

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, at 3:00 P.M. on December 5, 2000.

PRESENT

Pat Gilbreath, Mayor  
Gary George, Mayor Pro Tem  
John L. Freedman, Councilmember  
Susan Pepler, Councilmember  
Karl N. "Kasey" Haws, Councilmember

Larry E. Burgess, Interim City Manager  
Daniel J. McHugh, City Attorney  
Lorrie Poyzer, City Clerk  
Michael Reynolds, City Treasurer  
Jim Bueermann, Police Chief  
Mel Enslow, Fire Chief  
Bonnie Johnson, Finance Director  
Rod Hill, Assistant Finance Director  
Ronald C. Mutter, Public Works Director  
Gary G. Phelps, Municipal Utilities Director  
Jeffrey L. Shaw, Community Development Director

ABSENT

None

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

CONSENT CALENDAR

Minutes - On motion of Councilmember Haws, seconded by Councilmember Freedman, the minutes of the special meeting of November 21, 2000, and the regular meeting of November 21, 2000, were approved as submitted.

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

Ordinance No. 2460 - Zone Change No. 376 - Ordinance No. 2460, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting an additional land use zoning plan as part of the Official Land Use Zoning Map and effecting Zone Change No. 376, pre-zoning of the Greenspot Annexation area to A-1 (Agricultural) District and O (Open Space) District for 460 acres located north and east of the existing City limits, west of Emerald Avenue and south of Villers Street, was unanimously adopted on motion of Councilmember Haws, seconded by Councilmember Freedman.

Resolution No. 5822 - DBE Program - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously adopted Resolution No. 5822, a resolution of the City of Redlands establishing a Disadvantaged Business Enterprise (DBE) Program, appointing a DBE liaison officers, and establishing DBE goals for the period October 1, 2000, through September 30, 2001. State and federal agencies require this program prior to performing street construction of transportation related projects using federal and/or state highway monies.

Agreement - WIC Program - On motion of Councilmember Pepler, seconded by Councilmember Freedman, the City Council unanimously approved an amended Community Center facility use agreement with San Bernardino County Women-Infant-Children (WIC) program and authorized the Mayor and City Clerk to execute the agreement on behalf of the City, with the understanding Police Chief Bueermann will explore a possible relocation of this program to the Healthy Families Center.

Agreement - Boys and Girls Club of Redlands - Councilmember George asked for an update on the status of a permanent home for the Boys and Girls Club of Redlands. Public Works Director Mutter reported staff is working with them, but that their directors need to make some decisions before proceeding Councilmember George moved to approve a Community Center facility use agreement with the Boys and Girls Club of Redlands and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. Motion seconded by Councilmember Haws and carried unanimously.

Agreement - Junior All American Football - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved a rental agreement with Junior All American Football for use of Community Park fields and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Settlement Agreement - Osborn - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved a settlement and release agreement with Mark and Karen Osborn, San Bernardino Superior Court Case No. SCVSS 61552, and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Funds - AB 2766 Subvention Funds - Website - Councilmember George explained the City has been awarded grant funding for the acquisition and implementation of an alternative fuel trolley system for downtown Redlands. However, the grant funding does not provide for the ongoing operation of the project. Fortunately, the project does meet the criteria to be funded with AB 2766 subvention allocations. These annual allocations, which must be used to reduce pollution, are currently used by the City to fund the rideshare program

as well as the City's website maintenance contract. Following discussion, Councilmember George, moved to continue the request to reallocate AB 2766 subvention funds toward the operation of the Downtown Trolley Project and an additional appropriation for the continuation of the City's website to the December 12, 2000, study session and the December 19, 2000, meeting for action. Motion seconded by Councilmember Haws and carried unanimously.

Settlement Agreement - Alderete - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously approved a settlement and release agreement with Lydia M. Alderete, San Bernardino Superior Court Case No. SCVSS 68410, and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Release of All Claims - Trujillo - On motion of Councilmember Haws, seconded by Councilmember Freedman, the City Council unanimously acknowledged receipt of an agreement for full and final release of all claims with Daniel William Trujillo, San Bernardino County Superior Court Case No. SCV 50840. The settlement amount is within the settlement authority of the Finance Department; no action is necessary by the City Council.

Funds - Office Equipment/Furniture - The request for an additional appropriation to purchase three workstations for the Planning Division and for a copier for the Building and Safety Division was withdrawn from the agenda.

## PLANNING AND COMMUNITY DEVELOPMENT

Minor Subdivision No. 236 - Time Extension - An application for the extension of time to allow for the subdivision of approximately 65.5 acres of land into four parcels and a remainder parcel in the A-1 (Agriculture) District located west of Lisa Marie Lane, south of San Timoteo Canyon Road (Terrance Emershy, applicant) has been processed by the Planning Division. Responding to Councilmember Freedman's question, Community Development Director Shaw said this matter will be scheduled on the December 19, 2000, agenda for a discussion of alternative development standards which may require a request for an amended application, but that this time extension is needed to keep the map alive as previously approved. Councilmember Freedman moved to determine that no subsequent environmental documents are necessary for the City Council's one year extension for Minor Subdivision No. 236 which is consistent with the previous Mitigated Negated Declaration prepared for the minor subdivision and Agriculture Preserve Removal which were approved by the City Council on July 2, 1996, as part of Agriculture Preserve Removal No. 90 subject to the findings contained in the staff report, and to approve a one year time extension for Minor Subdivision No. 236 extending approval until December 3, 2001. Motion seconded by Councilmember Haws and carried unanimously.

## COMMUNICATIONS

Tax Exempt Financing Assistance - Spring Pacific Properties - City staff has received a request from a developer of property located in the northwest area of the City to consider the formation of an assessment district or a Mello-Roos Community Facilities District for the purpose of assisting the developer to obtain tax exempt financing for the construction of street, storm drain and other infrastructure necessary for the development of his project. The developer is Spring Pacific Properties and the property is within the geographic area being considered by Hershey's and Stater Brothers' Markets for distribution facilities. Finance Director Johnson introduced Jim Cervantes, with our financial consultant, Stone & Youngberg, and William Bothwell, our bond counsel, Herrington & Sutcliffe, to explain the legal and practical considerations of providing tax exempt financing to this developer. A brief presentation was made and questions answered. Councilmember Haws moved to direct staff to investigate this request further and to bring forth policies and guidelines for the City Council's review at the study session scheduled for December 12, 2000, and the next regular meeting on December 19, 2000. Motion seconded by Councilmember Freedman and carried unanimously.

Rideshare Policy - Interim City Manager Burgess reported that on October 16, 1990, in response to the South Coast Air Quality Management District's mandate that employers develop "a trip reduction plan" for their employees, the City Council established a rideshare program with incentives for employees to rideshare. An updated version of the policy has been prepared and shared with the presidents of each employee bargaining unit and is now presented for the City Council's consideration. Implementation of this policy will not have any fiscal impact since this policy does not propose changing any of the monetary incentives for ridesharing. Councilmember Pepler moved to approve the City of Redlands rideshare policy as updated. Motion seconded by Councilmember Freedman and carried unanimously.

Donation - Water Conservation and Awareness Education - Municipal Utilities Director Phelps reported Mariposa Elementary School has requested a cash donation in the amount of \$500.00 to be used to purchase irrigation drip system supplies that will help establish habitat gardens that utilize efficient irrigation methods on two acres of land at their school. To assist in fulfilling the public information and education goals of the Urban Water Management Plan, the Water Division supports and encourages voluntary education programs organized by the public and particularly activities by our schools. These creative programs augment and enhance existing City programs which all work together to assist the City in managing its water supply through conservation efforts. It was noted Emily Bueermann was in the audience for any questions regarding this request. Councilmember George moved to approve this request

from Mariposa Elementary School as recommended by staff. Motion seconded by Councilmember Haws and carried unanimously.

Sports Complex - Mayor Gilbreath announced the City Council will meet with the Parks Commission, Recreation Commission, Planning Commission, Airport Advisory Board, and various organizations on Thursday, December 14, 2000, at 6:00 P.M. in these Chambers to discuss the scope of project for the proposed sports complex at San Bernardino and Wabash Avenues.

Workshop - Goals - Councilmember Pepler explained her perception of the format for a workshop session to review the overall planning of development and redevelopment for the City. It was noted this workshop will also include financing information and further discussion regarding the proposed Sports Complex. Councilmembers concurred to meet on December 12, 2000, from 8:00 A.M. to noon in the City Council Chambers.

Nuisance Abatement - San Timoteo Canyon - Councilmember Freedman expressed his concern about illegal dumping of trash on private property, especially as is now occurring in San Timoteo Canyon. He asked the City Council to take an aggressive approach towards cleaning up these nuisance properties utilizing a program similar to our Weed Abatement Program. City Attorney McHugh explained the process for nuisance abatements under the Redlands Municipal Code.

#### JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 5823 - Neighborhood Initiative Program - Councilmember Pepler moved to adopt Resolution No. 5823, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Project Area for the Neighborhood Initiative Program to implement an additional four participant agreements which will be acted upon by the Board of Directors of the Redevelopment Agency. Motion seconded by Councilmember Freedman and carried unanimously. (Also see Redevelopment Agency minutes for December 5, 2000.)

#### CLOSED SESSION

The City Council meeting recessed at 3:59 P.M. to a Redevelopment Agency meeting and reconvened at 4:01 P.M. to a closed session to discuss the following:

- a. Conference with labor negotiator - Government Code Section 54957.6
- Agency negotiator: Renée Mayne, Labor Management Success

Employee organizations: Redlands Association of Mid-Management Employees, Redlands Police Officers Association, Redlands Association of Safety Management Employees, Redlands Professional Fire Fighters Association

- b. Conference with real property negotiator Government Code Section 54956.8  
Property: APNs 168-291-09 and 170-301-03  
Negotiating parties: Public Works Director Mutter and Los Angeles County Metropolitan Transportation Authority  
Under negotiation: Terms and price
- c. Conference with real property negotiator Government Code Section 54956.8  
Property: APNs 171-341-10, 11, 12  
Negotiating parties: Deb Craney and Dave Higginson  
Under negotiation: Terms and price
- d. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a) - Raul Aspe v. City of Redlands - SCISS 61642
- e. Conference with real property negotiator Government Code Section 54956.8  
Property: APN 175-122-01  
Negotiating Parties: Gary George and Josephine Hogue  
Under negotiation: Terms and price
- f. Conference with real property negotiator Government Code Section 54956.8  
Property: APNs 175-122-06, 175-131-14, 175-221-07, 175-231-01, 175-241-01, 175-251-04, 294-091-33  
Negotiating Parties: Gary George and Louis and Linda Cardinal  
Under negotiation: Terms and price
- g. Conference with real property negotiator Government Code Section 54956.8  
Property: APNs 175-122-07, 175-131-11  
Negotiating Parties: Gary George and Paul and Mary Muro  
Under negotiation: Terms and price
- h. Conference with real property negotiator Government Code Section 54956.8  
Property: APNs 175-131-19, 20, 21, 175-241-03  
Negotiating Parties: Gary George and Peter and Helen Tsamous  
Under negotiation: Terms and price
- i. Conference with real property negotiator Government Code Section 54956.8  
Property: APN 175-131-22  
Negotiating Parties: Gary George and Hany Talya  
Under negotiation: Terms and price
- j. Conference with real property negotiator Government Code Section 54956.8  
Property: APN 175-221-02  
Negotiating Parties: Gary George and Larry and Janette Curti  
Under negotiation: Terms and price
- k. Conference with real property negotiator Government Code Section 54956.8  
Property: APN 175-241-02  
Negotiating Parties: Gary George and Kenneth and Nancy Nielsen  
Under negotiation: Terms and price

- l. Conference with real property negotiator Government Code Section 54956.8  
 Property: APN 175-481-01  
 Negotiating Parties: Gary George and Larry and Lewis Curti  
 Under negotiation: Terms and price
- m. Conference with real property negotiator Government Code Section 54956.8  
 Property: APN 175-481-06  
 Negotiating Parties: Gary George and Laura Ramirez  
 Under negotiation: Terms and price
- n. Conference with real property negotiator Government Code Section 54956.8  
 Property: APNs 175-481-11, 12, 13  
 Negotiating Parties: Gary George and Smiley Ridge Homeowners  
 Association, Inc.  
 Under negotiation: Terms and price
- o. Conference with real property negotiator Government Code Section 54956.8  
 Property: APNs 175-251-01, 06  
 Negotiating Parties: Gary George and Delroy McFarlane  
 Under negotiation: Terms and price
- p. Conference with real property negotiator Government Code Section 54956.8  
 Property: APN 175-251-07  
 Negotiating Parties: Gary George and Jeffrey and Megan Capen  
 Under negotiation: Terms and price
- q. Conference with real property negotiator Government Code Section 54956.8  
 Property: APNs 294-091-32, 294-091-39  
 Negotiating Parties: Gary George and Tandy Hill  
 Under negotiation: Terms and price
- r. Conference with real property negotiator Government Code Section 54956.8  
 Property: APN 294-091-47  
 Negotiating Parties: Gary George and Susan Wells  
 Under negotiation: Terms and price
- s. Conference with real property negotiator Government Code Section 54956.8  
 Property: APN 294-091-48  
 Negotiating Parties: Gary George and Roland and Terri Neufeld  
 Under negotiation: Terms and price
- t. Conference with real property negotiator Government Code Section 54956.8  
 Property: APNs 175-011-04, 21  
 Negotiating Parties: Gary George and Peter Miko and Cherril Doty  
 Under negotiation: Terms and price

The meeting reconvened at 7:00 P.M.

CLOSED SESSION REPORT

San Timoteo Canyon - EPA Grant - City Attorney McHugh reported the City Council, during its closed session, authorized the City Manager and City Attorney to explore the possibility of acquiring some of the property listed

above in relation to the San Timoteo Canyon/EPA Grant project. It was noted that this project does not apply to all of the properties listed above.

### PUBLIC COMMENT

Leaf Blower Complaint - Roger Halsell, who lives on Clifton Court near Kingsbury Elementary School, complained about the daily use of leaf blowers beginning at the hour of 6:07 A.M. He has complained to school personnel, but there has not been any cooperation as the City does not have a noise ordinance. He asked the City Council to look at this issue and suggested regulations be established to control the hours of use for these extremely noisy pieces of equipment.

### JOINT MEETING - REDEVELOPMENT AGENCY AND CITY COUNCIL

Third Amendment - Redevelopment Plan - Mayor Gilbreath declared the joint public hearing of the Redlands City Council and the Redevelopment Agency of the City of Redlands on the proposed Third Amendment to the Redevelopment Plan for the Redlands Redevelopment Project open. She announced the purpose of this joint public hearing is to consider the proposed Third Amendment to the Redevelopment Plan, as amended, for the Redlands Redevelopment Project and the Environmental Impact Report (EIR) prepared in connection therewith. Staff will present evidence and testimony regarding the amendment and the EIR, and public testimony in connection with the amendment and EIR will be heard. Mayor Gilbreath further announced that under law it was her responsibility to preside over this joint public hearing. The State law under which this meeting is held is Part 1 of Division 24 of the Health and Safety Code, commencing with Section 33000 (commonly referred to as the "Community Redevelopment Law") and the California Environmental Quality Act, commencing with Section 21000 of the Public Resources Code (commonly referred to as "CEQA"). At this time, she called upon staff for a report. Community Development Director Shaw reviewed the proposed Third Amendment to the Redevelopment Plan, as amended. This amendment reestablishes the time limit for the commencement of eminent domain proceedings to acquire property within the Project Area. The amendment provides that all property in the Project Area is subject to acquisition by eminent domain, except the Redevelopment Agency shall not acquire by eminent domain property on which persons reside. The amendment also provides that the land uses permitted by the Redevelopment Plan will be those permitted by the City's General Plan, zoning ordinances, the East Valley Corridor Specific Plan, and the Downtown Specific Plan. The Final Environmental Impact Report was prepared by Cotton Beland Associates, Inc. to evaluate the potential adverse environmental impacts of the Project. It identifies air quality, traffic, noise, agricultural resources, and historic resources as significant impacts that cannot be avoided. Table ES-1 within the Executive Summary provides a summary of the environmental impacts and mitigation

measures. The 45 day public review period for the draft EIR was completed on October 12, 2000. On November 6, 2000, the City received an additional response from the Department of Toxic Substances Control; that letter is contained in the staff report prepared for this meeting. Mr. Shaw then reviewed the actions needed at this meeting. Mayor Gilbreath opened the meeting as a public hearing for any questions or comments.

Written communications were received prior to this meeting from the following: Tim and Dodie Farmer, Redlands Foothill Groves, Leah R. Reading, Climet Instruments, Ken Aday, Liz Beguelin, Christofer Chapman of the Redlands Junior Academy and Redlands Seventh Day Adventist Church, Southeastern California Conference, and attorney John Mirau on behalf of Redlands Joint Venture and the United Donut Hole Owners Property Association. Expressing concerns about the Church Street Widening Project, which is a totally separate project, were: David and Conseluo Buckley; these residents were referred to staff. Comments pertaining to the proposed Third Amendment were received as follows: Gene O'Neal representing Leah Reading who is opposed and wanted more information; Liz Beguelin addressed the historic resources located within the Redevelopment Project Area; Bob Roberts who represented himself and several other property owners requested this hearing be continued until a detailed implementation plan was available; Renee Chavez whose parents own property on Stuart Avenue did not feel this was an efficient use of eminent domain; Kathi Berman, Sunny Cal Milling, Inc., expressed concern about the relocation of the feed mill; and Mary Weller said she had seen a sharp decline in her property value since this matter came up. There being no further comments, the public hearing was closed. Mayor Gilbreath explained that the City Council's only objective was to get eminent domain powers back and that it was not their intent to incur any debt. She responded to several questions from the audience assuring residents that it was not the intention of the Redevelopment Agency to acquire by eminent domain property on which persons reside.

Redevelopment Advisory Board - Mayor Gilbreath moved to reactivate the Redevelopment Advisory Board. Motion seconded by Councilmember Pepler and carried unanimously. Applications will be accepted and appointments to this board will be made by the City Council.

Resolution No. 5824 - Final EIR - Redevelopment Plan Amendment - Councilmember Haws moved to adopt Resolution No. 5824, a resolution of the City Council of the City of Redlands certifying the Final Environmental Impact Report for the Third Amendment to the Redevelopment Plan, as amended, for the Redevelopment Project; making findings pursuant to the California Environmental Quality Act; adopting a Statement of Overriding Consideration; adopting a Mitigation Monitoring Plan; and approving the Third Amendment to the Plan. Motion seconded by Councilmember Freedman and carried

unanimously. (Also see Redevelopment Agency minutes for December 5, 2000.)

Ordinance No. 2464 - Redevelopment Plan Amendment - Ordinance No. 2464, an ordinance of the City of Redlands approving and adopting the Third Amendment to the Redevelopment Plan, as amended, for the Redlands Redevelopment Project of the Redevelopment Agency of the City of Redlands, was read by title only by City Clerk Poyzer, and on motion of Councilmember Haws, seconded by Councilmember Freedman, further reading of the ordinance text was waived, and Ordinance No. 2462 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for December 19, 2000. (Also see Redevelopment Agency minutes for December 5, 2000.)

### PUBLIC HEARINGS

Resolution No. 5818 - Historic Landmark No. 103 - Public hearing was advertised for this time and place to consider the recommendation of the Historic and Scenic Preservation Commission to designate the William P. Greiner Shrine Children's Home located at 703 San Mateo Street as Historic Landmark No. 103 (David Van Diest and Rosa Gomez, applicants). Community Development Director Shaw reviewed the recommendation of the Historic and Scenic Preservation Commission. A full analysis of the architecture and history was contained in the staff report. This application is in conjunction with an application for General Plan Amendment No. 65 and Specific Plan No. 52 for a 16 unit apartment complex on 1.16 acres of property located on the southeast corner of Clifton Avenue and San Mateo Street. There are two processing alternatives for the City to follow in bringing the related development project forward for formal consideration by the City Council. Mr. Shaw explained the alternatives. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments concerning this matter. Urging the City Council to approve this project were: Rosemary Herendeen, Alexander Justice, Tamara Madai, Ediberto Flores, II. The applicants were also present to answer questions. There being no further comments, the public hearing was declared closed. Councilmembers Haws and Freedman expressed their concerns about the density and its impact on the neighborhood. Councilmember George said the only thing before the City Council at this meeting is the historic designation; he assured the applicants he would support their project but that the must follow the City's procedures. Councilmember Peppler said her biggest concern was the time and cost and wanted to help the Van Diests in some way such as waiving some of the costs but she did not receive support on this suggestion. Councilmember Haws moved to adopt Resolution No. 5818, a resolution of the City Council approving this recommendation based on the findings made by the Historic and Scenic Preservation Commission in accordance with Section 2.62 of the Redlands Municipal Code. Motion

seconded by Councilmember George and carried unanimously. Councilmember George moved to direct staff to work with the applicant to process the project and bring it back for formal consideration by the City consistent with Alternative Two: "The City Council will designate the property as a Historic Landmark. Staff will be directed to update the environmental review document and bring the General Plan Amendment and Specific Plan forward to the City Council at the earliest available hearing date subject to a new fully advertised public hearing. Following a determination on the General Plan Amendment and Specific Plan, the application will file the required application for a Planning Commission Review and approval and Certificate of Appropriateness for subsequent processing as required by City Code." Motion seconded by Councilmember Freedman and carried unanimously.

Resolution No. 5820 - 2000 Urban Water Management Plan - Public hearing was advertised for this time and place to consider adoption of the Urban Water Management Plan in accordance with the California Water Code. Municipal Utilities Director Phelps briefly reviewed this plan. Because of the lengthy agenda, a formal presentation was postponed to December 19, 2000, during the afternoon session. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 5820, a resolution of the City Council of the City of Redlands adopting the 2000 Urban Water Management Plan. Motion seconded by Councilmember George and carried unanimously.

Standard Pacific Homes - Public hearing was continued to this time and place to consider a Draft Mitigated Negative Declaration for Ordinance No. 2459, Ordinance Text Amendment No. 273, an amendment to Section 18.144 of the Redlands Municipal Code to allow a reduction in the required side yard setbacks for detached single-family dwellings within a Planned Residential Development; and Draft Mitigated Negative Declaration and Socio-Economic Cost/Benefit Study for Tentative Tract No. 16101 and Conditional Use Permit No. 713 for the subdivision and construction of a 150-single-family lot planned residential development on approximately 55.91 acres generally located between Capri Avenue and Lugonia Avenue, west of Wabash Avenue in the R-E (Residential Estate) District (Standard Pacific Homes, applicant). Community Development Director Shaw described this project and explained that the application was continued to afford the City Council time in which to receive input and recommendations from the City's Citrus Commission for the formulation of a citrus policy to define the City's position on preservation and maintenance of City-owned citrus groves. This became an issue for discussion when it was found that there was a conflict between the recommendations of the Planning Commission and Citrus Commission relative to the open space/citrus grove that was to be deeded to the City. Councilmember Haws addressed the citrus policy issue. Councilmember Freedman asked for a status report on the

detention basin and soccer field which were to be provided for by the developer in lieu of payment of park fees. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. On behalf of the applicant, Pat Meyer stated they were willing to commit to the maintenance of both citrus groves (Phases 1 and 2) for three years and that the new grove would be planted in the spring of 2002. Bill Cunningham asked about the waiver of park and open space fees expressing concern the City Council was approving a project without this information. Bruce Laycook also asked about the funding towards the sports park. There being no further comments, the public hearing was declared closed. Councilmember Freedman moved to direct staff to work with the developer to prepare documentation for off-setting fees and bring an agreement to the City Council on January 16, 2001, for its consideration. Motion seconded by Councilmember George and carried unanimously. Councilmember Haws moved to approve the Mitigated Negative Declaration for Ordinance No. 2459 (Zoning Ordinance Text Amendment No. 273), Tentative Tract No. 16101, and Conditional Use Permit No. 713 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 Peppler and carried unanimously. Councilmember Haws moved to approve the Socio-Economic Cost/Benefit Study for Ordinance No. 2459 (Zoning Ordinance Text Amendment No. 273), Tentative Tract No. 16101, and Conditional Use Permit No. 713 as the project will not create unmitigable physical blight or over-burden public services in the community, and no additional information or evaluation is needed. Motion seconded by Councilmember Peppler and carried unanimously. Ordinance No. 2459, an ordinance of the City of Redlands amending chapter 18.144 of the Redlands Municipal Code by adopting Zoning Ordinance Text Amendment No. 273 relating to side yard setbacks within a planned residential development, was read by title only by City Clerk Poyzer, and on motion of Councilmember Haws, seconded by Councilmember Freedman, further reading of the ordinance text was waived, and Ordinance No. 2459 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for December 19, 2000. Councilmember Haws moved to approve Tentative Tract No. 16101 with 150 single family lots subject to the findings and conditions of approval contained in the staff report. Motion seconded by Councilmember Peppler and carried unanimously. Councilmember Haws moved to approve Conditional Use Permit No. 713 subject to the findings, conditions of approval, and revised departmental recommendations as contained in the staff report. Motion seconded by Councilmember Peppler and carried unanimously.

Cypress Villas, LLC - Public hearing was continued to this time and place to consider a Draft Mitigated Negative Declaration and Socio-Economic

Cost/Benefit Study for Conditional Use Permit No. 707 for the development of a 102-unit three-story apartment complex on approximately 4.74 acres, located on the north side of Cypress Avenue, 180 feet west of Redlands Boulevard in the R-2-2000 (Multiple Family Residential) District; and Minor Planning Commission Approval No. 23 for approval to allow a reduction in the front setback for a three-story building from 35 feet to 28 feet for the development of a 102-unit apartment complex on approximately 4.74 acres, located on the north side of Cypress Avenue, approximately 180 feet west of Redlands Boulevard in the R-2-2000 (Multiple Family Residential) District; and Resolution No. 5790, Street Vacation No. 117, the intent to vacate approximately 185 linear feet of an alley located north of Cypress Avenue and east of Hibiscus Drive in the R-2-2000 (Multiple Family Residential) District (Cypress Villas, LLC, applicant). Community Development Director Shaw reviewed the history of this project and the findings necessary regarding density and height in accordance with Measure U. Alternative findings for denial of this project were provided as requested by the City Council at its meeting of November 21, 2000. A request for continuance of this public hearing was received from the applicant the day prior to this meeting. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. William Spencer, architect for the project, explained they had requested the continuance to this meeting in order to meet one-on-one with Councilmembers. At this time, they have decided to take serious steps to redesign the project so that it has less density, garages rather than carports, and only two stories. Community Development Director Shaw stated that if there are substantial changes, the application should be referred back to the Planning Commission for review. Following discussion, Mr. Spencer said he wished to withdraw the proposed project and that they would re-submit their applications. No action was taken by the City Council.

The City Council meeting recessed at 9:10 P.M. and reconvened at 9:20 P.M.

## NEW BUSINESS

Ordinance No. 2463 - Tobacco Smoking Ban - Ann Davis-Schultz, along with a number of students from Redlands High School and Redlands East Valley High School, spoke to the Parks Commission regarding issues of smoking at the Redlands Bowl. The Parks Commission, with one commissioner opposing, recommended a ban on smoking at the Redlands Bowl during scheduled performances be submitted to the City Council for consideration. Staff has prepared a revision to the Redlands Municipal Code address this recommendation; a second version was presented which also included the Sewall Theater in Prospect Park. Speaking in support of adoption of Ordinance No. 2463 were: Ann Davis-Schultz, Samone Carrekek, Ed Flores, Jessica Kanady, Glen Johnson, Aaron Laycook, Lynn Grosz, Sheryl Jeske, Candice Palmer, Jennifer Monaco, Karen Cohoe, Jordan Hail, Joe Gonzalez, Chioke Changamire, Carlene Henriques, Joey Van Campen, Marlen Resiwain, Sandy

Golden, Michele Bran, Lesley Lopez, Andrew Buoye, and Bruce Laycook. Ordinance No. 2463, an ordinance of the City of Redlands adding Chapter 12.34 to the Redlands Municipal Code prohibiting smoking at the Redlands Bowl in Smiley Park, between Grant and Eureka Streets, and the Avice Meeker Sewall Theater, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Freedman, further reading of the ordinance text was waived, and Ordinance No. 2463 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for December 19, 2000.

PUBLIC HEARINGS (continued)

At 10:08 P.M. the City Council returned to the public hearing portion of the agenda.

Home Depot USA, Inc. - Public hearing was continued to this time and place to consider Planning Commission Review and Approval No. 725 (Revision No. 1), a revision to an approved 131,848 square foot home improvement center to increase the size of the building by 7,138 square feet and the outdoor garden center by 382 square feet for an overall size of 139,368 square feet on approximately 17.65 acres, located at the southeast corner of Tennessee Street and Lugonia Avenue in the General Commercial District of the East Valley Corridor Specific Plan (Home Depot USA, Inc., applicant). Community Development Director Shaw reported the City Council held a duly noticed public hearing on the proposed larger Home Depot building on November 21, 2000, and subsequently continued the item in order for staff to review and address a letter raising environmental concerns about the project submitted at that meeting by John Mirau, an attorney representing Majestic Realty Company and the united Donut Hole Owners Property Association. Mr. Mirau submitted another letter this evening indicating responses prepared for the staff report were inadequate. Community Development Director Shaw, Municipal Utilities Director Phelps, Chief of Water Resources Douglas Headrick, Randy Nichols, Helix responded to the concerns in Mr. Mirau's letter dated December 5, 2000. Mayor Gilbreath declared the meeting open as a public hearing for any questions or comments. Mr. Mirau reiterated the points in his letter stating the responses are not accurate and that this needs further review. City Attorney McHugh noted Mr. Mirau appears to be challenging Planning Commission Review and Approval No. 711 which has already been approved and is not before the City Council at this meeting. There being no further comments, the public hearing was declared closed. Councilmember Freedman moved to determine that Planning Commission Review and Approval No. 725 does not require further environmental processing, pursuant to Section 15162 of the California Environmental Quality Act Guidelines, and based on the information presented in this staff report, the testimony presented at the public hearing and based upon the findings contained in the staff report. Motion seconded by

Councilmember George and carried unanimously. Councilmember Freedman moved to approve the Socio-Economic Cost/Benefit Study for Planning Commission Review and Approval No. 725 as it has been determined that the project will not create unmitigable physical blight or over-burden public services in the community, and no additional information or evaluation is needed, and that the proposed project, based upon the written testimony provided by staff and the verbal testimony presented at this public hearing. Motion seconded by Councilmember George and carried unanimously. Councilmember Freedman moved to approve Planning Commission Review and Approval No. 725 based upon the findings contained in the staff report which are based upon the facts contained in the staff report and the analysis presented by staff that bridges those facts and conclusions of these findings and subject to the conditions of approval and all departmental recommendations contained in said staff report. Motion seconded by Councilmember George and carried unanimously.

### UNFINISHED BUSINESS

Minor Exception Permit No. 148 - Block Wall - 1133 Chestnut Avenue - Community Development Director Shaw reported Minor Except Permit No. 148, a request (after the fact) to allow the placement of a solid block wall and related gates higher than permitted by Code within the required 25 foot front yard setback area for property located at 1133 Chestnut Avenue (Toni Duhamell, applicant) was initially before the City Council on July 18, 2000, as the result of the applicant filing an appeal to the Fence Committee's action on her request. Since July 18, 2000, the applicant, via her representative James Lefebvre, has received two continuations on said appeal. The latest being on November 7, 2000, which was continued to this meeting. This action was to again afford the applicant time in which to submit additional information or an alternative design that might resolve the City's concerns. However, as of this date, neither the applicant nor her representative has submitted any new information or alternative design. It should be noted that there was also no response to staff's request, by Certified Mail, to submit said information by November 27, 2000, so it could be included in the City Council's packets. Representing the applicant, Mr. Lefebvre told Councilmembers he felt they had not been given an opportunity to work with the Fence Committee. He distributed information regarding 33 other examples of fences he felt were in violation of City Code and asked why they are not being addressed. Mr. Lefebvre ask the City Council to allow time for a contractor to go to the site with the Fence Committee to see if it can be brought into compliance. City Attorney McHugh noted it was the applicant's responsibility to prove certain facts to support their request and rather than present information regarding their property, they seem to be asking for special treatment. Mr. Lefebvre continued to argue with staff and Councilmembers about the other fences that should be forced into compliance. Councilmember Pepler moved to adopt the following

findings in support of the Fence Committee's action on May 11, 2000, and deny the appeal:

1. The wall, which ranges between 6 feet to 8 feet, 6 inches in height, will have a negative impact on the character of the neighborhood and is not consistent with the parklike character and appearance of the City;
2. The proposed solid block wall was erected around the required 25 feet front yard setback area without the proper City building permits and therefore, may pose a threat to public safety as the integrity of its construction is unknown as it was not properly inspected;
3. The place and height of the wall poses a safety hazard to pedestrian and vehicular traffic as the wall blocks the view of vehicles exiting the driveway onto Chestnut Avenue;
4. There are not extraordinary conditions, circumstances, unnecessary hardships or practical difficulties on the property to warrant approval of this fence request; and
5. There are no similar fences/block walls in the immediate vicinity.

Motion seconded by Councilmember Freedman and carried unanimously.

Resolution No. 5828 - Traffic - Cypress Avenue - Public Works Director Mutter reported this item was continued from the meeting of November 21, 2000, to allow staff to consider alternatives to the Traffic and Parking Commission and staff recommendations to deny the installation of four-way stop sign at Cypress Avenue and Lakeside Avenue. It is staff's opinion that the original recommendation to deny the request to install the four-way stop sign is valid and should remain as previously stated. Public Works Director Mutter reviewed the detailed analysis of traffic conditions at the subject intersection. A study of speed shows that the speed limit of 40 miles per hour along Cypress Avenue is properly established according to law. One perception may be that 40 miles per hour is too fast for this location. The only significant methods of maintaining speed at this level are enforcement and/or traffic calming techniques. The Redlands Police Department has provided significant additional enforcement in the area but such resources are limited. Traffic calming is proving effective at certain locations as long as it is properly considered and installed. Staff believes that there are several traffic calming techniques that could be developed and implemented along Cypress Avenue to reduce overall speeds. However, staff will need time to study and develop alternatives such as additional stop signs and street stripping to make dual left-turn lanes, assign potential costs and make recommendation to the City Council. Public Works Director Mutter requested that staff be given three months to provide this analysis and report findings back to the City Council. He suggested and recommended that the City Council authorize the implementation of a traffic calming technique on Fern Avenue between Center Street and San Mateo Street to be used as a guide for possible future installations. This roadway was recently resurfaced, and centerline striping needs to be completed. Dennis Schall, the appellant, commended Public Works Director Mutter for his

efforts these past two weeks but felt a three month delay could be a problem and asked the City Council to consider installation of stop signs and a crosswalk at Lakeside in the meantime. Smiley School Principal David Ciscernos also thanked Public Works Director Mutter for working so quickly and felt the traffic calming thought was a good idea but also urged the City Council to take action now. Mary Ambriz, parent and volunteer of Smiley School, expressed appreciation for the pro-active approach by the Police Department noting the speed from the hospital (Terracina Boulevard) was bad, but she also asked the City Council to do something now and not delay. Further discussion ensued with Public Works Director Mutter and Police Chief Bueermann and Councilmembers. Councilmember Gilbreath moved to adopt Resolution No. 5828 ordering the installation of four-way stop signs at Sunnyside Avenue and Lakeside Avenue on Cypress Avenue and to remove the crosswalk at Nottingham Drive on Cypress Avenue and to install a crosswalk at Lakeside Avenue on Cypress Avenue. Motion seconded by Councilmember Freedman and carried unanimously.

Citrus Policy - Because of the late hour and expected lengthy presentation, Councilmember Haws moved to continue discussion and possible action regarding the proposed citrus policy. Motion seconded by Councilmember Pepler and carried by a tired, but unanimous vote of the City Council.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 11:16 P.M. to adjourned regular meetings to be held on December 12, 2000, at 8:00 A.M. and December 14, 2000, at 6:00 P.M. in the City Council Chambers, 35 Cajon Street, Redlands, California.

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City Clerk