

**MINUTES
CITY COUNCIL REGULAR MEETING
AUGUST 13, 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 6:08 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

ROLL CALL

Present: Lilburn, McCallon, Racadio, Scott, Timmer

Absent: None

REPORT FROM CLOSED SESSION

Mayor McCallon stated there was no reportable action from Closed Session.

Councilman Racadio excused himself from the Amparan Case discussion due to a conflict of interest since he lives in the Ranch.

SPECIAL PRESENTATIONS

None

PUBLIC COMMENT

Ms. Marilyn Zug stated they have received an Administrative Citation for Code Violation 504360, Residential Rental Without a Business License and Code 83202031, Violation of Site Approval Contractor's Equipment. This citation states the corrections must be made by April 17, 2018. The correction required them to obtain a residential rental business license and remove all contractors' equipment from property. On May 7, 2013 they received another citation citing the same code violations and giving the date for compliance for June 10, 2013. On June 25 they received another citation citing the same code violations and extending the date to July 29, 2013 and a \$2,000 fine. She would like to respond to the citations. The property is not a rental. The property is an office for a weed abatement business and they do have a business license for the City of Highland. They reside in Yucaipa but the business office is in Highland at their former property. A friend of their son's stays at the property as security and to take care of the dogs. There is no rent and no fees charged, paid or exchanged for this mutual service. Although their business license does not expire until 2014, due to her husband's health he will no longer be doing any weed

abatement and he is in the process of selling the equipment and until sold most of the equipment has been moved to Redlands. She asks for the fine to be removed and remove the charge for the residential rental license.

Mayor McCallon stated Community Development Director Mainez will be contacting Mrs. Zug to discuss the matter.

CITY COUNCIL CONSENT CALENDAR

City Manager Hughes stated there are two corrections, Item #3 Councilwoman Scott was present and on Item #8 there is a typo on the staff report, it should state May instead of April.

A MOTION was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to approve the consent calendar as amended with Councilwoman Scott abstaining from Item #7. 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. Minutes – June 25, 2013 City Council Regular Meeting
Approved the Minutes as submitted.
3. Minutes – June 25, 2013 City Council Special Meeting
Approved the Minutes as submitted.
4. Minutes – June 25, 2013 City Council Special Meeting
Approved the Minutes as submitted.
5. Claim Consideration – Camea Gholar
Rejected claim.
6. Claim Consideration – Mychal Goer
Rejected claim.
7. Warrant Register
Approved Warrant Register No. 566 for August 13, 2013, in the amount of \$5,915,142.02 and Payroll of \$242,673.57.
8. Treasurer's Report for May 2013
Received and filed the Treasurer's Report for May 2013.
9. Treasurer's Report for June 2013
Received and filed the Treasurer's Report for June 2013.
10. Declaration of Two Seats Vacant on the Community Trails Committee (CTC)
 1. Declared two seats vacant on the Community Trails Committee; and
 2. Directed the City Clerk to advertise the vacancies on the Board.

11. 2012 Annual Review of the City's General Plan Implementation in Accordance with Government Code Section 65400 and 65588
Received and Filed the Subject General Plan Implementation Annual Report.
12. Easement Acceptance/Olive Street Sidewalk Project (Project str09003)
 1. Accepted the Grant of Easement for Road and Drainage Purposes from Prosper L. and Faylisha L. Jure; and
 2. Directed the City Clerk to record the Grant of Easement.

CITY COUNCIL PUBLIC HEARING

13. Public Hearing to Consider Appeal to Administrative Citation No. 10035, in Accordance with Chapter 2.56 of Title 2, of the Highland Municipal Code, at Property Located at 7686 Merito, San Bernardino, California (within Highland City Limits). Citee: Violet Gomez. PNHCB Case No. 013-003

Mayor McCallon opened the public hearing.

Community Development Director Mainez stated this item is an appeal of the Public Nuisance Board. Staff is recommending Council uphold the Public Nuisance Board's determination and approve the resolution which is attached to the staff report. Also, he has passed out an aerial view of the property in the event there is any discussion about the property itself. There is also a letter that we have received during the time the staff report was produced. Also included is a color photograph of the frontage of the property and as you can see the garage conversion in the photo. This case is a result of a Code Enforcement action. The property owner was cited for converting a garage into a habitable space, a warning was issued and then a follow up citation was issued. Staff did try to locate the permits and were unable to locate any permit. The appellant, Mrs. Gomez, was also unable to locate any permits. We've asked her to go to the County of San Bernardino and she was unable to locate any of the permits as well. As a result she was informed her options were to convert that habitual space back into a garage. She appealed that decision to the Public Nuisance Hearing Board and they took action to uphold the City's citation. As a result she is appealing it to the Council for reconsideration.

Mrs. Gomez stated she has one more letter from her neighbor two doors down so she would like to present it to the Council at this time. She also has pictures taken after her living room was converted. It is very, very well made. There are no health or safety issues here and if anyone would like to come and look at her house they are more than welcome to. For the past 40 years she has resided at her home and considers herself an anchor in her now transient neighborhood. Since Highland's incorporation in 1987 the City of Highland has sent her numerous letters of gratitude for her efforts in maintaining her property. In 1984 her husband obtained a permit from the County of San Bernardino to add a second bathroom and patio. The location of the second bathroom blocked the rear exit of the residence to the back yard and future patio. Plumbing and

electrical and most of the structural work was completed by her husband whose work was approved by the County inspector. Their intent was to enclose the garage and add an exit to the patio and to the back yard. This plan was discussed by both her husband and County officials at the time when she came to the house to see if their plan was feasible. In 1989 the existing expansion improvements to her residence included a rear exit to the patio and backyard, a new living room and an indoor laundry room. For the past 25 years she has enjoyed the expanded living space and new exit which affords her personal safety and privacy while working in her backyard and easy access to the rear of the back of the house when throwing out the garbage. On May 8 of last year she lost her husband, Felix, to cancer so for that reason she contacted her Pastor Rob Zinn from Immanuel Baptist Church for advice concerning the February 9, 2013 citation from the City. Upon his advice, she appealed to the Public Nuisance committee and after a 2-3 vote from that committee she decided to continue to pursue this matter with the City Council. She is here to ask the Council to not force her to tear down the added value that her late husband completed on their home and that her family and her have enjoyed for the past 25 years forcing her to convert her living room and indoor laundry room back to the garage. This would take away several amenities that make her house a home. Much more than this she would lose the security that her back door exit affords her in her neighborhood. Finally the conversion costs would bring an extreme financial hardship on her as well. It is for this reason that she is asking the Council to consider her request to allow her to keep her garage conversion, family room and safe exit in her home.

Mayor McCallon called for any speakers in favor of the application.

Mr. Mel Abeyta stated he is a member of the Public Nuisance Board but he is not appearing on behalf of the appellant. He is appearing as a private citizen. He is here to support Mrs. Gomez' appeal. He would like to clarify a couple of items in regards to the Public Nuisance Hearing Board. If you read the minutes which were attached to the staff report, Item #14, the Public Nuisance Board did not initially approve staff's report. It was after much discussion that the Board revised its standing, only on the basis that if they approved staff's report Mrs. Gomez would not be continued to be fined and she would have the right to appeal to City Council. Her first citation was \$500.00, the second one would be \$750.00, and the third would be \$1,000.00. That is the only reason the Public Nuisance Hearing Board approved staff's report. As Mrs. Gomez has stated she has been a good citizen of Highland for many, many years. She has been given commendations for the upkeep of her property and he would like to have her as a neighbor. She has had this living space, which was converted, for 25 years and she has many memories attached to it. Unfortunately she is caught in this situation here. He understands the municipal code and the California Building Code but if Council can find anything to give her comfort or relief he would appreciate it.

Mr. John Billings stated he is against staff's recommendation; he is for the appellant. The member of the Public Nuisance Board expressed his thoughts perfectly because if you do read the minutes it is very obvious they were in support of Mrs. Gomez and that the only reason they passed along the staff recommendation was so that she would not be fined. The other thing is that there are other residences in the neighborhood that don't have garages or have had conversions. Now those were done under the County of San Bernardino. She doesn't know what her husband did, whether or not he just used the permit for the bathroom and decided to go ahead and make the garage into a living room but it's been like that for 25 years. It makes sense and it's a true sense of justice to grant a variance and grandfather her residence so that she doesn't have to build an expensive garage. In addition to that there is ample room for her to park so she doesn't need a garage. He hopes the Council will consider that and give Mrs. Gomez the relief that she desires.

Mayor McCallon called for any speakers in opposition of the appeal. Seeing none, the appellant was given an opportunity to speak.

Mrs. Gomez stated she passed around pictures and you can see how well her husband built and enclosed the garage. To her after 25 years they have never had any problems. He built it up to code and everything.

Mayor McCallon will now close the public hearing.

Councilman Timmer stated during the presentation it was mentioned in 1989 she did some remodel work, were permits issued by the City for this work?

Building Official Everman stated he believes the bathroom addition that she was discussing was prior to the City's incorporation and she had County permits for that but for this there is no record of permits from either the City or the County. It also does not show on the tax records.

Councilman Timmer stated so it was never inspected as far as we know.

Building Official Everman stated no, not as far as he knows.

Councilman Timmer stated it was mentioned in the staff report that there are other properties in the area that have garage conversions, but he thinks the staff report indicated that there are permits issued from the County for those, correct?

Building Official Everman stated Code Enforcement has investigated some of those other properties and have found County records that there are permits for some of them.

Mayor Pro Tem Lilburn stated she agrees with Councilman Timmer. She said in 1989 and the City was a City so we should have some kind of records for permits on hand. Did we talk to the applicant to see if she is opposed to putting up a single family garage in order to have a garage, is that a possibility?

Community Development Director Mainez stated staff did mention this as an option and she would be better suited to answer that question. Physically it was a problem as well as cost which include permits, fire sprinklers, setbacks, it would be a little difficult but he doesn't know if Mrs. Gomez has given that any more consideration for tonight.

Mayor Pro Tem Lilburn stated if she went with a single family garage and it was less than 500 feet there is no need for sprinklers.

Community Development Director Mainez asked Building Official Everman, would we require sprinklers for detached?

Building Official Everman stated not for detached. Less than a 1,000 square foot detached garage would not require sprinklers.

Mayor Pro Tem Lilburn stated this could be an option she suspects.

Community Development Director Mainez stated yes, that is an option, but the item was the conversion of the existing garage without permits.

Councilwoman Scott asked number one, it was 25 years ago prior to Cityhood?

Mayor Pro Tem Lilburn stated no.

Councilwoman Scott stated okay, so it was after Cityhood. She has a problem with this. She has been by the neighborhood and there are other homes, she wishes Mrs. Gomez' home and her property was in her neighborhood. There are other properties that do not have garages and she is at a loss. When this first came about was in December of 2012 and she can't understand why this house was singled out. Was there a complaint?

Building Official Everman stated Code Enforcement came upon a garage conversion and they checked. They are always looking for illegal construction and when they discover something they come back and check the records to make sure they are legal.

Councilman Timmer stated that's what they are paid to do.

Councilwoman Scott asked would staff be satisfied going in and checking to make sure all the codes were complied with?

Mayor McCallon stated we have a separate issue and that is code requires that residences have a garage and that is going to be his question. If we granted the appeal then we are saying they don't have to have a garage and that goes against our building code. We would have to change the building code to say we will allow single family residences to not have garages which he doesn't think necessarily would be in the best interest of the City.

Councilwoman Scott stated there are many properties in Highland that don't have garages, they only have carports, and some don't even have carports.

Mayor McCallon stated he understands, but the original building code was put together to make sure people aren't using the streets to park on.

Councilwoman Scott stated well it doesn't look like their street is being used on this property.

Mayor McCallon stated he understands and he is not speaking for or against. He's just raising these issues because if we grant the appeal then what do we do with our building code?

Councilwoman Scott stated she thinks there can be exceptions.

Mayor McCallon stated well when we are put on the Planning Commission we are told we should limit ourselves to having no variances in our code because we start having variances then we should change the code, so that's the question before us. Do we change the code or not? He's just throwing it out there for consideration and discussion.

Councilwoman Scott stated she thinks there should be exceptions and if this was a rundown piece of property, an uncared for piece of property, blight or a public nuisance, she doesn't know how in the world it ever got to a public nuisance board because that is not a public nuisance. It's a building and safety issue, why it went to public nuisance that is not a public nuisance.

Mayor McCallon stated that is our process.

Councilman Timmer stated that is the appeal process we as a Council adopted.

A MOTION was made by Councilwoman Scott to grant the appeal of Mrs. Gomez.

Mayor Pro Tem Lilburn asked so go against our policy?

Councilwoman Scott stated she thinks there are exceptions. We make exceptions in other things.

Councilman Timmer stated then throw out the code and code enforcement.

Councilwoman Scott stated well we might as well if we drive; it amazes her that code enforcement picked on this one. She drives the City on this west end all of the time and it amazes her that this one was picked out.

Councilman Racadio stated he did go see the site and unfortunately he wrote it down wrong and looked at the neighbor across the street, the one that faces, on Union but it faces Merito. So he didn't see Mrs. Gomez' house but he has seen pictures and he can tell from the pictures it's the highlight of the area and is very well kept. The issue isn't that, Mrs. Gomez has a beautiful house there's no question about it. Does a carport in our code suffice for a garage?

Community Development Director Mainez stated no, it has to be an enclosed garage.

Councilman Racadio stated he was wondering if a carport could be installed.

Community Development Director Mainez stated let him clarify that. It is a like replacement. So for example, if this was a one car garage we would work with them in place of a one car garage. It's hard to tell if this is a two car, he can't tell.

Councilman Racadio stated could they do a two car carport. Would that meet the code?

Community Development Director Mainez stated no, if this was a two car garage and you were replacing it with a two car carport, no it has to be an enclosed garage. So if this was a one car garage converted and they had room on the property to build a one car garage that would satisfy the code.

Mayor Pro Tem Lilburn stated the issue is not the carport; it's the fact that they didn't pull permits and go through plan check.

Community Development Director Mainez stated that is correct.

Councilman Racadio stated he remembers we had an appeal, the issue wasn't they didn't pull permits; it was that we don't allow expansions in the business park. He was opposed to this one because he doesn't like restricting people in that area, but the permit, even this one, he imagines we can go back and inspect it and the permit issue can be resolved. Tonight the issue is not so much the fact that it was built without a permit, the issue is we have a conversion that was not permitted and under our standards would not be allowed today.

Community Development Director Mainez stated that is correct it's an unpermitted, it's a health and safety issue.

Councilman Racadio asked and there's no place else to build a garage?

Community Development Director Mainez stated we didn't go down that path in detail. It was emotional for the applicant, and to have her spend another \$10,000 trying to figure out how to build a two car garage probably wasn't in her plans. The appeal is to try to get her to keep what she has out there, and if that's the case, you're right, we would do an inspection, but the code says replace with a one, two car garage.

Councilman Racadio stated in order to do that we would have to make findings that would in essence allow people to have houses without garages.

Community Development Director Mainez stated for clarification, he believes there's a motion on the floor, but if you want to uphold the Public Nuisance Hearing Board's, he means reject the Public Nuisance Hearing Board's approval and let the appellant move forward with the conversion, we would have to bring back a revised resolution with findings that support.

Councilman Racadio asked would those findings make it so that we wouldn't be able to acquire a garage? What would those findings do?

City Attorney Steele stated what would end up happening likely is that anyone who got a citation for an illegal garage conversion would come appeal it and cite this appeal as the precedence for their appeal. The question before you, there are a lot of issues that are sort of floating around, is whether the citation that was issued was properly issued as a violation of the Highland Municipal Code. It's a fairly simple issue, once you decide that issue, to give some direction to staff as to how go about trying to fix this violation by working with the property owner. That's up to you, but the decision that is before you is, was the citation which alleges a violation of the Highland Municipal Code which is the conversion of the garage without a permit, was that citation properly issued and should it be enforced. That issue is relatively straight forward. He thinks staff's concern on that issue is that if you were to grant this appeal, well basically you would have to say that garage conversions don't violate the Highland Municipal Code.

Councilman Timmer stated regardless of how well they were done.

City Attorney Steele stated right. We know in fact right now the garage conversions have to have a permit under Highland Municipal Code and single family homes have to have a garage. So it's kind of opening this Pandora's Box to grant this appeal no matter how beautiful the property is, no matter how well taken care of it is and no matter the emotions of the issue. Staff's concern is that once you go down this road, well then anybody can come in and say they want to convert their garage, or I did convert my garage without a permit and you can't enforce the code against me, and that's staff's concern. There may be some ways to try to mitigate the impact in a case by case basis but the issue of whether this conversion violates the code he doesn't even think is being contested by the appellant. They may contend there were permits issued by the County, but he doesn't feel anyone is really arguing about whether the Highland Municipal Code permits this.

Councilwoman Scott asked in 1989 when this supposedly was done, what was the building code then? She does not recall a two car garage being anywhere near our building code requirements in 1989. We had just become a City, barely had adopted any planning at all. So what was it in 1989? This two car garage thing just blows her mind. These little 600 square foot units that are planned for across from Lowe's, they are going to have to have two car garages?

Mayor Pro Tem Lilburn stated what Community Development Director Mainez stated was that if you had a two car garage then that's what you have to replace it with. Not saying you have to build a two car garage, because a lot of places don't, but if you had one then you will need to bring it back to a two car garage.

Councilwoman Scott stated but that wasn't what she was hearing on...

Mayor Pro Tem Lilburn stated well that is what she heard, maybe Councilwoman Scott is right, she doesn't know.

Mayor McCallon stated he thinks the City Attorney made it perfectly clear what we are considering and once we make a decision we can give some direction to staff to see how to work things out. Councilwoman Scott did make a motion but there was no second so it died for lack of a second.

Councilwoman Scott stated she will make the Motion again.

A MOTION was made by Councilwoman Scott to grant the appeal of Mrs. Gomez.

Mayor McCallon called for a second. Motion died for lack of a second.

Councilwoman Scott stated sometimes we need to use common sense.

Mayor Pro Tem Lilburn stated she agrees with Councilwoman Scott, but she's saying she and Councilwoman Scott are the first ones to complain on the west side that this stuff happens far too often, and so we need to follow our own guidelines and our own expectations. However, that being said she is curious as there are so many illegal structures being converted she would like to see more of them brought to Council that are actually a nuisance to our City rather than somebody, she understands the position the appellant is put in so this makes it really hard on the Council, but we have to make the tough decisions unfortunately.

Councilman Timmer stated he kind of agrees with Mayor Pro Tem Lilburn. We have an issue here, and as far as he is concerned it's pretty black and white on what it requires, but the issue is we all have some sympathy and if we take some action to go forward with the Nuisance Board's recommendation how can we then remedy what the issue is to the satisfaction of both the City and the property owner? The structure on the north corner of the property, is that an old garage?

Community Development Director Mainez stated it's a large storage shed.

Councilman Timmer stated he also sees a car parked on the north side in the photo, whether it's still there or not he doesn't know, so obviously there's sufficient access to the back yard where one of the solutions is to retrofit that if it can be, or build the required need for the garage and she can maintain her living room at this point. Now that's not what she's asking at this point, but he's just saying if we take action to uphold the Public Nuisance Board's decision then we could then work with the applicant to resolve this issue so that further citations aren't issued at some point.

Community Development Director Mainez stated absolutely. We would stay any further enforcement and time is irrelevant. He is concerned with the health and safety if someone gets hurt in that room. So whether it's six months or a year from now, whatever it takes to get her to build a new garage, convert it, that's fine, it's just he's nervous regarding health and safety issues.

Councilman Timmer stated one of the stipulations would be that if that is worked out to do that, we're going to have to inspect that conversion to ensure it meets all public codes and public safety health codes to ensure no one gets hurt. As we know about it now, we have a liability if we don't at least inspect it to verify it's up to code.

Community Development Director Mainez stated absolutely. From the 10 to 12 of these types of conversions we get every year, we work with them. It goes back to Councilwoman Scott's comment about December last year and it shows that we were trying, we just can't get anywhere and Council has to get involved. If you want to give staff more time to work with the property owner we will certainly do that.

Councilwoman Scott asked what is the size of that shed?

Community Development Director Mainez stated he's not sure, 10x10 maybe.

Councilwoman Scott stated 10x20 is big enough for a garage.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to uphold the Public Nuisance Board's Administrative Citation No. 10035 and adopt Resolution No. 2013-030 which is to deny the appeal and to direct staff to work with the applicant to try to resolve this item to the satisfaction of the City and the applicant, and also including no additional citations are to be issued while this issue is being resolved. Motion carried, 4-1, with Councilwoman Scott dissenting.

RESOLUTION NO. 2013-030
A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF HIGHLAND,
CALIFORNIA, DECLARING THAT VIOLATIONS EXISTED ON
PROPERTY LOCATED AT 7686 MERITO, SAN BERNARDINO, (WITHIN
HIGHLAND CITY LIMITS) CALIFORNIA, ON MARCH 25, 2013,
AFFIRMING PUBLIC NUISANCE HEARING BOARD RESOLUTION NO.
PNHB 13-003, UPHOLDING ADMINISTRATIVE CITATION NO. 10035,
AND ORDERING THE APPELLANT TO ABATE THE VIOLATIONS
(CASE NO. PNH 13-003)

City Manager Hughes stated he is just estimating off the picture here, but the photo looks to him like it's less than the size of a two car garage, so maybe there is some room where we could work with the applicant on the structure they have in the back. We will do our best to work with them on this.

Councilman Racadio stated our consideration here is pretty cut and dried. There was a citation issued and he thinks the desire of the Council that he is hearing, and he certainly feels this way, is he would like staff to work in any way possible to help resolve this issue but he doesn't feel we have any other option than to uphold this citation. There is a garage conversion, there is no evidence that was apparently found that it was done with a permit, there's no garage provided and so he thinks we don't have much of an option. He really wants staff to do whatever we can to help resolve this issue.

Mayor McCallon stated to Mrs. Gomez, as you heard, we have compassion for you and we want to try to resolve this both to your satisfaction so that we are in compliance with our codes also. We understand the situation, however sometimes we have to make very hard decisions and we want staff to work with you to see what can be done to satisfy the requirement in our code and at the same time have minimal impact to you.

CITY COUNCIL LEGISLATIVE

14. Rescind City Council Resolution No. 2012-33 and No. 2012-34 Related to a Bond Issue for Mountain Breeze Villas and Consider Supporting an Increase in the Number of Mental Health and Services Units from 17 to 20

City Planner Stater gave a brief review of the staff report.

Mayor McCallon stated he would like an explanation for the increase from 17 to 20.

Ms. Danielle Curls Bennett stated the Mountain Breeze project was presented last year for consideration and they have been working over the past year to ensure all sources of project financing are available. Most recently at the time when the initial request was submitted we had 17 units designated as MHSA, Mental Health Services Act, and based on that 17 units there was roughly 1.9 million dollars in an operating subsidy and \$1.9 million in a loan that the County would be providing through a CALFHA program. By increasing the number of units, it allowed us to increase that amount of financing from \$1.9 to \$2.4 on the operating subsidy and \$2.4 on the loan which allowed them to fill the needed sources of funds to carry out the development. They also have been able to receive conditional approval and commitment from CALFHA to provide financing, which again is the reason why they would not need to have the City serve as the issuer, and because CALFHA is involved both on the financing side as well as the issuer side, they were able to achieve some cost savings in terms of the cost of issuance.

Mr. Anthony Perez, County of San Bernardino CDH, stated they fought hard to try to keep this project going forward. The developer has done a really good job of continuing to negotiate with the seller to get the cost reasonable to come back to the County multiple times so that they would look at an application for home funding, and the County has now approved the home funding for \$500,000. They still need additional funding to make the deal work, and not only do they do the financing side, but their CDH department and also the Department of Behavioral Health look at the deal as a whole for the mental health services money, and because it's a large development, 168 units, it seemed feasible to add three additional units of MHSA to close the gap.

Councilwoman Scott asked of the 168 units how many are occupied now?

Ms. Danielle Curls Bennett stated currently there are 156 currently occupied.

Councilwoman Scott asked of the 156 how many are under the mental health occupancy?

Ms. Danielle Curls Bennett stated none of the current residents, at least to their knowledge, are part of the MHSA household eligible group. The MHSA tenant would have to be a participant in the County's MHSA program so it's a full service partnership.

Councilwoman Scott asked when you are renting a unit that would qualify under the mental health, the 17 to 20 increase, is it the one who signs the lease that would qualify, or maybe it would be a member of the family, just someone who lived there to help that person qualify? How many such units now of your 156 that are rented, how many do you have that are qualified under the mental health? How many of your 17 do you have?

Ms. Danielle Curls Bennett stated there are no current tenants to their knowledge that are participants under the County's mental health program, so none of the current tenants would be participant eligible unless they are not receiving those services and may be eligible because of the needs they may have.

Councilwoman Scott stated she is getting what's going to be but she's not getting, do you have anyone in the Mountain Breeze now?

Mayor McCallon stated she said no twice, no she does not.

Councilwoman Scott asked how many do you have that are affordable housing qualified, how many of the 156?

Ms. Danielle Curls Bennett stated approximately 125.

Councilwoman Scott stated how many Sherriff services calls have we had since they were here last June 2012 and how many paramedic services have we had?

Mayor McCallon stated we would have to get records to answer that.

Councilman Timmer stated he does not think that's really relevant in a sense of this project is advocating upgrading the stock, which whatever they do is going to have an impact on those kind of calls, so using that as a criteria. He has little concern also about increasing the number, but he thinks the investment that's going to be placed into this project will upgrade the housing stock there significantly and approve the overall project, which then has an impact on who are the fire calls, the code enforcement calls and all those other things.

Councilwoman Scott stated that was why she was asking those questions is because apartments, you know how she feels about apartments period, and then increasing the mental health from 17 to 20.

Mayor Pro Tem Lilburn stated she supported the project last time but that is an area of concern down there. When a mental health person is approved for the project, what benefits do they receive for that project? Do they get free rent?

Mr. Anthony Perez, County of San Bernardino CDH, stated they can't just apply at the leasing office. They actually have to be approved and recommended by the counselor of who they're receiving services from the County. They are at a point in their lives where they are ready to transition into independent living and they have been approved. Once they are recommended, which is their first obstacle, then they have to apply for a unit and qualify just like anyone else does with criminal background checks, credit checks, employment verifications, sources of income and they are on the same tough guidelines as the other tenants.

Councilman Timmer stated we as a City have been talking about upgrading the housing stock and apartments for many years and we talked about inclusionary housing, RDA 20% set aside money, and how much money the City would have to invest to make those things happen and here we have 168 units that uses no City money and all we have to do decide whether we want 17 or 20. The benefit is we will have an upgraded project which we've been trying to do on other projects for years.

City Attorney Steele stated we might want to remind the Council part of this is an acquisition of this property. These folks do not own the property, there's another ownership group that does. He thinks the staff report reflects that there have been some code enforcement issues and challenges with the prior management, and one of the things that staff had stated at the last meeting was that we were hopeful we would get better cooperation from the new ownership group.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to adopt Resolution No. 2013-031 authorizing certain actions in connection with a proposed change to the Mountain Breeze Villas Project, rescinding prior resolutions relating to the issuance of City Bonds for the project and taking other related actions. Motion carried, 5-0.

RESOLUTION NO. 2013-031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AUTHORIZING CERTAIN ACTIONS IN CONNECTION WITH A
PROPOSED CHANGE TO THE MOUNTAIN BREEZE VILLAS PROJECT,
RESCINDING PRIOR RESOLUTIONS RELATING TO THE ISSUANCE OF
CITY BONDS FOR THE PROJECT AND TAKING OTHER RELATED ACTIONS

Councilwoman Scott asked you still have the crime free addendum on anyone who comes in and you still have 24/7 security on site?

Ms. Danielle Curls Bennett stated she does not want to say there will be a 24/7 security guard, but they will have security service. Also, the crime free addendum is still part of what they are bound by.

15. Request for Special Event Permit (SEP-013-015) by the Girl Scouts of San Gorgonio for its 5K Color Run on Saturday, September 7, 2013

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilman Racadio, to the one-day 5K Color Run at the Highland Community Park. Motion carried, 5-0.

16. Sheriff's Department Schedule "A" Contract for FY 2013-2014

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

Councilwoman Scott stated she is concerned about the increase, because if you look at the warrants register this time, \$36-37,000 just for their overtime.

Mayor Pro Tem Lilburn stated we get funding for additional overtime for special projects.

City Manager Hughes stated correct, we get grant funds for overtime and we also get position credits which offsets the overtime.

A MOTION was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to authorize the Mayor to execute the Schedule "A" contract for Law Enforcement Services with the San Bernardino County Sheriff's Department. Motion carried, 5-0.

17. Resolution No. 2013-032 Summary Vacation of Base Line Right-of-Way (Highland AL-MC Group/CUP 007-014)

Mayor McCallon stated we have gone through the process with Planning Commission to get median design and the contractor does understand the median has to be built before they get certificate of occupancy.

Public Works Director/City Engineer Wong stated definitely. The applicant has submitted and has gotten approval of a median design.

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

1. Adopt Resolution No. 2013-032 ordering the summary vacation of a portion of street right-of-way located on Base Line west of Church Street; and
2. Direct the City Clerk to record the resolution. Motion carried, 5-0.

RESOLUTION NO. 2013-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PORTION OF BASE LINE RIGHT-OF-WAY FROM 426.23 FEET TO 711.50 FEET WEST OF CHURCH STREET PURSUANT TO THE AUTHORITY PROVIDED BY CHAPTER 4, PART 3, DIVISION 9, OF THE STREETS AND HIGHWAYS CODE

18. Construction Services Proposal/Engineering Resources of Southern California, Inc. – Olive Street Improvements from Base Line to 14th Street (Project No. str09003)

Public Works Director/City Engineer Wong gave a brief review of the staff report.

Councilwoman Scott stated let us finish some of the projects we have already started before we start tearing up any more streets and sidewalks.

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

1. Approve proposal from Engineering Resources of Southern California, Inc., to provide construction management services for the Olive Street Improvements Project ; and
2. Authorize the City Manager to approve contract amendments up to 10% of the contract amount. Motion carried, 5-0.

19. Design Services Proposal/Engineering Resources of Southern California, Inc., - 2013 City-Wide Sidewalk Repair Project (Project No. swk13001)

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

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

1. Approve proposal from Engineering Resources of Southern California, Inc., to provide design services for the 2013 City-Wide Sidewalk Repair Project; and
2. Authorize the City Manager to approve contract amendments up to 10% of the contract amount. Motion carried, 5-0.

20. An Ordinance of the City of Highland Prohibiting the Issuance of Business Licenses for Medical Marijuana Dispensaries and Mobile Medical Marijuana Dispensaries, Prohibiting Medical Marijuana Dispensaries and Mobile Medical Marijuana Dispensaries from Receiving Compensation for Cultivating, Distributing, Trading, Exchanging Bartering or Making Available Medical Marijuana, Approving an Environmental Exemption and Amending the Highland Municipal Code

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilwoman Scott, to conduct the second reading of Ordinance No. 383. Motion carried, 5-0.

21. League of California Cities (LOCC) 2013 Annual Conference Resolutions Packet

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

A MOTION was made by Councilwoman Scott, seconded by Councilman Racadio, to support both resolutions introduced by the LOCC. Motion carried, 4-1, with Councilman Timmer dissenting.

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

Mayor Pro Tem Lilburn stated audits were conducted at Omnitrans and some of those findings were shared with the Board of Directors.

City Manager Hughes stated as the Council is aware, we have been dealing with Caltrans and FHWA on the funding issue. To be honest, things are pretty much stalled at FHWA and we are working to put some political pressure on FHWA. In the mean time, staff is looking at is bringing the contractor back out for the project to finish off the few things that are left under the existing funding and then the City will pick up the costs doing the overlay. Our fallback position is to go back out to bid again for the remaining work, the landscaping, some curbing, the lighting and those types of things.

23. San Bernardino International Airport Authority and IVDA

None

ANOUNCEMENTS

September 26, 2013

Volunteer Dinner

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:42 p.m. in memory of Carrie Pitts, Nancy Pauper, Mary Reed, John Noland and Dan Kragness.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor