

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 July 20, 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; Cletus Hyman, Deputy Police Chief; Mel Enslow, Fire Chief; Tina Kundig, Finance Director; Bill Hemsley, Acting 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 Mayor Pepler followed by the pledge of allegiance. Mayor Pepler included in our prayers the families of the Sheriff's Department's San Gorgonio Search and Rescue Team volunteers involved in a head-on collision on July 17, 2004, as they were traveling to Joshua Tree National Park to search for a missing teenager. Scott Johnston of Redlands died at the scene and Phil Calvert from Mentone died on July 20, 2004.

PRESENTATIONS

Redlands Sister Cities Association - Roy Cencirulo, President of the Redlands Sister Cities Association, announced that visitors from our Sister City, Hino, Japan, will be here on Thursday, July 29, 2004. He and Dr. Jake Zhu shared information regarding an upcoming visit to Linli County in Changde City, China, with the prospect of establishing a third Sister City relationship. Councilmembers concurred to prepare a letter of endorsement supporting this endeavor.

National KidsDay - The City Council authorized issuance of proclamation declaring August 1, 2004, as National KidsDay in Redlands and called upon all citizens to recognize the importance of improving the lives of children and young adults in our community. P. T. McEwen, Executive Director of the Boys and Girls Club of Redlands, and two members accepted the proclamation.

## LATE BREAKING ITEM

Noting the need to take action was immediate, Councilmember Peppler moved to add the following items to the consent calendar which arose subsequent to the agenda being posted:

1. Resolution No. 6310 - Notice of intention to levy assessment for fiscal year 2004-05 for Landscape Maintenance District No. 1.
2. Resolution No. 6312 - Notice of intention to levy assessment for fiscal year 2004-05 for Street Lighting District No. 1

Motion seconded by Councilmember Gilbreath and carried unanimously.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the special meeting of July 6, 2004, and the regular meeting of July 6, 2004, were approved as submitted.

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

Resolution No. 6302 - Measure "O" Tax Rate - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6302, a resolution of the City Council of the City of Redlands levying a tax rate for fiscal year 2004-05 to service the annual principal, interest and other charges related to the Measure "O" 2003 General Obligation Refunding Bonds.

Resolution No. 6303 - CFD 2001-1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6303, a resolution of the City Council of the City of Redlands levying special taxes within the City of Redlands Community Facilities District No. 2001-1 (Northwest Development Project).

Resolution No. 6304 - CFD 2003-1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6304, a resolution of the City Council of the City of Redlands levying special taxes within the City of Redlands Community Facilities District No. 2003-1 (Redlands Business Center).

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on July 13, 2004, was acknowledged as received.

RDA Nos. 03-I-3, 03-II-1 and 03-III-1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the transfer of ownership for Residential Development Allocation

Nos. 03-I-3, 03-II-1 and 03-III-1 from Alexander Communities to Richmond American Homes.

Pre-Annexation Agreement 04-01 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved Pre-Annexation agreement 04-01 for Barbara Hyman on an approximately 29,528 square foot parcel located on the southwest corner of Opal and San Bernardino Avenues in the Mentone area.

EIR Funding Agreement - Walton Development - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an Environmental Impact Report funding agreement with Walton Development, LLC for the development of a single family planned residential development authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Subdivision Improvement Agreement - Final Approval - Tract No. 16360 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a subdivision improvement agreement for Tract No. 16360 for the subdivision of 8.86 acres into 76 residential lots and a number of common area lots located on the southeast corner of Orange Avenue and Iowa Street in Specific Plan No. 57 and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously granted final approval for Tract No. 16360 as submitted by the applicant, Richmond American Homes.

Settlement Agreement - Gibson Group Trust - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously acknowledged a settlement and release agreement with Gibson Group Trust relating to environmental conditions in soil and/or groundwater at the former Gibson Environmental, Inc. and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. The City Council authorized settlement of this matter in closed session and this release reflects the terms and conditions for said settlement.

Resolution No. 6305 - Oppose Gaming Revenue Act of 2004 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6305, a resolution of the City Council of the City of Redlands in opposition of the Gaming Revenue Act of 2004.

Traffic Signal UPS System - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously terminated the contract for construction of the Traffic Signal UPS (Uninterrupted Power Source) System Installation Project with Steiny and Company, Inc. and authorized staff to rebid the project.

Contract Award - Park Playground Improvements - Bids were opened and publicly declared on July 8, 2004, by the City Clerk for the Park Playground 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 C. S. Legacy Construction, Inc. in the amount of \$337,500.00, 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.

Resolution No. 6297 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6297, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: install a regulatory sign on eastbound Clifton Court restricting left turn movements during school hours at Kingsbury Elementary School.

Fee Waiver - Ronald McDonald House - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the request by the Loma Linda Ronald McDonald House for use of Sylvan Park on April 23-24, 2005, for their special fund-raising event, including placement of booths in the park for various events and activities to include sales in the park. On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the waiver of reservation and use fees in the amount of \$3,350.00 for use of all of Sylvan Park for this event.

Bid Rejection - Lighted Crosswalk - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously rejected all bids for construction of the Lighted Crosswalk on Cypress Avenue Project and authorized staff to re-advertise the project.

Contract Award - Recycled Water Transmission Main - Bids were opened and publicly declared on June 24, 2004, by the City Clerk for the Recycled Water Transmission Main Project, Phase III; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Municipal Utilities Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Trautwein Construction, Inc. in the amount of \$837,354.00 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 award of this contract as recommended by staff, authorized staff to approve

costs up to 10 percent over the total bid amount, and authorized the Mayor and City Clerk to execute the contract on behalf of the City.

Contract Award - 1350 Zone Reservoir - Bids were opened and publicly declared on June 24, 2004, by the City Clerk for the 1350 Zone Reservoir Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Municipal Utilities Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was CB&I Constructors, Inc. in the amount of \$2,406,193.51, 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 award of this contract as recommended by staff, authorized staff to approve costs up to 10 percent over the total bid amount, and authorized the Mayor and City Clerk to execute the contract on behalf of the City.

Agreement - Redlands Wastewater Reclamation Facility - Following brief discussion, Councilmember Harrison moved to approve an agreement with Community Works Design Group to furnish landscape and irrigation design services for the City of Redlands Wastewater Reclamation Facility and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. Motion seconded by Councilmember George and carried unanimously.

Contract Amendment - Wildland Fire Protection Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the annual amendment with the California Department of Forestry and Fire Protection for wildlands fire protection services and authorized the Mayor and City Clerk to execute the amendment on behalf of the City.

Contract - Senior Transportation Program - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a contract with the County of San Bernardino, Department of Aging and Adult Services, for \$4,200.00 for providing transportation to senior citizens through the City's Senior Transportation Program and authorized the Mayor and City Clerk to execute the contract on behalf of the City.

Resolution No. 6307 - Additional Judicial Officers - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6307, a resolution of the City Council of the City of Redlands supporting the request to the Governor of the State of California for additional judicial officers in San Bernardino and Riverside Counties.

Lease - North Orange Street Substation - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously

approved termination of the lease with Ryken Investments dated June 29, 2004, and approved the lease agreement with Donny C. Lee for the North Orange Street Police Substation, 1568 North Orange Street, and authorized the Mayor and City Clerk to execute the lease on behalf of the City.

Resolution No. 6296 - Safety Retirement Benefit - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6296, a resolution of the City Council of the City of Redlands for paying and reporting the value of employer-paid member contributions for safety employees.

Resolution No. 6301 - Safety Employees Benefit - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6301, a resolution of the City Council of the City of Redlands for employer pick-up for safety employees.

Employee MOUs - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the amendments to the Memoranda of Understanding between the City of Redlands and the Redlands Professional Firefighters Association, the Redlands Police Officers Association, and the Redlands Association of Safety Management Employees and authorized the Mayor and City Clerk to execute the documents on behalf of the City.

Bids Rejection - Janitorial Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved staff's recommendation to reject all bids received for janitorial services and authorized staff to re-bid for this contract.

Resolution No. 6310 - Landscape Maintenance District - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6310, a resolution of the City Council of the City of Redlands declaring its intention to levy and collect assessments within Redlands Landscape Assessment District No. 1 for fiscal year 2004-05 pursuant to the Landscaping and Lighting Act of 1972, establish a time and place for hearing protests (August 3, 2004, at 7:00 P.M.) and rescinding Resolution No. 6260.

Resolution No. 6312 - Street Lighting District - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6312, a resolution of the City Council of the City of Redlands declaring its intention to levy and collect assessments within Redlands Street Lighting Assessment District No. 1 for fiscal year 2004-05 pursuant to the Landscaping and Lighting Act of 1972, establish a time and place for hearing protests (August 3, 2004, at 7:00 P.M.) and rescinding Resolution No. 6264.

## COMMUNICATIONS

Santa Ana River Trail - Representatives from the Wildlands Conservancy and San Bernardino County Regional Parks presented a PowerPoint regarding the

Santa Ana River Trail which is creating a greenway park from Crest (San Bernardino Mountains) to Coast (Pacific Ocean). Councilmember George suggested designating the Open Space Ad Hoc Committee, working cooperatively with the Open Space Committee of the Redlands Conservancy, as the group for the Redlands design input into the Santa Ana River Trail as it traverses the Redlands' area. By consensus, this suggestion was approved.

Funds - Donation - University of Redlands - Councilmember Pepler moved to gratefully accept the voluntary contribution from the University of Redlands for the seventh year and authorize expenditure of these funds for the following items:

1. \$12,000.00 for the City's trolley service.
2. \$15,000.00 toward the replacement of aging vehicles in the Community Development Department, Building and Safety Division.
3. \$10,000.00 to the A. K. Smiley Public Library Acquisitions and Materials Fund or for any other purpose designated by the Library Board of Trustees.
4. \$5,000.00 to the A. K. Smiley Public Library for new library initiatives, such as the Shakespeare Festival, or for any other purpose as designated by the Library Board of Trustees.
5. \$6,000.00 to the Police Department in support of the DUI Convincer Program.
6. \$2,000.00 to the Fire Department to equip the City's Emergency Response Center (ERC) with satellite telephones or for any other emergency/disaster response-related equipment as determined by the Fire Department.

Motion seconded by Councilmember George and carried unanimously.

## NEW BUSINESS

Ordinance No. 2580 - PERS Contract - Ordinance No. 2580, an ordinance of the City of Redlands amending the contract with the Board of Administration of the California Public Employees' Retirement System to provide an enhanced retirement option (3 percent at 50 formula) with Cal/PERS for fire and police safety employees, was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember George, further reading of the ordinance text was unanimously waived, and Ordinance No. 2580 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for August 3, 2004.

Ordinance No. 2584 - CFD 2004-1 (Centex Homes) - Ordinance No. 2584, an ordinance levying special taxes to be collected during fiscal year 2004-05 for the payment of the annual cost of the maintenance of parks, parkways and open space within Community Facilities District No. 2004-1 (Centex Homes) of the City of Redlands, County of San Bernardino, State of California, was read by title only by City Clerk Poyzer, and on motion of Councilmember George, seconded by Councilmember Harrison, further reading of the ordinance text was unanimously waived, and Ordinance No. 2584 was introduced with unanimous



Council approval and laid over under the rules with adoption scheduled for August 3, 2004.

Disaster Mitigation Act of 2000 - Fire Battalion Chief Mitch McKee presented information regarding the Disaster Mitigation Act of 2000. It was noted Mr. McKee pioneered the software for this program and has assisted other cities with their disaster mitigation plans. Councilmember Harrison moved to approve the selection of natural hazards as identified by the City of Redlands Disaster Council/Local Mitigation Plan Committee (flooding, wildfires and earthquakes). Motion seconded by Councilmember Pepler and carried unanimously.

Public Park Development Plan - Due to a potential conflict of interest, Councilmember Harrison retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the City Clerk's Office. Acting Public Works Bill Hemsley introduced Pat Meyer, who represents Silverleaf Development II, LLC, for Tentative Tract No. 15469. Mr. Meyer presented a request made to the Park Commission at their meeting on May 13, 2004, regarding the development of a public park in an area known as the "oak grove" in the subject tract located at the end of Southerland Drive and South Lane in the southeast portion of the City of Redlands. The Parks Commission recommended the City Council accept the Oakmont Park plan as submitted, including the exchange of development impact fee credit for the actual construction. Discussion ensued briefly about the City's responsibility with Mr. Meyer promising that if the City was not able to maintain the park, he would form a group similar the Friends of Caroline Park to continue its maintenance. Councilmember Gilbreath moved to approve the recommendation of the Parks Commission to approve a public park development as a part of Tract No. 15469 for the area commonly known as the "oak grove." Motion seconded by Councilmember George and carried with Councilmember Harrison abstaining. Councilmember Gilbreath moved to approve use of the \$83,397.00 in anticipated Park Development fees by Silverleaf Development II, LLC, for the development of the public park. Motion seconded by Councilmember George and carried with Councilmember Harrison abstaining.

## PUBLIC COMMENTS

Standing Water - Maya Lee, 1240 Judson Street, complained about standing water in front of her house and her fear of the West Nile Virus. Ms. Lee was referred to staff for assistance.

## CLOSED SESSION

The City Council meeting recessed at 4:56 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code Section 54956.8
  - a. Property: APN 174-281-26  
Negotiating parties: John Davidson and Bruce G. Strickland  
Under negotiation: Terms and price
  - b. Property: APNs 169-156-19 and 20  
Negotiating parties: John Davidson and Chresten M. Knudsen  
Under negotiation: Terms and price
  - c. Property: APN 1329 Barton Road  
Negotiating parties: John Davidson and Tim Phelps  
Under negotiation: Terms and price
2. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
  - a. SBVMWD/Western Municipal Water District 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.)
  - b. Kendrick v. City of Redlands SCVSS 106876
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b)
  - a. One case
4. Conferences with labor negotiator - Government Code Section 54957.6
  - a. Agency negotiator: John Davidson  
Employee organizations: RAME, GEAR, CSEA, and RAMME

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

Robert Pattillo Properties - Applicant - Public notice was published to consider a draft mitigated negative declaration and public hearing for: Resolution No. 6285, Specific Plan No. 40 (Amendment No. 29), an amendment to Section 4.0215(k) of the East Valley Corridor Specific Plan to allow forty (40) foot high parking lot light standards on properties north of Palmetto Avenue and west of California Street in Concept Plan No. 2, and Resolution No. 6286, Concept Plan No. 2 (Amendment No. 3), an amendment to Chapter 3.4, Section D11 of Concept Plan No. 2 to allow forty (40) foot high parking lot light standards on properties north of Palmetto Avenue and west of California Street in Concept Plan No. 2. Community Development Director Shaw reviewed the application. Mayor Pepler declared the meeting open as a public hearing for any questions

or comments. A representative of the applicant was present to answer questions. None being forthcoming, the public hearing was declared closed.

Negative Declaration - Councilmember Gilbreath moved to approve the Environmental Review Committee's negative declaration for Specific Plan No. 40 (Amendment No. 29) and Concept Plan No. 2 (Amendment No. 3) 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 Pepler and carried unanimously.

Resolution No. 6285 - Councilmember Gilbreath moved to adopt Resolution No. 6285, a resolution of the City Council of the City of Redlands amending the East Valley Corridor Specific Plan (Specific Plan No. 40) (Amendment No. 29) relating to parking lot fixtures. Motion seconded by Councilmember Harrison and carried unanimously.

Resolution No. 6286 - Councilmember Gilbreath moved to adopt Resolution No. 6286, a resolution of the City Council of the City of Redlands amending Concept Plan No. 2, Amendment No. 3, by amending site lighting requirements on properties north of Palmetto Avenue and west of California Street. Motion seconded by Councilmember Pepler and carried unanimously.

David Higginson - Applicant - Public notice was published to consider a draft mitigated negative declaration and public hearings for Socio-Economic Analysis for: Ordinance No. 2581, Zone Change No. 402, a change of zone from Unincorporated County of San Bernardino to a proposed zoning of R-1, Single Family Residential, District for 4.89 acres located on the northwest corner of Mentone Boulevard (Highway 38) and Amethyst Street, and Conditional Use Permit No. 818, a conditional use permit to construct a 16,030 square foot religious institution on 4.89 acres located on the northwest corner of Mentone Boulevard (Highway 38) and Amethyst Street, within the unincorporated area of the County of San Bernardino (proposed City of Redlands R-1, Single Family Residential, District. Community Development Director Shaw reviewed the project. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was closed.

Mitigated Negative Declaration - Councilmember Pepler moved to approve the Environmental Review Committee's mitigated negative declaration for Ordinance No. 2581 (Zone Change No. 402) and Conditional Use Permit No. 818 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 Peppler moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Ordinance No. 2581 (Zone Change No. 402) and Conditional Use Permit No. 818 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.

Ordinance No. 2581 - Zone Change No. 402 - Ordinance No. 2581, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by revising the City's Land Use Zoning Map and adopting Zone Change No. 402, was read by title only by City Clerk Poyzer, and on motion of Councilmember Harrison, seconded by Councilmember Peppler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2581 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for August 3, 2004.

Conditional Use Permit No. 818 - Councilmember Harrison moved to approve Conditional Use Permit no. 818 to take effect as of the effective date of Ordinance No. 2581 subject to conditions of approval and findings contained in the staff report. Motion seconded by Councilmember Peppler and carried unanimously.

Regency Farms, Inc. - Applicant - Public notice was published to consider a draft mitigated negative declaration and public hearings for: Resolution No. 6299, Agricultural Preserve Removal No. 102, the removal of 19.6 acres from the Agricultural Preserve at 1205 East San Bernardino Avenue on property located north of San Bernardino Avenue, south of Pioneer Avenue, approximately 2,000 feet west of Judson Street in the A-1 (Agricultural) District; Ordinance No. 2582, Zone Change No. 394, a change of zone from A-1 (Agricultural) District to R-E (Residential Estate) District on three contiguous parcels totaling 19.6 acres at 1205 East San Bernardino Avenue, on property located north of San Bernardino Avenue south of Pioneer Avenue, approximately 2,000 feet west of Judson Street in the A-1 (Agricultural) District; Conditional Use Permit No. 806, conditional use permit for a planned residential development (PRD) on 19.6 acres consisting of 52 residential lots and four common lots at 1205 East San Bernardino Avenue on property located north of San Bernardino Avenue, south of Pioneer Avenue, approximately 2,000 feet west of Judson Street in the A-1 (Agricultural) District; and Tentative Tract No. 16747, a tentative tract map to subdivide approximately 19.6 gross acres into 52 residential lots and four common lots at 1205 East San Bernardino Avenue on property located north of San Bernardino Avenue, south of Pioneer Avenue, approximately 2,000 feet west of Judson Street in the A-1 (Agricultural) District. Community Development Director Shaw reviewed the application. Councilmembers Harrison and George did not feel the RV parking area should count as open space. Councilmembers also discussed drainage, the

Redlands Airport considerations, and the existing structure on the property. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. On behalf of the applicant, Bud Thatcher, Thatcher Engineering, concurred with the recommendations and conditions of approval. He indicated they would be willing to eliminate or reduce the RV parking and add to the park/open space area. On behalf of The Redlands Association, Bill Cunningham expressed concerns about the project. Nick Olearts, the developer, addressed the City Council and agreed to change the RV parking area and landscaping for open space. Mr. Thatcher then indicated that by reducing the RV parking lot to nine spaces, they would be able to provide the required 20 percent for open space. 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 Agricultural Preserve Removal No. 102, Zone Change No. 394, Tentative Tract No. 16747, and Conditional Use Permit No. 806 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 with Councilmember George voting NO.

Socio-Economic Analysis and Cost/Benefit Study- Councilmember Gilbreath moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Agricultural Preserve Removal No. 102, Zone Change No. 394, Tentative Tract No. 16747, and Conditional Use Permit No. 806 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 with Councilmember George voting NO.

Resolution No. 6299 - Agricultural Preserve Removal No. 102 - Councilmember Gilbreath moved to adopt Resolution No. 6299, a resolution of the City Council of the City of Redlands removing property from the City's Agricultural Preserve and amending Resolution No. 6214, based on the finding contained in the staff report. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO.

Ordinance No. 2582 - Zone Change No. 394 - Ordinance No. 2582, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by revising the City's Land Use Zoning Map and effecting Zone Change No. 394, changing the zoning designation for 19.6 acres (Assessor's Parcel Nos. 168-061-02, 03 and 09) located north of San Bernardino Avenue and south of Pioneer Avenue, approximately 2,000 feet west of Judson Street from A-1 (Agriculture) District to R-E (Residential Estate) District, 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. 2582 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for August 3, 2004.

Conditional Use Permit No. 806 - Councilmember Gilbreath moved to approve Conditional Use Permit No. 806, with Condition No. 14 amended by adding that the RV storage area shall be reduced to the north to allow for 20 percent open space, to take effect as of the effective date of Ordinance No. 2582, subject to the conditions of approval and based on the findings contained in the staff report. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO.

Tentative Tract No. 16747 - Councilmember Gilbreath moved to approve Tentative Tract No. 16747, with Condition No. 14 amended by adding that the RV storage area shall be reduced to the north to allow for 20 percent open space, to take effect as of the effective dated of Ordinance No. 2582 subject to the conditions of approval and based on the findings contained in the staff report. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO.

Orange Street and Alabama Street Bridges Project - Public notice was published to consider a draft mitigated negative declaration for the Orange Street and Alabama Street Bridges Project. The proposed Orange Street Bridge is located in Section 15, T1S, R3W SBM. The proposed Alabama Street Bridge is located in Sections 8 and 9, T1S, R3W SBM. The sites are located where Orange and Alabama Streets cross the Santa Ana River in the northerly portion of the City of Redlands (City of Redlands, applicant). Acting Public Works Director Bill Hemsley reviewed the application. Councilmember George congratulated staff for their perseverance and good work on this project. Councilmember Gilbreath moved to approve the Environmental Review Committee's mitigated negative declaration and the Mitigation Monitoring and report Program for the Alabama and Orange Street Bridges Replacement Project and directed staff to monitor this project and that, upon approval of the construction contract for the bridges by this City Council, staff is directed at that time to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember George and carried unanimously.

## UNFINISHED BUSINESS

City Logo - At the May 4, 2004, meeting of the City Council, Mayor Pepler reported the Southern California Civil Liberties Union (ACLU) had contacted the City expressing concern over the Latin cross in the City's logo. The ACLU claimed the cross on the logo represented 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 impact 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 of defending this action, and subsequently losing, would be significant. Staff continues to research this matter and continues to discover numerous cases throughout the country where cities had similar logo designs that were contested and found to be unconstitutional by the courts. The ACLU has indicated the church steeple may remain on the logo as it meets the criteria that we are known as the "city of churches." Mayor Pepler reviewed in detail the research conducted by staff including their contacts with the American Center for Law and Justice and the Alliance Defense Fund, both of whom have declined to defend the City against the ACLU. It was suggested we see what happens with a case involving separation of church and state in Virginia Beach. Mayor Pepler stated she continued to be frustrated and sad that a tiny 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 the City Council and community; but, unfortunately, the law is against Redlands and any other city in this situation.

City Logo - Intent to Circulate an Initiative Petition - Mayor Pepler reported a notice of intent to circulate an initiative petition was filed in the Office of the City Clerk on July 12, 2004, to retain the cross on the City's logo. At this time, the City Attorney is preparing a ballot title and summary which then must be published with the intent to circulate, and then the proponent of the petition may begin obtaining signatures on the petition. It has been estimated the costs associated with this petition would be: \$2,000.00 for the random signature examination; \$25,000.00-\$30,000.00 if the election was consolidated with our general municipal election in November, 2005; and \$137,000.00-\$171,500.00 if a special, stand-alone, election is required. Mayor Pepler stated we have been informed that if this initiative is approved by the voters, the ACLU will renew its lawsuit. The American Center of Law and Justice has offered to represent the City pro bono but will not pay any damages against the City.

City Logo - Public Comments - Members of the Save the Redlands Seal Committee speaking in support of keeping the cross on the City's logo were as follows: Wiley James Smith who also read a letter from Assemblyman Bob Dutton, Don Wallace and Steve Hoff. Also speaking in support of the cross were: Emery Milroy, Pam Francone and David Waters. Maintaining that having a Christian cross on the logo was exclusionary to many residents of different beliefs and to non-Christians were John Walsh, Eric Smith and Sharon Graff on behalf of the Committee for Inclusivity, Asher Sheppard, Steven Becker and Greg Wilkinson. Mayor Pepler stated she was elected to represent all of the citizens of Redlands and that the City Council needed to be fiscally responsible to its citizens. Councilmember Harrison complimented Mayor Pepler on her leadership in this matter and felt the City should "stand pat" at this time but to continue to monitor what is going on in our nation. At this time, a woman who did not introduce herself stated the padres were here first. Joe



Hannehan asked the City Council if the money was raised and placed in escrow, would the City Council reconsider their position; he also asked them to pursue the Pacific Justice Institute's offer to assist. Councilmember George told the audience that if they wanted his support, some kind of generic symbol needed to be created to include all residents, past and present.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:39 P.M. The next regular meeting will be held on August 3, 2004.

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City Clerk