

**MINUTES
CITY COUNCIL REGULAR MEETING
APRIL 9, 2019**

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:02 p.m. by Mayor Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Tracy Johnson, Immanuel Baptist Church, and the Pledge of Allegiance was led by Council Member Chavez.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No reportable action taken.

SPECIAL PRESENTATIONS

Unit Chief Glenn Barley, Cal Fire, introduced Josh Janssen, Battalion Chief for the City of Highland.

Captain Jon Billings, Highland Sheriff's Department, introduced Jason Radeleff, Lieutenant for the City of Highland.

Mayor Lilburn presented Denise Bunnell with a Proclamation proclaiming April as DMV Donate Life month.

PUBLIC COMMENT

Robert Chavez, Assembly Member Ramos' Field Representative, spoke regarding an invitation to the Community of Highland to attend Assembly Member Ramos' Community Coffee Event on April 13 at Kay's Café.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Council Member Chavez, seconded by Council Member 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 – March 26, 2019 City Council Special Meeting
Approved the Minutes as submitted.
3. Minutes – March 26, 2019 City Council Regular Meeting
Approved the Minutes as submitted.
4. Warrant Register
Approved Warrant Register No. 682 for April 9, 2019, in the amount of \$1,590,087.13 and Payroll of \$82,642.50.

CITY COUNCIL PUBLIC HEARING

5. An Ordinance of the City of Highland amending Title 15, Chapter 15.70 (Building and Safety Policies) of the Highland Municipal Code

Mayor Lilburn opened the public hearing.

Building Official Gates stated every three years, along with the Building Code updates, Building and Safety adopts its policies. Instead of performing this with a standard code update, staff has chosen to separate the Building and Safety policies from the code update ordinance. Most policies have no change in content, but the reason for the changes include clarifications and practicalities that we found in one of the ordinances. Staff is removing policies that no longer relate to Building and Safety or are outdated by our building codes. The only new policy being requested at this time is non-reinforcement retaining walls.

Mayor Lilburn inquired as to Policy 260 regarding smoke alarms in rentals, is that because we don't do an interior inspection anymore and isn't it a requirement?

Building Official Gates responded you are actually correct on both accounts. We do not make those interior inspections anymore but as far as the requirement goes, it's already mandatory within the California Building Codes and Fire Codes and other state regulations for rental properties that they have those in place.

Community Development Director Mainez stated that we now have a self-certification program where it is in the check list and they sign a document verifying that the house does have operational smoke detectors.

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 Council Member Chavez, to introduce Ordinance No. 431 to repeal Chapter 15.70 of Title 15 (Building and Safety Policies) and approve the deletion of policies no longer needed, approve one new policy (Non-Reinforced Retaining Walls) and adopt revised versions of the remaining policies. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 431

ORDINANCE NO. 431
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
HIGHLAND, CALIFORNIA, AMENDING CHAPTER 15.70 (BUILDING
AND SAFETY POLICIES) OF TITLE 15, OF THE HIGHLAND
MUNICIPAL CODE RELATED TO BUILDING AND SAFETY POLICIES

which title was read.

CITY COUNCIL LEGISLATIVE

6. Contract with San Bernardino County for Animal Control Services for FY 2019/2020 (Amendment No. 5)

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

A MOTION was made by Mayor Pro Tem McCallon, seconded by Council Member Solano, to approve the contract with San Bernardino County for Animal Care and Control Services for FY 2019/2020 in the amount of \$444,926.00 and authorize the Mayor to sign the contract. Motion carried, 5-0.

7. Urgency Ordinance for Permit Process, Design and Location Requirements for Small Wireless Facilities Located within the Public Right-of-Way

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

City Attorney Marroquin stated it is an urgency ordinance because under the government code, the City is permitted to move forward with an urgency ordinance if there is a risk to public health and safety. In this case, the City has to have aesthetic guidelines in place before April 15. Otherwise, it won't be able to apply those guidelines or permitting processes, that set forth in this ordinance, to any applications that come in before the time that a regular ordinance can go into effect, which you know takes first reading, second reading plus about 60 days. So that's why we are moving forward with the urgency ordinance at this time, because the FCC ordinance is still being litigated and it hasn't been resolved yet. We included language within the ordinance that provides that the City is reserving its right, all the rights, that we possess prior to the FCC order

going into effect. So, if for some reason the FCC order isn't validated, the City is still reserving its right to modify any of the permits that are issued in the interim. We would reserve all those rights in the event that the FCC order goes away.

Council Member Timmer stated to follow up on the urgency ordinance. When he first read it, he said to himself why is this so urgent?

City Attorney Marroquin responded the FCC order provided that the City had until April 15 to come up with the scheme, the aesthetic regulations and position of fees, everything that went with the FCC order. So if we do not do this by urgency ordinance, we will not have a chance to require them to come in and fill out an application because we have nothing currently in our code that addresses small wireless facilities. That is a new category so we need to have something that addresses small wireless facilities for when those applications come in. Now staff is going to go back, re-evaluate, and determine whether all of these make sense and whether we need to make modifications. We will be able to do that through policy documents or resolutions as well. We will probably be coming back with a permanent ordinance, but we wanted something in effect in the interim, for when that first application comes in. So, you will be seeing a revised ordinance at some point in time and you will also be seeing that fee resolution. Currently the order is in effect if it is invalidated. We then would have to work with the folks that are in the process to determine what to do. Whether we negotiate a lease or do something else with them, but to the extent that you have an application which is final because there are the shot clock rules that say how quickly they need to be processed. The rules that you have in this ordinance are what is going to be in effect, if it is adopted, until such time that staff has to come back with something else. What you see here is what they are going to be bound by. There could be scenarios where they place their own pole in the public right-of-way, that also is an option. So the language that we included in the ordinance states, "in the event that the report and order is invalidated, modified, or limited in any way, the City Council reserves the right, subject to reasonable notice in due process, to modify the terms and conditions applicable to any permit issued here and under including but not limited to the term, fees charged and scope of any future wireless deployments within the City's right-of-way".

A MOTION was made by Council Member Timmer, seconded by Council Member Solano, to adopt Urgency Ordinance No. 432 establishing regulations applicable to the location and installation of Small Wireless Facilities proposed within the public right-of-way and declaring the urgency thereof. Motion carried, 5-0.

City Clerk Hughes introduced Urgency Ordinance No. 432

ORDINANCE NO. 432

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, ESTABLISHING REGULATIONS APPLICABLE TO THE LOCATION AND INSTALLATION OF SMALL WIRELESS FACILITIES IN PUBLIC RIGHT-OF-WAY, AMENDING TITLE 12 OF THE CITY OF HIGHLAND MUNICIPAL CODE, DECLARING THE URGENCY THEREOF; AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

which title was read.

8. FY 2019-20 Senate Bill 1 Projects List

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 adopt Resolution No. 2019-014 approving the list of projects for Fiscal Year 2019-20 funded by SB 1: The Road Repair and Accountability Act of 2017. Motion carried, 5-0.

RESOLUTION NO. 2019-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2019-20 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

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

None

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

Mayor Pro Tem McCallon stated he would like to thank his colleagues for their support during the SCAG representative for Highland and San Bernardino election. Metrolink is adding a Friday late night train on the San Bernardino line which will depart San Bernardino at 9:30 p.m. to Los Angeles and depart Los Angeles Union Station to San Bernardino at 11:30 p.m. This additional train will accommodate those wanting to attend events in the Los Angeles area. Metrolink is also offering free rides on Earth Day, April 22.

Mayor Lilburn stated she appreciates the staff that works very hard to put on the Public Safety Appreciation luncheon as well as all the Public Safety personnel. She also attended the Ceremony of Life for Albert Madrid, a citizen of Highland, who lost his life rescuing people in a mobile home park.

ANNOUNCEMENTS

April 10	Annual Public Safety Appreciation Lunch – Fire Station #1
April 11	Annual Public Safety Appreciation Lunch – Fire Station #2
April 12	Annual Public Safety Appreciation Lunch – Fire Station #3
April 13	25th Annual Community Trails Day
April 26	Arbor Day – Aurantia Park

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 6:50 p.m. in memory of Joanne Balcom.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Penny Lilburn
Mayor