MINUTES CITY COUNCIL REGULAR MEETING AUGUST 28, 2012 - 6:00 p.m.

CALL TO ORDER

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

The invocation was given by Al LeBrun of Immanuel Baptist Church and the Pledge of Allegiance was led by Councilwoman Scott.

ROLL CALL

Present: Lilburn, McCallon, Racadio, Scott, Timmer

Absent: None

REPORT FROM CLOSED SESSION

No Reportable Action

SPECIAL PRESENTATIONS

Mayor McCallon recognized the Highland All Stars Little League for a great season.

Captain Williams presented the Commanders Award to Citizen Patrol Members Gary Blake and Dana Valenzuela for their dedicated service to the Community.

PUBLIC COMMENT

None

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to approve the consent calendar as submitted. Motion carried on a roll call vote, 5-0.

1. Waive the Reading of All Ordinances

Waived the reading of all Ordinances in their entirety and read by title only.

2. <u>Minutes – August 14, 2012 City Council Regular Meeting</u> Approved the Minutes as submitted.

3. Warrant Register

Approved Warrant Register No. 546 for August 28, 2012, in the amount of \$653,609.46 and Payroll of \$74,135.75.

4. Treasurer's Report for July

Received and filed the Treasurer's Report for July 2012.

CITY COUNCIL PUBLIC HEARING

No Public Hearing

CITY COUNCIL LEGISLATIVE

5. Food Truck Events Ordinance

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

Councilwoman Scott inquired if this would be the same type of food trucks who visit construction sites.

Community Development Director Jaquess responded no, this is a different type of food truck. Those are typically selling pre-packaged food. These actually prepare the food in the truck and serve it on site.

Councilwoman Scott stated and they have to have a restroom facility.

Community Development Director Jaquess stated yes, because people are ordering the food and usually eating there at the event. These are all inspected by the Health Department before they can operate and earn letter grades just like a restaurant.

Councilman Racadio stated he originally thought this would be focused on things such as fundraiser and those types of events but it is not just for that.

Community Development Director Jaquess stated no, it can be an independent food truck event. For example, if they got permission from San Manuel Village to hold a food truck event, they would set up these food trucks in the parking lot and advertise it and people would partake in the event.

Councilman Racadio stated what about sales tax for these events.

Community Development Director Jaquess stated we need to document this as far as what we would have to do to prepare an ordinance which we will bring back if Council wants to implement this.

Mr. Ray Britt, Program Manager for San Bernardino County Environmental Health, stated what environmental health is doing is they will evaluate any truck, they have to meet plan check requirements, this is all State law, is what they adhere to. Contingent on successfully meeting plan check requirements meaning they have proper sinks and refrigeration for holding the food at proper temperatures. The next step would be obtaining a health permit through their department. The health permit would allow a truck to operate at any approved truck event and this is unincorporated areas and/or approved local jurisdictions. It would be up to the cities to determine what the operating parameters would be. What they will do is two routine inspections while the truck is operation. This is actually unique as there are not a lot of jurisdictions out there which will actually conduct the inspection as you would a restaurant. They will hold the trucks to the same standard as a brick and mortar, which means they will conduct the inspection in the course of them preparing food.

Mayor McCallon stated the local ordinance the City would come up with would define the parameters in which they would be able to operate within our City.

Mr. Ray Britt stated correct.

Mayor McCallon stated including locations and events.

Mr. Ray Britt stated correct. State law defines a community event and the definition of community event is limiting. It is civic, political and has to be sponsored by the community. The truck event would allow an event to occur outside the scope of the State definition. In other words, a business could have a grand opening and go through the local jurisdiction and their Land Use Department and, with approval, operate contingent upon the truck having an environmental health decal.

Mayor Pro Tem Lilburn stated she had a great deal of questions and concerns about these types of events. In the interim, she met with Supervisor Rutherford to be further educated as she proposed this ordinance. For instance, if San Manuel Village decided to allow these trucks to have an event and it was successful, essentially they could hold this type of event every weekend depending if we issued a permit.

Mayor McCallon stated if our ordinance allows it.

Mr. Ray Britt stated based on the parameters of that local jurisdiction, the way it is set up in the County is they go through our Land Use Services Department to get a special use permit.

Councilman Timmer stated it was indicated the trucks would have a permit to operate countywide and there would be two inspections. So, they would not be required to have a county permit for every event they went to.

Mr. Ray Britt, Program Manager for San Bernardino County Environmental Health, stated that is correct.

Councilman Timmer stated therefore it is an annual permit.

Mr. Ray Britt stated that is correct, every year they will conduct two routine inspections.

Councilman Timmer stated the City could adopt an ordinance stating every event featuring lunch trucks would have to get a permit for every event they had. It would not be a blanket permit per se so we could control where and when they went and so forth.

City Attorney Steele stated we would tie that to the County's health decal. We would state you have to have a permit to have a food truck event and we will only issue permits to food trucks that have the County's environmental health decals.

Councilwoman Scott stated she understands the permit is \$802 a year. Any return of this fee to the City?

Mr. Ray Britt stated the \$802 is the cost of the annual permit and the Division of Environmental Health is a fee for service division.

Councilwoman Scott stated one of the questions on the hand out sheet was can they store the mobile food facility at home and it stated all mobile food facilities must be serviced at a DEHS approved commissary. Where is this located?

Mr. Ray Britt stated we call these facilities commissaries. Typically all vehicles return to a commissary at the end of each business day for servicing the vehicles.

Councilwoman Scott asked is there one located in San Bernardino County somewhere and is it gated?

Mr. Ray Britt stated there are many outside San Bernardino County which many probably will use.

Councilwoman Scott stated she is a bit confused as it shows pictures of the vehicles and it states these vehicles have to have restroom facilities also.

Mr. Ray Britt stated State code requires all food worker employees have access to restrooms.

Mayor McCallon stated there has to be a restroom nearby if not on the vehicle.

Councilwoman Scott stated that was not what was said at the beginning.

Community Development Director Jaquess stated that is due to his lack of clarity, it is actually any building available to wash their hands and to use the restroom.

Councilman Timmer stated he has a concern anytime the County comes to us with ordinances, he would like to make certain the City Attorney to research if there are other ordinances out there which would better suit our City.

Councilwoman Scott stated she agrees, she would like more local control.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to direct staff to prepare an appropriate ordinance and/or resolution to allow minor and major Mobile Food Truck Events and also to have the City Attorney review the document prior to being presented to City Council. Motion carried, 5-0.

6. <u>Update on SANBAG, SCAG, Omnitrans, Work Program and Regional/Legislative</u> Issues/Development Issues/Subcommittees/AB 1234 Updates

Mayor Pro Tem Lilburn stated she will be meeting with Omnitrans along with the Sheriff's Department to discuss bus stops and where the drivers are taking breaks. Also, the Omnitrans logo has been rebranded.

7. San Bernardino International Airport Authority and IVDA

Councilman Racadio stated the IVDA had filed a lawsuit regarding the elimination of the RDA. The Sheriff's Department facility is still on schedule to move to the Airport from Rialto. This project is included in their ROPS.

ANNOUNCEMENTS

September 5 League of California Cities Annual Conference

October 5 Volunteer Dinner

November 17 25th Anniversary Silver Jubilee

CLOSED SESSION

None

ADJOURN

Ther	e being no	further	business,	Mayor	McCallon	adjourned	the	meeting	at	6:33
p.m.	in memory	y of Hard	old "Mickey	/" Enos	. .					

Submitted By:	Approved By:			
Betty Hughes, MMC	Larry McCallon			
City Clerk	Mayor			