

MINUTES

of an adjourned regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue on August 26, 1991, at 3:00 P.M.

PRESENT

Charles G. DeMirjyn, Mayor  
Carole Beswick, Mayor Pro Tem  
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

None

PUBLIC HEARINGS

Fire Suppression Assessment District

City Clerk Poyzer reported that on June 4, 1991, the City Council directed staff to begin the mechanism for the establishment of a fire suppression assessment district. The motion was approved on a 3-2 vote with Councilmembers Cunningham and Milson opposing. NBS Lowry, Engineers & Planners, was retained to assist in the establishment of this assessment district. In accordance with State law, the report for Fire Suppression Assessment dated August 1991 was prepared and copies were made available to the public through the Fire Administration Office and the City Clerk's Office. A notice of the public hearing was mailed in a timely manner to each property owner in the City of Redlands; said notice was also published in the Redlands Daily Facts and The Sun on August 12 and on August 19, 1991. Written protests, as of 2:00 P.M. August 26, 1991, were received in the City Clerk's Office as follows:

|                           |       |
|---------------------------|-------|
| Total Protests received:  | 6,613 |
| Protests verified:        | 2,226 |
| Protests to be confirmed: | 4,387 |
| Protests withdrawn:       | 11    |

|                        |                       |
|------------------------|-----------------------|
| Current protest value: | \$149,837.24 or 5.89% |
|------------------------|-----------------------|

City Clerk Poyzer then reported that at least five percent of the total amount of the expected revenue had been received. Therefore,

in accordance with Government Code Section 50078.11, the City Council shall either abandon the assessment district or submit the matter to the voters for a two-thirds approval. If the Council desired an election on this matter, she recommended this hearing be continued to allow sufficient time for her to certify the remaining protest to determine the total value received. If that value should amount to at least one-third then the assessment district would be abandoned in accordance with State law. City Attorney Holmes explained in detail the alternatives available to Council at this time. Councilmember Larson said he was willing to concede to defeat and could see no point in spending additional funds to continue the process and moved to terminate the proceedings. Councilmember Milson seconded the motion and each Councilmember expressed their feelings to the large audience in attendance. The motion to terminate the proceedings carried by a unanimous vote and was applauded by the citizens in attendance. Mayor DeMirjyn then declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed. Councilmember Larson moved to abandon the Fire Suppression Assessment District in accordance with Section 50078.11 of the Government Code finding that the written protests made by holders of property interests proposed to be assessed and who will be obligated to pay the proposed required five percent of the total amount of expected revenue from the assessment, and that insufficient protests had not been withdrawn as of the close of the public hearing to reduce the same to less than five percent. Motion seconded by Councilmember Milson and carried unanimously.

Council briefly recessed at 3:30 P.M. and reconvened at 3:35 P.M.

#### Marigold Commerce Center - Redlands

Public hearings were continued to this time and place to consider Ordinance No. 2170, an ordinance of the City of Redlands approving a Development Agreement (No. 3) between Barton Development Company, the Glorious Redlands Investment Partnership and the City of Redlands, and Ordinance No. 2171, an ordinance of the City of Redlands approving a Development Agreement (No. 4) between Kaiser Foundation Hospitals and the City of Redlands. Mayor DeMirjyn declared the meeting open as a public hearing. Mr. James Barton and his attorney Charles Schultz negotiated with Councilmembers, assisted by City Attorney Holmes, clarifications to be contained within the draft development agreements. Following brief recess at 5:00 P.M. the Council reconvened at 5:10 P.M. and City Attorney Holmes

reviewed the language changes. The public hearing was declared closed at 5:55 P.M.

Ordinance No. 2170 Ordinance No. 2170, an ordinance of the City of Redlands approving Development Agreement (No. 3) between Barton Development Company, the Glorious Redland Investment Partnership and the City of Redlands, was read by title only by City Clerk Poyzer, and on motion of Councilmember Milson, seconded by Councilmember Beswick, further reading of the ordinance text was unanimously waived.

**Barton Development Agreement**

Ordinance No. 2170 was introduced and laid over under the rules with second reading scheduled for September 3, 1991, on motion of Councilmember Milson, seconded by Councilmember Larson, with Councilmember Cunningham abstaining from the vote as he felt he needed additional time to review the document.

**Ordinance No. 2171  
Kaiser Development  
Agreement**

Ordinance No. 2171, an ordinance of the City of Redlands approving a Development Agreement (No. 4) between Kaiser Foundation Hospitals and the City of Redlands, was read by title only by City Clerk Poyzer, and on motion of Councilmember Beswick, seconded by Councilmember Larson, further reading of the ordinance text was unanimously waived. Ordinance No. 2171 was introduced and laid over under the rules with second reading scheduled for September 3, 1991, on motion of Councilmember Beswick, seconded Councilmember Milson, with Councilmember Cunningham abstaining from the vote as he felt he needed additional time to review the document.

Council recessed at 5:50 P.M. and reconvened at 7:00 P.M.

**Senior Multipurpose  
Center**

Bids were opened and publicly declared on July 25, 1991, by the City Clerk for the Senior Multipurpose Center project; bid opening reports are on file in the Office of the City Clerk. Public Works Director Ron Mutter reported that two separate bids were opened; one for the building improvements and the other for the street improvements. Twelve bids were received for each project and spreadsheets were prepared showing all possible combinations of the base bids plus various deductions. Architect Clare Day also presented his suggestions. Bill Javert felt this project was unnecessary; agreeing with him were Michael Phillips and Don Stack. Urging approval of the construction of the Senior Multipurpose Center was Russell Roethlisberger. Council

discussed the options available at length noting this was one of the most difficult and vexing situations faced in many years. Councilmember Cunningham moved to continue the efforts towards a cost-effective program directing staff to explore all possibilities; to reject all bids and cancel the project; and to set aside as reserves the funds presently available. Motion seconded by Councilmember Beswick and carried with Councilmember Milson voting NO.

Council briefly recessed at 8:26 P.M. and reconvened at 8:35 P.M.

#### PUBLIC HEARINGS (Continued)

City Attorney Dallas Holmes reported on the Council's action taken during the afternoon session to abandon the Fire Suppression Assessment District project. No further public comments were received during the evening session on this matter.

#### Ordinance No. 2168 Litter Fee

Public hearing was advertised for this time and place to consider Ordinance No. 2168, an ordinance of the City of Redlands adding Chapter 5.92 to the Redlands Municipal Code to establish a litter abatement fee. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments concerning this ordinance. City Council candidate for District 2 Jim Foster did not feel any new fees should be imposed by the City at this time; he added that his comments pertained to all the ordinances scheduled on this agenda. Public Works Commissioner George Webber questioned why the commission was not involved in the preparation of these fee ordinances. There being no further comments, the public hearing was closed. Ordinance No. 2168 was read by title only by City Clerk Poyzer, and on motion of Councilmember Beswick, seconded by Councilmember Larson, further reading of the ordinance text was unanimously waived. Ordinance No. 2168 was introduced with unanimous Council approval and laid over under the rules with second reading and a continued public hearing scheduled for September 3, 1991, on motion of Councilmember DeMirjyn, seconded by Councilmember Larson.

In response to Council's inquiry about the ordinance establishing the relationship of commissions and the City Council, City Manager Wheaton said the ordinance is scheduled for a September meeting.

#### Ordinance No. 2158

Water and Sewer Fees Public hearing was advertised for this time and place to consider Ordinance No. 2158, an ordinance of the City of Redlands amending Chapters 3.52 and 3.62 of the Redlands Municipal Code relating to water and sewer service fees and charges. Utilities Resources Manager Michael L. Huffstutler reviewed the yearly update of the Water and Wastewater Rate Study Update dated June 1991 which recommended rate increases in two steps with an overall average residential water and sewer bill increase of 21 percent in the first step to be effective 30 days after adoption of the ordinance and a 13 percent increase effective March 1, 1992. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments. On behalf of the Board of Education of the Redlands Unified School District, Don Stark informed Council they were opposed to the sewer, water, and disposal increase and asked for an exemption. There being no further comments, the public hearing was declared closed. Ordinance No. 2158 was read by title only by City Clerk Poyzer, and on motion of Councilmember Larson, seconded by Councilmember Beswick, further reading of the ordinance text was unanimously waived. Ordinance No. 2158 was introduced and laid over under the rules with second reading scheduled for September 3, 1991, on motion of Councilmember Larson, seconded by Councilmember Beswick with Councilmember Cunningham expressing his strong opposition to this increase and voting NO.

#### Ordinance No. 2164

Solid Waste Increases Public hearing was advertised for this time and place to consider Ordinance No. 2167, an ordinance of the City of Redlands adding Chapter 5.96 of the Redlands Municipal code to establish a street sweeping fee. Councilmember Cunningham stated this was an inequitable fee and desired further study on the matter. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments. Bryant Jacobs urged approval of the ordinance as he felt everyone should pay to keep our City beautiful. Following brief discussion on this matter to September 3, 1991, morning study session and to continue the public hearing on the same date in the evening. Motion seconded by Councilmember Milson and carried unanimously.

#### NEW BUSINESS

##### Measure O Funds

On motion of Councilmember Beswick, seconded by Councilmember Larson, Council unanimously approved an appropriation of Measure O Funds for the acquisition of real property (Assessor's Parcel No. 291-167-06) located at orange Street and the proposed recreational area in the Santa Ana Wash in

the amount of \$50,000.00 and approximately \$2,000.00 in escrow fees; and authorized the Utilities Division to exchange required development capital improvement impact fees for the existing well; and authorized the Mayor to sign a purchase and sale agreement and joint escrow instruction between Gerald R. Eubanks and the City of Redlands. This purchase was recommended by the Open Space Committee and the Parks Commission and is a key parcel of land relative to recreational opportunities and possible golf course development.

#### **Palmateo Historic Designation**

Councilmember Cunningham moved to reconsider Resolution No. 4782, a resolution of the City Council of the City of Redlands designating the following as an historical property: Palmateo, 1122 West Palm Avenue, Redlands, which was approved on July 16, 1991. Motion seconded by Councilmember Larson and carried with Councilmember Beswick voting NO. Councilmember Beswick then moved to direct staff to report on the status of the property at the September 17, 1991, meeting at which time Council will consider whether or not to set this matter for a public hearing in the future. Motion seconded by Councilmember Larson and carried unanimously.

#### **Agreement**

**Santa Ana River Use** On motion of Councilmember Cunningham, seconded by Councilmember Beswick, Council unanimously approved an agreement with several other agencies to form the Santa Ana River Use Attainability Analysis Task Force with a maximum contribution of \$44,506.00 for the purpose of facilitating development of water resource management planning for the Santa Ana River Watershed.

There being no further business, the meeting adjourned at 9:58 P.M. to Tuesday, August 27, 1991, at 8:30 A.M. in City Hall, 30 Cajon Street, Redlands.

Next regular meeting, September 3, 1991.