

MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on August 5, 1975 at 7:00 P.M.

Planning Commission Items 3:00 P.M. Regular Agenda 7:00 P.M.

PRESENT

Charles G. DeMirjyn, Acting Mayor
Chresten M. Knudsen, Councilman
Bertha Rose Grace, Councilwoman

R. P. Merritt, Jr., City Manager
Edward F. Taylor, City Attorney
Alice G. Walls, Deputy City Clerk
Erwin S. Hein, Redlands Daily Facts
Pat Sheeran, San Bernardino Sun

ABSENT

Jack B. Cummings, Mayor
Ellsworth E. Miller, Vice Mayor

The meeting was opened with the pledge of allegiance, followed by the invocation by Reverend Russell F. Haggerty of the Christian Missionary Alliance Church.

The minutes of the regular meeting of July 15, 1975 were approved as submitted.

BIDS

The following bid for one truck, cab and chassis, for the Street Division of the Public Works Department was opened and publicly declared in the office of the City Clerk at 10:00 A.M. this date:

Dieterich International Truck Sales, Inc. Total Bid Price \$14,989.56
San Bernardino CA

The bid was referred to the Purchasing Department for study and recommendation.

Bid Award
Truck

At this time City Manager Merritt presented the recommendation of the Purchasing Agent concerning this bid. The bid price is 14% higher than estimated at budget time because of continued rising costs and additional equipment required by federal law. After evaluation of the bid by the Street and Shop Superintendents and the Purchasing Agent, it is recommended that Dieterich International, meeting all specifications, be awarded this bid. It is also requested that an additional \$1,400 be appropriated to cover cost of purchase and installation of body for this vehicle.

Funds

On motion of Councilman Knudsen, seconded by Councilwoman Grace, Council awarded this bid to Dieterich International Truck Sales, Inc. in the amount of \$14,989.56, and authorized appropriation of \$1,400 from General Fund Surplus, by AYE votes of all present.

PUBLIC HEARINGS

Ordinance
No. 1562
Subdivision
Ordinance

This being the time and place advertised for public hearing on Ordinance No. 1562, an ordinance of the City of Redlands amending the Redlands Ordinance Code and adopting a revised Subdivision Ordinance, Acting Mayor DeMirjyn declared the meeting open as a public hearing for any comments or questions concerning this ordinance. None being forthcoming, the public hearing was declared closed and Ordinance No. 1562 was adopted, on motion of Councilwoman Grace, seconded by Councilman Knudsen, with waiver of reading of the ordinance in full, by the following roll call vote:

AYES: Councilmembers Knudsen, Grace, Acting Mayor DeMirjyn
NOES: None
ABSENT: Mayor Cummings, Vice Mayor Miller

ORAL PETITIONS FROM THE FLOOR

Plaza
Underground
Garage

Mr. Fred Nichols, representing the Progress Group, 228 Redlands Plaza, addressed Council concerning the lease of the underground parking facility, which has been in effect since 1965. Payments have been made every year for nine years, including 24.4% of the property taxes on the Plaza improvements. He stated that the last payment, for the coming year, was due on June 1 and was not made, and that they had been led to believe that the City could cancel this lease because of a provision of an article in the California Constitution. They engaged a lawyer to find out if this was in fact the case, and it was the lawyer's opinion that it is not possible; that it is a valid lease. He added that he was not there to argue the legal aspects, he wanted to request that the City Council see fit to honor this lease and make the money available.

After lengthy discussion between Council, Mr. Nichols, and City Attorney Taylor of the validity of the lease, the obligation of the Council

ORAL PETITIONS FROM THE FLOOR (Continued)

to honor commitments, the reason for the present difficulty (dissolution of the Vehicle Parking District and subsequent loss of parking revenue), and the desire of the Council to cooperate in working out an arrangement satisfactory to all concerned, Mr. Nichols was asked if he would continue negotiations on this matter. He agreed that they would devise a plan and bring it back to Council shortly.

COMMISSION RECOMMENDATIONS

Planning Commission recommendations as considered by the City Council at a regular meeting thereof held on August 5, 1975 at 3:00 P.M.

Present: Councilmembers Knudsen, Grace, Acting Mayor DeMirjyn; Deputy City Attorney Brunick

Absent: Mayor Cummings, Vice Mayor Miller

1. R.P.C. No. 427 - Zone Change No. 165

That R.P.C. No. 427, a resolution of the Planning Commission establishing Zone Change No. 165, a change of zone from R-2 (Multiple Family Residential) District to R-1 (Single Family Residential) District for approximately ten acres of property located on the east side of Grove Street between Colton Avenue and Sylvan Boulevard, be approved. On motion of Councilwoman Grace, seconded by Councilman Knudsen, R.P.C. No. 427 was approved, and Ordinance No. 1564, an ordinance of the City Council to establish Zone Change No. 165, was given first reading of the title and laid over under the rules, with public hearing set for August 19, 1975 at 7:00 P.M.

2. Commission Review and Approval No. 332 - Paul Chandler and Fred Wolf

City Manager Merritt read a letter from Mr. Fred Wolf, of Baseline Laundry and Dry Cleaners, requesting relief from Public Works requirement No. 7, which calls for installation of an ornamental standard and luminaire on Redlands Boulevard. The letter stated that adding the price of a light standard to the cost of changing the contour of curbs, gutters and repaving, new sidewalks and engineering fees will result in an estimated total cost of \$6,165 for a small lot which has limited use and limited potential.

Councilman Knudsen questioned the location of present street lights. Street Superintendent Donnelly stated there is an Edison pole at 9th and Central and another at Redlands Boulevard and 9th, but that Edison lights are not considered as street lights.

Council discussed this requirement with Mr. Wolf, and Community Planner Burkhart suggested that Mr. Wolf might appeal to the Advisory Committee for permission to sign an improvement agreement. Mr. Wolf agreed that he understood that if they were permitted to sign such an agreement it would mean that sometime in the future they would be required to install the light, when prices might be even higher.

Councilman Knudsen moved that this matter be referred to the Advisory Committee for study of the possibility of signing an improvement agreement, which would require that the applicant put in a street light when and if requested to do so in the event that Edison poles are phased out; this condition to be recorded against the property. Motion was seconded by Councilwoman Grace and adopted by AYE votes of all present.

Other Items for Council Consideration

Tract No. 8049 - Newport Investments - Time Extension

That a time extension of one year, from August 20, 1975 to August 20, 1976, be approved for Tract No. 8049 located on the west side of Grove Street between Palm and Highland Avenues. On motion of Councilman Knudsen, seconded by Councilwoman Grace, this recommendation of the Planning Department was approved by AYE votes of all present.

Commission Review and Approval No. 320 - Richard Bragg - Time Extension

That a time extension of one year, from August 13, 1975 to August 13, 1976, be approved for C.R.A. No. 320 - commercial center proposed on the northwest corner of Redlands Boulevard and Texas Street. On motion of Councilwoman Grace, seconded by Councilman Knudsen, this recommendation of the Planning Department was approved by AYE votes of all present.

Appeal - Inland Motor Ford - Lee Guggisberg

Mr. Lee Guggisberg addressed Council with a request that the 10' planter required for his plans be reduced in size to 5'. He explained that the addition of a 10' planter in back of the 12' sidewalk would limit visibility of his cars to the public and that the six perpendicular planters he plans to install will more than make up for the area vacated.

PLANNING COMMISSION RECOMMENDATIONS (Continued)

Council discussed this request with Mr. Guggisberg and studied the plans for his development. On motion of Councilwoman Grace, seconded by Councilman Knudsen, Council approved substitution of a 5' planter by AYE votes of all present, with the condition that the six perpendicular planters be installed.

Appeal - Quiel Brothers Sign Company - Redlands Mattress and Upholstery Company Sign

Mr. Gordon Quiel, 272 South I Street, San Bernardino, addressed Council concerning the matter of two identification signs at the Redlands Mattress and Upholstery Company, which are in conflict with the sign ordinance. The ordinance states that a business may not have two signs saying the same thing. He pointed out that they had used only approximately one-half the square footage allowable for signs, and that the sign on the building had been installed to prevent confusion for customers looking for McEwen's store. He requested that they be allowed to keep both signs.

Attorney Brunick pointed out that if this is an application for a variance it should be filed properly with the Environmental Review Committee and go through the variance procedure.

Acting Mayor DeMirjyn stated that if the signs were over the maximum he would agree that this procedure would be necessary.

Director of Building and Safety Mitchell pointed out that the sign on the building was installed without a permit, so his department had no chance to look at it in advance; they might have been able to change the text of one. He stated he has to be consistent in enforcing the sign code, but that he doesn't feel strongly about this particular sign.

Councilman Knudsen said he felt the text was not as important as the size and location, and there is no big problem in this case.

On motion of Councilman Knudsen, seconded by Councilwoman Grace, Council granted the appeal of the applicant to permit the two signs to remain as constructed, by AYE votes of all present.

Appeal from Planning Commission Approval of Commission Review and Approval No. 330 (Pratt's Sporting Goods Store)

Councilman Knudsen informed Council that 25 years ago he had designed the original building for Mr. Pratt. Over the years he has done structural calculations, and was asked by Mr. Pratt to do them for this new building. He stated he had started the calculations before he knew there was an appeal, and because he is doing the work would like to abstain from voting.

Mr. Pratt explained that he had not asked Mr. Knudsen to do the calculations until after approval of his plans. He did not want to cause conflict of interest, but did want Mr. Knudsen to do the work.

Attorney Brunick asked if Mr. Pratt would object to having this matter delayed until it could be heard by full Council. Mr. Pratt replied that he would rather not wait; their schedule is running late as it is. Attorney Brunick informed Council that a majority vote of the quorum is all that is required.

Attorney Michael Barr of El Cerrito, grandson of Mrs. Somers, the appellant, presented their objections to the project. He stated that they did not object to the building itself but to the tennis court on the roof. He requested that Mr. Pratt be required to resubmit his plans and get a conditional use permit so they could participate in the proceedings.

Mrs. Frances Somers, the appellant, who lives next door to the proposed building, reiterated the objection to the tennis court on the roof, which she felt would not add to the beauty of her property in any way and would create a nuisance in the way of noise and glare.

Acting Mayor DeMirjyn pointed out that her property is not in a residential zone, but in a commercial zone.

Mr. Ed Somers, 711 South Eureka, also spoke on this matter, presenting Council with a set of pictures of the area. He also objected to the tennis court, and felt that the project had been "shuffled through and not thought over."

Attorney Barr spoke again, stating that the Architectural Review Commission denied the application because it was incomplete and the building did not conform with aesthetic standards of the community; he added that plans submitted this morning were significantly different from those submitted previously. He reiterated his opinion that this use does require a conditional use permit. He discussed Section 26.00 of the Zoning Ordinance briefly with Community Planner Burkhart, who

PLANNING COMMISSION RECOMMENDATIONS (Continued)

explained that this use was considered ancillary to a sporting goods store and a permitted use. Mr. Barr did not agree and repeated that they wanted it sent back for review. He stated his grandmother was contemplating a lawsuit if they did not get what they wanted.

Mr. Pratt also spoke again, stating that he did not understand what they felt they would be gaining by sending the project back to the Architectural Advisory Commission and the Planning Commission and going through everything all over again.

Councilwoman Grace, moved, in view of the fact that construction is to be in a C-4 zone, to deny the appeal and allow Mr. Pratt to go ahead with construction. Motion was seconded by Acting Mayor DeMirjyn and carried by the following vote:

AYES: Councilwoman Grace, Acting Mayor DeMirjyn

NOES: None

ABSTAIN: Councilman Knudsen

ABSENT: Mayor Cummings, Vice Mayor Miller

Park Commission - Councilwoman Grace reported that the City has received 10% of the State grant for Prospect Park, and that P.O.D. Architects are now working on the design.

Traffic Commission - Acting Mayor DeMirjyn summarized the Traffic Commission meeting and brought to Council attention the Commission's compromise proposal concerning removal of diagonal parking on Olive Avenue, the possibility of removing it on one side only, since it is already set up that way in the block across from the Sacred Heart Church.

Councilwoman Grace stated she would like to think about it further, in view of the number of parking spaces already being lost. No action was taken.

COMMUNICATIONS

Councilman Knudsen referred to a letter received from Mr. Dick Field and several friends, indicating they find it impossible to get taxi service. They rely on taxi service on Sundays, and it is not possible to get it. Councilman Knudsen asked if our taxi company is franchised and if it is required to provide a certain level of service.

City Manager Merritt explained that control is by business license, not franchise. There is no reference to days of operation. License controls how they operate, not hours or costs.

There followed a brief discussion of the possibility of using the Dial-a-Ride system, with no definite conclusion being reached.

Councilwoman Grace referred to a letter the Council members had received from the Chamber of Commerce as a result of the serious accident which occurred at the intersection of Brockton Avenue and Orange Street last Tuesday. The letter suggests that a signal be installed at this intersection. She asked that Councilman DeMirjyn take this recommendation to the Traffic Commission.

Councilman DeMirjyn pointed out that whenever there is a serious accident the immediate reaction is installation of a stop sign or traffic signal, but he agreed to take it to the Commission.

UNFINISHED BUSINESS

Ordinance No. 1563, an ordinance of the City Council authorizing an amendment to the contract between the City Council and the Board of Administration of the California Public Employees' Retirement System with respect to "one-half widow's continuance," was adopted on motion of Councilman Knudsen, seconded by Councilwoman Grace, with waiver of

UNFINISHED BUSINESS (Continued)

Ordinance No. 1562 reading of the ordinance in full, by the following roll call vote:
 Amend PERS AYES: Councilmembers Knudsen, Grace, Acting Mayor DeMirjyn
 Contract NOES: None
 ABSENT: Mayor Cummings, Vice Mayor Miller

Resolution No. 3196 On motion of Councilwoman Grace, seconded by Councilman Knudsen, Resolution No. 3196, a resolution of the City Council of the City of Redlands granting a 20-year time extension, from September 15, 1975 to until September 15, 1995 for the non-conforming use known as Gearhart Grocery located at 1136 Texas Street, was adopted by AYE votes of all present.

Non-conforming Use

At this time Mr. Thomas Martinez, 1035 Calhoun Street, addressed Council concerning his non-conforming use. He stated that in 1955 he was informed that his store was located in a "spot zone" and he did not have to worry about the zoning. He stated he did not understand why things have changed, but he had obtained the signatures for an application (for time extension). He had asked that his case be placed on the agenda as soon as possible because he has to be out of town. If it waits until he returns it will be too late. After considerable discussion with Mr. Martinez, on motion of Councilman Knudsen, seconded by Councilwoman Grace, Council granted a 30-day time extension and delayed consideration of his application until the second meeting in September, by AYE votes of all present.

NEW BUSINESS

Resolution No. 3195
 Approving Solid Waste Management Plan

City Manager Merritt presented Resolution No. 3195, a resolution of the City Council of the City of Redlands approving the Solid Waste Management Plan for San Bernardino County. He explained that this plan has been prepared by the County as required by State law, and must be approved by the majority of cities containing a majority of the population of the incorporated area; it takes into consideration the new sanitary landfill in San Timoteo Canyon and sets up a date for opening of operation within the time required by the City of Redlands. On motion of Councilman Knudsen, seconded by Councilwoman Grace, Council adopted Resolution No. 3195 by AYE votes of all present.

Resolution No. 3197
 Approving Base Rental

On motion of Councilwoman Grace, seconded by Councilman Knudsen, Council approved Resolution No. 3197, a resolution of the City Council of the City of Redlands approving amount of base rental payable by the City under the lease agreement dated as of May 1, 1974 and amended as of May 15, 1975, by AYE votes of all present.

CITY MANAGER

Pipeline Relocation

The Department of Transportation has given the City notice to relocate a portion of its existing 8" diameter water pipeline from a well in the Mill Creek area in connection with their improvement project of Highway 38. A Utilities Agreement is to be executed by the City in order that the City may be reimbursed for all expenses to relocate the pipeline, and the Department of Transportation has requested that the City receive informal bids for the pipeline relocation in order that work may be expedited.

Utilities Agreement

On motion of Councilman Knudsen, seconded by Councilwoman Grace, Council approved Utilities Agreement No. 5948, with the Mayor and City Clerk authorized to sign in behalf of the City, and authorized calling for informal bids to be opened on August 15 and presented to Council on August 19, 1975, by AYE votes of all present.

CITY MANAGER (Continued)SANBAG
Funding

Council discussed a letter received from SANBAG concerning continuing the joint city-county pooled sales tax fund. The recommendation was to reduce the current contribution rate of 5% (of Sales tax) from cities and an equal dollar match from the county down to 1/2 of 1% (of sales tax) for all jurisdictions; this fund to be used as the basis for funding SANBAG general activities and other governmental efforts, pursuant to the annual budget adoption. After discussion of the comparison sheet, Council concurred in deferring action on this request to the first meeting in September.

Redlands
Theatre
Festival

On motion of Councilwoman Grace, seconded by Councilman Knudsen, Council granted the request of the Redlands Branch of AAUW for permission to sell fruit drinks in Prospect Park during the Redlands Theatre Festival, August 1 through August 23, and waived the business license fee, by AYE votes of all present.

Art Show
and Sale

On motion of Councilman Knudsen, seconded by Councilwoman Grace, Council granted permission for the Redlands Art Association to use Smiley Park between the Library and the Lincoln Shrine for their annual outdoor art show and sale on Saturday and Sunday, October 18 and 19, and waived the business license fee, by AYE votes of all present.

Easement

On motion of Councilwoman Grace, seconded by Councilman Knudsen, Council approved granting a 6' wide easement on the northerly side of the City's Smiley Heights reservoir, in order to provide electrical and telephone service to Tract No. 8916 easterly of the reservoir site, by AYE votes of all present, with the Mayor and City Clerk authorized to sign in behalf of the City.

Grant Deeds
Pratt

At the Council meeting of July 15, 1975 the City Council authorized purchase of street right-of-way on the north side of Citrus Avenue between Redlands Boulevard and Church Street. The purchase price was \$60,000 and was for portions of five lots owned by Overton Pratt. On motion of Councilwoman Grace, seconded by Councilman Knudsen, Council accepted five deeds from J. Overton Pratt and Patricia D. Pratt for street right-of-way on Citrus Avenue, by AYE votes of all present, with the City Manager authorized to execute the certificates of acceptance.

Grant Deed
Riter

On motion of Councilman Knudsen, seconded by Councilwoman Grace, Council accepted a grant deed from Terry D. Riter and Carol L. Riter for street right-of-way purposes in connection with Lot Split No. 457, by AYE votes of all present, with the City Manager authorized to execute the certificate of acceptance.

League of
Women
Voters'
Fair

On motion of Councilwoman Grace, seconded by Councilman Knudsen, Council granted waiver of business license fee for the International Fair to be held by the League of Women Voters at 1217 West Highland Avenue on Sunday, October 5, 1975, by AYE votes of all present.

Agreement
Highland
Avenue
Reservoir

In order to construct the Highland Avenue Reservoir three power poles have to be relocated by the Edison Company. They have requested that their standard agreement form be executed by the City, wherein the City agrees to grant the necessary easements across our property. On motion of Councilman Knudsen, seconded by Councilwoman Grace, Council authorized execution of the necessary agreements, with the Mayor and City Clerk authorized to sign in behalf of the city, by AYE votes of all present.

CITY MANAGER (Continued)

Claim On motion of Councilwoman Grace, seconded by Councilman Knudsen, Council
Brewster, denied in routine manner a claim for personal injuries from Carl
Acrie, Young Brewster, Ellen Brewster, Dan Acrie and Stanley Young, and referred the
 claim to the City's insurance carrier.

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

There being no further business, Council adjourned, on motion, at 8:25 P.M.

Next regular meeting, August 19, 1975.

ATTEST:

Peggy A. Moseley
Deputy City Clerk

Charles J. D. Mirman
Acting Mayor of the City of Redlands

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