

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 August 3, 2004.

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

ABSENT None

STAFF John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Beatrice Sanchez, Deputy City Clerk (evening session only); Michael Reynolds, City Treasurer (evening session only); Cletus Hyman, Deputy Police Chief; Mel Enslow, Fire Chief; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works 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.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Gil, the minutes of the regular meeting of July 20, 2004, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Gil, the report of the Planning Commission meeting held on July 27, 2004, was acknowledged as received.

Ordinance No. 2581 - Zone Change No. 402 - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously adopted Ordinance No. 2581 an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by revising the City's Land Use Zoning Map by approving Zone Change No. 402, a change of zone from unincorporated County of San Bernardino to a proposed zoning of R-1, Single Family Residential, District for 4.89 acres located on the northwest corner of Mentone Boulevard (Highway 38) and Amethyst Street.

Ordinance No. 2582 - Zone Change No. 394 - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously

adopted Ordinance No. 2582, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by revising the City's Land Use Zoning Map by approving Zone Change No. 394, a change of zone from A-1 (Agricultural) District to R-E (Residential Estate) District on three contiguous parcels totaling 19.6 acres at 1205 East San Bernardino Avenue, on property located north of San Bernardino Avenue south of Pioneer Avenue, approximately 2,000 feet west of Judson Street in the A-1 (Agricultural) District.

Ordinance No. 2584 - CFD No. 2004-1 - Ordinance No. 2584 an ordinance of the City of Redlands Levying special taxes within the City of Redlands for Community Facilities District 2004-1 (Centex Homes), was unanimously adopted on motion of Councilmember George, seconded by Councilmember Gil.

Agreement - Traffic Signal - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved a cooperative agreement between the County of San Bernardino and the Cities of Redlands and Loma Linda regarding the design and installation of a traffic signal at Barton Road and San Timoteo Canyon Road and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Agreement - Runway and Taxiway Rehabilitation - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Associated Engineers, Inc. for the amount of \$161,058.00 to furnish design engineering services for the runway and taxiway rehabilitation project at the Redlands Municipal Airport and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

Lease Agreement - Farming Operations - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approve a lease agreement, effective August 16, 2004, with Yun Ja Kwon for farming operations on City-owned property contiguous to the Waste Water Treatment Plan and authorized the Mayor and City Clerk to execute the lease agreement on behalf of the City.

Resolution No. 6308 - Weed Abatement - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6308, a resolution of the City Council of the City of Redlands providing for the assessment of costs resulting from the abatement of weeds which constitute a fire hazard.

Resolution No. 6309 - Paramedic Tax Levy - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6309, a resolution of the City Council of the City of

Redlands establishing the rate for the voter-approved special tax for emergency paramedic service for the fiscal year 2004-05 as set forth in Ordinance No. 1900.

Funds - Donation - Paramedic Program - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously accepted a donation of \$501.20 from the Estate of Jacqueline White and authorized an additional appropriation for the Paramedic Program.

Funds - Donation - Disaster Preparedness Program - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously accepted a donation of \$2,000.00 from the University of Redlands and authorized an additional appropriation for the Fire Department's Disaster Preparedness Program.

Agreement/License - Training Burn - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved an agreement/license for entry upon land and release for destruction of property with Bixby Land Company for a Fire control III Training Burn at property located at 26180 West Lugonia avenue and 1320 Bryn Mawr Avenue in the City of Redlands and authorized the Mayor and City Clerk to execute the agreement/license on behalf of the City.

Ordinance No. 2580 - PERS Contract - Ordinance No. 2580, an ordinance of the City of Redlands amending the contract with the Board of Administration of the California Public Employees' Retirement System, was unanimously adopted on motion of Councilmember George, seconded by Councilmember Gil.

Settlement Agreement - SBVMWD et al - 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 acknowledge a settlement and release agreement with the San Bernardino Valley Municipal Water District/West Municipal Water District, et al and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. Motion seconded by Councilmember Pepler and carried with Councilmember Gilbreath having abstained. The City Council authorized settlement of this matter in closed session and this release reflects the terms and conditions for said settlement.

Settlement Agreements - Virginia Kendrick/Younger Brother House Movers - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously acknowledged a settlement and release agreements relating to the Virginia Kendrick v. City of Redlands and related cross action City of Redlands v. Younger Brother House Movers and authorized the Mayor and City Clerk to execute the agreement on behalf of the City. The City

Council authorized settlement of this matter in closed session and this release reflects the terms and conditions for said settlement.

## LATE BREAKING ITEMS

Noting the need to take action was immediate, Councilmember Pepler moved to add the following items to the agenda which arose subsequent to the agenda being posted. Motion seconded by Councilmember Gil and carried unanimously.

CUP 813 - Time Extension - Sprint, PCS, Applicant - On motion of Councilmember Harrison, seconded by Councilmember Gil, the City Council unanimously approved an agreement with Sprint PCS Assets, LLC which will extend the processing deadline for Conditional Use Permit No. 813 for thirty days beyond its CEQA expiration dated of August 28, 2004, to September 27, 2004. This conditional use permit is for the installation of a seventy foot high cellular tower for a wireless telecommunication facility located in a City grove south of the I-10 Freeway, east of California Street, within the East Valley Corridor Specific Plan, in the General Commercial District.

CUP 801 - Time Extension - Sprint, PCS, Applicant - On motion of Councilmember Harrison, seconded by Councilmember Pepler, the City Council unanimously approved an agreement with Sprint PCS Assets, LLC which will extend the processing deadline for Conditional Use Permit No. 801 for thirty days beyond its CEQA expiration date of August 28, 2004, to September 27, 2004. This conditional use permit is for the installation of a one-hundred foot high cellular tower (eucalyptus tree) for a wireless telecommunication facility located at 1402 Cajon Street in the O (Open Land) District. Community Development Director Shaw also commented an appeal has been filed and will be scheduled for City Council consideration on September 7, 2004.

## COMMUNICATIONS

Devers-Palo Verde Transmission Corridor - Councilmember George invited Beverly Powell, Southern California Edison Company, to explain the proposal to construct a new 230-mile, high-voltage electric transmission line between California and Arizona, within SCE's existing transmission corridor, parallel to an existing transmission line. The new line would also require upgrades to some of SCE's existing electrical transmission facilities in California. No new towers will be installed on the line between Palm Springs and Grand Terrace. The project is known as Devers-Palo Verde No. 2. SCE will hold a public outreach open house to answer questions on September 7, 2004, from 4:00 to 8:00 P.M. in the Loma Linda Senior Center which is located behind the Loma Linda City Hall.

Designation of Voting Delegates - Councilmember Gilbreath moved to designate Jon Harrison to serve as the voting delegate for the League of California Cities' Annual Conference to be held September 17-19, 2004, in

Long Beach. Motion seconded by Councilmember Pepler and carried unanimously. Councilmember Pepler moved to designate Gary George to serve as the alternate voting delegate at the same conference. Motion seconded by Councilmember Gil and carried unanimously.

Natural Resources Administrator Position - By consensus, this item was moved to the 7:00 P.M. session under New Business.

## JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6311 - Relocation and Real Property Acquisition Guidelines - Councilmember Gilbreath moved to adopt Resolution No. 6311, a resolution of the City Council of the City of Redlands approving rules and regulations for the implementation of the California Relocation Assistance Law and Real Property Acquisition Guidelines. Motion seconded by Councilmember George and carried unanimously. (Also see Redevelopment Agency minutes for August 3, 2004.)

## PUBLIC HEARING

Resolution No. 6306 - Appropriations Limit - Public hearing was advertised for this time and place to consider Resolution No. 6306, a resolution of the City Council of the City of Redlands establishing an appropriation limit for the fiscal year 1004-2005 pursuant to Article XIII B of the California Constitution. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was continued to the 7:00 P.M. session. At that time, the meeting was once again declared open for any questions or comments regarding this resolution. None being forthcoming, the public hearing was declared closed. Councilmember Gilbreath moved to adopt Resolution No. 6306 establishing a \$67,176,586.00 appropriations limit for fiscal year 2004-05 pursuant to Article XIII B of the California Constitution. Motion seconded by Councilmember Harrison and carried unanimously.

## CLOSED SESSION

The City Council meeting recessed at 3:28 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:55 P.M. to a closed session to discuss the following:

1. Conference with real property negotiator -  
Government Code Section 54956.8
  - a. Property: APN 294-161-08  
Negotiating parties: John Davidson and Tony Louka  
Under negotiation: Terms and price
  - b. Property: 746 East Citrus Avenue  
Negotiating parties: John Davidson and Jose Herrera  
Under negotiation: Terms and price

2. Conference with legal counsel: Existing litigation - Government Code Section 54956.9(a)
  - a. City of Redlands and Joe Vallejos v. Terex RO - SCVSS 087554
3. Conferences with labor negotiator - Government Code § 54957.6
  - a. Agency negotiator: John Davidson  
Employee organizations: SBPEA, CSEA, RAMME, and RAME

The meeting reconvened at 7:00 P.M.

### ANNOUNCEMENTS/REPORTS

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

### PUBLIC HEARINGS

Resolution No. 6261 - Landscape Maintenance District No. 1 - Public hearing was advertised for this time and place to consider Resolution No. 6261, a resolution of the City Council of the City of Redlands ordering the maintenance of improvements, granting final approval of the Engineer's Report, and confirming the assessment for 2004-05 for Landscape Maintenance District No. 1. Public Works Director Mutter reported the preliminary report for Landscape Maintenance District No. 1 was presented to the City Council on May 18, 2004. The City Council adopted Resolution No. 6259, granting preliminary approval of the Engineer's Report, and adopted Resolution No. 6310, on July 20, 2004, declaring its intention to levy and collect assessments for Fiscal Year 2003-04 pursuant to the Lighting and Landscaping Act of 1972. There will be no increase in assessments over the 2003-04 fiscal year. On June 15, 2004, the City Council held a public meeting providing an opportunity to review the Engineer's Report and receive questions and comments from the public. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Harrison moved to adopt Resolution No. 6261. Motion seconded by Councilmember George and unanimously.

Resolution No. 6265 - Street Lighting District No. 1 - Public hearing was advertised for this time and place to consider Resolution No. 6265, a resolution of the City Council of the City of Redlands ordering the maintenance of improvements, granting final approval of the Engineer's Report, and confirming the assessment for 2004-05 for Street Lighting District No. 1. Public Works Director Mutter reported the preliminary report for Street Lighting District No. 1 was presented to the City Council on May 18, 2004, granting preliminary approval of the Engineer's Report, and adopted Resolution No. 6312 on July 20, 2004,, declaring its intention to levy and collect assessments for Fiscal Year 2003-04 pursuant to the Lighting and Landscaping Act of 1972. On June 15,

2004, the City Council held a public meeting providing an opportunity to review the Engineer's Report and receive questions and comments from the public. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Harrison moved to adopt Resolution No. 6265. Motion seconded by Councilmember Pepler and carried unanimously.

Resolution No. 6306 - Appropriations Limit - Public hearing was continued from the 3:00 P.M. session to this time and place to consider Resolution No. 6306, a resolution of the City Council of the City of Redlands establishing an appropriation limit for the fiscal year 1004-2005 pursuant to Article XIII B of the California Constitution. Finance Director Kundig explained California voters approved Proposition 4 in November, 1979, which places limits on the amount of revenue to be spent by all entities of government. Each year, generally upon submittal of the adopted budget, the City Council must adopt an appropriations limit commonly referred to as a "Gann Limit" or Proposition 4 Limit". Each year, the City of Redlands has consistently maintained an exceedingly wide and comfortable margin between its limits and its proceeds of taxes subject to the limit. Mayor Pepler declared the meeting open to continue the public hearing for any questions or comments. None being forthcoming, the public hearing was closed. Councilmember Gilbreath moved to adopt Resolution No. 6306 establishing a \$67,176,586.00 appropriations limit for fiscal year 2004-05 pursuant to Article XIII B of the California Constitution. Motion seconded by Councilmember Harrison and carried unanimously.

## NEW BUSINESS

Funds - Natural Resources Administrator Position - Councilmembers George and Harrison proposed the creation of a natural resources manager in Redlands based on the implementation of the Emerald Necklace concept. The position would be a part-time position, involving 20 hours per week of work under the control of the City Manager and working in conjunction with the Community Development and Planning Department. The Redlands Conservancy and an anonymous donor have provided \$30,000.00 towards the \$45,000.00 required to fund this position for one year. Sherli Leonard, Project Manager for the Redlands Conservancy, urged the City Council to support this request. Councilmember Harrison felt this was an exceptional opportunity to move forward. Councilmember Pepler expressed concerns noting she could not in good conscience support this position in light of the financial difficulties the City is facing and the number of other projects and employee positions that have been put "on the back burner." She thought this was a good idea but understood from the presentation made several months ago, that the natural resources manager in San Luis Obispo did not cost the City any money. Ms. Leonard suggested that once grant funds are generated, the start-up costs could be paid back to the City. Councilmember Gilbreath supported the Emerald Necklace concept which she felt needed to be included in the General Plan but



felt the financing needed to be taken on by the Redlands Conservancy. Councilmember Gil also expressed concerns about the financial commitment but indicated he would support a smaller commitment from the City. Councilmember George moved to direct staff to create a special account to receive \$30,000.00 in donated funds and appropriate \$10,000.00 from City funds to create a part-time natural resources manager position for the period of one year. Motion seconded by Councilmember Gil and carried with Councilmembers Gilbreath and Pepler voting NO.

## UNFINISHED BUSINESS

Minor Except Permit No., 233 - Bonnie Lee, Appellant - An appeal of the Fence Committee's denial of a request to allow the placement of a wrought iron fence with a maximum height up to 5 foot 11 inches along the front property line facing Dracena Court for the property located at 1040 Dracena Court was continued from July 6, 2004, to this meeting. Community Development Director Shaw reported this appeal was continued to allow the applicant to contact the contractor to determine if he could help in solving the issue and for clarification of items addressed by the appellant at the meeting. The first item was the varying height of the fence. Staff went to the site and took several measurements; height of the fence ranges from four foot one inches (bottom of fence to top of post) to 5 foot 11 inches (posts around gate). The second issue brought forth by the applicant are the similar fences she has seen in the City. Staff has filed a code enforcement action against one of the fences the applicant provided pictures for and is still researching the others. This application was brought to the City Council and Fence Committee due to a code enforcement issue and should be considered separate from other fences in the City. Community Development Director Shaw reviewed the original discussion and several factors which influenced the Fence Committee in its decision to deny the request. The applicant a wrought iron fence on her front property line; this was done without receiving any building permits. An anonymous neighbor contacted Code Enforcement to alert them about the fence. Subsequently, the applicant (Bonnie Lee) filed for a minor except permit. The Fence Committee observed several factors at the site which influenced its decision to deny the request. The property in question is located on a cul-de-sac and is currently the only home within this cul-de-sac to have a fence in the front yard. For this reason, the Fence Committee did not feel the applicant's fence matched the aesthetics of the neighborhood. During the meeting, another neighbor, different from the one who contacted Code Enforcement, expressed to the Fence Committee his dislike for such a fence in the neighborhood. The applicant has stated that she needs the fence to keep her small grandchild in the yard. The Fence Committee felt this could be achieved with a four foot wrought iron fence which would have conformed with the Zoning Code. The third factor to influence the Fence Committee's decision was that it did not want to set a precedent to encourage future property owners who might build an illegal fence first, and then seek approval through the Fence Committee. If this application

has been submitted prior to the installation of the fence, the Fence Committee would not have approved it, so it saw no valid reason why the Fence Committee should approve the illegal fence after it was built. Ms. Lee addressed the City Council stating she could not afford to lower or replace the fence. Councilmember Pepler moved to deny the appeal for Minor Exception Permit No. 233 because the applicant is seeking retroactive approval for a fence that the applicant has illegally constructed without permits, would be able to accomplish the applicant's goals with a four foot fence which would be consistent with Code, and which would not degrade the visual aesthetics of the neighborhood. Motion seconded by Councilmember Gilbreath and carried with Councilmember Harrison voting NO. Ms. Lee then asked staff and the City Council what they were going to do with the City trees in the parkway whose roots are invading her front yard. She was referred to Public Works Director Mutter.

### PUBLIC COMMENTS

ACLU Activities - Mr. Oscar W. Sepp read a letter he sent to Congressman Jerry Lewis asking for assistance from Congress to resolve the problems with the American Civil Liberties Union.

Stop Sign Request - Ray Miller asked the City Council to consider a request to install stop signs on Alvarado Street at Cypress Avenue. Public Works Director Mutter reported this request was denied by the Traffic Commission on July 22, 2004, as the intersection did not meet warrants. Mr. Miller was referred to City Manager Davidson.

Ms. Sherrie Sanchez addressed the City Council about drug sales in Redlands; she was referred to Deputy Police Chief Hyman who was present at this meeting.

### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:21 P.M. The next regular meeting scheduled for August 17, 2004, will not be held. The City Council will meet on September 7, 2004.

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City Clerk