

MINUTES of an adjourned regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue on February 18, 1992, at 3:00 P.M.

PRESENT Charles G. DeMirjyn, Mayor  
Swen Larson, Mayor Pro Tem  
William E. Cunningham, Councilmember  
Dee Ann Milson, Councilmember  
Jim Foster, Councilmember

James D. Wheaton, City Manager  
Ronald C. Mutter, Assistant City Manager  
Scott Smith, City Attorney  
Lorrie Poyzer, City Clerk  
Steven Church, Redlands Daily Facts  
Pamela Fitzsimmons, The Sun

ABSENT None

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

Minutes of the adjourned regular meeting of February 4, 1992, the regular meeting of February 4, 1992, and the special meeting of February 7, 1992, were approved as submitted.

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

#### PRESENTATION

Grant In recognition of our leadership in the use of seat belts, the California Highway Patrol honored the City of Redlands Police Department and presented a plaque to Police Chief Brickley and Jim Buerrman of the Traffic Division along with a grant of funds.

#### PLANNING AND COMMUNITY DEVELOPMENT

##### Planning Commission Actions - February 11, 1992

On motion of Councilmember Larson, seconded by Councilmember Milson, the report of the last Planning Commission meeting was unanimously acknowledged as received.

##### General Plan Consultant

Councilmember Foster moved to add the following item to the agenda which arose subsequent to the agenda being posted: "Report - General Plan Consultant." Motion seconded by Councilmember Larson and carried unanimously. Community Development Director Shaw reported he received a letter dated February 7, 1992, from John Blayney, Blayney Dyett Greenberg, serving as notice of termination of the May 17, 1988, agreement with the City to assist in the preparation of the General Plan. Councilmembers expressed their concerns, but the Planning staff felt they would be able to complete the General Plan without further assistance from Mr. Blayney; the sub-consultants will continue their work. Workshop meetings are scheduled to begin on March 3, 1992, to review the draft document and prepare the document for public hearings.

### COMMUNICATIONS

Sponsorships On motion of Councilmember Larson, seconded by Councilmember Milson, Council unanimously approved to provide for City sponsorship of a piano recital by Ms. Frances Scott at the A.K. Smiley Library Assembly Room on Tuesday, March 17, 1992. On motion of Councilmember Larson, seconded by Councilmember Milson, Council unanimously agreed to provide for City sponsorship of a Scottish Festival to be held in Smiley Park on September 27, 1992.

Council recessed at 3:38 P.M. to a Redevelopment Agency meeting and reconvened at 3:39 P.M. to a closed session for the purpose of discussing personnel matters, 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 7:00 P.M.

### PRESENTATIONS

#### Fire Department

On behalf of the Fire Department, Mitch McKee accompanied by Mayor DeMirjyn presented a resolution expressing appreciation to Gary Cottingin, Redlands Community Hospital, for their overwhelming support of the Paramedic Program.

### CLOSED SESSION REPORT

Attorney Smith reported that the City Council, during their closed session, voted to reaffirm the budget adjustments contained in the City Manager's memorandum dated January 23, 1992, which included positions to be reduced or eliminated, by the following vote:

AYES: Councilmembers Larson, Foster; Mayor DeMirjyn  
NOES: Councilmembers Milson, Cunningham

Mayor DeMirjyn left the Council Chambers at 7:07 P.M.

### PUBLIC HEARINGS

CDBG Funds Public hearing was continued to this time and place to consider reprogramming Community Development Block Grant Funds Project No. 111-142-12 (Historic Preservation Loan) to Community Development Block Grant Funds Project No. 111-10301 (Senior Nutrition Center Facility). In conjunction with this public hearing was a report from Community Services Director Rodriguez regarding the Senior Nutrition Task Force citing recommendations. The Task Force reviewed the following potential sites: Community Park, Community Center, Salvation Army, Redlands Red Cross, Redlands YMCA, Redlands Armory, and a commercial building located at 410 North Sixth Street. It was their consensus that of the seven sites, two stand out as the most logical to provide space for the Senior Nutrition Program. Detailed information was provided for the Community Park site and the Community Center. It was recommended that the Community Center be studied further by the City as the most probable location. Mayor Pro Tem Larson declared the meeting open as a public hearing for any questions or comments.

Tony Martinez indicated he thought the Community Center would be a good site for the Senior Nutrition Program. Jim Bice, Program Director for the Boys and Girls Club, proposed a joint effort. There being no further comments, the public hearing was declared closed.

Councilmember Larson moved to instruct staff to prepare a more detailed report regarding the Community Center proposal for locating the Senior Nutrition Program. Motion seconded by Councilmember Milson and carried unanimously. Councilmember Larson moved to maintain the Community Development Block Grant project funds as presently funded and approved. Motion seconded by Councilmember Cunningham and carried unanimously.

Mayor DeMirjyn returned to the Council Chambers at 7:30 P.M.

### Resolution No. 4849 - Street Vacation No. 102 - Appeal - Lot Line Adjustment No. 311 - I. Feldcamp

Public hearing was continued to this time and place to consider an appeal for Lot Line Adjustment No. 311 for property located between Garden and Elizabeth Street, and another public hearing was advertised for this time and place to consider Resolution No. 4849, a resolution of the City Council approving Street Vacation No. 102 for the vacation of an alley located between Garden and Dwight Streets, 424 feet northerly of

Elizabeth Street. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments.

The applicant, Dr. Feldcamp, offered to provide access for the children to Garden Street by providing a walkway on Elizabeth Street and as a condition for the approval of Street Vacation No. 102 agreed to the following improvements along Elizabeth Street:

1. The existing driveway along Elizabeth Street will be closed and regraded to provide pedestrian access outside the existing street pavement.
2. The vegetation along Elizabeth Street will be cleared to behind the existing chain link fence and trees will be trimmed to provide clearance for pedestrian traffic.
3. A pedestrian path will be created along Elizabeth Street outside of the existing street pavement running from Dwight Street to Garden Street. Said path will be provided with three (3) feet of asphalt paving.
4. All improvements will occur concurrently with the improvements to the new driveway at the northerly portion of the property.

On behalf of the neighbors who had been protesting this alley vacation, Dennis Flynn indicated they were agreeable to these additional improvements. There being no further comments, the public hearing was declared closed.

Expressing the City Council's appreciation for Dr. Feldcamp's cooperation, Councilmember Milson moved to approve Resolution No. 4849, a resolution of the City Council of the City of Redlands finding that a portion of a certain alley is unnecessary for present or prospective street purpose and ordering the vacation of said portion (Street Vacation No. 102). Motion seconded by Councilmember Larson and carried unanimously. Councilmember Milson moved to uphold the appeal and approve Lot Line Adjustment No. 311 in accordance with the map as submitted to be recorded by certificate of compliance and subject to conditions approved by the Planning Commission and the above-noted improvements along Elizabeth Street. Motion seconded by Councilmember Larson and carried unanimously.

#### Resolution No. 4847 - Street Vacation No. 101

Public hearing was advertised for this time and place to consider Street Vacation No. 101, the vacation of a portion of Sunset Drive (formerly called Cliff Avenue). Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments. Forrest F. Cathey submitted copies of a petition containing approximately 252 signatures which opposed the vacation of this portion of Sunset Drive as they felt it includes

the only view lot which has a turn-out on this scenic drive and strongly recommended converting the site to a pocket-park. Paul Hammond also urged that this application be denied. There being no further comments, the public hearing was declared closed. A motion to continue this matter was made by Councilmember Larson, seconded by Councilmember Foster, and failed by the following vote:

AYES: Councilmembers Larson, Foster

NOES: Councilmembers Cunningham, Milson; Mayor DeMirjyn

Following discussion, Councilmember Cunningham moved to deny Resolution No. 4847. Motion seconded by Councilmember Milson and carried unanimously.

Appeal - Variance No. 495 - Conditional Use Permit

No. 496 (Revised) - Irene Mazich, Appellant

On January 14, 1992, the Planning Commission voted 4-3 to approve Variance No. 495, an application for a variance from the development standards of Redlands Municipal Code Section 18.156.190H (Architectural Treatment) to permit a detached canopy rather than a continuous roof structure connecting the customer pump area with the station roof for property located at 517 East Redlands Boulevard, and Conditional Use Permit No. 496 (Revised), an application for revisions to an existing gasoline station to permit a mini-mart/delicatessen/ice cream parlor in addition to gasoline sales on the same property. On January 23, 1992, an appeal was filed by Mrs. Irene Mazich, the property owner, who is opposed to the project. The project was filed by the lease holder of the property Mr. Bob Gomez. Mrs. Mazich does not feel this is a valid application because Mr. Gomez is not the owner's authorized agent. She is also concerned about the development on the northerly portion of the project referred to as "the alley way" and the impact this would have on the property located at 522 East Central Avenue. After consideration, the City Attorney decided that the application could be processed with the addition of Condition No. 32 which states "Within five (5) days of approval, the project proponent shall submit and execute a hold harmless agreement approved in form and content by the City Attorney. Cost of review to be paid by the project proponent." The City Attorney feels the City should not be embroiled in the ability of the lease to establish an authorized agent; that this legal point could be decided between the property owner and the leaseholder without City involvement. In reference to the alley, said alley was vacated (Street Vacation No. 91) by the City Council in October 1987. If the portion of the vacation received by Mrs. Mazich is leased to MR. Gomez, this would once again appear to be a civil matter between the tenant and the property owner. The staff concluded the issues raised by the appellant do not appear substantive to the project review; therefore, staff supported the project as conditioned and

recommended denial of the appeal. Mayor DeMirjyn declared the meeting open as a public hearing.

On behalf of Mrs. Mazich, Gregory Brittain from the law offices of Granowitz and White, urged Council to deny the applications because they feel her son-in-law, Mr. Gomez, is not the property owner nor her authorized agent. Mr. Gomez, the applicant, explained the ocnditions of the lease and urged Council to approve his applications as he feels he can iron out any problems with his mother-in-law, the landlord. A neighbor, Alice Morrison, supported the project. There being no further comments, the public hearing was declared closed.

Councilmembers discussed the application of the lease in conjunction with City laws. Noting he felt the City was involved in a family fight, Councilmember Larson moved to continue this matter and refer it back to staff for more information on the merit of the project and findings, if any, for possible denial. Motion seconded by Councilmember Milson and carried with Councilmember Foster abstaining because of possible conflict of interest.

Ordinance  
No. 2181

Public hearing was advertised for this time and place to consider Ordinance No. 2181, an ordinance of the City of Redlands amending Chapter 15.36 of the Redlands Municipal Code by adopting Zoning Ordinance Text Amendment No. 218 relating to portable and decorative signs within the downtown business district boundaries.

Signs

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. 2181 was read by title only by City Clerk Poyzer, and on motion of Councilmember Milson, seconded by Councilmember Cunningham, further reading of the ordinance text was unanimously waived. Ordinance No. 2181 was introduced with unanimous Council approval and laid over under the rules with second reading scheduled for March 3, 1992 on motion of Councilmember Milson, seconded by Councilmember Cunningham.

PUBLIC COMMENTS

Layoffs

On behalf of the Redlands Professional Firefighters Greg Hostetler expressed concerns about the understaffing of the Redlands Fire Department. Also expressing concerns about the layoff of City Employees were the following citizens: Steven Yellon, Peggy O'Donnel, Janice Yellon, Ken Weinstock, Richard Finkelman and David Lawrence. Chris Cozen expressed her distress with the wording of the letters notifying employees of their termination of employment.

## UNFINISHED BUSINESS

### Smiley Park

Neighborhood At the meeting of January 21, 1992, the City Council continued their consideration on designating Smiley Park Neighborhood as Historic District No. 8 to this time. The City Council referred the matter to the Planning Commission which has since found the designation of the District to be consistent with the General Plan, specifically the Land Use, Community Facilities, Scenic Highways and Historic Preservation Elements. The Planning Commission voted to endorse the designation of the District as consistent with the General Plan. Since the January 21 meeting, additional signatures have been added to the petition requesting designation; over 75 percent of the property owners are now in favor of this designation. Staff reported that the specific plan being prepared by the property owners for Council's consideration does not overlay much of the proposed historic district, and that the specific plan, if adopted, would take precedence over the historic district.

Although this was no longer a public hearing, Mayor DeMirjyn allowed citizens who wished to speak to this matter the opportunity. Speaking in favor of the formation of the historic district were Bettina McLeod, Tom Murdoch, Patricia Larson, Cliff Alexander, Jo Juran on behalf of the Joslyn Senior Center Board, Jack Dangermond, and Jon Harrison. Asking for a continuance to allow for preparation of the specific plan were: Jack Cummings on behalf of the Redlands First United Methodist Church, Philip Sousa on behalf of Sacred Heart Church, J. Philip Cline on behalf of the Beaver Medical Clinic and Fern Properties, Inc., Bruce Laycook on behalf of the First Baptist Church, and retired pastor of the Methodist Church Herbert M. Fink. Opposed to the formation of the district was Gregory Garcia.

Following discussion, Councilmember Larson moved to adopt Resolution No. 4836 which approved Historic District No. 8. Motion seconded by Councilmember Milson and failed by the following vote:

|          |                                 |
|----------|---------------------------------|
| AYES:    | Councilmembers Larson, Milson   |
| NOES:    | Councilmembers DeMirjyn, Foster |
| ABSTAIN: | Councilmember Cunningham        |

Councilmember Foster then moved to continue this matter for 90 days to be returned with the draft specific plan being prepared by the applicants. Motion seconded by Councilmember Larson and carried by the following vote:

|          |                                       |
|----------|---------------------------------------|
| AYES:    | Councilmembers Larson, Milson, Foster |
| NOES:    | Councilmember DeMirjyn                |
| ABSTAIN: | Councilmember Cunningham              |

Commissions Councilmember Foster again asked Councilmembers to reconsider his proposal to consolidate some of the commissions and reduce the number of commissioners. Councilmember Larson moved to combine the Business Improvement District Board of Directors and Town Center Advisory Commission. Motion seconded by Councilmember Cunningham and carried unanimously. Councilmember Larson's motion to table further discussion on this proposal did not receive a second. Councilmember Cunningham moved to reaffirm the constituted commissions and board except for the just approved change. Motion seconded by Councilmember Larson and carried unanimously.

Ordinance  
No. 2180

Ordinance No. 2180, an ordinance of the City Council of the City of Redlands making California Code of Civil Procedure Section 1094.6 applicable to all final administrative decisions or orders which are subject to review under California Code of Civil Procedure Section 1094.5, was given its second reading of the title by Deputy City Clerk Sanchez, and on motion of Councilmember Larson, seconded by Councilmember Milson, further reading of the ordinance text was unanimously waived.

Civil  
Procedures

Ordinance No. 2180 was adopted on motion of Councilmember Larson, seconded by Councilmember Milson, further reading of the ordinance text was unanimously waived. Ordinance No. 2180 was adopted on motion of Councilmember Cunningham, seconded by Councilmember Milson, by the following vote:

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

NEW BUSINESS

Conflict of Interest

In compliance with Government Code Section 87306.5, Councilmember Cunningham moved to direct the City Clerk to review the City's Conflict of Interest Code and submit a written response to the Fair Political Practices Commission (FPPC) as to compliance no later than October 1, 1992, and every even-numbered year thereafter until the law is changed. Motion seconded by Councilmember Larson and carried unanimously.

The following matters were acted upon during the afternoon session:

Funds

On motion of Councilmember Larson, seconded by Councilmember Milson, Council unanimously approved an appropriation of up to \$2,500.00 to place a chain link fence along the Zanja at the Jennie Davis Park for safety purposes as recommended by the Parks Commission.

Employee  
Alcohol and  
Drug Policy

On motion of Councilmember Larson, seconded by Councilmember Milson, Council unanimously approved the Alcohol and Drug Abuse Policy for City employees as negotiated with the applicable employee associations.

Measure O  
Funds

On motion of Councilmember Foster, seconded by Councilmember Larson, Council approved an appropriation of \$1,400,000 from Measure O Funds for the acquisition of 40 acres of real property (San Bernardino County Assessor's Parcel No. 168-091-02) located at the southwest corner of Wabash Avenue and Pioneer Avenue and approximately \$2,000 in escrow fees as recommended by the Open Space Committee, the Citrus Committee, Recreation Commission and the Park Commission. Councilmember Cunningham abstained from the votes he did not feel he had enough information regarding water for the property.

City Property

On motion of Councilmember Larson, seconded by Councilmember Milson, Council unanimously moved to place two City-owned structures located at 1211 and 1217 Washington Street out for public auction. It was noted the City owns four structures on Washington Street which were purchased with Community Development Block Grant funds for the expansion of the Community Center's parking lot area. One of the structures was donated to the Home Again Project on June 18, 1991, by City Council to be used as offices for the East Valley Mental Health Department. Another structure located at 1227 Washington Street will be demolished due to its deteriorated condition. The other two structures will be offered for public auction and the successful bidder will be responsible for all moving costs.

Funds

On motion of Councilmember Larson, seconded by Councilmember Milson, Council unanimously authorized the Mayor to sign an agreement relating to the construction of improvements to Alabama Street with the City of Highland; an agreement for installation of guardrail with the City of San Bernardino; and a common use agreement with San Bernardino County Flood Control District. Zone 3, Plunge Creek at Alabama Street, FA 39108; and further to allocate \$52,000 of Local Transportation Funds for the City of Redlands' share for widening, repairing, restriping and installation of guardrail on Alabama Street at City Creek.

There being no further business, the meeting adjourned at 10:15 P.M. to an adjourned regular meeting to be held on March 3, 1992 at 9:00 A.M. in the City Hall Plaza, 2 East Citrus Avenue, Suite 15C, Redlands, California.

Councilmember Cunningham moved that the CFD Mello-Roos District be formed to include only the property owners who petitioned for it, that vacant land come in as conditioned, and that no improved property be included. Motion seconded by Councilmember Larson and carried unanimously.

General Plan Planner Sandy Andres reviewed the status of the General Plan including the retirement of the consultant, cost increases expected for the sub-consultants, the environmental impact report, the preparation of the document, meetings of the Citizen's Committee, and the Planning Commission's study sessions. Councilmembers discussed the format of their study sessions and agreed to meet every Tuesday morning at 9:00 A.M. and on the second and fourth Tuesdays at 7:00 P.M. They concurred to schedule focused two-hour sessions and to allow public input.

Council briefly recessed at 10:25A.M. and reconvened at 10:30 A.M.

City Attorney McHugh reviewed legal issues to be presented to the City Council prior to the public hearing which included application of Measure N, land use/housing element, school district requests, historic element, and mining. Ms. Andres also noted density in the canyons, the trail component, and airport noise contour needed to be addressed. Councilmember Foster suggested reviewing both San Bernardino and Riverside Counties' general plans in conjunction with the City's general plan.

#### Council Liaisons

Councilmember Milson asked Councilmembers to review the assignments of the Council liaisons. Mayor Pro Tem Larson offered to act as liaison to the Chamber of Commerce. Councilmember Cunningham offered to assist Councilmember Milson as liaisons to the Planning Commission. Councilmember Foster indicated he had a problem with Councilmembers being present at commission meetings and stated he would not participate as a liaison to City commissions and boards.

There being no further business, the meeting adjourned at 11:20 A.M.

Next regular meeting, March 3, 1992, at 3:00 P.M.