

**MINUTES
CITY COUNCIL REGULAR MEETING
AUGUST 24, 2021**

CALL TO ORDER

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

The invocation was given by Pastor Jeff Harper, Arden Hills Seventh Day Adventist Church, and the Pledge of Allegiance was led by Mayor Lilburn.

ROLL CALL

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

CITY COUNCIL PUBLIC HEARING – REDISTRICTING

1. Redistricting Process

Mayor Lilburn opened the public hearing.

City Clerk Hughes stated thank you Mayor and Members of the City Council, before you is a public hearing item regarding redistricting. Todd Tatum with National Demographics Corporation will be presenting the item. He is our consultant on this. She does want to point out under background there is a typo. She has April 17, 2021 as a deadline, and obviously that has passed, so it is 2022. We will turn it over to Todd if staff did not have any questions.

Todd Tatum stated first of all, thank you to the Mayor, the Council, and the City staff and especially thank you to City Clerk Hughes for all the hard work in helping him put this together. He is going to jump right into the presentation. The redistricting process, as you all know, because you are in districts now, will occur every ten years based on the Census and the new census count. The State requires that we have a minimum of four public hearings. This is the first of our four. Our second hearing is on October 26, at which time we hope to have the release of the data. Like he said, this is the first of the four public hearings that Highland will have. Our second one is October 26 at which time we hope to have the release of the data to begin the graph maps. After the data comes, we will be drafting maps, the public as well as the Council. Then we will have the two final map hearings that are scheduled for January 11 and January 22 and, like we said earlier, our deadline for adoption is April 17, 2022. What has been the major challenge this year is the census data has been delayed due to the COVID pandemic. We only got the federal census data on August 12. However, the State makes us wait until they do the review of the data and produce what they refer to

as prisoner adjusted numbers. This means they take the state prisoners and domicile them where their last known address was, and that is how they build the numbers and those will not be released until early to mid-October, and all the cities and counties are required to use the state data. So, with our redistricting, we have got three different categories that we need to adhere to, and if any of you are new to this process and those of you that remember the prior process that you went through, there are certain laws and criteria that we must follow. Some of these laws have changed slightly for this year's process. First, the first category, the federal process, we need to follow the federal laws where each district must have equal population. We must follow the Federal Voting Rights Act and there can be no racial gerrymandering. Second, the new state law ranks the order of the criteria that we must follow. So first off, they say the districts must be geographically contiguous where to the extent practicable. Number two, we have to look for undivided neighborhoods and communities of interest. Number three, we have to make sure that the districts have easily identifiable boundaries, meaning that we follow major roads or freeways, or other features that are easily understandable. Number four, we have to achieve compactness, meaning we cannot reach around or try to put together groups of people and bypass other groups within a community. In addition, the state law requires that we not look at partisanship or any political party registration or affiliation. As you will note, in all the available data that NDC provides you, we do not show any party registration or affiliation. The third category are the other traditional principles and traditions that we want to follow and that is we want to minimize, the shift of voters into different districts. Your voters have and are now used to voting within their district. We want to do as much as possible to keep them within their district, which goes to the second point, we want to respect the voters' choices and continuity in office. Third, we want to identify any future population growth and take that into consideration. Lastly, we want to strive to preserve the core of the existing districts as best we can. So next up, we have got a demographic summary of your existing districts, and while we do not have the final 2020 census data yet from the State, we do have an estimate of what that data may look like, and we do have the final voting rights analysis and it is current and will not change for the upcoming redistricting process. As you will see in the citizens voting age population, this reflects the population over the age of eighteen that has U.S. citizenship, and those percentages will stay with you throughout the redistricting process. In looking at the estimates, we are confident that the estimates are going to be very close to the final numbers that we receive in October, and what these numbers show is the City has increased its population. Actually roughly 57% over what it was ten years ago. However, the current deviation for the districts is only 6.76%, which falls under the required less than 10% deviation, and what that means is you will see that line under the 2020 estimates, and we have got a number, the percent of deviation for each district. The total number needs to be 10% or less. So, the good news is, although you have grown quite a bit, it seems to have spread out almost evenly across all five districts. After we get those final numbers in October, we will be able to show you what the current deviation is. However, the change to each districts current look should be very minimal and we are projecting that each district must contain roughly 11,400 people. According to the California Voting Rights Act analysis, we must identify any concentration of protected class groups. In

Highland we did find some concentration of Latinos, African Americans, Asian Americans, and Native Americans, and it does appear that the current maps have not separated these protected class groups. So, in other words, you will see when we speak later about communities of interest, we want to keep the communities of interest, which also include these protected class groups together as much as possible without dividing them into separate districts. So, one of the things that we want to do is we want to look at your neighborhoods and try to figure out exactly where your communities are. This is what we need the Council and the public to help us define. Beyond those neighborhoods, we want to find the communities of interest. So, we are asking both what your neighborhoods and community of interests are for two reasons. First, the law requires us to ask this and second, we also want to emphasize that if we do not have to make changes in the current districts to get them into balance, if we do have to make them, what are the best places to make those adjustments? Where do we prevent the dividing of a neighborhood or community of interest? And that is really where we need your input. Beyond those communities, what the communities of interest are, we can think of those as shared geographical areas, homeowner associations, areas influenced by the same roads, things that we may think of traditionally, bringing a neighborhood or community together as well as those protected class groups that he mentioned earlier. Now as we get further into the process your public, citizens, all your citizens, will have access to what we call a story map. It will be available as soon as the demographic data is available and it will allow you to look at basic socioeconomic characteristics like income, percentage of renters and put them in the graphic form of the map. The story map is very simple to use, and trust him, if he was able to figure it out, he thinks anybody in your City can. You will also have access to an application tool where you will be able to review the different maps that have been submitted in the current districts, as well as any proposed revision to those current districts once we get all that October data in. We will look at the revisions to the current districts, if necessary, and have all those maps available in this interactive map review. So, the first stage of this process is really to get the conversation going on how the current districts work in your City and if there needs to be any adjustments or changes. Then like he said, due to the fact that the deviation is so low, there may not be, your changes may be minimal. We will also need your input into defining your neighborhoods and communities of interest and where it will be best to make any changes, should there have to be any changes in your current district maps. So, as you will see on this slide, we have got your City website, which has a link directly to the redistricting process, where your citizens can get involved, a phone number to your City Clerk, as well as an email that you can direct your questions to. If there are any questions that your City cannot answer that will be up to us at NDC to make sure that we answer those. So, with that, he would like to thank you for this opportunity, and he is available to answer any questions that Council may have.

Mayor Lilburn stated thank you very much, we appreciate that presentation. At this time, she has no speaker slips.

Council Member Timmer stated can he ask a question first.

Mayor Lilburn stated well let her go through this process and then she will come back to your questions. She has no speaker slips. She would like to hear the speakers if we have anybody.

City Clerk Hughes stated she did not receive any via email.

Mayor Lilburn stated okay, and we have no applicant rebuttal, so she has no speaker slips in opposition or in favor of this. So, at this time, can she close the public hearing and we could still have discussion with him?

City Attorney Marroquin stated just double check that no one from the audience has any comment for public hearing.

Mayor Lilburn stated okay, at this time if the audience has any questions, any comments, if they would like to address the City Council on this item please come to the podium and we are happy to hear your comments. Seeing none, Council Member Timmer please go ahead with your questions.

Council Member Timmer stated on page three of your presentation, on the category three, other transitional redistricting principles. The one says future population growth, he thought this whole boundary was based on the 2020 census. How can the future growth be considered if you are basing everything on the current information we have for the 2020 census? How does that fit in? It does not make sense to him.

Todd Tatum stated okay, he thinks if you all came to us and said that you know, just for an example, in a certain part of your City, there is going to be a giant master planned community that is on the books, and will kick off, you know, during this next decade. We might look at how the district, that it might be in, how we might want to adjust that, if any, but you are absolutely right, these districts are going to be drawn to the 2020 census numbers. There will be balance based on those 2020 census numbers, so it does not, it would not, you know, draw, he means, maybe what we would do there since there would be no population, but it might be in a district that currently say is less than another district. As far as numbers we could take that into consideration while drawing that district. Does that answer your question?

Council Member Timmer stated no but thank you. To me it does not make any sense, the two are not compatible.

Mayor Lilburn stated thank you. Mayor Pro Tem McCallon.

Mayor Pro Tem McCallon stated thank you. Between district three and four there is a freeway which is a no-no, you cannot cross it, so balancing the population between the four or five districts to get 11,400 is going to be difficult because districts four and five are on one side of the freeway and districts one, two, and three are on the other side.

Todd Tatum stated got you and that is why we need the input from you all and the public on, because like he said, the numbers currently based on our estimates, your districts really do not have to change much at all.

Mayor Pro Tem McCallon stated he agrees.

Council Member Chavez stated he just wants to encourage everyone here and those listening at home to participate in this civic engagement. He thinks it is important for us to draw the maps in our City and this is where a lot of the money is going to come from. So just participation from the public would be very appreciated.

Mayor Lilburn stated thank you. When do we expect the 2020 census numbers to get to you?

Todd Tatum stated early October.

Mayor Lilburn stated early October, and were they affected from the COVID? Were they able to get a full, kind of overlook and view of what we have with the Census?

Todd Tatum stated the U.S. Census numbers that came out August 12, they believe that they got a full counting, even with the COVID, but the State has to go off those U.S. Census numbers and then like he said, do the official prisoner adjusted numbers that we have to work off of and we will not have those until early October.

Mayor Lilburn stated okay, thank you very much.

Mayor Pro Tem McCallon stated one more question, if he might, and this may be to City Manager Hughes. Is DOF [Department of Finance] going to use the 2020 census numbers for our population and if so, are they going to be using population numbers that include the prisoner population?

City Manager Hughes stated he does not know that. He does not know if the DOF resets their numbers every ten years and then adds, you know, from there.

Mayor Lilburn stated okay, any more questions for staff or our presenter. Hearing none, she has closed the public hearing and we will go ahead. This is just to move forward. Do we need a vote on this?

City Attorney Marroquin stated no, this was information.

Mayor Lilburn stated information only and with that we appreciate his presentation. Thank you for putting your time and efforts in and we probably mostly agree with, we probably do not need a lot, but that is not our job. That is your job, so we appreciate all your work.

Todd Tatum stated okay, and he will see Council on October 26.

Mayor Lilburn stated you got it. Thank you very much.

REPORT FROM CLOSED SESSION

City Attorney Marroquin stated she is reporting out on the Housing Authority, which she understands this is the City Council meeting, but we need to report out. So, just to let everyone know that the Housing Authority held a closed session pursuant to Government Code 54956.8 to discuss three separate properties. 7433 Central Avenue, vacant adjacent parcels APN 1192-431-05 and 13 vacant lots of along Lillian Lane, east of Community Park, APN's 1192-257-40 thru 46 and 1192-591-04 thru 09. No reportable action was taken but direction was provided to staff.

SPECIAL PRESENTATIONS

None

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA)

City Clerk Hughes stated there were no public comments received via email for items not listed on the agenda nor items on the agenda.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Council Member Timmer, seconded by Council Member Solano, to approve the consent calendar. 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 – August 10, 2021 City Council Regular Meeting
Approved the Minutes as submitted.
4. Warrant Register
Approved Warrant Register No. 728 for August 24, 2021, in the amount of \$956,593.47 and Payroll of \$99,904.58.
5. Treasurer's Report for June 2021
Received and filed Treasurer's Report for June 2021.
6. Declare One (1) Seat Vacant on the Community Trails Committee
 1. Declared one (1) seat vacant on the Community Trails Committee; and
 2. Directed the City Clerk to advertise the vacancy on the Community Trails Committee.

7. Second Reading of Ordinance No. 448 of the City of Highland Amending Title 16 (Land Use and Development Code) of the Highland Municipal Code, Chapter 16.06 (Definitions), Chapter 16.12 (Special Districts), Chapter 16.16 (Residential Districts), Chapter 16.22 (Mixed Use Districts), and Chapter 16.44 (Specific Development Standards) Regarding Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”) and Making a Finding under CEQA
Conducted a second reading, read by title only, and waived further reading of Ordinance No. 448 amending Title 16 (Land Use and Development Code) of the Highland Municipal Code to amend regulations pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units and making a finding of exemption under Section 15282(H) of the California Environmental Quality Act Guidelines and Public Resources Code Section 21070.17.

City Clerk Hughes introduced Ordinance No. 448:

ORDINANCE NO. 448
AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING
TITLE 16 (ZONING) OF THE HIGHLAND MUNICIPAL CODE TO AMEND
REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS AND
JUNIOR ACCESSORY DWELLING UNITS AND MAKING A FINDING OF
EXEMPTION UNDER SECTION 15282(H) OF THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT GUIDELINES AND PUBLIC RESOURCES
CODE SECTION 21070.17

which title was read.

8. Final Map Approval/Tract 18893-1 & Tract 18893-2 (D.R. Horton)
Adopted Resolution No. 2021-039 and Resolution No. 2021-040 to:
1. Approve the Final Maps of Tract 18893-1 and Tract 18893-2;
 2. Accept the subdivision bonds; and
 3. Authorize the Mayor to sign the standard subdivision agreements.

RESOLUTION NO. 2021-039
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION
AGREEMENT, AND ACCEPTING THE SUBDIVISION BONDS FOR TRACT
NO. 18893-1 (D.R. HORTON)

RESOLUTION NO. 2021-040
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION
AGREEMENT, AND ACCEPTING THE SUBDIVISION BONDS FOR TRACT
NO. 18893-2 (D.R. HORTON)

CITY COUNCIL PUBLIC HEARING

No public hearing.

CITY COUNCIL LEGISLATIVE

9. Use of State and Local Fiscal Recovery Funds (SLFRF) through the American Rescue Plan Act (ARPA)

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

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

1. Authorize the expenditures of the \$7,447,553.50 for the SLFRF funds for the programs and amounts described in Attachment #1 and authorize the Finance/Personnel Subcommittee to move any funds as needed in the future within the approved categories; and
2. Authorize budget adjustments in the amount of \$7,447,555 (accounts listed in Attachment #1) in expenditures. Motion carried, 5-0.

10. Measure I 5-Year Capital Improvement Plan (2021/2022-2025/2026)

Public Works Director/City Engineer Zamano gave a brief review of the staff report.

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

1. Approve the Measure I Capital Improvement Plan Expenditure Strategy (2021/2022-2025/2026); and
2. Approve Resolution No. 2021-041 adopting the Measure I 5-Year Capital Improvement Plan (2021/2022-2025/2026). Motion carried, 5-0.

RESOLUTION NO. 2021-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY HIGHLAND,
CALIFORNIA, ADOPTING THE MEASURE I FIVE-YEAR CAPITAL
IMPROVEMENT PLAN FOR FY2021/2022 THROUGH FY2025/2026

11. Consideration of an Interim Urgency Ordinance to Establish a Moratorium for a Period of 45 Days on the Approval of Land Use Entitlements for New Fueling Service Stations or the Expansion of the Number of Fueling Pumps at Existing Stations

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

David Eady spoke in opposition of this item.

Unknown/Unannounced speaker spoke in opposition of this item.

City Attorney Marroquin stated this is the first consideration of this ordinance. Today, all you have before you is a 45-day moratorium. What Council Member Timmer was referring to is that under the law, you are allowed to extend the moratorium. So, we could do a first extension that does add an additional 10 months and 15 days and that would have to come back for a notice of public hearing, that cannot just be automatically done. Similarly, you could do a second extension, under the law, for up to an additional year, and she thinks that was what Council Member Timmer was referring to, that it could be upwards up to two years, but right now what you have before you is simply a 45-day moratorium. That would stop the entitlements of any projects with fueling stations or the expansion of any existing gas stations, so this would apply city-wide. It is not directed at all towards any particular project. It is a city-wide moratorium on all development pertaining to fueling stations. This allows staff the time to study issues pertaining to what was discussed at the last meeting, in terms of you know, changing technology, calls for service, and things of that nature. So, if Council wants to carve out an exception and say except for and then, you know, whatever language you want to insert. We could revise the ordinance. So, is that the trigger point we are discussing? Potentially saying that the moratorium would apply to all properties except those that have either submitted a pre-application or a formal application for fueling stations. She would like to take a brief two-minute recess to draw up the language.

The City Council took a brief recess.

City Attorney Marroquin stated the proposed change would be to section 2 (b), and it would state, notwithstanding any other ordinance or provision of the Highland Municipal Code or any specific plan after August 24, 2021. No pre-application shall be accepted for processing or approving a new service station or for expanding additional fueling pumps at existing service stations.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Council Member Solano, to adopt Interim Ordinance No. 449, as amended, establishing a moratorium on the approval of land use entitlements for new service stations or expansion of the number of fueling pumps at existing stations by a four-fifths vote, waiving full reading, and read by title only. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 449:

URGENCY ORDINANCE NO. 449
AN INTERIM URGENCY ORDINANCE OF THE CITY OF HIGHLAND,
CALIFORNIA, ESTABLISHING A MORATORIUM ON THE APPROVAL OF
APPLICATIONS FOR LAND USE ENTITLEMENTS FOR NEW SERVICE
STATION USES OR THE EXPANSION IN THE NUMBER OF PUMPS OF
EXISTING SERVICE STATION USES IN THE CITY OF HIGHLAND

which title was read.

Mayor Lilburn appointed Mayor Pro Tem McCallon and Council Member Timmer to serve on an Ad-Hoc Committee [Service Station Review Ad Hoc] to address the Land Use Entitlements for new fueling service stations or the expansion of the number of fueling pumps at existing stations.

City Attorney Marroquin stated if she could just clarify for the record, the question that Council Member Timmer had, the definition says that for purposes of this interim urgency ordinance, the term service station shall be limited to retail business selling gasoline or other motor vehicle fuels derived from fossil fuels. So, if you have the electric vehicle charging grants that come in, we would be able to move forward on those.

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

City Manager Hughes stated he just wanted to bring the Council up to speed on our Sector E Pavement Rehabilitation. That is our last sector of our first Five-Year Pavement Management Program, the design is 90% complete at this point. This project will involve pavement rehabilitation on twenty-seven street segments, totaling approximately 3.6 miles. We anticipate going out to bid on this on September 16 and bring it before the City Council on October 26. With construction starting in November, the estimated cost is \$2 million. We are continuing to work with Cal Fire on the Wildland Protection Agreement. It has been reviewed by the City Attorney, and we are hoping to bring that forward to the City Council in September. We are also working with the Sheriff's Department and East Valley Water District on an additional deputy that would be funded by East Valley Water District. He spoke to the Council about this during the budget process, but they are getting ready for their new facility to start, hopefully sometime at the beginning of next year. So, we will be bringing forward to the City Council a modified Schedule A to fund that position. On August 16, the Housing Authority and Public Works staff made available a bid package for the demolition of the single-family residence at 7433 Central Avenue, so that will be going out to bid. We are hoping to have that bid opening on September 27 and bring it to the Council shortly thereafter and we will get that house taken down. On August 17, the Planning Commission took action to adopt a Declaration of Public Nuisance and ordering the property owner to remove illegal tractor trailers and bus storage on the property generally located on the northwest corner of Central and 5th Street, the property owner has sixty days to comply. On August 13, the Community Development Department released a request for proposal to participate in the City's Two-Year Tow Rotation Program, so we are starting that process again. Seems like we just did it, but two years goes by like that, so that will be coming forward in October. Also, in the Planning Department, he is not sure if Council is aware, but Associate Planner Quintanilla has moved on. He ended up getting a job with the City of Fontana, which is where he lives, so he could be close to home. We determined it was in our best interest to promote Planning Technician III Tafolla up into that planning position. We will be doing a recruitment to replace the Planning Technician position. She has been a long-term employee and she has just done a great job for us, so we are promoting her up. As far as Police Department calls, for the last

two weeks, total calls, they actually had an uptick, at 1,839 calls for service, 110 reports and made 79 arrests. Burrtec has, as of the 20th of August, already done 135 illegal dumping pickups. He did want to bring the Council up to date on some COVID numbers. Right now, we are up to 325,000 cases county-wide. Since February 1, of those cases, we have had 24,000 non fully vaccinated people and 3,200 fully vaccinated people since February. So, it is now 88% of the people that have gotten COVID since February are not fully vaccinated in San Bernardino County. Unfortunately, we are now up to 4,901 deaths, and in the last 14 days we have had 13 deaths due to COVID. That being said, of the known vaccination status of people that have passed away, ten of them were not fully vaccinated and zero were fully vaccinated, so it is really showing that the that the vaccination does have an impact on those severe cases of COVID. Hospitalizations, he mentioned at the last meeting that the hospitalization was really going up there again. We actually ended up surpassing last summer and the number of people that were in the hospital. Right now, we are about 550 confirmed cases with 33 suspected. The peak, as of a couple days ago, was 578. So, it looks like we have hit the peak and they are starting to come back down again. So, hopefully this surge is on its way down. The ICU, we currently have 133 confirmed people and four suspected and 107 of those in the ICU are on ventilators. So those are very severe cases. We are still in the widespread category of the old tier system. But that is also starting to go down, it peaked, and now it is starting to come back down again, and while it is coming down, we are still in widespread though. So, people have to remember if we were under that old tier system, we would be in lockdown right now with the number of cases. There is now over a million people, almost 1.1 million people have had at least one dose of the vaccine in San Bernardino County; 926,000 are fully vaccinated and the County's vaccination goal is 1.18 million, so county-wide we are getting pretty close to hitting the county target on vaccinations. He is sure the Council heard that Pfizer, at least, has received full FDA approval. He thinks there has been some people that have been waiting for that, so hopefully that will get some folks out and get vaccinated. It does make an impact on the severity if you do get COVID, it is not going to prevent you from getting it, but if you do get it, it is going to be a less severe disease, so that is kind of where we are at county-wide.

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

Mayor Lilburn stated just to keep the Council up to date, the Veterans Day event is still moving forward as of right now.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 7:01 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Penny Lilburn
Mayor