

**MINUTES  
CITY COUNCIL AND REDEVELOPMENT AGENCY  
REGULAR MEETING  
FEBRUARY 8, 2011 - 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 6:01 p.m. by Mayor Pro Tem Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Robb Zinn of Immanuel Baptist Church and the Pledge of Allegiance was also led by Pastor Robb Zinn.

**ROLL CALL**

Present: Lilburn, Racadio, Scott, Timmer  
Absent: McCallon

**REPORT FROM CLOSED SESSION**

Took no reportable action at the end of closed session.

**SPECIAL PRESENTATIONS**

Mr. Mike Burrows and Mr. Bill Ingram gave a presentation regarding the San Bernardino International Airport Authority.

**COMMUNITY INPUT**

None

**CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR**

City Manager Hughes stated staff is requesting to add two items to the agenda. One is a resolution, a designation of the applicant's agent resolution for non-state agencies dealing with the Office of Emergency Services which relates to the FEMA reimbursement.

**A MOTION** was made by Councilwoman Scott, seconded by Councilman Racadio, to add an item to the agenda regarding a Resolution for the OES Form 130. Motion carried, 4-0, with Mayor McCallon absent.

The second item is regarding NPDES and it is a test claim for unfunded mandates. Staff is looking for direction from Council.

**A MOTION** was made by Councilwoman Scott, seconded by Councilman Racadio, to add an item to the agenda regarding NPDES. Motion carried, 4-0, with Mayor McCallon absent.

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to approve the consent calendar as submitted with the exception of Item #4 being tabled to the March 8 Council meeting and Item #5 being pulled for further discussion. Motion carried, 4-0, with Mayor McCallon absent.

1. Waive the Reading of All Ordinances  
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – January 17, 2011 City Council Special Meeting  
Approved Minutes as submitted.
3. Minutes – January 17, 2011 RDA Special Meeting  
Approved Minutes as submitted.
4. Warrant Register  
This item was tabled to the March 8 Council meeting; Warrant Register No. 517 for February 8, 2011, in the amount of \$1,718,605.26 and Payroll of \$81,473.77.
6. Bid Award – Bid No. 2010-10, “Sidewalk & Curb Repairs, and Handicap Ramp Construction” (Project No. swk10001)  
Awarded the contract to Black Rock Construction Company, Inc., in the amount of \$34,933.00.
7. Boulder Avenue Bridge Emergency Demolition
  1. Approved Demolition Plans for Boulder Avenue Bridge over City Creek; and
  2. Awarded the contract to demolish Boulder Avenue Bridge to Harber Companies in the amount of \$95,345.

#### **ITEMS PULLED FROM THE CONSENT CALENDAR**

5. Bid Award – Bid No. 2010-03, “9th Street Sidewalk and Street Improvements” Project NO. swk08001)

Assistant Public Works Director Barton stated on this item it is a bid for a contract for construction on 9th Street, sidewalk and street improvements. It has come to staff’s attention today that there was a potential protest from the second bidder. First, is that the contractor does not have a current license. We did receive information via fax from the Contractor State License Board that the contractor does indeed have a current license in full effect.

Councilman Racadio stated is this STI?

Assistant Public Works Director Barton stated that is correct. The second item is that there were math errors. There were twelve bids received for this contract and of the twelve bids, six did have math errors. It is routine that staff will correct math errors when tabulating the bids just so they are accurate when presented to the City Council. Also, that contention that there might be a competitive advantage provided to a contractor as a result of staff making those changes, we can assure you that there was no competitive advantage. It was strictly a correction to a math error and in compliance with the contract documents. Contract documents are quite clear that staff has the authority to make a correction to a math error. So, we just want to make it clear that there was no competitive advantage provided to any contractor in this process. The third item is that there was not adequate notice given to the second low bidder, who was in the beginning the low bidder prior to the discovery of these math errors, that he was notified of the changes and that staff would be recommending another contractor. While there's not necessarily a legal requirement to do that, staff has in the past notified a contractor if he was the apparent low and that's changed. In this case we did not. It was an oversight on staff's part that we did not notify them until today that there was indeed that error.

Councilman Racadio stated he did not question that his math was incorrect; he just questioned why it was so late that he was notified.

Assistant Public Works Director Barton stated that is correct. It was a minor irregularity but the contractor protesting had a minor math error in his bid too. Lastly, the contention that the STI did not provide references with their bid. STI did provide references immediately upon notification that references would be desired. He did indicate in his bid that those references would be provided upon notification or if he was the apparent low.

Councilwoman Scott asked if STI gave the references after the protest letter or with the original bid.

Assistant Public Works Director Barton stated the protest letter wasn't received until this evening. STI provided the references immediately once they were notified that they were the apparent low.

Councilman Racadio asked if those references proved to be positive.

Assistant Public Works Director Barton stated they did.

Councilwoman Scott asked why we don't ask for references when they do the bidding so we can check references before we award the bid.

Assistant Public Works Director Barton stated we do. This isn't the first time that this has occurred. It's not usual but it's not unusual. Once in a while we will have a bidder that did not include the references with the bids. We will contact them and they provide them and then we check.

Councilman Racadio stated so it doesn't disqualify them if they don't have them.

Assistant Public Works Director Barton stated no, we consider this a minor irregularity. Also, he has gone over all of these items with the City Attorney. In conclusion, staff would recommend that the City Council 1) find that STI, Inc., is indeed the low bidder, 2) find that the math errors and the lack of references when submitting the original bid proposal are considered minor irregularities, and 3) award the contract to STI, Inc., for this project.

Councilwoman Scott asked why are the references mentioned again in the recommendation.

Assistant Public Works Director Barton stated because it's in the recommendation. He was addressing the matters that were brought up by the protest originally. The three items he listed were the conclusion and the recommendation by staff.

Councilwoman Scott asked did any of these agencies send references with their application.

Assistant Public Works Director Barton stated yes but they are not the low bidder.

Councilwoman Scott asked did the second bidder have everything in order including references?

Assistant Public Works Director Barton stated the second bidder had the references and the second bidder also had a minor math error.

Councilwoman Scott asked about the third one?

Assistant Public Works Director Barton stated the third one, to the best of his knowledge, completed everything.

Councilwoman Scott stated there were no math errors on that one.

Assistant Public Works Director Barton stated that is correct.

Councilwoman Scott asked did they have references with their bid.

Assistant Public Works Director Barton stated he believes so but he would have to go back and look at the bid to verify.

Mayor Pro Tem Lilburn stated the point is that the low bidder fell into the qualifications of the specs that we provided, therefore, they are qualified to be the low bidder of the project.

Assistant Public Works Director Barton stated yes, they are considered the responsive bidder.

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to find STI, Inc., as the low bidder and to find the math errors and the lack of references is a minor irregularity and to award the contract to STI, Inc., in the amount of \$238,301.07. Motion carried, 3-1, with Councilwoman Scott dissenting and with Mayor McCallon absent.

## **CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING**

No Public Hearing

## **CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE**

8. That the City Council Review the Need for Continuing the Local Emergency Pursuant to the Highland Municipal Code 2.44.060(A)(2)

City Manager Hughes gave a brief review of the staff report. As the Council is aware the public assistance was approved. Staff will be meeting with FEMA on Thursday to review the paperwork that will need to be done in order to submit for reimbursement. The City will be eligible for up to 94% of the costs that were incurred during the emergency. However, FEMA did not approve individual assistance for homeowners. With this determination, the Small Business Administration has now acted and set up a process where impacted residents can request low interest loans for repairs to their homes as well as some hazard mitigation. They have set up a center at the Highland YMCA, located at 7793 Central, where impacted residents can request the loans. Staff is going to mail the information to those impacted residents informing them that this assistance is available.

**A MOTION** was made by Councilman Timmer, seconded by Councilwoman Scott, to receive and file the report. Motion carried, 4-0, with Mayor McCallon absent.

9. Resolution to Oppose Action by Governor to Abolish Redevelopment Agencies

**A MOTION** was made by Agency Member Racadio, seconded by Agency Member Scott, to adopt Resolution RDA No. 2011-001 in opposition to the Administration's proposal to abolish Redevelopment Agencies in California. Motion carried, 4-0, with Chairman McCallon absent.

RESOLUTION RDA NO. 2011-001  
A RESOLUTION OF THE HIGHLAND REDEVELOPMENT AGENCY  
OF THE CITY OF HIGHLAND, CALIFORNIA, IN OPPOSITION  
TO THE ADMINISTRATION'S PROPOSAL TO ABOLISH  
REDEVELOPMENT AGENCIES IN CALIFORNIA

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

City Manager Hughes stated the Work Program is currently in progress.

City Manager Hughes stated there is a proposal at the Federal level to either significantly cut or completely eliminate CDBG funding. Staff would like to request that Council authorize staff to send a letter to all the representatives at the Federal level.

**A MOTION** was made by Councilwoman Scott, seconded by Councilman Racadio, to authorize staff to write a letter in opposition of the proposal to either significantly cut or completely eliminate CDBG funding. Motion carried, 4-0, with Mayor McCallon absent.

11. San Bernardino International Airport Authority and IVDA

None

12. Resolution 2011-008, Form 130, a Designation of the Applicant's Agents for Non-state Agencies Dealing with the Office of Emergency Services in Relation to FEMA Reimbursement

City Manager Hughes stated the resolution is to add the City Manager, the Director of Administrative Services and the Assistant Public Works Director as the City's authorized agents to represent the City of Highland with the Office of Emergency Services in FEMA. This resolution would be in effect for all open and future disasters.

**A MOTION** was made by Councilwoman Scott, seconded by Councilman Racadio, to adopt Resolution 2011-008, a designation of the Applicant's Agents for non-state agencies dealing with the Office of Emergency Services in relation to FEMA reimbursement. Motion carried, 4-0, with Mayor McCallon absent.

RESOLUTION NO. 2011-008  
DESIGNATION OF APPLICANT'S AGENT RESOLUTION  
FOR NON-STATE AGENCIES

13. NPDES Test Claim for Unfunded Mandates

Community Services Manager Morgan stated it has come to staff's attention late last week that the San Bernardino County Flood Control District at it's next regularly scheduled manager's meeting of NPDES is going to ask the member agencies to vote on whether they should file a test claim to object to some portions of the new storm water permit. Our new permit is going to be very costly over the next five years. Staff is looking for direction on how to vote on this issue.

Councilman Timmer stated this is a nationwide regulation, do you happen to know what the other states doing?

Community Services Manager Morgan stated California is in a particular situation as we do not report directly to Federal EPA. We report to California EPA and California EPA holds the permit to the Federal EPA. Riverside County did file a test claim last month even though we do report to the same Regional Board and almost identical permits. Even if they prevail on some of the identical issues that we have, we still have to file a test claim to prevail.

**A MOTION** was made by Councilman Racadio, seconded by Councilwoman Scott, to participate in the test claim. Motion carried, 4-0, with Mayor McCallon absent.

## **ANNOUNCEMENTS**

May 23-25, 2011	ICSC Convention
April 6, 2011	SCAG District 7 Regional Council Representative Election

## **CLOSED SESSION**

None

## **ADJOURN**

There being no further business, Mayor Pro Tem Lilburn adjourned the meeting at 7:11 pm in memory of Mary Chin and Ellie Montgomery.

Submitted By:

Approved By:

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Betty Hughes, CMC  
City Clerk

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Larry McCallon  
Mayor