

**MINUTES
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING
OCTOBER 25, 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 Pastor Karsten Polk of Highland Baptist Church and the Pledge of Allegiance was led by Councilman Racadio.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No Report from Closed Session

SPECIAL PRESENTATIONS

None

COMMUNITY INPUT

None

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to approve the consent calendar as submitted with the exception of Mayor Pro Tem Lilburn abstaining from Item #8 and with Mayor McCallon abstaining from Item #2 and Item #5. Motion carried on a roll call vote, 4-0, with Councilman Timmer 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 – September 27, 2011 City Council Regular Meeting
Approved the Minutes as submitted.
3. Minutes – October 11, 2011 City Council Special Meeting
Approved the Minutes as submitted.

4. Minutes – October 11, 2011 City Council Regular Meeting
Approved the Minutes as submitted.
5. Minutes – September 27, 2011 RDA Regular Meeting
Approved the Minutes as submitted.
6. Minutes – October 11, 2011 RDA Special Meeting
Approved the Minutes as submitted.
7. Minutes – October 11, 2011 RDA Regular Meeting
Approved the Minutes as submitted.
8. Warrant Register
Approved Warrant Register No. 530 for October 25, 2011, in the amount of \$2,148,578.61 and Payroll of \$79,923.51.
9. Treasurer's Report for August
Received and filed the Treasurer's Report for August 2011.
10. Selection of an Event Date and Budget for the Sixteenth Annual Citrus Harvest Festival
 1. Selected March 31, 2012, as the Event Date for the Sixteenth Annual Citrus Harvest Festival with a rain date of April 7, 2012; and
 2. Approved the draft budget.
11. Easement Acceptance/Olive Street Sidewalk Project (Project str09003)
 1. Accepted the Grants of Easement for Road and Drainage purposes from Naftali B. Salgado, Maria Elena Hernandez and Julian Venegas; and
 2. Directed the City Clerk to record the Grants of Easement.

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

No Public Hearing

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

12. First Reading of Ordinance No. 364 Adding to the Highland Municipal Code Chapter 12.07 Related to Parking, Standing or Stopping of Vehicles, including, without Limitation, Mobile Billboard Advertising Displays, on Streets and Highways in the City

City Manager Hughes stated there is a more recent draft of the Ordinance in front of Council now which includes a few minor changes and copies are available to the public and to the press.

Community Development Director Jaquess gave a brief review of the staff report. The draft ordinance has a number of elements to it. The first element which is 12.07.010, basically the Council would authorize the City Engineer to determine no parking areas and no stopping zones and to install signs as appropriate as well as painting curbs as appropriate. Item, .020, implements a provision of the Municipal Code which is currently only located in the original County Code, which was adopted when the City was incorporated and because of this it was vulnerable to not only being lost but people were not able to locate it. This will move that section into the Municipal Code and provides you cannot park, leave, stand or store a vehicle on the street for more than 72 consecutive hours. It also requires at the end of the 72 hours or before the expiration of the 72 hours are done if they want to continue to park there, the vehicle will have to be moved at least one-quarter mile. This will address a lot of issues we have throughout the City and it will also incorporate the provisions of the County which will now be included in the Municipal Code. Section .030 is in response to recent legislation which was signed by the Governor, AB 1298, and allows cities to better regulate the parking of mobile billboards on City streets. This section states a mobile billboard can be parked for no more than one hour and after one hour it has to be moved at least one mile; Part B of this section states if it is a mobile billboard trailer it has to be connected to a vehicle that is capable of pulling it or moving it at the end of the hour timeframe; Section C of this section applies to not only trailers but applies to motor vehicles; and .040 is the authority for the City or the Police Department to remove those vehicles from the street if they are illegally parked. There are certain provisions and warnings the City will have to adhere to and will do so.

Councilman Racadio stated on Section .010 A, we have to adopt a resolution.

Community Development Director Jaquess stated today the procedure is the Council is the ones who will assign a no parking zones through Resolution. This would change that authority and it would delegate to the City Engineer.

Councilman Racadio asked on .030 A and B, what is the difference.

Community Development Director Jaquess stated A just sets the standard and B requires it to be attached to another vehicle that can move the sign.

City Attorney Steele stated A states any mobile billboard advertising display if it's left standing or parked can only be left for one hour. B states if it's left for a minute up to an hour, it has to be connected to a vehicle. The theory is someone might be driving one of the signs through town and stop to get a drink or something, we are not going to tow it in that scenario but if it is left for one hour or over, then it is advertising and will be towed.

Councilwoman Scott stated on .010 she questions the City Engineer being able to determine red curbing, no parking, and so forth. She thinks the Council needs to be aware and the Council needs to approve this. She does not think this should be done without Council approval.

City Attorney Steele stated the reasons we defined the signage with reference to Vehicle Code Section 415 which is in the C subsection of the Ordinance is because that definition is excluding things such as a logo that is incorporated into the body of a vehicle, if you have a sticker on your car which is incorporated into the body of the vehicle are not covered by this definition. It is really someone who puts the pizza sign on top of the cars as they are driving around, that is what is being referred to.

Councilwoman Scott stated she has magnetic signs on her car advertising her tax service so she cannot park on the street.

City Attorney Steele stated if it is incorporated into the body of your car he thinks our interpretation would be it is not included but if you have a sign on top of your car or add a billboard; that is what 415 is referring to. There will be a certain amount of discretion to the Police Officers out there. With regard to the parking lot versus street, mobile signs are already prohibited on private property, parking for any period of time under the City sign code.

Councilwoman Scott stated she likes C real well because it states it has to be connected so it can be moved which also means it would have to have a license plate. The only item she disagrees with is section .010 A, where it states the City Engineer will be the one to determine the location of all no stopping zones and parking areas and so forth. She feels it should come to Council for direction.

City Attorney Steele stated he included that statement because that is a standard parking ordinance provision. If it would make Council more comfortable we could add the words, to the end of paragraph A, subject to notification to the City Council.

Councilwoman Scott stated yes, she would be more comfortable with it.

City Engineer Wong stated the Public Safety Subcommittee, is the committee who would, at this time, hear all no parking recommendations from staff.

Mayor McCallon stated he personally does not see this as an issue because he does not think we have ever not done something in terms of parking. It is something that is routine but obviously there can be appeals if the City Engineer makes a bad decision. Does this apply to political signs?

City Attorney Steele stated we do not make any distinction with regard to the content of the signs. Again, in some cases it is going to be a judgment call on the part of the Officer but the Ordinance does not make any distinction for political, non-political, commercial or non-commercial.

Councilman Racadio stated these things have to be addressed quickly and anytime Council has to deal with it, it slows it down and it can always be appealed if we get enough complaints, we can change it. He does not have a problem with being able to act swiftly and quickly on something.

Councilwoman Scott stated she is not saying Council approval, she is saying Council notification. She would make a motion if we were to add part 12.07.010 A if we add subject to Council notification in that paragraph.

A MOTION was made by Councilwoman Scott, seconded by Councilman Racadio, as amended, to:

1. Adopt a California Environmental quality Act Notice of Exemption and Instruct Staff to File a Notice of Exemption with the County Clerk of the Board; and
2. Adopt Ordinance No. 364 adding Chapter 12.07 to Title 12 of the Highland Municipal Code. Motion carried, 4-0, with Councilman Timmer being absent.

City Clerk Hughes introduced Ordinance No. 364:

ORDINANCE NO. 364
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, RELATING TO PARKING, STANDING OR STOPPING OF
VEHICLES, INCLUDING MOBILE BILLBOARD ADVERTISING DISPLAYS,
ON STREETS, HIGHWAYS, ALLEYS AND OTHER PUBLIC AREAS
IN THE CITY

which title was read.

13. Two (2) Appointments to the Community Trails Committee (CTC)

City Clerk Hughes stated there are two vacancies on the Community Trails Committee.

A MOTION was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to appoint two (2) members of the public, Margaret Wright and Anne Viricel, to the Community Trails Committee. Motion carried, 4-0, with Councilman Timmer being absent.

14. Construction Support Services for the Boulder Avenue Bridge and Street Widening Project

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

Councilman Racadio inquired what the level of pre-award audit by Caltrans is.

City Engineer Wong stated they want to make sure these companies have good records as well as good accounting and financial records. Secondly they check to make sure to see whether their overhead weight is justified because most of these fees are based on an hourly rate. The hourly rate includes their basic rate plus overhead and profit. Caltrans checks this to make sure it is reasonable.

A MOTION was made by Councilwoman Scott, seconded by Councilman Racadio, to approve the Amendment to the Professional Services Contract with AECOM for construction support services in the amount of \$355,433, subject to a pre-award audit approval by Caltrans. Motion carried, 4-0, with Councilman Timmer being absent.

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

City Engineer Wong stated if the City is not managed fiscally conservatively we would not have any matching funds for staff to go after any Federal or State grants. The Council does provide the base for any successful applications. We did receive approval for \$1.2 million for two street improvement projects which will benefit several schools.

Mayor McCallon stated he would like thank City Engineer Wong for his continued good work on putting this together. He knows there are others who contribute but without City Engineer Wong's expertise and without him pushing this through, it would not happen.

16. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

November 3, 2011
November 4, 2011
November 22, 2011

League of California Cities Dinner Meeting
18th Annual Volunteer Recognition Dinner
City Council Meeting - Dark

CLOSED SESSION

At 6:38 p.m., the City Council and Redevelopment Agency convened into closed session regarding the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1):

One case.

At 6:49 p.m., the City Council and Redevelopment Agency adjourned closed session, making no announcements.

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 6:51 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor