

MINUTES of an adjourned regular meeting of the City Council of the City of Redlands held in the Council Chambers, 212 Brookside Avenue on December 15, 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
(afternoon session only)
Daniel J. McHugh, City Attorney
Lorrie Poyzer, City Clerk
Ted Thomaidis, Redlands Daily Facts
Pamela Fitzsimmons, The Sun

ABSENT None

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

Minutes of the adjourned regular meeting of December 1, 1992, the regular meeting of December 1, 1992, and the adjourned regular meetings of December 2, 1992, and December 8, 1992, were approved as submitted.

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

PLANNING AND COMMUNITY DEVELOPMENT

Planning Commission Actions - On motion of Councilmember Larson, seconded by Councilmember Foster, the report of the Planning Commission meeting held on December 8, 1992, was unanimously approved as received.

Planning Commission Determination No. 60 - Community Development Director Shaw that on December 8, 1992, the majority of the Planning Commission voted to approve Planning Commission Determination No. 60 finding the proposed use of "pizza pick-up and delivery" is a similar use to other uses allowed in the C-1 (Neighborhood Commercial) District for property located at 1265 Brookside Avenue (Uncle Howie's Pizza - Daniel O'Rourke, applicant). Councilmember Larson moved to approve Planning Commission Determination No. 60 finding that "pizza and pick-up and delivery" should be allowed in the C-1 (Neighborhood Commercial) District, and be incorporated and listed as a permitted use under Section 18.84.040.A of the Redlands Municipal Code in that this use is in conformity with the intent and purpose of the C-1 District and is not

more objectionable to the general welfare than the uses now listed as permitted in the same section. Motion seconded by Councilmember Milson and carried unanimously.

General Plan Study Session - Councilmembers concurred to continue their General Plan study sessions on the first and third Tuesdays at 9:00 A.M. and once a month on a Wednesday evening. Community Development Director Shaw will prepare a schedule based upon this agreement.

Landscape and Lighting District - Councilmembers held a study session to discuss Lighting and Landscape Districts including designating Engineer of Work, new legal requirements for notification of property owners, assessment levels, and projects to be included in districts. Each year the City Council selects an Engineer to complete the annual report and annexation to the districts. The Engineering Department has reviewed the work to be accomplished and indicated that they have the necessary staff and resources to complete the engineering work "in house." Community Development Director Shaw reviewed these issues. Councilmember Foster moved to direct staff to not levy assessments where maintenance costs are non-existent or very low; not include rehabilitative, re-use, or conversion projects in landscape and lighting districts; and not require Minor Subdivisions to be in a landscape district. Motion seconded by Councilmember Larson and carried unanimously.

Santa Ana River Wash Area - Community Development Director Shaw reported joint meetings with the State Mining staff, City of Redlands, City of Highland, County of San Bernardino, and the San Bernardino Valley Water Conservation District have resulted in the preparation of a Memorandum of Understanding regarding coordinated planning activities pertaining to the Santa Ana River Wash Area. The MOU agrees to establish an advisory committee with members from each entity to evaluate, coordinate and make recommendations on a variety of planning activities that occur within the Santa Ana Wash Area. Council concurred to change Section 2.1 to reflect the first party to chair the Committee shall be elected by the Board at their first meeting and to use a lesser word than "review" within Section 4, Purpose of the Committee. With these changes, Councilmember Milson moved to approve, in concept the Memorandum of Understanding and directed staff to prepare a final document for action at the next meeting. Motion seconded by Councilmember Cunningham and carried with Councilmember Foster voting NO.

COMMUNICATIONS

Chamber of Commerce - Rick Gilbert, President for the Board of Directors of the Redlands Chamber of Commerce, informed Councilmembers they will be building a new office on the corner of Redlands Boulevard and Orange Street. Their research showed that Chambers of Commerce across the country were much more successful in building campaigns when their cities were strong supporters. Noting they were highly aware that a request for a cash contribution would not be appropriate in these tight budget times, in the spirit of their focus on in-kind contributions, Mr. Gilbert requested Council consider waiver of the fees for their project. He also asked Council to consider providing space,

rent free, in the old City Hall for their operation during the building phase. Mr. Gilbert also offered to donate their current modular building if the City felt it could be salvaged without significant costs. Public Works Director Mutter provided a memorandum outlining the Public Works related fees totaling \$1,029.91. Community Services Director Rodriguez explained the possible utilization of the modular unit at an approximate cost of \$60,000.00. Councilmember Foster moved to accept the Chamber of Commerce's offer of their building, to waive the development fees and to grant their request for the use of space in the old City Hall. Motion seconded by Councilmember Larson and carried with Councilmembers Cunningham and Milson voting NO as they would not support any request for waiver of the fees.

Commercial Property Zoning - Kenneth E. Kayden - Kenneth Kayden, who owns a strip center composed of two adjoining buildings located at 1263-1265 Brookside Avenue, urged Council to consider adopting less restrictive zoning for the Commercial Neighborhood Zone. He presented information from the City of Long Beach indicating he felt Redlands should adopt similar legislation to assist him in renting his complex.

Appointments - Mayor DeMirjyn appointed Daniel Skaggs to the Parks Commission and Timothy Kim to the Recreation Commission for one year terms as student commissioners; these appointments were unanimously approved by the City Council on motion of Councilmember Larson, seconded by Councilmember Milson.

San Timoteo Canyon - At this time, Council heard testimony from Steve Grechny and Dennis Delaney from the South Coast Air Quality Management District regarding their ongoing investigation of odors within San Timoteo Canyon. Speaking from the audience were: Amelia Speltzer, Barbara Nowak, David Eastmond, Ralph J. Thompson Jr., Don Herbert, David Bolivar, Marie Hanson, and Dan Soury. Pamela Bennett, San Bernardino County Environmental Health Services, reviewed the status of the One-Stop Landscape Supply Center's Solid Waste Permit. Representatives from AQMD felt they would complete their investigation in late February.

The City Council meeting recessed at 5:25 P.M. and reconvened at 7:00 P.M.

JOINT MEETING - REDEVELOPMENT AGENCY

Educational Revenue Augmentation Fund - In the process of reaching closure on the budget, the State of California cut Redevelopment Agencies' revenue by \$205 million by determining that an amount equivalent to the 15.97 percent of gross tax increment received in fiscal year 1990-91 must be paid to schools and community colleges through a new County-wide "Educational Revenue Allocation Fund." Councilmember Larson moved to adopt Resolution No. 4930, a resolution of the City Council of the City of Redlands adopting a statement on indebtedness of the Redevelopment Agency of the City of Redlands, Redlands Redevelopment Project, Report Year: 1992 - 1993. Motion seconded by Councilmember Foster and carried unanimously.

Sale of Redevelopment Agency Land - Public hearing was advertised for this time and place to consider for the purposes of Redevelopment for a professional office building, the sale of Redevelopment Agency-owned lands located at the northeast intersection of North Eureka Street and West Stuart Avenue to Ingrid E. and Steven J. Trenkle. Escrow documents were transmitted to the purchaser on December 8, 1992; therefore, the Agency and purchaser requested a continuation of the public hearing to January 5, 1993.

The City Council meeting recessed at 7:10 P.M. to continue the Redevelopment Agency meeting and reconvened at 7:27 P.M.

PUBLIC HEARINGS

General Plan Amendment No. 48 - Metro California - Public hearing was advertised for this time and place to consider Resolution No. 4916 adopting General Plan Amendment No. 48 to change the land use designation from Urban Reserve (Agricultural) to Commercial for 941 acres of property located at the northwest corner of Lugonia and Wabash Avenues. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments. On behalf of the applicant, Pat Meyer urged Council to approve this General Plan Amendment. There being no further comments, the public hearing was declared closed. Councilmember Foster moved to approve the Negative Declaration for General Plan Amendment No. 48 and directed staff to file and post a "Notice of Determination" in accordance with the City's guidelines noting it has been determined this project will not individually or cumulatively affect wildlife resources as defined in Section 711.2 of the California Fish and Game Code. Motion seconded by Councilmember Larson and carried with Councilmember Cunningham voting NO. Councilmember Foster moved to adopt Resolution No. 4916. Motion seconded by Councilmember Larson and carried with Councilmember Cunningham voting NO.

Resolution No. 4929 - Historic Resource - Public hearing was advertised for this time and place to consider the recommendation of the Historic and Scenic Preservation Commission to designate The Soffel House to be moved to 1041 East Pioneer Avenue as a historic property. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments concerning this matter. Councilmember Cunningham moved to adopt Resolution No. 4929, a resolution of the City Council approving this recommendation. Motion seconded by Councilmember Milson and carried unanimously.

Conditional Use Permit No. 588 - Tract No. 15522 - Public hearing was advertised for this time and place to consider the Planning Commission decision regarding the consideration of a Draft Negative Declaration for a planned residential development and the subdivision of approximately two acres into eight single-family lots for property located on the north side North Place, between Center and Buena Vista Streets. After two continuances, on October 27, 1992, the Planning Commission unanimously denied Mr. Dennis Dyson's applications for Conditional Use Permit No. 588 and Tract No. 15522. Mr. Dyson filed an appeal to this decision in a timely manner. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments concerning this project. Roger K. Bush reviewed his letter dated December 9, 1992, which contained four

revisions to the proposed plan that he would like to have incorporated in the requirements. Tom Westerfield submitted a petition containing 42 signatures of neighbors opposing the project as they felt the proposed eight units was an overuse of the property and requesting a less dense project. Theora Whitman expressed her opposition to the project as proposed. There being no further comments, the public hearing was declared closed.

Councilmember Larson moved to deny the appeal; and deny Conditional Use Permit No. 588 based on the following findings: (1) That the use is not necessary, essential or desirable for the public welfare and convenience and for the development of the community due to the increased density and intensity of the project and creation of additional traffic and parking impacts on the neighborhood. A less dense project with six or fewer residential units would have less impact on the area, (2) the use is detrimental to existing and permitted uses in the zone since the project is too dense, creates a predominance of views of garages which is aesthetically not appealing, creates a traffic and parking burden for the project and adjacent neighborhood, and has lots which are significantly narrower than other lots in the areas, (3) that the size and shape of the site are inadequate for the proposed use since there is limited access to the site and the property has a rectangular shape and limited size which has resulted in a project design incorporating narrow rectangular lots that are out of character with other properties in the vicinity, (4) The site is situated on North Place which is a local street and is not fully improved and as a result of the project an additional 80 vehicle trips are anticipated to concentrate on North Place. These factors result in a situation where the streets are not adequate to carry the quantity of traffic to be generated by the proposed use; and deny Tract No. 15522 based on the following findings: (1) That the site is not physically suitable for the proposed density of development. The site has a density and intensity greater than and out of character with the surrounding neighborhood. The additional density results in (a) lots which are narrower (41 feet versus 60 feet) than other lots in the neighborhood, (b) greater traffic generation (an additional ten vehicle trips per each dwelling unit) than anticipated for this property, (c) insufficient space for on-street parking, and (2) that the project, being a planned residential development, cannot be approved pursuant to the City's Municipal Code requirements without having a previously approved Conditional Use Permit. Motion seconded by Councilmember Cunningham and carried unanimously.

Street Vacation No. 104 - Public hearing was advertised for this time and place for the vacation of a portion of Ladera Street located at the southwest corner of Ladera Street and Terrancina Boulevard. Mayor DeMirjyn declared the meeting open as a public hearing for any questions or comments concerning this street vacation. On behalf of the applicant, Pat Meyer urged approval of this street vacation. There being no further comments, the public hearing was declared closed, and Resolution No. 4926, a resolution of the City Council ordering the vacation of a portion of Ladera Street, was unanimously adopted on motion of Councilmember Foster, seconded by Councilmember Larson.

Street Vacation No. 105 - Public hearing was advertised for this time and place for the vacation of a portion of Summit Avenue between Cajon Street and Bow "B." Mayor

DeMirjyn declared the meeting open as a public hearing for any questions or comments concerning this street vacation. None being forthcoming, the public hearing was declared closed, and Resolution No. 4928, a resolution of the City Council ordering the vacation of a portion of Summit Avenue, was unanimously adopted on motion of Councilmember Milson, seconded by Councilmember Larson.

UNFINISHED BUSINESS

Ordinance No. 2207 - Mobilehome Park Rent - City Attorney McHugh reported that on November 30, 1992, Councilmembers Cunningham and Foster met with representatives of the mobilehome park owners, tenants, and City Attorney Steven C. DeBaun to discuss outstanding issues regarding proposed Ordinance No. 2207. Several issues regarding proposed Ordinance No. 2207. Several issues were resolved, while disagreements on other points continued. A revised version of Ordinance No. 2207 was prepared for this meeting. Despite agreement on some points, there remain four basic outstanding issues: how rents will be controlled at vacancy, the percentages of the CPI increase which may be used to calculate rent increases; rollback in rents, and selection of a base date of rent calculations. Mr. McHugh reviewed each issue, and public comments were heard from the following park tenants: Howard D. Smith, Glenn L. Jones, Walter P. Garrett, Reverend Smith and Helen Alexander. On behalf of the Western Mobilehome Association, Michele Brooks addressed Council. On behalf of the park owners, R.C. (Dick) Bessire spoke.

Actions on this subject were as follows: Councilmember Foster's motion to reinstate rent control at the time of vacancy, limited to \$25.00 at the time of the sale of a coach, was seconded by Councilmember Larson and failed with Councilmember Cunningham, Milson, and DeMirjyn voting NO. Councilmember Cunningham's motion to not allow an increase in rent upon the sale of a coach was seconded by Councilmember Milson and carried unanimously. Councilmember Foster's motion that there be no rollback in rents was seconded by Councilmember Larson and carried unanimously. Councilmember Foster's motion to allow rent increases as follows was seconded by Councilmember Larson and carried with Councilmember Cunningham and Milson voting NO: for CPI increases between one and four percent - rents may increase up to 100 percent of the CPI; for CPI increases between four and nine percent - rents may increase up to 75 percent of the CPI; and for CPI increases more than nine percent - rents may increase up to 25 percent of the CPI. Councilmembers concurred that decontrol for space vacancies would be included in the ordinance. A revised draft ordinance incorporating the approved changes will be prepared for the next meeting.

Ordinance No. 2193 - Public Parks - Ordinance No. 2193, an ordinance of the City of Redlands amending Chapter 12.44 of the Redlands Municipal Code relating to public parks, 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 unanimously waived. Ordinance No. 2193 was adopted on motion of Councilmember Larson, seconded by Councilmember Milson, by the following vote:
AYES: Councilmembers Larson, Cunningham, Milson, Foster; Mayor DeMirjyn

NOES: None

ABSENT: None being forthcoming, the public hearing was declared closed.

Resolution No. 4932 - Enclosed Public Areas in City Parks - Ordinance No. 2193 amended Chapter 12.44 of the Redlands Municipal Code by allowing, through a permitting process, the consumption of alcoholic beverages or liquors within defined enclosed public areas in public parks. Proposed Resolution No. 4932 would enable staff to standardize, by definition, where alcoholic beverages and liquors may be consumed. Councilmember Larson moved to adopt Resolution No. 4932, a resolution of the City of Redlands approving the definitions of enclosed public areas in public parks. Motion seconded by Councilmember DeMirjyn and carried unanimously.

Ordinance No. 2213 - Zone Change No. 350 - Ordinance No. 2213, an ordinance of the City of Redlands amending Title 18 of the Redlands Municipal Code by adopting an additional land use zoning plan as part of the Official Land Use Zoning Map and effecting Zone Change No. 350, a change of zone from R-2 (Multi-Family Residential) District to A-P (Administrative-Professional) District for property located at 220 Nordina Street, was given its second reading of the title by City Clerk Poyzer, and on motion of Councilmember Milson, seconded by Councilmember Foster, further reading of the ordinance text was unanimously waived. Ordinance No. 2213 was adopted on motion of Councilmember Milson, seconded by Councilmember Foster, by the following vote:

AYES: Councilmember Larson, Cunningham, Milson, Foster, Mayor DeMirjyn

NOES: None

ABSENT: None

Ordinance No. 2214 - Day Care Cost Recovery - Ordinance No. 2213, an urgency ordinance of the City of Redlands amending Section 3.16.040 of the Redlands Municipal Code relating to fee and service charges and establishing 100 percent of cost reasonably borne for Day Care registrations and 80 percent for Day Care registrations for qualified low-income persons if funds can be obtained, was read by title only by City Clerk Poyzer and on motion of Councilmember Foster, seconded by Councilmember Cunningham, further reading of the ordinance was unanimously waived. Urgency Ordinance No. 2214 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

Agreement - Flood Control District - The City of Redlands owns property located near the Santa Ana River between Orange and Church Streets. The San Bernardino County Flood Control District owns a strip of land which follows the contours of the Santa Ana River and is approximately 50 feet deep. The land in its entirety, belonging to the City and to the County, has been discussed and recognized as potential land for recreational opportunities. The development of a Joint Powers Agreement will provide for allowances to utilize jointly that segment of property belonging to the Flood Control District and outlines specific responsibilities for each agency so that improvements and/or uses can be

made. Councilmember Cunningham moved that a joint powers agreement between the City of Redlands and the San Bernardino County Flood Control District be prepared for recreational opportunities. Motion seconded by Councilmember Milson and carried unanimously.

Consent Calendar - The following items were acted upon during the afternoon session:

Library Salaries - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously accepted a donation in the amount of \$1,425 from the Friends of the Library and authorized increasing the part-time salaries account for the Library in the same amount.

Contract - BID Private Security - On motion of Councilmember Larson, seconded by Councilmember Foster, Council unanimously authorized the Business Improvement District Board of Directors to contract with Qualified Security and Security K-9 for private security services to patrol the Business Improvement District (BID) area.

Funds - Market Night - Following brief discussion, on motion of Councilmember Foster, seconded by Councilmember Larson, Council unanimously authorized an additional appropriation of \$16,600.00 to balance the adopted 1992-93 budget with actual contractual services expenditures for Market Night, with Councilmember Cunningham abstaining from the vote due to a possible conflict of interest.

PUBLIC COMMENTS

Mr. Tony Martinez expressed his opposition with the majority of the Councilmembers' decision to place "Public Comments" at the end of the agenda and demanded the City Council return it to the beginning of the evening session or, he threatened, he would take them to court.

There being no further business, the meeting adjourned at 9:15 P.M. to an adjourned regular meeting to be held on January 5, 1993, at 9:00 A.M.

Next regular meeting, January 5, 1993.