

**MINUTES
CITY COUNCIL REGULAR MEETING
JUNE 26, 2018**

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:00 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Albert Aguilar, Cornerstone Praise Center, 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

Ms. Andrea De Leon, Executive Director, gave a brief Presentation regarding the Highland Area Chamber of Commerce Annual Report.

PUBLIC COMMENT

Curtis Toovey spoke in opposition of the application for a group home located on Davis Lane.

Mike Volpone spoke in opposition of the application for a group home located on Davis Lane.

Ron Holyfield spoke in opposition of the application for a group home located on Davis Lane.

Brian Drake spoke in opposition of the application for a group home located on Davis Lane.

Staci Ferraris spoke in opposition of the application for a group home located on Davis Lane.

Diana Watson spoke in opposition of the application for a group home located on Davis Lane.

Ray Cupersmith spoke in opposition of the application for a group home located on Davis Lane.

Roberta Mercer spoke in opposition of the application for a group home located on Davis Lane.

Randi Chani spoke in opposition of the application for a group home located on Davis Lane.

Dawn Gordon-Porine spoke in opposition of the application for a group home located on Davis Lane.

Matt Larson spoke in opposition of the application for a group home located on Davis Lane.

Jennifer Doll spoke in opposition of the application for a group home located on Davis Lane.

Carol Collazo spoke in opposition of the application for a group home located on Davis Lane.

Mark Falcone spoke in opposition of the application for a group home located on Davis Lane.

Shirley Mulligan spoke in opposition of the application for a group home located on Davis Lane.

Anthony Serrano spoke regarding the application for a group home located on Davis Lane and also the Harmony Project.

Sesario Perez spoke regarding his concerns for homelessness in the community.

CITY COUNCIL CONSENT CALENDAR

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

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Warrant Register
Approved Warrant Register No. 668 for June 26, 2018, in the amount of \$530,337.50 and Payroll of \$77,064.63.
3. Treasurer's Report for May 2018
Received and filed Treasurer's Report for May 2018.

4. Street and Drainage Maintenance District 96-1 Annual Report (Fiscal Year 2018/19)

1. Adopted Resolution No. 2018-028 giving preliminary approval of the Annual Report; and
2. Adopted Resolution No. 2018-029 setting August 14, 2018, as the date of the protest hearing.

RESOLUTION NO. 2018-028

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 2018-19

RESOLUTION NO. 2018-029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL 2018-19 IN STREET AND DRAINAGE MAINTENANCE DISTRICT NO. 96-1, AN ASSESSMENT DISTRICT, AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

5. Consolidated Landscape and Lighting District 96-1 Annual Report (Fiscal Year 2018/19)

1. Adopted Resolution No. 2018-030 giving preliminary approval of the Annual Report; and
2. Adopted Resolution No. 2018-031 setting August 14, 2018, as the date of the protest hearing.

RESOLUTION NO. 2018-030

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 2018-19

RESOLUTION NO. 2018-031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL 2018-19 IN CONSOLIDATED LANDSCAPE AND LIGHTING DISTRICT NO. 96-1, AN ASSESSMENT DISTRICT, AND OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

6. Application of MSRC Local Government Partnership Program Funds for Three Publicly Accessible Electric Vehicle Charging Stations and One Electric Vehicle
 1. Acknowledged receipt of the MSRC-supplied presentation explaining its Local Government Partnership Program; and
 2. Adopted Resolution No. 2018-032 authorizing application for MSRC funds to purchase and install three publicly accessible electric vehicle charging stations and purchase one new light duty zero emission vehicle, and committing local match as required by the MSRC Program.

RESOLUTION NO. 2018-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AUTHORIZING APPLICATION FOR CLEAN TRANSPORTATION FUNDING THROUGH THE MOBILE SOURCE AIR POLLUTION REVIEW COMMITTEE (MSRC) LOCAL GOVERNMENT PARTNERSHIP PROGRAM, AND COMMITTING LOCAL MATCH FOR PURCHASE AND INSTALLATION OF THREE PUBLICLY ACCESSIBLE ELECTRIC VEHICLE CHARGING STATIONS AND PURCHASE OF ONE LIGHT DUTY ZERO EMISSION VEHICLE

CITY COUNCIL PUBLIC HEARING

7. General Plan Amendment (GPA 017-002) and Zone Change (AC 017-002) Greenspot Road/Pole Line Road

Mayor McCallon opened the public hearing.

Assistant Community Development Director Stater stated as many of you may be aware the City of Highland participated with the area's mining operators, BLM, Water Conversation District, Flood Control and surrounding agencies to establish the upper Santa Ana River Land Management and Habitat Conservation Plan in the early 2000's. The purpose of this plan was to manage the water conservation and storage, flood control, habitat conservation, mining operations, agriculture, roadways and airport operations. A variety of activities and milestones have taken place since 2000 and the participating partners in the plan are preparing to execute the Associated Implementation Agreement. The Agreement will facilitate the environmental consideration for the project, that being the tape permit that will be issued by the US Fish and Wild Life Service. In advance the City must complete a previously agreed-to Land Use Change to facilitate future consideration of conservation of land within the boundaries of the Wash Plan itself. So generally the land that we are talking about this evening is on the south side of Greenspot Road and it goes from the East Highlands Village which is about Church Street to East of Cone Camp Road. So this comprises 315 acres, most of which is zoned agricultural/equestrian with a far easterly portion 45 acres public quasi/public. So this means today within that ag/equestrian area you could see developed residential type uses. About 543 units could be developed within the existing densities. Also permitted in ag/equestrian are a small variety of commercial, recreation and some institutional uses. Within the public/quasi-public today, you can see developed public facilities and similar type uses. So

the proposal before you is a zone change and general plan amendment for those 315 acres to 192 acres of open space and 124 acres of low density residential. Overall this would achieve the preservation of open space for the critical habitat within the Wash Plan Habitat Conservation Plan, but also retain the needed residential development that is envisioned within the city's general plan housing element. So within the residential portions, the change from ag/equestrian is to planned development with a low density R1 density and that would give us, if we took yield of that acreage about 505 units on average. But not to ever exceed the 543 units that you could have today. To see the exhibits that would show you what I am referring to – if you would turn to pages 57 to 61 in the staff report it will show you the existing designations and the proposed. These are a bit grainy, kind of small, at the end of the staff report on pages 87 and 93 there is kind of a larger, better quality exhibit that just shows you the proposed change that we are looking for. The Planning Commission reviewed this proposal at several public hearings. They took input from the public and several of the property owners. There was much discussion about what the density should be in this area, how that's going to be developed in the future, what that's going to look like and how that's going to impact the surrounding neighbors. So they had given staff a variety of directives, things for us to research, come back, and bring back additional information. At the last public hearing they did recommend to the City Council that you approve the General Plan and Zone Change and the Associated Environmental Mitigated Negative Declaration for this project.

Council Member Lilburn stated she is curious as to why this zone change wasn't done with the General Plan Amendment and why are we doing it as a City and not a proposed person, a developer?

Assistant Community Development Director Stater stated the action before you this evening is both a general plan amendment and a zone change. For us to stay consistent with the City documents, we need to do those both at one time. So, there is a resolution before you this evening as well as an ordinance that will change both of those. There is an ag/equestrian to planned development, low density residential and a change from planned development to R1. They go together, they are in concert. It's proposed by the City because it's going to bring us into compliance with the vision of the Wash Plan. It's going to preserve that critical habitat that all of the agencies had agreed to. Over a number of years, there has been a lot of negotiations and different milestones that all of the agencies have agreed upon to move forward that set aside that land for the purpose all those agencies have agreed to.

Council Member Lilburn asked are you talking about the San Bernardino Water Conservation?

Assistant Community Development Director Stater stated they are one of many. It includes the mining operators, Water Conservation, City of Redlands, Flood Control District, East Valley Water District and City of Highland.

Mayor McCallon called for any speakers in favor or in opposition of this item.

Stan Stringfellow stated he represents Greenspot Partners, Inc. that owns approximately 60 acres of the 75 acres in Planning Area Number Two. We've been working with the staff for quite some time concerning this zone change and we've seen how they have worked diligently with a number of agencies over the years to see this come to fruition. It's been a very complicated project that started many years ago and he would like to commend them on the work that they've done to bring this to fruition and to say that they are fully in support of this zone change and plan amendment.

Ken Winbish stated he and his wife have lived in the City of Highland for 21 years. Our home sits directly on, the back yard of our home, sits directly on Greenspot Road. His question is this – if these changes are successful and residential homes are built, what if anything is going to be done about traffic on Greenspot Road. We have so much traffic already; to increase that makes it even more difficult. Should there be some sort of emergency, floods, fire, what have you; Greenspot Road and Base Line are the basic two main streets that exit in and out of the City of Highland. There's so much traffic. There are young people who are speeders with hot rod cars, motorcycles; the noise is so intense that my wife and I have to stop talking to each other until they pass. Our concern is are there going to be more roads to exit in and out of the city or is Greenspot going to be widened to accommodate the incoming homes? What if anything is going to be done in that area?

Mayor McCallon stated at this moment there are no projects proposed and when those projects come forward those issues will be addressed.

Rick Hartmann stated he is here on behalf of the Greenspot Partners as well to talk about the support of this project. On a global issue, I think, the question by Council Member Lilburn is correct. You have to look at it from a bigger picture. The number of dwelling units in the city now dispersing over Greenspot is identical to the same number that was there before complying with our housing element in order to keep the numbers up and keep the State from looking at City of Highland as a non-responsive agency. We plan to move forward with the project if this gets approved. There are still a number of hurdles. We have to do our own environmental review which analyzes the traffic, the San Bernardino K Rat, and I'd like to applaud the Council for moving and getting the Plan B done. I know it's been a long time and I know you're crossing the t's and dotting the i's.

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

Council Member Lilburn stated she understands this project helps move Plan B forward and without this she is not necessarily saying she is for additional development, but she would like to see Plan B go forward in this and this would only be a general plan amendment, zone change amendment, is that correct?

Community Development Director Mainez stated that is correct. It is a consistency finding, to put it in simple terms so any project that we do in the City has to be consistent with the long range comprehensive plan document which is our General Plan. So what this does is it reflects the effort to bring Plan B forward and we have, in the record, made comments that were very close to getting to a point where Plan B will be blessed by the Federal and State agencies. So the timing was good for us to do this.

Council Member Timmer stated we've been involved with Plan B for longer than many of us have been alive; it's been a long time. This is a fruition of Plan B, which to him really points out it helps consolidate some of the requirements for the endangered species in one area rather than have it scattered all over. It really consolidates in Planning Area One for example that's where some of the concentration protection of endangered species. If we hadn't done this we would have been fighting with the Fish and Wildlife Service, the Federal agencies for years to come and they've bought into this process so that's really helpful. Another thing is years ago, the mining industry did have permits that allowed them to mine up close to Greenspot Road and what this plan, Plan B does, in conjunction with this zone change is pushes the mining back out into the middle of the wash basically, which will make the homes on Greenspot have far less noise and dust issues. It has some direct benefits to the residents that already live there, plus it helps protect the endangered species which we are required to do anyway.

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

1. Adopt Resolution No. 2018-033 approving General Plan Amendment GPA 17-002 and the associated Mitigated Negative Declaration (ENV 17-002) and direct staff to file a Notice of Determination; and
2. Introduce Ordinance No. 425 approving Zone Change ZC 17-002. Motion carried, 5-0.

RESOLUTION NO. 2018-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GPA-17-002 AND ADOPT THE ASSOCIATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ENV-017-001 TO CHANGE THE GENERAL PLAN DESIGNATION OF APPROXIMATELY 192 ACRES OF EXISTING AGRICULTURAL/EQUESTRIAN (AG/EQ) AND PUBLIC/QUASI PUBLIC (P/Q) TO AN OPEN SPACE (OS), AND CHANGE APPROXIMATELY 125 ACRES OF EXISTING AGRICULTURAL/EQUESTRIAN (AG/EQ) LAND USE DESIGNATION TO PLANNED DEVELOPMENT – RESIDENTIAL OVERLAY (PD/LDR; LOW DENSITY DETACHED RESIDENTIAL), LOCATED ON THE SOUTH SIDE OF GREENSPOT ROAD AND GENERALLY NORTH OF POLE LINE ROAD AND BETWEEN MERRIS STREET ON THE WEST AND PAULA STREET ON THE EAST IN HIGHLAND, CA.

ASSESSOR PARCEL NUMBERS: (0297-011-07, 1210-211-06, 1210-211-07, 1210-211-08, 1210-211-12, 1210-211-14, 1210-211-21, 1210-211-23, 1210-211-24, 1210-211-25, 1210-211-26, 1210-281-01, 1210-281-02, 1210-281-03, 1210-281-04, 1210-281-05, 1210-281-06, 1210-371-21, 1210-371-22, 1210-371-25, 1210-371-26, 1210-371-27, 1210-371-28, 1210-371-29, 1210-371-30, 1210-371-31, 1210-371-32, 1210-371-33, 1210-371-34, 1210-381-12, 1210-381-13, 1210-381-14, 1210-381-15, 1210-381-16, 1210-381-17, 1210-381-18, 1210-381-19, 1210-381-20)

City Clerk Hughes introduced Ordinance No. 425:

ORDINANCE NO. 425

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING TITLE 16 (LAND USE AND DEVELOPMENT CODE) OF THE HIGHLAND MUNICIPAL CODE AND AMENDING THE CITY'S OFFICIAL ZONING MAP TO CHANGE THE EXISTING ZONING DESIGNATION OF APPROXIMATELY 192 ACRES OF AGRICULTURAL/EQUESTRIAN (AG/EQ) AND PUBLIC/QUASI PUBLIC (P/Q) TO AN OPEN SPACE (OS) ZONING DESIGNATION, AND CHANGE APPROXIMATELY 125 ACRES OF AGRICULTURAL/EQUESTRIAN (AG/EQ) DESIGNATION TO PLANNED DEVELOPMENT – RESIDENTIAL OVERLAY (PD/R-1; LOW DENSITY DETACHED RESIDENTIAL), LOCATED ON THE SOUTH SIDE OF GREENSPOT ROAD AND GENERALLY NORTH OF POLE LINE ROAD AND BETWEEN MERRIS STREET ON THE WEST AND PAULA STREET ON THE EAST; ZONE CHANGE ZC-17-002)

which title was read.

CITY COUNCIL LEGISLATIVE

8. Approval of the Revised and Restated Solid Waste Franchise Agreement with the Existing Solid Waste Franchise Hauler Burrtec Waste Industries

Public Services Manager Morgan gave a brief review of the staff report.

Jody Scott spoke in support of this item.

Fred Yaeger spoke in support of this item.

Mark Falcone spoke in opposition of this item.

Norma Richards spoke in opposition of this item.

Anthony Serrano spoke in opposition of this item.

Jason Isaacs spoke in opposition of this item.

Leroy Martinez spoke in opposition of this item.

Stella Miracle spoke in opposition of this item.

Jane Bouch spoke in opposition of this item.

Wayne Brown spoke in opposition of this item.

City Attorney Steele stated because the refuse rates are covered under Prop 218, there has to be a Notice of Public Hearing prior to any increase in the trash rates as the city has done every year for a number of years. The residents get a notice and we hold a public hearing on whatever the rate increase is and the rate formula is established by the franchise agreement. There is a CPI factor and some other things but the reason that the rate increase is not before you now are because there has to be a 45 day notice and people have the right come down to a public hearing on that specific issue. There won't be a notice unless this agreement in this form goes forward. The rate is what it is now, and every year as in the past, Burrtec has the right to request a rate increase and we hold a public hearing on that request and rate increase but the rate is what the rate is now.

Jerry Martin spoke in regards to the Council communicating effectively to the citizens of Highland.

Don Allen spoke in opposition of this item.

Judy Walsh spoke in opposition of this item.

A MOTION was made by Mayor Pro Tem Chavez to not approve the Revised and Restated Solid Waste Franchise Agreement with the Existing Solid Waste Franchise Hauler Burrtec Waste Industries. Motion died due to a lack of a second.

Public Services Manager Morgan stated for the record, in the definitions, in paragraph K Definition of Container, it states container means any and all types of solid waste receptacles including carts, bins and receptacles provided by customers. It should not be customers, it should be grantee. This was prior to us providing carts. On page 29 of the agreement, paragraph F1, first sentence says, residential customers of the Cities shall conduct proceedings as required by law and that should not be plural, it should be singular: City.

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

1. Approve the Revised and Restated Solid Waste Franchise Agreement with the existing Solid Waste Franchise Hauler Burrtec Waste Industries, Inc.; and
2. Authorize the Mayor and City Clerk to execute the Revised and Restated Solid Waste Franchise Agreement with the existing Solid Waste Franchise Hauler, Burrtec Waste Industries, Inc. Motion carried, 4-1, with Mayor Pro Tem Chavez dissenting.

9. Possible Change to Ballot Language for November Referendum; Consider Resolution No. 2018-034

City Attorney Steele stated as the Council will recall in 2016 after the Council approved a specific plan and a development agreement for the Harmony Development Project as a result of a petition process, the City Council accepted a referendum petition and put a measure on the ballot in this November which seeks to ask the voters whether or not to approve those two ordinances that were subject to referendum. At the time in 2016 you adopted some language to appear on the ballot, standard ballot language that says shall these two ordinances be adopted referencing the Harmony Specific Plan and the development agreement. There was no, to my recollection, comment at the time or discussion from the public or the proponents of the referendum about that language. In 2018, just a couple of months ago you adopted an additional resolution again with that same language calling the election and ordering the measure submitted to the voters. Again, there was discussion or questions about the language of the measure that would appear on the ballot. A few days ago we received a letter from a lawyer in Sacramento who represents the Western States Council of Sheet Metal Workers and that lawyer demanded/requested that the Council change the language and argued that the language that we had approved in 2016 does not fully inform the voters as to the nature of the two ordinances that are subject to a vote. Again, I'd reiterate that both ordinances are identified by number. One says it's approving the Harmony Specific Plan; the other says it's approving the development agreement. There is no case law on what constitutes a general description of the matters to be considered by the voters. All that being said, we have 75 words. If the Council wants to use those 75 words it's not up to staff as to whether or not we should change the wording or add wording to it, and so in consultation with the City Manager and the City Clerk once we considered this letter we decided the best course of action was to put the letter before the Council and let you discuss the issue. According to the City Clerk we have until August 15th to submit a change measure if that's the pleasure of the Council. As I say there are 75 words allowed in that box that appears on the ballot, so just as an illustration I have provided to you in the staff report a different set of language that explains those two ordinances and I believe that language that I've provided to you for illustration is 74 words. So that's the issue before you. Again, after consultation

with the City Manager and the City Clerk we all felt that wasn't our decision to make, so we put it before the Council as to whether or not you want to provide this additional information, some other additional information, but it's really the Council's decision to make.

Anthony Serrano spoke regarding the ballot language and how it can impact the members of the community.

City Attorney Steele stated he turned in the partial analysis which also goes in the sample ballot. It's the 500 word statement. That has the maximum number of houses that are permitted under this specific plan, the acreage that is divided up into the different types of uses and some other details because that's where he has a little more room to add some language. So that's where we put that information, just FYI.

A MOTION was made by Council Member Timmer, seconded by Council Member Lilburn, to consider the letter dated June 18, 2018 from Lance Olson, Esq., on behalf of the Western States Council of Sheet Metal Workers and determine whether any change to the ballot language for the November referendum on Ordinance Numbers 409 and 410 is advisable. Motion carried, 5-0.

RESOLUTION NO. 2018-034
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING
RESOLUTION NO. 2016-063 AND NO. 2018-023 RELATING TO THE
BALLOT QUESTION FOR A REFERENDUM ON THE
GENERAL MUNICIPAL ELECTION BALLOT IN NOVEMBER OF 2018

10. Cooperative Agreement with SBCTA – Base Line Interchange (Construction and Landscape Maintenance Phases)

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 Lilburn, to:

1. Approve and authorize the Mayor to sign the Cooperative Agreement (No. C13027-05) with SBCTA expanding the scope of the Base Line Interchange Project to also include the construction and landscape maintenance phases. Motion carried, 5-0.

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

None

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

Council Member Lilburn gave a brief review of the current activities at the San Bernardino International Airport.

ANNOUNCEMENTS

July 10

City Council Meeting - Canceled

July 24

City Council Meeting - Canceled

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 8:32 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor