

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on March 15, 2005, at 3:00 P.M.

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 (evening session only); Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Mel Enslow, Fire Chief; Donald Gee, Redevelopment Agency Director; 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 Mayor Pepler followed by the pledge of allegiance.

CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the regular meeting of March 1, 2005, were approved as submitted.

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

Agreement - Public Resource Management Group - On motion of Councilmember Harrison, seconded by Councilmember George, the City Council unanimously approved an agreement with Public Resource Management Group, LLC to prepare a Cost Allocation Plan and a Comprehensive User Fee Study and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on March 8, 2005, was acknowledged as received.

Agreement - Model Home Complex - Ryland Homes of California, Inc. - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a model home agreement for Tract 16747

(located between San Bernardino and Pioneer Avenues, approximately 1,650 feet west of Judson Street) and accepted the associated faithful performance bond in the amount of \$60,000.00 to allow the development of a three unit model home complex prior to the recordation of the final map and subject to the conditions as recommended by staff and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

CEQA Time Extension - Walton Development, LLC - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Walton Development, LLC for a 90-day extension of processing time as provided for under the California Environmental Quality Act for Zone Change Nos. 396 and 399, Agricultural Preserve Removal Nos. 104 and 105, Tentative Tract Nos. 16627 and 16465 and Conditional Use Permit Nos. 809 and 819 for property located San Bernardino Avenue/Pioneer Avenue/Judson Street, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Annual Report for General Plan - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the Annual General Plan Report through June 30, 2004, as submitted and authorized its forwarding to the Office of Planning and Research and Department of Housing and Community Development.

Fee Waiver - Redlands Bicycle Classic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the request of the Redlands Bicycle Classic to waive all City-related fees, costs and charges associated with the 21st annual race to be held March 31 to April 3, 2005.

Settlement Agreement - Wynne - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously acknowledged a Settlement and Release Agreement with Michael Wynne and Amy Wynne for property damage and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. The City Council authorized settlement of this lawsuit/claim and this agreement reflects the Council's terms and conditions for settlement.

Proclamation - Reflex Sympathetic Dystrophy Syndrome Awareness Month - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation declaring May, 2005, as Reflex Sympathetic Dystrophy Syndrome Awareness Month and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Proclamation - Spelman College Glee Club - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously

authorized issuance of a proclamation welcoming the Spelman College Glee Club to the Inland Empire to perform in concert at the California State University Recital Hall Theater on March 9, 2005, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Resolution No. 6367 - Landscape Maintenance District No. 1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6367, a resolution of the City Council of the City of Redlands instituting proceedings, appointing an assessment engineer, and ordering the preparation of an engineer's report in the matter of Landscape Maintenance District No. 1.

Resolution No. 6371 - Street Lighting District No. 1 - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6371, a resolution of the City Council of the City of Redlands instituting proceedings, appointing an assessment engineer, and ordering the preparation of an engineer's report in the matter of Street Lighting District No. 1.

Contract - Street Light Replacement - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a contract agreement with Rymax Electrical, Inc. in the amount of \$11,850.00 for the removal of existing foundations and replacement of three damaged street lights at 1418 Washington Street, the northeast corner of San Bernardino Avenue and Occidental Drive, and on the north side of Orange Tree Lane, east of California Street. It is expected these funds will be reimbursed by the parties involved in the accidents and/or their insurance companies.

Funds - Street Tree Restitution - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously accepted payment of \$725.00 as restitution for the removal of a street tree in front of 1409 Padua Avenue in violation of Redlands Municipal Code Chapter 12.52, and approved an appropriation of the same amount to the Street Tree Division budget for the street tree replacement program.

Resolution No. 6382 - Traffic - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6382, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: create a no parking zone on Cypress Avenue at the east and west side of the Redlands Boulevard intersection for approximately 380 feet on the north side and 375 feet on the south side of Cypress Avenue, west of Redlands Boulevard, and approximately 280 feet on the north side and 210 feet on the south side of Cypress Avenue, east of Redlands Boulevard; installation of a multi-way stop on the Reservoir Road at Devonshire Drive and left turn bays on Reservoir Road at Devonshire Drive and Buckingham Drive

with a no parking zone on the north side of Reservoir Road for approximately 120 feet west of the intersection and 60 feet east of the intersection; create a no parking zone for a total 94 feet on the north side of Fern Avenue, along the frontage of the Redlands Drive-in Dairy for an existing bus stop; and create a 2-hour time limit parking zone along the 7th Street frontage of Honda Yamaha of Redlands located at 215 West Redlands Boulevard.

Civic Center Parking Lot - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a request by the Burn Institute - Inland Empire, to use the Civic Center parking lot on Saturday, May 7, 2005, for a fundraiser on behalf of the Burn Institute - Inland Empire subject to the conditions recommended by staff, and approved the use of the City's showmobile and a waiver of City-use fees.

Fee Waiver - Optimist Club - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the waiver of \$235.00 in fees for the Optimist Club of Redlands for reservation and use of Sylvan Park for their Special Olympics games lunch on Friday, March 18, 2005.

Amendment - Non-Potable Water System Study Update - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved Amendment No. 1 to the agreement with Engineering Services for engineering services for the City of Redlands Non-Potable Water System Study Update.

Vehicle Purchase - Municipal Utilities Department - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of a 2005 Ford Explorer from Fairview Ford in the amount of \$24,088.00 for the Municipal Utilities Department. Funding for this vehicle was included in the 2004-05 budget for the Solid Waste and Wastewater Division.

Outside City Utility Connection - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously determined that Outside City Case (OSC) 05-10 for Assessor's Parcel Nos. 298-094-16 and 17 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 from Mike Haig.

Wildland Fire Protection Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized the annual amendments with the California Department of Forestry and Fire Protection for wildland fire protection services and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - Emergency Preparedness Program - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously accepted a donation of \$2,500.00 to the Redlands Fire Department Emergency Preparedness Program from the Wal-Mart Corporation and approved an additional appropriation for the same.

Funds - Agreement - Medical Director - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized an additional appropriation of \$10,000.00, and approved the first amendment to the independent contractor agreement with Dr. Phong Nguyen for providing medical director services to the Redlands Fire Department and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Contract - Property and Evidence Tracking System - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a contract with Porter Lee Corporation for the purchase of a property and evidence tracking system for the Police Department and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - JAG Program Grant Award - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously accepted the Byrne Justice Assistance Grant (JAG) Program award, authorized execution of the document, and authorized an additional appropriation of \$41,316.00 to fund the grant.

Agreement - Carpet Installation - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with New Image Flooring, Inc. for carpet installation at the Community Senior Center and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. There is no cost to the General Fund as this project will be paid for with donated monies.

Resolution No. 6384 - National Community Development Week - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6384, a resolution recognizing March 28 through April 3, 2005, as National Community Development Week to celebrate the 31st Anniversary of the Community Development Block Grant Program.

COMMUNICATIONS

Park Land Acquisition - Water Resources Chief Doug Headrick reported to the City Council the City has a limited time frame in which to complete acquisition of property before losing \$1.9 million in available grant funding for the proposed sports park. Nearly \$1.3 million of this amount is available for

property acquisition. Two sites have been considered for acquisition. Both properties share the advantage of being contiguous to either an existing high school (Redlands East Valley High School) or a new high school (Citrus Valley High School) that is planned for construction by the Redlands Unified School District. After careful consideration, City staff recommended the acquisition of property south and contiguous to Redlands East Valley High School. The ability of the City to protect \$1.9 million in grant funds for property acquisition depends on the City's ability to finalize property acquisition before June 30, 2005. Further, the City will be required to utilize local matching funds from other sources for completion of the project. Other potential sources of local matching funds include Park Development fees, developer deposits and donations, and the sale of swapped BVM bonds to Standard Pacific. The following people opposed the proposed location: Gary Kabot, representing the Mentone Area Community Association Kathleen Tolley and Ernie Givens, Beverly Buoye, Nanci Harms, Andrea Koen, representing the Friends of Crafton Halcott Grant, representing The Redlands Association Bill Cunningham, representing the Redlands Conservancy Sherli Leonard, Jerry Williamson, and Donna Reeves. Representing the needs of the youth of the community were Dave Eason, Redlands Baseball for Youth; Kyle Larick, AYSO; and Charles Sinnen, Los Gaucho Soccer. Representing the Northside Advisory Committee, Joe Gonzales urged the City Council to consider a site on the north side of town. Herb Williams, a columnist for the Redlands Daily Facts, questioned staff in depth about the original site and the Kangaroo Rat. A letter opposing this proposed site was received from Cheryl Tubbs. Councilmember Gilbreath stated she did not feel this was the right location and that we needed to find another site quickly in order to save the grant monies. Councilmember Harrison questioned staff about the original site and the conditions be imposed by U. S. Fish and Wildlife Service and suggested focusing on the existing site or looking at a smaller site near the proposed Citrus Valley High School. Councilmember Gil said we needed to "bite the bullet" and use the money before we lose it. Councilmember George said we cannot blame everything on the K-Rat because part of the problem is the City does not have enough money and suggested we look into buying a smaller piece of property. No action was taken on the staff's recommendation.

Airport Advisory Board Activities - Councilmember George asked Bob Pearce, Chairman of the Airport Advisory Board, and John James, members of the Airport Advisory Board, to advise the City Council on current activities at the airport, voice support for the planning process for review and development of policy for land use in the vicinity of the airport, and their request to receive notification as interested parties regarding development of the Airport. Following their remarks, Councilmember George thanked the members of the Airport Advisory Board for their efforts and also thanked Community Development Director Shaw for his cooperation to provide the notification they requested.

Visioning Committee - Due to a potential conflict of interest, Councilmember Gil 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. Community Development Director Shaw reported staff met on February 28, 2005, with residents, property owners, and business owners interested in participating in the visioning process for the area north of the I-10 Freeway. Staff gave a presentation and requested feedback from the group on issues pertaining to the functioning of the Visioning Committee and to establish the level of City participation. The group decided they would like to be a non-appointed, informal committee not subject to the Brown Act. They decided to have monthly meetings; however, additional meetings were suggested as they were getting started. It was found that the Community Center was a good location and meeting times would have to be coordinated with the facility's schedule. By setting up regular meetings, notices would not have to be mailed. The group wants to elect a chairman and other officers at their next meeting where they will also define additional criteria on organization. The committee indicated they wanted to record the meeting with minutes although it was unclear who would take responsibility for this task. The group also noted that there may be costs associated with this process and requested the City Council commit \$50,000.00 toward the process. Staff suggested that any financial commitment should come only after an evaluation of specific financial needs; however, the group strongly supported this motion for financial support. Their next meeting will be held on Monday March 21, 2005, at 7:00 P.M. in the Community Senior Center. Jim Spee volunteered to act as a group facilitator for this group. Councilmember Harrison moved to receive and file the report finding that it is appropriate for the Visioning Committee to be an informal committee establishing its own rules and structure. Motion seconded by Councilmember Gilbreath and with the understanding this motion does not include the \$50,000.00 commitment the motion carried by AYE votes of all present with Councilmember Gil abstaining. Attendance by Councilmembers at their meetings will be coordinated with the City Manager's Office in order not to violate the Brown Act.

Agreement - Legal Counsel - City Seal Initiative - Councilmember Peppler moved to approve the agreements and retain the Pacific Justice Institute and Mr. Peter D. Lepiscopo as special counsel for advise and defense on the City seal initiative and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Harrison and carried unanimously.

Seven Oaks Dam Water Quality Study - Water Resources Chief Doug Headrick brought a recommendation from staff for authorization for the Mayor to sign a letter to Congressman Jerry Lewis requesting his support for an appropriation to fund a study to determine alternatives for solving the serious water quality problems currently being caused by the operation of the Seven Oaks Dam. Historically, prior to the construction of the Seven Oaks Dam, muddy water

would have flowed uninhibited out of the Santa Ana Canyon on its way to the Pacific Ocean. However, since the flood control gates were closed last fall, a large pool of unusable water has been captured and detained by the dam. This sediment laden water is effectively contaminating the fresh, clean snowmelt currently flowing down the Santa Ana River before the City and Bear Valley Mutual Water Company can put it to good use meeting the needs of our customers. The current water quality issues in the Santa Ana River caused by the Seven Oaks Dam is costing the City of Redlands as much as \$4,600.00 per day to purchase imported State Water Project water for its Hinckley Water Treatment Plant over and above the cost of Santa Ana River water. Councilmember Harrison moved to authorize the Mayor to sign a letter to Congressman Jerry Lewis requesting his support for an amendment to the current FY 2006 appropriation request for the Santa Ana River Mainstem Project to include funding for a United States Army Corps of Engineers (ACOE) Water Quality Study. Motion seconded by Councilmember George and carried unanimously.

NEW BUSINESS

Bear Valley Mutual Water Company Water 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 George moved to approve the purchase of 868 shares of Bear Valley Mutual Water Company stock from Forest Properties, Inc. for a total price of \$108,500.00. Motion seconded by Councilmember Gil and carried by AYE votes of all present with Councilmember Gilbreath abstaining.

Ordinance No. 2603 - Local Government Claims - Ordinance No. 2603, an ordinance of the City of Redlands adding Chapter 3.09 of the Redlands Municipal Code relating to local government claims, was read by title only by City Clerk Poyzer, and on motion of Councilmember Peppler, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived, and Ordinance No. 2603 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for April 5, 2005.

Ground Lease Termination - Redlands Municipal Airport - Municipal Utilities employee Gary Van Dorst reviewed the background of a ground lease agreement with Loma Linda Aeronautical Safety Foundation for an area of land identified as Parcel 5 in the Master Lease Agreement, located at the Redlands Municipal Airport. Issues related to noncompliance with the terms of the lease have recurred over time and are documented through the files for Aerodynamics, Inc. Notices of default issued by the City have been delivered in strict compliance with the terms of the Master Lease Agreement and subsequent amendments. Such notices were also reviewed for content by the

City Attorney's Office prior to issuance. Based on the lack of cure or response from Aerodynamics, Inc. to the notice of default within the 30-day time period provided for in the Master Lease Agreement and Lease Amendment No. 3, the Municipal Utilities Department recommended the City proceed with enforcement of the termination of the Master Lease Agreement. Councilmember Peppler moved to authorize termination of the ground lease agreement with Aerodynamics, Inc. at the Redlands Municipal Airport and enforcement of payment and surrender of the premises. Motion seconded by Councilmember George and carried unanimously.

Downtown Parking Advisory Committee - Councilmember Harrison recommended the formation of a two-member advisory committee of the City Council to work with staff and the community to evaluate parking program options related to development and redevelopment of the downtown area. Specifically, the advisory committee would explore the relationship of potential parking locations identified in the Torti Gallas downtown concept and the mix of complementary land uses to enable the best mix of daytime and evening use of parking resources. Additionally, the advisory committee will explore funding mechanisms, current policies and ordinances relative to surface parking and structured parking in the downtown, and programs and policies for providing the ongoing operation and maintenance of any publicly owned parking resource. The advisory committee will provide recommendations to the full City Council on a periodic basis. The Parking Advisory Committee will be limited in scope to the evaluation of parking needs relative to land use in the downtown area. The Parking Advisory Committee will not be subject to the Brown Act as it will be limited in scope, meetings and will automatically dissolve in six months from its formation. Councilmember Gilbreath suggested using the Business and Economic Development Advisory Commission (BEDAC) as it was set up for this purpose. Councilmember Harrison moved to approve the formation of a Downtown Parking Advisory Committee of the City Council to assist City staff to evaluate parking needs in the downtown area. Motion seconded by Councilmember George and carried with Councilmember Gilbreath voting NO. Councilmember George offered to work with Councilmember Harrison, consult with staff, and approach BEDAC and the Downtown Redlands Business Association (DRBA) for their recommendations. Councilmember Harrison moved to appoint Councilmember Harrison and Councilmember George to serve on the committee. Motion seconded by Councilmember Gil and carried unanimously.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6360 - Stuart Avenue Improvement Project - Public hearing was advertised for this time and place for the City Council Resolution No. 6360 authorizing payment by the Redlands Redevelopment Agency for publicly owned land improvements and making findings related thereto, pursuant to Section 33445 of the California Health and Safety Code, for the Stuart Avenue

Improvement Project; for the Redevelopment Agency of the City of Redlands to consider a redevelopment project for Stuart Avenue, including preparation of modified street improvement plans, water and sewer improvement plans, storm flow evaluation and a storm drain system for Stuart Avenue and vicinity within the Redevelopment Project area; an agreement between the Redevelopment Agency and Hicks and Hartwick, Inc. to furnish consulting services for the Stuart Avenue Improvement Project; and consideration of an additional appropriation of \$58,000.00 for the Stuart Avenue Improvement Project. Community Development Director Shaw explained the project. Mayor Peppler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Harrison moved to adopt Resolution No. 6360, a resolution of the City Council of the City of Redlands authorizing payment by the Redevelopment Agency for publicly owned land and improvements and making the findings as included in Section 1 of the resolution. Motion seconded by Councilmember Peppler and carried unanimously. (Also see Redevelopment Agency minutes for March 15, 2005.)

CLOSED SESSION

The City Council meeting recessed at 4:47 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:50 P.M. to a closed session to discuss the following:

1. Conference with labor negotiator - Government Code Section 54957.6
 - a. Agency Negotiator: Marjie Pettus, Tina Kundig, and John Davidson
 - Employee Organizations: Redlands Association of Safety Management Employees, Redlands Police Officers Association and Redlands Professional Fire Fighters Association, Local 1354
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b) - one case. City Attorney McHugh announced the City Council will meet with special counsel who will be providing a defense to the City with regard to the ACLU's threat to sue over keeping the seal/logo with the cross on City property.
3. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - one case

The meeting reconvened at 7:00 P.M.

PRESENTATION

Capital Improvement Programs - Water Resources Chief Douglas Headrick presented a review of the Water and Wastewater Pipeline Capital Improvement Programs.

ANNOUNCEMENTS/REPORTS

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

LAND USE AND PUBLIC HEARINGS

Ordinance No. 2604 - Rural Living District - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as a public hearing public hearing to consider the introduction and first reading of the title of Ordinance No. 2604, Ordinance Text Amendment No. 309, an ordinance text amendment to add Chapter 18.23, R-L (Rural Living) District, to the Redlands Municipal Code. Community Development Director Shaw explained the new zoning district which will fill a broad gap relative to minimum lot size between the A-1 (Agricultural) District (minimum 5-acre lots) and the A-2 (Estate Agricultural) District (minimum 1-1/2-acre lots). The R-L District is essentially patterned after the A-2 District relative to permitted uses and development standards with the exception of the minimum lot size. The Ad Hoc Committee reviewed the new R-L District at their January 18, 2005, meeting and recommended that the City Council approve the proposed ordinance text amendment. Ordinance No. 2604 creates a new zoning district but does not apply to any particular property. Mayor Peppler declared the meeting open as a public hearing for any questions or comments. Frank Vera asked for an explanation of the mitigated negative declaration process. Theresa Kwappenberg presented a soils report for San Timoteo and Live Oak Canyons and expressed concern about the reduction in lot sizes. Three letters were received prior to the meeting from Bob Roberts, Larry Curti, and Mimi and Gilbert L. Dupper opposing the proposal and stating property owners were not properly notified. As this is a City-wide proposal, a large display ad was published. City Clerk Poyzer reported the display ad was published in the Redlands Daily Facts on February 17, 2005. Councilmember Gilbreath moved to continue this public hearing to April 5, 2005. Motion seconded by Councilmember Gil and carried unanimously.

Tuscany Court - Mark Utzinger, Applicant - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as public hearings to consider General Plan Amendment No. 2005-1-C, a General Plan amendment to change the land use designation from Light Industrial with a park to High Density Residential (0-27 units per acre) on 4.76 acres located on the north side of Orange Avenue, 300 feet east of Kansas Street; Zone Change No. 386, a change of zone from A-1 (Agricultural) District (five-acre lots) to R-3 (Multiple Family Residential) District (1,500 square feet of lot area per dwelling unit) on 4.76 acres located on the north side of Orange Avenue, 300 feet east of Kansas Street; and a Socio-Economic Analysis and Conditional Use Permit No. 768, a conditional use permit for the construction of a 160-unit senior apartment complex in eight two-story buildings. The project

also includes a Density Bonus for Senior Citizen Housing which provides for an increase in density of 32 units above the maximum 128 units allowed in the proposed zone of R-3 (Multiple Residential) District (1,500 square feet of lot area per dwelling unit). The proposed project is located on 4.76 acres in the existing A-1 (Agricultural) District (five-acre lots) proposed for a zone change to R-3 (Multiple Residential) District (1,500 square feet of lot area per dwelling unit) on the north side of Orange Avenue, 300 feet east of Kansas Street. Community Development Director Shaw reviewed the project and recommended the City Council hear testimony at this time and then continue consideration of these matters to April 5, 2005, for adoption concurrent with the first cycle of General Plan amendments of 2005. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. Mr. Utzinger, the applicant, addressed the City Council. The following people addressed the City Council expressing concerns about the location of this senior housing project next to the Arrowhead Christian Academy: Ron Burgess who read a letter from the Arrowhead Christian Academy Trustees, Yvonna M. Lucas, Wendy McCammack, Nancy Botten, Brenda Durant and Bruce Smith. Speaking in favor of the senior housing project were: James Tuaton, Ina Martin, Helen Fikse, Ernest Vallicella, Irene Vallicella, Betty L. Shaw, Don Hoffman, Mary Ann Bratton, Linda Follendorf, and Linda Aldaco. Frank Vera asked questions regarding the rent.

Negative Declaration - Councilmember Gilbreath moved to continue consideration of the Negative Declaration for General Plan Amendment No. 2005-1-B, Zone Change No. 386, and Conditional Use Permit No. 768 to April 5, 2005. Motion seconded by Councilmember George and carried.

General Plan Amendment No. 2005-1-B - Councilmember Gilbreath moved to continue the public hearing for General Plan Amendment No. 2005-1-B to April 5, 2005, for adoption with the first cycle of General Plan amendments of 2005. Motion seconded by Councilmember George and carried unanimously.

Zone Change No. 386 - Councilmember Gilbreath moved to continue the public hearing for Zone Change No. 386 to April 5, 2005. Motion seconded by Councilmember George and carried unanimously.

CUP 768 - Councilmember Gilbreath moved to continue the public hearing for Conditional Use Permit No. 768 to April 5, 2005. Motion seconded by Councilmember George and carried unanimously.

The meeting briefly recessed at 8:45 P.M. and reconvened at 8:49 P.M.

Verizon Wireless Cellular Tower - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration for a request to install a 65-foot-high cellular tower (Italian Cypress Tree design) for a wireless telecommunication facility located within Hillside Memorial Park, 1540 Alessandro Boulevard, in the R-E (Residential Estate) District. This matter was continued to April 5, 2005.

UNFINISHED BUSINESS

Cinco de Mayo Festival - Community Development Director Shaw reported the Cinco de Mayo Festival Committee met on March 2, 2005, to discuss the comments made at the March 1, 2005, City Council meeting, regarding the evening event for the Cinco de Mayo Festival and Car Cruise and the Miss Cinco de Mayo Pageant's car show the following day. The Downtown Redlands Business Association and the Cinco de Mayo Committee regret any offense caused by the exclusion of low rider vehicles at the Cinco de Mayo Festival and Car Cruise. The exclusion was not meant to be interpreted as discriminatory, but as a means of support the efforts for the Miss Cinco de Mayo Pageant's car show the following day. Danny Flores thanked Councilmembers Peppler and George for their immediate response and stated it was going to be a beautiful event. At this time Mr. Flores and Denise Vasquez have indicated they would like the Miss Cinco de Mayo Pageant's Car Show to be in the fiesta. The Cinco de Mayo Committee has agreed to do that. Councilmember Peppler moved to receive and file the report regarding the Cinco de Mayo Festival and Car Cruise and the State Street closure request for the Miss Cinco de Mayo Car Show. Motion seconded by Councilmember George and carried unanimously.

NEW BUSINESS

Initiative Report - City Seal/Logo - City Clerk Poyzer reported that on January 24, 2005, Scott Siegel, Mary Ann Wilson, Glenn Wilson, and Robert C. Newman, II filed an initiative petition entitled *An initiative measure of the people of Redlands amending the Redlands Municipal Code to adopt a new official City seal*. The signature examination of the initiative petition has been completed by the San Bernardino County Registrar of Voters. The statistical sampling shows the number of valid signatures required for a 15 percent level is 88% percent which is not sufficient to require a special election. The statistical sampling shows that the number of valid signatures required for a 10 percent level is 132 percent. Therefore, the petition is sufficient. At this time, the City Council is required to do one of the following: adopt the ordinance, without alteration, or within 10 days after it is presented; order submission of the ordinance, without alteration, to the voters pursuant to Section 1405(b) of the California Elections Code on November 8, 2005; or order a report pursuant to Section 9111 of the California Elections Code. If ordered, this report is to be presented to the City Council within the time prescribed by the City Council, but no later than 30 days after the petition is certified as to the sufficiency of the petition (April 14, 2005). Ryan Sorba, a Cal State San Bernardino student, asked the City Council if they would be willing to sign their petition "Stop Taxpayer Funding of the ACLU" and read the petition in full. Jason Ford, a history student at Cal State San Bernardino, did not think we should change the City seal. Reverend Don Wallace, Save the Redlands Seal Executive Committee, felt our freedom was worth fighting for. Councilmember Peppler

moved to acknowledge the certification of the results of the examination of the initiative petition entitled *An initiative measure of the people of Redlands amending the Redlands Municipal Code to adopt a new official City seal*. Motion seconded by Councilmember Gilbreath and carried unanimously. Councilmember Pepler moved to submit the initiative ordinance, without alteration, of the people of Redlands amending the Redlands Municipal Code to adopt a new official City seal to the voters on the November 8, 2005, general municipal election ballot. Motion seconded by Councilmember Gilbreath and carried unanimously.

PUBLIC COMMENTS

Street Repairs - Don Eickman suggested the City Council consider increasing the sales tax to help fix the streets, as the City needs to catch up on repairs.

New York Street Vacation - Mario Saucedo indicated he was against the proposal to vacate a portion of New York Street just for the benefit of ESRI, as it will create a negative impact for public access to the post office located on that street.

Pedestrian Safety - Emery Milroy addressed the City Council regarding pedestrian safety and presented suggestions as to how to improve the situation.

R-3 Parking Ratio - Herb Williams addressed the City Council with concerns about R-3 parking requirements.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:15 P.M. The next regular meeting will be held on April 5, 2005.

/s/ Lorrie Poyzer, City Clerk