

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 March 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; Beatrice Sanchez, Deputy City Clerk (evening session); 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); Doug Headrick, Water Resources Chief (evening session) and Jeffrey L. Shaw, Community Development Director.

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

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the minutes of the regular meeting of February 18, 2003, 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 February 25, 2003, was acknowledged as received.

Minor Subdivision No. 258 - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved a subdivision improvement agreement for Minor Subdivision No. 258 (Parcel Map 15565), the merger of 31 existing lots of record into eight separate parcels encompassing approximately 261.5 acres located within Concept Plan No. 2 of the East Valley Corridor Specific Plan generally on the northwest corner of California Street and San Bernardino Avenue. On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously granted final approval for Minor Subdivision No. 258.

Funds - Sphere of Influence and Annexation No. 82 - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved an increase in appropriation for the Community Development Department in the amount of \$5,000.00 in Account 101164-5140 to fund the required application fees to the Local Agency Formation Commission for an expansion of the City Sphere of Influence and Annexation No. 82 (Donut Hole - Kohl's).

Pre-Annexation Agreement 03-01 - Karla York - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved Pre-Annexation Agreement No. 03-01 on an approximate 11,535 square foot parcel located on the east side of Beryl Avenue, approximately 230 feet north of Brighton Avenue in the Mentone Area (Karla York, applicant).

Fee Waiver - Showmobile - Mario J. Saucedo, American Cancer Society volunteer, invited Councilmembers and staff to participate in the Relay for Life to be held on April 26 and 27, 2003, at the Redlands East Valley High School track. He described the event and programs offered by the American Cancer Society and asked the City Council to waive the fees for the use of the Showmobile. On motion of Councilmember Haws, seconded by Councilmember Pepler, the City Council unanimously authorized a waiver of \$1,100.00 in fees for the American Cancer Society for the use of the City's Showmobile for their fourth annual Relay for Life providing that certain other requirements noted in the rental contract are met for towing, set-up, deposit, insurance coverage and rental period.

Refinance - Certificates of Participation - Councilmember Gilbreath said she would not support refinancing the 1993 Certificates of Participation as recommended by staff as there had been no competitive bidding for the process, and she felt it would cost the City to do the refinancing. City Attorney McHugh assured Councilmembers that bidding was not required for professional services. Councilmember Haws moved to direct staff to begin the process of refinancing the existing 1993 Certificates of Participation. Motion seconded by Councilmember Pepler and carried with Councilmember Gilbreath voting NO. Councilmember Haws moved to approve entering into agreements with O'Connor Southwest Securities for investment banking/underwriter services, Best, Best & Krieger LLP for bond council and disclosure counsel legal services, and Urban Futures for pricing consultant services. Motion seconded by Councilmember Pepler and carried with Councilmember Gilbreath voting NO.

Settlement of Lawsuit - CalTrans - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously acknowledged acceptance of the City's settlement offer with the State of California, Department of Transportation, of a Stipulated Judgment in

Condemnation that reflects the City Council's terms and conditions for settlement. The substance of the Stipulation is that CalTrans will pay the City \$75,000.00 for land which it proposed to condemn.

Ordinance No. 2537 - Massage Parlors - Ordinance No. 2537 an ordinance of the City of Redlands amending Chapter 5.28 of the Redlands Municipal Code relating to massage parlors, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Pepler.

Marker Sign - Japanese Garden, Smiley Park - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously accepted the recommendation of the Parks Commission and authorized the Redlands Sister Cities Association to install a marker sign in Smiley Park at the Japanese Garden. The marker will honor Toshiko Nakata who worked hard to foster and develop the Sister City relationship with Redlands.

Resolution No. 6128 - Landscape Maintenance District - Following brief discussion, Councilmember Harrison moved to adopt Resolution No. 6128, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing an assessment engineer, and ordering the preparation of an engineer's report in the matter of Landscape Maintenance District No. 1. Motion seconded by Councilmember George and carried unanimously.

Resolution No. 6132 - Street Lighting District - Following brief discussion, Councilmember Harrison moved to adopted Resolution No. 6132, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, instituting proceedings, appointing an assessment engineer, and ordering the preparation of an engineer's report in the matter of Street Lighting District No. 1. Motion seconded by Councilmember George and carried unanimously.

Contract Award - Wabash Avenue Storm Drain - Bids were opened and publicly declared on February 6, 2003, by the City Clerk for the Wabash Avenue Storm Drain Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was C. P. Construction Company, Inc., and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved this recommendation and appropriated funds in the amount of \$265,000.00 for said project.

Resolution No. 6140 - Disability Retirement - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously

adopted Resolution No. 6140 authorizing the disability retirement of Police Sergeant Joseph Bodnar.

Ordinance No. 2540 - Special Municipal Bond Election - No action was recommended at this time by Police Chief Bueermann for Ordinance No. 2540, an ordinance of the City of Redlands calling and providing for a municipal bond election for the purpose of submitting to the qualified electors of said city a ballot measure of whether bonded indebtedness of said city should be incurred for the purpose herein set forth; declaring the amount of bonds proposed to be issued and the maximum rate of interest to be paid thereon; making provisions for the levy and collection of taxes; fixing the date of said election (June 3, 2003), and the manner of holding the same and the procedure for voting for or against said measure; and providing for notice of said election.

Wabash Grove - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously authorized the Citrus Preservation Commission to terminate all farming operations at the Wabash Grove in anticipation of the impending construction of the Redlands Sports Park which is scheduled to begin in June, 2003.

Funds - CNG Automated Collection Disposal Trucks - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously authorized the purchase of three CNG automated collection trucks from Carmenita Truck Center and approved an additional appropriation in the amount of \$580,000.00.

Funds - Disposal Vehicle - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously authorized the purchase of a used pick-up truck and trailer, and approved the addition of the purchase to the list of capital expenditures for Fiscal Year 2002-03. This pick-up truck and trailer will be used to provide customers on the hill route with automated refuse, green waste, and recycling containers service.

Agreement - Water Production Facilities - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved an agreement with Resource Management Services to furnish professional services for preparation of Hazardous Material Business Plans and Risk Management Plan audits for the City's water production facilities and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - 1350 Zone Water Transmission Main Project - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved an agreement with Hilltop Geotechnical, Inc. to furnish soils inspection services for the 1350 Zone Water Transmission Main project in the amount of \$17,790.00, authorized the Mayor and City Clerk to

execute the document on behalf of the City, and authorized staff to approve contingent costs up to ten percent (10%) over the initial amount.

Agreement - 1350 Zone Water Transmission Main Project - On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved an agreement with Schmidt Geomatic Mapping, Inc. to furnish construction staking services for the 1350 Zone Water Transmission Main project in the amount of \$14,524.00, authorized the Mayor and City Clerk to execute the document on behalf of the City, and authorized staff to approve contingent costs up to ten percent (10%) over the initial amount.

Agreement - Exchange Entitlement Water - An agreement to exchange entitlement water with Steven and Sharon Guggisberg was withdrawn from agenda and re-scheduled for the March 18, 2003, meeting.

Funds - Contract Award - North Orange Wellfield Project- Bids were opened and publicly declared on February 20, 2003, by the City Clerk for the North Orange Wellfield Project; 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 Beylik Drilling, Inc. in the amount of \$1,096,000.00, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved this recommendation, authorized the Mayor and City Clerk to execute the construction contract on behalf of the City, and authorized staff to approve contingent costs up to ten percent (10%) over the initial amount. On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved an additional appropriation in the amount of \$1.3 million in the Water Project Fund that will be utilized to fund the construction and contingent costs of this project.

Funds - Contract Award - North Orange Wellfield Water Transmission Main - Bids were opened and publicly declared on February 20, 2003, by the City Clerk for the North Orange Wellfield Water Transmission Main Project; 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 Trautwein Construction, Inc. in the amount of \$1,246,700.00. and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Gilbreath, seconded by Councilmember Pepler, the City Council unanimously approved this recommendation, authorized the Mayor and City Clerk to execute the document on behalf of the City, and authorized staff to approve contingent costs up to ten percent (10%) over the initial amount. On motion of Councilmember Gilbreath, seconded by

Councilmember Pepler, the City Council unanimously approved an additional appropriation in the amount of \$1.4 million in the Water Project Fund that will be utilized to fund the construction and contingent costs of this project.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Economic Development Plans - Economic Development Director Ralph Megna reported on his activities and the progress made with the Redlands Automobile Dealers Initiative and "stuff to come." (Also see Redevelopment Agency minutes for March 4, 2003.)

CLOSED SESSION

The City Council meeting recessed at 3:24 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:25 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code Section 54956.8
 - a. Property: APNs 0291-122-01 and 0291-122-06
 - Negotiating parties: Doug Headrick and San Bernardino Valley Water Conservation District
 - Under negotiation: Terms and price
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - One case

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

Nuttall/Uchizono Associates, Applicant - Public hearings were scheduled for this time and place to consider the Socio-Economic Analysis and Cost/Benefit Study for Commission Review and Approval No. 729 (Revision No. 1) a revision to an approved two-story 9,541 square foot micro-brewery and sit-down restaurant to: (a) increase the size of the building by 2,533 square feet for an overall size of 12,080 square feet; (b) increase the seating capacity from 234 seats to 329 seats; and (c) authorize the use of off-site parking facilities of an adjacent restaurant. The subject site is approximately 1.29 acres in size and located on Industrial Park Avenue, south of the Interstate 10 Freeway and west of Alabama Street in the General Commercial District of the East Valley Corridor Specific Plan; and a Variance No. 649 from Section EV3.0720(c)(1) to allow a reduction in the street setback along Industrial Park Avenue from 25 feet to 17 feet for the construction of a two-story 12,080 square foot micro-brewery and sit-down restaurant on a parcel approximately 1.29 acres in size and located on Industrial Park Avenue, south of the Interstate 10 Freeway and west of Alabama Street in the General Commercial District of the East Valley

Corridor Specific Plan. Community Development Director Shaw explained the revised proposal. Mayor Haws declared the meeting open as a public hearing for any questions or comments. Stan Uchizona urged the City Council to approve this revision and presented an artist's rendering of the restaurant featuring a large brass pig at the entrance (the restaurant's mascot). There being no further comments, the public hearing was declared closed.

CEQA - Councilmember George moved to determine that Commission Review and Approval No. 729 (Revision No. 1) does not require further environmental processing, pursuant to Section 15162 of the California Quality Act Guidelines, based on the findings contained in the staff report. Motion seconded by Councilmember Harrison and carried unanimously.

Socio-Economic Analysis and Cost/Benefit Study - Councilmember George moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Commission Review and Approval No. 729 (Revision No. 1) as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community and no additional information or evaluation is needed. Motion seconded by Councilmember Pepler and carried unanimously.

Variance No. 649 - Councilmember George moved to approve Variance No. 649 based on the finding contained in the staff report. Motion seconded by Councilmember Pepler and carried unanimously.

Commission Review and Approval No. 729 - Councilmember George moved to approve Commission Review and Approval No. 729 (Revision No. 1) subject to the findings, conditions of approval, and departmental recommendations contained in the staff report, including the pig. Motion seconded by Councilmember Pepler and carried unanimously.

Pence Construction, Inc., Applicant - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as a public hearing for a Socio-Economic Analysis and Cost/Benefit Study for Commission Review and Approval No. 751 for the construction of a 17,170 square foot tilt-up concrete single story office and warehouse building on 1.17 acres located on the south side of Plum Lane approximately 440 feet east of Idaho Street in the Office/Industrial District of Specific Plan No. 25. Community Development Director Shaw described the proposed project. Mayor Haws declared the meeting open as a public hearing for any questions or comments. A representative of the applicant was present to answer any questions. There being no comments, the public hearing was declared closed.

Mitigated Negative Declaration - Councilmember Pepler moved to approve the Environmental Review Committee's mitigated negative declaration for Commission Review and Approval No. 751 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 George and carried unanimously.

Socio-Economic Analysis and Cost/Benefit Study - Councilmember Pepler moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Commission Review and Approval No. 751 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 George and carried unanimously.

Commission Review and Approval No. 751 - Councilmember Pepler moved to approve Commission Review and Approval No. 751 subject to the findings and all departmental recommendations contained in the staff report. Motion seconded by Councilmember George and carried unanimously.

PUBLIC HEARING

Resolution No. 6125 - Amendment 23 to Specific Plan No. 40 - Public hearing was advertised for this time and place to consider Resolution No. 6125, a resolution of the City Council of the City of Redlands adopting Amendment No. 23 to the East Valley Corridor Specific Plan, an amendment to the East Valley Corridor Specific Plan modifying Section EV4.0250 and Section EV4.0255 establishing specific landscaping requirements within parking lots. Community Development Director Shaw explained this propose specific plan amendment established the same landscaping requirements for parking lot areas that were recently incorporated into Title 18 (Development Code) of the Redlands Municipal Code which culminated the efforts of the Planning Commission and staff to develop and incorporate more stringent landscaping requirements for parking lot areas. Mayor Haws declared the meeting open as a public hearing for any questions or comments. There being no comments, the public hearing was declared closed. Councilmember Pepler moved to adopt Resolution No. 6125. Motion seconded by Councilmember Harrison and carried unanimously.

PUBLIC COMMENTS

Street Light - On behalf of his neighbors, Manuel Guzman asked the City Council to assist in the installation of a street light at Western Avenue and Clay Street. Mr. Guzman was referred to Public Works Director Mutter.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:31 P.M. The next regular meeting will be held on March 18, 2003.

City Clerk