

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 February 4, 2003.

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; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; 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 (afternoon session); Douglas Headrick, Water Resources Chief (evening session); and Jeffrey L. Shaw, Community Development Director.

The meeting was opened with an invocation by Mayor Pro Tem Pepler followed by the pledge of allegiance. Mayor Pro Tem Pepler included prayers for the families and the astronauts who died on February 1, 2003, when the *Columbia* spaceship disintegrated as it was returning from space to land in Florida.

WELCOME

Civics Day - Mayor Haws welcomed and introduced the students from Redlands High School and Redlands East Valley High School who participated in the annual Civics Day. Civics Day, founded in 1931 allows students to "shadow" the Councilmembers, City Treasurer, City Manager and department heads during the business day. Mayor Haws thanked the Redlands Optimist Club for sponsoring this event.

PRESENTATION

Retirement - Community Development Director Shaw introduced Manuel Gaitan who is retiring from the City after serving over 28 years in the Planning Division, Community Development Department. Mayor Haws presented a plaque with the City seal to Manuel Gaitan recognizing his loyal and dedication service to the City.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Pepler, seconded by Councilmember George, the minutes of the regular meeting of January 21, 2003, were approved as submitted.

Appeal - The Redlands Association - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously set for hearing an appeal filed by The Redlands Association of the issuance of a water connection permit and/or other entitlements (water meter) to Majestic Realty Company for its Citrus Plaza project and directed the City Clerk to provide written notice as required by the Redlands Municipal Code. Said hearing will be heard by the City Council on February 19, 2003, at 3:00 P.M.

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

Planning Commission Actions - On motion of Councilmember Pepler, seconded by Councilmember George, the report of the Planning Commission meeting held on January 28, 2003, was acknowledged as received.

Ordinance No. 2522 - Permitted Uses in the R-3 District - Ordinance No. 2522, an ordinance of the City of Redlands amending Chapter 18.60 of the Redlands Municipal Code relating to permitted uses in the R-3 (Multiple-Family Residential) District, was unanimously adopted on motion of Councilmember Pepler, seconded by Councilmember George.

Funds - Building and Safety Division - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously approved an additional appropriation in the amount of \$67,400.00 to increase "Other Professional Services" associated with structural plan checks, counter technicians, and building inspection services in the Building and Safety Division.

Funds - Lease Amendment - Redlands Municipal Airport - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously approved an amendment to the sublease agreement with Redlands Aviation to increase the lobby and patio rent by \$388.80 for the current fiscal year for a total rent of \$10,175.88, and to authorize an expenditure for electrical power usage charge in the amount not to exceed \$30.00 per month effective September, 2002, through the remainder of this fiscal year which amounts to \$300.00. On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously approved an appropriation of \$688.80 to the Special Aviation Operating Fund.

Release of Lien - 336 North University Street - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously authorized the release of a lien agreement dated September 27, 1984, for off-site improvements at 336 North University Street in exchange for payment of the current value of the lien in the amount of \$750.00 by Arturo S. and Purita F. Del Amen.

Release of Lien - 1334 Texas Street - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously authorized the release of a lien agreement dated September 12, 1983, for off-site improvements at 1334 Texas Street in exchange of payment of the current value of the lien in the amount of \$10,000.00 by Gilbert J. and Jo Ann H. Yglesias.

Funds - Agreement - Redlands Recycled Water Project - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously approved an agreement to furnish construction management and engineering services with Carollo Engineers for the Redlands Recycled Water Project Treatment Facilities and authorized the Mayor and City Clerk to execute the document on behalf of the City. On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously approved an additional appropriation in the amount of \$1.6 million in the Wastewater Project Fund that will be utilized to fund the construction management and engineering services for the Redlands Recycled Water Project Treatment Facilities.

Contract Award - California Street Landfill - Bids were opened and publicly declared on January 22, 2003, by the City Clerk for the Groundwater Monitoring Wells Project at the California Street Landfill; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Municipal Utilities Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Layne Christensen Company in the amount of \$179,975.00, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously approved this recommendation, authorized staff to approve costs up to ten percent (10%) over the total bid amount, and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Outside City Utility Connection - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously determined that Outside City Case (OSC) 03-02, Lot 95 of Tract No. 2242, Mentone Ares No, 3, APN 298-141-04, is consistent with the City of Redlands General Plan and that the public health, safety and welfare, and the best interests of the citizens of Redlands, are served by the City's continued processing of the application.

Agreement - Electricity Cogeneration Facility - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously approved an agreement to furnish operation and maintenance services with Janecheck & Associates to support the Electricity Cogeneration Facility located at the City's wastewater treatment plant.

Agreement - Bear Valley Mutual Water Company - Sports Park - Due to a potential conflict of interest, Councilmember Gilbreath did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. On motion of Councilmember George, seconded by Councilmember Harrison, the City Council unanimously authorized staff to develop a cooperative use agreement with Bear Valley Mutual Water Company to facilitate the deliver of non-potable water to the Redlands Sports Park.

Confire Air Truck Agreement - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously authorized the City of Redlands to withdraw from the Confire air truck agreement due to the truck's age and inability to be certified.

Agreements - Fire Training Burns - The agreements and releases with the San Bernardino County Board of Education for a Fire Control III at 26988 and 26990 Park Avenue, and with Redlands Imperial LLC for fire training at 1449 West Redlands Boulevard were withdrawn from the agenda.

Agreement - Household Hazardous Waste - On motion of Councilmember Pepler, seconded by Councilmember George, the City Council unanimously approved a household hazardous waste agreement with the County of San Bernardino and authorized the Mayor and City Clerk to execute the document on behalf of the City.

## COMMUNICATIONS

Crosswalk - State Street and Redlands Boulevard - Responding to a young man's concerns expressed at a recent City Council meeting, Councilmember George has studied the crosswalks at State Street and Redlands Boulevard. The intersection is very dark with no traffic signals and one of the crosswalks is very long. By unanimous consensus, the City Council referred this situation to the Traffic and Parking Commission for review and recommendation as to how to make this intersection safer for the citizens of Redlands.

Appointment - Traffic and Parking Commission - Mayor Haws moved to nominate Deborah Salas to serve as the student representative on the Traffic and Parking Commission. Motion seconded by Councilmember Pepler and carried

unanimously. Mayor Haws presented Ms. Salas a commissioner's pin who was operating one of the television cameras as a volunteer.

Appointments - Library Board - Mayor Haws moved to nominate Martin Davis to serve another three-year term to January 1, 2006, on the Library Board of Trustees. Motion seconded by Councilmember George and carried unanimously. Mayor Haws moved to nominate Rosa E. Gómez to serve a three year term on the Library Board of Trustees to fill the vacancy created by the resignation of Dorothy Ziilch. Motion seconded by Councilmember Pepler and carried unanimously.

#### JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Hotel Presentation - Councilmember Harrison introduced William Swank, Sr., SDC, LLC, a hotel developer and David Wilensky, Regional Director of Franchise Sales and Development for Six Continents who presented information about a prototype Holiday Inn they are considering for downtown Redlands. The hotel would be six stories high and have 143 rooms, an indoor pool, restaurant, small bar and a meeting room for 150 people. They indicated they would be delighted to participate with the City in conserving precious land for parking and would be willing to design the hotel with a "Redlands look and feel." Councilmembers urged the developers to continue their efforts with staff. (Also see Redevelopment Agency minutes for February 4, 2003.)

#### CLOSED SESSION

The City Council meeting recessed at 3:50 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:55 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code Section 54956.8
  - a. Property: APN 168-121-13  
Negotiating parties: Doug Headrick and  
Mark Buoye (Ion Communities, LLC) and  
Martin Langpap (Standard Pacific)  
Under negotiation: Terms and price  
Due to a potential conflict of interest, Councilmember Gilbreath did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office.
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) - State of California v City of Redlands, San Bernardino Superior Court Case No. SCVSS 077035

(This item, which arose subsequent to the agenda being posted and immediate action was needed, was unanimously added to the agenda on motion of Councilmember George, seconded by Councilmember Pepler.)

### ANNOUNCEMENTS/REPORTS

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

### LAND USE AND PUBLIC HEARINGS

Ordinance No. 2507 - Identification Signs - Home Depot USA, Applicant - 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. Community Development Director Shaw explained the City Council reviewed this ordinance on December 17, 2002, and recommended some minor text changes and language removed from Section 15.36.200 to 15.36.512. The project is not subject to environmental review because it was eligible for a statutory exemption per Section 15061(b)(3) which allows an exemption where there is a certainty that there is no significant impact on the environment. The standards contained in this proposed ordinance would restrict the number of possible users of this ordinance and prevent sign clutter and serve the signage needs of large buildings. Councilmember Harrison complimented staff for their efforts to simplify the process. Ordinance No. 2507, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code relating to signs in the commercial zoning district, was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember Haws, further reading of the ordinance text was unanimously waived, and Ordinance No. 2507 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 18, 2003.

### PUBLIC HEARING

Building Permit Allocations - Community Development Director Shaw announced State Department of Housing and Community Development as approved our Housing Element that was adopted in October, 2002, as meeting state guidelines and criteria. There are several policies included in the Housing Element that have deadlines for implementation that staff is working to satisfy. One of those policies is Policy 6.5.12 which requires the City Council to evaluate initiating a ballot measure to allow carry over of unused building permit allocations from year to year. Therefore, a public hearing was scheduled for this time and place for the purpose of taking community input on the issue

and decide whether to direct staff to prepare such a ballot measure. This action was encouraged by the State Department of Housing and Community Development in an effort to better enable the City to meet its regional share of the housing allocation as assigned to the City of Redlands. Proposition R and Measure N established a limit of 400 dwelling units that could be built in any one calendar year. The original number was established based on the historical average of dwelling units from year to year. While this will not necessarily prohibit the City from meeting its current housing goals, it may be required to exceed the 400 unit cap at some point in order to meet the goals if the development activity were to remain low for an extended period during this Housing Element's time frame. In order to allow this carry over, it would be necessary to amend the adopted voter initiative. Community Development Director Shaw reviewed the building permit activity from 1998 through 2002. Staff anticipates that there will be a demand for at least 400 building permits this year based on recently approved projects and Residential Development Allocations granted and applied for. Councilmembers asked Community Development Director Shaw questions and he further explained the State's concerns noting we are not mandated to put this measure on a ballot. Mayor Haws declared the meeting open as a public hearing for any questions or comments. On behalf of The Redlands Association, Bill Cunningham addressed the City Council noting that many cities do not meet low- and moderate-income housing numbers, and that if the City Council put this measure on a ballot, that there were many important environmental issues to address. There being no further comments, the public hearing was declared closed. Councilmember George suggested putting a measure on the ballot but recommended allowing no more than a one-year carry over. Councilmember Pepler felt our goal was to meet the State standards without a ballot measure; she preferred holding over this discussion until we received the General Plan report which is expected at the next meeting. Councilmember Harrison felt there was no reason to put something on the ballot if we could meet the goal; he wanted to wait and see what happens. Councilmember Haws agreed with this philosophy. Councilmembers concurred to direct staff to monitor the building permit allocations closely and report back to the City Council as necessary.

## NEW BUSINESS

Transient Occupancy Tax - Councilmember Harrison presented an opportunity to increase our revenues by placing a measure on the June 2003 ballot to increase our Transit Occupancy Tax. He shared information compiled by City Treasurer Reynolds which included rates in the surrounding area and throughout California. Our current rate is 10 percent and will generate \$350,000.00 this year. Each one percent increase would increase revenue by \$35,000.00. Councilmember Gilbreath felt the City Council should also consider a utility and entertainment tax and wanted to see a comprehensive package. Councilmember Pepler wanted more information as to how an

increase would effect business in Redlands. Councilmember Haws appreciated Councilmember Harrison bringing this matter forward but felt we should have more public input especially from the Chamber of Commerce, Business and Economic Development Advisory Commission, Downtown Redlands Business Association, our Economic Development Director and potential hotel developers. Councilmember Harrison suggested getting a group together to bring the City Council a report on the pros and cons. By consensus, staff was directed to recommend who should serve on a committee, study this further and bring the information forwarding during the budget study sessions.

Ordinance No. 2535 - Parades and Public Assembly Regulations - In an ongoing effort to review, revise and update, as appropriate, the provisions of the Redlands Municipal Code, City Attorney McHugh presented this proposed ordinance. Parades and public assemblies involved First Amendment protected activity, and the City's regulations must be carefully tailored to ensure they do not run afoul of constitutional law. This proposed ordinance helps bring code provisions up to date and consistent with case law. If the ordinance is adopted, the Police Department should prepare, and bring back to the City Council for future consideration, a resolution establishing fees for the processing of parade and assembly permits and a resolution establishing a traffic control fee as provided within this proposal. Ordinance No. 2535, an ordinance of the City of Redlands amending Chapter 12.40 of the Redlands Municipal Code relating to parades and public assemblies, was read by title only by City Clerk Poyzer, and on motion of Councilmember Haws, seconded by Councilmember Harrison, further reading of the ordinance text was unanimously waived, and Ordinance No. 2535 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 18, 2003

Ordinance No. 2536 - Residential Development Allocations - City Attorney McHugh explained that within the City's Housing Element of its General Plan, the City Council established a "guiding policy" to remove governmental and non-governmental constraints to housing production. One of the programs adopted by the City Council to carry out this goal was to amend the City's residential development allocation to place greater emphasis on, and encourage, projects that include housing that is affordable to lower income persons. The proposed ordinance would amend the City's residential development allocation point system to double the amount of points available for projects that provide low and moderate income and senior citizen housing. Ordinance No. 2536, an ordinance of the City of Redlands amending Title 19 of the Redlands Municipal Code relating to residential development allocations, 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. 2536 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 18, 2003.





## PUBLIC COMMENTS

AQMD - Lisha Smith, the new local government liaison with the South Coast Air Quality Management District, distributed a packet of information and reviewed services available from the AQMD. She reminded Councilmembers the phone number for air quality reports was 1-800-CUT-SMOG.

## ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:57 P.M. in honor of the brave Americans and those of other countries, including one Israelian, who lost their lives on February 1, 2003, in the space shuttle *Columbia* catastrophe. Mayor Haws said: "We appreciate their heroism." The next regular meeting will be held on February 18, 2003.

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City Clerk