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 6, 2004.

PRESENT

Susan Peppler, 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; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Don McCue, Acting Library Director; Mel Enslow, Fire Chief; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director; and Jeffrey L. Shaw, Community Development Director

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

PRESENTATIONS

Employee Service - Introductions were made by the department heads and Mayor Peppler presented five year service pins to: Denise Hardy, Police Department; Rachel Kelly, Police Department; Eileen Vance, Recreation Division, Community Services, Police Department; Anthony Hoppe, A. K. Smiley Public Library; Julie Neitzel, Cemetery Division, Municipal Utilities Department; and Janice Falls, Personnel, Administrative Services Department. Ten year service pins were presented to: Daniel J. McHugh, City Attorney; Nikki Adams, Purchasing; Kelvin Bryant, Police Department; Mark Budd, Police Department; Sheila Harbert, Police Department; Dean Johnston, Police Department; Vicky Stansell, Police Department; Jeffrey Van Mouwerik, Police Department; Ronald Moreno, Solid Waste Division, Municipal Utilities Department; John Mora, Water Division, Municipal Utilities Department; Bob Nadeau, Water Division, Municipal Utilities Department; James Carscadden, Equipment Maintenance, Administrative Services Department; and Joe Huff, Equipment Maintenance, Administrative Services Department. Fifteen year service pins were presented to: Teresa Ballinger, Legal Secretary, City Manager's Office, and Keith Radford, Equipment Maintenance, Administrative Services Department. A twenty year service pin was presented to: Russell Dalzell, Police Department. Twenty-five year service pins were presented to: Philip Clem, Public Works Department; James Harrison, Public Works Department; and Fred Caress, Solid Waste Division, Municipal Utilities Department.

ANNOUNCEMENTS/REPORTS

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

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Gil, the minutes of the regular meeting of March 16, 2004, were approved as submitted.

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

Agreements - CFD 2001-1 and 2003-1 - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved agreements with David Taussig & Associates for Mello-Roos administration services relating to CFD 2001-1 (Northwest Development Project) and CFD 2003-1 (Redlands Business Center) for fiscal year 2004-05 and authorized the Mayor and City Clerk to execute the agreements on behalf of the City.

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Gil, the report of the Planning Commission meeting held on March 23, 2004, was acknowledged as received.

Ordinance No. 2574 - Minor Exception Permits - Ordinance No. 2574, an ordinance of the City of Redlands amending Chapter 18 of the Redlands Municipal Code relating to minor exception permits, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Gil.

Tract Map No. 12382 - Final Approval - Subdivision Improvement Agreement - Councilmember George clarified, for those concerned, that Panorama Point will not be lost to the citizens of Redlands with the development of this project. Having made that announcement, Councilmember George moved to approve the subdivision improvement agreement for Tract No. 12382 (Griffin Industries, Inc., applicant), authorized the Mayor and City Clerk to execute the agreement on behalf of the City, and granted final approval for Tract Map No. 12382 for an area along Sunset Drive from Wabash Avenue on the west and extending beyond Panorama Point on the east. Motion seconded Gil and carried unanimously.

CUP 736 - Time Extension - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously determined that no subsequent environmental documents are necessary for the City Council's one year time extension of Conditional Use Permit No. 736 (for the construction of a 16,784 square foot drive-through drug store located on the southeast corner of Church Street and Lugonia Avenue) which is consistent with the previous mitigated negative declaration adopted by the City of Redlands on February 19, 2002, based on the findings contained in the staff report. On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved a one year time extension for Conditional Use Permit No. 736, extending said approval for one year until March 19, 2005.

Proclamation - *Days of Remembrance* - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation for *Days of Remembrance* in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and liberators.

Release of Lien - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved a release of lien securing construction of public improvements for Assessor Parcel No. 167-071-34 which relates to a watermain improvement.

OSC 04-07 - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously determined that Outside City Case (OSC) 04-07, Tentative Parcel Map No. 16350, APN 299-211-21, is consistent with the City of Redlands General Plan and that the public health, safety and welfare, and the best interests of the citizens of Redlands, are served by the City's continued processing of the application submitted by Mark Buoye.

OSC 04-30 - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously determined that Outside City Case (OSC) 04-30, Tentative Parcel Map No. 15925, APN 298-221-36, is consistent with the City of Redlands General Plan and that the public health, safety and welfare, and the best interests of the citizens of Redlands, are served by the City's continued processing of the application submitted by David Sousa.

Airport Well No. 2 - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of an Aquastream Sand Control Device for Airport Well No. 2 for a total amount of $20,324.00.

Facility Use Agreement - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved a facility use agreement with the Community Action Partnership of San Bernardino County's Nutrition for Seniors Program and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Funds - U. S. Conference of Mayors Grant - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously authorized acceptance of the U. S. Conference of Mayors Local Law Enforcement Block Grant award of $61,105.00 and approved an additional appropriation in the same amount to fund the grant which will provide one Custody Specialist seven days a week, twenty-four hours a day.

Funds - COPS Grant - Having received assurance from Police Chief Bueermann that the receipt of grant monies for the planned Justice Center would not put the City in a position of having to return said grant monies if the Justice Center did not become a reality, Councilmember Gilbreath moved to accept the U. S. Department of Justice COPS Technology grant and authorized an additional appropriation in the amount of $735,000.00 to implement advanced technology in the planned Justice Center. Motion seconded by Councilmember George and carried unanimously.

Funds - COPS Grant - Having received assurance from Police Chief Bueermann that the receipt of grant monies for the planned Justice Center would not put the City in a position of having to return said grant monies if the Justice Center did not become a reality, Councilmember Gilbreath moved to accept the U. S. Department of Justice COPS Technology grant and authorized an additional appropriation in the amount of $794,800.00 to implement advanced technology in the planned Justice Center Emergency Operations Center. Motion seconded by Councilmember George and carried unanimously.

Contract - Weed Abatement - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved a contract with Larry Jacinto Farming, Inc. for weed abatement and firebreak construction services.

Resolution No. 6267 - Fire Department Fees - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6267, a resolution of the City Council of the City of Redlands establishing fees for the Redlands Fire Department and rescinding Resolution No. 6213.

Settlement Agreement - Lorayne Corcoran - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously acknowledged a settlement and release agreement with Lorayne Corcoran 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.

Waivers - Redlands 4th of July Committee - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved waiver of all fees and personnel costs for the annual 4th of July celebration in Redlands.

PUBLIC HEARING

Resolution No. 6252 - Street Vacation No. 126 - Public hearing was advertised and posted for this time and place for the vacation of a portion of Idaho Street. Mayor Peppler 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. 6252, 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, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Harrison.

COMMUNICATIONS

Redlands Community Hospital Banners - Community Development Director Shaw reported the Redlands Community Hospital has requested approval to place six centennial flags/banners on street poles along Terracina Boulevard in front of the hospital and within the hospital's property from May through December, 2004. The City's Municipal Code has provisions under Chapter 12 to allow banners on streetlights; however, it limits them to the downtown business district. The size and location of the banners as proposed at the hospital would be in conformance with the Code. If the City Council would like to expand the areas where banners can be displayed on public property, it would be appropriate to direct staff to amend the Code to allow for banners in areas outside of the downtown area. If this is the City Council's direction, staff would recommend that two areas be added: the first along Terracina Boulevard from Fern Avenue to Olive Avenue, the second to accommodate banners as desired by the University of Redlands promoting community and university events. Regarding banners within the hospital's property, while banners are not allowed on poles within the parking area, banners would be allowed on the buildings in accordance with Section 15.36.520 of the Redlands Municipal Code. Jane Dreher, Director of Public Relations for Redlands Community Hospital, spoke to Councilmembers describing the events scheduled for their centennial celebration and the placement of banners. Councilmember Peppler moved to direct staff to amend the Redlands Municipal Code to allow for banners on streetlights outside the downtown area as recommended by staff. Motion seconded by Councilmember Gilbreath and carried unanimously.

Appointments - Trail Committee - Mayor Peppler moved to nominate Mimi Dupper and Bradley Billings to four-year terms on the Trails Committee. Motion seconded by Councilmember Gilbreath and carried with Councilmembers George and Harrison voting NO.

Appointment - BEDAC - Mayor Peppler moved to nominate Casey A. Dailey to serve as the student member on the Business and Economic Development

Commission (BEDAC). Motion seconded by Councilmember Gilbreath and carried unanimously.

General Plan Initiative - The November 2005 municipal election will include a proposed initiative measure (submitted by The Redlands Association) to amend the principles of managed growth and land use, circulation, open space and conservation, health and safety, and noise elements of the Redlands General Plan. Mayor Peppler suggested that in order to better understand the proposed initiative's impact on the City, the City Council may refer the proposed initiative measure to the various City departments for a comprehensive report on any or all of the following: its fiscal impact; its effect on the internal consistency of the city's General Plan and specific plans, its effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs; and its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings; its impact on the community's ability to attract and retain business and employment; its impact on the uses of vacant parcels of land; its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization; and any other matters the legislative body requests to be in the report. Mayor Peppler asked Councilmembers if it was their desire to instruct staff to complete the report internally, or to instruct staff to develop an RFP and have the report prepared by an outside consultant. Councilmember George cautioned Councilmembers and staff that these reports must be done in a fair and objective manner as the five Councilmembers in office are not in favor of this initiative. By consensus, staff was directed to begin review of the initiative and send out Requests for Proposals for outside consultants to prepare a comprehensive report on the effect of this initiative.

Resolution No. 6268 - Reduce Global Warming Pollution - Councilmember George presented a proposed resolution of the City Council of the City of Redlands in support of California's law to reduce global warming pollution, and moved to adopt Resolution No. 6268 and to direct staff to forward a letter to Dr. Alan Lloyd, Chairman of the California Air Resources Board urging the Board to adopt the strongest possible regulations pursuant to AB 1493 to reduce greenhouse gas emissions from motor vehicles. Motion seconded by Councilmember Harrison and carried unanimously.

Auto Mall - Councilmember George asked Michael Hastings, Direct Point Advisors, to provide an update on the status of the Auto Mall. Mr. Hastings addressed the City Council noting that the expected response from the local auto dealers regarding the incentive package had not happened. He suggested giving the local dealers this month to respond before withdrawing the incentive package and start approaching outside dealers in May. He would return to the City Council with a new incentive package at that time. Councilmember Gilbreath stated she still did not support this process. The majority of the City Council were supportive of Mr. Hasting's suggestions.

PLANNING AND COMMUNITY DEVELOPMENT

Gardner Construction and Development, Applicant - Community Development Director Shaw reported on March 16, 2004, the City Council held public hearings on a Socio-Economic Cost Benefit Study, General Plan Amendment, zone change, and variance for a project located on a City-owned 0.92 acre parcel located at the southeast corner of Cypress Avenue at Interstate 10. The City Council also considered a negative declaration and a Commission Review and Approval associated with this project. The public hearings were closed and the City Council voted 3-2 to deny the General Plan amendment to change the map designation from Low Density Residential/Public Institutional to Office on said parcel. Related applications filed by Gardner Construction for a zone change, Commission Review and Approval, and a variance for an office building project on the site were contingent upon the approval of the General Plan amendment. Based upon the City Council's action to deny the General Plan amendment, the related applications could not be approved. Staff prepared recommended motion for denial for the City Council's consideration at this time. Mark Gardner, the applicant, addressed the City Council and reviewed the history of the proposal noting he had entered into an agreement in good faith a year ago and had expended $36,000.00 to reach this point. He asked for a continuance of these applications. Responding to Councilmembers' questions, City Attorney McHugh told Councilmembers that a new General Plan amendment could be processed. Councilmember Gil indicated he would like to reconsider the whole project. Councilmember Gilbreath stated she still supported the project. Councilmember Harrison asked for the legal options. Councilmember George asked who was going to tell the neighbors that this project was returning, and he felt it was very inappropriate to reconsider the project at this time. Councilmember Peppler wanted to know how the City had originally acquired this property. Councilmember Peppler moved to continue these applications and receive alternative proposals from staff. Motion seconded by Councilmember Gilbreath and carried with Councilmember George voting NO.

UNFINISHED BUSINESS

Ordinance No. 2554 - Street Trees - Public Works Director Mutter reported the City Council reintroduced at their last meeting Ordinance No. 2554 which relates to trees and tree protection along streets and public places. The ordinance was set for adoption at this meeting; however, staff was contacted by several trimming contractors with questions relating to their Contractor's License. The proposed ordinance included a provision for a contractor to possess a C-27 license which is for landscape contractors. The State also provides a D-49 license for tree service contractors. Staff believes that this license is valid and should be included. Language has been changed to remove references to specific licenses and include the requirement of an appropriate Contractor's License. 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 read by title only by City Clerk Poyzer, and on motion of Councilmember Harrison, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived, and the revised Ordinance No. 2554 was reintroduced with unanimous Council approval and laid over under the rules with adoption scheduled for April 20, 2004.

NEW BUSINESS

Ordinance No. 2575 - Market Night Curfew - Community Development Director Shaw reported the Downtown Redlands Business Association in cooperation with the Redlands Police Department have discussed the issue of unsupervised youths at Market Night for the past few years. It is staff's concern that once the event has concluded, many minors remain downtown awaiting transportation home. Without adult supervision, concern for their safety arises. With the implementation of a juvenile curfew for Market Night, it will assist to ensure that all minors have supervision by a parent or guardian at the conclusion of the activities. Summer will soon be upon us, and with it the attendance at Market Night significantly increases. It is imperative the modification of the ordinance is in effect prior to the Market's extended summer hours to prevent youths being left on their own even later in the evening. It is the intention of the Downtown Redlands Business Association to see children safely in their parents' or guardian's care at the conclusion of Market Night. Councilmembers discussed Market Night activities at length and Mayor Peppler suggested the Downtown Redlands Business Association explore moving the event to Saturday morning or Sunday afternoon. Heather Smith, Senior Special Program Coordinator for the Downtown Redlands Business Association and Market Night, reported they have spent 16 years establishing this very successful event and that the vendors would not support it if there was not a strong customer base. Vendors work other events and it would be very difficult to compete with other events that are held on Saturdays and Sundays. Councilmembers asked for an analysis of alternatives, to be presented in 90 days, following a poll of vendors and local businesses in coordination with the Downtown Redlands Business Association and the Market Night Committee. Ordinance No. 2575, an ordinance of the City of Redlands amending Chapter 9.24 of the Redlands Municipal Code establishing a juvenile curfew during the City's sponsored Market Night, was read by title only by City Clerk Poyzer, and on motion of Councilmember George, seconded by Councilmember Peppler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2575 was introduced and laid over under the rules with adoption scheduled for April 20, 2004, with Councilmembers Gilbreath and Gil voting NO.

PUBLIC COMMENTS

None forthcoming.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Funds - Property Tax Software - City Treasurer Reynolds reported the City Council approved a contract on February 17, 2004, for property tax services and software from HdL, Coren and Cone. The fees for these services will be shared 65 percent by the City's General Fund and 35 percent by the Redevelopment Agency. Councilmember Gilbreath moved to approve an additional appropriation of $16,250.00 to purchase property tax software and services from HdL, Coren and Cone. Motion seconded by Councilmember Gil and carried unanimously. (Also see Redevelopment Agency minutes for April 6, 2004.)

CLOSED SESSION

The City Council meeting recessed at 4:59 P.M. to continue the Redevelopment Agency meeting and reconvened at 5:01 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator - Government Code Section 54956.8
   a. Property: 11126 Iowa Street
      Negotiating parties: John Davidson and Stan Weisser
      Under negotiation: Terms and price
   b. Property: APN 0300-601-05
      Negotiating parties: John Davidson and Rescue Med Corp
      Under negotiation: Terms and price
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - One case
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b) - One case

ADJOURNMENT

There being no further business, the City Council meeting adjourned following the closed session. It is anticipated a special meeting of the City Council will be held on April 20, 2004, at 2:00 P.M. regarding the downtown parking structure concept plans. The next regular meeting will be held on April 20, 2004, at 3:00 P.M.

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City Clerk