

MINUTES

of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, Safety Hall, 212 Brookside Avenue, on May 3, 1983, at 7:00 P.M. Planning Commission Items 3:00 P.M.

PRESENT

- Kenneth Roth, Mayor
- Charles G. DeMirjyn, Vice Mayor
- James W. Gorman, Councilman
- Tim Johnson, Councilman
- John E. Holmes, City Manager
- Dallas Holmes, City Attorney
- Lorrie Poyzer, City Clerk
- Glenn Cunliffe, Redlands Daily Facts
- James Nickles, The Sun

ABSENT

- Oddie J. Martinez, Jr., Councilman

Older Americans Month

The meeting was opened by Mayor Roth with the pledge of allegiance followed by the invocation by Councilman Johnson. Councilman Martinez had requested to be excused from this meeting due to illness in his family, and Mayor Roth asked that we remember Mr. and Mrs. Martinez in our prayers. Mayor Roth presented a proclamation to Dwight Smith, Chairman of the ABLE Committee, for observation of Older Americans Month from May 1-31, 1983, in conjunction with the County and in concert with the statement issued by the President of the United States declaring Older Americans Month as a national observance. Many citizens were present in the audience and Mayor Roth acknowledged Mildred Smith, President of AARPS Chapter 181; Don Gonzales, President of AARPS Chapter 704; Jean Weber, Director of Joslyn Senior Center; Laura Thurmond, President of the Redlands Nutrition Site; and Mary Lou Morales, Manager of the Nutrition Site.

Small Business Week

Mayor Roth presented a proclamation to Diane Clark, Manager of the Redlands Chamber of Commerce, designating the week of May 8-14 as Small Business Week. Bills and salaries were ordered paid as approved by the Finance Committee on motion of Councilman DeMirjyn, seconded by Councilman Gorman. Minutes of the regular meeting of April 19, 1983, and the adjourned regular meeting of April 21, 1983 were approved as submitted on motion of Councilman Gorman, seconded by Councilman DeMirjyn.

ORAL PETITIONS FROM THE FLOOR

Mutual Owner/Builder Housing Program

Ms. Gwen Gray of the Office of Community Development of San Bernardino County explained the mutual owner/builder housing program concept which has been endorsed by the Redlands Housing Commission, the Sunday Concerned Citizens, and the County Office of Community Development. This program will allow for a cooperative effort for construction of affordable housing by owners who will occupy the dwellings. Councilman Johnson moved to endorse in principle this project as it has been reviewed and endorsed by our Housing Commission. Motion seconded by Councilman Gorman and carried by AYE votes of all present. Councilman Gorman requested that more information be provided to the Councilmembers on this.

PUBLIC HEARINGS

Ordinance No. 1816
Zone Change No. 253

Public hearing was advertised for this time and place on Ordinance No. 1816, and for consideration of Planning Commission Resolution No. 595, recommending approval of Zone Change No. 253 which establishes a change of zone from A-1 (Agricultural) District to R-2 (Multiple Family Residential) and R-S (Suburban Residential) Districts for approximately 8.4 acres of property located on the northeast corner of Terracina Boulevard and Brookside Avenue. Mayor Roth declared the meeting open as a public hearing for any questions or comments concerning this change of zone.

PUBLIC HEARINGS (Continued)

Ordinance
No. 1816

Zone Change
No. 253

Representing the owner, Mr. Bob Roberts stated they did not oppose this zone change as recommended by the Planning Commission but would prefer deleting the R-S buffer on Terracina Boulevard. There being no further comments, the public hearing was declared closed.

On motion of Councilman Gorman, seconded by Councilman DeMirjyn, Redlands Planning Commission Resolution No. 595 was approved by AYE votes of all present, and Ordinance No. 1816, an ordinance of the City of Redlands adopting Zone Change No. 253, was given its first reading by title only, introduced, and laid over under the rules with second reading scheduled for May 17, 1983, at 7:00 P.M.

This being the time and place for the hearing on a Planning Commission's order that Mr. Zihni Kaymaz remove the marble facing on a portion of the exterior walls of his building located on the northeast corner of Orange Street and Citrus Avenue, and replace it with stucco to bring the site into compliance with the approved conditions of approval, Mayor Roth declared the meeting open as a public hearing.

Building and Safety Director Dale presented the history of the application for remodeling the old Academy of Music Building and stated that Mr. Kaymaz has appeared before the Planning Commission three times and at no time was marble ever shown on his plans that were approved by the Planning Commission and his department. Mr. Dale stated the applicant had been warned on several occasions to not make any changes.

Susan Pyle, 90 La Salle Street, stated the Music Academy Building played an important part of Redlands' rich past and asked that the historic integrity of the building be upheld. Barbara Critchlow, 854 Cedar Avenue, stated she felt the building looked awful. Heide Land, 731 West Highland Avenue, felt it was outrageously ugly, and that Council should enforce the Planning Commission ruling.

Ed Zahn, 311 West Fern Avenue, recognized that the owner had not abided by the Planning Commission decision, but now the building is no longer an eyesore. Abraham Tekin stated this would bring in more business in the downtown area and compared to what it was before, it turned out beautiful. Ken King, 958 Clifton Avenue, suggested hiring a licensed architect to come up with a plan reflecting the period in which it was built. Jim Gotta, 1425 Center Street, stated it would be unfair to require removing the marble and hoped Council could come up with a compromise.

Mr. Kaymaz presented a petition with 21 signatures (on file in the Office of the City Clerk) which agreed the building is much more appealing with the application of the marble. He also presented an appeal letter (on file in the Office of the City Clerk) which pointed out the exterior walls on nearby buildings are covered with blue ceramic tiles and red bricks, and that originally the walls of their building were covered in part with white marble. The letter stated they had the same rights to cover their building with real marble imported from Italy. The applicants asked Council to give them their rights to keep the marble which they felt added beauty to their building.

Mr. Jack Kruse, civil engineer for the applicant, stated they had met every building code requirement both structurally and architecturally, and felt the marble looked better than stucco would.

Appeal

Academy of
Music
Building
Exterior

PUBLIC HEARINGS (Continued)

Appeal
Academy of
Music
Building
Exterior

There being no further comments, the public hearing was declared closed. Councilman DeMirjyn said there was \$10,000 of stained glass inside the building and beautiful iron and tile work. Regarding the historic value he felt that was lost long ago when the auditorium was lost. He asked Council to come up with a compromise as he felt we did not have the right to tell people what is beautiful.

Stating the issue was not if we liked the tile, but that the Planning Commission requirements were not held to, Councilman Johnson moved to require the hiring of a licensed architect to come up with a suitable exterior and let that be our guide. Motion seconded by Councilman DeMirjyn, and following discussion the motion failed by the following vote: AYES: Councilmen DeMirjyn and Johnson; NOES: Councilmen Roth and Gorman.

Councilman Gorman moved to require the applicant to conform to the requirements of the Planning Commission's review and approval. Motion seconded by Councilman Roth and failed by the following vote: AYES: Councilmen Roth and Gorman; NOES: Councilmen DeMirjyn and Johnson.

Following further discussion, Councilman DeMirjyn moved to continue this matter to May 17, 1983, at 7:00 P.M. Motion seconded by Councilman Johnson and failed by the following vote: AYES: Councilmen DeMirjyn and Johnson; NOES: Councilmen Roth and Gorman.

Council briefly recessed at 8:00 P.M. and reconvened at 8:10 P.M.

Councilman Johnson moved to deny the appeal and uphold the Planning Commission's action. Motion seconded by Councilman Gorman and carried by the following vote:

AYES: Councilmen Roth, Gorman, and Johnson
NOES: Councilman DeMirjyn
ABSENT: Councilman Martinez

Appeal
Denied

COMMISSION/BOARD MATTERS

Present:

Planning Commission recommendations as considered by the City Council at a regular meeting thereof held on May 3, 1983, at 3:00 P.M.

Councilmembers DeMirjyn, Gorman; Mayor Roth; Attorney Holmes; Planning Director Schindler; Community Planner Atencio

Absent:

Councilmembers Martinez and Johnson

1. Conditional Use Permit No. 335 (Revised) - Brookside Limited

The Planning Commission is recommending that Council enter into an agreement with EPAC to grant a density bonus of 25 units for a total of 144 units and other incentives recommended as contained in Planning Commission minutes dated April 26, 1983, for Conditional Use Permit No. 335 (Revised) for a proposed condominium project on 6.88 acres of property located on the northwest corner of Brookside Avenue and Tennessee Street, R-2 Zone.

In response to Councilman Gorman, Attorney Holmes said that AB 2099 (Roos Bill) was almost two years old but was adopted in a rush and was so short that it left a lot of unanswered questions. He stated that we cannot change city zoning laws by a contract, and that some of the incentives will require changing the city ordinances which would require additional time for study and preparation. Council discussed the procedures available at length.

Mr. Van Tilberg, architect for the project, addressed Council and reviewed the concept of this project. Representing the applicant, Mr. Rick Doremus told Council that they have approval and a point allocation under Proposition "R" for 100 condominiums, but are now applying for a project of affordable housing and asking for the density bonus because they feel this is a better project which provides needed affordable housing and more open space.

PLANNING COMMISSION RECOMMENDATIONS (Continued)

Mayor Roth stated he had no problem with this project but that time was required to set up the guidelines before entering into an agreement. The applicants pleaded at length for approval of an agreement in order for them to meet the filing deadline of May 15th for a new allocation under Proposition "R." It was pointed out that the law says the agreement must be entered into prior to the approval of the project. Council discussed at length possible ways to meet the first allocation filing deadline and concluded it was not possible. Staff was directed to prepare guidelines in order to enter into the necessary agreement and return to Council as soon as possible.

2. Commission Review and Approval No. 330 (Revised) - Overton Pratt

Commission Review and Approval No. 330 (Revised) for a proposed merchandise storage area and marking room for an existing sporting goods store located at 745 East Citrus Avenue was approved based on findings of the Planning Commission and subject to all departmental recommendations and conditions as contained in their minutes dated April 26, 1983.

Mr. Pratt requested that Council consider eliminating the requirement for a ten-foot setback from Church Street. Following brief discussion, Councilman DeMirjyn moved to remove Planning and Community Development Requirement No. 14. Motion seconded by Councilman Gorman and carried by AYE votes of all present.

OTHER PLANNING ITEMS FOR COUNCIL CONSIDERATION

1. Acceptance of Parcel Map No. 7935 - National Convenience Stores (Stop & Go)

Finding that Parcel Map No. 7935 is consistent with the General Plan, any applicable specific plans, the waste discharge requirements, and that none of the conditions in Government Code Section 66474 exist, Councilman Gorman moved to accept Parcel Map No. 7935 for property located on the southeast corner of Redlands Boulevard and Texas Street which combines two lots into one as required by Conditional Use Permit No. 384. Motion seconded by Councilman DeMirjyn and carried by AYE votes of all present.

2. Request to Waive Requirements of CRA 400 (First and Second Revision) - Jim Glaze

At the request of the applicant, this request was delayed to May 17, 1983, at 7:00 P.M.

There being no further business, Council recessed at 4:15 P.M. to a closed session for the purpose of discussing matters covered under the attorney/client privilege and personnel matters. Council will reconvene at 7:00 P.M. this evening in the Council Chambers.

Resolution
No. 3890

Command Center
Parking
Tabled

Police Chief Brickley explained that a permanent location to park the City's Mobile Command Center was necessary and the five parking spaces in the southwest parking lot of Safety Hall were ideally suited to the needs. Chief Brickley pointed out that a group had studied the alternatives available and agreed this location was the best as there is an electrical outlet available, it is a well-lit, secure area with easy access, and is earthquake safe. Councilman DeMirjyn stated that parking costs a great deal of money, and no one wanted to lose the existing public parking. For this reason, he moved to table Resolution No. 3890 for further study. Motion seconded by Councilman Gorman and carried by AYE votes of all present.

Funds

Texonia
Park

An additional appropriation in the amount of \$5,000 from Park Acquisition Tax Funds to provide additional open space for recreational activities in Texonia Park as recommended by the Parks Commission was approved by AYE votes of all present on motion of Councilman Johnson, seconded by Councilman DeMirjyn.

COMMISSION/BOARD MATTERS (Continued)

Funds

Airport
Hangar
Appraisal

Public Works Director Donnelly explained that the Airport Advisory Board recommends that a transfer of \$1,500 from the Special Aviation Fund reserves be made into the Airport Account No. 64-71-61-50 to be used for an appraisal of the city-owned hangar at Redlands Municipal Airport. This is part of an investigation by the Public Works Department to consider the possibility of selling the old hangar building and using the revenue from the sale as "seed money" to acquire Federal Airport Development Funds for continued expansion and improvements as outlined in the Airport Master Plan. On motion of Councilman DeMirjyn, seconded by Councilman Johnson, this recommendation of the Airport Advisory Board was approved by AYE votes of all present.

Bids for
Appraisals
and Title
Work

Councilman Johnson informed Council that the County goes to bid for their appraisal work and title work on a multi-year contract and asked if there were any objections to instructing staff to bring back a proposal to go to bid for our title work and appraisal work. There were no objections.

UNFINISHED BUSINESS

Housing
Projects
Exempt Under
Proposition "R"

Attorney Holmes made a brief statement regarding the lengthy draft opinion provided Council last week on the subject of housing projects exempt under Proposition "R." Mr. Holmes requested additional time to respond to a couple of questions brought to his attention since the submission of the opinion.

Pam Newcomb, County Office of Community Development, was present to answer questions regarding the County bond funding programs and clarified some points for Attorney Holmes.

Wilmer Engevik, 1633 Smiley Hights Drive, questioned the need to modify the ordinance as he felt that this project meets the requirements. David Weisz distributed documents showing comparisons of projects and fact sheets of monthly payments.

A letter from Russ Wilmont was read which stated that Proposition "R" limited construction to 450 units per year with no exceptions and any change to the intent must go back to the voters. John Howard, 608 East Sunset Drive North, stated that any exceptions made by Council to Proposition "R" would be disregarding the wishes of the people. Norman H. Monson, 1659 Country Club Drive, stated that Proposition "R" allowed no exclusions and that if the language of Ordinance 1788 allowed room for doubt, it was the responsibility of Council to amend the text of that ordinance to reflect the expressed will of the people. "To do otherwise would constitute an act that will be considered illegal by many of the people of this community," concluded Mr. Monson.

This item was continued to May 17, 1983, by a consensus.

Mall
Parking

On motion of Councilman Johnson, seconded by Councilman DeMirjyn, Council rescinded minute action of March 17, 1981, and directed staff to enforce Resolution No. 3350, adopted May 3, 1977, which established three-hour parking in the Mall, including the underground facility, bounded by Redlands Boulevard, Orange Street, Eureka Street, and Citrus Avenue. This action was approved by AYE votes of all present.

NEW BUSINESS

Resolution
No. 3888

Property Tax
Refund Action

Funds

Bid Call

Cemetery
Buildings

Resolution No. 3888, a resolution of the City Council designating the County of San Bernardino as its agent for service of process for actions under the Revenue and Taxation Code on property tax litigation and an agreement to pay a fee for services provided, was approved by AYE votes of all present on motion of Councilman Johnson, seconded by Councilman Gorman.

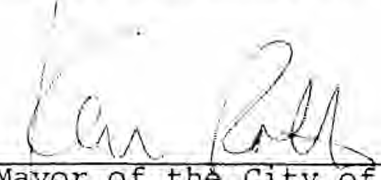
On motion of Councilman Gorman, seconded by Councilman DeMirjyn, Council approved an additional appropriation in the amount of \$11,000 and authorized the City Clerk to advertise for bids to replace the roofs on two mausoleum buildings at Hillside Memorial Park by AYE votes of all present.

CONSENT CALENDAR

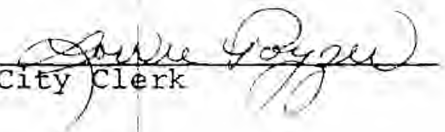
The following items on the Consent Calendar were approved by AYE votes of all present on motion of Councilman DeMirjyn, seconded by Councilman Gorman:

- a. Rejection of the claims of Kenny Barker and the Redlands Unified School District associated with a claim filed by Margaret Gorman as they were found not to be proper charges against the city.
- b. Authorization for the Mayor and City Clerk to execute an easement four feet in width along the northerly side of the City's Fifth Avenue Reservoir site to General Telephone Company of California; said easement required for an existing telephone lease line authorized for a telemetry system to receive reservoir storage water levels at the City's Highland Avenue Water Complex.
- c. Acceptance of a Declaration of Dedication from American Baptist Homes of the West for street right-of-way to provide for a standard cul-de-sac at the end of La Paloma Street as required for approval of C.U.P. 362.
- d. Authorization for the Mayor and City Clerk to execute a Quitclaim Deed to Reginald Allen Issac and Janine Issac for easements retained by Section Three of Resolution No. 3338.

There being no further business, the meeting was adjourned at 9:00 P.M.
Next regular meeting, May 17, 1983.


Mayor of the City of Redlands

ATTEST:


City Clerk

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