

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 April 19, 2005, at 3:00 P.M.

PRESENT

Susan Pepler, Mayor  
Gilberto Gil, Mayor Pro Tem (evening session)  
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); Jim Bueermann, Police Chief; Mel Enslow, Fire Chief (afternoon session); Jim Drabinski, Acting Fire Chief (evening session); Donald Gee, Redevelopment Agency Director; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director (afternoon session); Douglas Headrick, Water Resources Chief (evening session); and Jeffrey L. Shaw, Community Development Director

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

PRESENTATIONS

Dedication Ceremony - Redlands Municipal Airport - Charlotte Kranenburg, Redlands Municipal Airport Manager, invited Councilmembers and staff to a special dedication ceremony for the Airport Pavement Project on Saturday, May 7, 2005, at 9:30 A.M. as part of the Second Annual Spring Fly-In. The dedication ceremony will include a special ribbon-cutting, flag ceremony and fly-over. The project, which should be completed by the end of this month, includes reconstruction of the runway and taxiway, installation of additional airfield lighting, drainage improvement and pavement marking. The Fly-In is scheduled from 8:00 A.M. to 3:00 P.M.

Grading of Food Establishments - Councilmember George reported that on June 15, 2004, the County Board of Supervisors approved a County ordinance to implement a restaurant and market grading system. The program has been designed to better inform the public on the results of restaurant inspection which are conducted by the San Bernardino County Department of Health. The program was implemented throughout the County's unincorporated area on October 1, 2004. At the April 5, 2004, meeting, Councilmember George asked the City Council to consider requiring the public posting of inspection results by the County as he believed it would be highly beneficial, from a public health

standpoint, to make consumers aware of the inspection results, by letter grade, of the establishments they are considering patronizing. Ms. Terri Williams, Program Manager for the San Bernardino County Department of Public Health reviewed the restaurant and market grading system. By consensus, staff will return on May 3, 2005, with a proposed ordinance to implement this requirement

## CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Gilbreath, the minutes of the regular meeting of April 5, 2005, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Gilbreath, the report of the Planning Commission meeting held on April 12, 2005, was acknowledged as received.

Ordinance No. 2595 - Zone Change No. 411 - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council adopted, by AYE votes of all present, Ordinance No. 2595, 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. 411, a change of zone from R-S (Suburban Residential) District to T (Transitional) District for .72 acres of vacant property located on Roberts Road approximately 400 feet northwest of Laurel Street, Edward Anderson, applicant.

Ordinance No. 2597 - Zone Change No. 386 - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council adopted, by AYE votes of all present, Ordinance No. 2597, 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. 386, a change of zone from A-1 (Agricultural) District (five-acre lots) to R-3 (Multiple Family Residential) District (1,500 square feet of lot area per dwelling unit) on 4.76 acres located on the north side of Orange Avenue, 300 feet east of Kansas Street, Mark Utzinger, applicant.

Ordinance No. 2601 - Zone Change No. 406 - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council adopted, by AYE votes of all present, Ordinance No. 2601, 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. 406, a change of zone from A-1 (Agricultural) District to R-E (Residential Estate) District on one parcel totaling 41.22 gross acres located on the west side of Wabash Avenue,

south of San Bernardino Avenue and north of Capri Avenue in the A-1 (Agricultural) District, Arief Naftali, applicant.

Ordinance No. 2605 - Historic Review - Ordinance No. 2605, an ordinance of the City of Redlands amending Chapter 2.62 of the Redlands Municipal Code relating to projects subject to Historic and Scenic Preservation Commission review, was adopted, by AYE votes of all present, on motion of Councilmember George, seconded by Councilmember Gilbreath.

Funds - Annexation Applications - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an additional appropriation for the annexation account (101164-5930) in the amount of \$4,256.00 for the Community Development Department, Planning Division, to fees to be paid to LAFCO for two applications received for development projects that are contiguous to the City.

Proclamation - National Volunteer Week - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, issuance of a proclamation declaring the week of April 18, 2005, as National Volunteer Week.

Proclamation - Blue Ribbon Week - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, the issuance of a proclamation declaring the week of May 15, 2005, as Blue Ribbon Week.

Proclamation - First Congregational Church - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, issuance of a proclamation congratulating the First Congregational Church on the occasion of their 125th anniversary.

Appointment - Airport Advisory Board - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council appointed, by AYE votes of all present, John Catron to fill the unexpired term of David Terrell to May 1, 2007, on the Airport Advisory Board as recommended by Mayor Pepler.

Ordinance No. 2603 - Local Government Claims - Ordinance No. 2603 an ordinance of the City of Redlands adding Chapter 3.09 of the Redlands Municipal Code relating to local government claims, was adopted, by AYE votes of all present, on motion of Councilmember George, seconded by Councilmember Gilbreath.

Resolution No. 6387 - Salary - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council adopted by AYE votes of all present, Resolution No. 6387, a resolution of the City Council of the City of

Redlands amending the salary schedule and compensation plan for City Employees, authorizing the addition of At Will employees in the Fire Department, elimination of the ID and Property Technician classification in the Police Department and the addition of one Community Service Officer/Dispatcher position in the Police Department.

CDBG Reallocation - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, reallocation of \$115,000.00 from City of Redlands Community Development Block Grant Project 111-30111/2625 (Civic Center - ADA Improvements) to Project 111-26105/2007 (Street Improvements - Sun and Union).

Agreement - Henry Tate Water Treatment Plant Effluent Pipeline - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an agreement for engineering services with Black and Veatch for hydraulic evaluation of the Henry Tate Water Treatment Plant effluent pipeline.

Research Proposal - Scale Testing - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, a research proposal from Pennsylvania State University for demonstration scale testing of the ammonium perchlorate treatment system at the City's Texas Street Treatment Facility.

New York Street Well Pump Repair - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the repair costs for the New York Street Well Pump by SoCal Pump & Well Drilling, Inc. of Riverside, California.

Standby Generator Purchase - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the purchase of a 50 kilowatt Caterpillar natural gas generator from Johnson Machinery of Riverside, California.

Fuel Storage Tanks - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, the removal of a 2,000 gallon underground fuel tank and purchase and installation of a new 2,000 gallon aboveground fuel storage tank at the Horace Hinckley Water Treatment Plant by George Bryant Construction, Inc.

Wheel Loader Purchase - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council authorized, by AYE votes of all present, the purchase of a 924G-Caterpillar wheel loader from John Machinery of Riverside, California, for the Water Reclamation Facility.

Agreement - Soils Inspection Services - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, an agreement to furnish soils inspection services for the 2004/05 Capital Improvement Program, Water Main Replacement Project, with LOR Geotechnical Group, Inc. for the amount of \$24,510.00, authorized staff to approve contingent costs up to 10 percent over in the initial amount, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

OSC 05-31 - Crestwood Corporation - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council determined, by AYE votes of all present, that Outside City Case (OSC) 05-31, Tentative Tract Map 16756, APN 298-192-09 and 18 is consistent with the City of Redlands General Plan and that the public health, safety and welfare, and the best interests of the citizens of Redlands, are served by the City's continued processing of the application.

Ordinance No. 2608 - Water and Wastewater Rates - Ordinance No. 2608, an ordinance of the City of Redlands adding Chapter 3.53 to the Redlands Municipal Code relating to non-potable water fund and non-potable rates and charges, and amending Chapters 3.41, 3.52, 3.62, 3.12, 3.16 and 13.44 of the Redlands Municipal Code relating to water and wastewater rates and water equipment regulations and sewer charges, was adopted, by AYE votes of all present, on motion of Councilmember George, seconded by Councilmember Gilbreath.

Contract Award - Demolition of Church Street Buildings - Bids were opened and publicly declared on March 31, 2005, by the City Clerk for the Demolition of Church Street Buildings Project for City-owned buildings located at 19, 21, and 23 North Church Street and 725 East State Street; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Dakeno, Inc. in the amount of \$32,950.00 and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, this recommendation.

Funds - Agreement - CFD No. 2004-1 - On motion of Councilmember George, seconded by Councilmember Gilbreath, by AYE votes of all present, the City Council appropriated funds in the amount of \$2,000.00 and approved a consultant services agreement with Albert A. Webb Associates of Riverside, California, for the preparation of the Fiscal Year 2005-06 annual levy for Community Facilities District No. 2004-1 for Tract No. 16408 (Centex Homes), and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Redlands Boulevard at Alabama Street & Colton Avenue Improvement Project - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the design concept for the Redlands Boulevard at Alabama Street and Colton Avenue Improvement Project and authorized staff to proceed with the final design and right-of-way acquisition process.

Contract Award - Alabama and Orange Streets Bridges - Bids were opened and publicly declared on April 7, 2005, by the City Clerk for the construction contract for the Alabama and Orange Streets Bridges Replacement Project; a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Public Works Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was MCM Construction, Inc. in the amount of \$7,626,738.00, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council appropriated, by AYE votes of all present, \$9,728,738.00 from the Local Transportation Fund which will be reimbursed to the City in full. On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council awarded a construction contract with MCM Construction, Inc. to construct the bridges at Alabama Street and Orange Street at the Santa Ana River crossing in the amount of \$7,626,738.00 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City, by AYE votes of all present.

Agreement - Regulatory Permit Compliance - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved a consultant services agreement with Tom Dodson & Associates for the Alabama Street and Orange Street Bridges Replacement Project to provide regulatory permit compliance and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City by AYE votes of all present.

HP9000 Computer Components Purchase - On motion of Councilmember George, seconded by Councilmember Gilbreath, the City Council approved, by AYE votes of all present, the sole source purchase of HP 9000 computer components from BayPointe Technology for the Finance Department's Bi-Tech financial system.

Funds - Contract - Growth Initiative - On behalf of The Redlands Association, Bill Cunningham questioned employing an organization that has been historically opposed to all growth management initiatives to assist in an analysis of latest initiative scheduled for the November election. He felt the Chamber of Commerce was hardly an unbiased authority and that this was an indirect expenditure to oppose a citizens' initiative. City Attorney McHugh explained that the City does not expend money to support or oppose a ballot measure and

that this information would be used for educational purposes. The agreement before the City Council would allow the Chamber of Commerce to assist the City to solicit and find a consultant to do an analysis of the proposed initiative. Representing the Redlands Chamber of Commerce, Fred Board stated the people need to understand what will be on the November ballot. Councilmember Pepler moved to authorize City staff to meet with representatives of the Redlands Chamber of Commerce to select a consultant to complete the analysis of the proposed voter initiative entitled "The initiative ordinance of the People of Redlands amending the principles of managed growth and the land use, circulation, open space and conservation, health and safety and noise elements of the Redlands General Plan" scheduled for the November 2005 election, prepare a professional services agreement, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Harrison and carried by AYE votes of all present. On motion of Councilmember Pepler, seconded by Councilmember Harrison, the City Council approved, by AYE votes of all present, an additional appropriation in the amount of \$25,000.00 for the initiative review.

## COMMUNICATIONS

Redlands Cold Weather Emergency Shelter - Councilmember George shared a letter from Joel and Barb Vasey, Redlands Cold Weather Emergency Shelter Program Managers, reporting on their success during this winter's cold weather. Mr. and Mrs. Vasey addressed the City Council and thanked all the volunteers who made this program successful. They apologized the shelter was only open for cold nights as they did not have enough staff for rainy days. The shelter closed on April 1, 2005.

Emerald Necklace Initiative - Councilmember George presented a feasibility study, prepared at no cost, to the City of Redlands by the Trust for Public Land. The study presents a detailed analysis of parks and natural lands programs, priorities and funding in our City. It also delves into a discussion of local conservation financing options. There are four funding mechanisms that are viable options for Redlands to consider in order to make the Emerald Necklace a reality. Councilmember George and Harrison urged the City Council to authorize the undertaking of a professional poll to assess voter opinion on those mechanisms at no cost to the City. The service will be funded by the Trust for Public Land and from a recent fundraiser hosted by the Redlands Conservancy. A conservation-focused poll will help determine if voters are willing to pay for these items, and, if so, how much and provide other important information. By consensus, Councilmember George will advise the groups to go ahead with the poll.

## JOINT MEETING - CITY COUNCIL/PUBLIC WORKS INFRASTRUCTURE COMMITTEE

Funds - Data Collection of Street Infrastructure - Public Works Director Mutter reported the Public Works Infrastructure Committee has recommended that a GIS-based mapping system be developed to provide a complete inventory of all street infrastructure surface conditions to include streets, street trees, sidewalks, curbs, gutters, street lights, storm drain facilities and ADA facilities such as access ramps at intersections. The base GIS work would be completed through the Redlands Institute at the University of Redlands. Inventory data collection would need to be completed by either volunteers, staff or paid interns. Acting Chairman David Garcia declared the meeting of the Public Works Infrastructure Committee open and presented a PowerPoint of information gathered by the Committee. Two other members of the Committee also addressed the City Council. Mayor Pepler expressed appreciation for the Committee's work. Councilmember Pepler moved to appropriate \$21,000.00 from the General Fund, Public Utilities Funds, and Redevelopment Funds as appropriate and authorized the hiring of four student interns for the collection of data regarding street infrastructure conditions to establish a GIS-based inventory and mapping system. Motion seconded by Councilmember George and carried unanimously. Councilmember Harrison also expressed appreciation to the Redlands Institute for their assistance on this project.

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

Resolution No. 6389 - Great Neighborhood Program - Councilmember Harrison moved to adopt Resolution No. 6389, 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. Motion seconded by Councilmember Gilbreath and carried unanimously. (Also see Resolution No. 393 in the Redevelopment Agency minutes for April 19, 2005.)

#### CLOSED SESSION

The City Council meeting recessed at 4:04 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:08 P.M. to a closed session to discuss the following:



1. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b)
  - a. Two cases: Facts and circumstances: Sewage back-up incidents at 1218 and 1208 Sixth Street
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - One potential case

The meeting reconvened at 7:00 P.M.

## PRESENTATION

Team in Training - Leukemia/Lymphoma Society - The Team in Training for the Leukemia and Lymphoma Society will hold training sessions on Saturday, April 23, 2005, at 10:30 A.M. and Tuesday, May 10, 2005, at 6:30 P.M. at the A. K. Smiley Public Library. This is a fund raising arm of the Leukemia and Lymphoma Society and the money participants raise go towards finding a cure for blood cancers. The representative from the Leukemia and Lymphoma Society was unable to attend this meeting.

Group Home - City Manager Davidson reported that over the past couple of weeks, the City Council and staff have received a number of communications from concerned citizens regarding a proposed intermediate care facility/developmentally disabled facility to be located at 1543 University Street in Redlands. Mayor Peppler requested that the proposed care facility be placed on this agenda to provide an opportunity for the City Council to hear, discuss and better understand the community's concerns associated with the proposed facility. Staff invited a representative from the State Department of Health Services and the property owner/proposed facility operator, Mr. Robert Horrigan, to attend this meeting. It was noted that cities in general are limited, due to State law, in their ability to regulate certain care facilities and/or group homes. However, staff is currently researching the specifics of Mr. Horrigan's proposed care facility and his application on file with the State to determine what controls, if any, the City may have as it relates to the proposed facility. Neighbors expressing concern about the placement of a group home in their neighborhood were: Eileen Seheult, DeShés Rushing, Richard Waitschies, Glen Ruff, Lisa Ruff, Leslie Udvardi, Brenda Stiff, Frank Escador and Carol Smith. Explaining the importance of group homes for developmentally disabled were: Peggy Hites, Vicki Smith, Deborah McFatter and Jeff McNair and two of his friends. Donna Morales, State Department of Health Services, explained the process for placement of group homes. Robert Horrigan, owner of the group home, also spoke and answered questions. Councilmember Gil asked Police Chief Bueermann to conduct a community meeting to address the neighbors concerns.

## ANNOUNCEMENTS/REPORTS

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

Congratulations - Spencer Koobatian - Mayor Pepler congratulated Spencer Koobatian for recently having been accepted to attend the Idyllwild Arts Academy. Fourteen-year old Master Koobatian is a volunteer camera operator for Redlands TV3. We will miss him.

## NEW BUSINESS

Ordinance No. 2607 - Water and Sewer Rates - Public notice was published for this time and place to consider Ordinance No. 2607, an ordinance of the City of Redlands amending Chapters 13.40, 3.44, and 3.48 of the Redlands Municipal Code relating to water source acquisition charges and sewer and water capital improvement charges. Water Resources Chief Douglas Headrick presented information regarding this proposed ordinance. Ordinance No. 2607 was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember Gilbreath, further reading of the ordinance text was unanimously waived, and Ordinance No. 2607 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for May 3, 2005.

## LAND USE AND PUBLIC HEARINGS

Covington Construction and Development, Applicant - The public hearings were continued to this time and place to consider approval of an Environmental Impact Report and public hearings for a Socio Economic Analysis, General Plan Amendment No. 2005-2-A, a General Plan amendment to change Highview Drive from a "Local Street" to a "Collector Street" and to modify Figure 5.2 of the Circulation Element to establish design standards for Rural Streets and other rural public facilities; Ordinance No. 2606, Zone Change No. 390, a change of zone from A-1 (Agricultural) District (five-acre lots) to R-R (Rural Residential) District (one-acre lots) on four contiguous lots totaling 180.9 acres located south of Highview Drive and east of Freya Drive; a Socio-Economic Analysis and Conditional Use Permit No. 780, a conditional use permit for a Planned Residential Development (PRD) to subdivide four contiguous lots totaling approximately 180.9 acres into 85 residential lots and four common lots located south of Highview Drive and east of Freya Drive in the existing A-1 (Agricultural) District (five-acre lots) which is proposed for a zone change to R-R (Rural Residential) District (one acre lots); a Socio-Economic Analysis and Tentative Tract No. 16361, a tentative tract map to subdivide four contiguous lots totaling approximately 180.9 acres into 85 residential lots and four common lots located south of Highview Drive and east of Freya Drive in the existing A-1 (Agricultural) District (five-acre lots) which is proposed for a zone change to R-R (Rural Residential) District (one-acre lots); and Resolution No. 6385, Agricultural Preserve Removal No. 100, an agricultural preserve removal of

approximately nine acres located along the south border of the project located south of Highview Drive and east of Freya Drive. Mayor Pepler declared the meeting open as a public hearing at 8:34 P.M. Community Development Director Shaw reported the Planning Commission reviewed the project on May 27, 2003. Since that date, an Environmental Impact Report has been prepared by Michael Brandman Associates under the City's direction and review and was funded by the applicant as permitted by the California Environmental Quality Act. The EIR was prepared at the applicant's request to ensure that all environmental issues raised during the Planning Commission hearings were addressed in a comprehensive manner and to provide the public a greater opportunity to review and comment on the environmental issues. Recent changes to the project include 102.1 acres will be designated open space, 64.5 acres are being donated to the City as a public park, and there are 85 lots (rather than 88). Community Development Director Shaw reviewed the project and the applications in detail. Christine Donahue and other employees of Michael Brandman Associates were present to answer questions about the Environmental Impact Report. Councilmember Harrison asked the applicant if he would also be willing to donate the open space proposed to be maintained by the homeowners' association to the City with a conservation easement which could then be maintained by use of a community facilities district. He also suggested eliminating the northeast cul-de-sac and Lot 5 to provide more open space as was presented in the original plans. Representing the applicant, Chad Covington who was present, Pat Meyer addressed the City Council noting the project is consistent with the General Plan and indicating their agreement to Councilmember Harrison's proposal.

Beginning at 9:04 P.M. the following people addressed the City Council expressing their concerns about the EIR, the project and the proposed zone change: Helen Waitz, Brian Roche, John Bouzme, David Ollis, Joann Ankrum, representing Friends of Live Oak Canyon David Matuszak, Dean Williams, Teddy Banta, Theresa Kwappenberg, Barney Gentry, Daniel McCarthy, Pamela Smyth, Robert C. Newman II, Curtis Toovey, representing the Sierra Club Terry Wold, representing the San Timoteo Canyonlands Coalition Gary Strickland, Dave Hart, Sondra Hodson, Jordenne Parker, Jackie Friedrich, Bob Miller, George Lessard, Amanda Frye, Helen Law, Wes Harmelink, representing The Redlands Association Sally Beck, Lee Young, Fred Waitz, Linda Oster, Susan Finsen, Lawrence Finsen, Howard Hurlbut, and Bill Cunningham. Speaking in support of the project were: Dr. Tim Krantz, Eric Blum, Mimi Dupper, Patrick Hsu, Bob Roberts and Terrence Emershy. Additional communications submitted at the meeting opposing the project were received from: Elizabeth F. Schilling, Dick Morris, Phill Courtney, Claudia Ollis, Angela Thompson, Christine Haddad, Mary Newman, Peter Hodges, Eleanor Stewart Kelleher, James Gatrost, Allen Bartleman for the San Gorgonio Chapter of the Sierra Club, Maria Bosley, Saralyn Brooks, and Al Kelley. Mayor Pepler read a letter from Mayor Emeritus Carole Beswick providing insight on the annexation proceedings that took place while she was in office

and stating the City has a moral obligation to follow-through with the representations made during the annexation process. Representing the applicant, Mr. Meyer responded to comments made, answered Councilmembers' questions, and agreed to four additional conditions of approval to address Native American concerns as recommended by Statistical Research, Inc. City Clerk Poyzer reported communications received since the May 3, 2005, meeting included 2 supporting the project, 94 opposing, and a letter from Niblett and Associates regarding the soil stability report. (An additional communication in support and 5 opposing were opened the following day.) Christine Donahue, Michael Brandman Associates, responded to comments regarding the EIR.

The City Council meeting briefly recessed at 11:45 P.M. and reconvened at 11:55 P.M. at which time Ms. Donahue concluded her comments stating the testimony heard tonight did not change the information contained in the EIR. Community Development Director Shaw distributed alternative motions for the City Council's consideration; a revised listing of Community Development Department, Planning Division, conditions of approval for Tentative Tract No. 16361 and Conditional Use Permit No. 780; Environmental Findings of Fact and Statement of Overriding Consideration on the Environmental Impact Report for Tentative Tract No. 16361; and a Mitigation Monitoring and Compliance Program for Tentative Tract No. 16361. The public hearing was declared closed at 11:58 P.M. Councilmembers presented their thoughts about the project. Councilmember Harrison requested the applicant meet with the City to discuss the acquisition of Lots 57-68 so as to provide additional open space (based on the 85 lot tentative map) at the south end of "J" Street as shown on the tentative map; the applicant agreed to have these discussions, and Councilmember Harrison volunteered to work with staff on this matter.

EIR - Councilmember Pepler moved that the City Council determine that neither the testimony presented during the public hearing nor any of the suggested changes to the project, the conditions of approval or the mitigation measures constitute new significant information that would require recirculation of the draft EIR under the California Environmental Quality Act, to certify the Final Environmental Impact Report (EIR) for General Plan Amendment No. 2005-2-A, Zone Change No. 390, Conditional Use Permit No. 780, Tentative Tract No. 16361, and Agricultural Preserve Removal No. 100, finding that 1) the final EIR has been completed in compliance with CEQA, 2) the final EIR was presented to the City Council of the City of Redlands, and that the City Council reviewed and considered the information contained in the final EIR prior to approving the project, and 3) the final EIR reflects the City Council's independent judgment and analysis; and adopt the findings of fact and statement of overriding considerations pursuant to Section 21081 of the California Environmental Quality Act, adopt the Mitigation Monitoring and Reporting Program. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO.

Resolution No. 6388 - General Plan Amendment No. 2005-2-A - Councilmember Pepler moved to adopt Resolution No. 6388 which approves General Plan Amendment No. 2005-2-A, changing Highview Drive from a "Local Street" to a "Collector Street" for that approximately 400 foot portion of Highview Drive extending between the project entrance at "D" Street and Alta Vista Drive, and modifying figure 5.2 of the Circulation Element to establish design standards for Rural Streets as shown on Exhibit "A" of Resolution No. 6388. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO.

Resolution No. 6385 - Agricultural Preserve Removal No. 100 - Councilmember Pepler moved to adopt Resolution No. 6385, approving Agricultural Preserve Removal No. 100 which takes effect only upon approval of the associated amendment to the General Plan (Resolution No. 6388), based upon the findings contained in the staff report. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO.

Ordinance No. 2606 - Zone Change No. 390 - Ordinance No. 2606 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. 390, was read by title only by City Clerk Poyzer, and on motion of Councilmember Pepler, seconded by Councilmember Harrison, further reading of the ordinance text was waived, and Ordinance No. 2606 was introduced and laid over under the rules with adoption scheduled for May 3, 2005, with Councilmember George voting NO.

Socio-Economic Analysis and Cost/Benefit Study - Councilmember Pepler moved to approve the Socio-Economic Analysis and Cost/Benefit Study for Conditional Use Permit No. 780 and Tentative Tract No. 16361 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 Harrison and carried with Councilmember George voting NO.

Conditional Use Permit No. 780 - Councilmember Pepler moved to approve Conditional Use Permit No. 780 which is preconditioned upon approval of the associated amendment to the General Plan (Resolution No. 6388) and which shall take effect on the effective date of Ordinance No. 2606, subject to the conditions of approval and findings contained in the staff report. Motion seconded by Councilmember Harrison and carried Councilmember George voting NO.

Tentative Tract No. 16361 - Councilmember Pepler moved to approve Tentative Tract No. 16361, which takes effect only upon approval of the associated amendment to the General Plan (Resolution No. 6388) and to take effect as of the effective date of Ordinance No. 2606, subject to the conditions of approval and findings contained in the staff report. Motion seconded by Councilmember Harrison and carried with Councilmember George voting NO.

ESRI, Applicant - 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. Continued from the April 5, 2005, City Council meeting was consideration of a draft mitigated negative declaration and a public hearing to consider General Plan Amendment No. 2005-2-B, a General Plan amendment to the Circulation Element to remove and vacate approximately 230 feet of New York Street north of the intersection with State Street, and a General Plan land use designation amendment from Light Industrial, Commercial and Linear Park Overlay to Office; a public hearing to consider introduction and first reading of the title of Ordinance No. 2600, Zone Change No. 401, a change of zone from M-1 (Light Industrial) District, M-2 (General Industrial) District, M-P (Planned Industrial) District and C-4 (Highway Commercial) District to A-P (Administrative and Professional Office) District on 27.94 acres located on both sides of New York Street, north of State Street and east of Tennessee Street; and consideration of Street Vacation No. 127 by giving notice of intent to vacate a portion of New York Street located north of the intersection of State Street and set a public hearing thereon for May 17, 2005, at 7:00 P.M. Community Development Director Shaw review the project and its applications. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. Opposed to the closure of a portion of New York Street were Phil Heller and Mario Saucedo. Because of the late hour Marjorie Hickman and Owen Jeffrey Morrison were no longer present but indicated on their speaker forms they were opposed to the closure of New York Street. City Clerk Poyzer reported that six communications opposing the closure of New York Street were received prior to the meeting. Don Berry, ESRI, urged the City Council to approve the applications and responded to questions about his contact with the U. S. Post Office on New York Street. There being no further comments, the public hearing was declared closed at 1:07 A.M. on April 20, 2005.

Mitigated Negative Declaration - Councilmember Gilbreath moved to approve the Environmental Review Committee's mitigated negative declaration for General Plan Amendment No. 2005-2-B, Zone Change No. 401 and Street Vacation No. 127 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 with Councilmember George voting NO and Councilmember Harrison having abstained.

Resolution No. 6391 - General Plan Amendment No. 2005-2-B - Councilmember Gilbreath moved to adopt Resolution No. 6391 for General Plan Amendment No. 2005-2-B, amending the Circulation Element of the General Plan to remove the Collector designation of New York Street through the project site from Park Avenue to State street and changing the

designation of the subject properties from Light Industrial and Commercial to Office as shown on the map made a part thereof of the resolution. Motion seconded by Councilmember Gil and carried with Councilmember George voting NO and Councilmember Harrison having abstained.

Ordinance No. 2600 - Zone Change No. 401 - Ordinance No. 401 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. 401, was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Gil, further reading of the ordinance text was waived, and Ordinance No. 2600 was introduced and laid over under the rules with adoption scheduled for May 3, 2005, with Councilmember George voting NO and Councilmember Harrison having abstained.

Street Vacation No. 127 - Councilmember Gilbreath moved to request the City Clerk to administratively set the hearing date for the proposed vacation of a portion of New York Street for May 17, 2005, at 7:00 P.M. and provide for published and posted notice of the hearing in accordance with State law. Motion seconded by Councilmember Gil and carried with Councilmember Harrison having abstained.

Ordinance No. 2599 - Hillside Development - Consideration of Ordinance No. 2599, Ordinance Text Amendment No. 308, to modify Chapter 18.138 of the Redlands Municipal Code pertaining to the establishment of a Hillside Development Overlay District and hillside grading standards, was continued to this time and place. At the recommendation of staff, this matter was continued to May 3, 2005, on motion of Councilmember Peppler, seconded by Councilmember Gil.

#### LATE BREAKING ITEM

Assembly Bill 558 Sponsorship - Noting the need to take action was immediate, Councilmember Gilbreath moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Discussion and possible action - Assembly Bill 558 Sponsorship." Motion seconded by Councilmember Gil and carried unanimously. Water Resources Chief Headrick reported the City Attorney and City Manager have recently received information from the offices of Assemblymen Bill Emmerson and Russ Bogh requesting that the City agree to sponsor AB 558 and send a letter of support to the Water, Parks and Wildlife Committee that will hear the bill on April 26, 2005. The bill re-appropriates approximately \$1.25 million of Sports Park grant funds that are set to expire on June 30, 2005, and extends the deadline for use of the funds to coincide with the two other Sports Park grants that expire on June 30, 2008. Water Resources Chief Headrick also reported that staff has re-initiated negotiations with the U.S. Fish and Wildlife Service regarding mitigation requirements for the existing Sports Park project site and a mutually beneficial resolution is being developed. Councilmember Peppler moved to authorize the City of Redlands to

be the sponsor of AB 558 (Emmerson) and to authorize the Mayor to sign and send a letter to the Water, Parks and Wildlife Committee supporting AB 558. Motion seconded by Councilmember Gil and carried unanimously.

#### PUBLIC COMMENTS

Transitional Housing - Reverend Don Wallace asked Mayor Pepler to confirm if she spoke to Congressman Lewis about the Redlands Charitable Coalition's proposed transitional housing grant request noting that she did not have permission from the City Council to do so. He accused her of "backroom politics" and called for initiation of an investigation and asked Mayor Pepler to step down from her position as Mayor.

#### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 1:17 A.M. on April 20, 2005. The next regular meeting will be held on May 3, 2005.

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City Clerk