

MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on May 18, 1982, at 7:00 P.M. Planning Commission Items 3:00 P.M.

PRESENT

Kenneth Roth, Mayor
Charles G. DeMirjyn, Vice Mayor
Oddie J. Martinez, Jr., Councilmember
James W. Gorman, Councilmember
Tim Johnson, Councilmember

Chris C. Christiansen, City Manager
Mike Riddell, City Attorney
Lorrie Poyzer, Deputy City Clerk
Glenn Cunliffe, Redlands Daily Facts
Pat Brown, The Sun

ABSENT

None

The meeting was opened with the pledge of allegiance, followed by the invocation by Reverend Russ Haggerty of the Orange Tree Chapel.

Award

Linda Kirwan

Mayor Roth called Linda Kirwan, Assistant Finance Director, to the podium to congratulate her for being named Boss of the Year for 1982 by the American Business Women's Association. Mrs. Kirwan was nominated for this honor by Jean Black, an employee in the Finance Department. Reading from the nomination statement, Mayor Roth noted that Mrs. Kirwan is very supportive of her staff; encourages them to advance their education; is very willing to help anyone with any or all problems; and that she has a sixth sense in that when she deals with people she has the ability to "walk in the other person's mocassins." Mrs. Kirwan received an enthusiastic round of applause from the large audience in attendance.

Minutes of the regular meeting of May 4, 1982, were approved as submitted.

BIDS

Award of the bid for various safety improvements at Redlands Municipal Airport will be withheld for two weeks in accordance with Council action this afternoon.

PRESENTATION

C.R.E.A.T.E.
Presentation

Bob Mitchell, a member of C.R.E.A.T.E., which is a group of property owners and interested citizens, addressed Council regarding strategy this group has been developing during the past year for revitalization of downtown Redlands. He described the core area of approximately 170 acres as property bounded by Church Street, Vine Street, Texas Street, and Colton Avenue, and the target area as bounded by Sixth Street, Redlands Boulevard, Eureka Street, and the Freeway. Studies show that most of the property in the target area is locally owned and that the owners are enthusiastic and ready to go. Mr. Mitchell stressed there is an urgent need to start planning now in order to improve the front door to the city and to support the existing businesses. A strong partnership with the City and the owners is needed for a joint solution. C.R.E.A.T.E. does not want the bulldozer approach but wants to build upon the positive and minimize removal of land from the property tax rolls. Redevelopment funds could be used on a case-by-case basis for seed money.

Mr. Leon Armantrout thanked Council for the opportunity to make this presentation and showed a slide presentation of this group's ideas. He commented that it was no wonder that "Redlands was the best kept secret in Southern California" considering the condition of the land near the approaches to downtown from the freeway. He pointed out the positive elements that

PRESENTATION (Continued)

are already existing such as Carlson Hardware, Rettig Machine Shop, Kramer's Paint Shop, Cabin Craft, Mitten's Letters, Rapid Data, Custom Engineering, Turn of the Century, and Tom Medlicott's Stained Glass Studio. He invited Council to join this group and celebrate this idea.

C.R.E.A.T.E.
Presentation

Mr. Mitchell urged the Redevelopment Agency to enter into a contract with a consultant firm to proceed. A work statement has been prepared and C.R.E.A.T.E. has contacted different firms for proposals. He felt that a final commitment of resources was needed contingent upon a consultant's favorable report. He also recommended that a citizens' organization was needed during the study to assist in providing input and hoped that C.R.E.A.T.E. could provide this service through the Redlands Redevelopment Agency's Executive Director. Also recommended was the establishment of a central source for a point of contact and storage of records and, again, C.R.E.A.T.E. would be happy to do this.

Councilmembers individually expressed their support of this idea and desire to do whatever they could in view of the City's financial standing. Councilman Gorman recommended this be scheduled on an agenda for a special Redevelopment Agency meeting for consideration and study.

PUBLIC HEARING

Public hearing was advertised for this time and place on Ordinance No. 1788, an ordinance of the City of Redlands implementing the initiative ordinance to moderate growth within the City and repealing Ordinances Nos. 1680, 1717, 1742, and 1748. Mayor Roth declared the meeting open as a public hearing for questions or comments concerning this ordinance.

Mr. William Cunningham, member of the Redlands School Board, presented a suggested revision to Section 8, Schools. One of the revisions would include the word "safe" to describe walking distance. The School Board would also like to reinstate a minus 10 in paragraph (e). Councilman Martinez felt this was a reasonable request and should be incorporated in in any amendments.

Ordinance
No. 1788

Proposition
"R"

Mr. Swen Larson, Chairman of the Planning Commission, publicly thanked Council for their support and explained that after a meeting with Mayor Roth it seemed that the recent disagreement between Council and the Planning Commission was mostly due to lack of communication and that the two bodies are not that far apart. He went on to say the Commission was willing to abide by Council's decision, and he hoped we would have a better Redlands for it.

Mr. David Waters, 7 East Citrus Avenue, expressed his disappointment that the sub-committee did not include any citizens in its membership. He felt this new ordinance was forcing development into the north side of town where the schools are already impacted and where there are drainage problems. He also felt that the allocation and tentative approval should run concurrently with the application.

Mrs. Phyllis Eldridge, 441 Via Vista Drive, stated there has been much give and take with a number of people trying hard to implement Proposition "R." She urged Council to not dilute "R" because the people have spoken. She also expressed her concerns with drainage.

PUBLIC HEARING (Continued)

Mr. Norman Langley expressed his concern about tentative tract map approval which is now to be done prior to receiving allocation points. These approvals have conditions attached that the developer agrees to and must mitigate in some instances, and he felt this was a direct conflict when a developer agreed to do something but lost points on "R."

Mr. Bob Roberts felt this new ordinance penalized developers in many ways and that it very poorly addresses affordable housing. He felt the priorities were shaky and that high interest rates have not really tested "R."

Mr. James Coffin, 1140 West Highland Avenue, expressed many concerns which he submitted in writing. These concerns covered drainage, providing improvements that upgrade service to the whole community, park fees, architectural design variety, grading, landscaping, and preservation of agricultural preserves. Mr. Coffin strongly felt that the life of an RDA should be the same as a tentative map with the same extension considerations required by the map act.

Mr. Joseph Janczyk, 719 Buckingham, made a point of observation that projects on the north side are ususally purchased by "outsiders" and hill owners are usually "insiders" moving up.

Ordinance
No. 1788

There being no further comments from the audience, the public hearing was closed. Council briefly recessed at 8:30 P.M. and reconvened at 8:35 P.M.

Proposition
"R"

Councilman Martinez moved to incorporate the recommended revisions submitted by the School Board; motion seconded by Councilman Johnson. Council discussed the revisions at length and approved the motion by the following vote: AYES: Councilmembers Roth, Martinez, and Johnson; NOES: Councilmembers DeMirjyn and Gorman.

Council discussed drainage at length. Councilman DeMirjyn suggested extra points be allotted for one acre lots. Councilman Johnson suggested points be allocated based on contribution to run off. He expressed grave concern with rewarding the San Timoteo Creek basin with ten points and the possibility of a suit against Redlands if Loma Linda was flooded. Councilman Roth felt this suggestion should be reviewed by the Public Works Department and Commission for input and perhaps could be incorporated in the next revision. Councilman Gorman felt that "washing away Loma Linda" was somewhat an exaggeration and had no difficulty with the consistency of the present system of awarding points. He stated he was not concerned about future litigation in this regard. Councilman Martinez stated that the citizens of Redlands should be aware of the legal funds spent in the past six to eight months, and he is not sure if we can continue at this rate. He stated he was very concerned if this ordinance was not refined.

Councilman DeMirjyn then moved to add to No. 4, Storm and Flood Drainage, a ten point bonus for one acre or large lots that are in the minus ten zone. Motion seconded by Councilman Martinez and failed by the following vote: AYES: Councilmen DeMirjyn and Martinez; NOES: Councilmen Roth, Gorman, and Johnson. Councilman Gorman recommended that the Public Works Commission review this idea and give us their thoughts for future reference.

PUBLIC HEARING (Continued)

Councilman Martinez questioned the rationale in the parks category. It was pointed out there was a need to address this issue in accordance with Proposition "R." There was also a short discussion regarding Proposition "S" which does not apply to the new phase of building in Plymouth Village.

Councilman Roth explained, in response to some of tonight's speakers, that Proposition "R" says allocations shall be in tentative tract form and since there is no legal reason why we cannot do this, Council wanted to try it.

Ordinance
No. 1788

Proposition
"R"

Councilman Martinez moved to change the filing and allocations dates for 1982 under Section III-C as follows: the first allocation date for 1982 shall be August 20 and the first filing deadline for 1982 shall be June 30. Motion seconded by Councilman Johnson and carried unanimously.

On motion of Councilman Martinez, seconded by Councilman Gorman, Ordinance No. 1788, as amended tonight was given first reading with waiver of the reading of the ordinance in full and will be considered at an adjourned meeting to be held on Monday, May 24, 1982, at 7:00 P.M. in the Council Chambers. Motion carried unanimously.

ORAL PETITIONS FROM THE FLOOR

Jaycees

Mr. Dick Willey of the Redlands Jaycees requested Council permission to serve refreshments on Sunday, May 23 at the Redlands Bowl when the Strob-lighters are holding their annual event. On motion of Councilman Martinez, seconded by Councilman Johnson, Council unanimously granted this permission with the understanding the Jaycees would be responsible for the maintenance and clean-up.

COMMISSION REPORTS

Present:

Planning Commission recommendations as considered by the City Council at a regular meeting thereof held on May 18, 1982, at 3:00 P.M.

Councilmembers DeMirjyn, Martinez, Gorman, Johnson, Mayor Roth; Attorney Riddell; Associate Planner Atencio

Appeal - Variance No. 266 - John C. Jennings

The request for a variance from the provisions of Ordinance No. 1000, Section 12.20(c), to allow more than one residential dwelling unit (mobilehome) on a lot containing less than 2-1/2 acres for property located at 3051 Mill Creek Road, Mentone, A-1 Zone, was denied by the Planning Commission on April 27, 1982. Mr. Jennings filed an appeal to this decision and this was the time set for a hearing by Council.

Mr. Jennings explained to Council that his property was annexed in approximately 1965 for the City to have the property across the street for the water treatment plant. He would like to put a mobilehome in his front yard for his elderly father and pointed out if he was in the county he would be allowed to do this.

Council carefully reviewed the four conditions which must exist in order to grant a variance as follows: (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone; (2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district, but which is denied to the property in question; (3) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity (at this point Utilities Engineer Dave Garcia assured Council there were no wells in the area); and (4) That the granting of such a variance will not adversely affect the General Plan of the City of Redlands.

PLANNING COMMISSION RECOMMENDATIONS (Continued)

Council found each of the above conditions existed in this unique situation and on motion of Councilman Johnson, seconded by Councilman Martinez, unanimously approved this variance with the agreement that the mobilehome would be removed when it was no longer in use.

1. Conditional Use Permit No. 343 - Congregation of the United Church of Christ of Redlands - Gordon Reynolds, M.D.

That Conditional Use Permit No. 343 for a proposed church and related facilities on approximately 3.55 acres of property located on the northwest corner of Bellevue and Olive Avenues, R-S Zone, be approved subject to the recommendations of all departments as outlined in Planning Commission minutes dated May 11, 1982, eliminating Planning and Community Development Requirement No. 14, and adding Planning and Community Development Requirement No. 16 that the north portion of the site be re-submitted to the Planning Commission prior to the issuance of a building permit. On motion of Councilman Martinez, seconded by Councilman Gorman, this recommendation of the Planning Commission was given unanimous Council approval.

2. Conditional Use Permit No. 367 - Daniel P. O'Rourke/Uncle Howie's Pizza

That Conditional Use Permit No. 367 for the serving of beer and wine with meals for property located at 800 "A" East Lugonia Avenue, C-2 Zone, be approved subject to the recommendations of all departments as outlined in Planning Commission minutes dated May 11, 1982.

Roger Baty, Director of the Armacost Library and a resident of Redlands, spoke to Council regarding the quality of life in Redlands and his neighborhood of thirteen years. He stated it was almost by accident that he and his wife saw the notice of intent to serve alcoholic beverages at this location. A petition against this was circulated and presented to the Planning Commission last week. He further stated he has also appealed the ABC decision and a judge is studying the appeal. He also had a report establishing data which showed an increase in alcoholism in San Bernardino County and its correlation with crime. He stated a pizza parlor with an arcade brings in the youth and when it serves liquor it adds to crime. He then requested Council to not accept this application as he sees no economic or social needs for its approval.

Mr. O'Rourke, the applicant, stated ABC had approved his application as well as the Planning Commission. He felt that pizza parlors did not add to crime as he abided by the laws strictly and there was strict discipline on the premises.

Council discussed this at length in conjunction with the video games. Mr. Atencio explained that the video games are of a secondary nature and there are no city regulations to follow in this situation. Mr. O'Rourke stated it would create an exteme hardship if he did not have the games in his establishment.

Stating he felt Council could not deprive the applicant of his right to run a business, Councilman DeMirjyn moved to approve this application as recommended by the Planning Commission, but that upon receipt of a second violation of ABC regulations, Council would schedule a public hearing to revoke the conditional use permit. Motion seconded by Councilman Johnson and carried by the following vote: AYES: Councilmembers DeMirjyn, Martinez, Johnson; NOES: Councilmembers Roth and Gorman.

3. Tentative Tract No. 12211 - James Ford

That the application for the subdivision of approximately eighteen acres into 21 lots for property located on the southeast corner of Alabama Street and Park Avenue, IP-CM Zone, be approved subject to the recommendations of all departments as outlined in Planning Commission minutes dated May 11, 1982, adding Planning and Community Development Requirement No. 8 to provide one trash container per lot, and amending Commission Review and Approval No. 458 to provide for an additional driveway on Kansas Street. On motion of Councilman Martinez, seconded by Councilman Johnson, this recommendation of the Planning Commission was given unanimous Council approval.

4. Minor Subdivision No. 104 - Jerry Bancroft

That Minor Subdivision No. 104 for the subdivision of 1.07 acres into two lots for property located on the east side of Bow "C" Road, approximately 160 feet north of Summit Avenue, R-E Zone, be approved subject to the recommendations of all departments as outlined in Planning Commission minutes dated May 11, 1982. On motion of Councilman Gorman, seconded by Councilman DeMirjyn, this recommendation of the Planning Commission was unanimously approved by Council.

PLANNING COMMISSION RECOMMENDATIONS (Continued)

5. Minor Subdivision No. 114 - Petrolane Properties, Inc.

A letter was received this afternoon from Scott R. Thayer of Petrolane Properties, Inc. withdrawing the application for Minor Subdivision No. 114. Mr. Thayer explained they would re-apply when they had a specific tenant.

PLANNING ADDENDUM ITEM Code Enforcement Officer

1. At their meeting of May 11, 1982, the Planning Commission unanimously recommended that the City of Redlands hire a full time Code Enforcement Officer. On motion of Councilman DeMirjyn, seconded by Councilman Martinez, Council unanimously denied this request at this time until more information could be presented at the budget session.

OTHER PLANNING ITEMS FOR COUNCIL CONSIDERATION -Parcel Map 7384-Andrew E. Hudig-Acceptance

1. On motion of Councilman DeMirjyn, seconded by Councilman Martinez, Parcel Map No. 7384, a condition of Lot Line Adjustment No. 189 requiring two illegally subdivided lots to be combined into one lot, was unanimously accepted by Council.

ADDENDA ITEMS

1. In answer to Councilman Gorman's inquiry, City Manager Christiansen explained that Western Projections has contacted various property owners in an area northwest of Redlands regarding possible annexation. To clarify the situation, Councilman Gorman moved to prepare a communication stating that the City of Redlands is in no way pushing this proposal nor does it endorse the solicitation letter being circulated. Motion seconded by Councilman Martinez and unanimously approved.
2. Councilman Gorman reiterated the need for sufficient time for the City to study and review County Planning matters, and stated that Mr. Topping of the County Planning Department needs to understand this.
3. On motion of Councilman Martinez, seconded by Councilman Johnson, Council unanimously held over for two weeks the awarding of the bid for various safety improvements at Redlands Municipal Airport.
4. Council discussed when they would meet for their annual budget study session and concurred to meet on Saturday, June 5, 1982, at 8:00 A.M. for this purpose.

There being no further business, Council adjourned to 7:00 P.M. this evening.

Park Commission - will meet May 27 at 2:00 P.M. in the City Hall Conference Room.

Traffic Commission - will meet Thursday, May 20 at 2:15 P.M. in the Council Chambers

Public Works Commission and Airport Advisory Board - There are no further meetings scheduled for this month.

Historic
Registration

Historic and Scenic Preservation Commission - On motion of Councilman Johnson, seconded by Councilman Martinez, Council unanimously approved an application from Curtiss B. Allen for placement of his home located at 305 Myrtle Street on the Historic and Scenic Property Register.

Councilman DeMirjyn reported he did not wish to continue as the City's representative on the East Valley Airport Land Use Commission and asked if anyone else would care to serve. It was decided this would be discussed in the next personnel session.

APPLICATIONS AND PETITIONSBowl
Day

The Redlands Bowl Associates were unanimously granted permission to hand out programs for the summer music festival in front of the post office on June 18, 1982, Bowl Day, on motion of Councilman Gorman, seconded by Councilman Martinez.

Kiwanis
Club

On motion of Councilman DeMirjyn, seconded by Councilman Johnson, Council unanimously granted permission to the Kiwanis Club to hold their annual Pancake Breakfast on May 22, 1982, starting at 7:30 A.M. in Sylvan Park.

NEW BUSINESS

Resolution
No. 3828

Salary

Resolution No. 3828, a resolution of the City Council deleting one Maintenance Laborer position and adding one Equipment Operator Trainee position at a lesser salary in the Disposal Department, was unanimously approved on motion of Councilman Martinez, seconded by Councilman Gorman.

CITY MANAGER

Water
Diversion
Agreement

Edison
Company

The Mill Creek Cooperative Water Project Agreement, of which the City is a party to, requires that the San Bernardino Valley Municipal Water District execute an agreement with the Southern California Edison Company to provide for the diversion of water above the Edison Santa Ana Plant No. 3 and Mill Creek Plant No. 1. The letter for Council approval only indicates that Council agrees with the opinion of District Counsel and that Counsel has no objections to Edison Company changing the point at which water is delivered to parties of the Mill Creek Water Project Agreement. A letter dated May 13, 1982, from City Attorney Dallas Holmes indicated more time was needed for legal counsel to examine the documents.

Stating he felt sufficient study had been done, Councilman DeMirjyn moved for approval of this diversion agreement. Councilman Johnson seconded the motion.

David Garcia addressed Council with the recommendation that this diversion agreement be approved tonight subject to legal counsel review with a particular look at the legal aspect in connection with the water rights issue to make sure the City's water rights are not adversely affected by this document. He further stated that he and John Donnelly had reviewed the document in detail and were convinced it was a good document.

Councilman Johnson differed with the staff recommendation stating that Mr. Anderson of Best, Best and Krieger had reviewed the entire document for the North Fork Water Company. He felt that as Best, Best, and Krieger was the City's attorney by contract, that the document had been reviewed by the City's attorney and had been accepted as not adversely affecting any water rights in the agreement. He further explained the need for acting tonight to avoid a possible change in the cost the Department of Water Resource pays. He reiterated that the letter from Mr. Holmes did not say there was any problem with water rights.

The question was called for and the motion to approve the diversion agreement was approved by the following vote: AYES: Councilmembers DeMirjyn, Martinez, Johnson; NOES: Councilmembers Roth and Gorman.

Following the vote, Attorney Riddell stated that his office has not reviewed this document to determine water rights that may be claimed by the City of Redlands. He assumed that Mr. Johnson was correct that Mr. Anderson had reviewed the agreement to check North Fork Water Company rights, but felt sure that the agreement was not checked to determine if the City of Redlands water rights were adversely affected.

Councilman Roth stated he did not understand this document without legal counsel, hence the reason for his negative vote.

Councilman Gorman stated it was highly inappropriate because of a parliamentary maneuver not to have been able to ask the staff several very simple questions on this matter and that he was very disappointed with the manner this Council handled this matter.

CITY MANAGER (Continued)

Bid Call
Fifth Ave.
Widening

The City Clerk was unanimously authorized to advertise for bids for the reconstruction and widening of Fifth Avenue between Marion Road and Dearborn Street on motion of Councilman DeMirjyn, seconded by Councilman Johnson.

Resolution
No. 3830
County
Arts Plan

Resolution No. 3830, a resolution of the City of Redlands approving the San Bernardino County Arts Plan as prepared by the San Bernardino County Arts League, was unanimously approved on motion of Councilman Johnson, seconded by Councilman DeMirjyn.

Claim

On motion of Councilman DeMirjyn, seconded by Councilman Johnson, a claim in the name of Berry Schweiger was unanimously denied and ordered sent to the City's risk manager and excess insurance carrier.

CITY ATTORNEY

Attorney's
Rule and
Policy

Attorney Riddell distributed copies of a memorandum he prepared for the Planning Commission regarding conflicts of interest and stated he would answer any questions Council might have.

Mr. Riddell then explained the role of the city attorney and the policy of his office which was to practice preventive law and to provide a quality of service which hopefully would keep the City out of court rather than in court. It is hopeful that in that practice the city attorney would be able to keep the fees to a minimum and yet provide a high quality of service. Mr. Riddell stated he knew that that effort had gone into the preparation of Proposition "R" and although he would not guarantee the city would not end up in court over any issue regarding "R," his office hoped the effort minimizes the exposure the City would otherwise have.

Councilman Martinez responded he had never criticized the service but he is concerned how much the City can afford to pay.

Councilman DeMirjyn volunteered to represent the City at the League of California Cities' Mayor and Councilmembers Forum to be held in Monterey in July.

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

There being no further business, Council adjourned, on motion, at 10:00 P.M. to an adjourned regular meeting on May 24, 1982, at 7:00 P.M. in the Council Chambers.

Next regular meeting, June 1, 1982.



Mayor of the City of Redlands

ATTEST:



Deputy City Clerk

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