

## Controversial Waterman Gardens expansion decisions delayed

By Ryan Hagen, Staff Writer [ryan.hagen@inlandnewspapers.com](mailto:ryan.hagen@inlandnewspapers.com) | [@sbcitynow](https://twitter.com/sbcitynow) on Twitter San Bernardino County Sun

Posted:

sbsun.com

SAN BERNARDINO -- Residents and members of the city's Planning Commission deliberated on a controversial proposed expansion of the Waterman Gardens housing project for three hours Wednesday night before the panel voted unanimously to delay a decision until Aug. 21.

There were too many unanswered questions and commitments that had been made orally but not in the documents given to the Planning Commission, said Commissioner Jim Mulvihill, who made the motion to continue.

Mulvihill and other commissioners sounded off on their reasoning for their opposition.

"My point of view, I want to get people off welfare," Mulvihill said. "How do you get people off welfare? No. 1, they need a place to live. ... I would like to see a little more specificity."

The proposal would be to update the housing project built in 1943 and create a "mixed income" community -- about 20 percent of it being market-level housing, the applicant said verbally Wednesday -- by adding a 74-unit senior housing project, 337 multi-family and condominium units, a 45,000-square foot recreational facility, a 58,200-square foot community center and a 7,400 square-foot administration/multipurpose building.

Various improvements to the bordering streets -- Base Line and Waterman Avenue -- are also included.

Henry Empeno, a senior deputy city attorney, questioned newly appointed planning commissioner Kent Paxton if he had a conflict of interest.

Empeno presented a monthly report Paxton sent while he directed Mayor Pat Morris' Office of Community Safety and Violence Prevention. The emailed report lists the office's "activities" for the month and mentions progress on the proposed Waterman Gardens project.

"If there is any evidence in the record of your involvement in the matter -- whether it's an email, whether it's letters or memorandums, reports where you may have personally professed a statement of support for the project -- it calls into question whether you can fairly decide this matter," Empeno said, leaving the city open to a potential lawsuit alleging due process wasn't followed. "That could come back to haunt the city."

The decision was Paxton's to make, Empeno said, but Paxton chose to leave the room because of an appearance of a conflict of interest.

"For the record, I don't feel like I have a conflict of interest, but given my past involvement with this project via the mayor's office and given the criteria the (city attorney's office) just

gave us, I'll be happy to recuse myself from this vote," said Paxton, who only recently retired from the city.

The next hearing on the proposal is scheduled for 6 p.m. Aug. 21 in City Council chambers.

If the Planning Commission follows city staff's recommendation, it will recommend the project to the City Council. The council will then give the city's final word.