

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 April 5, 2005, at 3:00 P.M.

PRESENT Gilberto Gil, Mayor Pro Tem
Pat Gilbreath, Councilmember
Gary George, Councilmember
Jon Harrison, Councilmember

ABSENT Susan Pepler, Mayor

STAFF John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Beatrice Sanchez, Deputy City Clerk (evening session); Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Mel Enslow, Fire Chief (afternoon session); Mitch McKee, Fire Battalion Chief (evening session); Donald Gee, Redevelopment Agency Director (afternoon session); Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director

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

CONSENT CALENDAR

Minutes - On motion of Councilmember George seconded by Councilmember Gilbreath, the minutes of the special meeting of March 15, 2005, and the regular meeting of March 15, 2005, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Gilbreath, the report of the Planning Commission meeting held on March 22, 2005, was acknowledged as received.

Model Home Agreement - Tract No. 16556 - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, a model home agreement for Tract No. 16566 for property located between San Bernardino and Pennsylvania Avenues, approximately 300 feet east of University Street, and accepted the associated faithful performance bond in the amount of \$60,000.00 to allow the development of a three-unit model home complex prior to the recordation of the final map subject to the conditions recommended by staff.

Funding Agreement - Extension of Edgemont Drive - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, a funding agreement with Clifford Douglas for possible acquisition of property to facilitate the extension of Edgemont Drive for access to properties within Parcel Map No. 8226, and authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City. On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, staff to receive funds in the amount of \$10,000.00 from Clifford Douglas to reimburse the City for all costs incurred in the possible acquisition of property to extend Edgemont Drive to Parcel Map No. 8226.

Subdivision Improvement Agreement - Parcel Map No. 16631 - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, a subdivision improvement agreement for Parcel Map No. 16631 (Minor Subdivision No. 273) for property located at 1515 Dwight Street.

Fee Waiver - Showmobile - American Cancer Society - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, a waiver of \$1,100.00 in fees for the American Cancer Society for the two-day use of the City's Showmobile providing that certain other requirements noted in the rental contract are met for towing, set-up deposit, insurance coverage and rental period.

Fee Waiver - Citrograph Scholarship Fund - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the request for waiver of police fees for Vintage Redlands on April 29, 2005, sponsored by the Citrograph Scholarship Fund.

Proclamation - Child Abuse Prevention Month - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the issuance of a proclamation declaring the month of April, 2005, as Child Abuse Prevention Month.

Proclamation - Donate Life Awareness Month - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the issuance of a proclamation recognizing the need for public awareness involving organ and tissue donation and giving of blood.

Proclamation - Sexual Assault Awareness Month - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the issuance of a proclamation declaring April, 2005, as Sexual Assault Awareness Month.

Proclamation - Recording for the Blind and Dyslexic Week - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the issuance of a proclamation declaring the week of April 18, 2005, as Recording for the Blind and Dyslexic Week.

Substitution of Security Documents - NBI General Contractors - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council accepted, by AYE votes of all present, a substitution of securities documents from NBI General Contractors for the Mission Gables Bowl House Restrooms and Renovations project and authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City.

Fee Waiver - Life Goes On - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the request for waiver of reservation, use and table fees in the amount of \$335.00 for use of Sylvan Park by Life Goes On to raise awareness for Reflect Sympathetic Dystrophy.

Resolution No. 6365 - Grant Application - Santa Ana River Basin - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council adopted, by AYE votes of all present, Resolution No. 6365, a resolution of the City Council of the City of Redlands in support of developing an Integrated Regional Groundwater Management Plan, submitting applications, and entering into an agreement(s) to receive a planning grant and/or an implementation grant pursuant to the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, Water Code Section 79560 et seq.. (Proposition 50), to benefit the entire Santa Ana River Basin.

Bid Rejection - Restroom Building - A bid was opened and publicly declared on February 24, 2005, by the City Clerk for the Restroom Building at the Water Reclamation Facility Project; a bid opening report is on file in the Office of the City Clerk. On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council rejected, by AYE votes of all present, the bid received for the restroom building at the Water Reclamation Facility Project as the bid was determined to be non-responsive on the basis that it failed to follow the Public works Contract Code bid requirements.

Agreement - Construction Staking Services - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an agreement to furnish construction staking services for the 2004/05 Capital Improvement Program, Water Main Replacement Project, with Aero Tech Surveys for the amount of \$18,260.00, authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City, and authorized staff to approve contingent costs up to 10 percent over the initial amount.

Contract Award - RCC Non-Potable Water System - 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 City Clerk's Office. Bids were opened and publicly declared on March 17, 2005, by the City Clerk for the Redlands Country Club Non-Potable Water System Project (Project No. 1-0581); 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 E. J. Meyer Company based on the total bid amount of \$494,444.00, 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 Harrison, the City Council approved this recommendation, authorized staff to approve contingent costs up to 10 percent over the total bid amount, and authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City, with Councilmember Pepler being absent and Councilmember Gilbreath abstaining.

Amendment - The Quiet Hour - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, Amendment No. 1 to an agreement with The Quiet Hour, Inc. for entry upon land for use of property as a fire training site on land located at 10 Center Street and authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City.

MOU - Redlands Professional Firefighters Association - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, Amendment No. 5 to the Memorandum of Understanding with the Redlands Professional Firefighters Association correcting language regarding holiday accrual, and authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City.

MOU - PERS - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an amendment to the contract with the Board of Administration California Public Employees' Retirement System for local miscellaneous employees allowing sick leave accruals to be converted to service credit and authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City.

Burrage Mansion Tolling Agreement Extension - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the second amendment to the tolling agreement with Russell Sehult and Love Rock Ministries International, Inc. for the Burrage

Mansion and authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City.

Settlement Agreement - Mason/Enyart/Rader - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council acknowledged a Settlement and Release Agreement with Keith Mason, Nathaniel Enyart and Harry Rader and authorized the Mayor Pro Tem to execute, and the City Clerk to attest to, the document on behalf of the City. The City Council authorized settlement of this lawsuit/claim and this agreement reflects the Council's terms and conditions for settlement.

PLANNING AND COMMUNITY DEVELOPMENT

Ordinance No. 2602 - Medical Marijuana Dispensaries - Ordinance No. 2602, an ordinance of the City of Redlands adopting a moratorium on the establishment of medical marijuana dispensaries, was read by title only by City Clerk Poyzer, and on motion of Councilmember Harrison, seconded by Councilmember Gilbreath, further reading of the ordinance text was waived, and Ordinance No. 2602 was adopted by the following vote:

AYES: Councilmembers Gilbreath, George, Harrison; Mayor Pro Tem Gil

NOES: None

ABSENT: Councilmember Pepler

Ordinance No. 2605 - Historic and Scenic Preservation Review - Ordinance No. 2605, an ordinance of the City of Redlands amending Chapter 2.62 of the Redlands Municipal Code relating to projects subject to Historic and Scenic Preservation Commission review, was read by title only by City Clerk Poyzer, and on motion of Councilmember Harrison, seconded by Councilmember Gilbreath, further reading of the ordinance text was waived, and Ordinance No. 2605 was introduced, by AYE votes of all present, and laid over under the rules with adoption scheduled for April 19, 2005.

COMMUNICATIONS

Posting of Health Inspection Report - Councilmember George asked Councilmembers to consider requiring the public posting of inspection results by the San Bernardino Department of Health as he felt it would be highly beneficial, from a public health standpoint, to make consumers aware of the inspection results, by letter grade, of the establishments they are considering patronizing. Such a post requirement would be mandatory for all purveyors of prepared food, not just restaurants, within the City of Redlands. Councilmembers asked for further study, requested a representative from the County Health Department come to a meeting and that the Chamber of Commerce assist by contacting restaurants for their input.

Natural Resource Management Project - Councilmember George brought forward the draft implementation plan for the City of Redlands Natural Resource Management Project to be performed by the University of Redlands Center for Environmental Studies.

NEW BUSINESS

Ordinance No. 2603 - Local Government Claims - Ordinance No. 2603, an ordinance of the City of Redlands adding Chapter 3.09 to the Redlands Municipal Code relating to local government claims, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember George, further reading of the ordinance text was waived, and Ordinance No. 2603 was introduced, by AYE votes of all present, and laid over under the rules with adoption scheduled for April 19, 2005.

Ordinance No. 2608 - Water and Wastewater Service Fees and Charges - Ordinance No. 2608, an ordinance of the City of Redlands adding Chapter 3.53 to the Redlands Municipal Code relating to non-potable water fund and non-potable rates and charges, and amending Chapters 3.41, 3.52, 3.62, 3.12, 3.16 and 13.44 of the Redlands Municipal Code relating to water and wastewater rates and water equipment regulations and sewer charges, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Harrison, further reading of the ordinance text was waived, and Ordinance No. 2608 was introduced, by AYE votes of all present, and laid over under the rules with adoption scheduled for April 19, 2005.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6383 - Great Neighborhood Program - Councilmember Gilbreath moved to adopt Resolution No. 6383, 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. Motion seconded by Councilmember George and carried by AYE votes of all present. (Also see Resolution No. 392 in the Redevelopment Agency minutes for April 5, 2005.)

CLOSED SESSION

The City Council meeting recessed at 3:26 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:27 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(a)
 - a. Worker's Compensation settlement with William Hutchison

2. Conference with labor negotiator - Government Code Section 54957.6
 - a. Agency Negotiator: Marjie Pettus, Tina Kundig and John Davidson
Employee Organizations: Redlands Association of Safety Management Employees, Redlands Police Officer's Association, and Redlands Professional Fire Fighter's Association, Local 1354
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b) -
 - a. One case: Facts and circumstances: Consideration of tort claim filed by Saing Treece

The meeting reconvened at 7:00 P.M.

Closed Session Report - City Attorney McHugh reported the City Council, by AYE votes of all present, approved initiation of litigation during the closed session.

PRESENTATION

Proclamation - Redlands Horticultural and Improvement Society - The City Council approved issuance of a proclamation honoring the Redlands Horticultural and Improvement Society for their ongoing pursuit of beauty through gardening in Redlands and encouraging residents to attend the 93rd Annual Flower Show, Garden Tour and Sale of Uncommon Plants on April 23-24, 2005. Mayor Pro Tem Gil presented the proclamation to Dave Olson, Redlands Horticultural and Improvement Society President and Allison Taylor, 2005 Redlands Flower Show Chairperson.

ANNOUNCEMENTS/REPORTS

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

LAND USE AND PUBLIC HEARINGS

Verizon Wireless, Applicant - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration for Conditional Use Permit No. 805 and a wireless service facility land lease agreement and recommendation of approval of said wireless service facility land lease agreement to install a 65-foot-high cellular tower (Italian Cypress Tree design) for a wireless telecommunication facility located within Hillside Memorial Park, 1540 Alessandro Boulevard, in the R-E (Residential Estate) District. Municipal Utilities Director Phelps reviewed the terms of the wireless service facility land lease agreement with Verizon Wireless for the proposed project. A community meeting at Hillside Memorial Park regarding installation of cellular

communication towers and support facilities was authorized by the City Council at the December 21, 2004, meeting. The Municipal Utilities Department notified residents, within a 300 foot radius of the parcel where the wireless communication facilities were proposed to be constructed, of a community meeting at 4:00 P.M. on January 6, 2005, at Hillside Memorial Park. Representatives from Cingular, Verizon and AT&T attended the meeting along with two residents from the community. Both residents in attendance expressed support for the project.

Mitigated Negative Declaration - Councilmember George moved to approve the Environmental Review Committee's mitigated negative declaration for a wireless service facility land lease agreement, and for Conditional Use Permit No. 805 at Hillside Memorial Park, 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 by AYE votes of all present.

Lease Agreement - Councilmember George moved to approve the wireless service facility land lease agreement with Verizon Wireless at Hillside Memorial Park. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Ordinance No. 2604 - Rural Living District - Continued from the March 15, 2005, City Council meeting was consideration of a Draft Mitigated Negative Declaration as well as a public hearing to consider introduction and first reading of the title of Ordinance No. 2604, Ordinance Text Amendment No. 309, an ordinance text amendment to add Chapter 18.23, R-L (Rural Living) District, to the Redlands Municipal Code. Community Development Director Shaw reported letters received by the City Clerk from members of the public prior to the March 15, 2005, City Council meeting were reviewed by staff and several comments mentioned in the letter warranted clarification. One comment concerned the notification procedure for the ordinance. Essentially, unless specifically requested by an individual, notification of a public hearing for a City-wide ordinance is done by publication of a display ad (at least one-eighth page in size) which is published in a newspaper of general circulation at least ten days prior to the public hearing date. This notification procedure is in accordance with the State Planning and Zoning Laws. The proposed ordinance did not require notification of specific property owners because the ordinance only places the Rural Living District in the Code and is not being applied to any particular properties. Other comments referenced the ordinance causing an impact on regional housing due to the Rural Living District being utilized to down-zone property, especially in the San Timoteo Canyon area. Again, Community Development Director Shaw stated the ordinance does not affect a specific property relative to down-zoning and would not create an internal inconsistency with the City's General Plan as no specific property would be

affected by adoption of the ordinance. Community Development Director Shaw then reviewed the proposed ordinance text amendment. Mayor Pro Tem Gil declared the meeting open as a public hearing for any further questions or comments. Opposing the proposed ordinance were Larry Curti, R. Dale Ellis, John Mirau on behalf of a number of landowners in the canyon, Bob Roberts, Terry Emershy, Robert C. Newman, II and Mary Newman. Bill Cunningham stated that the City needed to look at how services would be provided. City Clerk Poyzer reported that 47 communications were received since preparation of the packet opposing the proposed ordinance. The public hearing was then closed. Councilmembers Harrison and George supported establishing the category in the Code; Councilmembers Gilbreath and Gil had concerns. Councilmember Harrison moved to continue this matter and bring it back with the next General Plan cycle when the rural living standards will be presented for consideration. Motion seconded by Councilmember George and carried by AYE votes of all present.

Don Carlone, Applicant - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as a public hearing for a Socio-Economic Analysis and Cost/Benefit Study and a public hearing for a Socio-Economic Analysis for Resolution No. 6386, Specific Plan No. 25 (Amendment No. 10), an amendment to Section 3(A)(4)(d)(2) of Specific Plan No. 25 to allow an encroachment into the front yard setback, a maximum of five feet, for buildings whose frontage is not parallel to the street, and to amend Section 3(A)(2), which defines the permitted uses of the Specific Plan to add Dance Studios as Item W in the Urban Services Commercial District of Specific Plan No. 25; a Socio-Economic Analysis and Commission Review and Approval No. 795, a commission review and approval to construct a 6,960 square foot dance studio located on Orange Tree Lane west of Nevada Street; and Variance No. 688, a variance from the required 15' landscape setback to ten feet along the Interstate 10 Freeway, and to allow a covered walkway to encroach ten feet into the required 25' front yard setback for a parcel located on Orange Tree Lane west of Nevada Street (Assessor's Parcel Number 292-331-01) in the Urban Services Commercial District of Specific Plan No. 25. Community Development Director Shaw reviewed the proposed project. Mayor Pro Tem Gil declared the meeting open as a public hearing for any questions or comments. There being no comments, the public hearing was declared closed.

LOS - Councilmember George moved to approve a reduced Level of Service at the intersection of Alabama Street/Redlands Boulevard during the peak hours as permitted in General Plan Policy 5.20b and 5.20c. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Mitigated Negative Declaration - Councilmember George moved to approve the Environmental Review Committee's mitigated negative declaration for Resolution No. 6386 (Amendment No. 10 to Specific Plan No. 25), Variance No. 688, and Commission Review and Approval No. 795 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 by AYE votes of all present.

Socio-Economic Analysis and Cost/Benefit Study- Councilmember George moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Resolution No. 6386 (Amendment No. 10 to Specific Plan No. 25), Variance No. 688, and Commission Review and Approval No. 795 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 by AYE votes of all present.

Resolution No. 6386 - Councilmember George moved to adopt Resolution No. 6386, a resolution of the City Council of the City of Redlands adopting Amendment No. 10 to Specific Plan No. 25. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Variance No. 688 - Councilmember George moved to approve Variance No. 88 based upon the findings contained in the staff report and subject to the conditions of approval contained in the staff report. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Commission Review and Approval No. 795 - Councilmember George moved to approve Commission Review and Approval No. 795 based upon the findings contained in the staff report and subject to the Conditions of approval contained in the staff report. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Covington Construction and Development, Applicant - Public hearings were advertised for this time and place to consider General Plan Amendment No. 2005-1-A, a General Plan amendment to change Highview Drive from a "Local Street" to a "Collector Street" and to modify Figure 5.2 of the Circulation Element to establish design standards for Rural Streets and other rural public facilities; Ordinance No. 2606, Zone Change No. 390, a change of zone from A-1 (Agricultural) District (five-acre lots) to R-R (Rural Residential) District (one-acre lots) on four contiguous lots totaling 180.9 acres located south of Highview Drive and east of Freya Drive; a Socio-Economic Analysis and Conditional Use Permit No. 780, a conditional use permit for a Planned Residential Development (PRD) to subdivide four contiguous lots totaling approximately 180.9 acres into 85 residential lots and four common lots located south of Highview Drive and east of Freya Drive in the existing A-1 (Agricultural) District (five-acre lots) which is proposed for a Zone Change to R-R (Rural Residential) District (one acre lots); a Socio-Economic Analysis and Tentative Tract No. 16361, a tentative tract map to subdivide four contiguous lots totaling approximately 180.9 acres into 85 residential lots and four common lots located south of Highview Drive and east of Freya Drive in the existing A-1

(Agricultural) District (five-acre lots) which is proposed for a zone change to R-R (Rural Residential) District (one-acre lots); and Resolution No. 6385, Agricultural Preserve Removal No. 100, an agricultural preserve removal of approximately nine acres located along the south border of the project located south of Highview Drive and east of Freya Drive. Community Development Director Shaw reported there was a problem with the agenda in that it noticed a draft mitigated negative declaration rather than an Environment Impact Report; therefore, there was no presentation by staff for this proposed project, and the matter should be continued to April 19, 2005. Mayor Pro Tem Gil declared the meeting open as a public hearing for any questions or comments. Representing the applicant Pat Meyer, Urban Environs, clarified several misconceptions and offered to meet with residents who had concerns about the project. Supporting the project were: Terry Emershy, Patrick Hsu, Mimi Dupper, Tim Krantz, and Eric Blum. Opposing the project were: Bill Cunningham, Maria Bosley, Lee Young, Curtis D. Toovey, Brian Roche, Jordenne Parker, Rosalia Trammell, Robert C. Newman, II, Mary Newman, Joanne Lessard, Helen Waitz, Fred Waitz, Lawrence Finsen, Susan Finzen, Jim Gatrost, Jackie Fredricks, David Matuszak, Amanda Frye, Al Kelley for Friends of Live Oak Canyon, Theresa Kwappenberg, Barney Gentry, Ronald Van Fossan, George Lessard, Maria Bosley, Varnum Fletcher, and Durand Jacobs. Since preparation of the City Council meeting packet, City Clerk Poyzer reported a packet of information was received from Pat Meyer, two communications in favor of the project were received, and 57 communications opposing the project were received. There being no further comments, the public hearing was continued, by AYE votes of all present, to April 19, 2005, on motion of Councilmember Gil, seconded by Councilmember George.

The City Council meeting recessed at 9:03 P.M. and reconvened at 9:10 P.M.

Arief Naftali, Applicant - Continued from the March 1, 2005, City Council meeting was consideration of a Draft Mitigated Negative Declaration as well as a public hearing for a Socio-Economic Analysis and Cost/Benefit Study and a public hearing for General Plan Amendment No. 2005-1-B, a General Plan amendment to change the land use designation from Agriculture to Very-Low-Density Residential on 41.22 gross acres located on the west side of Wabash Avenue, south of San Bernardino Avenue and north of Capri Avenue in the A-1 (Agricultural) District; Resolution No. 6376, Agricultural Preserve Removal No. 106, an agricultural preserve removal of 41.22 gross acres located on the west side of Wabash Avenue, south of San Bernardino Avenue and north of Capri Avenue in the A-1 (Agricultural) District; Ordinance No. 2601, Zone Change No. 406, a change of zone from A-1 (Agricultural) District to R-E (Residential Estate) District on one parcel totaling 41.22 gross acres located on the west side of Wabash Avenue, south of San Bernardino Avenue and north of Capri Avenue in the A-1 (Agricultural) District; Conditional Use Permit No. 834, a conditional use permit for a Planned Residential Development on 41.22 gross acres into 76 residential lots and four common lots located on the

west side of Wabash Avenue, south of San Bernardino Avenue and north of Capri Avenue in the A-1 (Agricultural) District, proposed R-E (Residential Estate) District; and Tentative Tract No. 16878, a tentative tract map to subdivide approximately 41.22 gross acres into 76 residential lots and four common lots located on the west side of Wabash Avenue, south of San Bernardino Avenue and north of Capri Avenue in the A-1 (Agricultural) District, proposed R-E (Residential Estate) District. Community Development Director Shaw reviewed the proposed project. Mayor Pro Tem Gil declared the meeting open as a public hearing for any questions or comments. Arief Naftali was presented and available to answer questions. There being no comments, the public hearing was declared closed.

General Plan Amendment No. 2005-1-B - Councilmember Gilbreath moved that the City Council indicate its support for this component of Resolution No. 636 for General Plan Amendment No. 2005-1-B, changing the designation of the subject 41.22 gross acres from Agriculture to Very-Low-Density Residential as shown on Exhibit A of Resolution No. 6363. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Resolution No. 6376 - Agricultural Preserve Removal No. 106 - Councilmember Gilbreath moved to approve Resolution No. 6376, a resolution of the City Council of the City of Redlands approving Agricultural Preserve Removal No. 106 which takes effect only upon approval of the associated amendment to the General Plan (Resolution No. 6363) based upon the findings contained in the staff report. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Ordinance No. 2601 - Zone Change No. 406 - Ordinance No. 2601, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopted a revised land use zoning map and effecting Zone Change No. 406, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Harrison, further reading of the ordinance text was waived, and Ordinance No. 2601 was introduced and laid over under the rules with adoption scheduled for April 19, 2005, by AYE votes of all present.

Socio-Economic Analysis and Cost/Benefit Study- Councilmember Gilbreath moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Conditional Use Permit No. 834 and Tentative tract Map No. 16878 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 by AYE votes of all present.

Conditional Use Permit No. 834 - Councilmember Gilbreath moved to approve Conditional Use Permit No. 834 which is preconditioned upon approval of the associated amendment to the General Plan (Resolution No. 6363) and which shall take effect on the effective date of Ordinance No. 2601 subject to the conditions of approval and based upon the findings

contained in the staff report. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Tentative Tract No. 16878 - Councilmember Gilbreath moved to approve Tentative Tract No. 16878 which takes effect only upon approval of the associated amendment to the General Plan (Resolution No. 6363) and to take effect as of the effective dated of Ordinance No. 2601 subject to the conditions of approval and based upon the findings contained in the staff report. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

Mark Utzinger, Applicant - Tuscany Court - Continued from the March 15, 2005, City Council meeting was consideration of a Draft Mitigated Negative Declaration as well as a public hearing to consider General Plan Amendment No. 2005-1-C, a General Plan amendment to change the land use designation from Light Industrial with a park to High Density Residential (0-27 units per acre) on 4.76 acres located on the north side of Orange Avenue, 300 feet east of Kansas Street; public hearing to consider Ordinance No. 2597, Zone Change No. 386, a change of zone from A-1 (Agricultural) District (five-acre lots) to R-3 (Multiple Family Residential) District (1,500 square feet of lot area per dwelling unit) on 4.76 acres located on the north side of Orange Avenue, 300 feet east of Kansas Street; and a public hearings for a Socio-Economic Analysis and Conditional Use Permit No. 768, a conditional use permit for the construction of a 160-unit senior apartment complex in eight two-story buildings. The project also includes a Density Bonus for Senior Citizen Housing which provides for an increase in density of 32 units above the maximum 128 units allowed in the proposed zone of R-3 (Multiple Residential) District (1,500 square feet of lot area per dwelling unit). The proposed project is located on 4.76 acres in the existing A-1 (Agricultural) District (five-acre lots) proposed for a zone change to R-3 (Multiple Residential) District (1,500 square feet of lot area per dwelling unit) on the north side of Orange Avenue, 300 feet east of Kansas Street. Community Development Director Shaw reviewed the proposed project. Councilmember Harrison suggested adding some conditions to require shuttle service to address the reduced parking requirements, light-blocking blinds on the windows facing the school property, and a recreation vehicle parking restriction. The applicant, Mr. Utzinger, indicated the addition of these requirements would not be a problem. Mayor Pro Tem Gil declared the meeting open as a public hearing for additional questions or comments. Mr. Utzinger addressed the City Council urging approval of his project. Expressing concern about the location adjacent to the Arrowhead Christian Academy were: Yvonne M. Lucas, Chairman of the Arrowhead Christian Academy Board of Trustees Ron Burgess, Bruce Smith, attorney and Board Member for Arrowhead Christian Academy Craig Wilson who discussed the covenant they wanted, and Bill Cunningham. Speaking in support of the project were: Elvis Perkins, James Tuazon, Harry O'Connor, Linda F. Follendorf, Irene Vallicella, Ernest Vallicella, Don Hoffman, Helen Fikse, Luella Frueliger, and Tom Westerfield. City Clerk Poyzer reported

communications were received after preparation of the City Council packet as follows: a letter with 24 signatures supporting the project, two communications in support, and three communications opposing the project. Mr. Utzinger addressed the covenant stating he would be willing to bind a declaration upon future owners but was not willing to include an indemnity clause. There being no further comments, the public hearing was declared closed at 10:16 P.M.

Mitigated Negative Declaration - Councilmember George moved to approve the Environmental Review Committee's mitigated negative declaration for General Plan Amendment No. 2005-1-C, Zone Change No. 386, and Conditional Use Permit No. 768 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 by AYE votes of all present.

General Plan Amendment No. 2005-1-C - Councilmember George moved that the City Council indicate its support for this component of Resolution No. 6363 for General Plan Amendment No. 2005-1-C, changing the designation of the subject 4.76 acre parcel from Light Industrial to High Density Residential as shown on Exhibit C of Resolution No. 6363. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Ordinance No. 2597 - Zone Change No. 386 - Ordinance No. 2597, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code revising the City's Land Use Zoning Map and effecting Zone Change No. 386, was read by title only by City Clerk Poyzer, and on motion of Councilmember George, seconded by Councilmember Gilbreath, further reading of the ordinance text was waived, and Ordinance No. 2597 was introduced and laid over under the rules with adoption scheduled for April 19, 2005, by AYE votes of all present.

Socio-Economic Analysis and Cost/Benefit Study- Councilmember George moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Conditional Use Permit No. 768 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 by AYE votes of all present.

LOS - Provided that General Plan Amendment No. 2005-1-C is approved, Councilmember George moved to approve a reduced Level of Service at the intersection of Alabama Street/Redlands Boulevard during the peak hours as permitted in General Plan Policy 5.20b and 5.20c and City Council Resolution No. 6202 for proposed Conditional Use Permit No. 763. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

High-Density Residential Project Findings - Provided that General Plan Amendment No. 2005-1-C is approved, Councilmember George moved that the City Council adopt the findings contained in the staff report to allow a high-density residential project in excess of 18 dwelling units per acre in accordance with Section 4.40 of the Redlands General Plan. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Conditional Use Permit No. 768 - Councilmember George moved to approve Conditional Use Permit No. 768, effective only upon adoption of the associated General Plan Amendment (Resolution No. 6363) and only as of the effective date of Ordinance No. 2597 based on the findings contained in the staff report and with the additional Conditions of Approval:

- a. That the use of a wheelchair access shuttle/van service on the property shall be required to reduce the parking requirement as granted; such use of the shuttle and provision of shuttle shall run with the property and be binding on future owners;
- b. That there shall be a condition for 100 percent light-blocking blinds on the windows facing the athletic field at Arrowhead Christian Academy;
- c. That there shall be a restriction prohibiting recreational vehicles parked on-site; and
- d. That the City of Redlands shall require of the developer that he record the covenant and the covenant shall include the language previously presented to the City Council by the applicant and include the phrase that such restrictions shall run with the land and be passed to future owners by amending Section 4 of the existing agreement that was raised by the Arrowhead Christian Academy.

Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

The City Council meeting briefly recessed at 10:37 P.M. and reconvened at 10:40 P.M.

ESRI, Applicant - 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. Continued from the March 1, 2005, City Council meeting was consideration of a draft mitigated negative declaration and a public hearing to consider General Plan Amendment No. 2005-1-D, a General Plan amendment to the Circulation Element to remove and vacate approximately 230 feet of New York Street north of the intersection with State Street, and a General Plan land use designation amendment from Light Industrial, Commercial and Linear Park Overlay to Office; a public hearing to consider introduction and first reading of the title of Ordinance No. 2600, Zone Change No. 401, a change of zone from M-1 (Light Industrial) District, M-2 (General Industrial) District, M-P (Planned Industrial) District and C-4 (Highway Commercial) District to A-P (Administrative and Professional Office) District on 27.94 acres located on both

sides of New York Street, north of State Street and east of Tennessee Street; and consideration of Street Vacation No. 127 by giving notice of intent to vacate a portion of New York Street located north of the intersection of State Street and set a public hearing thereon for May 3, 2005, at 7:00 P.M. Community Development Director Shaw reviewed the proposed project noting the Planning Commission reviewed the project on January 25, 2005, and recommended the City Council approve the Negative Declaration, General Plan amendment and zone change. A proposed Development Agreement, which is a part of this project, was also reviewed by the Planning Commission which was continued to their meeting on April 12, 2005, to allow the applicant to meet with staff and the City Attorney to discuss and clarify issues raised by staff. Mayor Pro Tem Gil declared the meeting open as a public hearing for any further questions or comments. Representing the applicant, Pat Meyer, Urban Environs, noted they will also grant any necessary easement for utilities in regards to the proposed street vacation. Opposing the proposed vacation of a portion of New York Street were Phil Heller and Marjorie Hickman. City Clerk Poyzer reported one additional communication opposing the proposed street vacation was received after the City Council packet was prepared. There being no further comments, the public hearing was declared closed. As there were only three Councilmembers present during this portion of the meeting, Councilmember George moved to continue this matter to April 19, 2005. Motion seconded by Councilmember Gil and carried with Councilmember Peppler being absent and Councilmember Harrison having left the Council Chambers due to a potential conflict of interest.

Resolution No. 6363 - General Plan Amendment No. 2005-I-B and 2005-1-C - Councilmember George moved to adopt Resolution No. 6363, a resolution of the City Council of the City of Redlands adopting proposed Amendment Nos. 2005-1-B (Arief Naftali, applicant) and 2005-1-C (Mark Utzinger, applicant) to the Redlands General Plan as the City's first cycle General Plan Amendment for calendar year 2005. Motion seconded by Councilmember Gil and carried by AYE votes of all present.

Ordinance No. 2599 - Hillside Development - Public hearing was advertised for this time and place to consider Ordinance No. 2599, Ordinance Text Amendment No. 308 - Reintroduce and modify Chapter 18.138 of the Redlands Municipal Code pertaining to the establishment of a Hillside Development Overlay District and hillside grading standards. Community Development Director Shaw reviewed the proposed ordinance text amendment which would re-adopt, as well as modify, the City's existing regulations that pertain to development within the hillside areas. Chapter 18.138 (Hillside Development District) of the Redlands Municipal Code was originally adopted in 1988 to implement Section 11 of Measure N, a voter-approved initiative to manage growth in the City of Redlands. The Hillside Development (HD) District is proposed to be re-adopted because it was recently brought to the City's attention that the ordinance was not adopted by a four-fifths vote of the total authorized

membership of the City Council in 1988. This super-majority vote is mandated in Measure N. The records of that City Council meeting indicate the ordinance was adopted by a 3-1 vote with one Councilmember absent. The re-adopt of the HD District provides an opportunity for staff to incorporate the ad hoc committee's recommendations relative to wanting additional project submittal requirements for subdivision in the hillside areas of the City. Community Development Director Shaw reviewed the committee's recommendation. Councilmember Harrison asked for clarification of Sections 18.138.070(a) and 18.138.070(i). Mayor Pro Tem Gil declared the meeting open as a public hearing for any questions or comments. Opposing the proposed ordinance were: Terry Emershy and John Mirau on behalf of a number of landowners in the canyon including Larry Curti who had to leave the meeting early. City Clerk Poyzer reported 16 letters opposing the proposed ordinance were received after the City Council packet was prepared. There being no further comments, the public hearing was declared closed. Following discussion, Councilmember Harrison moved to continue this matter to April 19, 2005. Motion seconded by Councilmember George and carried by AYE votes of all present.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 11:35 P.M. The next regular meeting will be held on April 19, 2005.

/s/ Lorrie Poyzer, City Clerk
Redlands, California