

**MINUTES
CITY COUNCIL REGULAR MEETING
APRIL 22, 2014**

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:01 p.m. by Mayor Racadio at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Tim Evans of The Unforgettables Foundation and the Pledge of Allegiance was led by Council Member Scott.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No Reportable Action

SPECIAL PRESENTATIONS

Ms. Anne Viricel introduced Russell Spafford as the new YMCA Executive Director to the City Council.

Police Captain Torres introduced Sergeant James Porter and Detective Matt Mayer to the City Council.

PUBLIC COMMENT

Ms. Margaret Hill spoke about Charles Roberts and the Highland Community News being given an award for their media coverage in education.

Mr. Junior Carillo spoke about the restrooms at Community Park.

CITY COUNCIL CONSENT CALENDAR

City Manager Hughes stated Staff would like to request to add an item to the Agenda which would become Item #22.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to add Item #22 to the Agenda. Motion carried, 5-0.

City Attorney Steele stated just for clarification it should be noted this is the Change Order No. 1 for Bid No. 2013-06 and it was an item that was brought to the City's attention too late to be on the Agenda. There is a need to take action before the next regular meeting.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem McCallon, to approve the consent calendar as submitted. Motion carried, 5-0, on a roll call vote.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – April 8, 2014 City Council Regular Meeting
Approved the Minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 582 for April 22, 2014, in the amount of \$2,322,131.85 and Payroll of \$77,823.06.
4. Claim Consideration – LaTonya Taylor
Rejected claim.
5. Claim Consideration – Crystal Hunter
Rejected claim.
6. Claim Consideration – Kelly Delgado
Rejected claim.
7. Declaration of One (1) Vacant Seat on the Building Code Appeals Board (BCAB)
 1. Declared one (1) seat vacant on the Building Code Appeals Board; and
 2. Directed the City Clerk to advertise the vacancy on the Board.
8. Household Hazardous Waste Used Oil Payment Program
Authorized the City Manager to execute the authorization letter for the County of San Bernardino to apply for the Used Oil Payment Program on behalf of the City of Highland.
9. Designation of Olive Tree Lane, Lillian Lane and Cole Avenue as Through Streets
Approved Resolution No. 2014-010 designating Olive Tree Lane, Lillian Lane, and Cole Avenue as through streets.

RESOLUTION NO. 2014-010
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, DESIGNATING OLIVE TREE LANE, LILLIAN LANE AND
COLE AVENUE AS THROUGH STREETS AND RESCINDING
RESOLUTION NO. 2007-006

CITY COUNCIL PUBLIC HEARING

10. Municipal Code Amendment (MCA) 013-008 – An Ordinance of the City of Highland Amending Table 16.24.030.A to Allow Service Stations in the Business Park (BP) Zoning District as Described in Ordinance No. 390

Mayor Racadio opened the Public Hearing.

Associate Planner Madera gave a brief review of the Staff Report.

Mayor Racadio 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 Mayor Pro Tem McCallon, seconded by Councilwoman Lilburn, to:

1. Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the Clerk of the Board of Supervisors of San Bernardino County; and
2. Introduce an Ordinance amending Table 16.24.030.A of the Highland Municipal Code to allow Service Stations in the Business Park (BP) Zoning District. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 390:

ORDINANCE NO. 390
AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA,
AMENDING THE CITY'S MUNICIPAL CODE, TITLE 16 (LAND USE AND
DEVELOPMENT), CHAPTER 16.24, ADDING SERVICE STATIONS TO
THE EMPLOYMENT DISTRICTS' USES TABLE (MUNICIPAL CODE
AMENDMENT MCA 013-008)

which title was read.

11. Request for a Two-Year Extension of Time (EXT-14-002) for Conditional Use Permit (CUP) 008-002, a Planned Development Consisting of 127 Single-Family Residential Lots and Three (3) Lettered Lots

Mayor Racadio opened the Public Hearing.

Associate Planner Madera gave a brief review of the Staff Report.

Mr. Rick Hartmann, Highland Fifth Partners, spoke in support of the item.

Mayor Racadio 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 Councilwoman Scott, to approve the requested two-year extension of time (EXT-14-002) for Conditional Use Permit No. 008-002 subject to the Conditions of Approval and Findings of Fact. Motion carried, 5-0.

RESOLUTION NO. 2014-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING AN EXTENSION OF TIME APPLICATION (EXT 014-002) FOR A TWO (2) YEAR EXTENSION OF TIME FOR CONDITIONAL USE PERMIT 08-002 WHICH ESTABLISHES THE PLANNED DEVELOPMENT DOCUMENT FOR A 127 UNIT SINGLE FAMILY RESIDENTIAL SUBDIVISION

12. Public Hearing of the City Council to Consider the “Balbir Jhawar Development Agreement” (DA-014-001) Related to the Timely Conversion of Existing Apartment Complex into a Thirty-six (36) Unit Motel Use as Entitled by Conditional Use Permit No. 008-012 Approved by the Planning Commission on January 4, 2011, with a Three-Year Time Extension Approved on January 21, 2014 (a Three (3) Phased Project which will Include a Modernized Gas Station, Convenience Store, and 72-Room Hotel)

Mayor Racadio opened the Public Hearing.

Community Development Director Mainez gave a brief review of the Staff Report. He also received an email from the Applicant just before the meeting and he would like to read it into the record. The email states, “We also want to ensure that the Council is made aware that they included in the record that they desire to reserve the right to process the development agreement approach in the future should the amendment not be approved by Council.”

City Attorney Steele stated it was his concern in working through this development agreement idea that the development agreement is not an appropriate, and appropriate is the wrong word, not the best way to accomplish what the Planning Commission was trying to accomplish, which is to put a specific time frame on all three phases of the project. The development agreement, as you know from our other discussions, has the added benefit to a landowner of locking in all the rules for a specific period of time and giving them a vested right to develop over that lengthy period of time. That is not really what the Planning Commission was trying to do here. The Planning Commission was trying to guarantee that this phased approach to the development gets done in a specified time period, and it may well be that over the course of ten years the City Council and the Planning Commission decide that some development standard is going to change, a building code is going to change, those kinds of things, and it wasn't anybody's intent to lock in the rules in order to get this done. That is why we suggested we take a step back and try to do this through conditions which the developer is amenable to, and the reason it is on the agenda in this form is technically it came to you with a recommendation from the

Planning Commission to do the development agreement. That's the way it was noticed, we didn't just want to have the development agreement kind of disappear without the Council having the benefit of giving direction to Staff.

Mayor Racadio 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 Councilwoman Scott, seconded by Mayor Pro Tem McCallon, to pull the item from the agenda and direct staff to process an Amendment to Conditions of Approval related to CUP-008-012 in place of the subject Development Agreement, and advertise a public hearing for said Amendment to Conditions in accordance with the City's Municipal Code. Motion carried, 5-0.

CITY COUNCIL LEGISLATIVE

13. An Ordinance of the City of Highland Amending the Registered Sex Offenders Regulations in Chapter 9.24 of the Highland Municipal Code and Approving an Environmental Exemption Therefor

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Lilburn, to conduct a second reading of Ordinance No. 389. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 389:

ORDINANCE NO. 389
AN ORDINANCE OF THE CITY OF HIGHLAND AMENDING
THE REGISTERED SEX OFFENDERS REGULATIONS IN
CHAPTER 9.24 OF THE HIGHLAND MUNICIPAL CODE
AND APPROVING AN ENVIRONMENTAL EXEMPTION
THEREFOR

which title was read.

14. Redflex Traffic Systems, Inc., Contract

City Manager Hughes gave a brief review of the Staff Report.

Mr. Bob Warner, Redflex Traffic Systems, spoke in support of this item.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Lilburn, to support the Finance/Personnel Subcommittee's recommendation to not approve a contract extension and authorize staff to send a letter to Redflex notifying them that the contract will terminate on June 30, 2014. Motion carried, 4-1, with Councilwoman Scott dissenting.

15. Design Services Proposal/Willdan Engineering – 9th Street Pavement Rehabilitation Project, Project No. str11002a

Public Works Director/City Engineer Wong gave a brief review of the Staff Report.

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

1. Approve the proposal from Willdan Engineering to provide design services for the 9th Street Pavement Rehabilitation Project; and
2. Authorize the City Manager to approve contract amendments up to 10% of the contract amount. Motion carried, 5-0.

16. Accessory Sign Review Application (ASR-013-022) for a New Building Mounted Sign at the Highland Police Station

Councilwoman Lilburn stated she will abstain from discussing this item as she has a conflict of interest due to her home being in the proximity of 300' from the project.

City Planner Stater gave a brief review of the Staff Report.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilman Timmer, to not install a sign on the building. Motion carried, 3-1, with Councilwoman Scott dissenting and also with Councilwoman Lilburn abstaining.

17. Consider Whether to Submit a Measure to the Voters to Change the City's "At-Large" System of Voting to a "By District" System

City Attorney Steele gave a brief review of the Staff Report.

City Manager Hughes stated Staff would like to recommend the Mayor appoint an Ad Hoc Committee of the City Council work with Staff on this issue.

Mayor Racadio appointed Councilman Timmer and Councilwoman Scott to sit on the Ad Hoc Committee.

A MOTION was made by Councilwoman Scott, seconded by Mayor Racadio to provide direction to staff as to commence the process of submitting a measure to the voters at the November 2014 Regular Municipal Election to change the City's method of electing Members of the City Council to a "by-district" system. If the City Council directs staff to proceed, staff will draw the boundaries of proposed districts with Council and public input and prepare an ordinance for City Council consideration not later than August 8, 2014, and approve the following budget adjustment: \$10,000 to be transferred from 001-2100 (General Fund-Unreserved, undesignated) to be expended from 001-1000-6070 (City Council-Software). Motion carried, 3-2, with Councilman Timmer and Councilwoman Lilburn dissenting.

18. SB1390 (Correa-D) Proposed Santa Ana River Conservancy Legislation

Community Development Director Mainez gave a brief review of the Staff Report.

A MOTION was made by Councilwoman Scott, seconded by Councilman Timmer, to oppose the proposed Senate Bill 1390 establishing the Santa Ana River Conservancy. Motion carried, 5-0.

19. AB 2574 (Rodriguez) – Metro Gold Line Foothill Extension Construction

Mayor Pro Tem McCallon gave a brief review of this item.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to Oppose AB 2574 – Metro Gold Line Foothill Extension Construction. Motion carried, 5-0.

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

Councilwoman Lilburn gave an update regarding Omnitrans.

21. San Bernardino International Airport Authority and IVDA

None

22. Change Order No. 1 for Bid No. 2013-06 – “Demolition of Two Buildings Located at 27167 Base Line (Former Library) and 27169 Base Line (Former Post Office)”

City Manager Hughes gave a brief review of the Staff Report.

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

1. Approve Change Order No. 1 for Bid No. 2013-06, “Demolition of Two Buildings Located at 27167 Base Line (Former Library) and 27169 Base Line (Former Post Office)” to 5M Contracting, Inc., in the amount of \$15,450; and
2. Approve the following budget adjustment: Transfer \$15,450.00 from 029-2100 (Fire Department, Reserved) to be expended from 029-2100-6030 (Fire Department, Building).

Motion carried, 5-0.

ANOUNCEMENTS

April 24

Arbor Day Tree Planting – Community Park

April 26

Community Day of Service – Community Park

CLOSED SESSION

At 8:07 p.m., the City Council convened into closed session regarding the following:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1):

One case.

At 8:26 p.m., the City Council adjourned closed session, making no announcements.

ADJOURN

There being no further business, Mayor Racadio adjourned the meeting at 8:38 p.m. in memory of George Einfeldt and Nancie Potter.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Sam J. Racadio
Mayor