

MINUTES
CITY COUNCIL, REDEVELOPMENT AGENCY AND HOUSING AUTHORITY
REGULAR MEETING
FEBRUARY 22, 2011 - 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 6:01 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Reverend Mark Rush of Immanuel Baptist Church and the Pledge of Allegiance was also led by Reverend Rush.

ROLL CALL

Present: Lilburn, McCallon, Racadio, Scott
Absent: Timmer

REPORT FROM CLOSED SESSION

Took no reportable action at the end of closed session.

City Attorney Steele stated Council did not consider the first item on the Agenda regarding the Conference with Legal Counsel.

SPECIAL PRESENTATIONS

None

COMMUNITY INPUT

None

CONVENE HOUSING AUTHORITY

CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY CONSENT CALENDAR

City Clerk Hughes stated there is a clarification regarding Item #2. Councilwoman Scott has requested on page 19 of 25, after the Motion, she had asked for clarification on justification of the pole signs. Staff will listen to the tape and include the statement.

A MOTION was made by Councilwoman Scott, seconded by Councilman Racadio, to approve the consent calendar as submitted. Motion carried on a roll call vote, 4-0, with Councilman Timmer absent.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – January 25, 2011 City Council Regular Meeting
Approved the Minutes as submitted.
3. Minutes – January 25, 2011 City Council Special Meeting
Approved the Minutes as submitted.
4. Minutes – January 25, 2011 RDA Regular Meeting
Approved the Minutes as submitted.
5. Minutes – January 25, 2011 RDA Special Meeting
Approved the Minutes as submitted.
6. Minutes – January 25, 2011 Housing Authority Regular Meeting
Approved the Minutes as submitted.
7. Claim Consideration – Shelia Paniagua
Rejected claim.
8. Treasurer’s Report for January
Received and filed the Treasurer’s Report for January 2010.
9. Collection Agreement between the City of Highland and the USDA, Forest Service San Bernardino National Forest
Approved the Collection Agreement between the City of Highland and the USDA, Forest Service San Bernardino National Forest.

ADJOURN HOUSING AUTHORITY

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

10. Highland Municipal Code Amendment (MCA-011-002) Adding Chapter 9.24 Sex Offenders, Title 9 (Public Peace, Morals and Welfare) to the Highland Municipal Code

Mayor McCallon opened the public hearing.

Community Development Director Jaquess stated this item before you is to consider implementing provisions of State Law that govern the housing of sex offenders, the provision for housing sex offenders within the City of Highland. The State Law was based on Jessica’s Law which was adopted following an incident at State Law which raised a lot of concerns about sex offenders affecting children. Jessica’s Law provides that sex offenders cannot live within 2,000 feet of a school or a park and cannot be within 300 feet of a school or a park except under certain circumstances such as if they have a child in the school that they are picking up or they have a child of their own at the park to monitor. This

ordinance before you essentially implement the provisions of Jessica's Law for the City of Highland and the City's municipal code and also includes a provision for enforcement that if someone violates the provisions of the law is subject to a misdemeanor. Attached to the staff report is a map that shows those areas of the city that would be, where a sex offender who offended against a child, would not be allowed to live within 2,000 feet of a school.

Mayor McCallon called for any speakers in favor or in opposition. Hearing none, the public hearing is now closed.

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilman Racadio, to:

1. Introduce Ordinance No. 359 to add Chapter 9.24 Sex Offenders, to Title 9 (Public Peace, Morals and Welfare) to the Highland Municipal Code; and to
2. Adopt a California Environmental Quality Act Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board. Motion carried, 4-0, with Councilman Timmer absent.

City Clerk Hughes introduced Ordinance No. 359:

ORDINANCE NO. 359
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ADDING CHAPTER 9.24 ENTITLED "REGULATION OF
REGISTERED SEX OFFENDERS" OF TITLE 9 ("PUBLIC PEACE,
MORALS, AND WELFARE") TO THE HIGHLAND MUNICIPAL CODE

which title was read.

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

11. Second Reading of Ordinance No. 358, Highland Municipal Code Amendment 010-006 – a City Initiated Municipal Code Amendment to Update and Amend the Existing Sign Regulations, Chapter 16.56 of Title 16, the Land Use and Development Section of the City of Highland Municipal Code (Sign Code Update) – a Council Goal

Community Development Director Jaquess stated this is a fairly routine item. This was heard four weeks ago and it has gone through the necessary review by Council and preparation of the ordinance language is before you for second reading.

Mayor Pro Tem Lilburn asked if this includes the pole signs.

Community Development Director Jaquess stated yes, everything you adopted at your original meeting which contained the provisions for the current pole signs to continue to exist.

Councilwoman Scott stated she has several questions. On page 6 or 9 whichever way you want to look at it, under H, it's talking about signs or displays previously approved and were lawfully placed or erected which do not conform to this chapter shall be existing legal non-conforming sign; she goes along with that. All such signs may be continued, maintained and repaired as long as the sign is not expanded, abandoned or structurally altered and then it goes on to say that 90 calendar days. Then if you go down to H-2, it says abandoned signs and structures shall be assigned remaining in place or not maintained for a period of 180 days which no longer advertises or identifies an ongoing business or product or service.

Community Development Director Jaquess stated the number 2 which Councilwoman Scott was referring to is not related to H, it's under I, which are legal signs. It's a separate section, not related to non-conforming signs.

Councilwoman Scott stated okay, that clears that one up. When you go over to page 7 it's talking about any abandoned, number 2 on the page, any abandoned non-conforming or otherwise illegal sign may be removed by the City not earlier than 15 days. It is her understanding that they couldn't be removed if they were on private property and yet we have it in here.

City Attorney Steele stated this is specifically referring to the signs in I-2, those that are abandoned. For example, if you have a vacant business that has a sign up and it's vacant for more than 180 days, that sign is abandoned and has to come down. That is what I-2 is referring to.

Councilwoman Scott stated then the City can go in there and remove it even if the City doesn't own the property.

City Attorney Steele stated the City would give notice to the owner and then go through the abatement process that would normally go through with a hearing before the Planning Commission before going forward with the abatement. Then we would probably have to get a warrant from the Court. There would be a normal hearing process as part of the process.

Councilwoman Scott stated under J, again, but its on page 7, J number 14, we're talking about illegal signs and number 14 clearly states pole mounted signs.

City Attorney Steele stated that is referring to a new pole mounted sign is illegal. There is no right to erect a new pole mounted sign in the City.

Councilwoman Scott stated well that was part of her question when the motion was taken last time is what is the justification for us to not allow a pole mounted sign because when we're talking about our signs, we're talking about that no pole signs are allowed. She keeps going back to the Mr. Wilson's station up here, the City of Highland had the pole sign removed that had the flying horse when we widened Base Line. After Base Line was widened, he was refused to put his flying horse back up and she doesn't understand the justification. What is wrong with a pole sign?

Mayor McCallon stated that was an existing pole sign. We're saying that any new business, no pole signs.

Councilwoman Scott asked but why.

Mayor McCallon stated because we don't want them.

Councilwoman Scott asked why.

Mayor McCallon stated they look terrible.

Councilwoman Scott asked says who.

Mayor McCallon stated the Council says.

Councilwoman Scott stated five people, four people as she voted no, four people say that pole signs, she means we are depriving a business of advertising.

Community Development Director Jaquess stated there are alternatives to pole signs.

Mayor Pro Tem Lilburn stated so they can't have a pole sign at all. They can't submit.

Mayor McCallon stated that's the existing sign regulation right now.

Mayor Pro Tem Lilburn asked but what about our new businesses, how are they supposed to advertise.

Mayor McCallon stated the sign ordinance states exactly what kind of signs. This is nothing new.

Community Development Director Jaquess stated basically a pole sign by definition is a pole that is skinny and has a big sign on top. There are alternatives to this and it's like a pedestal sign which the base is a little heavier and thicker and wider and it provides the base with a sign and the sign goes on top. It doesn't mean they can't have a sign; just how the sign is going to look when you're done is what you're regulating.

Councilwoman Scott asked could we have a base and then a single pole coming up from the base. Would that qualify?

Community Development Director Jaquess stated no.

Councilwoman Scott stated no. Why? We are asking people to put down monument signs that are going to be damaged, destroyed, graffitied and so forth. What is wrong with a pole sign?

Mayor McCallon stated we've been doing this since we've had all these new businesses coming in.

Mayor Pro Tem Lilburn asked how long has this been in effect, no pole signs.

Councilwoman Scott stated when we had a Council Member that got on here that decided that they didn't like pole signs, that's when. They don't have a business here.

Mayor McCallon stated it's been in effect ever since he has been involved with Planning Commission.

Councilwoman Scott stated if you take that number 14 off page 7.

Councilman Racadio stated he remembers the motion, he made a motion at the time to approve the ordinance and that we also come back, if we have redevelopment funds, to look at some programs for sign incentives to take down pole signs. Councilwoman Scott's comment at that time was that she wanted to have some analysis as to why pole signs are bad.

Councilwoman Scott stated yes, justified.

Councilman Racadio stated it's a matter of opinion of what's good and bad for our community.

Mayor Pro Tem Lilburn stated so every sign that comes before us has to go before the Design Review Board or the DRB.

Community Development Director Jaquess stated every free standing sign, which is correct.

Mayor Pro Tem Lilburn asked has anyone come with a pole sign lately.

Community Development Director Jaquess stated no.

Mayor Pro Tem Lilburn asked no one comes with pole signs anymore, right.

Community Development Director Jaquess stated because when they bring signs in they comply with our code and no one building new signs has had a problem complying with our code. The issue has been for the whole purpose of this update was how to deal with existing non-conforming pole signs and whether we wanted to create a specified time for them to convert to current sign standards and the Council's decision was ultimately to say no. We want to leave the time frame open so they can continue as non-conforming signs with no time limit for correction.

Mayor Pro Tem Lilburn stated so the new Dairy Queen coming in, she would suspect he will not request a pole sign because with the new building and technology and stuff they don't use those.

Community Development Director Jaquess stated he believes the Dairy Queen's signs have all been approved.

Mayor Pro Tem Lilburn stated she does think pole signs add a little bit of charm. There are some pole signs out there that are charming. She thinks the area dictates what should call for a pole sign. We are trying to improve the quality of our building ordinance and our signs.

Councilwoman Scott stated if you look on page 37, again, we're talking about non-conforming pole signs and the general requirements of non-conforming pole mounted signs may not be changed to another non-conforming sign. So, if let's take H&E Lumber, if they move and K&L moves and H&E comes in, H&E could not put their H&E up where K&L is.

Community Development Director Jaquess stated they can. That is not a portion of the sign code. We don't regulate sign content.

Councilwoman Scott stated so a new business can go into the same slot just change the name, okay. She still wants justification for not allowing pole signs. It's not a health and safety issue, it's not a general welfare issue, and it's not a physically or economic environment issue.

Councilwoman Scott stated she is going to oppose just because number 14 is still there.

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilman Racadio, to conduct a second reading and adopt Ordinance No. 358, Repealing Chapter 16.56 Sign Regulations, with the exception of Section 16.56.190 Off-Site Advertising Displays, and replacing it with an amended Chapter 16.56 Sign Regulations of Title 16 (Land Use and Development) of the Highland Municipal Code. Motion carried, 3-1, with Councilwoman Scott dissenting and with Councilman Timmer absent.

City Clerk Hughes introduced Ordinance No. 358:

ORDINANCE NO. 358
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, REPEALING CHAPTER 16.56 SIGN REGULATIONS, WITH THE
EXCEPTION OF SECTION 16.56.190 OFF-SITE ADVERTISING DISPLAYS,
AND REPLACING IT WITH AN AMENDED CHAPTER 16.56 SIGN
REGULATIONS OF TITLE 16 (LAND USE AND DEVELOPMENT) OF THE
HIGHLAND MUNICIPAL CODE [MUNICIPAL CODE AMENDMENT 010-006]

which title was read.

12. Adjustment of Development Impact Fees – 29616 Santa Ana Canyon Road

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

Ms. Teresa Cosato stated the fees as they stand right now plus the repairs that would be required on the building are a huge financial burden on them. In order to comply with the City's current codes and ordinances, they would like to get the repairs done as they can afford either the fees or the repairs but not both.

Mayor McCallon asked are you satisfied with the Subcommittee's recommendation.

Ms. Teresa Cosato stated they are thrilled.

Councilwoman Scott asked was the addition built in 2004.

Community Development Jaquess stated yes.

Councilwoman Scott stated the history states the permits were taken out in 2004 but it does not state when the unit was constructed. Now these are new owners?

Ms. Teresa Cosato stated they are actually two owners later.

Councilwoman Scott asked was it a studio when the Cosato's purchased it or had it already been converted to the 2 bedroom, 1 bath unit.

Ms. Teresa Cosato stated it was already converted and rented.

Councilwoman Scott stated then it was purchased as a home and a rental unit.

Mr. John Cosato sated yes, but not knowing that it was not permitted.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to reduce the Development Impact Fees to the 2004 amount for the unapproved second unit dwelling located at 29616 Santa Ana Canyon Road. Motion carried, 4-0, with Councilman Timmer absent.

13. Establish a City-sponsored Unpaid Reserve Firefighter Program

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

Councilwoman Scott asked who is on the Ad Hoc Committee.

City Manager Hughes stated Mayor Pro Tem Lilburn and Councilman Racadio as well as prior attendance by Councilman Jones.

Mayor Pro Tem Lilburn stated one of the reasoning for this recommendation was the PCF had such a long history in the City and it is volunteerism. There were so many positives, it was hard to see this program go.

Councilwoman Scott asked who will pay for the volunteers to be trained. Will the City of Highland be responsible for the training fees?

Administrative Analyst Rissmiller stated the uniform allowance would be the same as it is today. After one year they are eligible for up to \$200 provided it is approved by the Fire Chief for a uniform item. The training is the same as it is today. They are required to put in so many hours per month, per year, to maintain training and to enhance training.

Councilman Racadio stated this is a real addition to our fire safety to the community. Staff did an excellent job looking into all the issues and was a thorough analysis and staff should be commended for their job.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to:

1. Direct staff to establish a city-sponsored Reserve Firefighter program who will be unpaid volunteers of the City who will be subject to the following rules and regulations:
 - a. Successfully complete the following City of Highland pre-employment requirements
 - i. Complete a City Volunteer Application package; and
 - ii. Successfully complete a LiveScan background fingerprint check (cost approx. \$32.00 per person); and
 - iii. Successfully complete a pre-employment health examination (cost approx. \$528.00 per person); and
 - iv. Successfully complete a DMV driver record check; and
 - v. Provide proof of automobile insurance coverage.
 - b. That the City provide Workers' Compensation & General Liability Insurance coverage

- c. That the City retain authority for personnel matters including, but not limited to
 - i. Hiring; and
 - ii. Personnel actions (either positive or adverse); and
 - iii. Termination
 - d. That the City continue to provide the following for unpaid reserve firefighters
 - i. Personal Protective Equipment; and
 - ii. Emergency Notification Radio Pagers; and
 - iii. Emergency Vehicles (e.g. fire engines, squads, etc.); and
 - iv. Annual Uniform Reimbursement Allowance (as provided by current city policy); and
 - v. CPR Training reimbursement allowance (as provided by current city policy).
 - e. Take such other actions as may be necessary to implement this program.
2. Direct the Fire Chief to develop the necessary policies and procedures to implement the City of Highland Reserve Firefighter program consistent with the information outlined in this staff report, subject to the approval of the City Manager. Motion carried, 4-0, with Councilman Timmer absent.
14. Proposed Resolution No. 2011-009 Supporting a California High Speed Rail Alignment Along the I-215 Corridor with Station Locations at the Downtown Intermodal Transit Center and Near March Air Reserve Base

City Clerk Hughes introduced the item for discussion.

Mayor McCallon gave a brief review of the agenda item.

Councilman Racadio stated he is really concerned we are spending \$9 billion and are we sure it is not going to need Federal assistance. There is a great deal of talk in Washington regarding eliminating high speed rail. It is an expense we do not need. He understands the need for public transportation as it serves the people who need transportation and do not otherwise have access to transportation. This system serves middle and high income people. There is no rationale for public subsidy on this item. In this economy he cannot support this item.

Mayor McCallon stated we are not asking to support the high speed rail. He is in agreement with Councilman Racadio. He believes the high speed rail is a colossal waste of taxpayer money. However, the state voters voted for it, a bond issue, so it is moving forward. The issue is if it is built we would like it to come through San Bernardino. We are not saying it needs to be built or supporting the program itself.

Councilwoman Scott stated it is the biggest waste of money there is but if it is going to be built, then certainly we would like to have a say in where it is going to go.

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem Lilburn to review the proposed resolution and adopt if appropriate. Motion carried, 3-1, with Councilman Racadio dissenting and with Councilman Timmer being absent.

15. City Selection Committee Election – Cal-ID Remote Access Network

Mayor McCallon stated there are two candidates for the position.

Councilman Racadio stated he supports Dennis Michael, Mayor of Rancho Cucamonga.

Mayor McCallon stated he will vote for Dennis Michael at the City Selection Committee Election for the Cal-ID Remote Access Network based on Council consensus.

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

Mayor Pro Tem Lilburn stated some Measure I funds were allocated for a Consolidated Transportation Association. A Board was formed for discussion and possible action and it was decided Sacramento's model would be reviewed and considered.

City Manager Hughes stated Council has received staff's proposed Work Program items. Two meetings will be held, one to discuss these items and two to do the rating and set the timetable.

City Clerk Hughes stated she had attended the City Clerk Academy on February 9-11, 2011.

17. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 6:51 pm in memory of Rodger Smith, Lillie Merrett and Jim Pugh.

Submitted By:

Approved By:

Betty Hughes, CMC
City Clerk

Larry McCallon
Mayor