

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 June 21, 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); Michael Reynolds, City Treasurer; Cletus Hyman, Deputy Police Chief; Mel Enslow, Fire Chief; Don 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 Councilmember George followed by the pledge of allegiance.

#### PRESENTATIONS

Fire Chief Retirement - Mayor Pepler announced this is the last City Council meeting Fire Chief Mel Enslow will be attending as he will retire on July 14, 2005 after serving as Redlands Fire Chief for the past 14 years and 43 years in firefighting service. In recognition of his faithful service, Mayor Pepler presented a gift of an engraved crystal clock. Also thanking his wife, Valerie, Mayor Pepler presented her a beautiful bouquet of flowers. Fire Chief Enslow then introduced his grandson Aaron who was also presented and thanked everyone with whom he has worked with over the past years.

Employee Service - Introductions were made by the department heads and Mayor Pepler presented five year service pins to: Andrew Capps, Police Department; Sean Flynn, Police Department; Jesse Marquez-Lomeli, Police Department; Laura Mechikoff, Police Department; Melissa Merriman, Police Department; Michael Merriman, Police Department; Alex Paredes, Police Department; Michael McMath, Fire Department; David Walker, Street Division, Public Works Department; Dave Commons, Administration, Municipal Utilities Department; Doug Headrick, Chief of Water Resources, Municipal Utilities Department; Lonny Young, Administration, Municipal Utilities Department; Laura Mattingly, Customer Service, Municipal Utilities Department; Rodney Pasillas, Solid Waste Division, Municipal Utilities Department; Joseph Sanchez, Wastewater Division, Municipal Utilities

Department; Richard Gonzalez, Building Division, Community Development Department; Sally Salas, Redevelopment Department; and Pamela Karr, A. K. Smiley Public Library.

Ten year service pins were presented to: Dale McCue, Street Division, Public Works Department; Gilbert Cancino, Wastewater Division, Municipal Utilities Department; and Cynthia Brooks, Purchasing Division, Finance Department.

Fifteen year service pins were presented to: Von Layel, Police Department; Todd McMeans, Police Department, Carlito Ventura, Police Department; Kenneth Wright, Police Department; Steve Fea, Fire Department; Tim Marshburn, Fire Department; Daniel Hanes, Cemetery Division, Municipal Utilities Department; Grey Campbell, Solid Waste Division, Municipal Utilities Department; and Richard Pepper, Building Division, Community Development Department.

Twenty year service pins were presented to: Irene Romero, Police Department, Rick Strobaugh, Police Department; Marc Tilson, Police Department; Fred Clark, Fire Department; and Charles Ford, Water Division, Municipal Utilities Department.

Twenty-five year service pins were presented to: City Treasurer Mike Reynolds; Peggy McVey, City Treasurer's Office; Patrick Beaver, Police Department; Sue La Russa-Fair, Community Services Division, Police Department; Ray Valdivia, Parks Division, Public Works Department; Janice Jones, A. K. Smiley Public Library; and Michael Sepulveda, Equipment Maintenance, Administrative Services Department.

In recognition of thirty years of service, a gold watch was presented to: Richard Baca, Wastewater Division, Municipal Utilities Department.

365 Club - Mayor Peppler, Deputy Police Chief Hyman and Civilian Volunteer Patrol member Jim Stellar presented "365 Club" membership certificates to its members. Mayor Peppler and Deputy Police Chief Hyman thanked the Civilian Volunteer Patrol members for all they do for the City.

## CONSENT CALENDAR

Minutes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the minutes of the adjourned regular meeting of June 7, 2005, and the regular meeting of June 7, 2005, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the report of the Planning Commission meeting held on June 14, 2005, was acknowledged as received.

Ordinance No. 2611 - Off-street Parking Requirements - Ordinance No. 2611, an ordinance of the City of Redlands amending Chapter 18.164 of the Redlands Municipal Code relating to off-street parking requirements for nonresidential uses, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gil.

Ordinance No. 2612 - California Electrical Code - Ordinance No. 2612, an ordinance of the City of Redlands amending Chapter 15.12 of the Redlands Municipal Code relating to the adoption of the 2004 California Electrical Code (California Code of Regulations, Title 24, Part 3) by reference and making amendments thereto, was unanimously adopted on motion of Councilmember Gilbreath, seconded by Councilmember Gilbreath.

EIR - Walton Development - Certification of the Final Environmental Impact Report for Zone Change Nos. 396 and 399, Conditional Use Permit Nos. 809 and 819, Tentative Tract Nos. 16465 and 16627, Agricultural Preserve Removal Nos. 104 and 105, and Demolition No. 79 was presented to the City Council for its consideration. Community Development Director Shaw reported the EIR for this project is being brought to the City Council to meet the deadline for completion of the environmental review process by June 29, 2005. The applicant is proposing to subdivide a combined total of 42 acres into 108 residential lots with two separate tentative tract maps on each side of Judson Street between Pioneer and San Bernardino Avenues. He reviewed the Planning Commission actions and recommendations and the environmental review. Representatives from the Chambers Group who prepared the EIR and the noise consultant were presented to answer questions. Representing the applicant, Pat Meyer addressed the City Council stating they are willing to work with the City, Planning Commission and Airport Advisory Board but that concerns go beyond the scope of this application. Several other landowners are also concerned. Expressing concerns about a residential development in such close proximity of the Redlands Municipal Airport were: George Lessard, Everett Hughes, John James, Bob Pierce, and Eric Paul. Gary Van Dorst, Municipal Utilities Department, and Charlotte Kranenburg, Airport Manager, also addressed the City Council. Following lengthy discussion, Councilmember Peppler moved to continue this discussion to June 28, 2005. Motion seconded by Councilmember George and carried unanimously. It was noted the adjourned regular meeting scheduled for June 28, 2005, is the last of the budget study sessions and is scheduled to begin at 9:30 A.M.

MOU - Trails - County Flood Control District - Councilmember Harrison expressed his appreciation to staff and moved to approve a memorandum of understanding with the San Bernardino County Flood Control District to allow

development of City trails within flood control right-of-way and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember George and carried unanimously.

Model Home Agreement - Beazer Homes Holdings Corporation - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the model home agreement for Tract No. 16390, located on the north side of Pioneer Avenue, approximately 600 feet west of Orange Street, and accept the associated faithful performance bond in the amount of \$80,000.00 to allow the development of a four-unit model home complex prior to the recordation of the final map subject to the conditions as recommended by staff and contained in the staff report, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Policy - Status of Environmental Reports - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously received a report from the Community Development department and supported staff providing the City Council updates on the status of environmental reports as submitted by outside entities to the City of Redlands.

Appointments - Human Relations Commission - On motion of Councilmember Peppler, seconded by Councilmember Gilbreath, the City Council unanimously appointed Sue Greenfeld to a four-year term on the Human Relations Commission. Councilmember Gil expressed his appreciation to Leanora Jimenez-Sims for her two terms of service on this commission. On motion of Councilmember Peppler, seconded by Councilmember George, the City Council unanimously appointed Charles Hyman to a four-year term on the Human Relations Commission as recommended by Mayor Peppler.

Proclamation - Safe Kids Summer - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously authorized issuance of a proclamation declaring the Summer of 2005 as *Safe Kids Summer* and calling upon all residents to help education families about summer safety.

Resolution 6414 - Locomotive Emissions - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6414, a resolution of the City Council of the City of Redlands expressing the City Council's support for Assembly Bill 1222 (Jones), Assembly Bill 888 (De La Torre), and Senate Bill 459 (Romero) which would enact locomotive and rail yard emissions reduction and mitigation programs, a remote sensing program and call upon the U. S. EPA to further limit locomotive emissions, as requested by the South Coast Air Quality Management District.

Agreement - Right-of-Way Acquisition Services - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Paragon Partners Ltd. to provide

right-of-way acquisition services for the Redlands Boulevard, Alabama Street and Colton Avenue improvement project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Contract Amendment - Redlands Sports Park - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a seventh amendment to the STB Landscape Architects' contract to provide construction drawings for the multipurpose trail along the north side of the parking lot at the Redlands Sports Park and in front of the detention basin along Dearborn Street in the amount of \$4,600.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Water Stock Lease - 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 Harrison moved to approve the lease of 98 shares of Crafton Heights Pipeline Company stock to Bear Valley Mutual Water Company for the 2005-06 water delivery season. Motion seconded by Councilmember George and carried by AYE votes of all present.

Water Stock Lease - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the lease of five (5) shares of Crafton Water Company stock to Debbie Prutsman for the 2005-06 water delivery season.

Agreement - Automated Meter Reading Business Case Study - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a consulting services agreement (with Exhibit C showing a total cost of \$58,945.00) with Cognyst Consulting, LLC for the purpose of conducting an automated meter reading business case study and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Information Technology Strategic Plan - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a consulting services agreement with Spacient Technologies, Inc. for the purpose of conducting an information technology strategic plan for the Municipal Utilities Department and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Hydraulic Model Update - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an agreement for engineering services with CH2MHill to update the Hydraulic Computer Model of the City of Redlands Water Distribution System and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Escrow Cancellation - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved the escrow cancellation instructions and release of the Buyer's initial deposit in the amount of \$20,000.00 for Assessor's Parcel No. 0168-121-13 (Standard Pacific Homes) and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Lease Agreement - Tree Farm - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a land lease agreement with Gilbert Soffel for City-owned property identified as APN 168-121-03 for the continued operation of the tree farm for the holiday season and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - Grant Award - Traffic Safety - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously accepted \$16,000.00 from the State of California Office of Traffic Safety for the Avoid 25 DUI Grant No. AL0468 and authorized an additional appropriation in the same amount to the Police Department to pay for police personnel overtime.

Independent Contractor Agreement - Multimedia Production Classes - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved an independent contractor agreement with Clifford Rothenberger to provide multimedia production classes at the Redlands Community Center and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Contract - Closed Circuit Television/Video Recording Systems - Contracts/proposals with Hamilton Pacific, L.P. for the purchase and installation of a closed circuit television/video recording system for Mariposa Elementary School and the Redlands Bowl were presented to the City Council for its consideration. Mayor Pepler asked if other schools had been asked to participate in this type of program. Deputy Police Chief Hyman responded they had been working with the Redlands Unified School District Superintendent Bob Hodges and noted that Mariposa School has a reputation of being haunted, and, as a result, the Police Department responds frequently to problems at that school. Councilmember Gil asked if the schools would ever be able to absorb some of the costs covered by the City such as school crossing guards. Councilmember Gil moved to approve the contracts/proposals with Hamilton Pacific, L.P. for the purchase and installation of a closed circuit television/video recording system for Mariposa Elementary School and the Redlands Bowl and authorized the Mayor to execute, and the City Clerk to attest to, the documents on behalf of the City. Motion seconded by Councilmember George and carried unanimously.

MOU - Redlands Association of Fire Management Employees - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously ratified a Memorandum of Understanding with the Redlands Association of Fire Management Employees and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

MOU - Redlands Association of Safety Management Employees - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously ratified a Memorandum of Understanding with the Redlands Association of Safety Management Employees and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Employment Relations Consortium - On motion of Councilmember Gilbreath, seconded by Councilmember Gil, the City Council unanimously approved a special services agreement with Leibert Cassidy Whitmore for special legal services associated with the East Inland Empire Employment Relations Consortium and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Housing Commission Report - The Housing Commission report regarding approval of budget and proposed housing program updates was continued to July 5, 2005.

## COMMUNICATIONS

Waste Diversion Mandates - Solid Waste Manager Gary Van Dorst reported on efforts to comply with recycling requirements under AB 939 and SB 1066. Staff is considering the completion of a new base year and solid waste generation study at the request of the California Integrated Waste Management Board. This action may result in a dramatic, albeit temporary increase, in the City's official diversion rate. The best long-term solution is to lobby for changes in how AB 939 compliance is measured. Councilmember Peppler moved to authorize staff to lobby elected officials and the California Integrated Waste Management Board staff for the purpose of revising current criteria for determining compliance with State-mandated waste diversion. Motion seconded by Councilmember Gil and carried unanimously.

Trust for Public Land - Polling Results - Councilmember Harrison reported the Redlands Conservancy and the Trust for Public Land contracted for a poll of Redlands' voters to assess public attitudes toward funding for a variety of public services related to parks, recreation and conservation. Councilmember George introduced Dr. Richard Barnard from Fairbank, Maslin, Maullin & Associates, who presented the results of this recent survey. Dr. Barnard reported that overall, the results show that most Redlanders are inclined to support a ballot measure to provide additional funding for these services; however, many voters qualified their support by saying that they would only "probably" support such a

measure and that total support falls short of the two-thirds supermajority that would be required for voter approval of a tax increase. He suggested that in the near term, the City would likely be best served by continuing to educate the public about current park and recreation service levels and future needs, and by further exploring the feasibility of funding options such as a benefit assessment district that would require less than two-third supermajority approval. In a PowerPoint presentation, Dr. Barnard reviewed the key specific findings of the survey.

Review of Emergency Action - Public Works Director Mutter gave an oral report on the status of emergency work being done in accordance with Resolution No. 6403, adopted May 31, 2005, relating to the determination that the dead citrus trees at the Redlands Sports Park site were a potential fire hazard to the surrounding area.

Funds - Grant - Traffic Safety Program - Councilmember Harrison reported the Redlands Traffic Safety Program Grant No. PT0607 is a 27-month grant beginning October 1, 2005, which addresses major traffic related safety issues such as DUI enforcement, education of high school students to promote resistance to drinking and driving and the enforcement of basic traffic laws to reduce injury/fatal vehicle collisions. Councilmember Gilbreath moved to accept \$242,500.00 from the State of California Office of Traffic Safety for the Redlands Traffic Safety Program Grant No. PT0607 and to authorize an additional appropriation in the same amount to the Police Department to pay for police personnel, overtime and equipment. Motion seconded by Councilmember Peppler and carried unanimously.

Redlands Safe Streets Program - In response to citizen concerns, Councilmember Harrison reported he has been meeting with representatives of the Police Department, Public Works Department and Traffic Commission to discuss creating an overall program through which a variety of traffic and pedestrian safety concerns can be addressed. The Safe Streets Program will establish an ongoing process to make our streets safer for motorists and pedestrians. The program will combine inputs from three areas to provide a comprehensive approach to understanding and resolving problems. Referred to as the 3 "E's", they are education, enforcement and engineering. He reviewed the goals of the Safe Streets Program and features currently under consideration for this program. The program will have a citywide reach; however, the first priority will be improving safety zones around schools and parks to improve safety for our children. Through discussions with the Police Department and Public Works Department, several low-cost ideas to make our streets safer for motorists and pedestrians have emerged. Programs are under study now for Cope and Clement Middle Schools, Franklin Elementary School and Community Field. Over time, the traffic safety team will look at each school and park in the City to identify low-cost high-impact safety measures that can



be implemented at each location. By consensus, the City Council was supportive of this program.

## NEW BUSINESS

Resolution No. 6399 - Edgemont Drive Extension - Mayor Peppler declared the meeting open as a hearing to consider a draft mitigated negative declaration and hold a public hearing for Resolution No. 6399, a resolution of necessity to acquire by eminent domain a fee interest in 1,204 square feet of real property located at 306 Edgemont Drive (Assessor's Parcel No. 294-161-08) to facilitate the extension of Edgemont Drive for public access and utilities to property within Parcel Map No. 8226. Community Development Director Shaw explained the nature and scope of the hearing and reported on how the real property proposed to be acquired relates to the City's purposes and the proposed project. Resolution No. 6399 will initiate the eminent domain process to acquire a fee interest as described above. The proposed acquisition would facilitate a 20 foot extension of Edgemont Drive for public access and utilities to the undeveloped, residential lots created by Parcel Map No. 8226. The property in question contains a level building pad and is developed with a single family dwelling. The subject site declines steeply at the rear of the property where the northeast corner of the site encroaches into the right-of-way at the northern terminus of Edgemont Drive. This condition prevents public access and utilities to Parcel Map No. 8226. The proposed property to be acquired is located at the base of this steep slope and is an unusable portion of the subject site. City Clerk Poyzer reported a notice was sent to the property owner by certified mail on May 17, 2005, and a letter dated June 1, 2005, was received from Tony Louka on June 7, 2005, indicating his wish to be heard at this meeting. Mr. Louka questioned the legality of the use of eminent domain, did not feel he was offered proper compensation for the loss of his view. Clifford Douglas, owner of Parcel Map No. 8226 said the staff report presented was accurate and he was available to answer any questions. Mike Scorliell, who is purchasing the property, conducted a due diligence research of the property and discovered that there was approximately a 20 foot gap between Parcel Map No. 8226 and Edgemont Drive; this action will correct the problem. There being no further comments, the hearing was declared closed. Councilmember Peppler moved to approve the negative declaration for Resolution No. 6399 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 Harrison and carried unanimously. Councilmember Peppler moved to adopt Resolution No. 6399. Motion seconded by Councilmember Harrison and carried unanimously.

Ordinance No. 2614 - CFD 2004-1 - Centex - Public Works Director Mutter presented Ordinance No. 2614 for consideration to levy special taxes for payment of the annual cost of maintenance of parks, parkways and open space within Community Financing District No. 2004-1 for property located at Fifth and Wabash Avenues for Tract No. 16408, the Centex Homes tract. The CFD was developed to cover the ongoing cost of maintenance along Fifth and Wabash Avenues, and administration by a private contract firm and City staff. Incorporated into the CFD was an inflation clause that allows for annual increases to the assessment based on the CPI or 2 percent, whichever is greater. On April 5, 2005, the City Council approved a contract with Albert Webb Associates for the preparation of the Fiscal Year 2005-06 annual assessments. Ordinance No. 2614, an ordinance levying special taxes to be collected during Fiscal Year 2005-06 for the payment of the annual cost of the maintenance of parks, parkways and open space within Community Facilities District No. 2004-1 of the City of Redlands, County of San Bernardino, State of California, 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 Ordinance No. 2614 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for July 5, 2005.

Resolution No. 6412 - VLF Receivable Finance Program - Finance Director Kundig explained this history of loss of vehicle license fees from the State and the gap repayment and the benefits of participation in the program for repayment under the California Statewide Communities Development Authority. Councilmember Gilbreath asked if the cash flow was needed. Councilmember Harrison asked about the deadline, and Finance Director Kundig replied the documents had to be received by July 8, 2005. With that in mind, Councilmember Harrison moved to continue this discussion to June 28, 2005. Motion seconded by Councilmember George and carried unanimously. The adjourned regular meeting scheduled for June 28, 2005, is the last of the budget study sessions and is scheduled to begin at 9:30 A.M.

#### CLOSED SESSION

The City Council meeting recessed at 6:16 P.M. to a closed session to discuss the following:

1. Conference with labor negotiators

Agency negotiators: John Davidson, Marjie Pettus and Tina Kundig

Employee organizations: Redlands Police Officers' Association and  
Redlands Professional Firefighters Association

The meeting reconvened at 7:00 P.M.

## PUBLIC HEARINGS

Resolution No. 6380 - Vacation of a portion of New York Street - Public hearing was continued from May 17, 2005, to this time and place to consider Resolution No. 6380 for the vacation of a portion of New York Street extending approximately 405 feet northerly of State Street. Due to a potential conflict of interest, Councilmember Harrison 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 the City Council approved General Plan Amendment No. 2005-2-B and Zone Change No. 401 to designate the Environmental Systems Research Institute (ESRI) campus for office use, and set a hearing date of May 17, 2005, to consider the proposed vacation of a portion of New York Street located north of the intersection of State Street and New York Street. At the May 17, 2005, hearing, the City Council heard comments from staff, the applicant and the public and continued the hearing to this time to allow the applicant and staff to look at possible improvements and traffic controls to the intersection of New York Street and Redlands Boulevard. Don Berry, representing ESRI, stated ESRI would finance a traffic signal at this intersection if deemed necessary by the City Council. The Public Works Director has provided a conceptual plan for the signalized T-intersection to Mr. Berry. Community Development Director Shaw reviewed the analysis and discussion of the proposed street vacation from the May 17, 2005, hearing. The Conditions of Approval for the street vacation have been revised from those in the May 17, 2005, staff report to include a revision to Planning Division Condition No. 6 in order to clarify details of the vacated portion of New York Street reverting to an easement as provided for in Resolution No. 6380, and to provide that the sidewalk along the east side of New York Street be excluded from the vacation and retained as City right-of-way. Condition No. 7 has been added to accept the ESRI offer to finance the design and installation of a traffic signal at the New York Street/Redlands Boulevard intersection. The development agreement is proposed to "lock-in" the use of the site and future expansion under the land use policies and regulations of the recently approved General Plan amendment and zone change for ESRI to provide for office uses at the facility on 27.94 acres.

Mayor Peppler declared the meeting open as a public hearing for any questions or comments. Speaking in support of the street vacation were: ESRI President Jack Dangermond, Steve Stockton, Ralph Davis, Carole Beswick, on behalf of the University of Redlands Senior Vice President Phillip Doolittle, Todd

Lushinsky, Janey Cole, Linda Hecht, John McAlearney, Leon Armantrout, Gena Engelfried, Steve Abbott, Shelli Stockton, and James Spee. Speakers who opposed the street vacation were: Marjorie Hickman, Phil Heller, Ron Paschall, Peggy Hartzell, Robert Frost, Harry French Smith, David Simpson, Mario Saucedo, Bill Young, and Jean Zeller. City Clerk Poyzer reported that as of the May 17, 2005, hearing, 15 communications were received opposing the closure; since that meeting, an additional 20 communications opposing the closure have been received. ESRI submitted a letter of support. And, a letter was received from the Gas Company noting an easement would be needed. Resolution No. 6380 does reserve an easement for both existing and future utility lines in New York Street. Mayor Pepler announced she had received communications today in support from Henry Van Mouwerik and Stan Weissner. ESRI representative Don Berry responded to comments heard at this meeting noting that it would be wonderful if the City Council approved this request but that ESRI would live with it if the City Council decided not to approve the street vacation. There being no further comments, the public hearing was declared closed at 8:36 P.M. Councilmember Gilbreath stated it made total sense to close this portion of New York Street. Councilmember Gil agreed with Dr. Spee's comment that the post office should move to the northern side of Redlands. Councilmember George stated he was a great admirer of ESRI and Mr. Dangermond, but that public streets belong to the public and he could not make the finding that the public interest and convenience required the vacation of this street.

Resolution No. 6380 - Councilmember Pepler moved to approved Resolution No. 6380, a resolution of the City Council of the City of Redlands ordering the vacation of a portion of New York Street located north of the intersection of State Street and New York Street (as depicted in Exhibit A of said resolution) subject to the conditions of approval attached to the staff report; directed the City Clerk to withhold recordation of the resolution to vacate until all conditions of approval have been met; and based on the following finding: that the portion of New York Street to be vacated is unnecessary for present or prospective public use and that the public interest and convenience require the vacating of a portion of such street as it is desirable in order to integrate the ESRI campus without a city public street bisecting it into two halves, and will facilitate increased pedestrian traffic as employees and customers traverse the campus. Motion seconded by Councilmember Gil and carried with Councilmember George voting NO and Councilmember Harrison having abstained due to a potential conflict of interest.

Ordinance No. 2613 - Development Agreement No. 19 - Ordinance No. 2613, an ordinance of the City of Redlands approving a development agreement with Environmental Systems Research Institute, was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember Gil, further reading of the ordinance text was waived, and Ordinance No. 2613 was introduced and laid over under the rules with adoption scheduled for July 5, 2005, with Councilmember George

voting NO and Councilmember Harrison having abstained due to a potential conflict of interest.

## LAND USE AND PUBLIC HEARINGS

Pre-Annexation Agreement No. 05-01 - Crestwood Corporation - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as a public hearing for a Socio-Economic Analysis and Cost/Benefit Study and a public hearing for Pre-Annexation Agreement No. 05-01 for consideration of a Pre-Annexation Agreement for a 44-lot subdivision on 13.66 acres located north of Colton Avenue, east of Agate Avenue and west of Crafton Avenue within the County of San Bernardino in Mentone area on land zoned RS (Single Residential) and 3M-RM (Multiple Residential) (3,000 square feet of land per unit), Crestwood Corporation, Applicant. Community Development Director Shaw described the proposed project for the pre-annexation agreement. Mayor Peppler declared the meeting open as a public hearing. Representing the developer, Mike Yeoman was available for questions. Councilmember Gilbreath asked about the open space requirements in the County. There being no further 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. 05-01 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 Gil 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. 05-01 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 Gil and carried unanimously.

Pre-Annexation Agreement No. 05-01 - Councilmember Gilbreath moved to approve Pre-Annexation Agreement No. 05-01. Motion seconded by Councilmember Gil and carried unanimously.

## UNFINISHED BUSINESS

Appeal - Minor Exception Permit No. 275 - Continued from the June 7, 2005, meeting as an appeal to Minor exception Permit No. 275 to a request by the applicants, Cheng Zhuang and Lijiang Zheng, to allow construction of six-foot high wrought iron fencing between six-foot masonry columns which included an automatic wrought iron entry gate portions of which were within the required front yard setback area at 2006 Canyon View Lane. The applicants applied for the requested fencing to provide privacy and add a decorative element to the subject property as is being done more and more in this area. In addition, the applicants have a large dog, and the fencing allows the dog to have an expanded area in which to run. Upon notification of the surrounding property owners of the proposed fence, no complaints or concerns were received regarding the requested fence. On April 29, 2005, the Fence Committee voted to approve the applicant's request. On May 5, 2005, Mrs. Holly Yonemoto filed an appeal against the approval of the fencing. Community Development Director Shaw explained that at the City Council hearing of June 7, 2005, staff was directed to attempt to mediate the differences between the applicant and the appellant to try and achieve a compromise between both parties prior to this meeting. On June 10, 2005, Mr. and Mrs. Zheng, their attorney Bryant MacDonald, and Holly Yonemoto met at the Community Development Department offices for an attempt to reach a compromise regarding the proposed fencing. Both sides explained what their exact requests were and several possible design changes were discussed. All possible angles were addressed, even the possibility of a property purchase agreement. At the conclusion of the deliberations, a potential compromise was to be separately discussed by both property owners giving time for both parties to consider all possibilities regarding the potential compromise. Attorney MacDonald addressed the City Council on behalf of the Zhengs announcing a surveyor is coming this week to determine the exact property lines. He urged the City Council to uphold the Fence Committee's recommendation. Accompanied by her husband, Mrs. Yonemoto addressed the City Council. At one point during the hearing, all five of the parties involved were at the public microphone. Councilmember Harrison intervened to clarify the compromise. Councilmember Harrison moved to deny the appeal and support an additional condition of approval that limits the height of the wrought iron fence for that portion to the front of the neighbor's house to not exceed four feet in height measured from the adjacent grade. Motion seconded by Councilmember George and carried unanimously.

## PUBLIC COMMENTS

Northside Improvements - Jamie Honeter asked the City Council when would sidewalks be installed to connect the handicap ramps currently being installed in portions of north Redlands.

## ADJOURNMENT

There being no further business, the City Council meeting adjourned at 9:18 P.M. to an adjourned regular meeting to be held on June 22, 2005, at 10:30 A.M. in the City Council Chambers, 35 Cajon Street, Redlands, California. The City Council will also hold an adjourned regular meeting on June 28, 2005, at 9:00 A.M. (changed to 9:30 A.M. at the June 22, 2005, meeting) in the City Council Chambers, 35 Cajon Street, Redlands, California. The next regular meeting will be held on July 5, 2005.

/s/ Lorrie Poyzer, City Clerk  
Redlands, California