

MINUTES

of an adjourned regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, at 7:00 P.M. on July 12, 1999.

PRESENT

William E. Cunningham, Mayor  
Geni A. S. Banda, Mayor Pro Tem  
Pat Gilbreath, Councilmember  
John L. Freedman, Councilmember  
Gary George, Councilmember

Gary M. Luebbers, City Manager  
Daniel J. McHugh, City Attorney  
Lorrie Poyzer, City Clerk  
Jim Bueermann, Police Chief  
Mel Enslow, Fire Chief  
Bonnie Johnson, Finance Director  
Ronald C. Mutter, Public Works Director  
Gary G. Phelps, Municipal Utilities Director  
Jeffrey L. Shaw, Community Development Director

ABSENT

None

PUBLIC HEARINGS

City Council Ballot Initiatives - Public hearing was advertised for this time and place to consider three initiative ordinances regarding amendments to the Redlands General Plan: proposed Ordinance No. 2412 amending the Growth Management, Design, Land Use, and Circulation Elements of the Redlands General Plan; proposed Ordinance No. 2413 amending the "Principles of Managed Development" Element of the Redlands General Plan relating to outdoor commercial signs; and proposed Ordinance No. 2414 amending the Land Use Element of the Redlands General Plan to establish a new residential land use classification in the San Timoteo Canyon and Live Oak Canyon areas. Community Development Director Shaw reviewed issues pertaining to these proposals. Mayor Cunningham announced, that due to a conflict of interest, he would not participate in the discussions related to the San Timoteo Canyon Road as contained within Ordinance No. 2412 and Ordinance No. 2414, and he then declared the meeting open as a public hearing for any questions or comments.

Proposed Ordinance No. 2412 - Public input was received from Mark Gardner, Pat Meyer, Lewis Fletcher, Bill Feenstra, Jon Harrison, Tex Moore, and Robert Frost. City Attorney McHugh presented refined language prepared in response to Councilmembers comments made at their June 29, 1999, meeting. Proposed Ordinance No. 2412 was further clarified by Councilmembers. During the discussion regarding the inclusion of San Timoteo Canyon Road as a "scenic

drive," Mayor Cunningham left the Council Chambers and Mayor Pro Tem Banda conducted the meeting. Staff will prepare a new draft for review at the continued public hearing to be held on July 20, 1999.

Proposed Ordinance No. 2414 - Mayor Cunningham continued to be absent from the meeting due to a possible conflict of interest regarding this proposed ordinance. Public input was received from Bob Schoff, Peter Miko, Jon Harrison, Betty Voss, Mark Blankenship, Carole Beswick, Bob Roberts, Pat Meyer, Mimi Dupper, and Alan Dangermond. Mayor Pro Tem Banda presented alternative maps for properties to be included in the proposed new land use classification. Staff will bring back new build-out figures based on the alternative maps presented for the City Council's review at the continued public hearing to be held on July 20, 1999.

Recess - The City Council recessed at 9:25 P.M. and reconvened at 9:32 P.M. at which time Mayor Cunningham returned to the City Council Chambers presided over the remainder of the meeting.

Proposed Ordinance No. 2413 - Readerboard Signs - City Attorney McHugh reviewed legal issues pertaining to free speech issues and other relevant court cases as applied to this proposed ordinance. Noting the legal implications were not clear when the auto dealers approached him and that a proposal for an auto mall has not been presented, Mayor Cunningham moved to drop consideration of this ordinance at this time. Motion seconded by Councilmember Freedman and carried unanimously.

## UNFINISHED BUSINESS

LAFCO No. 2839D - Mountain View Power Company - Mayor Cunningham reported staff has been in negotiation with Mountain View Power Company regarding annexation of their property. Mountain View Power Company will ask LAFCO for a continuance and Mayor Cunningham recommended we concur with this request and ask LAFCO to continue this matter for 90 days to allow us further negotiations. No one was opposed to this recommendation.

Resolution No. 5658 - Financing Proposals Criteria - City Attorney McHugh said that to ensure that businesses proposing to locate within the City understand that they may request a tax sharing proposal with the City, staff has prepared Resolution No. 5658, a resolution of the City Council of the City of Redlands establishing criteria for the consideration of financing proposals from new businesses. The two criteria presently included within the resolution are: the proposed business, based upon established industry history, is estimated to become one of the top ten sales tax generators located within the City of Redlands, and the proposed business is a type for which the City of Redlands is presently deficient in sales tax revenues according to the State and/or County-wide average. Councilmember George suggested setting a percentage to define

"deficient in sales tax revenues." Speaking in opposition of this proposed resolution were: Jon Harrison, Robert Frost, Craig Wilson (attorney for H&E Do-It-Yourself Centers), Phillip Stein (from H&E Do-It-Yourself Centers), and Mark Gardner. Tex Moore spoke in favor of the resolution. Councilmember Freedman moved to adopt Resolution No. 5658 with the suggested change to add the words "at least 50 percent" to clearly define "deficient." Motion seconded by Councilmember Banda and carried with Councilmember Gilbreath voting NO.

Agreement - Lowe's Home Improvement Center - An agreement for the construction and operation of a home improvement center and the provisions of unrelated off-site improvements was prepared by Lowe's HIW, Inc. for consideration by the City Council. Exhibits A and B, which identify the subject property, Exhibit C, listing improvements, and Exhibit D, the performance schedule, were also available at this meeting. The agreement identifies that the developer will construct and operate a home improvement center on the property so as to further encourage development of blighted areas of the City, enhance the well-being and safety of the citizens at large, enhance local employment, expand the City's tax revenue base, and obtain the developer's commitment to construct off-site improvements as identified in Exhibit C. For these considerations, the City shall pay to the developer an amount equal to 60 percent of the sales tax revenues generated by the developer as a directed result of its operation of the home improvement center for the period commencing upon completion of the center and continuing until the developer has paid the aggregate amount of \$691,798.00. A representative from Lowe's addressed the City Council at length describing his project and the benefits the City would derive from its construction. Speaking in opposition of this project were: Phillip Stein (H&E Do-It-Yourself Centers), Alan Dangermond, and Craig Wilson, (attorney for H&E Do-It-Yourself Centers). Speaking in opposition of this proposed sales tax revenue sharing agreement was Robert Frost. Councilmember Banda moved to determine that no additional environmental evaluation is required for this agreement as (1) the tax-sharing portion of the agreement is categorically exempt from CEQA review and (2) there is already an existing mitigated negative declaration adopted for the project for the portion of the agreement relating to Lowe's construction of off-site improvements, and the City Council has determined on the basis of substantial evidence and in light of the whole record and based on the analysis and findings contained within the staff report presented at this meeting and pursuant to Section 15162 of the California Environmental Quality Act Guidelines, the following:

- A. No substantial changes are proposed in the project which will require major revisions of the previously certified Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- B. No substantial changes have occurred with respect to circumstances under which the project was undertaken which will require major revisions of the previously certified Mitigated Negative Declaration due to the involvement

of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- C. No new information of substantial importance, which was not known or could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was certified, has been identified.

Motion seconded by Councilmember Freedman and carried with Councilmember Gilbreath voting NO. Councilmember Banda moved to approve and direct the Mayor to sign the Agreement for Construction and Operation of a Home Improvement Center and the Provision of Unrelated Off-Site Improvements with Lowe's HIW, Inc. Motion seconded by Councilmember Freedman and carried with Councilmember Gilbreath voting NO.

### PUBLIC COMMENTS

Street Sweeping Fee - Steve Stockton informed the City Council that he feels the financing of the street sweeping service is a violation of Proposition 218 since his street (Canyon Road) is not swept and therefore he is paying for something that he is not receiving. He also noted that vacant lots are not paying this fee. He urged the City Council to direct staff to delete the street sweeping fee from his utility bill and others who are also not receiving the service.

### ADJOURNMENT

There being no further business, the City Council meeting adjourned at 10:50 P.M. The next regular meeting will be held on July 20, 1999.

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City Clerk