

MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on October 20, 1981, at 7:00 P.M. Planning Commission Items 3:00 P.M.

PRESENT

Charles G. DeMirjyn, Mayor
James W. Gorman, Vice Mayor
Barbara Cram Riordan, Councilmember
Ken Roth, Councilmember

Chris C. Christiansen, City Manager
Dallas Holmes, City Attorney
Peggy A. Moseley, City Clerk
Ted Randolph, Redlands Daily Facts
Pat Brown, The Sun

ABSENT

Oddie J. Martinez, Jr., Councilmember

The meeting was opened with the pledge of allegiance, followed by the invocation by Reverend D. B. Reeves of the Temple Baptist Church.

Minutes of the special meetings of October 1, 1981, and October 9, 1981, were approved as submitted. Minutes of the regular meeting of October 6, 1981, were amended on page 6 concerning Councilman Roth's motion regarding the ERC appeal on CUP 347. The motion was amended to read: "Councilman Roth moved to grant the appeal, set aside the draft negative declaration, and require the preparation of an Environmental Impact Report."

BIDSDemolition
of
Structures

No bids were received at the time advertised to accept bids on the Sale and Moving of Structures at 15 South Grant Street. As a result, on motion of Councilman Gorman, seconded by Councilman Riordan, the staff was authorized to seek removal at no cost to the city or, finding no one, arrange for demolition and removal of the structures.

ORAL PETITIONS FROM THE FLOOR

Mr. Thomas Ramsey, Employee Representative of the SBPEA, addressed Council to summarize a two-page letter which each Councilmember received (on file in the office of the City Clerk). He explained that the General employees of the city received "some pretty cutting criticism from (fellow) City employees in the Safety Units, the Public and the Press." He spoke of an editorial in the October 12th Redlands Daily Facts. Mr. Ramsey assured Council that the General employees had been treated fairly by the Council. Mayor DeMirjyn responded that the General employees had been ethical in their negotiations, and thanked Mr. Ramsey.

COMMISSION REPORTS

Planning Commission recommendations as considered by the City Council at a regular meeting thereof held on October 20, 1981, at 3:00 P.M.

Present:

Councilmembers Gorman, Riordan, Roth; Mayor DeMirjyn; City Attorney Holmes; Planning Director Schindler

Absent:

Councilmember Martinez

1.

R.P.C. No. 551 - Ordinance 1000 Text Amendment Nos. 157-A and 157-B - City of Redlands

The Planning Commission, at its October 13, 1981, meeting unanimously recommended not to approve Resolution R.P.C. No. 551 for adoption of Amendment Nos. 157-A and 157-B of Zoning Ordinance No. 1000 which would provide for slope density requirements in the R-A and R-E Districts.

Following brief consideration of the Commission's point of view, what the Council wished to accomplish, alternative procedures, and the fact that similar regulations are presently used by San Bernardino County and the City of Riverside, Councilman Gorman moved to disapprove the report of the Planning Commission, to adopt R.P.C. No. 551 Amendments No. 157-A and No. 157-B to Zoning Ordinance 1000, and to give first reading to Ordinance No. 1773. This motion was seconded by Councilman Roth and approved by AYE votes of all present. Public hearing on Ordinance No. 1773 will be advertised for November 3, 1981, at 7:00 P.M.

PLANNING COMMISSION RECOMMENDATIONS (Continued)2. Conditional Use Permit No. 353 - Emmerson-Bartlett Mortuary

That Conditional Use Permit No. 353 for a proposed retort building (crematorium) for property located at 703 Brookside Avenue, A-P Zone, be approved subject to the recommendations of all departments as contained in Planning Commission minutes dated October 13, 1981, and pursuant to the findings of Ordinance No. 1000, Section 52.00, Section C.

Council discussed this request at great length with Mr. Richard Foster, Manager of Emmerson Bartlett Mortuary. Mr. Foster assured Council that the operation of the retort must be approved by the Air Quality Management District to be totally smoke and odor free. He added that the manufacturing company guarantees this to be so. Council then approved C.U.P. No. 353 subject to all requirements and with the changes in Planning Department items 5 and 6 recommended by Attorney Holmes as follows: 5. "Applicant shall maintain the retort to keep its operation smoke and odor free." 6. "If emission problems develop to the substantial detriment of the residential neighborhood, this permit will be further conditioned or will be revoked." This motion by Dr. Roth, and seconded by Councilman Gorman, was adopted by AYE votes of all present.

3. Commission Review and Approval No. 451 - Kaymez and Cicekci

The Planning Commission, at its meeting of October 13, 1981 gave unanimous approval to CRA No. 451 to permit the addition of 6,000 square feet to an existing commercial building located at 14 Orange Street.

At this time Council discussed this structure expressing the wish that the building could be restored to its original appearance and that the windows, the parapets and design over the door could be saved. Mayor DeMirjyn stated that he would be willing to speak with the owners.

OTHER PLANNING ITEMS FOR COUNCIL CONSIDERATION1. Parcel Map No. 6210 - Wayne Hutchinson - Acceptance

That Parcel Map No. 6210 for property located on the east side of Terracina Boulevard and 150 feet south of Bellevue Avenue, R-S Zone, which is initiated by Minor Subdivision No. 94, a four lot subdivision and a lot line adjustment, be approved. On motion of Councilman Riordan, seconded by Councilman Gorman, Council granted acceptance of Parcel Map No. 6210 by AYE votes of all present.

2. Tentative Map No. 11611 - Syrus Rayhan - Time Extension

On motion of Councilman Riordan, seconded by Councilman Gorman, a time extension of one year to November 4, 1982, was unanimously given to Tentative Map No. 11611.

3. Planning Commission Appeal - Conditional Use Permit No. 258 - Community Center Advisory Board Members

At its August 11, 1981 meeting, the Planning Commission approved Commission Review and Approval for Conditional Use Permit No. 258 for Phase II expansion plans for the Community Center on property located at 111 West Lugonia Avenue. An appeal has been filed by the Community Center Advisory Board Members regarding the 20 foot set-back requirement.

Attorney Holmes pointed out that the time for filing an appeal on the above Planning Commission action had expired before this appeal was requested by the manager of the Community Center. The filing fee was waived as this is a municipal facility and the applicants are Community Board Members.

Council discussed the requirements of the Planning Commission placed on this expansion for the Community Center, considered the 15 foot versus 20 foot set-back, and the effect on the residential neighborhood, and also discussed parking with architect Sheila Neaves. The Council then concurred that the matter would be tabled until November 3, 1981.

4. Minor Subdivision No. 106 - Ken King - Final Approval

All requirements as outlined in Council minutes dated May 5, 1981, having been complied with, it is the recommendation of the Planning Department that final approval be given Minor Subdivision No. 106. On motion of Councilman Riordan, seconded by Councilman Gorman, this recommendation of the Planning Department was unanimously approved.

5. Fowl Report - Kathy Zabrowski, 931 West Cypress Avenue

Following a brief discussion of the keeping of pet chickens, duck and small animals, Council referred the matter to staff and City Attorney for study of the existing ordinances and recommendation for enforcement.

OTHER PLANNING ITEMS FOR COUNCIL CONSIDERATION (Continued)

6. Block Wall Requirement - Dr. M. M. Hossain

Dr. Hossain has requested waiver of installation of a six foot block wall requirement on his property at 627 Brookside Avenue. Staff recommends that if this waiver is granted, the letter of request be filed with the County Recorder as a covenant on the property.

Following Council consideration, approval was given for waiver of the required wall installation at this time, with the proviso that the letter stating that it will be provided upon request by the City, be recorded as a covenant on the property. This motion of Mr. Gorman was seconded by Dr. Roth and adopted by AYE votes of all present.

7. Agricultural Preserve Removal No. 43 - Mary Shah - Reconsideration (Resolution No. 3787)

This request for reconsideration of Council's original denial of permission to remove twenty acres of land from the Agricultural Preserve was today tabled at the applicant's request. However, following Council's in depth deliberations on the problems and difficulties surrounding the matter of the Agricultural Preserve generally, approval was given on motion of Councilman Gorman, seconded by Councilman Roth with AYE votes of all present, and Resolution No. 3787, a resolution of the City Council to amend the boundaries of the Agricultural Preserve to reflect this removal was adopted.

8. Agricultural Preserve Removal No. 46 - Max A. Schneider (Resolution No. 3788)

That the request to remove 7.31 acres of land from the Agricultural Preserve boundaries for property located at the northwest corner of Colton Avenue and Dearborn Street extended, A-1 Zone, be approved as application meets criteria for removal pursuant to Resolution No. 3649.

9. Agricultural Preserve Removal No. 47 - Bruce F. Connell (Resolution No. 3789)

That the request to remove 7.31 acres of land from the Agricultural Preserve boundaries for property located on the northeast corner of Colton Avenue and Dearborn Street extended, A-1 Zone, be approved as subject application meets criteria for removal pursuant to Resolution No. 3649.

10. Agricultural Preserve Removal No. 48 - Charles A. and Joan S. Perkins (Resolution No. 3790)

That the request to remove ten acres of land from the Agricultural Preserve boundaries for property located on the northside of Colton Avenue, approximately 300 feet east of Dearborn Street, A-1 Zone, be approved as subject application meets criteria for removal pursuant to Resolution No. 3649.

Before addressing applications for removal of land from the Agricultural Preserve Nos. 46, 47, 48, Council expressed concern and regret at the loss of the orange groves originally on these properties and other land throughout the City of Redlands. Included in the discussion were the minus points for location within the Preserve under Proposition "R"; the economic problems for growers, including the financial impossibility to heat isolated groves, and the following report from Planning and Community Development Director Schindler: 4,618 acres originally in the Agricultural Preserves, 985 removed since 1972; 3,633 in it at present of which 460 acres are under contract; and a shortage of R-1 and R-S lands within the City.

Reluctantly Dr. Roth then moved for approval of Removals No. 46, No 47, and No. 48 from the Agricultural Preserve as these properties meet all requirements of Resolution No. 3649; and adoption of Resolution Nos. 3788, 3789, and 3790 to establish these removals. Motion seconded by Councilman Gorman, with added regret, and adopted by AYE votes of all present.

11. Phase II - 1981 Residential Development Allocations

The City Council received a draft of the preliminary summary sheet identifying proposed projects and the points awarded as of this date in connection with Phase II - 1981 Allocations under Proposition "R" and a request for Council direction in regard to school district points.

Council referred to the letter dated September 29, 1981 from School Board President Dyke declining to comply with the Council request to rate the projects for allotment purposes until the differences referred to in her letter were resolved.

Lengthy discussion followed, after which Mayor DeMirjyn moved: "Give each applicant 10 points, and make necessary adjustments with no applicant to be penalized." The motion was seconded by Councilman Riordan and adopted by AYE votes of all present.

OTHER PLANNING ITEMS FOR COUNCIL CONSIDERATION (Continued)

12. Tentative Tract No. 10113 - Robert E. Mills - Time ExtensionExtension

The Planning Department reports to Council that the dead grove on this tract is now being removed. On motion of Councilman Roth, seconded by Councilman Gorman, a time extension of one year was granted this development by AYE votes of all present to 10/17/82.

There being no further business, Council adjourned to a closed session.

Park Commission - meets at 2:15 Thursday, October 22nd in the Conference Room at City Hall.

Traffic Commission - At their meeting of October 15th, the commission requested Council appointment of Tim Scott as Student member of the commission. On motion of Councilman Roth, seconded by Councilman Gorman, this appointment was approved by AYE votes of all present.

Historic and Scenic Preservation Commission - On motion of Councilman Riordan seconded by Councilman Roth, three applications from owners of portions of the Henry Fisher Gardens, Malcolm and Ruth Heber (Gardens), Carless Holmes (internal wall), and City of Redlands (external wall), were approved by AYE votes of all present for inclusion on the Redland's Register of Historic and Scenic Properties of the Henry Fisher Garden and Walls.

Council briefly discussed the possibility of some way of arranging for the public to view some historic properties, if the owners would enjoy displaying them.

APPLICATIONS AND PETITIONS

An appeal filed by Dean and Sharon Vetter objecting to the Environmental Review Committee's negative declaration on Agricultural Removal No. 44 was considered by Council at this time.

Mr. Vetter presented color pictures of other properties near his residence which have been removed from the Agricultural Preserve and are not being farmed and thus are empty, over-run with weeds and creating a fire hazard.

ERC
Appeal

Agricultural
Preserve
Removal
No. 44

Mr. Bob Roberts and Jerry Bryan speaking for Lewis Homes, assured the Vettters that the land will be kept under cultivation until homes are built. Mrs. Dorothy Campbell of El Cajon, daughter of the original owner, gave a history of the grove and also firmly assured the Vettters that the grove will be preserved as long as possible. Mr. Campbell also spoke as did Mr. Emil Buhler. Vice Mayor Gorman spoke of the discussions held this afternoon on removals from the Agricultural Preserve, and recommended that people who seriously wish to preserve groves band together, secure funding and purchase them.

On motion of Councilman Riordan, seconded by Councilman Roth, Council denied the appeal because the groves will continue to be maintained, and upheld the ERC filing of a negative declaration. This motion was adopted by AYE votes of all present.

Appeal

Home
Occupation
Permit
No. 260

An appeal filed by Howard Whiteside, Joe Casey and Roy Guin objecting to approval of Home Occupation Permit No. 260 by the Planning Commission was set for hearing at this time. Mrs. Janice Whiteside of 321 E. Mariposa Dr. stated that she and some of the neighbors did not wish a precedent to be set in this residential area.

Balloon
Lady

Dr. Roth assured Mrs. Whiteside that there would be no retail sales from the home, commented that the van objected to in the appeal appeared much like other vans seen on Redlands Streets, and explained that the permit is for three months, with a required review at that time. Council then discussed home occupation permits generally, pro and con.

APPLICATIONS AND PETITIONS (Continued)

Appeal Mrs. Paige C. Crouch applicant stated that she did not intend to disrupt her neighborhood, that she would fulfill all requirements of the permit, and offered to answer any questions.

Home Occupation Permit No. 260 Councilmember Riordan moved to deny the appeal. The motion was seconded by Councilman Roth and failed by the following vote:
 AYES: Councilmembers Riordan, Roth
 NOES: Councilmember Gorman; Mayor DeMirjyn
 ABSENT: Councilmember Martinez

Balloon Lady Then a motion by Councilman Gorman, seconded by Mayor DeMirjyn to uphold the appeal also failed by the following vote:
 AYES: Councilmember Gorman, Mayor DeMirjyn
 NOES: Councilmembers Riordan and Roth
 ABSENT: Councilmember Martinez

Youth Camps of America City Attorney Holmes then stated that the appeal was not successful, hence the Planning Commission action stands.

Council denied the request to solicit funds as an on-going, year-round program for Youth Camps of America, Rancho Palos Verdes, on motion of Councilman Riordan, seconded by Councilman Roth by AYE votes of all present.

COMMUNICATIONS

On motion of Councilman Riordan, seconded by Councilman Gorman, the staff was requested to prepare a Resolution to the Postal Department, Regional District Manager, requesting continuation of service at the beautifully refurbished, centrally located Post Office and recommend location of a distribution office elsewhere.

Mayor DeMirjyn leaves the Council Chambers at this time.

CITY MANAGER

Discussion on Mobile Home Park will be found at the end of City Manager section.

Agreement Southern Pacific Transportation Co. On motion of Councilman Riordan, seconded by Councilman Roth, Council approved an agreement with Southern Pacific Transportation Company for watermain installation for a 12 inch watermain under tracts at Alabama Street and Citrus Avenue.

Audit The annual audit for fiscal year 1980-81 was accepted by Council on motion of Councilman Riordan, seconded by Councilman Roth, and the auditors were authorized to go over the budget with Councilmember Riordan and other interested parties including the press.

Bid Call Community Center The San Bernardino County Office of Community Development has authorized the City to issue an invitation to bid for the Phase II construction of the Community Center. On motion of Councilman Riordan, seconded by Councilman Roth, this matter was tabled to the November 3, 1981 meeting.

M.O.U. Professional Fire Fighters Association A Memorandum of Understanding between the City of Redlands and the Redlands Professional Fire Fighters was approved on motion of Councilman Riordan, seconded by Councilman Roth, by the following roll call vote:
 AYES: Councilmembers Riordan, Roth
 NOES: Vice Mayor Gorman
 ABSENT: Councilmember Martinez; Mayor DeMirjyn

The Memorandum of Understanding which commences July 1, 1981 and continues through June 30, 1982, contains a 7.5 percent salary increase effective September 28, 1981 and also paid holidays.

CITY MANAGER (Continued)

Claims

Claims in the names of Mackey, Ortiz, Boydstun, Corley, were rejected in routine manner by Council and referred to the insurance carrier, on motion of Councilman Roth, seconded by Councilman Riordan.

Mobile Home Rent Moratorium Discussion

On July 21, 1981, the City Council established a moratorium on Mobile Home rent increases for three months. The purpose was to establish a Rent Review Board, and allow time for tenants to negotiate to solve problems.

At this time, Attorney S. Scott Reynolds summarized activities concerning Mobile Home rents since that date. He reported in detail on the meeting held on September 21, 1981 when he, representing the Mobile Home Owners Tenants Association, Attorney Robert Coldren and his clients, the owners of the Park met with City Manager Christiansen and elective representatives of the Tenants Association. After three and one-half hours of discussion a proposed rental settlement of 10 1/2% increase for three years with pass throughs was agreed upon. The elected representatives presented it to the general membership. On October 6 the membership met and voted to reject the 10 1/2% settlement and made a counter offer of \$185.00 per month with a three year lease.

Mr. Reynolds added that when he came here he was prepared to request an additional three month moratorium to allow more time to try to come to an agreement acceptable to all parties, but Mr. Coldren had informed him that his clients will not negotiate further if there is a moratorium. Mr. Reynolds stated his clients would be willing to go back to the bargaining table.

Attorney Robert Coldren representing the Lugonia Fountains Park owners agreed that Mr. Reynolds statements were true. However he stated that he and his clients held firmly to the belief that the September 21st meeting was for the purpose of arriving at a firm settlement, not a proposal but a settlement, and that his clients intend to offer the deal that was struck during those negotiations.

Mr. Coldren asked Council to recognize the fact that the representatives at the September 21st meeting were respected, almost unanimously elected members of the Home Owners Association, that they had endorsed the settlement and stated that they would sign the lease. He pointed out that the owners of the park had done absolutely everything that the Council directed them to do even though they were acting under a moratorium. Mr. Coldren asked that Council not enact another moratorium.

Mr. Reynolds reiterated that the elected representatives were praised for the efforts and strides in the negotiating meeting and that they did wholeheartedly support it, endorse it and present it to the membership. However despite their efforts it was rejected.

Mrs. Hope McKay who served as an elected representative briefly repeated portions of the above, and added that it took two months to arrange the meeting.

Mr. Lang Buchl of the Orange Grove Mobile Estates stated that he felt no negotiations should be made at his Park until the problem of low electric voltage is remedied. Following discussion, Building and Safety Director Bob Dale was asked to look into the problem and bring Council a report.

CITY MANAGER (Continued)

Mr. Orville Zappe, elected representative, reviewed the negotiations, the great effort made by the representatives to have 60% of the owners present at two night meetings, stated: "We followed thru on what we thought was our responsibility. At no time did we feel we were acting in the stead of 165 owners of mobile homes in that park. We are not professionals." He also presented an estimate of the gross income from the park, and requested Council extend the moratorium.

Mr. Coldren spoke again asking Council to recall what went on at the meeting, and pleading for the 10.5% as fair and equitable.

Mrs. Velma Trost, resident, spoke of those on fixed incomes who would be unable to pay the 10.5% over a three year period, yet were unable to move their coaches elsewhere. She added that other parks are being increased 7% or the CPI.

There being no further speakers, the Council, on motion, recessed to a closed session for purpose of discussion of matters covered by Attorney-Client privilege, at 8:56 P.M.

At 9:28 the Council reconvened with Mrs. Riordan, Dr. Roth and Vice Mayor Gorman still in attendance. Acting Mayor Gorman apologized for the lengthy deliberations, stated that Council will take no action this evening to extend the moratorium which will continue through this month; nor take any action on issues associated with fairness or unfairness. He added that the attorney had been instructed to finalize several rent control ordinances that have been in preparation, and have them available for Council to review in time for a special session to be held on Friday, October 30th at 4:30 P.M. Our options are from 'Take no action' to 'Adopt a strong Rent Control Ordinance on an Emergency Basis'.

Dr. Roth suggested that in the interim both parties try to negotiate.

CITY ATTORNEY

Attorney Holmes reported to Council that in Department 9 of San Bernardino Superior Court, Judge Kayashima heard the arguments of C.Y Development in support of their petition for Writ of Mandate. Granting that Writ would have compelled the City of Redlands to issue a Building Permit to a Mr. Lopez who alleged that he intended to purchase one of 14 subdivided lots owned by C.Y. Development in Tract No. 10606. Judge Kayashima ruled from the bench and denied CY's petition for a Writ of Mandate. He stated at the time that he saw the petition as a transparent effort to avoid the effect of Proposition "R."

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

There being no further business, Council adjourned, on motion, at 9:45 P.M. to an adjourned regular meeting on Friday, October 30, 1981 at 4:30 P.M. Regular meeting November 3, 1981, 7:00 P.M.

ATTEST:

Peggy A. Mosley
City Clerk

Mayor of the City of Redlands