

**MINUTES
CITY COUNCIL REGULAR MEETING
JUNE 25, 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 Kay Dobbertin, Council Secretary for The House of God Lutheran Church, 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 meeting.

SPECIAL PRESENTATIONS

Mayor Lilburn presented Dennis Birkenbeuel with a Beautification Award recognizing the upkeep and maintenance of his property.

Mayor Lilburn presented Council Member Chavez with a proclamation recognizing June as Pride Month.

PUBLIC COMMENT

Bunny Byerele spoke regarding her gratitude for the community's support of Painting the Town Purple which brought awareness to Alzheimer's disease.

Margaret Cisneros spoke regarding the community's continued support of the Highland Chamber of Commerce, and social events not being extended to the west side of Highland.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Council Member Timmer, seconded by Council Member Chavez, to approve the consent calendar as submitted with the exception of Item #7 and Item #16 being pulled for further discussion and also with Mayor Pro Tem McCallon abstaining from Item #8. Motion carried on a roll call vote, 5-0, with Mayor Lilburn dissenting on Item #9.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – June 11, 2019 City Council Regular Meeting
Approved the Minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 687 for June 25, 2019, in the amount of \$1,576,691.50 and Payroll of \$89,975.41.
4. Treasurer’s Report for May 2019
Received and filed Treasurer’s Report for May 2019.
5. Claim Consideration – Jahaan Bahjat
Rejected claim.
6. Continuing our Partnership with California Baptist University
Approved the Memorandum of Understanding (MOU) with California Baptist University.
8. Special Event Permit (SEP 19-006) by Immanuel Baptist Church for a 4th of July Community Event and Request for Co-Sponsorship
 1. Approved the Special Event Permit 19-006 subject to the conditions of approval; and
 2. Approved a request by Immanuel Baptist Church for co-sponsorship and waived City Police fees and Public Works traffic control in the amount of approximately \$6,918.45.
9. Second Reading of Ordinance No. 433 to Amend the Municipal Code Adding the Definitions of Accessory Dwelling Unit and Primary Dwelling Unit to Chapter 16.06 of Title 16 (Land Use and Development), and Amending Section 16.44.180 (Second Dwelling Units), Section 16.16.020 (Residential Development Districts), and Table 16.16.030 (Uses Permitted within Residential Districts) to Establish Development Standards for Accessory Dwelling Units in Residential Zones of the Highland Municipal Code to Bring it into Compliance with Recent State Legislation
Conducted a second reading, read by title only, and waived further reading of Ordinance No. 433 to amend the Municipal Code to establish regulations for Accessory Dwelling Units in the City of Highland “Municipal Code Amendment 18-005.”

City Clerk Hughes introduced Ordinance No. 433

ORDINANCE NO. 433

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, ADDING THE DEFINITIONS OF ACCESSORY DWELLING UNIT AND PRIMARY DWELLING UNIT TO CHAPTER 16.06 OF TITLE 16 (LAND USE AND DEVELOPMENT), AND AMENDING SECTION 16.44.180 (SECOND DWELLING UNITS), SECTION 16.16.020 (RESIDENTIAL DEVELOPMENT DISTRICTS), AND TABLE 16.16.030 (USES PERMITTED WITHIN RESIDENTIAL DISTRICTS) TO ESTABLISH DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

which title was read.

10. Second Reading of Ordinance No. 434 Modifying Highland Municipal Code Section 16.40.380 Underground Utilities; Municipal Code Amendment (MCA-19-002)

Conducted a second reading, read by title only, and waived further reading of Ordinance No. 434 amending Highland Municipal Code Section 16.40.380 Underground Utilities.

City Clerk Hughes introduced Ordinance No. 434

ORDINANCE NO. 434

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE CITY'S MUNICIPAL CODE, TITLE 16 LAND USE AND DEVELOPMENT, CHAPTER 16.40 GENERAL DEVELOPMENT STANDARDS, SECTION 16.40.380 UNDERGROUND UTILITIES, OF THE HIGHLAND MUNICIPAL CODE, UNDERGROUND UTILITIES AND MAKING A FINDING OF EXEMPTION PURSUANT TO CEQA GUIDELINES SECTIONS 15302 AND 15303 (MUNICIPAL CODE AMENDMENT MCA-19-002)

which title was read.

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

1. Accepted Project Nos. ola16001 & ola17001 (Bid No. 2018-11, “FY 2016-17 and FY 2017-18 CDBG Streets Pavement Improvements”) as completed;
2. Authorized the Mayor to sign the Notice of Completion; and
3. Directed the City Clerk to file the Notice of Completion.

12. Notice of Completion – Project No. str17005A, “Pavement Management Program – Sectors B and C Pavement Rehabilitation” (Bid No. 2018-09)
 1. Accepted Project No. str17005A, “Pavement Management Program – Sectors B and C Pavement Rehabilitation” (Bid No. 2018-09) as complete;
 2. Authorized the Mayor to sign the Notice of Completion; and
 3. Directed the City Clerk to file the Notice of Completion.

13. Notice of Completion – Project No. str17002, “Victoria Avenue Pavement Rehabilitation” (Bid No. 2018-06)
 1. Accepted Project No. str17002, “Victoria Avenue Pavement Rehabilitation” (Bid No. 2018-06) as complete;
 2. Authorized the Mayor to sign the Notice of Completion; and
 3. Directed the City Clerk to file the Notice of Completion.

14. Street and Drainage Maintenance District No. 96-1 Annual Report (Fiscal Year 2019/20)
 1. Adopted Resolution No. 2019-028 giving preliminary approval of the Annual Report; and
 2. Adopted Resolution No. 2019-029 setting August 13, 2019, as the date of the protest hearing.

RESOLUTION NO. 2019-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, GIVING PRELIMINARY APPROVAL OF REPORT FOR
STREET AND DRAINAGE MAINTENANCE DISTRICT NO. 96-1
FISCAL YEAR 2019-20

RESOLUTION NO. 2019-029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND
COLLECT ASSESSMENTS FOR FISCAL 2019-20 IN STREET AND
DRAINAGE MAINTENANCE DISTRICT NO. 96-1, AN ASSESSMENT
DISTRICT, AND OFFERING A TIME AND PLACE FOR HEARING
OBJECTIONS THERETO

15. Consolidated Landscape and Lighting District No. 96-1 Annual Report (Fiscal Year 2019/20)
 1. Adopted Resolution No. 2019-030 giving preliminary approval of the Annual Report; and
 2. Adopted Resolution No. 2019-031 setting August 13, 2019, as the date of the protest hearing.

RESOLUTION NO. 2019-030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, GIVING PRELIMINARY APPROVAL OF ENGINEER’S REPORT
FOR CONSOLIDATED LANDSCAPING & LIGHTING DISTRICT NO. 96-1
FISCAL YEAR 2019-20

RESOLUTION NO. 2019-031
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR FISCAL 2019-20 IN CONSOLIDATED LANDSCAPE AND
LIGHTING DISTRICT NO. 96-1, AN ASSESSMENT DISTRICT, AND
OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

17. Authorization to Submit Grant Application for State SPP Funds – Highland/Redlands Regional Connector Trail

Adopted Resolution No. 2019-032 approving filing of application for Statewide Park Development and Community Revitalization Program (SPP) grant funds for the Highland/Redlands Regional Connector Trail.

RESOLUTION NO. 2019-032
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING APPLICATION FOR STATEWIDE PARK
DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT
FUNDS FOR THE HIGHLAND/REDLANDS REGIONAL CONNECTOR TRAIL

ITEMS PULLED FROM THE CONSENT CALENDAR

7. Agreement with the San Bernardino County Auditor-Controller/Treasurer/Tax Collector for the Collection of Special Taxes, Fees and Assessments for Fiscal Year 2019-2020

A MOTION was made by Council Member Timmer, seconded by Mayor Pro Tem McCallon, to approve the Agreement with the San Bernardino County Auditor-Controller/Treasurer/Tax Collector for the Collection of Special Taxes, Fees and Assessments for Fiscal Year 2019-2020. Motion carried, 5-0.

16. Easement Acceptance/Food 4 Less Gas Station (26533 Highland Avenue)

City Attorney Marroquin stated this item was pulled just to clarify that the recommendation is not to reject the irrevocable offer of dedication but rather to defer acceptance. It was just to clarify that in the record because there may come a point in time when that offer will need to be accepted by the City. Just a clarification so Council can understand what is being voted on.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Council Member Solano, to:

1. Reject Irrevocable Offer of Dedication of Road and Drainage Easement from Smith's Food & Drug Centers, Inc., reserving the right to accept the dedication at any later date;
2. Accept the Grant of Temporary Construction Easement from Smith's Food & Drug Centers, Inc.; and
3. Direct the City Clerk to record the Irrevocable Offer of Dedication of Road and Drainage Easement, and the Grant of Temporary Construction Easement. Motion carried, 5-0.

CITY COUNCIL PUBLIC HEARING

18. Public Hearing and Consideration of the Adjustment in the Residential and Refuse Collection Rates and Annual Property Tax Roll Billing in Accordance with the Current Franchise Agreement Dated August 1, 2018

Mayor Lilburn opened the public hearing.

Public Services Manager Morgan stated tonight before you there are two items for your consideration. It is the adoption of a rate adjustment for the residential sector only, and then the consideration of placing the residential collection of annual solid waste fees on the tax roll. First, she would like to go over some of the rate adjustment information. The total rate adjustment for this year is increasing the trash rate monthly from \$25.23 to \$26.64. It is a \$1.41 increase for regular residential accounts. For the senior rate, it goes from \$24.88 to \$26.20 with a total increase of \$1.40. She would like to go over the different components of that rate increase because there are many things that feed into that total rate component, and many of those things are out of the control of the City. The first thing that is looked at when we look at rate components is the solid waste franchise agreements do allow a CPI increase. That is the only increase that Burrtec is entitled to on their service component and this year the average was a 2.11% increase so that component was increased. Disposal is something we don't control at all. It is market prices, so landfill disposal is controlled by the County. We do get a minimal discount because we belong to what's called the Waste Delivery agreement, but the County sets the tipping fee, so that's just what we have to pay to take the solid waste to the County. The processing for green waste is increasing because green waste is no longer accepted for diversion credit at the landfill. If the City wants to meet its State mandated goals for diversion, we can no longer deliver our green waste to the landfill for alternative daily cover. It does have to be processed and treated as a recyclable material that has to be either compost or land applied. So that cost of processing did dramatically increase about four or five years ago when the State decided that we no longer can receive that credit. The other issue that we're facing, not only us, but every City in this nation, is the fact that recycling is no longer being sent to China or any neighboring countries. So that material has to be processed in California and the cost of processing is drastically increasing every year since

China made that decision. We used to, when she first started working in the trash business; there was a credit to our rates for our recycling. We used to actually make money off of it, it was a revenue source, and the City decided at that time that we'd funnel that revenue back into the rates to the benefit of the residents. That cost from 2017, the cost of processing recycling, was .23 cents per household per month. This year the cost is \$1.03 and it's going to get worse. When we look at rate components for solid waste we are always looking at almost a whole year in arrears. So this impact, the \$1.03 total, is actually looking at almost a year and a half ago cost. So next year if things don't change, this cost could keep increasing. The City can't just decide not to recycle. The recycling mandate is a State mandate. If the City decides not to do the recycling and step away from the recycling program, the City would be subject to State fines. So it's not a choice of Highland to recycle, it's that we have to. We do not want to be in a compliance program with the State. Neighboring countries from China are now passing their same requirements, that they will not accept our materials anymore. So that's something that is not in our control. There was a minimal increase to the franchise fee, the hazardous material fee. That's all in direct relation to anything else that increases because it's based on a percentage of the total rate. In street sweeping, this is the second year after the franchise agreement adoption, so we are reducing the street sweeping again by another quarter. That cost reduced down from .48 cents per household to .24 cents and it was decided at the time of the rate review that instead of increasing the pavement impact fee we would take the street sweeping component and put it into the pavement impact, so there would be no rate increase based on pavement impact. That is the fee that is charged for the pavement management fee. The senior rate has similar types, we go based on the total rate and then senior rate is a discounted rate. The only difference between the regular residential rate and the senior rate is they get the discount, but they also receive a smaller trash can. They do get to retain their larger recycling and green waste. She did provide the last attachment in your staff report, a rate survey that was performed by staff. Unfortunately, sometimes when we do the rate survey, we are looking at the rates that are in place right now at the cities because the City of Highland has to process their rate adjustment early. Some cities haven't processed their rate increases this year, but as you can see from the rate survey, Highland is only the third. There are only two other cities in the valley cities that are higher in residential rates right now. So we are still one of the lowest. If you look at the rate survey as well she also did a franchise fee survey. City of Highland has a 10% franchise fee. The average franchise fee in the valley right now is 15%. The City did consider and review the franchise fee when we adopted the last franchise agreement and decided to retain the 10% at that time.

Mayor Pro Tem McCallon stated just to correct what Public Services Manager Morgan stated we are third from the bottom not third from the top.

Public Services Manager Morgan stated yes, because her list starts from the lowest to the highest. So we are third from the bottom. She did mention that we are only increasing, only proposing an increase to the residential sector. We did negotiate with Burrtec to retain the fees static for the commercial sector. Now she would like to go over the consideration for the tax roll. The tax roll is the same process we followed last year. The attachment to the staff report does show the proposed rates. The list is submitted to the County by Burrtec. Burrtec does not charge the resident or the City for the cost of placing the solid waste fees on the tax roll. They do bear that cost themselves. The fee is anywhere from .60 cents per parcel to a \$1.20 per parcel, but the total that you see on the listing is the total annual fee for solid waste based on the services that resident have requested. It does not include any additional fees. The representative from Burrtec is here, as well, to answer any questions if you would like.

Mayor Lilburn stated she wanted to point this out because she finds that our rate, our basic residential rate, is only \$25.23. There are only two others and she knows one of them is going up substantially out of the two lower ones but she wanted to let people know that ours is 25 as a rate, we have rates, Redlands is 37, Ontario is 31, Yucaipa is 21, and Rialto is 28. They are substantially higher than ours. She thinks that we've tried to do our best to keep our rates down and even with the street sweeping that we are actually doing a credit. She appreciates the explanation and giving some clarification to some of the residents who may or may not understand. That is why they are here this evening to find out some more information.

Public Services Manager Morgan stated please note the franchise agreement requires next year that the street sweeping component decreases to zero so there's no cost to the residents.

City Clerk Hughes stated for the record, we did receive 93 letters of protest.

Mayor Lilburn stated she does not have any speaker slips in favor of the proposal but she does have some in opposition of the proposal. She would like to remind everyone if they could please keep your comments limited to three minutes, she would appreciate it.

Jody Scott spoke in opposition of this item.

John Meyer spoke in opposition of this item.

Opal Eshelman spoke in opposition of this item.

Ron Doody spoke in opposition of this item.

Julian Plowy spoke in opposition of this item.

Steve Walcher spoke in opposition of this item.

Public Works Director/City Engineer Wong stated he spoke with Kit Ping Wong (through translation) and believes he satisfactorily addressed their needs for answers regarding this agenda item.

Katherine Kreitzer spoke in opposition of this item.

Mayor Lilburn stated that is all the speaker slips she has. She appreciates everyone coming out and voicing your concerns. She will move on to the applicant rebuttal at this time and she knows there were a couple of things that came out a few times such as the impound accounts, the increase and the contract years so if Burrtec could come up and address.

Steve Bradshaw stated he was not part of the negotiations so some of the questions he wanted to address though about conceptions on the refuse collection and number of trucks. He thinks it is important to identify why we do what we do and how we do it. Certainly, a single truck running down the street might be more efficient than running three, but Public Services Manager Morgan covered quite a few things in her statements and in her staff report that bear repeating. One of those is that refuse collection recycling is a highly regulated industry and so the mandates that are put forth by the State of California to the City of Highland and ultimately its residents, are important to consider when we look at programs, program availability and the cost of those programs. Not the least of which he thinks Public Services Manager Morgan alluded to. The fact that if we don't comply and the City is placed under a compliance order, he doesn't think he mentioned the fee, but that fee from the State is \$10,000 a day for non-compliance. So when you see multiple trucks driving down the street it's to keep commodities separate so that we can measure our performance and maintain compliance with the State which would be much, much more costly at \$10,000 a day. Another item, a gentlemen, he appreciates him doing research because not everybody likes to study trash, but at the landfill, as you know, glass, aluminum, and plastic don't decompose well. This is why we have programs, separate trucks, and separate containers to collect them, because we are not allowed to take them to the landfill. When we talk about National sources China and other East Asian countries, although other countries are trying to absorb commodities, certainly they don't have the port size, infrastructure, and ability to inspect loads when they go there, which is why we end up with commodities that have little or no value. Certainly when you look at commodities, if you go buy a six pack of Pepsi and it's in a glass container it's a nickel for your deposit. There's no nickel for a wine bottle, so even though the commodities are the same, the treasure chest for recycling isn't as big as folks might think. The point about green waste, diversion and recycling compliance is measured by the City as a whole. One of the things Public Services Manager Morgan pointed out, he just wants to speak a little more about, is that green waste is no longer accepted as a diversion at the landfill system, which means that we have to process more in order to maintain compliance. It used to be that we could collect green waste, take it to the landfill, they would use it as alternative daily cover which is a beneficial use and all that tons would go into the account for the City of

Highland as compliant non-landfill use. Not so anymore. So, just a couple of things, he knows he only has three minutes but he wanted to cover a couple of those things related to efficiency, collection and the real dangers of non-compliance. The State, there's new regulations coming out with SB1383 and other reporting requirements and it's going to get more and more difficult and so programs are important. As Public Services Manager Morgan mentioned when you look at the rate components, there are certainly things that we do in those rates that affect quality of life. He heard a gentlemen mention that our streets in Highland look great and that's because the pavement impact fees and those dollars that go towards keeping the pavement looking better than neighboring communities like San Bernardino. The illegal dumping, right-of-way clean up and code enforcement officer are part of the rates that again affect the quality of life here in Highland and make the streets cleaner, nicer and better for the residents of Highland. We appreciate the opportunity to serve here and respectfully have listened to the comments that residents have made and again we're honored and respectful to be serving the community of Highland.

Mayor Lilburn stated at this time she is going to close the public hearing and open it for Council discussion and if there are any additional questions needed of Public Services Manager Morgan as well as Steve. Also, can you address the 20-year contract, she doesn't believe it's a full 20, it's an option, and we have the option to have a 20-year contract.

Public Services Manager Morgan stated yes it's an optional contract, it's not a full 20 years. At any time the Council can provide notice for a cause.

Mayor Lilburn stated at any time?

Public Services Manager Morgan stated to terminate the contract, there are also some renewal periods at the end. She apologizes, as she doesn't want to quote anything specifically, as she does not have the contract term in front of her but the Council does have options.

Council Member Chavez stated he understands this is an annual increase that we do every year, the City does. He was the only Council Member on this dais to oppose the 20-year contract that Council signed with Burrtec, for many reasons, but this is just an annual increase that we do all the time. The State of California is putting a lot of pressure on us, as a City. He thinks it is important for us, as residents we are paying \$25 or so dollars a month to Burrtec, but we have so many services that we can use that Burrtec offers that we need to take advantage of. He sees our streets and he is kind of from the west side of the district, District 1. So, it's Del Rosa, Pacific, and Sterling and for the longest time our streets have been looking like San Bernardino streets. But we are doing the street paving and then we have the street cleaning and our streets are coming together. That's where our money is really going to, and so he would really encourage our residents to push hard on Burrtec and use every single dollar that

you are paying for. Really apply it to your street, to your home and you have to take advantage of it. Public Services Manager Morgan if you can just clarify a few of the benefits that we have with Burrtec, including the code officer.

Public Services Manager Morgan stated sure, so one of the benefits that came brand new to the City in this new franchise was the right-of-way clean up and what that basically is when items are illegally dumped in the City's right-of-way area, which is sidewalks, right beyond the pavement, those kinds of things City staff were the ones that were out there picking it up and trying to dispose of it and hauling it over town. City staff, in the maintenance department it's very limited, there are she believes six full-time employees. They cover services from right-of-way clean up, to streets, to landscaping, to all of those things that happen in facilities and buildings. So to have Burrtec relieve our City staff from having to pick up illegally dumped items in the right-of-way, it has not only kept our right-of-ways a lot cleaner because they can be there faster than us as we are spread all over town if there is an emergency. It has allowed City staff to dedicate their time to other things that are important in the City. She encourages every resident, if you see something on the sidewalk, even if you don't know for sure it's in the right-of-way, call it in. Call City Hall and ask for her or her staff, Carlos Florez or Alondra in Public Works Department. They will investigate it. If we determine it's in the right-of-way, and it's eligible for Burrtec to pick it up, then they will refer it. Once Burrtec is notified of an item, they have 48 hours to pick it up and staff will verify it. Staff does a spot check and goes out to check to make sure the items are removed. It has drastically helped keep stuff picked up, as you would not believe how many couches are out there. Unfortunately, the one thing that we have noticed and that they get a lot of calls for, the stuff is in San Bernardino and she cannot help that. She would like to but she can't. The other benefit was the increases on bulky items pick up for free, for our residents, we increased those items. She doesn't know about any other home owners but when you buy something now, you used to be able to buy a new toilet and the contractor, or somebody would take the old toilet away and now they want to charge you for that. So instead of paying a contractor or someone to take away your bulky item, your old couch, or your old mattress, you call up Burrtec and they'll come out. You make an appointment, you set it on the curb, and they come and take it away for free. That is a free service to the residents. We increased that to four times a year and six items. So four times a year you can call up Burrtec and put stuff out on the street. Those are some of the really big things that we got in the way of the new contract, so she encourages the residents to increase that use of the services because they are there, use them. The newsletter, she knows there was something mentioned about the newsletter. We do the newsletter; staff in house does draft it. She has, ever since she came to work for the City, she started drafting the newsletter because what she noticed is there were other needs in the City departments for news to get out to the residents. When we do our newsletter, we not only involve the use of the space for solid waste information, but we try to highlight other community events that are happening in the City. We also have a little corner that is dedicated to code enforcement. We let code enforcement put stuff in there that maybe residents are not aware of. So

that's one of the reasons why we draft that City newsletter in house, but Burrtec does do all the printing and the mailing costs, they cover that. She does it because she thinks there is a better benefit to the residents if it comes from staff with other information, not just Burrtec information. We do allow property owners to notify Burrtec if they want their notices to be sent to a different address.

Mayor Lilburn asked are you talking about property owners that are renters, who are landlords?

Public Services Manager Morgan stated non owner-occupied residences. The owner can request Burrtec to send notices to a different address, but if we are not notified of a different address the notice has to be sent to the service address.

Council Member Timmer asked if the code enforcement position, the one that was created specifically with the recycling theft and control and dumpster divers, and all those things that are part of the contract.

Public Services Manager Morgan stated the code enforcement department in the City of Highland is managed by the Community Development Director Mainez. There are three full-time employees, three full-time code enforcement officers. They are very, very busy and we saw a need to maybe pull out the responsibility of issues that are related to trash from code enforcement. Some of the stuff is not specialized, but if you have more knowledge about the solid waste system it helps. We saw a need for maybe a dedicated code enforcement officer to be dedicated to solid waste issues and recycling issues, between the cardboard man that goes around to all the commercial businesses with his pick-up truck with the cardboard piled higher than the cab, to the person who pushes the baby carriage in residential neighborhoods. It's really hard to combat those issues, and those issues, those people, what they do is detrimental, not only to the residences but it is also detrimental to the commercial sector, as well, and it's also illegal. We saw a need for a dedicated code enforcement officer because at the time we were negotiating with Burrtec, she proposed that Burrtec support that and pay for it. So that dedicated employee is, the full cost, the benefits, everything is fully borne by Burrtec. That person does nothing but dedicate to enforce solid waste regulations. We have seen a drop in trash diggers, we've seen a drop in the cardboard theft but it's an ever growing problem. So that was one of the big benefits, that the dedicated person, it not only benefits the solid waste sector but it benefits code enforcement, because now they can dedicate their time to other issues other than solid waste.

Council Member Timmer stated he knows in his neighborhood they had a problem with sometimes three, four or five folks with their strollers and shopping carts coming down taking only the valuable stuff which would be beneficial to reduce the cost to the residents. That's not the bigger problem, the bigger problem was when they are diving and getting the stuff, they would throw other stuff out and then you'd have to go out and clean up this mess. The thing he's noticed here, since we started this program, the number of folks coming through his particular neighborhood is significantly lower. In fact, he hasn't seen one in quite a while so that just speaks to the program. It actually seems to be effective.

Mayor Lilburn stated she appreciates all the residents coming out here. She knows that there are some pretty harsh comments about how we ramrod. Every single person on the dais here lives in our City, and she believes nobody wants an increase. She doesn't. She's a single parent, a single homeowner and like others when this first, and she said she wasn't go on her tangent, but when this first came out she was opposed to it. She pays her bills and she knows how much she's budgeted for, but when she saw the overwhelming benefits that the City was going to receive she needed to pull herself out of the loop and look out for the entire City. She too lives in the middle of the City, which is on the west side. We have a lot of rentals. Consequently, when you have rentals in your community we don't want to start looking like San Bernardino and she's sorry to throw that out there but it's creeping over. We have to keep a good handle on it. We have to keep our streets different to separate us, to make our City look different, but she lives next door to a 4-plex which she refers to as a dump-plex because the guy lives, the owner lives out of town. So when his residents move out they leave all their stuff on the curb. Primarily, one of the reasons she did this was because a lot of the landlords weren't paying their trash bill. So they were putting liens on their homes and you, as a taxpayer, were paying those funds for us to go to court and spend all that time on those absentee landlords to lien their homes, when they really don't care what they are doing to our City. So she had to weigh out the benefits. One of the things she wants to compliment Burrtec on is when the last owner moved out of the house they had their couches; it just looked like a big filthy mess. They left it and the landlord had no idea it was there because he didn't care and doesn't live in town. She called Burrtec, she moved the stuff in front of her house and they picked it up the next day. So we have those benefits and she knows some of you, she walks her streets, she walks her neighborhoods and she sees some of her neighbors here and she tries to keep her neighborhood. When she sees people that had laid their TV's out like the trash people, the trash company is just going to come and pick up their big items, no that doesn't happen, so she makes sure that she calls them and reports them. Burrtec has been out there right away to pick up those items to keep our streets unblighted. A lot of us don't see that, we don't understand that it's going on in our neighborhoods, none of us here want a rate increase but some of these are regulated items that we have to fulfill. That she believes is what this public hearing is for and unfortunately, there is an increase involved in it.

Council Member Timmer stated he knows when the negotiation of the contract, a 10-year contract with ten one-year extensions if the City chooses to do that. One of the big selling points for him was that Burrtec, because he knows we've had issues with when we put assessments on the tax roll the County charges a fee to do that. Burrtec, up front, during the negotiations said they would absorb those costs; there is no cost to the taxpayers or the users of Burrtec at all. They are paying it up front as part of the negotiations, so that's another benefit that he thinks is to the City and to the residents. To him the big one is some of these items, we broke down the percentages of why the increases are occurring and the big one to him is the tipping fee from the County dumps. That's over 50% of the increases and we've had absolutely no control of that. So we have to pass that along. The County, sad to say, every year they seem to increase that amount and put more and more restrictions on what can actually go to the landfill. There was discussion about green waste. They used to cap the dump so that it would help the process, well now we can't even do that, so that makes it more difficult. A lot of the things we do, or Burrtec does, on behalf of the City are controlled by the State of California. We have no option whether we have one truck or three trucks. They require all those products be separated and processed separately. You can't do that and put it all into a truck and then try to separate it. In fact, if people are really watching, and he hates to say this, but the State again is talking about another trash truck because they are going to mandate that household waste inside the house like banana peels, and potato peels and all that stuff can't put them down the garbage disposal anymore. They are going to have another truck to come around, so if you really want to do something aggressive call your State legislators and say this is craziness.

Public Services Manager Morgan stated she wanted to point out something, there was a comment made, she wanted to clarify, there was a comment made about the County tax assessors agreement that was on consent calendar. There was a comment made that we've already approved this because we approved that on the consent calendar. That is not true. That agreement covers any assessments that the City puts on the taxes, it's not just for trash. It's for all the assessments. We have to do that every year. She does not process it. It's processed by the Finance Director but she knows it's not just for trash.

Mayor Lilburn asked if there are other cities that are doing this example, putting this on the tax.

Public Services Manager Morgan stated she believes, as far as she knows, the two cities that were going to process tax roll, or proposed tax roll billing, this year was City of Yucaipa and, Yucaipa is a Burrtec customer, and City of San Bernardino which is also a Burrtec customer. So she is not sure if Steve has that knowledge because she doesn't think he's their representative, but those are the two cities who were considering tax roll billing. She believes Yucaipa is going forward, she doesn't know what's happening in San Bernardino.

Mayor Pro Tem McCallon stated but there are other cities.

Public Services Manager Morgan stated there are other cities that are already doing it. The whole Coachella Valley does it. Coachella Valley, the High Desert, there are other cities that are considering this as well.

Mayor Lilburn stated she noticed down at the 14 you have the residential rates because we are a contract City, and it looks like 14, or 10 out of the 14, are contract cities as well. Two of them have their own haulers, which are Redlands and Fontana, and then what is the CCR?

Public Services Manager Morgan stated CR&R is another solid waste company that operates in this valley. Also, notate Redlands pre-programs, there was a comment about how we raise rates every year and we don't. We do negotiate that rate every year. She meets with Burrtec and she tries to keep the rates as minimal as possible by looking at alternatives. Prior to last year's increase, we hadn't increased since 2016. There is a move by certain cities to pre-program their rates. For example Redlands, she believes, pre-programs five years at a time. They passed pavement impact fees completely to their residents; whereas Public Works Director/City Engineer Wong is really good at writing grants and so some of the pavement impact and pavement repairs that are being done are a partnership between solid waste rates, grants and those types of things.

Council Member Timmer stated no one likes or wants to increase their rates but sometimes we really don't have a choice, so he will move the increase.

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

1. Adopt Resolution No. 2019-033 establishing rates for residential and commercial/industrial refuse collection and rescinding Resolution No. 2018-037 effective July 1, 2019, in the event that the City Council determines that a majority protest does not exist; and
2. Adopt Resolution No. 2019-034 providing for the levy and collection of solid waste program fees by the county tax collector in the same manner and at the same time as general taxes, in the event that the City Council determines that a majority protest does not exist. Motion carried, 5-0.

RESOLUTION NO. 2019-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ESTABLISHING RATES FOR RESIDENTIAL AND
COMMERCIAL/INDUSTRIAL REFUSE COLLECTION AND RESCINDING
RESOLUTION 2018-037, EFFECTIVE JULY 1, 2019

RESOLUTION NO. 2019-034
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, LEVYING CHARGES FOR REFUSE COLLECTION SERVICES
FOR FISCAL YEAR 2019-20 PURSUANT TO CHAPTER 8.12 OF THE
HIGHLAND MUNICIPAL CODE AND ORDERING THE
RESIDENTIAL CHARGES TO BE COLLECTED ON THE
COUNTY OF SAN BERNARDINO TAX ROLL

19. Amend the Highland Municipal Code to Update the Fire Safety Regulations and to Update References in the Municipal Code to Reflect the Most Recently Adopted Building, Fire and Maintenance Codes

Mayor Lilburn opened the public hearing.

Community Development Director Mainez stated he does want to mention that this this a Council work program item.

Building Official Gates stated bringing an Ordinance this evening for the modification for the municipal code fire safety regulations and building code references. As Community Development Director Mainez stated this is a City Council work program item. In conjunction with the City Fire Marshall, we did a review of many elements within the fire code, the municipal code aspect of it. It was also reviewed by Cal Fire before staff brought this forward to you. The ordinance basically has two functions. The first one is to remove references to the retired uniform code designation. It is a code that we got away from, the State got away from, and that was mandated to us and now the building codes are the California Building Codes. So we were cleaning up some of the municipal aspects of the language. While we were doing that we found some of the items in the same verses or same sections that would specifically identify areas like bike racks and fire wall requirements. A lot of these have been moved into the building codes so we looked to re-language those or to strike them. The second function on this was the fire safety regulations with the municipal code and that was our land use and development, Title 16. Back in 2009, the State Fire Marshall office was directed to put together all of our fire designated wildland areas and our interfaces to create a uniform aspect statewide. They came out with a map and added a section to our building code, fire code and residential code for the regulations for construction in these particular areas. That was called the Wildland Urban interface and the specific zone that we had previously was an FR1 and FR2, that's fire review areas 1 and 2. We did have a map for that, their overlay laid directly on top of this so it all became one zone, very high fire hazard severity zone. With regulations that they put in there for the construction went into a divided chapter within the building code, fire code and residential code of 7A. Same sort of thing we found out as we were going through the sections, is we had prescriptive elements for construction and we had site development ideas that were mandated within the code. Now, some of the prescriptive items were the chimney screens, attic vents, roof coverings, door and window specifications, all of those were addressed within the 7A, the new

chapter for building code. What we did do on that was we maintained all the site development aspects such as the specifics to the City which would be your width of your streets that you would need for your fire apparatus and stuff. The State did not address those because they don't know specifically what equipment we have. Therefore, they left it to us. He left that within the municipal section.

Mayor Lilburn stated does that allow for the parking on the streets, for the width? So, on both sides of the street and the additional parking we're going to get with all the regulations we get for the buildings.

Building Official Gates stated the new regulations for the buildings were pretty much the same as what we had before.

Mayor Lilburn stated are the residential, no?

Building Official Gates stated it was residential. In the Wildland Urban interface areas that really made changes, and stuff like that, were part of the fire code. Let's say like the roofing. We require a Class A roof, well the State requires a Class A roof, within the Wildland Urban interface areas anyway. Now, the difference would be as we stop there, they require burn stops to be tight fitting so we don't get ember intrusion. Also, if you have metal flashings you have to have a cap sheet underneath it which gives you a better fire rating on those in case they get packed with fire embers, it doesn't transfer the heat into the wood structure. So these are the types of things where they went further than what we actually had in the code to begin with. So, he just took those elements out, those little minor prescriptive elements, left them to fire regulations that were mandated by the State so we don't have partials here and there within the municipal code. When you mention the parking, there is no change to that. He just took those main sections and moved them into another section because they were divided into the fire 1, FR1, and FR2 zones. Combine that together and just made one document out of it and there was no adjustment to that.

Mayor Lilburn stated but you talked about width of the streets for the fire apparatus.

Building Official Gates stated right, and those were the types of things we left because those are true land use elements that the State is not regulating to us. They are not telling us what that minimum is, they're not telling us what type of equipment we have to have as far as engines, or turning radiuses for engines that sort of things. So at this point, they are true elements that are good for our land use. He did leave those in there. It was reviewed by Cal Fire, by Fire Battalion Chief as well as our Fire Marshall, to make sure that those elements were still sufficient for their needs. At this time the ordinance was presented to the Planning Commission as a City Council work program item and they recommended moving this item forward to the City Council for approval.

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

Council Member Timmer stated two points, back to Mayor Lilburn's question about parking and the urban interface zone or wildland interface zone, whatever they call it these days. What were the concerns raised, in fact we just had the second reading of the ordinance today. Those secondary units now are permitted in all zones right?

Community Development Director Mainez stated correct, residential zones.

Council Member Timmer stated he knows when we adopted the ordinance we tightened up some of the rules to make it better for our City. Can we restrict the secondary units not being allowed in the high fire hazard zone because the more residents you get within those zones, the more potential you get for congregation and additional parking. Not that we need to go back and change the law, he's just asking the question. As a City, can we restrict the number of units in the high fire hazard zone to the initial land use that was planned years ago? He thinks it would not be good if that's the right planning term, that we allow more residents, more units to be added into these areas where we specifically spaced houses a certain distance apart and we had certain construction requirements and to now add more houses. In that particular zone only, can we restrict those? He knows we're going to have to go back and change the ordinance but when he was reading this, it kind of popped into his head. When Mayor Lilburn talked about the parking issue because getting in and out of these areas during fire times, parked cars and stuff are generally a problem. If we have an ability to limit the amount of parked cars by not allowing secondary units in that specific zone, is that something we can look at.

Building Official Gates stated from the zoning aspect of it, Community Development Director Mainez would have to answer that, but the one thing he would like to bring forward is there is no double parking. We do have, he believes, we have some regulation against that. So you still would have the same amount of cars on the side of the road if there is spacing in between them he's not sure how that addresses necessarily.

Council Member Timmer stated no because if you have one family living in a residence now and they add a secondary unit, now another family is living there and that obviously is going to increase the amount of parked cars.

City Manager Hughes stated maybe what we can do is let staff take a look at that and it's something that maybe we can bring back. Potentially it would probably depend on the size of the lot. It would have a lot to do with it. You could have an acre lot up there in the wildland, in that severity zone, and you could put a second unit. It would meet all the setback requirements and have the spacing and everything but maybe if you have a small lot, you know a 7,000 square foot lot, then maybe that's something you can look at but that's a new issue. Let us digest that and see if it's something we can do.

Council Member Timmer stated when these all came together at one time, it just makes no sense to add more density at a high fire hazard when there's already a great risk and people can't get insurance because of those high risks. Now were going to put more residences in there. Not only parking but people, there's a whole bunch of issues so maybe we need to take a look at that.

Mayor Lilburn stated actually any residence, because we have homes with several cars and they park in the lawns, in the driveways, in the streets. Just for the record, she voted no on that by the way.

Council Member Timmer stated he's just looking at the high fire hazard zone. Plus the risk is higher than any other part of the City of wildland fire either coming into the community or structure fires moving into the wildlands. So putting more people and more density in those zones is probably not a wise decision based on my 30 years' experience of fighting those kinds of fires.

Mayor Lilburn stated she sees the City Attorney looking at us, we need to reign it back in.

Council Member Timmer stated he still has another point.

City Attorney Marroquin stated but only on this issue, not the ADU's.

Council Member Timmer stated he's just looking at, is there something because we can't put more restrictive language...

City Attorney Marroquin stated we will definitely look into that.

Mayor Lilburn stated, and it can be placed as an agenda item.

City Attorney Marroquin stated exactly, we will look into it and if it's something we can bring back, we will certainly place it on the agenda.

Building Official Gates stated he would like to address one more thing, our roads are already designed for the width to have parked cars on each side and still have the proper amount of space in between. He just wanted to make sure everyone is aware of that.

Council Member Timmer stated if there's not sufficient parking, the next thing they are doing is parking in front of fire hydrants, parking in front of driveways, and access roads to get into the wildlands. There are all kinds of issues, more cars, and more problems. The second question is the fire or the F1 zone and the F2 zone. When those were combined, did they use the same boundaries as the old ones and all they did was combine it into one unit, or did they relook at the boundaries and adjust those boundaries based on new information or whatever?

Building Official Gates stated they made no adjustment to it. All they did was combine the exact same boundaries from 1 and 2 into a single.

Council Member Timmer stated his question then was the City, he knows it says in the staff report that the Director of Cal Fire and the State Fire Marshall set those, they've reviewed it and set those boundaries. Did we ever, as a City, do we have the ability to initiate a request to review those boundaries because he knows, he's had complaints, and some other people that getting insurance and he's not saying eliminate it. He knows, he's not touting his own horn, but he was involved in that process back in the early 80's when we developed the greenbelt which went all the way across the whole front country. We should be reviewing those boundaries to see if they're still appropriate rather than someone in Sacramento just combining and leaving the boundaries the same. He knows that's another issue for a different time.

City Manager Hughes stated sure, and we can make that request. We will make that request to the...

Council Member Timmer stated he doesn't know if there is a process...

City Manager Hughes stated we will check with Cal Fire and we will check with the unit.

Building Official Gates stated he was part of a city at the time, when they did that, he was building official for another city during that time. It was his understanding that, well he can tell you the process is, we actually looked at it at that time. They gave us certain amount of days, about 60 days, in which to review that.

City Manager Hughes stated actually we did that same thing in Highland. We commented on it but they also did another map that the City actually had input on at the time. We can certainly, we will ask the Unit Chief if we can give some additional input for future adjustments to the map. We will make that request and see if it's possible.

Council Member Timmer stated because he knows that some of the parameters, he would think, that they use to create those boundaries have changed. Streets have been put in and all kinds of other things have occurred so...

Mayor Lilburn stated and as of recent she believes, the insurance companies have gone out and put a lot of our ranch houses in a certain criteria, so their insurance, they've either canceled their insurance or...

City Manager Hughes stated a lot of that has to with the fires that occurred up north. The insurance companies took a huge hit up there. They are a business as well, so they are couching the bets and expanding, but we can certainly look at it. We will make contact with Glen Barley, Unit Chief.

A MOTION was made by Council Member Chavez, seconded by Council Member Solano, to conduct the first reading of proposed Ordinance No. 435 amending the Fire Safety Regulations, and references to retired Building, Fire and Maintenance Codes in Title 16 based on the Planning Commission's approval of Resolution 2019-006, and the additional reference updates identified in Titles 2 and 8 of the Highland Municipal Code. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 435

ORDINANCE NO. 435

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, AMENDING TITLES 2, 8 AND 16 OF THE HIGHLAND MUNICIPAL CODE TO UPDATE THE FIRE SAFETY REGULATIONS AND MODIFY REFERENCES OF RETIRED BUILDING AND FIRE AND MAINTENANCE CODES, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT [MUNICIPAL CODE AMENDMENT (MCA-19-001)]

which title was read.

20. A Supplemental Final Environmental Impact Report (SDEIR) (State Clearing House No. 2008031058) to Update the Biology Section of the Greenspot Village & Marketplace Specific Plan Environmental Impact Report Previously Certified on May 14, 2013

Mayor Lilburn opened the public hearing.

Community Development Director Mainez stated as Mayor Lilburn mentioned, staff is requesting adoption of a resolution to approve and certify the supplemental EIR. What triggered this was it is related to the purchase of a 21-acre parcel in partnership with TREH. TREH Partners are the developers across the street from this property. They were successful in the Lowe's Shopping Center and LA Fitness, What triggered this was the entering into escrow, which started about 18 months ago. Council adopted a purchase and sale agreement to get that going. As part of the due diligence process for TREH, they were asked to update some documents that were very old in the 2013 EIR. They have shelf lives, the biological studies for K-Rat and in plants. In the process of doing that they discovered there are K-Rats, San Bernardino Kangaroo Rats, on the property that necessitated the process of amending the EIR that was certified.

We call that a supplemental EIR and it focused on adopting or changing the biological section of that EIR. As part of that process, we recommended that the new supplemental EIR include a couple of mitigation measures and, by the way, this affects the entire specific plan. So the Greenspot Village Marketplace, anybody developing within that Greenspot Village Marketplace specific plan will have to do further studies, as well as K-Rat studies. We're not saying they will find anything but that's just what we're recommending they do. By the way Sonia Hooker is here. She is the consultant that assisted the City in preparing this supplemental EIR if there are any questions. The adoption of this document tonight will be one of the last things the City has to do to close escrow so we're hoping we can get that done today.

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

Mayor Pro Tem McCallon stated since we have the San Diego Pocket Mouse and the San Diego Desert Wood Rat, can we send the San Bernardino Kangaroo Rat down to San Diego?

Community Development Director Mainez stated he will forward that question to Fish and Wild Life for a follow up. They are prevalent up in the foothills, the San Diego rats. We found them up in the hill sides.

Council Member Timmer stated the question he had was regarding the two new species we hadn't heard of before. Basically, it says it's not going to do a lot since it's not considered a good site for that. Knowing Federal Wildlife Service, could they elevate this to a higher level and we would have to start this whole process again?

Community Development Director Mainez stated they monitor all these species. That's their job in life so that the reclassification, the severity of it can move year to year so we never know. That's why these studies have shelf lives of a year and we just have to keep updating as we go forward. The good thing about this site is we put up trap fencing to keep them out so we've kind of created an area of exclusion. As you drive by you can see that as an area that they can develop.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Council Member Chavez, to adopt Resolution No. 2019-035, certifying the Supplemental Final Environmental Impact Report and adopting the revised Mitigation Monitoring and Reporting Program for the Greenspot Village & Marketplace Specific Plan (ENV-19-002). Motion carried, 5-0.

Council Member Timmer stated now that we've adopted this, will they be taking the fence down or do they have to leave it up for more analysis?

Community Development Director Mainez stated no, they have to leave it until they get their permits to start grading and that will delineate the disturbance area. So we will keep that up for a few more months.

Council Member Timmer stated so they could find more stuff which invalidates what we've done tonight.

Community Development Director Mainez stated no, this will allow them to move forward and pull permits. This is kind of a step to get them to get those permits that they need.

Council Member Timmer stated okay.

RESOLUTION NO. 2019-035
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, CERTIFYING A SUPPLEMENTAL FINAL ENVIRONMENTAL
IMPACT REPORT AND THE REVISED MITIGATION MONITORING
REPORTING PROGRAM FOR THE GREENSPOT VILLAGE AND
MARKETPLACE SPECIFIC PLAN

21. Consideration of a One-Year Extension of Time (EXT-19-001) for Tentative Tract Map No. 19915 (TTM-14-004) and Conditional Use Permit (CUP-15-001) Facilitating Highland Park Planned Development (SPR-15-001) for a Residential Community Consisting of 46 Single-Family Lots, One Neighborhood Park/Water Quality Basin, Roadways, and 2-Lettered Landscaped Lots and Resolution Thereon

Mayor Lilburn opened the public hearing.

Community Development Director Mainez stated as you indicated this is a consideration of a one-year extension for a map to construct 46 single family detached homes and a community park. The developer is Mastercraft Homes. This entitlement was initially approved back in 2016. It included a general plan amendment, zone change, the approval of a tract map, as well as a conditional use permit to adopt a planned development document which is basically a small specific plan. You have a copy of that in your staff report so you can get an idea of what the project is going to look like when it's built. The project will expire, technically expires, this month and as a result they submitted an application to extend that entitlement for a year. They did take this application to Planning Commission. Staff took the opportunity to look at their conditions, look at the situation of the property and we added some new conditions that we forwarded to the Planning Commission. They included updates to the conditions related to Building and Safety, Fire, and he took the initiative to add a condition that they demolish the structure and clean up the property by November 1. That was a negotiation with the developer. We thought November 1 was reasonable and so we added that as a condition. However, at the Planning Commission hearing, he forgets the day, he thinks it was June 4, they took action to deny the extension

based on their observation of the property. They felt that the applicant should have maintained the property in better condition so they directed staff to make the findings to that effect. They are asking the City Council to deny the extension based on that determination as well. He does want to point out that this is a consideration for an extension. The City Council does have the authority to approve the extension and he also wants to point out that there are, he believes, twenty support letters that were passed out to Council; we also made copies for the public.

Mayor Pro Tem McCallon asked if this is an appeal of the Planning Commission.

Community Development Director Mainez stated no, it's not.

Mayor Lilburn asked if she is reopening or opening.

City Attorney Marroquin stated no, she thinks Mayor Lilburn initially announced it was a public hearing but we didn't officially say it's open.

Mayor Lilburn stated this public hearing is open.

Ray Dorame, Mastercraft Residential, stated he would like to ask the City Council to reconsider the Planning Commission's position on their decision. They completely understand their position, their concern that was raised the other night. We have taken great strides to clean up the property. We have cleared the weeds to date. We currently have a contractor out there that is demolishing the trees, cutting those up and, in addition to that, they've also pulled the demo permit. Within probably the next month or so they will start working on demolishing the property. The bids have come in, they are quite substantial, they range from \$135,000 a little bit down, \$80 to \$135,000, and so a concern was obviously financial but we would move forward with your approval tonight. He does want to point out that they have been taking a look at demolishing this house over the past few years, working with the fire department and the possibility of burning down the structure. We found out that because of environmental concerns it couldn't be done. So we decided we are going to take it down the old fashioned way with bulldozers and dump trucks. Anyhow, he would like for you to reconsider the approval and grant us a one-year extension.

Mayor Lilburn stated actually the old fashioned way would have been a controlled burn.

Council Member Timmer stated the environmental, and also the asbestos issue and other issues, they have to address before they can burn. It's so cumbersome.

Ray Dorame stated you are absolutely correct. They pulled out the hazardous materials before and there's a whole other level of taking out everything during controlled burn and it was just so expensive. They decided it wasn't worth it.

Mayor Pro Tem McCallon stated he was going to ask about the asbestos issue. Do these building have asbestos in it?

Ray Dorame stated they've been removed.

Mayor Pro Tem McCallon stated it's been removed so you don't need to get an AQMD permit or anything like that?

Ray Dorame stated we do but he believes that's already been obtained.

Mayor Pro Tem McCallon asked when was this project entitled.

Ray Dorame stated 2016.

Mayor Pro Tem McCallon stated 2016, and you're asking for a one-year extension.

Ray Dorame stated that is correct.

Mayor Pro Tem McCallon stated and what are your intentions to do in that one-year period?

Ray Dorame stated we will continue with processing the improvement plans, both the sewer, water, storm drains, and grading. There is quite a bit of work that needs to be done that is going to take a good portion of the time, probably about six to eight months.

Mayor Pro Tem McCallon stated and you're not going to develop it?

Ray Dorame stated right now we are looking at developing the property, yes.

Mayor Pro Tem McCallon stated and you're just asking for a one-year extension?

Ray Dorame stated the one-year extension covers the recordation of the map so he'd like to get the map recorded in a year from now. It'll take longer to actually build it out. It'll take probably 2 to 2 1/2 years to build it out.

Mayor Pro Tem McCallon stated your intent is to develop the property.

Ray Dorame stated that is correct.

Mayor Pro Tem McCallon stated okay and it hasn't been developed now because the market wasn't ready for the product or?

Ray Dorame stated that is correct, we have, as you know, another project down off of Greenspot. It's 13 lots, we have the same, we've been talking to the same lender for both projects, actually they are lending on the 13. They want to see some progress on both sales and closings on the 13 before they would actually lend on the 46. For a bunch of reasons the 13 is taking longer than expected to develop. It's taking probably a year and half longer. It's actually threw this project into kind of a delay. Now, that we have quite a few sales on the 13, we're going to go ahead and start reengaging, we already have reengaged the bank on the construction loans, so we feel pretty good. We're happy with what we are seeing there on the 13. A lot of traffic the last few weeks, four sales, he's not sure yet if Council has had a chance to look at the houses but, he means, it's a very nice little community.

Mayor Pro Tem McCallon stated but you do have traffic and sales going on?

Ray Dorame stated that is correct.

Mayor Pro Tem McCallon stated glad to hear that.

Ray Dorame stated we've had four sales. He believes they had two last week; two deposits and they have another two or three folks that are looking at various houses.

Mayor Pro Tem McCallon stated he assumes they got the message that the City wants that property cleaned up.

Ray Dorame stated that is correct.

Mayor Pro Tem McCallon stated as quickly as possible.

Ray Dorame stated yes.

City Manager Hughes stated he just wanted to clarify that the twenty letters that were received were in support of the extension of time, not in support of the denying.

Mayor Lilburn stated right, thank you. At this time she has two speaker slips. Okay, they say in opposition, are you in opposition? She is assuming they are in opposition of the denial of the project, which is kind of in favor of. Does she have this right? Okay, how about this, why doesn't she call him up because she remembers speaking with him and he was in favor of the project.

Gary Leobold spoke in opposition of this item.

Fred Yauger spoke in opposition of this item.

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

Mayor Pro Tem McCallon stated he would move the item that we grant the one-year extension.

City Manager Hughes stated actually we would need to have a modified resolution and we can do that. We will need to take maybe a five minute recess to allow us to give the Council a resolution to adopt in order to do the extension.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Council Member Chavez, to approve the modification of resolution 2019-036 regarding the approval of the time extension. Motion carried, 5-0.

City Attorney Marroquin stated so what we will do, we will take, if it's okay, about a five to ten minute recess. We have prepared a resolution that we will distribute for Council to review and then we will come back and discuss the resolution.

Council took a brief recess.

Mayor Lilburn stated she will reopen the public hearing. She guesses she never closed it.

City Attorney Marroquin stated so we have come back from recess. If there is no further public comments she doesn't think we need to reopen the public hearing, unless there is someone who wants to be heard.

Mayor Lilburn stated we can move forward with our discussion and motion.

City Attorney Marroquin stated exactly.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Council Member Solano, to adopt Resolution No. 2019-036 granting a one-year extension with the conditions of approval. Motion carried, 5-0.

Mayor Lilburn stated just to comment on that, in the resolution Mayor Pro Tem McCallon agreed to the one-year extension, but in the conditions of approval it says two one-year extensions, unless she read it incorrectly.

City Attorney Marroquin stated so that is just if you are looking at attachment A-1B. It says applicant may request two additional one-year extensions of time on an annual basis. So it's just saying essentially under our code, they are allowed up to three extensions that they request one-year at a time, so this is saying...

Council Member Timmer stated according to the map act he thinks they are only allowed five years total, isn't that right? So they've already had three years.

Community Development Director Mainez stated the subdivision map act, he thinks six technically.

City Attorney Marroquin stated she thinks it might be technically six but they are allowed to do, under our code, they are allowed to do three one-year extensions.

Council Member Timmer stated we can't supersede the California map act. He thinks that there is a five year limit on that if they haven't got all their permits by then.

Mayor Lilburn stated even so that would still fall under the five years.

Council Member Timmer stated no we've had three already, one we are approving tonight, if we approve it, and two additional. That's six years.

Community Development Director Mainez stated keep in mind that he might get all this done within a year.

Council Member Timmer stated hopefully.

Mayor Lilburn also stated hopefully.

Community Development Director Mainez stated so those extensions might not be required.

Mayor Lilburn stated if we don't find out, the worst case scenario we can scratch it tonight and then the one-year extension.

City Attorney Marroquin stated right. So if it came back and she can look into it but when it comes, if they are not able to do it within the one-year when it came back we would be able to modify the conditions again, to make it a one-year rather than two.

Council Member Timmer stated he doesn't want to supersede what the State allows us to do.

City Attorney Marroquin stated right. If we are pre-empted in some way then we would be able to fix it when it comes back.

Mayor Lilburn stated so we will move the resolution knowing that under those conditions, with the two year extensions, unless otherwise the State supersedes that in which we would come back and modify that.

Council Member Timmer stated he supported this project three years ago and he still supports the project. However, driving by that is an eyesore and he understands why the residents were sensitive and he understands the East Highlands Ranch's position and he supports doing that. What kind of hammer can we put in what we are approving for the extension to ensure they get the cleanup done to meet our standards and if they don't then initiate some action that would attack the approval process for the project? They've had enough time and he understands all the reasons why it hasn't come together, but he wants to feel as a Council Member that these issues, the cleanup primarily, are going to be addressed. It's still a good project, but he doesn't want to see that after two more extensions it's still sitting there the way it is.

City Attorney Marroquin stated there is a condition included within the conditions of approval, its condition number 6 that says the property owner shall have the site cleared of all weed and debris and all structures on site demolished and removed by November 1, 2019. So if they don't comply with that they would be in violation of the approval and we would be able to take action to revoke or alternatively when they came back for another extension we would be able to...

Council Member Timmer stated but that would be another six or seven months.

City Attorney Marroquin stated correct but it would be a violation of the conditions of approval which would be grounds for potential revocation.

Council Member Timmer stated we could start after November 1 to terminate the approval.

City Attorney Marroquin stated correct, you have the discretion to do that.

Council Member Timmer stated he just wants to make sure we have some kind of hammer, to make sure this gets done. He knows that this is the biggest concern of the residents. They support the project but they want the cleanup to occur.

RESOLUTION NO. 2019-036
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING EXTENSION OF TIME APPLICATION NO. 019-001
FOR A ONE (1) YEAR EXTENSION OF TENTATIVE TRACT MAP NO. 15-004
(TTM 19915) AND CONDITIONAL USE PERMIT NO. 15-001 WHICH
ESTABLISHED THE HIGHLAND PARK PLANNED DEVELOPMENT
(SPR-15-001) FOR 46 MEDIUM DENSITY LOTS AND A
PARK/WATER QUALITY BASIN

CITY COUNCIL LEGISLATIVE

22. Construction Management Services for Pavement Preventive Maintenance Project Nos. str17005B, str17005C and str17005D

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

1. Approve proposal from Engineering Resources of Southern California (ERSC) to provide construction management services for Pavement Preventive Maintenance Project Nos. str17005B, str17005C and str17005D in the amount of \$49,038, \$52,005 and \$220,140, respectively; and
 2. Authorize the City Manager to approve contract amendments up to 10% of the proposal amounts. Motion carried, 5-0.
23. City Manager Report and Comments (Work Program, Regional/Legislative/Development Issues, Subcommittees, etc.)

None

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

Council Member Chavez stated he would like to remind the community of the upcoming National Night Out/Community Resource Fair Event on August 6 from 6pm to 8pm at the Highland Sherriff Station.

Mayor Lilburn stated city staff is diligently working hard on the 4th of July parade that will be going forth and she is pretty excited about this event.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 8:05 pm in memory of Bob Jahn.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Penny Lilburn
Mayor