

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on February 5, 1991, at 3:00 P.M.

PRESENT

Charles G. DeMirjyn, Mayor
William E. Cunningham, Councilmember
Sven Larson, Councilmember
Dee Ann Milson, Councilmember

James D. Wheaton, City Manager
Dallas Holmes, City Attorney
Lorrie Poyzer, City Clerk
Steven Church, Redlands Daily Facts
Pamela Fitzsimmons, The Sun

ABSENT

Carole Beswick, Mayor Pro Tem

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

Minutes of the adjourned regular meeting of January 15, 1991, regular meeting of January 15, 1991, and the adjourned regular meetings of January 22, 1991, and January 30, 1991, were approved as submitted.

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

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - January 22 and 25, 1991

Following discussion, on motion of Councilmember Larson, seconded by Councilmember Milson, the reports of the last two Planning Commission meetings were acknowledged as received.

Resolution No. 4742 - Allocation of Building Permits

Community Development Director Shaw explained the procedure followed last year which placed an enormous burden on staff and recommended that all permits be available the first of the year and that this resolution be continued for further study. Council concurred with this request.

Income Limits for Tenants in City-Owned Housing

Community Development Director Shaw reported the Housing Commission has been reviewing the existing rents for the City-Owned housing units in the Smiley Park area. At their meetings of December 13, 1990, and January 10, 1991, the Commission recommended the City standardize rents as follows:

1. Establish a maximum rent for each particular unit based on HUD Fair Market Rents and the size and quality of the unit. This would be an upper limit for each unit.
2. The rent for each tenant shall be either the maximum rent as established in Step 1 or the following, whichever is less:
 - a. Thirty (30) percent of tenant's gross income, if the City pays all utilities; or
 - b. Twenty-five (25) percent of tenant's gross income, if the tenant pays gas and electricity.

(Note: These percentages are to be calculated on the tenant's usual, expected income sources and would not include sporadic employment.)

3. Tenants shall pay a minimum of \$50 per month even if they have no regular source of income.
4. Tenant's incomes shall be recertified each year.
5. All existing tenants who need to pay a higher rent based on the above formula shall have their rent raised gradually at \$10 per month until the required rent level is achieved.
6. All existing tenants who need to pay less rent shall have their rents reduced at the succeeding month after approval by the City Council.

Councilmember Cunningham expressed concerns about the rent subsidy the City is providing without Federal Government Assistance and recommended studying the possibility of establishing a Housing Authority with the Councilmembers serving on the Board in order to recoup this subsidy for the General Fund. Following discussion, Councilmember Cunningham moved to direct this matter to the City Manager for further study and to approve the recommendations of the Housing Commission in the interim. Motion seconded by Councilmember Milson and carried by AYE votes of all present.

Minor Subdivision No. 184 - Jesus Martinez

On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council granted final approval by AYE votes of all present for Minor Subdivision No. 184, a three-lot subdivision of 0.5 acres in the R-1 Zone, as all conditions of approval have been completed.

Minor Subdivision No. 200 - City of Redlands

On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council granted final approval by AYE votes of all present for Minor Subdivision No. 200, a land division which will create two parcels and a 66-foot side major

highway extension consistent with the General Plan Circulation Element (Wabash Avenue extension), as all conditions of approval have been completed.

Code Enforcement Status Report

Community Development Director Shaw presented a status report listing code Enforcement violations, fees generated, and a brief summary of goals for code Enforcement for the year 1991. Indicating his appreciation, Councilmember Larson moved to acknowledge this report. Motion seconded by Councilmember Milson and carried by AYE votes of all present.

COMMUNICATIONS

Noise Ordinance

Councilmember Milson moved to add the following matter to the agenda: "Status report - Noise Ordinance." Motion seconded by Councilmember Cunningham and carried by AYE votes of all present. Community Development Director Shaw reported a draft ordinance prepared from various ordinances from neighboring cities was presented at the Environmental Review Committee at which time many problems arose especially enforcement. The City Attorney is currently reviewing the ordinance and pursuing additional information for enforcement information. Councilmember Milson asked staff to expedite this matter.

Councilmember Cunningham requested someone from staff attend a County Planning Commission meeting on Thursday, February 7, 1991, to ask the County to review City development impact fees so that we will be charging the same level of fees.

Councilmember Cunningham suggested that our representative to SANBAG inform other cities to look at the Ventura plan in regards to urban boundaries.

Mayor DeMirjyn read a letter from Casa de la Vista thanking Council for their support. The facility is now completed and ready for occupancy.

Council recessed at 3:55 P.M. to a Redevelopment Agency meeting and reconvened at 3:58 P.M. to a closed session for the purpose of discussing property acquisition, property disposition, 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.

PUBLIC HEARINGS

Appeal - Variance No. 462 and Conditional Use Permit No. 544 - Saul and Associates

Public hearing was continued to this time and place to consider the Planning Commission's denial of Variance No. 462, an application for a variance from the property development standards of the Redlands Municipal Code to permit less than

the required number of parking spaces, and Condition Use Permit No. 544, an application to permit the conversion of the first floor of a residence to offices for property located at 454 Cajon Street. The applicant initially applied for this conditional use permit and variance to convert a portion of this historic house into a mix-use of residential and office uses. The proposed variance was to allow a reduction of four required on-site parking spaces. On July 10, 1990, the Planning Commission unanimously denied the variance request. Based on the parking deficiencies, the conditional use permit could not be approved and was also unanimously denied. The applicant appealed this decision and the City Council postponed their decision until the applicant could apply for a Minor Parking Modification under the newly adopted Ordinance No. 2128. On January 25, 1991, the Planning Commission reviewed the applicant's request for Minor Parking Modification No. 2 under Section 18.164.430(2) of the Redlands Municipal Code which allows the crediting of on-street parking spaces which are adjacent to the frontage of the designated historic structure towards the total number of required off-street parking spaces required for the proposed use. The Planning Commission approved Minor Parking Modification No. 2 and recommended approval at the City Council level as well as approval of the related conditional use permit. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments concerning this application and appeal.

On behalf of the applicant, Michael Atencio indicated their willingness to record the information on the property relating to the conditions of the conditional use permit for the information of any future purchasers. He also asked to postpone Planning and Community Development Condition No. 1 until the entire district acquired underground utilities. There being no further comments, the public hearing was declared closed.

Councilmember Larson moved to approve Minor Parking Modification No. 2 subject to all conditions of approval based on the following specific findings:

- A. The proposed parking modification is necessary for the preservation of a Historic Structure which is an asset to the community and which is in harmony with the elements and objectives of the General Plan and is not detrimental to existing uses or to uses permitted in this zone.
- B. Allowing the applicant to use a portion of this residence as an office will provide funding for preserving and maintaining this historic structure.
- C. Because of the size and configuration of this site, the required on-site parking cannot be provided without approval of this requested modification.
- D. The current on-site covered parking will continue to function safely.
- E. The integrity of this historic structure and the surrounding neighborhood will not be harmed by the curb side parking or the proposed use.

Councilmember DeMirjyn seconded the motion which carried by AYE votes of all present. Councilmember Larson moved to approve Conditional Use Permit No. 544 subject to all departmental conditions of approval. Motion seconded by Councilmember Milson and carried by AYE votes of all present.

Appeal

Public hearing was advertised for this time and place to hear an appeal to an Environmental Review Committee requirement for an Environmental Impact Report for the proposed demolition of structures located at 421 through 253 South Eureka Street and 242 through Fourth Street for playground expansion and overflow parking at the Sacred Heart Church. Mayor DeMirjyn declared the meeting open as a public hearing, and Councilmember Milson moved to continue the public hearing to February 19, 1991, as requested by the appellant. Motion seconded by Councilmember Cunningham and carried by AYE votes of all present.

Appeal

Public hearing was advertised for this time and place to consider and appeal to an Environmental Review Committee requirement for an Environmental Impact Report for a proposed commercial center to be constructed on 6.97 acres of property located on the southwest corner of the I-10 Freeway and California Street in the East Valley General Commercial Zone, the Tahiti Group, appellant. On January 29, 1991, the applicant submitted additional information that may mitigate the issues identified by the Environmental Review Committee; therefore, it is recommended this public hearing be continued to March 5, 1991, and to refer this item back to the Environmental Review Committee for reconsideration and subsequent report to the City Council. Mayor DeMirjyn declared the meeting open as a public hearing, and on motion of Councilmember Cunningham, seconded by Councilmember Larson, staff's recommendation was approved by AYE votes of all present.

Resolution No. 4740

Bond Refinancing

Public hearing was advertised for this time and place to consider information concerning the possible issuance of Multifamily Housing Revenue Refunding Bonds by the City of Redlands in an amount not to exceed \$22,650.00; the proceeds from the sale of such bonds are intended to be used to refinance the acquisition and construction of an existing 558-unit apartment project known as Parkview Terrace Apartments located on approximately 32.6 acres at 1601 Barton Road. City Attorneys John Rottschaefer and Francis J. Baum were present for this item. Mr. Baum explained the project in detail and responded to Councilmember Cunningham's concerns. Mayor DeMirjyn declared the meeting open as a public hearing. On behalf of the owners of the property, Bob Edmonston urged approval noting they had already been adversely affected by the former bank's default. There being no further comments, the public hearing was declared closed. Councilmember Milson moved to adopt Resolution No. 4740, a resolution of the City Council of the City of Redlands approving documents; appointing a trustee and bond counsel and authorizing the sale of its variable rate demand Multifamily Housing Revenue Refunding Bonds (Parkview Terrace Project) 1991 Series A and making certain findings in connection with the issuance of said bonds. Motion seconded by Councilmember Larson and carried by the following vote:

AYES: Councilmembers Larson, Milson; Mayor DeMirjyn
NOES: Councilmember Cunningham
ABSENT: Councilmember Beswick

PUBLIC COMMENTS

Mr. Tiny Taylor, Eureka Auto Sales, complained to Council about being cited by the Code Enforcement Officer on Monday for the flags and banners at his sales lot. Mr. Taylor wanted the other dealerships to also comply with the laws of the City especially over weekends. Mayor DeMirjyn suggested changing the Code Enforcement Officers' schedules. Mr. Taylor will meet with the City Manager and staff regarding this matter.

Ms. Sharon Fletcher expressed concerns to Council about the development near 31015 East Sunset Drive South that will not fit in with the rural atmosphere of the area, and asked for support. Council directed staff to look into the situation.

UNFINISHED BUSINESS

Ordinance No. 2146
Development Impact
Fees

Ordinance No. 2146, an ordinance of the City of Redlands amending Chapters 3.54, 3.56, 3.58 and 3.60 of the Redlands Municipal Code relating to street improvement, storm drain facility, traffic signalization and public facility fees, was read by title only by City Clerk Poyzer, and on motion of Councilmember Cunningham, seconded by Councilmember Milson, further reading of the ordinance text was waived. Ordinance No. 2146 was introduced by AYE votes of all present and laid over under the rules with second reading scheduled for February 19, 1991, on motion of Councilmember Cunningham, seconded by Councilmember Milson.

Citrus Avenue
Improvements

Public Works Director Mutter presented an estimate, based on previous costs, to redesign and readvertise the street improvements for East Citrus Avenue at Lincoln Street. Councilmember Cunningham moved to redesign Citrus Avenue at Lincoln Street as follows: retain parking on the north side of Citrus Avenue and the existing two lanes for westbound traffic and provide for 12 and 14 foot eastbound lanes with no parking on the south side of Citrus Avenue with the understanding that when the property on the southeast corner of Citrus Avenue and Lincoln Street is developed, the remaining street improvements, such as sidewalks, will be completed. Motion seconded by Councilmember Milson and carried by AYE votes of all present.

Ordinance No. 2144
Open Land District

Ordinance No. 2144, an ordinance of the City of Redlands amending Section 18.124 of the Redlands Municipal Code relating to uses in the "O" (Open Land) District, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Larson, seconded by Councilmember Milson, further reading of the

ordinance text was waived. Ordinance No. 2144 was adopted on motion of Councilmember Larson, seconded by Councilmember Milson, by the following vote:

AYES: Councilmembers Cunningham, Larson, Milson; Mayor DeMirjyn
NOES: None
ABSENT: Councilmember Beswick

Ordinance No. 2145

Wastes Regulations

Ordinance No. 2145, an ordinance of the City of Redlands amending Chapter 13.52, Pretreatment and Regulation of Wastes, of the City of Redlands Municipal Code and rescinding Ordinance No. 2070, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Milson, seconded by Councilmember Cunningham, further reading of the ordinance text was waived. Ordinance No. 2145 was adopted on motion of Councilmember Milson, seconded by Councilmember Cunningham, by the following vote:

AYES: Councilmembers Cunningham, Larson, Milson; Mayor DeMirjyn
NOES: None
ABSENT: Councilmember Beswick

NEW BUSINESS

Employee

On motion of Councilmember Larson, seconded by Councilmember Milson, Council approved by AYE votes of all present an additional permanent full-time Account Clerk II position within the Utility Billing Division of the Finance Department.

Booking Fees

On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council authorized by AYE votes of all present the participation of the City of Redlands with other cities in San Bernardino County in challenging the validity of the booking fees authorized by SB 2557 and appropriate \$500.00. from Police Account No. 01-2001-2130, Consultants, for that purpose.

The following matters were acted upon during the afternoon session:

Claim

On motion of Councilmember Cunningham, seconded by Councilmember Larson, the late claim of Annorr M. Gowdy in the amount of \$90.00 was rejected by AYE votes of all present as the claim was not filed in a timely manner.

Claim

On motion of Councilmember Cunningham, seconded by Councilmember Larson, the claim of Faryar Nikbakht Hamadani in an unknown amount 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 Cunningham, seconded by Councilmember Larson, the claim of Judith Wirtz-Gray in the amount of \$1,438.22 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 Cunningham, seconded by Councilmember Larson, the claim of Julie K. Roe in the amount of \$2,000.00 was found not to be a proper charge against the City and therefore was rejected by AYE votes of all present.

Claim Mr. Arthur Jimenez addressed Council regarding his claim that the root system from the City's tree in the parkway caused his sewer lateral to collapse. Mayor DeMirjyn explained the procedure to him and referred him to staff for further assistance. On motion of Councilmember Cunningham, seconded by Councilmember Larson, the claim of Mr. and Mrs. Arthur Jimenez in the amount of \$998.24 was found not to be a proper charge against the City and therefore was rejected by AYE votes of all present.

Resolution No. 4736

Landscape Maintenance District

On motion of Councilmember Cunningham, seconded by Councilmember Larson, Resolution No. 4736, resolution of the City Council of the City of Redlands, County of San Bernardino, California, ordering the preparation of an Engineer's Report for Landscape Maintenance District No. 1 for fiscal year 1991-92, was adopted AYE votes of all present.

Resolution No. 4737

Street Lighting District

On motion of Councilmember Cunningham, seconded by Councilmember Larson, Resolution No. 4737, a resolution of the City Council of the City of Redlands, County of San Bernardino, California, ordering the preparation of an Engineer's Report for Street Lighting District No. 1 for fiscal year 1991-92, was adopted by AYE votes of all present.

Resolution No. 4738

Resolution No. 4738 amending the employee salary schedule to accommodate the necessary classification changes as a result of the reorganization of the Public Works Department was removed from the agenda and no action was taken at this meeting.

Funds

School Age Planning

On motion of Councilmember Larson, seconded by Councilmember Cunningham, Council accepted by AYE votes of all present 1991 School Age Planning grant funds and authorized appropriation of said funds to assist in the planning of before and after school programs on a "one time only" basis for a period of July 1, 1990 through June 30, 1991.

Grant Funds

Application

On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council authorized by AYE votes of all present the Recreation Division to apply for \$1,500.00 from the Arthritis Foundation, Southern California Chapter, Thomas E. Leavey Health Education and Services Program Grant.

Council District

Boundaries

Following a brief explanation, on motion of Councilmember Larson, seconded by Councilmember Milson, Council amended by AYE votes of all present the City Council district boundaries to conform with the request from the Registrar of Voters. Instead of having the north/south boundary between Districts 1 and 3 follow Tennessee south to San Mateo and turn at Brookside, the new boundary will continue on Tennessee Street to Brookside Avenue (Barton Road).

**Funds
N.O.I.S.E.**

On motion of Councilmember Cunningham, seconded by Councilmember Larson, Council authorized by AYE votes of all present an additional appropriation of \$1,155.00 for membership in the National Organization to Insure a Sound-Controlled Environment (N.O.I.S.E.) for the City of Redlands. This organization works with the aviation industry, airports and airlines to achieve more acceptable levels of aircraft noise.

There being no further business, the meeting adjourned at 8:25 P.M. to a closed session for the purpose of discussing personnel. No report was expected following the closed session.

Next regular meeting, February 19, 1991.

City Clerk