

**MINUTES
REDEVELOPMENT AGENCY AND CITY COUNCIL
REGULAR MEETING
SEPTEMBER 14, 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 6:07 p.m. by Mayor Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Mark Rush of Immanuel Baptist Church and the Pledge of Allegiance was led by Jim Nonnemacher of American Legion Post 421.

ROLL CALL

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

REPORT FROM CLOSED SESSION

Took no reportable action.

SPECIAL PRESENTATIONS

Mayor Lilburn presented Mr. Jim Nonnemacher, American Legion Post 421, with a Proclamation proclaiming September 17, 2010, as National POW/MIA Recognition Day.

Mayor Lilburn presented Mrs. Judie Martinez with a Community Spirit Award for her donation of a flag that she quilted for the City.

Ms. Kristine Scott, Public Affairs Manager for The Gas Company, introduced herself to City Council.

COMMUNITY INPUT

Ms. Julia Frazier stated she resides on Grove Avenue and has been experiencing issues with citizens who have parked their recreational vehicles and then do not move these vehicles in accordance to code standards. One particular trailer is creating a traffic hazard as it is a blind spot for residents to proceed out of their driveways.

Ms. Debby Price stated she also resides on Grove Avenue and is experiencing the same situation. This resident has brought the trailer to the neighborhood seventeen weeks ago and has only used it for four weeks during the summer and also two weekends. This trailer, which is 30 feet long, was moved two times when Code Enforcement came out and asked for the trailer to be moved. The trailer was then only moved for two to three days and then it was returned to the neighborhood. She has also witnessed someone exiting the trailer with a pillow and blanket in the morning, therefore, she is to assume someone is living in the trailer as well. They are concerned for public safety as this trailer is a hazard to traffic safety.

City Manager Hughes stated this item will be reviewed with the City Attorney and will be forwarded to the Public Safety Subcommittee for further discussion and possible action.

Mr. Leroy Martinez, League of United Latin-American Citizens Chapter 3163, stated he is present to speak on behalf of Council's motion made on July 13, 2010, which was to draft a letter of support to the State of Arizona regarding SB 1070. Copies were sent to the President of the United States, the Senate, Congress and the Governor of California in support of Arizona Senate Bill 1070. Council sent this letter stating the City of Highland was in support of Arizona having to deal with this issue. He is a resident of Highland and he does not support it. The letter was not sent on his behalf and he is entitled to his view. He is present to state his view which is that a letter was sent on his behalf, as a resident, stating he supports SB 1070, which he does not.

Mr. Sal Gutierrez, League of United Latin-American Citizens Chapter 3163, stated he is opposed to the Council's support of Arizona SB 1070. (Comments were inaudible.)

Mr. Ron Sellers stated Arizona 1070 is not meant for American citizens. Profiling is spoken about and then you find out there are some caucuses in Congress which designed profiling. So if profiling is being spoken about then Affirmative Action needs to be addressed as this is profiling on steroids. Profiling is not an issue, only if the law is being broken then it will become an issue.

Ms. Irene Martinez, Community Advocate, stated regarding the support City Council has given to Arizona SB 1070 has been quite offensive. She is assuming Council Members have not walked in the shoes of the people who are coming across the border. She feels there is a great lack of sensitivity. Yes, we would not like any illegal immigrants of any race to come to the United States but she did not have to stand here and tell you why they do. Many of them are starving, have witnessed their children starving and she is here to tell you that if any Council Members were in their shoes and cared deeply for your families then you would try to do the same. She is here to say Council needs to be sensitive to all races. Will you support other laws which discriminate against other races because there are many other ethnic groups in the City of Highland?

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman Timmer, to approve the consent calendar as submitted with the exception of Item #5 being pulled for further discussion and also with Councilwoman Scott abstaining from Item #7, and with Councilman Timmer abstaining from Item #6 and with Mayor Lilburn abstaining from Item #7. 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 – July 27, 2010 City Council Special Meeting
Approved the Minutes as submitted.
3. Minutes – July 27, 2010 City Council Regular Meeting
Approved the Minutes as submitted.
4. Minutes – July 27, 2010 RDA Special Meeting
Approved the Minutes as submitted.
6. Minutes – August 26, 2010 City Council Special Meeting
Approved the Minutes as submitted.
7. Warrant Register
Approved Warrant Register No. 509 for September 14, 2010, in the amount of \$4,899,754.38 and Payroll of \$237,708.16.
8. Treasurer's Report for July
Receive and filed Treasurer's Report for July 2010.

9. Easement Acceptance/Lankershim Avenue Sidewalk Project (Project str09002)
 1. Accepted the Grants of Easement for Road and Drainage purposes from East Valley Water District (EVWD) and Alberta, Hugo, Franco, Israel, Gabriel, Diego Gerardo, Mario, Daniel, and David Garita; and
 2. Directed the City Clerk to record the Grants of Easement.

10. Authorization to Claim Article 3 Grant Funds
Authorized staff to claim Article 3 Grant funds for construction of new sidewalks at three locations in the amount of \$97,589.

11. State Parks Office of Grants and Local Services, Recreational Trails Program Grant Application
 1. Adopted City Council Resolution No. 2010-031 authorizing the City Manager to file a State of California Recreational Trails Program Grant Application to construction trail improvements along the eastern and western city creek levees between Base Line and Highland Avenue;
 2. Directed staff to file an Environmental Notice of Exemption with the San Bernardino County Clerk of the Board for ENV-010-011; and
 3. Approved the following budget adjustments: Account 001-6100-4206 (Trails-Materials) \$17,100.00, 001-6100-6816 (Trails-Construction) \$25,120.00, and 001-1450-9225 \$37,155.00 (Grant Funding-Revenue). The difference of \$5,065 (matching funds) will come from 001-2100 (Unreserved, undesignated).

RESOLUTION NO. 2010-031
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, APPROVING THE APPLICATION FOR
GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

12. Easement Acceptance/DRB 006-032 (Rod and Diane Rhoades)
 1. Accepted the Grant of Easement for Community Trails Purposes from Rod and Diane Rhoades; and
 2. Directed the City Clerk to record the Grant of Easement.

ITEMS PULLED FROM THE CONSENT CALENDAR

5. Minutes – July 27, 2010 RDA Regular Meeting

Councilwoman Scott stated on page 7 of the minutes it reads for future development reimbursing the City of Highland, our Attorney stated not if it is a condition of approval. She would like to confirm projects will have a red flag to include the conditions of approval for reimbursement.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilwoman Scott, to approve the Minutes as submitted. Motion carried, 5-0.

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

13. Consideration of Resolution No. 2010-032 to Adjust the Business Tax on the Extraction and/or Processing of Rock, Sand and Gravel (Aggregate) Pursuant to Section 5.17.040 (Rock, Sand and Gravel [Aggregate] Extraction and Processing Tax), Chapter 5.17 (Business License Tax on Extraction and/or Processing of Rock, Sand and Gravel [Aggregate]), Title 5 (Business Licenses and Regulations)

Mayor Lilburn opened the public hearing.

Community Development Director Jaquess stated this is an annual item. We adjust the tax rate for the mining activities in the City of Highland on an annual basis based on the CPI which does change. Last year the CPI actually went down and reduced the tax. This year the CPI went up and the tax is increasing to the level it was the year before that, so we are back to where we were two years ago. We are up from 17.5 cents per ton to 17.81 cents per ton. He has communicated this to the mining industry.

Mayor Lilburn called for any speakers in favor or in opposition of this item. Hearing none, the public hearing is now closed.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman Timmer, to adopt Resolution No. 2010-032 fixing the Highland Business License Tax on the extraction and/or processing of rock, sand and gravel (aggregate) for Fiscal Year 2010-11. Motion carried, 5-0.

RESOLUTION NO. 2010-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, FIXING THE HIGHLAND BUSINESS LICENSE TAX ON THE
EXTRACTION AND/OR PROCESSING OF ROCK SAND AND GRAVEL
(AGGREGATE) FOR FISCAL YEAR 2010-2011

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

14. Second Reading of Ordinance No. 353, CA-010-004 – Highland Municipal Code Amendment Related to Title 6 Animals, Chapter 6.04, County Animal Control Regulations Adopted, Section 6.04.020 County Animal Control Regulations

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

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to conduct a second reading of Ordinance No. 353, Amending Title 6 Animals, Chapter 6.04, County Animal Control Regulations Adopted, Section 6.04.020 County Animal Control Regulations of the Highland Municipal Code. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 353:

ORDINANCE NO. 353
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING 6.04.020 COUNTY ANIMAL CONTROL
REGULATIONS – ADOPTED, TITLE 6 (ANIMALS) OF THE HIGHLAND
MUNICIPAL CODE [MUNICIPAL CODE AMENDMENT (MCA-010-004)]

which title was read.

15. One Appointment to the Historic and Cultural Preservation Board (HCPB)

Councilman McCallon nominated Patrick Sandford.

A MOTION was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to appoint one member of the public, Mr. Patrick Sandford, to the Historic and Cultural Preservation Board. Motion carried, 5-0.

16. CAL-ID Contract

Administrative Analyst Rissmiller stated there is one correction to the contract he needs to review. On page two of the staff report, last paragraph, first sentence, states the term of the proposed agreement will be through June 30, 2019. The correction is to change the year from 2019 to 2020. This agreement updates the original agreement City Council approved in 1990 and then a supplemental amendment in 1992. This replaces both of those agreements. This contract will add DNA to the fingerprinting services. The cost is still the same, \$1.05 per capita, this cost is established by the RAM Board which consists of members of the Board of Supervisors, the Sheriff, the District Attorney, one Mayor from throughout the County, the Chief of Police of the member city having the largest number of sworn personnel and a Chief of Police selected by all other Chiefs of Police and then one at large member.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman McCallon, to approve the proposed CAL-ID contract with San Bernardino County and authorize the Mayor to sign the agreement. Motion carried, 5-0.

17. Addition of a Gang Detective and Sheriff's Service Specialist to the Contract for Services with the San Bernardino County Sheriff's Department

Councilman McCallon stated today's newspaper states the crime statistics are down specifically in the City of Highland from 2008 to 2009. He thinks the Sheriff's Department is doing a fantastic job and with this addition they will do even better.

Police Chief Williams stated this is truly an extraordinary exciting day for him and for all the members of the Highland Police Station. He would like to thank the Council for their support on this item. For the education of the audience members, this is really for the first time in the history of the City of Highland we are truly able to reformulate the way they structure their police department to deploy our troops. We have been able to restructure in a way that they were able to create a four man gang detail that is 100% devoted to going out and dealing with violent crimes and violent criminals in gang members. Never before have we had the resources to have a fully dedicated team such as this and he cannot even begin to say how much impact this will have on the City of Highland. The way he can describe it is to think about the crimes that occur which are routine business. It takes so many police officers to respond to report calls and to keep the general safety of the community. Right now we have 16 officers designed and assigned to this capacity. Every officer we had beyond that now is an additional officer who is 100% devoted to fighting crime without any distractions to make our streets safer. We will be able to measure clearly the results of this time and he will be reporting back to City Council from time to time on the success stories which will come from this team. He is convinced that over time it will become a very long sustainable impact.

Councilman McCallon stated the City of Highland is the only city in this area who is actually adding police personnel because we have managed our budget. We have a fiscally sound city and unlike the surrounding cities who are laying off personnel, cutting services, we are not because we have managed responsibly as we are able to add personnel due to our balanced budget.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Jones, to approve the addition of a Gang Detective and Sheriff's Service Specialist to the contract for services with the San Bernardino County Sheriff's Department. Motion carried, 5-0.

18. Greenspot Road Bridge Professional Services Agreement

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

Councilwoman Scott asked when is the projected completion construction date.

Assistant Public Works Director Barton stated construction is anticipated to take between 12 and 14 months, approximately April 2012.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Jones, to approve a fee increase in the amount of \$106,525 or 15% of the original contract amount. Motion carried, 5-0.

19. Greenspot Road Storm Drain Environmental Services

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

Councilwoman Scott stated number C, section 5, states if there are additional services beyond the described scope billing, it will be based on an hourly rate.

City Engineer Wong stated this is standard for a timing material contract. They give an estimate of the number of hours and if these hours are exceeded then we will be billed at the hourly rate. The estimated hours listed should be sufficient for this project as they make the best estimate based on the project. If the hours are exceeded, the item will be brought forward to Council for approval.

A MOTION was made by Councilman Timmer, seconded by Councilman McCallon, to approve the professional services agreement with Michael Brandman and Associates (MBA) to provide Mitigation Implementation Services for the Greenspot Road Storm Drain Project in the amount of \$35,015, and to authorize the Mayor to sign the agreement. Motion carried, 5-0.

20. Amendment to the Lease with the YMCA

Councilwoman Scott inquired why this item was not brought to the Community Services/Recreation Subcommittee.

City Manager Hughes stated the Community Services/Recreation Subcommittee had a conflict with one of its members when dealing with the YMCA contract. An Ad Hoc Committee was created to deal with the YMCA contract issue. This Ad Hoc Committee was disbanded last year due to it was no longer needed. This is simply an amendment to extend the term of the agreement. There are no changes to the content, therefore, it was not necessary to create another Ad Hoc Committee.

Mayor Lilburn asked will the YMCA continue to provide an in house audit. In the past, the YMCA has provided Council with profit and loss reporting.

Mr. Perry Mecate stated the YMCA does provide monthly financial statements to city staff and will continue to do so.

Councilwoman Scott requested a copy of the financial statements.

City Manager Hughes stated Mayor Lilburn has a conflict of interest due to the sublease with the Senior Center.

Mayor Lilburn stated she will be abstaining from this item due to a conflict of interest because the Senior Center subleases with the YMCA.

A MOTION was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to approve Amendment No. 2 to the lease with the YMCA. Motion carried, 3-,1 with Councilwoman Scott dissenting and with Mayor Lilburn abstaining.

21. League of California Cities 2010 Annual Conference Resolutions Packet

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

Councilman McCallon stated he recommends support of Resolution #1

Council recommends no support regarding Resolution #2

Council recommends support of Resolution #3

Council recommends no support regarding Resolution #4

Council recommends support of Resolution #5

Council recommends no support regarding Resolution #6

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

Councilman McCallon stated SCAG held a lengthy meeting regarding the proposed targets for greenhouse gas reductions for Southern California in regards to implementing SB 375. Those targets as proposed by ARB were 8% in 2020 and 13% in 2035, reduction per capita in greenhouse gases in this region. Public testimony was held on both sides of the issue. At the end of the meeting with a split vote of 29-21 agreed to go to ARB and inform them SCAG would support targets of 6% and 8%. Also, SCAG would consider higher targets if they were to agree to the conditions SCAG would send forward.

Community Development Director Jaquess stated the Orange County Property Subcommittee met last month and it was reported the Orange County Board of Supervisors is anticipating a vote on October 5, 2010, regarding the contract with Lewis for the development of the property. The City of Highland was asked whether it would be possible for a representative from the Council to attend the Orange County Board of Supervisors meeting.

Mayor Pro Tem Jones stated Council was instructed they had reached an agreement and the agreement was one that both Orange County and Lewis were in agreement with and they were ready to move forward. It would just take a consolidated vote of the Orange County Board of Supervisors to approve the agreement. This project is moving forward. He also attended the City Selection Committee meeting where there were six candidates initially; two candidates withdrew, therefore, leaving four candidates to vote for a LAFCO Representative.

23. San Bernardino International Airport Authority and IVDA

Mayor Pro Tem Jones stated an Open House was held and it was successful.

ANNOUNCEMENTS

November 5, 2010

Volunteer Dinner

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 7:23 p.m.

Submitted by:

Approved by:

Betty Hughes, CMC
City Clerk

Penny Lilburn
Mayor