

**MINUTES
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING
MARCH 8, 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 6:05 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Reverend Todd Barnett of Immanuel Baptist Church and the Pledge of Allegiance was led by the Boy Scouts of America Troop 19.

ROLL CALL

Present: Lilburn, McCallon, Racadio, Scott, Timmer
Absent: None

REPORT FROM CLOSED SESSION

Took no reportable action at the end of closed session.

City Attorney Steele stated there is a need to add an item to the Agenda pursuant to Government Code Section 54956.9(c), Initiation of Litigation, One Case.

A MOTION was made by Councilwoman Scott, seconded by Councilman Racadio, to add an item to the Closed Session, Government Code Section 54956.9(c), Initiation of Litigation, One Case. Motion carried, 5-0.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to 54956.9(c):
One case.

SPECIAL PRESENTATIONS

None

COMMUNITY INPUT

Ms. Beverly Powell, Southern California Edison, stated she is making the effort to speak with cities regarding the Plug-In Electric vehicles. Fact studies show by 2015 there will be 200,000 electric vehicles in Southern California Edison's territory. Homes will have electric panels installed so these vehicles can be charged. Their effort with the cities is to educate the cities regarding ways to partner and streamline the process for the inspections of the electric panels.

Councilwoman Scott inquired if there would be a break in the billing if a citizen were to purchase an electric vehicle as they will use more electricity to charge the vehicle and for their home use.

Ms. Beverly Powell, Southern California Edison, stated their website will state when the best times are to plug in your vehicle as there are peak times which is when energy costs the most.

Mayor McCallon stated he would like to recognize City Clerk Hughes for her accomplishment in receiving the designation of Master Municipal Clerk.

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to approve the consent calendar as submitted with the exception of Item #12, Item #14 and Item #15 being pulled for further discussion. Motion carried on a roll call vote, 5-0, with Councilman Timmer abstaining from Item #4, Item #5, Item #8 and Item #9; with Councilwoman Scott dissenting on Item #10 and abstaining from Item #11; with Mayor Pro Tem Lilburn abstaining from Item #10 and Item #11; and with Mayor McCallon abstaining from Item #2, Item #3, Item #6 and Item #7.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – February 8, 2011 City Council Special Meeting
Approved the Minutes as submitted.
3. Minutes – February 8, 2011 City Council Regular Meeting
Approved the Minutes as submitted.
4. Minutes – February 22, 2011 City Council Special Meeting
Approved the Minutes as submitted.
5. Minutes – February 22, 2011 City Council Regular Meeting
Approved the Minutes as submitted.
6. Minutes – February 8, 2011 RDA Special Meeting
Approved the Minutes as submitted.
7. Minutes – February 8, 2011 RDA Regular Meeting
Approved the Minutes as submitted.
8. Minutes – February 22, 2011 RDA Special Meeting
Approved the Minutes as submitted.
9. Minutes – February 22, 2011 RDA Regular Meeting
Approved the Minutes as submitted.

10. Warrant Register
Approved Warrant Register No. 517 for March 8, 2011, in the amount of \$1,718,605.26 and Payroll of \$81,473.77.
11. Warrant Register
Approved Warrant Register No. 518 for March 8, 2011, in the amount of \$2,305,317.40 and Payroll of \$157,440.93.
13. Rubberized Asphalt Concrete Grant Application
 1. Adopted Resolution No. 2011-011 approving the application for grant funds through the State Rubberized Asphalt Concrete Grant Program FY 2010/2011 for various street rehabilitation projects through the city; and
 2. Authorized the Public Works Director/City Engineer to represent the city in this grant program.

RESOLUTION NO. 2011-011
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, APPROVING THE
APPLICATION FOR GRANT FUNDS FOR
RUBBERIZED ASPHALT CONCRETE GRANT PROGRAM FY2010-11
FOR VARIOUS STREET REHABILITATION PROJECTS
THROUGHTOUT THE CITY

ITEMS PULLED FROM THE CONSENT CALENDAR

12. Bicycle Transportation Account (BTA) Grant Application

Councilwoman Scott stated we will be receiving funds from other sources but we still have to match \$75,200. She feels we should not do this at this time. To her when she was reading this item, it is skirting the old Measure E which was turned down by the voters several years ago.

City Engineer Wong stated the proposed bike lane project is not just putting the striping on the pavement. Actually the majority of the project cost is to widen the width of the pavement on Greenspot Road. Greenspot Road is relatively narrow and only has one lane each direction. This would provide additional width of pavement and a little wider shoulder area which is a public safety benefit.

Councilwoman Scott asked if this project will actually widen Greenspot.

City Engineer Wong stated correct, to put the bike lane on the widened portion of the pavement. If you are driving on Greenspot you will not be limited to the narrow lane; you will have a little buffer zone before you got to the shoulder area.

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilman Timmer, to adopt Resolution No. 2011-010 approving the application for state grant funds through the 2011-2012 Bicycle Transportation Account (BTA) Grant Program for 5th Street/Greenspot Road bikeway improvements from Tippecanoe Avenue to the city limits south of the Santa Ana River. Motion carried, 5-0.

RESOLUTION NO. 2011-010
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM
THE STATE BICYCLE TRANSPORTATION ACCOUNT FOR THE
5th STREET/GREENSPOT ROAD BIKEWAY IMPROVEMENTS PROJECT
BETWEEN TIPPECANOE AVENUE AND THE CITY LIMITS SOUTH
OF SANTA ANA RIVER

14. No Parking on Pacific Street

Assistant Public Works Director Barton stated this item is to provide a parking restriction on Pacific Street on the north from Victoria westerly to the city limits and also on the south side of Pacific Street from Rogers Lane to 560 feet easterly. Staff has received comments about the parking restriction on the south side of Pacific Street, east of Rogers Lane. In reviewing this, staff has determined that this parking restriction can be reduced. There is an area that can allow parking from Rogers Lane to about 130 feet east of Rogers Lane. It does not allow parking directly in front of the apartments because there is not enough room. The lane widths are narrowed from 18 feet, which is the minimum width for parking. Typically, 20 feet wide would be needed for the lane adjacent to the curb. Staff does suggest the modification to the resolution be made to 130 feet east of centerline of Rogers Lane which is Item 51 in the resolution. The revision for line item #51 of the resolution would read south side of Pacific Street from 130 feet east of Rogers Lane, centerline, to 515 feet easterly.

Councilman Timmer stated in front of Pacific High School, which is in the City of San Bernardino, we will be continuing basically their no parking restrictions to the location we are talking about now, correct?

Assistant Public Works Director Barton stated yes, that is correct.

Ms. Shawn Burrell stated she strongly opposes this permanent parking. She is a resident at the Gorgonian Apartments and the guests of residents have no parking available. Guests would have to park around the corner in a residential area which will probably inconvenience those residents. The residents rely on the parking in the front for their guests to use.

Ms. Maria Rodriguez stated she opposes the parking restriction on Pacific next to Rogers Lane. She cannot walk too far and her daughter parks in the front to take her to the doctor. She does not think the parking would cause congestion as the lanes are wider now.

Mr. Mario Salgado stated he is the manager of the Gorgonian Apartments and he would like to address the no parking proposal for their complex. Several residents are disabled and need to be dropped off and picked up for appointments. Do not take away our parking as we need to park in the front.

Councilman Timmer asked how much off street parking do you have for visitors in your facility.

Mr. Mario Salgado stated just the front of the complex.

Councilman Timmer stated so there is no off street parking for guests.

Mr. Mario Salgado stated no, before construction people always parked in the front next to the curb and after the construction people were receiving tickets for parking there.

Mr. Oscar Mora stated he is a co-owner of the Gorgonian Apartment complex. The building will be affected by the decision made today. It was built in 1964 and had parking ability for 40 years. Now they have done the resurfacing of the street and the restriping. Nothing has not changed that has not occurred in the last 40 years and this proposal for no parking will cause an affect on their residents. Their guests and their residents need this space in order to be able to have medical services pick them up. They are asking Council to reject this proposal.

Ms. Diana Freeman stated she has lived in the complex for 10 years and she is visibly impaired. She needs to have access for her in-home services to come to her home. If parking is taken away, she cannot walk up and down the street trying to find a parking space.

Ms. Dana Seeger stated she is disabled. She uses a shuttle to get to the airport, they use taxis and they have guests. All of these people park in the front as there is no other area for them to park.

Mr. Michael O'Connor stated he is a co-owner of the Gorgonian Apartments. The Highland Public Works Department did not report to you that a left turn lane has reduced the width of the eastbound lanes. On street parking can no longer be accommodated. When the restriping was done, the stripes were moved closer to their building and they do not have the ability to park in front of their building. He is perplexed why a turn lane is needed for Guthrie Street as it is a minor street into a residential area. When this complex was built, it was built with 21 off street parking spaces. These are all covered spaces dedicated to the units. If we were to look at the code today and try to build the same complex they would have to provide an additional 18 resident parking spots plus additional 10 guest parking spots. It seems right and fair the City consider the codes that the County had and that they have been making do with the parking in front.

Mr. Robert Ibarra stated he is here to stand with his neighbors and to ask Council for a no vote on this proposal.

Councilman Racadio stated it appears the turn lane was lengthened. The length of the pocket was moved further west.

Assistant Public Works Director Barton stated not that he is aware of.

Councilman Racadio asked is the turn lane wider now and this made the other lanes narrower?

Assistant Public Works Director Barton stated he does not know. He does not know if it was measured precisely ahead of time during the design phase or if it was going straight by photographs and the normal 12 foot lane width. If it was reduced, it is possible.

Councilman Timmer stated he knows on other streets where we have added bike lanes it has shortened or reduced the normal travel lane widths by certain amounts. Is this something we can look at here? There is a major impact to these residents for parking.

Assistant Public Works Director Barton stated we did review this. We would have to move several feet in order to get 18 feet. He did a quick look this morning and it can be done but staff will need to work with the City of San Bernardino to see if they are agreeable to this. Frankly the transition will have to take place in their territory.

Mayor Pro Tem Lilburn stated if she was a homeowner living on a street close by and the apartment owners were parking in front of her home she would probably not like that. The residents need an opportunity to park at their residence. Maybe we can look at working with San Bernardino.

Assistant Public Works Director Barton stated a revised recommendation is to allow parking adjacent to the apartments.

Mayor McCallon stated he would suggest taking a look at this and bring the item back to the Public Safety Subcommittee.

Councilman Racadio stated he would move to delete Item #51 for further discussion and to leave in #50 in the resolution due to it not being controversial.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to adopt Resolution No. 2011-012 as amended establishing a No Parking Zone on the north side of Pacific Street west of Victoria Avenue and to be brought back to the Public Safety Subcommittee for further discussion. Motion carried, 5-0.

RESOLUTION NO. 2011-012
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HIGHLAND ESTABLISHING A
NO PARKING ZONE ON NORTH SIDE OF PACIFIC STREET
FROM VICTORIA AVENUE CENTERLINE TO 660 FEET WESTERLY
AND RESCINDING RESOLUTION NO. 2011-007

15. Adoption of San Bernardino County Non-Motorized Transportation Plan

Councilwoman Scott stated she feels this item is circumventing the citizen's vote when they voted against Measure E.

City Engineer Wong stated this item is the adoption of the county wide non-motorized transportation plan prepared by SANBAG. SANBAG worked with all the cities and prepared a comprehensive study that included all cities in San Bernardino County that address non-motorized transportation mainly walking or bicycling. This document would allow each city to utilize it to apply for bicycle grants or other pedestrian related facility grants.

Councilman Timmer stated this item ties into our General Plan that is already delineating these lanes as part of our plan.

A MOTION was made by Councilman Timmer, seconded Mayor Pro Tem Lilburn, to adopt Resolution No. 2011-013 adopting the San Bernardino County Non-Motorized Transportation Plan as the City's Bicycle Transportation Plan. Motion carried, 4-1, with Councilwoman Scott dissenting.

RESOLUTION NO. 2011-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ADOPTING THE SAN BERNARDINO COUNTY NON-MOTORIZED
TRANSPORTATION PLAN FOR THE CITY OF HIGHLAND AS THE
CITY'S BICYCLE TRANSPORTATION PLAN

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

16. Allocation of the City of Highland's Community Development Block Grant Funds for Fiscal Year 2011-2012

Mayor Pro Tem Lilburn stated she will abstain from this item as she has a conflict of interest since she has an application submitted for consideration of CDBG funds for the Senior Center.

Economic Specialist Stater stated within the packet Council received are all the applications that were deemed eligible for funding by the County for the City's recommendation. This fiscal year, as of today, the County believes the allocation to be \$420,633.00. There has already been an allocation by the City of \$52,869 to the Senior Home Repair Program. That leaves a remainder of \$63,095 to public services and the remaining \$304,669 that can be allocated to the non-public service construction programs. She did want to bring to Council's attention that the Federal Funding for this program is uncertain for the next fiscal year and the City is not really sure what the outcome of that will be. On page 23 of the staff report is a summary of all the applications that are eligible and she also wanted to let Council know there is an application by the Highland District Council on Aging. You will see the funding request is \$43,000. In the past, the City has funded this organization \$23,000 fairly consistently. When this

organization made the application to the County they requested \$23,000 from the City of Highland, \$10,000 from the Third District and the \$10,000 from the Fifth District. The County has decided they are not funding any public service programs this year. They are using all of their funding for construction projects. So even though this organization didn't request \$43,000 they won't receive that funding from the County. The County said the funding should come from the City of Highland if that's your purview. That organization can make a request through another funding source through the County, a CIF Community Improvement Fund, but the funding for that would be uncertain.

Councilman Timmer stated he would like clarification on City Engineer Wong's portion of the grant. In the staff report it states several years of allocation dollars are being used to fund the project he is talking about. Specifically about 2009-2010 carry over monies to be added to this year's allocation, he assumes, and we are still short some dollars to do the overall project. Are you looking at waiting for additional Community Development Block Grant Funds in the future or are you using another funding source? You specifically talk about 2009-2010 and the number you list here is different than what is in the staff report so he's wondering if it's just confusion on the dates or the actual dollars you're talking about. As he reads it, we are going to be short funds to do the entire project.

City Engineer Wong stated this project would take, the amount of funding available is roughly \$300,000 per year, and this would be sufficient to fund a little less than half of the project. This year's request for CDBG funds is the first request for CDBG funds for this project. So, we are looking for next year, at least one more allocation depending on how much we have next year. Maybe we can just use our two years of our CDBG funds and finish project funding with that.

Councilman Timmer stated it's talking about using last year's allocations, he guesses.

City Engineer Wong stated last year we had a little left over. Whatever level of money we have, we can apply to this project too as a separate item later on in the future by the Council.

Councilman Timmer stated it's saying in the report here that the Public Works Department set aside \$216,000 in Community Development Block Grant Funding in fiscal year 2009-2010 and then it talks about adding this year's allocation to the project.

City Engineer Wong stated he thinks we got the fiscal year mixed up. This would be the first year we're asking for. This allocation would be the first part of money from CDBG.

Councilman Timmer stated so then we would anticipate next year another request to come up with the balance of the funds.

City Engineer Wong stated right, at least two years of CDBG funds.

Mayor McCallon opened the public hearing.

Mr. Marty Steinbrecker, Board President of the Highland Senior Center, stated as Board President he not only thanks the City Council for their continued support for the Center but to take this opportunity to update the City Council of the Center's current and ongoing activities. Historically the Highland City Council has and continues to financially support the Center through the allocation of CDBG funds. As you know, the Highland Senior Center receives no funding through the City's general budget, therefore, making these funds extremely vital to the Center and the seniors we serve at the City of Highland. With that being said the Center continues to be recognized as the largest and most active senior center around. This is due to the many quality of life programs the Center continues to offer. This past year the Center has over 700 new members, topping our membership at over 3,400 members. The Center offers such programs as our quality of life and social programs, physical fitness classes, social events and activities, transportation assistance program where we provide transportation for seniors to go to doctor's appointments, pharmacies, hair appointments, grocery shopping, and many other vital appointments. We also have our visitation and phone call program, our senior nutritional daily lunch program and our senior university classes, which are sold out. According to our 2010 audit during the past year, the Center had over 96,000 senior participants in these activities between the hours of 6:00 a.m. and 5:00 p.m. The place is very busy if you've ever been there. Each Council Member is mailed the Senior Center's monthly newsletter. We ask that you take this opportunity to read all about the wonderful programs and activities your Senior Center has to offer. There are other Senior Centers in other communities, however, our Senior Center remains the most active Senior Center in the Inland Empire and the only Senior Center that offers a transportation assistance program and the friendly visitor phone pal program. Currently our Executive Director Penny Lilburn is in negotiation with the State of California and Patton State Hospital to modify our current lease for an additional 20 years. This will allow the Center to add an additional 3,000 square feet for much needed space to further our programs and to accommodate the senior's needs. Again, he would like to thank you for your continued support and our Senior Center and ask if you could please continue this much needed funds that we are requesting. He has a lot of supporters with him.

Mr. Robert Hinderer, Highland Family YMCA, stated he wants to thank the Council for their past and continued support with the Highland Family YMCA. As you know currently we are serving well over, actually close to 4,000 Highland residents just in our membership alone. As far as our programs are concerned, we serve well over 2,000 Highland youth, teens and adults. We just ask for your continued support in the coming years.

Mr. Wesley Edwards, Central Little League, stated he is speaking on behalf of the players of Central Little League. He is 13 years old and he is currently in the Junior Division at Central Little League. He has played baseball with Central Little League since he was 4 years old. He believes that if kids want to play baseball, then they should. Why wouldn't they? Because of money? He just doesn't think that is fair. When they play baseball they are getting active and they are off the streets staying out of trouble and having something to live up to and wake up to in the morning. Just recently his brothers and he were denied the opportunity to play soccer due to financial reasons and he knew that Central Little League would never deny him the opportunity to play baseball. Thank you very much for helping him, his brothers and the players of Central Little League with helping us with CDBG funding.

Ms. Pam Grogan, Boys and Girls Club of Redlands, stated she is here today to ask you to seriously consider granting them the funds that they are requesting for the Boys and Girls Club. Again, her name is Pam Grogan and she is the Development Director for the Boys and Girls Club in Redlands. She does have hand outs if that is allowed. Just to go over some of the obstacles that are currently being faced by our youths. A lot of the challenges that they face deals with teen pregnancy, gang environment, youth violence, and drug abuse. As many of you know some of the critical hours for youth today are between the hours of 3:00 p.m. and 8:00 p.m. Currently the drop out crisis nationwide, only 69% of our students graduate. The high school drop out rate in San Bernardino County is actually higher currently than it is in Los Angeles County. Today's Boys and Girls Clubs have a history of serving over 40 years in the community. They do more than just recreation. They create wholesome activities, they have programs that help build self esteem and teach responsibility and respect and their programs create model citizens. Some of their most popular programs include the Be Great Graduate program which helps teen graduate from High School. It's an education and job development program. They have Project Learn which is a homework tutoring program. There are other cultural arts and teen dating violence programs as well including health and fitness. To give you a background of our membership profile, over 65% come from low income minority families. The majority of the kids they serve are 6 to 12 years old. In the City of Highland, although in terms of numbers, they serve about 1,000 kids annually and that is at our Redlands site, Loma Linda, Mentone and San Bernardino but of that number they only serve about 30 kids from the City of Highland and that is through their summer day camp. That is where parents are transporting their kids to their Redlands site. Currently the challenge they are facing with the CDBG funds, the City of Loma Linda has agreed to give them \$6,000 but is contingent upon this Council of the City of Highland giving them \$4,000.

Mr. James Martinez, SW Vocational College, stated if he may, to keep this brief, if he can hand over some material to the Council. Southwestern Vocational College is a public benefit non-profit 501(c)3 organization specifically designed for workforce development and job training. Specific jobs in security, public safety, investigations, anything that is a non-sworn position they have the ability to train, license and help an individual get a job. They can facilitate this from the age of 18 and their oldest graduate to this date has been 70 years old. They are asking today, they wanted to know if Council would help them train 20 residents of the City of Highland, veterans first, families second, and then any part of the community that needs job training. They have the ability to train them and help them get a job right now when it is so difficult. Security and public safety, although we are in a recession, seems to have a time when there are jobs out there for them. They can help them do that; it is one of the biggest things they can help with today. To help someone who is unemployed and put them back out in the workforce and get them off the unemployment line. They also offer, as part of the program, six months of continuing training and education free of charge as part of the tuition. No other program offers that type of follow up and training for adults. Please consider this as a worthy opportunity for the citizens of Highland. Although their school is in Rancho Cucamonga, they have the flexibility to bring their program here. All they would have to do is facilitate an area and then they could conduct the training program here. They can turn out some great positive results and one of the best things they can do is help someone get their self esteem back after they've lost their job.

Mr. Gary Madden, United Way 211 System, stated life continued its normal pace for most people in the City of Highland in the year 2010. Days filled with working, shopping, people have their hair and nails done, children going to school, football games watched, City Council meetings held, etc., but quietly and sometimes with great desperation many residents were struggling with foreclosure, unemployment, medical conditions, domestic violence, mental health issues, a need for counseling, legal services, dental services, affordable health care, substance abuse, consumer protection, mentoring, education and much more. Every eight hours in 2010 someone from Highland dialed 211. It is run by a fully professional call specialist whose entire purpose by answering the phone is to help the caller find the resources that match their needs. For four and half years, since the launch of the United Way 211 in San Bernardino County, the 211 has been available to everyone living in Highland 24 hours days, 365 days per year via the three digit or another toll free number. It is one of the most efficient and cost effective programs anywhere. Answering a quarter of a million calls in its short history and maintaining a data base of more than 4,500 services available to callers. This is actually a hard copy of their data base and it's two years old now. They've added more than 200 agencies and the services they provide since then. It is the quickest way for individuals and families to get help, the quickest way for those who have fallen on hard times to get back on their feet and to contribute once again to the health of the community. 211 is the Google of social services and they start where the yellow pages stop. As they've been assisting the residents of Highland and the rest of San Bernardino County and

their ever expanding area, they are now asking the cities to partner with them to provide a portion of the funding needed to keep up with the growing demand of callers and expand their staff so that 211 can continue to efficiently connect people in need to those who can help in these difficult times and beyond. With your consent, 211 will continue to be the biggest little number in the world. It is beneficial, regardless of the CDBG outcome, for 211 and City of Highland to strengthen their relationship so that in the next event, which hopefully will be a long way down the road and whether it be a flood or a fire, when residents are looking to find out where the shelter is, what roads are closed, whether school will be open in the morning, where they can drop off their animals, that they will be able to simply dial 211 and they will have that direct connection to give them that information immediately and be a great asset to the citizens of Highland.

Ms. Deborah Davis, Legal Aid Society, stated she would like to thank the Council for the support that they have given to Legal Aid Society in the past. They look forward to continuing partnering with City of Highland to provide services in the future. The services they provide are full legal consultations and for at least 86% of the people they serve, they can prepare the paperwork step by step so they can seek peaceful resolution. The road they work on is helping people to help themselves. This helps decrease dependency on public resources.

Ms. Nicole Kinney, Director of Inland Empire Women's Business Center, stated they are a program of the Inland Empire Center for Entrepreneurship at California State University San Bernardino. Due to the long name of the program, they like to call themselves ICE because it's much shorter than saying that repeatedly. ICE was established in 1999 to advance the study of practice and entrepreneurship at the University and in the business community. ICE meets the needs of existing and start up small businesses by offering business consulting services, student internship resources and entrepreneurial training programs that help entrepreneurs achieve greater levels of success. Community business programs offered by ICE include the Inland Empire Women's Business Center, the Coachella Valley Women's Business Center, and the Spirit of the Entrepreneur Annual Awards program. The IWBC fulfills the services to existing and aspiring business owners that we're requesting CDBG funds for today. They are funded in part by the US Small Business Administration; however, the grant does require them to raise the necessary match that we need to fulfill our contract. They target our free business counseling services and free low cost training workshops to low income women. However, they do serve anyone who asks for it. In January, the Women's Business Center collaborated with the local library in Highland to present the ABC's of starting your own business. They had 47 people in attendance for this two hour presentation and of those 47 people, 70% of them were certified as low income. With the CDBG funding provided, they will implement a business training and counseling program in Highland that will focus on serving low to moderate income individuals and will be able to bring a much needed service into the community. The program's goals will be to help existing business grow and create jobs in the community and to provide resources and information to help individuals who want to start and run thriving

businesses. Economic development goals will be met by offering one day of service per month in the form of free business counseling and workshop sessions to individuals who are interested in starting their own entrepreneurial ventures or are current business owners who are looking to either sustain their existing company or look to see how they can achieve greater sales. They will provide businesses with the technical assistance needed to do things such as apply for a business loan, increase their sales, decrease expenses, marketing strategic plan, etc. As she mentioned, a specific goal of the program will focus on job creation and retention within the Highland business community. Job creation and retention are going to be the economic drivers for our region. ICE and the Women's Business Center currently manage and implement CDBG contracts with the City of Corona and County of San Bernardino. They have the processes and procedures in place to implement a successful Highland business assistance program.

Ms. Kristen Fratt, Court Appointed Special Advocates, stated CASA recruits, screens, trains and supervises volunteers who are also known as advocates to mentor abused and neglected children living in foster care. Their goal is to provide stability and permanency and help youth become responsible citizens. Without these types of interventions, children who have been abused and neglected and placed in foster care often end up abusing their own children and experience addiction, homelessness and incarceration.

Mayor McCallon called for any additional speakers wishing to speak. Hearing none, the public hearing is now closed.

Mayor McCallon stated for the benefit of everyone, we have \$194,000 to give out. They can only give out \$63,095 so as you can see there are a lot more requests than we have money to give. On top of that the County has informed them that the minimum distribution is to be \$10,000. So with that he would open it up for Council discussion.

Councilman Timmer stated usually the easiest one to address first is the construction side of it. He would go ahead and allocate the funds for Code Enforcement in the amount of \$123,997 and the remainder amount to the construction project which City Engineer Wong submitted in the amount of \$186,072.

Mayor McCallon stated that would be a total of \$304,669.00.

Councilman Racadio stated he would concur with that.

Councilwoman Scott stated she almost does but she thinks in lieu of our floods and so forth and the conditions of our streets, we need every bit of help we can get. She took \$23,997 away from the revitalization and put it to streets but she will go along with that. They are both needed and necessary. She just felt our streets were really in need.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to allocate \$123,997 to Number 37013, Neighborhood Revitalization, and \$186,072 to Number 37014, Street Improvements on Olive Street from Base Line to 14th Street. Motion carried, 4-0, with Mayor Pro Tem Lilburn abstaining.

Councilman Timmer stated he thinks we need to support the ongoing programs that we have supported in the past. Obviously we have less money this year so some of those amounts requested are going to be different. There is still significant discussion going on in Washington that they may cut this year's allocations that we are talking about now. So we may allocate the funds but Washington may reduce those amounts. He wants to make sure everyone up front knows that the action Council takes tonight, the Federal Government may change those. We will allocate tonight what we think we're going to get based on the last correspondence. He was going to suggest obviously Central Little League, who we've supported in the past, they have requested \$18,000. He was going to give them \$15,500; Highland Senior Center, historically, we have given them \$23,000 and he would continue to do that; Highland YMCA requested \$25,000, he would allocate \$14,595; and the Library has requested \$10,000 which is the minimum we can give under the new rule so he would give \$10,000 to the Library which would take the full allocation of \$63,095.

Councilwoman Scott stated she had it a little differently.

Mayor McCallon stated he did too but he thinks that he can go along with Councilman Timmer's proposal. He had a little less for Central Little League and a little more for the YMCA.

Councilwoman Scott stated she took 35% off everyone except the Library and they ended with 28% but I can't do that because it's less than \$10,000. She would like to, with the 28.5% for the Library at \$7,195, she would like to add more to that to make it \$10,000 even and take it from the Little League. She likes kids, don't get her wrong. They also have fundraisers and it does the kids good to work for some things. As with the other organizations, we are cutting them back so far. She agonized over this thing because there are groups we didn't even, that we have helped in the past, and we just didn't do anything for them. That would be her recommendation.

Councilman Racadio stated so where did you put the other money?

Councilwoman Scott stated she would take \$2,905 off the \$15,500 and give it to the library to make it \$10,000. Everything else would be okay. She had different figures. She was giving the YMCA and the Senior Center a little bit more money than Councilman Timmer did.

Councilman Racadio stated he would like to see a little more go to the YMCA also. Maybe switch the Little League and the YMCA from what Councilman Timmer proposed.

Councilman Timmer stated the way he handled it was, he looked at the Library, you can't adjust that as that's the minimum amount we can give; the Senior Center, he thinks we all know the great things the Senior Center is doing and we know they are losing, sounds like San Bernardino County allocation of dollars so he didn't want to hit them. Basically what he did was he reduced the other two by roughly \$5,000 a piece so there would be some equity in what the reduction was going to be.

Mayor McCallon stated let him offer a compromise. What he had was \$15,000 for the Little League, \$23,000 for the Senior Center and then \$15,095 for the YMCA and then \$10,000 for the Library.

Councilwoman Scott stated hers came up to \$12,595 for the Little League, \$23,000 Senior Center, and \$14,595 for the YMCA and the \$10,000 for the Library.

A MOTION was made by Mayor McCallon, seconded by Councilman Racadio, to allocate the City of Highland's Community Development Block Grant Funds in the following amounts \$15,000 to Central Little League, \$23,000 to Highland Senior Center, \$15,095 to Highland YMCA and \$10,000 to the San Bernardino County Library which totals \$63,095. Motion carried, 4-0, with Mayor Pro Tem Lilburn abstaining.

City Council took a brief 10 minute intermission at 7:25 p.m.

City Council reconvened the meeting at 7:35 p.m.

17. Appeal (APP-009-007) of the Planning Commission's Denial of Conditional Use Permit (CUP-008-002) and Tentative Tract Map (TTM-008-002) (Planning Commission Resolution 09-023); a Residential Planned Development to Subdivide a 22.92 Gross Acres Parcel of Land into 133 Detached Single-Family Residential Lots with Various Community Amenities - The Appellant is Requesting Reconsideration of the Planning Commission's Denial of Conditional Use Permit (CUP-008-002) and Tentative Tract Map (TTM-008-002)

Mayor McCallon opened the public hearing.

City Planner Mainez stated he would like to introduce Assistant City Planner Kelleher. Hal Woods, Rick Hartmann and Chuck Hanson are present this evening. He would like to point out the options tonight. The first option is to uphold Planning Commission's denial. That is staff's recommendation. We are staff to the Planning Commission so that is a procedure. Option two is if the City Council is so inclined to overturn the Planning Commission's denial, the City

Council could make plans to do such and to assist you with that we have included the Planning Commission's initial approval resolution and that would be a good starting point to guide you to that determination. The last option, three, to bring it back to the Planning Commission, we don't recommend this as the changes are very minor tonight and not very significant. We would not suggest delaying this application any further. City Council should take action tonight.

Assistant City Planner Kelleher stated the appeal application was filed with the City of Highland on November 29, 2009. Initially staff scheduled the item to come before the City Council on December 8, 2009. Over the past year or so we have received a total of six requests from the applicant to continue the public hearing. These were primarily to allow the applicant additional time to work through items related to the adjacent property tenant, Inland Fish and Game. The project that was initially presented to the Planning Commission was for 133 single-family detached homes. The applicant is proposing this evening to modify the tract to allow for 129 single-family homes. This modification is to allow for a curvilinear street design as well as to widen the paseo parkway along Promenade Way that would tie in with the Blossom Trail project that is already approved on the adjacent property to the east. Also the applicant is proposing a new teen area within the pool area and it should be noted that if this item were to be approved, the design review application would still need to go before the Planning Commission as there has not been one submitted at this time. In terms of the environmental, it was originally done by the Chambers Group on contract from the City of Highland. Some of the issues that were noted and mitigated for include noise, biology as well as hazards. It should be noted that the Planning Commission's concerns from their resolution are found on page 7 of the staff report.

Mr. Rick Hartmann stated he is the Principal of Government Contracting Consulting Services and is representing Hal Woods who is the managing partner for the partnership for the project. The parent company is Centerstone Communities, Inc., and what they plan to do is make a presentation. He will try to hit the saline points that they feel are important to the project. They will try to deal with the rebuttal. He will deal with some of the land use issues and then turn it over to Mr. Hal Woods who will talk about his company and some more details of the project, then turn it over to Mr. Chuck Hanson who is the attorney for the Centerstone Community properties for some final information regarding the litigation between Centerstone and Inland Fish and Game. The Planning Commission took action to deny this project in November, 2009. At that time there were a number of issues associated with the project that seemed to be objectionable to the Planning Commission, mostly related to the relationship this project has before you and the Inland Fish and Game Club. Now, he will refer to that as the Club from now on. So his objective here is to identify some of the rebuttal information in the resolution that they feel is really unfounded. Many of the facts he thinks were stated in the resolution are really not supported and in some places very contradictory to what philosophically this Council and the City has approved as far as projects as well other parts of the General Plan which

they feel add validity to the project. It shows consistency with the project. The Planning Commission relied on the principle reason of denial was compatibility in their opinion. They seem to hone in on the Gun Club and this project and how between noises, some of the safety factors involved with that relationship really was the point where the Planning Commission could not support the project. They will talk a little bit later by legal counsel how that relationship is today and where they think it may be going and how, in their opinion, those issues that Planning Commission pointed out that initially are in fact have been mitigated and/or are basically non-existent today. The resolution of the Planning Commission also pointed out a number of issues related to loudness issues as he stated briefly before. The General Plan has a number of elements in terms of consistency, consistency issues and they feel their project does in fact comply with those. One of the issues that are a concern to them was when the Planning Commission took its public hearing and testimony in October, when they concluded their public hearing they never addressed issues that were later put in the resolution. For example, noise was raised in October but it's in the final resolution. There are theoretical noise impacts that were addressed but really unsubstantiated. It kind of goes on through those issues as well as the intent to redesign the shooting range, they were certain that it was the applicant's responsibility to make sure that things change for the shooting range which is totally out of their control. Resolution also repeats references to the potential bullets ricocheting into the community. Again, with some of the information we will hear by legal counsel, that issue should be mitigated to the best of all possibilities. With respect to land use, the resolution states and there are a number of inconsistencies, particularly with the surrounding area that didn't comply with the goals and objectives of the General Plan nor does it promote the vision of the adjacent Golden Triangle policy area. With that in mind, he thinks it is very clear to point out that this type of project and staff briefly presented to you and is part of your packet, it's a compact lot development; very similar to what is around in East Highland's Ranch area. Plenty of areas within East Highland's Ranch, there is a lot of them that range in lot size from 4,500 to 5,500. There are some townhomes and condominiums that have been built over the past 10 to 15 years. To immediate there is the Blossom Trail project that Council has approved that has a mixture of different type of housing types and the Glenrose project just south of the new middle school is also a small lot or townhome type of project. Of course, right across the street is Village Lakes. So, to say that their project is inconsistent with projects in this general area to him seems a little far fetched. With respect to the comment that it doesn't promote the goals and objectives of the policies of the General Plan, they take issue with that and most goals and policies that they were found to be objectionable by the Planning Commission deals with open space and recreational opportunities. As you know, the City has a multi-purpose trail and shows part of it which is on top of the Metropolitan Water District Inland Feeder Project easement. This applicant proposes to make a full improvement to that trail and it's one of those assets that you like to have as part of a project that you can then incorporate into your project and help to promote the overall revitalization of the area. Probably the biggest concerning issue dealing with some of the Planning Commission's

findings is that it does not promote the Golden Triangle policy. When the City created the 2006 General Plan, one of the key issues they looked at was to kind of down grade the number of lots or potential lots for commercial activity. In other words concentrated in certain areas, have additional roof tops come in. Residential units that would then be supportive of that commercial activity and each policy area pretty much stands on their own. So a relationship to deny this project, that this tract map does not promote the Golden Triangle policy area, to him is far reaching and really is inappropriate. That being said what he wanted to get into is, as Sean pointed out, first of all he probably should have said it in the beginning they appreciate Sean and Larry and other staff members for their time and efforts to put this project together. They have taken some time to get to this point but they think now is the right time to do so. The project that was originally approved, denied by the Planning Commission, they still feel is a solid project. It has good foundation and many attributes of that project will be reviewed by Mr. Hal Woods. He wants to talk about an alternative to the project. They met with staff; they met with others to go over a number of ideas regarding the project saying okay, what can we do to make it better. What can we do to facilitate some of the concerns and he thinks the project that Sean put up initially which is their alternative project here deals with a little bit softer design. You can see the property is rectangular in shape, allowing for creativity in the street system but it does allow a little bit of a curvilinear design which promotes safety, ease of traffic as well as some ambiance within the project. This curvilinear design, what it did was pretty much reduce the number of lots from 133 to 129 so there is a reduction of four lots. Mainly as you can see in the middle of the project, Greenspot Road, as you can see some of these lots now became much larger. By pushing this curvilinear street to the south a little bit more, these lots then ended up dropping by four lots here in the center of the project. They made a substantial improvement along the Greenspot Roadway as well and he will talk about that in a second. The proposed tot lot and child activity area along the multi-purpose city trail, they are trying to emphasis this city feature to be part of the project. What the applicant is proposing to do is to have a creative meandering walkway within the 90 foot right-of-way of the easement, have some bridges made of wood that would cross the bioswales that NPDES program requires them to have and just make a nice ambiance setting for the residents of the area. One of the other amenities that they are looking at increasing and changing is they have some comments to add a teen area, a teen activity area with the community center. It was currently reported to them that many of the teens nowadays don't have a place to congregate and if they do it's in front of a supermarket or places where you really would rather not have them congregate. This idea has been explored and they are willing to make it part of their community center program. They don't have all the details worked out and be willing to work with Stan's staff to identify what improvements really should be part of the program and will follow their guidance as well. One of the other attributes of this project that he thinks is very important for them to do is they have tied it to the Blossom Trail project to the east. As you're familiar with the project to the east, it's a wider street coming through the center of the project. It has a little more landscaping, a little more public walk way area. It makes a nice

inviting link between the Church Street area and Orange Avenue on the west of their project. It does allow pedestrians to move through the project safely rather than having to be on Greenspot Road which they think is a very strong positive improvement for the site. The project is gated but not the pedestrian aspect. So people would be allowed to walk freely through the center of this project as they are all private streets. This project has gone through a number of other changes as well. They've tried to show, again, the permanent way that shows the street scene and they will get into Centerstone overview in just a second. A couple of things he wants to bring up, there have been some issues about the Gun Club and the BLM relationship. They know that there's going to be some improvements if the Gun Club does in fact move forward. BLM has stated on the record and there's also a letter on file with the City, they have a copy as well, that talks about the full environmental review community involvement and subject to NEPA which he thinks is fair to all of them because their projects have to go through the NEPA as well as all developer projects. This would be a condition of the Gun Range to follow all the local regulations dealing with environmental and public review. That being said they think they have a project that is very sustainable. They have a project that very much can coexist with a project such as the Gun Club if it were to be constructed again. What he has done in the staff report, taking it to the next level, they've introduced a number of new conditions that basically reflects the project that he showed with a minor mimic of dropping the four units and they can go through those as the Council likes but he thinks staff will concur that they have tried to address as many of those issues of the re-design of the project into conditions to satisfy an alternative project and be able to move forward relatively quickly. At this point, he would like to turn it over to Mr. Hal Woods. Again, he is the President of Centerstone Communities, Inc., and the managing partners of Highland, 5th and Orange Partnership.

Mr. Hal Woods stated he is the President of Centerstone Communities and is also the architect on the project. They have an in-house architectural firm that does their projects. The first part of his presentation he would like to talk about what they do as a company and how they have re-invented themselves over the last five years. They have been in business approximately 25 years doing work in the western United States and Nevada. They have been involved in a number of different non-profit contributions through the community. They are listed for you within the powerpoint presentation. Some of those include working with Home Aide on a number of different facilities in southern California, Habitat for Humanity, Extreme Home Makeover, Make a Wish Foundation, the Fran Joswick Therapeutic Riding Center which is down in Mission Viejo and provides facilities for underprivileged children as well as handicap children for riding horses and a number of different other types of entities. This is a project we've been very proud of and hopefully many of you have read in the paper. It's really the first very green project in San Bernardino County. They are recognized by both the City of Fontana as well as the Board of Supervisors. It's a 56 home project in the City of Fontana, again, that's totally green. It's all solar and it has many other green attributes. They have taken it upon themselves to integrate within the project. The project, if they spent a little bit more time on it, probably could have

been LEED certified but that's very difficult for a residential project. They are working on new standards for residential communities. In addition to the active solar, they've taken it upon themselves to really look into water conservation also because as a company they feel water is going to be as big of a concern as energy in our near future. They've also been involved with build a green and their project in the Inland Empire has been used as a training center for other future projects. They've worked with the State Energy Commission and most recently awarded as the first builder in California the Cool California Award which takes into consideration the green attributes of the projects that they are putting forward as a company. With that he will talk about the project a little bit, he won't bore Council with all the details because Council has over a 500 page staff report. The project is 133 single-family detached homes on compact lots given an alternative site plan which at this point they would actually prefer which is 129 lots because it ties more closely into the Blossom Trails project and adds more open space on Greenspot Road setting the houses back. They have four floor plan types of one and two stories. The homes are approximately 1,600 to 2,400 square feet. They have many, many options and in today's economy and the changing environment that we have in the homebuyer environment, they have designed a number of homes with downstairs bedrooms for extended family as well as other flexible types of entities. The houses will have 2 and 3 car garages with a normal driveway. 16 elevation types, traditional, California Monterey, Craftsman and Mediterranean and in talking about the elevation types, their hopes here, this community as they envision it will be a moderately affordable community that will help bring in families to the City of Highland for first time homebuyer opportunities. They feel very strongly that they want to provide a detached product in a detached product environment for those families. They will also be optioning solar on this project and will also be providing a solar lease component for those who can't afford like the more expensive homes that have the full solar already. They want to make this project as energy efficient as possible. A couple of major components within the site plan, Rick had already touched on, but one they feel really strongly about besides the new paseo that matches the Blossom Trails project is the community trail aspect of the project. They have taken it one step further rather than just a community trail and an amenity, they would make it into a California friendly landscaped area and they would be handling a lot of their regional water quality control situation with bioswales and using a lot of the river rock and so forth that is out on site within that area. And then envisioning a tot lot in the middle of that so as the community walks or bike rides down through there they've got a component where they would have a drinking fountain and some sort of shade structure so if they wanted to walk their dog through there and sit down with their grandchildren as they're playing on the tot lot, they would be able to do so. Rick has also talked about the recreational area; it will be comprised of a club house area which will have an office component and a kitchen facility unit. It can be used by the community as well as an open area that will look out onto the pool that will have a fireplace and could be used for birthday parties and so forth. There will be barbeques in the area. They have incorporated a teen center, one of the Councilmen at one point had brought up the fact that when they are envisioning

these projects, they have recreational components including tot lots and so forth but they quite often leave out that teen portion of the community. They would pledge to work with staff and come up with a component that would be an attribute for this project and hopefully set a standard in the future. They would encourage Council to approve this project this evening and they look forward to taking it back to the Planning Commission for Design Review and working out all the significant details of the architect and so forth.

Councilman Timmer stated on the community center, under the HOA, do you see that as a staff facility for supervision.

Mr. Hal Woods stated no.

Councilman Timmer stated so you're proposing a teen center without supervision?

Mr. Hal Woods stated you bring up a good point.

Councilman Timmer stated he just wanted to clarify. If you had supervision there, we would certainly have a certain high rate for the homeowners association.

Mr. Hal Woods stated they really envision this teen area as more of an area out by the pool. He would think that it would be supervised by the community. These people are going to live together, they're going to know each other and if somebody's kids are out of place, hopefully they will bring it upon themselves to talk to the parents.

Councilman Timmer stated it's hard to see the full detail but it looks like some kind of auxiliary building that's going to be set up for teens rather an open area.

Mr. Hal Woods stated it actually would be an open area but would be trellised and so forth and again they haven't worked out all the details of it. There might be a ping pong table out there or something like that or there might be an area for board games and so forth.

Councilwoman Scott asked is she hearing it right that the pool area is not going to be fenced?

Mr. Hal Woods stated it would be fenced as required by law in California. The residents would have a key to the gate, the pool area and so forth. They are not quite sure if they would monitor that from a security camera standpoint. It is his understanding that most of the rec areas within East Highlands Ranch do have some sort of monitoring like that so they would look into that.

Councilman Racadio stated the trail along Promenade Way, is it open to the public?

Mr. Hal Woods stated yes.

Councilman Racadio stated so the gate would just keep cars out and there would be an opening for pedestrians.

Mr. Hal Woods stated yes, that is correct. The other thing that he thinks is important is making the connection with the Blossom Trails project so that the children that live within Blossom Trails or our project could walk along the paseo which is a fairly wide area which he has to give credit to Camille. He came up with that concept originally and it would have orange trees on both sides of it but the important aspect of that would be the children wouldn't have to walk out on Greenspot. They could walk through both projects up to Orange to cross the street going to both the schools there.

Mayor Pro Tem Lilburn stated just for clarification, their alternative design and the what if's, could of's, willing to's, all those things she heard during the presentation, were those brought forth to the Planning Commission or are they just being brought forth to the Council tonight?

Mr. Hal Woods stated those were worked on through suggestions that came out of the Planning Commission hearings.

Mayor Pro Tem Lilburn stated so her question is the Planning Commission, did they deny it with all these would of's, willing to's?

Mr. Hal Woods stated no, it was the original 133 project. The first slide that Assistant Planner Kelleher had shown, with the more rectilinear street design that was denied.

Mr. Chuck Hanson stated the compatibility issue is what makes the litigation relevant here. The last thing this Council wants is a long set of war stories about the litigation. So he only intends to tell Council those things that might be relevant to compatibility and to address additional information about the lawsuit. Point number one, he has seen it on web pages, he has heard people say it, so to have a lawsuit was for the purpose of trying to shut down the Gun Club, anything but the truth. Let him give some facts that will illustrate that. The injunction, the premium injunction that the Judge issued was based on applying standards and accepted into shooting industry standards to the Inland Fish and Game Gun Club. He has not heard anyone accuse the NRA of being anti-gun. Their expert witness that they have attained and called to the trial, whom the Judge found persuasive and whose recommendations the Judge adopted, is not only a Vietnam Veteran and a lifetime member of the shooting sports but he is the man who designed the shot gun events at the Atlanta Olympics. That is hardly the resume of someone who is anti-gun. The point really is just as with the Boy Scouts here who have Boy Scouts rules that they follow, being against a gun club operating outside acceptable standards is not being anti-gun club

any more than telling teenagers that they have a curfew or they have rules to follow is being anti-teenager. Let him give some very technical points about the lawsuit because the future of the lawsuit may be home bearing on Council's deliberations. The judgment was entered on July of 2009 after a month of debating about a decision that Judge Warner adopted as his final judgment. That judgment has two aspects. One of which is, he thinks is very irrelevant to this panel, to this Council, and the other he thinks is more relevant. There is a military aspect, all that he will say about that, given the time constraints is, that they were awarded roughly \$2.4 million in damage for the clean up that is going to have to be done one way or the other on their property. Interest has been accruing on this sum at 10% rate of interest since July 2009. He doesn't need to say that is a good sum of money. They have taken two debtors exams of representatives of the Gun Club and their testimony under oath has been that they have \$300.00 in their bank accounts. That monetary word is up on appeal, he won't take the time to prognosticate but he does expect there will be an appellant decision this year. The key thing to note is that there is a second aspect to the judgment. The permanent injunction, basically what the Court did was order three things: no shooting within 900 feet of a property line. That is straight out of the NRA guidelines, no opportunity for so called blue sky shooting, shooting essentially into the wild blue yonder where bullets can go through houses and strike with deadly force, so some sort of baffling has to be put in to prevent that and berms have to be raised to close up the horizon to prevent that and the Gun Club had to be operated in a safe fashion. Now here's the most important point, there is not appellant argument from the Gun Club attacking the permanent injunction. On his way over here, he read their appellant briefs once again and there is not one word challenging that aspect of the court's decision. To be sure they are challenging the mode part as they have right to do, where someone will win and someone will lose. He thinks most lawyers would agree that appellants, people that appeal judgments have an uphill battle but perhaps they would run that. That would not change the permanent injunction so he can tell you right now that there are two possibilities that the future holds and only two. One, shooting would never be resumed at any Fish and Game; it has been quiet out there now for going on two years. They say they haven't had one shot fired since the injunction went into effect and he thinks this unlikely but he can't tell you it's impossible the Gun Club will rise again, be operated in a safe fashion consistent with NRA and Shooting Sport rules and will not pose any threat of either environment contamination or danger to the City of Highland, to its neighbors, in any compass direction. One more fact and he will turn it back over to the Mayor. He thinks it's important the Council know what's been happening with the injunction since the appeal was taken. That part of the case was not stayed and the Court still has jurisdiction. What Judge Warner did before he had to leave the bench because of illness, was he appointed an extremely well qualified man who's a range master, lifetime of shooting sports, in law enforcement and his name is Mark V. Lawsdale. The court appointed him as a special master or a referee and understanding to him in practical terms, eyes and ears for the court. They have been reporting back to the court periodically about progress or lack of progress by the Gun Club and cleaning up its act. They are

going again tomorrow morning at 9:00 a.m. Mr. Lawsdale is no mortal enemy of shooting sports but he would like to close by reading an excerpt of what Mr. Lawsdale has said at a hearing last summer before the Judge that was handling the case in Judge Warner's absence. I have still yet to receive an accurate Master Plan for the range complex and everything he has received they say, well this isn't it, actually we're changing this. There have been several changes just over the last six months and he has yet to see a final Master Plan. He goes on to describe what goes into making a safe range and ends by saying so he has placed in every one of his reports a tremendous burden on the Club to come up with these, the criteria he has listed. He finishes they have yet to produce a risk management plan which basically will indicate to him that they are recognizant of the risks and proven risk mitigation for each of those risks. For that, they have to develop their policies and procedures and from that they have to develop their range safety procedures and their range supervision. In almost two years they have done essentially nothing. Now last summer at that same hearing, Marlene Allen, who I believe will present to you in a minute, asked the Judge to set a hearing for December and said and he's quoting her, which should give us sufficient time to put that Master Plan together, us being Inland Fish and Game. In December they said they had no plan and asked for the hearing to be continued in late, he guesses, early February that again they asked for a continuance and they said no more. We said let's go see the Judge tomorrow as it turns out and there will be no plan. There will be no report from Mr. Lawsdale, the referee, because there has been no progress. So, it doesn't absolutely make it certain that they're never going to re-open, no. It doesn't mean that if they haven't been able to do it in a year and 3/4, they are highly unlikely to do it. He thinks that statement can be made. If that's true, then considering compatibility he thinks Council has to take into consideration not what was going on this property three years ago or four years ago or two years ago but what has been going on this property and will be going on this property for the foreseeable future which is not the operation of a shooting range or a gun club.

Mr. Chuck Shanklin stated he has been a resident of Highland for the past 15 years. As a matter of fact, he is a gun owner, he's a sportsman, a member of the NRA, taught his children gun safety at the Inland Fish and Game Club. When he heard the conversation this evening he asked, he's known Centerstone construction for some time, asked them for an opportunity to speak. As he was there teaching his kids how to shoot, he wondered how as the City of Highland was growing and how the community was kind of collapsing or growing in towards the gun range how it would maintain safety. Having shot at a lot of different facilities he doesn't believe that it will and he questions brining them back there. He drives back and forth on Greenspot everyday. He drives by a blighted piece of property that has no development on it whatsoever. Again, he's seen the work that they do, they are quality projects. He would be proud to have his family live in a Centerstone home. He would simply request that Council allow the project to be built.

Mr. Jason Mayer stated he works at Sitetech Engineering which is located on the south end of Church Street, kind of adjacent to where the Centerstone property is and kind of down range from the Gun Club. Last Saturday he took a walk through the field adjacent to their property. He spent about an hour looking for shells that have flown over the berm of the gun range, down range of rifle range, he found, in just an hour, he found this many shells or scrap metal from the range with relative ease. Working there for about five years there's been number of times when the range is open and you can hear zinging bullets fly overhead. Many times you heard them kind of hit their building but their building is steel. It's really a safety issue to have the range operating how it was. Last Saturday, when he was looking for these shells, there was a big softball tournament going on at the Church located in the Village down there. There was probably over 100 people playing softball with families and kids. It's just not safe if shells can leave their property where they're shooting.

Mr. Camille Bahri stated he didn't mark if he was for or against because he is speaking in favor of anyone or against anyone. He would rather have talked about the prior item to see if there are any funds available for starving developers. He has to apologize in advance if he takes more than three minutes, he will try his best to make it quick. His understanding of the denial of the Planning Commission back in 2009 is that it was based on two issues. One has to do with the design and one has to do with the land use compatibility. He has always wanted to be an attorney and now he will not be able to articulate this item as well as the gentleman but he wants to take a shot at that from the land use perspective and from a perspective as a developer. To start with, he spoke at the Public Hearing in front of the Planning Commission and early suggested the developer take into consideration some of the recommended changes, make these changes and come back to the Planning Commission because there were a lot of good suggestions. He is thrilled to see that the Blossom Trails paseo is being extended into the project as well. As you may know, he had taken his Blossom Trail paseo beyond the boundary of his project so it ties with the Village on the east side of Church. There has been some cooperation beyond that as well. He has to give the developer credit. There's a main access that's common to Blossom Trails and this development, where there are some concerns with second capacity and traffic flow and what have you, and they were accommodating and adding a right turn lane that was even addressed in the Public Hearing. That is as far as the design standards are concerned. At the Public Hearing he also urged the Gun Club to be and he quotes "a good citizen of Highland and abide by the applicable regulations and laws the governing shooting ranges so they would not be of danger to their surroundings including to their own staff or members as well." From what he has heard since then is the Gun Club has actually taken some steps towards being a good citizen. They have accepted the Court's decision as being articulated by the gentleman, the attorney, with respect to the mandatory changes that they are supposed to meet, that the facility in order to operate in a safe manner. He thinks that's a major step when you accept that there was a deficiency in the system and you're willing to make the changes. If the Gun Club comes back they would have to submit, as

also being stated, plans would have to be reviewed by the eyes of the law. They have to be scrutinized very well under the eyes of the law and he has no problem accepting that they could operate in a safe manner. The suggestion of the staff report that the safety laws may continue to be violated and the applicant would have to fend for themselves and for their residents from such violations, he thinks are much unfounded. He just cannot imagine the City Council or anyone else including the Gun Club knowing what we do today would turn a blind eye to the violations that have happened in the past. Therefore, in his opinion there is no incapability whatsoever on this particular project. He just wanted to remind Council of an issue about four years or so ago or maybe less than that at least four Council Members were on the City Council when they were approached and urged by the San Bernardino Airport Authority to deny an application by Lyons Homes on the northeast corner of Greenspot which is only walking distance from this project. Council sided with Lyon Homes and you rejected the Airport Authority's expansion plans that had not even been started yet. As a matter of fact the fifth Council Member is present in the audience and he may recall this as well. You stood up for your constituents and you did the right thing by affirming the applicant's property rights. It seems to him that a very similar situation is coming before you tonight where you again have to affirm the applicant's ability to exercise his property rights. This is extremely important, especially the laws of the United States. He wants Council to bear this property's rights issue in mind for a second. If you found that even by abiding by the applicable laws that there would be state incompatibility between the two sites, they are practically diminishing the chances of the Gun Club to come back. This may sound like he is favor of the Gun Club; he has no problem with that whatsoever. If they apply someday to open a new shooting range they would have to be denied and found incompatible with the land use that surrounds them. Now even if this project never builds, whether residential or otherwise, still the same issues and concerns will remain with the existing residents of the Village, the Church close by, the mobile homes, the little league field, future developments to the east, possible churches, a day care, whatever that may be. So denial of this project on the basis of incompatibility does not solve the problem for the Gun Club, it makes it worse, implying that they are not compatible even with their existing neighbors. He urges the Council to consider the approval of the project for the sake of the applicant's property rights, the Gun Club, the City, the Boy Scouts, everybody in denying that incompatibility issue and grant approval with the design modifications that Council sees fit but meets the vision for the build out of the City and what has been articulated in the General Plan.

Mayor McCallon called for any additional speakers in favor of the project. Hearing none, the speakers in opposition will be called to speak.

Mr. Ross Jones stated he agrees with Camille in the fact that when he sat on the Council he in fact did support the property rights of an individual because he believes that in fact that is what this community is all about. He is equally concerned with some problems that exist in this property rights and the rights of those owners as they bring projects forward. Before Highland became a City, a project was approved which we will refer to as Village Lakes. That particular property of course was developed under the County standard which was a substandard building project. Unfortunately the developer did not disclose that the property was contaminated with a soil condition that caused what we call hard water pitting or the pitting problem. They also were allowed to build the project with soft copper and every single home in Village Lakes had to be re-plumbed because of that condition. Now he mentions that because that project is right across the street from this particular Centerstone project. The concerns he has with this project were if the developer had been forthwith and announced upfront in his EIR that this piece of property has some environmental problems, identified those and then gave the alternatives or mitigation for those problems, then they could have looked at this project a whole lot different than we do now. The Centerstone project used to be a dump, where everything in the world was dumped there. There is a blue line stream that runs through it and is still marked on maps today. The greatest concern is that Centerstone in fact got a judgment against the property that is contaminated with lead. That has never been changed; nothing has been mitigated to take care of that. That's his point today is that we do not need another blighted project in Highland to ruin the reputation of Highland real estate. Highland real estate has been very popular and you pay \$100,000 more for a home in Highland than you do anywhere else in the neighboring area. The last thing you need is a project like Village Lakes which went on for 10 and 15 years to get rid of all the contamination problems that the owner failed to disclose. The same with Centerstone here has failed to disclose those. He urges the Council to deny the project until those items are addressed.

Mr. Jim Imborski stated one thing he wanted to say when he got up here is that he is not speaking in favor of or against the Gun Club. He wants to talk specifically about this project. Several years ago he spoke to this Council when they were changing the General Plan. This property was zoned light industrial at that time and he had a concern that the possibility of building residential on this property where it's in the flight path and the approach system of San Bernardino International would later on cause a problem. The Council went ahead and changed that. They told him they were not sure it would be residential, it could be light industrial, and there are a lot of different uses it could be used for. Well now we have a residential project on this and if it's built those residents who will be there 24 hours of the day, 133 homes or 129 homes, will be subject to the fly overs, the possible incursions and we could have had a different product there. Also, he made a recent observation, Ross Jones mentioned the blue line stream, under Orange Street there is a bridge, why was there a bridge built there; there was a stream upstream that doesn't exist anymore. After these recent floods, we've had maybe, if there had been a little care taken to have those streams improved and let the water flow, we wouldn't have had all the damage we had,

especially in that area. Also, the old land fill, on the south side of the project, here it's being proposed as a kid yard, a walking trail, and another thing called a water quality management area which basically means all the water from this tract is going to be leached down to the base of that old land fill and percolated into the ground. That water will be moving into that old land fill and we have no idea what kind of contaminations and problems that could cause downstream. He urges the Council to deny this application.

Ms. Marlene Allen stated she is an Attorney with Gresham Savage and they do represent the Gun Club in the litigation that Mr. Hanson mentioned. She thinks it is important to remind the Council that Huntington Thorange raised some serious environmental claims in the litigation and now they want to ignore those claims. They want to proceed on a Mitigated Neg Dec claiming that the clean up doesn't need to occur before something is built. A full EIR should be done on this project and it hasn't been. In fact when Mr. Woods originally purchased this property he had an environmental company come out who went to the wrong property and did a report on the wrong property. So who knows what's out there. It has already been mentioned about the dump out there, to build a tot lot near a dumpsite is totally irresponsible. If a full EIR isn't done on this property then no one is going to know what the conditions are out there. With regard to the State Court judgment, as Mr. Hanson said, there is an injunction against the Club; they are taking that injunction very seriously. Mr. Hanson makes it sounds like nothing is being done, that is not true. Modifications are underway, plans are in progress, there has been no deadline placed on the Club as to when they need to do that. They are moving as quickly as they can under the circumstances. They are waiting for the appeal to be concluded which could take another six months. Contrary to what Mr. Hanson said there is a challenge on the appeal that could overturn the entire judgment which no one knows what effect that will have on the injunction. Nevertheless the Gun Club, should they re-open for shooting, would take any changes that are recommended by the NRA seriously and would operate safely which they always have. Even in the State Core litigation, there was never a finding or any evidence of any injuries or any problems affecting the neighboring areas in the past. The Gun Club would only re-open for shooting under the approval of Mark Lawnsdale, the court appointed referee, and with NRA approvals. The purpose of her coming here tonight is to let Council know that the Gun Club does desire and intend to re-open. The State Court Judge patterned the judgment in a way that allows them to stay in business and to re-open and that is their intention and desire. They encourage the Council to uphold the Planning Commission's denial of this project for all the environmental reasons that have been stated and are probably yet to be stated. They feel it would be irresponsible to build 133 homes and a tot lot on an area when the environmental issues are still as we stand here today not known.

Mr. Ben Eilenberg stated he handed a packet to Council beforehand. The issue he was expecting to be addressed by the appellant was not raised, which is the San Bernardino K Rat. As the Council may be aware there was Federal lawsuit filed by the Audubon Society, the Center for Biological Diversity, and the Friends of the Northern San Jacinto Valley to restore the K Rat habitat from its 2005 levels which curtailed it from 7,000 acres back to its 2002 levels which is 33,000 acres and it includes the appellant's property. That lawsuit was granted in January 2011. Exhibit 2 is a copy of the judgment. The appellant's property is based on the assumption that it is not in the critical habitat for the San Bernardino K Rat. In fact it is now. According to the judgment it is. If you look at Exhibit 3 that is the Federal register that gives the exact details of where the San Bernardino's K Rat's critical habitat is and if you look at Exhibit 4 you have maps. These maps were provided by the Center for Biological Diversity and if you look at the finer one in your packet, it is an overlay between the habitat and a satellite map of the City of Highland showing that the property is within the critical habitat map. The Mitigated Neg Dec, the final litigated Neg Dec, actually explicably says it is based upon the assumption that it is no longer part of the critical habitat and once again it is. When he spoke with the Center for Biological Diversity candidly they said if the Council was to approve this project it would be an invitation for litigation. Now, second issue is as it's been addressed by several speakers before him they are seeking to build on top of a land fill and as well as the toxic issues as well as the other chemicals on there. What a land fill generates is methane gas. Methane gas is poisonous and it can even seep through foundations into the housing above it. Without a proper EIR, without proper investigation, into what is actually on site. Now by the way if you walk around the area, you can see tires sticking out of the ground. If you walk around the area, you can see batteries. Without an investigation to see whether there is a presence of methane gas or the potential for methane gas in the future. Essentially what we are inviting is the potential for these gases to seep through the foundations into the homes of our residents. The third issue was that, as stated before, the appellants did present at trial findings by Mr. Gary McCue, their expert, a copy of his report has been attached as Exhibit 6. Mr. McCue's report makes several findings; he is going to pick two particularly important ones. Opinion 4 on page 2, read remediation of the site is necessary to protect human health and the environment, Opinion 6 is based on the variable data remediation of the site is estimated to cost \$1.5 to \$3 million. Now if you look at Exhibit 5 that is a copy of the judgment. He has provided it to the Council and you can see they were awarded damages as Mr. Hanson said in the amount of \$2.3 to \$2.4 million to perform that remediation. He has seen nothing in the application suggesting that they are going to follow Mr. McCue's requirements. He would think that any approval of this project would require following Mr. McCue's requirements at a minimum. Finally, what we are looking at here is adding either 133 houses or 129 houses to an already glutted housing market. Now what does this lead to? This leads to urban blight. Now, when you look at the listings on line for the City of Highland there are over 200 houses for sale. This includes all the ones that are listed. It does not include all the ones that are held by the banks or the ones that are in the midst of foreclosures, all the ones that are held

by investment groups that are waiting for a better market and what does this do, this means that adding a 133 more or 129 more adds over 50% to an already glutted market and will lower everyone's property values. This also means we will have yet more unoccupied houses in these developments that will lead to crime that will lead to vagrancy and will lead to vandalism.

Mr. Kyle Neuenschwander stated he is a Boy Scout of the Life Rank and Troop 19. He is speaking on behalf of the Inland Fish and Game Conservation Association, Troop 19, and the citizens of Highland to protest the planned low priced housing projects spearheaded by developer Hal Woods of Centerstone Development. He holds the opinion that many other residents of Highland share that the construction of this housing development will affect the detriment to our community. The proposed residential lots are small, close spaced and located on flood plain as evidenced by the recent December floods. In some areas over four feet of mud have been added to the area. To build houses there under such conditions is unsafe for our citizens. Squeezing 129 housing units into close proximity at so called affordable pricing would attract individuals less prepared to meet fiscal challenges considering recent economic trends. In our small City navigation in such a small section of town containing so many homes, out onto a busy street would also negatively impact our traffic flow in that vital area of town. The conditions of this complex would also provide a hotbed for criminal activity. The housing development would create an instant slum. Not many projects have the sentiment that people of lower income are all dishonest members of society but that most criminals of our area are of this background. He knows from his own experience that institutions like the Boy Scouts help extensively to develop our youth into upstanding individuals by developing talents, teaching skills, and encouraging physical and mental excellence. This very project has, however, hindered our ability to do this. Early last year we were chartered at the Inland Fish and Game Conservation Association, an organization that educated them on the importance of lead decontamination and rifling. As a matter of fact they actually did have a scheduled bullet pick up after which they did educate them in proper safe procedures and gave them an opportunity to shoot 22's. This is something he had never done before and he had learned much from that. They gave them a camp, where they could practice skills at, a meeting place to develop their abilities and word of the attainment of Eagle Rank with letter of congratulations and gifts of pride to the individuals whom they helped to become strong, healthy members of the society. For the rest of the community they support our veterans, weapon safety for children and opportunities for the handicapped in our area. This also changed dramatically when Hal Woods complained that lead from the range was landing on his property. The Gun Club attempted to make amends by offering to do a bullet pick up and make modifications to the range to prevent this but he chose instead to do his best to close them down. Inland Fish and Game is now dormant, unable to function in any of these aforementioned positions. Troop 19 was forced to find a new charter organization, leaving the establishment that has helped our community for 64 years and them, since they first began. Developer Hal Woods does not have Highland's best interest in mind but his own. If the houses are built, our

small hometown will be poisoned with the slum. Inland Fish and Game may never recover and the less favorable members of society will gain a foothold in our town. A weed once planted and allowed to grow is a difficult thing to remove. He asks the Council please do not approve the housing development for it may have serious consequences for all Highland residents.

Mr. Alex Wilson stated he is the current SPL of Troop 19 formerly based out of Inland Fish and Game, currently based out of Toyota of Redlands. Hal Woods is trying to build on northern land of Inland Fish and Game. The battle for the land has caused them to file for bankruptcy and close. With this proposal being denied, it would hopefully allow them to get back on their feet and re-open, allowing them to return to their facilities where they have a campground and means of allowing them to raise funds, to go to summer camps and other events. One other thing he would like to add also is Hal Woods does have a plan to build a teen center that only consists of right now in the blue prints of a gazebo and a bench, while they do have a facility that if re-opened would give teens a place every Tuesday to go and participate in activities of all sorts of things. They also do constantly planned trips that take them many places that he would have never gone without Boy Scouts. Currently they are out of Toyota; it is not the same as being at the Gun Club where they could go out and get dirty and do many activities that they can't do on a parking lot. So, just the plan to deny their bill would be amazing for them to go back there and have the Gun Club re-open and just have an amazing place in the community.

Mr. Grayson Endicott stated he is an Eagle Scout of Troop 19. He wishes to state his continuing resolve and to encourage the City Council and Planning Commission to deny the requests for developer Hal Woods the permit to build on the site in question and to point out why he feels this way. First, the site north of Inland Fish and Game Association which has a current lease as Inland Fish and Game may be reopening soon; it is an incompatible project. Even with all the changes done it is fool hearty to place dwellings in this close proximity to shooting. Second, this land was severely impacted by the last bad storm as seen by the flooding across Greenspot Road. While it has historically been a flood plain, surely the City of Highland does not want to wish further extended liability for damages in future storms. Third, in addition to that, the entire City has such reduced values of homes that adding more low cost residences seem like a bad precedent. The value of every area of Highland already is so much less than the area where Mr. Woods lives that perhaps he should place low income housing in his own area first. Thank you for taking the time to consider how the residents for the most part do not want this development.

Mr. Tim Monteil-Doucette stated he wanted to speak about the project, Centerstone; he has to disagree with the project. His son is in Boy Scouts and he doesn't want to go over the Gun Club issue. He is not a gun person and does not own any guns and he has never shot. So, what he objects to in the project is the lack of environmental impact statements and research into the land. Also, the compactness of the lots, the last thing we need is smaller lots. It is a project that he said is going to appeal to first-time homebuyers, young families, which is admirable as young families bring in children. Another 129 homes within close proximity to Highland Grove and Beattie that will produce, if there are two kids per family, about 33% increase in students at those schools which will severely impact both of them. We all know that Redlands isn't going to build another school soon, regardless of how much developer impact fees he pays to the School District. The teen center and the community area having friends across the street in the Village Lakes, that's not going to work, an unsupervised area is going to breed potential problems. He worries about the water run off situation and as the gentleman really addressed about the impacts of it being a prior land fill. He is really concerned about cramming 129 homes in an area that should contain 40-60 homes. That is his objection and he urges Council to continue the course and if they want to bring Litigation just call him and he will donate more tax money to fight litigation as he thinks we have to do what is right. A developer has a right or any homeowner has a right to do what they want with their property but they also have to do it in consideration for the community and the impact it has on the community. In this case, he thinks the impacts are not justified; we should not approve this project.

Mr. Jacob Salvatico stated he is speaking on behalf of the Inland Fish and Game Association and Boy Scout Troop 19. In interest of the City of Highland, shutting down the Club and developing homes in its place is a bad idea for four reasons. One, it does not support scouting and the good that scouting produces. The Gun Club provides resources for scouts such as campership funding, service projects and a place for Scouts to practice their skills. Without this, Highland loses a very important part of its community, scouting. Two, developing homes according to the development plan promotes crime and unsafe environment. The kind of community that it would produce would be unsafe and not easily supervised because of the size it would be. With the proposed plan, houses would be so close together people could shake their neighbors hand from their bedroom window. People wouldn't even have a front yard for their child to play in, streets would be so narrow large vehicles and traffic could not travel quickly through. This would cause an even bigger problem being that if a fire were to occur whose chances of spreading would be raised because of the distance between the houses. It would be hard to oppose because fire trucks would have a hard time getting to the source of the fire to avert a disaster. Also, crime in this community would be hard to control because of the lack of space and supervision. Sure, we could install video cameras but do we really want to add unnecessary expense. Three, lead poisoning and other things like that because the developer would be developing where there was a Gun Club. It would be nearly impossible to remove all the lead from the soil which would result in lead poisoning to homes

and families. Four, it isn't really as good as it sounds. For these three reasons he already stated and the reasons that other people have stated there are faults in the plan. For example, the plan includes a teen center which only consists of a gazebo and a bench. On paper this might sound okay but it's just an unnecessary and unappreciated expense. This basically leaves two options: one being allowing them to keep scouting and an important part of our community or on the other hand possible crime, lead poisoning and an unsafe community in Highland. It's your choice.

Mr. Bill Byrd stated he has some issues that he hasn't heard anyone bring up yet. He doesn't care if it's 129 homes, 130, whatever, take the number of homes, add 33% additional vehicles to go with each home which would be like 180 if you had 133 homes. Think about Greenspot Road after the Old Fire, when we had the floods, we lost Highland Avenue, we lost Base Line for traffic, everyone had Greenspot and that was it. This last flood situation, south of Greenspot Road, where the homes were damaged, bang, we're back, no Base Line, no Highland Avenue, they're both closed during the rains and the flooding, we're back on Greenspot only. What is going to happen if you put another 180 cars on Greenspot? People he's talked to who live in the Ranch area had to use Greenspot, from the 10 freeway to their homes was four hours or longer. Also, he heard Mr. Woods bring up the factor tonight and he doesn't mean to point fingers about how kids could walk from his development, if it's approved by the Council, to Orange Street to cross to go to Beattie Middle School or the Elementary School. As far as he knows everyone on the Council has kids and grandkids and you show him one kid that won't cut across and jaywalk instead of walking to a street corner. He sees adults do it all the time at Warm Springs. Kids running across middle of Sterling Avenue, five-lane road. It's going to happen on Greenspot and it's just an invitation for disaster. Lastly and he doesn't want to sound disrespectful to any member of the staff or the Council but he personally feels that the Planning Department which has been, he will be honest, he believes the Council picks the Planning Department like some by their knowledge and background in codes, building and all this architecture. He doesn't feel the Council and/or Mayor have proper background to make a determination on appealing the Planning's Department's denial. If the Planning Department came up with it, they had reasons for it and he has heard a lot of people come up with shooting range. He has spent, five different times, for those planning meetings and one of the things the whole planning department brought up was it had to do with the plot plans tract for this development, very little had to do with the range or the safety issues of that shooting range.

Mr. Mark Sigman II, stated he is here tonight to state that last night he was talking to his great uncle who is an ex fire chief. He was a fire chief for about 34 years and they were speaking about the recent flooding and developments that are going on around. One of his comments was as someone else stated earlier was that the houses are in such close proximity the flames would catch them all very quickly. That and there would be difficulty with navigation with the fire trucks going from house to house. Plus with the addition of the cars it would be even

more difficult to navigate through. His other concern with the recent floods, well that area just flooded from these rains that we've been having so if it rains like this again and the flood goes down there, won't those homes be damaged from that and won't that just lead to more expense and repairs.

Mr. Roy Nierman stated sometimes you need to know a little about the person that's talking in order to determine what right to point out what they had to say. His background is he is a lawyer. He worked for a firm which represented the City of Colton and he was also the Chairman of the Planning Commission for the City of San Bernardino for six years. Mr. Woods has asked the Council to change the zoning to residential and he can tell you that it was a mistake. It is a prime property for commercial development but it's residential and someone has to deal with it. Mr. Woods wants to build 133 houses on 22 acres. No one has determined the effect that the 133 houses are going to have on the community. Mr. Woods is asking the City to expose themselves to lawsuits for design defects and contamination.

Mr. David Berkowitz stated he is speaking tonight as a friend of the City of Highland. He was in attendance at the Planning Commission's meeting when they passed the denial and one of the topics that was brought up was the fact that this development is either on top or adjacent to a toxic land fill. Now, it was said we don't know what's in this landfill and that's not quite true. At the Planning Commission's meeting one of the Commissioner's stated that as a very young child, he knew of people who deposited automobile batteries there, acid refrigerators, paints, paint thinners and other toxic materials. Now, this land fill does not have a seal on the bottom and it doesn't have a cap on the top. His concerns for the City that he would like to present is we've had a lot of rain recently and some of this rain comes down on top of the dirt, the water leeches down into the dirt and now you have contaminants getting into potentially the water supply. Going from north to south you have the development, you've got the toxic land fill and the river. It only seems likely to him that the soils that toxics would leech down into the soil and affect residents. You've all heard of Hinkley and it's a horrible story and he would really hate to see the City of Highland open itself up to lawsuits over birth defects, child cancers and other environmental hazards that could impact the City. He thinks what he is asking the Council to do is just look at that, to see just the financial costs of litigation might be. Hinkley tried to fight, once they were a very thriving town, today there are 37 people living there. He would hate to see something like that happen to the City of Highland. Just something to think about.

Ms. Robynne Fay stated she resides in the City of San Bernardino but she utilizes the businesses in the City of Highland. She shops at the Stater Bros. on Greenspot, she does her dry cleaning in that area and also frequents the coffee shop there with friends and family that live in the East Highlands Ranch. Her question to the Council is with at least 250 extra vehicles and however many extra people, how is that going to impact that small little shopping center there which she is sure most of those people are going to go there to shop. It's already

difficult enough to find parking spaces just when you want to do grocery shopping. One of the things that was mentioned was that they wondered how you could call the project inconsistent when you in fact have approved many townhomes, condominiums and Village Lakes. She asks how many of those projects border main thoroughfares in the City of Highland. This not only borders one main thoroughfare, there are two of them. If she was to buy into that project, which she would never do, she would never allow her children to cross the streets there. That intersection there is a mess. She asks the Council to deny this project.

Mr. Nicholas Towerico stated he asks that the Council deny the plan to build this because in his perspective he has used a gun and it does actually help him in a lot of ways because he has been able to actually have fun with not just safety but as a recreational thing. With building this, to him, he asks how much money would this cost us, how long would it take and with that how would we get that money back, where would we put all this. We're trying to cram all this into how much feet, how many square whatever. You're trying to move all of this stuff around onto pretty much a small lot and with that said why would you do that instead of building like ten houses there. That's the easiest thing to do and with that being said he asks the Council to think about it.

Mayor McCallon called for any other speakers in favor or against this project. Seeing none, the applicant can state their rebuttal.

Mr. Hal Woods stated these are not going to be in any particular order other than; he will start off with the dump because that seems to be a big issue and it was brought up at the Planning Commission. They did fairly extensive research after that was brought up. He had Bernie Mayer, Civil Engineer, for the project here in the office go down and meet with County Sanitation, get copies of the map and so forth and also investigate to their knowledge what was within that dump area. The dump is clearly not on their property. It is on the adjacent property and most of the material is the material that was in the dump, acknowledged by County Sanitation was street sweeping facilities and materials and so forth that came out of their street sweepers back in the 1950's, 1960's. It's on the BLM property adjacent to them. In their phase I and phase II environmental work as acknowledged by Marlene, their environmental consultant did go out to the wrong site initially but then focused on their site and went through the review. With the respect to lead, they have every inclination that they are going to have to clean this project up. They are in the Department of Toxic Substances right now, DTSC, they will come up with a plan and they will have to have a clean closure letter from them before, not only the City of Highland would let them build this project but before any of their lenders or any principals in the company would do so. The blue line stream, there is a remnant blue line stream on the property and they are aware of that. It was acknowledged in the environmental studies that were done by Chambers Group. Most of the water in that stream was diverted when the channel over on Church Street was put in and most of the water coming through that now is nuisance water from the tract across the street. That

will be underground, granted they will have to work with Fish and Wildlife on that as well as with the kangaroo rat being placed back into habitat area. They did trapping on this project approximately five years ago and there were no kangaroo rats on the property. Camille, with his property has gone through that and he's worked out mitigation factors with Fish and Wildlife so they are very aware of that. With respect to tires and batteries on the property, he doesn't know how much the other attorneys have walked on the property but he has never seen a battery on the property. If there was a battery or tire on the property, obviously they are going to clean that up. That would have not been from the dump but from someone dumping at some point. With respect to the flood plain, they will be working with staff closely on any FEMA regulations that they have to abide by. At this point they are aware they have to raise the site approximately one to two feet. With respect to the street standards and so forth, they have worked with staff and with the City Engineer. These streets are public street standards, public cul-de-sac sizes and so forth and this project will have to be approved by the local fire agencies and other agencies. As far as side yards, talking about the closeness and so forth, these are normal five foot side yards that you find in most of the neighborhoods you find in Highland so you can't exactly pass things back and forth.

Councilwoman Scott asked is that five foot property lines and would that actually be 10 feet between each house?

Mr. Hal Woods stated, yes. With respect to environmental surveys and so forth, they have gone through a fairly extensive CEQA process with Chambers Group working with staff. It was even re-advertised a second time because of the delays and so forth. Group homes, they have built a number of tracts in California, most of their tracts have CC&R's. They would address that to their legal ability through CC&R's, that there would not be allowed to be group homes within this development. Again, toxic land fill, he has no idea what people are talking about. There are obviously a lot of rumors going around and houses would also have fire sprinklers. Lastly, with respect to their environmental consultant, Gary McCue, Gary McCue is a very knowledgeable person. He has worked on other gun ranges and so forth. His report undeniably says that they have to clean that project up at some point and that would be done prior to grading. They will be working with MWD to resolve the issues that may have occurred when they dug up and put in that pipeline because obviously there was lead there. At this point he has one letter from MWD stating that there is no lead on the property, that they currently have an easement. That's probably not correct and they will be getting together with them. This concludes his rebuttal.

Mr. Rick Hartmann stated first of all he wanted to talk about some of the comments that were made and he is kind of disappointed in the fact that he has a great deal of respect for Highland. He thinks there are quality projects here and to refer to many of the projects that they have as small compact lots that have slum and blighted and encouraging more, is kind of disheartening. The quality projects that are built in Highland are second to none. He has had the

opportunity to work for five other cities and he's contracted in probably another six and to him the Highland standard is really above. The comparison to Riverside as a group home in this economy today, it's real, are they putting sticks up tomorrow, no. There is a marketing plan that Centerstone Communities have to abide by. He, like any other development, would in fact look at the market and determine when the most appropriate time to build is. He really takes issues the way people are, particularly some of the scouts, have characterized this project and particularly Highland as a slum. The Golden Triangle has thousands of square feet of potential retail use and it's going to take awhile to absorb that but if you have more property zoned commercial, even light industrial, it takes even longer to absorb and whether or not that's quality property for industrial is really questionable. The point is us trying to draw more people in the community, have rooftops, to support the commercial that's planned, properly planned in Highland. A comment was made regarding Village Lakes and the hazardous water that was across the way. He wants to correct Mr. Jones, with all due respect, but it's called aggressive water. Aggressive water has been known not to harm people. It has more oxygen in the water than you typically have in some water because of the ground water being pumped and yes soft copper pipe does pit after time. That is why this City Council was one of the first Council to allow PVC pipe as part of its water system because of the aggressive water not only in Village Lakes but in other areas of Highland. Village Lakes was not the only problem we had dealing with pitted pipe because of aggressive water. So it's not a hazardous condition, otherwise those people there would be in much dire straights if they had drinking water that is as polluted as described by Mr. Jones. The traffic, he will refer to staff and also review the traffic report. Anytime you take a vacant piece of property and add houses, you will add traffic. The General Plan accommodates growth on this property as well as other properties along Greenspot Road in the city, so that whole issue has been resolved and can be mitigated based on studies within the environment document that has been prepared by staff. The San Bernardino Kangaroo Rat, the City has spent a lot of money buying mitigation lands that has to be investigated. If you were to review the initial study and Mitigated Neg Dec there is additional presence and abstinence studies that have to be done on the site. They have talked to staff about it; he has talked to consultants in getting pricing to do that and when they can do it. So, that's not going away and unfortunately the lawsuit did change after the environmental document was prepared but that does not negate Hal's responsibility to in fact do the present abstinence study as required by the endangered species act. The teen center, interesting comment, interesting and he will not elaborate on where they got that idea but they thought it was a concept that was important to the project. If that's something they feel needs to be removed and not have a teen area they can do that as well. It's really an add-on and if you want to condition it to make it part of the project you can but that's really the Council's privy to do that improvement. With respect to jay walking and crossing the streets, it's hard to control children but if you look at the project up there it's fenced so if you were in the center of the project and until you get to Orange or you get to the common access point between this project and Blossom Trails, you're not going to see jay walking across. You will have some control points and maybe at some point in

time, City Engineer will ask for some improvements there, but the idea is to have a safe passage to those kids who can walk or want to walk. Unfortunately, we have become very car dependent and some of the kids could use a little more exercise, even if the parents have to go with them for safety purposes. With respect to the tot lot on the MWD easement, that's an enhancement on a City designated trail easement. It's a benefit that he thinks we can take advantage of by the design but the easement in that trail has been basically required of this project by the City. They embraced that, there are some NPDES issues that they have to deal with and they will appropriately do within regulations as the law requires them to do and will continue to do that in their due diligence to make sure. In closing, he personally feels this is an outstanding project, professionally as well. He thinks there are a lot of issues associated with this project. He kind of wishes that they were able to come to some of the terms earlier with respect to the litigation because he thinks if they did come to terms with litigation, he doesn't think they would be here tonight. In fact, there are even points where Council for the Gun Club has offered to not voice their opinion here tonight if they were to throw out the lawsuit. That being said they hope Council moves the approval project. They think it has merits. Within Council packets, staff has identified a resolution that the Planning Commission adopted. He thinks those findings still stand whether it's 133 homes or a 129, with a teen center, without a teen center, those are little details. As far as the teen center, they can be directed back to the Planning Commission through the Design Review Board process.

Councilman Racadio stated you talked about the aggressive water and the plastic pipes but you didn't say if this project will be using the plastic pipes.

Mr. Rick Hartmann stated whatever the building codes would permit and if that aggressive water is still as bad as it was years ago, then they would probably use plastic pipes. He thinks there are very few projects now that actually use copper. It's much easier to put plastic and he thinks there is another term that seems to be the pipe of the day. Whatever pipe is required and to meet that water standard, if in fact that aggressive water standard applies, they will make those improvements.

Councilman Racadio asked what discussion have you had with MWD regarding their access to their easement and building these facilities?

Mr. Hal Woods stated they have had some correspondence go back and forth. They have details to work out with them. The previous property owner that they purchased the property from granted MWD the easement. Within that easement right they have the right to put in landscaping and to do other slurry types of things such as your community trails and so forth. They have every indication that there will not be a problem with that because it's written in the easement agreement. With respect to the recycling of the water and so forth and the bio swale, they still have to impress upon them that they want to do it because it's a good thing for the area and so forth. Earlier it was brought up that there was a

problem with the water table and so forth and with leeching. Water table here is 100+ feet deep. They had to do investigations because they wondered whether the lead from the Gun Club and the lead on their property was leeching into the ground water and it was concluded by their environmental engineer that it was not. It was not a hazard because of the depth and because of the pH in the soil. The lead has basically been inert. They've acknowledged earlier that they will be responsible for one way or another cleaning up that lead before the first occupant moves into the property that's contaminated. With respect to the PEX, they do use PEX on all of their projects and for the obvious reasons being talked about now. In addition to cost, copper has gone through the roof, and so it took them a number of years to encourage cities such as yours to allow that and it's a faster, more economical way to put it in, and the other thing that's nice is that he doesn't know if anyone has ever moved into a house and then had a leak after the fact, with PEX, the leaks show up immediately.

Mayor McCallon closed the public hearing.

Councilwoman Scott stated she is going to first say that it breaks her heart that we have a developer who in good faith bought property and worked with staff for three years and we have a Gun Club that has been here forever and they can't get along. Her own children went to the Inland Gun Club and took the NRA course. She probably was at the Gun Club the last week that they were open and yes, it's a family thing. She is troubled by some of the things she read in this massive 600 page report. She noted that when the Gun Club proponents came before the Planning Commission it was mentioned that there were 25,000 people that utilize the Gun Club per year and that's a lot of people and you're to be commended. She can't understand if you're so hard for money why in the world, she means even a dollar a head would be nothing in today's world and it certainly would give you money to do some of the improvements that they need to do. Her husband and she were members years ago when the Gun Club wanted to build the berm higher for the noise. That was when Highland was first developing and of course we had that horrible entity, Fish and Game, that we had to work with and they wouldn't allow certain things. You couldn't build the berm up any higher, so they were in a catch 22 situation at that time. Regarding the land fill, she doesn't know about the land fill east of Boulder but she does know that the County land fill which certainly was a County dump when she first moved into this area and it was right here at 3rd and Alabama, right where we have the aggregate. Of course, she always thought it was silly that they had a dump right there because the Santa Ana River was flowing at that time. Ingress and egress was discussed today, in an emergency, this is the same situation that a former Council Member and she were concerned about at the end of Base Line, trying to get Base Line to go down to Greenspot and connect down there. We didn't get very far. The group home fear, nobody hates group homes anymore than she does. However, this project will have a homeowners association and the homeowners association can certainly prevent rentals even if you buy the house to make it a rental investment. The homeowners association can prevent that, so you have a lot less absentee landlordism with that. Many

people were talking about the traffic; however, she was sitting on this Council when Wal-Mart was proposed in about the same vicinity, on Greenspot, only on this side of Boulder and the room was absolutely jam packed. The same protest, oh the traffic, the traffic, the traffic. Come on people, if you don't want things to be built then put your money together and buy the land and have an open space. You've got to have something there. The Boy Scouts keep saying that they won't have the Inland Fish and Game campground. That's not true. You're not out there shooting so you're still able to go out there. That is a fantastic place for families, don't wallow in self pity. Get out there and do something together and make it what it could really be, a family recreational place. Yes, we would like to have guns there but in the meantime don't close it and don't start telling the kids oh we're going to close, you can't come here anymore. That's not true, that is simply not true. She is concerned about the flood. Someone remarked that four feet of flood mud came on this property. Was that property affected by four feet of mud?

City Manager Hughes stated there was some flow across the property but there wasn't four feet of mud.

Councilwoman Scott stated one of her biggest concerns, especially with the range of the guns, with this property it's here, Boulder is here and Greenspot is here, so this property, the trailer park property is certainly closer to the Gun Club than this project is. Isn't it? It's because it's sideways of it. She just thinks it's too bad and the only ones that are going to win in this whole thing are the attorneys. That's the only ones that are going to win in this battle and you need to sit down, you need to do some changing and you need to do some clean up and you need to work together. This is the community of Highland and that's how we do it.

Councilman Timmer stated whether we approve this project or not, that doesn't eliminate the need for the Gun Club to comply with the new standards that the courts have initiated. There was some overflow or overspill, however, you want to term it, and that's going to have to be mitigated whether this project is developed or not. So, he heard lots of comments about basically this project is going to, we're forcing the Gun Club to close, well that's not true at all, he doesn't think from what he understands. The process is that whether or not this project's developed or not, the Gun Club is still going to have to meet the current plan that is in the system and the National Rifle Association's standards so the over shooting does not occur and not only on this particular property but the property to the east where the rifle range points. So, he thinks the Gun Club can still go in

there even if this project is approved but it has to meet these new standards. So, the impacts from the range don't impact the adjacent properties and not just this property but all the properties around. So, he just wants to make sure the young guys out there who were talking about the Gun Club going away, that's going to be dependent upon revenues coming in to meet whatever the new plan would be. This developer isn't the enemy here, it's basically they were impacting other properties for all these years and now they're being put on notice that they are going to have to mitigate that issue.

Councilman Racadio stated first of all he had the opportunity to talk to a lot of people about this, including the developer and a bunch of other folks. He appreciates their input and they also got three letters that were entered into the record, two supporting the project and one opposing it. He had a few questions of staff. He was going to ask because he did remember seeing a letter from BLM that irrespective of what goes on with the project, they're going to require them to meet the requirements that that court set. When was this area designated as planned development?

Mayor McCallon stated 2006, during the update of the General Plan.

Councilman Racadio stated so it was done before there was an application.

Councilman Timmer stated oh yeah, several years before.

Councilwoman Scott stated the applicant didn't do it until 2008.

Councilman Racadio stated there was some comment about that, that it was done for this developer and it doesn't appear that was the case, that the General Plan was changed for him. This planned development clearly points out that residential was one of the permitted uses.

City Planner Mainez stated Council should be aware that the General Plan says that in all planned development districts in our City, there is an understanding that residential is a permitted use, in that it is up to the Planning Commission to determine based on the application whether it's a specific plan or CUP, what that density, what that product is, and that is what the applicant did. They submitted an application with this product.

Councilman Racadio stated okay, he is sure there were substantial public meetings and public hearings before the land was designated planned development.

City Planner Mainez stated very comprehensive, lots of outreach, lots of participation, lots of study sessions.

Councilman Racadio stated the property to the east of this project was approved. Is it similar in density to this?

City Planner Mainez stated no, that's around 13 or 14 dwelling use. This one is about 6.

Councilman Racadio stated so this one is lower density than that one. What about the one that is northwest of it?

City Planner Mainez stated that's about 10 units per acre.

Councilman Racadio stated this project is less dense than the ones around it then.

City Planner Mainez stated correct. It may be similar to the older Village Lakes project which is north of this site. It is similar to that density.

Councilwoman Scott stated it's not going to have driveways like the Lakes project, is it?

City Planner Mainez stated these are larger, longer to accommodate a car.

Mayor Pro Tem Lilburn stated there's so much to this project but she agrees one way or another that the Gun Club has responsibilities and has to take ownership and do their clean up. She has a couple of questions for staff. It looks like this way back at the Planning Commission in 2009 and denied, and then they appealed it, wanting it to come back to the City Council, and then they kept pushing the dates, pushing the dates. So, it's been some time and one of your options in the staff reports says that the staff doesn't recommend it going back to the Planning Commission because staff doesn't feel that they've made substantial changes in justifying it going back to the Planning Commission. Do you still feel that way even though that they've made some efforts and it looks like they've made some proposed changes or is that still not enough information or proposed changes to go back?

City Planner Mainez stated it's just a procedural matter, taking it back because it's such minor changes. It would just delay it. There could be another appeal process and could be back here again. Changes are so minor that staff would recommend Council take an action to either uphold the Planning Commission denial but obviously you could approve the project too. You're hearing it for the first time, it's a new project, it's appealed up to you, and you should make that final decision.

Mayor Pro Tem Lilburn stated when they came back with all changes, were these changes recommended during their process and then they didn't do it and then when it was denied, they decided they would do it.

City Planner Mainez stated unfortunately the Planning Commission did not have the opportunity to see these changes. There weren't any changes that staff believes that the Planning Commission was really looking at. The Planning Commission was really all over the board when it came to their comments. So there wasn't a consensus. The appellant is interpreting one of those options that they feel would be appropriate for the site.

Mayor McCallon stated they are proposing some modifications or some additions to the conditions. Have you looked at those and is there any opposition to any of those conditions?

City Planner Mainez stated no, we concur with those conditions if the City Council approves the project tonight. Council should be aware though that there may be some other changes, lots may change, there has been some changes in the green code and all that, so there may be some tweaks here and there that staff would have to go over with them. Again, it won't change the product or the density.

Mayor McCallon stated you indicated before that we have in this package the original resolution that would approve the project and the findings. Would you point to that?

City Planner Mainez stated his apologies. It starts on page 127, in your City Council staff report.

City Attorney Steele stated if the Council is considering reversing the Planning Commission, that resolution is helpful to you as a guide for the findings that will be necessary to approve the project. Those start on page 130, section 3, is the start of the findings.

Councilman Timmer stated if we move forward saying that we feel that the conflicts are being diminished based on the testimony tonight, can we add additional conditions or changes or suggestions?

City Attorney Steele stated if the Council believes that the conflicts/issues have either been cleared up because of the lawsuit or the situation has changed and you believe there are additional conditions that are necessary to ensure compatibility you can impose whatever conditions you think would be necessary. You're going to be directing staff to come back with a resolution anyway so if you think there are additional conditions such as the ones that the applicant has suggested that's going to have to be incorporated. You could make those requirements and direct staff in that way.

Councilman Racadio stated for those being private streets and he knows in some cases we've done street maintenance districts, is that something we could consider as well as and he's assuming, landscape maintenance district up on Greenspot? And then we would talk about the street lights in our work program with the street lighting; we're going to have to do something with street lighting. Is there some way we can condition this project to, can you put an assessment district on street lighting or something, to meet our needs in street lighting?

City Engineer Wong stated this project is proposed to have private streets and when it is private streets then the street lights will be private street lights to be paid for by developer on an ongoing basis.

Councilman Racadio stated or the landowners when they buy it.

City Engineer Wong stated well they have an HOA so the HOA will pay for the energy within the project. Outside of this project throughout the City where residents within this project will use, they will contribute to it through their inclusion in the city-wide street light district.

Councilman Timmer stated we're talking about in previous projects where we're going to have private amenities of some sort whether it's streets or storm drains or whatever and even landscape districts in the ranch, for example, we put an overlay street district to cover storm drains, street lights or whatever it was with the understanding as long as the HOA was in place that there would be no additional city fee.

City Engineer Wong stated this project is conditioned to be annexed into the City's Drainage Maintenance District. They will be installing some drainage which drainage system will be maintained by the City. They will be paying for the maintenance costs for the storm drain system. They also have an LMD which they are going to be paying into it for the City to maintain for the landscaping out on Greenspot Road. They have a trail that will be constructed along the south side of the project and they will be paying into the Trail Maintenance District. So everything that we have, they will participate. The only one thing that is brought up here which we have not done before is what we term a Shelled LMD which we impose on some commercial projects. We maintain the ability to take over maintenance in case a commercial project is not doing the proper maintenance, we do that for landscaping. We have not done that for streets, for private streets before. If this is what the Council wants then we will consider.

Councilman Timmer stated if the HOA fails or disbanded, we have nothing in place to access the property owners to get those streets repaired on an on-going basis but if we put a shell format now so we don't have to go back through that whole process and you never get the people to vote for it anyway. He cannot support the project as it is proposed. He would like to add a few things and then he would be more likely to support it. Do you want to talk about those items at this point?

Mayor McCallon stated if you would like to talk about those items you may.

Councilman Timmer stated Mr. Hartmann probably knows his feelings on density. However, he thinks it meets the intent of the planned development, the standards we set in our General Plan. The one concern he has is around the community center, for example, he would like to eliminate two of the houses next to the community center which would allow us to have a green buffer zone there for like a mini park where the kids could fly a kite or play frisbee or those kinds of things; give a little more buffer between the community center for noise factors and those houses. He would suggest reducing the density by just those two lots. It will also allow he thinks, is that if the tot lot issue becomes a problem in the future, if MWD has to do maintenance work, that there's a location to relocate the tot lot next to the community center. That's one of the concerns he has. He thinks overall he has a problem with density but it meets the intent of our planned unit development standards so just reducing it by those two lots would create some green area for the kids to play in. He has a little concern with the teen center and he knows it was just a proposal. He liked the comment that the property owner talked about to have some kind of security system for the pool, to have some control over that including that with some kind of security camera system around that facility to provide information if it's vandalized.

Councilman Racadio stated on that teen center, he thinks if they build something there it would be used by whoever wants to.

Councilman Timmer stated that's why he asked the question earlier was it going to be an enclosed kind of a building where they congregate but then they talked about it being an open air kind of place and that probably fits the use by anybody. He thinks whether it's a teen center or it's going to be used by the general residents, he thinks the congregation would need to have some kind of security camera system there for collecting data for law enforcement to follow up on issues if there are issues there. It sounds like there isn't going to be permanent supervision there so obviously a cost would be associated with that.

Councilman Racadio stated in East Highlands Ranch there is supervision but there are cameras there because that kind of stuff happens.

Councilman Timmer stated one of the conditions of approval talks about an 8 foot perimeter wall all the way around the project. He did have some concerns and did meet with staff, who clarified how that would work. He wants to make sure we're not building an 8 foot wall that's going to be exposing along Greenspot, to him that would be like living in a cave. If they want to have an 8 foot elevation change because of landscaping that we don't have more than 6 feet of normal wall height there. Also, on the south side of the project, will there be a need for a wall there with huge berm which is a lot taller than 8 feet. Anytime we have a block wall, it can be a graffiti problem so maybe it should be a different type of material.

Councilman Racadio stated like maybe wrought iron.

Councilman Timmer stated something more along those lines so it's not so enclosed when you walk along the trail you have this 8 foot fence that you're walking along with. The big issue for him is very early on in the process. Ross Jones will remember that when they were first on the Planning Commission, one of the issues that was determined was that due to the funding mechanisms of the State and the County at that time, we had problems approving new development without coming up with some funding mechanism for police and fire. As the City continues to grow we would never have enough funding to add additional staffing so a lot of the projects when we built with the mello roos we put the specific police and fire special tax on those properties. He thinks we would want to do the same kind of a funding source on this particular project so the individual property owners would be paying for police and fire requirements of that particular community. The Lyon's project we did the same thing, we put the mello roos in place and they, not only for construction, but they also had special police and fire tax or assessment he guesses is the proper term. He would like to see some kind of condition of approval that they have to address at the same rate the other residents are paying that have these assessments on as well. That would be in addition to the street light assessment and the storm drain assessment. It would be part of that same approach. In the initial plan of the 133 homes, they talked about the landscaping along Greenspot and he thinks it was five to seven feet behind the sidewalk and then the new proposal talks about a greater depth of landscaping because of the curvilinear streets that allows the fences to be a little further back but it doesn't delineate that on the plan. The revised plan still shows the same dimensions. He wants to make sure that is going to be part of the proposal and that we capture that in the conditions of approval.

Mayor McCallon inquired if the applicant would like to address those issues. The public hearing is now re-opened to allow the applicant to respond.

Mr. Hal Woods stated he will take the last issues first. With respect to the landscaping, they have done the angulations and have created deeper backyards. They can add approximately two more feet of landscape along Greenspot and they would be glad to do so.

Councilman Timmer stated when Mr. Hartmann responded he specifically talked about adding like five to seven in the initial and then he talked about seven to ten or something like that.

Mr. Hal Woods stated yes sir, with respect to the walls; they don't like tall walls either. They would be happy to work out, they have enough area there, and they can work out some berming with a wall on top and so forth.

Councilman Timmer stated the Design Review Board will be involved in all this but he just wanted to make sure they need to consider those issues.

Mr. Hal Woods stated they also agree, architecturally, that wrought iron fence with some pilasters along the community trail would create much more of a sense of openness than having another wall there. There's really no reason for a wall at that point that they can see so they would be happy to go ahead and do that. Lastly talking about the assessment district or whatever vehicle the City would need to ensure that the homeowners and that the homeowners association pay their fair share of police and fire as well and landscape and lighting district and so forth and possibly street maintenance; they will work with staff on this also.

Mayor McCallon inquired about the deletion of two homes.

Mr. Hal Woods stated they would go along with that.

Councilman Racadio stated so it would be reduced by six houses totaling down to 127.

Mr. Hal Woods stated yes sir.

Councilman Racadio stated he remembers reading and he can't remember where but there was an issue of the noise because he would like to operate as if the Gun Club does come back and there were issues about window treatments for the noise, the openings facing east and west and not north and south.

Mr. Hal Woods stated yes, they will be addressing those acoustically. As the builder of the project they are obviously concerned about their sales ability with the respect to the environment that is created there. The gun range with the mandate of the 900 foot moves the shot guns back if they were to reopen and shoot in a northerly direction, approximately 300 more feet further back which would reduce the CNEL. If they were to re-orientate the shot guns and shoot to the east, it's remarkable lowering of the noise impact because with the shot guns it's the muzzle blast that creates the noise trajectory and so forth. If they were to re-orientate and shoot the opposite direction towards Plunge Creek it would mitigate it totally.

Councilwoman Scott stated in the condition of approval it will still be noted that, she's thinking ahead and that the Gun Club is going to come back that they will have to disclose that possible presence of Gun Club and possible noise.

Mr. Hal Woods stated yes just the same way they have to disclose the fact that they are near the airport. That would all be in disclosure documents.

Councilman Timmer stated two clerical things; on page 164, Item H, it talks about the landscaping, we need to add the word maintenance in there because it kind of implies that we can't have any landscaping between certain hours. On page 166, Item 36, it talks about roof drains, it says it can and cannot drain into landscape areas. In fact, we would want to encourage that so we need to delete the word not.

Mayor McCallon closed the public hearing. He has looked through the original resolution and looked at all of the findings there and he believes each one of the findings, as a result of this public hearing, that Council can go ahead and make those findings. He does not see anything in the findings; he agrees with the original findings that we have.

City Attorney Steele stated if he could direct the Council's attention to page 7 of the staff report. You will see on the top of the page under the word appeal, it starts with Planning Commission determination and findings, under a list of their six basic categorical objections that the Planning Commission raised. Most of them, he would say five of them have to do with compatibility or buffering between the proposed residential development and the Gun Club property. As he understands it, the Council's sort of present direction that moving in terms of making the findings, it would appear to staff that in between the time the Planning Commission considered this project and now, the existence of the permanent injunction on the Gun Club operation in which a Judge has found that any future operation of the Gun Club would have to comply with all those NRA standards would eliminate that incompatibility. If the Gun Club is to operate in the future as it can under its lease with BLM, if it complies with BLM's conditions and complies with the NRA standards then now as opposed to when the Planning Commission was considering this project, this project could be considered to be compatible with the Gun Club. He thinks that is staff's interpretation of where Council is going and if that is correct, staff will prepare findings in that regard.

Mayor McCallon stated what he did was on each one of these findings here because of what City Attorney Steele just stated he wrote not applicable, not applicable, and not applicable all the way down.

City Attorney Steele stated and the other just sort of finding that came out of the Planning Commission was in regards to the parks system and whether that adequately served that community and he takes it that Councilmember Timmer suggested that the houses be eliminated to expand the recreational park amenity takes care of that concern.

Councilman Timmer stated well he thinks the fact that they are going to be paying developer impact fees, a city-wide park, just like any other project.

Councilwoman Scott stated on number 2, she had a real problem with the Planning Commission's finding that the private recreational center would serve the residents within the development while outside residents would not be able to utilize the facility. It's going to be kept up with the homeowners association and certainly she can't go to the East Highlands Ranch and use their facilities.

City Attorney Steele stated and given that we can use that to prepare findings for the Council to consider at the next meeting. There were three other points he thinks to have put into the record just in response to issues that came up this evening. Counsel for the Gun Club dropped a fairly significant document on us two to three minutes before the meeting started and to their credit indicating they understood that it couldn't be digested in that period of time but that he was making a record so he feels the need to make the record on the other side. There was an issue raised regarding the adequacy of the environmental review for the K Rat and the timing between the earlier study and the new inclusion of a greater amount of habitat in the K Rat classification and he would just note for the record that there is a mitigation measure in the Negative Dec that Council is considering this evening that required updated K Rat studies prior to commencing with grading and construction on the property. So we did address the K Rat question in the Negative Dec that's a mitigation measure that has to be complied with prior to the construction phase and, if there are rats found, then the applicant has to go forward and deal with the Federal agencies to get mitigation measures approved. There was also a question about is the applicant going to be forced to clean up the shot and the lead on the property prior to construction and that's dealt with hazards mitigation measures number 1 and 2 which specifically require the clean up and the sign off by DTSC prior to grading. Then there was another issue raised by another speaker that a traffic study had not been done and, in fact, a very thorough traffic study was done as part of the Neg Dec and as part of every Neg Dec that's in the record. The traffic impacts were found to be less than significant with mitigation so those issues were considered and they are in the record before you.

Councilman Racadio stated he would move that Council makes the necessary findings which we have done to direct staff to prepare a resolution for approval of the project as presented to the City Council and to direct staff to amend the conditions of approval as discussed this evening and to continue this item until the next scheduled meeting of April 26, 2011.

Councilman Timmer asked does that include all the things Mr. Hartmann discussed in his correspondence?

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to direct staff to prepare a resolution for approval of the project as presented to the City Council and to direct staff to amend the conditions of approval as discussed this evening and to continue this item until the next scheduled meeting of April 26, 2011. Motion carried, 5-0.

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

18. Review the Need for Continuing the Local Emergency Pursuant to Highland Municipal Code 2.44.060(A)(2)

A MOTION was made by Councilman Timmer, seconded by Mayor McCallon, to receive and file report. Motion carried, 5-0.

19. Second Reading of Ordinance No. 359, Highland Municipal Code Amendment (MCA-001-002) adding Chapter 9.24 Sex Offenders, Title 9 (Public Peace, Morals and Welfare) to the Highland Municipal Code

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilman Timmer, to conduct a second reading and adopt Ordinance No. 359 to add Chapter 9.24 Sex Offenders, to Title 9 (Public Peace, Morals and Welfare) to the Highland Municipal Code. Motion carried, 5-0.

Ordinance No. 359 was introduced by City Clerk Hughes:

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.

20. Request for Reduction of Development Impact Fee – ARCO Gas Station at Palm Avenue/5th Street

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to recommend the 2011 Development Impact Fee (DIF) schedule be used for the expansion project at the ARCO gas station site located at Palm Avenue/5th Street. Motion carried, 5-0.

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

None

22. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

March 24 & 25, 2011
March 26, 2011

City County Conference
Citrus Harvest Festival

CLOSED SESSION

At 10:31 p.m., the City Council and Redevelopment Agency convened into closed session regarding the following:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to 54956.9(c):

One case.

At 10:48 p.m., the City Council and Redevelopment Agency adjourned closed session making no announcements.

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 10:50 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor