

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

CALL TO ORDER

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

The invocation was given by Pastor Josue Zapata, CenterPoint Church, and the Pledge of Allegiance was led by Council Member Solano.

ROLL CALL

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

CITY COUNCIL PUBLIC HEARING – REDISTRICTING

1. Redistricting Process

Mayor McCallon opened the public hearing.

City Clerk Hughes stated thank you Mayor and Members of City Council. Today we are holding the third public hearing of the four that are required. At the August 24 and October 26 public hearings, Council received presentations regarding the redistricting process and nuances of AB 849 requirements and the importance of neighborhoods and communities of interest. No public comment was received at either public hearing. Mapping tools were posted to the City's redistricting webpage in November, which included paper copies as well as preformatted Excel sheets so users can easily add up population units and know if their proposed maps reflect the districts with substantially equal population. Draft maps were due January 3, 2022. The City did not receive any draft maps from the public. At this time, she will turn the presentation over to Todd Tatum of National Demographics Corporation for tonight's presentation.

Todd Tatum, National Demographics Corporation stated good to be back with you all in Highland. Again, as City Clerk Hughes said, this is the third of our four public hearings. Our next and final public hearing will be on February 22 and a reminder that our deadline for adoption is April 17, 2022. He is going to go through, just briefly, a reminder on our redistricting rules and the criteria that we follow. Remember, some of these laws have changed slightly for this year's process based on the process you all went through a few years back. First off, we follow the federal laws. We make sure we have equal population. We follow the Federal Voting Rights Act and there is no racial gerrymandering. Number two, according to the California Voting Rights Act, the new criterion, and this is now ranked in order for cities, is number one, you must be geographically contiguous,

number two, you have to take into account undivided neighborhoods and communities of interest. Do what you can to keep those geographic areas and social socioeconomic areas together as much as possible. You should have easily identifiable boundaries and try to do our best to keep your districts compact; meaning do not bypass one group of people to get to a more distant group of people and always, you are prohibited to favor or use or discriminate against any political party affiliation. Again, all the demographic data you see from NDC, none of it will reflect any party affiliation. The other traditional redistricting principles that we follow is we want to minimize voters shifted to different election years, meaning those that think they are going to be voting next year in 2022, or he should say, this year, sorry, he is just getting used to that. They do their best to make sure people are in a district where they know they are going to be. They want to respect voters' choices and continuity in office with the current members and those that they get to vote for. They do take into consideration any future population growth that you all might know about, although that is not a criteria for redrawing the districts and they want to do their best to preserve the core of the existing districts. This is a picture of your current district map and here are the, and he believes this is in your packet, here are the demographic summary of your existing districts. As you can see, and these are all the official US Census population numbers, your total population right now is 57,232. Your deviation, overall, with all five districts is 7.03%. Then you get your population numbers, your citizen voting age, population, the voter registration numbers for 2020, as well as the voter turnout for November 2020. Just to highlight what those demographics are, again, the current population 57,232 and each district should be roughly 11,446. Your current deviation is 7.03% which means the current district map is considered balanced based on the criteria of the California Voting Rights Act, which states that your deviation must be 10% or less. City Clerk Hughes mentioned the mapping tools, we have the public participation kits that have been available to the public since November. This allows somebody who might not have access to a computer or internet connection to use paper maps to draw their districts. There is also an Excel supplement that goes on with those paper maps that allow those that do have computer access to see as they draw their map, where the numbers go, and that also gives them more demographic capability to review. Any draft maps that they have received, although again, they have received no draft maps from the public, they would load those into the ArcGIS Online, where you could compare current district to proposed other districts, any different maps that might be submitted, or that you have prepared, they would be entered into the ArcGIS online and again they have not received any draft maps at this time. Again, your timeline here is if we get any draft maps before the fourth hearing, we want those in by February 14 so that we can publish those prior to the February 22 fourth hearing. Now remember, your fourth hearing could also be your adoption hearing where you can decide on, he is not sure. City Clerk Hughes and him have had this discussion, and it is up to your City Attorney whether you go by Ordinance or by Resolution, but your fourth hearing could be the hearing that you introduce whichever way you are going to go to adopt your current map, and keep your maps as is. So, with that, he would like to thank you again for this opportunity to work with you all. If you have any questions, he is available to answer those. And again, he looks forward to the February hearing.

Council Member Timmer stated he just wanted to make a quick comment. Our City is being categorized in many different ways, it is kind of nice to see that we are a balanced city, whatever that means within the statistics.

Mayor McCallon stated any other comments or questions? This is a public hearing. Is there anyone in the audience who wishes to either speak in favor of or against this item? Seeing none, have we received any comments online?

City Clerk Hughes stated we have not received any public comment. With that said, staff is looking, as Todd stated, we are considered balanced based on the criteria of the California Voting Rights Act. She does not know what Council's pleasure is, to move forward with the current map and then that will be posted online by February 14. We have to have the draft maps per se online and then we will bring a resolution to the February 22 City Council meeting for adoption.

Mayor McCallon asked what is the Council's pleasure? Would you like to move forward with the current maps? If so, he will need a motion. He will now close the public hearing.

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Council Member Timmer, to bring back a resolution stating that the City's current district map is considered balanced based on the California Voting Rights Act. Motion carried, 5-0.

REPORT FROM CLOSED SESSION

None

SPECIAL PRESENTATIONS

None

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA)

City Clerk Hughes read public comment from Jeremy Smith regarding his concerns for privacy in relation to the upcoming Beazer Homes project.

CITY COUNCIL CONSENT CALENDAR

Dave Saran spoke in support of Item #11.

City Clerk Hughes read public comment from Anne Viricel in support of Item #11.

City Clerk Hughes read public comment from Jason Northcott in support of Item #11.

City Clerk Hughes read public comment from Joe Garcia in support of Item #11.

City Clerk Hughes read public comment from Fred Yauger in support of Item #11.

City Clerk Hughes read public comment from Robert Hamilton in support of Item #11.

City Clerk Hughes read public comment from Dan Bautista in support of Item #11.

City Clerk Hughes read public comment from Janette Garcia in support of Item #11.

City Clerk Hughes read public comment from Charles Rohr in support of Item #11.

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

2. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
3. Minutes – December 14, 2021 City Council Special Meeting
Approved the Minutes as submitted.
4. Minutes – December 14, 2021 City Council Regular Meeting
Approved the Minutes as submitted.
5. Warrant Register
Approved Warrant Register No. 735 for January 11, 2022, in the amount of \$3,398,726.49 and Payroll of \$195,820.45.
6. Treasurer's Report for November 2021
Received and filed Treasurer's Report for November 2021.
7. Records Destruction Authorization
Approved the destruction of certain records.

8. Notice of Completion – Project Nos. str11005 & str11006 (Bid No. 2020-05, “Federal Funded Safe Routes to School Projects”)
 - 1) Accepted Project Nos. str11005 & str11006 (Bid No. 2020-05, “Federal Funded Safe Routes to School Projects”) as completed;
 - 2) Authorized the Mayor to sign the Notice of Completion; and
 - 3) Directed the City Clerk to file the Notice of Completion.

9. Second Reading of Ordinance No. 452 Designating the Location of Regular Meetings and Proposed Resolution No. 2022-001 Setting the Date and Time for Regular City Council Meetings
 - 1) Conducted a second reading, read by title only, and waived further reading of Ordinance No. 452 designating the location of regular meetings of the City Council and rescinding Ordinance No. 236; and
 - 2) Adopted Resolution No. 2022-001 setting the date and time for regular City Council meetings and readopting rules of procedure for Council meetings and related functions and activities and repealing Resolution No. 2001-012.

City Clerk Hughes introduced Ordinance No. 452

ORDINANCE NO. 452
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, DESIGNATING THE LOCATION OF REGULAR MEETINGS OF
THE CITY COUNCIL OF THE CITY OF HIGHLAND AND RESCINDING
ORDINANCE NO. 236

which title was read.

RESOLUTION NO. 2022-001
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, REPEALING RESOLUTION 2001-12, AND SETTING THE
DATE AND TIME FOR REGULAR CITY COUNCIL MEETINGS, AND
READOPTING RULES OF PROCEDURE FOR COUNCIL MEETINGS AND
RELATED FUNCTIONS AND ACTIVITIES

10. Purchase and Installation of Plymovent Clean Air Exchange System at all Three Highland Fire Stations from Air Exchange, Inc.
 - 1) Approved the purchase and installation of Plymovent clean air exchange system at all three Highland Fire Stations from Air Exchange, Inc.; and
 - 2) Made a finding that Air Exchange, Inc., is a sole source provider of this equipment.

11. All-way Stop Designation at Highland Avenue and Cloverhill Drive

Approved Resolution No. 2022-002 designating an all-way stop at Highland Avenue and Cloverhill Drive.

RESOLUTION NO. 2022-002
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, DESIGNATING HIGHLAND AVENUE AND CLOVERHILL DRIVE
AS AN ALL-WAY STOP CONTROLLED INTERSECTION AND
RESCINDING RESOLUTION NO. 2020-007

12. Memorandum of Understanding (MOU) Referencing Planning and Funding of the Santa Ana Wash Wildland Trails between the City of Highland, the City of Redlands, and the San Bernardino Valley Water Conservation District
Authorized the Mayor to execute the Santa Ana Wash Plan Wildland Trails MOU upon the City Attorney's final review and approval, and after consideration of any non-substantive changes that may be made by the City of Redlands.

CITY COUNCIL PUBLIC HEARING

13. General Plan Amendment (GPA 21-002) to Delete General Plan Town Center Policy No. 2.10.10, thereby Removing a Prohibition of Freestanding Drive-thru Commercial Structures and Convenience Uses in the Policy Area

Mayor McCallon opened the public hearing.

Associate Planner Syed stated thank you very much Mayor and good evening, Council Members. As stated, this is a general plan amendment proposing the removal of the restriction on drive-thru facilities within the City's Town Center policy area. To provide some background on this proposal, on December 7 the Planning Commission reviewed and approved a tentative parcel map to subdivide a nine-acre property at the northwest corner of Base Line and Church Avenue into seven new parcels. A conditional use permit to entitle a development featuring three commercial buildings, two drive-thru restaurant uses, and a multi-family residential complex, and a design review application for the construction of a Tractor Supply Company store. However, these entitlements were all contingent upon the City Council's approval of this general plan amendment, which is the sole item that is being discussed today. Policy number 10, under goal 2.10, which is highlighted, states that within the Town Center area the City shall prohibit freestanding drive-thru commercial structures and convenience commercial uses, except at the major intersection of Palm Avenue and Base Line. By removing this policy entirely, the number of potential restaurants and eateries willing to open locations along Base Line could actually see an increase, not to mention allow the two drive-thru restaurants proposed as part of this mixed-use project. Thank you, staff and the applicant are available to answer any questions or concerns.

Council Member Timmer stated actually it is a pretty exciting project for our city.

Mayor Pro Tem Lilburn stated she thought that the Planning Commission reviewed this. Did the Planning Commission know that when we did our Town Center that our goal was not to have the drive-throughs and why would a project hold us hostage in order to do this project, to throw this out of the General Plan? Can we not leave that in the General Plan and just do a conditional use permit or a zone change?

Assistant Community Development Director Stater stated your first question is, were they familiar with why the policy was established. They were. We went to great lengths to discuss that, to make them aware, and there was a lot of discussion amongst them. There was a dissenting vote for that reason. There were a lot of questions of you know if we wait and will they come, how long have we waited, and what have we done to encourage sit down dining in the City? Every developer that we have met with since she has been here, staff has always impressed the desire for the community to have that, and it just has not yet come. So, when we met with this particular developer, we made the same statement, and they will probably be happy to get up and tell you that they too would love to have a sit-down restaurant. That is not what the market currently is presenting as a viable tenant for them. If it did come, they would be happy to do it. They are encouraging that. They are going to have an outdoor dining area. She does not want to get into too many details. To answer your question, yes, they did have a lot of discussion. The Commission expressed that even with restaurants that had a drive-thru option, you could also have a quality restaurant where people could go in and sit down that also offered a pickup window or a drive-thru, so there was a lot of discussion. We cannot permit the project, parts of the project, the drive-thru portions without the general plan amendment and there are others seeking the same, so it made sense to look at it comprehensively now than kind of tick it off piece by piece as projects come before you.

Mayor Pro Tem Lilburn stated she gets it; she understands, she guesses looking back at what we did to the Shins and the Dairy Queen, you know, if hindsight were there, we could have always put them in, who knows. She just reads comments, and she knows our City, she tries to listen to the residents that they are tired of drive-throughs and as much as we all love them and we do enjoy them, she hates to go to other cities and look for something, but they really do want a quality sit down restaurant. She hopes that in the future that we could court somebody or maybe bringing in these projects might entice somebody with new development, but she will tell you that our residents really want some quality sit down restaurants. She gets this and she does not want to turn any businesses away, but we also need to listen to what our residents want out there. She was just wondering could we not, you know, do we have to do this as a general plan instead of a condition. So, she understands what you are saying. Thank you.

Steve Powell stated good evening. He is here with his partner, Lauren Schulte. They have worked on this project, and they are excited to be here in Highland. They are based out of San Diego and Daphne, Alabama. They are the largest preferred developer for Tractor Supply, so they typically go into communities that are outside the urban core, sort of on the fringes, and they had looked into Highland quite a bit to place Tractor Supply and they have worked with the owner of this property for quite some time. In doing so, they are finding this in more and more communities, where ideally, they are looking for about four acres. They do master plan a lot of projects and they have one similar to this in Colorado that they just finished, and they have one they are working on in Jurupa Valley. It is very difficult to find three and a half, four-acre parcels that are zoned appropriately, and in this particular case they had approximately ten acres. As such, they do build for a number of credit tenants. Tractor Supply is their biggest client that they build for, but as such, when they look at a piece of property like this, it is an expensive piece and it is expensive to develop, so they have to master plan it to where it is not only going to work for the community, it is going to work well for the tenant and it will comply with whatever the general plan or the master plan is for the community. In addition to that, they have two tenants here that are for sure and then the others they are working with. They do not have any signed committed deals yet and this may be too much information, but he thinks it helps explain your question. The two, we have in the upper left-hand corner there, so right up here, there is a single piece, it is a single-family lot. It actually was two, they were planning on two lots, up there. That is actually technically not a part of the mixed-use development, it will comply with the neighborhood to the north, immediately to the north, and for a number of reasons they are going to end up making it one large lot in order to respect the neighbor to the west, but as far as the mixed-use component, they have a 21-unit apartment project that is designed here that they will be addressing with Planning Commission next month. Then they have the Tractor Supply, but in master planning the entire 10-acre parcel, they had to look at obviously circulation, ingress, egress, how is the rest of the site going to be developed and then they also had to demonstrate to staff and planning how would the commercial component work here and how would a mixed use or commercial component work back here. When they do this, they obviously have to look at what kind of constraints they are up against. So, the road that is coming off of Church here, that is a given location for that road. It is in alignment with the driveway that is directly across the street at the Smart and Final, so that was a given to begin with. In part of the evaluation process for this, their banks, they have two banks, Iberian, and Trustmark. The banks evaluate every single project that they do in forty-seven different states and part of that is the marketability of the outparcels because they cannot justify this project just for Tractor Supply, it is all under the umbrella. This is conditional use, it is really one project, but it is being funded and it has to be proven to their lenders that this is a viable location and a viable investment that they are putting together as a master plan. So, when they originally laid this out, they analyzed sort of a mixed-use component here. They decided that it is going to be better to do sort of a townhome style apartment project here and then they originally had two QSR's or quick serve restaurants or drive-thru type components that are at the corner of Base Line and Church. Then they always had a general retail building. It could be

a grocery store or something along those lines in the back here and it just lays out naturally for that kind of design. But the two drive-thru restaurants that were up here, they had met with Planning Commission, actually not Planning Commission, it was planning staff. He thinks it was Community Development Director Mainez that had suggested the sit-down component and the desire for that. They have talked to a number of tenants, they have not received any interest, especially since COVID hit in early 2020. Where in the restaurant world, whether it is a Jack in the Box or a Panera Bread or a Farmer Boys, all of them are demanding drive-throughs. In some cases, they do not want sit down at all. So, and he is not saying that is what he is supporting, he is saying that is what the market is demanding. The market is also demanding the dedication, or at least the allocation for Uber Eats, Door Dash, and Orange Crate. Any kind, so it does not become a mixed component in the lobby of the restaurant. So, they are trying to allocate for all of that, but in that meeting that they had, which was months ago, they decided to redesign the corner here with two smaller restaurants and then the option for, he believes it is about a 3,500 square foot sit down component with an outdoor patio that comes off the plaza. So, they rearranged that in order to address that. Now let us say a tenant, and there are certain tenants that he is sure that would be desired, or at least the community would like to see here whether or not they would subscribe to it came in here and said, hey, look I would like the whole thing as a sit-down restaurant, or that could be accommodated. The design review applications that they have processed so far have been Tractor Supply and like he said next month will be the apartment project. These still will allow us to get to the next step in our master planning, in our funding. So, there is a coffee component that they are looking at right now and that may be interested here. There is also the possibility that a sit-down tenant could come. They have not set that up yet, but they have to prove this in the conditional use permit and also in the master planning of the site. So, if somebody did come and wanted to merge these lots all together, then that would be a possibility too. It has not been brought to their attention, but they were at ICSC [International Council of Shopping Centers], which he is sure you are familiar with, recently and every tenant, not only on this project but on fifteen other projects that they are working on, all the restaurant components have to have some kind of drive-thru. It is the same thing you see with Walgreens and CVS and a lot of other institutions that are out there right now in the sticks and bricks, you know, the retail industry. They definitely are open to a sit-down restaurant if they would be willing to come and participate in the development. So, he does not want that to be like this is, you know the steadfast, but it is a requirement for the financial analysis that goes with the project as a whole.

Mayor McCallon stated this is a public hearing item. He has no speaker slips and asked if anyone wishes to speak either for or against this general plan amendment. Seeing none, he asked City Clerk Hughes for any comments received online from the public.

City Clerk Hughes responded we have not received any comments online.

Mayor McCallon stated he will now close the public hearing.

Council Member Timmer stated the only point he would like to make is if anything has come through this whole COVID thing is that drive-in facilities are pretty much paramount. If you did not have one, your business went under. So, he thinks to eliminate, he understands why we did this years ago, we wanted to encourage those kinds of things, but he thinks times have changed, people's habits have changed and to limit a business and not have drive-in facilities he thinks is kind of difficult not to do that. At this point he would like to see a sit-down restaurant. We always talk about rooftops and all these things why we do not seem to get much demand for that kind because of the geography of our City. He thinks it would be foolish if we do not allow this project to come in and restrict them to what they can and cannot do. He thinks all businesses to survive these days if they do not have drive-throughs, they are in trouble, so he would go ahead and make a motion to approve a general plan amendment.

Council Member Solano stated she really sees the vision being talked about and honestly, she gets it, but she does hope this project brings opportunities to do that and she does want to echo what Council Member Timmer stated, she thinks it is a great opportunity for the City as well.

A MOTION was made by Council Member Timmer, seconded by Council Member Solano, to adopt City Council Resolution No. 2022-003 approving General Plan Amendment (GPA 21-002) and certifying the associated Mitigated Negative Declaration (ENV 21-003) and direct staff to file a Notice of Determination with the County Clerk of the Board. Motion carried, 5-0.

RESOLUTION NO. 2022-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, TO APPROVE GENERAL PLAN AMENDMENT (GPA 21-002) TO DELETE GENERAL PLAN TOWN CENTER POLICY NO. 2.10.10, THEREBY REMOVING A PROHIBITION OF FREESTANDING DRIVE-THRU COMMERCIAL STRUCTURES AND CONVENIENCE USES IN THE POLICY AREA, AND CERTIFY THE ASSOCIATED MITIGATED NEGATIVE DECLARATION (ENV 21-003)

CITY COUNCIL LEGISLATIVE

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

City Manager Hughes stated he would like to bring a few items up for your attention. The Historical and Cultural Preservation Board continues to prepare for the annual Citrus Harvest Festival. That is scheduled for March 26, and we are hoping we can keep that date. The honoree this year will be San Manuel Band of Mission Indians which are very deserving. At its January 4 hearing the Planning Commission approved a conditional use permit for Mountain Mike's pizza which will allow them to obtain an ABC license to serve beer and wine. The Planning Commission also approved landscape plans for D.R. Horton's residential project located within the Mediterra development community. The sixth cycle of the housing element, the public health and safety elements amendments, circulation element amendments and environmental justice element were reviewed during a three and a half hour meeting by the Planning Commission with a recommendation to the City Council that is scheduled for January 25, and you did receive a copy of the proposed housing element in advance. You should have received that either last week or the week before, so you have plenty of time to review that document. An update from the Public Works Department, a draft funding agreement has been prepared between SBCTA and the City for the SR 210/5th Street Interchange project. SBCTA has agreed to fund \$5.5 million from the Measure I Valley Freeway Interchange program towards the interchange phasing improvements. The City will serve as a lead agency for all phases of the project. The funding agreement is anticipated to be presented to the City Council on February 22. So, it is exciting to move that project forward. The City has sent out RFPs for auditing services. Our five years are up with our current auditor. The firms will be interviewed by the Finance Subcommittee in March, and we will be bringing it forward to the City Council for consideration in April. A few stats from the City Clerk's office, public records requested for 2021, we had 247 and passport applications accepted for 2021 are at 141. The Coronavirus Recovery Fund that the City put out, the \$7,500 grant, to date we have received 165 applications for those funds. The Senior Grocery Delivery program that we expanded out to include more than just seniors, but we are still calling it the senior program, we have had twenty-five inquiries on that now, and we have approved fifteen, with six pending. The Emergency Mortgage Assistance program, we now have two inquiries on that, and we are going through the eligibility requirements for those folks. Burrtec picked up 170 dumps in the public right-of-way just during the month of December. The Sheriff's Department for January 1 through January 9 received 1,003 calls for service, took 67 reports and made 39 arrests. The Fire Department, the annual numbers for 2021 are the Fire Department responded to 7,406 calls for service and for the month of December they responded to 669 calls for service.

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

Mayor McCallon stated at our SCAG Regional Council meeting, they voted to support the brand Hong Mandoza Tri Partisan Land Use initiative to amend the state constitution to make zoning and land use community affairs. The initiative is in direct response to the proliferation of state legislation such as SB9 and SB10 that would deprive local governments the ability to assess and respond to the unique needs of their local communities, in other words, one size cutout of Sacramento does not fit all cities, all communities. The proposed initiative would amend the state’s constitution to specify that local city and county land use and zoning laws override state laws when they conflict. The initiative would also prevent the legislature and local legislative bodies from passing laws, invalidating voter approved local land use, or zoning initiatives. Lastly, the proposed measure would prohibit the State from changing, granting, or denying funding to local governments based on their implementation of this measure. The proponents have until the end of April this year to collect nearly one million signatures needed for the initiative to qualify for the November ballot. If you are interested, you can contact City of Ontario Council Member Peralta to circulate or sign the petition, or you can go to www.ourneighborhoodvoices.com to obtain petitions and to view the text of the initiative.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 6:55 p.m. in memory of Norma Brewer, Olivia Gutierrez, Dr. Margaret Hill, and Harold Hunt.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor