

**MINUTES
CITY COUNCIL SPECIAL MEETING
AUGUST 8, 2018**

CALL TO ORDER

The special meeting of the City Council of the City of Highland was called to order at 6:30 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

ROLL CALL

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

PUBLIC COMMENT

Jim Cimino spoke (*inaudible*).

Jody Scott spoke in opposition of the previous Council action regarding the approval of the Burrtec contract.

CITY COUNCIL LEGISLATIVE

1. Repeal of All Harmony Project Land Use Approvals; Withdrawal of Referendum Measure

City Attorney Steele stated the item on the special meeting agenda, the only item, is related to the repeal of the Harmony project land use approvals. As you recall in 2016 the City Council certified an environmental impact report and approved the various entitlements as well as a development agreement for the Harmony Project. The Harmony project was then subject to two lawsuits challenging the adequacy of the EIR in the San Bernardino County Superior Court as well as a referendum seeking to put before the voters the two ordinances that approved the development agreement and some of the land use approvals. In 2016 the Council voted, once the petition signatures were turned in, to put the matter on the ballot in November of 2018. Last month the court ruled in the two lawsuits that some elements of the EIR needed to be further revised, recirculated, and reconsidered by the City. We anticipate that the court will be ordering the City to put on hold and repeal all of the land use entitlements that you previously adopted while the environmental impact report is revised and reconsidered. So, staff at this point is recommending that the Council repeal all of the land use entitlements for the project because they have been invalidated by the decision of the court. We are also recommending that you repeal the two ordinances that were subject to the referendum. That is an option available to you under the elections code. The options when a City Council receives a referendum petition is to either entirely repeal the ordinance that is subject to the

referendum or put it on the ballot. At this point, having an election on this issue would be moot because the court is ordering us to invalidate all of these approvals. Staff is recommending you adopt the two resolutions that are before you that will entirely repeal the various entitlements as well as introducing, waiving further reading, and reading for the first time, the ordinance that will repeal the development agreement and the zoning changes. That will then have the effect of canceling out the referendum. We still have time to do that under the elections code because the measure must be withdrawn if it is going to be by the 83rd day prior to the election and that would be next Wednesday. So, we are recommending that you adopt the two resolutions and the ordinances before you which will repeal those entitlements and withdraw that referendum measure which is going to be moot because you will have repealed all those entitlements. I would note that you have received two letters from Orange County, the property owner, as well as one being countersigned by Greenspot LCD, the proposed developer, requesting that you repeal all of these entitlements, requesting that you repeal the development agreements, ordinance, the zoning ordinance, and that you withdraw the ballot measure. Those letters are in the packets and also one before you this evening. You also received another letter from Mr. Serrano in today's email and that is before the Council as well.

Makram Murad-al-shaikh spoke in opposition of the Harmony Project.

Steve Loe spoke in favor of the repeal of all Harmony Project Land Use approvals and the withdrawal of referendum measure.

Bruce Bailey spoke in favor of the repeal of all Harmony Project Land Use approvals and the withdrawal of referendum measure.

Gilda Gularte spoke in opposition of the Harmony project.

Stephen Rogers spoke in favor of the repeal of all Harmony Project Land Use approvals and the withdrawal of referendum measure.

Anthony Serrano spoke in favor of the repeal of all Harmony Project Land Use approvals and the withdrawal of referendum measure.

Dr. Tim Krantz spoke in favor of the repeal of all Harmony Project Land Use approvals and the withdrawal of referendum measure.

Cheryl Tubbs spoke in opposition of the Harmony project.

A MOTION was made by Councilman Timmer, seconded by Councilwoman Lilburn, to adopt Resolution No. 2018-035, Resolution No. 2018-036 and introduce, read by title only and waive further reading of Ordinance No. 426, to have the effect of repealing all Harmony project land use approvals, de-certifying the project EIR and withdrawing the referendum ballot measure. Motion carried, 5-0.

RESOLUTION NO. 2018-035
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, RESCINDING THE APPROVALS FOR THE HARMONY
SPECIFIC PLAN PROJECT AND REPEALING: (1) CITY COUNCIL
RESOLUTION NO. 2016-046; (2) CITY COUNCIL RESOLUTION NO. 2016-047;
(3) CITY COUNCIL RESOLUTION NO. 2016-048; AND
(4) CITY COUNCIL RESOLUTION NO. 2016-049

RESOLUTION NO. 2018-036
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, WITHDRAWING THE CITY COUNCIL'S ORDERING OF A
REFERENDUM MEASURE RELATED TO THE HARMONY SPECIFIC PLAN
PROJECT TO BE SUBMITTED TO THE VOTERS AT THE GENERAL
MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018,
AND WITHDRAWING THE CITY COUNCIL'S REQUEST THAT THE BOARD
OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO SUBMIT SAID
BALLOT MEASURE TO THE VOTERS AT THE CONSOLIDATED GENERAL
MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, BY
REPEALING RESOLUTION NO. 2016-063, AMENDING RESOLUTION NO.
2018-023, AND REPEALING RESOLUTION NO. 2018-034

City Clerk Hughes introduced Ordinance No. 426:

ORDINANCE NO. 426
AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA: (1) REPEALING
ORDINANCE NO. 408; (2) RECONSIDERING AND REPEALING, IN
ACCORDANCE WITH ELECTIONS CODE SECTION 9241, ORDINANCE NO.
409; AND (3) RECONSIDERING AND REPEALING, IN ACCORDANCE WITH
ELECTIONS CODE SECTION 9241, ORDINANCE NO. 410

which title was read.

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 6:59
p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor