

**MINUTES  
CITY COUNCIL REGULAR MEETING  
SEPTEMBER 12, 2017**

**CALL TO ORDER**

The regular meeting of the City Council of the City of Highland was called to order at 6:03 p.m. by Mayor Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Justin McWhorter, Immanuel Baptist Church, and the Pledge of Allegiance was led by Councilwoman Solano.

**ROLL CALL**

Present: Chavez, Lilburn, McCallon, Solano, Timmer  
Absent: None

**REPORT FROM CLOSED SESSION**

City Attorney Steele stated the Council met in closed session regarding the two items on the posted agenda and took no reportable action as to either item.

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One case.

Letter from attorney Janice M. Belucci threatening litigation regarding the validity of the City's ordinance establishing residency restrictions for registered sex offenders.

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

Pursuant to Government Code Section 54956.8 regarding the following property:

Property: APN 1201-331-01 (portion), 1201-341-01 (portion), 08, 09

City Negotiator: Joseph Hughes, City of Highland

Negotiating Parties: TREH PARTNERS XV, LLC

San Bernardino County Flood Control District

Under negotiation: Instruction to City's negotiator concerning price and terms of payment.

## SPECIAL PRESENTATIONS

None

## PUBLIC COMMENT

Mr. Michael Rodocker spoke regarding his concerns for parking on Palm Avenue and how it is impacting his business.

Mr. Bill Byrd spoke regarding his concerns for traffic safety at Warm Springs Elementary School.

## 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, 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 – August 22, 2017 City Council Regular Meeting  
Approved the Minutes as submitted.
3. Warrant Register  
Approved Warrant Register No. 651 for September 12, 2017, in the amount of \$1,252,397.64 and Payroll of \$169,414.20.
4. Claim Consideration – Noel Villarreal  
Rejected claim.
5. Declare Two Seats Vacant on the Community Trails Committee
  1. Declared two seats vacant on the Community Trails Committee; and
  2. Directed the City Clerk to advertise the vacancies on the Community Trails Committee.
6. Selection of an Event Date and Budget for the 22nd Annual Citrus Harvest Festival
  1. Selected March 24, 2018, as the event date for the Citrus Harvest Festival with a rain date of March 31, 2018; and
  2. Adopted the budget.
7. A Request for Co-sponsorship by “5 Tool Plus” for the San Bernardino County Sheriff Volunteer Charity Concert on November 4, 2017, at the 5 Tool Plus Batting Cages
  1. Approved the 5 Tool Plus request for co-sponsorship (by waiving of City fees in the amount of approximately \$269.21 street banner fee); and
  2. Authorized staff to install the street banner for the event across Base Line.

8. Extension of Concrete Maintenance Contract  
Extended the Concrete Maintenance Contract with Above All Names Construction Services, Inc., for one year.
9. Grant Deed/Peter Forteza – 3rd Street Extension to 5th Street
  1. Accepted the Grant Deed from Peter Forteza; and
  2. Directed the City Clerk to record the Grant Deed.

## **CITY COUNCIL PUBLIC HEARING**

10. Purchase and 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.

Community Development Director Mainez stated there are two actions that staff is requesting you take tonight, adopting two resolutions. One is authorizing the Mayor to sign the purchase and sale agreement, one is the City Manager and City Attorney have reviewed this purchase of sale agreement form for a purchase of property owned by the County and purchased by the City. The second one is a Resolution authorizing the Mayor to sign a purchase and sale agreement once the City Manager and City Attorney have approved that to form and is consistent with the first purchase and sale agreement and that agreement is with TREH Partners for that property. So essentially the transaction would be like a double escrow. TREH Partners will put up the purchase price which is \$4.5 million into escrow. There is an 18 month escrow provision in there that allows the parties the opportunity to finish their due diligence including CEQA which is California Environment Quality Act that entails a supplemental EIR to a certified EIR that was done in 2013. In the staff report I explain that the CEQA process is required due to the discovery of the K-Rat on a piece of property, on the subject property. So we have to do a supplemental EIR and that could take a while. There is a provision to extend that timeline, that 18 month extension of six months. So those are the two actions that staff is recommending. Just a quick background, it's hard to believe this process started back in 2008, when we had a Redevelopment Agency. We did an MOU with the County Flood Control District and partnership with them and we all agreed that we would purchase the property once they surplus it and then we would partner with a local developer. The local developer is in the audience tonight. If there are any questions Tom Robinson is here to hopefully support and encourage us to keep moving forward. We did enter an exclusive negotiating agreement with TREH Partners in 2014 and they have been working closely with staff. There have been a lot of hurdles over the last few months and I think we're making significant progress and we look forward to closing the deal soon. There is a requirement because this deal is an economic development deal, some new legislation last year was approved allowing cities to do this. Actually partnering a purchase property and sell it to the developer to

create jobs and other incentives. So what I've done is attach an economic opportunity memo and hopefully you've had a chance to look at that. The positive thing is the current site is vacant and it's owned by another public agency so there's no sales tax or no property tax. There are no improvements so anything you do that site is just going to elevate it to a positive perspective. So I threw some numbers out there about job creation, sales tax, property tax as well as new population, because there will be some housing built there.

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 Pro Tem McCallon, seconded by Councilman Timmer, to:

1. Adopt City Council Resolution No. 2017-040 authorizing the Mayor to execute a Purchase and Sale Agreement and Joint Escrow Instructions between the City of Highland and the San Bernardino County Flood Control District, and instruct staff to submit to the San Bernardino County Real Estate Service Department for processing and approval once the City Manager and City Attorney approve as to its form; and
2. Adopt City Council Resolution No. 2017-041 authorizing the Mayor to execute a Purchase and Sale Agreement and Joint Escrow Instructions between the City of Highland and TREH Partners, LLC, a California limited liability company once the City Manager and City Attorney approve as to its form and ensure it matches the District's Purchase and Sales Agreement and Joint Escrow Instructions. Motion carried, 5-0.

RESOLUTION NO. 2017-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AND  
SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN THE  
CITY OF HIGHLAND AND THE SAN BERNARDINO COUNTY FLOOD  
CONTROL DISTRICT FOR A 20+ ACRE VACANT PROPERTY IDENTIFIED AS  
APN: 1201-331-01 (PORTION), 1201-341-01 (PORTION), AND 1201-341-08 &  
09, AND INSTRUCT STAFF TO SUBMIT TO THE SAN BERNARDINO  
COUNTY REAL ESTATE SERVICE DEPARTMENT FOR PROCESSING AND  
APPROVAL ONCE THE CITY MANAGER AND CITY ATTORNEY  
APPROVE AS TO ITS FORM

RESOLUTION NO. 2017-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN THE CITY OF HIGHLAND AND TREH PARTNERS LLC FOR A 20+ ACRE VACANT PROPERTY IDENTIED AS APN: 1201-331-01 (PORTION), 1201-341-01 (PORTION), AND 1201-341-08 & 09, AND INSTRUCT STAFF TO SUBMIT TO THE SAN BERNARDINO COUNTY REAL ESTATE SERVICE DEPARTMENT FOR PROCESSING AND APPROVAL ONCE THE CITY MANAGER AND CITY ATTORNEY APPROVE AS TO ITS FORM AND ENSURE IT MATCHES THE DISTRICT PURCHASE AND SALES AGREEMENT AND JOINT ESCROW INSTRUCTIONS

11. General Plan Amendment (GPA 17-001) and Zone Change (ZC 17-001) from Low Density (LD) and Single-Family Residential (R-1) to Office Professional (OP) District Respectively, and the Adoption of the Associated Initial Study/Negative Declaration (ENV 017-001) for Ten (10) Parcels on Approximately 7.15 Acres

Mayor Lilburn opened the public hearing.

Assistant Community Development Director Stater stated Item #11 is a general plan amendment and zone change on Palm Avenue. So the properties in question for this zone change include parcels along the east side of Palm and north of Norwood Street, almost all the way up to Base Line to where it connects to some existing commercial properties. These lots are most comprised of single family homes with several vacant lots as well. This particular project was initiated by three code enforcement cases that the city has dealt with in which local businesses along Palm have converted some existing single family homes to office type uses. There have been some interior modifications with some parking added. While these improvements are very nice looking, very well kept, they don't currently comply with our code for the existing general plan and zoning standards that the city currently has. The general plan and zoning on these properties right now are low density residential and R1 single family for the zoning. One of these three particular businesses, Precision Engineering, approached the city about changing the zoning on their property and ones adjacent to it. So city staff looked at that on a kind of holistic view for the entire neighborhood; would these businesses be appropriate for conversion from single family to office type use. So most of these properties are quite large for residential properties, a lot of frontage along Palm, deep front yards, deep rear yards, the buildings themselves could easily be converted into a smaller medium sized business as well as accommodating the on-site parking that would be required for those. We also looked at how this is going to affect the surrounding properties, so there's commercial to the north, Norwood Street to the south. There's single family residences to the east of these, so if the Council were to approve the zone change any future businesses that we permit there staff is going to have to look at it on a case by case basis depending on whether or not it requires a staff review, design review, CUP to make sure we are requiring the

appropriate fencing, lighting, noise standards, as these businesses come in and were to occupy the individual businesses. We also looked at properties, other properties along Palm Avenue that have a similar configuration. So north of Base Line, just north of the commercial properties that are on the corner all the way up to the historic district have similar zoning designation. They are office professional and we did that back some time ago with the general plan amendment for the same reasons. We really felt these were going to accommodate office professional use and we're already kind of lending them as we saw in these cases with three existing conversions already happening on their own even without the city's impetus. So what staff is asking you to do this evening is to approve the zone change and general plan amendment for these particular ten parcels. The Planning Commission also reviewed this and is recommending that the City Council approve this. Just to touch on one issue, if any of those homes in this particular zone are single family and want it to remain single family they can do that in perpetuity. The city's code does allow that so even though we are changing the zoning, if they have an existing home that they wanted to keep and live in for any number of years that would be permitted even with this zone change. The applicant is available for any questions you may have.

Councilwoman Solano asked when it gets put into place, staff would be observing making sure fencing and everything is proper? Prior to that do we have to advise the residents around there that there is going to be a change or until after?

Assistant Community Development Director Stater stated no we've already advised them of both public hearings. A Planning Commission public hearing as well as the City Council public hearing, and we haven't received any letters in opposition, but that's certainly key to make them aware that this change is occurring before.

Mayor Lilburn stated I know this went to the public Planning Commission and there were no minutes in here from the Planning Commission for me to read, to see what concerns there were, and I noticed that you also said you held a public hearing. Where there any comments from the surrounding residents? So I don't know what was said.

Assistant Community Development Director Stater stated Community Development Director Mainezy was in attendance at that public hearing, I was not. He might be able to better answer. My understanding though, we had one person that lives on Bonita, just to the east of this, who shares a back, he came asked some questions as far as what the city would be requiring when we looked at new projects. His concern, actually he was kind of excited, because he wanted to get rid of the outstanding code enforcement issues but he wanted to make sure that new fences were built, that we were going to mitigate the light and sound from these new office uses. He didn't stay for the public hearing, didn't comment at the public hearings as far as I'm aware. There was perhaps one other person that was mentioned.

Community Development Director Mainezy stated there was a family that lived in the immediate area and they just wanted some clarification on what was involved in the zoning and how the design review was separate from the zone change and we clarified that. You know those are separate applications and they were pleased with the response to the process so it wasn't a negative. It was more just an education discussion.

Mayor Lilburn stated have we educated those that have homes that are looking for the proposed zone change. Did we educate them on how this process is working and that they don't have to, they can continue theirs as a residential.

Assistant Community Development Director Stater stated the ones that we've had contact with yes.

Mayor Lilburn stated when you change your zone from the single family low density to the office professional, if they choose to turn this into their office professional, their business, are they allowed to live there as well?

Assistant Community Development Director Stater stated not typically, no.

Mayor Lilburn asked not typically or no?

Assistant Community Development Director Stater stated what they could do, I mean, they could do one of two things. If they're going to convert it to an actual business it needs to be a business. So it's going to have business uses, we're going to remove those components of a single family home with the interior modifications. They could alternatively have a home based business so where they live in the house but have a business like we would permit in other single family residences in the city, but doing both at the same time is typically not an option.

Mayor Lilburn stated and so you said Precision Engineering is the one that required the zone change and so that spearheaded to do the entire corridor right there?

Assistant Community Development Director Stater stated well there were three. Precision was one of three that was wanting to have a business on Palm so that was kind of the impetus, you know it was a code enforcement action, they came to us, we had some discussion and you know we kind of saw the trend that was occurring naturally and thought this seems to be a good decision.

Mayor Lilburn stated another one of my concerns is for the residents that butt up to the back of them from Bonita. Are we putting up walls back there for them? Or is this going to be.

Assistant Community Development Director Stater stated yes, we typically, you would see a masonry wall.

Community Development Director Mainez stated but not as part of the zone change, so as they convert the houses and there's not a block wall there they would be conditioned to do so.

Mayor Lilburn stated I probably have one, a couple of concerns, I know there is some code issues going on there and as I was coming over here today one of the code issues that we were having is those commercial vehicles are parking in front of people's homes on Norwood and we've towed them off and they continue to park there. These residents have to endure their parking of these moving vehicles, these storage vehicles. They're just parking them in front of their houses.

Councilman Timmer stated I don't think that's directly related to businesses that are there.

Mayor Lilburn stated well it is. If they're going to have businesses there, are we going to have parking available?

Councilman Timmer stated no that's just private vehicles parking on the street where they shouldn't be parking. I don't think they're related. These lots are far large enough to park whatever equipment they want.

Mayor Lilburn stated they are directly associated with those lots on Palm.

Assistant Community Development Director Stater stated I can answer solely for this particular applicant who has provided a site plan to us. The Planning Commission reviewed and if you want to see it, I have it. Each of these will be required to have off street parking completely within their own property. So that's going to be employees, customers; everything needs to be located on site. We can put a provision in each of those conditions that there is no off street parking permitted in the adjacent neighborhood. So hopefully if it does occur with any of these businesses that we do permit, it will be easier to monitor and take care of.



Mayor Lilburn stated okay because I do hear from the residents as I'm pretty familiar with that and then we have the one that was from the U-Haul that was parked there forever and I know we towed it away, it came back, we towed it away again and they continue to park their commercial vehicles in front of these homes. So I think that's an issue to make sure we address something like that.

Assistant Community Development Director Stater stated certainly.

Mayor Pro Tem McCallon asked the existing businesses, there are three of them you say, will they now be able come in or will be coming in for appropriate authority to do what they are doing?

Assistant Community Development Director Stater stated yes, one already has and the other two will either follow or be issued notices of violation.

Mayor Pro Tem McCallon stated so then the appropriate conditions will be put on the businesses as we see needs to be done, parking, etc.

Councilman Timmer stated I met with staff and they answered most of these questions. Historically though, as you know, these lots are extremely wide, extremely deep, on a major thoroughfare. When we did our first general plan back in the late 80's we had a lot of discussion specifically on these lots that maybe those could be out of uses because the lots are so large but at that time we chose to leave them because some of the residents wanted to continue to live there and so forth. This is not a brand new issue, we've been talking about this for a long time and ideally these parcels are suited for what's being asked to do. The only question I have is and I know each of the parcels they've come in for the appropriate permits and approval will be addressing, we've already said, fencing, lighting, parking and all those things. I know the residents on the east side, is there any way we could put in the notes that we create some kind of buffer that they are not allowed to park directly against these properties. That there's some landscaping or the parking is pushed back a little bit so that way you don't have the lights. You know if I had a swimming pool and people were parking right on the other side of the fence I would be a little concerned. These lots are far deep enough that we could put some kind of minimal buffer that they couldn't park and do that kind of stuff there, to make it a little more receptive to the adjacent property owners.

Assistant Community Development Director Stater stated sure, actually the code is fairly restrictive when you abut anything to a residential so it's at least 10 and maybe even more by code but we will certainly add that. With this particular property that's moving forward, Precision Engineering, there is actually quite a deep section at the far end of their property that at this time is not even a part, it's just going to remain non-landscaping for at least probably 30 or more feet I think at the rear of the property so this particular one the Planning Commission did discuss this by choice of the applicant, but we will make sure as we move forward that we try and create a similar buffer at the others as well.

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 Pro Tem McCallon, seconded by Councilman Chavez, to:

1. Adopt Resolution No. 2017-042 approving General Plan Amendment (GPA 17-001) subject to the Findings of Fact; and
2. Introduce Ordinance No. 419 approving Zone Change (ZC 17-001) amending the Municipal Code and the City's Official Zoning Map, changing the zoning of the site from Low Density (LD) and Single-Family Residential (R-1) to Office Professional (OP) District; and
3. Adopt Resolution No. 2017-043 adopting the Associated Negative Declaration (ENV 17-001) and instruct staff to file a Notice of Determination. Motion carried, 5-0.

**RESOLUTION NO. 2017-042**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, APPROVING GENERAL PLAN AMENDMENT (17-001) TO ALLOW THE CHANGE OF DESIGNATION FROM LOW-DENSITY RESIDENTIAL TO OFFICE PROFESSIONAL FOR ASSESSOR PARCEL NO'S. 1201-011-02, 03, 04, 05 & 06; 1201-021-01, 02, 03, 04 & 05

City Clerk Hughes introduced Ordinance No. 419:

**ORDINANCE NO. 419**

AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE CITY'S OFFICIAL ZONING MAP RELATED TO TEN (10) PARCELS, APPROXIMATELY 7.15 ACRES LOCATED ON THE EASTERN SIDE OF PALM AVENUE, BETWEEN BASE LINE AND NORWOOD STREET (APN NO'S. 1201-011-02, 03, 04, 05 & 06; 1201-021-01, 02, 03, 04 & 05), FROM R-1 SINGLE-FAMILY RESIDENTIAL TO OFFICE PROFESSIONAL (OP) DISTRICT (ZONE CHANGE (ZC 017-001)

which title was read.

**RESOLUTION NO. 2017-043**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, ADOPTING THE ASSOCIATED INITIAL STUDY/NEGATIVE DECLARATION (ENV 017-001) TO ALLOW THE ESTABLISHMENT OF AN OFFICE PROFESSIONAL DESIGNATION

12. A Request for a Two (2) Year Extension of Time (EXT-17-003) for Tentative Tract Map 18583 (TTM-008-002) and Conditional Use Permit (CUP-008-002) Facilitating a Planned Development Consisting of 127 Single-Family Residential Lots and Three (3) Lettered Lots

Mayor Lilburn opened the public hearing.

Assistant Community Development Director Stater stated this is a request for an extension of time for two years. It's a previously approved project as a tentative tract map, it includes 127 single family homes. It's in the City's planned development zoning district which means to develop it there needs to be either a planned development document or a conditional use permit. In this case, the applicant had processed a conditional use permit which is attached in your staff report. It includes a PD document that talks about the design standards as that project moves forward and is developed. So it talks about things like setbacks, lot sizes, architecture and other things that will kind of shape its future as a builder is selected and the project moves forward. Just in short, the lot sizes average 4,000 square feet and this project does have a minimum lot size of 3,000. Has an overall density of about 6-½ dwelling units to the acre. It is a gated community, it has private streets but is accessible from the public by pedestrian walkways, and although the streets are private they are built to the city's current standards. This project has worked closely with the project just to the east of it. You may have heard it referred to as Blossom Trails so the internal streets line up to provide circulation between the two projects as well as a trail system that is to the south of this project. This project will have amenities such as access to the trail, community center, pool, tot lot and others. So this project was originally approved by the City Council on appeal in 2011, the entitlements were good for 36 months, the Tentative Tract Map was automatically extended by action for the State Assembly which took it to 2014 and concurrently the City Council approved a Conditional Use Permit Extension of Time as well in 2014. Since 2014 the applicants worked diligently to move forward this development. They've been slowed by efforts to obtain permits by various resource and government agencies. The outstanding issue on this site, many of you may be familiar with this, the lead shot that contaminates this site, so that's really what they need to get cleaned up but they can't do that until they've addressed some of the environmental concerns with San Bernardino Kangaroo Rat and some other issues. So to allow the applicant time to complete those which they are hoping is going to be in the relatively near future, they are asking for the two year extension. This is the very last extension available to the project. It would make it good through April 26, 2019. The Planning Commission also heard this project and is recommending it for your approval.

Mayor Lilburn stated I don't know if you can answer this but you said that the applicant has worked diligently to go forward with this project and it's been three years. I'm curious, what have they done?

Assistant Community Development Director Stater stated if you take a look at their extension request letter, it's attachment number four, it is so extensive that I couldn't cite each of them for you. It's kind of the best resource for me.

Mayor Lilburn stated the largest items are the contamination and the K-Rat right?

Assistant Community Development Director Stater stated right. So the hold up to cleaning up the contamination is dealing with the species that is on the site. So there are, for this particular project, they need permits from, it's on page two of the staff report near the bottom. So they need from the Army Corps of Engineer section 404 permit, Department of Fish and Wildlife section 1602, stream and alternation notification, Regional Water Quality Board section 401, US Fish and Wildlife section 7 consultation regarding Kangaroo Rats and it kind of goes on and on and on. I don't claim to know what each of these in detail and the status of those, the applicant might be able to better answer those but it's really just a progression. As you start to get through one the other agency has comments. Sometimes they conflict, sometimes they marry and you can take a step forward and then you get to the next agency and they have comments. Then you have to deal with those comments which take time and while you're taking time to move forward with that agency, something is aging at the back end that you already thought you had approval for that now you need a new approval for. It just snowballs.

Mayor Lilburn stated I know so I'm a little concerned that you only get one more extension. We've taken this long on this and nothing really has made a lot of progress because we still have the big items. So I worry that are they going to be able to get this done in two years in order to make that extension. I read somewhere else they were very close to getting their permits but are they necessarily going to get their permits by September of 2017.

Assistant Community Development Director Stater stated that's going to be a plan on how to deal with the Kangaroo Rat and then once that's addressed, then they can move forward with actually some of the other permit processing as well as cleaning up the lead remediation. We do have a meeting next week, the City, the applicant, with US and California Fish and Wildlife and we're hoping that's going to be helpful in the process. They were hoping to have permitting by this month; it may be another month, and it may be two. Again, when we think we're close, sometimes we're not always but I think they are fairly sure that we are very close.

Councilman Timmer stated it says in 1602 is required to stream and alternation. I don't recall any streams. There are a couple of little swales.

Assistant Community Development Director Stater stated you might be more familiar with it at Aurantia Park. As you go to the back of Aurantia Park there's the orange grove and then we placed Plunge Creek Bridge there and there's water that runs underneath there. Something as small as that gets that amount of water which is really just grove run off and isn't even what we might consider a legitimate stream the resource agencies do. So they have to answer for that and mitigate for its loss and its alternation.

Mr. Rick Hartmann, Principal of Government Contracting Consulting Services, stated I am working with the applicant to get this project through since 2009. It's been very frustrating, we are befuddled because every time once we get something cleared, something else on the back end is dated and tossed out. It's frustrating on our part because we think we have one item taken care and the next thing I know another road block is going up. Recently we had cut a deal to where the mitigation land was going to be at a certain dollar amount and then a month later the call said no we won't accept that location, you have to go to this other location which was three times the amount. So you go from a \$100,000 mitigation land to \$1.2 million, \$1.5 million, it kind of puts a dent in the budget that's for sure. Mayor, your question is very appropriate. Can we get this done in the next year and half? You know we are real close to getting everything worked out. Hopefully the meeting with Kim and Staff is set up with resource agencies for next week, we can kind of button down, get it taken care of because once it was determined that the lead was real there and had to be removed, the entire environmental process had us start over and you all know how long that takes with your public projects, it's the same thing on our side. So we're struggling. We think we see a light at the end of the tunnel but we think there's a light there and it's important for us to get this extension, to move forward and see what we can do about putting up some product. We support the conditions that are being proposed by staff on the project and ask that you support the project as a whole.

Mayor Lilburn stated what do you think your time frame is for the lead clean up?

Mr. Rick Hartmann stated well until the agencies all give us authorization to move dirt. See we can't even move dirt. There's a perspective buyer that was out there doing some testing and got caught by Fish and Wildlife or Fish and Game or something like that and turned him in. So they are watching the properties all around Highland very closely and until we actually can get a piece of paper that says yes, you can move it by all the resource agencies, Army Corps and etc., we're not touching the soil. We just can't do it. There is an agreement that the Federal Government will pay 90% of the cleanup efforts, we've got to do it all, so that plan is in the process. I believe it has been tentatively approved pending all the other resource agencies signing off on it. So as soon as we get a piece of paper, Mayor, we're going to start working on it.

Councilwoman Solano asked how quick the turnaround time would be after that process with each step of the way after that.

Mr. Rick Hartmann stated it does take time and pending on the time of the year. If we get stuck in some rainy seasons like we've had last couple of years, it's protracted out. If you recall, staff provided a parcel map for financing purposes approval that way we can bring down parts of it to start doing some work. Army Corps of Engineering hasn't allowed us to do part of that because the whole idea of doing that parcel map is to leave all the selling part alone and concentrate on those properties adjacent to Greenspot. Can't touch it, they won't let us touch it. So to answer your question, indirectly and I apologize for that, sometimes it's difficult and a lot of times it's market driven. Taking phases, a number of units down, what they feel they can sell and absorb in the community. It's probably a two year project. It'll take months to clean up the lead and I believe the resource agencies, particularly the DTSE, will have to come out and certify that we've done what we are supposed to do. If they're not happy, we start over and do other work, so it's an ebb and flow. Now, that doesn't necessarily mean that the project is dead if we still have to work on it because once we're at that point where we can start grading the site, then we can possibly record the tract map and that's it. That's when we are done. Now, we still have to go through design review because there are no housing units that have been proposed so we've got all that, all the community service, all the public work improvement projects, but getting the map to the point where we can record it that's the goal. If we can do that in a year and a half, because honestly as a business man you don't want to record that map and encumber all the bonds when you know you have a dead site. So until they can get the site cleaned and moving forward there's no reason for them to record the map. That's really been the 800 pound gorilla, it's not an endangered species gorilla but that's just the term. So the idea is just trying to get it clean to the point where they can finance the tract map because of all the bonds and everything associated with that. Then hopefully do the design review, get all the project buildings in including the pool, the community center and all that.

Mayor Lilburn asked what about the K-Rat and the blue line that we're calling that, what about that process as well? How are you going to address those?

Mr. Rick Hartmann stated we're crossing those T's and dotting those I's right now. We're close.

Mayor Lilburn stated okay, because I was thinking you only have two years so trying to help you out, is there a better process, do you know what I mean?

Mr. Rick Hartmann stated yes, I do. I appreciate the offer. This is one of those projects that everything that could go wrong, did go wrong. The K-Rat, one of the issues when you deal with K-Rat is you can only trap at a certain time of the year, so if you miss that one year window of trapping you have to wait till the next year or if they say now this is a dated trapping, go out now to, I'm not going to be real happy to say this but MWD did a great job in bringing rats back when they did the Inland Feeder project. The rat, habitat, restoration they did on that 100 foot wide swath on the south end has created all kinds of rat problems. Kudos,

they did a great job but now the rats are on his property. So now we've had to go through that trapping again and we're seeing that with other Inland Feeder projects along there as well. They've now done such a great job with Habitat Restoration now there are rats on all the properties so how do we deal with that? Unfortunately, the price for rat mitigation is really going up. We don't see an end in sight. It's one after another. It's really difficult to plan.

Mayor Lilburn asked is that property in the flood plain?

Mr. Rick Hartmann stated I believe it is still. I think Ernie is probably working on that trying to get the maps changed. We will have to deal with some of those requirements on pad elevations and the like. That's part and parcel to the project, but again if you can get the FEMA maps changed, and I know staff has been working on that for years, that would be great. Next to them is Camile Bahri's property, the Blossom property; he's dealing with the same issues.

Mayor Lilburn asked the flood plain, to get it removed?

Mr. Rick Hartmann stated yes.

Public Works Director/City Engineer Wong stated well, it can be done.

Mayor Lilburn stated in his two year time frame?

Public Works Director/City Engineer Wong stated it can be done in that time frame.

Mr. Rick Hartmann stated I think it's important you separate the entire project to the tract map. The tract map we need to record. That's the only time deadline that we have to sunset. If we don't record the map then we have a problem and to do that, the cleanup. Once the map is recorded then we work with staff to deal with the flood plain issues, we'll work with staff on the design issues, the lot layout, all the other components that make the project a project, but until we can get the property cleared by the resources agencies, clean up the lead, we can't record the map.

Mayor Lilburn stated I wish you the best of luck.

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 Timmer, seconded by Councilwoman Solano, to adopt Resolution No. 2017-044 to approve Extension of Time (EXT-17-003) subject to the Conditions of Approval and Findings of Fact. Motion carried, 5-0.

RESOLUTION NO. 2017-044

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, TO APPROVE AN EXTENSION OF TIME APPLICATION (EXT 017-003) FOR A TWO (2) YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP NO. 18583 AND CONDITIONAL USE PERMIT 08-002 WHICH ESTABLISHES THE PLANNED DEVELOPMENT DOCUMENT FOR A 127 UNIT SINGLE FAMILY RESIDENTIAL SUBDIVISION

13. Consideration of a Resolution to Adjust the Business Tax on the Extraction and/or Processing of Rock, Sand and Gravel (Aggregate) Pursuant to Section 5.17.040 (Rock, Sand and Gravel [Aggregate] Extraction and Processing Tax), Chapter 5.17 (Business License Tax on Extraction and/or Processing of Rock, Sand and Gravel [Aggregate]), Title 5 (Business Licenses and Regulations)

Mayor Lilburn opened the public hearing.

Director of Administration Services Dantuono stated this is the annual increase to the extraction tax so what we do is we take the increase of the CPI from May to May of the next year. In this case it was May 2016 to May 2017 and that is a 2.45% increase. So we are proposing that the extraction tax be increased by 2.45% and both operators in the City have been notified of this.

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 Pro Tem McCallon, seconded by Councilwoman Solano, to adopt Resolution No. 2017-045 fixing the Highland Business License Tax on the extraction and/or processing of rock, sand and gravel (aggregate) for Fiscal Year 2017-18. Motion carried, 5-0.

RESOLUTION NO. 2017-045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, FIXING THE HIGHLAND BUSINESS LICENSE TAX ON THE EXTRACTION AND/OR PROCESSING OF ROCK SAND AND GRAVEL (AGGREGATE) FOR FISCAL YEAR 2017-2018

**CITY COUNCIL LEGISLATIVE**

14. Second Reading of Ordinance No. 417 Amending Chapter 16.40 of the Highland Municipal Code to Establish Minimum Standards for the Placement of Cargo Containers (MCA-17-003)

**A MOTION** was made by Mayor Pro Tem McCallon, seconded by Councilman Chavez, to conduct a second reading of Ordinance No. 417 amending Chapter 16.40 of the Highland Municipal Code to establish minimum standards for the placement of Cargo Containers (MCA-17-003). Motion carried, 5-0.



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.

15. Second Reading of Ordinance No. 418 – An Ordinance of the City of Highland for the City’s Electric Vehicles (EV) Charging Station Guidelines (Residential and Commercial)

**A MOTION** was made by Mayor Pro Tem McCallon, seconded by Councilman Chavez, to conduct a second reading of 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, 5-0.

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.

16. Bid Award – Bid No. 2017-04, “Construction of New Traffic Signal at Palm Avenue and Cypress Street” (Project No. sig15001)

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 McCallon, to award the construction contract for Bid No. 2017-04, “Construction of New Traffic Signal at Palm Avenue and Cypress Street,” to the responsive low bidder, Steiny Electric, in the amount of \$226,604.00. Motion carried, 5-0.

17. Construction Management Services/Hernandez, Kroone & Associates – Traffic Signal at Palm Avenue and Cypress Street (Project No. sig15001)]

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

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

1. Approve proposal from Hernandez, Kroone and Associates to provide construction management services for a new traffic signal at Palm Avenue and Cypress Street; and
2. Authorize the City Manager to approve contract amendments up to 10% of the contract amount. Motion carried, 5-0.

18. Authorization to Submit Claim for TDA Article 3 Funds – Highland/Redlands Regional Connector Project (Project No. str15002)

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

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

1. Adopt Resolution No. 2017-046 authorizing submittal of a claim to SBCTA for TDA Article 3 funds for the Highland/Redlands Regional Connector Project; and
2. Authorize the Public Works Director/City Engineer and the Director of Administrative Services/City Treasurer to execute the claim documents. Motion carried, 5-0.

RESOLUTION NO. 2017-046

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, AUTHORIZING SUBMITTAL OF A CLAIM TO SBCTA  
FOR TDA ARTICLE 3 FUNDS FOR THE  
HIGHLAND/REDLANDS REGIONAL CONNECTOR PROJECT

19. 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 she and Councilwoman Solano recently attend a tour of the San Bernardino International Airport.

Councilman Chavez stated he recently adopted a Highland Trail off of Cloverhill Drive and Marcus Lane. A community clean-up day will be held on Sunday, September 24 at 10:00 a.m. with local community groups such as Sierra Club, CHICA and groups from Valley College.

**ANNOUNCEMENTS**

None

**CLOSED SESSION**

None

**ADJOURN**

There being no further business, Mayor Lilburn adjourned the meeting at 7:02 p.m. in memory of Tim Burroughs, Ross DiGioia, Helen Hughes and Dott Page.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Penny Lilburn  
Mayor