

MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on March 6, 1973, at 7:00 P.M.
Planning Commission items 3:00 P.M., Regular Agenda 7:00 P.M.

PRESENT

Jack B. Cummings, Mayor
Charles G. DeMirjyn, Vice Mayor
Chresten M. Knudsen, Councilman
Ellsworth E. Miller, Councilman
Sam S. Sewall, Councilman

R. P. Merritt, Jr., City Manager
Edward F. Taylor, City Attorney
Peggy A. Moseley, City Clerk
Erwin S. Hein, Redlands Daily Facts
Chuck Palmer, San Bernardino Sun

ABSENT

None

Awards

The meeting was opened with the pledge of allegiance, followed by the invocation by Reverend H. A. Welklin of the Seventh-day Adventist Church.

Before beginning the agenda of the meeting, Mayor Cummings presented certificates of specialization in park technology awarded by the California Board of Parks and Recreation to Harry Main, a 15-year employee of the City Park Department; to Robert Sewell, an 8-year park employee; and to James MacKenzie who has been Director Parks for 1½ years and was formerly Assistant Superintendent of Parks for one year. Mayor Cummings congratulated these employees on their studies which bring growth and proficiency in their service to the City of Redlands.

Vice Mayor DeMirjyn requested Council recognition of the heroic deeds two weeks ago following an accident on Alabama Street and Pioneer Avenue in which Forestry Captain Bob Martines, City Ambulance Service Manager Norm Osborne and Gary Pulliam and Redlands Fireman Dale Martin

risked their lives in saving the young driver who was injured and trapped in his car. On motion of Councilman DeMirjyn, seconded by Councilman Miller, letters of congratulation were authorized to these men.

The minutes of the meeting of February 20, 1973, were unanimously approved with the addition on page 3, line 3, under Recreation Commission, of the words "and park" inserted immediately following "Sylvan Plunge", on motion of Councilman Knudsen, seconded by Councilman Miller.

BIDS

Bids were opened and publicly declared in the Conference Room of City Hall at 10:00 A.M. this date for sidewalk installation in various areas of the north side as follows:

Award	Mark McAllister	
	Rialto, California	Total \$10,180.40
	Edward Sagan	
	Beaumont, California	Total \$ 8,140.00
	E. L. Yeager Construction Co., Inc.	
	Riverside, California	Total \$10,140.60

Sidewalk Installation

The Department of Public Works states that the apparent low bidder, Edward Sagan, does not conform to the specifications, and the bid contains irregularities and alterations, and for this reason recommends award to the E. L. Yeager Construction Company. On motion of Councilman DeMirjyn, seconded by Councilman Knudsen, unanimous approval was given to award the bid to the E. L. Yeager Company in the amount of \$10,140.60, with an additional \$140.60 authorized to cover the cost of this work.

Bids were also opened and publicly declared at 10:00 A.M. this date for construction of a 3.5 million gallon reservoir at the Crafton Hills College site as follows:

Award Reservoir	American Bridge Company	Alt. #1	\$149,400.00
	Los Angeles, California	Alt. #2	\$156,400.00
	Chicago Bridge & Iron Co.	Alt. #1	\$142,770.00
	Pasadena, California	Alt. #2	\$147,620.00
	General American Trans. Corp.	Alt. #1	\$161,356.00
	Los Angeles, California	Alt. #2	\$166,988.00
	Pacific Erectors Corporation	Alt. #1	\$141,329.00
	Santa Fe Springs, California	Alt. #2	\$149,758.00
	Pittsburgh-Des Moines Steel Co.	Alt. #1	\$148,790.00
	Whittier, California	Alt. #2	\$148,790.00
	Rheem Superior, Division of	Alt. #1	\$142,140.00
	Rheem Manufacturing Company	Alt. #2	No Bid
	Los Angeles, California		

Following an explanation of the difference between the two alternate proposals and a recommendation by Utility Superintendent Shefchik, on motion of Councilman Knudsen, seconded by Councilman DeMirjyn, award was made to the Pacific Erectors Corporation for Alternate #1 Proposal in the amount of \$141,329.00 unanimously.

The following bids for construction of asphalt concrete pavement at the Redlands Municipal Airport were also opened and publicly declared at 10:00 A.M. this date:

Bear Valley Paving	
Big Bear Lake, California	Total \$16,107.00
Fontana Paving	
Fontana, California	Total \$14,385.00
Kruger Paving	
San Bernardino, California	Total \$14,700.00

BIDS (Continued)

Award Airport Paving	Pacific Paving	
	Etiwanda, California	Total \$14,595.00
	Riverside Construction Co.	
	Riverside, California	Total \$15,792.00
	E. L. Yeager Construction Co.	
	Riverside, California	Total \$13,860.00

Following discussion, on motion of Councilman Miller, seconded by Councilman Knudsen, the recommendation of the Department of Public Works was accepted and award was unanimously made to the E. L. Yeager Construction Company in the amount of \$13,860.00.

ORAL PETITIONS

Tract Approval	Mr. Howard Fuller, representing the C-Y Development Company, requested that final approval be given to Tract No. 8566 on which all requirements as outlined in Council minutes of January 2, 1973, have been fulfilled subject to the delivery of a performance bond. Following discussion, on motion of Councilman Sewall, seconded by Councilman Knudsen, unanimous approval was given to the final approval for Tract No. 8566.
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Humane Society	Mr. Rocky Ridge, of 217 Craig Court, Vice President of the newly formed Redlands Humane Society, presented a sample ordinance from the City of Riverside lowering the license fees for castrated male or spayed female dogs as these animals do not add to the dog population. Mr. Ridge briefly described the aims and ambitions of the organization. Council discussed the matter briefly and referred it to staff for study and a report in one month.
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Community Park	Mrs. Phyllis Williams of 31416 Highview Drive, presented a check for \$3,500 from the Park and Recreation Task Force to be used in the first expenditure for Community Park. Mrs. Williams added that the committee has an additional \$2,300 in the bank and also a pledge of \$500 from the American Legion Marmolejo Post #650. Mayor Cummings congratulated the coalition task force, members of the Horticultural and Improvement Society and all the interested citizens on the success of their Arbor Day Project.
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COMMISSION RECOMMENDATIONS

Planning Commission recommendations as considered by the City Council at a regular meeting thereof held on March 6, 1973, at 3:00 P.M.
Present: Councilmen DeMirjyn, Knudsen, Miller, Sewall, Mayor Cummings; Deputy City Attorney Bill Brunick

1. R.P.C. No. 388 - Zone Change No. 154 - Leonard, Wood, Johnston, Burns, and Deeb

That R.P.C. No. 388, a resolution of the Planning Commission recommending a change of zoning from A-1, Agricultural District, to R-1, Single Family Residential District, for approximately 20 acres of property located between Pioneer Avenue and San Bernardino Avenue, 1320 feet east of Church Street, be approved. Councilman Sewall explained that a lengthy public hearing had been held by the Planning Commission; that the statement relating to "Green Belt" did not mean "Agricultural Preserve"; and that the business at hand this afternoon is a matter of Council policy and not personalities or ownership.

City Manager Merritt read the following prepared statement to deny the comments of Mr. Warren Hooper contained in Planning Commission minutes dated February 27, 1973, page 7, last paragraph:

"I would appreciate an opportunity to ask a question: Mr. Knudsen, I note on page 7 of the Planning Commission minutes, a statement involving Bill Schindler and myself inferring approval of the matter before the Council at this time. This statement is totally untrue.

PLANNING COMMISSION RECOMMENDATIONS (Continued)

"Mr. Knudsen, in your capacity as a Councilman, you invited me to attend a luncheon on February 20. As this was my only day of that week in the City, due to a Conference in Oakland, and also as it was a Council meeting date, I was concerned with taking the time. I asked you with whom we would be having lunch and you informed me that it was the representatives of the Levitt Company. You also informed me that this was an important meeting and I should attend.

"During the course of the luncheon, you were promoting the development of the property with the Levitt and Sons representatives indicating to them that they must meet the offsite requirements of the city.

"My question to you is this: Do you recall during the course of the luncheon or the discussion that followed, any statement concerning rezoning of the property presently being considered by the City Council or any indication on my part of either being for or against this rezoning?"

Mr. Knudsen replied: "I think your statements are absolutely correct in every respect, Mr. Merritt. I don't believe you commented on the zoning at all, and as a further correction, quoting the words of Mr. Hooper, it says that he talked with Mr. Schindler, and Mr. Schindler, of course, was not there."

Mr. Knudsen then read the following statement:

"Mr. Mayor and members of the Council: I would like to make a statement before you consider this zone change. I am the engineer for Levitt & Sons of California on this project. I accepted this job after giving consideration to a number of facts. Firstly, Mr. Warren Hooper, the real estate broker in this case, and I have worked together on other similar projects in other cities. Secondly, this project is standard to the codes and ordinances of this city; there are no variances, deviations nor exceptions. All lots, streets, and utilities are standard and in fact are a repeat of the subdivision tracts immediately adjacent to the west. Thirdly, the actions of this Council within the last 2 - 3 years has been to encourage this type of development. And fourthly, the precedent for zone change has been established by the following council actions: A - In 1971-2, approximately 85 acres of Agricultural Preserve lands were rezoned from A-1 to R-1 and R-2 to accommodate mobile home parks in the area from Sylvan Boulevard to Colton Avenue and Dearborn to Wabash and there was no contest. B - In 1971, approximately 50 acres of Agricultural Preserve lands were rezoned to accommodate the so called Lincoln Ranches PRD between Lincoln and Dearborn Streets and Citrus Avenue. C - In 1971, approximately 30 acres of Agricultural Preserve lands on Lugonia Avenue were rezoned to permit a mobile home park and apartments and across the street another 20 or more acres of Preserve were rezoned for apartments. D - According to the map furnished the City Council dated June, 1972, showing the Agricultural Preserve lands and the subsequent actions of the council on November 7, 1972, approximately 690 acres were withdrawn from the Agricultural Preserve including the lands mentioned in A, B, and C above, and there was no contest to this 24% reduction in Preserve area. That was just four months ago.

"For the above reasons I felt there were no great problems with these proposed tracts, which take less than one percent of the Preserve Area. I shall abstain from discussion and voting on this matter."

Attorney Brunick: "Councilman Knudsen, I think before you briefly told me you were advised by the League of California Cities that you can vote on this matter. Is that correct?"

Councilman Knudsen: "Yes, and in talks with them we have learned that it's best that I don't even discuss it before the Council at this time.

Attorney Brunick then asked: "Is your relationship with this particular developer a direct contractual relationship or is it strictly one employment contract, or is it compensation or percentage basis?"

Councilman Knudsen replied that he was paid on a compensation basis; a fee for the engineering work, and a share in brokerage commissions if this is sold.

City Manager Merritt then continued reading his statement:

PLANNING COMMISSION RECOMMENDATIONS (Continued)

"Gentlemen: This morning, I called Councilman Chresten Knudsen and requested his assistance with respect to clarification of the statement of Warren Hooper's in the Planning Commission minutes of February 27. He told me he could give me no assistance, that my problem was with Mr. Hooper, the broker for Levitt, or the Levitt representative.

"I informed Councilman Knudsen that I had called Warren Hooper last evening and told him I was concerned with the statement and, inasmuch as I had had no previous conversation with him, nor an awareness that he was involved as the broker for Levitt and Sons, I would appreciate knowing the source of his information. He informed me that his source was a Mr. Stark, broker for Levitt and Sons. I told him that neither I nor Bill Schindler had had any conversation, in person or on the phone, with Mr. Stark and I was still at a loss to understand the basis for the statement.

"As Councilman Knudsen had requested my presence at the luncheon, and as he had been involved in the entire conversation, I felt he was in a position to witness the fact that no discussion was held concerning the rezoning of agricultural land and that I made no statement either for or against the rezoning question to the Levitt representatives. Also as he knows, no Levitt representative - other than himself - has discussed this matter with Bill Schindler; consequently, the statement in the minutes is without fact. After again refusing to be of any assistance in clarifying the matter, he said he would call the Vice President of Levitt and Mr. Stark, and let me know their opinion."

"Today I have not as yet received a reply to that. I would appreciate having this matter in the minutes of the meeting."

Mayor Cummings explained that the only real question here is the zone change and the Council's policy, practice and timing on the control of land use, and added that if R.P.C. No. 388 is accepted, first reading should be given to Ordinance No. 1509.

Attorney Brunick stated that everyone who is here who wishes to be heard should be allowed to speak because this is a public matter involving a zone change.

Councilman Miller moved for approval of R.P.C. No. 388 to bring the matter to the floor. Motion seconded by Councilman DeMirjyn.

Planning Director Schindler then read a memorandum concerning his report of the Environmental Review Committee meeting:

"In the process of reviewing the subject zone change, several matters were discussed by the Environmental Review Committee. The possibility of establishing a moratorium on zone changes into the agricultural areas was considered. A recommendation to the City Council that there be no further rezoning of agricultural lands until the adoption of an official growth policy was also considered. Members of the committee largely felt in view of previous actions with regard to zoning of agricultural lands that the request was consistent with such actions.

"I interpreted the conclusions of the committee to mean that the requested change was inevitable. Apparently all four members disagree with my report of the decision, including Mrs. Ifft who sat in on the meeting as a citizen observer. It is apparent that my analysis was in error.

"The decision should have stated that there should be no rezoning of any agricultural land until adoption of an official growth policy by the city."

Mr. Warren Hooper, 11587 Walnut Avenue, stated that at the luncheon meeting referred to in the Planning Commission minutes there was no discussion about zoning, and he had concluded that there would be no problem because zoning had not been discussed. Mayor Cummings pointed out that the staff cannot commit the City; only the City Council can do that. Mr. Hooper again supported Mr. Merritt's statement; but added that the Levitt people felt if there were any problems it would have been brought up.

Council discussed the 20 acres already approved for this developer; the possible increase in cost of the homes to be built on this property at a later date and the possibility of the development not taking place after the zone change; the distance from city services and police and fire protection, with resultant costs of such service falling

PLANNING COMMISSION RECOMMENDATIONS (Continued)

disproportionately upon the general taxpayer. The impact on schools and parks in the area was also considered.

Mr. Schindler stated that the Agricultural Preserve boundaries had recently been reduced, and that he believed the city is at a crossroad. He explained that there is sufficient R-1 now zoned for twenty years growth, and that from a planning viewpoint ideal development is from the center outward, with filling in of the skipped areas. He added that the purpose of the Agricultural Preserve initially was to provide a vehicle for agriculturists to obtain tax relief through the Williamson Act.

Mrs. Evelyn Ifft, 506 Lytle Street, of the Ecology Task Force, read a brief statement and urged that no agricultural land be rezoned until a growth policy is formulated for the city. She urged that "leap-frogging be disallowed" and that land presently zoned R-1 be developed.

Mrs. Helen Deeb, one of the applicants, described the problems confronting the land owners. Attorney Paul Wilson, representing another owner, Mrs. Burns, urged Council to proceed with the zone change. Mrs. Ellen Disparte, 880 West Pioneer, spoke of the effect upon already crowded schools in the area.

Fred Ford, 49 Summit Avenue, described uses currently permitted in the A-1 and A-2 zones and stated that some would not be incompatible uses abutting residential property. He described the economics of large scale agriculture. Mr. Ford also read a resolution from the Chamber of Commerce favoring rezoning consistent with orderly development; the need for consideration of all factors involved in maintaining a green belt, and careful review of any proposed green belt policies for the city.

Also addressing Council on this matter were: Don Cronkite, 1344 La Loma; Omar Johnston, Tustin, one of the applicants; Lawrence Ridge, 217 Craig Court; Daniel Gonzalez, 1235 Occidental; Charles Juran; Mrs. F. D. Atkinson; and Noel Quinn, Opal Avenue, Mentone.

The vote on the motion to approve R.P.C. No. 388 was as follows:

AYES: Councilmen DeMirjyn, Miller
NOES: Councilman Sewall, Mayor Cummings
ABSTAIN: Councilman Knudsen

Mayor Cummings stated that he would not favor 193 houses of any one economic level at this time and place, that he would like to have an environmental impact study on this and would like to know how this development would relate to schools, parks, fire and police.

The Attorney directed, and Council concurred, that the matter be returned to the Planning Commission for reconsideration and a new environmental review.

Mrs. Ruth Patton discussed the Environmental Review Committee briefly with Council and suggested the advantages of having lay members on this committee. Mayor Cummings explained that staff were presently in this position mainly because the City of Redlands was one of the first cities in California to have an Environmental Review Committee. Attorney Brunick explained to Mrs. Patton that different cities handle this matter in different ways, and that new guidelines would be received from the State Attorney General's office on this matter.

There being no further business, the Council adjourned at 5:30 P.M. to reconvene at 7:00 P.M.

Public Works Commission - Mr. Charles Dibble, Chairman, read a resolution from the Commission recommending against drilling the Agate Street Well at the present time and recommending utilization of the Judson Well of Bear Valley Company. Mr. Dibble also gave a detailed report on the water-use patterns of the city in the past seven years, stating that consumption had been lowered.

Director of Public Works Shone reiterated his position recommending that the Agate Well be drilled at this time, and added that he feels this is an unnecessary gamble.

COMMISSION RECOMMENDATIONS (Continued)

Councilman DeMirjyn then moved, seconded by Councilman Miller, to approve the recommendation of the Public Works Commission.

City Attorney Taylor questioned Mr. Shone, asking if he still maintained, even in the face of the recommendation of the Public Works Commission, his prior position on drilling the Agate Well. Mr. Shone stated that he did, and explained that the City is unable to produce and deliver water at 100% capacity even though this is theoretically possible, due to the complexities of a water system. Mr. Shone agreed that water consumption has gone down in the past few years; but reminded Council that there have been no sustained five to ten day periods of very high temperature. He also explained that certain areas within the city have poorer water availability due to length of lines and necessity for pumping water to higher elevations, and also stressed the problem of water being unavailable from Mill Creek, a major alternative source, during summer storms.

Mr. Shone further stated that he believed the Commission felt that this delay was worth the gamble because the Commission expects Feather River water delivery in 1975. Mr. Shone is convinced that this is not necessarily a fact.

City Attorney Taylor then asked Mr. Shone his thoughts about the availability of the Bear Valley Well. The reply was:

- (1) The Bear Valley Well is a very good producer;
- (2) To be used by the City, the irrigation water must be flushed from the system and chlorination added to allow for use as city water.
- (3) The Big Bear Water Suit could necessitate the use of this water for Big Bear customers.

City Attorney Taylor explained that it is important for the Council and Public Works Commission to understand Mr. Shone's recommendation, that they are taking a calculated risk in deciding, for reasons of lesser cost, to rely upon the privately-owned Judson Street Well, and not to drill a new well within the system.

Mr. Shone added that he had advised both the hospital and the Beaver Clinic of the desirability of emergency water supplies, either a well or small reservoir.

Council discussed the desirability of having a plan for curtailment of water use during a period of shortage or emergency and recommended that the Public Works Commission look into establishment of a program to cut off users who consume a great amount of water on automatic control, as do the Country Club and Crafton Hills College.

Following discussion, the motion to approve the recommendation of the Public Works Commission was unanimously adopted by the City Council.

APPLICATIONS AND PETITIONS

City Manager Merritt read a letter from Mrs. David A. Cairns requesting that the matter of sanitary sewers of Via Vista Drive be withdrawn from the agenda at this time. Council concurred.

COMMUNICATIONS

Mayor Cummings read a letter from the departing Brigadier General Lester Kearney expressing appreciation for cooperation between Norton

COMMUNICATIONS (Continued)

and Redlands and thanking the Council for their interest and assistance during his command.

Mayor Cummings announced:

a meeting of SANBAG at 7:00 P.M., Thursday, March 8, 1973, in the San Bernardino Convention Center.

The Chamber of Commerce Business Education Day at Griswold's Wednesday, March 7, 1973, at 12:00.

the Citrus Belt General Meeting on March 21, 1973, in Palm Springs at the Spa Hotel.

UNFINISHED BUSINESS

Mini-park

On motion of Councilman Sewall, seconded by Councilman Miller, unanimous approval was given to the request of the City Manager that consideration of the mini-park be postponed.

Ordinance
No. 1508
Massage
Parlors

Ordinance No. 1508, an ordinance of the City of Redlands, regulating massage parlors and massagists and bringing the city into conformation with the county laws, was given second reading of the title and adopted with waiver of the reading of the ordinance in full on motion of Councilman Miller, seconded by Councilman Knudsen, by the following roll call vote:

AYES: Councilmen DeMirjyn, Knudsen, Miller, Sewall, Mayor Cummings
NOES: None
ABSENT: None

NEW BUSINESS

Ecological
Task
Force
Report

Councilman Sewall presented a recommendation developed by the Ecological Task Force for presentation to the EPA on March 15 and requested Council approval. Following discussion, Council concurred that the members of the Ecological Task Force should appear at the meeting as individuals and that Councilman Sewall should appear as Councilman and that any other Councilmen who wished should also address the group but that there would be ^{no} over-all policy adopted due to the limitation of time for study and consideration of the matter.

CITY MANAGER

Resolution
No. 3032
Retirement
Increase

City Manager Merritt recommended a 5% increase for retired employees; stated that there had been no increase since 1969, and that this proposed increase would go to 83 retired employees with a total cost to the City of \$100,050.00 if amortized over a ten-year period. Following brief discussion, on motion of Councilman DeMirjyn, seconded by Councilman Knudsen, unanimous approval was given to Resolution No. 3032, a resolution of the City Council expressing the intention to approve an amendment to contract between the Board of Administration of the Public Employees Retirement System and the City Council of Redlands.

Vine
Street
Widening

Upon receipt of a request from the Department of Public Works for authorization to proceed with a contract for engineering studies for the Vine Street widening, and the request by the Library Board that the matter be tabled until a meeting of the Board with Mrs. Drake, Council elected to table the matter indefinitely, until "we see about redevelopment," on motion of Councilman DeMirjyn, seconded by Councilman Sewall.

CITY MANAGER (Continued)

Sale of Water Facilities Following a brief explanation, on motion of Councilman Miller, seconded by Councilman DeMirjyn, unanimous approval was given to the sale to the City of Loma Linda of certain water facilities of the City of Redlands which are located within Loma Linda boundaries, with the Mayor authorized to execute the agreement on behalf of the City.

Highland Avenue Reservoir Following description of the condition of the Highland Avenue Reservoir, on motion of Councilman Knudsen, seconded by Councilman DeMirjyn, unanimous authorization was given to entering into an agreement with James M. Montgomery, Consulting Engineers, for an engineering feasibility study of the Highland Avenue Water Production Facility, and for the expenditure of \$9,500.00 for this service.

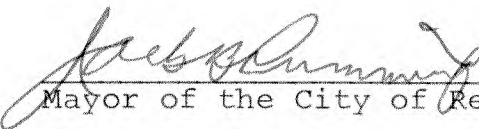
Annexation Requirement, Condominium On motion of Councilman Miller, seconded by Councilman Knudsen, annexation to the City of Redlands of the condominium at Redlands Boulevard and California Street was ordered as a requirement when water service is provided.

Bills and salaries were ordered paid as approved by the Finance Committee.

There being no further business, Council adjourned, on motion, at 8:30 P.M.

ATTEST:


City Clerk


Mayor of the City of Redlands

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