

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, at 3:00 P.M. on April 4, 2000.

PRESENT

Pat Gilbreath, Mayor
Gary George, Mayor Pro Tem
John L. Freedman, Councilmember
Susan Pepler, Councilmember
Karl N. "Kasey" Haws, Councilmember

Gary M. Luebbers, City Manager
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Michael Reynolds, City Treasurer
Cletus Hyman, Deputy Police Chief
Mel Enslow, Fire Chief
Bonnie Johnson, Finance Director
Ronald C. Mutter, Public Works Director
Gary G. Phelps, Municipal Utilities Director
Jeffrey L. Shaw, Community Development Director

ABSENT

None

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

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Freedman, the minutes of the regular meeting of March 21, 2000, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Freedman, the report of the Planning Commission meeting held on March 28, 2000, was acknowledged as received.

Ordinance No. 2432 - Specific Plan No. 40 Amendment - Ordinance No. 2432, an ordinance of the City of Redlands adopting Amendment No. 15, relating to signs, to Specific Plan No. 40 (Lowe's Companies, Inc., applicant), was adopted on motion of Councilmember George, seconded by Councilmember Freedman, by the following vote:

AYES: Councilmembers George, Freedman, Pepler, Haws;
Mayor Gilbreath

NOES: None

ABSENT: None

Proclamation - National Telecommunications Week - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation declaring the week of April 9-15, 2000, to be National Telecommunications Week in Redlands in honor the Public Safety Dispatchers in Redlands whose diligence and professionalism help to keep our City and citizens safe.

Proclamation - National Victims' Week - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation declaring the week of April 9-15, 2000, as National Victims' Week and commending *Families and Friends of Murder Victims* for their commitment in helping others deals with the hurt of losing a loved one to murder.

Proclamation - Selective Service System - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously authorized issuance of a proclamation declaring the month of April 2000 as Selective Service System Awareness Month.

Proclamation - First Congregational Church of Redlands - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously authorized the issuance of a proclamation congratulating the First Congregational Church of Redlands on its 100 years of service and involvement in the community.

Funds - Contract - Lobbying Services - Due to a possible conflict of interest, Councilmember Haws left the City Council Chambers. Councilmember George noted extension of this contract was to cover work already done and we were probably at a state to terminate services with Stefan George Association as he felt AB 1544 was on its way to the Governor's Office. He warned Majestic Realty principals that if AB 1544 continues to move through the channels in Sacramento, the offer to place an initiative on the ballot at Majestic and UDHOPA's expense was off the table. Councilmember George then moved to approve an additional appropriation of \$8,000.00 to extend the City's contract with Stefan George Associates for lobbying services in Sacramento for the period February 16 through April 15, 2000. Motion seconded by Councilmember Freedman and carried by AYE votes of all present.

Change Order - Colton/Wabash Intersection Improvements - Following brief discussion, on motion of Councilmember Freedman, seconded by Councilmember George, the City Council unanimously approved Changed Order No. 2 to the contract for the Colton/Wabash Intersection Improvements Project in the amount of \$16,450.00 and authorized staff to execute the change order.

Community Development Block Grant Funds - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously voted to revoke \$6,733.83 of Community Development Block Grant (CDBG) funds from CDBG Administration Project No. 111-03000 and reallocated that amount to the City Council's Unprogrammed Funds; to revoke \$11,511.88 of CDBG funds from the CDBG Administration Project No. 111-03000 and reallocate that amount to Project No. 111-25103, Community Center, Phase III; and to revoke \$60,000.00 of CDBG funds from Project No. 111-22018 (Adult Day Care Facility Expansion) and reallocate that amount to Project No. 111-20718 (Adult Day Care Facility Acquisition - DASH).

Resolution No. 5750 - TRANS - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5750, a resolution authorizing and approving the borrowing of funds for Fiscal Year 2000-2001; the issuance and sale of a 2000-2001 Tax and Revenue Anticipation Note; and participation in the California Communities Cash Flow Financing Program.

Contract - Planning Services - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved a contract with Hogle-Ireland, Inc. to provide professional planning services to the Community Development Department for a period not to exceed six weeks. The costs for the services completed under this contract will be a not to exceed amount of \$13,000.00; this is covered by salary savings accrued during the current fiscal year. The Community Development Department is experiencing a heavy workload due to the improving economy and implementation of Measure U with the same staffing as has existed for the past several years. One of the staff is now out for an extended period of time on sick leave. It is expected that he will return in approximately four to six weeks. In the interim, the Planning Division is lacking adequate staffing to meet deadlines, review plans, prepare staff reports, and provide customer assistance.

Funds - Contract - Socio-Economic Cost Benefit Study - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved a contract with David Taussig and Associates, Inc. to update and modify the Cost Benefit Model as part of the Socio-Economic Cost Benefit Study and approved an additional appropriation in the amount of \$4,000.00 to cover its cost.

Change Order - Community Center Renovations - On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously approved Change Order No. 3 to the contract for the Community Center Renovations, Phase III, project in the amount of \$26,080.00 and authorized staff to execute the change order to repair parapet wall and exterior walls in various locations to make the building weathertight.

PLANNING AND COMMUNITY DEVELOPMENT

Non-Conforming sign - 1549 West Redlands Boulevard - At the last City Council meeting, Mr. James Dickerson presented concerns pertaining to a code violation matter during the Public Comments period. The City Council requested the item be placed on this agenda. Community Development Director Shaw presented a report providing an overview of code enforcement actions for the site (1549 West Redlands Boulevard) and the current status of the violations. The enforcement actions for this site have included violations for outside storage of construction materials, supplies and equipment issued initially in June, 1999, and violations for signs issued initially in August, 1999. The case regarding outside storage was resolved on December 2, 1999, and the case was closed. On March 13, 2000, a letter was sent to Mr. Dickerson regarding the alternative of pursuing a variance or removal of the obsolete signs within five days. Community Development Director Shaw reported the Community Development Department processed over 1,000 cases this past year. Property owners are requested to comply with various laws of the City. In adopting the Sign Code approximately two years ago, the Sign Committee, Planning Commission, and City Council recognized the importance of code enforcement to implement the new sign regulations and accomplish the goals of the City relative to signs. As a result of this emphasis, the enforcement force of the City was increased from a part-time position to one full-time and one part-time position. He noted, that while Mr. Dickerson's case has some unique issues, there are alternatives available for the project site relative to business identification. Other businesses which have removed pole signs recently include AutoPlex Center, Kmart, Reeds automotive, Viking Tire, Auto Zone, a vacant gas station on the southwest corner of Orange Street and Brockton Avenue, and Del Taco. Staff has worked for over six months with Mr. Dickerson attempting to resolve the sign issue prior to issuing a citation. Mr. Dickerson submitted the following information prior to the meeting: 18 pictures of pole signs located on Redlands Boulevard, copies of letters and citations pertaining to signs on his property, and a copy of pertinent sections of the East Valley Corridor Specific Plan. Mr. Dickerson felt he was protecting his property and that it was not fair that the City was subjecting him to these regulations. Councilmember Haws offered to meet with Mr. Dickerson and moved to acknowledge receipt and file the report on this matter. Motion seconded by Councilmember Pepler and carried unanimously.

COMMUNICATIONS

Lease-Agreement - Coyote Aviation - City Manager Luebbers reported he had met again with Mr. Gil Brown, President of Coyote Aviation and they had reached an agreement that was in the best interest of the City and would allow Mr. Brown to proceed. Councilmember Freedman moved to approve a lease agreement with Coyote Aviation for construction of an aviation complex and

authorize the Mayor and City Clerk to sign the agreement on behalf of the City.
Motion seconded by Councilmember Haws and carried unanimously.

Redlands Aviation - Mr. Lloyd Janzen, President of Redlands Aviation, asked the City Council to consider amendments to their lease agreement as relates to the public lobby and rent adjustments. City Manager Luebbers noted that staff has offered to open the entire lease for re-negotiation, but that Mr. Janzen only wants to address these two issues. The City Council concurred with Councilmember Haws' request that the Airport Advisory Board review this matter; that staff prepare a recommendation for the City Council to review; and that the City Attorney prepare a legal analysis of the rights and responsibilities and obligations of both parties for the City Council's review.

City Manager's Report - City Manager Luebbers reported the initial preparation of the 2000-2001 budget has been completed by the departments. City Council study sessions will be scheduled in the near future. Regarding the reported theft of a Target Store, City Manager Luebbers explained that a broker approached the City to discuss the possibility of locating in Redlands.

Appointment - Traffic and Parking Commission - As recommended by Councilmember Freedman, Mayor Gilbreath moved to nominate Calvin K. Wang to the Traffic and Parking Commission to fill the unexpired term of E. Joseph Shaw to December 20, 2001. Motion seconded by Councilmember Freedman and carried unanimously.

Supreme Court Decision - Ban on Nudity - Councilmember Haws reviewed a recent Supreme Court decision upholding a ban on nudity and asked the City Attorney to review our ordinance to see if there was a need to further strengthen it, urging him to make it as strict as legally possible. City Attorney McHugh reported that this Supreme Court decision has validated our law and that he is reviewing it to see if any minor revisions are needed. Code Enforcement is on the job checking for compliance. (Also see Public Comments at the end of the meeting.)

CLOSED SESSION

The City Council meeting recessed at 3:56 P.M. to a Redevelopment Agency meeting and reconvened at 3:58 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - Claim of David LaVau
 - Wenzel v. City of Redlands - SCV 43180
 - City of Redlands v. County of San Bernardino and Redlands Joint Venture - Case No. 293198
 - City of Redlands v. County of San Bernardino - Case No. SCV 60116
 - Raul Aspe v. City of Redlands
 - Aaron Van Mill v. Redlands Unified School District and City of Redlands - San Bernardino Superior Court Case No. SCV 51090 (This

item, which arose subsequent to the agenda being posted, was added to the agenda by a unanimous vote on motion of Councilmember Freedman, seconded by Councilmember George.

The meeting reconvened at 7:00 P.M.

CLOSED SESSION REPORT

County of San Bernardino and Redlands Joint Venture - City Attorney McHugh reported there are favorable indications for the dismissal of this case and that all proceedings are presently staid. A settlement agreement submitted by the Redlands Joint Venture was totally rejected by the City Council as recommended by special counsel with no compromise or counter proposal.

PRESENTATION

Proclamation - Soroptimist International of Redlands - By consensus, the City Council unanimously authorized the issuance of a proclamation congratulating Soroptimist International of Redlands in honor of its 50th anniversary to be celebrated on April 29, 2000, and recognizing the outstanding contributions made by its members. Mayor Gilbreath presented the proclamation to Soroptimist members Carolyn Whetzel, Jean Dahnke and Lorrie Poyzer.

PUBLIC HEARINGS

Sign Conditional Use Permit No. 4 - Public hearing was continued to this time and place to consider the application for a 221 square foot wall sign on the new Lowe's Home Improvement Warehouse building located at the southwest corner of Redlands Boulevard and Iowa Street (Lowe's Companies, applicant). Community Development Director Shaw explained that the City Council adopted Ordinance No. 2342 during the afternoon session which is the specific plan amendment associated with this proposed sign conditional use permit. Signs greater than 120 square feet require a conditional use permit and City Council approval pursuant to the Redlands General Plan and the Municipal Sign Code. Mr. Shaw described the proposed wall sign. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Freedman moved to approve Sign Conditional Use Permit No. 4 subject to the all departmental recommendation and conditions of approval and based on the following findings:

1. That the sign conditional use permit applied for at the Lowe's Home Improvement Warehouse site is proper for a conditional use permit;
2. That the proposed wall sign will not be detrimental to existing or permitted uses in the Commercial Industrial District of the East Valley Corridor Specific Plan or the surrounding retail development;

3. That the proposed wall sign will not obscure the view of any other sign within the surrounding area and will not be obtrusive or create a visually negative aesthetic impact within the vicinity;
4. That the proposed wall sign will be mounted on the north elevation of the building and will be proportional in size to the size of the building frontage, as compared with other signs on the surrounding retail development; and
5. That the proposed wall sign meets the criteria of the Redlands Municipal Code under the sign criteria of the C-4 District and complies with all applicable policies of the Redlands General Plan.

Motion seconded by Councilmember Haws and carried unanimously.

Tentative Tract No. 15867 (Revised) - Citing a possible conflict of interest, Mayor Gilbreath left the City Council Chambers and Mayor Pro Tem George conducted the meeting for this item. Public hearing was advertised for this time and place to consider a recommendation to the City Council to modify the condition relating to street width requirements for a subdivision of 4.61 acres into 11 lots generally located between Campbell and Franklin Avenues, east of Summit B, in the R-E (Residential Estate) District (U. S. Linkworld, applicant). Community Development Director Shaw explained the original tentative tract was approved by the City Council on May 4, 1999. One of the issues was the width of road improvements on Campbell Avenue. In approving the map, the City Council modified a proposed condition of approval to require that the paved width of Campbell Avenue be maintained at its current level of improvement which was approximately 18 feet. All other conditions of approval remained the same as recommended by the Planning Commission. On February 1, 2000, a large contingent of property owners along the north side of Campbell Avenue approached the City Council requesting that the condition requiring the narrower width of Campbell Street be modified to require a standard street section of 28 feet. The City Council concurred and asked the developer of the tract if they were willing to agree to amend the condition of approval if there was no increase in the cost of improvements. The developer agreed to such a revision if there was no cost to be incurred by them. Requiring a full width street for Campbell Avenue is consistent with the City's General Plan street section requirements for local streets. It will better meet the needs of the neighborhood for internal circulation, parking, access, and public safety. Mayor Pro Tem George declared the meeting open as a public hearing for any questions or comments. David Price asked for clarification on the width of the street and on behalf of the neighbors expressed appreciation to everyone involved in this revision. There being no further comments, the public hearing was declared closed. Councilmember Haws moved to approve the revision to Tentative Tract No. 15867 to delete Planning Condition No. 13 and amend Public Works Condition No. A.5 to read as follows:

"5. Requirements for Campbell Avenue

1. Dedicate to provide for a minimum of 15 foot radii at property line return.

2. Construct standard curb and gutter to 18 feet south side of street centerline.
3. Construct standard street section between new curbs and street centerline consistent with the City Standard verified through a geotechnical report.
4. Construct standard sidewalk along entire street frontage.
5. Provide Redwood trees spaced 40 feet on center avoiding sewer and water laterals.
6. Use traffic index of 5.5."

Motion seconded by Councilmember Freedman and carried with Councilmember Gilbreath abstaining.

Planning Commission Review and Approval No. 661 - Public hearing was advertised for this time and place to consider Planning Commission Review and Approval No. 661 (Revision No. 6) for the construction of a three story building with a floor area of 72,200 square feet within an existing office complex located at 371 New York Street in the M-2 (General Industrial) District (Environmental Systems Research Institute, applicant). Community Development Director Shaw explained this proposal, which is generated due to the rapid growth of this business, is the sixth in a series submitted by the applicant which involves property located within this existing office complex. The proposed project consists of adding a second three-story building with each level/floor averaging approximately 24,200 square feet. The proposed building will be similar to the existing three-story building relative to the architectural design, materials of construction, and colors. This additional office space will ultimately accommodate 250 new employees. Part of this site revision also includes a 2,320 square foot physical plant. This support service building is necessary in order to provide adequate utilities (power, air conditioning, etc.). The project, as conditioned, meets all the development standards for this zone district. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Pepler moved to approve the Negative Declaration for Planning Commission Review and Approval No. 661 (Revision No. 6) 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 Freedman and carried unanimously. Councilmember Pepler moved to approve the Socio-Economic Cost Benefit Study for Planning Commission Review and Approval No. 661 (Revision No. 6) as the project will not create unmitigable physical blight or overburden public services in the community; no additional information or evaluation is needed, and the proposed project is an infill development within an existing light industrial park and will not require the installation of any infrastructure or street improvements; and it is not a growth inducing development; therefore, it will not have a negative impact

on the City's social Services. Motion seconded by Councilmember Freedman and carried unanimously. Councilmember Pepler moved to approve Planning Commission Review and Approval No. 661 (Revision No. 6) subject to all departmental conditions of approval and the following findings:

1. That the site for the intended use is adequate in size and shape to accommodate the use and compliance with all Code requirements and will adjust the use to those existing or permitted future uses in the neighborhood;
2. That the proposal will not be detrimental to the existing use or uses specifically permitted in the zone in which the proposed use is to be located;
3. That the site for this project relates to the adjacent streets that are properly designed to carry the type and quantity of traffic generated or to be generated by this proposed use;
4. That the proposed use is necessary and desirable for the community and is in harmony with the goals and policies of the General Plan; and
5. That the conditions set forth in the permit and shown on the approved plans are necessary to protect the public health, safety or general welfare.

Motion seconded by Councilmember Freedman and carried unanimously.

Planning Commission Review and Approval No. 708 - Public hearing was advertised for this time and place to consider Planning Commission Review and Approval No. 708 for the construction of a 15,882 square foot concrete tilt-up building for light industrial/warehouse use located on a parcel with an area of .95 acres of the west side of New Jersey Street, approximately 500 feet north of Park Avenue in the EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan (Yocom-Baldwin Development, applicant). Community Development Director Shaw reported that on February 22, 2000, the Planning Commission unanimously approved this request. This proposal is the fourth in a series submitted by the applicant which involves property located within an existing light industrial complex. The proposed project, which is similar to the three previous approvals, consists of a 15,882 square foot single story light industrial/warehousing building on a 41,382 square foot parcel. The project as conditioned meets all the development standards of the EV/IC (Commercial Industrial) District of the East Valley Corridor Specific Plan. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember George moved to approve the Mitigated Negative Declaration for Planning Commission Review and Approval No. 708 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 Haws and carried unanimously. Councilmember George moved to approve the Socio-Economic Cost Benefit Study for Planning Commission Review and Approval No. 708 as the project will not create unmitigable physical blight or overburden public services in the community; no additional information or

evaluation is needed; and the proposed project is an infill development within an existing light industrial park and will not require the installation of any infrastructure or street improvements; and it is not a growth inducing development therefore it will not have a negative impact on the City's social services. Motion seconded by Councilmember Haws and carried unanimously. Councilmember George moved to approve Planning Commission Review and Approval No. 708 subject to all departmental conditions of approval and the following findings:

1. That the site for the proposed development is adequate in size and shape to accommodate the use and other features required in order to adjust the use to those existing or permitted future uses in the vicinity;
2. That the project site for this proposed infill development properly relates to the adjacent public streets which are designed to carry the type and quantity of traffic generated or to be generated by this proposed use;
3. That the proposed use is desirable for the development of the community, is consistent with the policies, goals, and objectives of the Redlands General Plan, and is not detrimental to existing or planned uses in the vicinity of the proposed project; and
4. That the conditions set forth in the permit and shown on the submitted site plan are necessary to protect the public health, safety or general welfare.

Motion seconded by Councilmember Haws and carried unanimously.

Planning Commission Review and Approval No. 709 - Public hearing was advertised for this time and place to consider Planning Commission Review and Approval No. 709 for the construction of a 12,560 square foot office building located on a parcel with an area of 1.10 acres in the Urban Services District of Specific Plan No. 25 on the northwest corner of Idaho Street and Orange Tree Lane (Sawyer Cook and Company, applicant). Community Development Director Shaw reported the Environmental Review Committee and the Planning Commission reviewed the Socio-Economic Cost Benefit Study and recommended that the City Council determine that the project will not create unmitigable physical blight or overburden public services in the community. Since this is an office with no direct sales, the cost benefit model concludes a negative balance for costs versus revenue. The project is consistent with the zoning standards of the Urban Services District of Specific Plan No. 25. At the Planning Commission hearing, there was discussion on various issues associated with the landscaping such as the type of species and whether the trees would function as shade trees. The Planning Commission added a condition of approval that resolved their concerns about shade trees. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. A representative for the applicant was present to answer any questions. There being no comments forthcoming, the public hearing was declared closed. Councilmember Freedman moved to approve the Socio-Economic Cost Benefit Study for Planning Commission Review and Approval No. 709 and find that the project will not create unmitigable physical blight or overburden public services in the community and that no additional information

or evaluation is needed. Motion seconded by Councilmember Haws and carried unanimously. Councilmember Freedman moved to approve Planning Commission Review and Approval No. 709 subject to all departmental conditions of approval and the following findings:

1. That the size and shape of the site are adequate for the proposed office building;
2. That the site properly relates to Orange Tree Lane, Idaho Street, and Plum Lane which are designed and improved to carry the type and quantity of traffic to be generated by an office building;
3. That the conditions proposed for Planning Commission Review and Approval No. 709 and shown on the site plan are necessary to protect the public health, safety and general welfare of the neighborhood and the City of Redlands;
4. That when completed, the project will contribute to the overall development of the neighborhood; and
5. That the proposed project will be consistent with the existing Commercial Designation of the City's General Plan.

Motion seconded by Councilmember Haws and carried unanimously.

Ordinance No. 2435 - Zone Change No. 373 - Public hearing was advertised for this time and place to consider Ordinance No. 2435, an ordinance adopting Zone Change No. 373, a change of zone from R-2 (Multiple Family Residential) District to R-S (Suburban Residential - 10,000 square foot lots) District on Lots 2, 3, and 4 (approximately 1.06 acres) of proposed Tentative Tract No. 16082 located north of Olive Avenue at the terminus of Ash Street and Roma Street (J. F. O'Brien Construction Corporation, applicant), as recommended by the Redlands Planning Commission. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments concerning this change of zone. None being forthcoming, the public hearing was declared closed. Councilmember George moved to approve the Environmental Review Committee's Mitigated Negative Declaration for Zone Change No. 373 based on the finding that the project will not have 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 Haws and carried unanimously. Councilmember George moved to approve the Socio-Economic Cost Benefit Study for Ordinance No. 2435 (Zone Change No. 373) as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community, that no additional information or evaluation is needed, and that the overall Fiscal Impact Analysis will provide the City with a positive annual revenue/cost ratio of 1.49. Motion seconded by Councilmember Haws and carried unanimously. Ordinance No. 2435, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting a revised land use zoning plan as part of the Official Land

Use Zoning Map and effecting Zone Change No. 373, was read by title only by City Clerk Poyzer and on motion of Councilmember George, seconded by Councilmember Haws, was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for April 18, 2000.

Tentative Tract No. 16082 - Public hearing was advertised for this time and place to consider Tentative Tract No. 16082, an application for the subdivision of 4.98 acres into 13 residential lots located north of Olive Avenue at the terminus of Ash Street and Roma Street in the R-S (Suburban Residential) District and the R-2 (Multiple Family Residential) District (J. F. O'Brien Construction Corporation, applicant). Community Development Director Shaw reported this project consists of a tentative tract map and a zone change (see Ordinance No. 2435 above). The proposal is consistent with the City's General Plan and both the Planning Commission and the Environmental Review Committee recommended that the City Council approve the Socio-Economic Cost Benefit Study which had a positive cost/benefit ratio of 1.49. At the public hearing for the Planning Commission, drainage was discussed at length. The applicant has requested that a portion of the project should drain to the north, down Ash and Roma Streets. This would not be a significant addition to the existing run-off. The Planning Commission and staff concurred with the request. The next issue is that the applicant would like to keep an existing open drainage channel between Lots 6 and 7 uncovered with a wooden fence on either side. Staff is requiring the channel to be covered and converted into an underground drainage system utilizing reinforced concrete pipe. The existing channel was built around the turn of the century and is made of stone. The applicant feels it has aesthetic and historic value. Staff agrees that there are aesthetic and historic elements; however, the safety issues should come first and the drainage channel should be enclosed. Furthermore, the Redlands Municipal Code Section 17.28.020 requires the undergrounding of the drainage channel and staff has no authority to waive the condition. An alternative is that the applicant can apply to the Public Works Advisory Committee to obtain a waiver of the requirement subject to a lien agreement. Another issue that was discussed is the wall separating the subdivision from its northerly neighbors. In response to this, staff has recommended that there be a condition of approval that requires a six-foot decorative masonry wall with a cap and a vine shrub planted at its base. The Planning Commission agreed that this would satisfy the concerns of the community and recommended that the condition be part of the project. Prior to opening the public hearing, Councilmember Freedman asked for further information regarding the drainage channel. Public Works Director Mutter explained the Public Works Advisory Committee's duties. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. Noting there are open "zanjas" throughout the south area of Redlands, Bill Cunningham urged preservation of the this drainage channel in its current form. Mr. O'Brien, the applicant, responded to questions from Councilmembers regarding the drainage channel and urged them to waive this requirement to preserve the historic rock-lined "zanja" pointing out that a prior approval of this

tract, which had expired, waived the requirement to enclose the ditch. He also expressed concern that a delay in approval of this application would not permit them to move forward with their application for this quarter's Residential Development Allocation. City Attorney McHugh suggested proceeding with the approval of this application with further study by staff of options that may be available. Dean Papapetru suggested using the same language a prior City Council approved reiterating that time was important to the applicant. A lengthy discussion ensued regarding this requirement before the public hearing was declared closed. Councilmember George moved to approve the Mitigated Negative Declaration for Tentative Tract No. 16082 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 Haws and carried unanimously. Councilmember George moved to approve the Socio-Economic Cost Benefit Study for Tentative Tract No. 16082 as it has been determined that this project will not create unmitigable physical blight or overburden public services in the community, that no additional information or evaluation is needed, and that the overall Fiscal Impact Analysis will provide the City with a positive annual revenue/cost ratio of 1.49. Motion seconded by Councilmember Haws and carried unanimously. Councilmember George moved to approve Tentative Tract No. 10683 subject to all departmental conditions of approval except for the following addition to Public Works Department, Engineering Administration Division Requirement No. 7: "In the event the Advisory Committee and/or the City Council determines to waive the coverage requirement for the storm drain, pursuant to Chapter 17.28 of the Redlands Municipal Code, that the map need not come back to the City Council for any further amendments." and based upon the following findings:

1. That the proposed map is consistent with the City's General Plan and Municipal Code;
2. That the design or improvement of Tentative Tract No. 16082 is consistent with City's General Plan;
3. That the site which is located on the north side of Olive Avenue, south of the terminus of Ash and Roma Streets, is physically suitable for the type of development;
4. That the site is physically suitable for the development of a 13 lot subdivision;
5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems;
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; and

8. That pursuant to California Government Code Section 66474.6, the discharge of waste from this subdivision will not result in violation of existing requirements prescribed by the Santa Ana Regional Water Quality Control Board pursuant to Division 7 of the California Water Code.

Motion seconded by Councilmember Haws and carried unanimously.

UNFINISHED BUSINESS

Negotiating Team - Majestic Realty and UDHOPA - Councilmember Freedman urged the negotiating team not to concede to Majestic Realty and UDHOPA on any of the issues contained in their proposed settlement agreement which was rejected earlier in this meeting. He reiterated that a unanimous City Council had rejected this settlement agreement.

Majestic Realty/Citrus Plaza - Councilmember Haws has been meeting with the people involved in the litigation settlement lending his legal expertise to the matter. At this time, he has no reason to continue meeting with these people and announced that the next time this matter is on a City Council agenda, it will be only if Majestic comes forward with a different proposal.

NEW BUSINESS

Fee Waiver - Variance Processing and Tree Removal - Joe Ludikhuizen, 208 Eleventh Street, requested the City Council to authorize the removal of a City street tree (estimated cost of \$350.00-\$700.00) and to waive the processing fees for an application for a variance (\$1,000.00). Ron L. Ludikhuizen, son of Joe Ludikhuizen, addressed the City Council and explained the situation with a common driveway shared with their neighbors at 212 Eleventh Street which now has a chain-link fence on the property line. Neither property now has sufficient room for driveways. The lot line dispute has been settled with the neighbor but in order to construct a driveway, a large tree in the parkway of the Ludikhuizen property needs to be removed and a variance for a non-conforming driveway is needed. Councilmember Freedman moved to waive the fee for the variance application and directed the Public Works Department to remove the tree. Motion seconded by Councilmember Haws and carried with Councilmember George voting NO.

PUBLIC COMMENTS

Supreme Court Decision - Ban on Nudity - Reverend Don Wallace asked the City Council what is planned for enforcement of the ordinance banning nudity. City Attorney McHugh repeated his report from the afternoon session in relation to the recent Supreme Court decision. Councilmember Haws assured Reverend Wallace they would do all they could to keep this out of our town.

American Heart Association - On behalf of the American Heart Association, Richard Jarvis invited Councilmembers and staff to the "Hearts of Our Cities" gala dinner to be held on May 10, 2000, at the Riverside Convention Center.

ADJOURNMENT

Birthday greetings were extended to Councilmember Freedman. There being no further business, the City Council meeting adjourned at 8:40 P.M. The next regular meeting will be held on April 18, 2000.

City Clerk