

**MINUTES  
CITY COUNCIL REGULAR MEETING  
SEPTEMBER 22, 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 Pastor Rob Zinn, Immanuel Baptist Church, and the Pledge of Allegiance was led by Mayor McCallon.

**ROLL CALL**

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

**REPORT FROM CLOSED SESSION**

No meeting.

**SPECIAL PRESENTATIONS**

Mr. Kevin Blakeslee, Inland Empire Branch Representative, presented an American Public Works Award to the City of Highland for the 2015 "Project of the Year" for the Greenspot Road Bridge project.

**PUBLIC COMMENT**

Mr. Sesario Perez spoke regarding his support of the San Bernardino County Sheriff's program for the homeless and also regarding his current situation at his rental property.

**CITY COUNCIL CONSENT CALENDAR**

**A MOTION** was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to approve the consent calendar as submitted. 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 – September 8, 2015 City Council Regular Meeting  
Approved the Minutes as submitted.

3. Warrant Register  
Approved Warrant Register No. 610 for September 22, 2015, in the amount of \$504,525.51 and Payroll of \$80,905.81.
4. Claim Consideration – Jonathan Brown  
Rejected claim.
5. Request for a Special Event Permit (SEP-015-019) by Immanuel Baptist Church for its Annual Harvest Festival on Saturday, October 31, 2015  
Authorized the one-day annual Harvest Festival at Immanuel Baptist Church facilities subject to the conditions of approval.
6. Memorandum of Understanding (MOU) with San Andreas High School for City-Wide GIS Sign Inventory
  1. Approved a “no cost” MOU with San Andreas High School for city-wide GIS sign inventory career pathway school project; and
  2. Authorized the City Manager to sign the MOU document.

#### **CITY COUNCIL PUBLIC HEARING**

7. An Appeal of the Planning Commission Approval of Tentative Tract Map 18935 (TTM-14-001) for the Subdivision of Two Adjoining Parcels into 71 Numbered Lots and One Lettered Lot for the Construction of 70 Detached Single-Family Residences

Mayor McCallon opened the public hearing.

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

Mr. Michael Reiter spoke as a representative for the Appellant, Concerned Neighbors of Highland Hills, in favor of the item.

Mr. Drew Lucas spoke in favor of this item.

Mr. Steve Dunkerken spoke in favor of this item.

Mr. Biggi Gunnarsson spoke in favor of this item.

Mr. Bob Briscoe spoke in favor of this item.

Ms. Margot Szalay spoke in favor of this item.

Mrs. Christie Gunnarsson spoke in favor of this item.

Male speaker (inaudible) spoke in favor of this item.

Mr. David Twichell spoke in favor of this item.

Ms. Sally Marks spoke in opposition of this item.

Mr. Douglas Kelley spoke in favor of this item.

Mr. William Walker spoke in favor of this item.

Mr. Pete Pitassi, Diversified Pacific, spoke in opposition of this item.

Ms. Mary Lynn Coffee, Diversified Pacific, spoke in opposition of this item.

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

City Attorney Steele stated if we have questions for staff we do not need to reopen the public hearing, but if we have questions for the parties we should reopen the public hearing. Also to note, just for the record that it's the same as the City would do for any intersection in the City. The decision to place a stop sign, which is a traffic control measure not a traffic calming measure, is made based on a very specific set of engineering criteria based on warrants. We cannot install a stop sign unless the warrants are met for the installation of a stop sign. You can't gather the warrants, the information necessary to judge whether the stop sign is warranted, until you have traffic. We should just note for the record there was a statement made by the Appellant that this is the deferral of study under CEQA or deferral of a mitigation measure. That statement is incorrect because the traffic study very clearly states that there is no traffic impact under CEQA that requires a mitigation measure. This is not a mitigation measure that is proposed by the City. It is simply a commitment to, as with any other intersection in the City, look at whether a stop sign is warranted at some point in the future. There is no mitigation measure required and no stop sign required by the mitigated negative declaration. The grading levels are an issue that is going to come up in the design review process; you are not approving any grade levels this evening. Can we note for the record when Public Works Director/City Engineer Wong was answering Councilwoman's Scott's questions he was referring to Diversified Pacific's diagram labeled Water Quality hydrology? He thinks there are a lot of references on the tape to pointing somewhere and it should be noted what he was referring to. Just three more issues for the record because they were raised by the Appellant. He wants to make sure Council hears the answers to those questions. One is the question of whether there is an appeal required to the City Council. First of all, in land use law there is a concept called an exhaustion of administrative remedies which means if a public agency allows for an appeal you have to go through the appeal before you can file a law suit. So the municipal code section 16.08.210 provides that any decision of the Planning Commission gets appealed to the City Council and so this appeal is proper. It was appropriate for staff to require that the Appellant file this appeal, pay the appeal fee and come to this hearing. It's

unclear to us why they decided to file a lawsuit over the Planning Commission decision before filing an appeal, but that all will get sorted out in litigation, but it is required that this appeal hearing be held. It is required that the Planning Commission decision be appealed to you. Number two this question of piece mealing, project splitting, he guesses he will add his 23 years of experience to the developer's counsel. He has never heard of piece mealing decision, a piece mealing argument being made about a decision that happened in the past. CEQA requires that we look at the project and the foreseeable future consequences of the project. If there was to be a piece mealing argument made it would have been made in 2004 when the other tract was approved. There are no future consequences of this project that haven't been looked at in your mitigated negative declaration that's provided in your pack. So he is befuddled about the piece mealing argument, but no, under CEQA piece mealing is a concept that says why aren't you looking at the future impacts and there aren't any future impacts that haven't been looked at. The third issue was a suggestion by the Appellant that somehow we should all engage in some sort of mediation to resolve the issues associated with the project, and as the City Council knows that's what you are elected to do; you're elected to make those decisions. State laws and the Municipal Code don't provide for some kind of out where we hire a mediator and say let's figure this out. This is the process. An appeal has been filed, you're all elected to make these decisions on behalf of your constituents, and there is no real way for us to even force the Applicant into a mediation process if we were so inclined or if there was one provided for under state law. This is the process; the appeal is a process where you all get to make that decision. The City Council's action on this item, this appeal, is final this evening with the adoption of the resolution. The Code of Civil Procedures, Section 1094.6 provides the statute of limitations within which a legal challenge must be brought to this decision.

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to adopt Resolution No. 2015-037 to deny Appeal No. 15-001 and uphold the Planning Commission's determination to adopt the mitigated negative declaration and approve Tentative Tract Map 14-001 (TTM 18935) subject to the conditions of approval and findings of fact. Motion carried, 5-0.

#### RESOLUTION NO. 2015-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DENYING APPEAL 15-001, AND UPHOLDING THE PLANNING COMMISSION'S DETERMINATION TO APPROVE TENTATIVE TRACT MAP 14-001 AND ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR TENTATIVE TRACT MAP 18935 TO SUBDIVIDE TWO (2) CONTIGUOUS PARCELS INTO 71 LOTS FOR THE CONSTRUCTION OF 70 DETACHED SINGLE-FAMILY RESIDENCES LOCATED ON APPROXIMATELY 27 ACRES SOUTH OF WATER STREET AND WEST OF NORTH FORK ROAD (APN NOS. 1210-371-37 AND 1210-371-03)

## CITY COUNCIL LEGISLATIVE

### 8. Measure I Five-Year Capital Improvement Program

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

Councilwoman Scott stated Number 4, which is Pacific Street pavement rehabilitation between Victoria and Palm, only half of that is the City of Highland. Are we going to do the whole street? Also she noticed there was nothing for Victoria between Third and Base Line and there's nothing for Palm between Base Line to Pacific. Victoria to Base Line is a disaster area. Actually from Victoria to Ninth Street is the worst; it's worse than San Bernardino's streets. Especially with the work that is being done on Third right now and Fifth. Victoria is a gateway to San Bernardino, to Highland and to San Manuel Bingo.

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to approve Resolution No. 2015-038 adopting the Five-Year Capital Improvement Program and Expenditure Strategy (2015/2016-2019/2020) for the Measure I Local Street Program. Motion carried, 5-0.

RESOLUTION NO. 2015-038  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT  
PROGRAM FOR MEASURE I LOCAL STREET PROGRAM  
(2015/2016 – 2019/2020)

### 9. Memorandum of Understanding (MOU) to Implement the Habitat Conservation Plan (HCP) for the Upper Santa Ana River Wash Land Management Plan and Habitat Conservation Plan (Wash Plan) and Associated Implementation Agreement (IA)

**A MOTION** was made by Mayor Pro Tem Lilburn, seconded by Councilwoman Scott, to authorize the City Attorney to review the subject MOU and submit comments to the San Bernardino Valley Municipal Water Conservation District by September 23, 2015. Motion carried, 5-0.

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

None

### 11. San Bernardino International Airport Authority and IVDA

None

**ANNOUNCEMENTS**

October 8

22nd Annual Volunteer Dinner Event

**CLOSED SESSION**

None

**ADJOURN**

There being no further business, Mayor McCallon adjourned the meeting at 8:37 p.m. in memory of Jennifer Bryson and Scott Barnhart.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Larry McCallon  
Mayor