MINUTES
CITY COUNCIL REGULAR MEETING
DECEMBER 10, 2019

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:01 p.m. by Mayor Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Al LeBrun, Immanuel Baptist Church, and the Pledge of Allegiance was led by Mayor Lilburn.

ROLL CALL

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

REPORT FROM CLOSED SESSION

City Attorney Steele stated prior to the meeting this evening, the Council met in closed session regarding the two items on the posted agenda. All Council members were present and took no reportable action.

SPECIAL PRESENTATIONS

Ray Culberson, Executive Director of Real Journey Academy, presented the Sheriff's Department, City of Highland Planning Department, Cal Fire, Mayor Penny Lilburn, City of Highland Engineering Department, and City of Highland Council Members with certificates of appreciation.

PUBLIC COMMENT

None

CITY COUNCIL BUSINESS

1. Appointment of Mayor and Mayor Pro Tem for 2019/20

City Clerk Hughes gave a brief review of the staff report and opened the floor for nominations.

Council Member Chavez nominated himself for Mayor.

Council Member Timmer nominated Mayor Pro Tem McCallon for Mayor.

City Clerk Hughes called for any other nominations. Seeing none, the floor is now closed for nominations and called for the vote.

Council Member Chavez received 2 votes.

Mayor Pro Tem McCallon received 3 votes.

Mayor Pro Tem McCallon received majority vote for Mayor.

Mayor McCallon opened the floor for Mayor Pro Tem nominations.

Mayor McCallon nominated Council Member Lilburn.

Council Member Chavez nominated himself.

Mayor McCallon called for the vote.

Council Member Lilburn received 3 votes.

Council Member Chavez received 2 votes.

Council Member Lilburn received majority vote for Mayor Pro Tem.

2. Membership on Various Council Subcommittees, Ad Hocs and Agency Organizations

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

Fred Yauger spoke regarding his suggestions to integrate the committee members for the various committees.

Mayor McCallon inquired if City Council members are content with their current assignments or if there are any requests with their current appointments for the various Council Committees, Ad Hocs and Agency Appointments. He would like to appoint Council Member Chavez to serve on the Public Safety Subcommittee alongside Mayor Pro Tem Lilburn.

Council Member Solano stated she would like to serve on the Public Facilities Subcommittee.

Mayor McCallon stated to confirm, the Community Day of Service will remain the same with Council Member Chavez and Council Member Solano serving, the Finance/Personnel Subcommittee with Mayor McCallon and Council Member Timmer serving, the Legislative Subcommittee with Council Member Chavez and Council Member Solano serving, the Public Facilities Subcommittee with Council Member Solano and Council Member Timmer serving, the Public Safety Subcommittee with Mayor Pro Tem Lilburn and Council Member Chavez serving, and the Public Works Subcommittee with Mayor McCallon and Council Member Timmer serving.

A MOTION was made by Council Member Solano, seconded by Council Member Chavez, to revise the subcommittee appointments as follows: the Community Day of Service will remain the same with Council Member Chavez and Council Member Solano serving, the Finance/Personnel Subcommittee with Mayor McCallon and Council Member Timmer serving, the Legislative Subcommittee with Council Member Chavez and Council Member Solano serving, the Public Facilities Subcommittee with Council Member Solano and Council Member Timmer serving, the Public Safety Subcommittee with Mayor Pro Tem Lilburn and Council Member Chavez serving, and the Public Works Subcommittee with Mayor McCallon and Council Member Timmer serving and with the Agency Appointments and Staff Agency Appointments as they currently exist. Motion carried, 5-0.

Mayor McCallon stated he would like to appoint himself and Mayor Pro Tem Lilburn to an Ad Hoc Committee to review the Planning Commission's current duties with the intent of coming back to City Council with recommendations by February 2020.

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.

3. <u>Waive the Reading of All Ordinances</u>
Waived the reading of all Ordinances in their entirety and read by title only.

4. <u>Minutes – November 26, 2019 City Council Regular Meeting</u>
Approved the Minutes as submitted.

5. <u>Warrant Register</u>
Approved Warrant Register No. 696 for December 10, 2019, in the amount of $815,025.50 and Payroll of $97,044.07.

6. AB 1600 Development Impact Fee Annual Report for Fiscal Year 2018-2019 per Government Code Section 66066
Received and filed the AB 1600 Development Impact Fee Annual Report for Fiscal Year 2018-2019.

7. Developer In-Lieu Fee Annual Report for Fiscal Year 2018-2019
Received and filed the Developer In-lieu Fee Annual Report for Fiscal Year 2018-2019.

8. Comprehensive Annual Financial Report (CAFR), the Single Audit Report on Federal Award Programs, the GAS (Internal Controls) Letter and the Gann Limit (Appropriations Limit) Letter. All Reports are for Fiscal Year Ended June 30, 2019.
Received and filed the Comprehensive Annual Financial Report (CAFR), the Single Audit Report on Federal Award Programs, the GAS (Internal Controls) letter and the Gann Limit (Appropriations Limit) letter. All reports are for Fiscal Year Ended June 30, 2019.

9. Easement Acceptance – O'Reilly Auto Parts Store (26780 Base Line)
    1. Accepted Grants of Easement for Road and Drainage purposes and for Landscaping purposes from O'Reilly Enterprises, LLC; and
    2. Directed the City Clerk to record the Grants of Easement.

CITY COUNCIL PUBLIC HEARING

10. Request for an Amendment to the Mediterra Planned Development Document (PUD 13-001/CUP-14-005) and Tentative Tract Map No. 18893 (TTM 14-002) Conditions of Approval

Mayor McCallon opened the public hearing.

Assistant Community Development Director Stater stated Mediterra is a planned residential development in the City. It has 306 units and is located at the east end of the City near the East Valley Water District corporate offices, just east of Santa Paula Street. This project was approved by the City Council in 2016 and it received a three year extension of time from the Council in 2019, giving it an extension through 2022. So what's before you this evening is a request to amend some of those approvals, specifically some changes to the planned development document, planning conditions, and the engineering conditions. In the PD document itself, which is this large attachment in your staff report, there are a number of requests. One is for a single transfer one unit from PA4 to PA1, reduction in the density range that's currently six to twelve dwelling units to acre for PA4, the request is to reduce that down to four, at the bottom end of that range. There is a request to postpone the construction of the private portion of the park. So there's a park near the center of the project called Mediterra Park. There is a public portion of the park, which will be constructed in phase 2 and a private portion which contains the pool and some other private amenities. The request is to delay that to be complimentary to the construction of PA4, a little later in the project. There's also a change to the fencing details to allow some vinyl fencing for house returns and to modify the approval for the authority of transfer of units so that things like a single unit transfer between planning areas don't have to come back to you anymore. You will also see attached in the tentative tract map conditions of approval the request to change some planning conditions. Those are outlined and those consist of changes to the language in the wildland fire agreement to the timing of when the developer will submit the CCR's and homebuyer notifications. A little bit later in the process when they have a merchant on board they will be able to provide the appropriate language. Also, some changes to the way the DIF language was written, previously required a little earlier, which staff is recommending language that the developer and the Planning Commission recommended which is just to be compliant with the current City policy for development impact fees. You'll also notice the developer is requesting the deletion of a CFD requirement for police and fire services since they are not going to be bonding with this project. Then there are a variety of engineering conditions, which she is not as well versed in, but they have to do with tract boundaries, relocation of entrance to the project. They start on page seven of your staff report and they are included in the resolution that is attached. The Planning Commission did review all of these requested changes, they did make some amendments to those, and staff and the Planning Commission are recommending these for approval this evening.

Public Works Director/City Engineer Wong stated after the staff report had been printed, there have been proposed changes in six engineering conditions approval at the request of the developer. These six conditions only really deal with one identical issue which is to modify the reference of a maintenance committee facility district to a different statement. A statement that would allow for any funding mechanism that is approved and is acceptable by the City of Highland. The developer made this request so that he has additional time to review the validity or the benefit of the maintenance CFD which staff originally proposed. Due to the changed language, this still puts the City basically in the driver's seat as it has to be approved. Also any other financial mechanism still has to be approved and acceptable by the City. City staff does not see any issues in making this change. This one change would affect six engineering conditions that include Condition Nos. 6, 65, 66, 68, 70 and 71. They are shown on this handout sheet as the light shaded area. The change basically is to change from maintenance committee facilities district to a maintenance mechanism acceptable to the City.

Camille Bahri, Sunland Communities LLC, stated he is thankful for the Council for being here and for their time. He is thankful for staff, specifically Community Development Director Mainez, Public Works Director/City Engineer Wong who work very closely with him, Assistant Community Development Director Stater, and Matt Bennett as well. Hopefully we will see some sticks and bricks going on at the project.

Mayor McCallon stated thank you to Camille and we appreciate all the work he has done for the City. He has been involved in so many projects here. We appreciate what he is doing.

Mayor Pro Tem Lilburn stated thank you Camille, it's always a pleasure working with him.

Council Member Timmer stated looking at the minor revisions, these are just minor tweaks in the project which hopefully will make it better and occur faster.

Mayor McCallon stated before we go on, the staff report on the planning conditions, on page 6, spell check always gets to you. Where it says, where it should say relating, it says altering. However, the Resolution, the revised planning condition attachment B is correct.

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

City Attorney Steele stated he would like to ask staff to verify one thing. Assistant Community Development Director Stater, would you just verify that the applicant has accepted all of the changed conditions.

Assistant Community Development Director Stater stated the applicant has accepted all of the changed conditions.

Mayor McCallon stated and that includes the additional engineering ones that are before us and not in the staff report.

Assistant Community Development Director Stater stated correct, he fought hard with Public Works Director/City Engineer Wong on those. He is in agreement.

A MOTION was made by Council Member Timmer, seconded by Council Member Solano, to adopt Resolution No. 2019-048, approving Revision Application (REV 19-001) to amend Conditional Use Permit (CUP-14-005) and Tentative Tract Map 18893 Conditions of Approval (TTM-14-002) for the Mediterra Planned Development. Motion carried, 5-0.

RESOLUTION NO. 2019-048
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING AN APPLICATION FOR A REVISION TO CONDITIONS OF APPROVAL AND MODIFICATION OF THE PLANNED DEVELOPMENT DOCUMENT (REV-019-001) FOR THE MEDITERRA PLANNED DEVELOPMENT COMMUNITY, LOCATED ON APPROXIMATELY 179 ACRES ON GREENSPOT ROAD, 550 FEET AND EAST OF SANTA PAULA STREET (APN NOS. 0297-021-18, 0297-015-16, 0297-061-04, 0297-061-05, 0297-061-06, 0297-061-07, 0297-061-09, 0297-061-13, 0297-061-20, 0297-061-25, 0297-061-26, AND 0297-061-29, 297-201-05)

City Attorney Steele stated with the City Council vote that action by the City is final and the time limits of Code of Civil Procedure Section 1094.6 apply.

CITY COUNCIL LEGISLATIVE

11. First Amended and Restated Purchase and Sale Agreement and Joint Escrow Instructions and Habitat Mitigation Reimbursement Agreement Related to the Acquisition and Subsequent Sale for Economic Development Purposes of Approximately 20 Acres of Unimproved Vacant Land Owned by the San Bernardino County Flood Control District

Community Development Director Mainez gave a brief review of the staff report.

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

1. Adopt City Council Resolution No. 2019-049 Authorizing the Mayor to execute the First Amended and Restated Purchase and Sale Agreement and Joint Escrow Instructions and Habitat Mitigation Reimbursement Agreement between the City of Highland and the San Bernardino County Flood Control District, and instruct staff to submit to the San Bernardino County Real Estate Service Department for processing and approval once the City Manager and City Attorney's Office approve as to its terms and form; and
2. Adopt City Council Resolution No. 2019-050 Authorizing the Mayor to execute the Amended Purchase and Sale Agreement and Joint Escrow Instructions between the City of Highland and TREH Partners, LLC, a California limited liability company once the City Manager and City Attorney's Office approve as to its terms and form and ensure it matches the District's Amended and Restated Purchase and Sales Agreement and Joint Escrow Instructions and Habitat Mitigation Reimbursement. Motion carried, 5-0.

RESOLUTION NO. 2019-049
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED AND RESTATED PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS AND HABITAT MITIGATION REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF HIGHLAND AND THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT FOR A 20+ ACRE VACANT PROPERTY IDENTIFIED AS APN: 1201-331-01 (PORTION), 1201-341-01 (PORTION), 1201-341-08 & 09, AND INSTRUCT STAFF TO SUBMIT TO THE SAN BERNARDINO COUNTY REAL ESTATE SERVICE DEPARTMENT FOR PROCESSING AND APPROVAL ONCE THE CITY MANAGER AND CITY ATTORNEY'S OFFICE APPROVE AS TO ITS TERMS AND FORM

12. <u>Irrevocable Offers of Easement Dedication/"Greenspot Connection" (28099 Greenspot Road)</u>

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

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

1. Defer Acceptance of Irrevocable Offers of Dedication of Road and Drainage Easement from Universal Self Storage Highland, LP, a California Limited Partnership, while reserving the right to accept the dedications at any later date; and
2. Direct the City Clerk to record the Irrevocable Offers of Dedication of Road and Drainage Easement. Motion carried, 5-0.

City Manager Hughes stated also with the conditions they are subject to the approval of the City Attorney.

13. <u>Irrevocable Offer of Dedication of Abutter's Access Rights/"Greenspot Connection" (28099 Greenspot Road)</u>

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

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

1. Defer acceptance of Irrevocable Offers of Dedication of Abutter's Access Right from Universal Self Storage Highland, LP, a California Limited Partnership, while reserving the right to accept the dedications at any later date; and
2. Direct the City Clerk to record the Irrevocable Offers of Dedication of Abutter's Access Right. Motion carried, 5-0.

14. Establishment of Electric Vehicle Charging Stations User Fee

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 Chavez, to establish the fee for use of electric vehicle charging stations at City Hall to be $0.35 per kilowatt-hour plus $2 per hour after the first hour. Motion carried, 5-0.

15. Supplement No. 2 for Construction Management Services with TKE Engineering, Inc., for the Hillview Neighborhood Street and Storm Drain Improvements, Phase I (Project No. str07009)

Assistant Public Works Director Zamano gave a brief review of the staff report.

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Council Member Timmer, to approve Supplement No. 2 to the Proposal from TKE Engineering, Inc., (TKE) to provide additional construction management services for the Hillview Neighborhood Street and Storm Drain Improvements, Phase I, in an amount not-to-exceed $25,110. Motion carried, 5-0.

16. Website Redesign Services

Administrative Analyst Daniely gave a brief review of the staff report.

Fred Yauger spoke in favor of this item.

A MOTION was made by Council Member Chavez, seconded by Council Member Solano, to:

1. Authorize the use of a “piggyback” contract through General Services Administration (GSA) Contract No. GS-35F-0124U between GSA and Icon Enterprises, Inc. (d/b/a CivicPlus); and
2. Authorize the Mayor to sign the Agreement for website redesign services not to exceed $10,733.33 in Year 1, $10,733.33 in Year 2, and $10,733.33 in Year 3. For the Year 1 payment of $10,733.33, the City shall pay to Consultant 30% of the Year 1 payment amount ($3,219.99). The City shall pay the remaining 70% of the Year 1 payment amount ($7,513.34) to Consultant upon Consultant’s delivery of a completed website to the City. If renewed pursuant to Section 1 herein, the City shall also pay to Consultant ongoing annual maintenance services on December 11 of each year of renewal in the amount of $4,350 subject to a cumulative annual 5% technology fee increase beginning Year 4. Motion carried, 5-0.

17. Bid Award – Bid No. 2019-08, "Sterling Avenue and Water Street Sidewalk and Bike Lane Improvements, Project swk16001; and Base Line, Central Avenue and Sterling Avenue ADA and Bus Stops Access Improvements, Project swk17001"

Assistant Public Works Director Zamano gave a brief review of the staff report.

A MOTION was made by Council Member Solano, seconded by Council Member Timmer, to award Bid Schedule I contract to the responsive lowest bidder, IE General Engineering, in the amount of $487,428.80 for Bid No. 2019-08, "Sterling Avenue and Water Street Sidewalk and Bike Lane Improvements, Project swk16001; and Base Line, Central Avenue and Sterling Avenue ADA and Bus Stops Access Improvements, Project swk17001." Motion carried, 5-0.

18. Construction Management Services for Bid No. 2019-08, "Sterling Avenue and Water Street Sidewalk and Bike Lane Improvements, Project swk16001; and Base Line, Central Avenue and Sterling Avenue ADA and Bus Stops Access Improvements, Project swk17001"

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

1. Approve proposal from TKE Engineering, Inc., to provide construction management services for Bid No. 2019-08, "Sterling Avenue and Water Street Sidewalk and Bike Lane Improvements, Project swk16001; and Base Line, Central Avenue and Sterling Avenue ADA and Bus Stop Access Improvements, Project swk17001"; and
2. Authorize the City Manager to approve contract amendments up to 10% of the proposal amount. Motion carried, 5-0.

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

None

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

Mayor Pro Tem Lilburn stated she visited the Highland Elementary School while they were reviewing their safety components and met the new principal who would like to attend the COPS meeting. Also, she has recently been approached about holding an event for Veterans Day. She would like to request an item be placed on the next agenda regarding forming a community committee to discuss putting something together for Veterans Day next year.

Mayor McCallon stated he recently attended the 10th Annual SCAG economic summit. He has provided to all Council Members a review of the conference.

Council Member Timmer stated he attended the Water Conservation District meeting today regarding Plan B.

ANNOUNCEMENTS

December 16 - Fire Station#3 from 6pm to 8pm	Operation Santa Claus
December 17 - Police Station from 6pm to 8pm	Operation Santa Claus
December 18 - Fire Station #2 from 6pm to 8pm	Operation Santa Claus
December 24 Canceled	City Council Meeting

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:32 p.m.

Submitted By:	Approved By:
Betty Hughes, MMC City Clerk	Larry McCallon Mayor