

**MINUTES
REDEVELOPMENT AGENCY AND CITY COUNCIL
REGULAR MEETING
MAY 11, 2010 - 6:00 p.m.**

CALL TO ORDER

The regular meeting of the City Council and Redevelopment Agency of the City of Highland was called to order at 6:00 p.m. by Mayor Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Reverend Jason Barker of Immanuel Baptist Church and the Pledge of Allegiance was led by Councilwoman Scott.

ROLL CALL

Present: Jones, McCallon, Scott, Mayor Lilburn
Absent: Timmer

SPECIAL PRESENTATIONS

Mayor Lilburn presented Charlie Brown, San Bernardino Adult School, with a Proclamation congratulating them for 90 years of education and contribution to the citizens of the community.

Mr. Craig Huff, President of the Highland Area Chamber of Commerce, gave the Semi-Annual Report for the Highland Area Chamber of Commerce.

COMMUNITY INPUT

Mr. Bill Mitchell stated he would like to express two positive outcomes from his previous Council meeting attendance. The pothole he requested be fixed, was fixed immediately and he has noticed police officers patrolling his street more frequently. He has one more concern regarding a home on Walker Street. He has stated it is a fire hazard and he would like to know what the current status is.

Mayor Lilburn stated she will relay the information to Code Enforcement and have them follow up with the issue.

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to approve the consent calendar as submitted. Motion carried on a roll call vote, 4-0, with Mayor Lilburn abstaining from Item #4 and with Councilman Timmer being absent.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – April 27, 2010 City Council Regular Meeting
Approved the Minutes as submitted.
3. Minutes – April 27, 2010 RDA Regular Meeting
Approved the Minutes as submitted.
4. Warrant Register
Approved Warrant Register No. 504 for May 11, 2010, in the amount of \$1,061,194.05 and Payroll of \$78,526.13.
5. Declaration of Three (3) Vacant Seats on Public Nuisance Hearing Board
 1. Declared three (3) seats vacant on the Public Nuisance Hearing Board; and
 2. Directed the City Clerk to advertise the vacancies pursuant to the Maddy Act.
6. Declaration of One (1) Vacant Seat on the Building Code Appeals Board (BCAB)
 1. Declared one (1) seat vacant on the Building Code Appeals Board; and
 2. Directed the City Clerk to advertise the vacancy on the Board.
7. Easement Acceptance/Lankershim Avenue Sidewalk Project (Project str09002)
 1. Accepted the Grant of Easement for Road and Drainage Purposes from Lillian L. Harnitchek; and
 2. Directed the City Clerk to record the Grant of Easement.
8. Authorization to Claim Article 3 Grant
Authorized staff to claim Article 3 Grant funds for construction of new sidewalks at three locations in the amount of \$258,237.

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

9. MCA-010-002 – Land Use and Development Code Amendment Related to Water Efficient Landscaping Requirements

Mayor Lilburn opened the public hearing.

Community Development Director Jaquess stated about 15 years ago or so the State adopted Senate Bill 325 and that introduced for the first time a special water and irrigation issues into the landscaping plan review process. We incorporated those regulations into our local ordinance and municipal code and we have been following those. However, more recently about three years ago or so State law was adopted that made the issue of water use and irrigation systems more stringent. It was called Assembly Bill 1881. That law went into effect January 1, 2010. There was some efforts spent by a variety of agencies to look at how that could be best implemented but in the mean time the State prepared a model water ordinance and the model water ordinance went into effect on January 1, 2010 in

the City of Highland as well as a lot of other cities throughout the State. The city however was looking at the ordinance realizing it was unnecessarily complicated and not well customized to meet the needs of the City of Highland. In working with other cities in the county, particularly in the valley area, came up with an ordinance that has been adopted elsewhere that is much more straight forward and easier to administer and we took that ordinance, we modified it, we customized it to fit the needs of the City of Highland not only from a standpoint of code sections but also in terms of little tidbits of criteria that need to apply locally that are unique to Highland, and that ordinance is what is before you. Basically what it does is to require the same as the model water ordinance. We can't be less restrictive than the model ordinance but what it does is it says that any new development that is being installed by a developer or commercial development, if the landscape area is 2,500 square feet or more, they must comply with this ordinance and the compliance is preparing a study to determine how much water they are allowed to use on the property. This tents the term MAWA, maximum water allocation and then to do the system design and calculate the amount of water that the system design would use both for proposed landscaping which has to be water sensitive and irrigation system which has to make sure you eliminate or reduce run off. Those procedures will be and are being implemented by the city today as we get new development in. We have one project that we are processing right now and it is going through the process using the model water ordinance provisions. These provisions will continue to implement that standard. The developer is 2,500 square feet or more and if it is a homeowner proposed plan for new landscaping it is 5,000 square feet or more. Again this is consistent with the State requirements. One area that we felt might generate some interest of concern on part of the community and they may be here tonight to speak with Council, was the requirement that if the irrigated landscape is over one acre on an existing property in the city, not new development, they are required to comply with this process by state law and by the model ordinance as well as our draft ordinance. That compliance is that they will have to do a water audit and then they will have to work to live within that requirement. One of the things we did in working with the city attorney's office on the ordinance is to try to make it as minimally impacted as possible but still comply with state law was we adjusted the time frames for compliance. If you go to the ordinance on page 17 of the staff report which is page 12 of the ordinance there is section D and E, just above J, that talks about the timeline. It states the property owner must implement the recommendations of the water audit within a timeline to be determined by the Community Development Director. Meaning we will work with the property owner to work out a timeline for bringing that into compliance, no minimum ordinance specified timeframe. Item E is that they have one year to do the audit from the date of notice to proceed from the city, it is not necessarily the day of the ordinance adoption, but it will be relative in the near future as we will go out and formally notify those properties. One of the interesting things staff found when working with the existing property owners is that while there are quite a few that appeared to maybe have more than one acre of landscaping after we met with them it turned out that many of them didn't. They were less than the requirement and were able to take off the list. There are still a couple for sure that will have to comply. One is East Highlands Ranch and they are present tonight to comment on

this item. It is based on the size of the parcel, so if you have a commercial shopping center with 5 parcels, each parcel if it is less than an acre, it doesn't apply. So that's why it's fairly narrow in its application of the existing parcels.

Councilman McCallon stated he understands if we don't adopt this ordinance the state ordinance will be in effect and it's the same.

Community Development Director Jaquess stated a little more restrictive in terms of the time frame for implementation of existing parcels and harder to administer.

Councilman McCallon stated in essence we really don't have a lot of discretion. We can make it more strict which we chose not to do and loosen up a little of time line.

Community Development Director Jaquess stated we are trying to make it a little easier to administer and work with our property owners.

Councilman McCallon stated regardless we have to implement something or follow the state law.

Councilwoman Scott stated since this is mandated from the state and if we don't approve this then the state ordinance would be the one for us, whose going to monitor for the state.

Mayor Lilburn stated not only monitor but who will do the enforcing, us.

Councilwoman Scott stated she is very concerned when she was reading this and was thinking of the all of the green valleys when East Highlands Ranch was going in and all the development up there. Now are we going to ask these things to go dead and become fire hazards and is the city bound by the same standards as we are enforcing on the citizens. We have all the parks. Are we going to have nice little dry parks out there at community, at Beattie, at Cunningham?

Community Development Director Jaquess stated one of the interesting things is the city is subject to the ordinance but the ordinance provides and recognizes, and the state law recognizes that, for example, recreation fields and parks have different standards than just ornamental landscaping in peoples yards. The whole goal of the state is to look for ways to minimize wasteful uses of water so they are looking to reduce water usage which is a state wide problem.

Councilwoman Scott stated we certainly have had a lot of water wasted down Palm, Third Street and Fifth Street with the water running down there and ruining the streets.

City Attorney Steele stated in response to Councilwoman Scott's question the state water resources board enforces the city's compliance with the state law and their ordinance.

Mayor Pro Tem Jones stated the ordinance partially addresses metered water. It doesn't address irrigation water; it doesn't address well water and differentiation between whether this ordinance would apply to and how it applies to those.

Community Development Director Jaquess stated it applies to both. The section we were just reviewing in relation to criteria on page 12, just above that, talks about metered water vs. on metered water and they both are subject to this requirement.

Mayor Pro Tem Jones stated what about private wells.

Community Development Director Jaquess stated same thing. This deals with the wells as a water system that is used to water ornamental landscaping such as lawns and plants, not agriculture. They are exempt and recreational play areas have a different standard. If it is a private water system ran by a well it is still subject to this procedure.

Mayor Pro Tem Jones stated yet it addresses edible fruit or edible plants, where do they fall within that, is that considered agriculture or private.

Assistant Planner Kelleher stated the interpretation that staff received on the ordinance and in speaking with the state is that any edible plant can be considered agriculture.

Mayor Pro Tem Jones stated exempt from.

Assistant Planner Kelleher stated thus that part of the landscaping would be exempt from the ordinance and they would not have to calculate into their one acre provision for the existing landscaping.

Mr. George Einfeldt, General Manager of East Highlands Ranch, stated believe it or not they are present to kind of work with the City of Highland on this. They have reviewed the proposed ordinance. They've looked at AB 1881 and supporting documents. They want to comply with the intent of the ordinance. As you know these are difficult financial times. They have been hit very hard with foreclosures which look like they are going to continue for some time to come. To help their homeowners they have kept their assessments at the same level as it was the previous year. The proposed ordinance will place an unfunded mandate on their 2,475 owners that could be staggering. The audit could cost them anywhere from \$50,000 to \$200,000. Compliance with the implementation could cost \$2.5 million to \$4.5 million. Needless to say they do not have anywhere near these kinds of funds in their treasury. In the Ranch we currently have about 70 irrigation controllers and each controller has an average of about 30 valves. Each valve has about 50 heads. That is over 100,000 sprinkler heads throughout their community.

They have undertaken water conservation the last 10 ½ years that he has been General Manager at the Ranch and no one in this city has a more sophisticated computer controlled irrigation system than they do. They are always updating their system and improving it with the latest water conservation technology. Their water budget for the next 12 years is \$399,200. Much of this depends upon the weather. Through the rains this last couple of months they were able to save about \$54,000 from last year's budget as their fiscal year starts May 1. Unfortunately the more money they save, the more East Valley Water District will have to change their rates and increase them due to loss of revenue. They have reviewed the various parcel maps and they are listed in the materials supplied by the city. They have not determined if they cover the whole Ranch, however, there is nothing on these parcels that is less than an acre so that means everything in the map applies to them as they understand it. It is his understanding of the situation. One of the problems he sees is there is no mention of the city right-of-ways that the East Highland Ranch maintains. On the maps along Base Line, Church Street, Club View, Cloverhill, they maintain the greenbelts from wall to wall. These are all city properties that they maintain. He doesn't know just where that is going to fit in this overall picture because their water is going into irrigating all sorts of things. That's a question but he doesn't expect an answer tonight. It's one of the things he sees that maybe staff has it answered but he has not talked with them about it yet. They are developing a plan for the audit portion and he would like to meet with the appropriate city personnel early next week to get the details of what is actually going to be required. They will have their landscape contractor attend the meeting. You started talking about who is going to monitor the results. As he understands it they will have one year to comply which is unreasonable. They estimate it will take 5-7 years to comply with the implementation to change out the irrigation system and to get plants that are more tolerant to it. They've already started; they've been working on this for many years. They drive around the Ranch and see different test areas that have undergone and taking out landscaping and put in drought tolerant plants. Our homeowners don't like it but they know the problem is coming. So what they are asking the city for is to provide them with a reasonable 5-7 years for them to comply with the ordinance. They do not feel anything would be gained by going back and asking why questions. The state has mandated it but who is going to enforce this thing. Who is going to be responsible for seeing that East Highlands Ranch is complying after we go through the audit and what have you? Is this an exercise in number chasing or what's going on? This is going to cost an awful lot of money they don't have. They love our city and want to cooperate with the city and the plans the city has for them but they are going to need some help. He knows the staff will be more than willing to help.

Mr. Fred Yauger stated he serves on the Board of Directors for East Highland Ranch as the Treasurer. He can't think of a better time in history to be a CFO of any better organization. They just went through a major evaluation of their budget which was adopted on May 1, 2010. Quite frankly they really stretched hard to be able to withhold the assessments at the current dollar figure. Some people felt it was stretched too far. They are on the program, they certainly want to do the right thing, and they certainly will get this audit done within the timeframe. He would like to echo Mr. Einfeldt's comments. As far as the implementation of whatever recommendations are developed through this audit, they would really appreciate the Council giving them as much time as possible. The only way they are going to be able to pay for whatever is created out of this is by homeowner assessments. He's got 2,475 homes that will be absolutely delighted with additional costs. He would appreciate any help the city can give them.

Community Development Director Jaquess stated the ordinance as drafted before you, does give the city the ability to work with the property owners. There is no set time in the ordinance for them to comply.

City Manager Hughes stated there is a time frame to get the audit done.

City Attorney Steele stated the other thing we should note is in terms of timing is that we purposely put in the ordinance that the audit requirement, the one year requirement to get an audit done, doesn't apply until the city gives notice that the one year clock is ticking. That was intentionally put in there so that the city can try to help out with some programs. Come up with guidelines and people aren't just running out blind 30 days from the day you adopt this ordinance feeling like they have to do something within a year. It's a year from the time the city gives notice that an audit is required. There are some pretty broad timelines built in.

Councilwoman Scott stated so it's the city's discretion when to send out the notices. Now how about the audit that's not going to be free. Who does the audit and what is it going to cost the individual property owners who have the land that exceeds the requirements?

Community Development Director Jaquess stated we have some preliminary estimates from our landscape architect firm that would be reviewing the plans for us. The actual cost is an estimate. For the Ranch it's harder to judge because it's a big deal.

Councilwoman Scott stated is there an expert of some kind.

Community Development Director Jaquess stated yes, there are firms who do audits.

Councilman McCallon stated he is glad to see we have built in the flexibility to start the audit and after the audit is done that we have the discretion on implementation. So it's not something they have to do right away as long as they are working towards it. He would assume we have the flexibility to make sure that we aren't posing any hardship on the homeowners.

Mayor Lilburn closed the public hearing.

Mayor Lilburn stated would the auditor go in and work with the Ranch on the fruit trees and knock those out.

Community Development Director Jaquess stated for example the Ranch has an area that is an orange grove and that wouldn't be part of the audit.

Mayor Lilburn stated it would be exempt.

City Attorney Steele stated and the consultants who perform these audits for the private property owners know what the exemptions are and they know, as with all consultants, they are going to try to get the best deal for their client which is going to be in this case excluding as much property as possible.

Councilman McCallon made a motion to adopt this item.

Mayor Pro Tem Jones stated he is concerned with the fact that the state of California is a very long irregular shaped state with a whole lot of different water conditions throughout the entire state. It's interesting that we have in Sacramento individuals who are so brilliant that they in fact can plan, what plan that should be for all areas as far as what should and should not be grown, what will or will not grow, whether or not it should be irrigated or not irrigated, and yet they can't balance their own budget. Even if we were to pass our ordinance there it's going to be. Again, the law is one thing, what gets enforced is a whole different thing.

Councilwoman Scott stated we have a Planning Commission and staff. With every development that has come before us or the Planning Commission they have been very cognizant of water and drought plants and so forth. She trusts them and it doesn't cost our citizens anything. Well it does but not like this one.

Councilman McCallon asked which would the Ranch prefer, the state ordinance or the city's ordinance.

Mayor Lilburn reopened the public hearing.

Mr. George Einfeldt stated he would like their attorney to answer the question as to which would be best. His gut reaction is the city's ordinance would be better but he is not an attorney and there may be something in the law that he's not familiar with.

City Manager Hughes stated why don't we continue this item to the next regularly scheduled Council meeting and have City Attorney Steele to do some research on how this will be enforced.

Mr. Bryan West stated he is a certified auditor and he has lived in the Ranch for seven years. He works in Orange County and the mandates have been coming down the channels since 2006 and it is here now. Basically what it is they just want to make sure that there are homeowners that don't have huge rain birds that are shooting into the yards wasting water and they want to make sure the heads are placed in the correct way, the right nozzles are in there, and if the state mandates, you're going to have to pull your heads out, put check valves in and they put water restrictions on the meters. So if you go over the allotted meter reading then you will get fined.

City Attorney Steele stated he would like to request this item be moved to the June 8, 2010 City Council meeting.

Mayor Lilburn stated she will continue this item and leave the public hearing open at this time.

10. Appeal (APP #10-001) of the Historic and Cultural Preservation Board's Denial of Certificate of Appropriateness 010-004

Mayor Lilburn opened the public hearing.

Community Development Director Jaquess stated this is an appeal from an action of the Historic and Cultural Preservation Board. It involves a fence around the front yard of the residence. The home is on Pacific Street in the Historic District. The Historic Board adopted fencing guidelines about three years ago and they are attached to the staff report. Basically what the guidelines say is that fencing in the front yard is not permitted unless evidence can be provided that confirms the prior presence of a fence during the district's period of significance meaning 1891-1938. Fencing is permitted in the side and rear yards. The issue here is subject to the appeal is a homeowner who installed a fence in the front yard of her home. It is a 32 inch high wood picket fence. Her comments are in the staff report. She actually had input from a Board Member who had told her it was okay to put in a fence and then later it turned out it was inconsistent with the policy. The Board ultimately set an appeal hearing and did not approve the fence because it was inconsistent with the guidelines.

Ms. Janet Nicholson stated basically she talked to the chairperson of the Historic Board more than once and she, every single time, had told her that as long as the fence was under three feet high she didn't have to appear in front of the Historic Board and it was fine because she has a two year old and she has a dog. So, her issue is Pacific is extremely busy and people don't go the speed limit at all. They had discussed it and fencing and hedges were discussed. Her thought is fencing is safer for her child and her animal. So when she had come to the Historic Board meeting and discussed that essentially the gentlemen who did the first motion he said well somebody before her had also installed a fence for what she believes are similar reasons and they had denied them so they weren't going to approve hers.

Mayor Lilburn stated what happened when you confronted the chairperson.

Ms. Janet Nicholson stated she stepped down because she had said she told her it was okay. It was a conflict with the rest of the board so she had stepped down. Mayor Pro Tem Jones stated did you take a fence down, was there a fence there prior.

Ms. Janet Nicholson stated she thinks there was because when she was putting in sprinklers there was concrete with metal in it. She can't say for sure but she believes there was.

Mayor Lilburn stated does the policy allow for a three foot fence or no fence at all in the front.

Community Development Director Jaquess stated no fence at all in the front.

Ms. Janet Nicholson stated it says that if the board approves it, it has to be less than three feet tall.

Councilman McCallon stated the guidelines, if he interprets them correctly, do state that if the homeowner can show that front yard fencing was part of the house as it was built in historic time then it can be allowed but otherwise the guidelines say they can't be. He believes the guidelines are meant to conform to whatever the historic agency is that approves the historic district. So the guidelines aren't arbitrary.

Community Development Director Jaquess stated they are based on an attempt to maintain the historic standards that existed when the houses were in their historic period.

Ms. Janet Nicholson stated her house was built in 1886.

Councilman McCallon stated so the guidelines do allow for fences in the front yard if the homeowner can show that they were built.

Community Development Director Jaquess stated if fences existed in that era.

Mayor Lilburn stated and you don't have any pictures of the house prior.

Ms. Janet Nicholson stated her house was a bank owned house. The owner that had the house for 86 years passed away. Her only issue and she understands why the Historic Board is doing that. She is restoring her house and she is following historic guidelines in restoring her house. However, her issue is in the early 1900's there weren't speeding cars. There wasn't this huge two lane road where cars are speeding.

Councilwoman Scott stated she knows where there is another issue, same thing and she knows when she was looking at the photos and to her it was very nostalgic and in the period because the fence has the old time little curves on the top. It's not just a picket fence that you buy now. That was very much of the period, just the fact of the color, its kind of a weathered look.

Ms. Janet Nicholson stated it's the same board approved color.

Councilwoman Scott stated she was looking at this and that ugly wrought iron thing that Historic Board asked B & M to put up. That's horrible looking.

Mayor Pro Tem Jones asked what was the Historic Board's recommendation regarding this fence. What do they want there opposed to what is currently there?

Community Development Director Jaquess stated following their guidelines they would recommend that there be no fence in the front yard.

Mayor Pro Tem Jones stated no fence at all.

Community Development Director Jaquess stated right.

Mayor Lilburn asked are you provided with guidelines when you move into the Historic Society. Do they provide you with what is acceptable and what isn't?

Ms. Janet Nicholson stated no and like she said two houses next to her both have chain link fences up. There's a house across the street from her with chain link fence.

Mayor Lilburn stated she wants to stay focused on her house.

Ms. Janet Nicholson stated she understands that. She is just saying she didn't look at the chain link and say well I'm going to slap up a chain link fence too.

Mayor Lilburn asked when Ms. Nicholson purchased her home, did she know it was in the Historic District.

Ms. Janet Nicholson stated not legally but there are signs on Palm that say Historic District.

Mayor Lilburn asked do we notify people if they are in the Historic District.

Community Development Director Jaquess stated no. We do send out a newsletter once a year.

Councilman McCallon stated it should be listed on the title.

Mayor Lilburn asked is it on your title.

Ms. Janet Nicholson stated she does not know.

Councilwoman Scott stated she thinks this fence is more historic than a chain link fence. They didn't have chain link back then.

Mayor Lilburn stated she isn't disputing that at all.

Mayor Lilburn called for any speakers in favor or in opposition of this item. Hearing none, she closed the public hearing.

Mayor Lilburn stated how can we not allow the fence with somebody not being properly notified.

Councilman McCallon stated we've done it in the past. Remember the windows issue where someone put in windows and they said they didn't know anything about it. We didn't uphold the appeal that time. We have the strong vote of the Historic Board to not approve it. He is not inclined to personally uphold the appeal.

Mayor Pro Tem Jones stated he thinks the issue is really whether or not the Historic policy of not allowing any fence at all is one that we want to abide by because that is the key. If in fact we were to change that policy then it would allow the fence and then she would be in conformance to it and he thinks that's the only way that we could uphold the appeal. It would be to say we're going to change the policy so in fact you are in agreement with it. In other words we slap the Historic District in the face and say here we gave you some policies, we want you to enforce those. You enforce those but we're not going to enforce them.

Mayor Pro Tem Jones inquired to Economic Development Specialist Stater if she knows the rationale behind the decision as far as no fence in the front.

Economic Development Specialist Stater stated she does. They've had a number of people who come to the Historic Society regarding the preservation plan and really what they tell us is that if something was missing previously it should be allowed to go there now.

City Attorney Steele stated he might suggest, if the Council is of mind to accommodate the fence, there is some evidence that it's not historical documentation but there is evidence from the owner in the public hearing that apparently there was a fence there before. We don't have any evidence on the contrary. Unfortunately we don't have photographs but we have the testimony of the owner that she found evidence of a fence there before and apparently the house had been owned for 86 years by the same owner so you could take that to mean there was a historical evidence that there was a fence there in the past if you wanted to go that direction.

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem Jones, to grant the appeal per the testimonial evidence by the property owner and to give staff direction to re-evaluate and modify current guidelines of the Historic Cultural Preservation Board. Motion carried, 4-0, with Councilman Timmer being absent.

11. Appeal (APP #10-002) of the Historic and Cultural Preservation Board's Denial of Certificate of Appropriateness 10-003

Mayor Lilburn opened the public hearing.

Community Development Director Jaquess stated this is the same issue as the previous item. The main difference here is that the property owner installed a fence that was 42 inches tall, therefore, it's taller than 36 inches. That's the difference in the process but this house is also on Pacific, near the one Council just discussed.

Mr. William Blough stated pretty much what Council has already reviewed. He did find evidence when we put the fence but he does not have visual proof from a previous fence.

Mayor Lilburn stated how did you find evidence.

Mr. William Blough stated it had footings. The rest of the house is encased with chain link fence so it looks like someone had taken it out but again he has no proof. He did try to keep everything within the historic era of the house.

Councilman McCallon stated you're not living in the house.

Mr. William Blough stated my daughter and his grandson live in the house and they also have a dog. Our side of the street is more unique than the other lady's house. We have absolutely no curb, the street and the sidewalk is at the same level so there's no curb. It's harder on security.

Councilwoman Scott stated would it be an extreme difficulty for him to chop off a few inches.

Mr. William Blough stated he would be glad to lower it within the restrictions or whatever the guidelines are.

Mayor Lilburn stated there are no guidelines. There are no fences permitted therefore there are no guidelines of height requirement.

Councilwoman Scott stated yes there are. There is nothing over 36 inches.

Mayor Lilburn stated no, there are no fences permitted in the front yard.

Mr. William Blough stated he did look before he put up the fence. He did look at the Historic District and there are numerous houses on Main Street which is south of Pacific that have identical type fences at higher than 32 inches.

Mayor Lilburn stated she does see a lot of fences in the Historic District. How do we tell some yes and some no?

Councilman McCallon stated Mr. Blough doesn't live on the property. Are the newsletters mailed to property owners?

Economic Development Specialist Stater stated yes, they are mailed to the property owners.

Mr. William Blough stated this home was also bank owned.

Councilwoman Scott stated so when Mr. Blough was installing the fence he did find evidence of a prior fence.

Mr. William Blough stated yes.

Councilman McCallon stated was this evidence presented to the Historic Board.

Mr. William Blough stated he does not remember to be honest. He doesn't think the question was asked.

Councilwoman Scott stated again she feels it is a safety issue if you have small children on that street. She travels that street quite a bit.

Mayor Lilburn stated but you are giving testimony today in the public hearing that you did find evidence.

Mr. William Blough stated that is correct.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilwoman Scott, to grant the appeal of the existing fence. Motion carried, 4-0, with Councilman Timmer being absent.

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

12. Proposed Strategic Plan for the San Bernardino Valley Water Conservation District

Community Development Director Jaquess gave a brief review of the staff report.

Mr. Robert Neufeld, General Manager of the San Bernardino Valley Water Conservation District, gave a brief presentation on the Proposed Strategic Plan.

Mayor Pro Tem Jones stated the Council would like to express to the Water Conservation District their appreciation for the years Mr. Neufeld has served and the great services they provide. The Council also appreciates you taking a position and stepping up and developing a strategic plan which broadens their responsibilities in water conservation and the preservation thereof.

Councilman McCallon stated he would like to excuse himself due to his association with LAFCO as this item will be brought before him through LAFCO. He left the dais at 7:31 p.m.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilwoman Scott, to receive the presentation from the Water Conservation District and authorize the Mayor to sign a letter to the District to reflect City Council comments. Motion carried, 3-0, with Councilman McCallon abstaining and with Councilman Timmer being absent.

13. Proposed Contract Amendment with San Bernardino County for Animal Control Services for Fiscal Year 2010-2011

Councilman McCallon returned to the dais at 7:35 p.m.

Community Development Director Jaquess gave a brief review of the staff report.

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem Jones, to:

1. Approve the contract amendment with San Bernardino County for Animal Control Services from July 1, 2010, through June 30, 2011, in the amount of \$396,547;
2. Authorize the Mayor to execute the appropriate documents; and
3. Authorize staff to continue to work with the County to establish a Joint Powers Authority for the East Valley cities for Animal Control and Shelter services. Motion carried, 4-0, with Councilman Timmer being absent.

14. Extension of Redflex Traffic Systems, Inc., (Red Light Camera) Contract

Director of Administrative Services Dantuono gave a brief review of the staff report.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman McCallon, to approve a one year contract extension and to authorize staff to send a letter to Redflex notifying them of this. Motion carried, 4-0, with Councilman Timmer being absent.

15. AB32 – Emission Reduction Credits

City Clerk Hughes gave a brief review of the staff report.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilwoman Scott, to authorize the Council to write a letter stating Council's desire to suspend AB32 at this time. Motion carried, 4-0, with Councilman Timmer being absent.

16. Ordinance No. 349 Amending Section 2.44.060 (Powers and Duties of the Director and Assistant Director of Emergency Services) of the Highland Municipal Code adding the Requirement for the City Council to Review the Need for Continuing a Local Emergency

A MOTION was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to adopt Ordinance No. 349 amending Section 2.44.060 (Powers and Duties of the Director and Assistant Director of Emergency Services) of the Highland Municipal Code adding the requirement for the City Council to review the need for continuing a local emergency. Motion carried, 4-0, with Councilman Timmer being absent.

City Clerk Hughes introduced Ordinance No. 349:

ORDINANCE NO. 349
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING SECTION 2.44.060 (POWERS AND DUTIES OF THE
DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES) OF
THE HIGHLAND MUNICIPAL CODE ADDING THE REQUIREMENT FOR THE
CITY COUNCIL TO REVIEW THE NEED FOR CONTINUING
A LOCAL EMERGENCY

which title was read.

17. Update on SANBAG, SCAG, Omnitrans, Work Program and Regional/Legislative Issues/Development Issues/Subcommittees/AB 1234 Updates

Councilman McCallon stated SCAG had a very successful general retreat and regional conference. It was well attended by over 700 people. Transportation, housing, SB 375 and other issues were discussed. He was also elected SCAG president during the general assembly. SANBAG has the Colton crossing issue before them and they have been working closely with the railroads trying to put together an MOU which provides significant public benefit in return for the public funds being used.

City Manager Hughes stated City Engineer Wong and Community Development Director Jaquess attended the State General Assembly Conference.

18. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

May 24 & 25	ICSC Conference
June 1	4:00 p.m. Joint Study Session – City Council/Planning Commission
June 8	5:00 p.m. Refuse Lien Public Hearing

CLOSED SESSION

At 7:58 p.m., the City Council and Redevelopment Agency convened into closed session regarding the following:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8 regarding the following properties:

Property:	APN 1201-331-01; 1201-341-08, 09
Negotiating parties:	Joseph Hughes, City of Highland Mission Development Company LLC
Under negotiation:	Instruction to City's negotiator concerning negotiation of Exclusive Negotiating Agreement for purchase of County Flood Control property.

At 8:34 p.m., the City Council and Redevelopment Agency adjourned closed session making no announcements. The City Attorney announced there was no reportable action taken during the closed session.

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 8:36 p.m. in memory of Mr. Larry Kester.

Submitted by:

Approved by:

Betty Hughes, CMC
City Clerk

Penny Lilburn
Mayor