

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 January 6, 2004.

PRESENT Susan Pepler, Mayor  
Gilberto Gil, 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; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Mel Enslow, Fire Chief; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director.

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

#### PRESENTATIONS

Laboratory Person of the Year - Mayor Pepler was pleased to honor an employee in recognition of their receiving an award of excellence. The City of Redlands operates a State certified laboratory to monitor water quality. Elsa Munevar-Mendoza was named Laboratory Person of the Year for 2003 by the Santa Ana Basin Section of the California Water Environmental Association. She is now eligible for consideration as Laboratory Person of the Year for the larger state-wide organization. When an employee is recognized by awards of excellence, such awards reflect a high quality of service provided to our citizens. Mayor Pepler congratulated Elsa and wish her good luck in the State competition.

Vietnam Veterans' "Moving Wall" - Bill Harden, Commander of American Legion Post 106, announced the possibility of hosting a visit of the Vietnam Veterans Memorial "Moving Wall." The "Moving Wall" is the half-size replica of the Washington, D.C. Vietnam Veterans Memorial and has been touring the country for over 20 years. If the City of Redlands agrees to host this visit at some time in the future, the City would not incur any final obligations, only to the point of providing a site location, i.e. Ford Park, Sylvan Park, etc. The American Legion would provide the planning, preparation, and publicizing as well as the volunteers at the display site. Councilmembers were excited about this prospect and by unanimous consent urged Commander Harden to proceed.

## PUBLIC HEARING

Community Facilities District No. 2003-1 - Redlands Business Center - Finance Director Kundig reported that on November 4, 2003, the City Council adopted Resolution No. 6211, a resolution of the City Council of the City of Redlands of intention to establish a Community Facilities District and to authorize the levy of special taxes, and Resolution No. 6212, a resolution of the City Council of the City of Redlands to incur bonded indebtedness of the proposed City of Redlands Community Facilities District No. 2003-1 (Redlands Business Center) and set the public hearing for December 16, 2003, at 3:00 P.M. Said public hearing was continued to this time and place. The City will recover all of its staff time and any other on-going expenses via bond proceeds and an administrative fee of up to \$50,000.00 per year, increasing at two (2) percent per year as necessary. Mayor Pepler announced that this is the time and place for the public hearings in these proceedings for the City of Redlands Community Facilities District No. 2003-1. The hearings are to inquire into the formation of the District, the levy of special taxes in the District, and the need to incur bonded indebtedness in the District. Mayor Pepler asked if there were any property owners or persons registered to vote in the District who wish to file written protests; if so, they must be filed with the City Clerk now. There being no written protests filed, Mayor Pepler declared the public hearings officially open and asked for presentations by staff and the consultants about the District. Following their presentations, the City Council will receive comments and questions and any oral protests from any interested persons. When all comments have been received, the hearings will be closed. Finance Director Kundig reviewed the proposal noting all costs associated with the formation of the Community Facilities District are borne by the property owners. Also available to answer questions were: Megan Hamilton, Orrick, Herrington and Sutcliffe; Sara Oberlies, Stone & Youngberg; and Andrea Roess, David Taussig Associates. Mayor Pepler announced this was the time to hear comments, questions and/or protests from the audience. None forthcoming, the public hearings were declared closed.

Resolution No. 6226 - Councilmember Harrison moved to adopt Resolution No. 6226, a resolution of the City Council of the City of Redlands for formation of the City of Redlands Community Facilities District No. 2003-1, authorizing the levy of a special tax within the District, and establishing an appropriations limit for the District. Motion seconded by Councilmember Gil and carried unanimously.

Resolution No. 6227 - Councilmember Harrison moved to adopt Resolution No. 6227, a resolution of the City Council of the City of Redlands deeming it necessary to incur bonded indebtedness within the City of Redlands Community Facilities District No. 2003-1. Motion seconded by Councilmember Gil and carried unanimously.

Resolution No. 6228 - Councilmember Harrison moved to adopt Resolution No. 6228, a resolution of the City Council of the City of Redlands calling a special election for the City of Redlands Community Facilities District No. 2003-1. Motion seconded by Councilmember Pepler and carried unanimously.

Election - At this time, City Clerk Poyzer opened the ballots and announced the following results of the election and completed a copy of the Canvass and Statement of Results:

Qualified Landowner Votes	216
Votes Cast	216
YES	216
NO	None

Mayor Pepler announced the results of the election being unanimously in favor of the incurring of bonded indebtedness, the levy of the special taxes and the establishment of the appropriations limit, the City Council may now proceed with the final actions for the District.

Resolution No. 6229 - Councilmember Harrison moved to adopt Resolution No. 6229, a resolution of the City Council of the City of Redlands declaring results of a special election and directing recording of the Notice of Special Tax Lien. Motion seconded by Councilmember Gil and carried unanimously.

Ordinance No. 2569 - Ordinance No. 2569, an ordinance of the City of Redlands levying special taxes within the City of Redlands Community Facilities District No. 2003-1, was read by title only by City Clerk Poyzer, and on motion of Councilmember Harrison, seconded by Councilmember Gil, further reading of the ordinance text was unanimously waived, and Ordinance No. 2569 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for January 20, 2004.

## CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Gilbreath, the minutes of the regular meeting of December 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.

Resolution No. 6237 - Abandonment - Assessment District 91-1 - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously adopted resolution No. 6237, a resolution of the City Council of the City of Redlands abandoning proceedings for Assessment District No. 91-1. The District has remained inactive since its formation. A

portion of the parcels included in the District is also part of the newly formed CFD 2003-1. The common property owners have requested the District be abandoned in the overlap area referred to as Zone B2. The balance of the Assessment District 91-1 will remain intact.

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

Ordinance No. 2558 - Zone Change No. 391 - Ordinance No. 2558 an ordinance of the City of Redlands effecting Zone Change No. 391, a change of zone from unincorporated County property to R-1 (Single Family Residential) District and R-E (Residential Estate) District on two contiguous parcels totaling 8.93 gross acres located south of Madeira Avenue, north of Mentone Boulevard, west of Sapphire Avenue and east of Plumwood Lane, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Gilbreath.

Ordinance No. 2552 - Signs - Ordinance No. 2552, an ordinance of the City of Redlands amending Section 15.36 of the Redlands Municipal Code relating to signs, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Gilbreath.

Ordinance No. 2568 - C-3 (General Commercial) District - Ordinance No. 2568, an ordinance of the City of Redlands amending Chapter 18.92 of the Redlands Municipal Code relating to additional uses within the C-3 (General Commercial) District by deleting Section 18.92.080(H) relating to the manufacturing, processing, or treatment of products that are incidental to retail businesses conducted on a premise in the C-3 (General Commercial) District, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Gilbreath.

Contract Amendment - Covington Project - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously approved Amendment No. 1 to the contract with Michael Brandman & Associates for professional environmental consulting services for the Environmental Impact Report for General Plan Amendment No. 93, Agricultural Preserve Removal No. 100, Zone Change No. 390, and Tentative Tract No. 16361, which is a project for an 88 lot subdivision on 188 acres located south of Highview Drive and east of Freya Drive, in the extreme southeastern portion of the City (Covington Construction and Development, applicant) and authorized the Mayor and City Clerk to execute the amendment on behalf of the City.

Funds - Contract - Replace Damaged Streetlights - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously appropriated \$10,520.00 in additional funds and approved

a contract with Rymax Electrical, Inc. in the same amount for the removal and replacement of four damaged streetlights which were knocked down and destroyed in four separate traffic collisions, and authorized the Mayor and City Clerk to execute the contract on behalf of the City.

Fee Waiver - Lincoln Pilgrimage - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously approved the request by the Boy Scouts of America for waiver of fees for the use of the Redlands Bowl, barricades and public safety (police) services for the annual Lincoln Pilgrimage program to be held on February 7, 2004.

Bid Award - Well No. 30A - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously approved an agreement for public improvement project with Brithinee Electric, Inc. for the Zone 1300 and 1520 Non-Potable Water Systems Project, Well No. 30A, Electrical Equipment Installation, based on the total bid amount of \$20,555.47 and authorized staff to approve contingent costs up to ten percent over the initial amount.

CC&Rs - Mountain Crest Apartments - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously approved the Covenants, Conditions and Restrictions for the Mountain View Apartment complex as prepared by the City's outside legal counsel and authorized the Mayor and City Clerk to execute the documents on behalf of the City.

#### JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6236 - Subordination Agreement - Councilmember George moved to adopt Resolution No. 6236, a resolution of the City Council of the City of Redlands authorizing the use of low-and moderate-income housing funds outside the Redlands Project Area for the First Time HomeBuyer's Program. Motion seconded by Gil and carried unanimously. (Also see Resolution No. 371 in the Redevelopment Agency minutes for January 6, 2004.)

Funds - Liability Insurance - Redlands Mall Parking Area - Community Development Director Shaw reported the City of Redlands and the Redevelopment Agency adopted a budget in June that included funding the maintenance and operation costs for the parking facilities at the Redlands Mall. This is an annual cost anticipated by the Redevelopment Agency. In recommending the budget, staff did not include costs requested by Redlands Mall of American, LLC for liability insurance. Staff found the proposed costs to be excessive and believed that since the City is "self insured" that this insurance duplicated provisions already in place and was not necessary. Subsequent review by the City Attorney has resulted in a determination that the City's Construction, Operation and Easement Agreement with the Redlands Mall owner does require the mall owner to obtain liability insurance and the

agreement also allows the mall owner to obtain insurance and the agreement also allows the mall owner to be reimbursed for the cost of that insurance by the City. Based upon this determination, monthly reimbursement payments have been increased to reflect this additional cost. Staff is recommending that the parking facilities budget for the Redlands Mall be amended to include these costs for liability insurance. Councilmember Harrison moved that the Redevelopment Agency Board direct staff to amend the 2003-04 Parking Facilities Budget for the Redlands Mall to include liability insurance in the amount of \$16,265.00. Motion seconded by Councilmember George and carried unanimously. Councilmember Harrison moved to appropriation funds in the amount of \$16,265.00. Motion seconded by Councilmember George and carried unanimously. (Also see Redevelopment Agency minutes for January 6, 2004.)

### CLOSED SESSION

The City Council meeting recessed at 3:27 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:29 P.M. to a closed session to discuss the following:

1. Public Employee Performance Evaluation - Government Code Section 54957 - City Manager John Davidson

The meeting reconvened at 7:00 P.M.

### CLOSED SESSION REPORT

Mayor Pepler announced the City Council conducted its annual performance evaluation for City Manager Davidson, and that she was pleased to report the City Council felt he has done a fine job and that they look forward to a long and productive relationship with him.

### ANNOUNCEMENTS/REPORTS

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

### LAND USE AND PUBLIC HEARINGS

A.K.S. and BEK Partnership, Applicant - Public notices were advertised for this time and place to consider a draft mitigated negative declaration and public hearings for Socio-Economic Analysis and Cost/Benefit Study for: Conditional Use Permit No. 820, for the construction of a 10,605 square foot day care building on a vacant 3.2 gross acre property located at the southeast corner of Lugonia Avenue and Nevada Street in the Office Industrial District of Specific Plan No. 25; Commission Review and Approval No. 765 to construct a 15,665 square foot office and warehouse building on a vacant 3.2 gross acre property

located at the southeast corner of Lugonia Avenue and Nevada Street in the Office Industrial District of Specific Plan No. 25; and Resolution No. 6224, Street Vacation No. 126, giving notice of intent to vacate a portion of Idaho Street located north of the intersection of Plum Lane and Idaho Street in the Office Industrial District of Specific Plan No. 25. Community Development Director Shaw reviewed the project. Councilmembers expressed concern about the possibility of hazardous waste materials within the warehouse building as not being compatible with the day care facility. Fire Chief Enslow assured them the Fire Department conducts four inspections a year when hazardous waste materials are present. Mayor Pepler declared the meeting open as a public hearing. Representing the applicant, the architect explained the day care facility replaces an existing facility but will be larger, and that a separate driveway for the students transportation will be provided and the two use separated. There being no further comments, the public hearing was declared closed.

Mitigated Negative Declaration - Councilmember Harrison moved to approve the Environmental Review Committee's mitigated negative declaration for Commission Review and Approval No. 765, Conditional Use Permit No. 820, and Street Vacation No. 126 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 Gilbreath and carried unanimously.

Socio-Economic Analysis and Cost/Benefit Study - Councilmember Harrison moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Commission Review and Approval No. 765, Conditional Use Permit No. 820, and Street Vacation No. 126 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 Gilbreath and carried unanimously.

Level of Service - Councilmember Harrison moved to approve a reduced Level of Service at the intersection of Alabama Street/Redlands Boulevard during the peak hours as permitted in General Plan Police 5.20b and 5.20c. Motion seconded by Councilmember Gilbreath and carried unanimously.

Commission Review and Approval No. 765 - Councilmember Harrison moved to approve Commission Review and Approval No. 765 on the express condition that pending Street vacation No. 126 is approved and subject to the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Gilbreath and carried unanimously.

Conditional Use Permit No. 820 - Councilmember Gilbreath moved to approve Conditional Use Permit No. 820 on the express condition that pending Street Vacation No. 126 is approved and subject to the findings and

conditions of approval contained in the staff report. Motion seconded by Councilmember Harrison and carried unanimously.

Resolution No. 6224 - Street Vacation No. 126 - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, Resolution No. 6224, a resolution of the City Council of the City of Redlands declaring its intention to vacate a portion of Idaho Street located north of the intersection of Plum Lane and Idaho Street and setting the public hearing for this street vacation at 7:00 P.M. on February 3, 2004, was unanimously adopted.

## PUBLIC HEARINGS

Resolution No. 6232 - Specific Plan No. 25 (Amendment No. 7) - Public hearing was advertised for this time and place to consider Resolution No. 6232 to amend Specific Plan No. 25 Section 3.C.4 to allow exterior parking lot lighting to have a height of 20 feet (Seven Oaks Medical Center LLC, Applicant). Community Development Director Shaw reviewed the request. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. A representative of the applicant, explained that 20 foot poles were more aesthetically appropriate for a three-story building, and noted the adjacent property already has 20 foot poles. There being no further comments, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6232, a resolution of the City Council of the City of Redlands adopting Amendment No. 7 to Specific Plan No. 25 relating to the height of parking lot lighting fixtures. Motion seconded by Councilmember Harrison and carried unanimously.

Ordinance No. 2570 - Cancel Development Agreement No. 3 - Public hearing was advertised for this time and place to consider Ordinance No. 2570, an ordinance of the City of Redlands canceling the development agreement with Barton Development Company and the Glorious Redlands Investment Partnership. Community Development Director Shaw explained the current development agreement was entered into in 1991. The applicant, who now owns the property, is Bixby Land Development, and they have different plans for the property which are not consistent with the current development agreement. The project area is generally located between Mountain View Avenue, Lugonia Avenue, California Street, and San Bernardino Avenue. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Ordinance No. 2570 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. 2570 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for January 20, 2004.

Resolution No. 6233 - Specific Plan No. 40 (Amendment No. 26) - Public hearing was advertised for this time and place to consider Resolution No. 6233 to approve an amendment to the East Valley Corridor Specific Plan by amending Chapter 7 and Chapter 9 relating to uses within the General Commercial District and Commercial Industrial District; and adding Subsection "H" entitled "Automobile Sales Development Standards" to Chapter 7 of the Specific Plan. Community Development Director Shaw reviewed the proposed amendment. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6233, a resolution of the City Council of the City of Redlands amending the East Valley Corridor Specific Plan (Specific Plan No. 40) (Amendment No. 26) relating to uses within the General Commercial District and Commercial Industrial District and adding "Automobile Sales Development Standards" to the General Commercial District. Motion seconded by Councilmember Harrison and carried unanimously.

Ordinance No. 2571 - Ordinance Text Amendment No. 298 - Public hearing was advertised for this time and place to consider Ordinance No. 2571, an ordinance of the City of Redlands amending Chapters 18.64, 18.92, and 18.96 of the Redlands Municipal Code relating to uses within the A-P, C-3 and C-4 Districts and adding Article IX entitled "Automobile Sales Development Standards" to Chapter 18.156. Community Development Director Shaw explained the proposed ordinance noting an issue was presented to the Planning Commission during the hearing from an individual who wants to relocate a massage therapy clinic for medical massage from the C-3 (General Commercial) District to the A-P (Administrative and Professional Office) District. Staff has addressed this issue in the proposed ordinance. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. Ronda McMurky presented information regarding medical massage and asked that her request be approved for relocation of her massage therapy clinic. There being no further comments, the public hearing was declared closed. Ordinance No. 2571 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. 2571 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for January 20, 2004.

Ordinance No. 2572 - Specific Plan No. 45 (Amendment No. 8) - Public hearing was advertised for this time and place to consider Ordinance No. 2572, an ordinance of the City of Redlands amending Specific Plan No. 45 relating to permitted uses within the Town Center District, Town Center-Historic District and Services Commercial District and establishing automobile sales development standards in the Redlands' downtown area. Community Development Director Shaw explained the proposed amendment. Mayor Pepler declared the meeting open as a public hearing for any questions or

comments. None being forthcoming, the public hearing was declared closed. Ordinance No. 2572 was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember Harrison, further reading of the ordinance text was unanimously waived, and Ordinance No. 2572 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for January 20, 2004.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 7:55 P.M. The next regular meeting will be held on January 20, 2004.

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City Clerk