

**MINUTES
CITY COUNCIL REGULAR MEETING
SEPTEMBER 22, 2020**

This meeting was conducted as a videoconference meeting in the Donahue Council Chambers, 27215 Base Line, Highland, California. All votes during the meeting were conducted by roll call.

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:11 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

ROLL CALL

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

SPECIAL PRESENTATIONS

None

COMMUNITY INPUT (ITEMS NOT ON THE AGENDA)

None

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Council Member Timmer, seconded by Council Member Solano, to approve the consent calendar as submitted and with Council Member Timmer abstaining from Item #2. Motion carried on a roll call vote, 5-0.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – September 9, 2020 City Council Regular Meeting
Approved the Minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 710 for September 22, 2020, in the amount of \$375,249.96 and Payroll of \$100,935.17.
4. Treasurer’s Report for August 2020
Received and filed Treasurer’s Report for August 2020.
5. Year-end Budget Adjustments for Fiscal Year 2019/2020
Approved the year-end budget adjustments for fiscal year 2019/2020.

7. Measure I Capital Project Needs Analysis (2021/2022-2025/26)
Approved the five-year Capital Project Needs Analysis (2021/22-2025/26) for the Measure I Major Street and Freeway Interchange Programs and adopt Resolution No. 2020-050.

RESOLUTION NO. 2020-050
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ADOPTING THE MEASURE I FIVE-YEAR
CAPITAL PROJECT NEEDS ANALYSIS FOR
FISCAL YEARS 2021/2022 THROUGH 2025/2026

ITEMS PULLED FROM CONSENT CALENDAR

6. Conflict of Interest Code

City Attorney Marroquin stated we are pulling this item just to make some minor changes to both the resolution as well as Appendix C. The minor changes to the resolution are just some simple typographical changes to Section 2 that is now going to read halfway through there for the terms of two Cal. Code of Regs. 18730 and any amendments to it and duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and along with the attached Appendices A, B and C which identify the members, employees and consultants that are designated and the disclosure categories constitute the conflict of interest code for the City of Highland which is considered the agency within the purview of this code. The bigger changes are to the Appendix C where we are simply amending the language to clarify that there are different types of consultants. You have consultants that serve in a staff capacity within the City so they are not official employees of the City but they are serving almost as in that role and then you have other consultants that come in usually on a particular project basis. Then they would be performing some of the same duties that staff could be performing. We are breaking those categories just so that it is abundantly clear that both two different types of categories have disclosure requirements under the conflict of interest code. So that is the main change that is being made to this Appendix C.

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Council Member Solano, to receive and file, as amended, the 2020 Local Agency Biennial Notice and adopt Resolution No. 2020-048 amending the City's Conflict of Interest Code and rescinding Resolution No. 2018-047. Motion carried on a roll call vote, 5-0.

RESOLUTION NO. 2020-048
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ADOPTING THE CITY'S CONFLICT OF INTEREST CODE AND
RESCINDING RESOLUTION NO. 2018-047

CITY COUNCIL PUBLIC HEARING

8. Specific Plan Revision (SPR 20-001) Proposing an Amendment to the Greenspot Village & Marketplace Specific Plan (SPR 06-001) to Reduce the Minimum Density in Planning Area 3 from 25 Dwelling Units per Acre to 18 Dwelling Units per Acre and Design Review Application (DRA 20-006) Proposing the Construction of a 200-unit Residential Complex at the Northwest Corner of Greenspot Road and Webster Street, Highland Townhome Apartments

Mayor McCallon opened the public hearing.

Associate Planner Syed stated good evening Mayor and good evening Council Members. The project before you is proposed within the Greenspot Village & Marketplace Specific Plan, which was adopted in June of 2013, and is divided into Planning Areas 1, 2 and 3. Within Planning Area 3, which is the 30-acre piece at the southeast corner of the Specific Plan, sits the 10.85 acre parcel on which the 200 unit apartment complex is proposed. Since the density for this development happens to be below the designated minimum for Planning Area 3, a Specific Plan amendment is being presented to the City Council for review. In the process, the accompanying apartment complex is being presented to the Council as well.

Council Member Timmer asked if Associate Planner Syed could reference the number of the slide he is presenting so he can refer to the right page.

Associate Planner Syed stated yes, we are on page three which is at the bottom of your slideshow, at the bottom right corner. Sorry, it should be number two. So now we are moving onto page three. When the Greenspot Village & Marketplace Specific Plan was adopted, the underlying zoning designation for Planning Area 3 was Mixed Use and proposed a variety of retail shops along Greenspot Road with modern live/work arrangements to the north. Additionally, the City's Redevelopment Agency invested approximately \$11 million toward infrastructure improvements along Greenspot Road in the effort to attract future retail tenants. Page four, upon its adoption, the Specific Plan permitted a density range of 25-40 dwellings per acre in Planning Area 3, with a buildout expected between 100 and 300 units. Moving onto page five, by adopting a new Ordinance that amends the minimum density from 25 dwellings per acre down to 18 for Planning Area 3, the applicant will be able to fit 200 units onto the 10.85 acre parcel and provide appropriate communal amenities. This will also accommodate for the future construction of an additional 100 residential units by another land developer within Planning Area 3. Onto page six, the applicant has proposed a unique development that provides the benefits of a single-family home with an attached garage while also offering community amenities such as recreation areas and communal guest parking. Onto page seven, as seen on the site plan, the layout of the 200-unit apartment complex is divided into buildings of four and eight units that range in square footage from 915 for the one bedroom and up to 1,430 for a three bedroom unit. Onto page eight, primary access to the complex will be provided through Calhoun Road with a secondary exit and emergency access through Greenspot Road. The City will be responsible for maintaining Greenspot Road, Webster Street, and the respective sidewalks in the public right-of-way. Meanwhile, the

building management team will be responsible for upkeep of the interior roads, common spaces, recreation areas, as well as Calhoun Road. Onto page nine, the architecture consists of Spanish influence with arched front patios, a light-brown roof, and a two-tone stucco exterior. The front elevations are a light tan around the entrances and doorways while the areas of the building that are set further back are a light brown. Onto page ten, landscaping along Calhoun Road, Greenspot Road and Webster Street, will feature California Sycamores and Brisbane Box trees that match the plants and trees along the rest of the Greenspot Corridor. The Calhoun Road entrance and Greenspot Road exit will be accented with olive trees for aesthetic variety. Onto page eleven, Rexco Development will be required to establish a Landscape Maintenance District, or LMD, with the City for upkeep of the landscaping in the median and frontage along Greenspot Road and Webster Street. The complex residents will be required to cover the costs of maintaining this LMD. Onto page twelve, in compliance with the required parking for multi-family homes, there are 401 total spaces available in this 200-unit development, which translates to about two total spaces per unit. With each unit offering one or two dedicated garage spaces, the parking provided for each of the bedroom configurations satisfies the parking requirement. Onto page thirteen, the apartment complex also features a variety of communal amenities, including a pool, a gym, and a barbeque area adjacent to the pool. There is also an additional picnic area just off the main entrance by Calhoun Road. Lastly, each courtyard within the building clusters will feature picnic tables for outdoor gatherings. Onto page fourteen, the two Environmental Impact Reports from 2013 and 2019 each anticipated the construction of a multi-family development in Planning Area 3. In compliance with the Mitigation Monitoring and Reporting Programs adopted with those two EIRs, a project-specific Noise Study and Biological Resource Study were prepared to provide details on sound levels and the presence of the San Bernardino Kangaroo Rat. For sound mitigation purposes, dual-paned windows have been proposed for all units, and during the small mammal trapping survey, no kangaroo rats were captured. Onto page fifteen, the proposed project complies with the Specific Plan's residential development standards and provides a superior level of community amenities and recreation areas. At the September 1 Planning Commission meeting, the Commissioners provided a list of directives that can be found in the staff report on page 36. Some of their comments included discussion of parkways between sidewalks and public streets, the overall design and color scheme of the leasing office building that needs to more closely match the Spanish architecture of the residential buildings, and the need for a notable entry statement at the corner of Webster Street and Greenspot Road. With that said the Planning Commission recommends that the City Council introduce an ordinance to amend the Greenspot Village & Marketplace Specific Plan, reducing the minimum density in Planning Area 3, and adopt a resolution approving Design Review Application Number 20-006. Staff representatives from each department are available to answer any further questions or concerns, but first, the applicant will provide some background regarding the company.

Patrick Tritz, Rexco Development, stated they are very thankful that they were able to attend tonight to review their project. They are excited to be working in the City of Highland. They feel this will be a very, very good project for all of us. Rexco is a privately held real estate development company that has done multiple apartment projects over the years. Recently they have done three different projects to help the Dos Lagos area which was around a shopping center that needed some bodies. They developed three separate projects out there and have been very successful at it. They are fully occupied. They do a lot of other types of projects, industrial, office and such, and we have gotten some retail but primarily they are not so much in the retail business, they are more in the multi-family and in industrial office. They also do their own in-house general contracting, so they do not have a lot of issues with the construction side of it. Again, they are privately held, manage their own properties and their business policy is to build and hold. They do not typically sell their projects. They are long term holds, they do not build and sell and disappear. They are excited to be a part of the City of Highland.

Mayor McCallon inquired if we have received any public comments.

City Clerk Hughes responded yes, we have two.

City Clerk Hughes read public comment received from Camille Bahri in support of this item.

City Clerk Hughes read public comment received from Tom Robinson in support of this item.

Mayor McCallon inquired if we have received any speakers in opposition to the proposal.

City Clerk Hughes responded we have not.

Mayor McCallon inquired if we have received any comments from the project during the public hearing.

City Clerk Hughes responded we have not.

Mayor McCallon stated with that, he will close the public hearing and bring it back to the Council for questions and discussion.

Mayor McCallon stated he sees from their website that they have built, owned and managed Terrano, Encanto, Montecito Townhome apartments at Dos Lagos as well as Fletcher Woods in Orange and the Frontera Woods in Anaheim. He also noticed that they are advertising this project in Highland as the San Carlo Townhomes apartments. He assumes that they plan on owning and managing this project also, is that correct.

Patrick Tritz stated that is 100% correct. Their plan is to own, manage and they are involved in the day to day management of the project to keep the quality where it needs to be.

Mayor McCallon stated what will be the rent for each apartment?

Patrick Tritz stated you know it is a blended rent. He would say the average rent will be about \$2.00 a square foot. It will be that the three bedrooms might run in the \$1.70 range. The larger one bedroom might be in the \$2.10/\$2.25 range somewhere in there. It is a blended range of about \$2.00 a foot.

Mayor McCallon stated which will be about \$1,900 for the small apartment and \$2,400 something for the larger one. Please confirm that the garage doors will all have automatic openers.

Patrick Tritz stated yes, just a little less than that for the larger one.

Mayor McCallon stated please confirm that the garage doors will all have automatic openers.

Patrick Tritz stated they will have automatic openers and they also have, in the event of a power outage, a way to open them from the outside for the management company.

Mayor McCallon stated okay, at first glance he was concerned about the trash enclosures and their location. However, he understands that there will be a trash valet service that will go around each residence and collect the waste and deposit it into the bins.

Patrick Tritz stated correct. We use a service that is called Valet Waste, like valet parking and they come in the evenings, later in the evening, and pick up the trash bins that the different tenants will leave outside their front door, empty them and bring them back clean. They find this works very well and the tenants like it as they are not walking down the stairs or wherever they need to go to get to the trash. It keeps the place cleaner because tenants have the tendency, they learned before they started this service of them dropping stuff along the way. It is a great service and the tenants really like it.

Mayor McCallon stated very well, and it is part of the rent, right?

Patrick Tritz stated correct.

Mayor McCallon stated the Planning Commission wanted to have pedestrian access gates added. Where will they be located?

Patrick Tritz stated he put a gate on the plan. You really have to look at the plans and because he was involved in the design of it, he knows where it is. Over on Webster Street there will be a pedestrian access to get them out to Webster and Greenspot. They have another one very close to the secondary egress gate there on Greenspot and they may be putting a third one. They have to work on their grades, right there at the entrance near Greenspot and Calhoun. These gates will be fobbed entrances for the security of the tenants. It gives them a way straight out to the street. Now, other kind of activity, of course, you can leave through the main drive and until we see what the further projects are behind them. The way the site plan is designed if we needed to add some type of activity to what gets developed behind them, they can add that later.

Mayor McCallon stated so as you said, the residents will have a fob or key card to open these gates and will they close automatically.

Patrick Tritz stated yes, and they have done that on the other projects.

City Attorney Marroquin stated just for the record, Council Member Timmer, she just wanted to make sure that Council Member Timmer knew we are now on page 28 since he does not have the benefit of being able to view the screen. So, if she could ask the applicant to, if he is going to be moving through slides, if he could just announce what slide he is on so that Council Member Timmer can follow along.

Mayor McCallon stated for staff, do we need a condition about the pedestrian gates and how they are accessed.

Associate Planner Syed stated from his discussion with the applicant he was informed that the three locations along Greenspot Road where the pedestrian gates are proposed, so he does not believe we need a separate condition for it.

Mayor McCallon stated how about the way they are accessed.

Associate Planner Syed stated they are going to be accessed via key fob.

Mayor McCallon stated he understands that. Do we need a condition for that?

Assistant Community Development Director Stater stated what will occur is the applicant will take the directives from the Planning Commission and if there is any from the City Council tonight. Staff will review the final plan set and when all the directives have been met, a stamped set will be part of the project approvals, and on that set will be all the points of access that you are referring to tonight.

Mayor McCallon stated his concern is that he wants to make sure that the residents are the ones that have access through a fob or key card, and they are not open to the general public.

Assistant Community Development Director Stater stated okay, we can add a condition. We will write up some language and have that ready for you before the motion.

Patrick Tritz stated he is fine with that. That is how they do it, so no problem at all.

Mayor McCallon asked will entry to the project be allowed through the second egress road.

Patrick Tritz stated no, it is an exit only. The main entrance will be a gated entrance off Calhoun there by the leasing and the recreation building and that gate monitored for people coming in after hours. The gates, generally when you manage these types of projects, the gates are open during normal business hours, closed at night and only the tenants can get in with their access codes, there is a call box out there for visitors who come after hours who want to ring a tenant to get in. The entrance way, you got two lanes wide so it will not stack up onto Calhoun too wide. It will be where the residents can bypass the call box to get in after hours.

Mayor McCallon stated for staff, the staff report states that the apartment management shall be...

Council Member Timmer stated the two access gates will be left open during business hours, is that normal?

Patrick Tritz stated the main business gate is generally open during business hours on all their projects. The secondary egress gate, onto Greenspot, will always be closed and only open when someone is exiting the property.

Council Member Timmer stated that is why he asked the question, if it was left open people can enter there.

Patrick Tritz stated no, it will be closed all the time.

Mayor McCallon stated for staff, the staff report states that the apartment management shall be responsible for the internal roads, common open spaces, landscaping buffers, and community recreation areas. Calhoun Road, a private street is not mentioned. He is assuming they will be responsible for its maintenance.

Associate Planner Syed stated yes, Calhoun Road will be maintained by the building management team.

Mayor McCallon stated he did not see a condition of approval that addresses the maintenance requirements.

Associate Planner Syed stated yes that will be added to the list of conditions for the public hearing.

Mayor McCallon stated addressing the maintenance of the internal private streets and the landscaping, etc., as well as Calhoun Road.

Associate Planner Syed stated okay.

Assistant Public Works Director Bennett stated their Engineering Condition No. 34 speaks to the establishment of a legal mechanism among the property owners of Planning Areas 1 through 3 for maintenance of the on-site drainage system and project driveways. The project driveway Calhoun would be included, including decorative pavers located within and outside of Greenspot Road right of way.

Mayor McCallon stated so is that going to cover this project while the other parts are being developed.

Assistant Public Works Director Bennett stated it is asking the coordination between the Planning Areas 1 through 3 for the legal mechanism for the maintenance and shared maintenance of Calhoun Road access. So in the interim the Rexco project is contracting the elements of the intersection, the signal intersection, as well as the private project driveway up to the point of their entrance and the maintenance will be under their control and any of the agreements that they have made with the other developments. They will be providing reciprocal access for vehicular and pedestrian access by another condition as well.

Mayor McCallon stated he understands and until those agreements are in place, they are responsible for that maintenance.

Patrick Tritz stated correct.

Mayor McCallon stated and that is spelled out in the conditions.

Assistant Public Works Director Bennett stated the requirement is the establishment of the legal mechanism. It is a private drive that they are constructing. He believes there is an understanding. Patrick if you can comment to that, your understanding of what you are developing and maintaining.

Patrick Tritz stated right, his understanding, and the way he is looking at it, his intent that Calhoun Road is conditioned to construct a private street which they are going to do. It is part of their property. It is within their property limits so the edge of their property line, guess it would be the west side of Calhoun, left of their project and they would be maintaining that as part of the same they are doing to the interior streets and the rest of the project. As other projects come on board they will be working with them because at some point there will be some kind of association set up, or whatever is done, so that everybody gets shared use of it and shares the maintenance going forward. Right now they are, so of course they are going to maintain it, just like the rest of the project.

Mayor McCallon stated he understands that, and he appreciates it. He is just trying to convince staff that there is nothing in the conditions of approval that require you to do that. He would like something added.

Patrick Tritz stated he is fine with that.

Council Member Timmer stated the Mayor covered many of the questions he was going to ask. Also, just for advisement, he met with City staff earlier last week and they answered a lot of his questions so he will not be bringing those up as they were answered satisfactorily for him. However, he still has some issues that he thinks are very important for this project. He can start on those. First looking at this project he was really concerned, and we have already talked a little bit about the access points to the one off Calhoun and the one exit on Greenspot. Both of those are basically in the west half of the project, there is no access anywhere on the east end of the project. Also, people who live on the east end will have to drive all the way through the project and go out the main one or make a right hand turn or left hand turn, whichever the case, and go out to Greenspot. One of the questions he is a little concerned about it is that this project stands alone by itself at this time, and he would think those issues are kind of minor. His concern is the properties to the north and the rest of Planning Area 3 and Planning Area 2 will all access onto Calhoun and he can see a major congestion on Calhoun at the main entrance. So, he is really concerned about having only one way into this project. He talked with staff a little bit and he understands the rest now of why we can't make the Greenspot entrance an entrance and an exit. It would take a loss of units to do that, but he still feels strongly that we need additional exits for emergency purposes. As you know being in the fire service all those years that many units with only one entrance and one and a half exits really bothers him a lot. What he

was going to suggest is on the very east end of the project, on Webster, there are two trails that lead out to Webster and he understands there will be pedestrian gates on there. To him there seems to be sufficient space to put in an emergency exit only for police and fire. For management he would think that they would want to look seriously at creating some sort of gate system there for emergencies only, not for the public or for the tenants but just for emergency access. In the case we have a problem we can get people out. He thinks without moving a lot of things around on the project we can do that and still maintain a trail that would be there because it would be a kind of very passive road out to Greenspot with a curb/cut and so forth. Just for an additional safety aspect of evacuation for this project, if heaven forbid something should happen. He has a concern of limited number of exits and entrances because of the future development that is going to occur around the north and the west of this thing, it's going to be congested. We are talking several hundred more apartments, if not more than that, over the whole project all essentially coming out through Calhoun and probably also through the facilities that are going to be built to the west of that across from Lowe's that maybe some access but he had real concern about the access points in and out of this project.

Patrick Tritz stated if he could comment a little bit on that. A couple of things, egress gate, he understands Council Member Timmer was in the fire department, he would understand that the second egress gate will also have a Knox on it, it will activate through a Knox key for an emergency to open it up in the event something happened that first responders have to get in there. That's one point. The other point is he reached out to the people behind them because going off onto Webster is kind of tough call for them. He reached out, there is a little building behind them that has a little realty office and he believes it is a gym or sauna or something for the women, to be work on putting crash gates back there. It is a very simple, same grade, so we are going to be working with them to try to come up with a crash gate back there which will be in the northeast end of that parking lot. Additionally, as Project Area 3 develops, there are opportunities that we are looking at and can tell there is another project behind them to add additional crash gates on the end of those drive aisles up there to the north end of their project.

Council Member Timmer stated he understands that. He understands the fire service in there, the Knox box and all those things, but that is not his concern. His concern is the residents getting out in a timely manner, not the fire department getting in. If you can provide a plan and an agreement with the property owner to the north, on that east end near Webster, to do that. He would really prefer to have an emergency exit directly onto Webster across from the gas station there and walking paths and the landscaping could still be maintained but enough space is there to get people out in case there is a major disaster. Right now, he does not believe people could get out of this project in a timely manner, so that is his concern.

Patrick Tritz stated well we have the pedestrian gates. To put a vehicle access, we have a couple issues that one is grade issues off onto Webster Street. He believes that could be a challenge, without taking out buildings and they have other projects much larger than this with the proximity of, he understands they are not the complete opposite end with their secondary egress; however, it is close. No one is ever driving half the distance of the project.

Mayor McCallon stated he does not think Council Member Timmer was talking about a vehicle exit onto Webster but a pedestrian exit.

Patrick Tritz stated yes, we have pedestrian gates out there already. We can do additional ones. We have one out there on the right near the Greenspot and Webster corner.

Council Member Timmer stated an emergency event within the project and people need to leave quickly, they are going to use their cars to do that and right now most of the people are on the east end of that project will not be able to get out because of the impacts on the two remaining locations which are essentially on the west end of the project. He thinks whether the grade permits or not he thinks we can put something, some kind of small road which allows people to get out with that gate being controlled by fire, police and the management company. In case something happens that gate can be opened and people can access onto Webster or you have to have another plan that is approved before this project starts that can access that piece of property you were talking about on the north, if that is available, and will be built during the construction of this. Not some future pie in the sky thing. To him this is a really important issue of public safety.

Patrick Tritz stated again, he has reached out to them. He cannot guarantee that they are going to give it him, a couple in Redlands. He can't imagine that they won't. He has a pretty good idea how to fix it for them, but he can't promise that they are going to go along with it. He thinks they will, but he can't guarantee it.

Council Member Timmer stated well he thinks we would really want to look at the property they control on the east end next to Webster to take care of that issue.

Patrick Tritz stated he has an architect looking at it to see what can be done on the site plan, if he can slide the buildings apart a little bit to create, you want at least a fourteen or fifteen foot exit for what you are talking about for vehicles to get through there.

Council Member Timmer stated that's what it is now right?

Patrick Tritz stated it is right in there; it's real close.

Council Member Timmer stated he doesn't see having a major thoroughfare with curbs and gutters. He is just looking at some kind of hard surface where there is an emergency either their staff or police and fire could open that gate so people can safely exit that in a timely manner. That is his concern.

Patrick Tritz stated we may be able to slide it.

Assistant Community Development Director Stater asked would you like staff to propose a condition.

Council Member Timmer stated he would like to have something. His first initial response is that we need to open that Greenspot access to get in and out and across the median so people can turn in there, rather than driving all the way through the project. Again, his concern is the main thoroughfare that goes all the way from the west end to east end is essentially a single lane road each direction with parking lots backing into whole length. He can see that as being a conflict of cars traveling up and down with people backing up. However, the development now includes the stop sign system at that Greenspot point. He thinks that will help a great deal. So, that particularly has diminished a little bit, but he still thinks we need to have some kind of emergency exit. Staff if you can work on that he would appreciate it.

Assistant Community Development Director Stater stated if she could read a draft to Council, number 29 would be the fob condition. Planning Condition 30 an emergency vehicular access shall be provided along the northeast boundary near building number 35 or onto Webster Road.

Council Member Timmer stated yes, an emergency access only.

Assistant Community Development Director Stater stated correct, we will make sure it says emergency.

Patrick Tritz stated he thinks to be fair about it, if he follows through, which he is trying to do, and he is sure he will be able to do, is put the exit into that realty office over there like he discussed when they met last week.

Assistant Community Development Director Stater stated that is what she was trying to refer to. The first part of that, let her read it one more time maybe a little slower, an emergency vehicular access shall be provided along the northeast boundary near building number 35, she thinks that addresses Mr. Tritz, or if that is not possible onto Webster Road.

Patrick Tritz stated right, Webster or Greenspot. See on the bottom there, between 37 and 38, they may be able to come up with a way to get out there. They will come up with some alternate emergency exit on the east end of the project.

Assistant Community Development Director Stater stated, or we could add a statement to or as approved by the City's Fire Marshal.

Council Member Timmer stated if we could accomplish that he thinks it eliminates his concern about that particular issue.

Patrick Tritz stated they will come up with something on that eastern end there some type of emergency egress exit.

Mayor McCallon stated very good, does Council Member Timmer have anything else?

Council Member Timmer stated yes, on page 67, number six, and it says the subject property shall be developed in accordance with the plans and materials approved by the Planning Commission. He thinks since the Council is adding a few conditions as well we should also say and the City Council on file by the Planning Department. Just to make sure that the City Council conditions are also included in the process.

Assistant Community Development Director Stater stated absolutely, we will make sure that it is amended.

Council Member Timmer stated there were several discussions on which he did speak with staff on this, that the pavers that were being talked about, and he asked staff to clarify that and that he was concerned that going with the pavers versus the stamped concrete. Our City has not had much luck or has been very good with the pavers and he asked whether this was going to be pavers or whether it's going to be stamped concrete, staff indicated it was going to be stamped concrete. He would just like to make sure that it is in the conditions somewhere to clarify that is in fact true.

Assistant Community Development Director Stater stated we will take care of that. We will add that as Condition 31.

Council Member Timmer stated another condition we need to talk about, this is a gated community, however, he could not find anywhere in the conditions specifying this is a gated development. He would like to make sure it is somewhere in the conditions that this is a gated community project.

Assistant Community Development Director Stater stated okay, noted.

Council Member Timmer stated the last thing is on page 71 under the engineering conditions, refers to access A and access C. Nowhere does it define, he assumes access C is Calhoun and access A is down by Lowe's somewhere. Is that correct?

Assistant Public Works Director Bennett stated access A directly across from Lowe's, the signalized intersection, access C is future Calhoun signalized intersection.

Council Member Timmer stated he just wanted to make sure because nowhere in here does it say that. It probably says it on your maps, but it doesn't say it in this report anywhere, so he just wanted to make sure it was clear and now he understands that. That is all the questions he has.

Mayor McCallon asked if anyone else from the Council has any questions.

Mayor Pro Tem Lilburn stated she has a few. First, she wanted to say to Mr. Tritz thanks for coming to Highland and wanting to invest in our City, we appreciate that. A couple of us have been on the Council for a long time and she just wanted to remind everyone that we spent \$11 million on infrastructure for the proposed last big project that we had. With that being said, she knows a lot of our residents are expecting commercial, this grandiose plan that we once had but we know that life has taken us in a different direction and we know what we need to do and we know that we need the multi-living units. She likes the project. There are a couple of things that she thought she wished that if she were living there and the residents of the City she thought that the entrance on the Calhoun and Greenspot and then on the Weaver, on the corner, she thought their approaches and their esthetics were mediocre. Personally, she would like to see something more grandiose, something even if it's maybe even a water feature but she thought it was very minimal. She thought this project being the first one, keep in mind this is our first apartment, townhome complex that we have had built since the City incorporated. She thinks our residents are really gun shy of having multi-units coming into the City. She thinks that, personally, if there is any way that we could just improve upon those entries and make them a little more esthetically pleasing and nicer. She remembers when we first proposed this entire specific plan there were several water features that we were hoping for and outside eating areas, and that is something she would like to see. We mentioned that there is going to be olive trees, she thinks that she read that or heard that, and she just wanted to reiterate that she lives on Olive Tree Lane and she knows what olive trees do to streets. That is just a pill for thought. She is not an expert on trees and where we put them and how we put them but that's her feedback. A couple of questions for staff, she just wanted to know when we build a project like this, do we put conditions on it that they must sign the multi-crime unit agreement.

Assistant Community Development Director Stater stated it is not conditioned directly but we can add a condition requiring that.

Mayor Pro Tem Lilburn stated she thinks we should. She thinks that it's a condition we agreed to put in all our multi-living units and then do we have to identify anything in the conditions that they are by an airport?

Assistant Community Development Director Stater stated that will be in the CC&R's that staff will review and approve. It's in the mitigation measures, the environmental mitigation measures.

Mayor Pro Tem Lilburn stated okay, and the parking, she knows it says that you can satisfy the project with 401, if she recalls, parking spaces. There was 1.4 for one and 1.9 for two or something. Anyway, there are a total of 400. Okay, there it is 1.9.

Associate Planner Syed stated Council Member Timmer we are on page twelve if you want to look at the parking standards again.

Council Member Timmer stated okay.

Mayor Pro Tem Lilburn stated and the only reason she brings this up is because she lives in a district that has apartments and she thinks you can put in so many parking spaces and it still wouldn't be enough for nowadays because everyone lives with multi-families in a unit. She read in the conditions that you do have somebody that will go around making sure that people are using their garage for garages to park their cars versus loading additional stuff in there and using it for storage. She appreciates that, she likes that. She just wants to keep in mind that she worries that there isn't enough parking and that they will be parking on the street. They will be parking across the street in the commercial development, running across the street because she's seen that in her district. So that was a concern for her and she knows you can only do so much but she did want to put that on the record that the limited parking and she knows it satisfies our request but she did want to mention that. She thinks her big concern was the gateway into the facility and adding some additional stuff. One question for staff, she read a couple of things from the Planning Commission and she wanted to make sure that we address, it sounds like the Council as well as staff has addressed some of these issues that the Planning Commission brought up. Overall, she is looking forward to the project and for this project she really would like to see us hit it out of the park with this. She has done her homework on checking on the Rexco developer and she hears nothing but good things, so she appreciates it. She is excited that they have chosen to come here. On the gated portion when you come in, is that going to be manned?

Patrick Tritz stated no, it is right adjacent to the leasing office which keeps an eye on it during normal business hours. So, no we do not put a guard out there.

Mayor Pro Tem Lilburn stated okay, thank you.

City Attorney Marroquin stated just to clarify, Mayor Pro Tem Lilburn, are you suggesting a condition be added to address the features at the entrance way?

Mayor Pro Tem Lilburn stated that would be her preference that would be something she is looking for, yes.

City Attorney Marroquin stated so if we could hear from the applicant if there is any movement there in terms of what you can propose.

Patrick Tritz stated yes, his comment is so everyone understands he provides these landscape plans, and he could spend a lot more time, a lot more detail on it. On their other projects we take a lot of pride in the exterior façade because our other projects, our most recent ones are in higher kind of high end, high profile areas. At Planning Commission we talked about you know we are going to have a sign up there announcing where they are at, what the name of the project is, we put trees behind them, trees at the side, color in front. We build a really nice architectural statement; we take a lot of pride in that. You will see the results, these plans are so conceptual they really don't give enough detail for what you are looking for but he can assure Council that when they get done Council will be very happy with the final product. We are doing a final study; we will get all the final plans done. He will submit it to staff before we go forward with it. You will see it; it will give you a lot of pop.

Mayor Pro Tem Lilburn stated for something other than landscaping.

Patrick Tritz stated yes, the way that we do the stone and the different columns and the way that the architecture, the way the sign looks and quite honestly when we did these plans he still hadn't, maybe he's not 100% settled on the name of San Carlo apartment home but we will submit something for review. It will more than satisfy, he can promise that.

Mayor Pro Tem Lilburn stated okay, she is hoping this is a high-end project just like your other projects are.

Patrick Tritz stated it is. You will be proud of it and just so you know, just to comment on the parking, we do have it written in the leases about the garages are used for parking. Also, the managers do audits regularly to be sure that they do not become self-storage units. It's worked really well on his other projects.

Mayor McCallon asked if any other Council Members have any other comments.

Council Member Solano stated no, honestly everything has been answered very well that she could have possibly thought of. No questions or concerns on her end.

Council Member Chavez stated he thinks this is a great project. He thinks it is really cool that we are doing this for East Highland. It's going to definitely boost the economy here in Highland. One question he does have, and he did not see in the staff report is living so close to the San Andreas Fault, he is sure these are earthquake proof, but how earthquake proof are these townhomes? Can they withstand strong earthquakes and are we prepared in case of an emergency to get everyone out?

Patrick Tritz stated structurally, they are very sound, and we have done the latest building code. He has already done some soil samples and the soil out there is very stable. He is still going back and forth if he is going to do a post tension or structural slab, but these things are where you want to be when ground zero.

Council Member Chavez stated perfect, sounds good.

Mayor McCallon stated they are a lot further from San Andreas Fault than from where he lives, about 1,000 feet from it.

Council Member Timmer stated he met probably over a year ago with the owner of this property and they were talking about the uses of this property. He explained he had a little concern with the vision that we had adopted for the Greenspot corridor including the general plan, the specific plan, and we explained to him that if apartments are going to go in anywhere in planning area one, two or three that garages would be mandated and also the two story issue was paramount of importance to him. They adhered to those requests, so he was kind of pleased but as you all know he is not a big fan of high density. However, this particular property is quite a way from the freeway and the change in commercial and the use of commercial and how people use businesses these days online versus brick and mortar is changing. So, maybe a use like this would help some of the other commercial get started as well. He has mixed feelings on this but overall, it looks

like something the City of Highland will be proud of if they address and do all the things they want to do. One of the other things Mayor McCallon brought up on the ownership and maintenance requirements and that was also a concern that he had. On page 69 there is a condition on ownership and maintenance and that very clearly delineates what the responsibility of the property owner will be. He is glad to see that because we have heartburn over Ward/Cunningham when they started splitting all those units off and selling them as condos and people were buying individual buildings and stuff. He does not want to see that he thinks that generally a spiral down of these projects. So overall he has mixed feelings, but he is going to support the project.

Mayor McCallon stated he agrees. Looking at Rexco's track record and what they built and the fact that they construct, they own and they manage and they don't sell them off to somebody in China or somewhere is very important to him and that is why he is pleased with the project, with the builder and the management. He looks forward to the project moving forward.

City Attorney Marroquin stated before we have a vote on the matter, she knows the public hearing has already been closed, but since there was so much discussion with the applicant she just wants to make sure that we haven't gotten any email comment that have come in to the City Clerk during any of that discussion period. If we could just double check with her before we have any vote on the matter.

Mayor McCallon asked City Clerk Hughes if we have received any public comments.

City Clerk Hughes responded we have not.

City Manager Hughes stated what he would like to do is just have staff summarize the changes that were proposed by the City Council just so everyone is aware of exactly what language is going to be proposed in these modified or new conditions.

Assistant Community Development Director Stater stated Associate Planner Syed will be reading into the record planning conditions number 29 through 34 at this time. Then Assistant Public Works Director Bennett will read into the record engineering modification to engineering condition of approval number 12.

Associate Planner Syed stated after condition number 28 on planning, we will begin at condition number 29 which is an electronic fob will be provided to all tenants to access pedestrian gates. Gates will always otherwise remain locked. Condition number 30, an emergency vehicular access shall be provided along the northeast boundary near building number 35 or onto Webster Street or Greenspot Road or as approved by the City's Fire Marshal. Condition number 31, all embellished pavement shall be colored, stamped concrete, not pavers. Condition number 32, the project shall remain a gated community project. Condition number 33 will be entry statements at Calhoun Road and Webster Street and Greenspot Road intersection shall be embellished with water features.

Mayor McCallon stated no, no, no. We do not want to specify water features. He would be opposed to water features because they present other problems.

Mayor Pro Tem Lilburn stated fine but she would like to see some additional embellishments.

Mayor McCallon stated yes, he thinks that's good, but he doesn't want to spell out water features.

Assistant Community Development Director Stater stated how about we say shall be embellished as approved by the City's landscape architect. Is that acceptable?

Mayor Pro Tem Lilburn stated yes and again she really hates to dictate but she feels like we have done so much with our infrastructure and we had high expectations from our original specific plan and general plan that she really would like to see something nice. She sees other places that have something nice and she just wants to make sure we make a great statement.

Assistant Community Development Director Stater stated we will make sure that happens.

Associate Planner Syed stated lastly, condition number 34, all tenants shall be vetted through the crime free multi-family program.

Assistant Public Works Director Bennett stated to answer one of Mayor McCallon's questions about access A and access C, he thinks it will be helpful to revise Engineering Condition 11 to include the description where we reference access A and access C with parentheses, access C Calhoun Road, access A Lowe's Center which is named as such. So that would be the modification proposed to condition number 11. Then condition number 12, the reference to maintenance in this statement we would say construct in accordance with the City's Greenspot Road Master Plan and Greenspot Village and Marketplace Specific Plan – one construct and maintain the private street Calhoun Road improvements northerly to the project boundary including and all the way down to the latter part of the condition access C parentheses Calhoun Road shall be 71 feet wide from Greenspot Road to northern boundary of the project. This would address the condition 12 maintenance at the time of occupancy as condition 12 and again he just wants to point back to condition number 34 which speaks to the legal mechanism among the property owners regarding the maintenance of onsite drainage system and project driveways. Perhaps it would help to suggest project driveways and Calhoun Road. At that point again, in order to clearly identify that condition 34 is speaking to the access road, the project driveway, Calhoun Road and this condition is required prior to grading permit. We are establishing the requirement of the legal mechanism prior to issuance of grading permit for that private drive Calhoun Road.

Mayor McCallon asked the applicant if there are any comments on those condition changes.

Associate Planner Syed stated there is one more addition for change to the conditions. It was number six for planning on page 67. It will be the subject property shall be developed in accordance with plans and materials approved by the Planning Commission and City Council on file with the City of Highland Planning division and shall be in compliance with all conditions of approval contained herein.

Patrick Tritz stated his only comment was putting it off prior to grading. It seems like it should be prior to Certificate of Occupancy (C of O) of the first building or something. Only reason being is to get those agreements done and drafted to his attorneys, city attorney and if they have to go to the other shareholders at the time they kind of know how that works and that might not happen in a timely manner but he has no issue with any other than he doesn't think he should hold up his grading. They are trying to start, trying to fast track once we get approval. Again, prior to first C of O or something seems fair. Gives all the attorneys time to review and do whatever attorneys do which we don't want to touch without a big rush.

Mayor McCallon stated he agrees with Mr. Tritz. He thought prior to grading was a little early but, staff respond.

Assistant Public Works Director Bennett stated we have heard of the discussion ongoing between the property owners. He is not sure at this point if they have come to any preliminary understandings but if simply to look at the prior to grading it is early in the conversation. If we are talking about that we could look at it and say ongoing or to set it at prior to building occupancy as requested by the applicant. Certainly giving them time and also obligating them by modifications condition twelve is to construct and maintain so that allowance, that revision to condition 34 where it states E we would be recommending the modification to say C which is required prior to building occupancy.

Patrick Tritz stated he is good with that.

Mayor McCallon stated he does not want other property owners around this development to be able to, if you will, stop the project before it gets started. So, is that modification acceptable to the applicant?

Patrick Tritz stated yes.

Council Member Timmer stated just one minor point that was not covered in those changes. Mayor Pro Tem Lilburn brought up the issue with the olive trees being messy. He knows the olives come as a fruitless type, could we insert somewhere in the landscape plan...

Mayor McCallon stated it is in there. He specifically looked at that. It says fruitless olive trees. Everyone is clear what the change conditions are, the modified conditions and the added conditions.

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

1. Introduce Ordinance No. 443 to amend the Greenspot Village & Marketplace Specific Plan (SPR 20-001); and
2. Adopt City Council Resolution No. 2020-049 to approve Design Review Application (DRA 20-006) subject to the Conditions of Approval and Findings of Fact and the recommended actions by staff plus the additional conditions and modifications. Motion carried on a roll call vote, 5-0.

Patrick Tritz stated they have been doing this since 1985 and that he wanted to first thank the Council for taking this on and helping through the process. He would also like to thank the City of Highland. You guys have a great staff working from the very first meeting with Community Development Director Mainez and Assistant Community Development Director Stater, all the way through the process, Associate Planner Syed, all departments, Assistant Public Works Director Bennett has been extremely helpful. They are looking forward to working with the City of Highland.

City Clerk Hughes introduced Ordinance No. 443:

ORDINANCE NO. 443

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE GREENSPOT VILLAGE & MARKETPLACE SPECIFIC PLAN (SPR 06-001) AND MAKING A DETERMINATION THAT THE ADOPTION OF THIS ORDINANCE IS EXEMPT FROM FURTHER CEQA REVIEW UNDER CEQA GUIDELINES SECTION 15162, PUBLIC RESOURCES CODE SECTION 21666 AND GOVERNMENT CODE SECTION 65457

which title was read.

RESOLUTION NO. 2020-049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, TO APPROVE DESIGN REVIEW APPLICATION (DRA 20-006) PROPOSING THE CONSTRUCTION OF A 200-UNIT MULTI-FAMILY APARTMENT COMPLEX AT THE NORTHWEST CORNER OF GREENSPOT ROAD AND WEBSTER STREET IN PLANNING AREA 3 OF THE GREENSPOT VILLAGE & MARKETPLACE SPECIFIC PLAN (APN NO. 1200-041-02), AND MAKING A DETERMINATION THAT THE ADOPTION OF THIS RESOLUTION IS EXEMPT FROM FURTHER CEQA REVIEW UNDER CEQA GUIDELINES SECTION 15162, PUBLIC RESOURCES CODE SECTION 21666 AND GOVERNMENT CODE SECTION 65457

9. Consideration of an Ordinance to Increase the Penalties for Violating the Fireworks Ordinance (Highland Municipal Code Chapter 8.58, Section 8.58.060, Penalties) [HMC-20-002]

Mayor McCallon opened the public hearing.

Community Development Director Mainez stated at its meeting on June 23 the Public Safety Subcommittee directed staff to look into increasing fines for the use of fireworks in the City. With that directive in mind, staff was curious to know what other communities around us were charging for violating their fireworks regulations. The results are summarized in your staff report. Also included in your staff report for City Council information is a short summary of stats related to the enforcement efforts during this year's Fourth of July holiday. During its review of the existing code, staff discovered that the existing penalties provisions in that code were somewhat confusing and could result in incorrect fines being issued. So, to that point, let him give an example. The penalties provision of the existing fireworks ordinance references two other chapters of the municipal code that must be reviewed before concluding that the first citation should be \$100. You need to then go back to the municipal code chapter 8.58 to understand that a second and subsequent violation is \$1,000. With that brief background staff believes that the subject ordinance amendment addresses the directive of the subcommittee and in fact goes a step further by eliminating the ambiguities as it relates to the first fine amount which staff is recommending being \$1,000, not \$100 as currently required under the municipal code. All subsequent administrative citations will also be in the amount of \$1,000. So, in other words chapter 8.58 the fireworks regulations will now be a stand-alone ordinance with clearly stated fine amounts of \$1,000. Before closing, he would like to ask the City Attorney if there is anything that he may have missed or if she would like to add anything to this presentation.

City Attorney Marroquin stated no, she thinks it is covered. She is happy to answer any questions anyone may have.

Mayor McCallon inquired if we have received any public comments on this item.

City Clerk Hughes responded we have not.

Mayor McCallon with no public comments, he will close the public hearing and bring it back to the Council for discussion and action.

City Manager Hughes stated just a point of clarification. The current language states fines up to \$1,000. This new language makes it just \$1,000 period. So, he wanted to clarify that.

Mayor McCallon stated very good, questions, comments from the City Council.

Mayor Pro Tem Lilburn stated first she just wants to say thanks to the staff for bringing this back. She knows the Public Safety Subcommittee, you know a lot of us, I know our police department were chasing their tails trying to respond to all these phone calls and as elected officials we get the phone calls with people screaming at us as well. So, then we respond by going after staff and police department because we're under attack and then we attack them. She knows it's a little unfair, but she really is glad that we're going to approach this and hopefully when Fourth of July comes next year, we do a few more things that maybe can help be proactive. She was looking at the comparisons of other agencies and she thinks that they probably went through the same thing we did, and they are a little sick of it too. If some of these fines help our City that's fine because she thinks we spend a lot of time and a lot of over time chasing these guys and they need to understand this is so unacceptable for so many reasons. She just wants to say she appreciates the staff taking the time and bringing this back to the Council and for really taking this matter seriously.

Mayor McCallon stated yes, we can see what pyrotechnics have done relative to the recent fire and is still going on.

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

1. Introduce for first reading City Council Ordinance No. 444 amending Chapter 8.58 of the Highland Municipal Code to amend the penalties for violating the city-wide prohibition on fireworks except in limited circumstances; and
2. Direct staff to file a Notice of Exemption with the County Clerk of the Board of Supervisor. Motion carried on a roll call vote, 5-0.

City Clerk Hughes introduced Ordinance No. 444:

ORDINANCE NO. 444
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING CHAPTER 8.58 OF THE HIGHLAND MUNICIPAL
CODE TO AMEND THE PENALTIES FOR VIOLATING THE CITYWIDE
PROHIBITION ON FIREWORKS AND MAKING A FINDING OF EXEMPTION
UNDER SECTION 15378(b)(4) OF THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT [MCA-20-002]

which title was read.

CITY COUNCIL LEGISLATIVE

10. Use of Coronavirus Relief Funds (CRF) through the CARES Act

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

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

1. Authorize the expenditures of the \$683,080 for the CRF funds for the programs and amounts described in Attachment #1 and authorize staff to move any unexpected funds to the Public Health Safety line item; and
2. Authorize budget adjustments in the amount of \$683,080 (accounts listed in Attachment #1) in expenditures and revenues in fund 0302-Major Grants Fund. Motion carried on a roll call vote, 5-0.

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

City Manager Hughes stated he wanted to bring the Council up to speed on some COVID-19 stats. County-wide there has been 52,873 confirmed cases, in the City of Highland we have had 1,465. Testing county-wide we have had 589,000 residents of the county tested; we have had 14,657 Highland residents tested. Deaths to date in the County have been 908 and the City of Highland there has been 19. We are continuing to operate City Hall with face coverings required and we are continuing to limit five people at a time into our City Hall lobby. We are still encouraging people to do conferencing as much as possible via electronic measures. Parks are still open for passive use only. We did find out today, he sent a San Bernardino County update out to the Council just before the meeting that nail salons can reopen effective today and there has been some clarification regarding the serving of alcoholic beverages at restaurants. That came out today. Numbers county-wide are starting to look better. We are in the red tier now, but we must remain in that tier for several weeks before we can start doing those additional business activities. He is hoping and this is not a for sure thing but sometime in October he would think that if as long as the numbers stay down, we should be able to move into that next tier of businesses reopening. The County is still doing their COVID Compliant Business Program and with the City Council's approval tonight we will be doing matching funds for small businesses in the City of Highland. He would like to remind residents to visit the City of Highland website for links to the County, State and Federal guidelines and to follow the City on Facebook for updates. The County COVID compliant hotline is still operational at (909) 387-3911.

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

None

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:40 p.m. in memory of Robert Amador, James Morris, David Rodriguez, Charles Morton, Ruth Bader Ginsberg and Ray Ballesteros.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor