

**MINUTES  
REDEVELOPMENT AGENCY AND CITY COUNCIL  
REGULAR MEETING  
JUNE 8, 2010 - 6:00 p.m.**

**CALL TO ORDER**

The regular meeting of the City Council and Redevelopment Agency 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 Councilman McCallon and the Pledge of Allegiance was led by Mayor Lilburn.

**ROLL CALL**

Present: Jones, McCallon, Timmer, Scott, Mayor Lilburn  
Absent: None

**SPECIAL PRESENTATIONS**

Mayor Lilburn presented Cristian Cervantes with a Certificate of Recognition recognizing his honesty and integrity in his endeavors

Mayor Lilburn presented Archie Drew with a Five-Year Employee Award in recognition of his dedicated service to the City of Highland.

Mayor Lilburn presented Sean Kelleher with a Five-Year Employee Award in recognition of his dedicated service to the City of Highland

Mayor Lilburn presented Pino Perez with a Five-Year Employee Award in recognition of his dedicated service to the City of Highland.

**COMMUNITY INPUT**

Ms. Molly Bogh stated in 2008 the City of Highland adopted a stringent noise ordinance which seems to be designed to ensure businesses in the city cannot survive. The city's actions to selectively enforce this ordinance on KCB has resulted in repeated letters from staff and from the City Attorney threatening to shut their business down and why is that because we are contractually obligated to deliver steel products to their customers on construction sites at the beginning of the normal construction work day which is 6:00 a.m. The City's noise ordinance restricts business operations before 7:00 a.m. in ways that the staff is interpreting to mean that no operations may occur before that time. We have been informed they cannot make "raucous, impulsive or unnecessary noise within 1000 feet of a residence" When we asked for a definition of raucous and impulsive noise we were told this means "any noise that can be heard at the property line." No other business in the industrial has been subjected to this

erroneous restriction. In fact, the city's own street sweepers are regularly delivered to an adjacent parcel before 6:00 a.m. She has worked in local government for many years and she knows that it is hard to anticipate all of the unintended consequences when a new ordinance is adopted. Sometimes it takes a while to learn where revisions are needed or to make the wording clearer or fairer. When this takes place wise policy makers will reconsider their decisions. This is what is being asked of the City Council. Please reconsider the current noise ordinance in light of the effect it has on their business and perhaps to many other businesses throughout the city. There are many ways to fix the problem. The city could recognize the construction related uses must begin early and change its hours. Instead of using terms such as raucous and impulsive that are arbitrary the Council could clearly state what decibel levels are allowed in industrial zones. If Council chooses to ignore the request to review the noise ordinance, it is telling the general public that the Council does not want their business or most other businesses in the industrial zones. Council is telling us that the industrial zone is reserved only for non-conforming residential uses and since the industrial zone is very small, Council is also saying they don't really want higher paying manufacturing jobs in this community. Most importantly Council is saying that their investment in this community is meaningless.

Mr. Jay Bogh stated he is currently in charge of KCB Towers. All the employees, whether they are actual family or not, are his family and he protects them as his family. Many businesses are aware what it takes to make payroll, pay workers compensation insurance and insurance benefits. KCB Towers has built many city facilities such as the library and corporation yard. He isn't asking for money and he isn't asking for anything extra, only for his family to be treated fairly. They are going to be up front with Council, please be up front with them

Mr. Steve Samaniego stated KCB Towers has been a blessing to him as they gave him a chance for a career. Ultimately, Council's decision will affect all employees and have long lasting repercussions.

Ms. Rosillae Bogh stated KCB has been a company which started as a mom and pop shop and has grown. KCB has been incredibly generous to their employees and to their community. The current noise ordinance is affecting the business and it will affect the business unless it is modified and changed. It is very un-American to close this business especially in today's economy. How can we threaten businesses with closure when we have a facility which is able to employ people. She is asking the Council to reconsider the ordinance as there are ways to modify the ordinance which will allow KCB to continue its work in its current location.

Councilman McCallon stated he would like to request staff bring the noise ordinance back to the appropriate committee to review.

City Manager Hughes stated we do not have a subcommittee which relates to this item. He would suggest Mayor Lilburn appoint an Ad Hoc committee to review this item.

Mayor Lilburn stated herself and Councilman McCallon will be appointed to the Ad Hoc Committee.

## **CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR**

**A MOTION** was made by Councilman Timmer, seconded by Councilwoman Scott, to approve the consent calendar as submitted with the exception of item #2 and item #3 being pulled for further discussion and with Mayor Lilburn abstaining from item #4. 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.
4. Warrant Register  
Approved Warrant Register No. 505 for June 8, 2010, in the amount of \$4,496,882.25 and Payroll of \$156,762.13.
5. Treasurer's Report for April  
Received and filed Treasurer's Reports for April 2010.
6. Claim Consideration – County of San Bernardino/Rochelle Williams  
Rejected claim.
7. Interlocal Agreement Concerning Distribution of the 2010 Byrne Justice Assistance Grant (JAG) Program Award
  1. Authorized the City Manager to sign the Interlocal Agreement Concerning Distribution of the 2010 Byrne Justice Assistance Grant (JAG) Program Award;
  2. Authorized the Director of Administrative Services to complete any necessary documentation to complete the grant process;
  3. Authorized the expenditure of the grant award of \$27,283 for the purchase of Digital Recording Devices and Special Project over-time in the Justice Assistance Grant (JAG) 2010/2011 budget; and
  4. Authorized the following budget adjustment for 2010/2011: Revenue – 026.8480.9360 \$27,283 (JAG grant revenue) & Expenditures – 026.8480.4203 \$11,000 (Office Equipment) & 026.8480.4560 \$16,283 (Contract Services-Sheriff).
8. Easements Acceptance/Greenspot Road "S-Curve" Realignment
  1. Accepted the Grant of Easement for Road and Drainage, and the Grant of Easement for Slope Purposes from San Bernardino Valley Water Conservation District; and
  2. Directed the City Clerk to record the Grants of Easement

9. Easements Acceptance/Greenspot Road "S-Curve" Realignment (Project STR06001)
  1. Accepted the Grant of Easement for Road and Drainage, and the Grant of Easement for Slope Purposes from East Valley Water District; and
  2. Directed the City Clerk to record the Grants of Easement
  
10. Possession and Use Agreement with San Bernardino Valley Municipal Water District/Greenspot Road "S-Curve" Realignment (Project STR06001)
  1. Approved Possession and Use Agreement with San Bernardino Valley Municipal Water District; and
  2. Authorized the Mayor to execute the Agreement.
  
11. Right-of-Way Acceptance/Greenspot Road "S-Curve" Realignment (Project STR06001)
  1. Accepted six Grant Deeds for Road and Drainage, and for Slope Purposes from Arnott Poultry and Citrus Ranch Limited Partnership and authorize the Mayor to sign the Agreement for Conveyance of Property; and
  2. Directed the City Clerk to record the Grant Deeds.
  
12. November 2, 2010 General Municipal Election
  1. Adopted Resolution No. 2010-008 calling and giving notice of the holding of the regular general municipal election to be held on November 2, 2010;
  2. Adopted Resolution No. 2010-009 requesting the San Bernardino County to consolidate the general municipal election with the statewide election; and
  3. Adopted Resolution No. 2010-010 establishing regulations for candidate statements

RESOLUTION NO. 2010-008  
 A RESOLUTION OF THE CITY COUNCIL  
 OF THE CITY OF HIGHLAND, CALIFORNIA, CALLING FOR  
 THE HOLDING OF A GENERAL MUNICIPAL ELECTION  
 TO BE HELD ON TUESDAY, NOVEMBER 2, 2010,  
 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED  
 BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA  
 RELATING TO GENERAL LAW CITIES

RESOLUTION NO. 2010-009  
 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
 CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS  
 OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A  
 GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010,  
 WITH THE STATE-WIDE GENERAL ELECTION TO BE HELD ON THE  
 DATE PURSUANT TO §10403 OF THE ELECTIONS CODE

RESOLUTION NO. 2010-010  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HIGHLAND, CALIFORNIA, ADOPTING REGULATIONS  
FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO  
CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN  
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010

13. Resolution No. 2010-011 Adopting Amendments to the City of Highland Premium Only Plan  
Approved Resolution No. 2010-011 adopting amendments to the City of Highland Premium Only Plan

RESOLUTION NO. 2010-011  
A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF HIGHLAND, CALIFORNIA,  
AMENDING THE CITY OF HIGHLAND PREMIUM ONLY PLAN

14. Consolidated Landscape and Lighting District 96-1 Annual Report (Fiscal Year 2010-11)
1. Adopted Resolution No. 2010-012 giving preliminary approval of the Annual Report; and
  2. Adopted Resolution No. 2010-013 setting July 27, 2010, as the date of the protest hearing.

RESOLUTION NO. 2010-012  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, GIVING PRELIMINARY APPROVAL OF ENGINEER'S REPORT  
FOR CONSOLIDATED LANDSCAPING & LIGHTING DISTRICT NO. 96-1  
FISCAL YEAR 2010-11

RESOLUTION NO. 2010-013  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT  
ASSESSMENTS FOR FISCAL 2010-11 IN CONSOLIDATED LANDSCAPE AND  
LIGHTING DISTRICT NO. 96-1, AN ASSESSMENT DISTRICT, AND  
OFFERING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

15. Street and Drainage Maintenance District 96-1 Annual Report (Fiscal Year 2010-11)
1. Adopted Resolution No 2010-014 giving preliminary approval of the Annual Report; and
  2. Adopted Resolution No. 2010-015 setting July 27, 2010, as the date of the protest hearing

RESOLUTION NO. 2010-014  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, GIVING PRELIMINARY APPROVAL OF REPORT FOR  
STREET AND DRAINAGE MAINTENANCE DISTRICT NO. 96-1  
FISCAL YEAR 2010-11

RESOLUTION NO. 2010-015  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND  
COLLECT ASSESSMENTS FOR FISCAL 2010-11 IN STREET AND  
DRAINAGE MAINTENANCE DISTRICT NO. 96-1, AN ASSESSMENT  
DISTRICT, AND OFFERING A TIME AND PLACE FOR HEARING  
OBJECTIONS THERETO

16. Resolution No. 2010-016 Rendering the Annual Statement of Investment Policy for Fiscal Year 2010-2011  
Adopted Resolution No. 2010-016 rendering the Annual Statement of Investment Policy for Fiscal Year 2010-2011

RESOLUTION NO. 2010-016  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HIGHLAND, CALIFORNIA,  
ADOPTING THE ANNUAL STATEMENT OF  
INVESTMENT POLICY FOR FISCAL YEAR 2010/2011

17. Resolution No. 2010-017 Confirming the Authority of the City Treasurer Pursuant to Government Code Section 53507  
Adopted Resolution No. 2010-017 confirming the authority of the City Treasurer pursuant to Government Code Section 53607.

RESOLUTION NO. 2010-017  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HIGHLAND, CALIFORNIA, CONFIRMING THE  
AUTHORITY OF THE CITY TREASURER, PURSUANT TO  
GOVERNMENT CODE SECTION 53607

18. Resolution No. 2010-018 Establishing the Appropriations Limit for Fiscal Year 2010-2011 for the City of Highland in Accordance with the Provisions of Division 9 of Title 1 of the California Government Code  
Adopted Resolution No. 2010-018 establishing the Appropriations Limit for Fiscal Year 2010-2011 for the City of Highland in accordance with the provisions of Division 9 of Title 1 of the California Government Code.

RESOLUTION NO. 2010-018  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
HIGHLAND, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS  
LIMIT FOR FISCAL YEAR 2010-2011 FOR THE CITY OF  
HIGHLAND IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9  
OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

19. Health and Safety Code Section 33334.3(d)  
Made a determination (finding) that the planning and administrative expenses are necessary for the production, improvement or preservation of low and moderate income housing.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

2. Minutes – May 11, 2010 City Council Regular Meeting  
3. Minutes – May 11, 2010 RDA Regular Meeting

Councilwoman Scott stated under the closed session portion, it states the City Council and Redevelopment Agency convened into open session, with all members present, there were no reportable actions. Council did not reconvene. If the City Attorney and City Manager came back into chambers and stated there was nothing to report, that is fine but the Council itself did not return to chambers. The minutes should not reflect this.

**A MOTION** was made by Mayor Pro Tem Jones, seconded by Councilwoman Scott, to approve the minutes as amended. Motion carried, 4-0, with Councilman Timmer abstaining.

**CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING**

20. MCA-010-002 – Land Use and Development Code Amendment Related to Water Efficient Landscaping Requirements (Continued from the May 11, 2010 City Council Hearing)

Mayor Lilburn opened the public hearing.

Community Development Director Jaquess stated at the last meeting Council heard testimony on this and Council also heard a presentation from staff. We continued it for two reasons; one was to get a report from the City Attorney evaluating the staff ordinance versus the state model ordinance and Council also wanted to hear feedback from the Ranch relevant to their recommendation on the ordinance. Council does have a memo from the City Attorney's office that recommends support for the staff prepared ordinance that the Planning Commission recommended to Council at their hearing.

Mr. George Einfeldt, General Manager of East Highlands Ranch, stated since the Council met last he has spoken with his attorney and his Board of Directors and some homeowners. Their level of paranoia and concern has only risen and they understand more and more about the process and the possible downside of it. He felt himself much compared to their good friends from KCB. An ordinance passed can generate a downside unforeseen and unknown at the time it was adopted even under the best circumstances. The city is facing a state mandate and the city is passing it onto us and they understand that. They understand the city has to do something. He has given the city what he thought was about the best case scenario having to do with what the definition of what a parcel is. They went through all the maps that the city suggested and there wasn't one parcel in the maps that was less than an acre. So that means everything in the Ranch is subject to the ordinance. Then if you put in a definition for the word parcel which is missing in the ordinance and define a parcel as a section of land that is irrigated and consists of more than one acre versus the definition of parcel that is normally considered, when you ask for a parcel map from the city you get an entirely different thing. There is an opportunity to less this impact. The Council gave a nice young man a certificate on ethics. He finds himself ethically struggling trying to not do something that has the appearance of conformance yet in reality they know there's nothing built into this process for verification. So we can go through the process and do the water audit and sit down and spend the money to get quote, unquote certified, then what. There's no down side to it. He doesn't want to stand before Council and have to come back and someday be brought to bare on gee whiz you knew better than that George, no. This is a serious problem that he doesn't know how the Council is going to get through this thing. He doesn't envy the Council on their position and he doesn't envy the Ranch on their side. They've had very good cooperation from the city; he just doesn't know where we are going to go with this. It's a very tough, tough problem. It needs some very intelligent and wisdom put to it. Then Ranch and their attorney are willing to do what they have to do but the ordinance, what is Council going to do with it. Council really needs to ask them that. What you are going to do with it? Adopt it or the noise ordinance that's something you can measure. Who's going to come out to the Ranch and see how much water's coming out of that head, probably nobody. So we're going to generate a report, it is going to sit on a desk someplace and that's going to be then end of it. If you know that's what we're going to do and we're going to do it, that's one thing but he doesn't know where to go. He doesn't know how to advise Council or himself. This definition of a parcel that we put forth would be help because parcel on a

parcel map may be 20 acres but he's got a one acre parcel that's irrigated, a 1/2 acre parcel that's not irrigated and if you take out and look at it that way, it takes on a whole different perspective. He is not sure. He doesn't have a real strong something to go at but they did say they would go with the city ordinance whatever the city adopted; they would be their best to comply.

Mayor Lilburn stated from our last discussion at our last meeting, ours was kind of the lesser of the two evils possibly.

Councilman McCallon stated he is a little confused. Is Mr. Einfeldt stating he wants the state ordinance or does he want the modified ordinance the city is putting together?

Mr. George Einfeldt stated the city ordinance would be, has the opportunity to put in the definition of parcel the way they see it. The state mandated ordinance is very inflexible and kind of ties your hands behind your back. It doesn't give us any room to negotiate and sit down and say this is what we mean and define that process as we go forward.

City Attorney Steele stated it is noted in his memo, he thinks the reason to favor the local version over a statewide sort of a one size fits all version of a ordinance is because you need interpretation of the ordinance to people who have contacts with the community and people who know what's happening in a unique area like the Ranch for example. Who knows what's happening in another area of town and are able to interpret a local ordinance in a way that makes sense locally. The reason that he would disfavor, not favor, putting in a definition of the word parcel is because somebody could argue that the definition is less effective than the state's ordinance which would be in violation of the state law. If we don't have a definition of the word parcel then we leave it to Community Development Director to decide what is "parcel" and the Council has made it very clear how you want this ordinance enforced and that's in a way that accomplishes its purpose but is also friendly to the property owners. So if we let the Community Development Director who knows what the community wants interpret things like parcel perhaps we can be more flexible than we would if we had everything sort of etched in stone. And that was the intent, encourage flexibility by giving it a local interpretation.

Mayor Lilburn stated we would have notes in our policies and procedures what the local definition is.

Community Development Director Jaquess stated we have to develop that implementation procedure.

Councilman Timmer stated no one is comfortable with mandates that come down from the state.

Mayor Lilburn stated none of us are comfortable with the mandates we're just trying to work with the community as much as we can.

Councilwoman Scott asked how many parcels or sites in Highland are an acre or more. We know that East Highlands Ranch has many. How many of them are on their own wells?

Community Development Director Jaquess stated this would still apply even if they are on their own wells.

Councilwoman Scott stated it just boggles the mind that the state can dictate and then they turn around and dictate that we have 30 to an acre of all these families that are going to use water.

Councilman Timmer stated the area of an acre is that undeveloped land in a sense or is that irrigated. If you had an acre and  $\frac{1}{4}$  for example and 90% of it was impervious because of some activity there, are they still going to have to generate a report or is it just the amount of irrigated land.

Community Development Director Jaquess stated just an acre of irrigated landscaping. Not agriculture, just ornamental.

Councilman Timmer asked if you qualified and you have more than acre of irrigated land and your analysis, do you have to provide on an annual basis.

Community Development Director Jaquess stated you only have to do it one time if it's an existing use.

Councilman Timmer stated okay the report comes in and it says they are using more than their allocated amount, what happens at that point, the state gets involved, do we get involved.

Community Development Director Jaquess stated we get involved in reviewing the report and working with property owners to reduce the amount of water to the extent feasible.

Councilman Timmer stated so if their analysis indicates they are using too much above their base level that they are supposed to be having, they could have to re-engineer their whole facility and put in anti-siphon device and all kinds of stuff.

Councilwoman Scott stated what if the Ranch planted orange trees back where they have landscaping in the wash. That would be agriculture, wouldn't it.

Councilman Timmer stated the thing is it's sad that we have to do things to get around the rules to meet some absurd thing coming out of Sacramento.

Mayor Pro Tem Jones stated because there are so many factors that come into effect as far as what is going to be effective and what isn't. That's the real need to have a local ordinance opposed to using the state one because the state is not going to come down here and evaluate and go visit or have anything to do with a specific parcel or a specific project in our particular area but we can. Therefore, we can work it out.

Councilman Timmer stated again just a scenario - he has more than an acre of irrigated landscaping, say, he does his analysis and it comes back that he is using below the base line level that he is allowed to use. Now I only have to do this once and I come back next year and rip it out and put in new landscaping and do all things and change his whole irrigation then there's no validation further on, right

Mayor Pro Tem Jones stated when the plan changed you have to renew

Councilman Timmer stated we have seen it year after year where we require certain drought resistance landscaping and certain things people put in their home then the first owner says he doesn't like it and then they tear it all out and put in what they want. We are just going through some process to meet some requirement by the state again

Mr. George Einfeldt stated just trying to think of some the comments that were made. Community Development Director Jaquess is one we all can trust and take the spirit of the understanding of what a parcel means forward and come to a great understanding. His attorney would say if it's not defined it doesn't exist

Mayor Lilburn stated we have to develop an in house definition.

Mr. George Einfeldt stated if it's not in the ordinance what good is it.

Community Development Director Jaquess stated again it's something we only have to do once. We don't have to do it again and again So, we're going to try to get all this resolved.

Mr. George Einfeldt stated they are willing to work with just about anything the Council comes up with, the best intent and comes up with something that works, and is reasonable This has a price tag of \$2.5 million to \$4 million over our head if it went to one extreme. It's going to cost at least \$300,000 just to fix the irrigation systems to meet the requirement.

Councilman Timmer stated multiple property owners have several parcels. Do they have to do one report for all their holdings or do they have to do a separate report for each parcel?

Community Development Director Jaquess stated they are supposed to do it for each landscaped area per parcel

Councilman Timmer stated so if they have 50 they could have 50 reports to generate rather than consolidate them all under one.

Community Development Director Jaquess stated one of the things that the ordinance provides is us being able to develop implementation procedures and he would like to bring those back to Council for their final review and approval before staff implements them. We can come back with some thoughts on how to implement them.

Councilman Timmer stated if state law permits he would think we would want to have one report from a property owner whether it's one parcel or multiple parcels.

City Attorney Steele stated again, not to use the word again, but if we want the flexibility to be able to do that where it makes sense and also there may be situations where it doesn't make sense so we want to have staff be able to come back with an implementation plan to say we can do this where it makes sense rather than just be bound by an inflexible definition of the word parcel that has to be used in every sense. That is his philosophy of dealing with state mandate is make it as local as you can possibly make it and trust the fact that staff works for the Council and if Council doesn't like the way something is being implemented you have the ability to change it.

Mayor Pro Tem Jones stated the interesting part is we, ourselves, the City of Highland with a landscape maintenance district and our parks and everything else would have to benefit by that too. It would be only prudent for us to expand it to include all the properties that in fact are being managed under that and do one report. You're still addressing the same points required therein and why make 50 reports when in fact you can do one.

Councilman Timmer stated as long as staff has the flexibility to determine that is appropriate in this case but not in these other cases.

Community Development Director Jaquess stated he would like to thank the City Attorney's office for his leadership in helping us develop the flexibility within the ordinance.

Mayor Lilburn called for any other speakers in favor or in opposition. Hearing none; the public hearing is now closed.

**A MOTION** was made by Mayor Pro Tem Jones, seconded by Councilman McCallon, to adopt a California Environmental Quality Act Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board, and Introduce Ordinance No. 350 to amend Title 16, Land Use and Development Code Chapter 16.40, Section 16.40.390, Water Efficient Landscape Requirements. Motion carried, 3-2, with Councilman Timmer and Councilwoman Scott dissenting.

City Clerk Hughes introduced Ordinance No. 350.

ORDINANCE NO. 350  
AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF HIGHLAND, CALIFORNIA, AMENDING 16 40.390  
WATER EFFICIENT LANDSCAPE REQUIREMENTS OF TITLE 16  
(LAND USE AND DEVELOPMENT) OF THE HIGHLAND MUNICIPAL  
CODE. [MUNICIPAL CODE AMENDMENT (MCA-010-002)]

which title was read.

**CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE**

21. Renewal of the Household Hazardous Waste Collection Agreement between the City of Highland and the County of San Bernardino

**A MOTION** was made by Councilman Timmer, seconded by Mayor Pro Tem Jones, to approve the proposed renewal of the Household Hazardous Waste Collection Agreement; and to authorize the Mayor to execute the Household Hazardous Waste Collection Agreement between the City of Highland and the County of San Bernardino. Motion carried, 5-0.

22. Five-Year Capital Improvement Program Status Report

City Engineer Wong gave a brief review of the staff report.

City Manager Hughes stated this item was placed on the agenda per request of Mayor Pro Tem Jones. He wanted to review the possibility of accelerating some projects to take advantage of the current economy and get these projects out to bid which is a great idea. We experienced a substantial under budget project with the Police Station due to the current construction climate. We could possibly push more projects out if we added additional contract staff if that is what direction Council would like to take. There is one project which is not listed in this report because it is not included in the five-year capital improvement program but it is in our long term fire plan, which is replacement of Fire Station No. 1 and the relocation next to city hall.

Councilwoman Scott stated this has not come before Council as of yet.

City Manager Hughes stated the replacement of Fire Station No. 1 is in the five-year fire plan and the property next door was purchased with the understanding it was going to be a fire station.

Councilwoman Scott stated Council was not informed of the intent until a few meetings ago.

City Manager Hughes stated the intent is for the building to be a fire station. This might be a project which the Council would like to consider accelerating to take advantage of the economy and get this project out to bid

Mayor Pro Tem Jones stated his reasoning for the request of this item is we are in a window of time where we probably will never see again. All of the efforts should be put forth now to take advantage of this window of time meaning we are reducing the costs of all these improvements. He has great concern also regarding the widening of the "S" curves. Will the road be a two lane or a four lane?

City Engineer Wong stated the project is the realignment of the "S" curve. It is not a widening project. It will remain two lanes; however, the lanes will be wider than they currently are.

Mayor Pro Tem Jones stated the reasoning he had heard was we were not going ahead with the four lanes to match the four lane bridge is due to fact we cannot afford the project. If we bid it now and construct it now, we will be able to afford it based upon the actual costs of current bids.

City Manager Hughes stated it is not an issue of affordability. Council would have to reallocate funding in order to do this. Our historical methodology is to require future development to pay for the ultimate widening of the road. Currently there is not the trip generation out there to require a four lane highway. When future development occurs it will. Now do we want current citizens of Highland to widen the road and lessen the impact on future development? This is the issue and if this is the direction Council wants to take, to direct staff and staff will work on it.

Mayor Pro Tem Jones stated we are not imposing this cost on the City of Highland. We are taking advantage of window of time when the work could be done with what we were going to construct two lanes with, we can now do four lanes and pay for it with the same allocated monies budgeted.

Councilman McCallon stated if Council changes the scope of the project now, we will have to redo all the environmental steps.

Mayor Pro Tem Jones stated this is his other concern is the fact if we did the environmental and we did not do it on the ultimate build out, shame on us.

City Manager Hughes stated he would like to emphasize staff is simply following the historical direction of the Council that future development pay its fair share. If Council would like to change the philosophy, Council needs to make staff aware of this.

Councilwoman Scott stated when the bridge was listed as four lanes the EIR was projected as four lanes even though only two lanes have been proposed.

City Manager Hughes stated for the bridge which was the direction of the Public Works Subcommittee to widen the bridge to four lanes, it was originally going to be a two lane bridge.

Councilwoman Scott asked how many right-of-way properties have been obtained for the "S" curve

City Engineer Wong stated we have all the properties.

Councilman Timmer stated future development may not even occur for another 10 to 20 years We have other existing projects in Highland which we can complete.

Mayor Lilburn stated the point which needs to be made is we could have constructed four lanes for the price of the two lanes.

City Manager Hughes stated we have been working on this project as well as the federal grant long before the economy turned. We received a federal grant for this project and it was decided what was to be done.

City Engineer Wong stated we applied for a safety grant to smoothen the "S" Curve and this is the scope of the project.

Mayor Lilburn stated how much more work would it take to change the current project.

City Engineer Wong stated it would have to be a new project.

City Manager Hughes stated if this is Council's direction, he would recommend at this point to go forward with the widening of the "S" curve and direct staff to review the feasibility of adding additional lanes.

Mayor Pro Tem Jones stated how much more would the cost have been if we had planned for four lanes and how much more time would have to be invested if we had done it for four lanes originally.

City Engineer Wong stated time wise not much more because the scope is the same kind of scope.

City Manager Hughes stated but again he needs to emphasize staff applied for a federal grant to correct a safety issue and this is what the project does. If the Council would like to work on the widening of Greenspot to four lanes, it is a new project and a separate issue.

Councilwoman Scott stated she can remember when Highland became a city and the 30 freeway was going through and at that time Dennis Johnson and she argued for a four lane freeway and we got a two lane We know we were going to need the four lanes. It is ridiculous. We knew we are going to need four lanes as we have a four lane bridge. We need to plan for the future.

City Manager Hughes stated we have planned for the future. Historically the City Council has made development pay their fair share. The widening of Greenspot to four lanes is not necessary until the Orange County property develops.

Councilman McCallon stated he would like to address the issue regarding developers paying their own share. If we save money, we should spend it on current residents of the city improving infrastructure on the west side like we have been doing rather than supporting developers. We can take existing residents tax dollars and improve their infrastructure for curbs, gutters, sewers and storm drains. Why not have the future growth and development pay for their fair share and that is the philosophy we have had in the past and he would be opposed to changing this philosophy.

Councilwoman Scott stated she would like to address the west side projects. She had a citizen contact her and she had to relinquish some property for construction of curbs and gutters and sidewalks and now she cannot park her vehicle in her driveway as her previous driveway had been turned into a sidewalk. Not everyone wants improvements.

Mayor Pro Tem Jones stated he thinks it is important to recognize we had an era of time in which we can impose costs on businesses and they begrudgingly paid those costs. We are in an interesting time where there has been so much placed on businesses who had to pay for everything that is going on that, it is crippling businesses and they are going out of business and leaving the state of California. He thinks the City of Highland is in the same situation. We continue to say let businesses pay for that and he agrees the business ought to pay which in fact impacts the new costs of improving the area for the business coming in but we are taking the monies coming from the increased taxes and we are spending it in other parts of the community when it ought to stay in the area where the work is being done in. We need to really think the issue of what our philosophy is.

Councilman Timmer stated that is part of the reason when we reviewed the bridge construction we looked at four lanes and we knew at some future point the road would need to be widened. We had the opportunity for some grant monies to do this project and staff had to do quite a bit of work justifying the four lanes when the warrants were not there. He thinks we are forgetting if we widen the road now, yes the construction costs may be tolerable but right now the mitigation costs for endangered species is substantial.

Mayor Pro Tem Jones stated it will not get any cheaper in the future. In fact if we wait another five years, personally, those costs will go up by 10. It is prudent to do this now, not wait because the costs will continue to go up. No one would have dreamed we would be in the era we are in today.

Councilman Timmer stated this information is not relevant to the agenda. This item is in regards to filing a report. This discussion is out of the scope of the project.

Mayor Pro Tem Jones stated he asked for this item to be placed on the agenda for the purpose of asking the question. Is there any project that can be accelerated and benefit from this window of item we are currently in?

City Engineer Wong stated we need to consider if we widen the street ahead of development, then we will have to deal with the remainder of the infrastructure which would need to be installed under the road. All utilities would need to be installed before we paved the road.

Councilman McCallon stated staff is progressing ahead with Council's direction which is to move these projects forwards.

**A MOTION** was made by Councilman Timmer, seconded by Councilwoman Scott, to receive and file the five-year Capital Improvement Program Status Report and to bring this item to the Public Works Subcommittee for review. Motion carried, 5-0.

23 Purchase of Real Property Owned by Jeffrey and Karen Patterson – APN 1192-421-39

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

Councilwoman Scott stated when the post office property was purchased, does the deed show an easement to this property.

Community Development Director Jaquess stated no, it does not

Councilwoman Scott stated this property is landlocked and if it does not show an easement then the property value is decreased. What is the zoning for this property?

Community Development Director Jaquess stated mixed use which could be residential or commercial.

**A MOTION** was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to:

1. Determine that the acquisition of property and demolition of improvements on the subject property is exempt from the California Environmental Quality Act under the General Rule provision as specified in Section 15061 (b)(3) of the Public Resources Code;
2. Authorize the Executive Director to sign Purchase Agreement to enter into escrow to purchase a 1.75 acre parcel owned by Jeffrey and Karen Patterson located between Base Line and 11<sup>th</sup> Street adjacent to and south of current City and Agency owned property subject to review and approval of Agreement language by City Attorney;
3. Approve a budget adjustment in the amount of \$255,000 plus escrow and closing costs. These funds will be expended from 080.8000.6010 (RDA-Land) and will be transferred from 080.2100 (Unreserved, undesignated); and
4. Approve demolition of all existing site improvements upon completion of property acquisition. Motion carried, 4-1, with Councilwoman Scott dissenting

24. Update on SANBAG, SCAG, Omnitrans, Work Program and Regional/Legislative Issues/Development Issues/Subcommittees/AB 1234 Updates

City Manager Hughes stated Council Members and staff attended ICSC to promote development in the City of Highland

25. San Bernardino International Airport Authority and IVDA

None

## **ANNOUNCEMENTS**

Councilman McCallon requested his absence from the next two regularly scheduled Council meetings. There was no opposition.

## **CLOSED SESSION**

At 7:47 p.m., the City Council and Redevelopment Agency convened into closed session regarding the following:

### **CONFERENCE WITH LABOR NEGOTIATOR**

Pursuant to Government Code Section 54957.6 regarding the following:

Agency Negotiator: Joseph Hughes

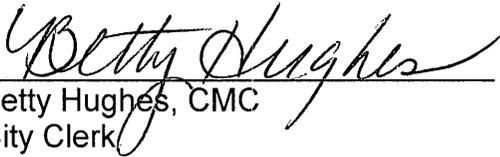
Employee Organization: Unrepresented employees

At 7:58 p.m., the City Council and Redevelopment Agency adjourned closed session making no announcements.

**ADJOURN**

There being no further business, Mayor Lilburn adjourned the meeting at 8:00 p.m. in memory of Bernardino Castaneda, Ray Kruse, Bill Rogers and Tom Johnson.

Submitted by:

  
Betty Hughes, CMC  
City Clerk

Approved by:

  
Penny Lilburn  
Mayor