

**MINUTES
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING
DECEMBER 13, 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 Rob Zinn of Immanuel Baptist Church and the Pledge of Allegiance was led by Councilwoman Scott.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No Reportable Action

SPECIAL PRESENTATIONS

None

COMMUNITY INPUT

Mr. Ron Dieffenbacher stated he spoke at a previous Council meeting regarding a stoplight at Base Line and Central. The stoplight has not been improved and he has concerns about the traffic when the Dairy Queen opens for business. Has staff gone out to look at the traffic light?

City Manager Hughes stated yes, the light was looked at and it was off. The light has been repaired; however, during the course of construction of the Dairy Queen it was damaged. The light requires repair again and he does not know if the repair has taken place.

City Engineer Wong stated the repair was to take place earlier this week. He will check with staff.

Mr. Richard Zug stated he is speaking regarding the shooting range. It has been closed for some time and it is in great disrepair. He would like to inquire why it was shut down.

Mayor McCallon stated it was a safety issue with the Bureau of Land Management and the Club.

Mr. Richard Zug stated the property north of the range on Greenspot Road; he read an article stating there was lead found there.

Mayor McCallon stated it was found to be contaminated with lead.

Mr. Richard Zug stated it is really a shame as there used to be Veterans who shot at the range and whoever is responsible for their shutting down is terrible. They were minding their own business and doing their own thing.

Mayor McCallon stated the City of Highland had nothing to do with the shutting down of the shooting range.

Mr. Camille Bahri stated he is speaking regarding the East Highlands Ranch open space. As you may know, they have been working with the Forest Service for a number of years now. A couple of years ago the Forest Service stated they did not have the resources to do a feasibility analysis on whether they wanted to acquire the property or not. They asked for somewhere between \$11,000 and \$12,000 which was funded over twelve years ago. They did about half way thorough a feasibility analysis after which they came back and stated they have some concerns about acquiring the whole property. Some concerns were the zigzagging property lines where it interfaces with East Highlands Ranch. They preferred straight lines instead. Of course the other concern was the horrible job we did on the field modification zone. It only made a national reference and a standard for how to establish a field buffer against a wall of fire. Arbitrarily they stated maybe we should double the distance. It gave us the indication that they were not very serious about the acquisition. As of last April, a meeting was held and they promised within a couple of weeks they would do delineation between the area that they would be willing to acquire and the remainder of the area. After a few months went by and after many attempts to follow up after which the Forest Service came back and said they will not be doing the analysis. Yesterday he received a phone call from the Forest Service along with a letter. In essence they are saying the portion of the property that falls within the Congressional boundary, which is already designated as a potential acquisition to the National Forest, they would be interested in acquiring that; otherwise the remainder 800 plus acres they would not be interested in. He wanted to give the Council an update as this evening Council will be forming the subcommittees including the East Highlands Ranch Subcommittee.

MAYOR AND COUNCIL MEMBER BUSINESS

1. Appointment of Mayor and Mayor Pro Tem for 2011/12

City Clerk Hughes called for any votes for Mayor.

Councilwoman Scott nominated Penny Lilburn for Mayor.

Councilman Timmer nominated Larry McCallon for Mayor.

City Clerk Hughes closed the floor for nominations and opened the vote.

City Clerk Hughes called for the votes for Penny Lilburn.

Penny Lilburn received one vote.

City Clerk Hughes called for the votes for Larry McCallon.

Larry McCallon received four votes.

Mayor McCallon called for nominations for Mayor Pro Tem.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to appoint Penny Lilburn as Mayor Pro Tem. Motion carried, 5-0.

2. Membership on Various Council Subcommittees, Ad Hoc and Agency Organizations

Mayor McCallon stated he feels everyone who is currently appointed to committees is doing a great job unless someone would like to make a change to their appointments.

Councilman Timmer stated he would like to make a suggestion. Under the Sign Ordinance Ad Hoc Committee which is Mayor Pro Tem Lilburn and himself, has met the charge and Council has adopted the reflected ordinance changes.

Mayor McCallon stated the Sign Ordinance Ad Hoc Committee will now be disbanded.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to keep the current appointments to the Subcommittees and Agency Appointments and with Planning Commissioner Hamerly to be encouraged to continue to serve on the Orange County Property Subcommittee with the final decision being made by the Planning Commission. Motion carried, 5-0.

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 Item #17, Item #20, Item #21 and Item #22 being pulled for further discussion and also with Councilman Timmer abstaining from Item #4, Item #5, Item #7 and Item #8. Motion carried on a roll call vote, 5-0.

3. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
4. Minutes – November 8, 2011 City Council Regular Meeting
Approved the Minutes as submitted.
5. Minutes – November 8, 2011 City Council Special Meeting
Approved the Minutes as submitted.
6. Minutes – November 28, 2011 City Council Special Meeting
Approved the Minutes as submitted.
7. Minutes – November 8, 2011 RDA Regular Meeting
Approved the Minutes as submitted.
8. Minutes – November 8, 2011 RDA Special Meeting
Approved the Minutes as submitted.
9. Minutes – November 28, 2011 RDA Special Meeting
Approved the Minutes as submitted.
10. Claim Consideration – Terry Merlo
Rejected claim.
11. Warrant Register
Approved Warrant Register No. 531 for December 13, 2011, in the amount of \$2,839,044.24 and Payroll of \$245,569.55.
12. Treasurer’s Report for October
Received and filed the Treasurer’s Report for October 2011.
13. AB 1600 Development Impact Fee Annual Report for Fiscal Year 2010-2011 per Government Code Section 66006
Received and filed the AB 1600 Development Impact Fee Annual Report for Fiscal Year 2010-2011.
14. Compliance Audit Reports Filed to the State Controller’s Office (SCO)
Received and filed the attached compliance reports for Fiscal Year Ended June 30, 2011.

15. Resolution No. 2011-054 Employer Pickup Resolution Pre-Tax Payroll Deduction Plan for Service Credit Purchases
Approved Resolution No. 2011-054 Employer Pickup Resolution Pre-tax Payroll Deduction Plan for Service Credit Purchases.
16. Developer In-Lieu Fee Annual Report for Fiscal Year 2010-2011
Received and filed the Developer In-Lieu Fee Annual Report for Fiscal Year 2010-2011.
18. Easement Acceptance/9th Street Sidewalk Improvements (Project No. SWK08002)
 1. Accepted the Grants of Easement for Road and Drainage Purposes from Edwin R. Barrientos and Nenita Tubig; and
 2. Directed the City Clerk to record the Grants of Easement.
19. Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2011, Component Unit Financial Statements for Fiscal Year Ended June 30, 2011, and the Single Audit Report on Federal Awards
Received and filed the Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2011, Component Unit Financial Statements for Fiscal Year Ended June 30, 2011, and the Single Audit Report on Federal Awards.
23. Contract Maintenance Agreement with San Bernardino County Flood Control District
Approved the Contract Maintenance Agreement with the San Bernardino County Flood Control District and authorize the Mayor to execute the Agreement.
24. State COPS Grant FY 2011/2012 Allocation
Continue to allocate its funding under the annual State COPS grant for the hiring of a Sergeant position under the contract with the San Bernardino County Sheriff's Department.

ITEMS PULLED FROM CONSENT CALENDAR

17. Roof Repair and Re-Roofing of Fire Station No. 2

Councilwoman Scott stated she is questioning the \$1,925 for the asbestos abatement and disposal. Fire Station No. 2 was built during the time where we were aware of asbestos. She does not understand why asbestos was used.

City Manager Hughes stated it was used at the time in roof mastic and the roof was tested to make certain it was there. There was asbestos in the mastic and it has to be removed by a licensed asbestos contractor.

Councilwoman Scott inquired about Fire Station No. 3.

City Manager Hughes stated Station No. 3 does not have the same type of roof.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to Award the bid, approve and authorize the Mayor to sign the contract with Foam Experts Roofing, Inc., for roof repairs and re-roofing of Fire Station No. 2 in the amount of \$33,280.00, and to approve a budget transfer of \$35,795.00 from Fire Unreserved-Undesignated Fund Balance (029-2100) to Fire Building (029-2100-6030). Motion carried, 5-0.

20. Bid Award – Bid No. 2011-10 “Elder Gulch and East Highlands Village Storm Repairs” (Project No. sdr11001)

Councilwoman Scott stated she would like to know if the contracts on all three contracts that were signed included the clause regarding e-verify.

City Manager Hughes stated a specific clause does not state e-verify but it does state in the contract documents that they have to comply with all local, state and federal laws including the Immigration and Naturalization Act.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to award the contract for Bid No. 2011-10 “Elder Gulch and East Highlands Village Storm Repairs” to the responsive low bidder, Larry Jacinto Construction. Motion carried, 5-0.

21. Extension of Landscape Maintenance Contract with CAM Services

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to extend the landscape maintenance contract with CAM Services for one year for landscape maintenance of public buildings, parks and two Landscape Maintenance District annexations. Motion carried, 5-0.

22. Extension of Landscape Maintenance Contract with Lasting Images Landscape

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to extend the landscape maintenance contract with Lasting Images, Inc., for one year for landscape maintenance of 31 Landscape Maintenance District annexations. Motion carried, 5-0.

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

25. Application by Cal Disposal Company, Inc., and Burrtec Waste Industries, Inc., for an Adjustment in the Residential and Commercial Refuse Collection Rates in Accordance with the Current Franchise Agreements Dated November 1, 2006

Mayor McCallon opened the public hearing.

Public Services Manager Morgan stated tonight staff is presenting the annual rate increase for solid waste rates in the City of Highland for not only residential, commercial and construction and demolition. Beyond the staff report she would like to point out a few facts. The residential rate is being proposed to increase by \$0.07 a month; the senior rate is being proposed to increase by \$0.05 a month. This is the first increase to that rate since 2006 so we have been able to hold it stable for that long. One of the reasons why we are not experiencing a higher increase is because the revenue from recycling has flipped again. Last year we were paying \$0.04 to get rid of recycling and this year we are actually getting a \$0.44 cents revenue stream. This is a direct offset to that rate.

Mayor Pro Tem Lilburn stated please explain that. Are we getting money back because our recycling program is doing so well?

Public Services Manager Morgan stated the market for recycling actually crashed between 2007 and 2008 and well into 2009. It's starting to come back now. What we see is a projection from the previous years. This is the increase that the revenue that we experienced in 2010. So, in prior years we actually had to pay a processing fee of about \$0.04 to process all the recycling that we are collecting curbside. Now we are actually receiving revenue of about \$0.44 cents per household. That is a direct benefit to that rate structure. The rate increase does include a very small CPI to the street sweeping component and the service hauler component, 1.77%. The commercial rate structure, a typical service, is usually a 3 yard bin with a once a week pick up for commercial services. This is experiencing a \$2.40 increase. It's the tipping fee passed through from the County. We had a small increase in the tipping fee and then it's the CPI increase to those service components. One of the things she wanted to point out is that in the commercial and demolition rate structure, two separate rates were developed this year. They wanted to separate out construction demolition which is primarily concrete because sometimes there is a very good market for that and the cost of disposal is significantly less than disposing of it at the landfill. We do want to recycle it. So we created a separate rate just for those roll offs that we could actually only charge the customer the actual cost of disposal so that rate is significantly less than a normal roll off that just contains mixed waste. Then we also separated out green waste also. Those two rate structures, the customers will experience a decrease in their costs because prior to that we had one cost just for roll offs and it didn't matter what was in it. She also wanted to mention staff did receive two protest letters. A notice was mailed to every rate payer in the City.

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

Councilwoman Scott inquired if the protest letters were from residential or commercial or industrial.

Public Services Manager Morgan stated they are both residential. She will have to mention both of them are complaining about a rate increase for East Valley Water District. The second one is complaining about trash on an empty lot. When she located the lot it is actually in the City of San Bernardino. They were complaining about our increase in conjunction with the rate increase of East Valley Water District.

Councilwoman Woman Scott inquired if staff responded to the letters.

Public Services Manager Morgan stated staff will respond to the letters.

Mayor Pro Tem Lilburn stated she would like to thank the haulers for keeping the rate increase at a minimal level. She would also like to recognize the fact that they also keep the senior rate at a decrease as well. Also, just to thank them for having such a great relationship with the City of Highland.

Councilwoman Scott stated she too appreciates the work staff and the haulers have done in the City. She has one request that is really dear and near to her. Send a follow truck periodically to catch the trash pickers. They are really bad in special areas and no one is at City Hall at 6:00 a.m. to call. When she went to the East Valley protest meeting and the new manager shoved the article from the newspaper under her nose and he said how are you going to vote for this? She looked at it and saw that it was for the trash rates being raised. She then said she is going to vote yes. She said what East Valley is raising would take 25 to 50 years for the haulers to get the same amount that East Valley got in one night and they have already promised they are going to give another raise the next year. Thank you for keeping it down and thank you for the service.

Councilman Racadio stated he is always amazed as when he thinks back, six years ago we incorporated the street sweeping into this contract and to have all our streets swept as a part of this contract at the rate we pay plus the pick up plus the haulers are always involved in community events which is part of the contract and he thinks it is a tribute to the company and the contracts we have. Thanks to Public Services Morgan for keeping up with this and for being a part of the community.

Councilman Timmer stated another component is the hazardous materials program and he thinks it is another long term savings. He appreciates what is being done, thank you.

Councilwoman Scott stated we still need a hotline number.

Mike Arreguin of Burrtec stated on behalf of Burrtec and he's sure with Cal Disposal as well, we appreciate the kind words said. They try to do their best and Cal and Burrtec work very closely together in providing the services here in the City of Highland. They appreciate the recognition the Council has given. They have worked with staff and it's a great staff to work with. Believe him they keep their feet to the fire in keeping our rates in line. It is evident in the rates that they try to do the best they can. We do need to go through them even though they are very minimal so that we can get the recycling credits passed as well. On behalf of their company, in particular, thank you very much and he would like to wish everyone a very Merry Christmas and a prosperous Happy New Year.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to adopt Resolution No. 2011-055, establishing rates for residential and commercial/industrial refuse collection and rescinding Resolution No. 2008-042 effective January 1, 2012. Motion carried, 5-0.

RESOLUTION NO. 2011-055
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ESTABLISHING RATES FOR RESIDENTIAL AND
COMMERCIAL/INDUSTRIAL REFUSE COLLECTION AND RESCINDING
RESOLUTION 2008-042, EFFECTIVE JANUARY 1, 2011

26. General Plan Amendment 011-002, Zone Change 011-002 and Conditional Use Permit 011-004 for Arnott Family Enterprises

Mayor McCallon opened the public hearing.

Community Development Director Jaquess stated a real brief background. The property that we are dealing with is located along Santa Ana Canyon Road between Greenspot Road and Seven Oaks Dam. These properties had been used for private business purposes since the dam was constructed. Staff had never realized that and thought they were all related to the construction and maintenance activity of the dam. Until there was a fire on the property and we discovered, in fact, they were private businesses occurring. In checking the zoning, the zoning was agri-equestrian for the most part and those uses were not a permitted use. In order to cure the fire damage and to legalize the businesses in working with the property owner, it was determined that it would be best to change the General Plan and re-zone the property to a land use district that accommodates the uses better. Therefore, staff's suggestion and the applicant concurred, they applied for a General Plan amendment and zone change to Open Space. That actually sounds like it would not be compatible with the businesses but in fact our Open Space district is written in such a way that it's very compatible with most of the businesses that were operating. There was a contractor storage yard there that was not able to be accommodated and that business is in the process of relocating to a site that is zoned industrial within the City of Highland. The Arnott business which is in a modular structure and the adjacent business which was a headstone engraving business was able to be

accommodated within the Open Space district and the headstone business required a conditional use permit which is part of this package tonight. In doing this analysis, staff also determined that the surrounding properties which was all publically owned land, owned by the Flood Control District and Water Conservation District, was really also inappropriately zoned residential. We expanded the General Plan amendment and zone change to include five other properties for a total of seven properties which is about 104 acres now involved in the zone change to Open Space. All the property owners were notified and they all were comfortable and supportive of the zone change including the Flood Control Districts which we had met with and discussed with. The only issue that came up for discussion at the Planning Commission dealt with a condition that was requesting a dedication of a trail easement in the Santa Ana Canyon Road up to the property. It is a privately owned road, owned by Flood Control; it is not a public road. Acknowledging that there was multiple districts involved we adjusted the condition of approval to add language to say that was a requirement unless it was deemed to be infeasible due to a variety of political or technical reasons that we could not get all the property owners to agree. That language, he is not quoting verbatim, but that language that was worked out was agreed to by the applicant and his representative. Planning Commission recommended the re-zoning and all properties are in agreement with it and it is being recommended to the Council.

Mr. Pat Meyer, Arnott Family Enterprises Representative, stated they appreciate the help that staff gave us over the course of the last year. They found themselves in a real awkward land use situation where the Arnott Family had leased this property to Flood Control during the construction of the dam and then once they were done they turned it back to them and they had built structures and things. Evidently some of this was not permitted and so forth. We ended up working with staff very carefully over the last several months and came to an amicable conclusion. They agree with the staff report and will comply with all the conditions of approval and they hope Council approves this request tonight so they can become legal and proceed.

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

Councilman Racadio stated it appears to him that if they had known of the situation, the property owner was fully aware of the zoning implications and then when we did the General Plan this would have all be included would it had not?

Community Development Director Jaquess stated it could have been had we realized it when we did the General Plan.

Mayor Pro Tem Lilburn stated we are only allowed so many zone changes.

Community Development Director Jaquess stated General Plan amendments and this is the only one we have done in several years. We are allowed four.

Mayor Pro Tem Lilburn inquired who pays for this.

Community Development Director Jaquess stated the applicant Mr. Arnott and the Arnott Family paid for the General Plan amendment and the zone change.

Mayor Pro Tem Lilburn stated she noticed in the staff report that we had to send something to the NAHC or something and they wanted to record that. What does that have to do with this?

Community Development Director Jaquess stated anytime there is a General Plan amendment it is required by State law that we notify the State Office for Indian Affairs and we also have to notify the local tribes, which we did and they did not have any concerns.

Councilwoman Scott stated the area that is medium density on the map, is that all flood plain; it's on both sides of the Santa Ana.

Community Development Director Jaquess stated the area is planned development for medium density but its planned development designation. We are changing that to where it's in the flood plain to Open Space.

Councilwoman Scott inquired that is County?

Community Development Director Jaquess stated the area that is colored in blue on the map is owned by County Flood Control.

Councilwoman Scott stated the light green is actually Arnott property.

Community Development Director Jaquess stated well not exactly. The General Plan does not follow property lines. So you almost have to go to the aerial photograph to get the actual property boundaries worked out. The Arnott property is about 15 acres of land and the Flood Control was about 88 acres of land.

Councilwoman Scott stated none of this was for the K-Rat?

Community Development Director Jaquess stated no.

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

1. Adopt a Negative Declaration for the Project and instruct staff to file a Notice of Determination;
2. Approve Resolution No. 2011-056 adopting the General Plan Amendment to portions of the Land Use Element (Chapter 2) which include amending the General Plan Land Use Map Figure 2-2, designating the approximate 104 acre site as Open Space (OS) and updating the land use statistics table (GPA 011-002);
3. Introduce Ordinance No. 365 amending the City's Official Zoning Map to rezone the approximate 104 acre site to Open Space (OS) (ZC011-002); and
4. Approve Resolution No. 2011-057 adopting Conditional Use Permit 011-004, subject to the Conditions of Approval and Findings of Fact for Arnott Family Enterprises (Highland Granite). Motion carried, 5-0.

RESOLUTION NO. 2011-056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY HIGHLAND, CALIFORNIA, DETERMINING THAT A NEGATIVE DECLARATION IS THE APPROPRIATE ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED GENERAL PLAN AMENDMENT (GPA 011-002) AND ADOPTING THE GENERAL PLAN AMENDMENT TO PORTIONS OF THE GENERAL PLAN LAND USE ELEMENT (CHAPTER 2) FOR AN APPROXIMATE 104 ACRE SITE LOCATED IN THE VICINITY OF GREENSPOT ROAD AND SANTA ANA CANYON ROAD TO OPEN SPACE (OS).

City Clerk Hughes introduced Ordinance No. 365:

ORDINANCE NO. 365

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP AS ADOPTED BY THE CITY OF HIGHLAND (ZC 011-002)

which title was read.

RESOLUTION NO. 2011-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DETERMINING THAT A NEGATIVE DECLARATION IS THE APPROPRIATE ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED CONDITIONAL USE PERMIT AND APPROVING CONDITIONAL USE PERMIT (CUP 011-004) SUBJECT TO THE CONDITIONS OF APPROVAL FOR HIGHLAND GRANITE

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

27. Recycling Centers (Major and Minor Facilities)

Community Development Director Jaquess stated this item was brought to the Council for discussion by request of Mayor Pro Tem Lilburn who identified an issue of potential concern in which she requested the Council discuss. The staff report gives background on the laws and a map showing the small recycling facilities in the City of Highland. There are seven recycling facilities including small ones and one large one. City Planner Mainez and Public Services Manager Morgan are available to make a presentation if Council chooses to.

Mr. Rick Martinez, Amigos Recycling Incorporated, stated he has been owner of Amigos Recycling for 15 years. He was visited today by Mayor Pro Tem Lilburn and was asked to speak at tonight's Council meeting. Initially when he first opened for business former City Manager Racadio was the one to do a site inspection and was given the information needed to develop a recycling facility in the area. Now the City of Highland is allowing other recycling centers to open. He is questioning this action. It is going to be a matter of time where there will be a great deal of tin and iron stacked up, car bodies, furniture and everything that is made from steel. He has visited the facility on Base Line and it is already accumulating an amount of tin and iron that he does not think they are prepared to move.

Mayor Pro Tem Lilburn stated first she would like to thank Mr. Martinez for coming and speaking to the Council. She has visited all the recycling sites. Keep in mind we also have some recycling centers that are on the sphere of influence that serves the City of Highland as well. She felt this was important because she feels every single facility is on the western portion of Highland and just because you live on the west side does not mean you are poor and you do not appreciate the City. Part of her job is to improve and make certain we support the integrity of the beautification of the west side. She does not want to become a piece of San Bernardino and she sees what these recycling centers are doing. She understands the recycling and knows they are needed in the City but we are spending \$2 million on a beautification project on Base Line and a beautiful new Dairy Queen and then we stick in a recycling center who was asked to leave the City of San Bernardino because of cleanliness. This center stated they came to Highland because there are fewer restrictions than the City of San Bernardino. These recycling centers bring people who do not live in the area but come to sort through our trash for recyclables. She would like to see a stop to approving recycling centers.

Mayor McCallon inquired if Mayor Pro Tem Lilburn is also rejecting those recycling centers which are located in the shopping centers which are recycling the CRV or is she referring to the kind of facility located on Base Line.

Mayor Pro Tem Lilburn stated she visited seven out of the eight, she did not visit the one in the Albertson's Shopping Center but she has been there previously. Two out of the seven facilities she visited were clean. Mr. Martinez, Amigos Recycling, even has a camera videoing those who are recycling certain types; brass, copper, aluminum and steel. One facility was so clean she had to ask why their facility was clean as opposed to the others. Their response was because they will take anything. They do all kinds of activities and are not just for recyclables. They have trailers backed out of their property and they are being used for signs.

Mayor McCallon stated he completely agrees. He does not think it is appropriate to have the kind of recycling center which is located on Base Line in a retail or commercial zone. It is more appropriate that we have them be in an industrial zone. He would ask staff to inform the Council on what they need to do to make this happen.

Councilwoman Scott stated two months ago, her neighborhood watch, sent in the minutes requesting for the City for verification because there was a rumor of a recycling center being started. Their request was never responded to. She, too, lives on the west side and anyway you view it we are still Highland but still we are divided east and west. Seven of the eight recycling centers are within two miles of her home plus the one which belongs to San Bernardino. She would suggest the City have no recycling centers be within two miles of each other. Here we are beautifying Base Line and then we have two recycling centers across the street from each other. It is inviting for shopping cart pickers to come to our City because we have one on every corner.

Councilman Racadio stated he too agrees with the Mayor and Mayor Pro Tem. He would like to see some analysis of this item in relation to our zoning. Also, if we could do it in a way where it would enable us to still receive our Cal recycling funding. It sounds to him a big part of the problem is Code Enforcement of making sure these smaller ones are operating in conformance of our code.

Councilman Timmer stated he drove by Hillview and Base Line and saw the fences going up. What is the status of this approval? He noticed the fences are coming down.

Community Development Director Jaquess stated the only ones that are approved are the ones that are on the map which is part of your staff report.

Councilman Timmer stated he knows under State law they are allowed to put in the mini recycle facilities at the supermarkets. What are they allowed to recycle at this type of facility? He has seen some are clean and some are getting stockpiled with miscellaneous items which may or may not be recycled. He feels the City is being inundated with these facilities.

City Manager Hughes stated he would like to make a recommendation at this point and have staff bring back this item to the January Council meeting, a temporary moratorium on any new recycling facility in the City of Highland, while staff reviews this issue and bring back some recommendations to the Council.

28. Bid Award – Bid No. 2011-11/Project No. str07003 “Base Line Town Center Beautification (Cole Avenue to State Route 210)”

City Engineer Wong gave a brief review of the staff report. He has a correction to make to the fiscal impact paragraph. It states the project is funded by a combination of State Transportation Enhancement Grants \$650,000, Federal Highway Safety Improvement Grant \$300,000, SANBAG Locals Fund \$770,000 and City RDA Funds \$346,000. The City RDA Funds needs to be replaced at this time by General Capital financing funds because of the ongoing court issues with RDA. The award of this contract has to be awarded under the City’s General Capital Financing funds with the understanding of if in the future the court issues regarding RDA is cleared, then we will replace the funds with RDA funds.

Councilwoman Scott stated now when the RDA funds come back to the City then the General Fund will be reimbursed.

City Manager Hughes stated yes, we will transfer the monies back.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to approve the construction plans, specifications and contract documents of, and award the construction contract for Bid No. 2011-11 “Base Line Town Center Beautification” to the responsive low bidder, Sequel Contractors, Inc., and also if there are RDA funding available in the near future, the \$346,000 will be used to replace the funding used from the General Capital Financing. Motion carried, 5-0.

29. Bid Award – Bid No. 2011-09 “Boulder Avenue Improvements and Bridge Replacement over City Creek from 500’ South of Base Line to Eucalyptus Avenue” (Project No. brg04004)

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

Councilwoman Scott inquired if having built a previous bridge was criteria for any of the bidding companies.

Assistant Public Works Director Barton stated yes, that is part of the process of going through to see if they have the experience. The Griffith Company has constructed several and they have been around for a long time.

Councilwoman Scott inquired what the cost overrun is.

City Engineer Wong stated we are not asking to pre-authorize any cost overrun on this project. The Council's policy is that staff can approve only up to 10% and anything of the 10% has to come to Council for approval.

Councilman Timmer stated the bid amount, assuming it is the cost of the bridge to be built, however, does not include the one and half million dollars for the Kangaroo Rat and it does not include the \$150,000 for the other animal listed in the next agenda item so the real cost of the bridge is \$600,000 more than the listed amount.

Assistant Public Works Director Barton stated this is just construction.

Mayor McCallon inquired if the bridge will be completed in 10 to 12 months.

Assistant Public Works Director Barton stated we are estimating 12 months but there are always issues that may arise including weather constraints. It will more than likely start construction in the beginning of February 2012.

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

1. Approve the project plans and contract plans and specifications;
2. Find discrepancies in the bid minor irregularities and waive same;
3. Award the contract for Bid No. 2011-09, "Boulder Avenue Improvements and Bridge Replacement over City Creek from 500' South of Base Line to Eucalyptus Avenue," to Griffith Company; and
4. Authorize the Mayor to execute the contract. Motion carried, 5-0.

30. Purchase of SAWA Mitigation Credits for Boulder Avenue Bridge Project

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

A MOTION was made by Councilwoman Scott, seconded by Councilman Racadio, to authorize the purchase of mitigation credits from Santa Ana Watershed Association in the amount of \$150,000 to mitigate impacts for the Boulder Avenue Bridge Project. Motion carried, 5-0.

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

Mayor McCallon stated SANBAG approved funds totaling \$275,000 for transit access improvement projects in the City of Highland. SANBAG also released the RFP for the preparation of the preliminary engineering and environmental document for the 210 widening. SCAG's Regional Council released the draft for the Regional Transportation Plan for public comment and also released the preliminary RHNA numbers to all the jurisdictions.

Mayor Pro Tem Lilburn stated the SBX project is continuing forward with construction beginning shortly.

Councilman Racadio stated he attend the League of California Cities Board meeting in San Diego.

City Manager Hughes stated the City of Highland was notified today that the TIGER Grant has been rescinded by the Department of Transportation because of the joint application process. The City of Highland was the lead and we also had IVDA and the City of San Bernardino as co-signers on the document and because of this they have rescinded the award due to the ongoing investigation by the FBI of IVDA.

32. San Bernardino International Airport Authority and IVDA

Councilman Racadio stated he is very impressed with the new Executive Director, A.J. Wilson, who has really brought in a new approach in trying to turn this issue around.

ANNOUNCEMENTS

December 27, 2011

City Council Meeting - Dark

CLOSED SESSION

At 7:28 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 8:19 p.m., the City Council and Redevelopment Agency convened into closed session making no announcements.

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 8:21 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor