

**MINUTES
CITY COUNCIL REGULAR MEETING
JANUARY 27, 2015**

CALL TO ORDER

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

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

ROLL CALL

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

REPORT FROM CLOSED SESSION

No Reportable Action

SPECIAL PRESENTATIONS

Mayor McCallon presented Battalion Chief Jesse Estrada with a Proclamation for his dedicated service.

Captain DeCecio introduced Lieutenant Todd Cole as the newly appointed Lieutenant.

Captain DeCecio also introduced Tracey Dorsey as the Captain's new Secretary.

PUBLIC COMMENT

Mr. O'Connell stated he would like to introduce himself as he has submitted an application for the open seat on the Planning Commission.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to approve the consent calendar as submitted and with Councilman Timmer abstaining from Item #2. 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 – January 13, 2015 City Council Regular Meeting
Approved the Minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 596 for January 27, 2015, in the amount of \$551,618.24 and Payroll of \$98,563.33.

CITY COUNCIL PUBLIC HEARING

4. Public Hearing to Consider the Appeal of the Public Nuisance Hearing Board's Decision to Uphold Administrative Citation No. 11729 in Accordance with Chapter 2.56 of the Highland Municipal Code, Regarding the Property Located at 27268 Main Street, Highland, California. Citee/Appellant: William Lowe. PHNB Case No. 14-002

Mayor McCallon opened the public hearing.

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

Mr. Christian Anyian, Attorney for William Lowe, spoke regarding his client's opposition of Administrative Citation No. 11729.

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

City Attorney Steele stated he would like to clarify a statement made by Council. First, he would point out Council is hearing this matter de novo, which means completely new. So while we appreciate Council's statements regarding the process before the Board below, those issues are addressed by you all having a properly noticed Public Hearing on this issue and providing an opportunity for Council and the appellant, if he would like, to speak to the City Council. So the issues regarding the process before the Board, while certainly Council has the right to speak about those issues, those are addressed by the fact that you are having a new public hearing this evening and everyone has received notice of it and we are hearing the evidence anew. The second thing he should clarify, just in terms of the issue that is before the Council specifically, the Citation was for a violation of Highland Municipal Code section 5.04.360 and a copy of this is included in the staff report as Exhibit 6. That is the definition of Residential Rental, a requirement that any business consisting of a rental of residential unit

shall be required to obtain a business license. He does not think it is the staff's contention or the City's contention necessarily, one way or the other, that the appellant does not live at the property; that is not a relevant issue. The question is whether rent is being collected for a business at the property that is the citation. He thinks it is important to keep in mind that the strict definition of the code section at issue here is, was this a business where rent was being collected, and you have evidence in your staff report as to that issue.

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilwoman Scott, to adopt Resolution No. 2015-003 affirming the Public Nuisance Hearing Board's Decision to uphold Administrative Citation No. 11729 as the final decision with no further appeal to be considered. Motion carried, 5-0.

City Attorney Steele stated this action is final this evening and there is no further reconsideration or appeal on this issue. The City Council's decision is final. The time within which to seek judicial review begins tomorrow and that is covered by code procedure Section 1094.6.

RESOLUTION NO. 2015-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A VIOLATION EXISTED ON THE PROPERTY LOCATED AT 27268 MAIN STREET, HIGHLAND, CALIFORNIA, ON SEPTEMBER 17, 2014, UPHOLDING ADMINISTRATIVE CITATION NO. 11729, AFFIRMING PUBLIC NUISANCE HEARING BOARD RESOLUTION NO. 14-002, AND ORDERING THE APPELLANT TO ABATE THE VIOLATION (PNHB CASE NO. 14-002)

5. Public Hearing to Consider the Appeal of the Public Nuisance Hearing Board's Decision to Uphold Administrative Citation No. 12452 in Accordance with Chapter 2.56 of the Highland Municipal Code Regarding the Property Located at 7243 Stoney Creek, Highland, California. Citee/Appellant: Nancy Domin. PHHB Case No. 14-003.

Mayor McCallon opened the public hearing.

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

Ms. Nancy Domin spoke regarding her opposition of Administrative Citation No. 12452.

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

City Attorney Steele stated that action is final this evening. There is no further appeal or reconsideration of this item as well.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to adopt Resolution No. 2015-004 affirming the Public Nuisance Hearing Board's decision to uphold Administrative Citation No. 12452. Motion carried, 3-2, with Councilwoman Scott and Councilwoman Lilburn dissenting.

RESOLUTION NO. 2015-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A VIOLATION EXISTED ON THE PROPERTY LOCATED AT 7243 STONEY CREEK, HIGHLAND, CALIFORNIA, ON NOVEMBER 8, 2014, UPHOLDING ADMINISTRATIVE CITATION NO. 12452, AFFIRMING PUBLIC NUISANCE HEARING BOARD RESOLUTION NO. 14-003, AND ORDERING THE APPELLANT TO ABATE THE VIOLATION (PNHB CASE NO. 14-003)

CITY COUNCIL LEGISLATIVE

6. A Request for a Special Event Permit (SEP-014-031) by the Redlands Bicycle Classic for its Annual Highland Circuit Bicycle Race on Wednesday, April 8, 2015

Public Services Manager Morgan gave a brief review of the staff report.

Mr. Eric Riser spoke regarding the Redlands Bicycle Classic event.

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

1. Authorize the one-day Highland Circuit bicycle race as part of the Redlands Bicycle Classic on various streets in Highland subject to the Conditions of Approval; and
 2. Approve the Redlands Bicycle Classic request for co-sponsorship (waiving of City fees in the amount of approximately \$7,671.34). Motion carried, 5-0.
7. Resolution No. 2015-005 Adopting the 2015 City of Highland Hazard Mitigation Plan

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

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to approve Resolution No. 2015-005 adopting and approving the 2015 City of Highland Local Hazard Mitigation Plan. Motion carried, 5-0.

RESOLUTION NO. 2015-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING THE 2015 LOCAL HAZARD MITIGATION PLAN UPDATE, AUTHORIZING FUTURE NON-SUBSTANTIVE AMENDMENTS TO THE PLAN, AND RESCINDING RESOLUTION NO. 2005-010

8. Second Reading of Ordinance No. 399 Establishing a Fee and Service Charge Revenue/Cost Comparison System and Resolution No. 2015-006 Establishing a Schedule of Fees and Charges for City Services

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

A MOTION was made by Councilwoman Scott, seconded by Councilman Racadio, to adopt Ordinance No. 399 establishing a fee and service charge revenue/cost comparison system and adopt Resolution No. 2015-006 establishing a schedule of fees and charges for City services. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 399:

ORDINANCE NO. 399
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING CHAPTER 2.36 ("FEES AND SERVICE
CHARGES") OF THE HIGHLAND MUNICIPAL CODE TO PROVIDE
ADDITIONAL CATEGORIES OF FEES AND CHARGES, AND TO
UPDATE AND AMEND OTHER PROVISIONS AS APPROPRIATE

which title was read.

RESOLUTION NO. 2015-006
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ESTABLISHING A REVISED SCHEDULE OF FEES AND
CHARGES FOR CITY SERVICES

9. East Valley Water District's Alternative Proposal to Build a New "Recycled Water Center" within the City of Highland Corporate Boundaries on Del Rosa Drive (between 5th and 6th Streets)

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

Mr. John Mura spoke regarding East Valley Water District's alternative proposal to build a new recycled water center.

Mr. Fred Yauger spoke in support of East Valley Water District's proposal.

Ms. Kerri House spoke in support of East Valley Water District's proposal.

Mr. Ross Jones spoke in support of East Valley Water District's proposal.

Mr. Dennis Johnson spoke in support of East Valley Water District's proposal.

Mr. Ed Horovitz spoke in support of East Valley Water District's proposal.

Mr. Mark Bulot spoke in support of East Valley Water District's proposal.

Mr. Jim Cimino spoke in support of East Valley Water District's proposal.

Ms. Staci Ferraris spoke in support of East Valley Water District's proposal.

Mr. Sesario Perez spoke in support of East Valley Water District's proposal.

Mr. James Morales invited the Council to visit Anaheim to tour the facility there.

City Council received and filed East Valley Water District's letter dated January 16, 2015, related to the District's conceptual proposal to construct a new "Recycled Water Center" within the City of Highland corporate boundaries.

10. Contract with SANBAG for AB2766 MSRC Signal Synchronization Partnership Program

Councilman Racadio excused himself from the dais at 7:50 p.m.

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

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilman Timmer, to approve contract with SANBAG for AB2766/MSRC Signal Synchronization Partnership Program relative to the Base Line/Greenspot Road Project and the Five Corridors Project. Motion carried, 4-0, with Councilman Racadio being absent from the dais.

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

Councilman Racadio returned to the dais at 7:54 p.m.

Mayor McCallon stated he attended the League of California Cities Policy Meeting in Sacramento.

Councilman Racadio stated he attended the League of California Inland Empire Division Meeting in San Bernardino.

12. San Bernardino International Airport Authority and IVDA

None

ANOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:58 p.m. in memory of Sue Elizabeth Shelton, Marty Steinbrecher and Marie Woodman.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor