

CITY OF HIGHLAND REGULAR MEETING OF THE PLANNING COMMISSION AGENDA

REGULAR MEETING

January 21, 2020

6:00 p.m.

City Hall

Donahue Council Chambers
27215 Base Line
Highland, California

MEMBERS

Randall Hamerly, Chair

John Gamboa, Vice Chair

Michael Hall, Commissioner

Richard Haller, Commissioner

Tamara Zaman, Commissioner

STAFF

Lawrence A. Mainez, Community Development Director

Kim Stater, Assistant Community Development Director

Ashiq Syed, Associate Planner

Salvador Quintanilla, Associate Planner

Angela Tafolla, Planning Technician II

Shannon Wisniewski, Administrative Assistant III

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

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

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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 Community Trails Committee, less than 72 hours prior to that meeting, are available for public inspection at Highland City Hall, 27215 Base Line, Highland, CA 92346, during normal business hours.

**PLANNING COMMISSION
REGULAR MEETING AGENDA
January 21, 2020
6:00 P.M.**

CALL TO ORDER

Pledge of Allegiance

COMMUNITY INPUT

Citizens wanting to address the Planning Commission on items not on the agenda will be asked to give their name, address, and the subject to be addressed on a speaker form and return it to the Recording Secretary. **Comments are limited to three minutes and are meant to be an opportunity to express one's views and not to debate the issues.**

REORGANIZATION OF THE PLANNING COMMISSION

1. Election of Chairman and Vice Chairman for 2020 – 2021.

RECOMMENDATION: That the Planning Commission conduct an election for Chairman and Vice Chairman for 2020 - 2021.

CONSENT CALENDAR

2. Minutes from the July 10, 2019 Regular Meeting of the Public Nuisance Hearing Board
RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.
3. Minutes from the November 19, 2019 Regular Meeting of the Planning Commission
RECOMMENDATION: That the Planning Commission approve the minutes, as submitted.

PUBLIC HEARING

None.

ANNOUNCEMENTS

ADJOURN

The next Planning Commission regular meeting is tentatively scheduled for February 4, 2020.

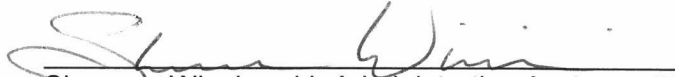
I, Shannon Wisniewski, Administrative Assistant III of the City of Highland, California, certify that I caused to be posted this agenda on or before the 15th of January, 2020, by 5:30 p.m. on our website at www.cityofhighland.org and in the following designated areas:

Highland Branch Library
7863 Central Avenue

Fire Station No. 1
26974 Base Line

City Hall
27215 Base Line

Date: January 15, 2020


Shannon Wisniewski, Administrative Assistant III



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: January 21, 2020

FROM: Lawrence A. Mainez, Community Development Director

PREPARED BY: Shannon Wisniewski, Administrative Assistant III

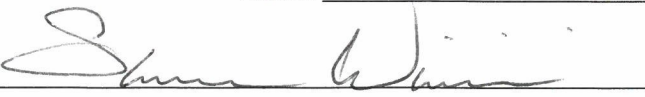
SUBJECT: Election of Chair and Vice Chair

RECOMMENDATION: Staff recommends the Planning Commission conduct an Election for Chair and Vice Chair

FISCAL IMPACT: None

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

BACKGROUND: In accordance with Resolution No. 89-19, Section 3.1(b), the Planning Commission will annually meet to appoint a Chair and Vice Chair for the coming year. The Chair will turn the meeting over to Staff, who will take nominations and the vote for Chair. After the appointment of the Chair, Staff will turn the meeting over to the newly appointed Chair who will then take nominations and the vote for Vice Chair.

Approved _____	Motion _____	Second _____	Agenda Item No. <u>1</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
			
Recording Secretary		Community Development Director	



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: January 21, 2020

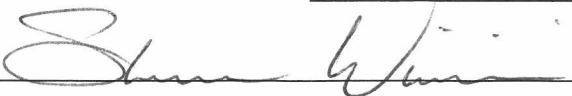
FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Shannon Wisniewski, Administrative Assistant III

SUBJECT: Minutes from the July 10, 2019 Public Nuisance Hearing Board Regular Meeting

RECOMMENDATION: Staff recommends the Planning Commission approve the Minutes as submitted.

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

Approved _____	Motion _____	Second _____	Agenda Item No. <u>2</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
			
Recording Secretary		Community Development Director	

**MINUTES
PUBLIC NUISANCE HEARING BOARD REGULAR MEETING
July 10, 2019**

1.0 CALL TO ORDER

The regular meeting of the Public Nuisance Hearing Board of the City of Highland was called to order by Chair Lewis Cantrell at 4:00 p.m. in the Leo Donahue Council Chambers, 27215 Base Line, Highland, California.

Members Present: Lewis Cantrell, Chair
 Bonnie Baldwin, Member
 Chris Racadio, Vice Chair

Members Absent: Melvin Abeyta, Member

Staff Present: Lawrence Mainez, Community Development
 Director
 Gerald Cox, Code Compliance Officer
 Shannon Wisniewski,
 Administrative Assistant III

The Pledge of Allegiance was led by Vice Chair Baldwin.

COMMUNITY INPUT

None.

REORGANIZATION OF THE PUBLIC NUISANCE HEARING BOARD

1. Election of Chair and Vice Chair for 2019 – 2020

Community Development Director (CDD) Lawrence Mainez explained the procedure for the election of Chair and Vice Chair. CDD Mainez led the election for the Public Nuisance Hearing Board Chair seat, and explained to the PNHB Board that anyone can nominate themselves or another member of the Board.

Member Baldwin nominated Vice Chair Racadio for the seat of PNHB Chair.

Chair Cantrell nominated Vice Chair Racadio for the seat of PNHB Chair.

There being no other nominations, CDD Mainez concluded the election for PNHB Chair.

A MOTION was made by Chair Cantrell to elect Member Racadio as PNHB Chair. Motion carried 3-0.

CDD Mainez congratulated Chair Racadio, and then turned the election for Vice Chair over to Chair Racadio.

Chair Racadio opened up the nominations for Vice Chair.

Member Cantrell recommended Member Baldwin for Vice Chair.

There being no further nominations, Chair Racadio concluded the election for PNHB Vice Chair.

A MOTION was made by Chair Racadio to elect member Baldwin as Vice Chair. Motion carried 3-0.

CONSENT CALENDAR

2. Minutes of July 11, 2018 PNHB Regular Meeting

RECOMMENDATION: That the Public Nuisance Hearing Board approve the minutes as submitted.

A MOTION was made by Chair Racadio, seconded by Vice Chair Baldwin to approve the Consent Calendar as submitted. Motion Carried 3-0.

3.0 Public Hearing

3.1 A Public Hearing to declare the existence of a Public Nuisance in accordance with Title 8, Chapter 8.32, of the Highland Municipal Code, and authorize the abatement thereof, at the Property located at 6987 Del Rosa Avenue, San Bernardino, California, 92404, San Bernardino Tax Assessor's Parcel Number 0273-153-18-0000. PNHB Case No. 19-001.

Chair Racadio asked staff if they have any sworn testimony for item No. 3 of the agenda regarding the Public Hearing.

CDD Mainez stated we will need to swear in the hearing officer and anybody in the audience that is going to present testimony. I am going to turn it over to our City Attorney to provide direction on that.

The City Attorney David Palmer briefly introduced himself to staff and the public

hearing audience regarding what his role will be during the Public Hearing.

City Attorney Palmer stated I will be present today acting as the hearing officer, and the first order of business is to swear in all people who will be providing testimony or evidence.

City Attorney Palmer stated is anyone going to be presenting to the Board this afternoon? If so, please stand up at this time to take an oath.

Attorney Palmer asked for the audience to repeat after him and stated the following: I do solemnly swear that the testimony and evidence that I give before this Board today in the matter pending shall be the truth, and the whole truth and nothing but the truth.

The audience and all Staff repeated the sworn oath.

Chair Racadio opened the Public Hearing and asked for any staff presentation regarding Agenda Item No. 3.

CDD Mainez stated Mr. Chair I would like to direct your attention to Code Enforcement Officer Mr. Gerald Cox who will be giving the Staf presentation today.

Code Enforcement Officer Gerald Cox greeted the Public Nuisance Hearing Board.

Code Enforcement Officer Gerald Cox read verbatim the subject and staff recommendation from the PNHB 19-001 staff report.

Code Enforcement Officer Gerald Cox stated the full cost to the city regarding the abatement of the public nuisances is unknown at this time. Staff has accounted for its time and its attempt to abate the properties violations. Staff will present the property owners of record with the cost of the city's efforts to abate the violations at the time that all violations are corrected. If the property owner elects not to pay for the city's cost to abate the violations, another public hearing will be held to assess the property for the cost of the abatement process.

Code Enforcement Officer Gerald Cox stated please turn to the next page in the staff report.

Code Enforcement Officer Gerald Cox stated Pursuant to Chapter 8.32 of the Highland Municipal Code a notice of Public Hearing was mailed via First Class Mail and Certified Mail with return receipt requested to Mr. Sesario Perez June 27, 2019 attached hereto and incorporated herein by reference.

Code Enforcement Officer Gerald Cox stated I have additional copies if the

Board desires to view them.

Code Enforcement Officer Gerald Cox stated a copy of the public notice was also posted at the property in addition on July 3, 2019. Staff posted the notice of Public Hearing in three designated posting locations, and copies of said notice was placed on the city's website, see the affidavit of posting and mailing and attached hereto as exhibit 2 and incorporated herein by reference.

Code Enforcement Gerald Cox concluded his presentation to the Public Nuisance Hearing Board.

CDD Mainez stated for the recording record, Gerald Cox was kind enough to pass out a couple documents that are in front of you, and one of them is a letter from a resident. I apologize that I don't have that document in front of me, but it is a document that we are receiving for the record.

CDD Mainez stated do all members have that document in front you?

All Board members confirmed that they had the letter from the resident in front of them.

CDD Mainez stated you also have a copy of the grant deed in front of you and it's just to show that the applicant owns the property and we were advised by our City Attorney to pass that out.

CDD Mainez stated Mr. Cox do you have anything else that you would like to add before you close?

Code Enforcement Officer Gerald Cox replied that about sums things up as far as I am concerned I have nothing else to add at this time.

Chair Racadio stated Mr. Cox, does the staff report of record contain all the main evidence that is being presented to the Board today?

Code Enforcement Officer Gerald Cox replied yes.

Chair Racadio stated does the audience have any questions for Mr. Cox?

There was no response from the audience.

Chair Racadio stated are there any other staff presentations for the Board?

Code Enforcement Officer Gerald Cox stated that is the full presentation at this time, in addition to the report that you have in front of you.

Chair Racadio thanked Code Enforcement Officer Cox.

Chair Racadio stated I would like to close the staff presentation at this time and open up the hearing for the applicant or his representative's presentation.

CDD Mainez stated the applicant is Mr. Sesario Perez

Mr. Sesario Perez approached the dais.

Mr. Perez greeted the Board.

Mr. Perez stated (inaudible) it is a pleasure to be here today even though it is not under the best of conditions but I would like to start with a little prayer if you don't mind, so that we all be a little more (inaudible) and at ease. It goes like this Lord make me an instrument of your peace wherever there is (inaudible) where this is (inaudible) where there is doubt (inaudible) where there is (inaudible) hope for the darkness light, and where there is sadness, joy. Thank you and I hope you can help. Mr. Perez stated My name is Sesario Perez and I live at 5624 Wabash Ave in Highland 92346. I have been living in San Bernardino and Highland since 1978, and it has been (inaudible) sometimes good times, sometimes (inaudible). What I would like to do is I want to thank the Board first of all because about six months ago we came out here and asked for some assistance with our payment on the Del Rosa Avenue. Behold within a matter of months somebody came and did it and they did it in about a couple of days. That was great and we thank you for that, but today we are going to take time to see... and we are going to talk about one thing, and the thing that we are talking about is a symptom. It is not the problem. We are talking here about what happens when we don't do what the regulation says (inaudible) or what we think the interpretation is. So we are talking about the San Bernardino County (inaudible) Homeless and HOPE Program. The first time that I saw the program was about thirteen when we started talking about it, and as a result it became that all the cities were granted some funds to (inaudible) that gave them some instructions and what they did, but it was up to each city to form its own way of doing it. For example, some of the cities they have their police and they have some other organizations that help them (inaudible). The main goal of the program under the Sure Program is one, and it has changed quite a bit since then. The reason when I came here, and I asked what regulation, protocol, guidance, or anything I wanted in writing so that I could go back and tell the people that we were helping with. Not only that, the people we were helping with and this is what they gave me.

Mr. Perez presented a San Bernardino County HOPE Team Homeless Resources brochure to the Public Nuisance Hearing Board.

Mr. Perez stated the cover sheet on the back is the supervisors because the supervisors are the head of the county and they were in charge of this program. It took me quite a while.

Mr. Perez presented to the Board additional pages contained within the San Bernardino County HOPE Team brochure.

Mr. Perez stated it says that the HOPE (inaudible) the Sheriff's has a program and then he has some activities and organizations that help called the HOPE or the Outreach Support program. It says the Homeless Outreach base program provides service in the field to engage those chronic homeless individuals with mental illness, and to permanent supporting houses. (inaudible) Outreach Protection force this is one that goes up into these streets and they find out what kind of homeless it is, and they are to reach out and go and do an assessment and find out if they are really or if they want to be in a home (inaudible). Then they coordinate with the (inaudible) which is a balance that (inaudible) with connected members of the homeless population with resources that may help them from transition from the homeless. A place that they can be until they get a shelter for them, or somehow to where they can keep an eye on them. Remember that we have all kinds of people, we have people who may be homeless just because they lost their job, they may be families, they may have some kids and so forth. While we have a lot of organizations that are helping most of them are dedicated to one thing, taking care of ladies, taking care of men, but trying to keep away from having them all at one place. This was the goal of the... I guess it really came about in fourteen probably in sixteen (inaudible) thirteen I know that they stopped talking about it. We have some problems in East Highland Association (inaudible). The reason we have problems is because we have many houses that were left empty but people that couldn't afford the adjustable, and there were a lot of kids that had gotten out of college that were making good money, but when they went up and adjusted the loan they couldn't make it. So as a result of that Captain Dececio was from (inaudible) because the (inaudible) is what we contract to support us as far as security. So he was (inaudible) the East Highland, and people would complain all day. People would go in, and I think they called them squatters at the time and you couldn't have it where you could get them all out, so they would leave them sometimes, overnight. Then they would go in the morning and tell them you can keep here or you can't go here. It wouldn't be long before somebody... To make a long story short, I want to go ahead and read the line of the areas that I'm getting hit by. To make it right this now, look what they gave me here, this is the program.

Mr. Perez presented a San Bernardino County HOPE Team Homeless resources brochure to the Public Nuisance Hearing Board members.

Mr. Perez stated this is what they gave me as who runs the program. This homeless resources, the people that are there working with the Salvation Army (inaudible) and not all of them have houses and apartments like the organization or Mercy. If you remember, we had a lot of individuals that would be picked up and then would take them to Secombe Lake. Secombe Lake was just full. So they were struggling to organize, but they did a pretty good job. Some of the

cities are doing a beautiful job, they got the money and they went to work with it and we had San Bernardino for about six months ago wanted to return the grants that they got for \$800,000.00 because they didn't want to be known as a homeless attraction. Somehow we (inaudible). So they had a conference and they were supposed to make it on an annual basis, and it was held in Ontario. This one was the one that was held in 2015. In 2015 the city determined that not all the homeless, but the veterans, all of the veterans that were known to be homeless and had their voucher to be in shelters by Christmas, or by the 31st at the latest. About two months later in February 2016, they came out with a big letter in the paper and they said mission accomplished. They have all been (inaudible) and of course we were talking about the veterans that come from the different cities, not just ours. One of the young veterans that I've got with me here is one of the very first ones. At first they said that she was not a veteran, the hospital says she is not a veteran they can't find her on the rosters and so forth. I came over here, and they said no, she is not a veteran. So we had people from housing, which was called at the time FEMA, people from the police, sheriff, and Mr. Dale Evans from Code Enforcement. So they went to the house because Captain Dececio had come and the days before and made a presentation and he said we will let you give us the names and so forth and we will help you. The only thing was that, as the owner of the house, I was not supposed to be involved with her. Whoever they were, if they were military, civilians, or single ladies, that was not part of my (inaudible). They were going to do the assessment and they were going to make sure that (inaudible), I guess they were going to take the ones that were on drugs and (inaudible). The ones that went to my house were a group of single men, single ladies, and I had a lady that had three teenagers. I had a veteran and her husband, and then I had some other people that (inaudible) so they went and they went with whole police men like I said Mr. Evans and they made (inaudible). Now I can't find who went, or where they were. So now, I will just go down the list of what we got, that they are saying is wrong with the house. I want to make (inaudible) and you probably know more about it than I do. What I would like to do is to make something that will come out of this that we can use for the future. If you know Mr. Ramos now is in the Assembly and the governor was down here about two months ago. Mr. Ramos came down here to the café and he was going to give us a speech, and asked him what are we doing on the (inaudible).

Recording Secretary Wisniewski stated please speak directly into the microphone for the recording of the hearing.

Mr. Perez acknowledged the request and continued his presentation.

Mr. Perez stated I think the only Council Member that was there was Mr. Chavez, so he talked to Mr. Chavez and said would you look into this. He also had about three or four of (inaudible) of each different directors in the service. He gave me their cards and their names and I have been in contact with them to find out what is going on. They all know now, and that was the (inaudible) I got here when he

came down, and after that the (inaudible) came down and somebody in the homeless division, and they talked to all those people that are in charge of that program and they gave me (inaudible). Here about maybe a couple of months ago or something like that he came out where he wanted to consult with a panel in this community and tried to figure out where we are, and how come some cities are doing good, and some cities are not. Then get all that information together and try to get the best of each one, and what kind of program is (inaudible) and do they have a program where they can put them in one building or do they have them separated and everything so they can do.

Member Cantrell stated Mr. Perez may I interrupt you briefly?

Mr. Perez replied yes.

Member Cantrell stated can we talk about the problem with Highland and your property? You are not making a connection there, so let's talk about the citations that have been given to you.

Mr. Perez replied Ok, but I was going to go item for item. Somehow I am not having the ability to be as knowledgeable of law, or to make a presentation. In fact this is the first time that I have ever been in a place like this. So, what I want to do is go down the line.

Recording Secretary Shannon Wisniewski stated could you speak into the microphone to assure the presentation is recorded.

Mr. Perez replied are you able to hear me now?

City Attorney Palmer replied yes.

Mr. Perez stated let's take the lease that we got there starting with the seventeen I think it was. On that list what is the first that you say is in a violation?

City Attorney David Palmer replied if you are looking for the background, back on September 5, 2017 there was a written complaint and then you had a verbal warning from one of our Code Enforcement Officers.

Mr. Perez replied what does that say, I am sorry?

Member Cantrell stated does Mr. Perez have a copy of the staff report?

Mr. Perez stated I have the staff report. On the staff report we start with September 5, 2017 and we received a complaint of several transients, not the neighbor, not the (inaudible) but transients living at Del Rosa, 6987 Del Rosa resulting in different areas. So we are going to that one. Long before this we had (inaudible) what happened to the start at the beginning when they first went down

and made the inspection of the house and look at the property, and says hey we are going to put our money here. At that time when they put the assessment they advised me there was going to be just maybe for a month or two while they found shelter to put them into and they did, they found some for some of them. It was not seventeen, so the people that were writing this are going by the rules that we have now. On the second it says second inspection next week has (inaudible) a violation and so forth. (inaudible) When it first started this man was here, I talked to him and said when are they going to come and get the people out so I can get my house back and get it rented because it is a rental. So, he said 30 days, but that was back in fifteen. Now all this that happened here, he is writing about today. Why couldn't he move these people like he did on the 24th? On the 24th he says everybody out. That was a few days after I talked to Mr. Ramos, and a few days after the Governor had made that speech. On the 24th I believe it was, they went and they evicted them, I don't know if you want to call it evicted, they didn't because they have the power to just get them out.

City Attorney Palmer stated can you identify what month and year you are talking about?

Mr. Perez replied yes on the 24th of May of this year.

City Attorney Palmer stated is this May 24, 2019?

Mr. Perez stated it appears that you got the same days that I'm talking about, so if you can see that there, he went out on a second inspection two weeks later on October 12th, no response from the property owner. I know, and I think that he knows that I try to make every council meeting that we have. I don't bring this up every council meeting, but he knows that I bring it up enough times to (inaudible) and I ask about it. Where are we on this, and so forth? They say well talk to Mr. Dale or talk to the okay... Now if you'll see here on November 1st, property owner arrived at city hall to request a meeting with Code Enforcement and Captain Fisk of the Sheriff's Department regarding any agreement that's the County of San Bernardino. That's when he gave me this one piece of paper that says... but it doesn't say anything about who's responsible for what. All they are talking about is the supervisors are on the back and the name of the program on the front. It used to be San Bernardino County unless somebody else is going back, and it used to say don't give money to panhandlers, give it to the County Sheriff's. So there were several things that happened at that time, there's been quite a bit of change.

City Attorney Palmer stated may I quickly interrupt you and ask you to go back on the staff report the date October 12, 2017, it's the entry that says no response from property owner.

Mr. Perez stated on which date?

City Attorney Palmer replied it says October 12, 2017.

Mr. Perez stated it says no response from property owner, mailed notice of violation of property owner.

City Attorney Palmer stated were you saying earlier that you did respond to that?

Mr. Perez replied yes sir.

City Attorney Palmer stated how exactly did you respond to that? Could you clarify exactly how you responded to that?

Mr. Perez stated I came down to the City Hall.

City Attorney Palmer replied do you know who you spoke with?

Mr. Perez stated I asked for Mr. Cox and he was gone, and then that's when I had the appointment for November. I came back on November 1st and I requested, I said please call me I would like to know where we stand on all of this. I have residents that are neighbors and in a way they are being very nice because a lot of them have helped the people. Now by the same token I said that if you know that we have people that are senior in there and so forth, we got a center here that offers at least Meals on Wheels. Not for all of them, but maybe for some of the people that can't get up and make (inaudible). So you can see that when they wrote me a letter I either came to the council meeting and I asked at the council meeting, or I would ask in person and talk to that individual. I had started talking to them long before this, when we heard that we were going to do this. I asked that because our area if you can remember and you can see, when we became a city I knew all of the people. Mrs. Scott she did my taxes for me. So when we did that we all got together and helped get the votes and I thought that what the people has said (inaudible) if you remember that time I think it was the representative came out Washington had given quite a bit of grants that were awarded to the city for (inaudible), but regardless of that let me stay on this (inaudible). Now that was for number one, you already got that one. Do you have any more questions on that one?

City Attorney Palmer stated I just want to make sure that we all understand what you're saying.

Mr. Perez replied now we will go back to the other where it says inspect property... Now this is Mr. Cox (inaudible).

Member Cantrell stated I don't know what page you are on... I don't know which page you are referring to.

Mr. Perez stated the first page. (inaudible) I got the dates I don't know if you got

the same thing that I got, it's the staff report.

City Attorney Palmer stated that appears to be page 2 of the staff report heading "background."

Mr. Perez replied ok. If you've got any questions on any of them then let me do that, maybe that will save us some time if you want. I do not want to rush you, but at the same time...

City Attorney Palmer stated I understand. However, this is your opportunity to present your case. You have appealed the administrative citation and you are asking the Board to make a decision as to whether or not to enforce. So it is your opportunity to present what you feel is important for the Board to know. If you would rather the Board to just ask you questions...

Recording Secretary Shannon Wisniewski interrupted the meeting to request Attorney Palmer speak closer into the microphone for the recording.

Mr. Perez stated no. I would rather just give you a reply to every one of these so that you know (inaudible). Code Enforcement received an additional complaint from neighbors. I know about them, but I don't know who the neighbor was or anything like that. Inspect (inaudible) and the property continues to be a public nuisance...

Chair Racadio stated is there anything else that you would like to present Mr. Perez?

Mr. Perez replied yes, I would like to go down the list, but like he said, he wants to know (inaudible) post and mail second letter of violation for public exhibits number 3. Ok.

Vice Chair Baldwin stated Mr. Perez I do have a quick little comment that I would like to make. We are all looking at the same notes, dates, times, and what was done and said.

Mr. Perez replied yes, I'm just trying to get you to...

Vice Chair Baldwin stated I think where I'm coming from is where I think a lot of us are. This has gone on for almost two years now.

Mr. Perez replied yes mam, it has gone on for 4 years.

Vice Chair Baldwin replied in the meantime your neighbors are suffering because of this, so I think that there has been plenty of opportunity for this problem to be corrected and it hasn't.

Mr. Perez replied well that is why I am trying to correct it now. It started with seventeen...seventeen I think you probably had a new Code Enforcement Mr. Cox because I guess Mr. Dale had retired as well. This started back in fourteen, this program started way before that.

City Attorney Palmer stated sir what program are you referring to?

Mr. Perez replied the San Bernardino County Sheriff Homeless and HOPE program.

Recording Secretary Shannon Wisniewski stated I'm sorry Mr. Perez that wasn't recorded, could you speak directly into the microphone please?

Mr. Perez replied ok, well that's what I am saying.

City Attorney Palmer replied Mr. Perez I am sorry, I don't mean to interrupt, but I do want to make sure that the record reflects the exact program that you are referring to. Could you please say it again?

Mr. Perez replied it was called San Bernardino County Sheriff Homeless and HOPE program. The HOPE program is the (inaudible), what they were supposed to be doing as to forward the help to the senior citizens, help to the VA, help to the people that had drug problems and so forth. How to get those organizations all together, but we need to be tighter to find out where we go from here to here and then get them in a shelter. This is the thing that they were trying to do, and then like today we got people who are going out and counting how many homeless people we got. Do we have one in the city? Did we have a representative there?

City Attorney Palmer stated I think we understand the program you are referring to now.

Mr. Perez replied yes the program as understood it was that they were going to be there for 30 days then they were going to find some kind of shelter and put them in a hotel or an apartment or something until they found a shelter. Nobody offered to pay rent, I went to housing (inaudible) and so forth (inaudible). Then say ok, they can stay in your house, if its (inaudible) so but meanwhile I was paying for the water, I was paying for the rent, and I was paying for all the utilities. I was talking to the different people (inaudible) and everybody say and well bring her here and so forth. I was trying to get her to the hospital and get her (inaudible).

City Attorney Palm stated I want to make sure you have every opportunity to present whatever evidence you feel is necessary to present. I want you to focus on two big issues right now. You've obviously had a chance to review the staff report.

Mr. Perez replied yes I did sir.

City Attorney Palmer stated is there anything that you... major issues in that staff report you disagree with?

Mr. Perez replied I don't disagree there because I wasn't there, but I certainly would like to take a good look at this one where it says...

Recording Secretary Shannon Wisniewski stated Mr. Perez please speak directly into the microphone.

Mr. Perez stated on exhibit 13 the last... where it says something about a fire.

City Attorney Palmer stated let's make sure we all have a chance to get there. So just for the record, I want everybody to understand that we are looking at Exhibit 13 of the staff report, and it is an investigation report from Cal Fire. Is that correct?

Mr. Perez replied yeah.

City Attorney Palmer replied please go ahead sir.

Mr. Perez replied it says on the report (inaudible) means evidently let me show you that Anthony is giving his report as to what he thinks happened. Or what he saw, he's saying statements and information included in the report are based on the best and available information at the time of report (inaudible).

Mr. Perez reviewed the Cal Fire report and read aloud the following: The investigation and (inaudible) includes the report (inaudible). I think about it that was the fourteen at 6987 on the scene I noticed a single family, single story residence with a lot of smoke showing from (inaudible) rear. Numerous deputies were on scene and several individuals, transients on the front yard and the backyard. I noticed small debris (inaudible) that was actually burning in an abandoned shopping cart unattended. I noticed SBSO Deputy talking with the African Female at (inaudible) and I asked her if she was involved. She wasn't very forth coming with information, but SBSO identified her as one Janiece Foster. Then the initial assessment of the immediate area I noted the following, an abandoned shopping cart filled with trash debris, wood, clothes, and various items. No water source in the immediate area, the backyard had (inaudible) grass and additional debris and so forth. I interviewed Janiece Foster and she stated the following, was hired to clean-up the backyard by the owner Mr. Perez. The other debris from the area and placed in a shopping cart. Used propane gas and lit the paper (inaudible) in the trash. She stated that it thought it was a good idea. Based on physical evidence and statements given by Janiece Foster, it is my opinion that she was very honest and admitted to starting the fire. Fire

classified as arson and (inaudible).

Mr. Perez concluded reading from the Cal Fire report and stated so she says that they suspect that maybe the people that are reading, that would say hey, he was told to (inaudible). I had them tell them over and over, keep it clean. Mr. Cox would say the same thing, if you keep it clean you can stay here. He never told them to get away. I said, hey, why don't you get (inaudible) why don't you get the shelter involved or go talk to the Loma Linda for her, and then to the rest of the people. But I need my house back. They have got their little carts and so forth, and they just (inaudible) they get into fights. A lot of people who steal things and bring them and the Sheriff would go there. The Sheriffs would never give me any information they said we can't talk to you. So I said, well can you give me your cards? I came back here to the Police to get me a report as to what happened. They wouldn't call me about what happened, I had to ask. So those are the things that happened, now if you are reading this, you would assume that I had paid her. Now they say that there was no water, the next door neighbor, I wasn't sure I wasn't there. They got a water hose, and there was a big water can. They said they had that available. So those are the thing that we need to find out who is right and who is wrong and so forth.

Vice Chair Baldwin stated Mr. Perez, just a minute. I think we all agree there's been a problem going on here for a long time. There's been a problem there's been no electricity, no water, and no gas. So if there's no water its got to be a real health issue, human waste issue, now there has been a fire that's also threatening your neighbors more. So it's not just about your property, you're threatening the whole neighborhood right there with this issue. So I think we need to say right now, what are we going to do to correct all this, now? It has been two years, we have given you all kind so opportunities. So let's focus on correcting it.

Mr. Perez replied that is going to be your opportunity, and that is going to be your decision. I appreciate what you are saying I have been in that position before. I was in the military and every time I came, and I had to rent a house or something and it was not (inaudible). So you do (inaudible). The thing is, why do we have the homeless problem?

Vice Chair Baldwin replied that is something that is not in your control. You can control, what is going on at your property.

Mr. Perez replied do we have a program here, and are you a member of that?

Vice Chair Baldwin replied a lot of those people choose that life.

Mr. Perez replied Mam, I am trying to keep on the subject. My question is what does the (inaudible) you got a young patrol officer. He's coming home and he is going to work, and they say, let's go pick up the homeless. Where do we take

them from where to where? Is there another place out here? That's not the problem, they are supposed to put them back to the city so that we can find out and say, are they hurting, are they (inaudible), are they stealing, are they doing this? I'm just going by what the regulation says, or whatever you call it. I am trying... who here in the City of Highland is responsible for this program, and what does he say to his patrol (inaudible) when they come in? Now, because, and correct me if I am wrong. The city was given a grant for two additional Code Enforcers. Those Code Enforcers, I made a decision to go see them, because they wouldn't come to see us. So, I went to see them, and I came up to here, (inaudible) have they looked at the thing, have they known, or have they reported to the host who is saying, who is the social worker for this lady? Who is saying, where are we taking the people (inaudible)? You might say, well we take them to the Inn, or to the living place here. Then you have somebody that eventually goes there every so often, and checks how they been treated. What are they doing, are they keeping the place clean and so forth? In this case, it would be my responsibility, but the responsibility went away when they said you have nothing to do with them. I couldn't get their names, not their social security number. They did the assessment, and one of the gentleman that was at (inaudible) he remembered that he was there with those people. (inaudible). So this is what I'm saying, I'm not trying to, (inaudible) I'm trying to be just, let's see what we are going to do from here on. This is the future of our kids, and if our kids see that those people there, and they gone pick on them and bully on them or something like that. Or those kids will go on and see that this guy's got money and they live here, so what I'm trying to say is, what can we do as a city to get together not only who is in the city, but the other cities? The organizations that are (inaudible), now they get a grant, does it go to them, or does it divide it between them and the cities?

City Attorney Palmer stated sir I am sorry to interrupt again. It sounds to me like you are addressing a bigger problem for the whole of Southern California, which is homelessness and how to address that.

Mr. Perez replied right.

City Attorney Palmer stated I am just going to say for the record, this Board is not the best Board to present those issues to. It is an important issue that certainly should be addressed, but right now this Board is focused on your property and whether or not it represents a nuisance.

Mr. Perez replied the only reason I am bringing it up sir is because what do we say that we are going to do on this one that, if you find that the home is mine, what is the consequences? I'm the owner.

Chair Racadio stated Mr. Perez thank you so much for your comments. I would actually like to open it up to the Board for questions, so that we can ask you and direct those questions to you.

Mr. Perez replied absolutely.

Member Cantrell stated I would like to start with the notice of citation that was given to you. You saw the notice of citation, and I can start with for example, the City of Highland Community Development Department Notice of Violation dated October 12, 2017. Do you have that one?

Mr. Perez replied do I have it here with me? No, I don't.

City Attorney Palmer asked is that an exhibit to the staff report?

Member Cantrell replied yes, it is Exhibit 2.

City Attorney Palmer asked Mr. Perez sir do you have a copy of the citation in the exhibit?

Member Cantrell stated your question was, what should you do? This tells you in here what you should do. It says any vehicle parked in plain view must be currently registered to operate on a street or a roadway. That's one thing that you could do. Trash containers shall be placed out of direct public view, that is something else that you could do.

Mr. Perez replied I can tell them, but I'm not going to be able to go there and (inaudible), this is what happened. Now, the first few years they knew they had those people there. I went and says who is going to pay for the water? At the same time I paid for Burrtec which is (inaudible) I said bring me a trailer and park it there and get it all out, and they took it out.

Member Cantrell replied you loaded it with debris and trash and so forth?

Mr. Perez replied I loaded it with the debris as long as they give you permission. The other one, they got to go in the cans. Now, the finally month, the first one they didn't go to me, they went to her. I don't know why, I think it's because they thought that she had been in the service. She was a (inaudible) or something, so they gave her and they probably have records of him. They gave her a violation, and says that... I'm the owner. They didn't send that to me, then sent that to her.

Member Cantrell replied you didn't get one sent to your Wadsworth street address?

Mr. Perez replied no not her, she got it. Now, I got mine after she didn't clean it up. This is the one when they starting sending mine.

Vice Chair Baldwin replied is she a tenant? Was she a tenant at that time?

Mr. Perez replied she's a homeless. She didn't have any money. She didn't even have stamps when I got her.

Vice Chair Baldwin replied again, let's move forward and correct the problem.

Mr. Perez replied I understand, but see you are talking about here seventeen they already been in there since fourteen.

Member Cantrell stated they have been there several times.

Mr. Perez replied so what happened with this time? Mr. Dale he was the Code Enforcement then. Why did they just say, we are not going to help you we are going to put you on the street, instead of keeping them (inaudible). Now does she have a voucher? Yes. The military gave her a voucher, but when it came time for her turn they will skip her or something. Are we counting that voucher as somebody that putting those people when we said in fifteen that we had accomplished the mission that all the vets are in place? Are we counting her?

Vice Chair Baldwin replied that is between her and them. We are concerned with this property. If she has a voucher, or she gets aid, or veterans benefits, that is for her to take care of. We have the bigger picture of what's going on.

Chair Racadio stated Mr. Perez I see that on November 1, 2017 you came down to talk to City Hall Code Enforcement and Captain Fisk of the Sheriff's Department. They notified you that they didn't have a contract in place to take care of your property. Did you have a contract in place at that time?

Mr. Perez replied no the contract was put in place in 2014 when is says Captain Dececio came down to the East Highland Association and made a presentation, and he had four other Deputies with him. He said if you are having trouble with the homeless let us know, and we will come up and make an assessment. They did about a month later they were there and they look at all the people, and they did an assessment.

Chair Racadio replied unfortunately we don't have anything from 2014, but what we do have is that you talked to them in 2017 but we didn't make a contract at that time so there has been two years that have passed.

Mr. Perez replied wait a minute, you don't make a contract every two years. They are homeless you are supposed to get them in a shelter somewhere. You don't keep them...

Chair Racadio stated I would like to direct a question to Mr. Cox. Mr. Cox what does that process look like for a homeowner trying to get a contract with the Sheriff's Department, and Code Enforcement to help them with vagrants and transients?

Code Enforcement Officer Gerald Cox replied I am not fully aware of what that process looks like sir. I know that the County of San Bernardino has a HOPE team that consists of Deputies that have been trained and they deal with the homeless population throughout the entire county. I have never been aware of contract with any one single homeowner to house homeless transients in our city.

Chair Racadio thanked Code Enforcement Officer Cox for his statement.

Chair Racadio stated to Mr. Perez I am not sure what you are referring to there in 2014, but we do have the last two years of violations on record here. In the last two years have you made any attempt to fix the issues that are named here?

Mr. Perez replied ask Mr. Cox.

Code Enforcement Officer Cox stated no attempts to correct any violations have been made.

Chair Racadio replied thank you.

Mr. Perez replied you didn't see a truck come by there and pick up something and take them away? The thing is that you are there, more than I am. You go there almost as much as I am.

Recording Secretary Shannon Wisniewski interrupted the meeting to remind Mr. Perez that he needs to speak into the microphone for the recording of the meeting.

Mr. Perez stated the trucks come and they take it away. Sometimes I pay them, sometimes the people will do it. Some of their friends would come up and help.

City Attorney Palmer stated sir, again I am sorry to interrupt. Do you know what date that truck came to haul-away the debris that you have been referring to?

Mr. Perez replied I don't have it with me now, but I can get you the checks of when I paid for it. Then also the ones that paid to Burrtec, then Burrtec said that you can have two load per month of big items.

City Attorney Palmer replied is this within the last six months... 3 months?

Mr. Perez replied yes (inaudible) it got worse when we got the new contract. They don't do it now, because they were coming and they came out and they said big loads so what we did we picked up the bigger items.

Recording Secretary Shannon Wisniewski requested for Mr. Perez to speak into the microphone for the recording.

Mr. Perez stated this is pretty hard to explain unless... but Mr. Cox has been there more often. He never told them...

Mr. Perez asked Code Enforcement Officer Cox you said keep it clean right? And you said clean it up, but you didn't say we are going to evict you. You said, you can stay here as long as it's clean, if you clean it up. Did you say that or not?

Code Enforcement Officer Cox replied no sir those aren't my exact words.

Mr. Perez replied did you make them believe they could stay there?

CDD Mainez stated Mr. Chair, if you could ask him to direct any questions to the Board.

Chair Racadio stated I'm sorry Mr. Perez, if you could direct any questions to the Board.

Mr. Perez replied I am sorry (inaudible) Mr. Cox, and I'm not sure because I wasn't there, but they said that (inaudible) and I said well clean it up. (inaudible) so he would go back sometimes and see that the trash was gone, and I don't know, if the trash was (inaudible) then we got some more, and then we got some more. We can go all (inaudible) and who's going to pay for it? Like I said I paid for the water, I got bills to show you. I told the water company that I would continue (inaudible), I had an agreement with them that they won't cut the water off. (inaudible) but I can't help them with the gas or electricity. The water was one of the things they'd want, and when they sent this notice, they didn't send it to me they sent it here. Nobody told me.

City Attorney Palmer asked Mr. Perez do you know if the property is currently occupied by anyone?

Mr. Perez replied yes this lady and her husband. They came and told them, hey were going to take you to jail, and they take her to jail. Where are they going? They are staying in a little port, I got a little car port.

Mr. Perez asked a guest in the audience what was her name? She doesn't remember her name.

Chair Racadio asked is there any other questions from the Board?

Member Cantrell stated I just have one. If we could look at Exhibit 12. This is showing photographs from 2017 into 2019, everyone one of those photographs shows debris on the property.

Mr. Perez replied that is correct, you are right sir.

Member Cantrell stated I believe the city is saying you need to clean that up.

Mr. Perez replied I know that is what they are saying, but how long do I go paying to clean it up, when the city is saying you can stay there. What do we do in East Highland? (inaudible) we got them out of there and we said you can't stay here.

Vice Chair Baldwin stated that is what you need to do.

Mr. Perez stated we told them that you can't stay here. Why can't we do the same thing here?

Member Cantrell stated I can tell you what other homeowners do. They Board up the property so no one can get in, and they hire someone to haul off all the debris and then work from there with what needs to be done.

Mr. Perez replied Ok. Here is what I would do, I would (inaudible) at one time that's why I'm saying we need to talk to each other. We need to talk to Housing, HUD, and (inaudible).

Member Cantrell stated we are just dealing with the City of Highland right now.

Mr. Perez replied well that is the problem, because, let me just give you a sample of what I mean. The gentleman that is here can say yes or no. In 2010, its only been 9 years ago. I had my house remodeled...

Member Cantrell stated does this have anything to do with this?

Vice Chair Baldwin stated this house is the one that you had remodeled?

Mr. Perez replied Yes this house in 2010 on Del Rosa. They had a little (inaudible) and when I got out of service I thought it was a (inaudible) so I went and put it out there and so forth. The County came and said, "this is ok, but you have to have an electrician and you have to have a plumber to make sure (inaudible). So in 2010 I went (inaudible) and I remodeled my house, and unfortunately I had to go to San Antonio as my Mother was very sick. It took them a little while to finish this, and so they (inaudible) and so forth. So I came back, now, it was approved. My breezeway (inaudible) they had said that I could keep it if it was uninhabitable. When I came it was gone. Where it was I had a car port and I had a door to the outside with a window, my wife used to use it as a washroom and so forth and she could see the kids playing outside. So, to make a long story short, I had to go and take them to court and they approved it.

Vice Chair Baldwin stated what are going to do to correct this problem? Not what happened years ago, but right now.

Mr. Perez replied we want to know what are we doing not just with this problem, but what are we doing with some of the people (inaudible).

Vice Chair Baldwin replied that is not our problem.

Mr. Perez replied this is what I'm saying... the people that we have in place I'm asking here because this was approved by them. The state came out and wrote this report. You are not interested in see this?

City Attorney Palmer stated sir may I see a copy of that please?

City Attorney Palm stated I am just going to state what this report is for the record for the Board. This is a contractors State License Board report of inspection and estimate. The project name and address is Perez residence 6987 Del Rosa Avenue, Highland, CA 92404. The report is dated January 11, 2011 file number NA09-19289.

Mr. Perez replied that is what I'm saying. We have a lot of problems I don't know how many people have come out here and talked about the house and what they did to them and so forth. That was what is in the law I guess at that time, but now some of those things, and we've got the State coming on and saying we can put a house in the back of the property. That same room that took from me I can now attach it to the house, because we like our home. Before all this when it first started we made the plans, and they said that we are going to continue to help (inaudible). For the longest we didn't have any representation there at all.

Vice Chair Baldwin stated that is out of our hands. We are concerned about this address currently not ten years ago.

Mr. Perez replied we have to know where this is coming from and where we are going.

Vice Chair Baldwin stated you are allowing this because it is your property, so it's all going to come back on you. Maybe it's that time where you finally get the homeless out and maybe it's time to sell the home. This is a problem bigger than you can handle. We all know it is a problem home because we see it every day. I think we need to decide right now, where are we going today? I think you are aware that it has got to be taken care of and cleaned-up.

Mr. Perez replied this is what they are saying and that's good. I really don't blame you, but I'm on a fixed income. I am not somebody that still have money...

Vice Chair Baldwin stated this is costing you because of the situation, so if you are on a fixed income then maybe now the time is good to get it done.

Mr. Perez replied it is costing me and it is costing the State of California because

I was getting rent money for that.

Vice Chair Baldwin stated Ok. Let's get it corrected, and get the place cleaned-up, and get the people out of there.

Mr. Perez replied Ok. Well if that is what the law says, then how do we fix it? Are we going to do the same thing to the next guy that tries to help somebody?

City Attorney Palmer stated sir I think the question from the Board member is do you have a proposal today for the Board to fix the issue.

Mr. Perez replied Yes.

City Attorney Palmer replied Ok. Can you state that succinctly please?

Mr. Perez replied what I would like the members of the Board to do is, get together with HUD Housing, and if you go to the VA the VA will tell you that housing will clean up the house. They are just going to clean it up when they leave, because that is part of this. It is not just the City of Highland, we have all the cities in the county that are involved with that, how we are doing our problem has cost us a lot of money. That is what I am saying. We have got some guests here and they are going to give their side of the story, and maybe they are the ones that can give you something. I am not sure if you have got everything you need from me, but what I'm saying is, I'll (inaudible) everything you did. I did the same thing with them. I didn't go to court, I don't like to go to court. People here, we have a tendency to go to court against the City of San Bernardino, (inaudible).

Vice Chair Baldwin stated are you saying that if we were to give you a little more time, maybe a few weeks, you could get it cleaned up.

Mr. Perez replied No. I am not saying that at all Mam.

Vice Chair Baldwin stated Ok. So then we are back at the same time problem.

Mr. Perez replied I'll go with what you all decide, but you guys know the law, I don't.

Chair Racadio stated Ok. Before we can decide, we are going to have to open it up for the members of the audience to speak. So thank you so much for your time Mr. Perez.

City Attorney Palmer stated I am so sorry for interrupting Sir, do you have any witnesses that you would like to testify on your behalf?

Mr. Perez replied no because I cannot say to the witness, now I do have people

that want to say if they can come. Then I can notify them.

City Attorney Palmer replied so then as the Chair stated we will move to the portion of this meeting for public comment.

Vice Chair Baldwin stated this lady here was raising her hand a few minutes ago, did you want to say something?

Chair Racadio stated we are going to go ahead and open it up to the members of the public and members of the audience to speak.

Chair Racadio stated if you would like to speak please come to the microphone and speak directly into the microphone. Please state your name and address for the Board please.

A member in the audience approached the microphone and identified herself as Joanne Fowley, a resident who currently resides at the property address 6987 Del Rosa Ave.

Ms. Fowley stated I would like to find out if I can rent the home because I do have income. He can barely make up his mind about if he wants to sell it or rent it, and so, that is what I have been waiting on for him. For him to make a decision, but I would like to rent the house if possible. I can take care of the bills and everything, and clean up the area the best way possible.

Ms. Fowley concluded her statement to the Board members.

Chair Racadio stated thank you for your time.

Chair Racadio asked are there any other questions from the audience?

A resident from the audience approached the dais and identified herself as Barbara Benecky who resides at the property located behind Mr. Perez's property at 6987 Del Rosa Ave.

Ms. Benecky stated the driveway at the property is lined with trash. On the South side and the North side is piled with trash. The trash is piled so high you can even see to the back of the yard if you drive-by. Someone is living in the shed in the back of the yard, somebody is living back there. The police came out there and they help Board up the house, and it didn't take two hours before 2 guys came back and broke down the door. They moved right back into the house, it didn't take but 2 hours. We went out shopping, and they were dancing in the driveway. There are also bugs coming around, if you notice this lady she has bug bites on her. My husband is now getting bug bites on him, on his legs. They are looking just like hers, we are getting cockroaches like we have never before. We have never had them before! Thank you for time.

Ms. Benecky concluded her statement to the Board members.

Vice Chair Baldwin stated thank you so much for your time Mam.

A resident from the audience approached the dais and identified himself as Bob.

Bob stated my yard Borders with Mr. Sesario Perez's backyard. Me, my wife, and my son are in total agreement with everything stated as nuisances on the nuisance report PNHB 19-001. We agree that action should have been taken long, long ago or otherwise this situation would have never occurred. The house is now uninhabitable and red tagged, the vagrants that were living in the house brought in lots of trash on the property and left it there. It is causing rodent and vermin infestation, which is affecting us. Some of the vagrants are still trespassing and living in a small open shed at the back of the yard with a dog. To sum it up, this affects the quality of life in our neighborhood. The City of Highland and the owner need to deal with this swiftly.

Bob concluded his statement to the Board members.

Chair Racadio stated thank you for your time.

A resident from the audience approached the dais and identified herself as Kathly Dowling.

Mrs. Dowling stated my property is on the South side of the property in question. My husband's family purchased that property in 1949, and he passed away 5 years ago but I continue to live there. I have lived there for the last 20 years. As stated before, particularly about cockroaches, I would like to address about mice and rat which we have never had in our back yard. It wasn't until maybe a 1 year ago. My dogs love to chase them I have presents brought to me on almost a daily basis. I did take pictures on my cell phone just this morning of the backyard. There are times when someone will come in and it looks like someone is going to clean it up, they'll come in and they'll rake it all into one spot and that might last for a day. Then they stop, and they just keep adding and adding, and adding. There was a vehicle that was on the street, it was parked in front of 6977 I believe... Del Rosa Avenue. The vehicle was clearly not usable and stuffed to the brim. It eventually got moved... thank goodness. There was a fire at the property in the backyard, and there was also a fire in the front yard. Then there was a fire at the base of an electrical pole. I personally called the fire department on that one they had just been there the same day on that morning for the fire in the backyard. As for water, there is no water on that property because they coming and stealing from me, to the point that I had to put a lock on the faucet in our front yard. Of course since that has happened, water is no longer being stolen. Thank you for your time.

Mrs. Dowling concluded her statement to the Board members.

Chair Racadio stated thank you very much. Do we have any other testimony at this time?

Chair Racadio stated Mr. Perez do you have any rebuttal to the testimony that you have heard here today?

Mr. Perez replied yes I do. I would just like to say that, I thank every one of you here for your concern. What I am trying to say is (inaudible) we want to do the best that we can for our City. If we let something get by a little bit, then we can get a little more. Then we can do away with all of the regulations, because the city will say what they want to do. It doesn't matter that the County, or what else, this is a County program. They are the ones that are in charge, so what I would like to do is to live here, and my family live here because they work here. I have 2 kids that they won't even come back here, and I promised them that they would have a sidewalk and a curb in front of my house back 40 years ago. I said when you come back and live here you are going to see this (inaudible) because it's going to go straight to the base and we are going to (inaudible). So the thing is in some areas of this city we have done wonderful, the city has done wonderful, but at what cost? Let's take care of all of our people.

City Attorney Palmer stated I'm sorry to interrupt Mr. Perez, but the rebuttal is your opportunity to respond.

Mr. Perez replied you are right and that is what I am saying. This is to give you... and I'll go back to what they want to do. I want them to think before they make the decision, and to say is this what's best for our community?

City Attorney Palmer stated I think the Board has heard that from you. Do you have anything to say in response to what you heard from the people that spoke after you?

Mr. Perez replied yes I would like to apologize to the people there. They are my best friends, we can be together. I can understand that because I have been through that before, (inaudible). The thing is, it is not their fault, it is not our fault. If we don't do something in the city ourselves, then we are going to do it together because across the street the County came out because they didn't know if this is in Highland or San Bernardino. That's what I'm saying, whatever yall decide then we will go from there. It is your decision and you have big job to do, but I will venture to say please talk to the other hosts that are involved. Talk to her social worker, her job was to come out and check that house once and awhile. Talk to the city and see the dog catcher where the dog bit her. Did they take away the dog? Did she get help ok? That is all that I am saying. Let's be a bit of human, thank you and I appreciate it.

Chair Racadio stated thank you Mr. Perez. If there is no testimony from the public, I would like to move to close the public hearing at this time.

A Motion was made by Chair Racadio, and Seconded by Vice Chair Baldwin to close the Public Hearing. Motion carried 3-0.

A Motion was made by Chair Racadio, and Seconded by Vice Chair Baldwin to reflect the staff report adopting Resolution PNHB No. 19-001 declaring the existence of a Public Nuisance on the property located at 6987 Del Rosa Avenue, San Bernardino, CA 92404. Motion Carried 3-0.

PNHB RESOLUTION NO. (19-001)

A RESOLUTION OF THE PUBLIC NUISANCE HEARING BOARD OF
THE CITY OF HIGHLAND, CALIFORNIA, DECLARING THAT A PUBLIC
NUISANCE EXISTS ON THE PROPERTY LOCATED AT 6987 DEL
ROSA AVENUE, SAN BERNARDINO, CALIFORNIA AND ORDERING
THE OWNERS OF THE PROPERTY TO ABATE THE NUISANCE
CONTAINED THEREON.
(PNHB CASE NO. 19-001)

ANNOUNCEMENTS

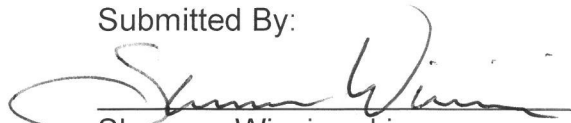
There were none.

Chair Racadio stated on the agenda there are no other items on the Board's agenda today, therefore I would like to adjourn the meeting.

Adjourn

The meeting adjourned at 6:32 PM.

Submitted By:



Shannon Wisniewski,
Administrative Assistant III

Approved By:



Planning Commission, Chair



STAFF REPORT

TO THE PLANNING COMMISSION

DATE: January 21, 2020

FROM: Lawrence Mainez, Community Development Director

PREPARED BY: Shannon Wisniewski, Administrative Assistant III

SUBJECT: Minutes from the November 19, 2019 Planning Commission Regular Meeting

RECOMMENDATION: Staff recommends the Planning Commission approve the Minutes as submitted.

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

Approved _____	Motion _____	Second _____	Agenda Item No. <u>3</u>
Denied _____	Ayes _____		
Continued _____	Noes _____		File No. _____
Tabled _____	Abstain _____		
	Absent _____		
			
Recording Secretary		Community Development Director	

**MINUTES
PLANNING COMMISSION
REGULAR MEETING
November 19, 2019
6:00 P.M.**

CALL TO ORDER

The regular meeting of the Planning Commission of the City of Highland was called to order at 6:02 p.m. by Chair Hamerly at the Donahue Council Chambers, 27215 Base Line, Highland, California.

Present:	Chair	Randall Hamerly
	Vice Chair	John Gamboa
	Commissioner	Tamara Zaman
	Commissioner	Rich Haller

Absent:	Commissioner	Michael Hall
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Staff Present: Lawrence Mainez, Community Development Director
Kim Stater, Assistant Community Development Director
Maricela Marroquin, City Attorney
Salvador Quintanilla, Associate Planner
Matt Bennett, Engineering Project Manager
Nancy Stewart, Administrative Assistant III

The Pledge of Allegiance was led by Chair Hamerly.

COMMUNITY INPUT

No public comment

CONSENT CALENDAR

1. Minutes from the October 15, 2019, Regular Meeting

A MOTION was made by Vice Chair Gamboa, seconded by Commissioner Haller, to approve the minutes, as submitted. Motion carried, 4-0, with Commissioner Hall being absent.

PUBLIC HEARING

2. Conditional Use Permit (CUP 19-002) to establish a religious institution within a neighborhood shopping center.

Chair Hamerly inquired whether Commissioner Hall's absence would impact Public Hearing Item Number Two, as the directive was that all Commissioners would need to be present to vote on this item.

City Attorney Marroquin replied as one of the Commissioners would be recusing tonight, there would be a quorum of three which would not result in a split decision.

Commissioner Zaman recused herself from Item Number Two due to residential proximity, leaving the dais at 6:06 p.m.

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

Vice Chair Gamboa asked for clarification regarding an earlier statement that all five Commissioners would be required to be in attendance to negate the possibility of a second 2-2 vote.

Assistant Community Development Director Stater explained that Commissioner Hall's absence was unexpected, and the residential proximity of Commissioner Zaman was just discovered. As there are three remaining Commissioners in attendance, the quorum requirement is met, and there is no possibility of a tie vote.

Chair Hamerly asked whether this would invalidate Commissioner Zaman's vote at the last meeting.

City Attorney Marroquin answered this will be a brand new vote tonight. Having the project considered at this time will be a fresh start.

Chair Hamerly opened the public hearing.

Manuel Perez, representative of the Highland Lighthouse Church, spoke in support of the project.

As no further participation was received, Chair Hamerly closed the public hearing.

Commissioner Haller stated though he had initial concerns regarding parking, the changes that were made addressed these concerns and he is in support of this concept as revised.

Chair Hamerly stated the reduction of occupancy and space, and the annual check follow-up, alleviated some of his concerns and would be a good way of measuring the success of those conditions of approval.

A MOTION was made by Commissioner Haller, seconded by Chair Hamerly, to adopt Resolution 2019-009, approving Conditional Use Permit CUP 19-002 subject to the Conditions of Approval and the Findings of Fact, and direct Staff to file a Notice of Exemption with the County Clerk. Motion carried, 2-1, with Commissioner Zaman abstaining, Commissioner Hall being absent, and Vice Chair Gamboa refusing to vote, resulting in a dissention.

Commissioner Zaman returned to the dais at 6:19 p.m.

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

Assistant Community Development Director Stater reviewed the staff report.

Engineering Project Manager Bennett answered questions regarding the differences between management of an LMD versus the MCFD.

Discussion followed regarding Fire Marshal approval of the vinyl fencing, fire response time, and CC&R's terminology.

Chair Hamerly opened the public hearing.

Applicant Camille Bahri provided information and explanation of the requested revisions to amend the Conditional Use Permit, and further discussed the CC&R's terminology and LMDs versus MCFDs. With regard to Engineering Conditions 65, 66 and 68, Mr. Bahri stated his desire for an option to either annex the LMD or establish the maintenance of the MCFDs.

Discussion regarding the language of Planning Condition 19 continued.

After conferring with the City Attorney, Community Development Director Mainez stated as it appears there is no possibility of a resolution tonight, it was suggested to leave Planning Condition Number 19 as is for now, and defer this issue until after discussion with the Fire Chief in order to provide clarification to the developer's request. The findings would then be presented to the City Council.

Chair Hamerly asked if this should be excluded from the Motion?

City Attorney Marroquin responded staff's recommendation is that Condition Number 19 remain as is, without the proposed amendments, after which staff will work with Cal Fire and the developer to come to a resolution before presenting to City Council.

As the Applicant's comments were inaudible, City Attorney Marroquin stated for the record that the Applicant indicated his agreement with the proposal to keep Condition Number 19 as is until after an opportunity for further discussion and resolution.

With regard to the wording of Planning Condition Number 33, Mr. Bahri requested to make a change to the payment timing of Development Impact Fees by owner/developer.

Community Development Director Mainez stated as the City Council has authority over fees, it was suggested to change Condition Number 33 to read "pursuant to City Council Resolution, as may be amended from time to time, the owner/developer shall pay all applicable fees." The developer could then petition the City Council for any requested changes. This wording would then become the standard going forward.

Chair Hamerly called for a straw poll of the Planning Commission regarding the standard language to be used going forward. All Commissioners in attendance agreed.

As there was no further response received, the public hearing was closed.

Chair Hamerly inquired about the 15% transfer between planning areas in PD Amendment Number 5 and whether this amendment as written would still maintain that a given planning area must stay within the designated density classification?

Assistant Community Development Director Stater replied it does not as it is written, however, language can be added so that it does not affect the threshold density of the individual planning area.

City Attorney Marroquin stated for the record, Section 11-18 Administrative Amendments third bullet point would be revised to read "minor deviations to adopted quantifiable development standards or expansion or reduction or size of the planning area or transfer of dwelling units between planning areas, provided the deviation does not result in a change of more than 15% to an adopted quantifiable development standard, expansion or reduction does not exceed 15% of the approved size of the planning area, the transfer does not exceed 15% of the number of units in the planning area, and the density does not alter the threshold density."

A MOTION was made by Commissioner Haller, seconded by Vice Chair Gamboa, to adopt Resolution No. 19-012, recommending the City Council approve the Revision Application (REV 19-001) to amend Conditional Use Permit (CUP 14-005) and Tentative Tract Map 18893 Conditions of Approval (TTM 14-002) for the Mediterra Planned Development with Planning Condition Number 33 amended as indicated by staff, and PD Amendment Number 5 also amended as indicated by staff. Motion carried, 4-0, with Commissioner Hall being absent.

4. Code of Ethics.

The current Code of Ethics was reviewed and no recommendations or changes were made.

ANNOUNCEMENTS

At the 11/12/19 City Council Meeting, a 1st Reading was conducted of two Ordinances: The Planning Commission Roles and Responsibilities and the Amendment to the Sign Ordinance. A 2nd Reading will be on 11/26/19.

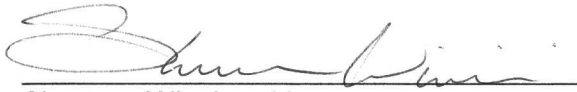
Commissioner Haller gave an update on the APA Conference stating it was very informative and interesting, and thanked the City for the opportunity.

ADJOURN

There being no further business, Chair Hamerly declared the meeting adjourned at 7:43 p.m.

Submitted by:

Approved by:



Shannon Wisniewski,
Administrative Assistant III

Randall Hamerly, Chair
Planning Commission