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MINUTES of a regular meeting of the City Council, City of Redlands, held in the Council Chambers, 212 Brookside Avenue, on January 19, 1988, at 3:00 P.M.

PRESENT

Barbara C. Wormser, Mayor Pro Tem
Charles G. DeMirjyn, Councilmember
Tim Johnson, Councilmember
William E. Cunningham, Councilmember

John E. Holmes, City Manager
Dan McHugh, City Attorney
Lorrie Poyzer, City Clerk
Brian Bianchini, Redlands Daily Facts
John de Leon, The Sun

ABSENT

Carole Beswick, Mayor

The meeting was called to order with an invocation by Mayor Pro Tem Wormser followed by the pledge of allegiance.

Minutes of the regular meeting of December 15, 1987, were approved as amended. Minutes of the adjourned regular meetings of December 29, 1987, and January 4, 1988, and minutes of the regular meeting of January 5, 1988, were approved as submitted.

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

PLANNING AND COMMUNITY DEVELOPMENT

Measure N Vesting Applications

Community Development Director Shaw reported that 27 applications for vesting under Measure N were submitted and reviewed by the City Attorney and staff. The criteria used for the review did not have the advantage of public or Council input, and Mr. Shaw suggested that if a major revision of the criteria was made at this meeting that the hearing be continued to allow reviewing the applications under any new criteria. Councilmember Johnson questioned the City Attorney as to whether projects that had final building permits prior to December 11 were properly before us. City Attorney McHugh felt that these projects were subject to the provisions of Section 17 of Measure N. Mayor Pro Tem Wormser declared the meeting open as a public hearing.

Attorney Charles Graeber reported that he had met with Michael Atencio, and they had contacted many of the applicants. On behalf of 22 of the applicants, he asked Council for a continuance of this hearing to February 2, 1988, to allow them time to work out a solution without damaging Measure N and without litigation. He indicated the group would work with the City Attorney to present a proposal which hopefully would be agreeable to all parties involved. Attorney Mark Blankenship, representing five of the projects and their applicants, urged Council to set a time limit on the continuance as two of his clients are clearly exempt and time is important to them. He also asked the City to clearly distinguish between inside and outside the City projects. City attorney McHugh responded he was working with Mr. Blankenship analyzing his concerns. Michael Atencio, representing five applicants, stated his clients had agreed to the extension and that he had agreed to do the necessary research. He asked Council for permission to have access to the files and assistance form City staff. Community Development Director Shaw indicated he could change priorities in his office and assign staff to work with Mr. Atencio if Council was agreeable. Council concurred this was a priority project. Councilmember Cunningham expressed appreciation to the applicants for their willingness to cooperate.

Concurring with the request for the continuance were: James R. Rose representing four applicants, Cynthia Ludvigsen for Centex Homes who submitted a letter covering their concerns, Nassira Cyrus for Pulsar Development, Charles W. Davidson for Mentone Ltd., Greg Dirienzo for Colony Redlands, and James Heine for Tract 13514. Mr. Harold B. Winard, Tract 10051 in Mentone, reviewed the history covering the past 24 years of his property located in Mentone and the problems he has experienced. He has no allocations at this time and his project was referred to the City Attorney for review.

Jonathan Zane, architect for Dr. Patrick Jung's application for Conditional Use Permit No. 488, explained why his application was not accepted by the Planning Department on the last day to file and asked to be included in this group. Council concurred to include this application.

Council concurred to consider this group of 28 applications as "The Class of '88" and agreed that other applications will be handled later. Councilmember Cunningham then moved to continue this hearing to February 2, 1988, at 3:00 P.M. and to review the moratorium on the same day during the 7:00 P.M. session. Motion seconded by Councilmember Johnson and carried by AYE votes of all present.

Council briefly recessed at 3:57 P.M. and reconvened at 4:07 P.M. to a closed session for the purpose of discussing pending litigation. In accordance with State law, the City Attorney prepared a confidential memo to Council providing justification for the closed session. The meeting reconvened at 7:00 P.M.

G.A.T.E. Students

Students from Mrs. Chris Cozen's G.A.T.E. class presented a report showing their point of view on the Redlands 2000 project. This report, entitled "Redlands 2000: A Vision for the Future," contained several recommendations from the students. Council accepted the report and directed staff to present it to the Redlands 2000 Committee for their review.

ORAL PETITIONS FROM THE FLOOR

Municipal Services Billing

Mr. and Mrs. Charles Davis, 108-C West Cypress Avenue, presented their version of a situation with their municipal utilities bill. Mr. and Mrs. Davis have not been paying the disposal portion of their bill as they feel they are exempt from the service. Staff has been working with them since mid-December but as they do not qualify for the exemption and are in arrears on their account, water service was disconnected following receipt of a warning notice to pay the bill in full. In accordance with State law, Council referred this matter to the City Attorney for his review but took no action at this meeting.

PUBLIC HEARING

Resolution No. 4323

Utilities Easement Vacation

Public hearing was advertised for this time and place for the vacation of utility easements along an alley north of Stuart Avenue, east of Seventh Street. Mayor Pro Tem Wormser declared the meeting open as a public hearing for any questions or comments concerning this matter. None being forthcoming, the public hearing was declared closed, and Resolution No. 4323, a resolution of the City Council of the City of Redlands finding that certain utility easements are unnecessary for present or prospective purposes and ordering the vacation of said utility easements as retained in Resolution No. 4272, was adopted by AYE votes of all present on motion of Councilmember DeMirjyn, seconded by Councilmember Johnson.

COMMUNICATIONS

Sludge Operation

Reporting on the status of the San Timoteo Canyon Sludge operation application, Community Development Director Shaw reported the Environmental Impact Report has not yet been received. Councilmember Johnson asked Mr. Shaw to notify the Regional Water Quality Board if there was to be any discharge into the river. Feeling it was grossly unfair to this community to process Los Angeles' sewer, Councilmember Cunningham moved to direct the City Manager to write a letter to our County Supervisor urging her to support the City's opposition to this project as we strongly feel there are serious problems with water quality and traffic. Motion seconded by Councilmember DeMirjyn and carried by AYE votes of all present.

CPR Film

Councilmember DeMirjyn suggested making a CPR refresher film available at the library. Fire Chief Mills expressed some concern about making a classroom teaching aid available without the benefit of the class and suggested asking the City Attorney to look into this. Council was agreeable to this suggestion.

UNFINISHED BUSINESS

Measure N

Outside Service

City Attorney McHugh reported a meeting has been scheduled for January 25, 1988, with the County; therefore, he suggested this matter be continued. On motion of Councilmember Johnson, implementation of outside the City services was continued to February 2, 1988, at the 3:00 P.M. session.

Measure N Exemption

The Village at Redlands, Conditional Use Permit No. 500, Vestcap Financial Group, is a project for 115 units in a congregate care facility on Cypress Avenue, west of Redlands Boulevard. The applicants were informed early in their planning that kitchens would subject the project to the Proposition R allocation process, but at this time are requesting an exemption from the growth control process. Staff believes it is appropriate to look at congregate care facilities as an entity rather than concentrating on the items provided in each unit. These facilities operate as a whole, rather than as a complex of individual units. There are major commercial kitchen facilities provided to take care of everyone's food needs in a single dining room. This developer would also like to provide small kitchens so that tenants can retain a sense of independence.

Councilmember Cunningham expressed concern that if full apartments were constructed, how would the City control the continuance of this project as a congregate care facility. Councilmember Johnson suggested preparation of an ordinance strictly defining congregate care with provisions providing a guarantee that the project use would not change.

Representing the applicant, Mark Blankenship suggested a deed restriction be placed on the property. Representing nearby neighbors, Andy Goodwin expressed concern with the density and urged holding this project to the provisions under Measure N.

Council discussed this matter at length. Councilmember Johnson moved to ask the applicant to voluntarily submit an application to the Planning Commission for a revision of approved Conditional Use Permit No. 500 for consideration of an amended application to address necessary guarantees that this facility remain a congregate care facility with the following minimum requirements: two (2) meals a day will be served in a communal dining room, common housekeeping will be provided, that the minimum age of at least one spouse be 60, and that a provision for inspection be provided. Motion seconded by Councilmember Cunningham and carried by the following vote:

AYES: Councilmembers Johnson, Cunningham;
Mayor Pro Tem Wormser
NOES: Councilmember DeMirjyn
ABSENT: Mayor Beswick

Councilmember Johnson moved to find that Conditional Use Permit No. 500 for a senior congregate care facility would be exempt form Measure N subject to the approval of a revised conditional use permit which is acceptable by this City Council and incorporates all items listed in the previous motion. Motion seconded by Councilmember Cunningham and carried by the following vote:

AYES: Councilmembers Johnson, Cunningham;
Mayor Pro Tem Wormser
NOES: Councilmember DeMirjyn
ABSENT: Mayor Beswick

BIDS

Contract Award Caroline Park Project	Bids were opened and publicly declared on January 7, 1988, by the City Clerk for the Caroline Park Improvement Project; a bid opening report is on file in the Office of the City Clerk. At this time, it is the recommendation of the Engineering Services Department that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City is Bruce Paving Company, Inc., Gardena, California, in the amount of $61,260.00 and that it is in the best interest of the City that the contract for the Caroline Park Improvement Project be awarded to said firm and that an additional appropriation of $25,000.00 from the Gas Tax Fund be approved. On motion of Councilmember DeMirjyn, seconded by Councilmember Johnson, this recommendation was unanimously approved by AYE votes of all present.
Contract Award Sidewalk Repair	Bids were opened in the Engineering Services Department on January 7, 1988, for the repair of concrete sidewalk at various locations in the City. At this time it is the recommendation of the Engineering Services Department that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City is Larry Jacinto Construction, Inc., Mentone, in the amount of $16,998.00, and that it is in the best interest of the City that the contract for the repair of concrete sidewalk be awarded to said firm. On motion of Councilmember DeMirjyn, seconded by Councilmember Johnson, Council approved the award of said contract to Larry Jacinto Construction, Inc. in an amount not to exceed $16,998.00.

NEW BUSINESS

Ordinance No. 2019 Parks Commission	Community Services Director Rodriguez presented a proposed ordinance updating the organization and duties of the Parks Commission and eliminating the student member. Mr. Rodriguez explained that the Parks Commission recommended the change in the composition of the membership since past attendance by the student member has been less than adequate. Councilmember DeMirjyn felt it was important to have the student input on this commission and desired to communicate further with the schools before making this change. He moved to table action on Ordinance No. 2019 to February 16, 1988. Motion seconded by Councilmember Cunningham, and carried by AYE votes of all present.
Ordinance No. 2020 Pound Service Fees	Ordinance No. 2020, an ordinance of the City of Redlands amending Section 3.16.040 of the Redlands Municipal Code by adding Pound Service Fees to implement the recently approved Adopt-A-Pet Program and updating the existing fee structure, was read by title only by City Clerk Poyzer, and on motion of Councilmember DeMirjyn, seconded by Councilmember Johnson, further reading of the ordinance text was waived. Ordinance No. 2020 was introduced and laid over under the rules with second reading scheduled for February 2, 1988, on motion of Councilmember DeMirjyn, seconded by Councilmember Cunningham by AYE votes of all present.
Ordinance No. 2021 Noisy Animals	Ordinance No. 2021, an ordinance adding Section 6.24.120 and repealing Section 8.04.100 of the Redlands Municipal Code pertaining to noisy animals, which provides an alternative for Council in the area of dealing with noisy animal complaints, was read by title only by City Clerk Poyzer, and on motion of Councilmember Johnson, seconded by Councilmember DeMirjyn, further reading of the ordinance text was waived. Ordinance No. 2021 was introduced and laid over under the rules with second reading scheduled for February 2, 1988, on motion of Councilmember Johnson, seconded by Councilmember Cunningham, by AYE votes of all present.
Capital Improvement Programs	Utilities Engineer Gary Phelps explained that the Water and Wastewater Capital Improvement Programs for fiscal years 1987-88 to 1990-91 have been prepared by staff, and reviewed and recommended for approval by the Public Works Commission. This year the Capital Improvement Programs have added a column reflecting the funding source for each project. Wall maps were displayed, color-coded by program year, to show the proposed capital projects. The major portions of the Capital Improvement Programs, in terms of cost, are funded by Certificates of Participation Issues for Water (1986) and Wastewater (1987). Council complimented the Utilities Department on a good job done on these programs. Councilmember DeMirjyn moved to adopt the Water and Wastewater Capital Improvement Program for fiscal year 1987-88 to fiscal year 1990-91. Motion seconded by Councilmember Johnson and carried by AYE votes of all present.
Sewering	Utilities Director Corneille presented a memorandum dated January 12, 1988, providing information regarding City participation in sewering unsewered developed areas such as West Fern Avenue. This matter was discussed at the last Public Works Commission meeting and a summary of the discussion was provided. Councilmember DeMirjyn asked if there was a way to assist the folks on West Fern Avenue. Council discussed various ways to assist in the financing but felt they needed to know how many other pockets of unsewered areas there were throughout the City in order that priorities would be set. Staff was directed to provide this information at the February 16, 1988, meeting.
Claim	On motion of Councilmember DeMirjyn, seconded by Councilmember Johnson, the claim of Deana Bobbitt in the amount of $33,500.00 was found not to be a proper charge against the City and therefore rejected by AYE votes of all present.

Resolution No. 4324 Traffic	On motion of Councilmember DeMirjyn, seconded by Councilmember Johnson, Resolution No. 4324, a resolution of the City Council of the City of Redlands directing the installation of a stop sign on Devonshire Drive at Crestview Road pursuant to Title 10 of the Redlands Municipal Code, was adopted by AYE votes of all present.
Funds Oriental Avenue	On motion of Councilmember DeMirjyn, seconded by Councilmember Johnson, Council approved by AYE votes of all present an appropriation of $15,000.00 from the Gas Tax Fund to cover costs for the engineering of street improvements on Oriental Avenue between Texas Street and Eureka Street, pursuant to terms of the Redevelopment Agency and Jim Glaze Auto Center Disposition and Development Agreement.
Resolution No. 4333 Recycling Grant	On motion of Councilmember DeMirjyn, seconded by Councilmember Johnson, Resolution No. 4333, a resolution of the City Council of the City of Redlands approving the submission of a proposal under the California Beverage Container Recycling and Litter Reduction Act, was approved by AYE votes of all present.
Funds Visitor Promotion Program	On motion of Councilmember Johnson, seconded by Councilmember Cunningham, Council approved an additional appropriation in the amount of $4,000.00 from the General Fund to be sent to the Redlands Chamber of Commerce for the visitor promotion program by the following vote: AYES: Councilmembers Johnson, Cunningham; Mayor Pro Tem Wormser NOES: Councilmember DeMirjyn ABSENT: Mayor Beswick As of December 31, 1987, it was estimated that the Transient Occupancy Tax will exceed budget projections by this amount. Actual receipts will be exmained later in the year and the amount will be adjusted based on actual reciepts. Councilmember Cunningham indicated he would like to review the use of these funds before approving any more funds to be sure it is working. Councilmember Johnson asked for a review of the law regarding the collection of the bed tax.
Funds Legal Services	On motion of Councilmember DeMirjyn, seconded by Councilmember Johnson, Council approved by AYE votes of all present an additional appropriation in the amount of $5,000.00 from the General Fund to be sent to the Five Cities Economic Development Authority for legal services in the Operation Second Chance lawsuit.
Airport Grant Application	On motion of Councilmember DeMirjyn, seconded by Councilmember Johnson, Council authorized by AYE votes of all present the Redlands Municipal Airport Manager to submit the appropriate application for airport development grant funds under the provisions of the Federal Aviation Administration Airport Improvement Program.

There being no further business, the meeting was adjourned at 9:32 P.M.

Next regular meeting, Febraury 2, 1988.

Barbara CWormser
Mayor Pro Tem of the City of Redlands

ATTEST:

Lorrie Poyzer
City Clerk

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