

**MINUTES
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING
JULY 12, 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 6:02 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Karsten Polk of Highland Baptist Temple and the Pledge of Allegiance was led by Mayor Pro Tem Lilburn.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No Report from Closed Session

SPECIAL PRESENTATIONS

Mayor McCallon presented the Indians, Minor Division; Yankees, Major Division; and Giants, Junior Division, of the Central Little League with Certificates of Recognition for their championships.

COMMUNITY INPUT

Ms. Audrée Kraemer stated she is a volunteer with Lifestream and would like to express the need for more donors to donate the gift of life. She feels the placement of the blood drive and blood drive banner is the reasoning behind the decreasing number of donations. Central Avenue has low foot traffic and they need more visibility for people to find them. Donors may be as young as 15 years old with parent permission.

Ms. Regina Romero stated she was present at a previous meeting due to her home having septic tank issues. Her mother is the property owner and she has contracted a service to clean the cesspool. The contractor had sent a letter to the City of Highland stating the cesspool appears to be in fair condition. She was under the impression if the City received a letter stating the cesspool was pumped and in working condition from a licensed contractor, they would be allowed back into the home. She does not know who else can help her with this situation.

Mr. Brent Jernigan stated he is the owner of Base Line Machine and has been in business for 46 years. He is experiencing citation difficulties with Code Enforcement as he has received a citation for not removing graffiti from his business in a timely manner. He has explained to the officers it is difficult economically to move the graffiti due to as soon as it is removed it comes back again sometimes within a 20 hour time frame. He even installed a video surveillance camera to deter the graffiti and ultimately the camera was stolen. He is making efforts to maintain his building but cannot economically keep up with the citations being made by Code Enforcement.

Mr. James Viana stated he had a vehicle towed by Code Enforcement and he would like to inform the Council of his situation. His neighborhood has multiple vehicles that are not operable but his vehicle was the only one towed. He has complied with Code Enforcement on other violations but feels towing his vehicle was not necessary.

Captain David Williams stated they have moved into their new police station a few weeks ago and would like to express to the City Council how happy they are with the new building. Staff is truly appreciative of the new building and has a true pride of ownership. He would like to say thank you to the City Council for making this a reality for the officers and staff.

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

City Clerk Hughes stated regarding Item #3, agenda item #15, page 4 of 6, third paragraph it states "than staff" and it should state "thank staff."

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to approve the consent calendar as amended with the exception of Item #10 being pulled for further discussion and with Mayor McCallon abstaining from Item #1, Item #3, Item #4 and Item #5 and also with Mayor Pro Tem Lilburn abstaining from Item #6. Motion carried on a roll call vote, 4-0, with Councilman Racadio 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 – June 28 2011 City Council Special Meeting
Approved the Minutes as submitted.
3. Minutes – June 28, 2011 City Council Regular Meeting
Approved the Minutes as submitted.
4. Minutes – June 28, 2011 RDA Special Meeting
Approved the Minutes as submitted.
5. Minutes – June 28, 2011 RDA Regular Meeting
Approved the Minutes as submitted.

6. Warrant Register
Approved Warrant Register No. 525 for July 12, 2011, in the amount of \$1,295,298.52 and Payroll of \$80,594.62.
7. Deed Restriction, State Parks Office of Grants and Local Services, Nature Education Facilities Program Grant
Authorized the Mayor to sign and record the State of California, Department of Public Resources, Office of Grants and Local Services, Deed Restriction against Assessor's Parcel Number 1210-381-21, commonly referred to as the City of Highland Natural Parkland.
8. Notice of Completion – Bid No. 2010-09 “Victoria Avenue at 14th Street Traffic Signal Installation” (Project No. sig10001)
 1. Accepted Bid No. 2010-09, “Victoria Avenue at 14th Street Traffic Signal Installation” (Project No. sig10001) as complete;
 2. Authorized the Mayor to sign the Notice of Completion; and
 3. Directed the City Clerk to file the Notice of Completion.
9. Notice of Completion – Bid No. 2011-01 “Pavement Rehabilitation of Boulder Avenue and Highland Avenue” (Project No. ola09003)
 1. Accepted Bid No. 2011-01, “Pavement Rehabilitation of Boulder Avenue and Highland Avenue” (Project No. ola09003) as complete;
 2. Approved reduction in the construction contract retention amount from 10% to 5%;
 3. Authorized the Mayor to sign the Notice of Completion; and
 4. Directed the City Clerk to file the Notice of Completion.
11. New Jurisdiction Master Agreement with SANBAG
 1. Approved the new Jurisdiction Master Agreement No. C12017 with SANBAG and authorize the Mayor to sign the new Agreement; and
 2. Approved termination of the current Jurisdiction Master Agreement No. C10247 with SANBAG.

ITEMS PULLED FROM CONSENT CALENDAR

10. Amendment to Professional Services Contract with AECOM for Additional Engineering and Environmental Services for Boulder Avenue Bridge across City Creek

Councilwoman Scott stated she has concerns with the fact that this was a 29% increase that was done without Council approval prior to being approved and completed.

Assistant Public Works Director Barton stated yes, some of these items did go forward and some are continuing. What has occurred is, as some of these were going forward and staff had asked for the consultant to provide some of the cost information. The indication was this was their practice and towards the end they will put everything together but some were approved ahead of time including the box culvert, the noise report and the inconformity report. The precast alternative was brought forth before the Public Works Subcommittee for \$70,000 and this was authorized to go forward. The architecture was also approved beforehand by the Public Works Subcommittee.

Councilwoman Scott stated she is really concerned about the fact that some of these were approved apparently through a subcommittee but when put together it exceeds the 29%.

City Manager Hughes stated she is correct and that staff will make sure to bring this to Council next time; however, it was important to keep this project moving as costs would have increased due to any delays.

A MOTION was made by Councilwoman Scott, seconded by Councilman Timmer, to approve the Amendment to the Professional Services Contract with AECOM for additional engineering and environmental services in the amount of \$207,425. Motion carried, 4-0, with Councilman Racadio being absent.

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

12. Consolidated Landscape and Lighting District 96-1 Annual Report (Fiscal Year 2011-12)

Mayor McCallon opened the public hearing.

Administrative Analyst Morgan gave a brief review of the staff report.

Mayor McCallon 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 Councilwoman Scott, seconded by Councilman Timmer, to approve Resolution No. 2011-037 ordering the continued maintenance of improvements in the Consolidated Landscape and Lighting District No. 96-1, confirming the Engineer's Report and levying the assessment for fiscal year 2011-12. Motion carried, 4-0, with Councilman Racadio being absent.

RESOLUTION NO. 2011-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ORDERING THE CONTINUED MAINTENANCE OF
IMPROVEMENTS IN THE CONSOLIDATED LANDSCAPE AND LIGHTING
DISTRICT NO. 96-1 AND CONFIRMING THE ENGINEER'S REPORT AND
LEVYING THE ASSESSMENT FOR FISCAL YEAR 2011-12

13. Street and Drainage Maintenance District 96-1 Annual Report (Fiscal Year 2011-12)

Mayor McCallon opened the public hearing.

Administrative Analyst Morgan gave a brief review of the staff report.

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

Councilwoman Scott stated on page 64 and page 65, there is a zone 16 that is not on the map which is the San Manuel Village located on Boulder Avenue and Highland Avenue.

Administrative Analyst Morgan stated she will speak with the consultant regarding updating the maps.

A MOTION was made by Councilwoman Scott, seconded by Councilman Timmer, to approve Resolution No. 2011-038 ordering the continued maintenance of improvements in the Street and Drainage Maintenance District No. 96-1 confirming the Engineer's Report and levying the assessment for fiscal year 2011-12. Motion carried, 4-0, with Councilman Racadio being absent.

RESOLUTION NO. 2011-038
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, ORDERING THE CONTINUED MAINTENANCE
OF IMPROVEMENTS IN THE STREET AND DRAINAGE MAINTENANCE
DISTRICT NO. 96-1 AND CONFIRMING THE ENGINEER'S REPORT AND
LEVYING THE ASSESSMENT FOR FISCAL YEAR 2011-12

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

14. Attendance and Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference

City Manager Hughes stated staff is requesting this item be moved to the next scheduled Council meeting due to the fact Councilman Racadio may be attending this conference and he will need to be present to discuss this item.

15. Extension of Tolling Agreement with San Bernardino County

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

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to authorize the Mayor to sign an extension to the Tolling Agreement with San Bernardino County. Motion carried, 4-0, with Councilman Racadio being absent.

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

City Manager Hughes stated staff will be working the City Attorney's office to prepare an ordinance for the Council's consideration to re-establish the RDA.

City Attorney Steele stated regarding the VLF issue the League is currently organizing a lawsuit to try to validate the VLF Bill as well as the newly incorporated cities are considering whether to jointly sue or individually sue and there is a Legislative fix being proposed as well. That whole thing is probably in a state of flux for 9 to 12 months and that may argue in favor of us so we will wait to mid year and see how things are going on the VLF issue.

City Manager Hughes stated the VLF take is absolutely devastating to newly incorporated cities.

Councilwoman Scott stated when someone pays their license and you ask for a break down, you will receive a break down on what percentage goes here and what percentage goes there. When you have a break down like this, it is a designated tax, it is a designated fund. So how can the Governor take these funds when it states it goes to the cities?

City Attorney Steele stated because the Bill that was adopted essentially, let us be honest, as punishment to a couple Republican Assemblymen. The Bill that was adopted in the dead of night, the day before the Budget was adopted, changes that break down and changes the allocation method that is used to determine what each category of that break down is and where the money goes. The Bill was drafted in the afternoon of a Tuesday and was circulated Tuesday night and adopted Wednesday morning without anyone reading it. So there is a number of interesting, both political and legal issues associated with the process in which it was adopted and the effect of it. Not the least of it which is coming to light now that LAFCO is just releasing the fiscal reports for the new proposed to be incorporated City of East Los Angeles which is not located in the Republican Legislative District and the Legislation wants to punish and it is going to completely devastate the new proposed City of East Los Angeles if that Bill stands. The lobbyists that Jurupa Valley has hired met with the Legislative staff in the Governor's office and sat in on the meeting and said look we do not think you understand the impact of this Bill. They said they understand exactly and the impact was what we intend it to be. They were very explicit in this is a piece of punishment Litigation.

17. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:00 p.m. in memory of Virgil Rust and Steve Bircsak.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor