

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 July 16, 2002.

There being no quorum present, the City Clerk recessed the meeting to 6:30 P.M. for a closed session to hold a conference with legal counsel as follows:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
  - a. The Redlands Association v City of Redlands - SBSC Case No. SCVSS 89374
  - b. Sunset Drive Corporation v City of Redlands - SCV 29599
  - c. Claim of Val Joseph Pensader et al
2. Conference with labor negotiator - Government Code § 54957.6  
City Negotiator: City Manager Davidson  
Employee organizations: Redlands Professional Fire Fighters Association

The meeting reconvened at 7:00 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; Michael Reynolds, City Treasurer; Mel Enslow, Fire Chief; Thomas Fitzmaurice, Acting Police Chief; Bonnie Johnson, Finance Director; Ronald C. Mutter, Public Works Director; Karen Olsen, Personnel Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director.

The meeting was opened with a moment of silence in memory of Robert (Bob) Carothers who died July 7, 2002. 2001 Man of the Year, Mr. Carothers was also a member of our Parks Commission and a very active volunteer in the community. Councilmember George delivered the invocation which was followed by the pledge of allegiance.

PRESENTATIONS

Redlands 4th of July Committee - A portion of the proceeds from this year's sale of the Redlands 4th of July tee-shirts was designated to be given to the Redlands police and fire benevolent associations and the New York City fire benevolent association to commemorate the events of September 11, 2001. On

behalf of the Redlands 4th of July Committee, Inc., Bill McCalmon thanked the City for its participation and cooperation and the hundreds of volunteers who made the celebration possible. Mr. McCalmon then presented checks each in the amount of \$1,000.00 to Dan Crow, Redlands Professional Firefighters Association, Mark Brannen, Redlands Police Officers Association, and Redlands Fire Chief Enslow who will forward the check to the New York City Police and Firefighters' Widows and Orphans Fund. On behalf of all of the citizens, Mayor Haws expressed appreciation for the wonderful celebration.

Proclamation - Sister City: Hino, Japan - Mayor Haws presented a proclamation to the Redlands Sister Cities Association congratulating them on the attainment of 40 years of amity, harmony and goodwill with our Sister City, Hino, Japan. A delegation from Hino will be visiting Redlands later this month.

### ANNOUNCEMENTS/REPORTS

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

### CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the minutes of the regular meeting of July 2, 2002, were approved as submitted.

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

Funds - Contract - Annual Street Report - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved a contract with the Office of the State Controller to prepare the City's Annual Street Report for fiscal year ended June 30, 2002, authorized the Mayor and City Clerk to execute the document on behalf of the City, and approved an additional appropriation in the Gas Tax Fund to cover the report preparation costs.

Resolution No. 6052 - Measure O Tax Rate - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously adopted Resolution No. 6052, a resolution of the City Council of the City of Redlands levying a tax rate for fiscal year 2002-03 to service the annual, principal, interest and other charges relating to the Measure O 1994 General Obligation Refunding Bonds.

Contract - Actuarial Study - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved a contract for an actuarial study of the self-insured workers' compensation and liability

programs with Advanced Risk Management Techniques, Inc. and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Resolution No. 6053 - CFD 2001-1 - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously adopted Resolution No. 6053, a resolution of the City Council of the City of Redlands levying special taxes within the City of Redlands Community Facilities District (CFD) No. 2001-1 (Northwest Development Project).

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the report of the Planning Commission meeting held on July 9, 2002, was acknowledged as received.

Resolution No. 6054 - General Plan - Noise Standards - Community Development Director Shaw explained that staff has received a number of inquiries from developers on the interpretation of the meaning of Footnote 2 of Table 9.2 in Section 9 of the Noise Element of the Redlands General Plan which was amended by Measure U to read as follows: "Outdoor environment limited to private yard of single family *as measured at the property line* multifamily private patio or balcony which is served by a means of exit from inside; mobile home park; hospital patio; park picnic area; school playground; hotel and recreation area" (italic words added by Measure U). In attempting to implement the provisions of the General Plan and specifically the policies and goals within Chapter 9 regarding noise, staff is unclear on the intent or meaning of the phrase "private yard of single family." In applying this provision, it becomes important whenever a single family residential land use is proposed in an area that may exceed a 60 CNEL. The noise level may be reached in a number of areas throughout the City, especially along the major traffic arterials. Two primary ways to define this phrase were identified and explained thoroughly. Staff recommended the City Council determine the phrase "private yard of single family" be defined as the "rear yard of a single family residence." On behalf of The Redlands Association which authored Measure U, Bill Cunningham felt the use of a house as a buffer against the environment was wrong, and that staff's recommendation was a direct violation of Measure U. City Attorney McHugh said the interpretation of a private yard was up to the City Council. Following discussion, Councilmember Haws moved to refer this matter to the Planning Commission for review and recommendation. Motion seconded by Councilmember Pepler and carried unanimously.

Agreement - Library Plan - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously accepted the library plan of service and building program proposal submitted by RDK Consulting Services, Inc. and authorized the Mayor and City Clerk to execute the professional services agreement on behalf of the City for filing an application under the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

Agreement - Real Estate Services - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved

an agreement with Wiggans & Willett, Inc. to provide real estate services for certain properties for the City of Redlands' proposed "core block" project and authorized the Mayor and City Clerk to execute the document on behalf of the City. The potential development sites in the downtown area includes three properties located on the south side of West Stuart Avenue, east of North Eureka Street, at a fee not to exceed \$15,200.00.

Proclamation - AYSO Cultural Exchange Program - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved issuance of a proclamation thanking the City of Vildberg, Denmark, and its citizens for making the Redlands American Youth Soccer Organization's Cultural Exchange Program possible.

Resolution No. 6055 - Designation of Applicant's Agent - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously adopted Resolution No. 6055 designation the applicant's agent for obtaining federal and state financial assistance in the event of a declared federal or state disaster.

Resolution No. 6066 - Security Gate Card Fee - Redlands Municipal Airport - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously adopted Resolution No. 6066, a resolution of the City Council of the City of Redlands adopting a fee schedule for issuing and operating the security gate card system at the Redlands Municipal airport.

Agreement - 1350 Zone Reservoir - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved an agreement with Camp Dresser & McKee, Inc. to prepare stand alone construction contract documents for the 1350 Zone Reservoir and Water Transmission Pipeline Project and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Water and Wastewater Rate Study - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved an agreement with Black & Veatch Corporation to furnish services for the completion of the Water and Wastewater Rate Study and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Justin Kruienza - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved an independent contractor agreement with Justin Kruienza for the purpose of conducting the AmeriCorps-GoServe grant for Building A Generation and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Resolution No. 6067 - Salary - Resolution No. 6067, 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. 6036, reflects all the staffing level changes associated with the approval of the fiscal year 2002-03 budget and the scheduled cost of living adjustments for the police, fire, management, and safety management employee units of representation which were previously approved the City Council in the respective Memoranda of Understanding. Councilmember Harrison felt the new position in the Public Works Department should be called "City Forester and Park Superintendent" to more accurately reflect the job description. Councilmember Harrison moved to adopt Resolution No. 6067 with this modification. Motion seconded by Councilmember Peppler and carried unanimously.

Bilingual Pay - On motion of Councilmember Gilbreath, seconded by Councilmember Peppler, the City Council unanimously approved amendments to the Memoranda of Understanding for the Redlands Police Officers Association, Redlands Professional Firefighters Association, Redlands Association of Safety Management Employees, San Bernardino Public Employees Association, Redlands Association of Mid-Management Employees and Redlands Association of Management Employees authorizing bilingual pay.

## COMMUNICATIONS

Donation from WAL-Mart - With appreciation, Councilmember Haws moved to accept a donation of \$1,000.00 from WAL-Mart for use by the City at Sylvan Park and to appropriate the same amount to the Parks Division, and to accept a donation of \$1,000.00 from WAL-Mart for the Community Services Division Senior Center Programs and to appropriate the same amount to Senior Services. Motion seconded by Councilmember Peppler and carried unanimously.

## LAND USE AND PUBLIC HEARINGS

CUP 743 - Temple Baptist Church, Applicant - Public notices were advertised for this time and place to consider a draft mitigated negative declaration and public hearings for Conditional Use Permit No. 743 and the Socio-Economic Analysis and Cost/Benefit Study for a three-phase expansion to an existing religious institution which includes conversion of existing dwellings to offices and classrooms, conversion of church buildings to youth services and college ministries buildings, addition of a playground, the addition of 1,329 square feet of office space and the construction of a two-story 26,024 square foot multi-purpose worship center located on 6.78 acres at 611 East Cypress Avenue in the R-S (Suburban Residential) and R-2 (Multiple Family Residential) Districts. Community Development Director Shaw described the proposed project. Mayor Haws declared the meeting open as a public hearing for any questions or comments. Expressing his appreciation to staff for their assistance, Pastor of the Temple Baptist Church Jonathan Jarboe urged approval of the expansion.

Architect Charles Brown was available for questions, and congregation member Greg Batten also expressed his support for the project. There being no further comments, the public hearing was declared closed. Councilmember Pepler moved to approve the Environmental Review Committee's mitigated negative declaration for Conditional Use Permit No. 743 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 Harrison and carried unanimously. Councilmember Pepler moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Conditional Use Permit No. 743 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 Harrison and carried unanimously. Councilmember Pepler moved to approve Conditional Use Permit No. 743 subject to the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Harrison and carried unanimously.

Demolition No. 37 - CR&A No. 740 - Imperial Industrial Group, Applicant - Public notices were advertised for this time and place to consider a draft mitigated negative declaration and public hearings for Planning Commission Review and Approval No. 740 and the Socio-Economic Analysis and Cost/Benefit Study for the demolition of a vacant restaurant structure over 50 years old located at 1449 West Redlands Boulevard in the (General Commercial) District of the East Valley Corridor Specific Plan and the construction of a 10,775 square foot office building on 1.83 acres located at 1449 Redlands Boulevard in the EV/CG (General Commercial) District of the East Valley Corridor Specific Plan. Community Development Director Shaw described the proposed project. The building is being built by a private company and will be leased to the Social Security Administration which will move their offices from Tennessee Street to this facility. The City Council is considering the environmental issue at this meeting; the demolition permit will be considered by the Historic and Scenic Preservation Commission at their meeting scheduled to be held on August 8, 2002. Mayor Haws declared the meeting open for any questions or comments. Representing the applicant, Tim Howard stated he agreed with all the findings, accepted the conditions, and urged approval of this project. Mimi Barr indicated her questions were answered by Mr. Howard. Liz Beguelin felt we needed to take another look at this building before allowing its demolition and reviewed its history. Phil's of Redlands was constructed with material dating back into the 1800's. The dining room and bar had its ceiling constructed with beams taken from a large sailing vessel in the 1800's which sunk and was salvaged and sold to Phil's. Redlands' photographer Jim Sloan displayed many autographed pictures of the movie and sports celebrities who stopped at Phil's on their way to Palm Springs.

She suggested asking the Social Security Administration to incorporate some of this history in their lobby. Mr. Howard responded stating it would not be economically feasible to renovate the structure, noting the broken beams in the attic, the additions that did not appear to meet Code, and the liability the property is currently creating for the owners. He thought Ms. Beguelin's suggestion was wonderful and said he would work with the Social Security Administration. There being no further comments, the public hearing was declared closed. Councilmember Harrison concurred with the applicant regarding the structures and thought it would be valuable to work with the Social Security Administration to design an interesting lobby exhibit. Councilmember George suggested making the beams available to the local historical society for preservation. Councilmember George moved to approve the Environmental Review Committee's mitigated negative declaration for Planning Commission Review and Approval No. 740 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 Harrison and carried unanimously. Councilmember George moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Planning Commission Review and Approval No. 740 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 Harrison and carried unanimously. Councilmember George moved to approve Planning Commission Review and Approval No. 740 subject to the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Harrison and carried unanimously.

#### NEW BUSINESS

Ordinance No. 2502 - City Attorney Support Services - Ordinance No. 2502, an ordinance of the City of Redlands amending Chapter 2.15 of the Redlands Municipal Code relating to the approval and execution of City documents, was read by title only by City Clerk Poyzer, and on motion of Councilmember Harrison, seconded by Councilmember Pepler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2502 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for August 6, 2002.

#### UNFINISHED BUSINESS

Downtown Specific Plan Boundaries - Community Development Director Shaw explained Mike Phillips, owner of Citrone, is investigating the possibility of starting a new restaurant on the northeast corner of Orange and State Streets. He has gone through the preliminary review process and determined that the



impact fees, in particular the water and sewer fees associated with the venture, are too high to proceed without assistance from the City. Measure U provides that all development projects shall be required to pay development fees to cover 100 percent of their pro rata share of the cost of any public infrastructure, facilities or services. There are exemptions to Measure U which include "new development projects subject to the Downtown Specific Plan 45, upon a four-fifths vote of the total authorized membership of the City Council." While the subject site is not within the Downtown Specific Plan, it has been suggested that if the City Council were to amend the boundaries to include the property at the northeast corner of Orange and State Streets, then the City Council by a four-fifths vote could agree to modify development impact fees below the 100 percent requirement currently required by Measure U. Councilmember Gilbreath stated it was her intent to expand the boundaries to a much larger area but she supported this proposal as an interim step. Councilmember Gilbreath moved to direct staff to imitate a Zoning Ordinance Text Amendment to revise the boundaries of the Downtown Specific Plan No. 45 as presented at this meeting. Motion seconded by Councilmember Peppler and carried unanimously.

#### PUBLIC COMMENTS

Merchandise on Sidewalk - Brenda Day, owner of Crate-Tivity, 127 Cajon Street, complained she has been told by the Police Department to remove her merchandise from the sidewalk in front of her store and asked the City Council to assist her with her business. City Manager Davidson offered to meet with her and the property owner.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:37 P.M. The next regular meeting will be held on August 6, 2002.

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City Clerk