

MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on June 5, 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  
 Bill Brunick, Deputy City Attorney  
 Peggy A. Moseley, City Clerk  
 Grant Sims, Redlands Daily Facts  
 Chuck Palmer, San Bernardino Sun

ABSENT

None

The meeting was opened with the pledge of allegiance, followed by the invocation by Bishop Weldon B. Jolley of the Church of Jesus Christ of Latter-Day Saints.

The minutes of the regular meeting of May 15 and the special meeting of May 25, 1973 were approved as submitted.

PUBLIC HEARINGS

Ordinance  
 No. 1516  
  
 Zone  
 Changes

This being the time and place advertised for public hearing on Ordinance No. 1516, an ordinance of the City of Redlands amending Zoning Ordinance No. 1000 by adoption of five additional land use district maps, Zone Change 156, Mayor Cummings explained the ordinance and declared the meeting open as a public hearing for any questions or comments concerning these zone changes. None being forthcoming, the public hearing was declared closed, and Ordinance No. 1516 was 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, Mayor Cummings  
 NOES: None  
 ABSENT: Councilman Sewall

Councilman Sewall enters the Council Chambers at this time.

Resolution  
 No. 3023  
  
 Mall  
 Project

Mayor Cummings then stated that the public hearing opened at the May 15th Council meeting on Resolution No. 3023, a resolution for the establishment of a mall and trellis project in downtown Redlands, was continued to this time and place in order for the staff and City Attorney to study the one protest filed prior to that meeting.

In answer to a complaint in the protest that the property owners within and adjacent to the project were not fully informed as to the scope of the plan and perhaps would not now be interested, City Attorney Taylor stated that a recent survey of the property owners had produced a 66.7% reaffirmation of participation with the district, and that this number of petition signers included some new property owners who wish to speed the development. Mr. Taylor further stated that out-of-town property owners are now being contacted and that it is anticipated that additional signers will reconfirm their interest in and support of the project.

The second complaint, that monies assessed were going to be used to enhance private properties and not the mall itself, has been reviewed by staff and determined that none will be spent in that manner. Mr. Taylor then recommended that the City Council reject at the outset, this protest which has been made in good faith by the Dill Lumber Company.

PUBLIC HEARINGS (Continued)

Former Mayor Waldo Burroughs, one of the initiators of the project, briefly addressed Council and reaffirmed the Attorney's statement, and added that the signatures referred to were obtained in ten days. He stated that he felt the desire and intention is stronger now than at the time of the beginning of the project.

City Attorney Taylor reported that the Courts are cooperating to the fullest extent, that 60 to 70% of the evidence has now been presented, and that he hopes the Court will have rendered a decision by the next Council meeting.

Mayor Cummings reiterated his intense feeling of frustration with the fact that the wishes of the entire downtown Redlands community can be thwarted by one property owner.

Following discussion, and upon the recommendation of the City Attorney, Councilman Miller moved that the Dill protest be denied. Motion seconded by Councilman Sewall and carried by the following vote:

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

On motion of Councilman Miller, seconded by Councilman DeMirjyn, the public hearing on Resolution No. 3023 was continued to the next Council meeting, June 19, 1973, by unanimous vote.

COMMISSION REPORTS

Planning Commission Recommendations as considered by the City Council at a regular meeting thereof held June 5, 1973 at 3:00 P.M.

Present: Councilmen DeMirjyn, Knudsen, Miller, Mayor Cummings; Deputy City Attorney Brunick; Absent: Councilman Sewall

1. Lot Split No. 442 - W. E. Brown

That the request of W. E. Brown for permission to split property located at the south end of West Cypress Avenue, R-S and R-A zones, Lot Split No. 442, be approved subject to the recommendations of all departments as contained in Planning Commission minutes dated May 22, 1973. On motion of Councilman DeMirjyn, seconded by Councilman Knudsen, Lot Split No. 442 was approved by AYE votes of all present.

Appeal  
to Ad-  
visory  
Require-  
ments

Following this action, Council considered an appeal made orally by Mr. Brown to the requirements as enumerated in Advisory Committee recommendations. Mr. Brown questioned the requirement for a dry sewer on a lot split, and requested that he might be allowed to sign an improvement agreement stating that he will participate in the sewer installation at such time as it is offered, and added that he would be willing to sign a covenant running with the land to this effect. Following very lengthy discussion, on motion of Councilman Knudsen, seconded by Councilman Miller, authorization for Mr. Brown to sign an improvement agreement to participate in the installation of sewer when the line becomes functional, with inclusion of easements necessary for this participation in the recordation was approved by AYE votes of all present. Attorney Brunick requested that all material be supplied to the City Attorney's office for review as the requirements will appear on the deed.

On motion of Councilman DeMirjyn, seconded by Councilman Miller, the request of Mr. Brown to waive the installation of the fire plug was denied by AYE votes of all present.

Following discussion of sidewalk requirements, on motion of Councilman Knudsen, seconded by Councilman DeMirjyn, requirement for the installation of sidewalks will be keyed to the time the building permit is taken out, with the required sidewalks to be put in at that time, and this agreement to be included in the recordation of the lot split, by AYE votes of all present.

2. Tentative Map - Tract No. 8804 - Angel-Mock and Associates

That Tentative Map of Tract No. 8804, located southwest of Interstate 10 between Palm Avenue and Cypress Avenue, 177 lots, R-S zone, be approved subject to the recommendations of all departments as contained in Planning Commission minutes dated May 22, 1973. Following discussion, on motion of Councilman Knudsen, seconded by Councilman Miller, this recommendation of the Planning Commission was adopted by the

PLANNING COMMISSION RECOMMENDATIONS (Continued)

following roll call vote:

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

3. Tentative Map - Tract 8371 - Strader Construction Company - Time Extension

Tentative approval of Tract No. 8371 expires on June 7, 1973. Following explanation by Planning Director Schindler, time extension to June 7, 1975 was approved subject to the filing of an environmental impact statement satisfactory to the Environmental Review Committee, on motion of Councilman DeMirjyn, seconded by Councilman Knudsen.

4. Property Development Standards Within the C-1 Zone

Attorney Brunick read the following statement:

"Section 23.30 states that the lot area within the C-1 zone should be as follows:

"1. Minimum Area: Twenty-two thousand five hundred (22,500) square feet.

"2. Maximum Area: Two (2) acres.

"The problem as presented is that the Gerrard site plan will contain a gross area of 2.6 acres with a net usable area of 1.95 acres, i.e., less front yard and interior side yard setbacks for required landscaping. The Planning Commission recommended approval on the basis that this property is a corner piece of property facing the street on three sides and has an unusually large amount of area devoted to landscaping; and further there will be no increase in the commercial area normally found in a two-acre center.

"The question arises whether this is proper under Redlands Development Standards of the C-1 zone.

"It is my opinion that the Planning Commission's action was proper. Under Section 50.60 the Commission may, as an administrative act, consider and approve modifications to property development standards at a public meeting when such modifications are determined to be in the public interest providing notice is given to adjacent property owners."

Attorney Brunick added the recommendation that in the future the Council adhere to the two-acre requirement of the ordinance.

Following brief discussion, Council acquiesced in the request from Mrs. Atkinson that the following statement be read into the minutes: "I recommend that Council not continue to make decision on a precedent but only upon the ordinance. If a thing is a law, obey it; if it is a bad law, change it. Avoid having a precedent allow transgression as this leads to other transgressions."

Zanja  
Park

Park Commission - Councilman DeMirjyn reported that the Park Commission had discussed designs for riding and walking trails and picnic areas for the Zanja Park, and commended Mr. Jack Dangermond for his contribution.

Traffic Commission - Councilman DeMirjyn read Resolution No. 3047, a recommendation from the Traffic Commission for speed control on Olive Avenue, as follows:

Section One: Pursuant to Article 680, Section 68001 (a) of the Redlands Traffic Ordinance:

Resolution  
No. 3047  
Traffic

1. Establish the following speed limits and in each instance sign post the roadway as required by law:

- (a) Olive Avenue - from Citrus Avenue to Nanette Street - 30 mph.
- from Nanette Street to Terracina Boulevard - 45 mph.

On motion of Councilman Sewall, seconded by Councilman Miller, unanimous approval was given to Resolution No. 3047.

Mayor Cummings brought to Council attention a complaint which had been passed on to him concerning unruly conduct of children at the baseball field; large boys demanding money and hitting smaller children. He expressed the hope that parents will be responsible for their children. Council considered the vandalism reported at the new park, and were told

COMMISSION REPORTS (Continued)

by Mr. MacKenzie that 50% of the new trees have been yanked up and all the stakes for supporting the young trees have also been pulled out.

## Appointment

Public Works Commission - Mr. John Munn was unanimously appointed to fill the vacancy created by the resignation of Mr. Fred Geiger from the Public Works Commission, on motion of Councilman DeMirjyn, seconded by Councilman Miller.

Councilman Knudsen announced a meeting of the Public Works Commission and the staff at 3:30 P.M. Monday to study wording of the Public Works Commission ordinance.

APPLICATIONS AND PETITIONS

On motion of Councilman Knudsen, seconded by Councilman Miller, unanimous approval was given to permission for the American Field Service to sell refreshments in the Redlands Bowl area on June 14, graduation day, between the hours of 5:00 and 7:45 P.M. This activity also has the approval of the school principal and clean-up will be done by students.

COMMUNICATIONSRedlands  
Council  
of the  
Arts

The program being planned by the Redlands Council of the Arts for June 24, 1973 to celebrate the 50th Anniversary of the Redlands Bowl was announced. This Council comprises many active Redlands groups. The affair will be well advertised and is expected to be well attended. On motion of Councilman Sewall, seconded by Councilman Knudsen, approval was given again for the sale of refreshments at the Redlands Bowl. The Mayor commended all those active in the Redlands Council of the Arts on this significant event. Mr. Conant Halsey extended an invitation to all present and to their friends to attend this program, which is free. Mayor Cummings announced the SANBAG Executive Meeting tomorrow afternoon for the purpose of choosing an executive director.

Retirement  
Resolution

Announcement was made of a retirement dinner for Captain Warren Elliott on Friday, June 15, 1973. On motion of Councilman Miller, seconded by Councilman Knudsen, unanimous approval was given to a resolution commending Captain Elliott for his many years of service to the community.

Announcement was made of the Redlands Art Association display of children's art at the Peppers Art Center on June 10 between 2:00 and 5:00 P.M.

Smog  
Alert

Mayor Cummings acknowledged receipt of a memorandum from Chief Graefe stating that no definite smog warning plan is in existence at this time. The Council again expressed hope that some type of alert to severe pollution conditions can be developed for the city.

UNFINISHED BUSINESS

Mayor Cummings stated that the Council had received many, many communications urging acceptance of the \$73,000 HUD grant for park purposes. He added that the city staff has worked to make sure the Council is aware of the advantages and disadvantages of the HUD grant and of alternate programs.

City Manager Merritt presented a detailed explanation of the requirements, and the self-consuming aspect of a HUD grant, which requires an expert administrator, continuing payroll audits, and special hiring and wage regulation and control. Mr. Merritt added that the city does not have funds to develop the park nor to maintain it when it is developed.

Council briefly considered the alternate proposal of using revenue

## UNFINISHED BUSINESS (Continued)

Community  
Park

HUD Grant

Resolution  
No. 3045  
HUD GrantOrdinance  
No. 1510Tax for  
Park  
Purposes

sharing funds over an approximate three-year period to develop the park predicated upon the system previously used by the City in the development of Ford Park, and which could be followed for Community Park.

Councilman Sewall reminded the citizens of the difficulties of fund raising and named other worthy projects seeking funds at the present time within the city. He also pointed out the 15% increase in costs since the original estimates were made.

Vice Mayor DeMirjyn warned that future fund raising after application for the grant is made could meet the same lack of support and success that befell the Veterans Memorial, and questioned the actual amount that the park would cost the taxpayers.

Mrs. Phyllis Williams, of Yucaipa, addressed Council, stating that \$13,000 had been raised toward Community Park. She added that she was an amateur fund raiser and that a professional fund raiser could raise many, many more times this \$13,000 raised in the past year. Mr. Paul Crawford, of 405 Marcia Street, chairman of the Redlands Coalition, stressed the immediacy of the need for Community Park.

Mr. Jack Dangermond expressed concern with the cost of using a HUD grant, and remarked that a proper park tax for developers would raise sufficient funds in two years to develop and support the park. Following more discussion, on motion of Councilman Miller, seconded by Councilman Knudsen, the motion to approve the HUD grant, Resolution No. 3045, was adopted by the following roll call vote:

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

Mayor Cummings stated that he would personally work toward raising the funds for Community Park; that he felt a grave responsibility to the taxpayers of the community for a balanced budget; and that he believed Mr. Dangermond had made an excellent recommendation.

Ordinance No. 1510, an ordinance of the City of Redlands establishing a tax for park purposes, was given first reading at the last Council meeting. Mayor Cummings stated that after reviewing the ordinance he believes that the requirement of \$100.00 per unit would be a token amount and would be unrealistic for a quality community such as Redlands, and that he believed Mr. Dangermond had made a good recommendation.

Councilman Miller moved that Section 1 (a) of Ordinance No. 1510 be amended to state: "\$200.00 per dwelling unit for which a building permit is issued, or 15¢ per square foot, whichever is greater." Councilman Sewall seconded the motion.

Mr. Dangermond spoke briefly about the serious need to generate this type of park funds to develop new parks, to further develop that land already established as parks, to prepare for predicted increase in population density, and for ever-increasing inflation.

Councilman Knudsen spoke against the proposal as being discriminatory and reminded that the Santa Ana wash area would always be available for park and open space enjoyment.

City Manager Merritt reiterated that the city does not have the present capability to finance and maintain parks. Park Director MacKenzie stated that by 1985 Redlands would need over two million dollars for parks.

UNFINISHED BUSINESS (Continued)

Following further discussion, this motion lost by the following vote:

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

After the offering of several alternate motions and amendments, on motion of Councilman Miller, seconded by Councilman Sewall, Ordinance No. 1510 was amended to have Section 1 (a) read "\$225.00 per dwelling unit." This motion carried by the following roll call vote:

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

Ordinance No. 1510 as amended was given first reading of the title and laid over under the rules, with second reading set for June 19, 1973.

NEW BUSINESS

Resolution  
 No. 3046  
 Sale of  
 Old Hall  
 of Justice

On motion of Councilman DeMirjyn, seconded by Councilman Miller, Resolution No. 3046, declaring real property (the old Hall of Justice) no longer needed for municipal purposes, was unanimously adopted. Consideration of sale of this property was advertised for June 19, 1973 at 7:00 P.M. Mr. Merritt brought the additional recommendation from the Board of Parking Place Commissioners that prior to Council consideration of the bid of the VFW on the Hall of Justice, a written commitment from a bona fide lender be furnished to City Council.

CITY MANAGER

SANBAG  
 Amendment

On motion of Councilman Sewall, seconded by Councilman Miller, unanimous approval was given to the modification of the SANBAG Agreement, by permitting the Board of Supervisors and the city officials to have alternate delegates attend the meetings.

City Manager Merritt presented a detailed study report and a recommendation for acquisition of land for an alternate disposal site for Redlands upon the closure of the California Street Land Fill.

Alternative methods and sites were extensively studied and described, and Council members and staff were provided opportunity to tour this site and study the 182-acre property at first hand.

Disposal  
 Site

This matter was discussed by Council from all aspects, including cost comparisons. Land prices from \$50.00 to \$3,500.00 per acre were mentioned.

Director of Sanitation Mead urged Council to acquire this property now, and warned of escalating land prices and equipment costs, increase in number of regulatory agencies, and scarcity of sizable parcels of property.

Attorney Brunick stated that condemnation procedure could be used but would require three to five years.

Council discussion continued. Ultimately, Councilman Miller moved to approve the following requests as outlined by the City Manager:

1. Purchase of the property subject to approval of applicable regulatory agencies, including approval of an Environmental Impact Report (EIR).
2. Sales contract or agreement based upon the terms and conditions as presented, to be finalized between the City Attorney and the seller of the property.

CITY MANAGER (Continued)

- Resolution  
No. 3048  
Intent to  
Annex
3. Approval of revenue sharing funds totaling approximately \$121,500 for the down payment on land, road construction, fencing, required testing and site studies, and miscellaneous items.
  4. Authorize contract with the firm of Neste, Brudin & Stone, Inc., San Bernardino, for the purpose of developing the Environmental Impact Report.
  5. Adopt Resolution No. 3048 indicating the Council's intention to annex property to the City of Redlands.

Motion was seconded by Councilman Sewall and adopted by the following roll call vote:

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

Grant Deed  
Dearborn  
Acres

On motion of Councilman Knudsen, seconded by Councilman Sewall, the City Manager was unanimously authorized to execute the certificate of acceptance in behalf of the City for a grant deed of easement from Dearborn Acres for pipeline and right-of-way purpose to construct a large diameter inlet main to Dearborn Reservoir.

Claim  
Burton

On motion of Councilman DeMirjyn, seconded by Councilman Miller, a claim against the City by Lealisa Suzanne Burton was denied in routine manner and referred to the City's insurance carriers.

Transfer  
Funds -  
Sewer

On motion of Councilman Knudsen, seconded by Councilman DeMirjyn, unanimous approval was given to the transfer of \$300,000 from Sewer Rental Fund and \$500,000 from Legal and Capital Fund to the Sewer Construction Fund to fund construction in progress, with the understanding that the advance on the Legal and Capital Fund will be repaid upon receipt of the grant funds.

Emergency  
Gasoline  
Supply

Ambulance  
Company

The request by the Howard Ambulance Company to be permitted to obtain gasoline from the city supply when their regular supplier is out, was approved on motion of Councilman DeMirjyn, seconded by Councilman Knudsen, with authority for this emergency use to continue for the balance of this year, by AYE votes of all present.

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

There being no further business, on motion, Council adjourned at 10:25 P.M.

Next regular meeting, June 19, 1973.

ATTEST:

*Angela M. Miley*  
City Clerk

*Jack B. Cummings*  
Mayor of the City of Redlands