

# CITY OF HIGHLAND REGULAR MEETING OF THE CITY COUNCIL AGENDA

## REGULAR MEETING

October 13, 2020

6:00 p.m.

City Hall

Donahue Council Chambers

27215 Base Line

Highland, California

## CITY COUNCIL MEMBERS

LARRY McCALLON, MAYOR

PENNY LILBURN, MAYOR PRO TEM

JESSE CHAVEZ, COUNCIL MEMBER

ANAELI SOLANO, COUNCIL MEMBER

JOHN P. TIMMER, COUNCIL MEMBER

## STAFF

Joseph A. Hughes - City Manager

Chuck Dantuono - Director of Administrative Services/City Treasurer

Betty Hughes - City Clerk

Lawrence Mainez - Community Development Director

Carlos Zamano - Public Works Director/City Engineer

Maricela Marroquin - City Attorney

## MISSION STATEMENT

Highland is dedicated to the betterment of the individual, the family, the neighborhood and the community. The City Council and the staff of Highland are dedicated to providing the quality of public facilities and services that its citizens are willing to fund and will do so as efficiently as possible.

Visit the City's Website at: [www.cityofhighland.org](http://www.cityofhighland.org)

CITY OF HIGHLAND • 27215 BASE LINE • HIGHLAND, CALIFORNIA 92346 • (909) 864-6861 ☎ • (909) 862-3180 📠

**The City of Highland complies with the Americans with Disabilities Act of 1990. If you require special assistance to participate in this meeting, please call the City Clerk's Department at (909) 864-6861, ext. 226, at least 48 hours prior to the meeting.**

Pursuant to Government Code Section 54957.5, any disclosable public records related to an open session item on a regular meeting agenda and distributed by the City of Highland to all or a majority of the City Council less than 72 hours prior to that meeting are available for public inspection at City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

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### **SPECIAL NOTICE REGARDING COVID-19**

In accordance with Governor Newsom's Executive Order N-25-20 and N-29-20, this meeting is being conducted via teleconference/Zoom. Anyone can join the meeting virtually or by phone.

- Join the Zoom Meeting online: <https://zoom.us/j/93866956921>
- Listen to the meeting by calling:

(669) 900-9128

Meeting ID: 938 6695 6921#

Toll free phone numbers:

(877) 853-5247 or (888) 788-0099

Meeting ID: 938 6695 6921#

*If you encounter problems with the toll free numbers,  
please use the other number listed above.*

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Submission of Public Comments: For those wishing to make public comments at the October 13, 2020 Council meeting, please submit your comments by email to be read aloud at the meeting by the City Clerk. Email comments must be submitted by 5:00 p.m. on October 13, 2020 to the City Clerk at [cityofhighland92346@gmail.com](mailto:cityofhighland92346@gmail.com). If you are making a comment regarding an item on the agenda, please identify the agenda item in the subject line. All email comments shall be subject to the same rules as would otherwise govern speaker comments at the Council meeting.

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**CITY COUNCIL REGULAR MEETING  
OCTOBER 13, 2020 - 6:00 p.m.**

**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**PUBLIC COMMENT (ITEMS NOT ON THE AGENDA)**

The City Clerk shall read all email comments received before 5:00 p.m., provided that the reading shall not exceed three (3) minutes because this is the time limit for speakers at a Council Meeting. The email comments submitted shall become part of the record of the Council Meeting.

**CITY COUNCIL CONSENT CALENDAR**

1. Waive the Reading of All Ordinances  
RECOMMENDATION: Waive the reading of all Ordinances in their entirety and read by title only.
2. Minutes – October 5, 2020 City Council Special Meeting  
RECOMMENDATION: Approve the Minutes as submitted.
3. Claim Consideration – Robin Vance  
RECOMMENDATION: George Hills Company recommends Council reject claim.
4. Notice of Completion – Bid No. 2019-07, “Warm Springs, Cole and Cypress Elementary Schools Safe Routes to School Improvement, Cycle 10” (Project Nos. str12004 and str12005)  
RECOMMENDATION: That the City Council:
  - 1) Accept Bid No. 2019-07, “Warm Springs, Cole and Cypress Elementary Schools Safe Routes to School Improvement, Cycle 10” (Project Nos. str12004 and str12005) as complete;
  - 2) Authorize the Mayor to sign the Notice of Completion; and
  - 3) Direct the City Clerk to file the Notice of Completion.
5. Second Reading of Specific Plan Revision (SPR 20-001) – Ordinance No. 443 of the City of Highland Amending the Greenspot Village & Marketplace Specific Plan (SPR 06-001) to Reduce the Minimum Density in Planning Area 3 from 25 Dwelling Units per Acre to 18 Dwelling Units Per Acre  
RECOMMENDATION: That the City Council conduct a second reading of Specific Plan Revision (SPR 20-001), read by title only, and waive further reading of Ordinance No. 443 amending the Greenspot Village & Marketplace Specific Plan (SPR 06-001) to reduce the minimum density in Planning Area 3 from 25 dwelling units per acre to 18 dwelling units per acre.

6. Second Reading of Ordinance No. 444 Amending Chapter 8.58 of the Highland Municipal Code to Amend the Penalties for Violating the City-wide Prohibition on Fireworks, except in Limited Circumstances (HMC-20-002)  
RECOMMENDATION: That the City Council conduct a second reading, read by title only, and waive further reading of Ordinance No. 444 amending Chapter 8.58 of the Highland Municipal Code to amend the penalties for violating the city-wide prohibition on fireworks, except in limited circumstances (HMC-20-002).
7. Resolution No. 2020-\_\_\_\_\_ Declaring that Pursuant to Government Code Section 54221, the Real Property Owned by the City Located at the Northwest Corner of Victoria Avenue and 6th Street is Surplus Land and Not Necessary for the City's Use  
RECOMMENDATION: That the City Council:
- 1) Approve Resolution No. 2020-\_\_\_\_\_ declaring that pursuant to Government Code Section 54221 the real property known as Assessor's Parcel Number 1192-281-12 is surplus land and not necessary for the City's use; and
  - 2) Direct staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board of Supervisors.

### **CITY COUNCIL PUBLIC HEARING**

The order of business for Public Hearings shall be:

- 1) Mayor opens Public Hearing;
- 2) Staff presentation;
- 3) Applicant/Representative presentation;
- 4) Speakers in favor of proposal;
- 5) Speakers in opposition to proposal;
- 6) Applicant rebuttal;
- 7) Mayor closes Public Hearing;
- 8) Council discussion, motion and vote.

**ONCE THE PUBLIC HEARING IS CLOSED NO FURTHER TESTIMONY IS TAKEN.**

No public hearing.

### **CITY COUNCIL LEGISLATIVE**

8. TKE Engineering, Inc. – Professional Services Contract Addendum No. 1  
RECOMMENDATION: That the City Council:
- 1) Approve Addendum No. 1 to Professional Services Contract with TKE Engineering, Inc. (TKE), to reflect a change in the billing rate schedule; and
  - 2) Authorize the Mayor to sign the Addendum.

9. City Manager Report and Comments (Work Program, Regional/Legislative/ Development Issues, Subcommittees, etc.)  
RECOMMENDATION: Discussion and possible action.
10. Council Member Comments (Agency/Committee/AB 1234 Reports, District Updates, etc.)  
RECOMMENDATION: Discussion and possible action.

## ANNOUNCEMENTS

## CLOSED SESSION

### CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) and/or (d)(3):  
One case.

## ADJOURN

### Regular Meetings

October 27; November 10, 24; December 8, 22 (no meeting December 22)

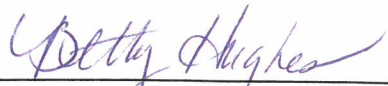
I, Betty Hughes, City Clerk, certify I caused to be posted this Agenda on or before October 8, 2020, by 5:30 p.m., on our website at [www.cityofhighland.org](http://www.cityofhighland.org) and in the following designated areas:

Highland Branch Library  
7863 Central Avenue

Fire Station No. 1  
26974 Base Line

City Hall  
27215 Base Line

Date: October 8, 2020

  
\_\_\_\_\_  
Betty Hughes, MMC  
City Clerk





# STAFF REPORT

## TO THE CITY COUNCIL

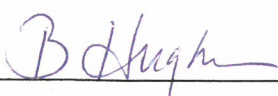
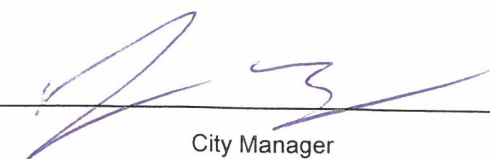
**DATE:** October 13, 2020

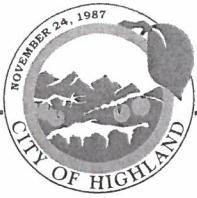
**FROM:** Joseph A. Hughes, City Manager

**PREPARED BY:** Betty Hughes, MMC, City Clerk

**SUBJECT:** Waive the Reading of All Ordinances

**RECOMMENDATION:** Waive the reading of all Ordinances in their entirety and read by title only.

|                                                                                                  |               |                                                                                                      |                          |
|--------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------|--------------------------|
| Approved _____                                                                                   | Motion _____  | Second _____                                                                                         | Agenda Item No. <u>1</u> |
| Denied _____                                                                                     | Ayes _____    |                                                                                                      |                          |
| Continued _____                                                                                  | Noes _____    |                                                                                                      | File No. _____           |
| Tabled _____                                                                                     | Abstain _____ |                                                                                                      |                          |
|                                                                                                  | Absent _____  |                                                                                                      |                          |
| <br>City Clerk |               | <br>City Manager |                          |



# STAFF REPORT

## TO THE CITY COUNCIL

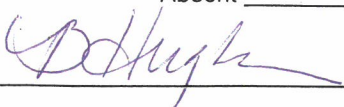
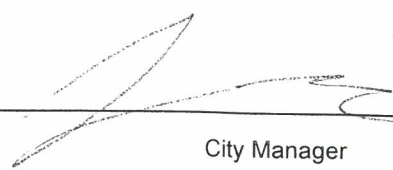
**DATE:** October 13, 2020

**FROM:** Joseph A. Hughes, City Manager

**PREPARED BY:** Betty Hughes, MMC, City Clerk

**SUBJECT:** Minutes – October 5, 2020 Special Meeting

**RECOMMENDATION:** Approve the minutes as submitted.

|                                                                                                   |               |                                                                                                      |                          |
|---------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------|--------------------------|
| Approved _____                                                                                    | Motion _____  | Second _____                                                                                         | Agenda Item No. <u>2</u> |
| Denied _____                                                                                      | Ayes _____    |                                                                                                      |                          |
| Continued _____                                                                                   | Noes _____    |                                                                                                      | File No. _____           |
| Tabled _____                                                                                      | Abstain _____ |                                                                                                      |                          |
|                                                                                                   | Absent _____  |                                                                                                      |                          |
| <br>City Clerk |               | <br>City Manager |                          |

**MINUTES  
CITY COUNCIL SPECIAL MEETING  
OCTOBER 5, 2020**

The meeting was conducted as a teleconference meeting in City Hall at 27215 Base Line, Highland, California. All votes during the meeting were conducted by roll call.

**CALL TO ORDER**

The special meeting of the City Council of the City of Highland was called to order at 11:30 a.m. by Mayor McCallon.

**PUBLIC COMMENT**

None

**ROLL CALL**

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

City Attorney Marroquin stated Government Code Section 54956.5 provides that if the majority of the Council determines that there is crippling activity or other activity that severely impacts the public health or safety, the City Council can hold an emergency meeting. In addition, the City Council can meet in closed session if at least two-thirds of the members of the legislative body present agree to go into closed session. The closed session would pertain to the crippling activity that is causing a threat to public services or facilities as permitted under Government Code Section 54957. Therefore, before we can go into closed session, we need a motion that there is crippling activity requiring the holding of this emergency meeting and that the City Council should meet in closed session regarding the threat to public services or facilities.

**A MOTION** was made by Mayor Pro Tem Lilburn, seconded by Council Member Solano, to go into closed session. Motion carried on a roll call vote, 5-0.

**CLOSED SESSION**

At 11:43 a.m., City Manager Hughes read the Council into closed session regarding the following:

**THREAT TO PUBLIC SERVICES OR FACILITIES**

Pursuant to Government Code Section 54956.5(c), the City Council will consider meeting in closed session pursuant to Government Code Section 54957 to consult with the City Attorney regarding a threat to the public's right of access to public services or public facilities.

At 11:56 a.m., City Attorney Marroquin reported that no reportable action had occurred.

## **ADJOURN**

There being no further business, Mayor McCallon adjourned the meeting at 11:58 a.m.

Submitted By:

Approved By:

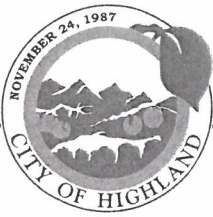
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Betty Hughes, MMC  
City Clerk

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Larry McCallon  
Mayor





# STAFF REPORT

## TO THE CITY COUNCIL

**DATE:** October 13, 2020

**FROM:** Joseph Hughes, City Manager

**PREPARED BY:** Betty Hughes, MMC, City Clerk

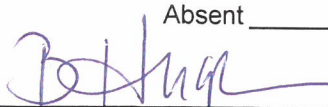
**REVIEWED BY:** Chuck Dantuono, Director of Administrator Services/City Treasurer  
Nancy Wayne, George Hills Company, Claims Adjusters

**SUBJECT:** Claim Consideration – Robin Vance

**RECOMMENDATION:** George Hills Company recommends the City Council reject the claims.

**BACKGROUND:** The Claim was received in the City Clerk's Office on September 8, 2020. It was then sent to the City's claim adjuster, George Hills Company, who is recommending the claim be rejected.

C:\MyFiles\WPDATA\StaffReports\cc special STF.wpd

|                                                                                                   |               |                                                                                                      |                          |
|---------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------|--------------------------|
| Approved _____                                                                                    | Motion _____  | Second _____                                                                                         | Agenda Item No. <u>3</u> |
| Denied _____                                                                                      | Ayes _____    |                                                                                                      |                          |
| Continued _____                                                                                   | Noes _____    |                                                                                                      | File No. _____           |
| Tabled _____                                                                                      | Abstain _____ |                                                                                                      |                          |
|                                                                                                   | Absent _____  |                                                                                                      |                          |
| <br>City Clerk |               | <br>City Manager |                          |



October 7, 2020

Betty Hughes  
City of Highland

|     |               |                  |
|-----|---------------|------------------|
| RE: | Client:       | City of Highland |
|     | Claim Number: | GHC0032683       |
|     | Date of Loss: | 07/31/2020       |
|     | Claimant:     | Robin Vance      |

Dear Ms. Hughes:

We have reviewed the above captioned claim and request that you take the action indicated below:

- Please issue a standard rejection to commence the statute of limitations.

Please provide us with a copy of the notice sent.

Should you have any questions, please feel free to contact the undersigned.

Kindest Regards,  
George Hills Company, Inc.

*Samantha Morgan*

Samantha Morgan  
Sr. Claims Adjuster  
Direct Dial: (909)763-7475  
Email: [Samantha.morgan@georgehills.com](mailto:Samantha.morgan@georgehills.com)

City of  
**HIGHLAND**  
Inc. 1987



September 8, 2020

Samantha Morgan  
Senior Claims Adjuster  
George Hills Company, Inc.  
2910 Inland Empire Boulevard, Suite 104  
Ontario, CA 91764

Re: Claimant(s): Robin Vance  
Incident Date: July 31, 2020

Dear Samantha:

Enclosed is a copy of a Claim received and filed in the Office of the City Clerk on September 8, 2020, by the above referenced claimant(s). Please review and advise this office on the appropriate action to be taken. This item will be tentatively scheduled for the City Council regular meeting of Tuesday, September 22, 2020, pending your recommendation.

If you have any questions, please contact Chuck Dantuono at (909) 864-6861, ext. 224 or myself at ext. 226.

Sincerely,

*Betty Hughes*

Betty Hughes, MMC  
City Clerk

cc: Joseph Hughes, City Manager  
Chuck Dantuono, Director of Administrative Services  
Maricela Marroquin, City Attorney

c:\users\bhughes\documents\my documents\claims\george hills letters\gh robin vance ltr.docx

|                                                                                                            |                      |                     |                     |                     |                     |
|------------------------------------------------------------------------------------------------------------|----------------------|---------------------|---------------------|---------------------|---------------------|
| <b>Mayor</b>                                                                                               | <b>Mayor Pro Tem</b> | <b>City Council</b> | <b>City Council</b> | <b>City Council</b> | <b>City Manager</b> |
| Larry McCallon                                                                                             | Penny Lilburn        | Jesse Chavez        | Anaeli Solano       | John P. Timmer      | Joseph A. Hughes    |
| 27215 Base Line • Highland, CA 92346                                                                       |                      |                     |                     |                     |                     |
| Tel: 909.864.6861 • Fax: 909.862.3180 • <a href="http://www.cityofhighland.org">www.cityofhighland.org</a> |                      |                     |                     |                     |                     |





RECEIVED

SEP 08 2020

CITY OF HIGHLAND

Do not write in this space.  
For office use only:

Received: \_\_\_\_\_

By: Lissette Nock

☐ Mail

☒ In person

**CLAIM AGAINST THE CITY OF HIGHLAND**

(For damages to persons or personal property)

A claim must be filed with the City Clerk within 180 days after which the incident or event occurred. Be sure your claim is against the City of Highland and not another public entity. Where space is insufficient, please use additional paper and identify information by paragraph number. Completed claims must be mailed or delivered to:

CITY CLERK, CITY OF HIGHLAND  
27215 BASE LINE  
HIGHLAND CA 92346  
(909) 864-6861, ext. 226

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM, PENAL CODE S72; INSURANCE CODE S556.1.**

**NOTICE: PER GOVERNMENT CODE SECTION 910.4, THIS FORM MUST BE USED IN ORDER TO COMPLY WITH SECTIONS 910 AND 910.2 OF THE GOVERNMENT CODE.**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF HIGHLAND:

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

1. Name of Claimant ROBIN VANCE
  - a. Complete Address of Claimant, including City, State and Zip Code:  
29263 Silverfern Place  
Highland, California 92346
  - b. Phone Number (909) 915-5680
  - c. Date of Birth 8-17-61
  - d. Social Security Number \_\_\_\_\_

e. Driver's License/State Identification Card Number:

Issued by which State: CALIFORNIA

X Driver's License        Identification Card

Expiration Date: 8/17/20

2. Name, telephone and address to which claimant desires notices to be sent, if other than above:

ROBIN VANCE

29263 Silverfern Place, Highland, CA 92346

3. Occurrence or event from which the claim arises:

a. Date of occurrence 7/31/20

b. Time of occurrence 11:52am

c. Place of occurrence (Exact and specific location)

ON 5th Street, just east of Church  
before Club View on the Northside Walk

d. How and under what circumstances did damage or injury occur? Specify the particular occurrence, event, act or omission you claim caused the injury or damage (use additional paper if necessary).

I was walking around the block by  
my house and tripped in hole on sidewalk.  
(see Attached) (cont)

e. What particular action by the City, or its employees, caused the alleged damage or injury?

not fixing the hole in the sidewalk.  
As of today 8/12/20 the hole still  
is not fixed.



3. ) Continued ...

Picture #1 show the hole I tripped in and the measuring tape show where I landed on the sidewalk. Picture #2 show this from the opposite view. Picture # 3 shows the length of the hole. Picture #4 shows the width of the hole. Picture #5 shows the depth of the hole. Picture #6 show the tennis shoes I'm wearing and the reenactment of how I tripped. Picture #7 show this is a shady area and very hard to see the ground. Picture #8 is my 2<sup>nd</sup> cast.

On Friday 7/31/2020 I was treated at the Beaver Medical Group Urgent Care by Dr Heather Shover. She cleaned all my wounds and cuts from my hands and knees and x-rayed my hand and diagnosed me with a boxer fracture. She put a splint on my hand and called for an ortho consult.

On Monday 8/3/2020 I was called by Beaver Medical group in Redlands and told to be there in the afternoon. I was seen by Dr. Linda Mescure. She said she had to straighten my bone and give me a shot prior to doing the procedure. Worst pain I've ever felt with the shot and then the manipulation. I was put in a cast and sent home to rest.

On Monday 8/24/2020 I was seen at the Beaver Medical group in Redlands. They removed my cast and gave me some x-rays. While in the x-ray room I passed out due to the pain still in my hand. Dr. Mescure reviewed my x-rays and said I had no healing and put me back in a cast for another three weeks.

I have another appointment at Beaver Medical Group in Redlands on 9/11/2020 to have my cast removed. At this time I may need surgery if the hand hasn't healed completely.

I also have a consult with Ortho specialist Dr. D'Arc on Monday 9/14/2020.

I'm seeking monies for my loss of time, suffering , and future medical as this was no fault of my own.

I look forward to hearing from the City as soon as possible, and hope to see that sidewalk fixed since I reported this the day after the accident and no repairs have been made.

4. A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim. If there were no injuries, state "no injuries".

I owe medical Bills and will owe hospital bills. I'm a crafter and want the total use of my left hand.

5. Give the name(s) of the City employee(s) causing the damage or injury:

Unknown

6. Name and address of any other person injured:

no other Party

7. Name and address of the owner of any damaged property:

City of Highland  
27215 Baseline Highland, Ca. 92346

8. Damages Claimed:

- a. Amount claimed as of this date: \$ 5000.00 Medical Expenses
- b. Estimate amount of future costs: \$ 15000.00 Future medical  
Pain and Suffering
- c. Total amount claimed: \$ 20,000.00
- d. Basis for computation of amounts claimed. Include copies of all bills, invoices, estimates, etc.:

Bills have not been received to date  
I have included in estimates to date  
Pain and Suffering, Loss of work,  
Loss of use of left hand.

9. Names and addresses of all witnesses, hospitals, doctors, etc.

witness a. John Baenett - 760-883-0993  
1st treatment b. Heather Shoree Md 7000 Boulder Avenue (909)  
Highland, Ca. 92346 862-1191  
2nd treatment c. Linda Mesoure-Md 2 West Fern  
Redlands, Ca 909-793-3311  
d. \_\_\_\_\_  
e. \_\_\_\_\_

10. Any additional information which might be helpful in considering this claim:

I'm an upstanding member of Highland.  
I should be able to walk safely in my  
neighborhood without getting injured.  
This was total neglect on the part of  
Highland and they should make this right.

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM, PENAL**  
**CODE S72; INSURANCE CODE S556.1.**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Signed at: Highland, Ca.  
City and State

Date: 8/12/2020  
Robin Vance  
Signature of Claimant

ROBIN VANCE  
Printed name of person signing above



A photograph of a concrete sidewalk. A yellow measuring tape is laid vertically on the sidewalk. To the right of the tape, a dark shoe is placed on the ground. The sidewalk is surrounded by dark, leafy vegetation. The text "Picture #1" is written in the upper right area of the image.

Picture  
#1

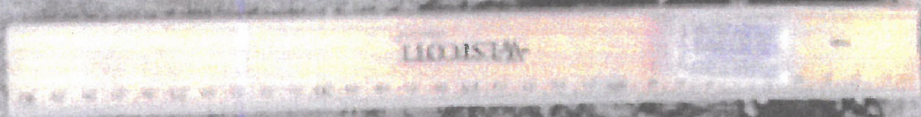


GREEN SPOT

Picture  
#2



Picture #3



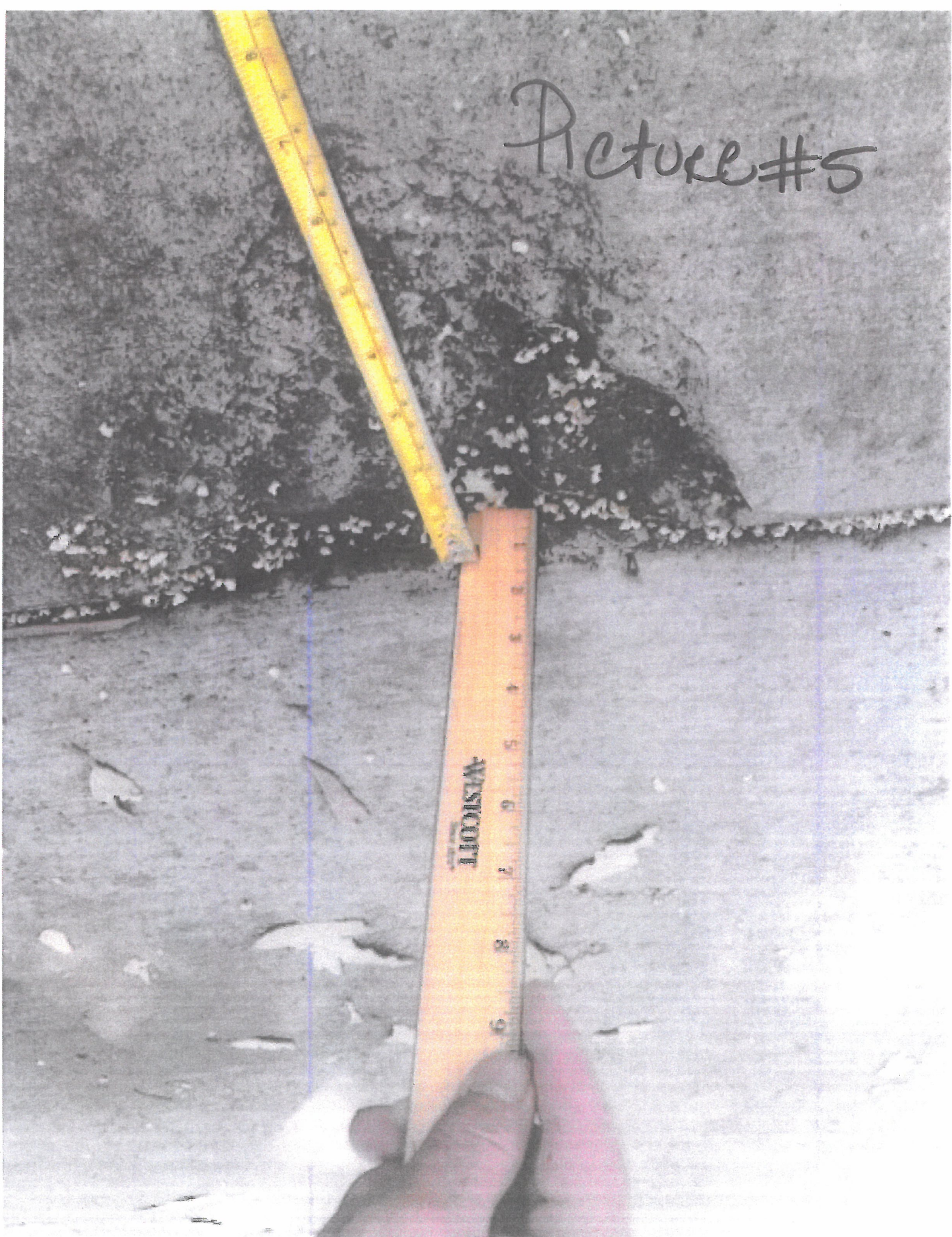


Picture #4





Picture #5





Picture  
#6







GreenSpot

Nature





Picture  
#8





# STAFF REPORT

## TO THE CITY COUNCIL

**MEETING DATE:** October 13, 2020

**FROM:** Joseph Hughes, City Manager

**REVIEWED BY:** Carlos Zamano, Public Works Director/City Engineer *C2*

**PREPARED BY:** Paul Toor, Program/Project Manager

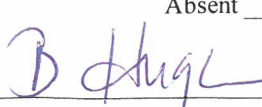
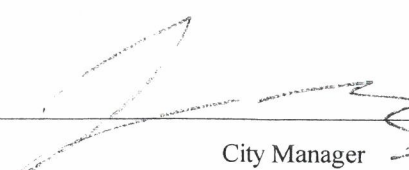
**SUBJECT:** Notice of Completion – Bid No. 2019-07, “Warm Springs, Cole and Cypress Elementary Schools Safe Routes to School Improvement, Cycle 10” (Project Nos. str12004 and str12005)

**RECOMMENDATION:** It is recommended that the City Council:

- 1) Accept Bid No. 2019-07 “Warm Springs, Cole and Cypress Elementary Schools Safe Routes to School Improvements, Cycle 10” (Project Nos. str12004 and str12005) as complete;
- 2) Authorize the Mayor to sign the Notice of Completion; and
- 3) Direct the City Clerk to file the Notice of Completion.

**FISCAL IMPACT:** The original contract amount was \$1,873,977.00 and the final contract amount is \$1,936,970.35, an increase of \$62,993.35 or 3.36%. Increase in the contract amount is primarily due to adjustment of quantities during construction. Construction of this project is funded by the various funding sources listed below:

|                                       | <u>str12004</u> | <u>str12005</u> | <u>TOTAL</u>   |
|---------------------------------------|-----------------|-----------------|----------------|
| State Safe Route to Schools Grants    | \$343,500.00    | \$328,422.26    | \$671,922.26   |
| DIF-Local                             | \$739,671.74    | \$0.00          | \$739,671.74   |
| City Measure I Local Street Pass-thru | \$0.00          | \$513,932.35    | \$513,932.25   |
| City of San Bernardino                | \$0.00          | \$11,444.00     | \$11,444.00    |
| Total Construction                    | \$1,083,171.74  | \$853,798.61    | \$1,936,970.35 |

|                                                                                                   |               |                                                                                                      |                          |
|---------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------|--------------------------|
| Approved _____                                                                                    | Motion _____  | Second _____                                                                                         | Agenda Item No. <u>4</u> |
| Denied _____                                                                                      | Ayes _____    |                                                                                                      |                          |
| Continued _____                                                                                   | Noes _____    |                                                                                                      | File No. _____           |
| Tabled _____                                                                                      | Abstain _____ |                                                                                                      |                          |
|                                                                                                   | Absent _____  |                                                                                                      |                          |
| <br>City Clerk |               | <br>City Manager |                          |

It should be noted that Caltrans Headquarters refused to reimburse the City \$149,230.15 in SR2S grant funds for Project No. str12005. City staff will submit a claim to the Department of General Services which is supported by Caltrans District 8 staff.

**PUBLIC NOTICE:** The agenda for this item was posted at the three locations per Resolution No. 2011-47 and on the City's website.

**BACKGROUND:** A construction contract was awarded to DM Contracting, Inc. in the amount of \$1,873,977.00 at the City Council meeting on November 12, 2019.

Projects str12004 and str12005 encompass street improvements along safe route for three elementary schools listed as follows:

str12004, Warm Springs Elementary School

- 1) Construction of missing curbs and gutters, new concrete sidewalks and drive approaches on the north side of 6<sup>th</sup> Street (Del Rosa Drive to Sterling Avenue).
- 2) Minor widening of Elm Street (6<sup>th</sup> Street to 9<sup>th</sup> Street) including construction of new concrete curb ramps, curbs and gutters, sidewalk and drive approaches.
- 3) Ancillary work such as relocation of fence/gate and replacement of irrigation systems, landscape and hardscape features.

str12005, Cole and Cypress Elementary Schools

- 1) Construction of missing concrete sidewalk, curb and gutters, drive approaches on 10<sup>th</sup> Street (Central Avenue to Drummond Avenue), Drummond Avenue (9<sup>th</sup> Street to Crest Street), Cole Avenue (10<sup>th</sup> Street to Base Line), Cole Avenue (Base Line to 14<sup>th</sup> Street) and 14<sup>th</sup> Street (Cole Avenue to Central Avenue).
- 2) Construction of an in-road warning lights system at an existing crosswalk across Cole Avenue along the north side of Messina Street.
- 3) Construction of two new handicapped ramps in front of Cole Elementary School in the City of San Bernardino. This cost is borne by the City of San Bernardino.
- 4) Ancillary work such as relocation of fence/gate and replacement of irrigation systems, landscape and hardscape features.

Construction of the project has been completed by DM Contracting, Inc., and the project is ready for City Council acceptance.

Attachments: Location Map  
Notice of Completion





RECORDING REQUESTED BY &  
WHEN RECORDED MAIL TO:

BETTY HUGHES  
CITY CLERK  
CITY OF HIGHLAND  
27215 BASE LINE  
HIGHLAND, CA 92346

---

No Fee per G.C. 6103

### NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is owner or agent of the owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the owner is City of Highland.
3. The full address of the owner is 27215 Base Line, Highland, CA 92346.
4. All work of improvement on the property hereinafter described was completed on or before August 24, 2020.
5. The work of improvement completed is described as follows: 2019-07 "Warm Springs, Cole and Cypress Elementary Schools Safe Routes to School Improvements, Cycle 10".
6. The name of the original contractor for such work of improvement is DM Contracting, Inc.
7. The property on which said work of improvement is located at 6<sup>th</sup> Street, Elm Street, 10<sup>th</sup> Street, Drummond Avenue, Cole Avenue and 14<sup>th</sup> Street.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Larry McCallon  
Mayor, City of Highland

I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the Mayor of the aforesaid interest or estate in the property described in the above notice; that I have read the said notice, that I know and understand the contents thereof, and that the facts stated therein are true and correct.

\_\_\_\_\_  
Date and Place

\_\_\_\_\_  
Larry McCallon  
Mayor, City of Highland





# STAFF REPORT

## TO THE CITY COUNCIL

**DATE:** October 13, 2020

**FROM:** Joseph A. Hughes, City Manager

**REVIEWED BY:** Lawrence A. Mainez, Community Development Director & Kim Stater, Assistant Community Development Director *LS*

**PREPARED BY:** Ash Syed, Associate Planner *AS*

**SUBJECT:** Second Reading of Specific Plan Revision (SPR 20-001): Ordinance No. 443 of the City of Highland amending the Greenspot Village & Marketplace Specific Plan (SPR 06-001) to reduce the minimum density in Planning Area 3 from 25 dwelling units per acre to 18 dwelling units per acre.

**LOCATION:** A vacant 10.85 acre parcel of land located at the northwest corner of Greenspot Road and Webster Street.

**OWNER / APPLICANT:** Patrick Tritz, Rexco Development

**RECOMMENDATION:** The City Council conduct a second reading of Specific Plan Revision (SPR 20-001), read by title only, and waive further reading of Ordinance No. 443 amending the Greenspot Village & Marketplace Specific Plan (SPR 06-001) to reduce the minimum density in Planning Area 3 from 25 dwelling units per acre to 18 dwelling units per acre.

**PREVIOUS ACTION:** On September 22, 2020, the City Council held a public hearing for the Highland Townhome Apartments project within Planning Area 3 of the Greenspot Village & Marketplace Specific Plan. The Council adopted Resolution No. 2020 – 049, approving Design Review Application (DRA 20-006) for the Site Plan, Building Elevations, and Conceptual Landscape Plan for a 200-unit apartment complex at the northwest corner of Greenspot Road and Webster Street.

The City Council also introduced Ordinance No. 443 to amend the Greenspot Village & Marketplace Specific Plan (SPR 06-001) to reduce the minimum density in Planning Area 3 from 25 dwelling units per acre to 18 dwelling units per acre.

|                                          |               |                                             |                          |
|------------------------------------------|---------------|---------------------------------------------|--------------------------|
| Approved _____                           | Motion _____  | Second _____                                | Agenda Item No. <u>5</u> |
| Denied _____                             | Ayes _____    |                                             | File No. _____           |
| Continued _____                          | Noes _____    |                                             |                          |
| Tabled _____                             | Abstain _____ |                                             |                          |
|                                          | Absent _____  |                                             |                          |
| <i>Bob Hughes</i><br>_____<br>City Clerk |               | <i>[Signature]</i><br>_____<br>City Manager |                          |

Attachments:

1. Ordinance No. 443
  - A. Proposed Amendments



**Attachment 1:**  
**Ordinance No. 443**

## ORDINANCE NO. 443

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE GREENSPOT VILLAGE & MARKETPLACE SPECIFIC PLAN (SPR 06-001) AND MAKING A DETERMINATION THAT THE ADOPTION OF THIS ORDINANCE IS EXEMPT FROM FURTHER CEQA REVIEW UNDER CEQA GUIDELINES SECTION 15162, PUBLIC RESOURCES CODE SECTION 21666 AND GOVERNMENT CODE SECTION 65457.

### APPLICANT: REXCO DEVELOPMENT

**WHEREAS**, on January 7, 2020, the Applicant submitted a Specific Plan Revision Application for the Greenspot Village & Marketplace Specific Plan;

**WHEREAS**, the applicant is proposing to reduce the minimum density in Planning Area 3 from 25 dwelling units per acre to 18 dwelling units per acre;

**WHEREAS**, the approximate 30.6 acre portion of the Greenspot Village & Marketplace Specific Plan north of Greenspot Road and West of Webster Street is referred to as Planning Area 3;

**WHEREAS**, a re-evaluation of the Greenspot Village & Marketplace Specific Plan will be helpful for future developments, both residential and commercial in Planning Area 3;

**WHEREAS**, the Planning Commission did hold a duly noticed public hearing on September 1, 2020, at 6:00 P.M. to consider the environmental review and the proposed ordinance. At the conclusion of the public hearing, the Planning Commission adopted Resolution No. 20-005 recommending to the City Council to introduce an ordinance to amend the Greenspot Village & Marketplace Specific Plan (SPR 06-001);

**WHEREAS**, on September 22, 2020, the City Council did hold a duly noticed public hearing, as required by law and in accordance with the provisions of the Highland Municipal Code, to hear and consider evidence for and against the Greenspot Village & Marketplace Specific Plan Amendment, and investigate the findings and recommendations in connection therewith.

**WHEREAS**, the City Council did hold a public hearing over videoconference on September 22, 2020, at 6:00 P.M. with a second reading held on October 13, 2020, and notice of said public hearing(s) having been duly given, as required by law and in accordance with the provisions of the Highland Municipal Code, to hear and consider evidence for and against said Greenspot Village & Marketplace Specific Plan, and investigate the findings and recommendations in connection therewith; and amend said Specific Plan.



**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HIGHLAND** does ordain as follows:

**Section 1. Findings and Intent**

The findings and recitals set forth herein above are true and correct.

**Section 2. General Plan Consistency Finding**

The Specific Plan amendment is consistent with the General Plan as the General Plan designation for this area is Planned Development. The proposed Specific Plan amendment to the overlaying Greenspot Village & Marketplace Specific Plan does not modify the planned total number of dwellings or planned uses within the Specific Plan.

**Section 3. Specific Plan Revision**

Based upon the aforementioned findings, the City Council hereby makes the following amendments to the Greenspot Village & Marketplace Specific Plan (SPR 06-001):

1. The "25 to 40 du/ac" for the density ranges on pages 21, 23, 25, 26, and 31 will be modified to "18 to 40 du/ac".
2. The layout of Planning Area 3 on page 33 will be modified to resemble the layout of the proposed housing development, attached hereto as 'Attachment A'.
3. The "DRB" on page 72 will be changed to "Planning Commission", since the City of Highland no longer has a designated "Design Review Board" and instead presents all developments within the City to the Planning Commission.

**Section 4. Specific Plan Revision Findings of Fact**

a) The proposed change of zone or revision is consistent with the goals, objectives, policies, and programs of the general plan, and is necessary and desirable to implement the provisions of the general plan. This zone change will allow for a residential development to offer the privacy aspect of living in a Single-Family home while also offering the communal benefits of living in a Multi-Family complex. Decreasing the allowable density for dwellings per acre within Planning Area 3 of the Greenspot Village & Marketplace Specific Plan does not create unfavorable conditions for the future development as the 200 units proposed by this project still allows for an additional 100 units to be constructed within Planning Area 3 by another developer in the future.

b) The proposed change of zone or revision will not adversely affect public health, safety, and welfare or result in an illegal land use pattern. Fire protection of people, property, and the natural environment are provided by the California Department of Forestry and Fire Protection (CalFire) through a cooperative agreement with the City of Highland. Impacts on Fire protection due to the adaptive reuse of the project are negligible as service connections are already provided. Law enforcement protection of the City's residents, visitors, businesses, and property from crime shall be

provided to the City of Highland through its contract with the San Bernardino County Sheriff Department. Impacts on Police protection due to the adaptive reuse of the Project are negligible as service connections are already provided. While the project may overall result in an increase of residents to the City, the increase in traffic volumes as a result of the project will not reduce the surrounding streets to a less than acceptable Level of Service (LOS).

c) The proposed change of zone or revision is consistent with the purpose and intent of the remainder of this title not under consideration. The proposed project would not have cumulatively considerable environmental impacts. Any potential significant impacts have been mitigated to a level of insignificance by the previous Environmental Impact Reports. The project would have no additional cumulatively considerable environmental impacts.

d) The potential environmental impacts of the proposed change of zone or revision are insignificant or there are overriding considerations which outweigh the potential impacts. As explained in the previous sections of the staff report, noise and biological studies had the only potentially significant impacts on human beings and were ultimately deemed to have a less than significant impact per the respective studies that were undertaken and provided by the applicant.

## **Section 5. Environmental Review**

On May 14, 2013, the City Council adopted Resolution No. 13-008, certifying the Environmental Impact Report for the Greenspot Village & Marketplace Specific Plan (ENV 09-003). The City Council more recently adopted Resolution No. 19-036 on June 25, 2019, certifying the Supplemental Environmental Impact Report for the Greenspot Village & Marketplace Specific Plan (ENV 19-002). The City Council adopted Findings of Fact, the Mitigation Monitoring Reporting Program, and Statement of Overriding Considerations at the same time that it adopted the EIR and Supplement EIR. Resolutions No. 13-008 and 19-035 are incorporated herein by this reference as though set forth in full.

The Specific Plan amendment was analyzed in compliance with CEQA. It is hereby determined that the project is exempt from further environmental review under Government Code Section 65457 which provides that:

- a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.



Public Resources Code Section 21166 and the corresponding CEQA Guidelines Section 15162 provide that when an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

- a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The project seeks to amend the Specific Plan to lower the minimum density of Planning Area 3 from 25 dwelling units per acre to 18 dwelling units per acre. This will allow for the construction of a residential project in Planning Area 3 that is lower in density than what was analyzed in the certified EIR and Supplemental EIR. A project with a density of 18 dwelling units per acre rather than 25 dwelling units per acre will necessarily bring less people and less traffic to the project area. As such, the scope of the project was previously analyzed and none of events identified in Public Resources Code Section 21666 or CEQA Guidelines Section 15162 have occurred that would trigger the need for further environmental review.

#### **Section 6. Publication and Posting**

Within fifteen (15) days following the passage of this Ordinance, the City Clerk shall publish an/or post this Ordinance as required by state law and City resolution.

#### **Section 7. Execution**

The Mayor is hereby directed to attest to the adoption of this Ordinance by signing where indicated below and the City Clerk shall publish and/or post this ordinance according to applicable law.

PASSED, APPROVED and ADOPTED this 13<sup>th</sup> day of October, 2020

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Larry McCallon, Mayor

ATTEST:

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Betty Hughes, MMC  
City Clerk

APPROVED AS TO FORM:

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Maricela E. Marroquin  
City Attorney



**Attachment A:**  
**Proposed Amendments**

## LAND USE PLAN

each individual recreation center are designed to meet the specific recreation and community facility needs of the neighborhood in which they are located.

### 2.3.3. **Planning Area 3 - Village Center**

The Specific Plan provides the opportunity for a mix of commercial, retail, office and residential uses within Planning Area 3 – Village Center:

- Planning Area 3 – Village Center permits a variety of retail, government, and commercial services, including but not limited to restaurants, offices, hotels, and entertainment uses. Residential uses (~~25~~ **18** to 40 dwelling units per gross acre) can be provided in the form of live-work, residential above commercial or in free-standing buildings with a maximum of 300 units to be developed in the Planning Area. Innovative housing options, integration with commercial and office uses, and pedestrian oriented design are encouraged within Planning Area 3.

Residential components within Planning Area 3 may include private neighborhood recreation centers that may contain swimming pools, spas, tennis courts, community buildings, picnic areas, and tot lots.

### 2.3.4. **Village Paseo**

In order to provide local flood control to achieve storm water run-off quality standards, as well as to provide recreational amenities, the Specific Plan incorporates a centralized Village Paseo which bisects the Specific Plan area from east to west. The Village Paseo is located within

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<sup>2</sup> This number may increase if dwelling units are transferred from Planning Area 2; however the maximum number of units to be developed in the entire Specific Plan area shall not exceed 800 units. For example, if 300 units are developed in Planning Area 3, then the total number of unit developed in Planning Area 2 cannot exceed 500 units.



Planning Areas 2 and 3 may include features such as "pocket parks."

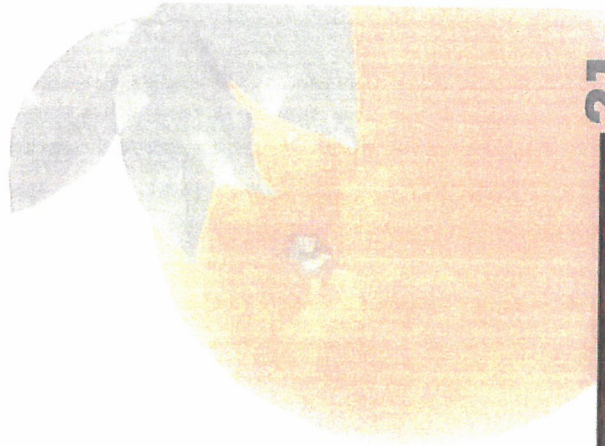




Table 2-1: Planning Areas and Land Uses, Scenario 1

| Planning Area | Land Uses                               | Approximate Acreage | Density Range (du/ac)       | Maximum Dwelling Units*                 | Approximate Non-Residential Gross Square Feet |
|---------------|-----------------------------------------|---------------------|-----------------------------|-----------------------------------------|-----------------------------------------------|
| 1             | Highland Marketplace                    | 43.6                | N/A                         | N/A                                     | 595,600 sf                                    |
| 2             | Residential Villages Open Space / Parks | 29.8                | 20 - 30 du/ac               | 500-700 du                              | N/A                                           |
| 3             | Village Center                          | 30.6                | <del>25</del> 18 - 40 du/ac | 100-300 du                              | 174,000 sf                                    |
| <b>TOTAL</b>  |                                         | <b>104 acres</b>    |                             | <b>Total shall not exceed 800 units</b> | <b>769,600 sf</b>                             |

Notes: du: ac = dwelling units per acre; sf = square feet

\* Dwelling units may be transferred between Planning Areas 2 and 3 so long as the total dwelling unit count for the overall Specific Plan area does not exceed 800.

The following provides a more detailed description of each Planning Area.

## 2.4.2. Planning Area 1 - Highland Marketplace

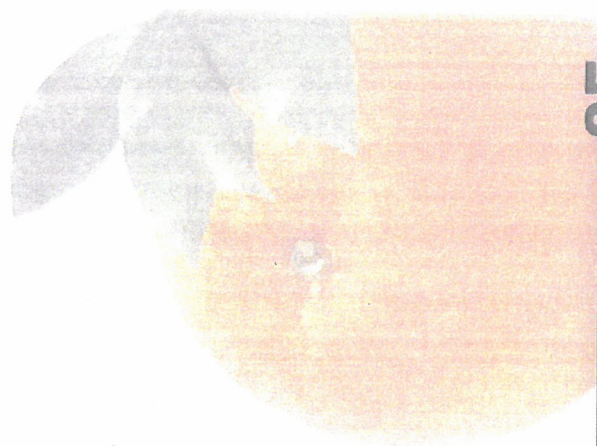
Planning Area 1 - Highland Marketplace consists of approximately 43.6 acres and is located along the southwestern boundary of the Specific Plan area, bordered by Greenspot Road to the south, the Village Paseo to the north and Planning Area 3 to the east. The Planning Area's size and configuration provide extensive exposure to travelers on SR210. Planning Area 1 permits uses such as major promotional retail tenants, complementary specialty retail goods and services, dining venues, and other freeway-oriented commercial uses. Up to 595,600 gross square feet of commercial uses is allowed.

maximum number of units to be developed in the entire Specific Plan area shall not exceed 800 units. For example, if 525 units are developed in Planning Area 2, then the total number of units developed in Planning Area 3 cannot exceed 275 units. Please refer to Exhibit 2-3, Conceptual Site Plan, for the conceptual site plan of Planning Area 2.

Under Scenario One, existing single-family homes located off of Calhoun Street within this Planning Area will remain. These homes (south of Eucalyptus Avenue) and approximately 4-acres in the western portion of the Planning Area are within the Specific Plan boundary. The Zoning designation for these properties shall be changed to Specific Plan (SPR-006-001). Existing residential uses along the north side of Eucalyptus are within the Golden Triangle Policy Area and zoned PD. All future use of these properties will be subject to the City's PD Development Standards and procedures per Development Code Chapter 16, Section 16.12.010.

## 2.4.4. Planning Area 3 - Village Center

Planning Area 3 consists of approximately 31-acres and is located in the southeastern portion of the Specific Plan area. This Planning Area is bordered by Greenspot Road on the south, Boulder Avenue and Webster Street on the east, the Village Paseo on the north and Planning Area 1 on the west. Planning Area 3 is a mixed use area and may feature uses such as hotels, restaurants, retail, residential, and professional offices. Up to 174,000 gross square feet of commercial, retail, office and hotel uses may be developed within this Planning Area. Building heights shall not exceed sixty feet (60') to rooftop. The density within the Village Center shall be ~~25~~ 18 to 40 dwelling units per gross acre. A maximum of 300 units may be developed in this Planning Area. However, the maximum number of units to be developed in the entire Specific Plan Area shall not exceed 800 units. For example, if 300 units are developed in Planning Area 3, then the total number of units developed in Planning Area 2 cannot exceed 500 units. Please refer to Exhibit 2-3, Conceptual Site Plan, for the conceptual site plan of Planning Area 3.







## LAND USE PLAN

### 2.5. Conceptual Land Use Plan - Scenario Two

A second land use scenario is provided based on the possibility that approximately 21-acres may not be included in the Specific Plan Area. In land use Scenario Two, the Specific Plan allows development of approximately 83-acres of the 165-acre Golden Triangle Community Policy Area of the City of Highland. The site shall be developed with a mix of residential, commercial, entertainment, office and open space land uses, as shown in Exhibit 2-2, Conceptual Land Use Plan, Scenario 2. Scenario Two allows up to 554,600 square feet of commercial space and 800 dwelling units. Proposed land uses and related development densities for the land use Scenario Two are summarized in Table 2-2, Planning Areas and Proposed Land Uses, Scenario 2.

Table 2-2: Planning Areas and Land Uses, Scenario 2

| Planning Area | Land Uses                               | Approximate Acreage | Density Range (du/ac)       | Maximum Dwelling Units*                 | Approximate Gross Square Feet |
|---------------|-----------------------------------------|---------------------|-----------------------------|-----------------------------------------|-------------------------------|
| 1             | Highland Marketplace                    | 27.5                | N/A                         | N/A                                     | 380,600 sf                    |
| 2             | Residential Villages Open Space / Parks | 24.9                | 20 - 30 du/ac               | 500-700 du                              | N/A                           |
| 3             | Village Center                          | 30.6                | <del>25</del> 18 - 40 du/ac | 100-300 du                              | 174,000 sf                    |
| <b>TOTAL</b>  |                                         | <b>83 acres</b>     |                             | <b>Total shall not exceed 800 units</b> | <b>554,600 sf</b>             |

Notes: du, ac = dwelling units per acre; sf = square feet

\* Dwelling units may be transferred between Planning Areas 2 and 3 so long as the total dwelling unit count for the overall Specific Plan does not exceed 800.

The following provides a more detailed description of each Planning Area under land use Scenario Two.

Exhibit 2-2: Conceptual Land Use Plan, Scenario 2

# LAND USE PLAN



## Legend

- PA 1 - Highland Marketplace
- PA 2 - Residential Villages
- PA 2 - Village Paseo
- PA 3 - Village Center
- Planning Area Boundary
- Specific Plan Area

Source: Architects Orange

## Scenario 2 Land Use Summary

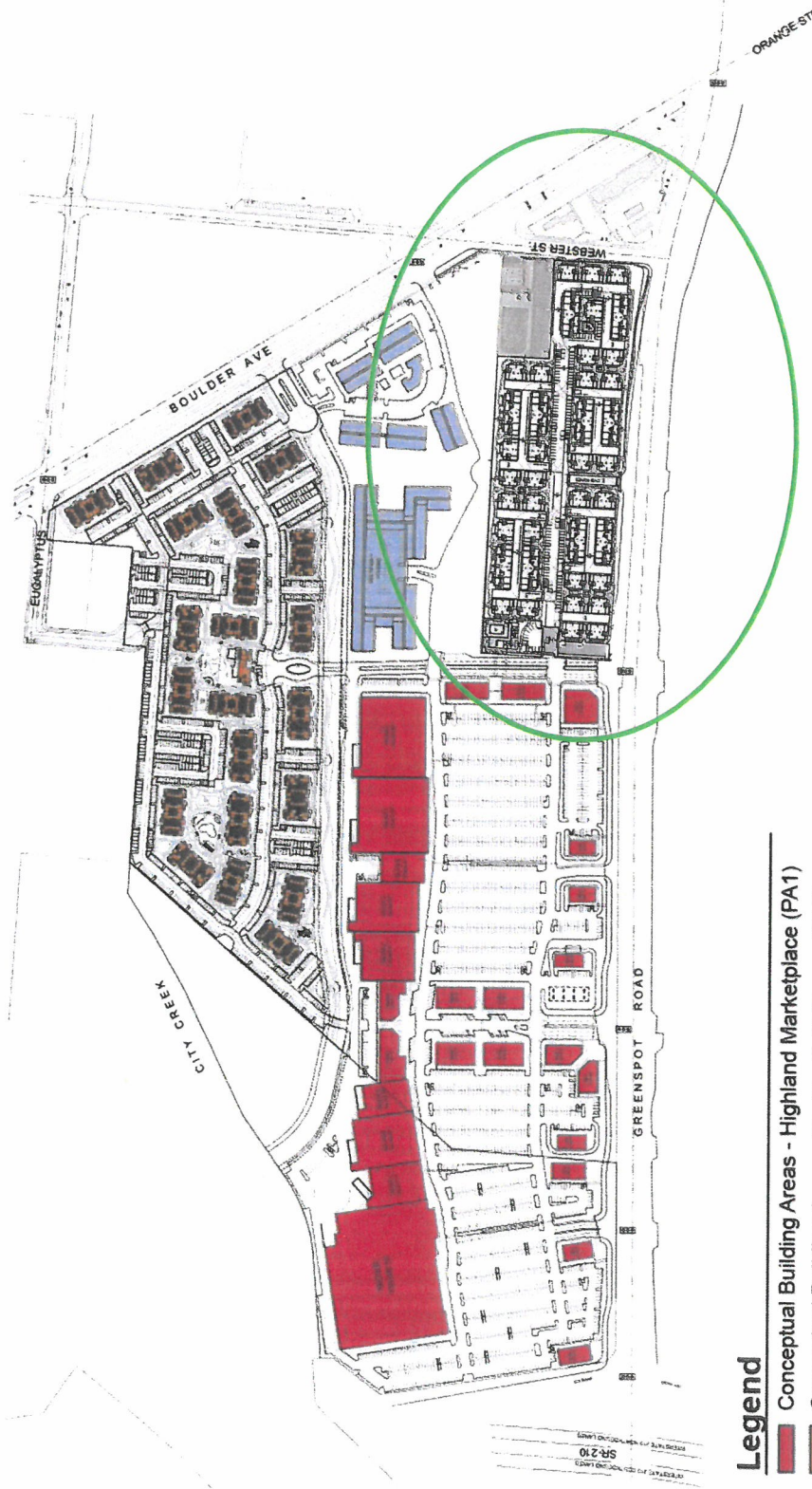
| Planning Area | Proposed Land Use        | Approximate Acreage | Density Range  | Number of Dwelling Units  | Gross Square Feet |
|---------------|--------------------------|---------------------|----------------|---------------------------|-------------------|
| 1             | Commercial               | 27.4 ac             | N/A            | N/A                       | 380,600 sf        |
| 2             | High Density Residential | 22.5 ac             | 20-30 du/ac    | 500-700 du                | N/A               |
|               | Open Space/Parks         | 2.4 ac              | N/A            | N/A                       | N/A               |
| 3             | Mixed Use                | 30.6 ac             | 25-18-40 du/ac | 100-300 du                | 174,000 sf        |
| <b>Total</b>  |                          | <b>83 ac</b>        |                | <b>800 du<sup>1</sup></b> | <b>554,600 sf</b> |

<sup>1</sup> Dwelling Units may be transferred between Planning Areas 2 and 3 so long as the total dwelling unit count for the overall Specific Plan area does not exceed 800.



# Proposed Site Plan

## LAND USE PLAN



### Legend

- Conceptual Building Areas - Highland Marketplace (PA1)
- Conceptual Building Areas - Residential Villages (PA2)
- Conceptual Building Areas - Village Center (PA3)
- - - Planning Area Boundary
- Specific Plan Area

Source: Architects Orange



## USE AND DEVELOPMENT STANDARDS

If required, the ~~DRB~~ **Planning Commission** shall review the application for consistency with the Specific Plan with the intent of ensuring that each project conveys the desired Specific Plan objectives, character and quality, and complies with the standards set forth in this Specific Plan. In no instance shall proposed tenant improvements or new building constructions exceed the total building area or exceed 800 residential units.

### **5.4.1. Building Shells**

Development plans for building shells shall apply to any new building shell that is constructed within the Specific Plan area. The Specific Plan area consists of various building shells, some connected to other building shells and some freestanding. Development of the Specific Plan may require phased construction of building shells. A development plan shall be submitted to the City of Highland Planning Department for initial review by the Community Development Director. Following the Community Development Director's review, the development plan must be reviewed by the City of Highland Planning Commission to ensure that the proposed building shell shall be arranged, designed, constructed and maintained to be compatible with the character of the Specific Plan area. The following outlines the review procedure for building shells.

#### **5.4.1.1. Building Shell Plan check, Permit Issuance, and Completion**

##### **A. Plan check**

1. After adoption of this Specific Plan, the City shall accept plans for each building shell for plan check and proceed with such plan check in a timely manner, including rechecks, without regard to the status of plans or plan check submittals for any other building shell or tenant improvements on the project site. In no event may the City require that plans for all or some combination of building shells be submitted simultaneously as a condition of plan check submittal and plan check review. Concurrent with the plan check review process, the development plans will also be reviewed by the City of Highland





# STAFF REPORT

## TO THE CITY COUNCIL

**DATE:** October 13, 2020

**FROM:** Joseph Hughes, City Manager

**PREPARED BY:** Lawrence A. Mainez, Community Development Director *lmainez*

**SUBJECT:** Second Reading of Ordinance No. 444 amending Chapter 8.58 of the Highland Municipal Code to amend the penalties for violating the citywide prohibition on fireworks, except in limited circumstances (HMC-20-002).

### RECOMMENDATION:

That the City Council conduct a second reading, read by title only, and waive further reading of Ordinance No. 444 amending Chapter 8.58 of the Highland Municipal Code to amend the penalties for violating the citywide prohibition on fireworks, except in limited circumstances (HMC-20-002).

### PREVIOUS ACTION / BACKGROUND:

On September 22, 2020, the City Council held a public hearing for the subject Municipal Code Amendment and no modification were made, therefore staff recommends the City Council recognize the subject Ordinance and adopt as submitted.

### ATTACHMENT:

1. Ordinance No. 444, amending the Highland Municipal Code Chapter 8.58.

|                                         |               |                                             |                          |
|-----------------------------------------|---------------|---------------------------------------------|--------------------------|
| Approved _____                          | Motion _____  | Second _____                                | Agenda Item No. <u>6</u> |
| Denied _____                            | Ayes _____    |                                             |                          |
| Continued _____                         | Noes _____    |                                             | File No. _____           |
| Tabled _____                            | Abstain _____ |                                             |                          |
|                                         | Absent _____  |                                             |                          |
| <i>B. Hughes</i><br>_____<br>City Clerk |               | <i>[Signature]</i><br>_____<br>City Manager |                          |

## **ATTACHMENT – 1**

**Ordinance No. 444, amending Chapter 8.58 of the Highland Municipal Code**



## **ORDINANCE NO. 444**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING CHAPTER 8.58 OF THE HIGHLAND MUNICIPAL CODE TO AMEND THE PENALTIES FOR VIOLATING THE CITYWIDE PROHIBITION ON FIREWORKS AND MAKING A FINDING OF EXEMPTION UNDER SECTION 15378(b)(4) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT [MCA-20-002]**

THE CITY COUNCIL OF THE CITY OF HIGHLAND DOES HEREBY FIND, DETERMINE AND ORDAIN AS FOLLOWS:

**Section 1.** The City Council hereby makes the following findings:

A. The City of Highland ("City") previously adopted an ordinance, codified as Chapter 8.58 (Fireworks) of Title 8 (Health and Safety) of the Highland Municipal Code, prohibiting the possession and use of fireworks within City limits.

B. The ordinance contained a penalties section, Section 8.58.060, establishing that any person who violates any provision of the ordinance is subject to prosecution either as infraction or a misdemeanor. Section 8.58.060 establishes that, upon a second or subsequent violation, a person shall be charged with a misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for a period not exceeding one year, or by both such fine or imprisonment.

C. The penalties contained in Section 8.58.060 have failed to deter the use and possession of fireworks in the City.

D. Granting law enforcement officers the authority to impose an administrative citation in the amount of \$1,000 for each violation of any provision of Chapter 8.58 and to charge a person with a misdemeanor that is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment, for each violation of any provision of Chapter 8.58 would strengthen their ability to enforce the prohibition of fireworks in the City and improve deterrence in the future.

**Section 2.** Code Amendment. The City Council of the City of Highland hereby amends Chapter 8.58 (Fireworks) of Title 8 (Health and Safety) of the Highland Municipal Code in its entirety to read as follows:

#### **"Chapter 8.58 FIREWORKS**

Sections:

|          |             |
|----------|-------------|
| 8.58.010 | Definitions |
| 8.58.020 | Prohibition |
| 8.58.030 | Displays    |
| 8.58.040 | Exception   |

- 8.58.050 Seizure and Disposal
- 8.58.060 Penalties

**8.58.010 Definitions.**

Whenever, in this chapter, or in any resolution or standard adopted by the city council pursuant to this chapter, the following terms are used, they shall have the meaning ascribed to them in this section unless it is apparent from the context thereof that some other meaning is intended.

- A. "Agricultural and wildlife fireworks" has the same meaning ascribed to that term under Section 12503 of the California Health and Safety Code and shall mean fireworks designed and intended by the manufacturer to be used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both.
- B. "Dangerous fireworks" has the same meaning ascribed to that term under Section 12505 of the California Health and Safety Code and includes, but is not limited to, all of the following:
  - 1. Any fireworks which contain any of the following:
    - (a) Arsenic sulfide, arsenates or arsenites.
    - (b) Boron.
    - (c) Chlorates, except:
      - (1) In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.
      - (2) In caps and party poppers.
      - (3) In those small items (such as ground spinners) wherein the total powder content does not exceed 4 grams of which not greater than 15% (or 600 milligrams) is potassium, sodium or barium chlorate.
    - (d) Gallates or Gallic acid.
    - (e) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).
    - (f) Mercury salts.
    - (g) Phosphorus (red or white except that red phosphorus is permissible in caps and party poppers).
    - (h) Picrates or picric acid.

- (i) Thiocyanates.
    - (j) Titanium, except in particle size greater than 100-mesh).
    - (k) Zirconium.
  - 2. Firecrackers.
  - 3. Skyrockets, bottle rockets model rockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.
  - 4. Roman candles, including all devices which discharge balls of fire into the air.
  - 5. Chasers, including all devices which dart or travel about the surface of the ground during discharge.
  - 6. Sparklers more than 10 inches in length or one-fourth of one inch in diameter.
  - 7. All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls and trick matches.
  - 8. Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this part.
  - 9. Torpedoes of all kinds which explode on impact.
  - 10. Fireworks kits.
  - 11. Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Board of Fire Services, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.
- C. "Exempt fireworks" has the same meaning ascribed to that term under Section 12508 of the California Health and Safety Code and shall mean any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.
- D. "Fire chief" or "chief" shall mean the designated fire chief of the city, or his or her authorized representatives.



- E. "Fireworks" has the same meaning ascribed to that term under Section 12511 of the California Health and Safety Code and shall mean any device containing chemical elements and chemical compounds capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical or thermal effects which are useful as pyrotechnic devices or for entertainment. The term "fireworks" includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, Roman candles, model rockets, rockets, Daygo bombs, sparklers, chasers, fountains, smoke sparks, aerial bombs and fireworks kits.
- F. "Fireworks kits" has the same meaning ascribed to that term under Section 12512 of the California Health and Safety Code and shall mean any assembly of materials or explosive substances which is designed and intended by the seller to be assembled by the person receiving such material or explosive substance and when so assembled would come within the definition of "fireworks."
- G. "Police chief" shall mean the police chief of the county of San Bernardino, his or her designated deputy acting as the police chief of the city of Highland, or his or her authorized representatives.
- H. "Public display of fireworks" has the same meaning ascribed to that term under Section 12524 of the California Health and Safety Code and shall mean an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of dangerous fireworks.
- I. "Pyrotechnic operator" has the same meaning ascribed to that term under Section 12527 of the California Health and Safety Code and shall mean any licensed pyrotechnic operator, who by examination, experience and training, has demonstrated the required skill and ability in the use and discharge of fireworks as authorized by the license granted.
- J. "Pyrotechnic special effects material" shall mean low explosive materials, other than detonating cord, commonly used in motion picture, television, theatrical or group entertainment production for which a permit from the chief is required for use or storage.
- K. "Safe and sane fireworks" has the same meaning ascribed to that term under Section 12529 of the California Health and Safety Code and shall mean any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks."

#### **8.58.020 Prohibition.**

A. General. No person shall have in his or her possession, or keep, store, use, shoot, discharge, set off, ignite, explode, manufacture, sell, offer to sell, give or transport, any fireworks, dangerous fireworks or safe and sane fireworks, except for use as agricultural and wildlife fireworks or for use during a public display of fireworks

pursuant to a permit obtained under the provisions of Sections 12640 through 12654 of the California Health and Safety Code, and this code.

B. Manufacturing Prohibited. The manufacturing of fireworks, dangerous fireworks or safe and sane fireworks is prohibited in the city, except under special use permits as required by local and state regulations by the fire chief and the police chief.

C. Pyrotechnic Special Effects Material. A permit is required to manufacture, compound, store or use pyrotechnic special effects material. Permit application shall be made to the fire chief and the police chief. A permit shall be granted only to a State Fire Marshal licensed pyrotechnic operator.

#### **8.58.030 Displays.**

A. General. Permits are required to conduct a public display of fireworks. A permit application shall be made to the fire chief and the police chief not less than 14 days prior to the scheduled date of the display. The permit application shall include a diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged; the location of building, highways and other lines of communication; the lines behind which the audience will be restrained; and the location of nearby trees, telegraph or telephone lines and other overhead obstructions. At the time of permit application, the fire chief shall be consulted regarding the requirements for standby fire apparatus.

B. Under Supervision of Pyrotechnic Operator. Public display of fireworks operations shall be under the direct supervision of a pyrotechnic operator. The pyrotechnic operator shall be responsible for all aspects of a display related to pyrotechnics.

C. Bond Required. The permittee shall furnish a bond or certificate of insurance in an amount deemed adequate by the fire chief and the police chief for the payment of damages which could be caused either to a person or persons or to property by reason of the permitted display and arising from acts of the permittee, agents, employees or subcontractors.

#### **8.58.040 Exception.**

Nothing in this chapter shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of small blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

#### **8.58.050 Seizure and disposal.**

A. It shall be the duty of the fire chief and his or her authorized representatives and the police chief and his or her authorized representatives to enforce the provisions of this chapter.

B. The fire chief and his or her authorized representatives and the police chief and his or her authorized representatives shall have the authority to seize, take, remove, store and dispose of any fireworks, dangerous fireworks and safe and sane fireworks. The fire chief and his or her authorized representatives and the police chief and his or her authorized representatives may charge any person whose fireworks are seized pursuant to this section, a reasonable amount which is sufficient to cover the cost of transporting, storing, handling and disposing of the seized fireworks.

#### **8.58.060 Penalties.**

A. Any person who violates any provision of this chapter is subject to prosecution as either an infraction or a misdemeanor as set forth in Chapter 1.24 of this Code.

B. A violation of any provision of this chapter is subject to an administrative citation in the amount of one thousand dollars (\$1,000) for each violation pursuant to the procedures set forth in Chapter 2.56 of this Code. Such administrative remedy may be exercised in place of, or in addition to, any administrative, criminal, civil, or equitable remedy allowed by law.

C. If a person who violates any provision of this chapter is charged with a misdemeanor, upon conviction that person shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the County jail for a period not exceeding one year, or by both such fine and imprisonment.

D. A person is guilty of a separate offense for each and every day or portion thereof during which he or she commits, continues or permits a violation of this chapter.

E. Nothing in this chapter shall be interpreted to limit any of the penalties provided for under the California Health and Safety Code or Penal Code with regard to the sale, use, possession, delivery and/or transportation of dangerous fireworks."



**Section 3. CEQA.** The adoption of this Ordinance is not a “project” under the California Environmental Quality Act (“CEQA”) because the Ordinance does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by CEQA Guidelines Section 15378(b)(4). This Ordinance is also exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that granting law enforcement the authority to issue an administrative citation in an amount up to one thousand dollars (\$1,000) or to charge a person with a misdemeanor that is punishable by a fine of not more than one thousand dollars (\$1,000), or by imprisonment in the county jail for a period not exceeding one year, or by both, for a first violation of the City’s prohibitions against the use and possession of fireworks will result in a permanent alteration of property or the construction of any new or expanded structures, or have any other direct or indirect physical changes in the environment, and therefore will not have any potential to significantly affect the environment.

**Section 4. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance or its application to any other person or circumstances. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 5. Certification and Publication.** The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and this ordinance shall become effective thirty (30) days after its passage.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Larry McCallon  
Mayor

ATTEST:

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Betty Hughes, MMC  
City Clerk

APPROVED AS TO FORM:

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Maricela Marroquin  
City Attorney



# STAFF REPORT

## TO THE CITY COUNCIL

**DATE:** October 13, 2020

**FROM:** Joseph A. Hughes, City Manager

**REVIEWED BY:** Lawrence A. Mainez, Community Development Director *Larry*

**PREPARED BY:** Kim Stater, Assistant Community Development Director *KS*

**SUBJECT:** Resolution declaring that pursuant to Government Code Section 54221, the real property owned by the City located at the northwest corner of Victoria Avenue and 6<sup>th</sup> Street is surplus land and not necessary for the City's use.

**LOCATION:** A 1.31 acre vacant parcel at the northwest corner of Victoria Avenue and 6<sup>th</sup> Street. Assessor's Parcel Number 1192-281-12.

**RECOMMENDATION:** Staff recommends the City Council:

1. Approve Resolution No. 2020 - \_\_\_\_\_, declaring that pursuant to Government Code Section 54221 the real property known as Assessor's Parcel Number 1192-281-12, is surplus land and not necessary for the City's use; and
2. Direct staff to file a notice of Exception with the San Bernardino County Clerk of the Board of Supervisors.

**FISCAL IMPACT:** There is no fiscal impact related to the declaration other than the staff time to prepare this report.

**PUBLIC NOTICE:** The City Council Agenda was posted at three locations per City Council Resolution and on the City's website.

**SITE DESCRIPTION:** The site is a 1.13 acre vacant parcel at the northwest corner of Victoria Avenue and 6<sup>th</sup> Street (Attachment 1 – Location Map). It is triangular in shape, generally flat and void of structures or vegetation. It has a zoning designation of Business Park and is surrounded by underutilized residential properties to the north and west also zoned Business Park.

|                                            |               |                                             |                          |
|--------------------------------------------|---------------|---------------------------------------------|--------------------------|
| Approved _____                             | Motion _____  | Second _____                                | Agenda Item No. <u>7</u> |
| Denied _____                               | Ayes _____    |                                             |                          |
| Continued _____                            | Noes _____    |                                             | File No. _____           |
| Tabled _____                               | Abstain _____ |                                             |                          |
|                                            | Absent _____  |                                             |                          |
| <i>Betty Hughes</i><br>_____<br>City Clerk |               | <i>[Signature]</i><br>_____<br>City Manager |                          |



**BACKGROUND:** On March 20, 1990, the City purchased the subject parcel and reserved it as a potential site for Highland Fire Station No. 3. Ultimately, a superior location was secured and Station No. 3 was constructed at 7649 Sterling Avenue instead.

The subject parcel remains vacant. Staff has evaluated the property for its potential to be used for City work operations, including other municipal purposes. Staff has determined that it is not suitable for the City's use. The Council may determine the property is surplus and dispose of it according to relevant state law; the Surplus Property Land Act at Government Code Sections 54220-54233. The law requires public agencies to declare its property as surplus land or exempt surplus land prior to disposition. The attached resolution makes this declaration and authorizes the City Manager to undertake all actions required to effectuate the legal disposal of the land (Attachment 1 – Resolution No. 2020 - \_\_\_\_).

Following the declaration, state law requires that the City send a written notice of availability to certain entities to determine if the property could be used to satisfy state or local needs related to housing, recreation, education or infill development. Staff would begin this process should the Council make the declaration.

This declaration and resolution were assessed in accordance with the California Environmental Quality Act (CEQA) and State Guidelines. It has been determined that the adoption of the resolution will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. It can be seen with certainty that there is no possibility that the declaration of property as surplus may have a significant effect on the environment, as no development is authorized by the resolution, and any future disposition will require separate environmental analysis when the details of such are known.

Attachment:           1. Location Map  
                              2. Resolution No. 2020 - \_\_\_\_\_

## **ATTACHMENT 1**

### **Location Map**

## LOCATION MAP

Northwest Corner of Victoria Ave & 6<sup>th</sup> Street, APN 1192-281-12





**ATTACHMENT 2**

**Resolution No. 2020 - \_\_\_\_\_**

**RESOLUTION NO. 2020-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DECLARING A 1.13 ACRE PACEL AT THE NORTHWEST CORNER OF VICTORIA AVENUE AND 6<sup>TH</sup> STREET AS SURPLUS LAND AND FINDING THAT SUCH DECLARATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUAITY ACT. ASSESSOR'S PARCEL NUMBER 1192-281-12.**

**RECITALS**

WHEREAS, THE City of Highland ("City") is the owner in fee simple of certain property; a 1.13 acre vacant parcel at the northwest corner of Victoria Avenue and 6<sup>th</sup> Street, Assessor's Parcel Number 1192-281-12 ("Property"); and

WHEREAS, the City desires to declare that the Property is surplus land as set forth in the Surplus Property Land Act, Government Code Sections 54220-54233 ("Act").

**NOW, THEREFORE, THE CITY OF HIGHLAND HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS THAT:**

1. The above recitals are true and correct and are a substantive part of this Resolution.

2. The City Council hereby declares that the Property is surplus property and not necessary for the City's use. The property is vacant land. Historically, it was acquired for the purpose of constructing a municipal Fire Station, but an alternative site was selected and used. The subject Property is no longer needed.

3. The City Manager or his designee is hereby directed to send a notice of availability to the entities designated in Government Code Section 54222 ("designated entities") by electronic mail or by certified mail.

4. This resolution has been reviewed with respect to the applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. It has been determined that the adoption of this resolution will not have a significant environmental impact and is exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. It can be seen with certainty that there is no possibility that the declaration of property as surplus may have a significant effect on the environment, as no development is authorized by this resolution, and any future disposition will require separate environmental analysis if and when the details of such disposition are known.

5. The officers and staff of the City are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this resolution, and any such actions previously taken are hereby ratified and confirmed. Such actions include negotiating in good faith in accordance with the requirements of the Act with any of the designated entities that submit a written notice of interest to purchase or lease the Property in compliance with the Act.

6. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 13<sup>th</sup> day of October 2020.

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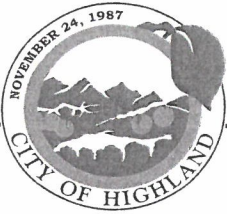
Larry McCallon  
Mayor

ATTEST:

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Betty Hughes, MMC  
City Clerk





# STAFF REPORT

## TO THE CITY COUNCIL

**DATE:** October 13, 2020

**FROM:** Joseph Hughes, City Manager

**REVIEWED BY:** Carlos Zamano, Public Works Director/City Engineer *CZ*

**PREPARED BY:** Matt Bennett, Assistant Public Works Director *MB*

**SUBJECT:** TKE Engineering, Inc. – Professional Services Contract Addendum No. 1

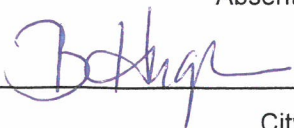
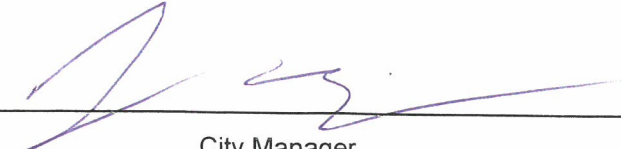
**RECOMMENDATION:** It is recommended that the City Council:

1. Approve Addendum No. 1 to Professional Services Contract with TKE Engineering, Inc. (TKE) to reflect a change in the billing rate schedule.
2. Authorize the Mayor to sign the Addendum.

**FISCAL IMPACT:** The revised Billing Rate Schedule attached as Exhibit “C” offers a reduction of 11.5% and 17.8% from the original Contract with TKE in Project/ Construction Manager and Development Services Director positions respectively. Also proposed is an increase of 11.1% in the Development Construction Inspector position to an industry average rate for that position. Professional services provided by City consultants will be borne by developers on new development projects, and by City on City-initiated projects.

**PUBLIC NOTICE:** The agenda for this item was posted at the three locations per Resolution No. 2011-047 and the City’s website.

**BACKGROUND:** The City has a contract with TKE Engineering, Inc. for on-call Professional Consulting City Engineering services. The current billing rates have been in effect since January 14<sup>th</sup>, 2014. City staff negotiated the current billing rates with TKE to provide professional engineering services for development and capital improvement projects. As a result of the expanded services being provided, TKE is offering the City reduced rates in the most relevant positions. The new rate schedule, which if approved, will be effective November 1<sup>st</sup>, 2020. A complete list of all TKE staff positions can be found in Exhibit “C” of Addendum No. 1.

|                                                                                    |               |                                                                                      |                          |
|------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------------|--------------------------|
| Approved _____                                                                     | Motion _____  | Second _____                                                                         | Agenda Item No. <u>8</u> |
| Denied _____                                                                       | Ayes _____    |                                                                                      |                          |
| Continued _____                                                                    | Noes _____    |                                                                                      | File No. _____           |
| Tabled _____                                                                       | Abstain _____ |                                                                                      |                          |
|                                                                                    | Absent _____  |                                                                                      |                          |
|  |               |  |                          |
| City Clerk                                                                         |               | City Manager                                                                         |                          |

**ADDENDUM NO. 1  
TO PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING  
SERVICES BETWEEN CITY OF HIGHLAND  
AND TKE ENGINEERING, INC.**

This addendum to the agreement for TKE Engineering, Inc. is made and entered into this 13<sup>th</sup> day of October, 2020 by and between the City of Highland ("City") and TKE Engineering, Inc. ("Consultant").

TKE Engineering, Inc. entered into an agreement for traffic engineering services with City on January 14<sup>th</sup>, 2014. The agreement provides for a Billing Rate Schedule for services performed by Consultant staff.

This addendum alters the Agreement as follows:

"That the Billing Rate Schedule be replaced by Exhibit "C" attached hereto and effective October 19<sup>th</sup>, 2020."

Except as expressly modified above, the term of the original agreement dated January 14<sup>th</sup>, 2014, and all its subsequent addenda shall control the respective rights and obligations of the parties hereto.

ATTEST:

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Larry McCallon  
Mayor

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Michael Thornton  
TKE President

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Betty Hughes  
City Clerk

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Terry Renner  
TKE Vice President

**Exhibit C****CONSULTANT'S HOURLY RATE AND SCHEDULES****A. Engineering Related Services (Effective 01-15-2014)**

| <b><u>Professional Staff</u></b>                          | <b><u>Hourly Rates</u></b> |
|-----------------------------------------------------------|----------------------------|
| Principal in Charge                                       | \$150.00                   |
| Development Services Managing Director                    | \$225.00****               |
| City/Senior Surveyor                                      | \$130.00*                  |
| Project Manager/Construction Manager/Development Manager  | \$130.00**                 |
| Senior Development Services Manager                       | \$120.00                   |
| Senior Engineer/Project Engineer (PE)/Senior Plan Checker | \$110.00                   |
| Associate Engineer                                        | \$100.00                   |
| Assistant Engineer/Plan Checker                           | \$ 90.00                   |
| AutoCAD Technician                                        | \$ 90.00                   |
| Engineering Technician                                    | \$ 50.00                   |
| Clerical                                                  | \$ 55.00                   |
| Forensic Engineering                                      | \$150.00                   |
| Expert Witness Testimony                                  | \$250.00                   |

**Surveying Services**

|                   |             |
|-------------------|-------------|
| 2-Man Survey Crew | \$235.00*** |
|-------------------|-------------|

**Construction Services**

|                                               |              |
|-----------------------------------------------|--------------|
| Development Services Construction Inspector   | \$ 100.00*** |
| Construction Inspector                        | \$ 110.00*** |
| Car/Truck for Construction Services Personnel | \$ 60.00/Day |

**Reimbursable Items**

| <b><u>Reimbursable Items</u></b>      | <b><u>Reimbursements</u></b> |
|---------------------------------------|------------------------------|
| In-house Reproduction                 | Cost                         |
| Printing and Materials                | Cost + 10%                   |
| Express Mail/Courier/Next Day Service | Cost + 10%                   |
| Special Subconsultant Services        | Cost + 10%                   |

**Notes:**

\*Ronald Musser will be billed at a rate of \$120 an hour.

\*\*David Kinzle will be billed at a rate of \$115 an hour.

\*\*Robert Doss will be billed at a rate of \$115 an hour.

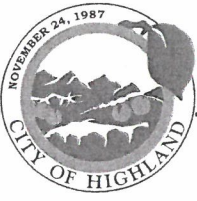
\*\*Gabor Pakozdi will be billed at a rate of \$115 an hour.

\*\*\*Prevailing Wage Rates Are Subject To 3% Annual Increase for Prevailing Wage Rate Increases

\*\*\*\*Steve Dukett will be billed at a rate of \$185 an hour.

All Rates Are Subject To 5% Increase Every Third Year (Beginning 2023)





# STAFF REPORT

## TO THE CITY COUNCIL

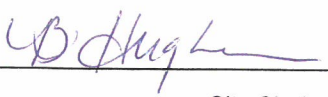
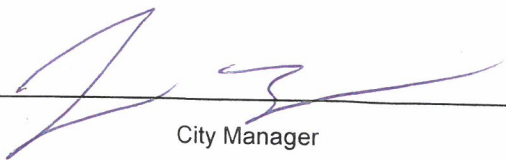
**DATE:** October 13, 2020

**FROM:** Joseph A. Hughes, City Manager

**PREPARED BY:** Betty Hughes, MMC, City Clerk

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

**RECOMMENDATION:** Discussion and possible action.

|                                                                                                   |               |                                                                                                      |                          |
|---------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------|--------------------------|
| Approved _____                                                                                    | Motion _____  | Second _____                                                                                         | Agenda Item No. <u>9</u> |
| Denied _____                                                                                      | Ayes _____    |                                                                                                      |                          |
| Continued _____                                                                                   | Noes _____    |                                                                                                      | File No. _____           |
| Tabled _____                                                                                      | Abstain _____ |                                                                                                      |                          |
|                                                                                                   | Absent _____  |                                                                                                      |                          |
| <br>City Clerk |               | <br>City Manager |                          |



# STAFF REPORT

## TO THE CITY COUNCIL

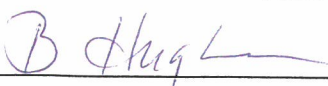
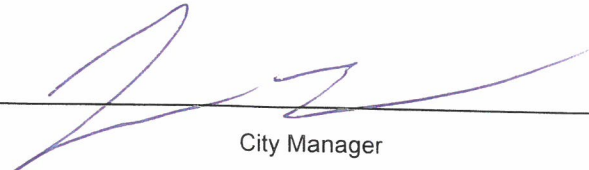
**DATE:** October 13, 2020

**FROM:** Joseph A. Hughes, City Manager

**PREPARED BY:** Betty Hughes, MMC, City Clerk

**SUBJECT:** Council Member Comments  
(Agency/Committee/AB1234 Reports, District Updates, etc.)

**RECOMMENDATION:** Discussion and possible action.

|                                                                                                  |               |                                                                                                      |                           |
|--------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------|---------------------------|
| Approved _____                                                                                   | Motion _____  | Second _____                                                                                         | Agenda Item No. <u>10</u> |
| Denied _____                                                                                     | Ayes _____    |                                                                                                      |                           |
| Continued _____                                                                                  | Noes _____    |                                                                                                      | File No. _____            |
| Tabled _____                                                                                     | Abstain _____ |                                                                                                      |                           |
|                                                                                                  | Absent _____  |                                                                                                      |                           |
| <br>City Clerk |               | <br>City Manager |                           |