

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 April 3, 2001.

PRESENT

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

John Davidson, City Manager  
Daniel J. McHugh, City Attorney  
Lorrie Poyzer, City Clerk  
Beatrice Sanchez, Deputy City Clerk  
(evening session)  
Michael Reynolds, City Treasurer  
(afternoon session)  
Jim Bueermann, Police Chief  
(afternoon session)  
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 a reading by Mayor Pro Tem George of a meditation written by Scott Russell Sanders followed by the pledge of allegiance.

PRESENTATIONS

Appointment - California Fire Fighter Joint Apprenticeship Committee - Mayor Gilbreath announced that Mel Enslow has recently been appointed to the California Fire Fighter Joint Apprenticeship Committee to represent management and extended congratulations to him.

Proclamation - Earthquake Preparedness Month - By consensus, the City Council authorized issuance of a proclamation declaring April as Earthquake Preparedness Month with this year's campaign theme "Ready To Ride It Out." Mayor Gilbreath presented the proclamation to Fire Battalion Chief Mitch McKee and congratulated him on a wonderful job he has done setting up a disaster preparedness program in Redlands.

San Timoteo Creek Project - Ken Miller, San Bernardino County Flood Control, and Ruth Villalobos, Army Corps of Engineers, made a presentation of the San Timoteo Creek, Reach 3B Project and answered Councilmembers' questions. Mayor Pro Tem George expressed his appreciation for all the work done to make this project more sensitive for the Redlands' area. Noting she had not seen the final report yet, Teddy Banta reminded Councilmembers the citizens are concerned because this project will destroy so much of the habitat in the canyon.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Freedman, seconded by Councilmember Haws, the minutes of the regular meeting of March 20, 2001, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Freedman, seconded by Councilmember Haws, the report of the Planning Commission meeting held on March 27, 2001, was acknowledged as received.

Resolution No. 5862 - CEQA Guidelines - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5862, resolution of the City Council of the City of Redlands adopting local guidelines for implementation of the California Environmental Quality Act (CEQA).

Resolution No. 5866 - Parking Regulations - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5866, a resolution of the City Council of the City of Redlands amending Resolution No. 3339 relating to parking regulations along Fifth Street by establishing a 30-minute, time-restricted parking stall for a six months trial period.

Agreement - Fire Protection and Rescue Services - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously authorized an agreement with the City of Yucaipa for an automatic exchange of fire protection and rescue services and authorized the Mayor and City Clerk to sign the contract on behalf of the City.

Contract - Wildland Fire Protection Services - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously authorized a contract with the California Department of Forestry and Fire Protection for wildland fire protection services and authorized the Mayor and City Clerk to sign the contract on behalf of the City.

Resolution No. 5867 - Salary - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5867, 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. 5819. This resolution reflects the salary increases as a result of negotiations, cost-of-living adjustments, and reassignments as previously approved by the City Council.

Proclamation - California Community Development Week - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously authorized issuance of a proclamation declaring the week of April 16-22, 2001, as California Community Development Week.

CDBG Reprogram - Salvation Army - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously cancelled Project No. 111-16627/0869, *Red Shields Meal Program*, and reprogrammed those funds to Project No. 111-20303, *Playground Construction*, for the Salvation Army.

Resolution No. 5873 - Traffic - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5873, 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: establish two-hour parking restriction along the southerly side of Lugonia Avenue at 1981 West Lugonia Avenue.

Resolution No. 5874 - Traffic - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5874, 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: paint curb yellow on the northerly side of Home Place, adjacent to Redlands High School parking lot, and establish a no parking, unloading/loading zone during school hours only.

Resolution No. 5875 - Traffic - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously adopted Resolution No. 5875, 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: change existing white painted curb on the westerly side of Washington Street, south of Lugonia Avenue, at Redlands Community Center, 111 West Lugonia Avenue, to a yellow painted curb for approximately 60 feet and install a "passenger loading only" sign.

Resolution No. 5857 - Termination of Water Service - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City

Council unanimously adopted Resolution No. 5857, a resolution of the City Council of the City of Redlands establishing rules and regulations relating to termination of master metered utility service.

Agreement - Utility Billing Customer Information System - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously approved Change Order No. 1 to the software and license implementation agreement for the City Utility Billing Customer Information System.

Agreement - Plan Check and Inspection - On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council unanimously authorized an agreement with California Energy Commission for plan check and inspection services and authorized the Mayor and City Clerk to sign the agreement on behalf of the City.

## NEW BUSINESS

Park Repairs and Upgrades - Public Works Director Mutter reported the Parks Commission developed a list of recommended capital improvements and upgrades to the City park facilities. The goal of this effort was to identify approximately \$829,000.00 in projects, based on the anticipated revenue to be allocated to the City of Redlands for this purpose from the Proposition 12 Park Bond. The Parks Commission established an ad-hoc committee to look at all City parks and determine what repairs and improvements were needed. This committee, led by Parks Commissioner Bob Carothers, developed an extensive list of improvements for each park. This list was then prioritized and submitted to the Parks Commission. Dave Eason, Baseball and Softball for Youth, presented a list of improvements they have provided for their facilities. Recreation Commissioner Patty Peoples felt we needed to upgrade playground equipment in the Community Park. Public Works Director Mutter noted that another program requires us to upgrade playground equipment and will be coming forth in the near future. It was suggested this list of priority park repairs and upgrades as recommended by the Parks Commission also be reviewed by the Recreation Commission prior to City Council action. Noting none of the Proposition 12 funds were being appropriated for the Sports Park, Councilmember Haws moved to send this report to the Recreation Commission for its review and bring it back to the City Council on May 1, 2001. Motion seconded by Councilmember Freedman and carried unanimously.

Palm Trees - Terracina Boulevard - Public Works Director Mutter reported the Street Tree Committee has recommended that the City consider the sale of palms that are in conflict with overhead Southern California Edison facilities. Revenue from the sale would be used to replace the palms with appropriate trees in the areas where palms have been removed. This recommendation has been supported by the Parks Commission. Staff suggested that contractors be

allowed to remove palms and be required to replace the palms with a minimum of two each 24-inch box trees to be planted at locations in the City as specified by staff. Councilmember Freedman moved to approve the removal of approximately 40 California Fan Palms on Terracina Boulevard between Barton Road and Cypress Avenue and directed staff to negotiate the sale/removal of these palms with the thought to preserve whatever palms possible. Motion seconded by Councilmember George and carried unanimously.

Resolution No. 5871 - Community Facilities District No. 2001-1 - Finance Director Johnson explained a proposed Community Facilities District (CFD) is being requested by S-P Redlands, LLC and Robert Patillo Properties to fund the acquisition of certain facilities related to their development generally located in the area of California Street and San Bernardino Avenue. The public improvements to be financed by the CFD include street and storm drain construction, installation of traffic signals, and water and sewer improvements. These improvements will be of direct benefit to the property owners within the CFD who have requested formation of the CFD in order to facilitate financing of the planned improvements. This request is in keeping with the City's Local Goals and Policies for Mello-Roos Community Facilities District adopted at the December 19, 2000, City Council meeting. Finance Director Johnson reiterated assessments will be levied only on properties within the district and both property owners are in favor of the formation of said district. Councilmember George moved to adopt Resolution No. 5871, resolution of the City Council of the City of Redlands of intention to establish a Community Facilities District, to authorize the levy of special taxes and to set a public hearing to be held on May 15, 2001. (Community Facilities District No. 2001-1). Motion seconded Councilmember Haws and carried unanimously.

Resolution No. 5872 - Community Facilities District No. 2001-1 - Finance Director Johnson explained this resolution is needed in conjunction with Resolution No. 5871 (above) to declare the City's intention to incur bonded indebtedness of the proposed Community Facilities District No. 2001-1. Councilmember Haws moved to adopt Resolution No. 5872, a resolution of the City Council of the City of Redlands to incur bonded indebtedness of the proposed City of Redlands' Community Facilities District No. 2001-1 (Northwest Development Project) and to set a public hearing to be held on May 15, 2001. Motion seconded by Councilmember Pepler and carried unanimously.

Lease Agreement - Grove High School - Public Works Director Mutter explained the Parks Commission heard a presentation on October 12, 2000, from representatives of Grove High School regarding use of a portion of the Redlands Heritage Park site and the house at 11126 Iowa Street. The Parks Commission recommended to the City Council that an appropriate agreement be developed for use by Grove High School of approximately eight acres at the Redlands Heritage Park as well as a lease for the house. On behalf of Grove

High School, Stan Weisser thanked staff for all their help and cooperation and reviewed minor changes he requested be made to the proposed lease; the changes have been reviewed by staff. He also briefly described their agriculture program. Councilmember George moved to approve the lease agreement with the proposed modifications for use of approximately eight acres of land and the house and structures at 11126 Iowa Street by Grove High School as a part of their agriculture program and authorized the Mayor and City Clerk to sign the contract on behalf of the City. Motion seconded by Councilmember Pepler and carried unanimously.

#### ANNOUNCEMENT

Luncheon Honoring Congressman Jerry Lewis - Mayor Pro Tem George announced the Chamber of Commerce, Downtown Redlands Business Association, Redlands Conservancy and The Redlands Allies are hosting a luncheon in honor of Congressman Jerry Lewis on April 11, 2001, to be held in the Mitten Building. Seating is limited and reservations are needed.

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

Resolution No. 5868 - Great Neighborhood Program - Councilmember Haws moved to adopt Resolution No. 5868, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Project Area for the Great Neighborhood Program to implement an additional participant agreement which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember George and carried unanimously. (Also see Redevelopment Agency minutes for April 3, 2001.)

Resolution No. 5869 - Great Neighborhood Program - Councilmember Haws moved to adopt Resolution No. 5869 a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Project Area for a First Time Home Buyer loan agreement which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember George and carried unanimously. (Also see Redevelopment Agency minutes for April 3, 2001.)

Resolution No. 5870 - Development Assistance Program - Councilmember Haws moved to adopt Resolution No. 5870, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Project Area for the Developer Assistance Program (Elizabeth Ann Frazier, applicant). Motion seconded by Councilmember George and carried unanimously. (Also see Redevelopment Agency minutes for April 3, 2001.)

#### CLOSED SESSION

The City Council meeting recessed at 4:10 P.M. to a Redevelopment Agency meeting and reconvened at 4:12 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
  - a. Grievance of Martha Mary Petite
  - b. County of San Bernardino v. City of Redlands and Spring Pacific – SCVSS 74079
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956(c) - One case
3. Conference with real property negotiator - Government Code Section 54956.8
  - Property: Helen Court Water Tank, APN 300-451-13  
Negotiating parties: Doug Headrick and Sprint  
Under negotiation: Terms and price
  - Property: APN 169-141-02  
Negotiating parties: Jim Bueermann and Pamela L. McNutt  
Under negotiation: Terms and price
  - Property: APN 169-151-32  
Negotiating parties: Jim Bueermann and Eleanor L. McGrath  
Under negotiation: Terms and price
  - Property: APN 169-151-16 and 17  
Negotiating parties: Jim Bueermann and Ralph & Leah Reading  
Under negotiation: Terms and price
  - Property: APN 169-151-20, 21 and 27  
Negotiating parties: Jim Bueermann and David S. Christensen, Trustee  
Under negotiation: Terms and price
  - Property: APN 169-151-22  
Negotiating parties: Jim Bueermann and Marion L. Conley  
Under negotiation: Terms and price
  - Property: APN 169-151-29  
Negotiating parties: Jim Bueermann and Jose G. and Alfonso A. Perez  
Under negotiation: Terms and price
  - Property: APN 169-271-09  
Negotiating parties: Jim Bueermann and Swen and Helen Larson, Tr.  
Under negotiation: Terms and price
  - Property: APN 169-271-10  
Negotiating parties: Jim Bueermann and Ray J. Valdivia  
Under negotiation: Terms and price
  - Property: APN 169-271-11 and 12  
Negotiating parties: Jim Bueermann and Famrid LP  
Under negotiation: Terms and price
  - Property: APN 169-271-13  
Negotiating parties: Jim Bueermann and Julia A. Vilchis  
Under negotiation: Terms and price
  - Property: APN 169-271-14  
Negotiating parties: Jim Bueermann and Leopold E. and Eliana L. Wenzel  
Under negotiation: Terms and price



- Property: APN 169-271-15 and 16  
Negotiating parties: Jim Bueermann and Ofelia Escobedo  
Under negotiation: Terms and price
- Property: APN 169-271-17  
Negotiating parties: Jim Bueermann and Mary E. Weller  
Under negotiation: Terms and price
- Property: APN 169-271-18 and 19  
Negotiating parties: Jim Bueermann and  
Nicolae N. F. and Diona D. Farcas  
Under negotiation: Terms and price
- Property: APN 169-271-20  
Negotiating parties: Jim Bueermann and Debra Jean Martinez  
Under negotiation: Terms and price
- Property: APN 169-271-21  
Negotiating parties: Jim Bueermann and MD Auto Repair  
Under negotiation: Terms and price
- Property: APN 169-271-44  
Negotiating parties: Jim Bueermann and  
Brian/Mary/Barbara Harkness Trustee  
Under negotiation: Terms and price
- Property: APN 169-271-47 and 52  
Negotiating parties: Jim Bueermann and  
George W. and Eleanor L. McGrath  
Under negotiation: Terms and price
- Property: APN 169-271-53  
Negotiating parties: Jim Bueermann and  
Carol Gering and Barbara J. Gilmore  
Under negotiation: Terms and price

The meeting reconvened at 7:00 P.M.

Hate Crimes - Citing the recent graffiti/hate crimes at the Redlands Bowl and Redlands High School, Mayor Gilbreath announced the perpetrator has been caught and will be prosecuted. She emphatically stated we will not tolerate this type of racial/hate crimes and expressed appreciation to the members of the Redlands Police Department for their efforts.

## PUBLIC HEARINGS

Resolution No. 5840 - Street Vacation No. 119 - Public hearing was continued to this time and place for the vacation of a portion of public right-of-way located on the west side of Iowa Street, north of Citrus Avenue (Caseworx, Inc, applicant). Community Development Director Shaw explained this proposed street vacation is a result of a condition of approval imposed on the applicant's project, Planning Commission Review and Approval No. 719, by the Public Works Department. Mayor Gilbreath declared the meeting open as a public

hearing for any questions or comments concerning this street vacation. None being forthcoming, the public hearing was declared closed, and Resolution No. 5840, a resolution of the City Council of the City of Redlands approving Street Vacation No. 119, was unanimously adopted on motion of Councilmember Haws, seconded by Councilmember Freedman.

Resolution No. 5804 - Street Vacation No. 118 - Public hearing was continued to this time and place for the vacation of a portion of Bryn Mawr Avenue in Concept Plan No. 2 of the East Valley Corridor Specific Plan (Spring Pacific Properties, applicant). At the request of the applicant this public hearing was unanimously continued to May 1, 2001, on motion of Councilmember Freedman, seconded by Councilmember Haws.

## LAND USE AND PUBLIC HEARINGS

Tentative Tract No. 16139 - Michael Novak - A notice of the preparation of a Draft Mitigated Negative Declaration and public hearings were continued to this time and place for Tentative Tract No. 16139 and its accompanying Socio-Economic Cost/Benefit Study for the subdivision of 7.2 acres into 21 residential lots located north of Cypress Avenue, east of Heather Lane, and west of Linda Vista Avenue in the R-S (Suburban Residential - 10,000 square foot lots) District. Community Development Director Shaw reviewed the history of this project which was continued from the February 20, 2001, meeting in order for traffic issues to be reevaluated with the modification of the site plan. He explained in detail staff's recommendations regarding development standards and undergrounding of utilities and reviewed the traffic study and other issues such as drainage, biological study, issues related to the existing lot behind Lot 5, and density. Mayor Gilbreath declared the meeting open as a continued public hearing. The following neighbors reiterated their concerns: Edward S. Perry, John Steinmann, Jim Whittemore, Steven A. Becker, Mary Weller McQuillen, Chris Sedmack, Rosemary Rendell-Baker, Kay Wood, Jane Hawkins, Marilyn Showler, and Michael G. Carruth. Councilmember Freedman presented a proposal which addresses density, saves existing trees, and address the issue of the property behind Lot 5 and asked the applicant to consider it. Michael Novak, the applicant, addressed the City Council at length noting his application exceeds the requirements of the City's General Plan and Housing Element and also felt he had addressed the adjoining neighbors' concerns and urged approval of his application. Following discussion among Councilmembers, Councilmember Haws moved to continue this public hearing to May 1, 2001, and to direct this application back to staff for further analysis to make this project fit in with the area, address the concerns regarding traffic, trees, and the residents, and come to an agreeable compromise. Motion seconded by Councilmember Freedman and carried unanimously.

The City Council meeting briefly recessed at 8:45 P.M. and reconvened at 8:50 P.M.



## UNFINISHED BUSINESS

Funds - Sports Park - Environmental Impact Report - Community Development Director Shaw explained that at the last City Council meeting, the City Council requested staff to look at phasing the Environmental Impact Report (EIR) for the proposed sports park to be located on the north side of San Bernardino Avenue between Dearborn Street and Wabash Avenue in such a way that the cost of the document could be reduced or, at a minimum, approached incrementally. Staff has reviewed the consultant contract submittal and discussed the Council's direction with the consultant to determine how the project could be phased and what impact such a change would have on the overall project cost. An alternative, which was considered feasible, was for the consultant to begin the project and complete Tasks 1 and 2 which are the initiation of the project and compilation of the databases and preparation of the Initial Study and distribution of the Notice of Preparation for the EIR. The costs for Tasks 1 and 2 would be \$6,890.00. At the completion of these two tasks, which would take approximately 60 days, the City Council could direct the consultant to stop and not proceed with the next step without further direction. The next step would be the preparation of the Screencheck Draft EIR which is the largest work component in the contract. The Council could then have the feasibility study in hand before electing to proceed with the remainder of the EIR contract. According to the consultant, this approach would not increase costs and would provide the City with information on exactly what issues needed to be addressed in the formal EIR document. Councilmembers discussed receipt of the money from the State at length, whether or not this approach would slow down the process, and what amount should be appropriated at this time: \$6,890.00 for Tasks 1 and 2 or \$86,710.00 for the entire contract. Councilmember George moved to approve the contract with Helix Environmental Planning, Inc. for the preparation of the Environmental Impact Report for the proposed sports park and to approve an increase in appropriations for the Community Development Department in an amount not to exceed \$6,890.00 with the understanding that the consultant will only complete Tasks 1 and 2 (the Initial Study and Notice of Preparation) and will then return to the City Council for further direction and authorization before any additional funds are expended. Motion seconded by Councilmember Gilbreath and carried with Councilmember Freedman voting NO as he felt this action was premature. Later in the meeting, under "Public Comments," Teddy Banta asked for clarification of financing of the feasibility study for the sports complex and commented she did not think it was appropriate to do the EIR prior to completion of the feasibility study. It was noted, for the record, that *For The Game* will pay 100 percent of the cost of the feasibility study.

## NEW BUSINESS (continued)

Grievance - Martha Mary Petite - City Attorney McHugh explained an employee grievance was filed by Martha Mary Petite and has worked its way up

to the City Council under the ordinary course of business in accordance with the City Personnel Rules and Regulations and grievance policy. A hearing officer conducted the grievance hearing and his findings of fact and decision have been delivered and presented to Councilmembers. At this time, the City Council will decide if it wants to accept, modify or reject the hearing officer's recommendation regarding this grievance. Ms. Petite addressed the City Council stating she felt she has not been compensated for extra duties assigned. An employment law lawyer by profession, Councilmember Haws responded to Ms. Petite's plea on behalf of the City Council. He noted she has had the opportunity to address each step of the grievance procedure and that all analyses has found her to be duly compensated. Councilmember Haws moved to accept the hearing officer's recommendation. Motion seconded by Councilmember George ad carried unanimously.

#### PUBLIC COMMENTS

Hate Crimes - Councilmember Haws addressed the recent graffiti/hate crimes at the Redlands Bowl and Redlands High School and emphasized residents may think or feel as they wish but if a public building is marred, the City will not let a crime such as this to go unsolved and that we will prosecute and the criminal will pay.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:30 P.M. The next regular meeting will be held on April 17, 2001.

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City Clerk