MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on December 20, 1988, at 3:12 P.M.

PRESENT

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

John E. Holmes, City Manager
Dallas Holmes, City Attorney
Lorrie Poyzer, City Clerk
Sheryl Oring, Redlands Daily Facts
Howard A. Ellis, The Sun
(evening session only)

ABSENT

None

The meeting was opened with an invocation by Councilmember Johnson followed by the pledge of allegiance.

Minutes of the special joint meeting of December 6, 1988, the regular meeting of December 6, 1988, the special meeting of December 12, 1988, and the adjourned regular meeting of December 13, 1988, were approved as submitted.

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

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - December 13, 1988

In accordance with Council action taken at the meeting held on December 6, 1988, Planning Director Shaw presented a list of the projects considered by the Planning Commission at their meeting held on December 13, 1988. The action taken by the Commission was provided. Noting that the continued items should be separated in the report, Council expressed their appreciation for the information. Councilmember DeMirjyn moved to acknowledge receipt of the report. Motion seconded by Councilmember Cunningham and carried unanimously.

Minor Subdivision No. 178 - Deane Properties

Stating that Council finds that pursuant to Section 66474.5 of the California Government Code, Minor Subdivision No. 178, an application for the subdivision of approximately 9.79 acres of land into ten parcels for property located on the northeast corner of Barton Road and Alabama Street, Specific Plan No. 26, 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; and 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 Reigonal Water Quality Control Board pursuant to Division 7 of the California Water Code, Councilmember Johnson moved to approve this application based on the findings of the Planning Commission and subject to the recommendations of all departments as contained in Planning Commission minutes dated November 22, 1988 and with the requirement that the City be made a party to the CC&R's. Motion seconded by Councilmember Cunningham and carried unanimously.

Resolution No. 4457 - 1989 Building Permit Allocations

In accordance with action taken at the last Council meeting, Resolution No. 4457 was prepared setting an interim number of building permits available quarterly to qualified nonvested development projects pursuant to Redlands Municipal Code Section 19.24.030. Community Development Director Shaw reported there has been some interest expressed to issue the permits on a different cycle. Speaking to the matter were Michael Atencio, Mark Blankenship, and David McAdow. Councilmember Cunningham indicated he would prefer continuing on the quarterly system for the coming year. Following discussion, the last paragraph in Resolution No. 4457 was amended to read: "NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Redlands that for the calendar year 1989, 150 building permits shall be set aside until October 1, 1989, to qualified single family homes on existing lots of record and mobilehomes in mobilehome parks, and that 44 building permits be made available on a quarterly basis (January 1, April 1, July 1, and October 1) to other nonvested projects." Resolution No. 4457 was then unanimously adopted on motion of Councilmember DeMirjyn, seconded by Councilmember Wormser.

Zanja Creek Trail System

Councilmember DeMirjyn moved that the Zanja Creek Trail System will not have a significant effect on the environment, that the Negative Declaration as proposed by staff and recommended by the Environmental Review Committee be adopted, 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 unanimously. Council reviewed the draft agreements with the San Bernardino County Flood Control District for the construction and maintenance of a multi-purpose trail system along the Zanja Creek Channel, and directed the staff revisit the County regarding a "hold harmless clause." No further action was taken on this matter at this time.

Northeast Specific Plan

Community Development Director Shaw reported the City began working on the Northeast Specific Plan in 1986. Progress has been slow because much of the property has been purchased by developers who expected to develop at a higher density than staff, consultants, and Measure N have been proposing. It has not been easy to gain any consensus even though numerous meetings have been conducted and the owners' input has been carefully considered. Staff recommended that the Council approve an authorization for staff to proceed towards adoption of a Northeast Specific Plan, and to allow staff to arrange a seminar with experts providing information on transfer of development rights techniques. Urging continuance of this plan were Michael Atencio and Bryant MacDonald. Noting the request of the Redlands Association, Councilmember Cunningham moved to defer this matter to the General Plan Committee for completion as a part of the General Plan Update. Councilmember DeMirjyn seconded the motion. Councilmember Johnson indicated he desired to know the cost difference and moved to continue this matter to no later than January 17, 1989, for this information. Motion seconded by Councilmember Wormser and carried unanimously. Councilmember Wormser moved to transfer $3,000 to a seminar on transfer of development rights from the Northeast Specific Plan EIR budget. Motion seconded by Councilmember Cunningham and carried unanimously.

Fund Transfer

Minor Subdivision No. 174 - Howard Whiteside - Final Approval

All requirements having been complied with, it is the recommendation of the Planning and Community Development Department that final approval be granted to Minor Subdivision No. 174, the division of approximately 0.85 acres of land in the R-E Zone into two lots for property located at 321 East Mariposa Drive. On motion of Councilmember Wormser, seconded by Councilmember DeMirjyn, this recommendation was approved with Councilmember Cunningham voting against it.

COMMUNICATIONS

Measure N Policy

A letter was received from Mill Creek Estates, Mentone Limited, explaining that they will not be able to complete the necessary work by year's end in order to receive their outside sewer and water connections, and they requested an extension of time to comply with the requirements of City Resolution No. 4352. Representing the applicant were Arthur Hews and Don Jack who were present to answer questions. Council discussed this request at length referring to this project's unique circumstances, and unanimously directed staff to prepare a resolution to set up guidelines to allow a carry-over of their allocations and schedule a public hearing for January 3, 1989, at 7:00 P.M. in accordance with Section 16 of Measure N on motion of Councilmember Cunningham, seconded by Councilmember Johnson.

Fees Contention

USA Properties Fund, Inc. submitted a letter November 22, 1988, contending that the City should accept sewer capital improvement charges at the rate which was in effect prior to May 26, 1988, for building permits issued June 30, 1988. The City's response addresses this contention. USA did not contend the fact that they are required to pay current water capital improvement charges. Staff reported that fees due are based on those in effect at the time building permits are issued. As no one was present from USA, Council took no action on this matter.

I-10 Landscaping

Mayor Beswick reported about a proposal for landscaping along the I-10 Freeway in which a joint effort of the State, County of San Bernardino, and cities could provide funds necessary for landscaping. Council expressed an interest in pursuing further information on this proposal.

City Attorney

City Attorney Dallas Holmes presented information regarding a petition to the California Supreme Court from the Building Industry Association in San Diego to exercise its original jurisdiction from denial of BIA's motion for summary judgement and in essence rule that State law preempts local jurisdictions from adopting growth management systems and statutory general plan consistency requirements have equal dignity or supersede the California Constitution. In accordance with Government Code Section 54954.2(b)(2), Councilmember Beswick moved to take action on this matter which arose subsequent to the agenda being posted as specified in the Government Code. Motion seconded by Councilmember Cunningham and carried unanimously. Councilmember Cunningham moved to join the City of Riverside who will act as lead amicus in the filing of their brief to the Court. Motion seconded by Councilmember Wormser and carried unanimously.

JOINT PUBLIC HEARING

Resolution No. 4456

Mission Plaza

A joint public hearing of the City Council and the Redevelopment Agency of the City of Redlands was advertised for this time and place to consider for the purposes of redevelopment as a commercial development by Mission Plaza, KMK Real Corporation and Randall Properties, the disposition of certain real property located on North Sixth Street. City Clerk Poyzer reported that notice of this hearing was published in the Redlands Daily Facts, a newspaper of general circulation, on December 6 and December 13, 1988. Mayor Beswick declared the meeting open as a public hearing; there being no comments from the audience, the public hearing was declared closed. Following brief discussion, Councilmember DeMirjyn moved to approve Resolution No. 4456, a resolution of the City of Redlands pursuant to the disposition and development agreement between the Redevelopment Agency of the City of Redlands and Mission Plaza. Motion seconded by Councilmember Johnson and carried unanimously.

Council recessed at 5:37 P.M. to a Redevelopment Agency meeting and reconvened at 5:40 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.

Santa Claus

Council reconvened at 7:15 P.M. following a brief visit by Santa Claus who wished everyone a very merry Christmas.

PUBLIC HEARINGS

Councilmember Johnson announced he would abstain from the discussion regarding the Tri-City Aggregate Project due to a possible conflict of interest. He then left the Chambers.

Tri-City Aggregate

Public hearing was advertised for this time and place to hear further comments regarding the Tri-City Aggregate Project, an application presently before the San Bernardino County Planning Commission to establish a sand and gravel mining operation with a processing plant and reclamation plan on 196.5 acres located on the east side of Church Street, north of the Santa Ana Wash. The City of Redlands has initiated annexation of this site, but it is presently under the jurisdiction of San Bernardino County. The City Council also met with concerned citizens and the applicants on December 13, 1988. At this time, staff is recommending an advisory committee be established to include residents and the applicant to continue the dialogue and resolution of issues pertaining to this project and other general mining operations within this area. Mayor Beswick declared the meeting open as a public hearing on this matter.

Dennis Hansberger made a brief presentation about his project and indicated he wanted to hear the citizens' concerns tonight so that his company could address them; he asked the City to communicate these concerns to the County and expressed a willingness to meet with the citizens and/or a committee to try to address these concerns before the County Planning Commission meeting. Speaking in opposition to this project were the following: Ken Zito, noise; John Moore, traffic; Dee Ann Milson, air quality and silica; Eric Conway, aesthetics relating to the park and golf course; Art Guzman, dust and sand; Kevin Hampson, impact on housing values; Chuck Delameter, cumulative impacts; Velma Perez, junk removal; Donald Holzhauser, over-riding considerations for a new EIR: Paul Douglas, monitoring consequences; Emad Hamdy, enforcement; Wally Sanchez, impact on Centennial Park, Fred Venegas, proposed Santa Ana River trail system; Gertrude Hagum, Santa Ana River Master Plan who suggested formation of a citizens advisory committee; Kathy Guzman, no processing plant; Robert Kotecki, alternative sites who suggested formation of a committee to research this suggestion; Bambi Lynn Ruby, Highland resident who shared action taken at the Highland City Council meeting being held at the same time; and Steve Denton who asked for a postponement of the timeclock. Concluding the public comments, Bob Dilger asked that Councilmembers be present at the County meeting to tell the County that the EIR is not adequate and ask the County to deny the project without prejudice, and, if necessary, to join the citizens' committee in any appeal. There being no further comments, the public hearing was declared closed. During the public hearing, Councilmember DeMirjyn expressed his concerns about the site and suggested two other sites and shared his map with Mr. Hansberger. Councilmember Cunningham indicated he was not happy with these alternate sites and would rather see Pharris and Tri-City located to the west. He also felt we needed a plan for the River before the uses are in place. Mayor Beswick moved to form a group to explore alternative sites. Councilmember Wormser seconded that motion which carried unanimously. Council directed that this subject be scheduled on the next two Council agendas for status reports and action as necessary prior to the County meeting which is scheduled for January 26, 1989.

Alternate Site Committee

Council briefly recessed at 9:20 P.M. and reconvened at 9:22 P.M. at which time Councilmember Johnson re-entered the Chambers.

Public hearing was advertised for this time and place to consider Resolution No. 4454 for the adoption of Specific Plan No. 42, a proposed specific plan of development establishing development standards for a business park located on the southwest corner of Lugonia Avenue and Bryn Mawr Avenue, located in the C-M Zone; Community National Corporation, applicant. In conjunction with the application is a request for approval of Minor Subdivision No. 177, an application for the subdivision of 31.3 acres of land into six parcels. Mayor Beswick declared the meeting open as a public hearing for any questions or comments regarding this matter. On behalf of the applicant, Pat Meyer indicated they would be willing to increase the trail size easement if necessary to meet City requirements when this system is set up. There being no further comments, the pulic hearing was declared closed.

Resolution No. 4454

Specific Plan No. 42

Councilmember Johnson moved to approve the Negative Declaration for Specific Plan No. 42 and directed staff to file and post a Notice of Determination in accordance with City guidelines. Motion seconded by Councilmember DeMirjyn and carried with Councilmember Cunningham voting NO. Resolution No. 4454, a resolution of the City Council of the City of Redlands adopting Specific Plan No. 42, was adopted on motion of Councilmember Johnson, seconded by Councilmember DeMirjyn, with Councilmember Cunningham voting NO.

Minor Subdivision No. 177

Stating that Council finds that pursuant to Section 66474.5 of the California Government Code, Minor Subdivision No. 177, 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; and 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, Councilmember Johnson moved to approve this application based on the findings of the Planning Commission and subject to the recommendations of all departments as contained in Planning Commission minutes dated November 22, 1988, and with the requirement that the City be made a party to the CC&R's. Motion seconded by Councilmember Wormser and carried with Councilmember Cunningham voting NO.

Ordinance No. 2060

Point Rating System

Public hearing was advertised for this time and place for Ordinance No. 2060, an ordinance of the City of Redlands amending Chapter 19.12, Point Rating System, of the City of Redlands Municipal Code pertaining to Section 19.12.250, Tract Design, Architecture, and Construction, Item E, Open Space. Mayor Beswick declared the meeting open as a public hearing for any questions or comments concerning this ordinance amendment. There being no comments, the public hearing was declared closed. Council discussed the Open Space category and agreed to change paragraph two by deleting "side yard" from the categories listed. Ordinance No. 2060, as amended, was read by title only by City Clerk Poyzer, and on motion of Councilmember Johnson, seconded by Councilmember Wormser, further reading of the ordinance text was unanimously waived. Ordinance No. 2060 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for January 3, 1989, on motion of Councilmember Wormser, seconded by Councilmember Johnson.

BIDS

Bid Rejection

Bids were opened and publicly declared on November 30, 1988, by the City Clerk for the construction of the Fern Avenue Sewer, Project No. 2-8931; a bid opening report is on file in the Office of the City Clerk. The low bid resulted in a cost of $3,650.00 per lot which is $550.00 per lot more than has been deposited by the property owners. Therefore, there are insufficient funds to construct the project. The Municipal Utilities Department proposes to reject all bids and readvertise the project. The scope of work and specifications will be modified in order to encourage more contractors to bid the project and to bring bids within budget. On motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, Council unanimously rejected bids for the construction of the Fern Avenue Sewer, Project No. 2-8931. Council assured Georgia Hesslink that the City would continue its efforts on this project.

UNFINISHED BUSINESS

Ordinance No. 2048

Public Facility Fees

Ordinance No. 2048, an ordinance of the City of Redlands adding Chapter 3.60 to the Redlands Municipal Code relating to the establishment of public facility fees, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Johnson, seconded by Councilmember DeMirjyn, further reading of the ordinance text was unanimously waived. Councilmember Cunningham moved that this ordinance will not have a significant effect on the environment, that the Negative Declaration as proposed by staff and recommended by the ERC be adopted, and staff was directed to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Wormser and carried with Councilmembers DeMirjyn and Johnson voting NO. Ordinance No. 2048 was adopted on motion of Councilmember Cunningham, seconded by Councilmember Wormser, by the following vote:

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

Resolution No. 4429

Public Facility Fees

City Engineer Mutter presented Resolution No. 4429 with revised figures as discussed at the last Council meeting. Councilmember Johnson again expressed his concern that he does not prescribe to the percentage applied to new development. He then moved to adopt Resolution No. 4429 with Fire Station No. 3, new fire stations, new police facility, and library expansion included at the proposed rates. Motion seconded by Councilmember Wormser and carried with Councilmember DeMirjyn voting NO. Staff was directed to return with revised figures for the City Hall Annex and City Yard expansion on January 17, 1989, at 2:00 P.M.

Ordinance No. 2059 Public Safety Dispatchers	Ordinance No. 2059, an ordinance accepting the California Penal Code requirements relating to the selection and training standards of public safety dispatchers, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Johnson, seconded by Councilmember DeMirjyn, further reading of the ordinance text was unanimously waived. Ordinance No. 2059 was adopted on motion of Councilmember Johnson, seconded by Councilmember Wormser, by the following vote: AYES: Councilmembers Wormser, DeMirjyn, Johnson, Cunningham; Mayor Beswick NOES: None ABSENT: None
Tennis Courts	Council directed that the Recreation Commission review a situation which has arisen regarding the use of the City's tennis courts by residents of Loma Linda which in turn makes the courts unavailable to Redlands' taxpayers.

NEW BUSINESS

Claim	On motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, the claim of Robson Ong in the amount of $1,500.00 was found not to be a proper charge against the City and was therefore unanimously rejected.
Claim	On motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, the claim of the University of Redlands in the amount of $14,509.36 was found not to be a proper charge against the City and was therefore unanimously rejected.
Resolution No. 4455 Traffic	At its November 17, 1988, meeting the Traffic Commission recommended designating East Sunset Drive North, East Sunset Drive South, West Sunset Drive along their entire length lying within the City limits, and Serpentine Drive from Crescent Avenue to Crown Street as through highways pursuant to Title 10 of the Redlands Municipal Code. Council expressed concern with the use of the term "through highway" and amended the resolution to direct the Traffic Engineer to install stop signs to require all vehicles to stop before entering or crossing the same. Resolution No. 4455, as amended, was unanimously adopted on motion of Councilmember Cunningham, seconded by Councilmember Wormser.
Appointment B.I.D. Board	On motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, Council unanimously appointed Betty Tavender to a four-year term on the B.I.D. Advisory Board commencing December 31, 1988, as recommended by the Advisory Board.
Contract Reports	City Engineer Ron Mutter presented the monthly contract monitoring reports for projects currently being administered by the Engineering Services Department. The reports detail all contract schedules and anticipated dates for completion and provide a summary of the progress payment expenditures and change orders.
Resolution No. 4459 Grant Application	On motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, Resolution No. 4459, a resolution of the City of Redlands approving the application of grant funds for the planning and coordination of activities within Redlands to facilitate the availability of child development services under the State Department of Education, Child Development Division Local Coordination Grant Program, was unanimously adopted.
Resolution No. 4460 Purchasing Agent	On motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, Resolution No. 4460, a resolution of the City Council of the City of Redlands authorizing the Department of General Services of the State of California to purchase certain items for the City of Redlands, namely police cars, was unanimously adopted.
Outstanding Encumbrances	On motion of Councilmember DeMirjyn, seconded by Councilmember Wormser, Council unanimously approved the appropriation of $1,012,007.38 for payment of outstanding encumbrances as of June 30, 1988.

PUBLIC COMMENTS

Tex Moore asked Council why "Oral Petitions from the Floor" was removed from the agenda format and "Public Comments" added at the end of the agenda. Mayor Beswick responded that the title Oral Petitions gave the citizens a false sense of security that action could be taken on an item not already scheduled on the agenda. Under recent changes to the State law, this is not possible and the only action available to Council is to direct staff to schedule a citizen's concern on the next agenda when the concern could possibly have been taken care of at staff level sooner. She continued that most public agencies schedule public comments at the end of an agenda as it seemed unfair to citizens attending Council meetings for scheduled public hearings not to be able to judge the timing of a Council meeting. In light of Mr. Moore's concern, Mayor Beswick directed staff to schedule this matter on the next agenda in order to discuss and take possible action on the placement of "Public Comments" on future agendas.

There being no further business, the meeting adjourned at 10:25 P.M. to an adjourned regular meeting to be held on January 3, 1989, at 2:00 P.M. in the Council Chambers.

Next regular meeting, January 3, 1989, at at 3:00 P.M.

ATTEST:

Carole Beswick
Mayor of the City of Redlands

Lorrie Poyzer
City Clerk

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