

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, at 3:00 P.M. on July 3, 2001.

PRESENT

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

John Davidson, City Manager
Daniel J. McHugh, City Attorney
Beatrice Sanchez, Deputy City Clerk
Michael Reynolds, City Treasurer
Jim Bueermann, Police Chief
John Habant, Deputy 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 Mayor Gilbreath followed by the pledge of allegiance.

PRESENTATIONS

Redlands Auto Center's owner, Mr. J. P. O'Donoghue, presented a check for \$15,000.00 in matching funds to go towards CNG vehicles as a thank you to the City for their continued patronage and support. Mayor Gilbreath thanked Mr. O'Donoghue for his contribution and carried the check over to Finance Director Bonnie Johnson. Police Chief Bueermann then presented Mr. O'Donoghue with a "365 Club" membership certificate for their support to the Civilian Volunteer Patrol.

A certificate of recognition was presented to G. Louis Fletcher congratulating him upon his retirement after 35 years of service to the San Bernardino Valley Municipal Water District and wishing him many happy years of leisure.

CONSENT CALENDAR

Minutes - On motion of Councilmember Freedman, seconded by Councilmember Pepler, the minutes of the regular meeting of June 19, 2001, and the adjourned regular meeting of June 27, 2001, were approved as submitted.

Resolution No. 5912 - On motion of Councilmember George, seconded by Councilmember Haws, Resolution No. 5912, a resolution of the City Council of the City of Redlands, California, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 6, 2001, was unanimously adopted.

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

Agreement - Community Facility District 2001-1 Mello-Roos - The City Council unanimously adopted a proposal from David Taussig & Associates for Mello-Roos administration services relating to CFD 2001-1 and authorized entering into an agreement for those services on motion of Councilmember George, seconded by Councilmember Haws.

Time Extension for Conditional Use Permit No. 689 - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved a one-year time extension for Conditional Use Permit No. 689 to June 22, 2002, for the conversion of a residential dwelling to offices and restrooms in the R-2, Multiple Family Residential, District at 168 South Eureka Street, known as Mission Gables, by the Redlands Community Music Association.

Agreement - City Government Cable Television Channel - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved an agreement between the California State University, San Bernardino, and the City of Redlands for the purpose of permitting the University to provide programming over the City's governmental access channel.

Kimberly Shirk Association Grant Application - Recently the Kimberly-Shirk Association received notification from HUD that Congressman Jerry Lewis has appropriated \$21,500.00 on behalf of the Association for renovation and/or restoration of the Kimberly Mansion. A prioritization list was developed by the Board of Directors which exceeds the amount of the grant, but the Board has stated that additional funds are available to enhance the benefits for any one of the projects. Mr. Steve Spiller, Executive Director has stated that the Economic Development Incentive grant funds will be used as a one-time expenditure for a specific item, such as roof repair. Further, it does not appear that this type of expenditure will require plans, specifications, or engineering and design work. Due to the historic status of the Kimberly Mansion, there will be some interface with the State Historic Preservation Office but it should be minimal. The Board of Directors of the Kimberly-Shirk Association is asking that staff process the application on their behalf. On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously directed staff to not charge any administrative costs for processing of the Economic Development Incentive Grant for the Kimberly-Shirk Association for this project.

Agreement - Church Street Right-of-Way - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved agreements regarding purchase of fee interest with James W. Barton, Donald L. and Peggy Ann Christian, Daniel R. and Elaine M. Flanigan, Trustees, and Lucille H. Gibson and authorized the Mayor and City Clerk to sign the agreement on behalf of the City. This action is in conjunction with the widening of Church Street from Redlands Boulevard to Colton Avenue.

Resolution No. 5913 - NPDES Inspector - The Clean Water Act was amended by Congress in 1987 to require permits for stormwater discharges from the municipal storm drain systems under the National Pollutant Discharge Elimination System Program. The Environmental Protection Agency began enforcing the new law in November 1990 and designated the State Water Resources Control Board to administer the regulations and Clean Water Act in California. At this time, the Public Works Department is requesting to add a NPDES Inspector to the staff to be better able to comply with the requirements of the NPDES Permit and Waste Discharge. The NPDES Inspector will conduct site inspections all over the City on a daily basis. The estimated cost of filling the position of the NPDES Inspector is \$76,000.00 which includes the cost of a vehicle. The funds necessary to pay for this position will be obtained from the various revenue accounts of the Public Works Department, Community Development Department and Municipal Utilities Department. On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved Resolution No. 5913 authorizing approval of the position of a NPDES Inspector position for the Public Works Department and establishing fees for the inspections.

Senior Civil Engineer Position - Public Works Department - Currently, the Public Works Department is responsible for the management of approximately 30 Capital Improvement Projects. Due to the limited staffing in the Engineering and Administration Division, only a limited time can be spent on each of the capital projects. Consequently only a limited number of projects can be brought to completion during a fiscal year. The Senior Civil Engineer will be primarily responsible for administering Capital Improvements Projects. On motion of Councilmember Haws, seconded by Councilmember George, the City Council unanimously approved a Senior Civil Engineer position for the Public Works Department.

Release of Lien Agreement - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously authorized the execution of a Release of Lien Agreement for improvements in front of 1514 South Center Street between Ridge Street and Benita Marie Crest.

Proclamation - German-American Youth Soccer Exchange Program - On motion of Councilmember George, seconded by Councilmember Haws, the City

Council unanimously authorized the issuance of a proclamation recognizing the German-American Youth Soccer Exchange Program.

Centrifugal Blowers - Electricity Cogeneration Facility Project - On June 5, 2001, the City Council approved the allocation of existing budgeted Sewer Project funds to construct an electricity cogeneration facility located at the City's Wastewater Treatment Plant. The City's Purchasing staff conducted a formal bid process for two centrifugal blowers. Liquid Handling Systems submitted the lowest bid at a total delivered price of \$42,857.00. On motion of Councilmember George, seconded by Councilmember Haws, the City Council authorized the purchase of two centrifugal blowers from Liquid Handling Systems for use at the electricity cogeneration facility by AYE votes of all present.

Participation in the Water Agency Task Force - Due to a possible conflict of interest, Mayor Gilbreath left the Council Chambers and did not participate in the discussion of this item. For the last four years, the water agencies in the San Bernardino Valley have been engaged in a Federal Energy Regulatory Commission (FERC) process formed to facilitate the relicensing of Southern California Edison's hydroelectric power generating facilities on the Santa Ana River and Mill Creek. A task force was formed to coordinate the activities of the water agencies involved in the FERC relicensing process. On motion of Councilmember Freedman, seconded by Councilmember Haws, the City Council authorize payment of \$2,735.07, by AYE votes of all present, to fund the City's continued participation in the Task Force of Water Agencies supporting the FERC relicensing of Southern California Edison's hydroelectric power generating stations on Mill Creek and Santa Ana River.

Settlement Agreement - Hershey's Lawsuit - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously acknowledged a copy of the settlement agreement between the County of San Bernardino, the City of Redlands, Spring Pacific Properties, LLC, S-P Redlands, LLC, Robert Pattillo Properties, Inc., RPP California #1, and Hershey Foods Corporation. In accordance with the requirement of the Brown Act, this agreement was placed on the agenda to notify the public of the settlement agreement in accordance with the terms agreed to in a closed session.

Agreement - San Bernardino County Flood Control District - The City has engaged in on-going discussions with San Bernardino County Flood Control District regarding the sale of certain portions of property located in the San Timoteo Flood Control project. The County began the process of eminent domain and was in the process of condemning the property when a negotiated contract was achieved. As part of the terms and conditions of the contract, the District has agreed to landscape and maintain the acquired property as part of the construction of the District's Flood Control project. Further, the District shall replace any trees removed within the Temporary Construction Easement

area with 24-inch boxed Eucalyptus trees or other type of trees as designated by the City on or before June 30, 2004. The District shall also maintain said replacement trees for a minimum of twelve months from date of planting. Councilmember George moved to approve the Purchase and Sale Agreement with San Bernardino County Flood Control District authorizing the sale of portions of Parcel Nos. 293-031-29, 30 and 31, 175-122-09, and 175-011-53 to be made a part of the San Timoteo Canyon Flood Control project and authorized the Mayor and City Clerk to execute the documents on behalf of the City. Motion seconded by Councilmember Haws and carried unanimously.

Purchase and Sale Agreement - 1329 Barton Road - On motion of Councilmember George, seconded by Councilmember Haws, the City Council unanimously approved a purchase and sale agreement with GRD Enterprises, LLC relating to the sale of property located at 1329 Barton Road, Assessor Parcel No. 172-481-02, and authorized the execution of the agreement by the Mayor and City Clerk.

LAND USE AND PUBLIC HEARINGS

Tentative Tract No. 16139 - Michael Novak - A notice of the preparation of a Draft Mitigated Negative Declaration and public hearings were continued to this time and place for Tentative Tract No. 16139 and its accompanying Socio-Economic Cost/Benefit Study for the subdivision of 7.2 acres into 19 residential lots located north of Cypress Avenue, east of Heather Lane, and west of Linda Vista Avenue in the R-S (Suburban Residential - 10,000 square foot lots) District (Michael Novak, applicant). Community Development Director Shaw explained that at the last Council meeting, the public was asked to contact staff about their preferences for traffic control. Several suggestions were submitted; however, in staff's opinion the most adequate is the all-way stop signs. Public Works Director Mutter stated that he too has determined that the stop signs solve the safety issues. He is also comfortable with the 40-MPH speed limit. Mayor Gilbreath stated that she felt our professional staff's opinion is the most reliable to protect the City. Community Development Director Shaw then reviewed the most recent conditions of approval. Councilmember Freedman stated he supported the project, however not the stop signs. He believes a right-turn-only lane would be more suitable. Mayor Gilbreath opened the public hearing for any comments. The following individuals addressed the City Council: Kay Wood, Rosemary Rendell-Baker, Tom Slamal, Jane Hawkins and Wendy Walsh. Mr. Novak, he applicant, then addressed Councilmembers. In response to Councilmember Haws, Mr. Novak answered that his preference for traffic control is the all-way stops, and that he will take care of installing sprinklers and installing sod in front of Ms. Wood's home; maintenance will be turned over to the homeowner's association. There being no further comments, Mayor Gilbreath declared the public hearing closed. Councilmember Haws then moved that the City Council approve the Revised Mitigated Negative Declaration with all-way stop signs at the intersection of Cypress Avenue and

Street "A" for Tentative Tract No. 16139 and direct staff to file and post a "Notice of Determination" in accordance with City guidelines as it has been determined this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code. Motion seconded by Councilmember Pepler and approved with Councilmember Freedman voting NO. On motion of Councilmember Haws, seconded by Councilmember Pepler, the City Council unanimously approved the Socio-Economic Cost/Benefit Study for Tentative Tract No. 16139 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. Councilmember Haws moved that the City Council approve Revised Tentative Tract No. 16139 subject to conditions of approval, and based upon the findings contained in the staff report and adding that staff will revise the conditions of approval: Community Development Department Conditions Nos. 13 and 15 setting building height limitations for Lots 18 and 19 and Public Works Condition No. 17 pertaining to traffic mitigation measures. Motion seconded by Councilmember Pepler and carried unanimously. Councilmember Freedman stated he wanted the project approved but still objected to the all-way stops and thanked Mr. Novak and staff for taking the time and effort to make this an even better project.

Development Agreements - Cemex - Robertson's - Public hearings were advertised for this time and place concerning a business license tax on extraction and processing of rock, sand and gravel (aggregate). The Development Agreements implement previously approved Memorandums of Understanding between the City and the mining companies which were approved in August, 2000, establishing the basis for a proposed mine tax and it was agreed that it would be implemented by development agreements. The tax became effective January 1, 2001, and is paid quarterly to the City. Term of the agreement is 65 years. Based upon review by staff in consultation with the City Attorney's office, it has been determined that the project is not subject to the California Environmental Quality Act since, as provided in Public Resources Code Section 15061(b)(3), it can be determined that this project, in itself, has no possibility that the activity in question may have a significant effect on the environment. The Mayor declared the public hearing open for any comments. None being forthcoming, the public hearing was declared closed.

Ordinance No. 2476, an ordinance of the City of Redlands approving Development Agreement No. 14 with Cemex USA Construction Materials, Inc., was read by title only by Deputy City Clerk Sanchez, and on motion of Councilmember George, seconded by Councilmember Haws, further reading of the ordinance text was unanimously waived, and Ordinance No. 2476 was introduced with unanimous City Council approval and laid over under the rules with adoption scheduled for July 17, 2001.

Ordinance No. 2477, an ordinance of the City of Redlands approving Development Agreement No. 15 with Robertson's Ready Mix was read by title only by Deputy City Clerk Sanchez, and on motion of Councilmember George, seconded by Councilmember Pepler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2477 was introduced with unanimous City Council approval and laid over under the rules with adoption scheduled for July 17, 2001.

Appeal - Demolition No. 26 and Demolition No. 27 - A public hearing was advertised for this time and place to consider an appeal to the Historic and Scenic Preservation Commission's decision regarding the demolition of two houses located at 706 Lugonia Avenue and 914 Columbia Street. On May 24, 2001, a total of nine structures over 50 years old were submitted to the historic and Scenic Preservation Commission for demolition approval; all but two were approved for immediate demolition. The Commission felt that these houses had some potential historic value and determined that they were qualified as historical buildings and that the full 90-day delay was warranted to enable interested parties the opportunity to contact the owner to determine if there was potential for rescuing the structures from demolition. Along with the City, the County of San Bernardino is participating in a neighborhood improvement program to upgrade existing neighborhoods in a target area. While implementing this program, it was determined that some of the existing structures were not suitable for rehabilitation and should be demolished and replaced with new housing. Mayor Gilbreath declared the public hearing open for comments. Mr. Tom Ramirez, San Bernardino County Department of Economic and Community Development, explained the Federal Housing Administration has funding constraints as well as being the legal owner of the property, and unfortunately the rehabilitation costs for each home is between \$60-70,000.00 in addition to the acquisition cost. Mr. Bob Clark, representing The Redlands Conservancy, stated they are withdrawing any demolition protest because of the bureaucracy but hoped the houses would not "die in vain." Ruth Cook, representing the Historic and Scenic Preservation Commission, stated she wished that the fixtures in the homes could be salvaged even though the homes could not. There being no further comments, the Mayor declared the public hearing closed. Councilmember Haws moved to approve the Mitigated Negative Declaration for Demolition No. 26, located at 706 Lugonia Avenue, and Demolition No. 27, located at 914 Columbia Street, and directed staff to file and post a "Notice of Determination" in accordance with City guidelines as it has been determined that this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code. Motion seconded by Councilmember Pepler and carried with Councilmember Freedman voting NO. Councilmember Haws moved to modify the actions of the Historic and Scenic Preservation Commission and approve Demolitions Nos. 26 and 27. Motion seconded by Councilmember Pepler and carried with Councilmember Freedman voting NO.

PLANNING AND COMMUNITY DEVELOPMENT

Residential Development Allocation No. 2001-II-1 - The request for Residential Development Allocation 2001-II-1 for 48 single family homes in a planned residential development for Tract 14790-1/Conditional Use Permit No. 558 generally located on the east side of Alessandro Road between San Timoteo Canyon Road and West Sunset Drive in Specific Plan No. 43 was continued from the last meeting. Councilmember Freedman asked that this item be continued to July 17, 2001. He is not against the project but would like an opportunity to meet with the affected Homeowner's Association. Councilmember Haws moved that the City Council accept the recommendation for points awarded to this project and approve 35 building permit allocations to Residential Development Allocation No. 2001-II-1. Motion seconded by Councilmember Pepler and carried with Councilmember Freedman voting NO. Councilmember Haws moved that the City Council award an additional 13 building permit allocations, for a grand total of 48 building permit allocations, to Residential Development Allocation No. 2001-II-1. Motion seconded by Councilmember Pepler and carried with Councilmember Freedman voting NO.

COMMUNICATIONS

Report on City's Energy Task Force - City Manager Davidson reported that the following measures have been implemented: Casual dress option (no jackets); Public Works Department representatives will be going through various offices to adjust thermostats (every degree reduction results in a 3% savings); and the LED conversion program for traffic signals. A resolution will be presented to the City Council outlining the City's commitment to saving energy and to encourage citizens to do the same. Public Works Director Mutter reported that an adjustment to our heating and air conditioning system to totally turn off the boilers in the summer and coolers in the winter could realize a 40 percent saving. Councilmember George thanked the City Manager and staff for their commitment to "Project Kill-A-Watt." In assessing the alternative work schedules, it was determined the public would be inconvenienced and this suggestion would be dropped. He requested the resolution mentioned by the City Manager be brought back on July 17, 2001.

Cooperative Agreement - Boy Scouts of America - Councilmember George reported the Boy Scouts of America is interested in a long-term project to raise funds and plant trees in the City parkways. There will be coordination with the Street Tree Committee as to the types of trees and locations. The initial emphasis will be to "fill in the blanks" where parkway trees have been removed. On motion of Councilmember George, seconded by Councilmember Freedman, the City Council unanimously authorized staff to prepare an agreement with the Boy Scouts of America for planting trees in the City parkways.

Funds - Cultural Arts Commission Brochure - The Cultural Arts Commission requested an additional appropriation to fund the reprinting of the “Arts” brochure to advertise the cultural aspects of the City of Redlands. Councilmember Haws requested that any reprinting include a notation or logo indicating the brochure was provided by the City. On motion of Councilmember Freedman, seconded by Councilmember George, the City Council unanimously authorized an additional appropriation up to \$5,000.00 for the reprinting of the “Arts” brochure for the Cultural Arts Commission.

Funds - Economic Council of Pass Area Communities - Membership in the Economic Council of Pass Area Communities includes Banning, Beaumont, Cabazon, Calimesa, Cherry Valley, Oak Glen and Yucaipa. Mr. Irv Upton stated that because of the population explosion to the east, I-10 traffic will impact the City of Redlands and the City needs to have a voting voice on decisions this group endorses that may have a significant impact on the City of Redlands. On motion of Councilmember Freedman, seconded by Councilmember George, the City Council unanimously approved an additional appropriation in the amount of \$1,000.00 for membership in the Economic Council of Pass Area Communities and authorized the Mayor and City Manager to attend the monthly meetings.

Southern California Edison Company - Rule 20A (Underground Utilities) - Public Works Director Mutter reported that a request has been made to Southern California Edison to consider Terracina Boulevard between Olive Avenue and Brookside Avenue as the next priority on a list of potential Rule 20A projects. This section is approximately 0.5 miles in length. Currently Edison is not accepting new projects. The City of Redlands has approximately \$1.4 million allocated for Rule 20A projects subject to the release of funding by Edison. If costs are similar to the Cypress Avenue project, the Terracina Boulevard project could cost approximately \$600,000.00. In response Councilmembers’ inquiries, Mr. Mutter outlined the subsequent actions required to establish an underground utility district.

Liaisons to City Boards, Commissions and Committees - On motion of Councilmember Gilbreath, seconded by Councilmember Haws, Council unanimously approved the proposed assignments to City boards, commissions and committees beginning July 3, 2001, and continuing for a period of six months with the addition of Councilmember Freedman, along with Councilmember Pepler, serving on the Advisory Committee on Fences.

Water District Water Policy Advisory Committee Representative - On motion of Councilmember Gilbreath, seconded by Councilmember Haws, the City Council unanimously designated Councilmember Pepler as the City of Redlands’ representative on the San Bernardino Municipal Water District Water Policy Advisory Commission which is comprised of elected officials from several cities and water agencies in the Inland Empire.

Water and Sewer Service to San Bernardino County (Donut Hole) - In light of a suit served on the City of Redlands by the Redlands Association one-half hour before this meeting, by consensus of the Councilmembers, this item was tabled.

CLOSED SESSION

The City Council meeting recessed at 4:36 P.M. to a Redevelopment Agency meeting and reconvened at 4:37 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
 - a. John Cullen, Larry McDonald and Paula Rae Espinoza

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 4:37 P.M. Next regular meeting, July 17, 2001.

Deputy City Clerk