

**MINUTES
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING
MAY 10, 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 6:00 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Reverend Mark Rush of Immanuel Baptist Church and the Pledge of Allegiance was led by Mayor Pro Tem Lilburn.

ROLL CALL

Present: Lilburn, McCallon, Racadio, Scott, Timmer
Absent: None

REPORT FROM CLOSED SESSION

None

SPECIAL PRESENTATIONS

City Manager Hughes introduced Tim McClelland, Cal Fire Unit Chief, to the City Council and also gave a brief review of his career highlights.

COMMUNITY INPUT

Mr. Tony CiFuentes, Founder of Highlanders Boxing Club, stated he would like to thank Mayor McCallon for his continued support of the program. He would also like to invite the Council to visit his gym, located at 26127 Sixth Street, at anytime to see his program and the positive outcome the program has made in the community. In September there will be an Amateur Boxing event where the State Athletic Commission will be present as well as police officers, correction officers and community leaders.

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to approve the consent calendar as submitted with the exception of Item #9 and Item #10 being pulled for further discussion. Motion carried, 5-0, with Councilwoman Scott abstaining from Item #6 and with Mayor Pro Tem Lilburn abstaining from Item #6.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – April 26, 2011 City Council Regular Meeting
Approved the Minutes as submitted.
3. Minutes – April 26, 2011 City Council Special Meeting
Approved the Minutes as submitted.
4. Minutes – April 26, 2011 RDA Regular Meeting
Approved the Minutes as submitted.
5. Minutes – April 26, 2011 RDA Special Meeting
Approved the Minutes as submitted.
6. Warrant Register
Approved Warrant Register No. 522 for May 10, 2011, in the amount of \$1,527,431.86 and Payroll of \$78,332.28.
7. Claim Consideration – Eric Laine
Rejected claim.
8. Declaration of Two (2) Vacant Seats on the Building Code Appeals Board (BCAB)
 1. Declared two seats vacant on the Building Code Appeals Board; and
 2. Directed the City Clerk to advertise the vacancies on the Board.

ITEMS PULLED FROM THE CONSENT CALENDAR

9. Bid Award – Bid No. 2011-04, “5th Street/Greenspot Road Bike Lane” (Project No. str09005)

Councilwoman Scott stated this item refers to bike lanes from Waterman to Palm Avenue and then from Boulder to Valencia, and actually from Victoria to Palm Avenue will be later due to street widening. Are we really going to place bike lanes next to the freeway?

City Engineer Wong stated the City has been incrementally implementing a Bike Lane Master Plan which is a portion of the City’s General Plan. The General Plan indicated which streets would eventually have bike lanes. It would only be designated in a roadway which is wide enough to accommodate a bike lane. For example, we have placed a bike line on Base Line from Palm Avenue to past Boulder Avenue, and then on Palm Avenue from Base Line to Fifth Street, and Fifth Street from Palm Avenue to Boulder Avenue.

Councilwoman Scott stated she understands we currently have some bike lanes but she was thinking of Boulder and then Greenspot and the freeway, and she thought why the City would want to install bike lanes.

A MOTION was made by Councilman Timmer, seconded by Mayor McCallon, to award the contract for Bid No. 2011-04 "5th Street/Greenspot Road Bike Lane" to DBX, Inc., in the amount of \$148,856.30. Motion carried, 4-1, with Councilwoman Scott dissenting.

10. Award of Prime Bid for the Project Entitled City of Highland Photovoltaic Systems Additions, Electrical Retrofit and Reroofing Project Bid Package 2011-03

Councilwoman Scott stated she would like to hold this item until the Council has the Budget Study Session on May 31, 2011.

Councilman Timmer inquired why the Council would need to hold this item as it is included in the previous year's budget and already funded.

Councilwoman Scott stated she thought the budget would be discussed at length and there may be some items that have been previously approved and would need to be re-considered.

City Manager Hughes stated \$40,000 to \$50,000 of the funding is being funded by a Federal Grant and the remaining portion of the funding will be jointly covered by the RDA and General Capital Financing.

Mayor McCallon stated it is a very important project as the roof is in very dire need of repair.

Councilwoman Scott stated she can support the foam roof but she can't understand the retrofitting and the solar panel installation. She cannot see spending the funds for this when there had been plans for expansion of City Hall.

City Manager Hughes stated this was originally discussed and the City Council had voted this item down a couple of Work Program Items ago. We have some money set aside for the future, just in case we do outgrow the current City Hall.

Councilwoman Scott inquired if this solar system is going to work better than the one installed at the library.

City Manager Hughes stated the only item on the agenda tonight is the roof portion. The solar system item will be on the May 31, 2011 meeting agenda.

Councilwoman Scott inquired why we need to have Edge as the Construction Project Manager.

City Manager Hughes responded we have two different bidders on the project. Edge will need to coordinate those bids and there is also a lot of paperwork that needs to be done due to the Federal funding of this.

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilman Racadio, to waive the minor irregularities and to award Bid Package No. 3 – “Roofing and Miscellaneous” to Cook Coatings, Inc.; and to authorize the City Manager to enter into an agreement with Edge Development for Project Management for the amount of 8% of the total prime contract costs plus reimbursable expenses. Motion carried, 5-0.

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

11. Resolution No. 2011-020 Fixing the Highland Paramedic Special Tax Rate for Fiscal Year 2011-12

Mayor McCallon opened the public hearing.

City Manager Hughes gave a brief review of the staff report. There is no increase being proposed. It will remain at the rate of \$19.00 per individual dwelling unit, \$38.00 per individual commercial unit as shown in the staff report. The tax basically generates about 1/3 of the cost of providing medic services.

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

Mayor Pro Tem Lilburn stated she would like to remind everyone, a few years ago we knew that we needed to do something to supplement this tax. She thinks at some point soon we need to bring this to the forefront because our budget is very tight.

Mayor McCallon stated we have had the same tax rate for 20 years and costs have gone up. We have subsidized the efforts from other parts of our general fund.

Councilwoman Scott stated she agrees with Mayor Pro Tem Lilburn; we cannot continue to have 2/3 from the City. However, she would like to see on our expenditures for the paramedic and fire services broken down. Instead of being split 50/50 like they are being done now, regardless of whether it is an engine or a tool, she would like to have it more realistic.

City Manager Hughes stated if it is a cost that can be attributed purely to the paramedic program, it is charged to the paramedic program. The engine issue is the paramedics ride on the fire engine so those costs are split 50/50.

Councilwoman Scott stated she is aware of this. Anytime, on the warrant register, you have something for the fire station or the paramedics, even if it is \$5.00 it is still split 50/50. She would like to see it more realistic.

City Manager Hughes stated this is the way the budget is created, it is a 50/50 split.

Councilwoman Scott stated it is not a true picture of what the paramedic is costing versus what we are getting back.

Councilman Racadio stated this tax is 26 years old and it is the same even before the City was incorporated. We had one station, we now have three. There are some agencies that have increased their paramedic tax; he thinks it is something the Council needs to very seriously look at to maintain our service level. This provides a very valuable service to our community. He would like to see this item on next year's work program or even sooner for discussion.

Mayor McCallon stated we have done that. He agrees with City Manager Hughes that when the economy turns around, we can certainly discuss this item in detail.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to adopt Resolution No. 2011-020 fixing the Highland Paramedic Special Tax Rate for Fiscal Year 2011-12. Motion carried, 5-0.

RESOLUTION NO. 2011-020
A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HIGHLAND, CALIFORNIA,
FIXING THE HIGHLAND PARAMEDIC SPECIAL TAX
RATE FOR FISCAL YEAR 2011-12

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

12. Two Appointments to the Planning Commission

City Clerk Hughes gave background from staff report and then opened the floor for nominations.

Councilman Racadio nominated incumbents Rich Haller and Randall Hamerly.

Councilman Timmer stated he will support this nomination. The incumbents have done a good job.

Mayor McCallon stated the nominations are now closed.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to appoint two members, Richard Haller and Randall Hamerly, to the Planning Commission. Motion carried, 5-0.

13. Review the Need for Continuing the Local Emergency Pursuant to Highland Municipal Code 2.44.060(A)(2)

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

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to receive and file the report. Motion carried, 5-0.

14. Request to Install a Temporary Drain Pipeline Along 3rd and 5th Street

Assistant Public Works Director Barton gave a brief review of the staff report.

Mayor McCallon stated there was a time limit discussed, what was decided, 30 or 60 days.

Assistant Public Works Director Barton stated 30 days is the estimated time at this point.

Councilman Racadio stated in the body of the staff report it states a letter agreement which would delineate the District's responsibility requirements to install and operate the temporary pipe line. Are we going to require EVWD to name us as additionally insured?

City Manager Hughes stated staff will make certain it is included in the letter agreement.

Mayor McCallon stated he would like to thank EVWD for doing this. His initial comment was it was about time and he understands the reasoning behind this.

Mayor Pro Tem Lilburn stated she too would like to make a comment to EVWD Board Members because every time she phones in about an issue, it is taken care of in a matter of minutes. She really appreciates their hard work.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to:

1. Approve the request to install and operate the temporary pipeline along 3rd Street and 5th Street;
2. Direct staff to prepare a letter agreement; and
3. Authorize the City Manager to sign the agreement. Motion carried, 5-0.

15. College Free Pass Pilot Program

Mayor McCallon stated he requested this item be placed on the agenda due to when Mayor Pro Tem Lilburn and he attended the Omnitrans Board Meeting, they were informed that Highland was one of only three cities who were not responding to this favorably. He would like for the Council to discuss and consider this item further.

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

Ms. Wendy Williams, Director of Marketing for Omnitrans, stated she is present in hopes the Council will reconsider the recommendation on Item #15. This item is regarding the Omnitrans College Free Pass Pilot Program. This is a partnership with all of our JPA members, San Bernardino Valley College, Crafton Hills College, Cal State San Bernardino and Chaffey College. This program would allow approximately 2,400 college students living in your City to ride Omnitrans free by presenting their valid school id card for the upcoming school year. Benefits of this program include improved access to education and job training that is especially vital in this challenging economy and improved air quality due to fewer auto trips to campus as well as our 100% natural fleet of buses. A similar program in Riverside County increased student transit ridership from 2% to 10% of students. Thus far, 12 out of 16 of our JPA members have pledged to fund the program. Also, the partner colleges are contributing about \$150,000 combined.

Mayor Pro Tem Lilburn stated we, as a Council, give funds for children to join a gym for free and then we do not support children to ride the bus for free to go to college. She feels it is very commendable for a student to take the initiative to get on a bus to go to college. It is very disappointing for Council not to support this item. Is everyone funding the entire percentage which Omnitrans requested?

Ms. Williams stated the majority of the cities have supported it at the \$15 per capita. There are some that have supported this program at a lower level and this may be a compromise for the City of Highland to consider.

Councilman Timmer inquired which other cities are not supporting this.

Ms. Williams stated we are still giving them an opportunity to say yes. Thus far it is the City of Colton, Highland and Upland. The City of Rialto has not made a commitment but there has been positive feedback from their staff.

Councilman Timmer stated if there are such positive benefits from the program, why doesn't Omnitrans fund it.

Ms. Williams stated Omnitrans is putting this program together, what we are calling revenue neutral, and that we would generate the same amount of fair revenue from this program in the absence of any program.

Councilman Racadio stated on page 7 it states how it is going to be funded. Two questions, one is it states corporate sponsors, was there an effort to get corporate sponsors to fund the difference?

Ms. Williams stated Board Members asked staff to only look at that avenue if there was a funding gap at the end.

Councilman Racadio stated secondly, on the funding, is there a reason why the students were not asked up front to fund this 80%.

Ms. Williams stated their belief is that you generate student champions by having them experience the program and having the benefit of riding free without having to go get a special pass anywhere. Then the student champions can take it forward for fees.

Councilwoman Scott stated this student ID; all they would have to do to get on the bus is show their ID, regardless of what school they attend. In essence they could be riding free. What guidelines will be set forth to ensure it is not abused?

Ms. Williams stated the program will make it free on any line at any time for students who have a valid student ID. We will validate they are current students through the serial numbers. This really builds on a program that Omnitrans did subsidize for three consecutive years in which they offered a free week of rides to students. This helped them generate data and usage patterns. Certainly there was use for other than school trips but the primary use for these programs were on the lines directly serving the campuses.

Councilwoman Scott stated she was concerned with how the amount that is being requested could be justified because she took the \$35,500 and multiplied it by 15 cities which is what Omnitrans was asking originally. This came to \$432,500 and then you add the \$150,000 from the four colleges so this amounts to \$582,500. So even if you only take the \$432,500 with the 15 cities that only comes to \$28,833 and yet the request was for \$35,500.

Ms. Williams stated the request for each city is based on \$15 times the number of students living in that City. Meaning the dollar amount is different for each City. The total requested amount from the cities was a little over \$658,000.

Councilwoman Scott inquired if Omnitrans has the data for the Highland students who are attending the colleges and were they also asked if they would take a bus instead of driving their car or carpooling with someone. We could have a 1,000 students going to college but they also are going from work or going to work directly after class so they would not be riding a bus.

Ms. Williams stated as part of the pilot program we will actually be compiling that data with the actual users. At that point we can come back to the Council but we have to come back to the City with the information because the reporting that is required for the AB 2766 funds requires that Omnitrans report the amount of pollutants that are taken out of the air and that can only be done by calculating the number of trips. We did provide to staff an estimation of the pollutants that would be removed from such a program based on the growing number of current riders from 2% to 10% of students.

Councilwoman Scott stated the \$35,500 that is being requested, how many Highland student does this include? How did Omnitrans arrive at this number?

City Manager Hughes stated it is detailed on page 8 of the staff report.

Councilwoman Scott stated that was the 2,370.

Mayor Pro Tem Lilburn stated you are assuming this is based on 100%. \$15 times 2,370 is based upon 100% participation of the students. What made Omnitrans decide to go with 100% versus a percentage of the students?

Ms. Williams stated this is actually based upon a percentage of the students. For instance, if a student were to purchase a monthly bus pass for 10 months, which is the typical college school year, it would cost \$350.00. So the \$15 rate is essentially assessing a low fee across the entire population so that any of them can take advantage of the opportunity.

Mayor McCallon stated he noted in the reasoning that we needed these funds to do our 5-year Capital Improvement program and that we will have \$12,000 left over. Might he offer, as a compromise, that Council support the program in the amount of \$12,000?

Councilman Timmer stated his biggest concern was students are already being subsidized 80% from the taxpayers. Another concern is that it is going back to a program that is already established and approved, CIP program. Where are we going to come up with the additional funds to do this? Mayor McCallon's suggestion diminishes that a little bit. Mayor Pro Tem Lilburn made a comment about helping the children at the YMCA and why can't we help these children. It is a different type of funding source. One is a Community Development Block Grant and this money goes directly into our street improvement program and other things.

Mayor Pro Tem Lilburn stated for the record that was a statement, a point and fact. She does support the fact we support memberships at the YMCA. She is saying supporting the kids to take transportation to college is just as important. She also understands they are from different funding sources.

Councilman Racadio stated Councilman Timmer summarized our discussion. Part of this concern is how small the percentage of population it serves. Based on page 6, 9% of students utilized the system and if you take our number of students, it works out to be something much less than 1% of our population so it is only serving approximately .3% of our population. If Mayor McCallon's recommendation is we fund it at half, he can go along with it.

Mayor Pro Tem Lilburn stated part of the pilot program is to make the students aware the program is out there and that they may not be using it now but once they determine they can get to and from school, hopefully they will jump on the bandwagon which in turn will help the environment and traffic.

Councilman Racadio stated there is no anticipation of Omnitrans coming back to request additional funds.

Ms. Williams stated there is no anticipation of this but if it does then it is a question for another year. We are asking now to support a one year pilot program. It is our intent to have this as a referendum for all students to vote on next spring to self-fund the following school years as it has been done successfully in Riverside.

Councilwoman Scott stated she is tired of subsidizing, even the subsidy for the bus rides going to the YMCA; any time you go through you can see everyone with their text machines. Those things cost money and they cost monthly and if they can do that, they do not need to be subsidized for a bus. They need to set their priorities. We do not owe them anything, whether it is going to the YMCA or to college.

Mayor Pro Tem Lilburn stated students with any kind of type of student ID whether it is a high school or a college can gain access to a free bus ride.

Ms. Williams stated only for the partner colleges.

City Manager Hughes stated for clarification, Mayor McCallon's recommendation was to use the remainder of the AB 2766 funds which would be \$12,000. Councilman Racadio had mentioned half; half would be \$17,000.

Councilman Racadio stated he would support the \$12,000 recommendation.

Mayor McCallon stated his intent was to offer a compromise since that would not impact our 5-year CIP program.

Councilman Racadio stated he would like to encourage Omnitrans to seek corporate sponsorship. Also, just as a statement, he does not understand why Omnitrans did not just fund the whole thing.

Councilman Timmer stated this whole nation has become nothing but subsidies for every special group. They are already being subsidized 80%. We are being told it is a one year program but he has never seen any government program only last for only one year, they always come back. If this goes forward he would like to have very strong language in the agreement stating we will not fund any additional requests.

Mayor McCallon stated he would certainly not support it if it were to come back for another year. It is to be a one year pilot program.

A MOTION was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to recommend the City of Highland support this program in the amount of \$12,000 utilizing our AB 2766 Funds. Motion carried, 3-2, with Councilman Timmer and Councilwoman Scott dissenting.

16. AB 998 (Morrell) – Budget Bill Transparency

Councilman Timmer stated this Bill speaks for itself and is a good policy.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to support Assemblyman Morrell's Request for the City's Support and Endorsement on AB 998. Motion carried, 5-0.

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

Mayor McCallon stated SCAG held their General Assembly and was well attended by over 600 people. They were also given updates on our City profile. SANBAG had issues relative to Supervisors being charged with felonies and as a result any time they have a Board Member that is in that situation, the Federal Government embargoes the Federal funds unless action is taken. Mr. Derry was gracious enough to provide letters that FHWA required to excuse himself and his staff from attending and participating in any decision made at SANBAG. Also, he signed a similar letter for Omnitrans which will allow us, we believe, to not have our Federal funds embargoed which would shut down all of the transportation projects which are currently ongoing on the 215 Freeway.

Mayor Pro Tem Lilburn stated Omnitrans as well experienced a similar situation. She does not really like the fact the City of Highland is a JPA and we are part of the JPA. She was appointed to see on the Board and it is her job is to work with Omnitrans and the City of Highland. She does not like the fact the City supports 80% of the funds for that. That is beside the point; it is what it is. We are on the JPA and so she really had a passion for the College Pass Pilot Program.

Councilman Racadio stated we belong to Public Agency Risk Sharing Authority for our liability. In our next meeting, we will be voting on expanding membership from cities to include other public entities.

City Manager Hughes stated himself, Community Development Director Jaquess, and Council Members Lilburn and Racadio attended the City County Conference in Lake Arrowhead. It was well attended by over 200 people.

City Engineer Wong stated he and Community Development Director Jaquess attended a one day SCAG Conference in La Quinta.

18. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

May 24, 2011	Council Meeting Dark
May 31, 2011 at 10:00 a.m.	Special Council Meeting
May 31, 2011 at 10:15 a.m.	Budget Study Session
June 14, 2011 at 5:00 pm.	Annual Refuse Lien Hearing

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:17 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor