

**MINUTES
CITY COUNCIL REGULAR MEETING
SEPTEMBER 12, 2023**

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 Tyler Perry, Immanuel Baptist Church, and the Pledge of Allegiance was led by Mayor McCallon.

ROLL CALL

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

REPORT FROM CLOSED SESSION

None

SPECIAL PRESENTATIONS

Battalion Chief, Liz Brown, introduced Dr. Brian C. Strain as the Emergency Medical Doctor at Loma Linda Hospital.

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA)

Andi LeGro spoke representing the Village Lakes neighborhood with a request to place "Keep Clear" striping within the entrance to their neighborhood off of Greenspot Road.

Daniel Jivanjee spoke regarding concerns with the existing truck routes.

Jane Bouch representing the Highland Chamber of Commerce, spoke about the upcoming 3rd Annual Highland Chamber Run on October 7, 2023.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Council Member Solano, 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 - August 8, 2023 City Council Regular Meeting
Approved the Minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 757 for September 12, 2023, in the amount of \$4,270,897.95 and Payroll of \$237,610.45.
4. Treasurer's Report for July 2023
Received and filed Treasurer's Report for July 2023.
5. Year-end Budget Adjustments for Fiscal Year 2022/2023
Approved the year-end budget adjustments for fiscal year 2022/2023.
6. Claim Consideration - Luis Carreto
Rejected claim.
7. The Coalition for Clean Air Requests the City to Participate in the 2023 California Clean Air Day on October 4, 2023
Adopted Resolution No. 2023-039 to support and participate in the 2023 California Clean Air Day on October 4, 2023.

RESOLUTION NO. 2023-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
COUNTY OF SAN BERNARDINO, CALIFORNIA DECLARING OCTOBER 4,
2023 AS CLEAN AIR DAY

8. Amendment to Cooperative Agreement with San Manuel Band of Mission Indians and Inland Valley Development Agency for the 3rd Street/5th Street Corridors Improvement Project (Project No. str18001)
 - 1) Approved an amendment to the Cooperative Agreement with San Manuel Band of Mission Indians (Tribe) and Inland Valley Development Agency (IVDA) regarding the 3rd Street/5th Street Corridors Improvement Project to document that the SB-1 grant in the amount of \$1.7 million will be used as a match for the EDA grant and the City will not invoice this portion of the project cost from the Tribe and IVDA; and
 - 2) Authorized the Mayor to sign the Amendment.
9. Agreement Between the City and the County Regarding Use of the Local Allocation of Opioid Settlement Funds re: Allergan, CVS, Teva, Walgreens, and Walmart
Authorized the City Manager to execute the Agreement between the City and the County regarding use of the local allocation of opioid settlement funds re: Allergan, CVS, Teva, Walgreens, and Walmart.

CITY COUNCIL CONTINUED PUBLIC HEARING

10. Resolution Approving a Development Impact Fee Calculation and Nexus Report (2023 DIF Report), Adopting a Master Facilities Plan, Updating and Establishing the Fee Amounts for the City's Development Impact Fees; Resolution Amending the Park Land Acquisition and Park Facilities Development Fee Applicable to New Residential Subdivisions Pursuant to Section 16.40.200 of the Highland Municipal Code and the Quimby Act (Government Code Section 66477); Introduction of Ordinance Updating and Amending the City's Comprehensive System of Development Impact Fees and Superseding Ordinance Nos. 309 and 422; Making Determinations under CEQA

Mayor McCallon opened the continued public hearing regarding Development Impact Fees (DIF).

Director of Public Works/City Engineer Zamano presented the item. He presented background information into the item and stated that the city from 2006 to 2021 has done annual updates to the DIF to reflect the prevailing construction cost of improvements to ensure the city is collecting enough fees. It has been routinely done for the past 17 years, but in a Work Program item by the City Council back in 2021/2022, staff was directed to go back and do another comprehensive DIF update. The city has completed the comprehensive DIF update, and in June, presented some of those findings to the Finance/Personnel Subcommittee. The subcommittee was on board with the information the city had collected. On July 26, staff uploaded the comprehensive DIF update and the Master Facilities Plan to the city's website and provided it to builders. The builders were notified of the uploaded documents so they could review and provide feedback.

Since then, feedback was received relative to the uploaded reports and changes were made. The most significant changes were made to Chapter 10 of the report pertaining to the Park Land and Facility section. The changes were made because of the way the city was calculating the fees. The city found that it was necessary to include the proper acreage of the existing parks to make sure the correct ratio was calculated. Changes were made and the revised report was uploaded following the completion of the staff report.

Staff was directed to page six of the staff report. Director of Public Works/City Engineer Zamano stated on page six on the top, it listed the existing 2021 DIF fees. Those fees have been in place since April of 2021. The information below the page is information determined from the recent comprehensive DIF update. There are two categories for the various land uses that the report has identified. One category is subdivided for large residential type of development and then there is another category for non-subdivided categories which are non-major projects. In summary, the fees shown are based on the different land uses. The city wanted to look at a comparison, to see what the fees would have looked like had the city continued to do the annual updates to the DIF based on cost-of-living increases. The information below is what would have been the fees had we done

that for 2022 and 2023. The analysis took into consideration the period from July 1, 2021, through the end of June 2022. The California Construction Cost Index (CCI) was used for the adjustments. The adjustments identified for the first year 2021-2022 was 14.67%. The 2021 fees were re-calculated or adjusted based on that 14.67% increase. For 2023, the adjustment was 4.91%, just under 5%.

Based on annual increases, fees imposed on the developers would have been higher. Based on the most recent comprehensive report, the fees are less. What attributed to this change was two primary factors. First, when the city did the comprehensive update back in 2006, the city eliminated in the report projects that had already been completed. Secondly, the city also removed projects that it knew were not going to move forward because of a change in conditions that the city had for ultimate built out. Both of those factors were taken into consideration, and now the city is going to collect what is necessary for developers to pay their fair share of the cost. At the end of the day, this is primarily the purpose of this report, to collect the necessary fees that development is imposing on our existing infrastructure and to ensure that the city has adequate funds for that.

In conclusion, the payment for DIF fees, the city is keeping with what the City Council has been doing in the past, which is allowing developers to lock in their fees at the time that they submit a permit application. Payment of fees is required until the Certificate of Occupancy is established. That term is still applied through the information that is in the staff report. Comments on this term were received and those comments are included in the public comment section of the staff report. Staff responded to all the comments. One of the comments is from a developer who is here, Ed Horowitz from TREH Partners (TREH). They are requesting the City Council lock in their fees at the current 2021 fee rates. Gregory Brown from Revenue and Costs Services is in the audience as well, representing the firm who assisted in the drafting of this report. We are available for comments or questions on the report.

Mayor McCallon stated, in reading the staff report, the new fees would take effect November 2023.

Public Works Director/City Engineer Zamano stated that was correct.

Mayor McCallon asked if the developer wanted to lock in the fees on the old rate, would they have until that time frame to do that?

Public Works Director/City Engineer Zamano stated yes.

Mayor Pro Tem Lilburn asked if the city had a separate category for accessory dwelling units (ADUs), or do they fall under the attached or detached dwelling categories?

Public Works Director/City Engineer Zamano stated the ADUs fall under the structure of non-subdivided. There is a schedule that establishes how much the ADUs would have to pay.

Mayor Pro Tem Lilburn added she thinks they are making a substantial impact on the communities and they need to pay their fair share.

City Manager Hughes added there is a state law that prohibits the city from charging for ADUs under a certain square footage. The city cannot charge DIF fees for ADUs under 750 square feet, once it is over 750 square feet the DIF fees do apply.

City Attorney Marroquin added, the fees would apply at a proportional rate. That is included in the new ordinance. Another change that happened this round is the city is codifying prior ordinances. They will be added to the municipal code, spelling out an exception to the DIF rule, specifically for ADUs based on what is dictated by state law. To the extent that the city can collect, the city will collect, but it is limited by what state law allows.

Mayor Pro Tem Lilburn stated for the record, at some point it needs to be argued because the city is being impacted with traffic, streets, and schools. It does not matter the square footage, they are being packed in, and it should be given a hard look.

Mayor McCallon asked for any comments or questions.

Council Member Timmer followed up on Mayor Pro Tem Lilburn's comments. The square footage restrictions "lights up his fire" and assumes Mayor Pro Tem Lilburn's as well. He stated Mayor Pro Tem Lilburn is correct that the smaller units create a greater need for services than the larger units. State laws are where the cities do not have much of a choice. The second question is about AB602, it talks about square footage categories versus the dwelling units. The city chose to go with the dwelling units because the instructions or the legislation were not very clear on how to calculate the square footage issue. Most of the time, state law has no idea what they are doing, they give you a process, but they do not tell you how to do it or give you sideboards of what is going on. He stated he wanted to make sure City Council is comfortable the calculations in the report and that the city will not be challenged by the state because of AB602.

Public Works Director/City Engineer Zamano stated he does believe the report and attachments outline the proper justifications.

Council Member Timmer stated he wanted to assure that the city addressed both mechanisms and the one the city chose was because it made more sense. The Finance/Personnel Subcommittee works diligently to look at how to maintain the lowest increases or decreases. Many projects were removed from the list that were completed, even though under previous state law, you do not have to remove them, but the city purposely removed projects bringing the cost of the overall increases or decreases down. The Finance/Personnel Subcommittee was sympathetic to the plight of how this impacts development.

Mayor McCallon asked if there were any additional comments or questions? He mentioned there was one speaker slip from Edward Horowitz (Ed).

Ed introduced himself representing TREH Partners. He stated he wanted to provide a brief history of the project. The project is located on the northeast corner of Greenspot Road and SR-210 freeway, 21 ½ acres. In 2009, TREH finished the Lowes Center and retail project across the street. Within the same time frame, TREH installed all the traffic signals and road work to Greenspot Road to facilitate the Golden Triangle's continuing development. At the time, around 2010/2011, several meetings were held with the city, asking TREH to consider signing an exclusive negotiating agreement, given the previous developer was unable to get the deal done. That is when there was a Target, and a bunch of retail and other things going on. TREH entered into an exclusive negotiating agreement in the 2009/2010-time frame. At that time, around 2011, we were told one of our biggest concerns from across the street was the San Bernardino Kangaroo Rat (SBKR). We were told the property of 20 acres was not inhabited by SBKR, the city made the right decision because the Environmental Impact Report (EIR) reflected that. In 2011/2012, one of the additional items that affected the time of the project was its location within a floodplain. It was never reflected initially, and TREH is not putting any blame, other than it was our due diligence, but it was relayed to us if we could come in and get the Golden Triangle kicked off. Everybody remembers there was previous development trying to happen in that time frame and nothing kicked off. TREH had finished the load.

Within the 2013/2014-time frame, TREH did its due diligence and found out that in fact, the property was in a flood plain. Two and a half years were spent negotiating with the Federal Emergency Management Agency (FEMA). All our costs, hours, times and resources were at risk because we had not been in contract but wanted to continue moving forward. TREH was able to process the property through FEMA two and a half years later, got it out of the floodplain through engineering and design. Around the 2014-time frame, TREH wanted to finalize the FEMA map revisions. FEMA required TREH to do an updated environmental. So much for the EIR, and so much for all the effort at the end of the day because it was inhabited by SBKR. It required significantly more time, dollars, energy, and testing.

Almost, four and a half years, from 2014 to 2018, when they got the testing back, FEMA held contingent that TREH needed to get the trappings done. Long story short, around 2015-2017, the original EIR was revised to reflect the SBKR. TREH went into a negotiating contract with San Bernardino County Flood Control (SBCFCD) because the property was owned by the County of San Bernardino. TREH was able to negotiate a contract with the county. The city was part and partial to that agreement, it was enacted and approved by the city. One more interesting thing happened around 2017/2018, the state and its wisdom decided to add SBKR to the endangered species list, which had not previously been the case. After investing effort, time and energy, the state adds it to the list. TREH recognized they were dealing with the state at this point.

Fast forward to 2020/2021, TREH was approved for all 21 acres. Entitled retail on approximately 12 ½ acres and residential multi-family on about eight acres. A tremendous number of amenities with a huge demand and the value added to bring mixed-use and residential into the city. TREH has permits for construction for all the retail. Should we have processed the permits for residential construction, it would not have required me to be up here tonight. TREH until today, is still in negotiations with the state. TREH has their deal cut with the federal government for the SBKR, TREH has to purchase four and a half acres at about \$275,000 an acre for the right to be able to develop the property and the state has come back and wanted 21 acres. The federal government wants four and a half, the state wants 21 acres. TREH was successful in getting some headway with the state. After two trips to Sacramento and a couple of meetings with the director, TREH thinks it's close to getting a deal done but the DIF fees are coming in. Given the time frame and those circumstances, which are primarily the SBKR added to the endangered species list and the FEMA floodplain issue. TREH is not complaining or crying, it is part of what a development deal is. You put a lot of money and time at risk, and it should work out, if it does, great, you are very happy campers.

With that said, TREH is asking the City Council to consider that the DIF fees for 2021 hold, while TREH can now start to process plans for residential because there is no issue on the 12 ½ acres of retail. The residential plans can take up to five months, with potential comments coming from Planning Commission and City Council. A physical submittal might not be possible without the state's acknowledgement of a deal. With that said, TREH is asking the City Council to consider the request. If there are any questions, I can answer.

Mayor McCallon asked if there were any questions for Ed?

Mayor Pro Tem Lilburn stated she was disgusted at the \$275,000 per acre mitigation fee.

Ed responded it is unbelievable. In addition, the monitoring must continue with backpacks and night vision to track the SBKR during a period. Backpacks need to be placed to track where they are and what they are doing on a two-and-a-half-ounce kangaroo rat so that the state has all the information they need. It is beyond belief.

Mayor Pro Tem Lilburn stated it is amazing what the state can do when they want to do something and throw dwellings up wherever they want to, for whomever and not raise an issue on any endangered species.

Ed added, developers are encouraged by the state senator and state representative Pete Aguilar to get the housing up in their districts, and it is difficult. TREH appreciates the City Council's consideration and time tonight.

Mayor McCallon stated it is a continued public hearing item. There are no more speaker slips, is there anyone in the audience who wishes to speak either for or against the item?

Seeing there were none, Mayor McCallon closed the continued public hearing and brought it back to City Council for discussion and action.

Council Member Timmer stated City Council has been working on this item for a period of time and it has been discussed at subcommittee levels and would like to make the motion to move the item forward. The request from TREH Partners is reasonable and would like to have their request included as part of their ongoing agreements with the city.

Council Member Solano seconded the motion.

City Manager Hughes stated he is not sure if legally the city can pull one developer and give them a fee over all the other developers in the community. Every development develops a risk, while TREH's plight is understandable, the city should not single out one developer and hold the fee to just one group and then apply an increased fee to all other developers in the community. It does not seem appropriate; City Council can extend the time out for all development and seek to have this go into effect in January, February, or March and make it apply to everybody. That is fair practice as it applies to all, and not one group's fee would be kept down while raised for everybody else.

Council Member Timmer stated there was discussion in the staff report that some developers had a concern about this, and it was explained to them that there would be no changes for them. What is the difference we are talking about there?

Public Works Director/City Engineer Zamano clarified the difference is that they did submit and were further along in the process. The applications were submitted, so they complied with that part of the requirement.

City Manager Hughes suggested another option City Council could consider is making the grading permit the trigger point instead of a building permit. City Council can opt for something like that, but make it equal to everyone.

Council Member Timmer stated he will exclude that part right now and ask staff to come back, maybe the following meeting or how would this issue be addressed? He questions if there was a 60-day implementation date for this?

City Attorney Marroquin stated there was a 60-day implementation. Changes would have to be made if the resolution was adopted right now. The ordinance, which is going to be codified, includes the provision regarding the building permit locking in the fee, it could be revised to reflect language that would push it out, or alternatively it can state that by resolution a period of six months, the provision will be based on a grading permit or something along those lines.

Council Member Timmer expressed his concern with having an open-ended cut off date. It would encourage the developer to move forward and get things done. He questioned why that part is being codified?

City Attorney Marroquin stated the city does not need to codify. It can be pulled out and done through a resolution.

Council Member Timmer replied that was not a discretionary action taken by City Council.

City Attorney Marroquin stated that is correct. The reason everything was placed in an ordinance was because it would be developer friendly, the developer could pull the information from the city's website and know the development impact fees and the definition, that was the concept of it. The building permit section does not have to be codified, it could be adopted by resolution, and I can make the edits if you give me two minutes if that is the City Council's direction.

Mayor McCallon asked if this meeting can be continued?

City Attorney Marroquin stated it can be an option.

Mayor McCallon asked if that would be advantageous?

City Attorney stated City Council can take a five-minute recess, she can make the changes now, or City Council can continue it.

Mayor McCallon suggested this should be continued to the next meeting unless it is time sensitive.

City Manager Hughes stated it is not time sensitive, the city is just trying to get the directive from the City Council to get this accomplished.

Council Member Timmer stated he would like to move towards an action tonight.

City Manager Hughes replied it can be done two different ways or both options can be taken into consideration. The trigger point can be a grading permit rather than a building permit, as a grading permit is usually the first thing that is done. Or it can be extended to six months instead of having it go into effect November 2023. The ordinance could go into effect April 1, 2024.

Mayor McCallon replied the reason he is suggesting it be continued, is for City Council to work out what the appropriate language should be, given there is no time sensitivity to the item. He asked what is the City Council's pleasure?

Council Member Timmer replied he would like to have the item resolved tonight.

Mayor Pro Tem Lilburn responded she would like to hear what City Attorney Marroquin suggests.

City Attorney Marroquin agreed she does not think the language should be codified, it could be done through a resolution. If you did it that way, you would have to return after the six months with a new proposal. She understands what Mayor McCallon is stating, suggesting more time is needed to analyze. What City Manager Hughes suggested is a good idea, pushing out the effective date of the ordinance. Sixty (60) days is what is legally given, that is the minimum amount of time, but you could go further. Otherwise, City Council could come up with proposals and come back at the next meeting.

Council Member Timmer stated he would like to have this item resolved tonight. The effective date can be pushed out to April 1, 2024, so that it is left how it is and that way it will not generate building permit issues or conceivable issues.

City Attorney Marroquin responded, correct. She heard Council Member Timmer state he did not want to have it codified and would like more flexibility?

Council Member Timmer replied he did not want to take any more steps later on, he would like to have this resolved tonight, the city has been working on this for a couple of years on the Work Program. The developers in the audience would like to know up front as well.

City Attorney Marroquin stated the easiest solution is to push out the effective date to April 1, 2024, or whichever date the City Council chooses. The new effective date would give certainty to the development community that starting April 1, 2024 the new fees would take effect across the board. That would be the very simple solution.

Mayor McCallon asked if new language would have to be generated?

City Manager Hughes responded there would be no changes to the language, the date would just need to be changed.

City Attorney Marroquin stated Section 8 of the ordinance and resolutions would be changed. Section 8 states, “this ordinance and development impact fees shall apply to the issuance of any building permit for the development project issued 60 days following the passage of this ordinance except as provided in the fee resolution”. That language would be changed to say that it will apply to the issuance of any building permit for a development project beginning April 1, 2024. Similar changes would be made to the resolution. Rather than have it tied to the effective date of the ordinance, it would be the April 1, 2024 date.

Mayor McCallon asked Council Member Timmer if that was part of his motion?

Council Member Timmer responded that it was.

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

- 1) Adopt Resolution No. 2023-040 approving a Development Impact Fee Calculation Nexus Report (2023 DIF Report), adopt a Master Facilities Plan as part of the 2023 DIF Report, updating and establishing the fee amounts for the City’s Development Impact Fees, and making determinations under CEQA, as amended reflecting April 1, 2024, as the effective date;
- 2) Adopt Resolution No. 2023-041 amending the Park Land Acquisition and Park Facilities Development Fee applicable to new residential subdivisions pursuant to Section 16.40.200 of the Highland Municipal Code and the Quimby Act (Government Code Section 66477), and making determinations under CEQA, as amended reflecting April 1, 2024, as the effective date; and
- 3) Introduce and conduct first reading, read by title only, of Ordinance No. 461 updating and amending the City’s comprehensive system of Development Impact Fees, superseding Ordinance Nos. 309 and 422, and making determinations under CEQA, as amended reflecting April 1, 2024, as the effective date. Motion carried as amended, 5-0.

RESOLUTION NO. 2023-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING A DEVELOPMENT IMPACT FEE REPORT
(NEXUS STUDY), ADOPTING A MASTER FACILITIES PLANS AS PART OF
THE DEVELOPMENT IMPACT FEE REPORT, UPDATING AND
ESTABLISHING THE FEE AMOUNTS FOR THE CITY’S DEVELOPMENT
IMPACT FEES, AND MAKING DETERMINATIONS UNDER CEQA

RESOLUTION NO. 2023-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE PARK LAND ACQUISITION AND PARK FACILITIES DEVELOPMENT FEE APPLICABLE TO NEW RESIDENTIAL SUBDIVISIONS PURSUANT TO SECTION 16.40.200 OF THE HIGHLAND MUNICIPAL CODE AND QUIMBY ACT (GOVERNMENT CODE SECTION 66477), AND MAKING DETERMINATIONS UNDER CEQA

City Clerk Hughes introduced Ordinance No. 461:

ORDINANCE NO. 461

AN ORDINANCE OF CITY OF HIGHLAND, CALIFORNIA, ADDING A NEW CHAPTER 3.36 "DEVELOPMENT IMPACT FEES" TO TITLE 3 (REVENUE AND FINANCE) OF THE HIGHLAND MUNICIPAL CODE CODIFYING, UPDATING, AND AMENDING THE CITY'S COMPREHENSIVE SYSTEM OF DEVELOPMENT IMPACT FEES, SUPERSEDING ORDINANCE NOS. 309 AND 422, AND MAKING DETERMINATIONS UNDER THE CEQA

which title was read.

CITY COUNCIL LEGISLATIVE

11. Measure I Capital Project Needs Analysis for Fiscal Years (2024/25-2028/29)

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

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

- 1) Approve the Measure I Five-Year Capital Project Needs Analysis for Fiscal Years 2024/25-2028/29 for the Major Street and Freeway Interchange Programs; and
- 2) Adopt Resolution No. 2023-042 adopting the Measure I Five-Year Capital Project Needs Analysis for Fiscal Years 2024/25-2028/29. Motion carried, 5-0.

RESOLUTION NO. 2023-042

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING THE MEASURE I FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS FOR FISCAL YEARS 2024/2025 THROUGH 2028/2029

12. Recruitment for a New City Manager

City Manager Hughes gave a brief review of the staff report.

Council consensus to refer this item to the Finance/Personnel Subcommittee to engage the services of a professional recruiting firm. Motion carried, 5-0.

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

City Manager Hughes stated the city audit will start on Monday, September 18. Staff will be working with the auditors and bringing it forward to the Finance/Personnel Subcommittee, and ultimately to the City Council in December.

Associate Planner Syed accepted a Senior Planner position with the City of Rancho Cucamonga. The city is working on a replacement and is hopeful there will not be much of a gap. The city wishes him well in Rancho Cucamonga.

The Planning Commission will have a full agenda next week on Tuesday, September 19. There are five projects on the agenda: 1) an apartment complex on Sterling Avenue 2) San Carlo which is a townhome/apartment complex on Greenspot Road 3) an auto body shop expansion on 3rd Street 4) a new tow yard on 5th Street near Sterling Avenue and 5) a new spec industrial building near the southwest corner of 5th Street and Central Avenue.

Brian Cronin, who has been the long time Chief of Animal Care and Control with the County of San Bernardino, has retired. He served with the county for 41 years. Jennifer Osorio is the acting chief.

On Friday, August 18, the city was notified by the California Department of Housing and Community Development (HCD) that the city's adopted 6th Cycle Housing Element is in substantial compliance, in other words, the city got their housing element certified. A special thanks to Community Development Director Mainez, Assistant Community Development Director Stater, and planning staff for their hard work. Implementation of re-zoning will need to be done.

A construction update on Palm Avenue, the city is pleased to announce that Palm Avenue is open to traffic now between 3rd Street and 5th Street. It was closed for quite some time due to pouring of concrete in the area, but it is back open. The signal at 3rd Street and Palm Avenue will be on red flash for a while. More work within the area is scheduled, turn pockets and other items still need to be completed. There will be a reduction of lanes from two to one lane, but the plan is to keep the street open.

The city received a grant award for the 9th Street Transit Stops, Sidewalk and Bikeway Improvements project. It was selected by SBCTA for award for fiscal year 2023/2024 for TDA Article 3 bicycle pedestrian funds in the amount of \$404,000. The total estimated cost of the project is \$808,000, it will pay approximately 50%.

The Sheriff's Department for the period of August 7 through September 10, responded to 3,938 calls for service, made 243 reports and 158 arrests.

The Fire Department for the month of August responded to 525 medical aids, 43 traffic collisions, 13 structure fires, 8 vegetation fires, 5 vehicle fires and 28 other fires.

The State of the City Address will be held Thursday, September 14 at Big Bear Springs Event Center. Reception will be at 5:30 p.m. and the program will start at 6:30 p.m. On Monday, September 25, a Blood Drive will be held at the Highland Sheriff's Station. October 4 is California Clean Air Day. October 7, the Highland Improvement Team (HIT) will be volunteering by distributing water at the 3rd Annual Discover Highland Run held by the Highland Chamber of Commerce. On October 14, Fire Station #3 will host an Open House. October 23 is Red Ribbon Week. City Hall will host a compost giveaway on Saturday, September 23.

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

Mayor Pro Tem Lilburn stated she did not see the community activists present at tonight's City Council meeting. Herself and Council Member Solano had the opportunity to meet with the constituents of Silver Creek Mobile Home Park. They were able to provide a copy of their bill reflecting the trash rates and they were spot on with what they were being charged. She wanted to thank them and acknowledge their friendliness. She is glad herself and Council Member Solano could be of service and look out for their constituents.

She was honored to present a certificate to the Highland Women's Club for their 125th anniversary.

She had the pleasure of doing the welcome speech for the Discover Highland walk coming up in October.

She stated there is a free concert at Cruising at Altitude at the San Bernardino International Airport on Saturday, September 16. It is free admission and parking. The public is welcome to attend. The band Walters and Almost Monay will be performing. They have taken a big airplane and made a stage out of it. It gives the community an opportunity to see the airport. Doors open at 6:00 p.m. and the band will probably start around 7:00 p.m. or 8:00 p.m.

Mayor McCallon circled back to the Housing Element discussion. He mentioned to Community Development Director Mainez several things will be required of the city by the California Department of Housing and Community Development (HCD), unlike past Housing Elements.

Community Development Director Mainez stated that is correct. He has met with staff and is lined up to get all those things front loaded as soon as possible. While the Planning Department is down one planner, it is their priority and City Council will receive large packets with the information. Sixty-three percent (63%) of cities and counties in California got certified, and staff wants to extend their appreciation for City Council's political will and participation in getting to this point.

Mayor McCallon added that Housing Elements in the past have been treated more as a planning document and ignored. As a result, HCD has put more emphasis on this round of the 6th Housing Element.

Mayor Pro Tem Lilburn stated she keeps coming back to the ADUs because residents pay for services that ADU applicants will get. DIF fees help pay for schools and roads. Her heartburn lands in the fact ADU applicants will not have to pay for DIF fees, yet they will still benefit from those services. The people that will have to pick up or subsidize the costs are Highland residents. It is not fair.

Council Member Timmer stated the whole thing boils down to the Housing Element. The city puts a plan together, the state approves or disapproves. The state tells the city what it needs to change. It boils down to the market, if there is a need for a certain product, the developers will find a way to do that.

Mayor McCallon reiterated it will be a different process this year.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:01 p.m. in memory of Robert Eaglin, Jenni Laroe, Ignacio Ramirez, Julie Tilman, and Drake Williams.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor