

**MINUTES
CITY COUNCIL REGULAR MEETING
OCTOBER 9, 2018**

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 Mayor McCallon and the Pledge of Allegiance was led by Council Member Solano.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No reportable action.

SPECIAL PRESENTATIONS

Captain Sam Fisk introduced the new Police Captain, John Billings.

Mayor McCallon presented Ray Cadena with a proclamation for his service on the Public Nuisance Hearing Board.

PUBLIC COMMENT

Ron Sellers spoke regarding his concerns for how code enforcement citations are being issued and enforced.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Council Member Lilburn, seconded by Council Member Timmer, to add an item to the agenda. Motion carried, 5-0.

A MOTION was made by Mayor Pro Tem Chavez, seconded by Council Member 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 25, 2018 City Council Regular Meeting
Approved the minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 672 for October 9, 2018, in the amount of \$568,833.40 and Payroll of \$93,686.57.
4. Extension of Concrete Maintenance Contract No. 2014-03
Approved extension of Concrete Maintenance Contract No. 2014-03 with Above All Names Construction Services, Inc., for one year.
5. National Take-A-Hike Day Event
Approved participation in the National Take-A-Hike Day on Saturday, November 17, 2018, with a CTC organized hike along the Shelton Trail north of Base Line.

CITY COUNCIL PUBLIC HEARING

6. Municipal Code Amendment 18-001: An Ordinance of the City Council of the City of Highland Amending Chapter 5.16 (Massage Establishments and Massage Technicians) of the Highland Municipal Code Related to Massage Establishments and Massage Therapists, and Making Related Amendments to Title 16 of the Highland Development Code, and Approving an Environmental Exemption

Mayor McCallon opened the public hearing.

Assistant Community Development Director Stater stated this item is being brought to you as a result of State Assembly Bill 1147. The bill addressed licensing of massage establishments, previously what we term massage parlors or massage clinics, as well as the licensing of those individual massage technicians. She would like to give a brief overview of the main highlights for the new ordinance and where there are significant changes from the old. What you will see in the new ordinance as specific zones called out, staff proposes that they be permitted in the general commercial, planned commercial, village commercial, and business park zones with approval of a conditional use permit. Where we recommend they be prohibited, is in all residential zones, neighborhood commercial, mixed use, industrial and office professional. So you may have noticed at the end of the new ordinance there's several land use matrix and you may have seen a black square. I have to apologize as there was not a corresponding legend, therefore, you may have had no idea what that meant. The black square "■" means that it is prohibited and "C" means conditional use permit. What is required to license a massage establishment? Those regulations haven't changed a whole lot but there are a few changes to it. The state has taken on the authority for individual licenses which I will discuss a little bit more. When we receive an application for a new massage establishment it would be the owner, the owner's name, and address. They would have their own certification from the state. If they didn't, they'd be required to have a background check. Additionally, they would provide information and a photograph of each

massage technician that worked at the business. As far as operational or health and safety requirements, those haven't changed significantly but there were a few that were added. You may have noticed there are certain exemptions for a licensed requirement of an establishment, that's where if it's 30% or less of the square footage of the business. The massage, for example, if it was a nail salon or beauty salon, they wouldn't be required to get a massage establishment license. However, the technician would need an individual license. So this is kind of the section that changed the most, the individual licensing of the massage technician or practitioner. Like she mentioned the state has taken on that responsibility where previously the city would have required background checks, health checks, and certain educational obtainment. The state has created a board that will review all of those and provide a certificate, if appropriate. So anybody coming to the city for a license, whether it is a business owner or an actual technician, they would be required to have that license, and any establishment whether it's the 30% or less, or a full massage establishment. Something else that is new to the ordinance is a provision for outcall services and these are for individuals that could be licensed from their home. Kind of like a home occupation where they do their billings, business activities, unrelated to the actual massage from the home as they wouldn't be allowed to have clients at the home. They could do what they call an out call, which for example, is from a private residence, business, sporting events, those are just a few. Something else she wanted to bring to your attention is subsequent to the agendas being distributed, there was further consideration given to a reference in the ordinance about a massage establishment being in a vehicle, like a mobile massage establishment. After further consideration, staff is recommending removal of that. You have received on the dais a revised ordinance. You will see a modification on page 12, a striking out of that in section 4, and those have been provided to staff, as well as in the back for the public.

Council Member Timmer stated if a facility comes into Highland and has the appropriate licenses but they sell it to someone else, does that license transfer or does it have to go through a whole hearing process again?

Assistant Community Development Director Stater stated there are provisions in the ordinance that talks about that. The owners would have to be licensed to make sure their background is clear as well so they still need to come in and provide their own individual license and background.

City Attorney Steele stated just to be clear the practitioner's license is transferable so somebody could change jobs and go from different establishment to different establishment. That would be transferable.

Council Member Lilburn stated so if somebody has a residence and they open one of their rooms for a massage establishment is that permitted?

Assistant Community Development Director Stater stated that is not permitted. The licensed technician cannot have clients to their home the way the ordinance is currently written. They could go to somebody else's home, the client's home, and provide a massage.

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 Council Member Solano, seconded by Mayor Pro Tem Chavez, to:

1. Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board; and
2. Introduce, read by title only and waive further reading of Ordinance No. 427 to amend Chapter 5.16 (Massage Establishments and Massage Technicians), Chapter 16.06 (Definitions), and Tables 16.16.030.A (Uses Permitted within Residential Districts), 16.20.030.A (Uses Permitted within Commercial Districts), 16.22.030.A (Uses Permitted within the Mixed Use District), and 16.24.030.A (Uses Permitted within Employment Districts) of the Highland Municipal Code to establish development regulations for Massage Establishments and Massage Technicians. Motion carried, 3-2, with Council Member Lilburn and Council Member Timmer dissenting.

City Clerk Hughes introduced Ordinance No. 427:

ORDINANCE NO. 427
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND
AMENDING CHAPTER 5.16 OF THE HIGHLAND MUNICIPAL CODE
RELATED TO MASSAGE ESTABLISHMENTS AND MASSAGE
THERAPISTS, AND MAKING RELATED AMENDMENTS TO TITLE 16
OF THE HIGHLAND DEVELOPMENT CODE, AND APPROVING AN
ENVIRONMENTAL EXEMPTION

which title was read.

CITY COUNCIL LEGISLATIVE

7. Appoint One (1) Member of the Public to the Building Code Appeals Board

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

A MOTION was made by Council Member Timmer, seconded by Council Member Lilburn, to reappoint Jeff Hinkley to the Building Code Appeals Board with term set to expire in June, 2020. Motion carried, 5-0.

8. City Manager Report and Comments (Work Program, Regional/Legislative/Development Issues, Subcommittees, etc.)

None

9. Council Member Comments (Agency/Committee/AB 1234 Reports, District Updates, etc.)

Council Member Lilburn stated she would like to thank the community for their support of the Highland Senior Center's casino night as it was a sold out event.

10. Approve the Freeway Maintenance Agreement between the City and Caltrans as presented

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

A MOTION was made by Council Member Timmer, seconded by Council Member Solano, to approve the Freeway Maintenance Agreement as presented. Motion carried, 5-0.

ANNOUNCEMENTS

November 1

25th Annual Volunteer Dinner

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 6:31 p.m. in memory of Robert L. Logsdon, Jr., and Robert Paxton.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor