

MINUTES

of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue, on September 3, 1991.

PRESENT

Charles G. DeMirjyn, Mayor  
Carole Beswick, Mayor Pro Tem  
William E. Cunningham, Councilmember  
Sven Larson, Councilmember  
Dee Ann Milson, Councilmember

Ronald C. Mutter, Assistant City Manager  
Daniel J. McHugh, City Attorney  
Lorrie Poyzer, City Clerk  
Steven Church, Redlands Daily Facts  
Pamela Fitzsimmons, The Sun

ABSENT

None

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

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

PLANNING AND COMMUNITY DEVELOPMENT

Resolution No. 4779 - California Environmental Quality Act - (CEQA) Guidelines

Councilmember Beswick moved to adopt Resolution No. 4779, a resolution of the City Council of the City of Redlands amending and adopting local guidelines for implementing the California Environmental Quality Act. Motion seconded by Councilmember Larson. Councilmembers Cunningham and Milson expressed concern by the drop in the Environmental Review Committee membership by three members. Following this discussion, the motion carried with Councilmember Cunningham and Milson voting NO.

PUBLIC HEARING

Pharris EIR

Public hearing was continued to this time and place to continue consideration and certification of the Final Environmental Impact Report for the agreement adopting restated conditions of approval for the Pharris Orange Street Aggregates Processing Plant permit and adoption of the agreement adopting restated conditions of

approval for the Pharris Orange Street Processing Plant permit. At 3:15 P.M. Principal Planner Paula McGrew reviewed the actions needed to adopt the agreement. Prior to adoption of the agreement, the City Council must consider and certify the Final Environmental Impact Report for the project as well as adopt a Mitigation Monitoring and Reporting Program. Additionally, a Statement of Overriding Consideration must also be adopted. The following items remained unresolved issues between City staff and C.L. Pharris: Traffic and Circulation, Measure No. 1, Air Quality Mitigation Measure No. 8, cost of funding the Mitigation Monitoring and Reporting Program, and new condition No. 32 relating to noise. Consultant Tom Dodson reviewed the mitigation measures in detail.

At 3:55 P.M. the meeting was declared open as a public hearing for any further questions and comments. John Moore restated Pharris should be responsible for the street sweeping and reiterated he did not feel the trucks should be using City streets; that if tunnels and paved haul roads were not required, then there should be no project and the annexation rescinded. Wanda Moore also wanted paved haul roads and expressed concerns about the noise standards and asked for a “no project” vote.

Gertrude Hagum again asked why the contract did not expire until 2065; suggested limiting the hours of operation and tonnage; and expressed concerns about the lack of a new or amended reclamation plan. On behalf of the City of Highland, Steve Walker and Ernest Wong reiterated their concerns concerning traffic and noise. On behalf of Robertson’s Read-Mix, John Harte and Craig Phillips reiterated their concerns and noted they were dedicated and committed to the use of haul roads and a tunnel under Orange Street. Frank Hill also urged Council to require haul roads. The applicant, Ron Pharris, addressed Council at length and reviewed the four issues. At 5:28 P.M. the public hearing on the Mitigation Monitoring and Reporting Program was closed. Councilmember Milson angrily noted that so much had been done and so much time expended on this project but we are still facing the same problems: traffic, noise, and air pollution. She stated the impact on the neighbors is enormous and the City needed to solve these problems to the best of its abilities but did not feel the City Council was headed in the right direction. She urged her fellow Councilmembers to use what she considered logic and common sense. Council then recessed at 5:30 P.M. and reconvened at 7:15 P.M.

Councilmembers continued their discussion on this matter expressing their individual opinions. Councilmember Beswick indicated they did not have the hard figures to deal with at this meeting and she also desired a review period be included within the agreement to allow the City to address any problems that arise during the duration of the contract. Councilmember Beswick moved to continue this matter to September 17, 1991, at 3:00 P.M. and directed staff to provide the costs associated with the street sweeping needs and Mitigation Monitoring and Reporting Program to include a duration of times in the New Condition No. 32 relating to noise; to provide a mutual agreement regarding the maintenance of the agreement; to include the requirement for the use of the Orange Street tunnel; and the assure the City Council that C. L. Pharris has obtained a business license. Motion seconded by Councilmember Larson and carried with Councilmembers Cunningham and Milson voting NO. Council briefly recessed at 8:35 P.M. and reconvened at 8:40 P.M.

#### COMMUNICATIONS

**Bees** Mr. Michael Celano, 1417 Pleasantview Drive, requested a permit, in accordance with Chapter 6.20 of the Redlands Municipal Code, to establish at least one "observation" (glass-sided for viewing) beehive and to maintain one full-sized colony on his property. Councilmember Cunningham asked if his neighbors have been notified, noting there could be problems locating bees in a residential neighborhood. Mr. Celano was directed to return to Council with this information.

#### **Cultural Arts Strategic Plan**

Cultural Arts Commissioner Bill McCalmon presented the Cultural Arts Commission Strategic Plan for 1991-93. Commending the Commission for their efforts, Councilmember Beswick moved to adopt this plan with no funding from the City at this time. Motion seconded by Councilmember Milson and carried unanimously.

**Prospect Park Gates** At the request of Mayor Pro Tem Beswick, staff reported to Council that approximately three years ago a number of property owners in the Belle View Tract (Prospect Drive, south of Highland Avenue) contacted various City staff members and requested permission to install gates across the private roads through this tract to provide security to the properties and reduce potential liability. A number of individuals have contacted the City with concerns regarding these gates. These individuals feel that the private roads should remain open to the general public as the

public has enjoyed the use of the roads for a number of years. They have requested the gates be removed. In an effort to accommodate both sides, the City has proposed a cooperative agreement that would allow public access to the area during the day and allow the gates to be closed at night. The agreement further provides that the roadways would be maintained by the City and that the City would assume liability resulting from roadway related problems.

Approval of this agreement will require the City to repair and maintain the private roadways through this tract at a minimum cost for initial repairs between 20,000 and \$30,000. Additional costs would depend on the level of service required. Councilmember Beswick moved to direct staff to complete the preparation of the Prospect Park Drive Private Road Access Agreement in accordance with the understandings reached between the parties outlined in the draft agreement presented at this meeting and return to the City Council as soon as possible. Motion seconded by Councilmember Cunningham and carried unanimously.

#### County Fees

Councilmember Cunningham reported the County is adopting development fees which are long overdue; the fees for the historical places and County museums will benefit Redlands and he moved to support them. Motion seconded by Councilmember Larson and carried unanimously.

#### Appointments

Councilmember Milson moved to appoint James Piper to a four-year term on the Town Center Advisory Commission effective September 5, 1991, and to reappoint Donna Hunter to a four-year term on the Town Center Advisory Commission. Motion seconded by Councilmember Larson and carried unanimously.

Council recessed at 9:09 P.M. to a Redevelopment Agency meeting and reconvened at 9:15 P.M.

#### PUBLIC HEARINGS (Continued)

##### Ordinance No. 2154

##### Electrical Code

Public hearing was advertised for this time and place to consider Ordinance No. 2154, an ordinance of the City Council of the City of Redlands adopting the National Electric Code, 1990 Edition, and related changes thereto. Chief Building Official Nick J. Anderson was present for any questions. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments. None being forthcoming the public hearing was declared closed. Ordinance No. 2154 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. 2154 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for September 17, 1991, on motion of Councilmember Larson, seconded by Councilmember Beswick.

**Resolution No. 4789**  
**Street Lighting District**

Public hearing was advertised for this time and place to consider Resolution No. 4789, a resolution of the City Council of the City of Redlands ordering the work in connection with Annexation No. 3 to Street Lighting District No. 1. Consultant Noel Christensen, CG Engineering, was present to respond to any questions. Mayor DeMirjyn declared the meeting open as a public hearing for any question or comments. None being forthcoming, the public hearing was declared closed. Councilmember Larson moved to adopt Resolution No. 4789. Motion seconded by Councilmember DeMirjyn and carried unanimously.

**Resolution No. 4793**  
**Landscape Maintenance**  
**District**

Public hearing was advertised for this time and place to consider Resolution No. 4793, a resolution of the City Council of the City of Redlands ordering the work in connection with Annexation NO. 6 to Landscape Maintenance District nO. 1. Consultant Noel Christensen, CG Engineering, was present to respond to any questions. Mayor DeMirjyn declared the meeting open as a public hearing for ay questions or comments. Represting the owners of Annexation No. 6-f, CUP 550, Stephen Benner informed Council they were opposed to bieng included in this district as they will maintain the grapefruit grove in conjunction with their property. There being no further comments, the public hearing was declared No. 4793 with the exception of Annexation No. 6-f for CUP 550 which will be included but with a waiver of the assessment. Motion seconded by Councilmember Milson and carried unanimously.

**Ordinance No. 2168**  
**Litter Fee**

Public hearing was continued to 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. Councilmember Cunningham reported he had heard from several businesses who were not opposed to this fee as long as the money was used for litter control. There being no further comments, the public hearing

was declared closed. Ordinance No. 2168 was given its second reading of the title 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 adopted on motion of Councilmember Beswick, seconded by Councilmember Larson, by the following vote:

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

Public hearing was continued to 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. Mayor DeMirjyn declared the meeting open as a public hearing. Councilmember Beswick moved to continue this matter to September 7, 1991. Motion seconded by Councilmember Milson and carried unanimously.

#### UNFINISHED BUSINESS

##### Ordinance No. 2160

##### Motel Signs

Ordinance No. 2160, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code by adopting Zoning Ordinance Text Amendment No. 212 relating to motel signs, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Milson, seconded by Councilmember Beswick, further reading of the ordinance text was unanimously waived. Ordinance No. 2160 was adopted on motion of Councilmember Milson, seconded by Councilmember Beswick, by the following vote:

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

##### Ordinance No. 2161

##### Real Estate Signs

Ordinance No. 2161, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code by adopting Zoning Ordinance Text Amendment No. 213 relating to real estate signs in residential areas, was given its second reading of the title 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. 2161

was adopted on motion of Councilmember Larson, seconded by Councilmember Milson, by the following vote:

AYES: Councilmembers Beswick, Cunningham, Larson, Milson; Mayor DeMirjyn

NOES: None

ABSTAIN: Councilmember Beswick

ABSENT: None

#### Ordinance No. 2166

##### Equestrian Trails

Ordinance No. 2166, an ordinance of the City Council of the City of Redlands adopting Amendment No. 1 to Specific Plan No. 43, equestrian trails, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Milson, seconded Councilmember Larson, further reading of the ordinance text was unanimously waived. Ordinance no. 2166 was adopted on motion of Councilmember Milson, seconded Councilmember DeMirjyn, by the following vote:

AYES: Councilmember Cunningham, Larson, Milson; Mayor DeMirjyn

NOES: None

ABSTAIN: Councilmember Beswick

ABSENT: None

#### Ordinance No. 2157

##### Capital Improvement Charges

Ordinance No. 2157, an ordinance of the City of Redlands amending Chapters 3.44, 3.48, and 13.40 of the Redlands Municipal Code relating to sewer and water capital improvement charges, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Milson, seconded by Councilmember Beswick, further reading of the ordinance text was unanimously waived. Ordinance No. 2157 was adopted on motion of Councilmember Milson, seconded by Councilmember Beswick, by the following vote:

AYES: Councilmember Beswick, Cunningham, Larson, Milson; Mayor DeMirjyn

NOES: None

ABSENT: None

#### Ordinance No. 2165

##### Capital Improvement Charges

Ordinance No. 2165, an ordinance of the City of Redlands adding Chapter 3.70 to the Redlands Municipal Code relating to solid waste capital improvement charges and establishment of the solid waste capital improvement fund, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember

Beswick, seconded by Councilmember Milson, further reading of the ordinance text was unanimously waived. Ordinance No. 2165 was adopted on motion of Councilmember Beswick, seconded by Councilmember Larson, by the following vote:

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

#### Ordinance No. 2170

##### Barton Development Agreement

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, was given its second reading of the title 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. 2170 was adopted on motion of Councilmember Beswick, seconded by Councilmember Milson, by the following vote:

AYES: Councilmembers Beswick, Larson, Milson; Mayor DeMirjyn  
NOES: Councilmember Cunningham (as he was troubled by the language regarding the wells)  
ABSENT: None

#### 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 given its second reading of the title 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 adopted on motion of Councilmember Beswick, seconded by Councilmember Milson, by the following vote:

AYES: Councilmembers Beswick, Larson, Milson; Mayor DeMirjyn  
NOES: Councilmember Cunningham (as he was troubled by the language regarding the wells)  
ABSENT: None

#### Ordinance No. 2158



#### Water and Sewer Rates

Ordinance No. 2158, an ordinance of the City of Redlands amending Chapters 3.52 and 23.62 of the Redlands Municipal Code relating to water and sewer fees and charges, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember DeMirjyn, seconded by Councilmember Milson, further reading of the ordinance text as unanimously waived. Emily Daniel, Redlands PTA Council, urged Council to sewer and disposal charges. Ordinance No. 2158 was adopted on motion of Councilmember Beswick, seconded by Councilmember Larson, with the understanding staff would review the school district's request and report back to the City Council, by the following vote:

AYES: Councilmembers Beswick, Larson, Milson; Mayor DeMirjyn

NOES: Councilmember Cunningham (as he was troubled by the language regarding the wells)

ABSENT: None

**Mello-Roos District** Councilmember Beswick moved to approve an agreement with Best, Best & Krieger as Bond Counsel and N. K. McPhail and Co. as Underwriter to form a Mello-Roos Community Facilities District (CFD 91-1) to fund public improvements as requested by the Barton Development Company and Kaiser-Permanente, and authorized the Mayor to sign the necessary documents. Motion seconded by Councilmember Larson and carried with Councilmember Cunningham voting NO. Councilmember Larson moved to authorize the creation of a special account for the expenditure of funds on behalf of the CFD 91-1 for services required for its implementation. Motion seconded by Councilmember Beswick and carried with Councilmember Cunningham voting NO.

#### Solid Waste Financing

Councilmember Beswick moved to approve an agreement with Best, Best & Krieger as Bond Counsel and N.K. McPhail and Co. as Underwriter to proceed with the funding program to correct a previous financial situation which requires the borrowing of approximately \$6 million for the solid waste function in order to fund certain future projects and repay certain obligations otherwise unsecured. Motion seconded by Councilmember Larson and carried with Councilmember Cunningham voting NO.

#### NEW BUSINESS

Measure O

**Property Acquisition** On motion of Councilmember Beswick, seconded by Councilmember Milson, Council unanimously approved the purchase of .83 acres of vacant land located at Lincoln and Laramie Streets from Mr. Robert Osborne in the amount of \$75,000.00 and up to \$2,000.00 in fees and charges for escrow purposes utilizing Measure O funds.

#### **Measure O**

**Property Acquisition** On motion of Councilmember Beswick, seconded by Councilmember Milson, Council approved the purchase of 5.08 acres of citrus grove land located at California Street and the I-10 Freeway from Mr. Donald Daniels in the amount of \$653,400.00 and up to \$2,000.00 in fees and charges for escrow purposes utilizing Measure O funds with Councilmember Cunningham abstaining from the vote as he has a possible conflict of interest.

Councilmember Larson moved to add an item to the agenda which arose subsequent to the agenda being posted: "Reconsideration of appeals set for Tentative Tract No. 14790 and Conditional Use Permit No. 558, BEK Engineering, applicant." Motin seconded by Councilmember Beswick and carried by AYE votes of all present. Councilmember Larson explained that he had discussed his concerns with the applicant about the 40-acre public park which was included in the application for the subdivision of 374 acres of land into 160 lots for property located on the east side of Alessandro Road, between San Temoteo Canyon Road and Sunset Drive, and he was satisfied with the applications at this time and did not wish to proceed with the appeals. Councilmember Cunningham indicated he would like to discuss the total project; therefore, Council concurred to proceed with the appeals which are scheduled for public hearing September 17, 1991.

The monthly contract monitoring reports updated to August 27, 1991, for prjects currently being administered by the Public Works Department were presented for Council's information.

#### **Contract Award**

##### **Citrus/Lincoln Improvements**

Bids were opened and publicly declared on August 22, 1991, by the City Clerk for the construction of the Citrus Avenue and Lincoln Street 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 Department of Public Works 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. in the amount of \$100,799.25 and it is in the best interest of

the City that this contract be awarded to said firm. On motion of Councilmember Beswick, seconded by Councilmember Milson, this recommendation was unanimously approved.

Texas Street Well      On motion of Councilmember Beswick, seconded by Councilmember Milson, Council unanimously awarded a contract for inspection of the Texas Street Well Site Volatile Organics Removal Facilities Project to Richard E. Hardy, Grand Terrace.

#### Resolution No. 4798

##### Housing Revenue Bonds

On motion of Councilmember Beswick, seconded by Councilmember Milson, Resolution No. 4798, a resolution authorizing the execution and delivery of a supplemental indenture of trust relating to \$8,000,000 City of Redlands, California, variable rate demand Multifamily Housing Revenue Bonds, 1988 Series A and 1988 Series B (Orange Village Apartments Project), was unanimously adopted.

There being no further business, the meeting adjourned at 10:00 P.M. to an adjourned regular meeting to be held on September 10, 1991, at 8:30 A.M. in City Hall, 30 Cajon Street, Redlands, California.

Next regular meeting, September 17, 1991.