

**MINUTES
CITY COUNCIL REGULAR MEETING
AUGUST 22, 2017**

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

The invocation was given by Pastor Gerald Penick, Arden Hills Seventh Day Adventist Church, and the Pledge of Allegiance was led by Girl Scout Nalani.

ROLL CALL

Present: Chavez (arrived at 6:04 p.m.), Lilburn, Solano, Timmer
Absent: McCallon

REPORT FROM CLOSED SESSION

No meeting.

SPECIAL PRESENTATIONS

Mayor Lilburn presented a Proclamation to Zero Foundation and Team Joseph Movement proclaiming the month of September as Prostate Cancer Awareness Month.

Mr. Cesar Hernandez gave a presentation regarding the Highland YMCA Annual Report.

Mr. John Jagger spoke regarding his support of the Highland YMCA.

PUBLIC COMMENT

Ms. Jan Rodriguez spoke regarding building a single family residence at 7999 Cortez Street.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Councilman Timmer, seconded by Councilwoman Solano, to approve the consent calendar as submitted. Motion carried on a roll call vote, 4-0, with Mayor Pro Tem McCallon 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 8, 2017 City Council Regular Meeting
Approved the Minutes as submitted.
3. Minutes – August 8, 2017 City Council Special Meeting
Approved the Minutes as submitted.
4. Warrant Register
Approved Warrant Register No. 650 for August 22, 2017, in the amount of \$925,364.88 and Payroll of \$88,662.21.
5. Treasurer’s Report for July 2017
Received and filed Treasurer’s Report for July 2017.
6. Declaration of One Vacant Seat on the Public Nuisance Hearing Board
 1. Declared one seat vacant on the Public Nuisance Hearing Board; and
 2. Directed the City Clerk to advertise the vacancy on the Public Nuisance Hearing Board.
7. On-Call Right-of-Way Services
 1. Approved the Professional Services Agreements for on-call right-of-way services with Bender Rosenthal, Inc., Overland Pacific & Cutler, Inc., and Paragon Partners Ltd; and
 2. Authorized the Mayor to sign the Professional Services Agreements.
8. Contract with Ruth Villalobos & Associates, Inc. (RVA) for Environmental Consulting Services Related to 2017/2018 City Council Work Program Item (Plan B HCP – General Plan Land Use Element & Zoning Map Amendment along Greenspot Road)
Approved a contract with Ruth Villalobos & Associates, Inc., for Environmental Services related to a High Priority 2017/2018 City Council Work Program Item (Plan B HCP – General Plan Land Use Element & Zoning Map Amendment along Greenspot Road), and authorize the City Manager to execute the contract.

CITY COUNCIL PUBLIC HEARING

9. Purchase & Sale Agreement and Joint Escrow Instructions Related to the Acquisition and Subsequent Sale for Economic Development Purposes of Approximately 21 Acres of Unimproved Vacant Land Owned by the San Bernardino County Flood Control District

Mayor Lilburn opened the public hearing.

Director of Community Development Mainez stated staff is recommending this item be continued to September 12, 2017.

A MOTION was made by Councilman Timmer, seconded by Councilwoman Solano, to continue this item to the September 12, 2017 City Council hearing to allow both agencies additional time to finalize the terms of the required Purchase and Sale Agreement. Motion carried, 4-0, with Mayor Pro Tem McCallon being absent.

10. Extension of Time #EXT 17-001 for Design Review Application (DRB) 009-003 Comprising of the Site Plan, Conceptual Building Elevations and Conceptual Landscape Plan for the “Greenspot Village and Marketplace Specific Plan Planning Area 1 – Highland Marketplace”

Mayor Lilburn opened the public hearing.

Assistant Community Development Director Stater stated a brief recap of the time line for this project and its multi-faceted, multi-entitlement project, just to give you a quick recap of the history: In 2013, the City Council approved a general plan amendment, zone change, specific plan and certified an EIR for the Greenspot Village and Marketplace. It's about 104 acres on the north side of Greenspot Road between the freeway and Webster as the general parameters. Those actions remain in place today and are not in need of an extension. About a year later the City Council had approved a design review application for a portion of that site, 26½ acres located at the southwesterly portion of what we refer to as Planning Area #1. Planning Area #1 had two scenarios. One that included Flood Control's property and one that did not. What we are bringing back before you this evening is scenario two which does not include the Flood Control property. That entitlement included a site plan, conceptual building elevations, landscape plans, and circulation phasing and color palette. That entitlement had an initial three year approval, however what the applicant is asking for tonight is, it has expired just a few months back, is for the remaining three year approval that is available under the City's Municipal Code. Just a few details about the project, scenario two for planning area #1 includes about 380,000 square foot of buildings including retail, office, service, major promotional retail tenants, specialty goods and services, restaurants and professional services. It has pads ranging from 3,000 to 50,000 square feet. Included in those plans were landscape plans complimentary to the site

circulation and building elevations. The City staff has reviewed this request and recommended to the Planning Commission recommendation to Council for approval. The Planning Commission did review that and approved a resolution for you to consider for approval of the extension of time for three years.

Councilman Timmer stated you mentioned a three-year extension, the map act allows certain period of time. Aren't there other extensions available after that on an annual basis?

Assistant Community Development Director Stater stated there were two parcel maps that were a part of this project. Both of them have been recorded and are no longer part of consideration because they've been approved, so the design review application itself under the code has an initial three-year and then three additional years which you can either approve at one time or consider annually. The subdivision map act doesn't apply.

Councilman Timmer asked if we go another three years, that's as far as we can extend it right?

Assistant Community Development Director Stater stated you are correct, yes.

Mayor Lilburn stated what about the areas #2 and #3.

Assistant Community Development Director Stater stated not under consideration this evening, neither of those have a design review approval. They do have the zoning and the specific plan in place as well as the EIR.

Mr. Glenn Elssmann stated he is here to simply answer anybody's questions. The approval of this does help. We are working with tenants that are getting plans prepared to start taking steps to get construction going on this retail portion. Small at first but we've got the maps recorded and been able to provide the builders and developers with the guidelines and all the effort that has been with staff and the commission and so forth really helps the process so we appreciate that support.

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

Councilman Timmer stated since this is a Planning Commission recommendation to us as a Council, did they have any discussion on extending it for one year versus the three years or is it just based on staff recommendation of the three year extension?

Assistant Community Development Director Stater stated correct, they moved staff's recommendation for three years.

A MOTION was made by Councilman Chavez, seconded by Councilwoman Solano, to adopt Resolution No. 2017-039 approving Extension of Time EXT 17-001. Motion carried, 4-0, with Mayor Pro Tem McCallon being absent.

RESOLUTION NO. 2017-039
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND
APPROVING EXTENSION OF TIME EXT-17-001 FOR DESIGN REVIEW
APPLICATION DRB-009-003; GREENSPOT VILLAGE AND
MARKETPLACE PLANNING AREA 1

11. Municipal Code Amendment (MCA-17-003) – Consideration of an Ordinance to Amend Chapter 16.40 of the Highland Municipal Code to Establish Minimum Standards for the Placement of Cargo Containers

Mayor Lilburn opened the public hearing.

Community Development Director Mainez stated this is a high priority Council work program item. There was a study session before the Planning Commission which was instrumental to help us design and frame the standards that are presented to you tonight. We had a public hearing before the Planning Commission in June and they are recommending Council adopt this ordinance. The purpose, as the Mayor indicated, is to establish development standards for the placement of cargo containers throughout the city. It's going to limit the cargo containers. We'll actually restrict them from being used in residential zones which is a huge clarification in our existing ordinance. There was some ambiguity when we dealt with code enforcement, but now that should be all cleared up. Of course, to preserve the appearance of the community, preserve property values and protect the health, safety and welfare of our community. There is a definition in the staff report but that should help clarify what exactly is a cargo container. There are some exemptions. We are exempting the routine transportation of goods when those cargo containers are used for transportation of goods and also if they are used as part of a permitted, legally permitted, industrial business in our city. We are also exempting those cargo containers that are used for construction. You know you need to store your equipment and also during remodeling, somebody in a home needs to have a contractor come by and want to place a cargo container on the property to store equipment, that would be exempt as well. One of the other provisions we included are cargo containers for our commercial use during seasonal events. Such as Christmas or Thanksgiving you need a lot of space and so we now have a permit for that. There is a time limit, we currently don't have that. We also are putting in a provision in there that these cargo containers only be used by property owners or property occupants and they shall not be rented or used by any other person.

Mayor Lilburn 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 Lilburn, seconded by Councilwoman Solano, to approve the following actions:

1. Adopt a Notice of Exemption and instruct the City Clerk to file a Notice of Exemption with the County Clerk of the Board; and to
 2. Introduce Ordinance No. 417 amending Chapter 16.40 of the Highland Municipal Code to establish minimum standards for the placement of Cargo Containers within the City, limit the use of cargo containers in the residential zones, and address requirements in other zoning districts.
- Motion carried, 4-0, with Mayor Pro Tem McCallon being absent.

City Clerk Hughes introduced Ordinance No. 417:

ORDINANCE NO. 417
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING TITLE 16 (LAND USE AND DEVELOPMENT) OF
THE HIGHLAND MUNICIPAL CODE TO ADD SECTION 16.40.500
REGARDING THE REGULATION OF CARGO CONTAINERS IN THE CITY

which title was read.

12. Proposed Ordinance of the City of Highland for the City's Electric Vehicles (EV) Charging Station Guidelines (Residential & Commercial)

Mayor Lilburn opened the public hearing.

Building Official Gates stated today he is bringing forth an ordinance in an effort to meet the State regulations set forth by State regulators. State regulators have determined that EV charging stations are a matter of State importance. Therefore they went through and set up Assembly Bill 1236 that requires City Building departments to establish by ordinance process to expedite permitting for electric vehicle charging stations. Major key points on the bill are that we set up the check list, we have that online, and that we have some sort of way to expedite those permits.

Councilman Timmer asked what does expedite mean in a sense of, I go online and say I want to put in a system in my front yard for the new electric vehicle I purchased? Obviously anytime we change electrical we need a permit that is required by law. I would assume most of these vehicles need 220 to charge them?

Building Official Gates responded not all of them. They do have slow charging systems that will plug directly into the walls and it's also addressed in the first paragraph of the residential guidelines set up so there's not even a permit required for that. Under our new California Building Code, new homes now are required to have a dedicated 120 amp circuit in the garages established in a general location where you would normally need those.

Mayor Lilburn 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 Chavez, seconded by Councilwoman Solano, to introduce Ordinance No. 418 to add Chapter 15.82 to Highland Municipal Code, Title 15 (Buildings and Construction) to provide an expedited, streamlined permitting process for electric vehicles charging stations. Motion carried, 4-0, with Mayor Pro Tem McCallon being absent.

City Clerk Hughes introduced Ordinance No. 418:

ORDINANCE NO. 418
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ADDING CHAPTER 15.82 TO HIGHLAND MUNICIPAL CODE,
TITLE 15 (BUILDINGS AND CONSTRUCTION), TO PROVIDE AN EXPEDITED,
STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLES
CHARGING STATIONS

which title was read.

CITY COUNCIL LEGISLATIVE

13. San Manuel Community Credit Fund Restricted Grant Agreements

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

A MOTION was made by Mayor Lilburn, seconded by Councilwoman Solano to:

1. Approve the three San Manuel Community Credit Fund Restricted Grant Agreements with San Manuel Band of Mission Indians pertaining to Fire Engine Replacement, Fire Apparatus/Equipment Purchase, and Victoria Avenue Improvements; and
2. Authorize the City Manager to sign the Agreements on behalf of the City. Motion carried, 4-0, with Mayor Pro Tem McCallon being absent.

14. League of California Cities (LOCC) Annual Conference – 2017 Resolutions Packet

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

City Council direction to Primary Delegate Chavez and Alternate Delegate Solano.

LOCC Resolution No. 1, Implement Strategies to Reduce Negative Impacts of Recent Changes to Criminal Laws – Council consensus to support resolution; 3-0, with Councilman Chavez abstaining and Mayor Pro Tem McCallon absent. Councilman Chavez will support the resolution at the League Conference even though abstaining on this item.

LOCC Resolution No. 2, Local Control for Emergency Medical Response – Council consensus to support resolution, 4-0, with Mayor Pro Tem McCallon absent.

15. Updates on LAFCO, Omnitrans, SBCOG, SBCTA, SBIAA, SBVMWD, SCAG, SCAQMD, Work Program, Regional/Legislative Issues, Development Issues, Subcommittees and AB 1234/Council Member District Updates

Mayor Lilburn stated Smart & Final groundbreaking took place this morning which is very important to the community and will be an amazing place for our residents.

Councilwoman Solano stated she recently attended a tour of the West Valley Detention Center.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 7:10 p.m. in memory of Bonnie Frey and Karen Wikert.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Penny Lilburn
Mayor