

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 October 7, 2003.

PRESENT

Susan Pepler, Mayor Pro Tem
Pat Gilbreath, Councilmember
Gary George, Councilmember
Jon Harrison, Councilmember

ABSENT

Karl N. (Kasey) Haws, Mayor

STAFF

John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; John Habant, Deputy Fire Chief; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director (afternoon session); and Jeffrey L. Shaw, Community Development Director.

The meeting was opened with an invocation by Mayor Pro Tem Pepler followed by the pledge of allegiance.

PRESENTATIONS

Omnitrans - Durand L. Rall, CEO/General Manager, and Wendy Williams, Market Director, Omnitrans, updated Councilmembers on their programs and activities including the new trolley service in Redlands. Councilmember Gilbreath asked what the status was on the bus stops with advertising. Ms. Williams replied they were ready to proceed as soon as the program is addressed in our Sign Code. Councilmember George thanked Mr. Rall and Ms Williams for their assistance and partnership with the trolley system. Councilmember Harrison asked about the feasibility of establishing child care stops.

Grove High School - On behalf of the Grove High School Parent-Teacher Group, Ellen Wiesser thanked Councilmember Gilbreath for her assistance, through the Redlands Community Foundation, in obtaining a grant from Boeing. They will also participate in the next level and hopefully will receive a more substantial grant. She also thanked Councilmembers and staff for their assistance with the Van Grouw Dairy property.

Air Quality Management District - Leonard Paulitz, our representative on the governing board of the Air Quality Management District, reported on the current and future status of air quality in our basin. Larry Rhinehart, Air Quality Management District, was also present to answer questions. Councilmember George expressed appreciation for all their efforts towards better air quality and noted we are taking action later in this meeting on a

resolution authorizing the submission of a grant application to the South Coast Air Quality Management District for the purchase of low emission refuse/recycling trucks.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Gilbreath, the minutes of the regular meeting of September 16, 2003, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Gilbreath, the report of the Planning Commission meeting held on September 23, 2003, was acknowledged as received.

Ordinance No. 2556 - Redevelopment Plan, Fourth Amendment - Ordinance No. 2556 an ordinance of the City of Redlands approving and adopting the proposed fourth amendment to the Redevelopment Plan, as amended, for the Redlands Redevelopment Project, was adopted, by AYE votes of all present, on motion of Councilmember George, seconded by Councilmember Gilbreath.

Agreement - Fordred Development - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an agreement with Fordred Development, LLC for a "Waiver and Release of Claims" for environmental compliance and authorized the Mayor Pro Tem and City Clerk to execute the agreement on behalf of the City.

Settlement Agreement - Jerry Colburn - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council acknowledged a settlement agreement with Jerry Colburn and authorized, by AYE votes of all present, the Mayor Pro Tem 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.

Code Enforcement Agreement - Greg Ramos - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council acknowledged a code enforcement agreement with Greg Ramos for property located at 1144 Tribune Street and authorized, by AYE votes of all present, the Mayor Pro Tem 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.

Lease Agreement - Tom Soffel - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, a lease agreement with Tom Soffel to farm City-owned properties which are located on San Bernardino Avenue, near Judson Street, and identified as Assessor Parcel Nos. 168-121-03 and 04.

Proclamation - Breast Cancer Awareness Month - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, issuance of a proclamation declaring the month of October, 2003, as Breast Cancer Awareness Month and urging our citizens to get involved in the Race for the Cure Day on Sunday, October 19, 2003.

Proclamation - Make a Difference Day - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, issuance of a proclamation declaring October 25, 2003, as Make a Difference Day and urging our citizens to observe this day by engaging in projects benefiting our community.

Grant Agreement - Kimberly Crest - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, execution by the Mayor Pro Tem and City Clerk of a grant agreement with the Department of Housing and Urban Development for Project No. B-01-SP-CA0086 in consideration of a \$21,453.00 grant for restoration of Kimberly Crest house and gardens.

Agreement Amendment - Mission Gables Bowl House - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an amendment to the agreement with Claremont Environmental Design Group, Inc. to re-allocate Mission Gables Bowl House contract amounts and authorized the Mayor Pro Tem and City Clerk to execute the amendment on behalf of the City.

Resolution No. 6198 - Grant Application - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council adopted, by AYE votes of all present, Resolution No. 6198, a resolution of the City Council of the City of Redlands approving the application for grant funds from the Roberti-Z'Berg-Harris Urban Open Space and Recreation Program under the Safety Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000.

Resolution No. 6199 - Grant Application - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council adopted, by AYE votes of all present, Resolution No. 6199, a resolution of the City Council of the City of Redlands approving the application for grant funds from the Per Capita Program under the 2002 Resources Bond Act.

Resolution No. 6200 - Grant Application - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council adopted, by AYE votes of all present, Resolution No. 6200, a resolution of the City Council of the City of Redlands approving the application for grant funds from the Roberti-Z'Berg-Harris Urban Open Space and Recreation Program under the 2002 Resources Bond Act.

Funds - Contract - Street Reconstruction and Pedestrian Facilities - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council appropriated funds and awarded a contract for the design of various street reconstruction and pedestrian facilities to Dudek and Associates, Inc. and authorized the Mayor Pro Tem and City Clerk to execute the contract on behalf of the City by AYE votes of all present. The projects are reconstruction of Cypress Avenue between Redlands Boulevard and Cajon Street; lighted crosswalk on Cypress Avenue at Monterey Street; Union Avenue street improvements between Orange and Tribune Streets; and ADA compliant handicap ramps at various locations within the CDBG Target Area.

Funds - Contract - Street Resurfacing - Bids were opened and publicly declared on September 18, 2003, by the City Clerk for the Street Resurfacing Improvements 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 Laird Construction Company, Inc. in the amount of \$359,953.30, 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 Gilbreath, the City Council approved this recommendation and appropriated the funds for this project by AYE votes of all present.

Resolution No. 6197 - Grant Application - Recycling Trucks - Councilmember George moved to adopt Resolution No. 6197, a resolution of the City Council of the City of Redlands authorizing the submission of a grant application to the South Coast Air Quality Management District for the purchase of low emission refuse/recycling trucks. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Agreement - California Street Landfill - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an agreement with Vector Engineering, Inc. to furnish construction engineering and geological services for the expansion of the California Street Landfill for the amount of \$290,170.00, authorized the Mayor Pro Tem and City Clerk to execute the agreement on behalf of the City, and authorized staff to approve contingent costs up to ten percent (10%) over the initial amount.

Agreement - Ammonium Perchlorate Research - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, a sponsored research agreement with Penn State University in support of ammonium perchlorate research to be conducted at the Texas Street Treatment Facility and authorized the Mayor Pro Tem and City Clerk to execute the agreement on behalf of the City.

Alfa Laval Centrifuge - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, the purchase of an Alfa Laval ALSYS-406 Centrifuge from Alfa Laval Inc. of Richmond, Virginia, for the Wastewater Treatment Plant.

Appoint - VFR Task Force - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council appointed, by AYE votes of all present, Lawrence Fortier to the Vision for Redlands Airport (VFR) Task Force.

Agreement - Capital Improvement Program Water and Sewer Pipeline Project - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an agreement with Boyle Engineering Corporation to furnish design engineering services for the Capital Improvement Program Water and Sewer Pipeline Project in the amount of \$384,385.00, authorized the Mayor Pro Tem and City Clerk to execute the agreement on behalf of the City, and authorized staff to approve contingent costs up to ten percent (10%) over the initial amount.

Funds - Firefighter Grant Award - Following brief discussion, Councilmember Gilbreath moved to authorize acceptance of the Assistance to Firefighter Grant award of \$156,371.00 from the Federal Emergency Management Agency for the complete replacement of the Fire Department's self-contained breath apparatus (SCBA) program and approve an additional appropriation to cover the grant and \$83,416.00 for the required 30 percent grant match (\$67,016.00) and an additional \$16,400.00 to offset the cost increases in equipment since the filing of this grant. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Funds - Agreement - Grant Acceptance - Office of Traffic Safety - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council took the following actions by AYE votes of all present: accepted the State of California Office of Traffic Safety Seat Belt Compliance Campaign grant; approved the State of California Office of Traffic Safety Seat Belt Compliance Campaign grant agreement and award of up to \$14,986.00; and approved an additional appropriation in the same amount to fund the grant budget and personnel as presented in the staff report.

Resolution No. 6201 - Police Department Fees - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council adopted, by AYE votes of all present, Resolution No. 6201, a resolution of the City Council of the City of Redlands increasing fees for the Redlands Police Department to provide security/law enforcement services for events and amending Resolution No. 6065.

COMMUNICATIONS

Auto Mall Project - Community Development Director Shaw and City Manager Davidson presented a proposed incentive package for existing car dealers only which is under consideration and in the form of a "sales tax rebate formula" that will be utilized by Director Point Advisors in negotiating with the auto dealers. This financial incentive will provide the auto dealers with the assurances that they need to evaluate the financial feasibility of relocating in the auto mall, and in their negotiations with the property owner and Director Point Advisors. Based on staff's discussions with Director Point Advisors, it is recommended the "sales tax rebate formula" be established as the basis of a subsequent agreement between the City and the individual auto dealer that would come back to the City Council for approval. The "sales tax rebate formula" was described as follows:

1. A "base year" is established for the sales tax rebate formula by utilizing the last calendar year's gross sales of the individual auto dealer and then discounted by twenty percent (20%).
2. The sales tax rebate would trigger when the gross sales of the individual auto dealer exceeds their base year. The sales tax revenue above the base year would be distributed as follows: Years 1 and 2: 75 percent to auto dealer/ 25 percent to City; Years 3 to 5: 50 percent to auto dealer/50 percent to City; and Years 6 to 10: 25 percent to auto dealer/75 percent to City.

Principal Planner Bob Dalquest will be the staff point person to streamline the development process. Michael Hastings, Director Point Advisors made a presentation on the status of the auto mall project which now has a 60 acres site available to "cluster" dealers. He noted that it is essential for the City to formalize and establish an incentive package for existing auto dealers. Following discussion, Councilmember George moved to receive and file the update on the Auto Mall project presented by Director Point Advisors. Motion seconded by Councilmember Harrison and carried by AYE votes of all present. Councilmember George moved that the City Council approve the incentive package for existing auto dealers relocating into the auto mall as presented. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO (Mayor Haws was absent).

Smiley Boulevard Vacation - Public Works Director Mutter explained that Bill Bonadiman, owner of property known as Treemont Ranch, has contacted staff regarding possible concerns from the City of Redlands over a potential large housing development in Riverside County adjacent to his property. The stated concerns regarded the potential for an arterial roadway being required and developed as part of this housing project over the hills and through the Treemont Ranch area and into the City of Redlands. Mr. Bonadiman felt that an attempt could be made to connect any such roadway with that publicly dedicated portion of Smiley Boulevard located off of San Timoteo Canyon Road, northwesterly of Alessandro Road. He desires that portion of Smiley Boulevard, beyond the public dedication, remain private. His feeling was that if

this public roadway were vacated, such connection would not be possible and would further guarantee the continuation of the private road. Staff indicated that no such roadway could be constructed into the City of Redlands without the City's approval. The existing dedicated roadway does not run to the City/County line. Therefore, significant right-of-way would need to be acquired and dedicated to Redlands if this proposal were to occur. Any eminent domain action in the City of Redlands would need to be administered and approved by the City of Redlands. A street vacation on the public portion of Smiley Boulevard would have no bearing on whether or not a future road is developed through this area. There are a number of parcels that front the dedicated portion of Smiley Boulevard. If this vacation were to occur, some of these parcels would be landlocked. Though a number of the parcels have various easement and rights of entry, public access would not be available. This could hamper future development in the immediate area. Terrance Emershy addressed the City Council asking for a modification of the existing right of way. Public Works Director Mutter noted that at the time of development, this would be needed. Councilmember Gilbreath moved to not vacate Smiley Boulevard at this time, and further moved to direct staff to contact Riverside County and ask to be included in any mailings or notices relative to any such housing development that may be submitted adjacent to the Treemont Ranch area and/or any proposal for any such roadway connection to the City of Redlands. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Urban Forest - Councilmember Harrison presented a status report on the proposed amendments to the Municipal Code governing the care and maintenance of the City's urban forest. After careful review and consideration, the City Council moved to forward the Street Tree Committee's report to staff for further consideration and review. In addition, the City Council requested the proposed Code revisions be reviewed by the Parks Commission, Planning Commission and the Public Works Commission, with a final review of the proposed Code amendments being completed by the Street Tree Committee. Councilmember Harrison reported the Street Tree Committee and staff have completed a comprehensive review of the Code sections governing our urban forest but, unfortunately, there has not been sufficient time to place this matter on the agendas of the various commissions as requested. He asked the City Council to allow staff additional time to complete this significant project. To facilitate the review of, and possible input by the Parks Commission, Planning Commission and the Public Works Commission, it was recommended that the draft ordinance be placed on their October agendas. Suggested changes could then be incorporated in the proposed ordinance by the City Attorney for presentation to the City Council, for its consideration, on November 18, 2003.

Fee Waiver - Ronald McDonald House - Public Works Director Mutter presented a request from the Loma Linda Ronald McDonald House to use Sylvan Park for the Ronald McDonald House special fund-raising event to be

held on Saturday, April 25, 2004. This group is requesting permission to use the entire park to provide for a variety of activities. This would include setting up booths for vendors to sell various products at specified locations in the park. They are also requesting waiver of reservation and use fees as this event is a fund-raising effort to support the work of the Ronald McDonald House. Dee Feldmeir, Executive Director of the Loma Linda Ronald McDonald House, addressed the City Council urging their approval of this request. It was noted they would pay a clean-up deposit fee which would be refundable. Councilmember Pepler moved to approve the request by the Loma Linda Ronald McDonald House for use of Sylvan Park for their special fund-raising event, including placement of booths in the park for various events and activities to include sales in the park, and further moved to approve the waiver of reservation and use fees in the amount of \$1,500.00 for use of all of Sylvan Park for this event on April 25, 2004. Motion seconded by Councilmember George and carried by AYE votes of all present.

Public Park Development Plan - Public Works Director Mutter presented a request reviewed by the Parks Commission at their meetings of February 13, 2003, and June 12, 2003, from Pat Meyer of Urban Environs, representing Beazer Homes (Tract No. 16390 and Conditional Use Permit No. 783). A detailed park development plan was developed and submitted to the Parks Commission for review and consideration Mr. Mutter noted the City has allocated all Park Development fee revenue to the sports park through 2006 and that the City currently does not have sufficient General Fund money for desired park maintenance for existing park facilities. He suggested the developer maintain the park for 18 months at which the City might be in a better financial condition to continue its maintenance. Mr. Meyer addressed the City Council and asked for consideration of some offset with park development fees stating it was the developer's intent to build and develop this park out one hundred percent with irrigation, landscaping and the equipment shown on the conceptual plan. Mr. Meyer agreed to maintain the park for an 18 month period and postpone development of the park until the last phase of houses are built. Councilmember Gilbreath moved to approve the recommendation of the Parks Commission to approve a public park development as a part of Tract No. 16390 and Conditional Use Permit No. 783. Motion seconded by Councilmember Harrison and carried by AYE votes of all present. Councilmember Gilbreath moved to approve the use of the \$442,217.00 in anticipated Park Development fees by Beazer Homes for development of the public park. Motion seconded by Councilmember Harrison and carried by AYE votes of all present. Councilmember Gilbreath moved to direct staff to initiate a General Plan Amendment to include a public neighborhood park along the Santa Ana River Bluff, east of Orange Street. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

The City Council meeting recessed at 4:49 P.M. to the Redevelopment Agency meeting and reconvened at 5:15 P.M.

PUBLIC COMMENTS

Redlands Television Channel 3 - Joshua Pancer presented an idea he wished to pursue to air a Saturday Night Live and Jerry Sienfeld format show on the government access cablevision channel which he would produce in his own studio using his own equipment. Mayor Pro Tem Pepler referred Mr. Pancer to the City Manager.

CLOSED SESSION

The City Council recessed at 5:22 P.M. to a closed session to discuss the following:

1. Conference with labor negotiator - Government Code § 54957.6
Agency Negotiator: John Davidson, Tina Kundig, and Marjie Pettus
Employee Organization: San Bernardino Public Employees Association
2. Conference with labor negotiator - Government Code § 54957.6
Agency Negotiator: John Davidson, Tina Kundig, and Marjie Pettus
Employee Organization: Redlands Association of Mid-Management Employees
3. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a): Administrative proceedings for the State Water Resources Control Board. (Due to a potential conflict of interest, Councilmember Gilbreath did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office.)

The meeting reconvened at 7:00 P.M.

LATE BREAKING ITEM

Councilmember Gilbreath moved to add the an item regarding a police matter to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember Harrison and carried by AYE votes of all present. Redlands' resident Kelly Bullwinkle, 18-years-old and a Crafton Hills College freshman, was last seen September 13, 2003, at the Baker's restaurant in downtown Redlands where she worked. Her car was found on September 14, 2003, at the Ontario Mills Mall parking lot. Her body was found on October 4, 2003, near Alessandro Road in San Timoteo Canyon. Police Chief Bueermann reported his department has been involved in the search for this young lady and the homicide investigation, and felt we could stimulate the investigation if a reward was offered. Donations have been received towards a reward and drug seizure funds could be used to augment the donations. Councilmember Gilbreath moved to authorize the Police Department to use drug seizure funds, not to exceed \$10,000.00, for a reward for information on this tragic case. Motion seconded by Councilmember George and carried by AYE votes of all present.

ANNOUNCEMENTS/REPORTS

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

PRESENTATION

Bi-County Corridor Program - Cancelled, to be re-scheduled.

LAND USE AND PUBLIC HEARINGS

CRA No. 757 - A. Berlin Steward, Applicant - Public notice was 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 Commission Review and Approval No. 757 for the construction of a 10,242 square foot commercial building on a 0.9 acre out-parcel within the Lowe's Home Improvement Warehouse site located on the southwest corner of Redlands Boulevard and Iowa Street in the EV-IC (Commercial Industrial) District of the East Valley Corridor Specific Plan. Community Development Director Shaw described the project and explained the project requires approval of a Commission Review and Approval from the City Council because Section 5.20b of the General Plan requires the project be approved with a four-fifths (4/5) vote since the project will contribute traffic to the intersection of Alabama Street and Redlands Boulevard and will cumulatively contribute to the decrease of the Level of Service (LOS) of that intersection. Mayor Pro Tem Pepler declared the meeting open as a public hearing for any questions or comments concerning this project. The architect for the project addressed Councilmembers and explained the awnings are not illuminated; he thanked staff for their assistance processing this application. There being no further comments, the public hearing was declared closed.

Mitigated Negative Declaration - Councilmember Gilbreath moved to approve the Environmental Review Committee's mitigated negative declaration for Commission Review and Approval No. 757 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 by AYE votes of all present.

Socio-Economic Analysis and Cost/Benefit Study - Councilmember Gilbreath moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Commission Review and Approval No. 757 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 by AYE votes of all present.

Reduced LOS - Councilmember Gilbreath moved to approve a reduced LOS at the Intersection of Alabama Street and Redlands Boulevard as permitted in General Plan Policy 5.20b and 5.20c. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Commission Review and Approval No. 757 - Councilmember Gilbreath moved to approve Commission Review and Approval No. 757 subject to the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:22 P.M. The next regular meeting will be held on October 21, 2003.

City Clerk