

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 May 4, 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; 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 George followed by the pledge of allegiance. He included prayers for the family of Corporal Rob Jones, Redlands Police Department, who died this morning.

PRESENTATION

Proclamation - Water Awareness Month - Mayor Pepler proudly announced the City recently received the 2004 Drought Proofing Award from the Santa Ana Watershed in recognition of our contribution toward drought proofing the watershed with our recycled water project. The City Council unanimously authorized issuance of a proclamation declaring the month of May, 2004, to be Water Awareness Month to inform and educate the public to increase their awareness of water and water conservation. Mayor Pepler presented the proclamation to Water Resources Chief Doug Headrick. Premium drinking water from the City of Redlands was provided in the Redlands Festival bottles for Councilmembers and staff for this meeting.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the special meeting of April 20, 2004, and the regular meeting of April 20, 2004, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on April 27, 2004, was acknowledged as received.

Tract No. 16480 - Alan and Robin Gotta, Applicant - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the subdivision improvement agreement for Tract No. 16480, a subdivision that is comprised of six single family lots on 3.25 acres located on Blossom Avenue, at the Blossom/Bellevue Avenue intersection in the R-S (Suburban Residential) District. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously granted final approval for Tract Map No. 16480 and authorized recordation with the County Recorder.

Ordinance No. 2576 - Signs on Public Property - Ordinance No. 2576, an ordinance of the City of Redlands amending Chapter 12.55 of the Redlands Municipal Code relating to signs on public property (use of City property for banners), was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gil.

Conditional Use Permit No. 744 - Time Extension - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously determined that no subsequent environmental documents are necessary for the City's one year extension of Conditional Use Permit No. 744 to construct a religious institution, which consists of a 5,512 square foot building on 86.05 acres located at 28899 San Timoteo Canyon Road (Iglesia del Dios Vivo, Columna y Apoyo de la Verdad, La Luz Del Mundo, Applicant), which is consistent with the previous Mitigated Negative Declaration adopted by the City Council on April 16, 2002, based on the following findings: (1) no substantial changes are proposed in the project which will require major revisions of the previously approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to circumstances under which the project was undertaken which will require major revisions of the previous approved Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration for Conditional Use Permit No. 744 was approved, has been identified. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a one-year time extension for Conditional Use Permit No. 744 extending approval until April 16, 2005.

Fee Waiver - Showmobile - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized a waiver of \$450.00 in fees for the Kingsbury Elementary Parent Teacher Association for the one day use of the Showmobile providing that certain other requirements noted in the rental contract are met for towing, set-up, a deposit, insurance coverage, and rental period.

Settlement Agreement - Britt - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously acknowledged a settlement and release agreement with William and Carol Britt 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.

Settlement Agreement - Reyes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously acknowledged a settlement and release agreement with Rhonda Reyes 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.

Settlement Agreement - Kjellberg - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously acknowledged a settlement and release agreement with Lacey Kjellberg 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.

Proclamation - World War II Veterans - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation declaring May 29, 2004, as World War II Veterans' Recognition Day and encouraged all citizens to celebrate the contributions and sacrifices of these men and women who placed their lives in harms' way protecting American values and preserving democracy for the world.

Surplus Playground Property - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously declared all existing park playground equipment scheduled for replacement to be surplus personal property pursuant to the Redlands Municipal Code Section 2.16.250. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized staff to convey such surplus personal property pursuant to the Redlands Municipal Code section 2.16.250 to the Sunrise Rotary Club of Redlands for use by a number of orphanages in Mexico.

Fee Waiver - Sylvan Park - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the waiver of reservation fees for use of Sylvan Park by the Redlands Sunrise Rotary Club on September 18, 2004, to conduct their second annual motorcycle rally fund raiser.

Resolution No. 6274 - CFD 2004-1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6274, a resolution of intention of the City Council of the City of Redlands with respect to formation of proposed Community Facilities District No. 2004-1 of the City of Redlands (Centex Homes). A public hearing on this matter is set for June 15, 2004, at 7:00 P.M.

Release of Lien Agreement - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the release of a lien agreement dated July 19, 1979, for improvements along the northwest corner of Church Street and Pioneer Avenue and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - West Redlands Water Company - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with West Redlands Water Company to provide domestic and irrigation water and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Contingent Costs for North Orange Wellfield Water Transmission Main Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved contingent costs up to 16% over the total bid amount by Trautwein Construction, Inc., based on actual project quantities for the Water Transmission Main Phase of the North Orange Wellfield project.

Agreement - Redlands Recycled Water Project - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a service agreement with Zenon Environmental to support the Redlands Recycled Water Project and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Agreement - Paramedic Training Site - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with the State Center Community College District identifying the Redlands Fire Department as a paramedic training site and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Juvenile Accountability Incentive Block Grant - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously

waived the City of Redlands' right to its entire Juvenile Accountability Incentive Block Grant (JAIBG) award and contribute its JAIBG funding to a Regional Juvenile Crime Enforcement Coalition (RJCEC) and authorized the Mayor to execute the waiver authorizing the State of California, Board of Corrections, to transfer the City of Redlands' 2004 JAIBG award to the County of San Bernardino.

Funds - Bulletproof Vest Partnership Program - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the request for an additional appropriation in the amount of \$7,657.93 to fund the purchase of bulletproof vests from funds received from the Bureau of Justice Assistance Bulletproof Vest Partnership Program.

MOU Amendment - Firefighters - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized staff to proceed with the implementation of the Principal Financial dental plan at a guaranteed monthly rate of \$33,043.00 through December 31, 2005. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved Amendment No. 3 of the Memorandum of Understanding between the City of Redlands and the Redlands Professional Firefighters Association and authorized the Mayor and City Clerk to execute the document on behalf of the City.

MOU Amendment - Management Employees - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized staff to proceed with the implementation of the Principal Financial dental plan at a guaranteed monthly rate of \$33,043.00 through December 31, 2005. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved Amendment No. 1 of the Memorandum of Understanding between the City of Redlands and the Redlands Association of Management Employees and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Dental Plan - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized staff to proceed with the elimination of the City's self-funded dental plan in favor of a fully insured plan administered by an insurance provider. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized staff to change the City's prepaid HMO dental plan from HealthNet to Dental Health Services.

COMMUNICATIONS

Multicultural Nature of Redlands Study - Councilmember George recommended the City accept a courtesy introductory study offered by the consulting group of MC Orci to address the growing multicultural nature of

Redlands. This study, to be conducted at no cost to the City, will address the issue of carefully integrating the City's Hispanic population into the overall economic, political and social infrastructure of the community in order to enhance opportunities for all segments of the City's population. Three representatives from MC Orci, working in conjunction with Direct Point Advisors, presented their credentials and explained their program. By consensus, the City Council authorized them to proceed with their study.

Voting Delegate - League of California Cities' Special Meeting - Councilmember Pepler moved to designate Councilmember Gil to serve as the voting delegate for the League of California Cities 2004 special meeting of the League General Assembly to be held on Thursday, May 13, 2004, in Sacramento. Motion seconded by Councilmember George and carried unanimously. Councilmember George moved to designate Councilmember Harrison to serve as the alternate voting delegate for the League of California Cities 2004 special meeting of the League General Assembly to be held on Thursday, May 13, 2004, in Sacramento. Motion seconded by Councilmember Pepler and carried unanimously.

Modular Unit at Redlands Heritage Park - Public Works Director Mutter reported Grove High School has requested permission from the City to construct a temporary modular building at Redlands Heritage Park on property currently leased to Grove High School. This modular unit would be leased by Grove High School for a period of no more than 36 months according to their proposal. It would be constructed with full utility hookups and ADA access. The property at Redlands Heritage Park was purchased with Measure O funds. The primary purpose of this purchase was to maintain a farm environment with the history of the area's dairy farming. It was not contemplated that a portion of these grounds would be leased for a school. Some citizens have expressed concerns that if this project is approved, Grove High School will continue to grow and use more of the park land intended for other general purposes. To date, the Grove High School staff and students have taken good care of the facility and no problems have arisen. They have complied with the terms of the lease agreement regarding the use and maintenance of the facility. Stan Weisser urged the City Council to approve this request, that the City enter into a lease with them and pass on all costs to Grove High School, and requested a waiver of the fees. Councilmember George expressed concern that the parcel remain a public park and asked several times what Grove High School would do when the 36 month period expired. Gena Engelfried explained at length Grove High School's goals and projects and curriculum. Councilmember Harrison asked where the classroom will be located in 36 months and said he wanted clear, concise language to protect this public park. Speaking in support of the Grove High School request were Brad Easter and Bob Denham. Margie Armantrout, Chair of the Redlands Heritage Park Committee, distributed their new brochure and expressed her support for the request. Councilmember Gilbreath moved to allow Grove High School to file an application for a conditional use permit for

the possible location of a modular building, not to exceed 36 months, on City-owned property in Redlands Heritage Park. Motion seconded by Councilmember Pepler and following further discussion and carried unanimously. Councilmember Gilbreath moved to direct staff to prepare an amendment to the lease with Grove High School with the terms specified by the City Council including the placement of the modular building not to exceed 36 months and to include a maximum number of students as permitted by Grove High School's agreement with the Redlands Unified School District to permit the possible location of a modular building in Redlands Heritage Park. Motion seconded by Councilmember Pepler and carried unanimously.

Truck Farm - During the discussion regarding Grove High School and the Redlands Heritage Park, it came to the attention of Councilmember that a truck farm is located within the park and that there is no formal lease with the City for use of this land. Councilmember Harrison asked staff to look into this relationship.

Ordinance No. 2578 - Dedication and Improvement Requirements - City Attorney McHugh presented an ordinance which will assist the Municipal Utilities Department, Community Development Department and Public Works Department impose dedication requirements for the construction of public improvements for development projects that do not involve subdivisions. Ordinance No. 2578, an ordinance of the City of Redlands adding Chapter 12.22 to the Redlands Municipal Code to establish dedication and improvement requirements for non-subdivision development projects, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Pepler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2578 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for May 18, 2004.

Termination of Lease - Boys and Girls Club of Redlands - City Manager Davidson presented a letter from Ron Warren, Chairman of the Board of Directors of the Boys and Girls Club of Redlands, asking to negate the lease with the City of Redlands on APNs 0167-242-15, 0167-242-16, and 0167-242-17. Councilmember Gilbreath moved to approve this request and terminate said lease. Motion seconded by Councilmember Pepler and carried unanimously.

Contract Award - Demolition of Clay Street Buildings - Bids were opened and publicly declared on April 15, 2004, by the City Clerk for the Demolition of Clay Street Buildings Project; a bid opening report is on file in the Office of the City Clerk. Public Works Director Mutter explained this project will demolish and remove the buildings and debris from all four structures and completely clear the site located at the southwest corner of Clay Street and Lugonia Avenue in anticipation of the construction of the new Boys and Girls Club building

project. It was recommended that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was NBI General Contractors in the amount of \$49,500.00 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 Gil, the City Council unanimously approved this recommendation.

CLOSED SESSION

The City Council meeting recessed at 4:30 P.M. to the Redevelopment Agency meeting and reconvened at 4:31 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: John Davidson and Tim Phelps
 Under negotiation: Terms and price
 Due to a potential conflict of interest, Councilmember George did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office.
 - b. Property: APN 300-601-05
 Negotiating parties: John Davidson and Rescue Med Corp
 Under negotiation: Terms and price
 - c. Property: 11191 Nevada Street
 Negotiating parties: John Davidson and Ruth VanGrouw
 Under negotiation: Terms and price
2. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a) - Aranda v City of Redlands - SCVSS 104205
 3. Conference with labor negotiator - Government Code Section 54957.6
 Agency Negotiator: John Davidson
 Employee Organization: Redlands Association of Management Employees
 4. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(c): One case

The meeting reconvened at 7:00 P.M. to a standing room only audience.

ANNOUNCEMENTS/REPORTS

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

PUBLIC HEARINGS

Resolution No. 6271 - Historic Resource - Public hearing was advertised for this time and place to consider the recommendation of the Historic and Scenic Preservation Commission to designate the Auerbacher House located at 121 Sierra Vista Drive as Historic Resource No. 104. Community Development Director Shaw reported the applicant, Mary J. Auerbacher, is requesting this historic designation. A full analysis of the architecture and history is contained in the staff report from the Historic and Scenic Preservation Commission which recommended approval based on the high "modern" or mid-century modern" residential design and architecture. Mayor Peppler declared the meeting open as a public hearing for any questions or comments concerning this matter. Ms. Auerbacher informed Councilmembers she decided to seek this designation to protect her home in the future from demolition. There being no further comments, the public hearing was declared closed. Councilmember Harrison moved to adopt Resolution No. 6271, a resolution of the City Council approving this recommendation. Motion seconded by Councilmember Gilbreath and carried unanimously.

NEW BUSINESS

City Logo - Mayor Pepler reported that recently the Southern California American Civil Liberties Union (ACLU) contacted the City expressing concern over the Latin cross in the City's logo. The ACLU claimed that the cross on the logo represents a connection between city government and a specific religion. Legal representatives from the ACLU warned the City that if it failed to remove the cross from the logo in a timely manner, the ACLU would file a lawsuit against the City. The City Manager and City Attorney informed the City Council of their discussions with the ACLU and advised the City Council of the potential impacts associated with not complying with their request. It was staff's position that if the City decided to fight the ACLU on this matter, it was highly unlikely the City would prevail and the costs for defending this action and subsequently losing, would be significant. Staff conducted further research on the matter and discovered numerous cases throughout the country where cities had similar logo designs that were contested and found to be unconstitutional by the courts. In addition, the Alliance Defense Fund, a conservative Christian organization that finances litigation to defend issues of "religious liberty rights" and the protection of family values, did its own legal research and decided the City does not have a defensible case with the regard to the City logo with the cross. Given the circumstances of the situation, the City Manager informed the City Council he wished to take immediate action to remove and/or modify the City logo in order to meet the demands of the ACLU and to avoid costly litigation for the City. The City Council did not disagree with his decision.

The Redlands' logo in question was designed by George W. Collins, a former Redlands police sergeant, during the 1960's . Since that time, the logo has come to mean a lot to many of us, including Councilmembers sitting at the dais at this meeting. However, the courts have been very clear on this issue: a city logo cannot contain a sectarian religious symbol. Mayor Pepler said she was frustrated and sad that a tiny anonymous minority is allowed to impose its agenda on the rest of the City, using the cloud of legal fees to wield over the heads of this City Council and our community. But unfortunately, the law is against Redlands and any other City in this situation. It is not an issue that the City Council can resolve. Mayor Pepler placed this matter on this agenda to provide an opportunity for this City Council to discuss and explain the recent actions associated with the removal of the cross from our City logo. It also would provide an opportunity for the community to voice their feelings as it relates to this very sensitive and extremely unfortunate situation. City Attorney McHugh provided legal background on this matter.

Expressing appreciation for their presence at this meeting, Mayor Pepler called upon the following people who expressed concerns about the process and offered support both in spirit and with financial contributions: Jonathan Jarboe, Bruce Smith, Rod Rhoades, Donna Stocker, Mimi Ackerman, Scott Siegel,

Randy Ryder, Don Wallace who also submitted a letter signed by 11 pastors of local churches, Steve Hicok, Jerry Fairchild, Pastor Lonnie Wiggins, Amanda Mason who submitted a petition with 285 signatures, David Waters, James Anderson, Steve Hoff, Reverend Wiley James Smith, Joseph Horace Billingsley I, and Fred Dill. Jean Zeller asked everyone to gracefully give up the battle with the ACLU. Bill Cunningham argued legal options with the City Attorney. Councilmember Gilbreath noted she did not want to "feed" the ACLU coffers and suggested formulating an attack but that the cost would have to be borne by the citizens of Redlands. She suggested directing to City Attorney to continue looking at avenues of defense and to establish a defense fund. Councilmember Harrison was willing to explore further avenues but noted the City is not in a position to fund this fight. Councilmember Gil said he was always up to a good fight but that all of us would have to fight this and when the fund is running out of money, he would be coming back to the citizens for more money. Councilmember George said, "we are your elected official and if you want it, we will take it on." Mayor Pepler said the City will continue to pursue all options presented and will establish a fund for receipt of the donations.

The City Council meeting recessed at 9:15 P.M. and reconvened at 9:29 P.M.

UNFINISHED BUSINESS

Ordinance No. 2575 - Market Night Juvenile Curfew - Community Development Director Shaw reviewed Ordinance No. 2575, an ordinance of the City of Redlands amending Chapter 9.24 of the Redlands Municipal Code to establish a juvenile curfew during the City's sponsored Market Night. As the City Council liaison and member of the Downtown Redlands Business Association Board of Directors, Councilmember George asked the City Council to grant the DRBA a 90 day extension after the curfew takes effect to address the other issues. Urging the City Council to adopt the juvenile curfew and allow Market Night to continue operating on Thursday nights were: Cynthia Farquhar, Brenda Day, and Dave Ahlers. Councilmember Pepler moved to adopt Ordinance No. 2575. Motion seconded by Councilmember George and carried with Councilmember Gil voting NO.

Texonia Park - Joe Gonzales, Northside Advisory Committee, made a presentation to the Parks Commission at their meeting of March 11, 2004, to rename Texonia Park to Tony Martinez Park in memory of Mr. Martinez. Mr. Gonzales presented staff with a petition containing 423 signatures with no addresses to verify residency. Staff has also received letters of support from Dr. C. Hyman and Arthur Rand of the Human Relations Commission. Texonia Park is an 11-acre park located at the northwest corner of Texas Street and Lugonia Avenue. It is used as a local neighborhood park and for several programs sponsored by the City's Recreation Division. These programs include T-ball and soccer for youth. The park contains a lighted softball field, lighted soccer fields, a playground and a small picnic area. Representing the Northside

Impact Committee and citizens of north Redlands, Ediberto Flores asked this matter be postponed to allow further input from the community at an open forum. David Regalado, who has seen Texonia Park evolve over the many years, thought the current name sounded good. Tony Jimenez and Joe Gonzales, Northside Advisory Committee, and Gil Navarro, Mexican American Political Association, spoke in favor of naming the park for Tony Martinez. Councilmember Gil reported he had met with Mr. Gonzales and the Northside Impact Committee and learned the residents want to hold a forum to allow more opportunity to discuss this proposal. He also felt the City needed to establish standards to re-name a park. Following much discussion, Councilmember Pepler moved to continue this matter for 90 days to allow the holding an advertised public forum. Motion seconded by Councilmember Gil and carried with Councilmember George and Gilbreath voting NO as they were ready to proceed with the name change at this meeting. Mayor Pepler asked staff to explore a policy for the naming of public places.

Gardner Construction and Development - Community Development Director Shaw explained that on March 16, 2004, the City Council held public hearings to consider a Socio-Economic Cost Benefit Study, General Plan amendment, zone change, Commission Review and Approval, and a variance for property located at the southeast corner of Cypress Avenue and the Interstate 10. The public hearings were closed and the City Council voted 3-2 to deny General Plan Amendment No. 2004-1-B to change the land use designation of the City-owned property. Related applications submitted by a private party, Gardner Construction and Development, to allow a project with an office building on the site were contingent upon the approval of the General Plan amendment. Because the City Council denied the General Plan amendment, Gardner's pending applications could not be approved. However, on April 6, 2004, the City Council received additional testimony (outside of a public hearing) from the applicant, Mark Gardner. The City Council subsequently requested staff to identify what options were available. Community Development Director Shaw reviewed the history of the property and its acquisition by the City and presented five alternative actions and motions as contained in the staff report for the City Council's consideration. Gary Alborn asked the City Council what had changed since March 16; he had in his possession a petition with a purported 20 signatures asking the City Council to deny the zone change. Eelisha Koskela also asked the City Council to deny Mr. Gardner's request.

Zone Change No. 398 - Councilmember Pepler moved to deny Zone Change No. 398 for a 0.92 acre parcel on the southeast corner of Cypress Avenue at Interstate 10 from R-S (Suburban Residential) to A-P (Administrative and Professional) because the proposed zone change is not consistent with the General Plan designation of Low Density Residential/Public Institutional and because the applicant is not the owner of the property which is subject to the proposed rezoning as required by Redlands Municipal Code Section 18.200.020. Motion seconded by Councilmember George and carried with Councilmember Gilbreath voting

NO. Mark Gardner expressed his disappointment and said he felt he had been wronged by the City of Redlands.

CR&A No. 768 - Councilmember Pepler moved to deny Commission Review and Approval No. 768 for a 0.92 acre parcel on the southeast corner of Cypress Avenue at Interstate 10, based upon this City Council's determination that the proposed project is not permitted by the existing General Plan designation of Low Density Residential/Public Institutional and the existing R-S (Suburban Residential) zoning for the property on which the project is proposed to be located. Motion seconded by Councilmember George and carried with Councilmember Gilbreath voting NO.

Variance No. 773 - Councilmember Pepler moved to deny Variance No. 663 for a 0.92 acre parcel on the southeast corner of Cypress Avenue at Interstate 10, based upon the City Council's determination that substantial evidence exists in the record of proceedings for this project: (1) the proposed project is not permitted by the existing General Plan designation of Low Density Residential/Public Institutional and the existing R-S (Suburban Residential) zoning which apply to the property for which the variance is sought; (2) the variance is not necessary for the presentation or enjoyment of a substantial property right possessed by other property owners in the vicinity and which is denied the property in question because no other properties in the area maintain an office use in a residential zone. Motion seconded by Councilmember George and carried with Councilmember Gilbreath voting NO.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 10:58 P.M. The next regular meeting will be held on May 18, 2004.

City Clerk