

MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, at 7:00 P.M. January 4, 1983.

PRESENT

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

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

ABSENT

None

There being no Planning Commission recommendations for Council consideration, the 3:00 P.M. session was adjourned to 5:30 P.M. at which time Council adjourned to a closed session to discuss items covered under the attorney/client privilege. The meeting was then reconvened at 7:00 P.M. and opened with the pledge of allegiance, followed by the invocation by Steven R. Crotinger, member of the Redlands Traffic commission.

Appointment
of
City Clerk

On motion of Councilman Martinez, seconded by Councilman Johnson, Lorrie Poyzer was unanimously appointed to complete Peggy A. Moseley's term as City Clerk. Vice Mayor DeMirjyn then administered the oath of office and on behalf of the City Council presented the New City Clerk a bouquet of red roses and extended his congratulations. Miss Poyzer expressed her

appreciation to Council for granting her this appointment and thanked her family and friends present in the audience for attending and sharing this honor.

Minutes of the regular meeting of December 21, 1982, were approved as submitted.

BIDS

Bid Award
Paving
Materials
for 1983

Bids for paving materials for 1983 were reported at the meeting of December 21, 1982. At this time, it is the recommendation of the Department of Public Works that award be made to Matich Corporation as this is the lowest average, qualified bid. On motion of Councilman Gorman, seconded by Councilman Martinez, unanimous Council approval was given to the award of paving materials for 1983 to Matich Corporation.

PUBLIC HEARING

Resolution
No. 3866
Sewer Rates

This being the time and place set for public hearing on Resolution No. 3866, a resolution of the City Council establishing rates and charges of the Sewer Division and increasing the residential sewer rates \$1.10 per month, Mayor Roth declared the meeting open as a public hearing and called for a staff presentation from Public Works Director Donnelly.

Mr. Donnelly reported the Public Works Commission has recommended sewer rates be increased by \$1.10 per month for a residential owner with similar increases for all other categories for sewer services. Staff has estimated cash expenditures during fiscal year 1982-83 will exceed revenues by approximately \$291,000. He further stated that it is important and prudent to maintain a cash reserve in the vicinity of \$1 million in sewer funds in order to fund emergencies or required major capital expenditures at the plant in an energy saving measure which would be returned in less than five years, therefore, cash reserves are needed for this kind of program. It is also required by the state, resulting from a grant received in 1973 for plant expansion, that revenues be such to recover appropriate capital costs for cost of operation, maintenance, and reasonable future expansion and improvements as needed.

There being no further comments, the public hearing was closed.

Councilman Johnson stated the Public Works Commission and staff had done an outstanding job preparing this recommendation, but felt it seemed appropriate to keep the interest earned from the Sewer Fund in that fund and increase the sewer charge 35 percent rather than the recommended 40 percent. He then moved to adopt Resolution No. 3866, setting the single family rate at \$3.71 per month, and changing all subsequent amounts to reflect the same. Motion died for lack of a second.

Following a brief discussion with the attorney, Councilman DeMirjyn moved to adopt Resolution No. 3866 as presented with the rates and charges to become effective January 4, 1983. Motion seconded by Councilman Martinez and carried by the following vote:

AYES: Councilmembers DeMirjyn, Martinez, Gorman; Mayor Roth
NOES: Councilmember Johnson

ORAL PETITIONS FROM THE FLOOR

Minor
Subdivision
No. 121

Mr. Carl Murano, whose Minor Subdivision No. 121 was approved at the last meeting, requested Council consideration to change the requirements regarding the guest house and to waive the requirement for placement of light standards. Council referred Mr. Murano to staff to apply in the standard way to amend requirements of a subdivision map.

COMMISSION REPORTS

Agricultural
Preserve
Removal
No. 54

Planning Commission - That the request to remove 38.1 acres of land from the Agricultural Preserve boundaries for property located on the southwest corner of San Bernardino and Wabash Avenues be approved. Councilman DeMirjyn moved to approve Agricultural Preserve Removal No. 54. Motion seconded by Councilman Martinez.

Mr. Mo Bezhad, representing the owner Barbara Johnson, stressed the fact that Mrs. Johnson had written a letter expressing her intent not to develop the property immediately and to maintain the grove in citrus production until she makes future application. He stated he felt this application met the criteria for removal from the Agricultural Preserve.

Mr. Dave Knight, owner of a 17-acre adjacent parcel, stated it looked like an island would be created if this application was approved; that this is a good farming area; and that he wished to continue farming his parcel but would not be able to if it was in the middle of development. He urged Council to set up a policy to assist him and others like him in future plans.

After consideration, Councilmembers DeMirjyn and Martinez withdrew their motion to approve Agricultural Preserve Removal No. 54, followed by a discussion which included Councilman Gorman stating that Resolution No. 3649 established criteria for removal of land from the Agricultural Preserve and was adopted to avoid acceleration of the demise of agricultural land. He further stated he felt this application was a clear cut circumvention of the Williamson Act.

Councilman Martinez moved to deny Agricultural Preserve Removal No. 54; motion seconded by Councilman Gorman and carried unanimously.

Ordinance
No. 1808
Zone Change
No. 248

Public hearing was set for January 18, 1983, at 7:00 P.M. for Zone Change No. 248, a change of zone from A-1 (Agricultural) District to R-1 (Single Family Residential) District for approximately 18.6 acres of property located on the north side of San Bernardino Avenue between Texas Street and Webster Street, and Ordinance No. 1808 was introduced and given first reading by title only.

Minor
Subdivision
No. 100
Time
Extension

On motion of Councilman DeMirjyn, seconded by Councilman Martinez, a time extension of one year to January 19, 1984, was unanimously given for Minor Subdivision No. 100 for property located at 731 Buckingham Drive, R-E Zone, four lots.

Public Works Commission - will meet January 10, 1983, in the City Hall Conference Room at 3:30 P.M. to review the water availability study.

Airport Advisory Board - will meet on February 7 and continue discussion on use of ultra light aircraft and draft an ordinance to govern their use.

Specific
Plan
Sunset
Drive

Historic and Scenic Preservation Commission - On motion of Councilman DeMirjyn, seconded by Councilman Martinez, Council directed staff to prepare a specific plan for Sunset Drive from Serpentine Drive to the city limits as was recommended by the Historic and Scenic Preservation Commission.

COMMUNICATIONS

Councilman DeMirjyn was granted permission to be out of the country for five days sometime during the next 30 days.

NEW BUSINESS

Ordinance
No. 1809

Election
Consolidation

Councilman Johnson reviewed information received regarding consolidating the city election with an election run by the County Registrar of Voters and stated he thought the city election should be consolidated with the school district election held in November of the odd-numbered years. Stating the reason Council was considering the election consolidation was to save the City money and to gain greater voter turnout, Councilman Gorman stated he supported holding the City election with the General Election held in November of the even-numbered years. Ordinance No. 1809 an ordinance of the City Council of the City of Redlands calling the General Municipal Election for the day of the regular election to select governing board members of the school district, was introduced, given first reading by title only, and laid over under the rules with second reading set for February 1, 1983, at 7:00 P.M. on motion of Councilman DeMirjyn, seconded by Councilman Johnson, by the following vote:

AYES: Councilmembers DeMirjyn, Martinez, Johnson
NOES: Councilmember Gorman; Mayor Roth

CITY ATTORNEY

Attorney Greg Moser had requested that a public hearing be held at this time under Zoning Ordinance No. 1000 which allows Council to declare a public nuisance. Mr. Moser stated the owners of the property at 1415 Washington Street had been notified of this hearing. He then asked Robert Dale, Director of Building and Safety to testify on the conditions of the property in order for Council to make the findings required under Section 55 of Ordinance No. 1000.

Moving
House
Without
Permit

Mr. Dale reported to Council that an older house was moved a few weeks ago into Redlands from out of the area onto the property at 1415 Washington Street without routine inspections. His department responded to a complaint from a neighbor and found an older house with a foundation already being constructed. At that time there were two violations: (1) no permit had been applied for to move a building on city streets, and (2) no application had been obtained from the Planning Commission which is subject to review, notifications of neighbors, and the holding of a public hearing prior to issuance of a building moving permit. A stop notice was posted and workmen were told to cease working. The next day the project was checked and it was found that the workmen were continuing to work. It was also noted that it appeared that the workmen were "camping out" at the location and they were told that without sanitary provisions, etc. they were not to stay there. The Monday following Christmas, one of the owners came into Mr. Dale's office and was told that in order to correct the violation, he should move the house out of town by January 11 and then go through proper procedures to bring the house lawfully into the city. Two days later, a check found that the house had been set down on the foundation and the work was still proceeding. Letters were written and the owners were notified the City was going through legal procedures as there had been compounding of violations. It was also noted that the owner had applied for a water meter by informing the clerk that this was going to be used as his own home. Checking the project earlier today, Mr. Dale found that only one color coat was used on the exterior stucco which had not been checked for weather protection. Mr. Dale also noticed some "Mickey Mouse" plumbing under the bathtub which appeared to be flexible tubing being used for gas lines. Mr. Dale did not think the Gas Company was aware of this connection since there was not a gas meter visible. In response to Mr. Moser's questions, Mr. Dale replied that he

CITY ATTORNEY (Continued)

felt the property was in a hazardous condition at this time following his inspections.

One of the owners, Richard Maizland, 2424 Hollywood Way, Burbank, stated he was initially trying to move the house from the LAX to Yucaipa and as there were several houses being moved from that area, he was unable to hire professional house movers. As he had moved other houses in the Los Angeles area, he decided to do it himself. He applied for permits as he went along, but was not familiar with San Bernardino County although he did obtain a permit from the County and City of San Bernardino. He was only going to go down Lugonia Avenue to Mentone and as he did not get to the office in time to get a permit for Redlands, he took a chance that he would not get caught. But upon arriving near Crafton College, a wind storm and street work prevented him from proceeding. He then decided to put the house down temporarily on the lot he had owned for about four or five months in Redlands. After moving the house onto the lot, he talked it over with sixteen of the neighbors, asking if he could leave it there and there seemed to be no problem. He felt he was already in a dilemma because if he applied for a permit for the foundation he would be caught, and when he approached the building inspector he was adamant that the house be removed from Redlands. In response to Councilman Martinez' questions, Mr. Maizland indicated he could move the house in two weeks time and requested Council allow him this time.

On motion of Councilman Johnson, seconded by Councilman Martinez, Council unanimously made a finding regarding the presence of a nuisance at this location that endangers the health and safety of the residents of Redlands and authorized the City Attorney to pursue any and all civil and criminal avenues to remedy the nuisance.

Attorney Dallas Holmes briefly reported that the Writ brought against the City by Terry Mead was denied in San Bernardino Superior Court as well as the request for attorney's fees and costs. Mr. Mead is now requesting that the court amplify its ruling and state the reasons for it.

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

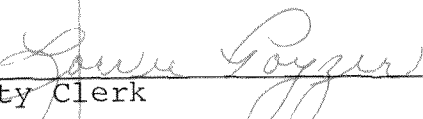
There being no further business, Council adjourned, on mottion, at 8:50 P.M.

Next regular meeting, January 18, 1983.



Mayor of the City of Redlands

ATTEST:



City Clerk