

MINUTES

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

PRESENT

Charles G. DeMirjyn, Mayor
Carole Beswick, Mayor Pro Tem
William E. Cunningham, Councilmember
Swen Larson, Councilmember
Dee Ann Milson, Councilmember
James W. Foster, Councilmember-elect

James D. Wheaton, City Manager
Ronald C. Mutter, Assistant City Manager
Dallas Holmes, 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 Mayor Pro Tem Beswick followed by the pledge of allegiance.

Presentations - Mayor DeMirjyn presented a plaque with the City Seal to Mayor Pro Tem Beswick acknowledging her eight years of service on the City Council. Mayor Dennis Johnson, City of Highland, read a proclamation thanking Mrs. Beswick for her helpfulness, cooperation, and assistance to his new City. On behalf of the San Bernardino Valley Municipal Water District, Margaret Clark presented Mrs. Beswick a plaque in recognition of her work with the water community. City Clerk Lorrie Poyzer gave Mrs. Beswick a Waterford crystal gavel and walnut base commemorating her service to the City.

Resolution No. 4818 - Election Results - City Clerk Poyzer presented Resolution No. 4818, a resolution of the City Council of the City of Redlands reciting the fact of the General Municipal Election held on November 5, 1991, declaring the following results, and such other matters as provided by law:

MEMBER OF THE CITY COUNCIL, DISTRICT 2

VOTES CAST

James W. Foster	1,274
Bill Turnpaugh	1,039
Dean Meech	548
John O'Neal	102
Turnout Percentage	35.9%

MEMBER OF THE CITY COUNCIL, DISTRICT 4

William E. Cunningham	1,339
Bill McCalmon	1,068
Turnout Percentage	46.9%

CITY CLERK

Lorrie Poyzer	8,374
Turnout Percentage	34.7%

CITY TREASURER

Michael Reynolds	8,170
Turnout Percentage	34.7%

MEASURE M - UTILITY USERS TAX

Yes	5,162
No	5,279
Turnout Percentage	34.7%

On motion of Councilmember Beswick, seconded by Councilmember Larson, Resolution No. 4818 was unanimously adopted and the complete text ordered filed in the Office of the City Clerk.

Certificates of election were presented by City Clerk Poyzer to Councilmembers-elect Cunningham and Foster. City Clerk Poyzer then administered the oaths of office to the newly-elected members of the City Council.

Officers Election - City Clerk Poyzer called for nominations for the Office of Mayor for a two-year term. Councilmember Foster nominated Charles G. DeMirjyn and Councilmember Milson nominated William E. Cunningham. Charles G. DeMirjyn was elected Mayor for two-year term by the following roll call vote:

DeMirjyn: Councilmember Larson, Foster, DeMirjyn
Cunningham: Councilmembers Milson, Cunningham

City Clerk Poyzer called for nominations for the Office of Mayor Pro Tem for a two-year term. Councilmember Foster nominated Swen Larson and Councilmember Milson nominated William E. Cunningham. Swen Larson was elected Mayor Pro Tem for a two-year term by the following roll call vote:

Larson: Councilmembers DeMirjyn, Foster, Larson

Cunningham: Councilmembers Milson, Cunningham

Minutes of the adjourned regular meeting of November 19, 1991, were approved as submitted. Minutes of the regular meeting of November 19, 1991, were approved with a correction on the vote for Resolution No. 4816, 1991 Solid Waste Capital Improvements Project; the resolution was approved with Councilmembers Cunningham and DeMirjyn voting NO.

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

PLANNING AND COMMUNITY DEVELOPMENT

Minor Subdivision No. 215 - Joanne Nightengale - Final Approval

On motion of Councilmember Milson, seconded by Councilmember Larson, Council unanimously granted final approval for Minor Subdivision No. 215, a subdivision of 64.61 acres of land into three lots for property located on Live Oak Canyon Road, approximately one mile west of the I-10 Freeway and north of the Riverside/San Bernardino County line, as all requirements as contained in Planning Commission minutes dated November 12, 1991, had been met.

COMMUNICATIONS

Bowl Office - The Redlands Community Music Association, Inc. proposed to add an additional fifteen feet on the west side of the present office at the Procellis (Redlands Bowl) and twenty feet of width. The exterior appearance would be identical to that of the present office. They requested that the City approve this request and remove one tree and install the necessary foundation. All other expenses would be paid for by the Redlands Community Music Association with the understanding they would have exclusive right to the use of the building as long as they continued as a going concern and maintained their present practice of providing free summer concerts with no restrictions on race, religion, sex or color in the audience or on stage. Following brief discussion, Councilmember Milson moved to approve this request in concept. Motion seconded by Councilmember Larson and carried unanimously.

Alley Vacations - On behalf of residents and property owners, Mr. David Burton requested the City Council to initiate the vacation of portions of the east-west alley which connects north-south alleys of lots in the 200 blocks of Judson Street, Craig Court and Kay Court. It was also requested that the City perform certain capital improvements on the portion of the alley to be vacated. Public Works Director Ron Mutter presented staff recommendations responding to Mr. Burton's requests. Councilmember Cunningham indicated he had a problem spending the taxpayers' money on improvements on property which the City was giving away. Councilmember Foster agreed and moved to continue this matter to the first meeting in January for more information and to verify title on the property. Motion seconded by Councilmember Milson and carried unanimously.

The Public Works Commission recommendation regarding the Nevada Street repair due to trench failure was continued to the December 17, 1991, Council meeting.

Council recessed at 4:13 P.M. to a Redevelopment Agency meeting and reconvened at 4:14 P.M. to a closed session for the purpose of discussing property acquisitions 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 7:00 P.M.

PRESENTATIONS

Mayor DeMirjyn presented a City Seal plaque and a gold watch to Fire Department Division Chief Robert E. Forsythe in recognition of his recent retirement. Chief Forsythe served over 26 years with the Redlands Fire Department starting September 16, 1965 and retiring on November 30, 1991.

Mayor DeMirjyn presented a certificate of appreciation to members of the Sunrise Rotary Club for their installation of 400 reflectors designating the location of fire hydrants throughout Redlands.

The Redlands Recreation Division sponsored a "Say No to Drugs" poster contest for children in grades Kindergarten through 6th grade during the recent National Red Ribbon Week. The poster contest generated over 500 entries. First, second and third prizes were awarded to three students from each grade. Certificates of participation and prizes were presented to the winners at this meeting by Mayor DeMirjyn and Mayor Pro Tem Larson.

PUBLIC HEARINGS

Appeals - Conditional Use Permit No. 545 and Tentative Tract No. 14232 - Paul G. Marshall - Public hearing was continued to this time and place to consider an appeal of the Public Works Department requirement to provide dry sewers for Conditional Use Permit No. 545 and Tentative Tract No. 14232, the subdivision of 45 acres of land into 22 lots for property located south of Route 38, east of the City of Redlands Henry Tate Water Treatment Plant and west of Bryant Street in the R-R (Rural Residential) District. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments. Mr. Marshall, the applicant, and his legal counsel Bryant McDonald urged Council to waive the dry sewer requirement for their project. Michael Atencio also urged approval of the applicant's request. Acknowledging that sewers were probably unnecessary in this location, Councilmember Cunningham moved to continue this public hearing and refer the application back to the Planning Commission to further review this requirement. Motion seconded by Councilmember Larson and carried unanimously.

Appeal - Variance No. 494 - Delmar and Cheree Aitken

Public hearing was advertised for this time and place to consider an appeal to the Planning Commission's decision to deny variance No. 494, a request to be allowed lot

coverage in excess of that allowed in the Redlands Municipal Code for property located at 310 Westwood Drive, R-E Zone. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comment. The applicant, Mr. Aitken reviewed his design for a new home and explained why he felt this variance should be granted. There being no further comments, the public hearing was declared closed. Councilmember Larson moved to approve the appeal based on the findings presented by the applicant at this hearing and to approve Variance No. 494 with the following findings: (1) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties or uses in the same vicinity and zone because of the unique size of the lot, the unanimous support of the neighbors, that the architecture is pleasing, and the structure will be an asset to the area; (2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone district but which is denied to the property in question because of the unique size of the lot; (3) That the granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements of others in the vicinity because light, air and temperatures will not be seriously affect; and (4) That the granting of such variance will not adversely affect the General Plan of the City of Redlands because this will be a single family residence. Motion seconded by Councilmember Milson and carried unanimously.

PUBLIC COMMENTS

City Councilmember candidate from District 2 Dean Meech extended congratulations to Councilmembers Cunningham and Foster and wished the entire City Council success in their endeavors.

John D. Moore urged the City Council to consider establishing a cycle for the office of Mayor to allow each district the opportunity to be represented by said office.

Mayor DeMirjyn turned the gavel over to Mayor Pro Tem Larson and left the Chambers at 8:10 P.M.

Tony Martinez addressed Council urging them to change the system for the election of Mayor.

Mayor DeMirjyn returned to the Chambers at 8:14 P.M.

UNFINISHED BUSINESS

Ordinance No. 2175 - Bed and Breakfast Inns - Ordinance No. 2175, an ordinance of the City of Redlands amending Chapter 18.156 of the Redlands Municipal Code relating to the development provisions for specific uses (Bed and Breakfast Inns), was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Milson, seconded by Councilmember Larson, further reading of the ordinance text was unanimously waived. Ordinance No. 2175 was adopted on motion of Councilmember Milson, seconded by Councilmember Larson, by the following vote:

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

Measure O Land - Community Services Director Rodriguez reported the Open Space Committee and the Parks Commission voted unanimously to recommend the acquisition of real property located at the northeast corner of Wabash Avenue and the I-10 Freeway. The parcels being recommended total 24.01 acres and are being proposed for purchase as a multi-purpose park. The available land is useful in terms of providing natural open space, picnic areas, active areas for organized sports as well as a potential for a commercial joint venture on several acres of land. Councilmember Foster indicated he had a problem with the site in that he felt the price was too high and we did not need to take this on at this time. Councilmember Larson noted receipt of many citizen's concerns about a sports facility at this site and expressed concern about the location of a high pressure gas line. Member of the Parks Commission Robert Schuler explained the rationale for the decision to recommend acquisition of this land. Urging denial of the this recommendation were Bob Roberts and San Bernardino resident Terrance Emerstig. Following discussion, Councilmember Foster moved to deny the recommendation for the acquisition of this property. The motion was seconded by Councilmember Larson and overtaken by a motion by Councilmember Cunningham to continue the matter for further review and assessment. The motion to continue was seconded by Councilmember Larson and overtaken by a motion by Councilmember Cunningham to continue the matter fir further review and assessment. The motion was seconded by Councilmember Milson and failed with Councilmember DeMirjyn, Larson, and Foster voting NO. Following further discussion, Councilmember Foster agreed to withdraw his motion for denial; Councilmember Larson concurred and withdrew his second. Councilmember Foster then moved to table the matter until the current property owners had provided more information regarding the soil and pipeline. Motion seconded by Councilmember Larson and carried unanimously.

NEW BUSINESS

Parades - Expressing his desire to have additional time to study Ordinance No. 2177, an ordinance of the City of Redlands amending Chapters 8.64 and 12.40 of the Redlands Municipal Code relating to outdoor festivals, parades and public assemblies, Councilmember Foster moved to continue this matter. Motion seconded by Councilmember Cunningham and carried unanimously.

The following items were acted upon during the afternoon session:

The monthly contract monitoring reports updated to November 22, 1991, for projects currently being administered by the Public Works Department were distributed to Councilmembers.

Fire Agreement - The California Department of Forestry is closing their fire station located at Barton Road and Anderson Street in Loma Linda effective January 1, 1992.

There are two islands of County Service Area responsibility which are within the Redlands city limits; it is proposed that the City provide all fire and emergency medical protection to these areas as our fire facilities are closer thereby reducing the response time to those areas significantly. The agreement provides for an annual payment of \$21,438.00 to be paid to the City of Redlands. City Attorney Holmes recommended the document be amended to include reciprocal indemnification clauses and to delete the provisions for all but Workers' Compensation. Councilmember Larson moved to approve the Fire Protection Services agreement between County Service Area 38 and the City of Redlands as recommended by the City Attorney. Motion seconded by Councilmember Foster and carried unanimously.

Lien Agreement Release - On motion of Councilmember Milson, seconded by Councilmember Larson, Council unanimously authorized a partial release of the lien agreement for improvements at 141 Campbell. The lien agreement was recorded on May 20, 1985, Document No. 85-123008.

Appointments - On motion of Councilmember Milson, seconded by Councilmember Larson, Council unanimously reappointed Tomi Foerster and appointed Gary Henson to the Business Improvement District Advisory Board effective December 31, 1991.

Action of the contract for construction of the California Street Landfill Monitoring Wells project was unanimously continued to December 17, 1991, on motion of Councilmember Milson, seconded by Councilmember Larson.

Resolution No. 4819 - Holidays - On motion of Councilmember Milson, seconded by Councilmember Larson, Council unanimously approved Resolution No. 4819, a resolution of the City of Redlands designating holidays to be observed by the employees of the City of Redlands.

Funds - Recreation Division - On motion of Councilmember Milson, seconded by Councilmember Larson, Council unanimously approved an additional appropriation for \$9,000.00 to the Community Services Department, Recreation Division, to fund trips and tours for their childcare programs. The revenues and expenses for this program were inadvertently left out for the 1991-92 fiscal year budget.

Escrow Funds - On motion of Councilmember Milson, seconded by Councilmember Larson, Council unanimously approved an additional appropriation of \$6,200.00 of Measure O funds to purchase 5.042 acres of citrus groves located at California Street and the I-10 Freeway.

There being no further business, the meeting adjourned at 8:53 P.M. to an adjourned regular meeting to be held on December 17, 1991, at 8:30 A.M. in the City Corporation Yard, 1207 West Park Avenue, Building C.

Next regular meeting, December 17, 1991, at 3:00 P.M.