

**MINUTES
CITY COUNCIL REGULAR MEETING
JANUARY 9, 2024**

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 Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Tracy Johnson, Immanuel Baptist Church, and the Pledge of Allegiance was led by Mayor Pro Tem McCallon.

ROLL CALL

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

REPORT FROM CLOSED SESSION

None

SPECIAL PRESENTATIONS

None

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA)

Mark Falcone spoke about concerns with the Mayor and Mayor Pro Tem appointment procedures, the sound system within the Council Chambers, and the participation from various Council Members.

Tom Whelan spoke about street paving concerns within his neighborhood along Whitegate Lane.

Chris Nielsen spoke outlining upcoming Highland Chamber of Commerce events.

Junior Carrillo spoke expressing gratitude for the city's efforts and assistance in addressing his concerns.

CITY COUNCIL CONSENT CALENDAR

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

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes - December 12, 2023 City Council Special Meeting
Approved the Minutes as submitted.
3. Minutes - December 12, 2023 City Council Regular Meeting
Approved the Minutes as submitted.
4. Warrant Register
Approved Warrant Register No. 761 for January 9, 2024, in the amount of \$5,411,725.68 and Payroll of \$233,378.55.
5. Treasurer's Report for November 2023
Received and filed Treasurer's Report for November 2023.
6. Construction Management and Inspection Services for Bid No. 2023-06, "Citywide Pedestrian Signal Head and Push Button Upgrades" (Project No. sig21001)
 - 1) Approved the proposal from Hernandez, Kroone & Associates (HKA) to provide construction management and inspection services in the amount of \$16,417.50 for Bid No. 2023-06, "Citywide Pedestrian Signal Head and Push Button Upgrades" (Project No. sig21001); and
 - 2) Authorized the City Manager to approve contract amendments up to 10% of the proposal amount.

CITY COUNCIL PUBLIC HEARING

7. Revision to Engineering Conditions of Approval for Design Review Application (DRA 20-006), Approved by the City Council on September 23, 2020. Design Review Application (DRA 20-006) Proposed the Construction of a 200-unit Residential Complex at the Northwest Corner of Greenspot Road and Webster Street, Known as San Carlo I, Highland Townhome Apartments. The Current Application Proposed to Revise Engineering Conditions No. 11 and No. 40 Related to the Timing and Method of Certain On-Site and Off-Site Improvements

Mayor Lilburn introduced Public Works Director/City Engineer Zamano to present the item.

Public Works Director/City Engineer Zamano stated construction of the 200-unit townhome apartments is nearly done. As a result of the project's near completion, the applicant who is here tonight is seeking approval to occupy the project as soon as possible.

The project has experienced delays in satisfying a couple of Engineering Conditions that are outlined in the staff report. The two are Engineering Conditions Nos. 11 and 40. Engineering Condition No. 11 is a condition that requires the installation of a traffic signal at the intersection of Greenspot Road and Calhoun Road. Engineering Condition No. 40 is for undergrounding of one pole on the west side of Webster Street. The applicant has had issues with completing these two conditions. Engineering Condition No. 11 related to the traffic signal, took longer to revise the traffic signal design because an ultimate layout is needed for the intersection to accommodate the new Costco. Engineering Condition No. 40, related to the power pole that is owned by Verizon, coordinating the undergrounding of it has been difficult. From firsthand experience, it is difficult to get utility companies to move quickly on these types of requests. It should be noted that there are other poles that require undergrounding as well, but those will be completed later by other development as that comes through.

The traffic signal is required to be constructed prior to the first building occupancy, but as stated, the applicant is unable to complete it. The proposed amendment has broken up Engineering Condition No. 11 into two separate sections, in concurrence with City Attorney Marroquin. The amendment would allow to defer the construction of the traffic signal until the last building occupancy because it will take six months to construct. Between now and then, in order to ensure a safe condition within the location, the applicant is required to provide a traffic control plan that is going to restrict the left turn movement in and out of Greenspot Road and Calhoun Road. There will be barricades along Greenspot Road to prevent and restrict those movements. The city will ensure that the revised traffic control plan includes a no U-turn movement at Webster Street and Greenspot Road because it is not a signalized intersection. Vehicles will be encouraged to travel east onto Greenspot Road and make a U-turn at Boulder Avenue where it is signalized and there is enough room. Alternatively, traffic might travel on from Base Line towards Boulder Avenue, make a right turn and then another right turn into the development. Because the traffic signal will not be constructed until a later time, Engineering Condition No. 11B has been established to state that prior to the last building occupancy, the applicant will post a bond for this project.

City Attorney Marroquin stated she wanted to interject and clarify that the documents say “prior to the last building occupancy” but previous discussions were made to state “first building occupancy” that the security deposit is being made. It is a typo on her end.

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

City Attorney Marroquin stated she will be drafting an agreement in the next week so that it can be executed and presented at the next City Council Meeting. The terms communicated to the applicant was before building occupancy and she wanted to clarify it on the record.

Community Development Director Mainez responded staff would like to get the acknowledgement from the applicant as well because there was a lot of time spent discussing this prior to the City Council Meeting.

Public Works Director/City Engineer Zamano continued to state this is the item that was presented to the City Council for consideration. The item agrees to defer the two Engineering Conditions, which staff supports. He concludes the presentation but is open to any questions. The applicant is also present should anyone have any questions for them.

Mayor Lilburn asked if anyone had any questions for Public Works Director/City Engineer Zamano?

Council Member Timmer stated he had a couple of questions. He wants assurance the no U-turn signs at Webster Street and Greenspot Road will be implemented. The speed on Greenspot Road is known to be high, and on Webster Street you really must watch what you are doing. Thus, he wants to get re-assurance that the public will be warned not to make a U-turn there because it is not safe. Secondly, if the City Council approves this tonight, and they place the barriers to do the “right turn in, right turn out” installation, will that impact the paving East Valley Water District is scheduled to do soon?

Public Works Director/City Engineer Zamano responded staff met with East Valley Water District’s contractor this week to discuss those repairs and they confirmed they are scheduled to start them soon. There is no impact with respect to this work area.

Council Member Timmer responded he just wanted to confirm this will not delay the paving project longer since everyone is anticipating this to be completed soon.

Mayor Lilburn asked if there were any additional questions. She wanted to clarify on Engineering Condition No. 11B that it is prior to the first building occupancy?

City Attorney Marroquin responded that is correct. The idea for this condition was to have assurance that the traffic signal is going to be constructed, thus specifying first building occupancy. There would be some security posted and therefore an agreement whereby it would either be a bond or some other security to ensure that it gets constructed, and the city could collect on if for some reason it is not constructed.

Mayor Lilburn asked what would be the final date for the building of the traffic signal?

City Attorney Marroquin responded prior to the last building occupancy is when it would be constructed. Whether it is with a bond, a security deposit, or something else and an agreement.

Mayor Lilburn asked if the applicant was present, and if so, would they like to make a presentation?

City Attorney Marroquin asked if the applicant could come up to the podium to clarify on the record that they are ok with the modification to Engineering Condition No. 11B indicating and that the security occurs prior to the first building occupancy.

Applicant Tritz from Rexco Development responded he is ok with that. Although, his understanding was there would be an agreement in place because of how long it takes to obtain a bond.

City Attorney Marroquin responded a deposit would be posted, then an agreement will be drafted that will be executed. It will then be returned to the City Council for consideration in February.

Applicant Tritz stated he wanted clarification if he has to wait until City Council approves the agreement for the first occupancy?

City Attorney Marroquin responded no.

Mayor Pro Tem McCallon asked when will first occupancy take place?

Applicant Tritz responded it could happen today if they got power out to the site. But they are looking into occupancy as soon as they get through this process. The project is about half leased.

Mayor Pro Tem McCallon asked how many units have been leased thus far?

Applicant Tritz stated about 90. Many people like the project, that is why they are in a hurry to get through this, they are just pending power from Edison.

Mayor Lilburn stated there are no speakers in favor of the proposal or in opposition. She will close the public hearing and open it up for further City Council discussion.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Council Member Chavez-Cordova, to adopt Resolution No. 2024-001 approving revisions to Engineering Conditions of Approval No. 11 and No. 40 for Design Review Application (DRA 20-006), including the revision to Engineering Conditions Nos. 11A and 11B as discussed. Motion carried on a roll call vote, 5-0.

RESOLUTION NO. 2024-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING REVISION TO ENGINEERING CONDITIONS OF APPROVAL NO. 11 AND NO. 40 FOR DESIGN REVIEW APPLICATION (DRA 20-006) RELATED TO THE DEVELOPMENT OF A 200-UNIT MULTI-FAMILY APARTMENT COMPLEX ON 10.84 ACRES AT THE NORTHWEST CORNER OF GREENSPOT ROAD AND WEBSTER STREET IN PLANNING AREA 3 OF THE GREENSPOT VILLAGE AND MARKETPLACE SPECIFIC PLAN (APN NO. 1200-041-02) APPLICANT: REXCO DEVELOPMENT, SAN CARLO APARTMENT HOMES, LLC

CITY COUNCIL LEGISLATIVE

8. Appointment of Interim City Manager

City Attorney Marroquin gave a brief review of the staff report.

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

- 1) Adopt Resolution No. 2024-002, appointing Chuck Dantuono to the position of Interim City Manager; and
- 2) Approve a 10% salary increase. Motion carried on a roll call vote, 5-0.

RESOLUTION NO. 2024-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPOINTING CHUCK DANTUONO AS INTERIM CITY MANAGER AND APPROVING A SALARY INCREASE

9. Appoint One (1) Member of the Public to the Historic and Cultural Preservation Board

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

She opened the floor to nominations.

Mayor Pro Tem McCallon nominated Hugh A. Walker.

Hearing no other nominations, City Clerk Hughes closed the floor for nominations.

City Clerk Hughes called for the vote for Hugh A. Walker.

The City Council unanimously appointed Hugh A. Walker to the Historic and Cultural Preservation Board.

10. Appoint One (1) Member of the Public to the Planning Commission

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

She opened the floor to nominations.

Mayor Pro Tem McCallon nominated Craig A. Graves.

Hearing no other nominations, City Clerk Hughes closed the floor for nominations.

City Clerk Hughes called for the vote for Craig A. Graves.

The City Council unanimously appointed Craig A. Graves to the Planning Commission.

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

Interim City Manager Dantuono stated the Highland Sheriff's Department for the period of December 11 through January 7 received a total of 3,117 calls, 211 reports and 130 arrests.

The Fire Department for the month of December received 626 calls for service. There were 482 medical calls, 22 traffic collisions calls and 18 structure fire calls.

The 3rd/5th Street Corridor Improvement Project intersection closure at 5th Street and Palm Avenue was anticipated to re-open on January 26. Due to weather and utility delays by Edison and AT&T, the date has been extended to February. The overall project is expected to be completed by July of 2024.

Mayor Lilburn asked if staff could relay to the utility companies how important it is that the intersection gets re-opened because there are businesses that are really hurting due to the construction closure.

Interim City Manager Dantuono continued his updates and stated San Bernardino County's Point-in-Time Homeless Count will occur on Thursday, January 25.

Dutch Bros. Coffee submitted a design review application for their newest drive-thru at the northeast corner of Base Line and Boulder Avenue where the former Arrowhead Credit Union used to be.

Preparations for the Annual Citrus Harvest Festival on March 30 are underway.

Mayor Pro Tem McCallon asked if Dutch Bros. Coffee usually has a drive-thru?

Community Development Director Mainez responded they are going to demolish the existing building and build a new drive-thru.

Mayor Lilburn asked if the driveway entrances at that shopping center will have to be re-organized?

Community Development Director Mainez responded it will not affect them at all, they have designed the layout well.

Interim City Manager Dantuono stated on Sunday, January 28 from 7:00 a.m. to 11:00 a.m., the Highland Improvement Team (HIT) will be at Arroyo Verde Elementary School for the YMCA Run. On Monday, January 29 from 12:00 p.m. to 4:00 p.m., the Community Blood Drive will be held at the Highland Police Station.

For the month of December, Burrtec completed 120 illegal dumping work orders. For the calendar year, they completed 1,990.

The City Clerk's Department year end statistics for 2023 are as follows: 159 passport applications and 338 public records requests.

The City Clerk has announced her retirement. City Clerk Hughes' last day will be Friday, February 29. She has served as Highland's City Clerk for 22 years.

Mayor Pro Tem McCallon asked when is the restaurant Cuca's Mexican Food going to be opening?

Community Development Director Mainez responded they will be opening very soon. They are in the process of remodeling the interior, he anticipates within 2-3 weeks.

Mayor Lilburn stated circling back to the Burrtec illegal dumping, she wished that residents would not dump on the side of the road. They can place the items in front of their homes and call Burrtec and they will come and pick up. It is frustrating to see the numerous illegal dumpings on the west side of the city.

Council Member Timmer responded the city many times has sent out mailers to residents informing them of Burrtec's program, but many times people just do not care.

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

Mayor Pro Tem McCallon stated on December 16, he attended an event with Congressman Pete Aguilar and Interior Secretary Deb Haaland to commemorate the Plan B land transfer which has been completed. The tribe was represented, they were out by the wash area by the borrow pit. He has also been re-elected by the mayors of the 17 San Bernardino County cities in the South Coast Air Quality Management District for another four-year term and was sworn in on Friday.

He attended the monthly Inland Action meeting with the Executive Director of the South Coast Air Quality Management District (AQMD) to discuss the business concerns with all the AQMD rules. The rules are impacting businesses and one of his jobs is to try and institute rules that will clean the air but not destroy the economy. The City Manager recruitment will be brought forward to the City Council to schedule interviews. Staff will be contacting all City Council Members to see what date would be appropriate.

City Clerk Hughes stated staff is suggesting conducting interviews on January 30. It will be an all-day event, between 8:00 a.m. and 4:00 p.m and lunch will be provided. If all the City Council could confirm their availability. Hearing all five confirmed, staff will follow up with an email to confirm.

Mayor Pro Tem McCallon stated he has an appointment scheduled at 8:00 a.m. on the Monday when the election period starts to draw his papers. He is running for re-election.

Mayor Lilburn stated she wants to thank public safety personnel for Public Safety Day. She appreciates all that the police and fire do for the community. She attended Operation Santa Claus in December and enjoyed the community attendance.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 6:42 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Penny Lilburn
Mayor