

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 January 4, 2005, at 3:00 P.M.

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. Also present for the evening session were: Don McCue, Smiley Library Archivist, and Bob Tyler, special counsel from Alliance Defense Fund.

The meeting was opened with an invocation by Mayor Pepler followed by the pledge of allegiance. Mayor Pepler announced today was City Clerk Lorrie Poyzer's 21st anniversary as City Clerk.

PRESENTATIONS

Community Center Christmas Party - Bechtel Power Corporation - On behalf of the Recreation Bureau of the Redlands Police Department, Mayor Pepler presented a plaque to Rick Mays, Bechtel Power Corporation, thanking them for their participation in the Community Center Children's Christmas Party.

Children's Network - Mary Lynn Clark, Executive Director of Inland Regional Center and Children's Network Officer Kent Paxton presented a token of appreciation to Police Chief Jim Bueermann for his assistance establishing a home for the children with development disabilities.

Certificates of Recognition - Councilmember George presented certificates of recognition to Jean Arnott for her leadership and dedication in coordinating the efforts of congregants who comprise the Women of Faith and directing their extraordinarily successful Afghanistan Humanitarian Relief Project, and to Cindy Chapman in recognition of her donation of countless hours and self-sacrifice in coordinating the contributions of 72 Girl Scout Troops of the San Gorgonio Council for the Women of Faith's Afghanistan Humanitarian Relief Project.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Gilbreath, the minutes of the regular meeting of December 21, 2004, were approved as submitted.

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

Ordinance No. 2592 - Bed and Breakfast Inns - Ordinance No. 2592, an ordinance of the City of Redlands amending Chapter 18.156 of the Redlands Municipal Code relating to bed and breakfast inns, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Gilbreath.

Pre-Annexation Agreement 04-02 - Anees and Teresa Razzouk - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously approved Pre-Annexation Agreement 04-02 for Anees and Teresa Razzouk for an approximately 2.79 acre parcel located on the west side of Walnut Street, approximately 200 feet north of Fifth Street, in the Crafton area.

Funds - Contract - Voter Initiative Review - Councilmember Gilbreath thought the City could review in-house the proposed voter initiative entitled, "An initiative ordinance of the people of Redlands amending the principles of managed growth and the land use, circulation, open space and conservation, health and safety and noise elements of the Redlands General Plan" scheduled for November, 2005, ballot. Councilmember George moved to direct staff to bring back a modified proposal with the legal review to be conducted by the City Attorney, planning issues to be addressed by the Community Development Department and possibly the Redlands Institute for the remaining issues. Motion seconded by Councilmember Gilbreath. Councilmember Harrison felt this was an important issue that that we needed outside expertise and input. Teddy Banta asked for clarification; City Attorney McHugh explained the initiative petition is scheduled for the November 2005 ballot and the California Elections Code allows for this report. Motion then carried with Councilmember Harrison voting NO.

Settlement Agreement - Kimberley Coles and Steven Wuhs - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously acknowledged a Settlement and Release Agreement with Kimberley Coles and Steven Wuhs for property damage and authorized the Mayor and City Clerk to execute the document on behalf of the City. The City Council authorized settlement of this claim and this agreement reflects the Council's terms and conditions for settlement.

Acceptance of Gift - CALTROP - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously accepted the gift of a PalmOne Zire 72 from CALTROP for the Public Works Department to utilize in managing the Santa Ana River bridge replacement projects.

Agreement - Redlands Municipal Airport - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously approved an agreement to furnish contract administration and engineering services with Associated Engineers, Inc. for the Rehabilitation of Runway 8/26 and Parallel Taxiway and Taxiway Connectors and Markings Project at the Redlands Municipal Airport for the amount of \$149,576.00 and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Agreement - Redlands Heights Well - Due to a potential conflict of interest, Councilmember Gilbreath 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 Office of the City Clerk. On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved an agreement to furnish design engineering services with Boyle Engineering Corporation for the Redlands Heights Well - Redlands Country Club Non-Potable Water System Project in the amount of \$35,510.00, authorized staff to approve contingent costs up to ten percent (10%) over the initial amount, and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Resolution No. 6355 - Rubberized Asphalt Concrete Paving - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously adopted Resolution No. 6355, a resolution of the City Council of the City of Redlands authorizing submission of a grant application to the California Integrated Waste Management Board for a rubberized asphalt paving project.

Funds - Local Law Enforcement Block Grant - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously authorized the Mayor to accept the U. S. Conference of Mayors Local Law Enforcement Block Grant award of \$28,082.00 and approved an additional appropriation of \$31,202.00 to fund the grant and the City's matching funds.

Resolution No. 6350 - Grant Application - Recreation - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously adopted Resolution No. 6350, a resolution of the City Council of the City of Redlands approving an application for grant funds for the youth soccer and recreation development program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002.

Resolution No. 6352 - Disability Retirement - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously adopted Resolution 6352 authorizing the disability retirement of Police Corporal Michael Smith.

Agreement - Library Flooring - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously approved an agreement for a public improvement project with Moore Flooring, Inc. to replace worn carpeting, install new vinyl and clean, polish and seal all marble flooring for the A. K. Smiley Public Library and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Pre-Disaster Mitigation Competitive Grant Program - The request for authorization to submit an application for the Pre-Disaster Mitigation Competitive Grant Program for funding to seismically retrofit the Civic Center and approve an independent contractor agreement with Johnson and Nielsen Associates to update the report prepared in 1998 which analyzed the integrity of the Civic Center was continued to January 18, 2005.

Resolution No. 6353 - Salary - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously adopted Resolution No. 6353, a resolution of the City Council of the City of Redlands amending the salary schedule and compensation plan for City employees, which reflects the finalized classification ranges for the General Employees Association of Redlands and the Redlands Civilian Safety Employees Association and reclassifications for positions in the Civilian and Mid-Management units.

Termination of Agreement - Workers' Compensation Program - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council unanimously approved termination of an agreement for professional services with Fleming & Associates for third-party administration services for the Workers' Compensation Program and authorized staff to provide a thirty-day notice of cancellation. The contractors has been unable to meet all of its contractual obligations and staff recommended terminating the agreement and soliciting proposals from other service providers.

PLANNING AND COMMUNITY DEVELOPMENT

Sign Conditional Use Permit No. 9 - Empire Sign and Crane - 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 Office of the City Clerk. Public hearing was advertised for this time and place to consider a conditional use permit for the placement of a 163 square foot wall mounted sign (A. G. Edwards) located at 300 East State Street in the C-3 (General Commercial) District. Community Development Director Shaw reported the applicant,

Empire Sign and Crane, is seeking approval for the placement of a 163 square foot sign for the building located at 300 East State Street. Signs greater than 120 square feet require a conditional use permit and City Council approval pursuant to the Municipal Sign Code but he did note the applicant is requesting a sign which is 56 square feet less than allowed in the C-3 (General Commercial) District. On December 13, 2004, the Planning Commission unanimously voted to recommend that the City Council approve 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. Councilmember Gilbreath moved to approve Sign Conditional Use Permit No. 9 based on the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Pepler and carried by AYE votes of all present with Councilmember Harrison abstaining.

COMMUNICATIONS

Appointments - Student Commissioners - Councilmember Pepler moved to appoint Ashley Reken to serve as the student commissioner on the Human Relations Commission. Motion seconded by Councilmember Harrison and carried unanimously. Councilmember Pepler moved to appoint Tylor C. Gondlock to serve as the student commissioner on the Parks Commission. Motion seconded by Councilmember Harrison and carried unanimously. Councilmember Pepler moved to appoint Christopher K. Mayer to serve as the student commissioner on the Recreation Advisory Commission. Motion seconded by Councilmember Harrison and carried unanimously. Councilmember Pepler moved to appoint Kevin Collins to serve as the student commissioner on the Traffic and Parking Commission. Motion seconded by Councilmember Harrison and carried unanimously.

Appointments - Historic and Scenic Preservation Commission - Councilmember Pepler moved to reappoint David Van Diest and Elizabeth Beguelin to another four-year term each on the Historic and Scenic Preservation Commission. Motion seconded by Councilmember Harrison and carried unanimously. Councilmember Pepler moved to appoint Steven Murray to a four-year term on the Historic and Scenic Preservation Commission. Motion seconded by Councilmember Harrison and carried unanimously.

Appointments - Library Board - Councilmember Pepler moved to reappoint William D. Hatfield and James R. Dunn to another three-year term on the A. K. Smiley Public Library Board. Motion seconded by Councilmember Gil and carried unanimously.

Appointments - Municipal Utilities/Public Works Commission - Councilmember Pepler moved to reappoint David Garcia to another four-year term on the Municipal Utilities/Public Works Commission. Motion seconded by Councilmember Gil and carried unanimously. Councilmember Pepler

moved to appoint J. Philip Cline and Thomas C. Deane to a four-year term each on the Municipal Utilities/Public Works Commission. Motion seconded by Councilmember Harrison and carried unanimously.

CLOSED SESSION

The City Council meeting recessed at 3:30 P.M. to a closed session to discuss the following:

1. Conference with labor negotiator - Government Code Section 54957.6
 - a. Agency Negotiator: John Davidson
Employee Organizations: Redlands Association of Safety Management Employees
2. Conference with real property negotiator - Government Code Section 54956.8
 - a. Property: Portion of APN 167-101-06
Negotiating parties: Doug Headrick and San Bernardino Valley Municipal Water District
Under negotiation: Terms and price
 - b. Property: APNs 169-021-01 and 169-021-10
Negotiating parties: John Davidson and Teledyne Technologies, Inc.
Under negotiation: Terms and price
 - c. Property: APN 167-171-04
Negotiating parties: John Davidson and Ruth Trust (II) LK.
Under negotiation: Terms and price
3. Public Employment Appointment - Title: Redevelopment Director
4. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b) - One case

The meeting reconvened at 7:00 P.M.

ANNOUNCEMENTS/REPORTS

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

UNFINISHED BUSINESS

City Logo - A proposed alternative design for the City's logo/seal was presented and Don McCue, Smiley Library Archivist, presented a brief history of the featured historic structures and the citrus tree. Bob Tyler, Alliance Defense Fund, briefed the City Council on their position that the proposed design would much more likely satisfy the Constitutions of the United States and State of California noting that the library represents education, the Redlands Bowl Prosellis represents the arts, the citrus trees our citrus heritage, the Assistencia our heritage, and Kimberly Crest a representative of the varied architecture in our historic buildings. The following people addressed the City Council

expressing concern about the inclusion of a cross or any religious symbol on the City logo/seal: Greg Wilkinson, Anne MacMurray, Steven Frasher, Steven Becker, David Lawrence, and Michael Dewey. Urging the City Council to keep the original logo/seal and fight the UCLA were: Chas Wick, Richard Zug from Yucaipa, Don Wallace, Mary Ann Wilson, Mary Newman, and Wiley Smith. City Clerk Poyzer reported 86 communications against the cross have been received: 79 were from Redlands' residents, 4 from non-residents, and 3 were from addresses unknown; 221 were received for retention of the cross and fight the ACLU: 51 from Redlands' residents, 126 from non-residents, and 44 from addresses unknown. Councilmember Gilbreath had challenged the Save the Seal Committee to get the money to fight the ACLU and that she would go for it. That has not happened and she feels as though we are being blackmailed by the ACLU and the proponents of the initiative petition. Therefore, her decision is to let the voters decide. Councilmember Harrison expressed his support for the proposed alternative design and suggested images of past logos/seals be displayed together in City facilities for our history. He felt we should come together as a community and not play the ACLU game and should ask our legislators to address the issues. Councilmember Gil said we are a community inclusive of everyone and felt we should let it go to a vote and if the people want their tax dollars spent fighting the ACLU rather than other community needs, then that is what would be done. Councilmember George stated he felt adopting the proposed alternative logo/seal circumvented the vote of the people, and that he would not vote to restore the cross on the City seal. Mayor Pepler stated her faith was not hinged on having a cross on a piece of paper and felt we should allow everyone in the community a voice on this matter and to let it go to the ballot. Further comments were heard from the audience. The City Council took no action on this matter and noted the initiative petition will proceed. The meeting recessed at 9:47 P.M. and reconvened at 9:55 P.M.

NEW BUSINESS

North Redlands Redevelopment Project - Due to a potential conflict of interest, Councilmember Gil 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 Office of the City Clerk. Community Development Director Shaw reported the City Council considered Resolution No. 6334 on November 2, 2004, calling for the formation of a Project Area Committee for the North Redlands Redevelopment Project and Redevelopment Agency Resolution No. 384 setting forth a policy on limiting eminent domain for the North Redlands Redevelopment Project, establishing the base year assessment roll it proposed to use for the North Redlands Redevelopment Project, authorizing the transmittal of a map, boundary description and a statement to taxing officials and agencies, and authorizing the payment of a filing fee to the State Board of Equalization. There were a number of concerns expressed by the community and the City Council continued the matter to this date. The purpose of the continuance was to allow staff to send out a newsletter and hold a town hall

meeting to discuss the redevelopment process with the community as well as to listen to community issues and concerns. Over the past several months, numerous meetings were conducted. Staff initiated two of these meetings. The first, a stakeholders meeting made up of community leaders from the Northside Impact Committee, Northside Advisory Committee, The Lugonia Community Association, the Boys and Girls Club, and the Family Services Association, met to learn about the redevelopment process and identify community issues, problems, and opportunities. As an outcome of this meeting Councilmember Harrison and staff recommended the suspension of the processing of a redevelopment project and, instead, initiating a community visioning process for the area north of the freeway. This concept was well received and was presented at the Town Hall meeting held on December 16, 2004, at Clement Middle School. Approximately 300 members of the community attending the Town Hall meeting expressing concerns about redevelopment and identifying concerns about their community and problems that are not being addressed by the City. The concept of suspending redevelopment and embarking on a community visioning process was accepted as a good first step in establishing trust and understanding by a large segment of the neighbors. Rogelio Garcia from the Redlands Police Department volunteered his assistance with Spanish translator services. Speaking from the audience were: Marina Jimenez, Todd Cooper, Ediberto Flores for the Northside Impact Committee, Lynnette Stiff, Jane Salazar, L. P. Stiff, Ande Spencer, Yvonne Perez, Dean Godwin, Robert Gonzales for the Lugonia Community Association, Christine Roque, Valentine V. Lozano, Theresa M. Mora, Mario Saucedo, Roy Cervantes, Frank Vern, Bill Conner, Connie McFarland, and Robert Newman. Councilmember George moved to abandon all actions associated with the formation of the North Redlands Redevelopment Project as outlined in Resolution No. 6334. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present with Councilmember Gil abstaining.

Community Visioning Process - In conjunction with the action just taken, Community Development Director Shaw presented further information regarding the visioning process for the area north of the freeway. Supporting and offering assistance were Jay Aguirre, Robert Gonzales for the Lugonia Community Association, and Mario Saucedo. Councilmember Gilbreath moved to request staff, after meeting with the community, to bring back proposals to initiate and participate in a community visioning process for the area located north of Interstate 10 and east of State Route 30. Motion seconded by Councilmember Pepler and carried by AYE votes of all present with Councilmember Gil abstaining. Councilmember Pepler moved to create a Community Visioning Committee. Motion seconded by Councilmember George and carried by AYE votes of all present with Councilmember Gil abstaining.

The meeting briefly recessed at 10:20 P.M. and reconvened at 10:32 P.M.

Ordinance No. 2593 - Residential Development Allocations - Community Development Director Shaw said on December 21, 2004, the City Council was considering residential development allocations for the fourth and final round of 2004. The only project requesting allocations was Tentative Tract No. 16474, Ryland Homes. It was recommended by the reviewing bodies that the project receive 77 points, 13 points less than the minimum 90 points needed to receive an allocation. The applicant's representative requested the City Council to consider awarding additional points in a number of categories and to allow the submittal of revised architectural elevations so as to reach the minimum score so as to receive allocations. The City Attorney advised the City Council that the allocation procedures were set up to create a competitive process between projects and, in this instance, there was only one project. Therefore, the City Council could find it appropriate to accept the proposed changes. The City Council accepted and considered the revised plans submitted by Ryland Homes, awarded a total of 91 points and provided an allocation for all 52 lots. The City Council also asked staff to return as soon as feasible with an amendment to the residential development allocation procedures codifying this process. Ordinance No. 2593 addresses the situation where there are no other competing projects and allows an applicant to submit revised or additional information so as to obtain additional points prior to review by the City Council. Councilmember George asked for clarification that this would only apply at the end of the year. Councilmember Pepler moved to determine that Ordinance No. 2593 is exempt from CEQA in accordance with Section 15061 finding that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Motion seconded by Councilmember George and carried unanimously. Ordinance No. 2593, an ordinance of the City of Redlands amending Chapter 19.16 of the Redlands Municipal Code relating to the procedure for issuing development allocations, was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived, and Ordinance No. 2593 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for January 18, 2005.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 10:35 P.M. The next regular meeting will be held on January 18, 2005.

City Clerk