

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on November 16, 2004, at 3:00 P.M.

PRESENT Susan Pepler, Mayor
Pat Gilbreath, Councilmember
Gary George, Councilmember
Jon Harrison, Councilmember

ABSENT Gilberto Gil, Mayor Pro Tem

STAFF John Davidson, City Manager; Leslie E. Murad, II, Assistant City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Jim Drabinski, Acting Fire Chief; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director (afternoon session); Douglas Headrick, Water Resources Chief (evening session); and Jeffrey L. Shaw, Community Development Director

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

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Gilbreath, the minutes of the special meeting of November 1, 2004, the regular meeting of November 2, 2004, and the special meetings of November 3, 2004, November 4, 2004, and November 5, 2004, were approved as submitted.

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

Year-End Encumbrances and Carry-Over Balances - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, additional appropriations to the 2004-05 budget for the 2003-04 year-end encumbrances and carry-over balances.

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Gilbreath, the report of the Planning Commission meeting held on November 9, 2004, was acknowledged as received.

Appointments - Infrastructure Advisory Committee - Councilmember Harrison moved to appoint the following Redlands' residents to comprise the Infrastructure Advisory Committee to support the Public Works Department's infrastructure maintenance program: W. Duane Fessenden, Fred Ford, Richard

Hernandez, Richard McDowell, Roy Null, Richard Olsen, and Calvin Wang. Motion seconded by Councilmember Pepler and carried by AYE votes of all present. Councilmember Pepler moved to appoint Councilmember Harrison to serve as liaison to the Infrastructure Advisory Committee. Motion seconded by Councilmember George and carried by AYE votes of all present.

Dog Park - Ford Park - On October 14, 2004, the Parks Commission recommended approval of a request by the Redlands Rotary Club to develop and construct a dog park at Ford Park. Councilmember Pepler asked that on-going maintenance of the dog park be addressed prior to the development of the dog park. Councilmember Harrison suggested the plans also be reviewed by the Planning Commission. Public Works Director Mutter noted that the plans will be reviewed by the Parks Commission with final approval being granted by the City Council. Councilmember Pepler moved to accept the recommendation of the Parks Commission and authorized the development of a dog park facility in Ford Park by the Redlands Rotary Club subject to review by the Parks Commission and Planning Commission and approval of final plans and issuance of permits by the City. Motion seconded by Councilmember George and carried by AYE votes of all present.

Gateway Structure - Redlands Bowl - Following brief discussion, Councilmember Harrison moved to accept the recommendation of the Parks Commission and authorized development of a gateway structure in Smiley Park at the Eureka Street entrance to the Redlands Bowl by the Redlands Rotary Club and the Sunrise Rotary Club subject to review by the Historic and Scenic Preservation Commission and Parks Commission, and approval of plans and issuance of a building permit by the City. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Agreement - Mountainview Power Company - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council directed staff to prepare a cooperative agreement with Mountainview Power Company, LLC for the design and construction of off-site improvements along the north side of San Bernardino Avenue, east of Mountain View Avenue by AYE votes of all present. The agreement will be returned to the City Council for formal approval at a subsequent meeting.

Vehicle Purchase - Public Works Department - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the purchase of two vehicles from Lake Chevrolet of Lake Elsinore described as follows: a 2005 Chevrolet 2.5 ton flatbed concrete truck with utility bed for \$41,541.47 and a 2005 Chevrolet CC4C042 with utility bed and aerial lift for \$73,658.98.

Contract Award - Concrete Repair Program - Bids were opened and publicly declared on October 28, 2004, by the City Clerk for the Concrete Repair

Program 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 Dye and Browning Construction, Inc., Fontana, in the amount of \$121,709.00 and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved this recommendation by AYE votes of all present.

Funds - Agreement - Traffic Signal and Street Improvement Plans - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an appropriation of \$19,800.00 from the local transportation fund and approved a consultant service agreement with Albert A. Webb Associates for preparing traffic signal plans and street improvement plans for the intersection of Barton Road and San Timoteo Canyon Road in conjunction with the City of Loma Linda and the County of San Bernardino and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Bridges Right-of-Way - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved a cooperative use agreement with the San Bernardino County Flood Control District for the Alabama and Orange Street Bridges Replacement Project for necessary right-of-way and authorized the Mayor and City Clerk to execute the document on behalf of the City by AYE votes of all present.

Lobbying Services - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized staff to discontinue lobbying services currently being provided by Aaron Read & Associates by AYE votes of all present.

Notice of Termination of Solid Waste Collection Services - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, issuing a notice of termination to Burrtec Waste Industries, Inc. for solid waste services provided to the properties known as Mountainview Power which was annexed to the City approximately four years ago.

Vehicle Purchase - Municipal Utilities Department - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, the purchase of a 2005 Chevrolet Silverado extended cab pick-up in the amount of \$18,137.00 from Rotolo Chevrolet, Inc.

Vehicles Purchases - LNG Automated Collection Trucks - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City

Council authorized, by AYE votes of all present, the purchase of three LNG automated collection trucks from Diversified Truck Center in the amount of \$636,877.00.

Funds - Heating and Air Conditioning Systems - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an additional appropriation in the amount of \$141,878.00 to replace and upgrade heating and air conditioning systems in the Police Annex and Civic Center.

PLANNING AND COMMUNITY DEVELOPMENT

Appeal - Commission Sign Review No. 264 - Community Development Director Shaw reported the Planning Commission voted 3-2 on August 10, 2004, to deny the applicant's request to place a twenty-four square foot pedestal sign at the Storage West mini-storage facility located at 1680 West Redlands Boulevard. The applicant, Fred G. Zepeda, filed an appeal to this decision. Based upon feedback from the City Council at their meetings of October 19, 2004, and November 2, 2004, the applicant has revised the proposed sign by decreasing the height from 12 feet to 8 feet and making changes to the design and materials of the sign. Staff finds the sign as modified has an appropriate architectural design, is of a proper size, and location, and supports the sign proposal as amended. Representing the applicant, Michael Lewin was available to answer any questions. Supporting the staff's recommendation, Councilmember Gilbreath moved to determine that the proposed sign is categorically exempt in accordance with Section 15311 of the California Environmental Quality Act. Motion seconded by Councilmember Harrison and carried by AYE votes of all present. Councilmember Gilbreath moved to approve Commission Sign Review No. 264 based on the following findings: (1) that the design and size of the sign have been modified so that the architectural design of the sign is compatible with the building and that the lower height (eight feet) of the sign will allow improved visibility of the sign as the landscaping and trees mature, and (2) that the proposed eight foot high pedestal sign with a split face block to match the wainscot of the existing building and stucco finish results in a sign with an appropriate architectural design, size and location. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Appeal - Minor Exception Permit No. 255 - A request submitted by Larry Curti to allow construction of a six-foot high wrought iron fence and an eight-foot high wrought iron entry gate with both six-foot and eight-foot square masonry columns within the required front yard setback area at 1710 Smiley Ridge Drive was appealed by Community Development Director Shaw. This appeal was noticed for the evening session; therefore, no action was taken at this time. There being no comments from the audience, the matter was continued to the evening session. In the evening, again there were no comments from the audience, and the appeal was continued to December 7, 2004, at 7:00 P.M. on motion of Councilmember Gilbreath, seconded by Councilmember Peppler, by AYE votes of all present. Notices of this continuance were mailed to the surrounding neighbors.

COMMUNICATIONS

Review of Emergency Action - Public Works Director Mutter reported that Resolution No. 6343, adopted by the City Council on November 2, 2004, declared that the public interest and necessity demanded the immediate expenditure of public money to safeguard life, health and property. He had determined that damages caused by the storms of October 20 and October 27, 2004, had caused the undermining and collapse of storm drains and the undermining of embankments at several locations. The need to make necessary repairs was immediate. In accordance with Public Contract Code Section 22050, the City Council shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the emergency action is terminated to determine whether there is a need to continue the action, and shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. Public Works Director Mutter reviewed the status of the emergency work.

Appointment - Airport Advisory Board - Mayor Pepler moved to nominate Bill Ingraham to fill the unexpired term of Bill Flores, Jr. to May 1, 2005, on the Airport Advisory Board. Motion seconded by Councilmember George and carried by AYE votes of all present.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6341 - First Time Home Buyer Program - Councilmember Gilbreath moved to adopt Resolution No. 6341, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Project Area for a First Time Home Buyer loan agreement with Robert Guzik which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember Harrison and carried by AYE votes of all present. (Also see Resolution No. 385 in the Redevelopment Agency minutes for November 16, 2004.)

CLOSED SESSION

The City Council meeting recessed at 3:13 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:23 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator -
Government Code Section 54956.8
 - a. Property: APN 168-161-08
Negotiating parties: Gary Phelps and Kris Meyer
Under negotiation: Terms and price
 - b. Property: APN 171-022-13

- Negotiating parties: John Davidson and Richard Hernandez
Under negotiation: Terms and price
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b) - One case
 3. Conference with labor negotiator - Government Code Section 54957.6
 - a. Unrepresented employee: City Manager

The meeting reconvened at 7:00 P.M.

ANNOUNCEMENTS/REPORTS

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

PUBLIC HEARINGS

Resolution No. 6327 - Underground Utilities District No. 14 - Public hearing was advertised for this time and place to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service for the formation of an Underground Utility District and to consider Resolution No. 6327, a resolution of the City Council of the City of Redlands establishing Underground Utility District No. 14 on Stuart Avenue between Orange Street and Eureka Street. Public Works Director Mutter reported this will provide that all poles, overhead wires and associated overhead structures shall be removed and underground installation made in the District as a part of the capital improvement program to reconstruct Stuart Avenue. Funding for this project will come from the Southern California Edison's Rule 20A allocations to the City. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. Donn R. Grenda and Peter Vander Hulst, who own businesses on Stuart Avenue, asked questions about costs to the property owner and the schedule for the construction. There being no further comments, the public hearing was declared closed. Councilmember Harrison moved to adopt Resolution No. 6327. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

UNFINISHED BUSINESS

Appeal - CUP No. 801 - Cellular Tower - An appeal of the determination of the Environmental Review Committee to prepare a Mitigated Negative Declaration for a request by Sprint PCS to install a 90-foot-high cellular tower (eucalyptus tree design) for a wireless telecommunication facility located at 1402 Cajon Street in the O (Open Land) District, was continued from September 7, 2004, to this time and place. Community Development Director Shaw reviewed the chronicle of events leading to scheduling this appeal. The appellant, Carol Smith, submitted her request for an appeal of the Environmental Review

Committee's decision to the City Clerk for distribution to the individual Councilmembers on June 10, 2004, which was within the ten day appeal period, and it was not filed with the appropriate fees. Community Development Director Shaw reviewed the application reporting an Initial Study was presented to the Environmental Review Committee on June 7, 2004, for review which recommended preparation of a Mitigated Negative Declaration for Conditional Use Permit No. 801. Potential environmental impacts resulting from the project which were identified in the Initial Study related to aesthetics, noise and cultural resources. Staff found that mitigation measures placed on the issues were in the "less than significant" category of the Initial Study and, therefore, no additional evaluation was needed. The appellant believes an Environmental Impact Report should be prepared to investigate potential impacts she argued have not been adequately addressed. Both the applicant and the appellant agreed to continue the item to allow Sprint time to research other options for sites and analyze the information given by the appellant. After careful consideration by Sprint, they have return an analysis stating that no other sites are feasible. Sprint analyzed five additional sites which included Hillside Memorial Cemetery, an orange grove at 1515 Dwight Street, Christ the King Church at 1505 Ford Street, Valley Prep School at 1605 Ford Street, and the Garden Street fire station at 1690 Garden Street. Of these, Christ the King Church and Hillside Memorial Cemetery do not meet Sprint's coverage objectives. While the other sites do meet the standards, they do not have the natural screening ability as compared to Prospect Park. A detailed analysis was provided and included in the staff report. To help screen the site, Sprint has said they will install a state of the art tower which will enable them to lower the height of the tower ten feet (from 90 to 80 feet in total height). They have also stated they will install dual band antennas which will allow them to decrease the number of antennas needed from 12 to six.

There are two matters for the City Council to consider. First, is the question of whether the appeal was filed in a timely and appropriate manner for consideration by the City Council. Second, if the appeal was filed in a timely and appropriate manner, do the facts presented by the appellant justify the preparation of an Environmental Impact Report or is the recommendation by the Environmental Review Committee for a Mitigated Negative Declaration appropriate. Councilmembers questioned the procedure for tonight's meeting and agreed to hear from Sprint representatives and the appellant before taking any action. A PowerPoint presentation was shown by Sprint representatives covering the analysis of the five other sites evaluated and a photo simulation of the revised design. Carrie Horton, legal counsel for Sprint, narrated the presentation; stated they did not feel the appeal was filed property and that it should not be considered; and concluded there were no significant environmental impacts. Also speaking on behalf of Sprint were Bill Hammett, an engineer who addressed the RF exposure conditions; Christeen Taniguchi who evaluated Prospect Park as an historic resource; Mike Holritz who addressed the noise study; and Alan Jahr who spoke to the benefits of the

wireless industry. Jeff Carr was available to answer any questions. Representing 11 neighbors, Carol Smith thanked the City and Sprint for their efforts and then was allowed additional time to present evidence from the neighbors as to why they felt an Environmental Impact Report should be required to address all of the issues. Steven Kennedy, an attorney with Brunick, McElhaney and Beckett representing Carol Smith in support of the appeal of several neighboring residents, spoke to filing of the appeal and the merits of the appeal and questioned if the changes in the modified project would be included in the Initial Report. Councilmember Peppler moved that the City Council consider the merits of the appeal of the Environmental Review Committee's determination that a Mitigated Negative Declaration be prepared for Conditional Use Permit No. 801 because substantial evidence in the record shows that the appeal was filed with the City Clerk's Office within the ten day appeal period and the appeal fee has been paid. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present. Councilmembers then discussed the merits of the appeal with staff agreeing that environmental studies have been more than adequate, but also noted that Sprint had a long ways to go to get approval for the conditional use permit. Community Development Director Shaw reported this matter would be considered by the Planning Commission on November 23, 2004, at 7:00 P.M. Councilmember George moved to deny the appeal and affirm the Environmental Review Committee's determination that a Mitigated Negative Declaration be prepared for Conditional Use Permit No. 801 for the following reason: that while the Initial Study identified potentially significant effects on the environment, the project (Conditional Use Permit No. 801) has been revised and through project modification and with the imposition of conditions of approval to mitigate those significant effects to a point where these significant effects will be lessened to "insignificant," and there is no substantial evidence in light of the record before the City that the revised project may have a significant effect. Motion seconded by Councilmember Harrison and carried by AYE votes of all present although Councilmembers Gilbreath and Peppler reluctantly voted in favor. In closing, Mayor Peppler urged Sprint to again look at another location other than Prospect Park. Councilmember Gilbreath urged the City to consider adoption of an ordinance prohibiting the use of cell phones while driving.

NEW BUSINESS

Agreement/License - Construction Trailer - Utilities Access - Water Resources
Chief Headrick reported that Ledesma & Meyer Construction, Inc., the contractors for the new elementary school located on Judson Street between Lugonia Avenue and San Bernardino Avenue, placed their construction trailer and a portable toilet on City property known as the Lugonia Grove believing it to be in public right-of-way. Based upon further review by staff, it was determined the construction trailer is actually located partially in the City's grove. The contractor is requesting permission to leave the construction trailer

in its current location until January 31, 2005. After this time, additional grading will be completed at the school site, and they will re-located the construction trailer and portable trailer. Additionally, the contractor is requesting to located a temporary power pole within the City grove to facilitate electric and telephone service until December 31, 2005. Based upon a staff review of the situation, including review by the City Preservation Commission chairman and the contract farming company, in addition to the limited alternatives available to the contractor, it has been determined that entering into an agreement would not present any negative impacts related to the City's citrus farming operation. Staff recommended the City Council approve an agreement/license for entry upon land to accommodate the contractor. Mayor Pepler addressed the term of the agreement/license; Assistant City Attorney Murad assured Councilmembers the document had been revised to reflect the correct dates. Councilmember George moved to authorize the Mayor and City Clerk to execute an agreement/license, as prepared by the City Attorney's Office, with Ledesma & Meyer Construction, Inc. for entry upon City-owned property to place a construction trailer and access to utilities. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

PUBLIC COMMENTS

North Redlands Redevelopment Project - Ray Cervantes questioned the feasibility study prepared by GRC Consultants for the North Redlands Redevelopment Project and its evaluation of the project area. Community Development Director Shaw reported there was a informational handout available in his office and a map showing the area not to be effected by eminent domain. A newsletter will be mailed during the first week in December to the property owners in the area and a town hall meeting will be held on December 16, 2004. The location of this meeting has not been finalized at this time although Mayor Pepler strongly urged a northside location be used.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:42 P.M. The next regular meeting will be held on December 7, 2004.

City Clerk