

**MINUTES
CITY COUNCIL REGULAR MEETING
JUNE 23, 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 Tim Evans, Unforgettables Foundation, and the Pledge of Allegiance was led by Councilman Timmer.

ROLL CALL

Present: Lilburn, McCallon, Racadio, Scott, Timmer

Absent: None

SPECIAL PRESENTATIONS

Mr. Perry Mecate gave a brief Presentation regarding the YMCA Annual Update.

PUBLIC COMMENT

Mr. Jesse Gonzalez spoke in regard to his opposition to the Aplin Street proposed project.

Mr. Drew Lucas spoke in regard to his opposition to the Aplin Street proposed project.

Mr. Steven Dunkerken spoke in regard to his opposition to the Aplin Street proposed project.

Mr. Tom Sako spoke in regard to his opposition to the Aplin Street proposed project.

Mr. Biggi Gunnarsson spoke in regard to his opposition to the Aplin Street proposed project.

Ms. Christie Gunnarsson spoke in regard to her opposition to the Aplin Street proposed project.

Mr. William Walker spoke in regard to his opposition to the Aplin Street proposed project.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to approve the consent calendar as submitted with Councilwoman Scott dissenting on Item #12. 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 9, 2015 City Council Regular Meeting
Approved the Minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 606 for June 23, 2015, in the amount of \$1,310,252.33 and Payroll of \$73,671.92.
4. Treasurer's Report for May 2015
Received and filed the Treasurer's Report for May 2015.
5. Resolution No. 2015-020 Amending the City of Highland Premium Only Plan
Approved Resolution No. 2015-020 amending the City of Highland Premium Only Plan.

RESOLUTION NO. 2015-020
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HIGHLAND, CALIFORNIA,
AMENDING THE CITY OF HIGHLAND PREMIUM ONLY PLAN

6. Resolution No. 2015-021 Amending Resolution No. 2006-022 Establishing Personnel System Rules and Rescinding Resolution No. 2013-025
Approved Resolution No. 2015-021 amending Resolution No. 2006-022 establishing personnel system rules and rescinding Resolution No. 2013-025.

RESOLUTION NO. 2015-021
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING RESOLUTION NO. 2006-022 ESTABLISHING
PERSONNEL SYSTEM RULES & RESCINDING RESOLUTION NO. 2013-025

7. Resolution No. 2015-022 Confirming the Authority of the City Treasurer Pursuant to Government Code Section 53607
Adopted Resolution No. 2015-022 confirming the authority of the City Treasurer pursuant to Government Code Section 53607.

RESOLUTION NO. 2015-022
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, CONFIRMING THE AUTHORITY
OF THE CITY TREASURER, PURSUANT TO
GOVERNMENT CODE SECTION 53607

8. Resolution No. 2015-023 Establishing the Appropriations Limit for Fiscal Year 2015-2016 for the City of Highland in Accordance with the Provisions of Division 9 of Title 1 of the California Government Code
Adopted Resolution No. 2015-023 establishing the Appropriations Limit for Fiscal Year 2015-2016 for the City of Highland in accordance with the provisions of Division 9 of Title 1 of the California Government Code.

RESOLUTION NO. 2015-023
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HIGHLAND, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS
LIMIT FOR FISCAL YEAR 2015-2016 FOR THE CITY OF
HIGHLAND IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9
OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

9. Resolution No. 2015-024 Rendering the Annual Statement of Investment Policy for Fiscal Year 2015-2016
Adopted Resolution No. 2015-024 rendering the Annual Statement of Investment Policy for Fiscal Year 2015-2016.

RESOLUTION NO. 2015-024
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA,
ADOPTING THE ANNUAL STATEMENT OF
INVESTMENT POLICY FOR FISCAL YEAR 2015/2016

10. AB 1522 Sick Leave Policy for Part-Time Employees
Adopted Resolution No. 2015-025 approving a paid sick leave policy pursuant to AB 1522 for part-time employees and establishing the accrual method and the minimum paid sick leave usage increment.

RESOLUTION NO. 2015-025
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ADOPTING A PAID SICK LEAVE POLICY PURSUANT TO
AB 1522 FOR PART-TIME AND HOURLY RATED EMPLOYEES
ESTABLISHING THE ACCRUAL METHOD AND THE MINIMUM PAID
SICK LEAVE USAGE INCREMENT

11. Resolution No. 2015-026 Implementing on July 1, 2015, a 2% across the Board Adjustment for All Employees and Implementing on July 1, 2016, a 2% Across the Board Adjustment for All Employees and Other Adjustments
Approved Resolution No. 2015-026 implementing on July 1, 2015, a 2% across the board adjustment for all employees and implementing on July 1, 2016, a 2% across the board adjustment for all employees and other adjustments.

RESOLUTION NO. 2015-026
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HIGHLAND, CALIFORNIA,
ESTABLISHING EMPLOYEE SALARIES

12. Review of the City's 2014 General Plan Implementation Annual Report in Accordance with Government Code Section 65400 and 65588
Received and filed the 2014 General Plan Annual Report.

CITY COUNCIL LEGISLATIVE

17. 2015-2017 Contract with the Highland Area Chamber of Commerce

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

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to approve the attached contract as recommended by the Finance/Personnel Subcommittee. Motion carried, 5-0.

18. City Facilities and Landscape Maintenance District Drought Implementation Measures

Public Works Manager Richardson gave a brief review of the staff report.

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

1. Contract with Community Works Design Group to prepare bid documents for approximately 55,916 square foot of turf removal, landscape replacement and irrigation systems modifications;
2. Issue the bid documents for public bids; and
3. Secure from East Valley Water District a \$3 per square foot rebate for turf removal, drought tolerant landscaping and water efficient irrigation systems in the areas designated. Motion carried, 5-0.

CITY COUNCIL PUBLIC HEARING

13. Street and Drainage Maintenance District 96-1 Annual Report (Fiscal Year 2015/16)

Mayor McCallon opened the public hearing.

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

Mayor McCallon 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 Mayor Pro Tem Lilburn, to approve Resolution No. 2015-027 ordering the continued maintenance of improvements in the Street and Drainage Maintenance District No. 96-1, confirming the Engineer's Report and levying the assessment for fiscal year 2015/16. Motion carried, 5-0.

RESOLUTION NO. 2015-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND
ORDERING THE CONTINUED MAINTENANCE OF IMPROVEMENTS
IN THE STREET AND DRAINAGE MAINTENANCE DISTRICT NO. 96-1
AND CONFIRMING THE ENGINEER'S REPORT
AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2015-16

14. Consolidated Landscape and Lighting District 96-1 Annual Report (Fiscal Year 2015/16)

Mayor McCallon opened the public hearing.

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

Mayor McCallon 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 Racadio, seconded by Councilman Timmer, to approve Resolution No. 2015-028 ordering the continued maintenance of improvements in the Consolidated Landscape and Lighting District No. 96-1, confirming the Engineer's Report and levying the assessment for fiscal year 2015/16. Motion carried, 5-0.

RESOLUTION NO. 2015-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND
ORDERING THE CONTINUED MAINTENANCE OF IMPROVEMENTS IN
THE CONSOLIDATED LANDSCAPE AND LIGHTING DISTRICT NO. 96-1
AND CONFIRMING THE ENGINEER'S REPORT AND
LEVYING THE ASSESSMENT FOR FISCAL YEAR 2015/2016

16. Resolution No. 2015-029 Adopting a Biennial Budget for Fiscal Years 2015-2017

Mayor McCallon opened the public hearing.

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

Mayor McCallon 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 Lilburn, seconded by Councilman Timmer, to adopt Resolution No. 2015-029 adopting a Biennial budget for fiscal years 2015-2017. Motion carried, 5-0.

RESOLUTION NO. 2015-029
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, ADOPTING A BIENNIAL BUDGET
FOR FISCAL YEARS 2015-2017

15. A Public Hearing to Consider the Appeal of the Public Nuisance Hearing Board's Decision to Uphold Administrative Citation No. 12763 in Accordance with Chapter 2.56 of the Highland Municipal Code Regarding the Property Located at 27002 Meines Street, Highland, California. Citee/Appellant: Jeani Stephens. PHNB Case No. 15-001

Mayor McCallon opened the public hearing.

Mayor Pro Tem Lilburn stated she is abstaining from this item to eliminate any appearance of any bias she may have, and excused herself from the dais at 6:51 p.m.

Councilwoman Scott stated she will be excusing herself completely from this agenda item and will be participating as a citizen, and she also left the dais at 6:51 p.m.

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

Ms. Eileen Joan Scott spoke as a representative for the appellant Ms. Jeani Stephens.

Mayor McCallon called for any speakers in favor of this item.

Ms. Pam Carlson spoke in favor of this item.

Mr. Ed Carlson spoke in favor of this item.

Mr. Junior spoke in support of the City of Highland and the representatives for the City.

Ms. Eileen Joan Scott spoke again supplying additional information and formally requested the application for the Mills Act.

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

City Attorney Steele stated this is an administrative proceeding and not a criminal proceeding. The reasonable doubt standard, or however you want to articulate that standard, is really up to the Council. It's the Council's prerogative at this point to decide whether the citation that was issued, was correctly issued based on the law that is in effect, or whether it should be rescinded. If you have doubt that the citation was properly issued, that is going to be based on your own standard just as if you were a jury in this case. It is not the criminal standard of beyond reasonable doubt that would have to be proven by a prosecutor. This is a question for the Council to decide at your own discretion, and each one of you is going to have to decide whether you believe the citation was properly issued based on the law in effect or not. By definition, the use had to be legally established at the time it was established, including building permits, and to be consistent with the zoning at the time. He does not know, there is a lot of contention about the issue of what the zoning permit was at the time. The issue is whether there were building permits for a residence issued at the time it was converted to a residence. If the Council is so inclined to interpret that a residential use is a residential structure grandfathered on that property subject to inspections and obviously code compliance of the structure, he thinks that is a reasonable interpretation for the Council to make. There is a residential use grandfathered on that property, a residential structure, not two residential structures but a residential structure. We cannot grandfather an illegal structure, so if the Council were to follow that kind of interpretation the key issue would be that the structure that is being grandfathered has to be a legal structure, meaning it has to meet code in terms of building and safety requirements. He would suggest to stay the citation right now if this is the way the Council is intending to go. Stay enforcement of the citation so that it is not enforced over the next short period of time, continue the hearing and direct staff to work with the property owner to determine whether this is something the property owner would be amenable to doing, including allowing the inspection of the structure. Perhaps that could be worked out outside of the hearing and then come back to the continued hearing and inform the Council what has been worked out. To restate the conditions, and that would be the interpretation, would be that there is one legal non-conforming residential structure permitted on the property. If it is to be the barn structure, as we are referring to it in the hearing this evening, the barn structure would have to meet the requirements of code for habitable structure, and that would require an inspection inside and out so that staff can either verify that it meets code, or give the property owner the list of items that would have to be corrected to bring it up to code. If the property owner determines to use that

larger structure as the residence on the property, the grandfather “residence” on the property, then residential rights would have to be given up from the smaller structure because the applicable zoning only allows one residential structure on the property.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to stay Administrative Citation No. 12763 subject to all conditions as described by Legal Counsel and continue the Public Hearing to August 25, 2015. Motion carried, 3-0, with Mayor Pro Tem Lilburn and Councilwoman Scott abstaining.

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

Mayor Pro Tem Lilburn gave a brief update regarding Omnitrans.

20. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

July 14 – Dark
July 28 – Dark

No City Council Meeting
No City Council Meeting

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:55 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor