

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 June 3, 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; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Acting Personnel Director (afternoon session); Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director.

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

PRESENTATIONS

Salvation Army Project - On behalf of the Salvation Army Playground CDBG Project, Mr. Richard J. Hickey read a letter of commendation expressing his gratitude to Mary Petite, Public Works Director Mutter, and the entire City of Redlands administrative and support staff for taking a personal interest in helping to improve conditions for the kids of our fine City and asked that the letters be placed in their personnel file.

Redlands Historical Museum Association - Mr. Boyd Niles, President of Friends of A. K. Smiley Public Library, presented a \$10,000.00 check to the Redlands Historical Museum Association which represented matching funds for the museum's endowment. Liz Beguelin, Co-president of the Redlands Historical Museum Association, updated Councilmembers on the progress of the museum.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Pepler, the minutes of the adjourned regular meeting of May 20, 2003, the regular meeting of May 20, 2003, and the adjourned regular meeting of May 29, 2003, were approved as submitted.

Code Supplemental Services - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved a contract with Sterling Codifiers, Inc. to provide Redlands Municipal Code supplemental services and authorized the Mayor and City Clerk to execute the contract on behalf of the City.

Ordinance No. 2538 - Downtown Housing Incentives - Ordinance No. 2538 an ordinance of the City of Redlands amending Specific Plan No. 45 by adding Section VI A.11 and amending Section III A.4 and Section IV A.3.c to establish incentives for the provision of housing within the downtown area, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Pepler.

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

Budget Study Sessions - The City Council will hold its last budget study session on June 12, 2003, beginning at 9:00 A.M.

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Pepler, the report of the Planning Commission meeting held on May 27, 2003, was acknowledged as received.

Resolution No. 6146-6147 - Parking and Business Improvement Area B - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously adopted Resolution No. 6146, a resolution of the City Council of the City of Redlands, County of San Bernardino, State of California, of preliminary approval of the annual report for fiscal year 2003-2004 for Parking and Business Improvement Area B. On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously adopted Resolution No. 6147, a resolution of the City Council of the City of Redlands, County of San Bernardino, State of California, declaring its intention to levy and collect assessments for fiscal year 2003-2004 in Parking and Business Improvement Area B, an assessment district, and offering a time and place for hearing objections thereto (June 17, 2003, at 7:00 P.M.)

Contract Extension - Plan Checking and Inspection Services - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved an amendment to Paragraph 3 "Schedule and Terms" to the professional service contract with Berryman & Hennigar, Inc. to provide plan check, inspection service, and other related duties for the expansion to the Mountainview Power Plant project within the City.

Gym, Health Club, Exercise Facilities and Wellness Centers - Community Development Director Shaw reported the City has received several requests by exercise and wellness businesses interested in locating in the C-1

(Neighborhood Stores District) and the C-2 (Neighborhood Convenience Center) District. This use is not listed as a permitted use in these zones. Staff is recommending that gyms, health clubs, exercise facilities, and wellness centers be permitted in the C-1 and C-2 zones with a conditional use permit and recommended initiation of an ordinance text amendment to allow this process. Councilmember Pepler felt this should be taken care of at the staff level, rather than City Council, and moved that this matter be re-examined for further clarification and review. Motion seconded by Councilmember Haws and carried unanimously.

Settlement Agreement - Karla Kreissig - A settlement and release agreement with Karla Kreissig was withdrawn from the agenda at the request of Ms. Kreissig.

Settlement Agreement - Christopher Perez - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously acknowledged a settlement agreement with Christopher Perez and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. The City Council authorized settlement of this matter in closed session and this release reflects the terms and conditions for said settlement.

Resolution No. 6160 - Traffic - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously adopted Resolution No. 6160, 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: install raised reflectorized markers on the existing crosswalk located at Redlands Boulevard, on the north side of State Street, and install pedestrian crosswalk signs and "Ped Xing Ahead" signs at both approaches to the crosswalk and remove the existing crosswalk on the south side of State Street.

Agreement - Pacific Alarm Service - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved general agreements with Pacific Alarm Service for security systems and fire alarms at various City facilities and authorized the Mayor and City Clerk to execute the agreements on behalf of the City.

Lease Extension - RCMA - Mission Gables Bowl House - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved an extension of five years to the lease with the Redlands Community Music Association for the Mission Gables Bowl House at 168 South Eureka Street and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - CDBG - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved the 2003-2006 Community Development Block Grant City/County Delegate Agency

agreement and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Agreement - Street Improvement Plans - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved the first amendment to the consultant services agreement with Hicks and Hartwick, Inc. for street improvement plans for San Bernardino Avenue and Wabash Avenue in the amount of \$19,150.00 and authorized the Mayor and City Clerk to execute the amendment on behalf of the City.

Release of Lien Agreements - Seven Oaks Medical Center - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously authorized the release of the lien agreements dated May 15, 1986, January 10, 1989, and January 30, 1989, for off-site improvements at the southwest corner of Lugonia Avenue and Nevada Street.

Resolution No. 6166 - Salary - Resolution No. 6166 reflects recent reclassifications approved by the City Council, a City reorganization and a modification to the Police Department's grant funded positions. Councilmember Gilbreath felt these changes needed to go through the budget process and that she wanted more information regarding the reorganization recommendation. Councilmember Pepler felt this should be left up to the City Manager who was doing a fine job. Councilmember Haws felt these were significant changes and moved to continue Resolution No. 6166 for two weeks for further study by Councilmembers. Motion seconded by Councilmember Harrison and carried unanimously.

Funds - Agreement - Customer Information System - Staff recommended the City Council approve a customer information system agreement with Systems & Software, Inc. for the purchase of hardware and software, and the licensing, implementation services, and annual maintenance and support of application software and hardware products. Councilmember Harrison asked several technical questions about this computer program. Municipal Utilities Director Phelps, Utilities Project Manager Janet L. Miller, and a representative from Systems & Software, Inc. responded to his questions. Councilmember Harrison moved to approve this agreement and an additional appropriation in the amount of \$800,000.00 with the caveat that the City acquire the most current hardware technology. Motion seconded by Councilmember Gilbreath and carried unanimously.

Agreement - Reclaimed Water Supply - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved a reclaimed water supply agreement with Mountainview Power Company, LLC and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Water Stock Leases - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved the lease of nine (9) shares of Crafton Water company stock to John Moyles for the 2003-04 water delivery season and authorized the Mayor and City Clerk to execute the leases on behalf of the City.

Procurement Contract - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved a procurement contract with Zenon Environmental Corporation and the assign of contract with Filanc Construction Company and Zenon Environmental Corporation in conjunction with the Recycled Water Project and authorized the Mayor and City Clerk to execute the documents on behalf of the City.

Agreement - North Orange Wellfield - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved an agreement for a public improvement project with F. M. Electric, Inc. for the installation of the North Orange Wellfield, Well No. 2 electrical equipment based on the total negotiated bid amount of \$24,185.00 from a sole source, authorized staff to approve contingent costs up to ten percent over the initial amount, and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Contract Award - Recycled Water Transmission Main Project - Bids were opened and publicly declared on May 22, 2003, by the City Clerk for the recycled Water Transmission Main Project, Phase II, San Bernardino Avenue from Marigold avenue to Mountain View Avenue; 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 Elser Constructors, Inc. in the amount of \$443,351.00 and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved this recommendation, authorized staff to approve costs up to ten percent over the total bid amount, and authorized the Mayor and City Clerk to execute the contract on behalf of the City.

Contract - Spay-Neuter Services - On motion of Councilmember George, seconded by Councilmember Pepler, the City Council unanimously approved a contract with the Humane Society of San Bernardino Valley, Inc. to provide low-cost spay-neuter services and vaccinations for the City and authorized the Mayor and City Clerk to execute the contract on behalf of the City.

COMMUNICATIONS

Policy - Environmental and Development Studies - Councilmember George asked the City Council to consider establishing a policy which would allow the

City to control environmental documents and development studies where the developer would pay for the preparation but the City would hire the consulting firm. Community Development Director Shaw explained the current process. City Attorney McHugh reported he is updating the California Environmental Quality Act (CEQA) guidelines and was planning to present the resolution at the June 17, 2003, meeting. Councilmember George indicated he was willing to discuss this further on June 17, 2003, in conjunction with the CEQA guidelines, and asked staff to prepare a memo covering this matter. Mayor Haws also asked for a survey of what other cities do.

Posting Agendas - Governor Davis is proposing to remove the backfill costs to California cities for the posting of agendas 72 hours in advance; Councilmember George felt we owed it to the citizens of Redlands as a City Council to continue posting the agendas and asked that a resolution be prepared for the City Council's adoption to continue this policy. City Clerk Poyzer stated she had planned to continue posting all agendas as required by State law and would appreciate the City Council's support. By consensus, the City Council directed staff to prepare a resolution for the June 17, 2003, meeting.

Sign Code Amendment - Coops Stamp and Coin Galleries - Councilmember Gilbreath asked the City Council to consider a sign code amendment that would allow murals such as Coops Stamp and Coin Galleries has proposed. Coops wishes to paint a mural on their wall depicting historical bills drawn on the National Bank of Redlands. By consensus, the City Council asked the Cultural Arts Commission to review this request and staff was directed to review an amendment to the Sign Code.

CLOSED SESSION

The City Council meeting recessed at 3:58 P.M. to the Redevelopment Agency meeting and reconvened at 4:00 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code Section 54956.8
 - a. Property: 1329 Barton Road
Negotiating parties: Dr. Imad Thomas and Linda Emmerson
Under negotiation: Terms and price
2. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - a. Reid v. City of Redlands (SCVSS 62229)
 - b. The Redlands Association v. City of Redlands, County of San Bernardino, et al (Fourth Civil Appeal No. EO33256)
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b) - 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

CRA No. 756 - Pence Construction, Applicant - Public notice was advertised for a draft mitigated negative declaration and public hearing for Socio-Economic Analysis and Cost/Benefit Study for construction of a one-story 8,360 square foot warehouse/office building on a 0.62-acre parcel of vacant property located on the west side of Iowa Street, approximately 280 feet south of Park Avenue, in the EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan. Community Development Director Shaw described the project. Mayor Haws declared the meeting open as a public hearing for any questions or comments. Chris Perhach, Pence Construction, Inc., 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. 756 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.

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. 756 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.

Commission Review and Approval No. 756 - Councilmember Pepler moved to approve Commission Review and Approval No. 756 subject to the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Harrison and carried unanimously.

Ordinance No. 2533 - Ordinance Text Amendment No. 293 - Public hearing was advertised for this time and place to consider Ordinance No. 2533, an ordinance of the City of Redlands approving Ordinance Text Amendment No. 293 and amending Article VII of Chapter 18.156 of the Redlands Municipal Code relating to second residential dwelling units in residential zones. Community Development Director Shaw explained Assembly Bill 1866 requires a local agency to consider all applications for second dwelling units (received on or after July 1, 2003) ministerially, i.e. without discretionary review of public hearing. This proposed amendment consolidates and clarifies the standards pertaining to second units and eliminates language that may be interpreted as applying criteria that is less than objective. Councilmember Harrison requested an additional sentence be added requiring the second unit

to be located to the rear of the primary unit. The revised ordinance was presented this meeting. Mayor Haws declared the meeting open as a public hearing. There being no comments, the public hearing was declared closed. Ordinance No. 2533 was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Harrison, further reading of the ordinance text was unanimously waived, and Ordinance No. 2533 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for June 17, 2003.

UNFINISHED BUSINESS

Appeal - Demolition Permit No. 46 - Centex Homes, Appellant - Public hearing was continued from May 20, 2003, to this time and place to consider an appeal to the decision made by the Historic and Scenic Preservation Commission to deny Demolition Permit No. 46 for structures located at 518 South Wabash Avenue. Mayor Haws declared the meeting open as a public hearing and summarized comments heard during the afternoon session from Liz Beguelin regarding past residents of this structure. Urging the City Council to preserve this structure were Rosemary Herendeen and David Waters. Mr. Waters also expressed concerns about the cut-stone curbs, and palm and citrus trees. Mayor Haws asked the applicant if a 90-day delay was feasible. The applicant and his representative, Pat Meyer, indicated the delay would cause problems as they planned to start grading in 30 days but they would be willing to delay the demolition if they could proceed with grading. The structure is currently occupied by a tenant but after the first of July when the tenant has vacated the premises, the applicant offered the opportunity for anyone to salvage hardware. Councilmember Harrison suggested the preparation of exterior dimensions so that someone could re-create this structure. There being no further comments, the public hearing was declared closed. Councilmember George cited sections of the historic and scenic preservation ordinance and felt a re-design of the project was possible in order to find a way to preserve this structure. Following discussion, Councilmember Pepler moved that the City Council determine that no subsequent environmental document are necessary for the City to grant Demolition Permit No. 46 which is consistent with the previous mitigated negative declaration adopted by the Planning commission of the City of Redlands on March 25, 2003, based on the findings contained in the staff report. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO. Councilmember Pepler moved to approve Demolition Permit No. 46 subject to the findings contained in the staff report; expanding Finding H to include the following: "The effective date of the issuance of a demolition permit will be the 91st day from the City Council's approval of the permit (September 2, 2003)"; and adding Finding I to read: "Before the demolition occurs that there shall be archival photos taken of the property and the preparation of a basic architectural plan designating its basic exterior dimensions and location of things such as doors (barn and regular), windows,

walls. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO.

NEW BUSINESS

Measure U Interpretation - Pre-Annexation Agreements - Community Development Director Shaw explained staff's recommendation to determine that approval of a pre-annexation agreement for property in the City's Sphere of Influence is in compliance with Section 4.40s of the General Plan when there is no re-designation (change to the General Plan) or rezoning of the site involved and therefore it is not necessary that the density be limited to that of Estate Residential (R-E) when the parcel was in active agricultural production on November 3, 1986 or was in "Urban Reserve" or "Urban Reserve (Agricultural)" as of June 1, 1987. Representing The Redlands Association, Tex Moore read a statement arguing against this recommendation. Councilmember Pepler felt Mr. Moore's statements were based on inaccurate information. Mayor Haws stated Mr. Moore's analysis was based on ridiculous arguments and moved to approve staff's recommendation. His motion was seconded by Councilmember Pepler. City Attorney McHugh asked the City Council to consider continuing this matter as interpretations of Measure U are usually followed by litigation and asked for additional time to study the matter. The motion was withdrawn and Mayor Haws moved to table the matter. Motion seconded by Councilmember Harrison and carried unanimously.

PUBLIC COMMENTS

Centex Homes Project - David Waters asked for clarification of the project in conjunction with Demolition Permit No. 46 as related to the structures at 518 South Wabash regarding the cut stone curbs and maintenance of the existing orange trees. He was referred to the Community Development Department.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:30 P.M. to an adjourned regular meeting to be held on Thursday, June 12, 2003, at 9:00 A.M. in the City Council Chambers, 35 Cajon Street, Redlands, California. The next regular meeting will be held on June 17, 2003.

City Clerk