

**MINUTES  
CITY COUNCIL REGULAR MEETING  
MARCH 27, 2012 - 6:00 p.m.**

**CALL TO ORDER**

The regular meeting of the City Council 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 Chalon Linton of The Church of Jesus Christ of Latter Day Saints 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**

No reportable action

**SPECIAL PRESENTATIONS**

None

**COMMUNITY INPUT**

None

**CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR**

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to approve the Consent Calendar as submitted. Motion carried on a roll call vote, 5-0.

1. Waive the Reading of All Ordinances  
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – March 13, 2012 City Council Regular Meeting  
Approved the Minutes as submitted.
3. Warrant Register  
Approved Warrant Register No. 538 for March 27, 2012, in the amount of \$695,478.66 and Payroll of \$77,311.63.

4. Conflict of Interest  
Approved the Successor Agency's Conflict of Interest Code, and Designated the City Clerk of the City as the Filing Officer for Reports Required to be Filed Pursuant to the Conflict of Interest Code.
5. Request for Co-Sponsorship by the "Highland Relay for Life" for the Fifth (5th) Annual "Relay for Life" from May 19 through May 20, 2012, at the Highland Community Park
  1. Approved the Highland Relay for Life request for co-sponsorship (waiving of City fees in the amount of approximately \$2,540.00);
  2. Authorized the use of the City logo for Relay promotional items; and
  3. Authorized staff to install a street banner for the event across Base Line.
6. Trail Grant Award from Neal Derry, County Supervisor, Third District, in the Amount of \$37,000 to Supplement the City's Existing Nature Education Facilities Program Grant \$130,400 Grant award for the City's "Natural Parkland & Nature Education Trail Program")  
Acknowledged the receipt of a Trail Grant from Neil Derry, County Supervisor, Third District, in the amount of \$37,000 to be applied to the City's existing "Natural Parkland & Nature Education Trail" project.

#### **CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING**

7. Highland Municipal Code Amendment to Chapter 8.24 – Fire Sprinkler Systems of the Highland Municipal Code in Its Entirety

Mayor McCallon opened the public hearing.

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

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

Councilman Racadio stated the California Fire Code now requires fire sprinklers in all residential homes.

Community Development Director Jaquess stated correct, newly constructed homes. Staff has also written into the Code specific exceptions for clarification to when homes would not be required to have the sprinklers, even for new construction. Basically for detached garages, carports and patios which are open on two sides and patios which are built with non-combustible materials.

Councilwoman Scott stated if there is a dwelling which completely changes, maybe adding some footage, would they be required to upgrade to the sprinkler systems.

Community Development Director Jaquess stated if they add 50% or more on an existing dwelling.

**A MOTION** was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to introduce Ordinance No. 367 to amend Chapter 8.24, Fire Sprinkler Systems, of the Highland Municipal Code in its entirety. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 367:

ORDINANCE NO. 367  
AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA,  
AMENDING CHAPTER 8.24 FIRE SPRINKLER SYSTEMS OF THE  
HIGHLAND MUNICIPAL CODE RELATING TO THE DESIGN AND  
INSTALLATION OF FIRE SPRINKLER SYSTEMS IN ALL BUILDING TYPE  
OCCUPANCIES WITHIN THE CITY OF HIGHLAND

which title was read.

**CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE**

8. Select the Firm of White Nelson Diehl Evans LLP as the City's New Auditors and Authorize Staff to Prepare the City's Standard Professional Services Agreement with the Amounts listed in the Request for Proposal to be Signed by the City Manager and Approved by the City Attorney

Director of Administrative Services Dantuono stated the City Council directed staff to conduct RFP's for auditing services. The Finance Subcommittee conducted interviews in February, interviewing all six firms. The Subcommittee recommended White Nelson Diehl Evans primarily due to their extensive experience auditing cities.

Councilman Racadio stated he is a member of the Subcommittee. Every one of the six firms was very well qualified. White Nelson Diehl Evans has eighteen current cities and thirty special districts. If you look on page 40 where White Nelson Diehl Evans has listed their references, they have been with the City of Westminster for fifteen years, City of Cerritos for 39 years, City of Hesperia for 15 years, City of Lakewood for 38 years and Signal Hill for 50 years. He was very impressed with this firm.

Mayor Pro Tem Lilburn stated she was opposed to approving our previous auditing firm because she felt we had been with them way too long. She wanted to express her appreciation going to a new auditing firm.

Ms. Daphne Munoz, Partner of White Nelson Diehl Evans LLP, stated she would like to thank the members of City Council for the opportunity to serve as the City's auditors for the next three years.

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to approve the selection of White Nelson Diehl Evans LLP as the City's new auditors; and to authorize staff to prepare the City's standard Professional Services Agreement with the amounts listed in the Request for Proposal to be signed by the City Manager and approved by the City Attorney. Motion carried, 5-0.

9. Extension of Redflex Traffic Systems, Inc. (Red Light Camera) Contract

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

Mayor McCallon asked what type of traffic collisions are these.

Sergeant William Freund stated at Victoria and Highland, there was an increase of two accidents but it was determined the accidents were higher than the recorded accidents during the months of September 9, 2010 through May 11, 2011, when construction was being done. These accidents were considered minor, injury to property damage only. We have had no fatalities and no major injuries.

Councilwoman Scott stated Base Line and Sterling went down, how many.

Sergeant William Freund stated Base Line and Sterling went down, three. We had in 2010 we had seven accidents and in 2011 we had four. It has progressed downwards since 2009.

Councilman Racadio stated he feels this is a benefit to the public safety of the community. He knows some cities are backing away from this but he feels this is a real value to the community.

Mayor McCallon stated as you recall, last time this item was reviewed he was opposed to this. These cameras were installed to try and prevent the kinds of accidents where people run the red lights. His concern is some of these accidents which occurred in 2009 were rear end types because people were trying to stop because the light was changing and knew there was a camera. He is not convinced the red light cameras have served the purpose that they were installed for. He is going to oppose the extension of the contract.

Councilman Racadio stated he had a conversation with a citizen about the red light cameras and the citizen stated the city is just trying to increase revenue. Well this is expensive and the City has generated approximately \$60,000 more than the cost of it but you can see by the list of projects, we are going to be putting in more crosswalks with the light on them. On Victoria and Base Line there is a lighted street sign, that's where the money goes. It goes back into public safety. The Subcommittee was originally going to recommend a two-year extension but because it was a sensitive issue, it was recommended to go with a one-year extension.

Councilman Timmer stated he would be interested in recommending a two-year extension because there is significant savings in doing so. General funds are only going to get tighter even though this money is going towards safety issues, therefore, he sees this as a good funding source. Plus he believes it makes the intersections safer.

Director of Administrative Services Dantuono stated he does not believe there is a cost savings in doing a two-year extension. He believes it was a three-year extension where the cost savings began.

Councilwoman Scott stated the accidents which occurred at Highland and Victoria, the dates in which these accidents occurred can be attributed to the construction which was taking place at the time.

Sgt. William Freund stated that is correct.

Mr. Bob Hickman, Redflex Traffic Systems, stated in discussing the extension versus a two-year contract, there was a savings. The current cost per approach each month is \$6,153 and with a two-year renewal it would reduce the current fee down to \$5,750 per approach per month.

Councilwoman Scott asked does this cost include the officer's time to review the tapes.

City Manager Hughes stated that is not included in this cost; that is separate. There still is another cost. This cost is almost hard to quantify due to it is part of an SSS position and then the traffic officer also spends time reviewing them as well and there's court time if they have to appear in court.

Councilwoman Scott stated what is our liability as there are other cities who are facing lawsuits against the cameras.

City Manager Hughes stated he cannot speak for liability but you can be sued for anything at any time. We deal with lawsuits constantly.

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to approve a two-year contract extension and authorize staff to send a letter to Redflex notifying them of this. Motion carried, 4-1, with Mayor McCallon dissenting.

10. Code of Ethics

Mayor McCallon stated he requested this item on the agenda for two reasons. One being the Code of Ethics requires City Council to review it annually. Two being he thinks it is important for the City Council to periodically review what each member has committed themselves to do.

Councilman Racadio asked if there any changes.

Mayor McCallon stated no, but he would like to point out some items. Under the Conflict of Interest area where it states, "In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest." On item twelve, Representation of Private Interest, "Members of Council should not appear on behalf of the private interest of third parties before the Council or any Board, Commission or proceeding of the City. Nor shall members of Boards and Commission appear before their own bodies or before the Council on behalf of private interest of third parties and that relates to the areas of service of their bodies." Item fifteen states, "Because of the valor of the independent advice of Boards and Commissions to the public decision making process, members of Council should refrain from using their position to influence the deliberations or outcomes of Boards and Commission proceedings." Item seventeen states, "As an expression of the standards of conduct for members expected by the City of Highland's Code of Ethics has intended to be self enforced." Number eighteen states, "The Highland Code of Ethics expresses standards of ethical conduct expected from members on City Council, Boards and Commissions, members themselves have the primary responsibility to ensure the ethical standards are understood and met and the public can continue to have full confidence in the entirety of the government."

Councilman Racadio stated he appreciates Mayor McCallon bringing this item for review and it is good to have a reminder.

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

Mayor McCallon stated SANBAG has hired a new Executive Director and will be joining the staff soon. SCAG has adopted the RTP and SCS.

City Manager Hughes stated Councilwoman Scott had some concerns regarding a potential Goodwill store which is potentially being placed in the Albertson's shopping center. Staff will brief the Council on this type of retail development coming into the community.

Community Development Director Jaquess stated staff has not heard anything from any official channels or from Goodwill. There currently is a Goodwill retail store in the Albertson's shopping center. Rumor has it that Goodwill is looking into moving into a larger space within the shopping center. The zoning is general commercial and it does allow second hand stores and retail stores to be present subject to staff review. Staff believes it would be an approved store under the current code at that location.

Councilwoman Scott stated staff has a copy of the hand drawn demolition plans.

Mayor McCallon stated he spoke to the Goodwill Head in this area and this person stated Goodwill is looking at putting a larger retail store in the Albertson's center.

Councilwoman Scott stated she has heard the rumor from several people. It was supposed to be a furniture store to begin with and now it is a full fledged thrift shop with dressing rooms.

Mayor Pro Tem Lilburn stated is Councilwoman Scott's concern being this type of businesses in our community.

Councilwoman Scott stated yes, going into a family shopping center.

Councilman Timmer stated it is already there.

Councilwoman Scott stated no, what they have now is a very small area which is a second hand book store. We are talking 10,000 square feet plus with trucks and the whole bit.

Mayor McCallon stated it is a permitted use for that zone.

Councilwoman Scott stated she believes before the project is approved it should be brought in an open meeting and give the public a chance to express their opinion.

Mayor McCallon stated why would we single out this store as opposed to any others that are permitted uses.

Councilwoman Scott stated for instance in the old Kmart building and WalMart wanted to come in. Do you not think you would have a bunch of people that would be complaining about this or would want to have a say about it.

Mayor McCallon stated that would require a CUP and it would go before the Planning Commission but a permitted use doesn't require a CUP.

Mayor Pro Tem Lilburn stated she understands what Councilwoman Scott is stating. We are trying to bring in quality businesses and when a business goes away we continue to put in second hand stores.

Councilman Timmer stated if it is a permitted use, there is not much we can say unless we change the uses in the General Plan. That is the only option we have at this point.

Councilwoman Scott stated it may be a permitted use but they still need to have written guidelines such as where they can park their trucks, where they will unload and where people will unload what they are bringing in.

Mayor McCallon stated that is all covered under the existing CUP for the total shopping center in terms of trucks and operating hours.

Councilwoman Scott stated she wants to make sure they unload behind the building. If you visit the Goodwill store on Highland Avenue and you will see the trucks in the front of the store.

12. San Bernardino International Airport Authority and IVDA

Councilman Racadio stated they will be acting on a RFQ for engineering design work for the airport improvements and for the site where the Sheriff Aviation will be located.

**ANNOUNCEMENTS**

March 29 & 30, 2012	City County Conference
March 31, 2012	Citrus Harvest Festival
April 3 to April 6, 2012	Public Safety Appreciation Week & Potluck
April 21, 2012	Open House – Fire Station #2
April 25, 2012	Walk to School Day at Cypress Elementary
April 26, 2012	Arbor Day Ceremony, Location TBD
April 28, 2012	Police Station Dedication Ceremony

**CLOSED SESSION**

None

## ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 6:58 p.m. in memory of Dorothy Ingram and Paul Lienhard.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Larry McCallon  
Mayor