

**MINUTES
CITY COUNCIL REGULAR MEETING
SEPTEMBER 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 Tracy Johnson, Immanuel Baptist Church, and the Pledge of Allegiance was led by Council Member Timmer.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No meeting.

SPECIAL PRESENTATIONS

None

PUBLIC COMMENT

Sam Gomez spoke regarding City code 16.44.070 in relation to his auto dealership business, Zarco Motorsports.

Doug Betten spoke in support of Zarco Motorsports.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Council Member Timmer, 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 – August 27, 2019 City Council Regular Meeting
Approved the Minutes as submitted.

3. Warrant Register
Approved Warrant Register No. 690 for September 10, 2019, in the amount of \$219,398.20 and Payroll of \$0.00.
4. Selection of Event Date and Budget for the 24th Annual Citrus Harvest Festival
 1. Selected March 28, 2020, as the event date for the Citrus Harvest Festival with a rain date of April 4, 2020; and
 2. Adopted the budget.
5. Declare Two (2) Seats Vacant on the Community Trails Committee
 1. Declared two (2) seats vacant on the Community Trails Committee; and
 2. Directed the City Clerk to advertise the vacancy on the Community Trails Committee.
6. Extension of Concrete Maintenance Contract No. 2014-03
Approved extension of the Concrete Maintenance Contract 2014-03 with Above All Names Construction Services, Inc., for one year.

CITY COUNCIL PUBLIC HEARING

7. Municipal Code Amendment 19-005 – An Ordinance of the City of Highland Amending Chapter 16.40.100 (Fences and Walls) of the Highland Municipal Code Regarding the Heights and Appearances of Fences and Walls within Residential and Non-residential Zoning Districts

Mayor Lilburn opened the public hearing.

Associate Planner Syed stated today we are looking at Municipal Code Amendment 19-005. The ordinance is to amend Chapter 16 of the Municipal Code regarding the heights and appearances of fences and walls within the Business Park and Industrial Zoning districts. Over the past few years, staff has received various complaints from property owners within these zones mentioning that the City's current standards for perimeter fences and walls are too restrictive and prohibit them from adequately securing their properties. To address these concerns the Planning Commission recommends increasing the max height for a solid block wall within the front yard setback area from the existing four feet up to six feet and for a fence up to ten feet, provided that the entire height of the fence is of a 90% light omitting material.

Mayor Pro Tem McCallon inquired if this is for residential?

Associate Planner Syed responded this is strictly for Business Park and Industrial. To mitigate the aesthetic concern of a taller fence, the Planning Commission also recommends that a minimum of six feet of landscaping be required at the front of the property, beginning at the property line regardless of the placement of the fence. As for the increased height of solid walls in the front yard setback area, the Planning Commission recommends that a minimum of six

feet of landscaping be required in front of the solid wall going all the way up to the property line. Additionally, the Planning Commission recommends the minimum height requirement for a fence or wall beyond the front yard setback area be increased to a more suitable six foot minimum and ten foot maximum for added security regardless of the material. Now, one concern is what to do when a property is located on a street that doesn't have an established sidewalk or a curb and gutter. In that case the property owner must then allot an additional distance depending on the roadway classification that the property sits on from the edge of the street for the future development of a sidewalk by the City. Beginning after that allotted additional distance, the property owner may then go about placing their fence or solid wall with the required six feet of landscaping from that point. Lastly, while reviewing the residential standards for fences and walls, staff recommends a modification to clarify residential right-of-way standards regarding solid pillars. The City received an email from a citizen with some questions regarding our proposed ordinance and Council received a copy of this letter at the beginning of this meeting. Staff did modify the ordinance to clarify all the required findings in more depth.

Tom Thornsley stated he is a previous employee of the City and during his tenure here he dealt with the front counter and the public a lot. He does not recall that many people complaining about where fences and walls were located. The only time it came to conflict happened to be when we were having a pre-application meeting. People just hadn't read the code where anything should be, where the building should be, what the setbacks were, and where the landscaping area should be. You know, very standard stuff, and people don't familiarize themselves with the code. The unfortunate part, for him, is this particular ordinance is being written to completely mimic a code violation that we had opened against a local business owner here. Hopefully, you all got this on Sunday and read it before getting it today. They put a fence at the property line, seven feet to eleven feet tall. They never got the permits, which according to the Building Official, needed permits because it's over six feet tall even if it's a wrought iron fence. The standards by which they put in the code amendment are exactly what this fence is. It does nothing to enhance the community; it puts fences right at the right-of-way. Between concerns of stuff at the right-of-way, and concerns with landscaping that is being proposed, he sees nothing in the staff report that indicates any other departments looked at this to give feedback as to whether or not a six foot landscape area on the inside of a view fence is acceptable. In your development code, although the findings say this should be consistent with the development code, it is not. Any business that fronts on a street is required to have its first twenty-foot of area be landscaped or can be used for parking or drive aisles, as long there is a minimum of ten feet behind the right of way and at least another ten feet adjacent to a building. Since you are dealing with properties, a lot of times without a building, the building has to be twenty feet back. You would typically always have a twenty foot landscape buffer, so why they came up with a six foot standard he has no idea. He knows, from having implemented codes with five different cities in his career, this would be very complex and complicated to deal with. You will not have a streetscape

worth a damn because you'll have some fences out at the street and some fences back. Our typical design for streetscape is to have a linear row of trees, shrubs and decoration to make a streetscape. The other part of this that really bothers him is the City is in process of working on a specific plan with the City of San Bernardino and the Airport Authority to create what the General Plan has asked us to do for years. The concern that he has is this is a stop gap measure to get this particular business accepted for what they've done illegally and then we are going to adopt our Code back to what this is and its new guidelines. He finds that to be a real sham and that pressure was put on Community Development Director Mainez to change what has been his precedence in the past of screening the stuff and not letting things happen. If you look at the pictures in here you will see examples of what was in the past here in the City and he hopes Council looked at the findings because their findings are erroneous if you look at what the General Plan has adopted.

Jacqueline Robertson Earthly stated she is co-owner of a commercial building that is fronting Base Line, at the corner of Base Line and McKinley, which is being proposed as a restaurant. First of all, she made a mistake; she is in favor. They currently have a six-foot construction fence surrounding the building and even with that six feet it doesn't deter trespassing and vandalism. So she can imagine a fence of lesser amount and what the results of that would be, so she is totally in favor of having increased height around a commercial building facing the west end of Base Line. Although the six foot doesn't fit into what the master plan of the community is aesthetically, neither does trespassing, vandalism and graffiti for property owners. She thinks six-foot fencing around properties in that area would be the lesser of two evils. She does pray that Council adopts this ordinance to safeguard people's property as they try to maintain and improve their properties.

Associate Planner Syed stated just to clarify Council does have the revised ordinance from this morning. In that are all the findings for the proposed ordinance which are in compliance thoroughly with the General Plan.

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

Council Member Timmer stated the Planning Commission was involved in this and obviously they went through the process of reviewing things and he always trusted what they've come up with in the past. We have overruled them a few times in the past but generally, on community issues like this, that they do a pretty good job so he supports the Planning Commission and to make a motion.

A MOTION was made by Council Member Timmer, seconded by Council Member Chavez, to conduct the first reading of Ordinance No. 436 amending Chapter 16.40.100 (Fences and Walls) of the Highland Municipal Code regarding the heights and appearances of fences and walls within residential and non-residential zoning districts.

Mayor Pro Tem McCallon stated on the residential district where it says we are adding these, on the pilasters, caps or optional lighting an additional two feet up to seven feet. That visually, in a residential area, if you had every pilaster had a light on it. He has a problem with that and he understands the Planning Commission wanted that added. Is there a reason for that?

Associate Planner Syed stated again, fences have a maximum height of four feet typically, if it's going to be a wall. Now, they can technically go up to five feet if it's three feet of wall and on top of that two feet of fence. Now, the pilasters they technically, per the Planning Commission's request, they can technically, now with the addition of the cap and an attached lighting fixture on top, go up to seven feet. Is it aesthetically appealing; we will find out.

Mayor Pro Tem McCallon stated he would feel more comfortable if it was maybe six feet rather than additional two feet.

Mayor Lilburn stated she would agree because in the different neighborhoods we have things differently and they are taken a little differently, so what we think might be a nice light, she is not so sure it would end up nice lighting. She would support this ordinance without the additional two feet.

Council Member Timmer stated he would modify his motion to change that to a lower level to one foot above.

City Manager Hughes asked which section of the ordinance would change, so we can make the changes.

City Attorney Marroquin stated section 16.40.100, A1, the last line would now read said pilasters with caps or optional lighting fixtures may also extend up to a maximum of twelve total inches above the adjacent fences or walls they reinforce for a maximum height of six feet. For the record, we are changing where it says maximum of twenty-four total inches to twelve total inches and a maximum height of seven feet to a maximum of six feet if she understood what the motion is that is being proposed by Council Member Timmer. That's the new motion, the other one died because there was no action taken so we have a new motion.

A MOTION was made by Council Member Timmer, seconded by Council Member Chavez, to conduct the first reading of Ordinance No. 436, as amended, amending Chapter 16.40.100 (Fences and Walls) of the Highland Municipal Code regarding the heights and appearances of fences and walls within residential and non-residential zoning districts. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 436

ORDINANCE NO. 436
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING THE CITY'S LAND USE AND
DEVELOPMENT CODE, TITLE 16, CHAPTER 16.40, SECTION
16.40.100 OF THE HIGHLAND MUNICIPAL CODE, FENCES AND
WALLS (MUNICIPAL CODE AMENDMENT MCA-19-005)

which title was read.

CITY COUNCIL LEGISLATIVE

8. Glenrose Ranch (Richmond American Homes) – Request for Parkland Acquisition & Park Facilities Development Impact Fee Credit in Accordance with Highland Municipal Code Section 16.40.200

Community Development Director Mainez gave a brief review of the staff report. For the record he has presented this item to the Finance/Personnel Subcommittee and they are recommending, not staff, and also was corrected by the Finance Department, that we need to do a budget adjustment which is part of this recommendation.

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

1. Approve Richmond American Homes' request for a fifty percent (50%) Parkland Acquisition & Park Facilities Development Impact Fee refund in the amount of \$242,552.65; and
 2. Approve the budget adjustment of the transfer in the amount of \$242,552.65 from 007-2100 (DIF-Fund balance) to be expended from 007-8330-4450. Motion carried, 5-0.
9. City Manager Report and Comments (Work Program, Regional/Legislative/Development Issues, Subcommittees, etc.)
- None
10. Council Member Comments (Agency/Committee/AB 1234 Reports, District Updates, etc.)

Mayor Pro Tem McCallon stated this is the second meeting in a row where Council has spent half an hour of time at the City Council meeting. It seems to him that it would be a better use of staff time if we went to one meeting a month. This way we could consolidate putting staff reports together and have a meeting. Right now it seems we are having a meeting just to have a meeting and we put on items that occur but he thinks with staff doing a little more planning we ought to be able to accomplish our business in one meeting a month. He would put this out there as a suggestion.

Mayor Lilburn stated the only argument she would have with the suggestion and she does concur with a lot of what was said. During our Work Program study we took the opportunity that we are not televising our City Council meetings so this is the only opportunity for the community to come and whether they give input and don't want to wait a month or that we have items that the public can come to that we are saving in that particular time. That would be her only concern.

City Attorney Marroquin stated she would just interject as this is not an item on the agenda.

Mayor Lilburn stated we can place this item on a future agenda if possible.

City Manager Hughes stated we can recommend bringing this item to a subcommittee. It can be studied by a subcommittee and then a recommendation can be brought forward to the City Council.

Mayor Lilburn stated she attended an Airport Study Session workshop on September 9 and it was very informative.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 6:30 p.m. in memory of William "Bill" Choy.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor Pro Tem