

**MINUTES  
CITY COUNCIL REGULAR MEETING  
JANUARY 22, 2019**

**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 Dave Robson, Highland Hills Church, and the Pledge of Allegiance was led by Mayor Lilburn.

**ROLL CALL**

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

**REPORT FROM CLOSED SESSION**

No meeting.

**SPECIAL PRESENTATIONS**

Dawn Rowe introduced herself as the newly appointed Third District Supervisor for the County of San Bernardino.

**PUBLIC COMMENT**

Sonja Bates spoke regarding her concerns for the Valaria Drive neighborhood in which she resides in.

Andrea De Leon extended an invitation to the Highland Chamber of Commerce's Installation Dinner being held on January 24, 2019.

## CITY COUNCIL CONSENT CALENDAR

**A MOTION** was made by Mayor Pro Tem McCallon, seconded by Council Member Timmer, 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 – January 8, 2019 City Council Regular Meeting  
Approved the Minutes as submitted.
  3. Warrant Register  
Approved Warrant Register No. 678 for January 22, 2019, in the amount of \$4,169,578.48 and Payroll of \$117,594.42.
  4. Treasurer’s Report for December 2018  
Received and filed Treasurer’s Report for December 2018.
  5. Claim Consideration – Dion Proctor (minor)  
Rejected claim.
  6. Claim Consideration – Ashlie Garay  
Rejected claim.
  7. Staff Agency Appointment – PARSAC  
Adopted Resolution No. 2019-002 appointing Chuck Dantuono, Director of Administrative Services/City Treasurer, as the City’s Director to the Board of Directors of PARSAC, and Leticia Nava-Cruz, Senior Accountant, as the Alternate Director.
- RESOLUTION NO. 2019-002  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HIGHLAND, CALIFORNIA, CONFIRMING THE APPOINTMENT  
OF THE DIRECTOR AND ALTERNATE DIRECTOR TO THE  
PARSAC BOARD OF DIRECTORS  
(RESCINDING RESOLUTION NO. 2014-008)
8. 25th Annual Highland Community Trails Day Event  
Approved Saturday, April 13, 2019, as the date for the 25th Annual Highland Community Trails Day Event to be staged at the Aurantia Park with access to new and existing trails.

## CITY COUNCIL PUBLIC HEARING

9. An Appeal (APP-018-002) of the Planning Commission's Denial of Design Review Application (DRA 18-010); a Request to Modify the Antenna Placement on an Existing Wireless Telecommunication Facility within Highland Community Park. The Appeal is asking the City Council to Overturn the Planning Commission's Denial and Permit the Modification to the Existing Wireless Communication Facility, to Improve Aerial Service as well as Prepare for a Future Co-location.

Mayor Lilburn opened the public hearing.

Associate Planner Syed stated today Verizon is looking to appeal the Planning Commission's denial of Design Review Application 18-010, the request to modify the antenna placement on an existing Verizon Wireless Communication tower located within Highland Community Park. The original design was approved at Planning Commission in October, 2012, and was constructed at the northwest corner of the baseball field within the park in 2015. The 80 foot tower currently has four foot long flush mount antennas at the 66, 72 and 78 foot heights. To keep up with Verizon's increasing network demand and more advanced smart phones. In 2018, Verizon requested to modify the existing design by removing the antennas at the 66 and 72 foot heights, and to replace the four foot long antennas at the 78 foot height with more advanced 6 foot long antennas. The clearing of the antennas from the lower heights also provides space for a potential future call location by another wireless service provider. The Planning Commission discussed the appearance of the proposed modification thoroughly, but the motion to approve the project failed and the Planning Commission denied the project. The applicant has since decided to appeal the Planning Commission's denial and is here to answer any questions.

Andrew Buchen, Infinigy Engineering & Surveying, stated Verizon is proposing before the City to upgrade the existing antenna site. It is a technology upgrade to keep pace with the chips in smart phone and smart phone technology. The existing antenna site is, at this point, almost dated and it's a real effort to just keep current with modern technology and advanced telecom computer chips.

Council Member Timmer stated one of the parts of the presentation was that another provider would be able to be located. Do you already have a provider in line or is this just looking into the future?

Andrew Buchen stated Verizon is simply a tenant on the pole. It is a City owned pole, it's a City owned park, so Verizon is paying rent to the City. So the City pole is open and available for other, what are called, call locaters or wireless providers. Verizon has no sort of control or way to put another antenna site on that facility but the design that Verizon is proposing would allow for two wireless providers on that pole. There is ample space for both.

Council Member Timmer stated the City would not negotiate through Verizon; we would negotiate directly with the other providers.

Andrew Buchen stated yes, generally what would happen in the scope of wireless deployment or technology is that the wireless provider would approach the City via the Planning and Building departments, and then subsequently a lease agreement. It's a separate proposal that the wireless provider would come to the City and propose situating their antenna site on that pole. As for Verizon, it's a Verizon antenna that is leasing space on that City pole.

Council Member Timmer stated as I read the staff report, it kind of tentatively implies that Verizon would have some input.

Andrew Buchen stated no.

Mayor Lilburn called for any speakers in favor of 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 Council Member Solano, to uphold the appeal and adopt City Council Resolution No. 2019-003 approving Appeal (APP 18-002) and overturning Planning Commission's denial of Design Review Application (DRA 18-010). Motion carried, 5-0.

City Attorney Steele stated we will need to bring the resolution back with the appropriate findings at the next council meeting.

10. An Appeal (APP-018-001) of the Planning Commission's Approval of Tentative Tract No. 20142, a 21.6 Acres Subdivision with 54 Lots. Development of the Tract will include: Grove Removal, Grading, Development of Internal Roadways, Improvements to Santa Ana Canyon Road and a Water Retention Basin

Mayor Lilburn opened the public hearing.

Associate Planner Thornsley stated the Planning Commission approved tentative tract map of 54 lots back in December. This project is on Santa Ana Canyon Road just east of Alta Vista. At this hearing, staff made the presentation and the property owner to the south sent in their engineer who came with a list of concerns they had with the conditions of approval that engineering had imposed with regards to drainage, road improvements, and access onto those properties for the construction and repair of the road for storm drain run off. Planning Commission then asked staff to address the comments that were brought in by the applicant's engineer. The conclusion of the back and forth question and answer period was the Planning Commission was comfortable with the conditions based on staff's recommendations and they voted to approve the project. In the following days, the applicant decided to appeal the project because they initially wanted the project continued for consideration but the

Planning Commission felt they had the right to go forward with it. So the appeal was proposed and staff took more time to look at the requested modifications to the conditions. For the most part they were not in favor of them. There were three conditions, one was just simply an error on our part, and the other two simply added some clarifications to some conditions that were there. It did not change the intent but it seemed to have made all parties comfortable. Therefore in the end, staff is recommending the appeal be denied with the amendment to the engineering conditions as shown in the report, and to let Council know both the appellant and the property owner for the tract are both in concurrence with staff's determination.

Peter Pitassi, Diversified Pacific Communities, stated he would like to reiterate that we have not been opposed to the project itself that Mr. Kiehl had proposed. We only wanted clarification to some conditions. Staff has been very generous in working with us as well as Mr. Kiehl and his representatives to get those conditions amended to our satisfaction and we are in agreement with what staff's recommendation is.

Council Member Timmer asked so you are happy with the new engineering conditions that staff has recommended?

Peter Pitassi responded we are.

Mayor Pro Tem McCallon asked so you are in agreement that staff recommends we deny the appeal?

Peter Pitassi responded it is technically a denial. However, it does come with amending the conditions that we have agreed to and we understand.

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

City Attorney Steele stated for the record can we have the applicant come up and agree to the language of those conditions just so we have both parties on the record.

Charles Kiehl, applicant, stated he is glad that his representatives and Diversified were able to come together on an agreement on this and make substantial movement forward on addressing all the concerns and we agree that it should be denied based on the agreements we have come to which is to protect Diversified's interest.

**A MOTION** was made by Council Member Timmer, seconded by Mayor Pro Tem McCallon, to uphold the Planning Commission's determination and adopt City Council Resolution No. 2019-004 denying Appeal 18-001 of Tentative Tract Map 20142 (Project No. TTM-018-001) with the Findings of Fact and the Engineering conditions of approval as amended by staff. Motion carried, 5-0.

RESOLUTION NO. 2019-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DETERMINATION TO TENTATIVE TRACT MAP APPLICATION (TTM-018-001) AND ASSOCIATED MITIGATED NEGATIVE DECLARATION FOR TENTATIVE TRACT MAP 20142 TO SUBDIVIDE THREE PARCELS INTO 55 LOTS FOR THE CONSTRUCTION OF 54 DETACHED SINGLE-FAMILY RESIDENCES AND A WATER QUALITY BASIN LOCATED ON APPROXIMATELY 21.6 ACRES NORTH OF SANTA ANA CANYON ROAD WEST OF ALTA VISTA (APN NOS. 1210-355-06, 1210-355-10 AND 1210-355-11)

**CITY COUNCIL LEGISLATIVE**

11. Bid Award – Bid No. 2018-11, “FY 2016-17 and FY 2017-18 CDBG Streets Pavement Improvements (Project Nos. ola16001 and ola17001)”

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

**A MOTION** was made by Council Member Chavez, seconded by Mayor Pro Tem McCallon, to award the construction contract for Bid No. 2018-11, “FY 2017-18 CDBG Streets Pavement Improvements, Project Nos. ola16001 and ola17001” to the responsive low bidder, Hardy & Harper, Inc., in the amount of \$472,524.00. Motion carried, 5-0.

12. Construction Management Services for Bid No. 2018-11, “FY 2016-17 and FY 2017-18 CDBG Streets Pavement Improvements (Project Nos. ola16001 and ola17001)”

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

**A MOTION** was made by Council Member Solano, seconded by Council Member Chavez, to:

1. Approve proposal from Engineering Resources of Southern California to provide construction management services for Bid No. 2018-11, “FY 2016-17 and FY 2017-18 CDBG Streets Pavement Improvements (Project Nos. ola16001 and ola17001); and
2. Authorize the City Manager to approve contract amendments up to 10% of the proposal amount. Motion carried, 5-0.

13. Bid Award – Bid No. 2018-10, “Hillview Neighborhood Street and Storm Drain Improvements, Phase I (Project No. str07009)”

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

**A MOTION** was made by Mayor Pro Tem McCallon, seconded by Council Member Solano, to award the construction contract for Bid No. 2018-10, “Hillview Neighborhood Street and Storm Drain Improvements, Phase I (Project No. str07009)” to the responsive low bidder, G.J. Gentry General Engineering, Inc., in the amount of \$1,753,178.06 (Alternative Bid Schedule No. 4). Motion carried, 5-0.

14. Construction Management Services for Bid No. 2018-10, “Hillview Neighborhood Street and Storm Drain Improvements, Phase I (Project No. str07009)”

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

**A MOTION** was made by Mayor Lilburn, seconded by Council Member Chavez to:

1. Approve the proposal from TKE Engineering, Inc., to provide construction management services for Bid No. 2018-10, “Hillview Neighborhood Street and Storm Drain Improvements, Phase I (Project No. str07009)”; and
2. Authorize the City Manager to approve contract amendments up to 10% of the proposal amount. Motion carried, 5-0.

15. Contract Maintenance Agreements with San Bernardino County (Public Works-Transportation) and San Bernardino County Flood Control District

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

**A MOTION** was made by Council Member Solano, seconded by Council Member Timmer, to:

1. Approve the Contract Maintenance Agreements for a term up to five years with San Bernardino County (Public Works-Transportation) and San Bernardino County Flood Control District; and
2. Authorize the Mayor to execute both agreements. Motion carried, 5-0.

16. Amendment to Legal Services Agreement with Richards, Watson & Gershon; Change in Designated City Attorney

City Attorney Steele stated he will be recusing himself from this item and left the dais.

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

**A MOTION** was made by Council Member Chavez, seconded by Mayor Pro Tem McCallon, to approve Resolution No. 2019-005 to approve an amendment to the City's Legal Services Agreement with RWG to change the rates charged for certain specified services, and to designate Maricela E. Marroquin of Richards, Watson & Gershon ("RWG") as Highland's City Attorney, and Craig Steele of the same firm as Senior Assistant City Attorney. Motion carried, 5-0.

RESOLUTION NO. 2019-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING A NEW EXHIBIT A TO THE LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF HIGHLAND AND RICHARDS, WATSON & GERSHON, AND DESIGNATING MARICELA E. MARROQUIN AS CITY ATTORNEY AND CRAIG STEELE AS SENIOR ASSISTANT CITY ATTORNEY

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

None

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

Mayor Pro Tem McCallon gave a brief update regarding Metrolink, SBCTA, AQMD and SCAG.

Mayor Lilburn gave a brief review of her upcoming meetings and a reminder about the Chamber Installation Awards Dinner being held on January 24, 2019.



**ANNOUNCEMENTS**

None

**CLOSED SESSION**

None

**ADJOURN**

There being no further business, Mayor Lilburn adjourned the meeting at 6:42 p.m. in memory of Lois Frymire, Charles Kaston and Earl Plessel.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Penny Lilburn  
Mayor