

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

The invocation was given by Chaplain Tim Evans of The Unforgettables Foundation and the Pledge of Allegiance was led by Mayor Pro Tem Lilburn.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No Report from Closed Session.

SPECIAL PRESENTATIONS

Ms. Mandy Parkes, Inland Empire Resource Conservation District (IERCD), gave a brief presentation regarding the programs they currently offer.

COMMUNITY INPUT

Ms. Marcia Lewis stated she has concerns with the area located behind her home which she was told would always remain an orange grove. She has left messages with office staff at the East Highlands Ranch HOA office, both by person and by phone. Finally after sending a letter to City staff and to the Monarch Group, George Einfeldt of EHRHOA came to review the state of the groves. She was informed the dead trees would be removed and they would be replaced by 2011. To this date the trees have not be replaced but she was informed new trees have been ordered but they will be 5 gallon, 2-3 foot starter trees. It will be years before she will able to see these trees. She urges the City Council to cancel the starter trees and to replace the trees with mature trees.

Ms. Beverly Powell, Southern California Edison, stated Edison is once again offering six Cool Centers in San Bernardino County for anyone who wants to conserve energy in their home. Also, Edison is offering a free Lamp Exchange Program on Saturday, June 18 and Sunday, June 19 from 8:00 a.m. to 1:00 p.m. in the City of Redlands. Residents can exchange their current non-energy efficient lamp for a new energy efficient fluorescent lamp.

Ms. Regina Romero stated she has been out of her home since March, 2011, due to septic tank issues which need to be repaired. At this time she does not have the funding to make the repairs. She is in the process of receiving a senior home repair grant from San Bernardino County. She does make return trips to the home to make sure things are okay and during one of these visits Code Enforcement was there as well. She is requesting a copy of the file as she would like to review the contents and would like to return to her home.

Mr. Jack Jennings stated he has an issue with a neighbor across the street; she has a commode in their front yard. This property also has debris all over the yard. The property owner needs to take care of this property and maintain it.

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to approve the consent calendar as submitted with Mayor Pro Tem Lilburn abstaining from Item #7 and Item #5, and with Councilman Timmer abstaining from Item #4. Motion carried, 4-0, with Mayor McCallon being absent.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – May 10, 2011 City Council Regular Meeting
Approved the Minutes as submitted.
3. Minutes – May 10, 2011 RDA Regular Meeting
Approved the Minutes as submitted.
4. Minutes – May 31, 2011 City Council Special Meeting
Approved the Minutes as submitted.
5. Warrant Register
Approved Warrant Register No. 523 for June 14, 2011, in the amount of \$5,001,686.55 and Payroll of \$235,406.78.
6. Treasurer's Report for April
Received and filed the Treasurer's Report for April 2011.
7. Claim Consideration – Jennifer Mulhorn
Rejected claim.

8. Resolution No. 2011-022 Adopting Amendments to the City of Highland Premium Only Plan
Approved Resolution No. 2011-022 adopting amendments to the City of Highland Premium Only Plan.

RESOLUTION NO. 2011-022
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HIGHLAND, CALIFORNIA,
AMENDING THE CITY OF HIGHLAND PREMIUM ONLY PLAN

9. Resolution No. 2011-023 Establishing the Appropriations Limit for Fiscal Year 2011-2012 for the City of Highland in Accordance with the Provisions of Division 9 of Title 1 of the California Government Code
Adopted Resolution No. 2011-023 establishing the Appropriations Limit for Fiscal Year 2011-2012 for the City of Highland in accordance with the provisions of Division 9 of Title 1 of the California Government Code.

RESOLUTION NO. 2011-023
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HIGHLAND, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS
LIMIT FOR FISCAL YEAR 2011-2012 FOR THE CITY OF
HIGHLAND IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9
OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

10. Resolution No. 2011-024 Confirming the Authority of the City Treasurer Pursuant to Government Code 53607
Adopted Resolution No. 2011-024 confirming the authority of the City Treasurer pursuant to Government Code Section 53607.

RESOLUTION NO. 2011-024
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

11. Resolution No. 2011-025 Rendering the Annual Statement of Investment Policy for Fiscal Year 2011-2012
Adopted Resolution No. 2011-025 rendering the Annual Statement of Investment Policy for Fiscal Year 2011-2012.

RESOLUTION NO. 2011-025
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA,
ADOPTING THE ANNUAL STATEMENT OF
INVESTMENT POLICY FOR FISCAL YEAR 2011/2012

12. Adjustment to Employee Benefits
Adopted Resolution No. 2011-026 amending Resolution No. 2006-022 establishing personnel system rules and rescinding Resolution No. 2009-008.

RESOLUTION NO. 2011-026
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING RESOLUTION NO. 2006-022 ESTABLISHING
PERSONNEL SYSTEM RULES & RESCINDING RESOLUTION NO. 2009-008

13. Acceptance of Donated .46 Acre Parcel Located on the North Side of Sycamore Drive at its Terminus East of Streater Drive, APN 1201-261-01 – Pamela Morse
1. Accepted donation of a .46 acre parcel located on the north side of Sycamore Drive at its terminus east of Streater Drive, APN 1201-261-01; and
 2. Directed the City Attorney to prepare final deed documents.
14. Consolidated Landscape and Lighting District 96-1 Annual Report (Fiscal Year 2011-12)
1. Adopted Resolution No. 2011-027 giving preliminary approval of the Annual Report; and
 2. Adopted Resolution No. 2011-028 setting July 12, 2011, as the date of the protest hearing.

RESOLUTION NO. 2011-027
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 2011-12

RESOLUTION NO. 2011-028
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR FISCAL 2011-12 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 2011-12)
1. Adopted Resolution No. 2011-029 giving preliminary approval of the Annual Report; and
 2. Adopted Resolution No. 2011-030 setting July 12, 2011, as the date of the protest hearing.

RESOLUTION NO. 2011-029
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 2011-12

RESOLUTION NO. 2011-030
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND
COLLECT ASSESSMENTS FOR FISCAL 2011-12 IN STREET AND
DRAINAGE MAINTENANCE DISTRICT NO. 96-1, AN ASSESSMENT
DISTRICT, AND OFFERING A TIME AND PLACE FOR HEARING
OBJECTIONS THERETO

16. Household Hazardous Waste Used Oil Payment Program
Authorized the City Manager to execute the Authorization Letter for the County of San Bernardino to apply for the Used Oil Payment Program on behalf of the City of Highland.
17. Easement Acceptance/Olive Street Sidewalk Project (Project str09003)
 1. Accepted the Grants of Easement for Road and Drainage Purposes from Richard D. and Bette J. Doan; Abigail Rincon; and Byron and Lubia Morales; and
 2. Directed the City Clerk to record the Grants of Easement.
18. Easement Acceptance/Randall C. O'Connell (DRB 007-010)
 1. Accepted the Grant of Easement for Road and Drainage Purposes; and
 2. Directed the City Clerk to record the Grant of Easement.
19. Notice of Completion – Bid No. 2010-10, “Sidewalk & Curb Repairs, and Handicap Ramp Construction” (Project No. swk10001)
 1. Accepted Bid No. 2010-10, “Sidewalk & Curb Repairs, and Handicap Ramp Construction” (Project No. swk10001) as complete;
 2. Authorized the Mayor to sign the Notice of Completion; and
 3. Directed the City Clerk to file the Notice of Completion.
20. Bid Award – Bid No. 2011-05, “Lankershim Avenue Street Improvements” (Project No. str09002)
Awarded the contract for Bid No. 2011-05, “Lankershim Avenue Street Improvements” (Project No. str09002) to Laird Construction Company, Inc.
21. Amendment to Professional Services Contract with HDR Engineering for Additional Engineering and Environmental Services Relative to Street and Storm Drain Improvements on Third Street/Fifth Street/Victoria Avenue/Central Avenue/Palm Avenue
Approved the amendment to the Professional Services Contract with HDR Engineering for additional engineering and environmental services in the amount of \$380,535.

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

22. Resolution No. 2011-031 Adopting a Biennial Budget for Fiscal Years 2011-2013

Mayor Pro Tem Lilburn opened the public hearing.

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

Councilman Racadio stated he would like to thank staff for answering questions at the study session and the transmittal letter that set forth the tone of what is going on as there was a great deal of information included.

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

Mayor Pro Tem Lilburn stated as always staff does a great job with implementing a tight budget and making certain we stay within the guidelines.

Councilman Timmer stated it is a good budget and staff has done a god job.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to adopt Resolution No. 2011-031 adopting a biennial budget for fiscal years 2011-2013. Motion carried, 3-1, with Councilwoman Scott dissenting and with Mayor McCallon absent.

RESOLUTION NO. 2011-031
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, ADOPTING A BIENNIAL BUDGET
FOR FISCAL YEARS 2011-2013

23. Resolution No. RDA 2011-002 Adopting a Biennial Budget for Fiscal Years 2011-2013

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

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

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to adopt Resolution No. RDA 2011-002 adopting a biennial budget for fiscal years 2011-2013. Motion carried, 3-1, with Councilwoman Scott dissenting and with Mayor McCallon being absent.

RESOLUTION NO. RDA 2011-002
A RESOLUTION OF THE HIGHLAND REDEVELOPMENT AGENCY
ADOPTING A BIENNIAL BUDGET FOR FISCAL YEARS 2011-2013

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

24. Proposed Fence Encroachment in Street Right-of-Way at 26383 Base Line

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

Councilman Timmer stated regarding the diagram on page 6 showing the street cross section with this encroachment, there is sufficient work to do there without having to remove the fence.

City Engineer Wong stated the future approach can be laid without removing the fence.

Councilwoman Scott inquired if the electric pole will be located inside or outside?

City Engineer Wong replied it will be located outside.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to approve the proposed encroachment of a fence in street right-of-way at 26383 Base Line subject to conditions of approval. Motion carried, 4-0, with Mayor McCallon being absent.

25. Proposal by Urban Futures, Inc., (UFI) to Provide Affordable Housing Compliance Monitoring Services for Jeffrey Court Senior Apartments

Economic Development Specialist Stater gave a brief review of the staff report.

Councilwoman Scott stated she noticed there is inflationary upward adjustment. How about an inflationary downward adjustment?

Economic Development Specialist Stater stated it states specifically in the proposal that will not happen. It will stay the same or go up.

A MOTION was made by Councilwoman Scott, seconded by Councilman Racadio, to approve the proposal. Motion carried, 4-0, with Mayor McCallon being absent.

26. Request by San Bernardino City Unified School District for a Voluntary Fee Reduction Related to the Joint Sponsorship and Use of Facilities Agreement in Association with the After School Activity Program

Economic Development Specialist Stater gave a brief review of the staff report.

Councilman Racadio stated it is the principle of the issue. He remembers when other cities stopped providing crossing guards at their expense. We still do not charge the schools for crossing guards and he thinks we should continue with the 50/50 split. He thinks this is a great program and the school district should continue our partnership.

Councilwoman Scott stated this is not for all the students of Highland, it is only held at two schools. Basically this is a child care center held after school. She would like to do away with this program if the District continues to not want to pay their share.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to deny the request and not to accept a voluntary ten percent (10%) reduction in fees from the San Bernardino City Unified School District. Motion carried, 4-0, with Mayor McCallon being absent.

27. Renewal of the Joint Sponsorship and Use of Facilities Agreement with the San Bernardino City Unified School District for the Use of Cypress and Thompson Elementary Schools in Association with the After School Activity Program

Economic Development Specialist Stater gave a brief review of the staff report.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to approve the agreement for Joint Sponsorship and Use of Facilities with the San Bernardino City Unified School District; and to Authorize the City Manager to execute the Agreement. Motion carried, 3-1, with Councilwoman Scott dissenting and with Mayor McCallon being absent.

28. 2011-2013 Agreements with the Highland Area Chamber of Commerce

Director of Administrative Services Dantuono gave a brief review of the staff report. The Finance Subcommittee has recommended the City Attorney to add language regarding the possibility of the State of California eliminating the RDA and also with the City Attorney doing some clean up language on the agreements.

A MOTION was made by Councilman/Agency Member Racadio, seconded by Councilman/Agency Member Timmer, to approve the attached agreements. Motion carried, 4-0, with Mayor McCallon being absent.

29. Contract with San Bernardino County for Animal Control Services for FY 2011-12

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

Councilman Timmer stated there is a new provision regarding the charges for emergencies and he would like to know what is considered an emergency; who initiates the requests during the emergency and what the process is and how we can control this.

Councilwoman Scott stated this was her question as well, is the emergency service for after normal business hours only?

Mr. Brian Cronin, San Bernardino County Animal Control Division, stated this is a new provision and is actually included in response to the recent floods experienced in the community. If for some reason the City requests the County to provide mutual aid resource through Animal Control. We have a provision for setting up animal evacuation centers in conjunction with the Red Cross Center. If the City were to request an enhanced level of service to respond to an emergency, the County would like to be reimbursed for the costs that may be incurred which would be above the normal scope of work the County usually provides.

Councilman Timmer stated day to day emergencies, after hours emergencies are included in the normal scope of work and what the County is referring to is a certain event occurring which would take a significant amount of resources.

Councilwoman Scott stated basically the City Manager would make the call and determine there is an emergency which would require these additional resources.

City Manager Hughes stated yes.

A MOTION was made by Councilman Timmer, seconded by Councilwoman Scott, to approve the contract amendment with San Bernardino County for Animal Control Services for FY 2011-12 in the amount of \$459,186 and authorize the Mayor to sign the contract. Motion carried, 4-0, with Mayor McCallon being absent.

30. Implementation of Governmental Accounting Standards Board (GASB) 54

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

Councilman Racadio stated this does affect our restricted funds we already have.

Director of Administrative Services Dantuono stated most of our funds we currently have are special revenue funds and those will be restricted. This only affects the general fund, general capital financing fund and the fire department fund.

Councilwoman Scott stated in the staff report it states non-spendable, restricted, committed, assigned and unassigned, those are the five categories but on the next page there is a definition of what they are now and what they are going to be but Director of Administrative Services Dantuono stated the Council is only acting on the committed and assigned tonight.

Director of Administrative Services Dantuono stated yes, non-spendable is arbitrary, it is objective because we know what our inventory is and if we have loans we know what those amounts are and they cannot be changed by the Council. Restricted are special revenue funds, restricted by other agencies or the State. The unassigned is a catch all basically whatever does not fit in the other four categories will go into the unassigned category.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to adopt Resolution No. 2011-032 assigning the delegation of authority to determine portion of fund balance assigned to specified programs and Committing funds top fund balance. Motion carried, 4-0, with Mayor McCallon being absent.

RESOLUTION NO. 2011-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ASSIGNING THE DELEGATION OF AUTHORITY TO
DETERMINE PORTION OF FUND BALANCE ASSIGNED TO SPECIFIC
PROGRAMS AND COMMITTING FUNDS TO FUND BALANCE

31. Agreement Between the City of Highland and the California Department of Forestry & Fire Protection (CAL FIRE) for the Fire Protection and Paramedic Services

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

Councilwoman Scott stated this is a three year plus one, plus one.

City Manager Hughes stated yes, correct.

Mayor Pro Tem Lilburn stated the Cal Fire Contract Ad Hoc has now been disbanded as the item has been completed.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to approve the Agreement with CAL FIRE for fire protection and paramedic services, and to authorize the Mayor to sign the Agreement. Motion carried, 4-0, with Mayor McCallon being absent.

32. Initiation of Proceedings for Annexation of Territory into Consolidated Landscape and Lighting District No. 96-1 for Maintenance of Base Line Town Center Median and Parkway Landscaping

Councilwoman Scott stated since there is no discussion regarding this item being held she would like to state none of the businesses on the west side of Highland want these medians installed.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to adopt Resolution No. 2011-033 ordering the preparation of an Engineer's Report for the Annexation of Territory into the Consolidated Landscape and Lighting District No. 96-1 for maintenance of Base Line Town Center Median and Parkway Landscaping. Motion carried, 3-1, with Councilwoman Scott dissenting and with Mayor McCallon being absent.

RESOLUTION NO. 2011-033
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, INITIATING PROCEEDINGS FOR THE ANNEXATION OF
TERRITORY INTO CONSOLIDATED LANDSCAPE AND LIGHTING DISTRICT
NO. 96-1 AND THE LEVY AND COLLECTION OF ASSESSMENTS HEREIN
FOR MAINTENANCE OF BASE LINE TOWN CENTER LANDSCAPING
FOR FISCAL YEAR 2012/13

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

City Manager Hughes stated Senator Dutton is requesting Council's support regarding SB 783.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to send a letter in support of SB 783. Motion carried, 4-0, with Mayor McCallon being absent.

34. San Bernardino International Airport Authority and IVDA

Councilman Racadio stated the solar panel project has now been completed.

ANNOUNCEMENTS

August 9, 2011
August 23, 2011

City Council Meeting - Dark
City Council Meeting - Dark

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Pro Tem Lilburn adjourned the meeting at 7:33 p.m. in memory of Ralph Walberg Winston.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor