

**MINUTES
CITY COUNCIL REGULAR MEETING
SEPTEMBER 9, 2014**

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 Racadio at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Jerry Highfill of Immanuel Baptist Church and the Pledge of Allegiance was led by Mayor Pro Tem McCallon.

ROLL CALL

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

REPORT FROM CLOSED SESSION

None

SPECIAL PRESENTATIONS

Proclamation
National Voter Registration Day

PUBLIC COMMENT

None

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to approve the Consent Calendar as submitted. Motion carried on a roll call vote, 4-0, with Councilman Timmer 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 – August 26, 2014 City Council Regular Meeting
Approved the Minutes as submitted.
3. Claim Consideration – Southern California Edison
Rejected claim.

4. Claim Consideration – Ann Marie Vielma
Rejected claim.
5. Warrant Register
Approved Warrant Register No. 589 for September 9, 2014, in the amount of \$2,241,340.55 and Payroll of \$76,043.70.
6. Review of the City's 2013 General Plan Update Implementation Annual Report in Accordance with Government Code Section 65400 and 65588
Received and filed the 2013 General Plan Implementation Annual Report.

CITY COUNCIL PUBLIC HEARING

7. Public Hearing to Consider the Appeal of the Public Nuisance Hearing Board's Decision to Uphold Administrative Citation No. 12132 in Accordance with Chapter 2.56 of the Highland Municipal Code, Regarding the Property Located at 7518 San Francisco Street, Highland, California, for the Violation of an Unregistered or Inoperable Vehicle in Plain View. Citee/Appellant: Margaret Lopez. PNHB Case No. 14-001

Mayor Racadio opened the public hearing.

Community Development Director Mainez gave a brief review of the staff report. He would like to point out in front of the Council you have a copy of new information that was provided to the City this afternoon so it is late information. The Public Nuisance Hearing Board took action at the July 10 Public Hearing and upheld a citation issued by Code Enforcement, Citation #12132, and they adopted an Ordinance as attached in your staff report considering the abandoned and unregistered RV trailer. Since there was a violation to the code as recognized by the Public Nuisance Hearing Board, Staff is recommending that Council reaffirms the Public Nuisance Hearing Board's determination and uphold Administrative Citation #12132. The Council should be aware that the Public Nuisance has been abated and removed from the property, and additional cleanup of the site has also been conducted and the site looks fairly clean.

Mayor Racadio called for any speakers in favor or in opposition. Seeing none, the public hearing is now closed.

City Attorney Steele asked out of abundance of caution, if the appellant is not present yet as it is very early in the meeting, can he suggest the Council take up one of the other agenda items prior to this one to give them a chance to get here?

Mayor Racadio stated the public hearing will be continued to later in the meeting.

CITY COUNCIL LEGISLATIVE

8. Second Reading of Ordinance No. 394, an Ordinance of the City of Highland Amending Various Sections of the Municipal Code Including:
 - a. Municipal Code Amendment (MCA-13-007): An Ordinance of the City of Highland amending Chapter 5.12 (Home Occupations) and Chapter 16.44 (Specific Use Development Standards) to establish development regulations for Cottage Food Operations which will allow small food businesses to operate out of a private residence. Applicant: City of Highland; and
 - b. Municipal Code Amendment (MCA 014-001): An Ordinance of the City of Highland amending Chapter 16.06 (Definitions), Chapter 16.44 (Specific Use Development Standards), Chapter 16.20 (Commercial Districts) and Chapter 16.22 (Mixed Use Districts) to establish development regulations for Fixed Price Point Retail Stores. Applicant: City of Highland; and
 - c. Municipal Code Amendment (MCA 14-003): An Ordinance of the City of Highland amending Section 16.08.200 (Lapse of Approvals and Extensions of Time) to synchronize the life span of entitlements with State mandated automatic extensions of an associated tentative map. Applicant: City of Highland.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to conduct a second reading of Ordinance No. 394. Motion carried, 4-0, with Councilman Timmer being absent.

City Clerk Hughes introduced Ordinance No. 394:

ORDINANCE NO. 394

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE HIGHLAND MUNICIPAL CODE INCLUDING, TITLE 5, CHAPTER 5.12.010 CREATING DEFINITIONS FOR COTTAGE FOOD OPERATIONS, CHAPTER 5.12.020 AMENDING EXISTING DEVELOPMENT REGULATIONS FOR HOME OCCUPATIONS AND ESTABLISHING DEVELOPMENT REGULATIONS FOR COTTAGE FOOD OPERATIONS AND TITLE 16, CHAPTERS 16.06, CREATING DEFINITIONS FOR COTTAGE FOOD OPERATIONS, 16.44.140 AMENDING EXISTING DEVELOPMENT REGULATIONS FOR HOME OCCUPATIONS AND ESTABLISHING DEVELOPMENT REGULATIONS FOR COTTAGE FOOD OPERATIONS, CHAPTER 16.16 UPDATING THE RESIDENTIAL DISTRICTS USES TABLE AND CHAPTER 16.22 UPDATING THE MIXED USES TABLE (MUNICIPAL CODE AMENDMENT MCA 13-007); TITLE 16, CHAPTERS 16.06, CREATING DEFINITIONS FOR EXTREME VALUE RETAIL, FIXED PRICE RETAIL AND ODD-LOT/CLOSE-OUT RETAIL USES, 16.44 ESTABLISHING DEVELOPMENT REGULATIONS FOR EXTREME VALUE RETAIL, FIXED PRICE RETAIL AND ODD-LOT/CLOSE-OUT RETAIL USES, 16.20 UPDATING THE COMMERCIAL DISTRICTS USES TABLE AND CHAPTER 16.22 UPDATING THE MIXED USES TABLE

(MUNICIPAL CODE AMENDMENT MCA 014-001); AND TITLE 16, SECTION 16.08.200 TO SYNCHRONIZE THE LIFE SPAN OF ENTITLEMENTS WITH STATE MANDATED AUTOMATIC EXTENSIONS OF AN ASSOCIATED TENTATIVE MAP (MUNICIPAL CODE AMENDMENT MCA 14-003)

which title was read.

9. Second Reading of Ordinance No. 395, an Ordinance of the City of Highland Creating Chapter 10.28 (Parking of Recreational Vehicles), Amending Chapters 16.06 (Definitions) and 16.52 (Parking Regulations) to Establish Regulations for Parking and Storage of Recreational Vehicles

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to conduct a second reading of Ordinance No. 395 and to include amendment. Motion carried, 3-1, with Councilwoman Lilburn dissenting and Councilman Timmer absent.

City Clerk Hughes introduced Ordinance No. 395:

ORDINANCE NO. 395

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA AMENDING HIGHLAND MUNICIPAL CODE TITLE 10 (VEHICLES AND TRAFFIC) BY ADDING CHAPTER 10.28 TO ESTABLISH REGULATIONS FOR PARKING OF RECREATIONAL VEHICLES ON CITY STREETS; AMENDING THE LAND USE AND DEVELOPMENT CODE OF THE HIGHLAND MUNICIPAL CODE, TITLE 16, CHAPTER 16.06, TO INCLUDE DEFINITIONS FOR PARKING AND STORAGE OF RECREATIONAL VEHICLES, AND ADDING SECTION 16.52.080 TO CHAPTER 16.52 TO ESTABLISH REGULATIONS FOR ON-SITE PARKING AND STORAGE OF RECREATIONAL VEHICLES (MUNICIPAL CODE AMENDMENT MCA 11-005)

which title was read.

SPECIAL PRESENTATIONS

Mayor Racadio presented Jill Vassilakos-Long with a Proclamation proclaiming September 23, 2014, as National Voter Registration Day.

CITY COUNCIL PUBLIC HEARING

Mr. Edward Hanna, attorney representing the appellant, spoke regarding the consideration of the Appeal of the Public Nuisance Hearing Board to deny Administrative Citation #12312.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to adopt Resolution No. 2014-045 affirming the Public Nuisance Hearing Board's decision to uphold Administrative Citation No. 12132. Motion carried, 4-0, with Councilman Timmer being absent.

City Attorney Steele stated this is the City Council's final action on this item, and with the City Council's vote this evening there will be no further appeals and the time to seek judicial review of this action, if that was going to happen, is governed by Code of Civil Procedures 1094.5 and 6.

RESOLUTION NO. 2014-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A VIOLATION EXISTED ON THE PROPERTY LOCATED AT 7518 SAN FRANCISCO STREET, HIGHLAND, CALIFORNIA ON JUNE 13, 2014, UPHOLDING ADMINISTRATIVE CITATION NO. 12132, AFFIRMING PUBLIC NUISANCE HEARING BOARD RESOLUTION NO. 14-001, AND ORDERING THE APPELLANT TO ABATE THE VIOLATION (PNHB CASE NO. 14-001)

CITY COUNCIL LEGISLATIVE

10. Residential Rental Enhancement Program Review and "Pilot Program"

Councilwoman Scott stated she is going to excuse herself as she has a conflict but will be speaking on this item as a citizen.

City Attorney Steele stated his understanding of why Councilwoman Scott is abstaining is because she owns property that would be affected by the Ordinance, and under the Political Reform Act because the Ordinance affects her personal interest, she is permitted to stay in the room and speak as a private citizen to protect her own personal interest.

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

Mr. Matthew Buck, California Apartment Association Inland Empire, spoke regarding their offer of assisting with this program and making it a successful program.

Ms. Jody Scott spoke regarding her opposition of this program.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Lilburn, to the evaluation of the City's current "Residential Rental Enhancement Program" (per Highland Municipal Code Chapter 15.52) and direct staff to implement the following actions to further the purpose and intent of the Program:

1. Retain the services of a contract Code Enforcement Officer for a four (4) month "Pilot Program" to expedite enrollment and assist with required inspections and follow-ups; and
2. Approve a City budget adjustment in the amount of \$60,000.00 to be transferred from 001-2100 (Unreserved, Undesignated) to 001-4600-4538 (Code Enforcement - Contract Services). Motion carried, 3-0, with Councilman Timmer being absent and with Councilwoman Scott abstaining.

11. Year-End Budget Adjustments for Fiscal Year 2013/2014

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

A MOTION was made by Councilwoman Lilburn, seconded by Mayor Pro Tem McCallon, to approve of budget adjustments for fiscal year 2013/2014. Motion carried, 4-0, with Councilman Timmer being absent.

12. Professional Services Contract with HDR Engineering, Inc., for Construction Support Services for Joint Storm Drain and Waterline Improvements on 3rd Street, 5th Street and Palm Avenue

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

A MOTION was made by Councilwoman Lilburn, seconded by Councilwoman Scott, to:

1. Approve the Professional Services Contract with HDR Engineering, Inc., for construction support services for the Joint Storm Drain and Waterline Improvements Project for a not-to-exceed fee of \$158,351; and
2. Authorize the City Manager to approve amendments up to 10% of the contract amount. Motion carried, 4-0, with Councilman Timmer being absent.

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

Councilwoman Lilburn stated she attended the League of California Cities Annual Conference September 3 to September 5, 2014.

Mayor Racadio stated he also attended the League of California Cities Annual Conference September 3 to September 5, 2014.

14. San Bernardino International Airport Authority and IVDA

None

ANOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Racadio adjourned the meeting at 6:59 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Sam J. Racadio
Mayor