commissioners Macdonald and Miller voting no. The appeal was

filed by Sally Beck on behalf of the *Coalition to Save San Timoteo Creek*. By consensus, the City Council set a hearing on January 7, 2003, for this appeal. Councilmember Gilbreath moved to acknowledge receipt of the report of the Planning Commission actions. Motion seconded by Councilmember Pepler and carried unanimously.

Ordinance No. 2523 - Zone Change No. 383 - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously adopted Ordinance No. 2523, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting a revised land use zoning plan as part of the Official Land Use Zoning Map and effecting Zone Change No. 383, a change of zoning classification from A-1 (Agricultural) District to PRD/R-E (Planned Residential Development/Residential Estate) District on 29.2 acres located on the north side of Pioneer Avenue, approximately 1,280 feet east of Church Street.

RDA 2002-IV-1 - Jeff Slavin, Applicant - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously accepted the recommendations of the points to be awarded to Residential Development Allocation No. 2002-IV-1 for Tentative Tract No. 16042, an approved seven lot subdivision on approximately 28.72 acres in the R-A (Residential Estate) District and A-1 (Agricultural) District and unanimously approved Residential Development Allocation No. 2002-IV-1.

RDA 2002-VI-2 - Young Homes, Applicant - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously accepted the recommendations of the points to be awarded to Residential Development Allocation No. 2002-IV-2 for Tentative Tract No. 16365, an approved 67 lot subdivision on approximately 19.62 acres in the R-E (Residential Estate) District and R-1 (Single Family Residential) District. And unanimously approved Residential Development Allocation No. 2002-IV-2.

Parcel Map No. 15911-01 - Agreement - Bixby Land Company - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved a subdivision improvement agreement and granted final approval for Parcel Map No. 15911-01.

Ordinance No. 2520 - Signs - Ordinance No. 2520 an ordinance of the City of Redlands adding Chapter 12.56 to the Redlands Municipal Code establishing policies for the placement of signs on public property, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Pepler.

Fee Waiver - Encroachment Permit - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously waived the fee and authorized staff to issue an annual encroachment permit to the Redlands

Horticultural and Improvement Society allowing the Boy Scouts of America to plant trees at various locations in the City of Redlands.

CDBG Fund Allocation - Contract Award - Playground Project - Bids were opened and publicly declared on September 26, 2002, by the City Clerk for the Salvation Army Playground project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department and approved by the County ECD that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was TASCOC Construction, Inc. in the amount of \$72,135.00 and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously allocated \$25,000.00 of un-programmed Community Development Block Grant funds for construction of this project. On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously awarded the contract for construction of this project as recommended.

Grant Application - Airport Improvement - Public Works Director Mutter presented a request to apply for Federal assistance for airport improvement for the Redlands Municipal Airport to construct a runway extension, reconstruct existing runway and taxiway, and place striping in the amount of \$3,041,000.00 and authorization for an expenditure of \$304,100.00, subject to City Council appropriation, from the Aviation Operating Fund for the required ten (10) percent match. Councilmember Gilbreath expressed concern about the General Fund obligation to meet the financial needs of the airport. George Lessard, Airport Advisory Board Member, explained their needs for the airport as well as the Board's discussions regarding development at the airport to create additional income. Public Works Director Mutter assured the City Council this project could be done over a two-year period as funds became available and that other grants would be applied for to cover the matching funds. Councilmember Gilbreath moved to approve the request as presented. Motion seconded by Councilmember George and carried unanimously.

Fee Waiver - Y-Alliance Home Tour - This item was withdrawn from the agenda.

Ordinance No. 2530 - Water and Wastewater Rates and Charges Review - Ordinance No. 2530, an ordinance of the City of Redlands adding Chapter 3.41 to the Redlands Municipal Code relating to water and wastewater rates and charges review, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Pepler.

Agreement - Recycling Processing Services - Solid Waste Manager Gary Van Dorst described the requests for qualifications/request for bid process for processing recyclable materials collected from residences throughout the City.

Councilmember Gilbreath urged staff to get more aggressive and friendly for commercial participation in recycling. Councilmember Gilbreath moved to approve a professional services agreement with Taormina Industries to provide processing services for recycling materials collected from single family residential customers and authorized the Mayor and City Clerk to execute the document on behalf of the City. Motion seconded by Councilmember Pepler and carried unanimously.

Agreement - Drawing and Art Lessons - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved an independent contractor agreement with Isaac Angulo to develop and conduct drawing and art lessons for the City's Recreation Bureau and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Yoga Lessons - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved an independent contractor agreement with Mina Jain to develop and conduct intermediate yoga lessons for the City's Recreation Bureau and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Amendment - Group Dental Plan - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved Amendment No. 3 to the City of Redlands Group Dental Plan Document to incorporate language that brings the City's dental plan for its employees into compliance with the Health Insurance and Portability and Accountability Act (Public Law 104-191) and authorized the Mayor and City Clerk to execute the document on behalf of the City. Approval of this amendment does not change the present benefits under the City's self-funded dental plan.

## PLANNING AND COMMUNITY DEVELOPMENT

CUP 716 - Time Extension - Community Development Director Shaw presented the request continued from November 19, 2002, and December 3, 2002, for a one year time extension for Conditional Use Permit No. 716 to construct a 39,025 square foot three-story motel containing 61 rooms on 3.25 acres located along the south side of the Interstate 10 Freeway, west of Tennessee Street, in the General Commercial District of the East Valley Corridor Specific Plan (Megan B. Patel, applicant). Having studying this matter at length, City Manager Davidson and Economic Development Director Ralph Megna gave their support for this time extension Legal counsel for the applicant, H. Bhakta informed Councilmembers that his client would not be able to get SBA financing for the larger hotel project proposed for the downtown area. Councilmember Harrison said he could not support this project as his priority was to do whatever needed to make downtown grow which included the hotel project and the timing was critical as to which project comes first. Councilmember Haws moved to determine that no subsequent

environmental document was necessary for approval of a one year time extension for Conditional Use Permit No. 716 because the project remains consistent with the previously approved mitigated negative declaration adopted on November 21, 2000, based on the findings contained in the staff report. Motion seconded by Councilmember George and carried with Councilmember Harrison voting NO. Councilmember Haws moved to approve a one-year time extension for Conditional Use Permit No. 716 and establish a new expiration date of November 21, 2003. Motion seconded by Councilmember George and carried with Councilmember Harrison voting NO.

Lodging Options - Economic Development Director Ralph Megna made a PowerPoint presentation on his view of lodging options for Redlands, possible strategy for the future of the Core Block and urged the City Council to direct the Economic Development consultant, in coordination with staff, to prepare a proposal for a pro-active development strategy for the Core Block. Councilmember Harrison said we need to move forward. Councilmember George invited Mr. Megna to the Allies meeting in January.

## COMMUNICATIONS

Capital Improvement Fees - Councilmember George asked for support to ask staff to prepare a timeline to review our capital improvement fees. Public Works Director Mutter explained the traffic-related fees currently on the books. Both he and Community Development Director Shaw agreed all fee schedules needed to be reviewed and updated.

Zoning Code Committee - Councilmember Harrison reported Planning Commissioners Webber and Macdonald have agreed to serve on the Zoning Code ad-hoc committee with Councilmember Pepler and himself. They will meet after the first of the year and set a meeting schedule and priorities for discussion.

## JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6110 - Redevelopment Project - Community Development Director Shaw explained the City Council received a request from Michael C. Phillips, owner of Citrone, for the waiver of fees as well as consideration of contributing additional funds to the redevelopment of property located at the northeast corner of State and Orange Streets for the development of a new restaurant. He reviewed the participation recommended by staff for the Redevelopment Agency and the City of Redlands. Councilmember George asked the applicant what he would provide in return for this financial assistance and whether he could insure there would be a façade improvement. Mr. Phillips responded he did not own the building and did not feel money spent on the façade would be a good expenditure of his personal funds at this time. Councilmember Harrison did not feel this was the best use of the limited

Redevelopment funds but following discussion, decided to support the request. Councilmember Pepler moved to waive the requirement that Michael C. Phillips pay 100 percent of the water and sewer capital improvement fees required for his proposed restaurant located at One East State Street in accordance with the provisions of the City's General Plan. Motion seconded by Councilmember Gilbreath and carried with Councilmember George voting NO. Councilmember Haws moved to adopt Resolution No. 6110, a resolution of the City Council of the City of Redlands authorizing payment by the Redlands Redevelopment Agency for publicly owned land and improvements and making findings (included in Section 1 of the resolution) relating thereto. Motion seconded by Councilmember Pepler and carried with Councilmember George voting NO. (Also see Redevelopment Agency minutes for December 17, 2002.)

### CLOSED SESSION

The City Council meeting recessed at 4:45 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:49 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code Section 54956.8
  - a. Property: Starlite Motel - APN No. 292-184-03  
Negotiating parties: Jim Bueermann and Surenda Patel  
Under negotiation: Terms and price
  - b. Property: APN No. 292-184-02  
Negotiating parties: Jim Bueermann and Allen and Joyce Dangermond  
Under negotiation: Terms and price
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c): One case
3. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
  - a. Sunset Drive Corporation v City of Redlands - CV 029109TJHRCX
  - b. Sunset Drive Corporation v City of Redlands - SCV 29599
  - c. Reid v. City of Redlands - SCVSS 62229
  - d. The Redlands Association v City o Redlands, et al - SCVSS 96959
4. Conference with labor negotiator - Government Code Section 54957.6
  - a. City negotiator: John Davidson  
Employee organization: Redlands Police Officers Association

The meeting reconvened at 7:00 P.M.

### ANNOUNCEMENTS/REPORTS

Councilmembers reported on their activities and attendance at meetings during the past two weeks.

## LAND USE AND PUBLIC HEARINGS

Creative Communities, LLC, Applicant - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as public hearings for a Socio-Economic Analysis and Cost/Benefit Study and Conditional Use Permit No. 783, a conditional use permit for a Planned Residential Development on 46.45 acres consisting of 139 residential lots and six common lots located along the south bank of the Santa Ana River west of Orange Street and north of Pioneer Avenue in the R-E (Residential Estate) District and R-1 (Single Family Residential) District, and Tentative Tract No. 16390, the subdivision of 46.45 acres into 139 residential lots and six common lots located along the south bank of the Santa Ana River west of Orange Street and north of Pioneer Avenue in the R-E (Residential Estate) District and R-1 (Single Family Residential) District. Community Development Director Shaw described the project noting the applicant has submitted revised plotting of the project since the Planning Commission meeting addressing some of the Planning Commission's concern regarding setbacks. Mayor Haws declared the meeting open as a public hearing. Representing the applicant, Pat Meyer addressed the City Council stating they were in concert with the conditions of approval with some clarification regarding the set back conditions and asked they be allowed some flexibility. Regarding the open space requirement, the applicant proposes to develop the eight acres along the bluff with the trail system and a park to be dedicated to the City using the Park Development Fee. Bill Cunningham felt the Park Development Fee should also be paid as is required by the PRD ordinance. The setback requirements and the proposal for the park were discussed at length by Councilmembers and the applicant's representatives who were present. The public hearing was closed.

Mitigated Negative Declaration - Councilmember George moved to approve the Environmental Review Committee's mitigated negative declaration for Conditional Use Permit No. 783 and Tentative Tract No. 16390 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 Pepler and carried unanimously.

Socio-Economic Analysis and Cost/Benefit Study - Councilmember George moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Conditional Use Permit No. 783 and Tentative Tract No. 16390 as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community and no additional information or evaluation is needed. Motion seconded by Councilmember Pepler and carried unanimously.

Conditional Use Permit No. 783 - Councilmember George moved to amend Condition No. 13 to allow 10 percent of the lots to have five (5) foot setbacks and amend Condition No. 11 so that there could be a change based

on negotiations with staff to implement the PRD ordinance for open space in a more flexible manner and approve Conditional Use Permit No. 783 subject to the amended conditions of approval and findings contained in the staff report. Motion seconded by Councilmember Pepler and carried unanimously.

Tentative Tract No. 16390 - Councilmember George moved to modify Condition No. 29 on trails to reflect the possibility that the trails will be put in by the developer and approve Tentative Tract No. 16390 subject to the amended conditions of approval and findings contained in the staff report. Motion seconded by Councilmember Pepler and carried unanimously.

Ordinance No. 2507 - Signs - Public notice was advertised for this time and place to consider Ordinance No. 2507, Ordinance Text Amendment No. 289, an amendment to Section 15.36 of the Redlands Municipal Code to allow a second main identification sign for businesses with two street frontages, 100,000 square feet of floor area, and face a freeway or major arterial. Jeff explained that in order to obtain a second main identification sign, an applicant would need to meet specific criteria based on the zone, building size, and total signage used. These standards would restrict the number of possible users of this ordinance and would prevent sign clutter and serve the signage needs of large buildings. Councilmembers discussed the language contained in the proposed ordinance and suggested staff clarify the language regarding secondary and main identification signs. Councilmember Haws moved to continue this matter. Motion seconded by Councilmember Pepler and carried unanimously.

Ordinance No. 2529 - Signs - Due to a potential conflict of interest, Councilmember Harrison 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 Ordinance No. 2529, Ordinance Text Amendment No. 286, an amendment to Section 15.36 of the Redlands Municipal Code to expand the standards for building and freestanding signage for buildings which have three or more stories. Community Development Director Shaw explained this ordinance text amendment was initiated by the Redlands Community Investment Corporation to modify the Sign Code with regard to signage on multiple story buildings. This request was conceived in order to address the special issues of multiple story buildings which have special needs for visibility from a long distance for both pedestrians and motorists. Following brief discussion, Councilmember Haws moved to approve the Environmental Review Committee's negative declaration for Ordinance No. 2529 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 Pepler and carried with Councilmember Harrison abstaining from the vote.



Ordinance No. 2529, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code relating to signs, was read by title only by City Clerk Poyzer, and on motion of Councilmember Haws, seconded by Councilmember Pepler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2529 was introduced and laid over under the rules with adoption scheduled for January 7, 2003, with Councilmember Harrison abstaining from the vote.

#### NEW BUSINESS

Ordinance No. 2531- Citation Authority - City Attorney McHugh presented a proposed ordinance which would give citation issuance authority to the NPDES Inspector in addition to other code enforcement personnel within the City. Granting the NPDES Inspector the authority to issue citations will relieve a burden on existing code enforcement staff and could help ensure that the City's NPDES program was enforced. Ordinance No. 2531, an ordinance of the City of Redlands adding Chapter 1.24 to the Redlands Municipal Code establish citation authority, was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember George, further reading of the ordinance text was unanimously waived, and Ordinance No. 2531 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for January 7, 2003.

#### LATE BREAKING ITEM

Noting the need to take action was immediate, Councilmember Pepler moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Approve an agreement for fire protection services with County of San Bernardino Service Areas 38 and 70." Motion seconded by Councilmember Harrison and carried unanimously. City Manager Davidson explained that Kohl's is ready to receive inventory and requires fire protection services as of January 1, 2003. He and Fire Chief Enslow have been negotiating this agreement and the County Board of Supervisors will consider this agreement at their meeting next week. Councilmember Gilbreath asked staff to change Paragraph 8 to reflect payment up front with the City paying back pro-rated funds and upon annexation to change the pro-rate to be based on square acreage. Subject to the County Board of Supervisors agreeing to this change, Councilmember Haws moved to approve the agreement. Motion seconded by Councilmember Pepler and carried unanimously.

#### PUBLIC COMMENTS

None forthcoming.

#### CLOSED SESSION

There being no further business, the meeting adjourned at 8:55 P.M. The next regular meeting will be held on January 7, 2003.

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City Clerk