

**MINUTES  
CITY COUNCIL REGULAR MEETING  
JUNE 11, 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 Pro Tem McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Willie Hicks, Harvest Care Church, and the Pledge of Allegiance was led by Council Member Timmer.

Mayor Lilburn arrived at the dais.

**ROLL CALL**

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

**REPORT FROM CLOSED SESSION**

No meeting.

**SPECIAL PRESENTATIONS**

None

**PUBLIC COMMENT**

Richard Gardner spoke regarding a parking citation and the process for requesting reimbursement.

**CITY COUNCIL CONSENT CALENDAR**

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

1. Waive the Reading of All Ordinances  
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – May 28, 2019 City Council Regular Meeting  
Approved the Minutes as submitted.
3. Minutes – May 29, 2019 City Council Special Meeting  
Approved the Minutes as submitted.

4. Warrant Register  
Approved Warrant Register No. 686 for June 11, 2019, in the amount of \$2,212,984.61 and Payroll of \$93,350.95.
5. Resolution No. 2019-016 Confirming the Authority of the City Treasurer Pursuant to Government Code Section 53607  
Adopted Resolution No. 2019-016 confirming the authority of the City Treasurer pursuant to Government Code Section 53607.

RESOLUTION NO. 2019-016  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HIGHLAND, CALIFORNIA, CONFIRMING THE  
AUTHORITY OF THE CITY TREASURER PURSUANT TO  
GOVERNMENT CODE SECTION 53607

6. Resolution No. 2019-017 Amending the City of Highland Premium Only Plan  
Approved Resolution No. 2019-017 amending the City of Highland Premium Only Plan.

RESOLUTION NO. 2019-017  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, AMENDING THE CITY OF HIGHLAND PREMIUM ONLY PLAN

7. Resolution No. 2019-018 Rendering the Annual Statement of Investment Policy for Fiscal Year 2019-2020  
Adopted Resolution No. 2019-018 rendering the Annual Statement of Investment Policy for Fiscal Year 2019-2020.

RESOLUTION NO. 2019-018  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HIGHLAND, CALIFORNIA,  
ADOPTING THE ANNUAL STATEMENT OF  
INVESTMENT POLICY FOR FISCAL YEAR 2019/2020

8. Resolution No. 2019-019 Establishing the Appropriations Limit for Fiscal Year 2019-2020 for the City of Highland in Accordance with the Provisions of Division 9 of Title 1 of the California Government Code  
Adopted Resolution No. 2019-019 establishing the Appropriations Limit for Fiscal Year 2019-2020 for the City of Highland in accordance with the provisions of Division 9 of Title 1 of the California Government Code.

RESOLUTION NO. 2019-019  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HIGHLAND, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS  
LIMIT FOR FISCAL YEAR 2019-2020 FOR THE CITY OF  
HIGHLAND IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9  
OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

9. Resolution No. 2019-020 Implementing on July 1, 2019, a 3% Across the Board Adjustment for All Employees and Implementing on July 1, 2020, a 3% Across the Board Adjustment for all Employees and Other Adjustments  
Approved Resolution No. 2019-020 implementing on July 1, 2019, a 3% across the board adjustment for all employees (except interns) and implementing on July 1, 2020, a 3% across the board adjustment for all employees (except interns) and other adjustments.

RESOLUTION NO. 2019-020  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, ESTABLISHING EMPLOYEE SALARIES

10. Resolution No. 2019-021 Amending Resolution No. 2006-022 Establishing Personnel System Rules and Rescinding Resolution No. 2017-027  
Approved Resolution No. 2019-021 amending Resolution No. 2006-022 establishing personnel system rules and rescinding Resolution No. 2017-027.

RESOLUTION NO. 2019-021  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, AMENDING RESOLUTION NO. 2006-022  
ESTABLISHING PERSONNEL SYSTEM RULES AND  
RESCINDING RESOLUTION NO. 2017-027

11. Resolution No. 2019-022 Establishing the Annual Special Tax for Community Facilities District No. 90-1 for Fiscal Year 2019-2020  
Adopted Resolution No. 2019-022 establishing the Annual Special Tax for Community Facilities District No. 90-1 for Fiscal Year 2019-2020 and file with the County Auditor-Controller Resolution No. 2019-022 with the tax roll.

RESOLUTION NO. 2019-022  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HIGHLAND, CALIFORNIA, ESTABLISHING THE ANNUAL SPECIAL TAX  
FOR COMMUNITY FACILITIES DISTRICT NO. 90-1  
FOR THE FISCAL YEAR 2019/2020

12. Resolution No. 2019-023 Establishing the Annual Special Tax for Community Facilities District No. 2001-1 for Fiscal Year 2019-2020  
Adopted Resolution No. 2019-023 establishing the Annual Special Tax for Community Facilities District No. 2001-1 for Fiscal Year 2019-2020 and file with the County Auditor-Controller Resolution No. 2019-023 with the tax roll.

RESOLUTION NO. 2019-023  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HIGHLAND, CALIFORNIA, ESTABLISHING THE ANNUAL SPECIAL TAX  
FOR COMMUNITY FACILITIES DISTRICT NO. 2001-01  
FOR THE FISCAL YEAR 2019/2020

- 13. Resolution No. 2019-024 Establishing the Annual Special Tax for Community Facilities District No. 2007-1 for Fiscal Year 2019-2020  
Adopted Resolution No. 2019-024 establishing the Annual Special Tax for Community Facilities District No. 2007-1 for Fiscal Year 2019-2020 and file with the County Auditor-Controller Resolution No. 2019-024 with the tax roll.

RESOLUTION NO. 2019-024  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HIGHLAND, CALIFORNIA, ESTABLISHING THE ANNUAL SPECIAL TAX  
FOR COMMUNITY FACILITIES DISTRICT NO. 2007-01  
FOR THE FISCAL YEAR 2019/2020

- 14. Memorandum of Understanding (MOU) with San Bernardino County for Environmental Health Services  
Approved a “no cost” MOU with San Bernardino County for Environmental Health Services and direct the Mayor to sign the MOU document.
- 15. Professional Services Agreement with CASC Engineering and Consulting, Inc.  
Approved a professional services agreement with CASC Engineering and Consulting, Inc., for Professional Engineering and National Pollutant Discharge Elimination System (NPDES) Program Services.

**CITY COUNCIL PUBLIC HEARING**

- 16. Municipal Code Amendment (MCA-18-005) – An Ordinance of the City of Highland 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 Legislation

Mayor Lilburn opened the public hearing.

Associate Planner Thornsley stated before you tonight is a municipal code amendment of an ordinance to adopt the accessory dwelling units. This is an ordinance replacing our second dwelling unit regulations that we currently have in the municipal code. This amendment is to put us in compliance with regulations the State adopted over the last three years as of 2018. The State required all cities to comply with the accessory dwelling regulations that they had imposed. They brought those forward because they felt it was important to make it easier for people to have a second unit on their property, to elevate some of the housing needs in the community, to aide in them taking care of family members on their own property, a variety of things were done; basically to keep it simple to help people in your family. This staff report previously went to the Planning Commission on May 21 and the Planning Commission only had two comments

on there. They wanted us to tighten up the language on what is the minimum stay requirement, which is 30 days; by the way we wrote it so we included that is consecutive 30 days, so in essence, not to allow B&B type of uses on people's properties. The other thing they wanted their definition on was the kitchens. Talking with the Building Official and what is required by building codes and what constitutes a kitchen is quite a wide variety of things. There wasn't going to be a definitive way to say so many counter feet and a stove and a sink makes kitchen. It can be any kind of combination, so we realize in the process of looking at construction plans we can best assess whether or not they are building a kitchen or not, or if they prep and plumbed an accessory room to be a kitchen so we chose not to do anything to change that. In this process we created two new definitions in the code, one that defines what an accessory dwelling unit is and what the primary dwelling unit is. An accessory dwelling unit cannot exceed 1,200 square feet. If you are familiar with what was in the report, there was a table that quickly highlighted all the key points that the State required us to implement. They are all in the ordinance which is attached at the back. Staff and the Planning Commission recommend approval of this.

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

Council Member Timmer stated we had a lot of discussion when we talked about this on the Work Program and the only question he has and he won't get into why we have to do this but does this change any of the building separations or standard setbacks for these secondary dwellings? Do they still have to meet the City's current setbacks on the rear yard, side yards?

Associate Planner Thornsley stated correct. If you are going to build new, you have to comply with the existing codes. So if the back yard is a 20 foot setback, side yard is 5 or 10, and building separations is 10.

Council Member Timmer stated the point is they still have to adhere to the current building standards and setbacks.

Associate Planner Thornsley stated should somebody want to convert a garage, or let's say a casita or pool house, and those when they were built were not considered habitable structures so they could have been built at 5 foot off side or rear property lines.

Council Member Timmer stated they still have to meet standards.

Associate Planner Thornsley stated no. State says where they sit is where they can be and we can't take that part back. It's their opportunity to utilize existing structures for second dwelling units. The existing structure, let's say is a pool house, met the standards for the pool house, but it was only 5 feet from property lines both rear and side. Where our code says rear might have had to be 15 or 20 feet because it was built for one type of use, the conversion of it to another use were precluded from telling them they can't do that.

Council Member Timmer stated he understands State is mandated this but it makes no logistical sense to him at all to do that personally.

City Attorney Marroquin stated so specifically to reference the Ordinance that says that no setbacks shall be required for an existing garage or existing accessory structure that is converted to an ADU. If an ADU is constructed above a garage, the required side and rear setbacks shall be a minimum of 5 feet from the side and rear lot lines, and then any new ADU has to comply with the City's current setback standards.

Council Member Timmer stated so if he has an existing garage and he wants to convert it and make into a two-story in a single-story designated neighborhood.

Associate Planner Thornsley stated a second story over a garage is only permissible if the house is already second story.

Council Member Timmer stated his neighbor had CC&R's but they are all single story so right now no one can build a two-story garage but they can get closer than 5 feet.

Mayor Pro Tem McCallon stated he has some questions on the ordinance primarily. If you go to page 14 of the staff report, page 2 of the ordinance, where under paragraph 3, "Response," the second sentence says "although ADUs are ministerially approved, such units must still comply" and "with" is missing; "Still comply with the municipal code standards."

Community Development Director Mainez stated we will make that correction.

Mayor Pro Tem McCallon stated on page 16 of the staff report, paragraph labeled No. 4, only the property owner or future owner-occupant of the existing or proposed dwelling unit shall be eligible to file, etc. He would suggest it say an existing or proposed primary dwelling unit shall be eligible.

Associate Planner Thornsley stated we went back and forth with what constitutes a primary and a secondary and actually over an hour ago a gentleman came in with a proposal. His current house on his property is only 900 square feet. So technically that current house could be considered his second dwelling unit and he can build whatever size house he wants within the setback requirements on the rest of the property.

Mayor Lilburn stated there are no setbacks.

Associate Planner Thornsley stated no, there are setbacks. If you are building from the ground up you have to comply with all the required setbacks, and in that case or anybody's case, you have to comply with our standards but for this, whoever owns the property has to be the one who files the application or they in essence sign off for their representative to come to the city.

Mayor Pro Tem McCallon stated or the owner/occupant of the existing or proposed primary dwelling, primary needs to be in there.

Associate Planner Thornsley stated I guess we can put in primary but they are entitled to live in the secondary unit in the end.

Mayor Pro Tem McCallon stated he understands that. Paragraph labeled 7; ADU shall not be used for short term rentals of less than 30 consecutive days. How about putting in there the primary dwelling unit rentals if owner occupies the ADU. He does not want to see the owner building an ADU and living in it and then turning his house to an Air B&B.

Associate Planner Thornsley stated he believes this in its generic form covers whatever they would rent.

Mayor Pro Tem McCallon stated no, it doesn't.

Community Development Director Mainez stated he understand the concern that the ordinance does, as we are proposing it, requires the owner to live on the property whether it's the smaller unit or the bigger unit.

Mayor Pro Tem McCallon stated he understands that but let's go back to page 18 of the staff report, section E, occupancy requirements and restrictive covenants. It says either the primary dwelling unit or the ADU on lot shall be occupied by the owner of the lot. So if the owner occupies the ADU he presumably can rent out his primary dwelling unit.

Mayor Lilburn stated yes he can.

Mayor Pro Tem McCallon stated he thinks the primary dwelling unit, if rented, should be no less than 30 days too, otherwise we get into an Air B&B situation.

City Attorney Marroquin stated she thinks that is a valid point. The concern is that this ordinance is dealing with ADUs specifically and not with short term rentals of primary residences.

Mayor Pro Tem McCallon stated he understands but we are talking about renting in here.

Associate Planner Thornsley stated can he introduce something here that may be an easy fix? How about if he amends this to start out by saying either the ADU or the primary dwelling unit shall not be used for short term rentals of less than 30 consecutive days.

Mayor Pro Tem McCallon stated he would accept that.

Council Member Timmer stated the whole intent of the State was to create secondary housing dwelling unit for granny or other things. Not necessarily for the primary occupant to move into this small secondary unit and then rent out the primary one.

Associate Planner Thornsley stated an individual and his wife came into the office and was looking to not downsize but their kids cannot afford something. So they wanted to build a second unit. They will move into that and let their daughter and son and kids move into the other unit. People are free to do as they like and what unit they live in but for this section at least precludes them from creating any kind of B&B situation for short term rentals.

Mayor Pro Tem McCallon asked so what is being proposed?

Associate Planner Thornsley stated neither the ADU nor the primary dwelling unit...

Mayor Pro Tem McCallon asked which paragraph?

Associate Planner Thornsley stated 7.

City Attorney Marroquin stated B7.

Mayor Pro Tem McCallon stated are you talking about B7 on page 16 of the staff report.

Associate Planner Thornsley stated correct.

Mayor Pro Tem McCallon stated that is acceptable to him.

Associate Planner Thornsley stated okay, we will make that change.

Mayor Pro Tem McCallon stated on page 17 of the staff report, paragraph labeled 10, Unit Access, he does not understand what is being said there. It states the entrance to the attached ADU shall not be separate from the entrance to the primary dwelling unit but no passageway clear to the sky shall be required. What does that mean, no passageway clear to the sky?



Associate Planner Thornsley stated have you come across a house with a detached garage but it has a breezeway between the house and the garage and that breezeway takes from the front yard to the back yard? This is what this is precluding and you can use, let's say, what would have been the garage door entry from the breezeway can be your second unit. This is a direct quote from the State regulations and their requirement is that the secondary dwelling unit has to have its own access but it can be a covered or connected access way that's not clear to the sky. So the buildings don't necessarily have to be apart but the accesses to. So in essence it's a hallway with an access in either one of the dwelling units.

Mayor Pro Tem McCallon stated okay, he understands now. On page 18 of the staff report, paragraph 2A, notwithstanding any other law, a local agency shall not impose parking standards for an ADU in any of the following instances if the ADU is located within one-half mile of public transit. Does this include buses?

Associate Planner Thornsley stated yes, buses and rail.

Mayor Pro Tem McCallon asked bus stops?

Associate Planner Thornsley stated bus stops.

Mayor Pro Tem McCallon stated okay and subparagraph E it also says a local agency shall not impose parking standards for an ADU in any of the following instances; when there is a car share vehicle located within one block of the ADU. What does that mean?

Associate Planner Thornsley stated he is not entirely sure what the State intended because that is directly from their regulation.

City Attorney Marroquin stated as she understands it, car share vehicle are those that are kind of parked on the street that people can just use with an app, access the car and use it through that app.

Mayor Pro Tem McCallon stated so a car share vehicle, specifically a car.

City Attorney Marroquin stated correct and that is directly from the State law.

Mayor Pro Tem McCallon stated okay, well he just didn't understand what that meant, car share vehicle. So it's talking about those cars that you can use an app and pick up on the street rather than stealing it. One more thing, can you refresh his memory on page 19, why R2, we require a CUP?

Associate Planner Thornsley stated he lifted this directly from our current code.

Mayor Pro Tem McCallon stated he understands that but why do we require a CUP for a R2 and everything else is permitted.

Assistant Community Development Director Stater stated she believes the reasoning for that is because in R2 is second unit and is part of the zoning, the permitted use for R2 that would require a conditional use permit under regular standards. It has to do with R1 not permitting two units on a single lot but on R2 it is permitted. It's just the way the Planning Department processes it.

Mayor Pro Tem McCallon stated so the R2 would have two units and an ADU?

Assistant Community Development Director Stater stated no that is restricted, it's prohibited.

Mayor Pro Tem McCallon stated okay, very good.

Mayor Lilburn stated doesn't really matter what she says. The State continues to ruin our cities by imposing something like this. We already have enough going on in our city with parking besides adding additional dwellings in the back of our yards. Who is going to enforce this? We can't even enforce our current code enforcement. When we build something like this, how are we even going to continue to enforce the code? Who is going to see who is renting and how long they've rented it for and how do we enforce all of this?

Associate Planner Thornsley stated the way this is set up is if you want to build a second unit on there, you also now have to file a business license with the City to be a landlord. Therefore we now know where we have rental units going on. That's our one mechanism to keep track of it. The other issues, let's say with parking, the intent is that when we look at the request for a second dwelling unit, short of them converting a garage they most likely have a garage or covered car port. There should be an opportunity on that site to at least provide one more parking space which is what the State expects.

Mayor Lilburn stated according to this, if there is a bus stop a certain amount of distance away, they don't need that one parking spot.

Associate Planner Thornsley stated correct, they can still park in the street.

Mayor Lilburn stated so let's call it what it is. She does not like this at all especially for the west side and she knows the State is imposing this but when are we going to tell the State to stop killing our cities. They are just damaging our cities. She is upset because she lives on the west side and she sees what is going on and just like San Bernardino bleeds over to Highland; we are bleeding and we're just shooting ourselves. So now the garages that we have been fining people and telling them that they can't convert their garage into a dwelling, now they get to convert their garage into a dwelling?

Associate Planner Thornsley stated if somebody requested to do this, they could. What has been the heartache for everybody is the cost of doing a second dwelling unit. Our City does not have a standard different from our attached or detached development impact fees. When you build a house you have to pay development impact fees, which then offset the impacts of everything that goes on with that house and the City. Currently for a stand-alone, single-family home is upwards of \$27,000 to \$28,000.

Mayor Lilburn stated however we could build these places as little as 150 square feet.

Associate Planner Thornsley stated we don't have anything currently in our development impact regulations that stipulates a different way to apply it.

Mayor Lilburn stated for instance, if somebody wanted to build a 150 foot dwelling what kind of DIF fees do they pay?

Associate Planner Thornsley stated \$27,500.

Community Development Director Mainez stated we would treat it as a single family dwelling unit and under our fee ordinance it's over \$27,000 just for development impact fees not including the permit fees, the school fees, and East Valley Water District fees.

Mayor Lilburn asked how long will that be for?

Community Development Director Mainez stated those are paid at the time of occupancy.

Associate Planner Thornsley stated my expectations and having read this and looked at other cities, it's very likely at some point the State will step in because quite honestly this price for a second unit is a financial impediment. Unfortunately, the way the State regs are now, water districts can't require separate hook ups and can't charge for second meters so that's already been wiped out.

Mayor Lilburn stated on the Planning Commission she didn't see any meeting minutes, do we take minutes on the Planning Commission?

Associate Planner Thornsley stated my apologies; he forgot to put those in there.

Mayor Lilburn asked if there were very many public hearing comments on this at the Planning Commission.

Associate Planner Thornsley stated no one from the public spoke.

Mayor Lilburn stated she is surprised. So the definition of a kitchen, we don't have definitions yet?

Associate Planner Thornsley stated we opted not to go forward with a definition; it was too broad. A kitchen, he believes he heard an example to do with a trailer, and how small the kitchen is in somebody's travel trailer versus how big somebody's kitchen is in a custom home. A kitchen typically requires a sink with hot and cold running water, counter space and some form of a cooking apparatus and that cooking apparatus could be a microwave, it does not have to be an oven or a range top. With the way the building code would be looking at construction plans, you would see how many of the elements are being put on the plans that basically give you the conclusion that this portion of that particular room, even though it's not labeled a kitchen, is going to be the kitchen.

Mayor Lilburn stated so when we go through it, do they have to have certain standards of health and safety living.

Community Development Director Mainez stated of course, they have to meet the building code requirements.

Mayor Lilburn stated but we really don't know what the building code requirements are. It's so broad so how much can we really expect someone to put in a 150 square foot house. A bathroom, a kitchen, and living quarters, she guesses she is seeing the reality of it.

Associate Planner Thornsley stated personally he doesn't foresee anybody coming in with a 150 square feet. If you look at the...

Mayor Lilburn stated she lives on the west side and yes, you're going to see 150 square foot facilities.

Community Development Director Mainez stated the reality is it's possible. There may be a case in the near future where you will see that and many architects and designers can get creative with small space. There are TV shows on cable that talk about small downsizing of houses so it's conceivable. Someone can be creative and put a bedroom, bathroom and a kitchen. To qualify for independent living you have to have a kitchen, you have to have the bathroom and the sleeping space. So there is going to be a plan check process, the building code, the building official and the fire marshal are going to have to comment on those plans and it may not work which means they will have to modify it and make it bigger.

Council Member Timmer stated in reality any new construction is still currently under development impact fee scenario.

Community Development Director Mainez stated that is correct, it is single-family unit.

Mayor Lilburn stated what about conversions, they don't pay the DIF?

Community Development Director Mainez stated they would. We would classify that structure, whether it's attached or detached, as a dwelling unit and it would have to be independent. Again, the owner would have to live in one of the units watching the property and making sure it's kept up. We are not going to have that issue of absentee owners which is a positive. He knows there are some downsides as the State is controlling a lot of our local control but the fact that they have allowed us to put a deed restriction, that the owner must live on the property, is a huge win. He sees that someday it's going away and they may also restrict the ability for cities to charge fees but that's not the case so far. Tonight this goes a step further and interprets the code where the cities can control and we've taken that initiative with the help of our City Attorney.

City Manager Hughes stated he thinks it is important for the Council to understand this is already in effect. The State law is already in effect so somebody could come in and do one of these units. What this ordinance does is where the State said "may", we are tightening it up, but right now the State law is the State law.

City Attorney Marroquin stated and to that point, when this law went into effect it specifically provides that in the event a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of the subdivision which are current, that ordinance shall be null and void upon the effective date of the act. Adding this paragraph and that agency shall thereafter apply the standards established in the State law until the agency adopts an ordinance that complies with State law. So essentially we have no regulations until we put some into effect pursuant to State law, but she is hearing and it's a valid point.

Mayor Lilburn stated she gets that but she's frustrated that the State continues to impose these lousy rules. We already have parking issues in neighborhoods and she reads all the comments about what a beautiful place Highland used to be; it's just sad. People don't understand these are being imposed on our cities and then people who had garages that had people living in them have had to turn their places back into garages to go through that cost and now we're saying oh, ok, it's okay now. She understands and it's just a frustration that she is feeling with the State. So this is for the entire City? What if East Highlands Ranch has in their bylaws, no they can't, does this supersede? Do they have to comply with this?

City Attorney Marroquin stated she believes the restrictive covenants that are on any property would. If there are any CC&R's that say specifically that you can't have accessory dwelling units then the property owners would have to abide by the CC&Rs if there are CC&R's in place.

Mayor Lilburn asked but the State doesn't supersede CC&R's?

City Attorney Marroquin stated this State law specifically dictates what a local agency must do. It does not yet say what homeowners associations may do, so her interpretation would be that a homeowners association could presumably have covenants in place that would trump the State regulations just like any other covenants that they may have in place that address more stringent standards than those set forth by a city.

Mayor Lilburn stated so if the City had a block and wanted to become their own community could they do that, put together their own CC&R's?

City Attorney Marroquin stated no. This State law specifically says what a local agency, being the City, can and cannot do. The city could not take itself out of being a municipal agency in order to establish CC&R's. That would just be like an ordinance we are adopting for the City. A homeowners association, she believes, is different. Now that may be coming down the pipeline from the State dictating what could or could not happen with HOA's.

Mayor Lilburn stated if this should become popular because children are living in the back of homes or they don't want to go out and buy places. If this was something that took off would we have the funds to hire code enforcement to specifically enforce something like this?

Associate Planner Thornsley asked what you would be looking for code enforcement to enforce.

Mayor Lilburn stated to enforce, to make sure that one – there is a property owner actually living in the facility. Vehicles on the street, because we hired a code enforcement officer to make sure that these cars are staying off the street so we can get our services we are paying for, the street sweeping and abandoned cars. She passed a car this morning; there were nine cars, six of them parked on the lawn. Our neighborhoods on the west side are still preservable and as every step that we take along the way is just declining them. We gave two neighborhood beautification awards last time and she is sure that some of our neighborhoods have to deal with this and it's hard for people to keep their houses up and want to keep beautifying them. She thinks that we need to fight for our City and her point is she doesn't want to see our neighborhoods go down more than they have. She knows our quality of living, the homeless, and she sees things happening. She knows we kind of go in denial and we hope the ordinances and the things we put in are in a perfect world and this is how we want them to be. She knows our intentions are good, you guys put a lot of time and effort into it, but we live on the streets and see it day to day. We drive them and walk them and when she saw this she was a little distraught over it. So they have to provide one parking spot but when you go to the back page they really don't have to provide one parking spot.

Associate Planner Thornsley stated with our review we will be insisting that they find a space for the most part because we do have bus routes along Highland and on Fifth but the bus stops are intermittent at best. That half a mile radius pretty much covers maybe 20% of where we have housing. We have a lot more control where most people are going to be obligated to provide some kind of off street parking. There should be room if the houses that are being built have that extra 10 foot on the one side or whatever.

Mayor Lilburn stated does it matter what size property they have to take 10% or 40% of their yard?

Community Development Director Mainez stated there is no restriction on the size of the lot anymore, we used to have that. We are going to look at the parking; we have to look at the parking, setbacks, design. Although there is no discretionary review there is still ministerial review at the counter. We are going to look at the parking, the lot coverage and these are things the Planning Tech looks over at the counter to make sure that the parking doesn't take up more than 40% of the front yard, so we will look at that.

Associate Planner Thornsley stated the intent of the City is not to have people's front yards become a parking lot. We had in here, he believes there is an opportunity for us to look at tandem parking even if it's at the side of the house so we can establish...

Mayor Lilburn stated so let's all pull our cars up on the side of the house and the front yard. That's what we all want to see.

Community Development Director Mainez stated we understand the sentiment and we are not an urban city and we don't expect a huge influx of these. Parking will probably be under certain circumstances an issue for us. There is an appeal process but we are going to do our best to get the parking off the streets, on the property. He knows some cities are more urbanized and already have a parking issue way more than we will ever experience here but he hears what is being said. He does not know if there is a solution to that but there is parking, everyone drives, anybody that is going to rent the unit is going to have one car so at minimum two cars for that property and then you have teenagers so you're going to add a couple more cars; we get that.

Mayor Lilburn stated wait, she thought the unit was for elderly.

Community Development Director Mainez stated that was the intent. It was for low income seniors, families that want to supplement their income but also provide housing for low and moderate income families. That is the State's intention here.

Mayor Lilburn asked so let's say there is no additional dwelling on there and their cars are parking wherever they want. Do we enforce that right now?

Community Development Director Mainez stated we do actually; there are a lot of code cases like that, particularly if they are parking on the dirt. Code does require parking on improved surfaces such as concrete or asphalt, not on the dirt. So if someone wants to do an accessory structure we're going to make sure it's part of the driveway. Maybe they expand the driveway, maybe they go on the side of the house and put concrete or asphalt. It's going to look nice. There is going to be some organization. They are not going to park in the front yard under a tree.

Mayor Lilburn stated they are already doing that.

Community Development Director Mainez stated those are code cases. So we need to separate code cases. So if you know those cases, please let me know. That's a proactive code enforcement that we are doing to clean up our City so if you can visualize the two purposes. Code enforcement and the intent of this ordinance and know that we are working hard on code enforcement. The accessory structure unit is not going to be an issue because the Council has made decisions to make our code enforcement more proactive so he does not see it getting out of hand.

Associate Planner Thornsley stated he recalls we got a report from the Building Official that we only had two of these last year.

Mayor Lilburn asked two of what?

Associate Planner Thornsley stated two accessory dwelling units getting constructed.

Community Development Director Mainez stated the reasons we are not getting a lot is, because they tell us, the Development Impact Fees are a little on the high side. These are typically well established neighborhoods with lower income households. Trying to build, construct and pay the fees and school fees can be a little too much. Also, the requirement that we used to tell them that they had to live on the property discouraged a lot of them too.

Associate Planner Thornsley stated previously if they wanted to use garage, our requirement was that they had to replace the garage. This State regulation no longer makes that a mandate.

Council Member Timmer stated the sad thing really is as long as the housing costs continue to go up, the State is going to put more and more of these kind of requirements on what cities/counties can and cannot do. So unless the process to help build additional dwelling units is easier to get through the system instead of being tied up in court for years and years. That's what the State needs to work on is helping the environmental process be easier to get through so we can build more houses, so it'll help the cost of housing come down instead of continuing to go up. That's what is driving a lot of this stuff.



Mayor Lilburn stated she does appreciate all the work that has been done and she spoke to staff earlier. We don't have CC&R's and we rely on the City and code enforcement because they are battling projects every single day. It's hard. People just throw their trash out as they walk down the street, they don't care. The quality of living has become just sad and minimal and we are seeing more of it in our neighborhood. She is just trying to protect our quality and preserve the integrity of our neighborhoods and our living.

City Attorney Marroquin stated she did have one additional point with respect to an issue that was raised by Mayor Pro Tem McCallon regarding whether we could conditionally require a CUP. Upon further reflection and review of the State standards it has to be ministerial approval so she doesn't believe, she thinks that C you mentioned under the R2 zone has to change to a P as a ministerial approval and not a conditional approval.

Mayor Pro Tem McCallon asked so what is being said is R2 allows for two residences on the lot that we have to allow an ADU?

City Attorney Marroquin stated the City would have discretion. Are these smaller lots than other lots in the City?

Community Development Director Mainez stated yes.

City Attorney Marroquin stated so in that case, the City is allowed to determine where in the City it is appropriate to have ADUs. So the City could make the determination this is not giving the lot sizes, it's not an appropriate area to have ADUs and therefore not permit them. But if they meet the standards that are set forth in the code then technically they should be ministerial approved, therefore, there should be a P there rather than a CUP. She apologizes as that was an oversight on her part. She thinks it was a very good point that was raised because the State law does require a ministerial and not a conditional approval.

Mayor Pro Tem McCallon stated once again, ministerial approval means that if they come in for a permit and the lot size is too small to have two residences and an ADU or two ADU's we could deny it.

City Attorney Marroquin stated correct. If they don't meet our standards set forth in this ADU ordinance, they have to meet the standards, so if it's over the counter approval but that can also be an over the counter denial so you don't have any discretionary review but the staff would look at our ordinance and say okay can you meet the minimum setback requirements, can you meet the minimum lot size, can you meet all those requirements and if they can meet those requirements then they would be approved. If they can't meet those requirements they would not be approved and that would be true for any zone, not just the R2 zone. Any property owner that wants to have an ADU on their property must meet the requirements set forth in this ordinance in order to be able to obtain an ADU.

Associate Planner Thornsley stated there are so many designations that are R2, 3 and 4 of those zoning designations allow multiple units today. The only way we would allow an accessory unit on any of those properties with those zonings is if they only have one unit on it now. If they say look I'm going to build me a 1,000 square foot ADU they are entitled by the way the State wants us to do it, but if they already have two units they can't do it. They've already got their multiple family element in there.

Mayor Pro Tem McCallon stated but ministerial you have to look at if they could put it on there that you would allow them to do it.

City Attorney Marroquin stated no, based on what Associate Planner Thornsley is stating, C3 of the ordinance says in all zones the lot must contain no more than one legally established single family residence either existing or proposed to be constructed concurrent with the ADU. So if they already have two, they are not eligible.

Mayor Pro Tem McCallon stated good.

City Attorney Marroquin stated so with that I would recommend we change that table to make R2 a P rather than a C as noted by Mayor Pro Tem McCallon.

Council Member Solano stated she appreciates the information. It's not every day that these kinds of things get brought up; so much knowledge and discussion that brought so much information that she was not aware of. It was a good discussion.

Mayor Lilburn stated it all sounds good and she is sure it is good.

**A MOTION** was made by Council Member Solano, seconded by Mayor Pro Tem McCallon, to conduct the first reading of Ordinance No. 433, with discussed amendments including on page 14, under number 3, we are adding the word "with" between comply and the municipal code so it will read ADUs are ministerially approved such units must still comply with the municipal code standards. On page 16, B4, it will now read only the property owner or future owner/occupant of the existing or proposed primary dwelling unit shall be eligible to file an application for an ADU, also on page 16, B7, it will be revised to state that neither the ADU or the primary dwelling shall be used for short term rentals of less than 30 consecutive days. On page 19 the uses permitted within residential districts, the R2 zone, is going to be changed from a C to P, amending Highland Municipal Code to include Accessory Dwelling Units 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 an ordinance to amend Section 16.44.180 (Second Dwelling Units) of the Highland Municipal Code adopting state regulation superseding Second Dwelling Unit regulations with Accessory Dwelling Units regulation within all residential zoning districts. Motion carried, 4-1, with Mayor Lilburn dissenting.

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.

17. Municipal Code Amendment (MCA-19-002) Modifying Highland Municipal Code Section 16.40.380, Underground Utilities

Mayor Lilburn opened the public hearing.

Public Works Director/City Engineer Wong stated the City's existing underground utility ordinance requires all new development projects to underground existing overhead lines along the project frontages with very few exceptions. Exceptions would only be if you are a residential or non-residential building expansion or alteration projects and you are exempt. Otherwise all the other projects you either do the physical undergrounding work or you pay a construction in-lieu fee. While undergrounding utility provides a benefit, in terms of safety and esthetics, the work is very expensive. From time to time staff will receive a request from the development community, especially non-residential projects, that some of these smaller projects are really difficult to get going because of the heavy financial burden to do underground utilities. Because of that, staff brought this to the attention to the City Council and the City Council actually adopted a work program in the coming two-year work program for staff to propose ways to see how maybe we should modify the ordinance so that we can strike a good balance between safety esthetics versus economic development. With this background, planning staff did a pretty comprehensive city-wide analysis of the non-residential properties within the city which is summarized on page 14 of your staff report. You can see that there is a map that shows properties in two colors, orange and yellow. Currently all the properties shown in orange and yellow are subject to the existing ordinance because it has overhead utility lines in front of these parcels. Staff's proposal is that for these non-residential projects, that only those projects that locate along major streets would be required to do undergrounding. If these properties are not located on major streets then they are exempt. So using this map, what it means is that with the new proposed ordinance, if approved by the City Council, only those non-residential properties shown in orange will still be required to do utility undergrounding but the ones shown in yellow will be exempt.

For example, you can see that quite a bit of the yellow color parcels along the north side of Main Street, west of Palm Avenue, is a big chunk of that. Staff received numerous requests from people wanting to do things in this area that the ordinance be amended. Plus you have some bigger block of yellow area on the north side of Fifth Street and then also on the south side of Fifth Street between Victoria and Sterling. For the most part there is still a lot of orange properties still showing on this map because they are fronting on major roadways. They are like Base Line, Ninth Street, Fifth Street, and then Tippecanoe, Sterling, Victoria, Church Street, Boulder Avenue. You know the big streets are still required to have utility undergrounding with developments. So the proposed change is really not a very, very big change. You are still maintaining a lot of utility undergrounding throughout the community but along major streets. So because of this analysis done by Planning staff and now seeing it visually, staff is comfortable to present this to, in fact we did, to the Public Works Subcommittee and to the Planning Commission, and they both bought off in this concept. So that has to do with the non-residential properties. Relative to residential properties, the proposed ordinance also has some lessening of the restrictions in that basically the proposed ordinance will exempt all residential projects that have less than five lots, meaning the subdivisions are still not exempt and it doesn't matter where they front. Whether they are on a major street or minor street, as long as it is a residential project with less than five lots they are exempt, more than five lots they are not exempt. They are not exempt even if they are in residential neighborhood not fronting on any major roads as long as it is a subdivision you are still required to do the work. So this is a kind of major change to the ordinance. We still maintain an option for projects to pay into a pot of money by paying the construction in-lieu fee rather than doing the physical work. There is still that option but that option now has to make sense. The option is only available if the City determines that, not because of financial reasons, but because of reasons such as topography or because of the order of development. It's better not to do the physical work but pay the City to do it so that it can be done in a more logical way. Only under that kind of situation that you will be allowed to make a payment but that option is still available. With that said he has to point out that, in fact he has to apologize, that just before this meeting he just noticed that there is a mistake in the staff report and in the ordinance. We have language in one thing that really was not consistent with the intent of the modification. It was not noticed earlier and he wants to point this out which is on page 2 of the staff report, at the bottom of the page, item #3. It says new non-residential development projects and non-residential building replacement/alteration/expansion projects and then it has language behind it that says that do not increase the size of the existing building or outdoor storage used by 50% or more and which do not have any frontage on any of the major roads. The mistake is that we should not have qualified the non-residential building alteration and expansion projects and only exempts those that have 50% or less expansion. All those project should all be exempt as long as they are not located

on a major road because the intent is to exempt all these non-residential projects whether it's a new project or an expansion project as long as they are not located along a major roadway. We should not qualify that. Staff's proposal is that we need to cross out the language starting from the middle of the second line, starting from that do not increase...

Mayor Pro Tem McCallon asked where is that in the ordinance, that's the important part.

Public Works Director/City Engineer Wong stated in the ordinance...

City Attorney Marroquin stated page 10, E3.

Public Works Director/City Engineer Wong stated page 10, E3, starting from the second line the word that, so we strike out "that do not increase the size of the existing building or outdoor storage by 50% or more and", strike out the word and, then the rest of the sentence is good.

Mayor Pro Tem McCallon stated so how will it read now.

Public Works Director/City Engineer Wong stated so it will read, item E3, new non-residential development project and non-residential replacement/alternation/expansion projects which do not have any street frontage on any of the following major roadways. He apologizes for this oversight.

Mayor Lilburn stated there are no speakers in favor of this item but there are some in opposition which she will be calling forward.

Jonathan Zane spoke in opposition of this item.

Patrick Earthly spoke in opposition of this item.

Jacqueline Earthly spoke in opposition of this item.

Public Works Director/City Engineer Wong stated it has to do with the basic concept of how we do exemptions. He thinks the basic concept that staff proposed has to do with keeping the major streets still be required for undergrounding because major streets is where you get the most benefit. You see the safety benefit, you make the street look less cluttered, all this so the proposal is while we are exempting all the minor streets, we are still keeping the

major streets because that is still providing a benefit to the community. We do know that, however, that we will have impact to those projects that locate on a major street. That is something staff had not considered to do, of course City Council can. If you want to create another item of exceptions, for those smaller non-residential projects located on major streets, but what you see is if you do that then the major streets will have an inconsistent look at the very end because some would not be underground and some would be underground. That is for the Council to consider.

Mayor Lilburn closed the public hearing.

City Manager Hughes stated the language that Public Works Director/City Engineer Wong spoke about striking out, if the Council desired, that language could be tweaked for situations like what was brought up tonight. We could modify that language and put it back in. That was the old exemption language which basically allowed existing buildings as long as it didn't increase by 50% that they would be exempt.

Mayor Lilburn stated so their current business, there was a business there before and it's gone under, and then so she knows if they are closed a certain period of time then they are non-conforming but they are coming back as a conforming business, that still meets that criteria?

Community Development Director Mainez stated without getting into too much detail on their project because it's not on the agenda. There would be a planning application and then drive-thru would obviously require conditional use permit. There are minimum standards that we would look at so anybody would come forward with an entitlement whether it's an existing building or not and so as City Manager Hughes indicated this would be an alteration to an existing business for a drive-thru.

Mayor Pro Tem McCallon stated is that language that we struck out on the ordinance included now in the ordinance.

Public Works Director/City Engineer Wong stated no, it wouldn't work that way. If you want to consider exempting small building expansions/alterations projects regardless of its location whether it's on a major street or a minor street. If that's what the Council wants we would just add item 4, item E4, to say that. It would be an easy addition to it. So basically item 4 would say non-residential replacement/alterations expansion projects, that would be item 4 because those projects are exempt if you put it under section E. The main thing is does the Council want to also exempt those projects?

Mayor Pro Tem McCallon stated he is confused.

Public Works Director/City Engineer Wong stated the proposed modification to the ordinance requires the proposed ordinance exempt non-residential projects that are not located on a major roadway but you have some situations here that have some building expansion projects that are located on major roadways so it won't be exempt under the proposed ordinance. So if you would like for those projects to also be exempted then we will just add language to the ordinance.

Mayor Pro Tem McCallon stated what is wrong with doing what City Manager Hughes suggested, putting that language in that we struck out with a tweak.

Council Member Timmer stated he has driven by there many times as we all have, he does not recall if there are any power poles on this particular project because sometimes we've had this issue in the past. The power poles are off the property but they still have to underground so the distance is a lot longer than just the frontage of their property. So do you recall, maybe staff knows, are there power poles physically on this property?

Assistant Community Development Director Stater stated she believes it may be on the McKinley side and the property owners can probably clarify. She is trying to remember because she was present at their meeting. She thinks there is a single pole but it has many lines on it so we've given them an estimate that is quite high because there are a lot of utilities on that single pole.

Council Member Timmer asked and the line runs along Base Line?

Assistant Community Development Director Stater stated she thinks it might be McKinley. It's McKinley, not Base Line, which is also a frontage. The way that it is currently written today because this project is on a major frontage, it's going to trigger the undergrounding of anything on McKinley, anything on Base Line or anything on the physical property itself.

Mayor Lilburn stated so we are requiring the undergrounding even though it's an existing and they are going to just rehab?

Assistant Community Development Director Stater stated correct. Whether it is the current, what exists in the code today, or the proposed as Public Works Director/City Engineer Wong had revised it. They would be triggered to pay either way, whether it is in-lieu or were to physically do the work. They would have to do one of the two.

Mayor Lilburn stated so they could do the in-lieu of?

Assistant Community Development Director Stater stated the way that it is being proposed tonight is Public Works Director/City Engineer Wong would have an opportunity to decide whether they would pay an in-lieu or do the work.

Mayor Lilburn stated isn't that part of what the DIF is or no?

Public Works Director/City Engineer Wong stated we do not collect DIF.

Council Member Timmer stated he personally thinks some of these really small lots along some of these frontage roads, if we expect them to do something to improve themselves, as long as they have to underground \$40,000, he thought that was kind of a low estimate with what we've dealt with in the past some of these undergrounding projects. We should have some ability, whatever language, for small frontages if that's 80 feet or whatever standard we want to come up with, or some lot size or whatever, but he knows why we did what we did because we wanted to maintain undergrounding on the major thoroughfares. But some of these little projects that have been underused for a long time, they will probably never improve as long as they have that cost hanging over their heads. So do we want to help stimulate some activity? This is the same reason when we talk about on Main Street, there was a lot of industrial plots that wanted to do some work and it was impractical because of the cost so that's where we came up with this plan and maybe we should have looked into it a little deeper on some of these small lots on the major thoroughfares.

City Manager Hughes stated what you could do is as Public Works Director/City Engineer Wong suggested, we could tweak 3 to say – new non-residential development projects, end it right there, which do not have any street frontage on any of the following major roadways and then if you are concerned about the commercial it would be non-residential replacement/alteration/expansion projects that do not increase the size of the existing building and if you want to leave in the outdoor storage by 50% or more shall not be required to be underground or would be exempt.

Mayor Pro Tem McCallon stated personally we need to help stimulate some of the commercial activity on these major streets. We tried in the last general plan update to convert some of the strip mall type things along Base Line into residential but there was a big outcry about doing that. Still none of the areas along Base Line have really developed commercially so he thinks it's important that we do something to help stimulate some sort of commercial development if we want commercial development along Base Line. He is in favor of what is being proposed, of putting that language in there.

Council Member Timmer stated so on the proposal, a new property owner could do some minor work and expand if they wanted to put in a little cover over the drive-thru or whatever; they could do that up to 50%. We had the same issue when they put that check cashing place on Sterling and Base Line. They had major issues there and we worked out a compromise. They paid an in-lieu fee if he remembers.



Mayor Pro Tem McCallon stated he thinks the existing facilities that are along there if we are refurbishing them and it's not a new development, as long as it's an existing building and they are not increasing the size more than 50%, he thinks is a good compromise. Obviously new commercial development that comes along that's completely would still be required to...

City Attorney Marroquin stated what would come back for second reading is the ordinance that is being proposed with the following change on page 10, E3, of the ordinance would be changed to read "new non-residential development projects which do not have any street frontage on any of the following major roadways Third Street, Fifth Street/Greenspot Road, Ninth Street, Base Line, Pacific Street, Highland Avenue, Tippecanoe Avenue, Del Rosa Drive, Sterling Avenue, Victoria Avenue, Palm Avenue, Boulder Avenue, and Church Street" and there would be a new E4 added that says "non-residential replacement/alternation/expansion projects that do not increase the size of the existing building or outdoor storage by 50% or more".

**A MOTION** was made by Mayor Pro Tem McCallon, seconded by Council Member Solano, to conduct the first reading of Ordinance No. 434, as amended, amending Highland Municipal Code Section 16.40.380, Underground Utilities. Motion carried, 5-0.

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.

18. Resolution No. 2019-025 Adopting a Biennial Budget for Fiscal Years 2019-2021

Mayor Lilburn opened the public hearing.

City Manager Hughes stated before you is the proposed biennial budget for fiscal years 2019-2021. This item has already come before the City Council in a study session two weeks ago. The proposed changes that were brought up by the City Council at that meeting have been incorporated into this document. We are prepared to answer any questions that Council may have.

Jody Scott spoke in opposition of budget cuts.

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

**A MOTION** was made by Mayor Pro Tem McCallon, seconded by Council Member Timmer, to adopt Resolution No. 2019-025 adopting a Biennial Budget for fiscal years 2019-2021. Motion carried, 4-1, with Council Member Chavez dissenting.

RESOLUTION NO. 2019-025  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HIGHLAND, CALIFORNIA, ADOPTING A BIENNIAL BUDGET  
FOR FISCAL YEARS 2019-2021

**CITY COUNCIL LEGISLATIVE**

19. Community Day of Service Event

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

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

1. Combining the Community Day of Service event with the National Night Out event and setting the date of Tuesday, August 6, 2019, from 6:00 p.m. to 8:00 p.m. to be held at the Highland Police Station and the Memorial Park; and
2. Approve the expenditure of approximately \$1,600.00 from the City Council budget to purchase a banner to advertise the event. Motion carried, 5-0.

Mayor Lilburn left the dais at 7:37 p.m.

20. Bid Award – Bid No. 2019-01, “Pavement Management Program – Pavement Preventive Maintenance Sectors B, C, D and E Bump Grind and Crack Seal (Project str17005B)”

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

**A MOTION** was made by Council Member Chavez, seconded by Council Member Solano, to award the construction contract for Bid No. 2019-01, “Pavement Management Program – Pavement Preventive Maintenance Sectors B, C, D and E Bump Grind and Crack Seal (Project str17005B)” to the responsive low bidder, American Asphalt South, in the amount of \$421,308.06. Motion carried, 4-0, with Mayor Lilburn being absent from the dais.

Mayor Lilburn returned to the dais at 7:39 p.m.

21. Bid Award – Bid No. 2019-02, “Pavement Management Program – Pavement Preventive Maintenance Sectors B, C, D and E Scrub Seal (Project str17005C)”

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 Timmer, to award the construction contract for Bid No. 2019-02, “Pavement Management Program – Pavement Preventive Maintenance Sectors B, C, D and E Scrub Seal (Project str17005C)” to the responsive low bidder, Pavement Coatings Co., in the amount of \$369,906.25. Motion carried, 5-0.

22. Bid Award – Bid No. 2019-03, “Pavement Management Program – Pavement Preventive Maintenance Sectors B, C, D and E Slurry Seal (Project str17005D)”

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

**A MOTION** was made by Mayor Pro Tem McCallon, seconded by Council Member Chavez, to award the construction contract for Bid No. 2019-03, “Pavement Management Program – Pavement Preventive Maintenance Sectors B, C, D and E Slurry Seal (Project str17005D)” to the responsive low bidder, American Asphalt South, in the amount of \$1,722,684.66. Motion carried, 5-0.

23. Amendment to Measure I Five-Year Capital Improvement Program (Fiscal Years 2018/2019 through 2022/2023)

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

**A MOTION** was made by Council Member Timmer, seconded by Council Member Solano, to adopt Resolution No. 2019-026 approving the Amended Measure I Five-Year Capital Improvement Program (Fiscal Years 2018/2019 through 2022/2023). Motion carried, 5-0.

RESOLUTION NO. 2019-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, APPROVING AMENDED FIVE-YEAR CAPITAL IMPROVEMENT  
PROGRAM FOR MEASURE I LOCAL STREET PROGRAM FOR FISCAL  
YEARS 2018/2019 THROUGH 2022/2023

24. Emergency Road Repairs on Cypress Street and Eucalyptus Avenue

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

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

1. Adopt Resolution No. 2019-027 for emergency road repairs on Cypress Street west of Palm Avenue, and Eucalyptus Avenue west of Webster Street; and
2. Authorize the City Manager, or designee, to execute a public works contract, in a term approved by the City Attorney with Roquet Paving. Motion carried, 5-0.

RESOLUTION NO. 2019-027

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING PUBLIC CONTRACTS CODE SECTION 20168 FINDING THAT AN EMERGENCY EXISTS WITHIN THE CITY AND AUTHORIZING CONTRACTING WITHOUT THE NEED FOR BIDDING PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050

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

None

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

None

**ANNOUNCEMENTS**

City Manager Hughes stated it has been brought to our attention that the Chamber of Commerce may not be doing the Fourth of July Parade this year. They will be taking a vote on it on Thursday so the City is prepared to take that event over and we will be doing it as a City event if necessary.

**CLOSED SESSION**

None

## ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 7:47 p.m. in memory of Bob Wigington and Margaret Wright.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Penny Lilburn  
Mayor