

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 May 3, 2005, at 3:00 P.M.

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

ABSENT None

STAFF John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Cletus Hyman, Deputy Police Chief; Mel Enslow, Fire Chief; 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; and Jeffrey L. Shaw, Community Development Director

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

PRESENTATION

Proclamation - Water Awareness Month - Councilmember Pepler moved to authorize issuance of a proclamation declaring the month of May as Water Awareness Month encouraging all citizens of Redlands to increase their knowledge about water in their community and the need to use water wisely. Motion seconded by Councilmember Harrison and carried unanimously. Mayor Pepler presented the proclamation to Municipal Utilities Director Phelps and Chief of Water Resources Douglas Headrick. Chief of Water Resources Headrick reviewed the events scheduled to be held during the month noting we must make water conservation a way of life -- in dry and wet years. Municipal Utilities Director Phelps thanked the City Council for their support.

ANNOUNCEMENTS/REPORTS

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

CONSENT CALENDAR

Minutes - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the minutes of the regular meeting of April 19, 2005, were approved as submitted.

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

Planning Commission Actions - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the report of the Planning Commission meeting held on April 26, 2005, was acknowledged as received.

Pre-Annexation Agreement No. 04-03 - Michael and Todd Haig - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved Pre-Annexation Agreement No. 04-03 for two 8,875 square foot lots located on the west side of Tourmaline Avenue, approximately 50 feet south of Brighton Avenue in the Mentone area.

Pre-Annexation Agreement No. 03-07 - Amendment - Ryland Homes - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously continued Pre-Annexation Agreement No. 03-07, as revised, for property on 16.17 gross acres located on the south side of Nice Avenue between Crafton Avenue and Agate Avenue in the Mentone area, to the May 17, 2005, meeting.

Resolution No. 6395 - Eminent Domain Authority - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously adopted Resolution No. 6395 a resolution of the City Council of the City of Redlands authorizing City staff to provide notice of the City Council's consideration of resolutions of necessity and hearings pursuant to Code of Civil Procedure Section 1245.235 (see next item for Teledyne Technologies, Inc.).

Eminent Domain Notice - Teledyne Technologies, Inc. - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously authorized staff to give a notice of public hearing to Teledyne Technologies, Inc. on a resolution of necessity to acquire a portion of their property by eminent domain for the City's New York Street Extension and Improvement Project located at 840 West Brockton Avenue and designated as Assessor's Parcel Nos. 269-021-01 and 169-021-10.

Ordinance No. 2600 - Zone Change No. 401 - 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. Councilmember Pepler moved to adopt Ordinance No. 2600 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. 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 (ESRI, applicant). Motion seconded by Councilmember Gil and carried with Councilmember George voting NO and Councilmember Harrison having abstained from the vote.

Ordinance No. 2606 - Zone Change No. 390 - On behalf of the San Gorgonio Chapter of the Sierra Club and also The Redlands Association, Bill Cunningham asked that the letters that were submitted on the meeting of April 19th be incorporated as a part of this meeting with their comments rather than reading them the second time. Councilmember Pepler moved to adopt Ordinance No. 2606, 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. 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 (Covington Construction and Development, applicant). Motion seconded by Councilmember Gilbreath and carried with Councilmember George voting NO.

Resolution No. 6392 - Annexation Nos. 81 and 83 - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously adopted Resolution No. 6392, a resolution of the City Council of the City of Redlands directing staff to prepare and file an application to annex properties identified as Annexation No. 81 (AKS and BEK Partners, applicant) for an 8.93 acre parcel located on the south side of Madeira Avenue, west of Sapphire Avenue and east of Plumwood Lane, and Annexation No. 83 (Amethyst Bible Church, applicant) for a 4.89 acre parcel located on the northwest corner of Mentone Boulevard and Amethyst Street.

Amendment - EIR Contract - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved the third amendment to a contract with Michael Brandman Associates for expansion of scope of work for the preparation of an Environmental Impact Report for General Plan Amendment No. 93, Agricultural Preserve Removal No. 100, Zone Change No. 390, and Tentative Tract No. 16361 and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Fee Waiver - Showmobile - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously authorized a waiver of \$550.00 in fees for the Rotary Club of Redlands for the one day use of the Showmobile on July 9, 2005, for "the Flight of the Spirit of Charles Kean" event at the Redlands Municipal Airport providing that certain other requirements noted in the rental contract are met for towing, set-up, a deposit, insurance coverage and rental period.

Fee Waiver - Redlands 4th of July Committee - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously waived all fees and personnel costs for the annual 4th of July celebration in Redlands hosted by the Redlands 4th of July Committee, Inc.

Proclamation - ALS Awareness Week - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously authorized issuance of a proclamation declaring May as Amyotrophic Lateral Sclerosis (ALS) Awareness Month.

Proclamation - Toddler Immunization Month - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously authorized issuance of a proclamation declaring May as Toddler Immunization Month.

Proclamation - Fibromyalgia Awareness Day - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously authorized issuance of a proclamation declaring May 2005, as Fibromyalgia Awareness Month.

Proclamation - National Small Business Day - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously authorized issuance of a proclamation declaring May 10, 2005, as "Communities Grow with McDonald's Day" as part of National Small Business Day.

Appointments - Airport Advisory Board - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously reappointed John W. Ingraham and Brian J. Holohan to four-year terms on the Airport Advisory Board as recommended by Mayor Peppler.

Contract Award - Union Avenue Reconstruction - Bids were opened and publicly declared on April 7, 2005, by the City Clerk for the reconstruction of Union Avenue between Orange Street and Tribune 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 All American Asphalt, Corona, in the amount of \$256,114.50, and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved this recommendation and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Western Division Pony All-Star Games - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved the request from the Redlands Baseball/Softball for youth to charge an

entrance fee and prohibit food and beverages from being brought into the field area during the Pony All-Star Games from June 30 through July 18, 2005.

Agreement - Bridges Replacement Project - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved a construction and operation and maintenance agreement with the San Bernardino Valley Municipal Water District for the Alabama Street and Orange Street Bridges Replacement Project and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Ordinance No. 2607 - Sewer and Water Charges - 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, was unanimously adopted on motion of Councilmember Harrison, seconded by Councilmember Gilbreath.

Agreement Amendment - Emissions Testing - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved Amendment No. 1 to an agreement with SCEC for emissions testing at the California Street Landfill and Electrical Cogeneration Facility.

Funds - Agreement - Airport Appraisal Services - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved an agreement with Mason & Mason for appraisal of real property located at the Redlands Municipal Airport, approved an additional appropriation in the amount of \$11,500.00, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement/License - Fire Training Site - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved an agreement/license for entry upon land for use of property as a training site with Citrus Packing, LLC to conduct non-burn training at their property located at the northeast corner of San Bernardino Avenue and Texas Street (Assessor's Parcel Nos. 167-101-02 and 04) and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Agreement - Fire Service Instructional Training - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved an inter-agency instruction services agreement with the Rancho Santiago Community College District for the Santa Ana College Fire Service Contract Training Program and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Funds - Fire Uniforms - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously authorized an additional appropriation of \$25,000.00 for the purchase of safety clothing and

uniforms for the Redlands Fire Department in anticipation of retirements, promotions and corresponding vacancies.

Grant Application - Fire Protective Equipment - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously authorized an application to the Federal Emergency Management Agency (FEMA) for the Assistance to Firefighter Grant award in the amount of \$98,174.00 for the complete replacement of the Fire Department's personal protective safety equipment.

Amendment - School Crossing Guard Contract - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved an amendment to the agreement with All City Management Services, Inc. for the provision of crossing guard personnel by extending the agreement through June 30, 2006, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Ground Lease - Boys and Girls Club of Redlands - Councilmember Gil asked for an update on the construction of the Boys and Girls Club of Redlands' facility. Mayor Pepler suggested asking one of their Board members to attend the next City Council meeting with staff to make this report. This was agreeable to Councilmembers. Councilmember Gil moved to approve a ground lease agreement with the Boys and Girls Club of Redlands for City-owned property located at the corner of Lugonia Avenue and Clay Street, and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City. Motion seconded by Councilmember Pepler and carried unanimously.

Agreement - Unclaimed Evidence Auction - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously approved a contract with Nationwide Auction Systems for the auction of unclaimed property and evidence for the Police Department and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

Settlement Agreements - Treece/Beltran/Gonzales - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously acknowledged Settlement and Release Agreements with Saing Treece, Bernadette Beltran and Sally Gonzales for property damage authorized by the City Council in a closed session.

Resolution No. 6393 - HOME Consortium Agreement - On motion of Councilmember Harrison, seconded by Councilmember Gilbreath, the City Council unanimously adopted resolution No. 6393, a resolution of the City Council of the City of Redlands authorizing participation in the County of San

Bernardino County HOME Consortium and authorized the Mayor to execute, and the City Clerk to attest to, the document on behalf of the City.

PUBLIC HEARING

Ordinance No. 2610 - Medical Marijuana Dispensaries - Public hearing was advertised for this time and place to consider Ordinance No. 2610, an ordinance of the City of Redlands extending the effect of Ordinance No. 2602 of the City of Redlands providing for a temporary moratorium relating to medical marijuana dispensaries and declaring the ordinance to be an urgency measure to take effect immediately. Community Development Director Shaw reported that medical marijuana dispensaries have been established in several locations in California and as a consequence, some local agencies have reported increases in illegal drug activity, illegal drug sales, robbery of persons leaving dispensaries, loitering around dispensaries, falsely obtaining "identification cards" to qualify for medical marijuana and other increases in criminal activity in and around medical marijuana dispensaries that are described in the proposed ordinance. To protect residents and businesses from harmful secondary effects of medical marijuana dispensaries, City staff needs additional time to determine whether such uses should be permitted within the City, to study licensing and criminal background check procedures, as well as determine which zoning districts, if any, might be appropriate for such uses and pursuant to what level of discretionary review. The proposed ordinance will extend the interim prohibition/moratorium for a period of ten months and fifteen days on land use approvals and building permits in all zoning district for medical marijuana dispensaries. This period may be extended further by the City Council in accordance with the provisions of California Government Code Section 65858. This extension will allow the City staff time to research and prepare an ordinance to bring back to the City Council for consideration of a permanent ordinance to regulate the placement and operating provisions of medical marijuana dispensaries. Mayor Pepler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Ordinance No. 2610 was read by title only by City Clerk Poyzer, and on motion of Councilmember Gilbreath, seconded by Councilmember Harrison, further reading of the ordinance text was unanimously waived, and Ordinance No. 2610 unanimously adopted.

COMMUNICATIONS

Policy - Rebroadcasting City Meetings - Noting many people went to bed before the last meeting ended (the latest adjournment time of any City Council meeting in Redlands' history) and wished to see a replay of the meeting, Councilmember George asked the City Council to establish an official re-broadcast policy that involves replaying City Council meetings several times during regular business hours to make sure the public has as many opportunities as possible to see what transpires at meetings. City Manager Davidson reported

staff is drafting a policy addressing the equipment limitations and staffing needs of the Video Production Division of the Police Department. A discussion ensued as to guidelines for departments heads to follow when establishing policy without City Council knowledge or input. Councilmembers concurred to have both policies drafted for City Council review.

UNFINISHED BUSINESS

Ordinance No. 2609 - Food Establishments Grading - Ordinance No. 2609, an ordinance of the City of Redlands adding Chapter 8.26 of the Redlands Municipal Code and adopting by reference San Bernardino County Ordinance No. 3930, Adding Chapter 14 to Division 3 of Title 3, and adding Subsection 16.0213B(b)(17) to Chapter 2 of Division 6 of Title 1, all of the San Bernardino County Code, relating to inspection grading of food establishments, was presented by City Manager Davidson. Ms. Terri Williams, Program Manager for the San Bernardino County Department of Public Health, was available for questions. Councilmember Gilbreath expressed concern about the timing of the inspections and the effective date of the ordinance. Ms. Williams reported they would probably be done with all inspections by the end of this week; therefore, the timing was perfect. Ordinance No. 2609 was read by title only by City Clerk Poyzer, and on motion of Councilmember George, seconded by Councilmember Pepler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2609 was introduced with unanimous Council approval and laid over under the rules with public hearing and adoption scheduled for June 7, 2005.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6390 - Great Neighborhood Program - Councilmember Gilbreath moved to adopt Resolution No. 6390, 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 Gil and carried unanimously. (Also see Resolution No. 394 in the Redevelopment Agency minutes for May 3, 2005.)

Refund - Economic Development Consultant Services Agreement - Councilmember Pepler moved to accept the refund of \$14,962.05 from the Redlands Chamber of Commerce of the remaining balance of the economic development consultant services agreement with the City. Motion seconded by Councilmember Gilbreath and carried unanimously. On behalf of the Board of Directors of the Redlands Chamber of Commerce, president Darrel Olson presented the refund check to Mayor Pepler and thanked the City Council for their participation in the partnership. (Also see Redevelopment Agency minutes for May 3, 2005.)

PUBLIC COMMENTS

Accolades - Stan Weisser, representing four diverse registered voters, and Ediberto Flores, Northside Impact Committee, commended Councilmembers for their hard work and efforts towards the betterment of the City. Mayor Pepler thanked both gentlemen for all they have done for the community.

CLOSED SESSION

The City Council meeting recessed at 3:45 P.M. to continue the Redevelopment Agency meeting and reconvened at 3:46 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c)
 - a. One case - Facts and circumstances: Consideration of tort claim from Prudential Insurance and Casualty Company
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c)
 - a. One case (possible initiation of litigation)
3. Conference with labor negotiator
 - a. Agency negotiator: John Davidson
Employee organizations: Redlands Professional Fire Fighters,
Redlands Police Officers Association, and
Redlands Association of Safety Management
Employees

ADJOURNMENT

There being no further business, the City Council meeting adjourned following the closed session. The next regular meeting will be held on May 17, 2005.

City Clerk