MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on April 5, 1988, at 3:00 P.M.

PRESENT

Carole Beswick, Mayor
Barbara C. Wormser, Mayor Pro Tem
Charles G. DeMirjyn, Councilmember
Tim Johnson, Councilmember
(Arrived at 9:15 P.M.)
William E. Cunningham, Councilmember

John E. Holmes, City Manager
Dallas Holmes, City Attorney
Lorrie Poyzer, City Clerk
John de Leon, The Sun
Jan Englebretson, Redlands Daily Facts

ABSENT

None

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

Happy birthday wishes were extended to The Sun reporter John de Leon with the audience joining Councilmembers in singing "Happy Birthday" to him.

Minutes of the adjourned regular meeting of March 15, 1988, the regular meeting of March 15, 1988, and the adjourned regular meeting of March 24, 1988, were approved as submitted.

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

PRESENTATIONS

Church Street

Students from Franklin Elementary School were present at this meeting to request the City's assistance for a crosswalk, flashing yellow warning lights, and a crossing guard on Church Street under the freeway bridge. Several weeks ago Javier Padilla, a first grade student at Franklin, was critically injured while crossing Church Street on his way to school. Speaking on behalf of the students was Kim Johnston, Student Body President, and Lori Summers, Student Body Secretary. The students were cautioned that it was also their responsibility to cross the streets safely and were urged to cross Church Street at Colton Avenue where there are traffic lights. Their request was referred to the Traffic Commission for their study and report.

Hazardous Waste Plan

Mr. Ken Jeske, County Environmental Health Services, presented detailed information about the proposed Hazardous Waste Plan. The Committee is looking forward to receiving comments from the Council and general public and will return to Council for action later this summer.

Mayor Beswick asked that a discussion be held at the next meeting in regards to plastic and styrofoam containers.

PLANNING AND COMMUNITY DEVELOPMENT

Measure N Vesting Applications - Continued

Community Development Director Shaw reported that staff re-examined vesting criteria as instructed at the March 15, 1988, Council meeting relating to evaluation of final discretionary approval. Staff recommends that Council not revise vesting criteria related to evaluation of final discretionary approval to include projects with partial Residential Development Allocations, but instead allow these projects to be given equal priority for building permits as vested projects once allocations have been awarded.

Representing Tract No. 13044, Pulsar Development, Attorney Charles Graeber felt this tract should be treated as a unit and as such he felt it qualified for vesting and would not violate Measure N. Noting he had submitted a letter to City Manager Holmes earlier, he requested this application be continued to April 19, 1988, to allow further study of the information he had submitted.

Shirley Moore explained what she conceived to be the intent of Sections 3, 6, and 17 of Measure N and urged Council not to look for loopholes in the initiative. Robert Dilger felt the folks on the street need to receive better communication and education about the vesting procedures. Mayor Beswick stated it hurt to hear the word "loophole" used in these Chambers as she felt the Council was trying very hard to address this legal issue; she wished the writers of the initiative had clearly stated their intent in the initiative as litigation is stalking the Council from both sides because the initiative does not address the issue clearly. Responding to a statement made by Mrs. Moore about the number of vested units approved thus far, Community Development Director Shaw reported that the totals were as follows: 475 vested units outside the City and 633 inside the City making a total of 1,108. Mayor Beswick thanked him for this clarification.

Councilmember Cunningham then moved to continue the vesting application for Tract No. 13044 as requested by the applicant's representative. Motion seconded by Councilmember Wormser and carried by AYE votes of all present.

City Attorney Holmes reviewed his perceptions of the guidelines needed for implementation of Measure N. Documents will be prepared for a public hearing at the next meeting and public notices will be printed in the local newspapers in accordance with Section 16 of the initiative.

Tentative Tract No. 13294 - Steven Sellinger/Gabel,Cook and Becklund

It is recommended Council accept the Planning Commission report on Tentative Tract No. 13294, an application for the subdivision of 260 acres into 304 lots for property generally located 1,260 feet south of Sunset Drive, southeasterly of Edgemont Drive and 1,320 feet north of Live Oak Canyon Road, and set a public hearing on same within 30 days. Councilmember Wormser moved to accept the Planning Commission report on the application for Tentative Tract No. 13294. Motion seconded by Councilmember DeMirjyn and carried by AYE votes of all present. Councilmember Wormser moved to hold a public hearing on this application on April 19, 1988, at 7:00 P.M. Motion seconded by Councilmember DeMirjyn and carried by AYE votes of all present.

Tentative Tract No. 12968 - Donald F. Buhler

Councilmember DeMirjyn moved to approve the Environmental Review Committee's Negative Declaration for Tentative Tract No. 12968 for the subdivision of approximately 30 acres into 172 lots for property located at 140 West Pioneer Avenue, R-1 Zone, and directed staff to file and post a "Notice of Determination" in accordance with the City's guidelines. Motion seconded by Councilmember Wormser and carried by AYE votes of all present.

Stating that Council finds that pursuant to Section 66473.5 of the California Government Code, Tentative Tract No. 12968 together with the provisions for its design and improvement is consistent with the City's General Plan and any applicable specific plans; that none of the conditions provided in California Government Code Section 66474 exist on this map; that pursuant to California Government Code Section 66474.6, the discharge of waste from this subdivision apparently will not result in violation of existing requirements prescribed by the Santa Ana Regional Water Quality Control Board pursuant to Division 7 of the California Water Code; and deleting Building and Safety Requirements Nos. 1 and 2, and deleting Planning and Community Development Requirement No. 8 as they are no longer necessary. Councilmember DeMirjyn moved to approve Tentative Tract No. 12968 based on the findings of the Planning Commission and subject to the recommendations of all departments as contained in Planning Commission minutes dated March 8, 1988. Motion seconded by Councilmember Wormser and carried by AYE votes of all present.

Revised Allocation Point System

Community Development Director Shaw responded to a letter dated March 30, 1988, from the law firm of Reynolds, Reider & Bawden. Mr. Shaw reported that staff is in the process of making revisions to the Allocation Point System and this is presently scheduled for reconsideration by the City Council on April 19, 1988. Responding to the question of timing of the award of the fourth quarter of 1987 allocations, Mr. Shaw indicated the fourth quarter allocations will be awarded once a revised allocation point system is approved by Council and the projects have been reviewed with respect to the revised point system. Mr. Shaw expects this to be done in two - four weeks. He recommended the first quarter allocations for 1988 be delayed until at least June, 1988, so that the City can ascertain the volume of development, the number of vested projects having an immediate right to build, and the number of non-vested but allocated projects which may be requesting building permits this year.

Historic and Scenic Districts - Street Signs

Preservation Officer Cozen presented a rendering of the street signs the Historic and Scenic Preservation Commission has unanimously recommended approval for use at the major entrances to the City's Historic Districts. On motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, the proposed street signs were approved by AYE votes of all present.

General Plan Consultant

A selection committee composed of Councilmember Wormser, Planning Commissioner Ray Alexander, City Manager Holmes, Planning Director Shaw, City Engineer Mutter, Utilities Director Corneille, and Redlands 2000 Land Use Representative John Mirau recommended acceptance of consultant services for the Redlands General Plan Update as proposed by Blayney Dyett, Urban and Regional Planners. Councilmember Cunningham expressed concern that he was not informed enough to make a decision on this matter at this time; therefore, on motion of Councilmember Beswick, seconded by Councilmember Wormser, this item was continued to April 19, 1988.

Convenience Stores

Noting that two more convenience stores were proposed on Colton Avenue, Mayor Beswick asked that a discussion be scheduled on the next agenda to address this issue.

COMMUNICATIONS

Centenial Park and Golf Course — Community Services Director Rodriguez reviewed the preliminary work being done for Centennial Park and the golf course. It is expected that groundbreaking for Centennial Park will occur in the fall.

Monitoring Reports — City Engineer Mutter presented the monthly contract monitoring reports for the 13 projects currently under construction administration by the Engineering Services Department.

Presentation of the conceptual plan for the Trolley Car Barn was continued.

Davis Bill — In accordance with Government Code Section 54954.2(b)(2), Councilmember Beswick moved to take action on the Davis Bill, a matter which arose subsequent to the agenda being posted as specified in the Government Code. Motion seconded by Councilmember Cunningham and carried by AYE votes of all present. Councilmember Cunningham moved to vigorously oppose the Davis Bill and communicate our concerns with neighboring communities. Motion seconded by Councilmember Wormser and carried by AYE votes of all present.

Council recessed at 5:23 P.M. to a Redevelopment Agency meeting and reconvened at 5:24 P.M. to a closed session for the purpose of discussing property acquisition with our negotiator and pending litigation. In accordance with State law, the City Attorney prepared a confidential memo to Council providing justification for the pending litigation portion of the closed session. Council reconvened at 7:10 P.M.

1988 Annual Housing Award — Mayor Beswick presented a proclamation and the 1988 Annual Housing Award to Mr. Bernard Heuvelhorst in recognition of his dedicated service to the welfare of our community in the field of improving housing conditions.

Proclamation — Mayor Beswick presented a proclamation designating April 14, 1988, as a Day of Remembrance of Victims of the Nazi Holocaust, known internationally as Yom Hashoah, in memory of the victims of the Holocaust and in the hope that we will strive always to overcome prejudice and inhumanity through education, vigilance and resistance.

Proclamation — Mayor Beswick presented a proclamation designating the month of April as Earthquake Preparedness Month and encouraged all citizens to increase their knowledge and awareness of proper safety measures to follow before, during and after an earthquake.

Mojave County — Representatives from the Mojave County Proponents and the No On Mojave Committee presented information regarding the proposed formation of Mojave County which will be on the June 7, 1988, ballot.

ORAL PETITIONS FROM THE FLOOR

Billing Dispute — Mr. and Mrs. Charles Davis, 108 West Cypress Avenue, again asked Council to restore their water service as they continued to contend they did not owe the City for disposal charges. Finance Director Kaenel reported the Davis' had still not applied for relief nor done anything since their last appearance at a Council meeting and there was still an outstanding balance due on their municipal utilities bill. Following a heated exchange of words, Council briefly recessed at 7:27 P.M. The meeting reconvened at 7:45 P.M.

PUBLIC HEARING

CDBG Funds — Public hearing was advertised for this time and place to establish an allocation prioritization for the 1988-91 Community Development Block Grant Funds. Associate Planner Morrison reported the City received 13 project proposals for the 1988-89 funding cycle. Ten of these project proposals are eligible for CDBG funding under the current H.U.D. regulations. The ten eligible proposals have a total estimated cost of $819,179.00; our base allocation this year is only $215,460.00. Following discussion Councilmember DeMirjyn moved to approve the prioritization of funding for the 1988-89 Community Development Block Grant Funds allocations as follows: Referral Service, East Valley United Way, $22,179.00; Child Care Playground, First Step Child Development Center, $10,500.00; Street Lights, City of Redlands, $32,000.00; Historic Preservation, City of Redlands, $46,281.00; Site Acquisition and Parking Lot, City of Redlands, $74,500.00; Administrative Support, City of Redlands, $10,000.00; and Parking Lot Acquisition, City of Redlands, $20,000.00. Motion seconded by Councilmember Wormser and carried by AYE votes of all present.

Councilmember Cunningham asked the City to apply for CDBG funds next year for northside alley improvements.

JOINT PUBLIC HEARING

Redlands Professional Properties — A joint public hearing of the City Council and the Redevelopment Agency of the City of Redlands was continued and re-advertised for this time and place to consider for the purposes of redevelopment as a commercial development, the disposition and sale of real property to Redlands Professional Properties, Ltd. Mayor Beswick declared the meeting open as a public hearing on this matter. Acting Director McMenemy reported that Redlands Professional Properties, Ltd. had proposed to construct on the east side of North Sixth Street a one-story retail/office complex of approximately 22,000 square feet. Presently the lands are for sale on the open market and consequently no Disposition and Development Agreement is necessary at this time. It is recommended the proposed agreement and public hearing be discontinued. This recommendation was approved by AYE votes of all present and the proposed agreement and public hearing were discontinued.

BIDS

Contract Award

Monitoring Wells

Bids were opened and publicly declared on March 29, 1988, by the City Clerk for a drilling contract for the airport and Chruch Street Landfill monitoring wells; a bid opening report is on file in the Office of the City Clerk. At this time, it is the recommendation of the Municipal Utilities Department that the responsible bidder submitting the bid for said project which will result in the lowest cost to the City is Pioneer Drilling, Redlands, in the amount of $43,820.00 and that it is in the best interest of the City that the contract for the drilling contract for the airport and Church Street landfill monitoring wells be awarded to said firm. On motion of Councilmember Wormser, seconded by Councilmember Cunningham, this recommendation was approved by AYE votes of all present.

UNFINISHED BUSINESS

Ordinance No. 2015

Smoking Regulations

Ordinance No. 2015, an ordinance of the City Council of the City of Redlands amending the Redlands Municipal Code to regulate smoking in public places and places of employment and repealing Ordinance No. 1976, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Wormser, seconded by Councilmember DeMirjyn, further reading of the ordinance text was waived. Ordinance No. 2015 was adopted on motion of Councilmember Wormser, seconded by Councilmember Cunningham, by the following vote:

AYES: Councilmembers Wormser, DeMirjyn, Cunningham; Mayor Beswick
NOES: None
ABSENT: Councilmember Johnson

Ordinance No. 2025

Flood Damage Prevention

Ordinance No. 2025, an ordinance of the City of Redlands amending Ordinance No. 1995 relating to flood damage prevention, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, further reading of the ordinance text was waived. Ordinance No. 2025 was adopted on motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, by the following vote:

AYES: Councilmembers Wormser, DeMirjyn, Cunningham; Mayor Beswick
NOES: None
ABSENT: Councilmember Johnson

Rates and Charges Update

Municipal Utilities Director Corneille reported that his department is completing the yearly update of water and wastewater rates and charges. This year, staff is utilizing the two rate models developed during our 1986 rates studies to update the rates. Presentation of the rate update and recommended revised fees and charges were made. A summary report for Council's review was made available and a public hearing on these rates and charges will be held at the next Council meeting.

West Fern Sewers

Utilities Director Corneille reported he and Finance Director Kaenel met with residents on West Fern Avenue and Bellevue and presented refined cost estimates to install sewers in their neighborhoods. He reported that many felt it was still too costly and still felt the City owed them sewers. They requested the City re-survey the neighborhoods without the bond issuance costs and with paying costs up front (on the 80/20 plan). Mr. Corneille will keep Council apprised of the situation.

NEW BUSINESS

Ordinance No. 2022

Garbage and Solid Waste

Ordinance No. 2022, an ordinance of the City of Redlands amending the Redlands Municipal Code relating to Garbage and Solid Waste, was presented at this meeting. Council was upset to see that Solid Waste Systems Manager Davis had changed the frequency of residential collection to a minimum of once each week and ordered that collection remain at a minimum of twice each week. It was suggested that a section be included for the "blue curb policy" that the division uses for the elderly and handicapped residents. Placement of the receptacles 50 feet from the property line needed clarification and the equity problem of the automated service also needed to be addressed.

Mr. Claude Johnson presented a number of comments on this proposed ordinance which he found disturbing and problems he has encountered with the new automated service. A copy of his comments is on file in the Office of the City Clerk.

Councilmember Johnson entered the Chambers at 9:15 P.M.

Councilmember DeMirjyn moved to continue Ordinance No. 2022 as he was not satisfied with the proposed document. Motion seconded by Councilmember Wormser and carried unanimously. Council also directed a survey by neighborhood be conducted regarding choice of service.

Park and Open Space Fees

Community Services Director Rodriguez reported that the Parks Commission has been reviewing and revised the recommendation and survey to increase Developer's Fees for parks, open space and recreation purposes. At the meeting of the Parks Commisison on March 10, 1988, the following fees were recommended: Commercial/Industrial: $.14/square foot; Multifamily dwelling units and mobilehomes (flat fee): $1,000/dwelling unit; and single family dwelling: 1 percent of permit value. At this time, the Parks Commission and staff recommended that the collected fees not be divided into separate accounts, but rather designate one account for Parks and another for Open Space. As the Five-Year Plan is realized along with opportunities to acquire and develop lands, then a decision can be made by Council to utilize the funds for Parks or Open Space. A proposed ordinance is being prepared by the City Attorney and will be presented to Council in the near future. A report on statewide fees will also be presented for Council's information.

Mayor Beswick asked that appointments to the Redevelopment Advisory Board be continued. Council concurred with this request.

Claim

On motion of Councilmember Wormser, seconded by Councilmember Cunningham, claim of Scott Waller in the amount of $45.00 was found not to be a proper charge against the City and therefore was rejected by AYE votes of all present.

Claim

On motion of Councilmember Wormser, seconded by Councilmember Cunningham, the claim of Antee Waller in the amount of $30,000.00 was found not to be a proper charge against the City and therefore was rejected by AYE votes of all present.

Claim

On motion of Councilmember Wormser, seconded by Councilmember Cunningham, the claim of Herb Weinper in the amount of $2,000,000.00 was found not to be a proper charge against the City and therefore was rejected by AYE votes of all present.

Claim

On motion of Councilmember Wormser, seconded by Councilmember Cunningham, the claim of California Casualty in the amount of $267.88 was found not to be a proper charge against the City and therefore was rejected by AYE votes of all present.

Claim

On motion of Councilmember Wormser, seconded by Councilmember Cunningham, the claim of Susan Guerrero in the amount of $1,000,000.00 was found not to be a proper charge against the City and therefore was rejected by AYE votes of all present.

Resolution No. 4357
Street Vacation No. 93

On motion of Councilmember Wormser, seconded by Councilmember Cunningham, Resolution No. 4357, a resolution of the City Council declaring its intention to vacate a portion of Kansas Street, south of Orange Avenue, and setting the public hearing on this street vacation for April 19, 1988, at 7:00 P.M., was adopted by AYE votes of all present.

Resolution No. 4359

Traffic

On motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, Resolution No. 4359, a resolution of the City Council of the City of Redlands establishing a 20 mile per hour speed zone on Fern Avenue between Terracina Boulevard and a point 300 feet west of the most westerly driveway to the Redlands Community Hospital, was adopted by the following vote:

AYES: Councilmembers Wormser, DeMirjyn
NOES: None
ABSTAINED: Councilmembers Beswick, Cunningham
(Because of possible conflicts of interest)
ABSENT: Councilmember Johnson

Funds

Property Taxes

On motion of Councilmember Wormser, seconded by Councilmember Cunningham, Council approved by AYE votes of all present an additional appropriation in the amount of $7,978.97 from the Reserve for Park Groves Account for the payment of property taxes for five parcels of city-owned groves.

Resolution No. 4361
All American Canal

On motion of Councilmember Wormser, seconded by Councilmember Cunningham, Resolution No. 4361, a resolution supporting legislation for congressional authorization to line portions of the All American Canal and the Coachella Branch, was adopted by AYE votes of all present.

Resolution No. 4360

Grant Funds

On motion of Councilmember Wormser, seconded by Councilmember Cunningham, Resolution No. 4360, a resolution of the City Council of the City of Redlands approving the application for Grant Funds under the Roberti-Z'Berg Urban Open-Space and Recreation Program for Clement Junior High School/Park Lighting Improvements, was approved by AYE votes of all present.

There being no further business, the meeting adjourned at 9:46 P.M.

Next regular meeting April 19, 1988.

ATTEST:

Lorrie Poyzer
City Clerk

Carole Beswick
Mayor of the City of Redlands