

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, at 3:00 P.M. on May 21, 2002.

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; Beatrice Sanchez, Deputy City Clerk; Michael Reynolds, City Treasurer; Clete Hyman, Deputy Police Chief; John Habant, Deputy Fire Chief; Bonnie Johnson, Finance Director; Ronald C. Mutter, Public Works Director; Karen Olsen, Personnel Director (afternoon session only); Douglas Headrick, Water Resources Chief (afternoon session only); Gary Phelps, Municipal Utilities Director (afternoon and evening sessions); and Jeffrey L. Shaw, Community Development Director.

Moment of Silence - Councilmember Gilbreath asked those in attendance to observe a moment of silence in memory of Patricia Foist who died Monday morning, May 20, 2002. Patricia served her entire career with the City of Redlands, October, 1974, to March 1999, as a devoted and enthusiastic employee of the Fire Department. Councilmember Gilbreath then lead the invocation followed by the pledge of allegiance.

Presentation by Southern California Edison - Southern California Edison Company Regional Manager, Beverly Powell, presented a LED traffic signal rebate check to the City in the amount of \$82,613.50. Public Works Director Mutter stated he appreciated all the assistance he and his staff received from Southern California Edison in accomplishing the project.

Retirement Recognitions - James F. (Jamie) Stewart retired from the Municipal Utilities Department after working for the City from July 30, 1963 to May 17, 2002. A City Seal plaque was presented to Mr. Stewart by Mayor Haws and Municipal Utilities Director Gary Phelps. Joe M. Vallejos, retired from the Public Works Department after working for the City from November 19, 1971 to May 9, 2002. Mayor Haws and Public Works Director Mutter presented a City Seal plaque to Mr. Vallejos. Harlow Mayer retired from the Municipal Utilities Department after working for the City from February 17, 1964 to April 26, 2002. Mr. Mayer is recovering from surgery, Mr. Gary Van Dorst of the Municipal Utilities Department accepted the City Seal plaque on his behalf and will deliver it to him.

California State Speech Champions - Mayor Haws introduced Redlands High School students, Sam Cannon and Justin Bogh, California State Speech Champions. Sam and Justin performed their "duo interpretation" rendition of Fiddler on the Roof. They will next represent California in the National Competition on June 16th in North Carolina. Mayor Haws presented Certificates of Appreciation to Sam and Justin.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the minutes of the regular meeting of May 7, 2002, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the report of the Planning Commission meeting held on May 14, 2002, was acknowledged as received.

Resolution No. 6039 - CEQA Guidelines - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, Resolution No. 6039, a resolution of the City Council of the City of Redlands adopting new local guidelines for implementing the California Environmental Quality Act, was unanimously approved.

Termination of Contract for Barton House Seismic Retrofit Project - Public Works Director Mutter explained the condition of the existing brick structure and the wood beams were not shown on the plans and could not be effectively repaired as designed by the consultant architect and the wood beams between floors are riddled with termite and/or dry rot damage. It was decided to stop all work until a full evaluation of the structural integrity and evaluation of possible long-term repair solutions could be made, and until that evaluation is done, the determination from staff is to terminate the contract. The contractor is amenable to termination of the contract with final payment in the amount of \$25,550.00. Mrs. Margie Armantrout, representing the Redlands Heritage Park Committee, stated she supports staff's decision. On motion of Councilmember Harrison, seconded by Councilmember Pepler, Council unanimously approved termination of the contract for construction of the Barton House Seismic Retrofit Project with R. Moody Construction, Inc. On motion of Councilmember Harrison, seconded by Councilmember Pepler, Council unanimously approved transferring \$25,000.00 from CDBG Project 111-330-20612/1319 (Barton House Seismic Retrofit) to Project 111-26105/2007 (Street Improvements/Sun and Union Streets, Revision 1).

Release of Lien Agreement - Council unanimously approved to release a lien agreement dated July 17, 1967, for off-site improvements fronting a lot at the southeast corner of West Crescent Avenue and Crown Street on motion of Councilmember Gilbreath and seconded by Councilmember Pepler.

Agreement - Redlands Community Music Association - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, Council unanimously approved an independent contractor agreement (as amended) between the City of Redlands and the Redlands Community Music Association for implementation of seven Redlands Bowl Children's Summer Workshops with two operettas (at Lugonia and Franklin Elementary Schools), provided a Letter of Agreement between the Association and the School District is provided to the City, and authorized the Mayor and City Clerk to execute the agreement.

Fire Station No. 1 - Savings by Design Program - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, Council unanimously authorized the City's participation in Southern California Edison Company's "Savings by Design" program for Fire Station No. 1.

Funds - Fire Station No. 1 Renovation Project - Councilmember Gilbreath stated it was her understanding that no more money would be requested for this project. Public Works Director Mutter explained the dry rot and termite damage was discovered when the south wall was being worked on. They tried to salvage what they could; many lessons were learned for future remodeling projects. On motion of Councilmember Gilbreath, seconded by Councilmember Haws, Council unanimously appropriated additional funds in the amount of \$250,000.00 and approved Change Orders Nos. 7 and 8 for Fire Station No. 1 Renovation Project.

Subordination Agreement - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, Council unanimously approved authorizing the Mayor and City Clerk to execute a subordination agreement on an existing lien in the amount of \$6,155.81 for property located at 1713 Smiley Ridge owned by Hoss Arad and Fatemeh Ghaffari and authorized the Mayor and City Clerk to execute the agreement.

License Agreement - Verizon - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, Council unanimously approved a license agreement between the City of Redlands and Verizon for use of a portion of Smiley Park at Fourth Street and north of Vine Street for installation of temporary generator equipment and authorized the Mayor and City Clerk to execute the agreement.

Resolution No. 6042 - Appeal of NPDES Permit - Councilmember George questioned the need for filing an appeal since he understood we were complying

with the permit. Public Works Director Mutter explained that in the process of adopting the National Pollutant Discharge Elimination System (NPDES) Permit for the next five-year period, the Regional Water Quality Control Board solicited and received comments and concerns from the 18 municipalities/agencies. Despite some of the important issues not being properly responded to, the Regional Board adopted a new permit on April 26, 2002. Because the issues were not addressed adequately, the San Bernardino County Flood Control District and the County of San Bernardino decided to file an appeal to the State Water Resources Control Board. It is the opinion of all 18 municipalities/agencies that they should join in the appeal process. Councilmember Harrison stated that we are questioning the reasonableness of the mandate. Mr. Mutter offered to place this on a future agenda to update the Council and have the City's NPDES Inspector present to answer questions. Councilmember Pepler moved to approve Resolution No. 6042, a resolution of the City Council of the City of Redlands approving joining the San Bernardino County and the San Bernardino County Flood Control District in filing an appeal for review to the State Water Resources Control Board of action by the California Regional Water Quality Control Board, Santa Ana Region, in adopting Order No. R8-2002-0012, NPDES Permit No. CAS618036. Motion seconded by Councilmember Haws and carried with Councilmember George voting NO.

Redlands Association of Management Employees - M.O.U. - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, Council unanimously approved the Memorandum of Understanding with the Redlands Association of Management Employees for the period July 1, 2002, through June 30, 2004, and authorized the Mayor and City Clerk to execute the agreement.

Agreement - Engineering Services for Proposed Wellfield and Reservoir - This item was withdrawn at staff's request.

Contract - CLETS - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, Council unanimously approved a contract between the City of Redlands and San Bernardino County Sheriff's Department for access to, and maintenance of, the California Law Enforcement Telecommunications System (CLETS) and authorized the Mayor and City Clerk to execute the agreement.

Agreement - Quilting Lessons at Senior Center and Community Center - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, Council unanimously approved an independent contractor agreement with Darlene Caro to conduct quilting lessons for the Recreation Bureau at the Senior Center and Community Center and authorized the Mayor and City Clerk to execute the agreement.

Agreement - Fencing Lessons at Community Center - On motion of Councilmember Gilbreath, seconded by Councilmember Peppler, Council unanimously approved an independent contractor agreement with Randolph Bean to develop and conduct fencing lessons for the Recreation Bureau at the Community Center and authorized the Mayor and City Clerk to execute the agreement.

Agreement - Computer Literacy Lessons - On motion of Councilmember Gilbreath, seconded by Councilmember Peppler, Council unanimously approved an independent contractor agreement with James Johnson to develop and conduct computer literacy lessons for the Recreation Bureau at the Community Center and authorized the Mayor and City Clerk to execute the agreement.

Proclamation - Save a Life Week - On motion of Councilmember Gilbreath, seconded by Councilmember Peppler, the City Council unanimously authorized issuance of a proclamation declaring the week of May 19-25, 2002, as **Save a Life Week**.

## PLANNING AND COMMUNITY DEVELOPMENT

SANBAG - Mr. Ty Schuiling, Director of Planning and Programming for SANBAG, explained that the Congestion Management Program (CMP) for San Bernardino County was developed by SANBAG through technical and policy committees with representation from all local jurisdictions, Caltrans, and the private sector. It was adopted by the Congestion Management Agency (CMA) Board of Directors in 1992, updated in 1993 and every odd-numbered year thereafter. SANBAG must monitor implementation of all elements of the CMP and is required to make annual determination of conformance with the CMP for each city and the County. If the CMA determines that a jurisdiction has not conformed to the requirements of the CMP, it will notify that jurisdiction of the nonconformance. Deficiency plans could then be adopted. The CMP requires a great deal more consideration of interjurisdictional impacts and even regional consequences of local decisions than in the past, and imposes penalties for failing to do so. In response to Councilmember George, Mr. Schuiling answered that there are no proposed fees at this time, but discussions are being initiated within San Bernardino County. Mayor Haws thanked Mr. Schuiling for being here to give us some input so we can start planning.

Resolution No. 6040 - Policy for Implementation of Congestion Management Plan/Traffic Impact Analysis - Community Development Director Shaw reviewed information regarding the Congestion Management Plan (CMP) and requirements for preparation of related Traffic Impact Analysis (TIA) for projects that exceed certain traffic thresholds as well as a summary of how some local cities are implementing the CMP and identified some alternative procedures that the City may want to consider in implementing the CMP and

related TIAs. Resolution No. 4952, adopting a Land Use/Transportation Analysis Program, approved in 1993 should be amended to reflect recent updates of the County CMP and provide further clarification on details particularly as it pertains to identifying "fair share" of costs, establishing a nexus for a project's share of costs, and identify credit for projects that install components of the CMP network. There is no immediate need to develop a detailed policy at this time and staff believes the Council and staff will benefit from a better understanding of the CMP process. Based on the need for review and discussion of the CMP and TIA implementation between participating cities and County to ensure consistency in the way jurisdictions are implementing the program, staff is recommending this matter be continued to a later date. Councilmember Gilbreath informed Councilmember that the Council has the discretion to impose a TIA on small projects. Councilmember Gilbreath moved to continue this matter and direct staff to develop recommendations for an implementation policy for the San Bernardino County Congestion Management Plan Traffic Impact Analysis for projects within the City of Redlands. Motion seconded by Councilmember George and carried unanimously.

#### COMMUNICATIONS

Appointment - Airport Advisory Board - On motion of Councilmember Haws, seconded by Councilmember Pepler, Council unanimously reappointed Eleas Casillas and John James to four-year terms on the Airport Advisory Board.

Appointment - Recreation Advisory Board - On motion of Councilmember Haws, seconded by Councilmember Pepler, Council unanimously appointed Howard P. Cutter to fill the unexpired term of Keith Shomaker to June 30, 2004 on the Recreation Advisory Board.

#### LATE BREAKING ITEM

Noting that the need to take action was immediate, Councilmember Haws moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Conference with legal counsel - Anticipated litigation - Government Code §54956.9(c)." Motion seconded by Councilmember Pepler and carried unanimously.

#### CLOSED SESSION

The City Council meeting recessed at 4:30 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code § 54956.9(a)
  - a. State of California v. City of Redlands, Case No. SCVSS 077035
  - b. Sunset Drive Corporation v. City of Redlands, Case No. SCV 29599
2. Conference with real property negotiator - Government Code § 54956.8

- a. Property: APN 168-571-72  
Negotiating parties: John Davidson and Sani Panhwar  
Under negotiation: Terms and price
- 3. Conference with legal counsel - Anticipated litigation - Government Code §54956.9(c)

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

CR&A 730 (Revision No. 1) - Robert Pattillo Properties, Inc., Applicant - An application for approval of Planning Commission Review and Approval No. 730 (Revision No. 1) was submitted to delete Condition of Approval No. 45 for Planning Commission Review and Approval No. 730 (Revision No. 1) which restricts truck traffic onto San Bernardino Avenue in conjunction with a 424,462 square foot regional warehouse and distribution center on approximately 24.2 acres located on the north side of San Bernardino Avenue, approximately 1,000 feet west of California Street in Concept Plan No. 2 of the East Valley Corridor Specific Plan. Community Development Director Shaw described the project. Councilmember Peppler moved to determine Planning Commission Review and Approval No. 730 (Revision No. 1) does not require further environmental processing pursuant to Section 15162 of the California Environmental Quality Act Guidelines based on the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Harrison and carried unanimously. Councilmember Peppler moved that the City Council approve the proposed modification to Condition of Approval No. 45 under the Planning Division Section for Planning Commission Review and Approval No. 730 (Revision No. 1) contained in the staff report. Motion seconded by Councilmember Harrison and carried unanimously.

Minor Subdivision No. 258 - Spring Pacific, Applicant - Public notices were advertised for this time and place to consider a draft negative declaration and public hearings for Socio-Economic Analysis and Cost/Benefit Study for Minor Subdivision No. 258 to subdivide Concept Plan No. 2 of the East Valley Corridor Specific Plan into eight separate parcels generally located on the northwest corner of California Street and San Bernardino Avenue. Community Development Director Shaw described the project. Mayor Haws declared the meeting open as a public hearing. Pat Meyer, representing the applicant, stated that this project has put in close to \$2 Million in CMP improvements along streets identified by SANBAG and urged Councilmembers to approve the project. There being no further comments, the public hearing was declared

closed. Councilmember George stated he does not know what will occur between Redlands and SANBAG on the CMP issue. Councilmember Pepler moved that the City Council approve the Socio-Economic Analysis and Cost/Benefit Study for Minor Subdivision No. 258, as the 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 Harrison and carried with Councilmember George voting NO. Councilmember Pepler moved to approve Minor Subdivision No. 258 subject to the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO.

CR&A No. 735 - Robert Pattillo Properties, Inc., Applicant - Public notices were advertised for this time and place to consider a draft mitigated negative declaration and public hearings for Socio-Economic Analysis and Cost/Benefit Study for Planning Commission Review and Approval No. 735 for the construction of a 468,139 square foot concrete tilt-up building for a regional distribution warehouse building on 26.2 gross acres on the northwest corner of California Street at Palmetto Avenue in Concept Plan No. 2 of the East Valley Corridor Specific Plan. Community Development Director Shaw described the project. Mayor Haws declared the meeting open as a public hearing. Pat Meyer, representing the applicant described the two separate multi-use trails designed along the bluff. The applicant agrees with all conditions of approval. There being no further comments, the public hearing was declared closed. Councilmember Harrison moved to approve the Environmental Review Committee's Mitigated Negative Declaration for Planning Commission Review and Approval No. 735 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Haws and carried with Councilmember George voting NO, as with the previous item, because he does not know what will occur between Redlands and SANBAG on the CMP issue. Councilmember Harrison moved to approve the Socio-Economic Cost/Benefit Study for Planning Commission Review and Approval No. 735 as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community and that no additional information or evaluation is needed. Motion seconded by Councilmember Haws and carried with Councilmember George voting NO. Councilmember Harrison moved to approve Planning Commission Review and Approval No. 735 subject to the findings and conditions of approval contained in the staff report and modifying Condition No. 43, "...the applicant shall defend, indemnify and hold harmless the City of Redlands..." Motion seconded by Councilmember Haws and carried with Councilmember George voting NO.



## PUBLIC HEARING

Resolution No. 6027 - Parking and Business Improvement District Area B - Public hearing was advertised for this time and place to consider Resolution No. 6027, a resolution of the City Council of the City of Redlands ordering the continued operation of Parking and Business Improvement District Area B and confirming the annual report and assessment for Fiscal Year 2002-03. Mayor Haws declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6027. Motion seconded by Councilmember Pepler and carried unanimously.

## NEW BUSINESS

Ordinance No. 2491 - Term Limitations of Commissioners - Ordinance No. 2491, relating to term limitations of commissioners and other housekeeping items, was presented to the City Council for discussion at its meetings on January 2, 2002, and February 5, 2002. City Attorney McHugh explained that this ordinance deletes the chapters relating to Downtown Redlands Business Association Advisory Board, Personnel Advisory Board, Redevelopment Advisory Commission and Town Center Advisory Commission. The Public Works Commission's name will be changed to Municipal Utilities/Public Works commission, reduction in the membership from nine to seven, solid waste expertise limitation will be deleted, and the duties will be identified in the Redlands Municipal Code. In addition, other minor corrections were made, as detected during staff's review, of various sections. Ordinance No. 2491, an ordinance of the City of Redlands amending Title 2 of the Redlands Municipal Code relating to commission and advisory boards, was read by title only by Deputy City Clerk Sanchez and on motion of Councilmember Haws, seconded by Councilmember Pepler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2491 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for June 4, 2002.

## PUBLIC COMMENTS

None forthcoming.

## ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:05 P.M. The next regular meeting will be held on June 4, 2002.

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Deputy City Clerk