

MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on July 17, 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

The meeting was opened with the pledge of allegiance, followed by the invocation by the Reverend Martin G. Zylstra, of the Highland Avenue Christian Reformed Church.

The minutes of the regular meeting of July 3, 1973 were approved as submitted.

BIDS

The following bids for the construction of the 50 MG Fifth Avenue Reservoir were opened and publicly declared in the office of the City Clerk at 10:00 A.M. on July 12, 1973:

Bid Award Fifth Ave. Reservoir	Buster & Schuler Redlands, California	Lump Sum: \$587,000.00 Add: -0- Deduct: 4,500.00
	Edgehill Construction, Inc. Fontana, California	Lump Sum: \$646,670.00 Add: 13,127.00 Deduct: -0-
	J. Putnam Henck San Bernardino, California	Lump Sum: \$554,235.00 Add: -0- Deduct: 12,232.00
	Peter Kiewit Sons Company Arcadia, California	Lump Sum: \$587,360.00 Add: -0- Deduct: 8,500.00
	E. M. Penn Construction Company Baldwin Park, California	Lump Sum: \$587,022.00 Add: 6,000.00 Deduct: -0-

These bids were referred for study to the Department of Engineering and the consulting engineers, James M. Montgomery, Inc.

At this time it is the recommendation that award be made to J. Putnam Henck in the amount of \$542,003.00 as a total of Item one plus Item two. Following discussion, on motion of Councilman Knudsen, seconded by Councilman Sewall, award was unanimously given to the J. Putnam Henck firm in the amount of \$542,003.00.

At 10:00 A.M. this date the following bids were opened and publicly declared in the office of the City Clerk for heat planing and street resurfacing of Colton Avenue from Church Street to Grove Street:

Bid Award Resurfacing Colton Ave.	Fontana Paving Fontana, California	Total: \$24,367.00
	E. L. Yeager Construction Co. Riverside, California	Total: \$19,959.00

These bids were referred to the Department of Public Works for study and recommendation. At this time it is the recommendation of the Department of Public Works that the bid of E. L. Yeager in the amount of \$19,959.00 be accepted as it is the lower bid and meets all specifications. Following discussion, on motion of Councilman Miller, seconded by Councilman Sewall, unanimous approval was given to the award of the bid for resurfacing Colton Avenue to E. L. Yeager Construction Company in the amount specified.

PUBLIC HEARINGS

Mall
Project

At this time Mayor Cummings declared the meeting open as a public hearing for the continuation of the public hearing on the Downtown Mall project and Resolution No. 3023. No comments or questions were forthcoming from the audience. City Attorney Taylor reported that Judge Katz had requested further briefing on particular elements of the case and stated that he would re-read both briefs. Mr. Taylor recommended the Public Hearing be continued. Following a brief discussion, the Council continued the Public Hearing to an adjourned regular meeting on July 24, 1973 at 2:30 P.M.

ORAL PETITIONS FROM THE FLOOR

Revenue
Sharing
Funds for
Social
Services

Mr. Ismael Soto, of 1003 Calhoun Street, addressed Council to remind them of his request of May 15, 1973 concerning the allotment of revenue sharing funds to social service projects for the citizens of Redlands. Mr. Soto added that he represented fourteen organizations; stated that the needs outlined were critical; expressed concern with delay of action by an Ad Hoc Committee to be appointed by Council; and requested a date for action by August 1.

Mayor Cummings replied that an Ad Hoc Committee had been formed consisting of one representative selected by each Council member. The representatives will be: Vice Mayor DeMirjyn - Jack Nagasaka; Dr. Miller - Gloria Lee; Councilman Knudsen - Reverend Ted Hurlburt; Councilman Sewall - Reverend Hal Hudspeth; Mayor Cummings - Leo Hernandez. Mayor Cummings further stated that a meeting would be set for July 24, at which time this group will review the proposals that have already come as of this date, and will develop ground rules for their activities. Mayor Cummings added that a private agency has requested funds, that there is some question as to the legality of this use of revenue sharing funds, and that San Bernardino County Counsel is researching the matter as relates to San Bernardino County. Following discussion of Mr. Soto's request that funds be frozen for this purpose, on motion of Councilman Sewall, seconded by Councilman Miller, unbudgeted revenue sharing funds were authorized to be frozen until a report is received from the Ad Hoc Committee or until the Council meeting of September 4. Mr. Soto also reported that on Saturday, August 4, there would be a dance given by the Concerned Men's Group for the benefit of Community Park.

Mr. John Melcher, of 502 Cajon Street, briefly addressed Council with his recommendations for the preservation and protection of City Hall. Mr. Melcher expressed great admiration for the present appearance of the Mission Inn in Riverside, the Y.W.C.A. in San Bernardino and the City Hall in Redlands. Councilman Sewall announced that Mr. Arman-trout had expressed a similar opinion.

COMMISSION REPORTS

Planning Commission Recommendations as considered by the City Council at a regular meeting thereof held July 17, 1973 at 3:00 P.M.

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

1. R.P.C. No. 393 - Amendment No. 114 to Ordinance 1000

That R.P.C. No. 393, Amendment No. 114 to Ordinance 1000, a resolution of the Planning Commission which adds Subsection 3, Duplexes, to Section 19.20I, Interior Yards and Courts for Grouped Dwellings; amend Home Occupation Permit Procedure, Subsection C(2) of Section 34.00. This amendment was briefly discussed and explained by

PLANNING COMMISSION RECOMMENDATIONS (Continued)

Councilman Sewall and unanimously adopted on motion of Councilman DeMirjyn, seconded by Councilman Sewall. Ordinance No. 1519, an ordinance of the City Council adopting Amendment No. 114 to Zoning Ordinance 1000, was given first reading of the title, and laid over under the rules with public hearing set for August 7, 1973 at 7:00 P.M.

2. Commission Review and Approval No. 303 - James H. Daniels

This Commission Review and Approval was denied by the Planning Commission at their meeting of July 10, 1973. Mr. Daniels addressed Council stating that he was not in the city at the time of the Planning Commission hearing of this C.R.A. and briefly explained his plans for the property. Following discussion of the Planning Commission minutes, Council viewed some pictures of the adjoining area presented by Mr. Daniels. Councilman Sewall explained the appeal procedure which is established under the Zoning Ordinance, which includes a \$25.00 fee for staff preparation.

Planning Director Schindler stated that this was an unusual situation with no public comment and no controversy; he recommended that this matter be returned to the Commission for reconsideration, and stated that it could be heard after the agenda for the next Planning Commission meeting. Council concurred.

3. Commission Review and Approval for Conditional Use Permit No. 207 - Pioneer Acres

Planning Commission unanimously denied this application at its meeting of July 10, 1973 and "in the process of denying, emphatically rejected the notion that the project can be modified at will under the existing Conditional Use Permit, and finally that the Commission goes on record as being completely open-minded with respect to the concept of modular housing."

At this time the Council received an application for appeal to this decision filed by Mr. Robert Van Roekel, with the grounds of appeal being "have additional information to support revised site plan." (The fee for the appeal had not been paid, but was paid at this time by Mr. Wilcott to the City Clerk.) Noting this, the Council agreed to hear Mr. Van Roekel's presentation.

Attorney Brunick suggested that when the notice has gone out of rejection by the Planning Commission, perhaps the manner of appeal and the charges therefor should be included in the letter.

In Mr. Van Roekel's extensive presentation he showed site plan of the PRD which was approved on August 8, 1972 by the Council at a 4 to 1 vote over Planning Commission denial. Mr. Van Roekel showed slides of other similar developments in San Diego, San Juan Capistrano and Santa Ana, stressed the advantages of the concept, described open space and parking space in detail, and spoke at length on the changes which had been made in this present presentation. This included a lessening of units from 116 as originally approved to 110 to gain increased parking and open area.

Council questioned noise control, the disadvantage of having such a large area with no streets in the interior. Mr. Donald Wilcott addressed Council concerning the economic problem that is presently being faced by the 'Lincoln Ranches', for which it is difficult to obtain financing, because maintenance of the open area will cost each homeowner \$46.00 per month. Mr. Wilcott stressed this as the reason for trying to develop a large number of residences on this property in order to spread the maintenance cost over more ownerships.

Planning Commissioner John Melcher addressed Council stating that he had made the last two motions for disapproval at the Planning Commission for the reason that the basic concept of a PRD is an exchange of density for which the City should get a superior development and he does not believe this is happening. Mr. Ben Rabe, also a Planning Commissioner, added that he did not believe the development was of sufficient quality to allow increased density; that he does not believe this development warrants approval, and that there should be visual open space around the perimeter in order to separate it from the concept of a subdivision. Mr. Rabe also pointed out that the Lincoln Ranches development has a street running through it which contributes open area and additional parking.

Mr. Melcher recommended that as both the PRD concept and modular housing are very new to Redlands, this should be submitted again to the Planning Commission through the Conditional Use Procedure.

Planning Director Schindler stated that he still favors the PRD concept; that he continues to believe that 50 feet of open space is needed between living units, and mentioned other deviations from the ordinance that have gradually developed, and presented an alternate

PLANNING COMMISSION RECOMMENDATIONS (Continued)

design for Council consideration. Mr. Schindler repeated that the ordinance requires 50 feet between units and a maximum density of any cluster to be four, and suggested the Council retain the concept of the ordinance or change the ordinance.

Attorney Brunick explained to Council that what they are hearing at this time is an appeal to the Planning Commission denial; that any other site plan should be considered first by the Planning Commission.

Following brief discussion, on motion of Councilman DeMirjyn, seconded by Councilman Knudsen, Council denied the appeal by unanimous vote, and added that this presentation is not what the Commission has seen.

Mr. Van Roekel was reminded that a time extension could be applied for on August 7, 1973 for one year with submission of an environmental plan.

4. Tract No. 8748 - William Sternfeld - Final Approval

On motion of Councilman Miller, seconded by Councilman Sewall, final approval was given for William Sternfeld, Tract No. 8748, as all requirements listed in Council minutes dated March 20, 1973 have been complied with, by the following roll call vote:

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

5. Mobile Home Sales - Exclusive Mobile Home Brokers

Following a review of the requirements under which the Zeiner-Higdon Mobile Home Park is permitted to display and sell mobile homes within parks, Council approval was given to the application by Exclusive Mobile Homes for permission to present for sale eight mobile home units within Orange Grove Estates. Approval was unanimously granted with the addition that the mobile homes for sale be scattered throughout the park in occupiable condition, with landscaping included, and the limitation that the permit is granted to this owner, Exclusive Mobile Homes only (non-transferrable), on motion of Councilman DeMirjyn, seconded by Councilman Knudsen.

Mayor Cummings expressed regret at the resignation of Mr. Tirso G. Serrano from the Park Commission, and requested a letter of appreciation for Mr. Serrano's service over the Mayor's signature. In addition to this vacancy on the Park Commission there will be a student vacancy on the Park Commission. Also there will be a student vacancy on the Traffic Commission. There are two resignations and three expiring appointments on the Housing Commission.

Councilman Knudsen announced that the Public Works Commission is presently exploring the criteria for selection of disposal sites and the financial operation of the Disposal Department. This Commission will have another meeting on Monday, July 23 at 3:00 P.M. in the City Hall Conference Room.

Councilman DeMirjyn announced that the cost of purchasing of a dump site would be \$165,000 in taxes over a 25-year time, plus interest, which, Mr. DeMirjyn said, adds up to a total of \$675,000 in 25 years. Councilman Sewall commented on money management and reminded Council that paying taxes is sometimes more reasonable than the cost of paying interest on the same amount of money. City Manager Merritt stated that tours are being set up for Mr. Dibble and another Public Works Commission member to view potential disposal sites. City Manager Merritt added that another proposal had been received, which the staff is presently evaluating.

Councilman Knudsen announced that Mr. Ralph Davis is now the Chairman of the Recreation Commission, in addition to being member-at-large.

Sale of Old Hall of Justice

City Manager Merritt announced receipt of a letter dated July 16, 1973 from the Veterans of Foreign Wars stating that the organization wished

COMMISSION REPORTS (Continued)

to withdraw from their bid for purchase of the old Hall of Justice building. This bid was accepted by the Council at the meeting of June 19, 1973 and caused cancellation of the previously arranged sale of this building to Televents, Inc.

Mr. Merritt listed the estimated loss to the City and presented the recommendation of the Board of Parking Place Commissioners concerning a proper reimbursement for such loss, in time, financial outlay, and loss of interest from the previously finalized sale. Councilman Sewall moved acceptance of this recommendation; motion was seconded by Councilman Miller. Prior to the vote on the motion, Mr. George Sizemore requested delay of this matter due to the absence of VFW Commander Whited. Motion was withdrawn.

APPLICATIONS AND PETITIONS

Mrs. Shirley B. Lampton, Redlands District Chairman of the San Andreas Council of Camp Fire Girls, Inc., introduced some Camp Fire Girls and their leaders, and explained the request for the closing of Fifth Street on September 10th, between 10:00 A.M. and 2:00 P.M., for a Camp Fire Girls Fair. Following brief Council discussion the matter was referred to the staff for co-ordination with the Chamber of Commerce.

COMMUNICATIONS

Vice Mayor DeMirjyn reported the concern of citizens on Cypress Avenue across from Gerrard's Market regarding the parking of trucks on the street. In the Council discussion which ensued, Chief Graefe was asked to look into the enforcement of Ordinance No. 1430 which limits parking of trucks on city streets in residential areas to two hours.

Freeway
Noise

Mayor Cummings reported a letter from Dr. Movsesian of 1001 Cimarron Drive, which requested assistance regarding the noise from trucks on the upgrade on the freeway, and suggested a sound barrier wall be added. Councilman Knudsen reported that the State Division of Highways is studying plans for a truck lane in this section of the freeway to Yucaipa. He suggested that the request be sent to the District 8 Office of the Division of Highways asking for a sound barrier wall and requesting that the members of the City Council be informed of the time of the Division meeting considering the truck lane. This was approved by the City Council and the Clerk directed to send the minutes and a request for notification of the meeting to the State Division of Highways.

UNFINISHED BUSINESS

Ordinance
No. 1518
Bicycle
License
Fees

Ordinance No. 1518, an ordinance of the City of Redlands, amending Chapter 63 of the City Code, and revising the initial and renewal fee for bicycle licenses, was adopted on motion of Councilman Sewall, seconded by Councilman Miller, with waiving of the reading of the ordinance in full, by the following roll call vote:

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

Councilman Sewall commented on a request he had had from the League of Women Voters concerning better communication between the citizens and government. He suggested the possibility of establishing a Board similar to the Corporate Board of Redlands Community Hospital, which

UNFINISHED BUSINESS (Continued)

might be utilized for disseminating information within the community. He envisioned a 100-member board with each Councilman naming 20 people as members.

City Attorney Taylor briefly explained the operation of the present hospital corporate board and stated that while this would be unique in city government, it would be possible to draw up guidelines for such a procedure. In the discussion which followed, the Council likened this to the Coalition which was established several years ago; and also considered using the commissions in this way. Following lengthy Council discussion, the matter was unanimously tabled for 60 days for discussion throughout the community.

Council returned to consideration of the sale of the old Hall of Justice and City Manager Merritt re-read the following recommendations from the Board of Parking Place Commissioners:

It is recommended that the VFW deposit of \$4,000 with the City be charged as follows:

VFW Bid Hall of Justice	Administrative cost to City	\$ 263.32
	Liquidated damages (loss of interest for one year on sale of property, sale of which was lost by VFW bid and subsequent withdrawal).	\$ 1,150.00
	Total.	\$ 1,413.32

It is also recommended that the remaining balance of \$2,586.68 be returned to the VFW, provided they agree, in writing, to accept this balance in full payment of the earnest money deposit and payment of all claims against the City in this matter. Further, that in the event the Hall of Justice is sold within one year, a pro rata refund of this liquidated damage charge will be made by the City to the VFW.

Commander Whited was adamant in expressing his resentment at what he felt were terms and requirements placed on the sale of the Hall of Justice after the bid was accepted. The matter was discussed at length. Board of Parking Place Commissioners Chairman Malone stated that the Commission's entire concern was due to responsibility for the Parking District property and to assure that the organization purchasing the property had secure financial ability to implement the agreement.

Following the inference by Mr. George Sizemore that the requirements were verbal, Assistant to the City Manager John Wagner read the requirements as were outlined in the advertising for bids: "Ten percent of the price offered must be in the form of a cashier's check or certified check payable to the City of Redlands, and must accompany the bid. In the case of the successful bidder, this deposit will be placed in a 90-day escrow. If escrow is not completed by the bidder in 90 days or less, the deposit will be forfeited. Deposits of unsuccessful bidders will be returned to them."

City Attorney Taylor explained that legally the City Council had accepted the VFW offer to purchase, and that technically speaking a contract was made between the City and VFW which is enforceable. Mr. Taylor added that the Council's whole approach should be in terms that the City is allowing the VFW to withdraw from a legal contract, a binding obligation, and will permit this release only under certain

UNFINISHED BUSINESS (Continued)

terms and considerations, and if these conditions are not met, the Council should enforce the contract. Mr. Taylor added that 90 days exist in which the VFW can still purchase the Hall of Justice under the contract as outlined within the bid.

Following lengthy discussion between the Council and Commander Whited, Councilman Sewall moved, seconded by Councilman DeMirjyn, that if the bid offer is now followed through, the recommendations presented by the City Manager be enforced. Motion carried unanimously.

NEW BUSINESS

Resolution
No. 3057
Weed
Abatement

Resolution No. 3057, a resolution of the City Council providing for the placement of assessment of costs resulting from the abatement of weeds on the tax roll against the properties as listed in Exhibit "A" of the resolution, was unanimously adopted on motion of Councilman Miller, seconded by Councilman DeMirjyn.

Vice Mayor DeMirjyn requested that Council instruct the City Attorney to draw up the necessary ordinance to provide that all lease purchases over \$4,000 be handled by bid procedure unless otherwise authorized by the City Council. Following brief discussion, on motion of Councilman Sewall, seconded by Councilman Knudsen, the matter was tabled for sixty days for further study.

CITY MANAGER

CATV

Following a brief discussion and a presentation by Mr. Gary Oldfather of Pleasant Hill, California, Council unanimously set a public hearing on the matter of transfer of CATV franchise from Televents of California, Inc., on motion of Councilman Sewall, seconded by Councilman Miller, for August 7, 1973 at 7:00 P.M.

Contract
Design
Plans

Following a brief discussion, on motion of Councilman Sewall, seconded by Councilman Knudsen, unanimous approval was given to a contract with the firm of Tharaldson, Matthewson, Argabright, and Doby for the design and preparation of plans and specifications for the mechanical and electrical work in City Hall, Lincoln Shrine and security lighting behind Smiley Library. This work will be done for the maximum of 7% of the final construction contract price. Director of Building and Safety Mitchell stressed to Council the need of having detailed specifications when one is going to bid for engineering and mechanical work.

Bid Call
Ladder
Truck

On motion of Councilman Miller, seconded by Councilman Knudsen, authorization was given to advertise for bids on one aerial ladder truck in the approximate amount of \$88,000, by unanimous Council vote.

Polygraph

Authorization was also given for the purchase of a polygraph for the Police Department, on motion of Councilman Knudsen, seconded by Councilman Miller, with the City Clerk authorized to advertise for bids.

City Hall
Building

Mr. Robert Mitchell stated that in his work as Director of Building and Safety he seemed to have fallen heir to stewardship of the City Hall building, that he believed the surface to be cracking and spalling off, and that he had indeed recommended some type of preservative treatment at this time, to be funded under Revenue Sharing. However, it is now his desire to be extricated from this situation. He further recommends that a committee not be appointed to study the matter, but that an authority on maintenance of cement buildings be called upon, such as the Portland Cement Company. On motion of Councilman Knudsen, seconded

CITY MANAGER (Continued)

Claim
Santos

by Councilman DeMirjyn, the matter will be tabled to the next budget session, and in the meantime, recommendation of an authority will be sought.

On motion of Councilman Sewall, seconded by Councilman Miller, a claim by Nicholas Santos for a fall at the intersection of Kendall and Brookside Avenue was denied in routine manner and referred to the City's insurance carriers.

The Council announced that at the first Council meeting in September a meeting of the Redevelopment Agency will be held.

Council acknowledged receipt of \$50,000 from Mr. Donald Wilcott in connection with the County Museum and the Orange Tree Development, with an additional \$50,000 to be received on October 1, 1973. This time extension was approved unanimously on motion of Councilman Miller, seconded by Councilman Knudsen.

Council concurred in the brief absence of Councilman Miller from the continental United States.

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

There being no further business, Council adjourned, on motion, at 9:35 P.M., to an adjourned regular meeting on July 24 at 2:30 P.M.

Next regular meeting, August 7, 1973.

ATTEST:


City Clerk


Mayor of the City of Redlands

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