

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 15, 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 (evening session only); 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 Harrison followed by the pledge of allegiance.

Moment of Silence - Mayor Pepler called for a moment of silence in memory of the President of the United States Ronald Reagan who died on June 5, 2004, and California Highway Patrolman James Goodman who was recently killed in the line of duty in an accident in Redlands.

## PRESENTATIONS

365 Club - Mayor Pepler, Police Chief Bueermann and Civilian Volunteer Patrol member Jim Stellar presented "365 Club" membership certificates to its 43 members. Mayor Pepler thanked the Civilian Volunteer Patrol members for all they do for the City.

AQMD - Dennis Yates, Air Quality Management District Boardmember, and Janet Laiblin AQMD Public Affairs Specialist, reviewed the history of the AQMD.

Economic Development Progress Report - Economic Development Director Ralph Megna presented an economic development progress report including redevelopment of the Redlands Mall, Downtown Specific Plan, Core Block issues, and the Donut Hole.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Harrison, seconded by Councilmember Gil, the minutes of the adjourned regular meeting of June 1, 2004, and the regular meeting of June 1, 2004, were approved as submitted.

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

Budget Study Sessions - At the request of Councilmember George, the remaining budget study session will be held on Tuesday, June 29, 2004, at 10:00 A.M.

Planning Commission Actions - On motion of Councilmember Harrison, seconded by Councilmember Gil, the report of the Planning Commission meeting held on June 8, 2004, was acknowledged as received.

Ordinance No. 2579 - Noise Control Regulations - Ordinance No. 2579, an ordinance of the City of Redlands adding Chapter 8.06 to the Redlands Municipal Code to establish regulations for noise control, was continued to the July 6, 2004, meeting.

Resolution No. 6292 - Refund of Processing Fees - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6292, a resolution of the City Council of the City of Redlands allowing refunding of processing fees and the procedures related thereto.

Agreement - Tentative Tract 16551 - Final Approval - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously approved a subdivision improvement agreement with Karger Corporation, Inc. for Tract No. 16551 (a subdivision of approximately 1.97 gross acres into five residential lots located on the northwest side of Magnolia Avenue between San Mateo Street and Lakeside Avenue). On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously granted final approval for Tract No. 16551.

Fee Reimbursement - Showmobile - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously authorized reimbursing the American Cancer Society the sum of \$1,350.00 for rental fees, including a \$250.00 rental deposit, of the City's Showmobile for the "Relay for Life" held in Redlands on April 24-25, 2004.

Tolling Agreement - Burrage Mansion - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously acknowledged a tolling agreement with Russell Seheult for the Burrage

Mansion and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. The City Council authorized this tolling agreement in closed session.

Proclamation - Arthur J. Silvergleid, M.D. - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation honoring Arthur J. Silvergleid, M.D. upon his retirement on July 1, 2004, after 27 years of dedicated and faithful service to the Blood Bank of San Bernardino and Riverside Counties.

Funds - Contract Awards - Petroleum Storage Tank Project - Bids were opened and publicly declared on June 3, 2004, by the City Clerk for the Petroleum Storage Tank Project at the Corporation Yard; 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 Warren Duncan Contracting in the amount of \$75,130.00 and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously awarded the construction contract for the Petroleum Storage Tank Project to Warren Duncan Contracting in the amount of \$75,130.00 and authorized the Mayor and City Clerk to execute the contract agreement on behalf of the City. On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of the above ground storage tanks from Orange Coast Petroleum Equipment, Inc. in an amount not to exceed \$27,038.00. On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously approved an appropriation in the amount of \$112,368.00 for this project.

Funds - Pre-Disaster Mitigation Grant - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously accepted a Pre-Disaster Mitigation grant funded by the Department of Homeland Security/FEMA and appropriated \$154,437.00 to facilitate planning, development, implementation and maintenance of the City of Redlands/Public Works Department Local Hazard Mitigation Plan.

Agreement - Crossing Guard Personnel - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously approved an amendment to the agreement with All City Management Services, Inc. for the provision of crossing guard personnel and authorized the Mayor and City Clerk to execute the amendment on behalf of the City.

Agreement - Redlands Community Music Association - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously approved a facility use agreement with the Redlands Community Music Association for use of the Joslyn Senior center for the purpose of

rehearsals by performers contracted by RCMA and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Contract - North Police Substation - A lease agreement with Ryken Investments for the North Police substation located at 1568 North Orange Street was withdrawn from this agenda.

Funds - Contract Award - Community Center Rehabilitation - Bids were opened and publicly declared on May 6, 2004, by the City Clerk for the Redlands Community Center Rehabilitation, Phase III Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Police Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Thomco Construction, Inc. in the amount of \$335,180.00, and it would be in the best interest of the City that this contract be awarded to said firm. Following brief discussion, Councilmember Gil moved to approve use of the balance of EDI funds in the amount of \$54,000.00 and the use of ADA compliance funds up the amount of \$40,000.00 for the Redlands Community Center Rehabilitation, Phase III Project, award the contract to Thomco Construction, Inc. and authorized the Mayor and City Clerk to execute the contract on behalf of the City. Motion seconded by Councilmember George and carried unanimously.

Agreement - Environmental Impact Report - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously approved a contract with Chambers Group, Inc. for preparation of an Environmental Impact Report and associated documents for the entitlement applications commonly known as the "Walton Project" for Agricultural Preserve Removal No. 104, Zone Change No. 396, Conditional Use Permit No. 809, Tentative Tract No. 16465, Demolition No. 79, Agricultural Preserve Removal No. 105, Zone Change No. 399, Conditional Use Permit No. 819, and Tentative Tract No. 16627, and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

## PLANNING AND COMMUNITY DEVELOPMENT

Residential Development Allocations - Community Development Director Shaw reviewed the following applications for residential development allocations for the second quarter of 2004:

1. RDA 2004-II-01 - A Residential Development Allocation request for Tentative Tract No. 16548, an approved residential subdivision consisting of 64 multiple-family residential units on five acres located at the southwest corner of Orange Avenue and Kansas Street - ABCO Realty & Investments, Inc., applicant;
2. RDA 2004-II-02 - A Residential Development Allocation request for Tentative Tract No. 16488, an approved residential subdivision consisting of seven lots on 10.6 acres located on the north side of Sunset Drive, approximately 200 feet west of Helen Drive - Vespar Development Company/William C. Buster, Inc., applicant; and

3. RDA 2004-II-03 - A Residential Development Allocation request for Tentative Tract No. 16556, an approved residential subdivision consisting of 107 lots on 40 acres located on the south side of San Bernardino Avenue, east of Hanford Street - KB Homes, applicant.

Councilmember George moved to accept the recommendations of the points to be awarded to these projects and to approve an allocation of 35 units to RDA 2004-II-01, ABCO Realty & Investments, Inc., an allocation of 7 units to RDA 2004-II-02, Vespar Development Company/William C. Buster, Inc., an allocation of 35 units to RDA 2004-II-03, KB Homes, and an allocation of the remaining 40 units to RDA 2004-II-03, KB Homes. Motion seconded by Councilmember Peppler and carried unanimously.

## COMMUNICATIONS

SB 494 - Health Services - Mayor Peppler explained the potential impacts of SB 494 (health services) and moved to direct staff to prepare a letter of opposition and forward copies to members of the Assembly Health Committee and Assembly Members Russ Bough and Robert Dutton. Motion seconded by Councilmember Gil and carried unanimously.

Vision for Redlands Airport Report - This reported was continued to the evening session. At that time, Water Resources Chief Doug Headrick, Charlotte Kranenburg, Airport Manager, and Mark Edwards, member of the Vision for Redlands Airport Task Force presented the recommendations of the Vision for Redlands Airport Task Force for the Redlands Municipal Airport. A joint meeting of the Vision for Redlands Airport Task Force and the Airport Advisory Board was held on May 19, 2004, to review the results of the task force's study, and forwarded recommendations to the City Council. Goals and objectives were broken into four major groups: revenue enhancement, land use/planning, facility improvements, and marketing and promotions. John James, member of the Airport Advisory Board, spoke in support of these recommendations and recommended maintaining the task force to continue working with the Airport Advisory Board. Councilmember George moved to approve the recommendations of the Vision for Redlands Airport Task Force for the Redlands Municipal Airport. Motion seconded by Councilmember Peppler and carried unanimously.

Land Conservation Program - Councilmember George moved to authorize sending a letter to The Trust of Public Land requesting technical advice and assistance, at no cost to the City, in connection with the City's efforts to develop a program to finance land conservation and a potential related ballot measure. Motion seconded by Councilmember Harrison and carried unanimously.

Rail-Trail Concept - Councilmember Harrison was authorized, by consensus, to send a letter to the Healthy Transportation Network asking for their technical

assistance to conduct a workshop, at no cost to the City, to build understanding, community support and a common vision for the "Rail-Trail Concept."

CUP 811 and CRA 764 - Russ Huston - Public Works Director Mutter reported Russ Huston submitted a letter discussing issues involved with the street widening required as a condition of approval for Conditional Use Permit No. 811 and Commission Review and Approval No. 764 for property located at 226 Nordina Street. These conditions were approved by the Planning Commission on March 23, 2004; no appeal was filed within the time allowed by Code. Mr. Huston now wishes to have the matter further considered. Mr. Huston and Richard Hickey addressed the City asking that the condition to widen the street be delayed or postpone until the entire block is done. To comply with law, City Attorney McHugh suggested the applicant request the Planning Commission to revisit this application which would provide another appeal time period which would allow the City Council to schedule a noticed public hearing.

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

Conflict of Interest Code Review - Councilmember Harrison moved to direct staff to review the Conflict of Interest Codes for the City of Redlands and the Redevelopment Agency. Motion seconded by Councilmember Gil and carried unanimously. (Also see Redevelopment Agency minutes for June 15, 2004).

#### CLOSED SESSION

The City Council meeting recessed at 4:11 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:12 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated litigation -  
Government Code Section 54956.9(b) - One case
2. Conference with labor negotiator - Government Code Section 54957.6
  - a. Agency negotiator: John Davidson  
Employee organization: San Bernardino Public Employees Association

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

Pre-Annexation Agreement No. 03-08 - Public notice was advertised for this time and place to consider a draft mitigated negative declaration and public hearing for Socio-Economic Analysis for a pre-annexation agreement on a

2.7 acre site which is proposed for a subdivision into two parcels with 17 dwelling units located on the north side of Nice Avenue east of Crafton Avenue (DeSousa Development, applicant). Community Development Director Shaw explained this application. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed.

Negative Declaration - Councilmember Gilbreath moved to approve the Environmental Review Committee's negative declaration for Pre-Annexation Agreement No. 03-08 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 Gilbreath moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Pre-Annexation Agreement No. 03-08 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.

Pre-Annexation Agreement No. 03-08 - Councilmember Gilbreath moved to approve Pre-Annexation Agreement No. 03-08. Motion seconded by Councilmember Harrison and carried unanimously.

## PUBLIC HEARINGS

Community Facilities District No. 2004-01 - Public hearing was advertised for this time and place to consider the establishment of a Community Facilities District for Tract No. 16408, a 40-acre residential subdivision containing 64 lots at the southwest corner of Fifth and Wabash Avenues. Mayor Pepler declared the meeting open as a public hearing. City Clerk Poyzer reported the notice for this hearing was published in The Sun on May 7, 2004, and mailed on April 27, 2004. Public Works Director Mutter provided a report regarding the formation of this proposed Community Facilities District, described the public services which will be financed within and for the Community Facilities District, and presented an estimate of the cost of financing those services. Responding to Councilmember Gilbreath's questions, Mr. Mutter stated there was an inflationary clause included. Mayor Pepler asked the City Clerk whether any written protest had been received; City Clerk Poyzer replied none had been received. Mayor Pepler then opened the hearing to comments from any persons wishing to speak regarding the formation of the Community Facilities District and the proposed method of apportioning and levying special taxes. None were forthcoming. Responding to Mayor Pepler's question, City Clerk Poyzer reported that according to a report from the San Bernardino County Registrar of Voters, there were no registered voters within Community



Facilities District No. 2004-01. It was noted by City Clerk Poyzer that the landowners in the proposed Community Facilities District have consented to holding a special election on June 15, 2004, immediately following this public hearing, and that she agreed to hold said special election at that time. Mayor Pepler declared the meeting closed as a public hearing.

Resolution No. 6287 - Establish Community Facilities District 2004-01 - Councilmember Gilbreath moved to adopt Resolution No. 6287, a resolution of the City Council of the City of Redlands establishing Community Facilities District No. 2004-01 of the City of Redlands, County of San Bernardino, State of California, and the boundaries thereof. Motion seconded by Councilmember George and carried unanimously.

Resolution No. 6288 - Call Special Election - Councilmember Gilbreath moved to adopt Resolution No. 6288, a resolution of the City Council of the City of Redlands calling a special election and submitting to the voters of Community Facilities District No. 2004-01 of the City of Redlands a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided the Community Facilities District and a proposition with respect to establishing an appropriations limit for said Community Facilities District. Motion seconded by Councilmember George and carried unanimously.

Election - At this time City Clerk Poyzer conducted the election, canvassed the ballots, and provided the following statement to the City Council regarding the results of the election:

Proposition A: Shall special taxes be levied annually on taxable property within Community Facilities District No. 2004-01 of the City of Redlands, County of San Bernardino, State of California, to pay the costs of maintaining parks, parkways and open space, including, but not limited to, the maintenance of street trees and landscape, within the Community Facilities District and in the surrounding area, to pay expenses incidental thereto and to pay costs associated with the determination of the amount of and the levy and collection of the special taxes, at the special tax rates and pursuant to the method of apportioning such special taxes set forth in Exhibit A to Resolution No. 6274 adopted by the City Council of the City of Redlands on May 4, 2004? Yes: 38; NO: 0.

Proposition B: Shall an appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, be established for Community Facilities District No. 2004-01 of the City of Redlands, County of San Bernardino, State of California, in the amount of \$5,000,000.00? Yes: 38; NO: 0.

Resolution No. 6289 - Election Results - Councilmember Gilbreath moved to adopt Resolution No. 6289, a resolution of the City Council of the City of Redlands declaring the results of the special election for Community Facilities District No. 2004-01 of the City of Redlands, County of San Bernardino, State of California, on the propositions with respect to (I) the annual levy of special taxes to pay the costs of certain services to be

provided by the Community Facilities District and (II) establishing an appropriations limit. Motion seconded by Councilmember George and carried unanimously.

Resolution No. 6278 - Parking and Business Improvement Area B - Public hearing was advertised for this time and place to consider Resolution No. 6278, a resolution of the City Council of the City of Redlands ordering the continued operation of Parking and Business Improvement Area B, confirming the annual report and assessment for Fiscal Year 2004-05. Community Development Director Shaw explained the 2004-05 annual report, outlining assessments, district boundaries, proposed improvement and activities and budget, is attached to the staff report. The report has been approved by the Downtown Redlands Business Association Advisory Board and filed with the City Clerk in accordance with Section 36533 of the California Streets and Highways Code. Resolutions declaring the City Council's intent to levy assessments were approved on June 1, 2004. Heather Smith, Senior Special Programs Coordinator, was present to answer any questions. Councilmember Gilbreath asked if there had been any thoughts about expanding the district. Community Development Director Shaw responded there has been preliminary discussions to establish another district. 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 George moved to approve Resolution No. 6278 ordering the continued operation of Parking and Business Improvement Area B, confirming the annual report and assessment for Fiscal Year 2004-05. Motion seconded by Councilmember Harrison and carried unanimously.

## PUBLIC COMMENTS

Group Home - On behalf of many neighbors who were present, Jennie MacVie, James Dobkins, Howard Shores, and Debi MacVie asked the City Council for assistance regarding the establishment of a group home to be located at 528 Clover Street. Mayor Pepler informed those present she and City Manager Davidson have recently met with County Supervisor Dennis Hansberger and other neighboring cities to address this matter noting cities have absolutely no control over the establishment of these group homes. Police Chief Bueermann offered to set up meetings with the owner of the property and the neighbors and to institute some informal agreements.

Business License - Regena Waugh recently relocated her massage therapy business by moving to another suite 300 feet away from the original location and now she is being asked by the City to complete a lengthy application form and pay a \$1,800.00 fee in order to obtain a business license. Mayor Pepler referred Ms. Waugh to the City Manager for assistance.

City Logo - Don Wallace announced a rally to support the cross on the City logo will be held on Wednesday, June 23, at 11:00 A.M. at City Hall. Michael Rodriguez urged the City Council to be strong and fight the ACLU.

## ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:33 P.M. The City Council will hold a special meeting on June 29, 2004, at 10:00 A.M. in the City Council Chambers, 35 Cajon Street, Redlands, California. The next regular meeting will be held on July 6, 2004.

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City Clerk