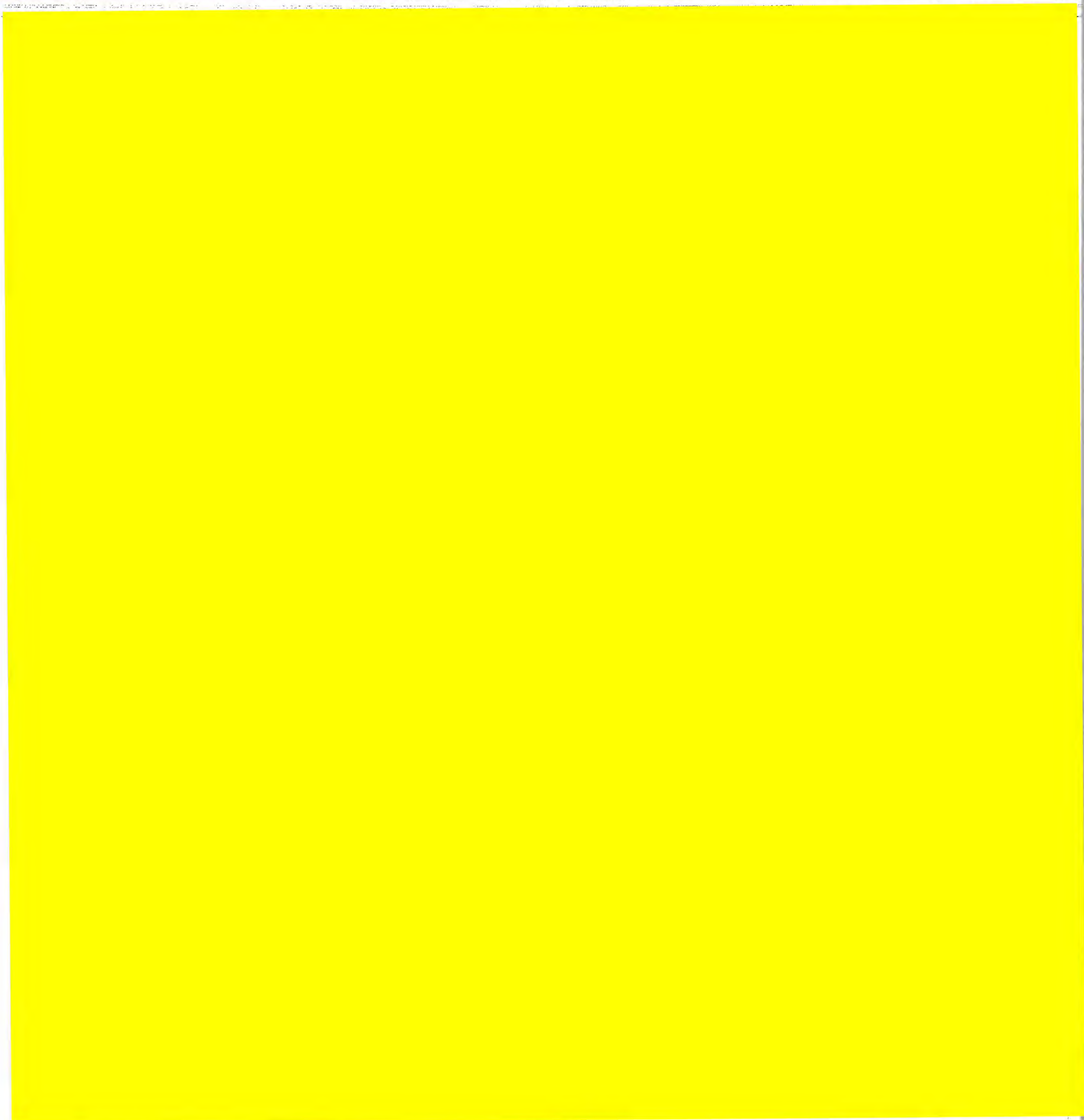




MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on July 17, 1979, at 7:00 P.M. Planning Commission Items 3:00 P.M.

PRESENT

Oddie J. Martinez, Jr., Mayor
Chresten M. Knudsen, Vice Mayor
Charles G. DeMirjyn, Councilmember
Warren R. Elliott, Councilmember
Barbara Cram Riordan, Councilmember

H. L. Archbold, Acting City Manager
Edward F. Taylor, City Attorney
Peggy A. Moseley, City Clerk
Jan Michiels, Redlands Daily Facts
Martha Lipscomb, San Bernardino Sun

ABSENT

None

The meeting was opened with the pledge of allegiance, followed by the invocation by Mayor Oddie Martinez.

Minutes of the regular meeting of July 3, 1979, were approved as submitted.

Mayor Martinez welcomed a large group of students from Mr. Ron Stutt's Government class.

Councilman DeMirjyn noted that City Manager Christiansen is recovering from an appendectomy and is expecting to return to work this week.

BIDS

Texonia
Park
Lighting

The Department of Planning and Community Development was authorized at the May 1, 1979, Council meeting to readvertise for bids for the Texonia Park Lights. The following bid was opened and publicly declared by the City Clerk at 10:00 A.M. this date for this project:

Edwards Electric Arcadia, California	\$29,379.00
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This bid will be referred to the County Office of Community Development for study and recommendation and will be returned to Council at a later date,

Bid Award
Disposal
Truck

The following bids were opened and publicly declared by the City Clerk at 10:00 A.M. this date for the purchase of one 1979 model truck, G.V.W. 59,000 pounds minimum (tilt cab) with rear loader compactor body for use by the Disposal Department:

Freeman Equipment, Inc. Santa Fe Springs, Calif.	Total	\$69,656.76
	Total Alternate	70,568.36
T & J Garage, Inc. Gardena, California	Total	\$77,057.76
	Total Alternate	79,448.06

At this time, it is the recommendation of the Disposal Superintendent and Purchasing Agent that award be made to the low qualified bidder with the alternate bid. On motion of Councilman DeMirjyn, seconded by Councilman Riordan, unanimous Council approval was given to the award for the purchase of the refuse truck to Freeman Equipment, Inc. for the alternate price of \$70,568.36.

ORAL PETITIONS FROM THE FLOOR

Taxi
Operator

Mr. Francis Riley, 217 East Colton Avenue, operator of the Escort Special, requested temporary approval of 20 year old Chris Garcia as a vehicle operator until his formal application complies with the City's ordinance. On motion of Councilman DeMirjyn, seconded by Councilman Elliott, Council approval was given subject to approval by Police Chief Brickley.

Theater

Mr. Ron Perry of the Fox Hotel, new operator of the Cinema I and II, requested that the theater be exempted from the requirements of Ordinance No. 1693 which requires a Conditional Use Permit for theater operation. Council briefly discussed building and engineering requirements with Mr. Perry. Mayor Martinez explained that it would be necessary to comply with all City requirements.

COMMISSION REPORTS

Present:

Planning Commission recommendations as considered by the City Council at a regular meeting thereof held on July 17, 1979, at 3:00 P.M.

Councilmembers Knudsen, DeMirjyn, Elliott, Riordan; Mayor Martinez; Attorney Bruce Atkins

1. R.P.C. No. 504 - Zone Change No. 219 - Stanley Brown Company

That R.P.C. No. 504, a resolution of the Planning Commission for adoption of Zone Change No. 219, a change of zone from R-1 (Single Family Residential) District to C-M (Commercial Industrial) District for approximately 5.3 acres of property located on the east side of Mountain View Avenue

PLANNING COMMISSION RECOMMENDATIONS (Continued)

between the I-10 Freeway and Lugonia Avenue, be approved. On motion of Councilman DeMirjyn, seconded by Councilman Riordan, R.P.C. No. 504 was approved by the City Council, and Ordinance No. 1697, an ordinance of the City of Redlands establishing Zone Change No. 219, was introduced and laid over under the rules with public hearing set for August 7, 1979, at 7:00 P.M. by AYE votes of Councilmembers DeMirjyn, Elliott, Riordan; Mayor Martinez and Councilmember Knudsen abstaining.

2. Conditional Use Permit No. 314 - Volunteer Capital West, Inc.

That the application for a conditional use permit for the construction of a Wendy's Drive-Thru Restaurant on the southwest corner of Redlands Boulevard and Citrus Avenue, C-4 Zone, be approved subject to all departmental recommendations as outlined in Planning Commission minutes dated July 10, 1979, and changing the height of the block wall on the southerly and southwesterly property lines to five feet and allowing a three-foot high block wall between the YMCA and Wendy's property and eliminating the block wall on Citrus Avenue; and adding to Planning Recommendation No. 11: that the exit onto Redlands Boulevard be indentified as a right-turn-only and posted as such. Following discussion of the three-foot high portion of the wall, the possible preservation of the tree and possible re-routing of the storm drain, Councilman DeMirjyn moved for approval of this recommendation of the Planning Commission. The motion was seconded by Councilman Elliott and unanimously adopted.

OTHER ITEMS FOR COUNCIL CONSIDERATION

1. Tentative Map Tract No. 8124 - Falcon-West Yucaipa Investment - Time Extension

On motion of Councilman DeMirjyn, seconded by Councilman Riordan, a time extension of one year to August 2, 1980, was unanimously given for Tentative Map Tract No. 8124.

2. Tentative Map Tract No. 10019 - Jerry J. & Cornelia Lanting - Time Extension

On motion of Councilman DeMirjyn, seconded by Councilman Riordan, a time extension of one year to August 16, 1980, was unanimously given for Tentative Map Tract No. 10019.

3. Conditional Use Permit No. 301 - Community Medical Specialities/Dr. Wilson Time Extension

On motion of Councilman DeMirjyn, seconded by Councilman Riordan, a time extension of one year to August 1, 1980, was unanimously given for Conditional Use Permit No. 301.

4. Appeal to Environmental Review Committee Decision - Harry John

On motion of Councilman DeMirjyn, seconded by Councilman Knudsen, hearing on this appeal to an Environmental Review Committee decision of a Negative Declaration for Conditional Use Permit No. 315 (Redlands Federal Savings and Loan Association) was set for 7:00 P.M. on August 7, 1979.

ADDENDA

1. Tract No. 9996 - Western Community, Inc. - Jim Bradbury - Zone Violation

Planning Director Schindler stated that the developers of this tract now request permission to continue a zone violation existing in the placement of a structure on Lot 87 of this tract. Following Council discussion, on motion of Councilman Riordan, seconded by Councilman DeMirjyn, the request was unanimously denied and the Building Department was authorized to issue no more building permits to the developers until abatement of this violation.

2. Zone of Influence - Proposed Change - LAFC

Mr. Schindler brought to Council notice from the Local Agency Formation Commission of a proposed change in the City's Zone of Influence, stating that this had been requested by residents who desire not to be included in the Yucaipa Zone. He added that the change would conform to the school district boundaries. On motion of Councilman Knudsen, seconded by Councilman Riordan, Mr. Schindler was authorized to request tabling of this matter by LAFC.

There being no further business, Council adjourned, on motion, to a Personnel Session.

COMMISSION REPORTS (Continued)

Historic and Scenic Preservation Commission - Council expressed regret upon receiving Russell Wilmot's resignation. Mr. Wilmot was one of the original commissioners appointed to this commission.

APPLICATIONS AND PETITIONS

Bowl
Fees
Waiver

Richard Scrima has requested waiver of bowl fees for a variety show to be held in the Redlands Bowl, August 29, 1979, with donations received to go to the Muscular Dystrophy Association. On motion of Councilman DeMirjyn, seconded by Councilman Knudsen, Council unanimously granted this request with the stipulation that a charge of \$7.00 an hour be made for a park attendant to be present.

COMMUNICATIONS

Resolution
of
Appreciation

Councilman Knudsen spoke of Ruth Grinell Fowler's fifty-five years of perfect attendance at Redlands Bowl performances. Mrs. Fowler played the piano for the community singing. He moved for adoption of a resolution of appreciation to Mrs. Fowler to be signed by all members of the Council. Motion seconded by Councilman Riordan and unanimously adopted.

Visitors

Mayor Martinez introduced Katsumi O'Kate, Masaki Okino, and Kaori Iwai, three exchange students visiting from Japan sponsored by the Lions Club and welcomed them to Redlands.

NEW BUSINESS

Resolution
No. 3598

Weed
Abatement

On motion of Councilman DeMirjyn, seconded by Councilman Riordan, Resolution No. 3598, a resolution of the City Council authorizing the City Clerk to advise the San Bernardino County Auditor and Assessor to place assessments against various parcels in the City of Redlands for weed abatement as directed by the Fire Department, was unanimously adopted.

Resolution
No. 3599

Heaps Peak
Refuse Site

Resolution No. 3599, a resolution of the City Council approving a plan amendment of the Solid Waste Management Plan for San Bernardino County to provide for the limited expansion of Heaps Peak Refuse Site located between Running Springs and Sky Forest on State Highway 18, was unanimously approved on motion of Councilman DeMirjyn, seconded by Councilman Riordan.

CITY MANAGER

Airport
Grant
Application

On motion of Councilman DeMirjyn, seconded by Councilman Knudsen, Council unanimously authorized the reapplication for State Grant assistance in FY 1979-80 for airport improvements. This application was denied last year. The total amount of the project is estimated at \$135,015 with ninety percent being paid from the State Grant if this application is approved. The Redlands Municipal Airport meets the eligibility requirements of Article 2 of the C.A.A.P. regulations and matching funds are available to meet the required local share of the project cost in FY 1979-80.

Manager's
Employment
Agreement

Council unanimously approved an extension of the City Manager's Employment Agreement for one year, from January, 1982 to January, 1983, on motion of Councilman DeMirjyn, seconded by Councilman Knudsen.

In answer to Dr. Kenneth Roth's question, Mayor Martinez stated that there was no change in Mr. Christiansen's agreement as related to termination reimbursements. And Mayor Martinez added that citizens are entitled to be aware of these matters which are usually first considered in personnel sessions.

CITY MANAGER (Continued)

Police
Chief's
Employment
Agreement

On motion of Councilman DeMirjyn, seconded by Councilman Knudsen, an amendment to the Police Chief's Employment Agreement extending it to July 1982 and deleting the fifteen percent salary differential between the Chief's and Departmental Captain's salaries was unanimously approved.

Police
M.O.U.

On motion of Councilman Knudsen, seconded by Councilman Elliott, the Memorandum of Understanding between the City and the Redlands Police Officers Association for the coming year was unanimously approved.

CITY ATTORNEY

City Attorney Taylor made the following statement: "I thought that I should bring up this evening the matter of the application of Proposition 'R' and Ordinance 1680 to developments as they come along. We have now passed the transitional period in which some developments have already begun and major expenditures of money and substantial construction in most cases has already materilized before Proposition 'R' was adopted.

"There seems to have been some confusion as to the manner in which the City has been applying this law. It is a law. It was adopted by an overwhelming vote of the people of the City, and I am certain and confident that the City staff has been attempting to apply it consistently and with the utmost attention to the letter and spirit of Proposition 'R.'

"There should be no confusion whatever as to its scope and its application Proposition 'R' and Ordinance 1680, which is the instrument of carrying out the mandate of the people, apply to all developers without exception. Any developer who seeks to embark upon a construction program in the City must comply with the requirements of 1680. In some cases a developer may be able to establish that it has an exemption, and that should be presented to the review committee which administers Proposition 'R.'

"I understand from the Public Works Department and the other of the arms of the City involved in executing Proposition 'R' that at the time of the presentation of the Tentative Map the process begins for the application of the point system and other values that go into the scale in determining what developments are acceptable.

"Now a somewhat different matter arises when developments occur outside the City, in the county. Under Proposition 'R' the control instrumentality built into that measure is to limit utility connections to 150 units a year. Again, that would apply to all developers; they must come within the purview of Proposition 'R' and Ordinance 1680 to the extent that it may encompass outside the City development. But once again, such a developer certainly has the opportunity and the right to present to the City review committee, and certainly to this Council, if it is dissatisfied there, perhaps to the court if nothing favorable arises at those early stages, an exemption that he may think he may have from the application of this City law.

"I don't think any of us should have any misgivings, be confused in any manner, and not understand that certainly as of now, any developer coming forward in this City with a Tentative Map is going to be subject to Proposition 'R.'

"In fact that the City may have some old commitments to serve water to some property doesn't activate an exemption from Proposition 'R.' It simply means that the City has the obligation to serve water but subject to whatever controls or whatever regulatory measures may be inherent in the Proposition.

CITY ATTORNEY (Continued)

"I hope that is clear. Does that pretty well carry out your understanding Mr. Donnelly of what I have been telling you in Public Works?"

Mr. Donnelly gave an affirmative reply.

Later in the meeting, Dr. Roth approached the podium; "May I ask Mr. Taylor a question? Two weeks ago, when you were not here, I asked a question, a little bit louder tonight than I was then, about Mr. Knudsen's project, and I am assuming from the statements you made that the answer that we got that night was not correct. I asked would Mr. Knudsen's project in which he was given 160 or 80 acres of water and sewer, did Proposition 'R' apply? Yes or No? Mr. Christiansen answered 'No.' Now, is that changed or not? Is it under 'R'?"

Mr. Taylor replied: "It is not changed under Proposition 'R.' It is the application of City laws and I think Mr. Knudsen, I felt during this entire procedure that in respect to his application has been most even tempered and most tolerant of what seemed to me to be a discriminatory approach possible."

"I agree." said Dr. Roth.

Mr. Taylor continued, "You have to agree with that. Everyone who has made an application under similar circumstances in the past two or three decades has been granted the right to have water. It stems from a very long-standing Highline Agreement; the City is obligated to provide water to that acreage under those old agreements and perhaps at some special rates. It arose many years ago when the City needed to have a right-of-way for a Highline to assure our public water supply and those who gave that valuable easement to the City were granted the right to obtain water from the line. That's an over-simplification for a fifty page document that I have trouble understanding.

"Now as to the application of Proposition 'R,' we have to be consistent in saying that it applies to any developer who comes forward. As I said a moment ago, in each case the necessary applications required by the City must be made. If that developer can show for any reason he is exempt from the provisions of the Ordinance or Proposition 'R,' then it may well be that there would be an exception.

"An obvious exception which I think all of us are aware of: one development west of town had already arrived at a point, I understand, where most of the buildings had been constructed on the pads and the plumbing was all in, and perhaps seventy percent of the expenditures had been made when 'R' went in. It was pretty obvious we would never get away with telling those people, 'Aha -- 'you are not going to be able to sell those units to anyone excepting at whatever rate we give you, maybe five per year, or something under the quotas under 'R.'"

"I think that you cannot answer the question of how Proposition 'R' would apply to any future developer who may claim that his contract provides some kind of an exemption. They may even want to test that in court. All I can tell you is that we will take the position that going in, the developer will be subject to Proposition 'R' unless he can show some exception, otherwise it will certainly apply.

CITY ATTORNEY (Continued)

"I don't think I should prejudge future unfiled applications right now -- I know that is what you would like to hear."

Dr. Roth: No I -- I want a

Mr. Taylor continued: "A statement that stops every developer who might conceivably come forward in the future; I'm not going to do that, but I'm just going to tell you that we are going to be consistent and fair and uniform under the Proposition 'R' and that it applies to everybody. Okay? Thank you.

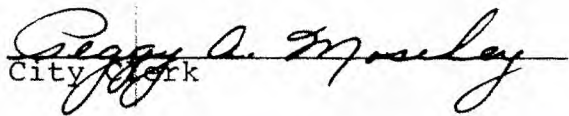
Bills and salaries were ordered paid as approved by the Finance Committee.

There being no further business, Council adjourned, on motion, at 7:35 P.M.

Next regular meeting, August 7, 1979.

ATTEST:


Mayor of the City of Redlands


City Clerk

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