

**MINUTES  
CITY COUNCIL REGULAR MEETING  
FEBRUARY 12, 2013 - 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 Pro Tem Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Tracy Johnson, Immanuel Baptist Church and the Pledge of Allegiance was led by Councilwoman Scott.

**ROLL CALL**

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

**REPORT FROM CLOSED SESSION**

No Reportable Action

**SPECIAL PRESENTATIONS**

None

**PUBLIC COMMENT**

None

**CITY COUNCIL CONSENT CALENDAR**

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

1. Waive the Reading of All Ordinances  
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – January 22, 2013 City Council Regular Meeting  
Approved the Minutes as submitted.
3. Warrant Register  
Approved Warrant Register No. 556 for February 12, 2013, in the amount of \$3,595,368.30 and Payroll of \$75,621.16.

4. Treasurer's Report for December  
Received and filed the Treasurer's Report for December 2012.
5. Notice of Completion – Automated License Plate Reading (ALPR) System
  1. Accepted the work for purchase and installation of equipment for a fixed and mobile Automated License Plate Reading (ALPR) System as complete; and
  2. Authorized the Mayor to sign the Notice of Completion; and
  3. Directed the City Clerk to file the Notice of Completion.

## **CITY COUNCIL PUBLIC HEARING**

6. An Ordinance of the City of Highland Regulating the Unauthorized Parking of Vehicles on Property When Signs are Posted that Establish Parking Restrictions Upon the Property

Mayor Pro Tem Lilburn opened the public hearing.

Community Development Director Jaquess stated the item before you is the result of some community complaints relative to illegal truck parking in the City, and we were looking at those complaints and determined after being reviewed that we really didn't have any authority to implement corrective action. We worked with the City Attorney's office and they drafted an ordinance that gave us the authority to regulate parking on private property commercially zoned. This ordinance allows us to, with permission of the property owner, to go on private property and enforce parking ordinance. They have to put up a sign to post the property of how they want to regulate parking and then we have, with their permission, ability to go on and enforce. This ordinance provides for two things. It provides for towing of vehicles that are illegally parked, and there is a lot of process in State law about how you have to approach that. You can't just drive up and tow a vehicle; you have to notify the people. It also provides specific language and gives us the authority to cite, and that was our primary interest, the ability to issue tickets for vehicles that are illegally parked. We are recommending approval.

Mr. David Gandolfi stated he probably has been the biggest push on this issue with the truck parking. Lowe's, Staples and the LA Fitness has become a truck stop. He has seen trucks come off the freeway that are long haul and parking. He has written many emails, a ton of pictures and staff is probably tired of hearing from him. He knows Councilwoman Scott gets the pictures. He is trying to basically stop this problem. He came to the City in 1996 from Fontana, and there was a truck problem there and it was one of the reasons why he moved to Highland. As this area develops, we have the warehouses in Redlands and we are going to have more commercial retail in the Triangle area, and allowing the trucks to park there is just going to blight the area. It brings in a crime element, in that these vehicles become targets for theft as well as truckers become comfortable parking there and start servicing the vehicles, and parking there saves them money. They don't have to go down to TA or to Unical. He would like

to push for this, providing there are sections in there that allows the Sheriffs to cite the trucks being parked there if the signage is up. He would hope Code Enforcement can also cite, as well as Citizens on Patrol. A couple of things in the ordinance that he did not see was anything on fines or truck parking ordinance for streets. It shows a \$50 fine for parking and he didn't see anything here on that. Also the calling of the property owner, having to notify the Sheriff's office in Highland. He doesn't know if it's just the phone number for the Sheriff's office here or they can notify dispatch, because he has called the office here after hours or on weekends and they don't answer. He would hope the City would look at this pretty seriously. He doesn't have anything against truckers but he does have a problem with them using the back alley areas to hide away. There are other places for them to go. It's just going to get worse as the area builds with more commercial.

Mayor Pro Tem Lilburn called for any speakers in favor or in opposition of this item; seeing none, the public hearing is now closed.

Community Development Director Jaquess stated regarding the issue of issuing citations, there are provisions in the Code for fines such as the amount of fine for issuing, paying the citation when issued, so that's covered already.

Mayor Pro Tem Lilburn stated Mr. Gandolfi's other inquiry was when there is a vehicle parked, who does the property owner call, do they call dispatch?

Community Development Director Jaquess stated there will be a phone number put on the sign that can be called. The call to dispatch would be when you are going to tow somebody, but the first choice would be to discourage them from parking there by citation.

Councilman Timmer stated really it's a property owner's prerogative whether they want it towed, and even if they would like to do that they will still need to notify the Sheriff prior to.

Councilwoman Scott inquired Lowe's and Staples were mentioned, and that is private property, but aren't some of the businesses leasing from the owner?

Mayor Pro Tem Lilburn stated this was discussed at the Public Safety Subcommittee Meeting; commercial property is commercial property whether it's owned or leased.

Community Development Director Jaquess stated we deal with the owner of the property, not the lessee.

Councilwoman Scott asked that would go for the LA Fitness too, right? How about the expense, is the expense for the signs, No Parking, is that going to be the burden of the store?

Community Development Director Jaquess stated yes, it is incurred by the property owner.

Councilwoman Scott asked was the property owner of the various commercial sites that we are having this problem notified of this?

City Manager Hughes stated this is an option for the property owner, we are not requiring a property owner to do this. This is at their option. If they are having an issue they can post it and then we will go and help them enforce the issues. We are not making any private property owner adopt this.

Mayor Pro Tem Lilburn stated as a community what she is hearing is that we reach out so this doesn't happen and that we encourage these businesses not to allow the parking.

Councilwoman Scott stated yes, we don't want a truck stop but she also doesn't like to be big government and push ourselves around on the citizens.

Councilman Racadio stated say a property owner puts a sign up and the lessee complains. They are not the owner, but they have the business there. Will we respond to that or does it have to be the owner?

Community Development Director Jaquess stated it has to be the owner.

Councilman Timmer stated it was mentioned this was for commercial properties. This does not include industrial?

Community Development Director Jaquess stated industrial truck parking is more of a permitted use than in commercial, and residential is covered under other regulations in the code.

Councilman Timmer asked for example, if industrial or business park property had an area large enough to park and they still didn't have the property owner's approval to do that, there is no remedy they have at this point?

Community Development Director Jaquess stated this would cover all commercial property including industrial if they wanted it to.

City Attorney Steele stated this ordinance will cover all non-residential and non-government property. This is a parking ordinance, not a zoning ordinance.

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to:

1. Introduce Ordinance No. 375 to add Section 12.07.050 to Chapter 12.07 of Title 12 (Streets, Sidewalks and Public Places) of the Highland Municipal Code; and
2. Adopt a California Environmental Quality Act Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board.

Motion carried, 4-0, with Mayor McCallon being absent.

City Clerk Hughes introduced Ordinance No. 375:

ORDINANCE NO. 375

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, REGULATING THE UNAUTHORIZED PARKING OF VEHICLES ON PROPERTY WHEN SIGNS ARE POSTED THAT ESTABLISH PARKING RESTRICTIONS UPON THE PROPERTY AND AMENDING THE HIGHLAND MUNICIPAL CODE

which title was read.

7. Municipal Code Amendment 012-003 (MCA 012-003), a City Initiated Municipal Code Amendment to Chapter 16.24 Employment Districts and Adding Chapter 16.44.270 of Title 16, Land Use and Development Code of the City of Highland Municipal Code Concerning "Supportive, Transitional and Emergency Shelter Housing"

Mayor Pro Tem Lilburn opened the public hearing.

City Planner Mainez stated this is a recommendation by the Planning Commission to approve an ordinance adopting Emergency Shelters in Supportive and Transitional Housing. He does want to set the tone here before he gives a detailed presentation. He did receive an email last night, as Council may be aware, Staff has submitted the first cycle Housing Element to the State for review and it looks really good. We have been going back and forth on addressing the comments and the item before you tonight is really the only technical hold up for us to get certified and we would be the first one in San Bernardino County to have that so quickly. Emergency shelters, in common terms would be homeless shelters, and this could be anybody in our society. The Housing Law states that every City must evaluate its land uses and its land availability to accommodate Emergency Shelters or Homeless Shelters. We have done that. We did that analysis in the Housing Element, and we have identified Business Park to be appropriate area for that type of use. We are limiting the size; we have standards such as hours of operation, security, size of facility, and so on and so forth. This ordinance also addresses other uses such as supportive and transitional housing. Supportive housing is something you would see in any residential zoning district and those are facilities where, for example, the supportive use would be where you have a tenant or a resident who just needs

support to get on their feet. Or maybe they are single family housing unit and they are military Vets who might have trouble getting around so they have to have some supportive services coming to their house. It could be single family or multiple families. Transitional housing, same thing, this might be an opportunity for somebody who has just become homeless or maybe some circumstances where they need to have some support on site or off site. These are different time periods for Emergency Shelters which have a six month limit. If you set up a shelter, there is a time period for up to six months and then there is a turn-over. Supportive is on-going and it could be forever such as until someone passes away. Transitional, he believes there is a time period on that. These are not residential care facilities, they are not six or more or six or fewer that you are probably familiar with, drug rehabs for example.

Mr. Sesario Perez stated he was present last week and brought some items that concern him and so today he didn't know this item was going to be discussed but it is very appropriate for what happened to him this weekend. He hopes Council will ask him questions if there are any. If he interprets this correctly, we are talking about making some housing available to people who are down on their luck and they are going to need some help. This weekend he had a young fellow with his family, a man and wife with four children, which needed some help. They put them in a hotel and he is a Veteran. First of all he inquired if there was any help from different organizations, and he was advised in this area, at the present time, there really was no individual he could go to. So what he did, he went to the Veterans organization and what they were able to accomplish was they were able to put them in a hotel for three nights, and today they were supposed to make arrangements to rent a house. He visited area churches and was able to secure groceries to help the family. The other case, there was a lady who had a landlord who needed to fix a heater, and within 20 days if it was not brought up to code standards it was going to be turned off. Well, the landlady didn't fix it so they went back to speak to the lady. The lady informed them she was going to be evicted because she didn't pay the rent due to the heater not being fixed. He spoke to the management company and gave them the rent which allowed the lady to stay in her home.

Mayor Pro Tem Lilburn called for any other speakers in favor or in opposition of this item; seeing none, the public hearing is now closed.

Councilman Racadio inquired on page 8 of the ordinance under sections 5 & 6, so the Emergency Shelter in the Business Park is without discretionary approval?

City Planner Mainez stated that is correct.

Councilman Racadio asked and it is not permitted in these other two; does the X mean it is not permitted?

City Planner Mainez stated the X means not permitted in that zone. In the codified code it would be a little black box.

Councilman Racadio inquired so what exactly does it mean without discretionary approval?

City Planner Mainez stated under the law it states that a conditional use permit would not be required. It doesn't preclude the City from going through a Design Review process but that could change in the future. These are always evolving, but at this point no CUP.

Councilman Racadio inquired on Section 6, this Supportive/Transitional Housing is in the Agricultural, Equestrian zone and it's without discretionary approval in the R1?

City Planner Mainez stated under State law it states that the City shall permit these types of uses, which were explained earlier, but it also allows a City to treat those uses the same as you would a permitted residential use in that zoning district. For example, Agri Equestrian R1, which allows one house per lot, single-family detached. This use, as you drive by it, would look like a single family detached house but the only thing is there is somebody in there that is getting supportive services or is being assisted as a transition in their life. So maybe they are getting assistance in rent, utilities or is a Veteran. R2 would require a housing product to be approved through a CUP. We are treating the use the same.

Councilman Racadio inquired why is R1 treated differently?

City Planner Mainez stated because single family homes are permitted by right. State law wants us to treat this very similarly. The zoning district is for single family detached. So it could be an individual, could be a family; it's a household who lives there, not multiple people who live in a house. Any use that goes in there has to be compatible with that zoning. R2, two units, R4, that's 20 units per acre so you have multiple families.

Councilman Racadio stated the only reason these are conditional is because they are allowed to be conditional under the Law. The 112 homeless, these are...

City Planner Mainez stated that was done through a survey, we used a survey which was done by the County a couple of years ago as well as the Census.

Community Development Director Jaquess stated we just updated that a week ago. Our Code Enforcement staff and Sherriff staff went out and did a count of all the homeless in the City of Highland. We found the number was substantially less than the 112. He does not have the number committed to memory, but it was like 25-30 people were all that was found that day.

Mayor Pro Tem Lilburn asked is there special funding if someone was to go put in residential, to encourage them to do that? She worries about people getting special funding and then you see these popping up everywhere.

Community Development Director Jaquess stated most of these would be non-profits that would do this, not the City. The City doesn't have money and we are not funding it.

Mayor Pro Tem Lilburn stated she means developers or home builders.

Community Development Director Jaquess stated he does not see this type of product being built by a home developer.

Councilman Racadio inquired will this make it easier for group homes?

City Planner Mainez stated that is a whole different law provision.

Councilman Timmer stated the concern he had was Emergency Shelters and the high occupancy that would be permitted in those. The question was if they built a new one they would have to have fire sprinklers for safety, however if they took an existing building and retrofitted it without doing any major remodels would they have to put in fire sprinklers, would Code require that at this point?

Community Development Director Jaquess stated if it is an existing building it would probably depend on what the building was used for originally, but he is not aware of any buildings in town that could be used for this purpose that wouldn't have to be brought up to date with sprinklers and access requirements.

Councilman Timmer stated the reason he asked this question was, a lot of times these large fatalities fires are in these kind of facilities where folks aren't quite as ambulatory as others. He just wants to make sure we address the concerns of the public safety side of these high-density or high-occupancy loads in some of these retrofitted buildings.

Community Development Director Jaquess stated as City Planner Mainez has mentioned the first thing we would do is look at if it is an existing building, does it need to go back through the Design Review process; and then it would be conditioned. Otherwise it would go through normal plot plan process, and as City Attorney Steele mentioned, if there is any kind of change of occupancy they would have to update the current codes including fire sprinklers.

Councilman Timmer stated in theory we still have quite a few single-family and multi-family kinds of facilities in the Industrial or Business Park area and so someone could come in and say they are going to take this existing family or duplex, remodel the inside, put up a bunch of partitions and address the issue and we could have 15 or 20 people residing in one of these facilities with no fire sprinklers, and that is his concern.

Community Development Director Jaquess stated this would not be in an R1; it would be in Business Park.

Councilman Timmer stated we do have R1 houses and duplexes in the Business Park area currently.

Community Development Director Jaquess stated they couldn't change the occupancy to a type of a facility that would accommodate this use without a complete update of the codes.

Councilman Racadio asked is Councilman Timmer's concern in the Business Park converting an R1 to an Emergency Shelter?

Councilman Timmer stated yes, that is his concern, or a duplex. They could do that because we still have a lot of those houses which are non-conforming but they are still there.

City Attorney Steele stated if they were to be converted using partitions, there are minimum square footage requirements. It's not really possible to take a large single family home and turn it into an Emergency Shelter use because other code does not permit that.

Councilman Timmer stated they did the same thing with the Frazee house right over here. It's an Emergency Shelter, essentially, and they don't have sprinklers in there. How would we address that? Can we put that as one of the requirements, because we list a lot of other requirements about spacing and number of people?

City Planner Mainez stated homeless shelters are only permitted in Business Park. So you are not going to see any homeless shelter in any of our residential zones.

Councilman Racadio stated Councilman Timmer is saying a residential in the Business Park being converted.

City Planner Mainez stated yes, correct but you are going to have a lot of obstacles with Building and Safety and Fire Codes.

Councilman Timmer stated he would rather address those obstacles now rather than five years from now we find out fifteen people burned up in one of these converted homes.

Councilman Racadio stated this is about safety issues, not to keep them from coming in, just to make them safe.

Councilman Timmer stated he has concerns with the high occupancy load in these buildings without fire sprinkles especially for people who aren't quite as ambulatory as other people. Before we let these go in, we should address the issue.

Councilwoman Scott stated if that is a Motion, she will second it.

Councilman Timmer stated no it wasn't.

Community Development Director Jaquess stated from what he anticipates here, about the only type of use that would exist that could be transitioned to an Emergency Shelter without a lot of work would be an old hotel or something like that. We don't really have any of those in our Business Park zone.

Councilman Timmer stated that is if we go to the twenty-five people; but they might go in and say they are only going to do eight or ten people in the building.

Councilman Racadio asked can't we add it under Section 4C and add a number 15?

City Attorney Steele stated he is not sure he is recognizing this as a problem. Right now, we have single-family homes that are non-conforming in the Business Park, so if somebody was going to come in they would still have to comply with Code.

Community Development Director Jaquess stated it is a change of use, however, we are not treating these as single-family homes anymore. It's a change of use so that change of use would trigger code updates.

City Attorney Steele stated he thinks it is an expansion which is not *(Sam is speaking at the same time and microphone is picking him up over Craig)* permit a non-single family residence use.

Councilman Timmer inquired, however, if you are then assuming they would be required to put in fire sprinklers in because of the change of use, why don't we just list it in this ordinance so they know it up front?

Mayor Pro Tem Lilburn stated because sure enough, as we have experienced the last couple of times these people who have come in here in the non-conforming that they have done some additions and we have had to make some tough decisions, and maybe we could eliminate this and put it in there so when they come and they have done those additions and didn't add the fire sprinklers, maybe it could clearly state in there that it is an requirement so they know up front.

Councilwoman Scott stated she thinks if we did a 4C and said that one of the requirements would be for safety purposes they would have to...

City Planner Mainez stated let him ask a question of the City Attorney. This process requires a discretionary design review. It just doesn't require a conditional use permit, no CUP, but it does still go through a design review process.

City Attorney Steele stated he doesn't have a particular objection to adding the sprinkler requirement to the Emergency Shelter development standards.

Councilman Racadio stated he thinks as Councilwoman Scott suggested if we put it under 4C stating for safety purposes, such conversions would require sprinklers.

City Manager Hughes stated it should become 15 not 4C.

Councilman Racadio inquired would this cause us to not be approved?

City Planner Mainez stated no, these are minimum standards that come out of the law.

Councilman Timmer stated he would like the Design Review Board to see right up front these are required and they are going to re-enforce that requirement.

Councilwoman Scott inquired would a facility like this require a business license?

City Attorney Steele responded an Emergency Shelter situation would be sole profit, would require a business license, and a non-profit would not require a business license. Transitional housing and Supportive Housing are not businesses and they are defined under State law as being used for services.

Councilwoman Scott stated so it would be strictly a non-profit that would not require a business license.

City Attorney Steele stated however if the Transitional housing has a rental unit, which frequently happens, that rental housing would be subject to the City's Residential Rental License.

Councilwoman Scott stated kitchen inspection. When you have unrelated people staying somewhere, the inspection of the kitchen for sanitary reasons, is this done by the County or the City Code Enforcement? Is this something else our Code Enforcement is going to have to take on?

Community Development Director Jaquess stated under the situation where it is essentially a single-family home it would be a single family-home. We don't inspect kitchens in a single-family home; no one does. If it were an Emergency Shelter with a common kitchen for everyone, then he suspects the Health Department would inspect that.

Councilwoman Scott stated she would like to confirm the County Health Department will be doing this and also she noticed that the 25 beds/25 homeless people nightly and 180 days maximum, is this adults only that are homeless.

City Planner Mainez stated no, it's for all sections of the operation.

Councilwoman Scott inquired so if someone opens up a 25 bedroom place, so they are going to have mixed sex, are they also going to have children?

City Planner Mainez responded that is really dependent on the provider. We are not controlling that. So they might just specialize in children or women or men.

Councilwoman Scott stated she was thinking mothers with children.

City Planner Mainez stated this doesn't restrict any specific category.

Councilwoman Scott stated she has a real problem, because some of the homes over in East Highland have five, six or eight bedrooms, and because of the housing market right now those are being rented to non-related people who are all living in the homes. She knows of a couple of situations like that.

Councilman Timmer stated regarding the Health Department, Item 11 on page seven refers to that. It doesn't say who does it, but it talks about that they need the applicable health and use permits which generally would be issues by the County. So they would be responsible to enforce the health and safety code as far as cooking facilities.

City Attorney Steele stated with regards to the Business Park, Item 13, 16.24.040 already says "is that Emergency Shelters have to comply with all city regulations in order to meet building and safety requirements." (barely audible)

Councilman Timmer stated he interprets that when it says a new Emergency Shelter was a newly constructed one, not necessarily one that is being retrofitted or remodeled.

Councilman Racadio stated he will make a motion to adopt the Notice of Exemption and introducing the ordinance and the ordinance with the amendment that there be a number 15 on Safety requiring fire sprinklers to be installed in Emergency Shelters.

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

1. Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board; and to
2. Introduce Ordinance No. 376 to amend Title 16, Land Use Development Code Section 16.214, Employment Districts, and adding Section 16.44.270, related to "Emergency Shelter, Supportive and Transitional Type Housing as amended regarding sprinkler requirement in Emergency Shelters."

Motion carried, 4-0, with Mayor McCallon being absent.

City Clerk Hughes introduced Ordinance No. 376:

ORDINANCE NO. 376  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, AMENDING TITLE 16 OF THE HIGHLAND MUNICIPAL CODE  
ESTABLISHING PROVISIONS FOR EMERGENCY SHELTERS,  
TRANSITIONAL HOUSING, AND PERMANENT SUPPORT TYPE HOUSING  
FACILITIES [MUNICIPAL CODE AMENDMENT MCA-012-003]

which title was read.

8. An Ordinance of the City of Highland Prohibiting the Possession, Sale, Storage, Manufacturing and Use of Unpermitted Fireworks in the City and Providing for Penalties and Enforcement

Mayor Pro Tem Lilburn opened the public hearing.

Community Development Director Jaquess stated this item is before you because over the years the fire sprinkler requirements were generally covered by the adoption of the uniform fire code with added language to regulate fireworks. The problem with that, is that you have inconsistent language and inconsistent applications of the fireworks provisions. This ordinance will make it a part of the municipal code permanently, and it was drafted again by the City Attorneys office and basically excludes all fireworks being manufactured, keeping them, operating them, setting them off; you can't do any of that in the City of Highland which has always been the City's position. This just re-codifies it in a better, more secure location.

Mr. David Gandolfi stated he came across the Staff report for this ordinance and he is in favor of this, but with changes or the removal of a word. In the ordinance on page two, Section B, paragraph three, under Dangerous Fireworks, the word model rockets, he would like to see removed. This is also on page three, paragraph E, down there again model rockets. He did a little research on model rockets and went to the State's website for Cal Fire. He wanted to see what Cal Fire said about model rocketry. Model rocketry is a hobby for some people and for some it is a pretty serious hobby. Cal Fire refers back to an NFPA code 1122, under Model Rocketry, and in that and under regulations they have definitions

and descriptions of what model rockets are. Leaving this word on this ordinance would basically take a hobby that is allowed under NFPA to be outlawed. Also, when you talk about storage, NFPA has regulations on how much repellent can be stored at a residence inside and outside. Some of the examples of what they talked about with model rocketry are the structural parts being the nose coned fins should be made of paper wood plastic and shall contain no metal. Other sections talk about; again this is NFPA, that they will be returned using parachutes or some other device so they can be used again. Also, NFPA prohibits a model rocket shall not carry a pay load designed to be flammable, explosive or harmful to people or property. NFPA talks about launch sites being a cleared area free of tall trees, power lines, buildings and dry brush and grass. Again, through the NFPA, they talk about other prohibited activities that would be rockets that produce a spectacular display of color, light or sound or any combination thereof. In their definition under their index they describe what a model rocket is and it says a model rocket has structural parts of paper wood and breakable plastic. It has means to return to the ground so it can be flown again, and its purpose is for recreation, education and sporting. He sees Boy Scouts here, and when he was a Boy Scout they had model rocketry. These Scouts would be denied that today if they still have it today here in the City of Highland. So he thinks the word model rocket should be removed from this ordinance. Other items that cover this would be the Southern California Rocket Association and they talk about in their flyers launching your model rocket anywhere in the State of California requires permission of the property owner and permission of the local Fire Department. This Fire Department permit should be in the form of a written permit according to California State Fire Marshall. Again, he is for this ordinance but with the word, model rocket, taken out, because it is actually a hobby rather than bottle rockets and things that go up and explode. It would hamper the kids that buy the small sets at the local stores.

Mayor Pro Tem Lilburn called for any other speakers in favor or in opposition of this item, seeing none, the public hearing is now closed.

Community Development Director Jaquess stated the issue with model rockets was specifically introduced at the request of the Fire Marshall. He asked that this be included in this ordinance because he was very concerned with the potential of fire hazard in Highland and the surrounding areas we have here such as the wash and the hillsides which are susceptible to fire. He requested the model rocket language be included in the ordinance.

Councilwoman Scott stated under the penalties, number D, states nothing in this ordinance shall be interpreted to limit any of the penalties provided under California and all that with regard to the sale, use, possession, delivery, transportation, why do we have use in there because use is exactly what the whole ordinance is about, isn't it?

City Attorney Steele stated right, but what we are saying here is if another agency wants to prosecute somebody who uses fireworks in the City of Highland, our ordinance will not prohibit prosecution under State law.

Councilwoman Scott asked the word use is for any other agencies, not Highland?

City Attorney Steele stated everything in D, everything covered in D, is saying if another State agency wants to prosecute somebody who violated the health and safety code or penal code we are not going to stop them just because we have an ordinance.

Councilman Racadio stated the original ordinance did not have model rockets and the Fire Marshall requested it or as it was being drawn up he said he would like it added.

Community Development Director Jaquess stated as it was being drawn up it was requested that it be incorporated into this ordinance.

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer to:

1. Introduce Ordinance No. 377 to add Chapter 58 to Title 8 of the Highland Municipal Code; and to
2. Adopt a California Environmental Quality Act Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board.

Motion carried, 4-0, with Mayor McCallon being absent.

City Clerk Hughes introduced Ordinance No. 377:

ORDINANCE NO. 377  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA PROHIBITING THE POSSESSION, SALE, STORAGE,  
MANUFACTURING AND USE OF UNPERMITTED FIREWORKS IN THE CITY  
AND PROVIDING FOR PENALTIES AND ENFORCEMENT

which title was read.

9. MCA-011-006 – Land Use and Development Code Amendment Related to the Density Bonus and Reasonable Accommodations Ordinance (Continued from the January 22, 2013 City Council Hearing)

Mayor Pro Tem Lilburn stated this is a continuation from the January 22, 2013 meeting and opened the public hearing.

City Planner Mainez stated this is also a recommendation from the Planning Commission. It is a part of the Housing Element and it is one of the items that will get us over that hump to certification. Council should be aware this density bonus ordinance already exists in our code. This is an update to be consistent with

some of the more recent changes to the law. He thinks Council will find it a little easier to read than the existing ordinance and it has tables and breaks it down by very low, low, moderate and senior housing. It is not automatic; there is a test which requires conditional use permit and some type of agreement between the City and the proprietor or the provider of that type of housing. So density bonus basically means that they get an increase in units and concessions. This way they are permitted to offer lower rents for their occupants over 30 years. It is a negotiated type of agreement and is case by case. There is no application in-house that he is aware of, however there might be something in the future but it will come to Council. The second part of the ordinance is what is called reasonable accommodations and simply put that is a provision which sets in place authority for staff to put together a program where somebody could come to the counter who is handicapped or has some other impediment that they would require some relief in the zoning codes. For example, if somebody was handicapped and they needed a ramp that needed to go infringement to the setback area or built right next to a property line, this would give them the opportunity to have that built without a variance and that is what is called a reasonable accommodation. You are accommodating those that need to access their shelter or their house without any variance.

Mayor Pro Tem Lilburn called for any speakers in favor or in opposition of this item. Seeing none, the public hearing is now closed.

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio to:

1. Adopt Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board; and
2. Introduce Ordinance No. 378 to amend Title 16, Land Use and Development Code Section 16.40.090, regarding Density Bonuses and add Title 16, Land Use and Development Code Section 16.40.490, regarding Reasonable Accommodations.

Motion carried, 4-0, with Mayor McCallon being absent.

City Clerk Hughes introduced Ordinance No. 378:

ORDINANCE NO. 378  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, AMENDING TITLE 16 (THE LAND USE AND DEVELOPMENT  
CODE) OF THE HIGHLAND MUNICIPAL CODE, PURSUANT TO POLICIES 6B  
AND 18A OF THE CITY OF HIGHLAND GENERAL PLAN INCLUDING  
SECTION 16.40.090 DENSITY BONUS, PURSUANT TO CALIFORNIA  
GOVERNMENT CODE SECTIONS 65915-65918, AS WELL AS THE ADDITION  
OF SECTION 16.40.490 REASONABLE ACCOMMODATIONS TO THE  
MUNICIPAL CODE, PROVIDING A PROCEDURE FOR REASONABLE  
ACCOMMODATION IN THE CITY'S LAND USE AND ZONING AND BUILDING  
REGULATIONS PURSUANT TO FAIR HOUSING LAWS AND MAKING  
FINDINGS IN SUPPORT THEREOF

which title was read.

### **CITY COUNCIL LEGISLATIVE**

10. A Request for Co-sponsorship of the Inaugural "Inland Empire Soap Box Derby" on May 11, 2013

Community Development Director Jaquess gave a brief review of the staff report. It should be noted in their application, the applicant made some requests for some items which would be part of the sponsorship package that the City in the Staff Report indicated we really were not in the position to provide, specifically those dealing with waste disposal or trash hauling, bleachers and toilets. We do not have those in the City, and they are not available to us, and staff recommends they would have to acquire those or obtain those through separate arrangements. We did not provide in our recommendation, they had also requested K-Rails be put up discreetly to implement the street closures and we did note the K-Rail would have to be rented by the City to install and it was a cost to the City of \$7,046.00 which would be a City direct expense, not a Staff expense. He understands Public Works may have been able to locate a less expensive option, and they were going to make it available to the Council tonight based on the information they were able to collect. One other item to be discussed is the possibility of adjusting the length of the track. Right now they are requesting the road closure to be South of Atlantic and the City suggested the applicant look at moving it farther North to enable traffic to use Boulder and turn on Atlantic. The applicant feels they can accommodate this.

City Manager Hughes stated he would like to point out under the Staff's recommendation there is a \$1,900.00 in-kind fee and also Staff time that is included. In dealing with the K-Rail issue, Staff was able to find two other alternatives. One is using plastic K-Rail rather than cement K-Rail which would lower the cost down to approximately \$5,000 and the other option, which is even cheaper, is just to use our existing barricade system and put up wood barricades and then staff the barricades with Citizens on Patrol.

Councilman Timmer stated Omnitrans has a bus route on that street, how do we plan on addressing this? There are also two residential houses that will have no access to their houses, in or out, and how do we plan on addressing this?

Mr. Tom Rubio, Inland Empire Soap Box Derby, stated several weeks ago they announced they were planning this event and he will reiterate the City of Highland was their first choice as they looked at many other cities, Upland, Yucaipa, Ontario and they thought Highland was a great area. He would like to thank City Staff for working on the Staff Report. They would like to hold the event on May 11, 2013 and they are asking to close Boulder from Highland, both North and Southbound lanes, to Atlantic Avenue. They are completely flexible regarding the route as they will rely on Staff's recommendation to make as little of an impact to the residents in the City as well as cost. They would like to request road closures to begin at 6am and re-open at 6pm. Participants would range from elementary age to high school age. The cars can reach speeds of 20-25 mph and they do have a break underneath the car. The race would start near Highland Avenue and they would roll down the two lanes of the southbound section of Boulder Avenue and end up before Atlantic. The applicant feels they can build on this event, and realize it is crunch time asking for May 11<sup>th</sup>, but they are flexible to work with the City to close the streets and run some cars and build on it from there. They envision using the entire site to have people such as representatives from Toyota and Kelly Space Technologies to be guest speakers. They would like it to be a day long, maybe even a weekend long, event. This event would be a great revenue boost for the City. They would also have an accessible space to allow emergency vehicles if they need to respond to an emergency. They also welcome the lower cost alternative to the K-Rail placement. All they are asking for is that there is no traffic along the down part which is the race track itself and the return part of the race track which is Highland Avenue. San Diego, Victorville and Oxnard also host races and the feedback they are hearing is they want to come to the Highland event. The bleachers are not a necessity as the patrons could stand along Boulder Avenue to watch the cars race. The Soap Box Derby people have a race control staff where there are people on the top of the track, people along the track, and at the end of the track to ensure that there is no foot traffic while the vehicles are going down the road. The banner can be supplied according the City specifications and what is required for this. They would like to place the City logo on the banner as well as a sponsor. The restrooms and trash removal, they can facilitate this, and if City staff has recommendation on how to do this, they would welcome this information.

Councilman Timmer asked allowing left hand turns onto Atlantic going west bound and south, is there sufficient room to do so? There is a median on the south end of the track, would it be safe for them to return and go back to the starting point?

Mr. Tom Rubio, Inland Empire Soap Box Derby, stated there has to be a 700 foot buffer for the vehicle to stop. Soap Box Derby supplies hay bales in case a car does get away and has traffic cones laid on their side to stop the vehicles as well.

Councilman Timmer stated he still has some concern regarding the two residential homes on the corner of Highland and Boulder as they will have no access out of or into their properties.

Mayor Pro Tem Lilburn stated the Committee discussed this and the property has a gate in the back which leads into a road.

Councilman Timmer stated he does not know if the road is serviceable.

Community Development Director Jaquess stated it is possible to work with them the same way we do with all the homeowners who are impacted by our Citrus Harvest Festival. Usually we can have them relocate their vehicles to another spot so they can walk to their car and driveway.

Councilman Timmer stated yes, there are alternatives; he would just like to make certain we address it.

Councilwoman Scott asked with this being a 12 hour event or longer, will there be any vendors there?

Mr. Tom Rubio, Inland Empire Soap Box Derby, stated with the timeframe, they are not certain if they are going to be able to have vendors. If they were to have vendors they probably would get a list from Soap Box to find out they have any vendors. The race in Victorville did not have any vendors at all.

Mayor Pro Tem Lilburn stated the reason for having it at San Manuel Village is the participants and their families can park their toy haulers and trailers and never have to move. There are restaurants on site and there is a retail store across the street.

Councilwoman Scott stated she is glad City Manager Hughes brought up the barricades because this was her first comment when she read the agenda. We should use barricades and maybe a couple of bales of hay.

Councilman Timmer stated the question is whether Soap Box Derby has standards.

Mr. Tom Rubio, Inland Empire Soap Box Derby, stated when they met with them, what they are stringent upon is that there is no vehicle traffic that is on the track or the return portion of the track.

Councilwoman Scott stated she thinks Highland Soap Box Derby probably is going to be the most popular one ever, so let's get the first one going.

Councilman Racadio stated he thinks this is a great event and with the K-Rail he thinks they all had the same concern. If we have barricades and Citizens on Patrol, it will be taken care of. He does not have a problem with the City logo being used and he would like to see the City logo on the banner.

Councilman Timmer stated he supports the item, but one concern he had was the ability to turn onto Atlantic to help with traffic flow. He knows several Council Members in the past have supported individual Soap Box Derby drivers in the past.

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

1. Consider approval of the Inland Empire Soap Box Derby request for co-sponsorship and waiving of city fees and staff time in the amount of approximately \$1,918.20;
2. Authorize the use of the City logo for Soap Box Derby promotional items;
3. Authorize staff to install a street banner for the event across Base Line; and to
4. Authorize expenditure of \$7,456 in direct costs and as amended with no K-Rails being used for the event, only barricades shall be placed and to have the race track end before Atlantic Avenue.

Motion carried, 4-0, with Mayor McCallon being absent.

11. Installing ALPR Systems on a Citizen's Patrol Vehicle and Speed Trailer

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

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

1. Make a finding that PIPS (3M) is a sole source provider of the ALPR equipment;
2. Approve the following budget adjustment for the 2010 SHSGP grant: 030-8495-6040 (Major Grants fund-Equipment) in the amount of \$13,000 and 030-8495-9225 (Revenue-Federal Grants) \$13,000; and to
3. Approve the following budget adjustment for the speed trailer: 002-8200-6040 (Traffic Safety fund-Equipment) in the amount of \$31,000 to be transferred from 002-2100 (Unreserved, undesignated).

Motion carried, 4-0 with Mayor McCallon being absent.

12. Purchase of a Back-Up ECG/Defibrillator Unit

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

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio to authorize purchase of a refurbished E series ACLS 12-lead electrocardiogram (ECG) and manual defibrillator and necessary/associated items from ZOLL Medical Corporation as a sole source provider to maintain consistency with our existing equipment. Motion carried, 4-0, with Mayor McCallon being absent.

13. 2013/2014 Work Program

City Manager Hughes gave a brief review of the staff report. One correction needs to be made on page six, the last item, titled items added by Council Members; it states Lighted Sign for Police Station and it was changed to Sign for Police Station.

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio to adopt the 2013/2014 Work Program. Motion carried, 4-0, with Mayor McCallon being absent.

14. Bid Award – Bid No. 2012-14 “Jerry Lewis Community Center Gymnasium Floor Replacement”

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

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer to:

1. Award the contract for Bid No. 2012-14 “Jerry Lewis Community Center Gymnasium Floor Replacement” to Pacific Flooring Company, Inc., and to
2. Approve budget transfer of \$129,000 from 042-2100 (Building Services-Unreserved, Undesignated) to 042-9510-6030 (Building Services-Building). Motion carried, 4-0, with Mayor McCallon being absent.

15. Ethics Training and Form 700 Filings

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to conduct the second reading and adopt Ordinance No. 374 adding Section 2.15.035 to Chapter 2.15 of Title 2 (Membership – Commissioner Responsibilities) of the Highland Municipal Code. Motion carried, 4-0, with Mayor McCallon being absent.

City Clerk Hughes introduced Ordinance No. 374:

ORDINANCE NO. 374  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, ADDING SECTION 2.15.035 TO CHAPTER 2.15 OF TITLE 2, OF  
THE MUNICIPAL CODE ENTITLED "MEMBERSHIP – COMMISSIONER  
RESPONSIBILITIES"

which title was read.

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

Public Works Director/City Engineer Wong stated the Boulder Bridge is completed. The bridge itself is done, all the work in the channel is done, but there is still some work south of the bridge such as the sidewalk, landscaping of the median and the parkway and the streetlights. The road itself is usable for opening up for traffic by the end of this week. If Council would like we could open the bridge and the road for the public to use. The Public Works Committee recommended to wait until all the work is done before we have a formal Bridge Dedication ceremony which probably would be sometime in April. Would the Council like to do a small ribbon cutting ceremony prior to the Dedication Ceremony in April?

Councilwoman Scott stated the most important thing is to get it open for the citizens. We can have a little small ceremony but we need to have it opened for the citizens.

Councilman Timmer stated when it was discussed at the Committee meeting, we did not talk about opening the entire bridge, just one lane each direction so they could still work safely to complete the other items needing to be done.

City Manager Hughes stated the ribbon cutting ceremony will be Tuesday, February 19, 2013 at 7:30 a.m.

17. San Bernardino International Airport Authority and IVDA

None

**ANNOUNCEMENTS**

Mayor Pro Tem Lilburn would like to thank the Police Department and Fire Department for all their hard work and efforts this week during the crisis situation.

February 19 at 7:30 a.m.                      Boulder Bridge Ribbon Cutting Ceremony

**CLOSED SESSION**

None

**ADJOURN**

There being no further business, Mayor Pro Tem Lilburn adjourned the meeting at 7:53 p.m. in memory of Opal Metzler, Raymond Douthit, Robert Kwappenberg, Maria Valdez, Officer Michael Crain and Detective Jeremiah Mackay.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Larry McCallon  
Mayor