

**MINUTES
CITY COUNCIL REGULAR MEETING
AUGUST 26, 2014**

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 Racadio at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Rob Zinn of Immanuel Baptist Church and the Pledge of Allegiance was led by Councilwoman Scott.

ROLL CALL

Present: Lilburn, McCallon, Racadio, Scott, Timmer
Absent: None

REPORT FROM CLOSED SESSION

None

SPECIAL PRESENTATIONS

Mayor Racadio presented Nancy Alexander with a Proclamation for her dedicated service to the City and community.

Mayor Racadio presented Anne Viricel with a Proclamation for her dedicated service to the City and community.

PUBLIC COMMENT

None

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem McCallon, to approve the consent calendar as submitted. Motion carried, 5-0, on a roll call vote.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – August 12, 2014 City Council Special Meeting
Approved the Minutes as submitted.

3. Minutes – August 12, 2014 City Council Regular Meeting
Approved the Minutes as submitted.
4. Claim Consideration – Maria T. Lara-Chavez
Rejected claim.
5. Warrant Register
Approved Warrant Register No. 588 for August 26, 2014, in the amount of \$1,071,513.00 and Payroll of \$79,202.88.
6. Treasurer’s Report for July 2014
Received and filed the Treasurer’s Report for July 2014.
7. Declaration of One Seat Vacant on the Historic and Cultural Preservation Board (HCPB)
 1. Declared one seat vacant on the Historic and Cultural Preservation Board; and
 2. Directed the City Clerk to advertise the vacancies on the Board.
8. Declaration of One Seat Vacant on the Community Trails Committee (CTC)
 1. Declared one seat vacant on the Community Trails Committee; and
 2. Directed the City Clerk to advertise the vacancies on the Board.
9. Albert A. Webb Associates Professional Service Agreement Change Order No. 4 – Budget Augmentation/Scope of Work for the Environmental Impact Report for Harmony Specific Plan
 1. Approved Albert A. Webb Associates Change Order No. 4 in an amount not to exceed \$151,437 to complete the Harmony Specific Plan Environmental Impact Report; and
 2. Approved a City Budget Adjustment in the amount of \$151,437 to be transferred from 001-2100 (Unreserved, undesignated) to 001-4100-4554 (Planning Contract Services – Consultant).
10. Contract Management Services for Post-Construction Habitat Restoration and Monitoring for the Greenspot Road Bridge and Street Alignment Project
 1. Approved Professional Services Agreement with Jericho Systems, Inc., for contract management services in the amount of \$34,200; and
 2. Authorized the City Manager to approve the contract amendment up to 10% of the contract amount.

CITY COUNCIL PUBLIC HEARING

11. Proposed Municipal Code Amendments

- a. Municipal Code Amendment (MCA-13-007): An Ordinance of the City of Highland amending Chapter 5.12 (Home Occupations) and Chapter 16.44 (Specific Use Development Standards) to establish development regulations for Cottage Food Operations which will allow small food businesses to operate out of a private residence. Applicant: City of Highland;
- b. Municipal Code Amendment (MCA 014-001): An Ordinance of the City of Highland amending Chapter 16.06 (Definitions), Chapter 16.44 (Specific Use Development Standards), Chapter 16.20 (Commercial Districts) and Chapter 16.22 (Mixed Use Districts) to establish development regulations for Fixed Price Point Retail Stores. Applicant: City of Highland;
- c. Municipal Code Amendment (MCA 14-003): An Ordinance of the City of Highland amending Section 16.08.200 (Lapse of Approvals and Extensions of Time) to synchronize the life span of entitlements with State mandated automatic extensions of an associated tentative map. Applicant: City of Highland; and
- d. Municipal Code Amendment (MCA-14-004): An Ordinance of the City of Highland amending Municipal Code Sections 16.56.150 and 16.56.160 to clarify the review and approval process related to new Freeway-Oriented Community Business Signs and Electronic Changeable-Copy Business Signs. Applicant: City of Highland.

Mayor Racadio opened the public hearing.

City Planner Stater gave a brief review of the staff report.

Mayor Racadio called for any speakers in favor or in opposition. Seeing none, the public hearing is now closed.

City Attorney Steele stated if Council would like to have a Motion to introduce the Ordinance minus the sections on signs, you can introduce the Ordinance that way without the sign content. We would just have to change the title. If you are so inclined to have a Motion to introduce the Ordinance, minus Section 19 of the Ordinance and Section 20 of the Ordinance which are the sections which relate to the sign, you could make that Motion and direct Staff also to correct the title of the Ordinance before it comes back to Council, which is sufficient direction for Staff to bring Council a new document for adoption at the next meeting.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to:

1. Adopt the Notice of Exemption and instruct staff to file a Notice of Exemption with the Clerk of the Board; and

2. Introduce Ordinance No. 394 amending various sections of the Highland Municipal Code minus Section 19 and Section 20, and also to correct the Title to reflect the introduction as it relates to:
 - a. Cottage Food Operations;
 - b. Fixed Price Point Retail Stores; and
 - c. The synchronization of the life span of entitlements with State mandated automatic extensions of an associated tentative map.

Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 394:

ORDINANCE NO. 394

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE HIGHLAND MUNICIPAL CODE INCLUDING, TITLE 5, CHAPTER 5.12.010 CREATING DEFINITIONS FOR COTTAGE FOOD OPERATIONS, CHAPTER 5.12.020 AMENDING EXISTING DEVELOPMENT REGULATIONS FOR HOME OCCUPATIONS AND ESTABLISHING DEVELOPMENT REGULATIONS FOR COTTAGE FOOD OPERATIONS AND TITLE 16, CHAPTERS 16.06, CREATING DEFINITIONS FOR COTTAGE FOOD OPERATIONS, 16.44.140 AMENDING EXISTING DEVELOPMENT REGULATIONS FOR HOME OCCUPATIONS AND ESTABLISHING DEVELOPMENT REGULATIONS FOR COTTAGE FOOD OPERATIONS, CHAPTER 16.16 UPDATING THE RESIDENTIAL DISTRICTS USES TABLE AND CHAPTER 16.22 UPDATING THE MIXED USES TABLE (MUNICIPAL CODE AMENDMENT MCA 13-007); TITLE 16, CHAPTERS 16.06, CREATING DEFINITIONS FOR EXTREME VALUE RETAIL, FIXED PRICE RETAIL AND ODD-LOT/CLOSE-OUT RETAIL USES, 16.44 ESTABLISHING DEVELOPMENT REGULATIONS FOR EXTREME VALUE RETAIL, FIXED PRICE RETAIL AND ODD-LOT/CLOSE-OUT RETAIL USES, 16.20 UPDATING THE COMMERCIAL DISTRICTS USES TABLE AND CHAPTER 16.22 UPDATING THE MIXED USES TABLE (MUNICIPAL CODE AMENDMENT MCA 014-001); AND TITLE 16, SECTION 16.08.200 TO SYNCHRONIZE THE LIFE SPAN OF ENTITLEMENTS WITH STATE MANDATED AUTOMATIC EXTENSIONS OF AN ASSOCIATED TENTATIVE MAP (MUNICIPAL CODE AMENDMENT MCA 14-003)

which title was read.

12. Municipal Code Amendment (MCA-11-005): An Ordinance of the City of Highland Creating Chapter 10.28 (Parking of Recreational Vehicles), Amending Chapters 16.06 (Definitions) and 16.52 (Parking Regulations) to Establish Regulations for Parking and Storage of Recreational Vehicles

Mayor Racadio opened the public hearing.

Senior Planner Irwin gave a brief review of the staff report.

Mayor Racadio called for any speakers in favor or in opposition. Seeing none, the public hearing is now closed.

City Attorney Steele stated he thinks Staff's suggestion is an attempt to balance ease of enforcement, or ease of administration, with ease of compliance. The paved requirement for everything is harder to comply with, and it's going to cost people more money to comply with. Staff is trying to balance the idea of cost of compliance with cost of enforcement, and this is completely up to the Council. To amend this, we would change Page 14, Number 4. We would distinguish between motorized recreational vehicles parking which would only be on paved surface in the first sentence, and then basically duplicate this and say non-motorized recreational vehicle parking may occur on either a paved surface or pavers or gravel.

City Manager Hughes stated it would be changed to say, "Motorized recreational vehicle parking and storage shall only occur on a paved surface. Non-motorized recreational vehicle parking may occur on paved surface, gravel or pavers."

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to:

1. Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board; and
2. Introduce Ordinance No. 395 to create Chapter 10.28 (Parking of Recreational Vehicles), and amend Chapters 16.06 (Definitions) and 16.52 (Parking Regulations) of the Highland Municipal Code to establish regulations for parking and storage of recreational vehicles to include the amendments to non-motorized vehicles on gravel, changes to parking adjacent to and along property frontage, the hold harmless agreement requirement and the intent for street sweeping.

Motion carried, 4-1, with Councilwoman Lilburn dissenting.

City Clerk Hughes introduced Ordinance No. 395:

ORDINANCE NO. 395

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA AMENDING HIGHLAND MUNICIPAL CODE TITLE 10 (VEHICLES AND TRAFFIC) BY ADDING CHAPTER 10.28 TO ESTABLISH REGULATIONS FOR PARKING OF RECREATIONAL VEHICLES ON CITY STREETS; AMENDING THE LAND USE AND DEVELOPMENT CODE OF THE HIGHLAND MUNICIPAL CODE, TITLE 16, CHAPTER 16.06, TO INCLUDE DEFINITIONS FOR PARKING AND STORAGE OF RECREATIONAL VEHICLES, AND ADDING SECTION 16.52.080 TO CHAPTER 16.52 TO ESTABLISH REGULATIONS FOR ON-SITE PARKING AND STORAGE OF RECREATIONAL VEHICLES (MUNICIPAL CODE AMENDMENT MCA 11-005)

which title was read.

CITY COUNCIL LEGISLATIVE

13. Waiver of City Fees for Residential Properties Affected by August 3, 2014 Flooding

City Planner Stater gave a brief review of the staff report.

A MOTION was made by Councilwoman Scott, seconded by Councilwoman Lilburn, to waive fees for work related to the rehabilitation of residential structures affected by August 3, 2014 flooding. Motion carried, 5-0.

14. Funding Loan Agreement with the Highland Housing Authority to Provide Services, Facilities and Monies

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilman Timmer, to approve the Funding Loan Agreement. Motion carried, 5-0.

15. Notice of Completion – Bid No. 2011-09, “Boulder Avenue Improvements and Bridge Replacement over City Creek from 500’ south of Base Line to Eucalyptus Avenue” (Project No. brg04004)

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

A MOTION was made by Councilwoman Lilburn, seconded by Councilman Timmer, to:

1. Accept Bid No. 2011-09, “Boulder Avenue Improvements and Bridge Replacement over City Creek from 500’ south of Base Line to Eucalyptus Avenue” (Project No. brg04004), as complete;
2. Authorize the Mayor to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion. Motion carried, 4-1, with Councilwoman Scott dissenting.

16. Signal Management Agreement with City of San Bernardino and County of San Bernardino

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

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem McCallon, to:

1. Approve the Signal Maintenance Agreement with City of San Bernardino and County of San Bernardino, contingent upon final approval of the City Attorney; and
2. Authorize the Public Works Director/City Engineer to sign the Signal Maintenance Agreement. Motion carried, 5-0.

17. Update on SANBAG, SCAG, Omnitrans, Work Program and Regional/Legislative Issues/Development Issues/Subcommittees/AB 1234 Updates

Assistant Public Works Director Zamano gave an update regarding ongoing projects in the City.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to send a letter of support regarding AB69. Motion carried, 5-0.

18. San Bernardino International Airport Authority and IVDA

None

ANOUNCEMENTS

August 28

Volunteer Dinner

CLOSED SESSION

At 8:19 p.m., the City Council convened into closed session regarding the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b) (1):

Two cases.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8 regarding the following property:

Property: APN 1192-531-49 (26624 Ward Street)

Negotiating Parties: Joseph Hughes, City of Highland
John Martinez

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

At 8:39 p.m., the City Council adjourned closed session, making no announcements.

ADJOURN

There being no further business, Mayor Racadio adjourned the meeting at 8:40 p.m. in memory of Dick Christensen, Kay Clay and Mike Hrovat.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Sam J. Racadio
Mayor