

**MINUTES
CITY COUNCIL REGULAR MEETING
OCTOBER 11, 2022**

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:00 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

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

ROLL CALL

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

REPORT FROM CLOSED SESSION

No meeting.

SPECIAL PRESENTATIONS

A proclamation was presented to Public Works Director/City Engineer Zamano for National Pedestrian Safety Month.

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA)

Jane Bouch spoke regarding her gratitude for the support of the City and Police at the Chamber of Commerce 5K and 10K Run.

Gail Shelton spoke regarding the wonderful sponsorship and the support of the City and Police at the Chamber of Commerce 5K and 10K Run.

Christian Flores spoke regarding his appreciation to Community Development Director Mainez for serving as a bridge of communication between the residents of Fairway Mobile Home Estates and the mobile home park management.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Council Member Timmer, seconded by Mayor Pro Tem Lilburn, to approve the consent calendar as submitted. Motion carried on a roll call vote, 5-0.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.

2. Minutes – September 13, 2022 City Council Regular Meeting
Approved the Minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 746 for October 11, 2022, in the amount of \$1,869,413.56 and Payroll of \$228,910.48.
4. Treasurer's Report for August 2022
Received and filed Treasurer's Report for August 2022.
5. Tract 18013 – Grant Deed to Transfer Ownership of Lot "A" Water Quality Management Plan (WQMP) Basin, from MV 18013, LLC (Monte Vista Homes) to the City of Highland
 - 1) Accepted Grant Deed from MV 18013, LLC (Monte Vista Homes); and
 - 2) Directed the City Clerk to record the Grant Deed.
6. Records Destruction Authorization
Approved the destruction of certain records.
7. Staff Reorganization/Succession Planning in Building Services, City Clerk and Engineering Departments
 - 1) Approved staff reorganization including the adding/reclassifying of new positions; and
 - 2) Approved Resolution No. 2022-050, a Resolution of the City Council of the City of Highland, California, establishing employee salaries; and
 - 3) Authorized the City Attorney to finalize the All Covered full-time Information Technology (IT) contract and authorized the City Manager to execute the contract when final.

RESOLUTION NO. 2022-050
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ESTABLISHING EMPLOYEE SALARIES

8. Agreement with County of San Bernardino for Pavement Rehabilitation of Pumalo Street and other Roads (Project str22001)
 - 1) Approved Agreement with County of San Bernardino for Pavement Rehabilitation of Pumalo Street and other roads (Project str22001); and
 - 2) Authorized the City Manager to execute the agreement.
9. Adopt and Approve the Local Roadway Safety Plan
Adopted Resolution No. 2022-051 approving the City of Highland Local Roadway Safety Plan (LRSP).

RESOLUTION NO. 2022-051
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING AND ADOPTING THE LOCAL ROAD
SAFETY PLAN

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.

10. Municipal Code Amendment (MCA-21-001): Amending Title 16, Chapter 16.06 Definitions, Chapter 16.24 Employment District, Chapter 16.44 Specific Development Standards, and Tables 16.20.030.A Uses Permitted within Commercial Districts; and 16.52.030.A Off-Street Automobile Parking Space Requirements of the Highland Municipal Code to Prevent the Over Concentration of Service Stations and Proactively Address the State's Efforts Related to Zero-Emission Vehicles

Assistant Planner Tafolla stated good evening Mayor and Members of the City Council. This evening we will be reviewing a proposed amendment to the gas station section of the City's municipal code. This amendment was initiated in August of 2021 after Council gave staff direction to review and analyze impacts on commercial and residential land use composition caused by the potential inundation of service stations in the City and as a result of the State's efforts related to zero emission vehicles. Interim Ordinance No. 449 was adopted and established a moratorium on August 24, 2021, on new and expanding fueling service stations. As directed by City Council, processing for service station projects which had undergone the pre-application process in addition to those which had already formally filed a conditional use permit or design review application prior to the moratorium, were allowed to move forward with entitlements. Since the adoption of the initial moratorium, staff has accepted one new proposed service station application that had gone through the pre-application process. During the moratorium period, staff met twice with the City Council Ad Hoc Subcommittee members, Mayor McCallon and Council Member Timmer, and worked closely with the City Attorney on the draft before you this evening. The key changes proposed included, redefining vehicle fueling stations to include alternative fuel vehicles, additional development standards to improve visual impacts, including canopy and lighting design requirements. Minimum separation distance specifications of 250 feet between vehicle fueling stations to reduce and avoid overconcentration and include one fast electrical vehicle charging station to be installed for every eight fuel pumps proposed or for stations with less than eight

pumps, one fast electrical vehicle charging station. On September 6, 2022, the Planning Commission reviewed and recommends the City Council approve the subject ordinance. Staff would like to bring to your attention the operative ordinance begins on page 62 of the staff report.

Thank you, Mayor and Council. This completes my presentation. I will be happy to answer any questions you may have.

Mayor McCallon asked are there any questions of staff before we have public comment?

Council Member Chavez stated I just wanted to echo what Planning Commissioner Jarrod Miller said at the last meeting. Out of curiosity, how come there was not like a study that was added to this item?

Assistant Planner Tafolla stated staff did research with other cities and Planning Commission did make that recommendation, which was included in the staff report. So if that is something that Council would like to do, a study can still be done.

Council Member Chavez stated yeah, it was out of curiosity if it was because we could not afford one or is because we did not have enough time, or is there a time constraint?

Assistant Planner Tafolla stated no.

Council Member Chavez stated it is neither.

Assistant Planner Tafolla stated neither.

Council Member Chavez stated so we just did not include the study?

Assistant Planner Tafolla stated we just did not do the studies. It was just staff level.

Council Member Chavez stated okay.

Mayor Pro Tem Lilburn stated can I ask one question? So we had one new person follow through with their new application from the pre-approval.

Assistant Planner Tafolla stated correct.

Mayor Pro Tem Lilburn stated how many were pending for a CUP (Condition Use Permit) or a new application and just did not follow through?

Assistant Planner Tafolla stated just one. Well, there was two altogether that had gone through the pre application process. Of those two, only one submitted their application.

Mayor Pro Tem asked did we follow up why the other one did not.

Assistant Planner Tafolla stated staff did not follow up on it.

Mayor Pro Tem stated OK.

Mayor McCallon asked are there any other questions of staff before we have public comment?

Mayor Pro Tem Lilburn stated do you think they are aware of this?

Assistant Planner Tafolla stated I would believe so.

Mayor Pro Tem asked were they notified?

Assistant Planner Tafolla stated they were notified. Both of the preapplication applicants were notified of the meeting.

Council Member Timmer stated just a point. When we go through a development process for many different uses people pull applications, they file, they never come back. In fact, they even sometimes get their permits issued and never build. So there's business decisions involved in what they do and so something has changed for that particular applicant and so they decided not to run, go forward.

Mayor Pro Tem Lilburn stated I am not questioning, I just wanted to know if they did.

Council Member Timmer stated the only question I have is, if you are done Penny, on the second bullet point on page 3 of the staff report. It says clarify that self-service car washes are permitted separately as it relates to fueling stations activities. Currently, I assume then that the gas station washing facilities or car wash facilities are permitted under one permit. So now they are talking about splitting them off if there is for different design reasons.

Assistant Planner Tafolla stated well Planning Commission was just concerned that if we did not include specific language in the new fueling station code, that there was a separate location within the municipal code for car washes, so there is a standalone car wash land use.

Council Member Timmer stated standalone, I understand.

Assistant Planner Tafolla stated right, and it can be as part of a gas station, but it is not. It previously was almost like it was clumped into one. So now there is a specific language.

Council Member Timmer stated so if a gas station proposal comes in with a car wash, they still only need one permit. Is that what we are saying?

Assistant Planner Tafolla stated one entitlement.

Council Member Timmer stated so we are trying to make things easier, not more complex to get two permits for one business does not makes sense to me.

Assistant Planner Tafolla stated it all can be run under one permit, one entitlement.

Council Member Timmer stated I figured that is what we are saying but I just wanted to make sure, the wording is kind of... ok thank you, that is the only question I have Mayor.

Mayor McCallon stated I have no speaker slips is there anyone in the audience who wishes to speak on this item, either for or against? Seeing that, I will close the public hearing and bring it back to the Council for discussion and action.

Mayor McCallon stated I did make some recommendations, a couple of word changes on the ordinance and they are on page five of the staff report, Item 10.

Council Member Timmer asked what page Larry?

Mayor McCallon stated page 14, I guess, of the staff report.

City Attorney Marroquin stated I believe if we are looking at Item 10, I think it is on page 65 of the ordinance, Item 10 where it says air and water. Is that what you are referring to?

Mayor McCallon stated yes. I do not know the page numbers on the one I have, is it 65?

City Attorney Marroquin stated the ordinance is in there twice. There is a Planning Commission version and a City Council version. That is some of the confusion so it is page 65.

Mayor McCallon stated so page 10 where it says at convenient location during hours when gasoline is dispensed, I suggest we change gasoline to fuel, when fuel is dispensed. Also at the bottom of that page 15-A says the dispensing of petroleum products. I suggest we change petroleum to fueling products. And on my page 16, which would be 2 pages over, or D1, it says when we are talking about abandoned and converted vehicle fueling stations, where it says remove all gasoline pumps and pump islands, I suggest we change that to remove all fueling pumps and pump islands. And on page 17, which would be one page over from the other on E, which talks about converted vehicle fueling stations. It says in there included but not limited to removal of all gasoline appurtenances. I suggest we change gasoline to fueling.

Assistant Planner Tafolla stated noted.

City Attorney Marroquin stated Honorable Mayor, if I may, if we are making changes with respect to gasoline to fueling, can we also get direction just to make a global change? There's a couple of other instances where gasoline pumps come up that were not noted. Did you want to change all references from gasoline pumps to fueling pumps?

Mayor McCallon stated I read the entire thing and those are the only places I found it.

City Attorney Marroquin stated I am seeing it on page 65 under 9A. It says, I am sorry, 9B electric vehicle charging stations shall be positioned to ensure vehicle queuing at gasoline pumps. Would you like that to read fueling pumps?

Mayor McCallon stated yes, if it is there. I do not have a 9B on mine.

City Attorney Marroquin stated I believe then it might be that you are looking at the Planning Commission version versus the City Council version. I know, there is a lot of confusion due to that. There are other instances, I do not know if this is on your version, but on page 66 which is 12...

Mayor McCallon stated yes wherever, global change, wherever they mention gasoline put fueling or petroleum products put fueling.

City Attorney Marroquin stated we will absolutely do that.

Mayor McCallon stated I think that would be more clear in terms of, you know, if it is gasoline or electric or whatever, it is a fueling installation.

Mayor Pro Tem Lilburn stated so some of them do say the fueling, so that is the Planning Commission's recommendation as well.

City Attorney Marroquin stated yes, there were some cleanup changes made from Planning Commission version to City Council version and so that is where there is that discrepancy.

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

- 1) Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board; and
- 2) Introduced and conducted first reading of Ordinance No. 456 to amend Title 16, Chapter 16.06 Definitions, Chapter 16.24 Employment District, Chapter 16.44 Specific Development Standards, and Tables 16.20.030.A Uses Permitted within Commercial Districts; and 16.52.030.A Off-Street Automobile Parking Space requirements of the Highland Municipal Code to prevent the over concentration of service stations and proactively address the state's efforts related to zero-emission vehicles, as amended. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 456:

ORDINANCE NO. 456

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING TITLE 16, LAND USE AND DEVELOPMENT OF THE HIGHLAND MUNICIPAL CODE, PERTAINING TO VEHICLE FUELING STATIONS, AMENDING THE PROCESS FOR OBTAINING AN ENTITLEMENT PROCESS IN THE EMPLOYMENT DISTRICT FROM DESIGN REVIEW TO STAFF REVIEW AND MAKING A FINDING OF EXEMPTION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT, MUNICIPAL CODE AMENDMENT MCA 21-001

which title was read.

CITY COUNCIL LEGISLATIVE

11. Introduction and First Reading of an Ordinance of the City Council of the City of Highland, Amending Title 15 of the Highland Municipal Code to Adopt the 2022 California Building Code, Volumes I and II, including Chapter 1, Division II and Appendix H, the 2022 California Fire Code including Chapter 1, Division II and Appendices I, N and O, the 2022 California Existing Building Code including Chapter 1, Division II, the 2022 California Residential Code including Chapter 1, Division II and Appendix AX, the 2022 California Electrical Code including Article 89, the 2022 California Plumbing Code including Chapter 1, Division II, the 2022 California Mechanical Code including Chapter 1, Division II, the 2022 California Green Building Standards Code including Chapter 1, Division II, and Making a Finding of Exemption under the California Environmental Quality Act

Building Official Wirz gave a brief review of the staff report.

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

- 1) Waive full reading and introduce Ordinance No. 457, read by title only; and
- 2) Schedule a public hearing on the proposed adoption of Ordinance No. 457 at the November 8, 2022 City Council meeting, and direct staff to provide notice of said public hearing. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 457

ORDINANCE NO. 457

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING TITLE 15 OF THE HIGHLAND MUNICIPAL CODE TO ADOPT THE 2022 CALIFORNIA BUILDING CODE, VOLUMES I AND II, INCLUDING CHAPTER 1, DIVISION II AND APPENDIX H, THE 2022 CALIFORNIA FIRE CODE INCLUDING CHAPTER 1, DIVISION II AND APPENDICES I, N AND O, THE 2022 CALIFORNIA EXISTING BUILDING CODE INCLUDING CHAPTER 1, DIVISION II, THE 2022 CALIFORNIA RESIDENTIAL CODE INCLUDING CHAPTER 1, DIVISION II AND APPENDIX AX, THE 2022 CALIFORNIA ELECTRICAL CODE INCLUDING ARTICLE 89, THE 2022 CALIFORNIA PLUMBING CODE INCLUDING CHAPTER 1, DIVISION II, THE 2022 CALIFORNIA MECHANICAL CODE INCLUDING CHAPTER 1, DIVISION II, THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE INCLUDING CHAPTER 1, DIVISION II, AND TOGETHER WITH CERTAIN AMENDMENTS THERETO MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

which title was read.

12. Use of State and Local Fiscal Recovery Funds (SLFRF) through the American Rescue Plan Act (ARPA). This is the second installment (ARPA #2)

Director of Administrative Services Dantuono gave a brief review of the staff report.

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

- 1) Authorize the expenditures of the \$7,447,553,50 for the SLFRF funds (ARPA #2) for the programs and amounts described in Attachment #1 and authorize the Finance/Personnel Subcommittee to move any funds as needed in the future within the approved categories; and
- 2) Authorize budget adjustments for Fiscal Year 2022/2023 in the amount of \$1,900,000. Motion carried, 5-0.

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

City Manager Hughes stated just a just a few updates on a couple items. The SR 210/Victoria Avenue Interchange, the kickoff project development team meeting was held today with Caltrans District 8 staff and San Manuel to officially get the project underway. City staff will meet monthly with Caltrans to monitor the progress of this project. Project approval and environmental documentation phase is anticipated to be completed in two years. The City audit is almost complete. The auditors have been working hard the past couple of weeks working with staff. It will be coming forward to the Finance Subcommittee in November and then on to the City Council in December. On October 4, the Planning Commission Appeals Board adopted declarations for public nuisances for the following properties, 6956 Palm Avenue, 25191 5th Street, and vacant parcels at the northwest corner of 3rd and Central Avenue. They were for various issues, unsafe structures, unpermitted land use and property maintenance issues. The City's project to demolish a single-family home at 7433 Central Avenue has been completed. The small home was removed from the Housing Authority property to make way for a future senior housing project that we are currently working with Wakeland Housing and Development Corporation on. You may want to do a quick search when you get home. Wakeland just opened up a new project in LA (Los Angeles), a very nice project, and they just received a lot of news coverage from ABC7. It was a pretty big deal. The Historic and Cultural Preservation Board met on October 6 and begin preparations for the Citrus Harvest Festival. The board discussed the festival layout, sponsorships, entertainment, historic walking tour and car show. Just a reminder, the State of the City address is this Thursday. It will be held at the San Manuel Event Center at Highland and Boulder. Registration is at 5:30 p.m., the program begins at 6:30 p.m. The Volunteer Dinner will be held November 10 and will be held at the same location at the San Manuel Event Center. On October 29 from 10:00 a.m. to 2:00 p.m. the DEA National Prescription Drug Take Back Program will be held, and it will be down at the Highland Police Station. On Saturday, November 5 there will be a Highland Improvement Team cleanup. November 28 will be a blood drive from 12:00 p.m. to 5:00 p.m. at the Highland Police Station. Burrtec illegal dumping work orders are up dramatically. September was 212 and that was the highest that we have had since starting the program. For the Fire Department, some stats for the month of September. The Highland Fire Department responded to a total of 683 calls for service, 500 of those were medical aids. There were 44 traffic collisions, 9 false alarms, there were four vehicle fires, 25 other fires, 9 structure fires and 3 vegetation fires. The Highland Police Department, from September 12 to October 9, responded to 3,072 calls for service, took 273 reports. Our Sheriff's Department received a grant, it actually went out to every city, but we received one for \$61,000 from the Office of Traffic Safety (OTS) for additional overtime. That is in addition to the \$150,000 additional overtime that the Council approved tonight. The nice thing about that OTS grant is that we do not have to oversee it; it is all done through the County. So the money will come into Highland, but the County deals with all the headaches.

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

Mayor Pro Tem Lilburn stated that the property on Central looks very good with all of that gone. Just a couple of things I wanted to say, I am looking forward to the State of the Community. I wanted to thank the Chamber for asking me to be their guest speaker this month and the Women's Club and invite everyone to the Highland Senior Center's Annual Craft Fair this Saturday starting at 9 a.m. to 1 p.m. We have 35 vendors coming out so we invite you all to come and get your early shopping done.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 6:37 p.m. in memory of John Lorei and James 'Jaime' Ramos.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor