

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 October 18, 2005, at 3:00 P.M.

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

ABSENT Susan Pepler, Mayor

STAFF John Davidson, City Manager; Daniel J. McHugh, City Attorney; Beatrice Sanchez, Deputy City Clerk; Michael Reynolds, City Treasurer; Jim Bueermann, Police Chief; Jim Drabinski, 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 Harrison followed by the pledge of allegiance.

#### CONSENT CALENDAR

Minutes - On motion of Councilmember Harrison, seconded by Councilmember George, the minutes of the regular meeting of October 4, 2005, were approved as submitted.

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

Planning Commission Report - On motion of Councilmember Harrison, seconded by Councilmember George, the report of the Planning Commission scheduled for October 11, 2005, was acknowledged as received.

Notice of Environmental Actions - On motion of Councilmember Harrison, seconded by Councilmember George, the report on pending environmental actions received from surrounding jurisdictions was acknowledged as received.

Bridge Replacement Project - On motion of Councilmember Harrison, seconded by Councilmember George, the City Council accepted, by AYE votes of all present, substitution of securities documents from MCM Construction for the Alabama and Orange Street Bridge Replacement Project and authorized the Mayor Pro Tem to execute, and the Deputy City Clerk to attest to, the document on behalf of the City.

Agreement - Right-of-Way Improvements - On motion of Councilmember Harrison, seconded by Councilmember George, the City Council approved, by AYE votes of all present, an agreement for design and construction of public right-of-way improvements with Mountainview Power Company, LLC and authorized the Mayor Pro Tem to execute, and the Deputy City Clerk to attest to, the document on behalf of the City.

Independent Contractor Agreement - Eileen Vance - On motion of Councilmember George, seconded by Councilmember Harrison, the City Council approved, by AYE votes of all present, an independent contractor agreement with Eileen Vance for craft classes and authorized the Mayor Pro Tem to execute, and the Deputy City Clerk to attest to, the document on behalf of the City.

Funds - COPS Grant - On motion of Councilmember Harrison, seconded by Councilmember George, the City Council accepted the United State Department of Justice COPS 2005 Technology grant and authorized an additional appropriation in the amount of \$739,982.00 to replace the computer-aided dispatch and records management software, by AYE votes of all present.

Funds - Agreement - School Crossing Guards - On motion of Councilmember Harrison, seconded by Councilmember George, the City Council approved, by AYE votes of all present, an addendum to the current agreement with All-City Management for crossing guard services to add one crossing guard at E. M. Cope Middle School, authorized the Mayor Pro Tem to execute, and the Deputy City Clerk to attest to, the document on behalf of the City, and approved, by AYE votes of all present, an additional appropriation in the amount of \$7,932.00.

MOU - University of Redlands - On motion of Councilmember Harrison, seconded by Councilmember George, the City Council approved, by AYE votes of all present a memorandum of understanding with the University of Redlands allowing the University of Redlands Department of Public Safety Officers to exercise powers of arrest during the course of their employment.

Bid Award - Networking Equipment - On motion of Councilmember Harrison, seconded by Councilmember George, the City Council approved, by AYE votes of all present, award of a bid for the purchase of Cisco networking equipment to Federal Network Services, Inc. for an amount not to exceed \$70,978.80.

Pre-Disaster Mitigation Grant Application - Detention Basin - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council authorized, by AYE votes of all present, staff to apply for 2006 Pre-Disaster Mitigation Grant funding for the acquisition of a 38-acre parcel of land generally located on the north side of Colton Avenue between Opal and Walnut Streets for a detention basin.

Storm Drain Easement - Temporary Construction Easement - On motion of Councilmember Harrison, seconded by Councilmember George, the City Council approved, by AYE votes of all present, a grant of storm drain easement, 28 feet in width, and a grant of easement for temporary construction purposes, 40 feet in width, on Assessor Parcel No. 292-041-36, which is located on the east side of Nevada Street, north of Palmetto, to the County of San Bernardino and authorized the Mayor Pro Tem to execute, and the Deputy City Clerk to attest to, the document on behalf of the City.

LAFCO Committee - On motion of Councilmember Harrison, seconded by Councilmember George, the City Council authorized, by AYE votes of all present, the Mayor to send a letter to the San Bernardino County Local Agency Formation Commission designating Douglas Headrick, Chief of Water Resources, as the primary and Greg Gage, Utilities Project Manager, as the alternate to a committee formed to evaluate the potential consolidation of the San Bernardino Valley Water Conservation District with the San Bernardino Valley Municipal Water District.

## COMMUNICATIONS

Tobacco Retailers Licensing - By consensus this item was moved to the evening portion for the convenience of invited participants.

Proclamation - Jean Lafitte, Louisiana, Relief Day - Councilmember George explained that Jean Lafitte was named after a French pirate who, during the War of 1812, joined the Americans to battle the British in the battle of New Orleans in 1815. He reviewed the events and level of destruction that resulted from Hurricane Katrina and Hurricane Rita which struck Jean Lafitte late summer. At the last Council meeting, the Council agreed to support the recovery efforts. A donation telephone number was also designated and on Sunday, October 23rd, a "Jean Lafitte Relief Day" will be held at the Bowl featuring local bands; service clubs and churches are major participants in accepting donations for the Relief Fund. At least two ministers from Jean Lafitte will be taking part in the rally and it is anticipated their Mayor Tim Kerner will also travel to Redlands. By consensus, Council authorized a proclamation declaring October 23, 2005, as "Jean Lafitte, Louisiana, Relief Day." Councilmember George then called on Chief of Water Resources Douglas Headrick to describe his experiences when he traveled to Jean Lafitte with Pastor Felix Roger Jones, III, which included touring the area on an airboat. Mr. Headrick portrayed how much was lost by the residents but they are especially in need of small refrigerators and bedding.

Surplus Property - Councilmember George moved to declare Vehicle Nos. 520, 523, 539, 841, 844, 899, 919, and 920 as surplus personal property pursuant to the Redlands Municipal Code Section 2.16.250. Motion seconded by Councilmember Gilbreath and carried by AYE votes of all present.

Disposition of the declared surplus property by means of a public auction or conveyance to another public agency is being researched further by staff.

The City Council meeting recessed at 3:11 P.M. and reconvened at 7:00 P.M.

## PRESENTATIONS

California Arts Day - Sherli Leonard, Chairman of the Cultural Arts Commission, read an editorial on California Arts Day that was published in the Redlands Daily Facts on September 30, 2005. Mayor Pro Tem Gil, assisted by Sherli Leonard, presented Certificates of Recognition for support of the arts in Redlands in commemoration of California Arts Day to Dr. Jon Robertson, Director of the Redlands Symphony Orchestra (accepted by his daughter); Curtiss Allen, Sr., former Cultural Arts Commissioner and Director of the Redlands 4th of July Band and leader of the Community Sing at the Redlands Bowl; Janet Edwards, visual artist; Cliff Cabanilla, founder and director of the Redlands Theatre Festival; Jeffrey Rickard, director of choral activities at the University of Redlands; Shirley Harry, proprietor of EOS Gallery; and Nelda Stuck, former "Our Town" editor of the Redlands Daily Facts. In addition to the above presentations, seven area sixth graders were present and displayed their artwork they created when they were in the fourth grade, which were reproduced into note cards and are available for sale to support the arts.

Tobacco Retailers Licensing - Councilmember Harrison said the Redlands Daily Facts recently printed a letter from Ann Davis-Schultz questioning whether City Council candidates would support the licensing of tobacco retailers, and he thought it appropriate for this item to be placed on the agenda for City Council consideration and possible action. A licensing ordinance is a legal option available to the City that would strengthen local enforcement options to prohibit retailers from selling tobacco to minors under the STAKE (Stop Tobacco Access to Kids Enforcement) Act. The City can hold the owner of the store responsible, while under Penal Code Section 308, only the clerk who sells is responsible. It provides a revenue source to the City to pay for or enhance existing enforcement efforts. So, arguable, it is a way of paying for an enforcement program that benefits the youth of the community at no cost to the City. If a majority of the City Council is interested in the preparation of an ordinance to license tobacco retailers, Councilmember Harrison recommended a staff member attend a meeting sponsored by the County Health Department on November 2, 2005, at 2:00 P.M. in the Joshua Room at the County Government Center and provide a report of that meeting to the City Council at a future meeting. Speaking in support of licensing tobacco retailers were Ann Davis-Schultz, Coalition for a Tobacco Free San Bernardino County, Esther Jimenez, San Bernardino County Department of Public Health, Michele Jacknik, MSED, San Bernardino County Department of Public Health, and Bob Peterson, Riverside County Tobacco Licensing. Mr. Peterson explained how Riverside County is enforcing their ordinance similar to restaurant grading and the

licensing fees pay for enforcement. Councilmembers questioned how fee amounts are established and enforcement. Councilmembers concurred with Councilmember Harrison that this is something we should continue to explore and directed the City Manager to assign the appropriate staff to pursue.

#### ANNOUNCEMENTS/REPORTS

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

#### LAND USE AND PUBLIC HEARINGS

Cingular Wireless, Applicant - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration for consideration of Conditional Use Permit No. 856 for a 100 foot high cellular tower for a wireless telecommunication facility and approval of a lease agreement for a 1,000 square foot area at 31280 B Helen Court (Sunset Reservoir Water Facility), located south of the southern terminus of Helen Court in the O (Open Land) District. Municipal Utilities Director Phelps described the proposed project.

Mitigated Negative Declaration - Councilmember Gilbreath moved to approve the Environmental Review Committee's mitigated negative declaration for a wireless service facility (Conditional Use Permit No. 856) at Sunset Reservoir, 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 by AYE votes of all present.

Land Lease Agreement - Councilmember Gilbreath moved to approve the wireless service facility land lease agreement with New Cingular Wireless PCS at the Sunset Reservoir. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

#### PUBLIC HEARING

Ordinance No. 2623 - Zone Change No. 420 - Public notice was advertised for this time and place to consider an Addendum to a Draft Mitigated Negative Declaration as well as a public hearing for Ordinance No. 2623, Zone Change No. 420, a change of zone from unincorporated San Bernardino County RS-1 (Single Family Residential, one dwelling unit per acre) to the City of Redlands' R-E (Residential Estate) District on 0.24 acres, APN 299-213-16, located on the east side of Wabash Avenue, north of Interstate 10 Freeway - City of Redlands, Applicant. Mayor Pro Tem Gil declared the meeting open as a public hearing. Community Development Director Shaw described the proposed zone change. There being no further comments, the public hearing was declared closed. There

were no questions or comments from the audience and the public hearing was declared closed.

Addendum to Mitigated Negative Declaration - Councilmember Gilbreath moved to approve the addendum to the mitigated negative declaration for Zone Change No. 420, Tentative Tract No. 16586, and Conditional Use Permit No. 815 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 by AYE votes of all present.

Ordinance No. 2623 - Zone Change No. 420 - Ordinance No. 2623 an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code revising the City's Land Use Zoning Map and effecting Zone Change No. 420, was read by title only by Deputy City Clerk Sanchez, and on motion of Councilmember Gilbreath, seconded by Councilmember Harrison, further reading of the ordinance text was waived, and Ordinance No. 2623 was introduced and laid over under the rules with adoption scheduled for November 1, 2005, by AYE votes of all present.

#### UNFINISHED BUSINESS

Parolee Housing - Based on the City Council discussion on October 2, 2005, staff has prepared a written report describing the measures taken to alleviate the condition which led to the adoption of an interim zoning ordinance (Ordinance No. 2622) which initiated a prohibition on the approval of non-state licensed parolee homes. A public hearing for consideration of extending the hearing will be advertised for the November 1, 2005, meeting when it is anticipated that all City Council members will be present. Community Development Director Shaw reported staff has initiated work on preparing implementing ordinances and regulations. This includes collecting information pertaining to how other jurisdictions regulate group homes and defining what constitutes a convalescent home, a board and care home, foster home, group home and family home. This information will be important as staff comes back to the City Council with recommendations. Staff has also identified members of the focus group who will assist in the preparation of an ordinance. The process of preparing and adopting implementing ordinances and regulations will take several months. Community Development Director Shaw reviewed the schedule for the process. Councilmember Gilbreath moved to receive staff's written report. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

#### NEW BUSINESS

Railroad Quiet Zones - Public Works Director Mutter reported staff has met with Tandy Hill and Stacy Boyle to discuss the establishment of a quiet zone

along the Union Pacific Railroad at the Alessandro Road crossing. A letter from the proponents was included in the staff report outlining their request. Also attached was copy of the quiet zone feasibility study for the Alessandro Road crossing. This study provides details regarding the Federal regulations and procedures involved in the process. Staff has reviewed the feasibility study and would concur there is a viable option that may address the noise created by train horns at the crossing. The option is also economically feasible. The proponents have offered to raise the necessary funds so that no funding would be required from the City of Redlands. Staff would also concur that the proceedings and applications could be initiated as outlined in the report; however, there would be some time impacts to City staff. After introducing Tandy Hill, Stacy Boyle read a prepared letter to Council which outlined the following: the Federal Railroad Administration adopted rules, that a preliminary feasibility report by Chris Becker & Associates has already been prepared (at no cost to the City), stating they have received support from Congressman Lewis, funding support from the area residents, and that Ron Mutter suggested the entire cost for the Quiet Zone would be no more than \$50,000. The residents believe that they will be able to raise the funds and there will be no immediate fiscal impact to the City. Mr. Tandy Hill confirmed the City Manager's remark that in an e-mail he pledged \$5,000 towards the project. Councilmember Gilbreath moved to direct staff to initiate appropriate proceedings and submit applications for the establishment of quiet zones along the Union Pacific Railroad at the Alessandro Road crossing at no cost to the City. Motion seconded by Councilmember Harrison and carried by AYE votes of all present.

#### PUBLIC COMMENTS

None forthcoming.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:01 P.M. The next regular meeting will be held on November 1, 2005.

/s/ Beatrice Sanchez, Deputy City Clerk  
Redlands, California