

**MINUTES
CITY COUNCIL REGULAR MEETING
FEBRUARY 9, 2016**

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 Reverend Paul Reed, Immanuel Baptist Church, and the Pledge of Allegiance was led by Mayor McCallon.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No reportable action to report.

SPECIAL PRESENTATIONS

Mayor McCallon presented Brandy Littleton with a 10-Year Employee Service Award recognizing her dedicated service to the City of Highland.

Mayor McCallon also presented Andrea Saavedra with a 10-Year Employee Service Award recognizing her dedicated service to the City of Highland.

PUBLIC COMMENT

Mr. Fred Yauger spoke regarding the pavement management program in the City of Highland and requested a status update of the program.

Mr. Mark Falcone spoke regarding his appreciation in the matter of the public safety parcel tax as well as his appreciation of city staff.

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, 4-0, with Councilwoman Scott 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 – January 26, 2016 City Council Regular Meeting
Approved the Minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 618 for February 9, 2016, in the amount of \$944,178.80 and Payroll of \$80,995.05.
4. CalRecycle Payment Programs Authorization
Adopted Resolution No. 2016-005 authorizing the submittal of applications for payment programs offered by the Department of Resources Recycling and Recovery (“CalRecycle”) and authorized the City Manager to his/her designee to execute all documents on its behalf.

RESOLUTION NO. 2016-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AUTHORIZING SUBMITTAL OF APPLICATION FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS

5. Public Safety Tax for Increased Law Enforcement
The City Council will not place a special parcel tax ballot measure on the November 2016 General Election Ballot; and instead, directed staff to continue to include up to \$100,000 per year for additional overtime by the Police Department; and to continue to review potential options to allocate additional existing funding for enhancing police services within the City’s available funds.
6. Easement Acceptance/Ondre Harris (8125 Marilyn Avenue)
 1. Accepted Grant of Easement for Road and Drainage purposes from Ondre Harris; and
 2. Directed the City Clerk to record the Grant of Easement.
7. Notice of Completion – Project No. swk13002, “City-Wide Concrete Repair Project,” (Bid No. 2014-05)
 1. Accepted Project No. swk13002, “City-Wide Concrete Repair Project,” (Bid No. 2014-05) as complete;
 2. Authorized the Mayor to sign the Notice of Completion; and
 3. Directed the City Clerk to file the Notice of Completion.

CITY COUNCIL PUBLIC HEARING

8. Allocation of the City of Highland's Community Development Block Grant Funds for Fiscal Year 2016-2017

Mayor McCallon opened the public hearing.

Mayor Pro Tem Lilburn excused herself from this item due to a conflict of interest as she is employed by one of the applicants.

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

Ms. Kimberly Haynesworth, Vera's Open Arms, spoke regarding their program and their request of CDBG funds.

Ms. Lisa Cook, Vera's Open Arms, spoke regarding their program and their request of CDBG funds.

Melissa, Grid Alternatives, spoke regarding their program and their request of CDBG funds.

Yoselyn, Grid Alternatives, spoke regarding their program and their request of CDBG funds.

Ms. Virginia Kautzman, Highland Senior Center, spoke regarding their program and their request of CDBG funds.

Ms. Margaret Hill, Highland Family YMCA, spoke regarding their program and their request of CDBG funds.

Mr. John Jagger spoke regarding his appreciation of the Highland Family YMCA.

Ms. Karen Lampert, Highland Family YMCA, spoke regarding their program and their request of CDBG funds.

Ms. Michelle Williamson, Central Little League, spoke regarding their program and their request of CDBG funds.

Ms. Judy Sbardellati, Highland Library/ELC, spoke regarding their program and their request of CDBG funds.

Mr. Tony CiFuentes, Highlanders Boxing Club, spoke regarding their program and their request of CDBG funds.

Ms. Brenda Sillsbury spoke regarding her appreciation of the Highlanders Boxing Club.

Mayor McCallon called for any other 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 prioritize funding of FY 2016-2017 Community Development Block Grant Applications in the following allocation amounts, LOG Number HIGH16-004, Enhanced Code Enforcement in the amount of \$123,997, LOG Number HIGH16-015, Reconstruction of streets and other infrastructure improvements in the amount of \$233,752 which totals to the amount of \$357,749. Motion carried, 3-0, with Mayor Pro Tem Lilburn abstaining and with Councilwoman Scott being absent.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to prioritize funding of FY 2016-2017 Community Development Block Grant Applications in the same amounts as the previous year in the following allocation amounts, LOG Number HIGH16-010 Highlanders Boxing Club in the amount of \$7,000, LOG Number HIGH16-011 Central Little League in the amount of \$11,000, LOG Number HIGH16-013 Highland District Council on Aging; Highland Senior Center in the amount of \$24,000, LOG Number HIGH16-034 Highland Family YMCA in the amount of \$11,632 and LOG Number HIGH16-040 San Bernardino County Library in the amount of \$9,500 which totals to the amount of \$63,132.00. Motion carried, 3-0, with Mayor Pro Tem Lilburn, abstaining and with Councilwoman Scott being absent.

9. Urgency Ordinance No. 403 and Municipal Code Amendment (MCA-16-001) – Amendments to the City’s Municipal Code to Expressly Prohibit the Cultivation of Medical Marijuana in all Zones in the City, and Consistent with State Law Prohibit Mobile Medical Dispensaries and Delivery in the City

Mayor McCallon opened the public hearing.

City Attorney Steele stated there are two ordinances that are our latest attempt to continue to respond to the ever changing landscape of medical marijuana regulations in California. The Legislature and the voters have been frequently changing the laws that apply to medical marijuana use in the state since 2006, and these two ordinances respond to the latest changes adopted by the Legislature in the 2015 session. There are two concepts here; one is to formally ban the cultivation of marijuana in the City. The so-called grow houses have become an ever increasing problem in a number of communities, whether they are small grow operations or large commercial grow operations as was shut down in Rancho Cucamonga just a few weeks ago. He believes the number was 4,000 marijuana plants that were seized. Those operations cause a number of impacts on communities including fire danger if they’re not properly regulated for the fire code compliance, there are odors, there are noise implications as well as traffic that is comparable to some industrial uses. In one of the bills that was adopted by the State Legislature last year, the City, if it wishes to retain local

control over the regulation or banning of marijuana cultivation in the city, the City is required to adopt an ordinance. Originally when the staff report was written the deadline for that adoption was March 1. There's a bill that has just been passed in Sacramento that actually changes that deadline, but we still believe that it's prudent for the City to get this ordinance in place, if the Council's pleasure is to prohibit marijuana cultivation in the City. The second is dealing with the issue of mobile dispensaries which I had a Council Member in another city call them food trucks for marijuana; they are, rather than a fixed location for medical marijuana dispensaries, they are mobile location for medical marijuana dispensaries. They can set up anywhere in a town and advertise their presence and go ahead and distribute medical marijuana from a mobile location. As many cities have done, the City of Highland has prohibited fixed location medical marijuana dispensaries for a number of years now, since 2008, we started that prohibition. Mobile dispensaries are a new phenomenon and a new way for the dispensaries and frankly those who aren't as high purposed as the dispensaries are to find ways to sell marijuana in communities. Again, if the Council is intended on prohibiting that use and maintain local control we are required to adopt an ordinance to prohibit that use. So what we are proposing by staff, and the Planning Commission has also recommended adoption of these ordinances, would be the Council adopt an Urgency Ordinance by a 4/5 vote tonight to make the prohibition of cultivation of medical marijuana effective with the adoption of the Urgency Ordinance that is to meet the original deadline that was present in the statute. The second thing we are proposing is that Council introduce for first reading a normal ordinance which does two things. One is to continue that ban on cultivation of marijuana through the normal ordinance process and will remain in place permanently. The second aspect of the normal ordinance is to change the city's business license regulations to make it clear that mobile dispensaries are prohibited, put that in that section of the code rather than as a zoning amendment because these aren't fixed locations, they are mobile businesses, so we don't have a zoning prohibition that squarely lines up with a prohibition of mobile type of use.

Mayor McCallon called for any other 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 Mayor Pro Tem Lilburn, to approve the following actions:

1. Adopt a CEQA Notice of Exemption and instruct the City Clerk to file a Notice of Exemption with the County Clerk of the Board; and
2. Adopt Urgency Ordinance No. 403 prohibiting the cultivation of medical marijuana in all zones in the City. Motion carried, 4-0, with Councilwoman Scott being absent.

City Clerk Hughes introduced Urgency Ordinance No. 403:

URGENCY ORDINANCE NO. 403
AN URGENCY ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA,
AMENDING CHAPTER 16.80 (MEDICAL MARIJUANA DISPENSARIES) OF
THE HIGHLAND MUNICIPAL CODE TO EXPRESSLY PROHIBIT
CULTIVATION OF MEDICAL MARIJUANA, IN ALL ZONES IN THE CITY
(MUNICIPAL CODE AMENDMENT MCA-16-001)

which title was read.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to introduce for first reading Ordinance No. 404 continuing the prohibition on cultivation and prohibiting mobile medical marijuana dispensaries and the delivery of marijuana and marijuana products in the City. Motion carried, 4-0, with Councilwoman Scott being absent.

City Clerk Hughes introduced Ordinance No. 404:

ORDINANCE NO. 404
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING CHAPTER 9.28 OF TITLE 9 OF THE
HIGHLAND MUNICIPAL CODE TO PROHIBIT THE DELIVERY OF MEDICAL
MARIJUANA TO AND FROM THE CITY AND PROHIBITING MOBILE
MARIJUANA DISPENSARIES AND AMENDING CHAPTER 16.80 OF TITLE 16
OF THE HIGHLAND MUNICIPAL CODE TO EXPRESSLY PROHIBIT
MEDICAL MARIJUANA CULTIVATION IN ALL ZONES IN THE CITY
(MUNICIPAL CODE AMENDMENT MCA-16-001)

which title was read.

CITY COUNCIL LEGISLATIVE

10. Community Day of Service Event

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

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilman Racadio, to approve Saturday, April 16, 2016, as the date for the Third Annual Community Day of Service. Motion carried, 4-0, with Councilwoman Scott being absent.

11. Design Services Proposal/Albert Grove & Associates

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

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

1. Approve the proposal from Albert Grove & Associates to provide design services for a new traffic signal at Palm Avenue and Cypress Street (Project No. sig15001) for a not-to-exceed fee of \$17,815; and
2. Authorize the City Manager to approve increases up to 10% of the proposed fee. Motion carried, 4-0, with Councilwoman Scott being absent.

12. Greenspot Road Bridge (Project No. brg04005)/Contract Change Order

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

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to authorize an additional 1% contract change order for the Greenspot Road Bridge Project, increasing the total contract change order percentage from 10% to 11%. Motion carried, 4-0, with Councilwoman Scott being absent.

13. Resolution in Support of H.R. 4024, the Santa Ana River Wash Plan Land Exchange Act (authored by Congressman Paul Cook and Pete Aguilar) to Implement in Part the Habitat Conservation Plan (HCP) for the Upper Santa Ana River Wash Land Management Plan and Habitat Conservation Plan (Wash Plan)

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

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to approve Resolution No. 2016-006 supporting H.R. 4024, the Santa Ana River Wash Plan Land Exchange Act authored by Congressman Paul Cook and Pete Aguilar, and direct staff to submit a copy to the San Bernardino Valley Municipal Water Conservation District by February 10, 2016. Motion carried, 4-0, with Councilwoman Scott being absent.

RESOLUTION NO. 2016-006
A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF HIGHLAND, CALIFORNIA, SUPPORTING H.R. 4024,
THE SANTA ANA RIVER WASH PLAN LAND
EXCHANGE ACT

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

None

15. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:04 p.m. in memory of Jim Davidson, Albert Neal Sides and Timothy Holtzhauser.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor