

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 February 3, 2004.

There being no quorum present, the Deputy City Clerk recessed the meeting to 7:00 P.M. The meeting was opened with an invocation by Mayor Pro Tem Gil followed by the pledge of allegiance.

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

ABSENT None

STAFF John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Beatrice Sanchez, Deputy City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Mel Enslow, Fire Chief; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Douglas Headrick, Water Resources Chief; and Jeffrey L. Shaw, Community Development Director.

PRESENTATIONS

Appointment - Student Commissioner - Councilmember Pepler moved to appoint Amy Powell to serve as the student commissioner on the Parks Commission. Motion seconded by Councilmember Gil and carried unanimously. Mayor Pepler presented a commissioner's pin to Ms. Powell who is looking forward to serving on the Parks Commission.

HISTORICAL NOTE

City Hall Burns Down - Mayor Pepler shared a newspaper story reporting that on this day in 1939, Redlands' 44-year old City Hall was destroyed in a raging morning blaze. The fire which started about 1:45 A.M. destroyed the \$50,000.00 building and raged out of control, spreading to the nearby First Presbyterian Church and the Contemporary Clubhouse. The City Clerk's office, located in the southeast corner, was the only portion of the building to escape the flames.

ANNOUNCEMENTS/REPORTS

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

CONSENT CALENDAR

Minutes - On motion of Councilmember Pepler, seconded by Councilmember Gil, the minutes of the regular meeting of January 20, 2004, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Pepler, seconded by Councilmember Gil, the report of the Planning Commission meeting held on January 27, 2004, was acknowledged as received.

Ordinance No. 2567 - Parking of Motor Homes - Ordinance No. 2567, an ordinance of the City of Redlands amending Chapter 18.164 of the Redlands Municipal Code relating to the parking of motor homes and other recreation vehicles in residential zones, was adopted on motion of Councilmember Gilbreath, seconded by Councilmember Harrison, with Councilmember Gil voting NO.

Environmental Assessment - ABCO Realty & Investments, Inc. - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously received and accepted the request from ABCO Realty & Investments, Inc. for a 90-day extension of time as provided for under the California Environmental Quality Act and accepted the waiver and release of claims for Specific Plan No. 58 and Tentative Tract No. 16548 to allow development of a 64 unit condominium at the southwest corner of Orange Avenue and Kansas Streets.

Funds - Young Teens' Art in Public Places - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved the request for an additional appropriation in the amount of \$500.00 in support of the Cultural Arts Commission's Young Teens' Art in Public Places decorative flag program as recommended by the Downtown Redlands Business Advisory Board.

Funds - Building Inspection Services - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved a request for an additional appropriation of \$25,000.00 to increase "Other Professional Services" in the Building and Safety Division to provide additional field inspectors for building inspections services and structural plan checks review.

Waiver and Release of Claims - Huston/Ballard - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved an agreement for a waiver and release of claims with Russ Huston and

James Ballard in connection with their applications for two variances, a Conditional Use Permit, and Commission Review and Approval.

Resolution No. 6247 - Financing Proposals Criteria - Following brief discussion, Councilmember Harrison moved to adopt Resolution No. 6247, a resolution of the City Council of the City of Redlands rescinding Resolution No. 5658 which pertained to establishing criteria for consideration of financing proposals from new businesses. Motion seconded by Councilmember Gil and carried unanimously.

Settlement Agreement - Archetko/Cardenas - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously acknowledged a settlement and release agreement with Ida Archetko and Ann-Marie Cardenas for personal injury and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. The City Council authorized settlement of this matter in closed session and this release reflects the terms and conditions for said settlement.

Resolution No. 6248 - ADA Grievance Procedure - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved Resolution No. 6248, a resolution of the City Council of the City of Redlands establishing a grievance procedure for complaints relating to the American with Disabilities Act.

Funds - Contract Award - Traffic Signal UPS System - Bids were opened and publicly declared on January 8, 2004, by the City Clerk for the Traffic Signal UPS (uninterruptible power systems) Installation Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Steiny and Company in the amount of \$278,140.00 and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved this recommendation and approved an appropriation of \$306,000.00 from the Local Transportation Fund.

Funds - Contract Award - Traffic Signal Street Name Signs - Bids were opened and publicly declared on January 8, 2004, by the City Clerk for the Traffic Signal Street Name Signs Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Pouk & Steinle, Inc. in the amount of \$84,331.00, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved this

recommendation and approved an appropriation of \$92,000.00 from the Local Transportation Fund.

Alabama and Orange Streets Bridge Replacement Project - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved the first amendment to the consultant services agreement with TYLIN International to complete the geotechnical investigation portion of the preliminary engineering phase for the Alabama and Orange Street Bridges Replacement Project in an amount not to exceed \$50,840.00.

Agreement - DASH, Inc. - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved an independent contractor agreement with Development Aging Solutions with Heart, Inc. (DASH, Inc.) in order that the City may reimburse DASH for its expenses under the CDBG Program and the City, in turn, may seek reimbursement from the San Bernardino County Economic and Community Development Department.

Mutual Water Company Stock Purchase - 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. Councilmember Gil moved to approve the purchase of 84 shares of Bear Valley Mutual Water Company stock from Molly Anderson for a total price of \$10,500.00. Motion seconded by Councilmember George and carried by AYE votes of all present.

Cell Tower Leases - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved a wireless service facility land lease agreement with Sprint PCS for the placement of a stealth wireless service facility located in the City's Prospect Park Grove contingent upon subsequent approval to enter into the lease from HUD. On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved a wireless service facility land lease agreement with Sprint PCS for the placement of a stealth wireless service facility located in the City's California Street Grove.

Agreement - Hinckley Water Treatment Plant - On motion of Councilmember Pepler, seconded by Councilmember Gil, the City Council unanimously approved and authorized execution of a agreement to furnish engineering services with Carollo Engineers for a feasibility study for the Hinckley Water Treatment Plant, a water supply system evaluation, and support for the Mountainview Power Plant water supply agreement.

Economic Development Consultant Services - Discussion regarding an agreement with the Redlands Chambers of Commerce for economic development services provided by Ralph Megna was continued from the January 20, 2004, meeting and discussed at the special meeting held earlier on

this date. City Manager Davidson presented a letter from Mr. Megna, Empire Development Solutions, outlining contractual assumptions which he felt provided the greatest possible level of benefit to the City while keeping the costs within the \$90,000.00/year budget. Joel Peterson, President of the Redlands Chamber of Commerce, addressed the City Council and encouraged them to renew this contract. Councilmember George moved to approve, in concept with additional language to be added regarding quarterly reports and scope of responsibilities, an agreement with the Redlands Chamber of Commerce in the amount of \$90,000.00 for the provision of economic development consultant services. Motion seconded by Councilmember Gil and carried with Councilmember Gilbreath voting NO as she felt the contract should be fully funded for \$100,000.00 and that the scope of responsibility not be limited.

UNFINISHED BUSINESS

Redlands Sports Park - Discussion on the Redlands Sports Park and the biological opinion project description to be provided to the U. S. Fish and Wildlife Service regarding the habitat for the San Bernardino Kangaroo Rat was continued to this time from the special meeting held earlier on this date. Senior Civil Engineer Bill Hemsley presented more information regarding this matter listing the pros and cons of designating an off-site or on-site habitat. Councilmember George moved to direct staff to provide a biological opinion project description to the United States Fish and Wildlife Service (FWS) that designates the FWS offered 107 acres as the permanent off-site San Bernardino Kangaroo Rat habitat and not to have a temporary on-site habitat. Motion was seconded by Councilmember Harrison and carried unanimously.

Resolution Nos. 6241-6242 - CFD 2003-1 - Redlands Business Center - Finance Director Kundig presented Resolution No. 6241, a resolution of the City Council of the City of Redlands approving the execution and delivery of an acquisition and funding agreement and other matters related to the Community Facilities District No. 2003-1 (Redlands Business Center), and Resolution No. 6242, a resolution of the City Council of the City of Redlands authorizing the issuance of not to exceed \$9,600,000.00 aggregate principal amount of City of Redlands Community Facilities District No. 2003-1 (Redlands Business Center) Special Tax Bonds, Series 2004, approving the execution and delivery of an indenture, a bond purchase contract and a continuing disclosure certificate and the preparation of an official statement and other matters related thereto. On November 4, 2003, the City Council, by resolution, declared the City's intent to establish a Community Facilities District to levy special taxes related to the proposed District and to incur bonded indebtedness related to the same. On January 6, 2004, the City Council approved four additional resolutions and an ordinance which collectively authorized the formation of the District and the levy of special taxes within the District. All costs associated with the formation of the District are borne by the property owners. The City will recover all its

staff time and any other on-going expenses via bond proceeds and an administrative fee of up to \$50,000.00 per year, increasing at 2 percent per year as necessary. Sara Oberlies, Stone & Youngberg, was present at this meeting to answer any questions. Councilmember Harrison moved to adopt Resolution No. 6241. Motion seconded by Councilmember Gilbreath and carried unanimously. Councilmember Harrison moved to adopt Resolution No. 6242. Motion seconded by Councilmember Gilbreath and carried unanimously.

LAND USE AND PUBLIC HEARINGS

Zigrossi Family Trust, Applicant - Public notice was advertised for this time and place to consider a Negative Declaration as well as public hearings for a Socio-Economic Analysis and Cost/Benefit Study for Pre-Annexation Agreement No. 03-03 in relation to 8.27 gross acres located on the west side of Walnut Avenue, approximately 610 feet south of Sixth Avenue in the Crafton Area. Community Development Director Shaw described the project and the application. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. The applicant was present to answer questions. There being no comments, the public hearing was declared closed.

Negative Declaration - Councilmember Gilbreath moved to approve the Environmental Review Committee's negative declaration for Pre-Annexation Agreement No. 03-03 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 George and carried unanimously.

Socio-Economic Analysis and Cost/Benefit Study - Councilmember Gilbreath moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Pre-Annexation Agreement No. 03-03 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 George and carried unanimously.

Pre-Annexation Agreement No. 03-03 - On motion of Councilmember Gilbreath, seconded by Councilmember George, the City Council unanimously approved Pre-Annexation Agreement No. 03-30.

Mary Miller Family Trust, Applicant -- Public notice was advertised for this time and place to consider a Negative Declaration as well as public hearings for a Socio-Economic Analysis and Cost/Benefit Study for Pre-Annexation Agreement No. 03-07 in relation to 16.17 gross acres located on the south side of Nice Avenue, between Crafton Avenue and Agate Avenue in the Mentone Area. Community Development Director Shaw described the project and the application. Mayor Pepler declared the meeting open as a public hearing for

any questions or comments. None being forthcoming, the public hearing was declared closed.

Negative Declaration - Councilmember Gilbreath moved to approve the Environmental Review Committee's negative declaration for Pre-Annexation Agreement No. 03-07 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 George and carried unanimously.

Socio-Economic Analysis and Cost/Benefit Study - Councilmember Gilbreath moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Pre-Annexation Agreement No. 03-07 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 George and carried unanimously.

Pre-Annexation Agreement No. 03-07 - Councilmember Gilbreath moved to approve Pre-Annexation Agreement No. 03-07. Motion seconded by Councilmember George and carried unanimously.

Quantum Structures, LLC - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as public hearings for a Socio-Economic Analysis and Cost/Benefit Study for Resolution No. 6234, Specific Plan No. 39 (Revision No. 1), a revised specific plan to develop 7.5 acres into a single family residential development containing 57 residential lots located on the south side of Orange Avenue, approximately 200 feet east of Alabama Street and Tentative Tract No. 16444, a tentative tract to subdivide 7.5 acres into 57 residential lots in Specific Plan No. 39 located on the south side of Orange Avenue, approximately 200 feet east of Alabama Street. These applications were withdrawn by the applicant and no further action was required.

PUBLIC HEARING

Resolution No. 6225 - Street Vacation No. 126 - Public hearing was advertised for this time and place for the vacation of a portion of Idaho Street located north off the intersection of Plum Lane and Idaho Street (AKS and BEK Partnership, applicant). Mayor Pepler declared the meeting open as a public hearing for any questions or comments concerning this street vacation. None being forthcoming, the public hearing was declared closed, and Resolution No. 6225, a resolution of the City Council of the City of Redlands finding that a portion of a certain street is unnecessary for present or prospective street purposes and ordering the vacation of a portion of Idaho Street located north off the

intersection of Plum Lane and Idaho Street, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember George.

UNFINISHED BUSINESS

Ordinance No. 2554 - Street Trees - Ordinance No. 2554, an ordinance of the City of Redlands amending Chapter 12.52 of the Redlands Municipal Code relating to trees and tree protection along streets and in public places, was presented to the City Council at this time. Councilmember Harrison reported the Street Tree Committee devoted many hours to the preparation of this ordinance. Public Works Director Mutter reported the proposed ordinance was first suggested by the Street Tree Committee. The development of a new street ordinance was a goal of the Committee and was identified in their five-year strategic tree-maintenance plan. They felt it was necessary to improve the current regulations and provide staff with the necessary legal tools to appropriately administer the City's street tree program. Of particular concern was the trimming practice utilized by Southern California Edison to clear overhead electrical wiring pursuant to the California Public Utility Commission's General Order No. 95, Rule 35. Unfortunately, a number of palms and other large trees on City streets have been damaged due to this trimming practice. Southern California Edison forwarded a letter to the Public Works Director after their first review of the draft ordinance and several changes were made to address some of their comments as appropriate. Public Works Director Mutter reviewed the proposed ordinance in detail noting that it had also been reviewed by Municipal Utilities/Public Works Commission, Planning Commission, Parks Commission, and Historic and Scenic Preservation Commission. Representing Southern California Edison were Beverly Powell, Albert Garcia, and Vince Oatis. Mr. Garcia, an attorney for Southern California Edison, addressed the Council at length regarding their concerns and the need to obtain permits from the City and the appeal process. City Attorney McHugh stated the City felt it was appropriate to require Southern California Edison to obtain permits; that this was a legal ordinance that has an appeal process. Mr. Garcia continued to disagree with the proposed regulations. Public Works Director Mutter noted that the safety and emergency needs for Southern California Edison were addressed in the ordinance. Mr. Garcia felt an annual permit for their company should be adequate. Speaking in support of the ordinance were Street Tree Committee members Chris Sedmack and Eric Kasarjian. Ordinance No. 2554 was read by title only by City Clerk Poyzer, and on motion of Councilmember Harrison, seconded by Councilmember George, further reading of the ordinance text was unanimously waived, and Ordinance No. 2554 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for February 17, 2004. Councilmember Harrison thanked members of the Street Tree Committee and Public Works Director Mutter and his staff for their hard work on this document. Councilmember Harrison moved to direct staff to prepare a resolution to implement provisions of Ordinance No. 2554 for the City Council's

consideration. Motion seconded by Councilmember George and carried unanimously.

Resolution No. 6249 - Trails and Street Tree Committee - Councilmember Harrison presented Resolution No. 6249, a resolution of the City Council of the City of Redlands establishing a Trails Committee and Street Tree Committee, respectively, and rescinding Resolution No. 5574. He noted that both committees were established in 1998 (Resolution No. 5574) as advisory to the Parks Commission. Resolution No. 6249 established the Street Tree Committee as advisory to the City Council, rather than the Parks Commission. No change was proposed for the Trails Committee. Public Works Director Mutter said it made eminent sense for the Street Tree Committee to report to the City Council. Mayor Pepler expressed concerns about the impact of the many boards, commissions and committees on City staff. Councilmember Harrison supported the Street Tree Committee and their efforts. Street Tree Committee member Patricia Sandos addressed the City Council and urged approval of this resolution. Councilmember Harrison moved to adopt Resolution No. 6249. Motion seconded by Councilmember George and carried unanimously.

Auto Mall - Councilmember George congratulated staff and Michael Hastings, Direct Point Advisors, for their efforts in getting Toyota to come to the Auto Mall. City Manager Davidson reported the document from Mr. Bell will be on the agenda for City Council's consideration in March.

Commissions, Boards and Committees - Discussion and possible action on this matter was continued to the evening session from the special meeting held earlier on this date. At this time, Mayor Pepler directed staff to bring back more information regarding the status of each commission, board and committee such as their level of activity and staff service needs as the City Council may wish to consolidate some of the duties or disband groups who have fulfilled their duties. Councilmembers were agreeable to receiving this information in one month.

Mayor and Mayor Pro Tempore - Terms of Office - Discussion and possible action regarding the terms of office for Mayor and Mayor Pro Tempore was continued to the evening session from the special meeting held earlier on this date. At this time, Councilmember Gil suggested reducing the terms of Mayor and Mayor Pro Tempore and give everyone the opportunity to serve as Mayor. City Clerk Poyzer provided a list of Mayors showing that two-year terms have been in effect since our incorporation in 1888. By consensus, the City Council decided to leave the system as is.

PUBLIC COMMENTS

None forthcoming.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:56 P.M. The next regular meeting will be held on February 17, 2004.

City Clerk