

**MINUTES  
CITY COUNCIL REGULAR MEETING  
JUNE 25, 2013 - 6:00 p.m.**

**CALL TO ORDER**

The regular meeting of the City Council of the City of Highland was called to order at 6:08 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Lt. Coronel Todd Linton, Church of Jesus Christ 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**

Rob Hinderer and Board Member Anne Viricel gave a brief presentation regarding the YMCA Annual Report.

**PUBLIC COMMENT**

Mr. Jack Jennings stated recently he spoke to Staff regarding the street lights on his street and they finally got someone out there to take care of it. While the repairs were being done on the lights that were not working, the other street lights have now stopped working and this was three weeks ago. He was wondering how he can have the other street lights repaired.

City Manager Hughes stated Public Works Director/City Engineer Wong will follow up tomorrow with Southern California Edison.

**CITY COUNCIL CONSENT CALENDAR**

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to approve the consent calendar as submitted with the exception of Item #2 and Item #9 being pulled for further discussion. 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.
3. Minutes – June 11, 2013 City Council Regular Meeting  
Approved the Minutes as submitted.
4. Claim Consideration – Elizabeth Streb  
Rejected claim.
5. Warrant Register  
Approved Warrant Register No. 565 for June 25, 2013, in the amount of \$651,383.04 and Payroll of \$72,489.72.
6. Easement Acceptance/5th Street Improvements – Phase I (Project str07002)
  1. Accepted the Grant of Easement for Road and Drainage Purposes from Dennis J. Lepore; and
  2. Directed the City Clerk to record the Grant of Easement.
7. 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.
8. Notice of Completion – “Jerry Lewis Community Center Gymnasium Floor Replacement” (Bid No. 2012-14)
  1. Accepted “Jerry Lewis Community Center Gymnasium Floor Replacement” (Bid No. 2012-14) as complete;
  2. Authorized the Mayor to sign the Notice of Completion; and
  3. Directed the City Clerk to file the Notice of Completion.

#### **ITEMS PULLED FROM CONSENT CALENDAR**

2. Minutes – May 28, 2013 City Council Regular Meeting

Councilwoman Scott stated she does not know if it should be a correction or not but in the beginning where it states the special presentations, the way the minutes read, it reads like Michael Willhite was here and accepted the proclamation. Mr. Willhite was absent, it should be clarified.

**A MOTION** was made by Councilwoman Scott, seconded by Councilman Racadio, to approve the Minutes as amended. Motion carried, 5-0.

9. Notice of Completion – Bid No. 2012-06, “Pavement Rehabilitation, Bikeway, and Nature Trail Staging Area Improvements” as Complete

Councilwoman Scott stated on page two, she does not understand it because the hydroseed was supposed to be included, and because it was not done in a timely manner it did not germinate so it is going to be reapplied. Are we going to have to pay again?

Assistant Public Works Director Zamano stated we are actually not going to pay again. The contractor has agreed to deduct this \$1,500 from their retention. When they come back to do the work we will then pay to apply the hydroseed.

Councilwoman Scott asked he is deducting this from this round, but when he does do it, the price will not go up?

Councilman Timmer stated this is a compliment to Public Works Director/City Engineer Wong and his staff. If you look at all the funding sources they use and what the City paid for over \$2 million of projects, we paid \$64,000 of development impact fees. That is pretty good maximizing the use of our dollars.

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

1. Accept Bid No. 2012-06, “Pavement Rehabilitation, Bikeway, and Nature Trail Staging Area Improvements” as complete;
2. Authorize the Mayor to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion. Motion carried, 5-0.

## **CITY COUNCIL PUBLIC HEARING**

10. Street and Drainage Maintenance District 96-1 Annual Report (Fiscal Year 2013-

Mayor McCallon opened the public hearing.

Public Services Manager Morgan stated tonight is the protest hearing to levy the assessments of the Street and Drainage Maintenance District. As you remember, this item was brought to you previously on May 28, 2013. Staff Report was given at this time and this is the protest hearing for the residents to make any protests that they would like to do and adopt the Resolution to order the continued maintenance and affirming the assessment of the levy.

Councilman Racadio inquired if we received any written protests?

Public Services Manager Morgan stated she did not receive any written protests.

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

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to approve Resolution No. 2013-028 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 2013-14. Motion carried, 5-0.

RESOLUTION NO. 2013-028

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 2013-14

11. Consolidated Landscape and Lighting District 96-1 Annual Report (Fiscal Year 2013-14)

Mayor McCallon opened the public hearing.

Public Services Manager Morgan stated this is our second meeting on this item. It was previously presented at the May 28, 2013 Council meeting. This is the protest hearing for any residents to lobby any protests. She has not received any written protests on this item. This will be the meeting to adopt the Resolution to order the continued maintenance and affirm the levy.

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

Councilwoman Scott stated there are quite a few places that there is a zero and she was wondering why.

Public Services Manager Morgan stated in the landscape zones if it shows a zero through the whole columns it is because it is normally a commercial property and the commercial business owner maintains the property, the parkway. If we have the zone in place, in case that business owner fails to maintain it at our standards, then we can come in and start assessing them and start maintaining it.

Councilwoman Scott stated she guesses what tweaked her on this was that she thought that was why, and she is looking on page six for the Smith's, or now we know it as Food 4 Less, that is not maintained.

Public Services Manager Morgan asked the parkway or the interior business? This would only concern the parkway. This does not concern the interior of their business property.

Councilwoman Scott asked why would Mountain Shadows be there, that's San Bernardino.

Public Services Manager Morgan asked which zone are you speaking of?

Councilwoman Scott stated page seven, B36.

Public Services Manager Morgan stated B36 is Tract 16543 and it is areas along Boulder Avenue adjacent to lots two through seven.

City Manager Hughes stated it is a small housing development and they may have called it Mountain Shadows but it is a small tract.

Public Services Manager Morgan stated it is only seven lots and that parkway is at the back of the tract and faces Boulder Avenue.

Councilwoman Scott stated Farmer Boys on page eight, there is nothing there but yet just below Farmer Boys we are going to have the Fifth Street medians.

Public Services Manager Morgan stated Farmer Boys has two ballots. One was for their parkway which is zero because they are maintaining it, and as long as they continue to do so it will always stay zero, but there are planned medians on Fifth Street. So they signed a ballot for that to share their costs but we will not start assessing them until those medians are going to be built.

Public Works Director/City Engineer Wong stated there are no immediate plans to build that median, but the City's General Plan indicates that a future median one day will be built there. What we have is an advanced commitment from Farmer Boys that when the future median is built by someone then they will pay for the maintenance.

Councilman Racadio stated there is a process to get out of the Landscape Maintenance District. Now with these commercial projects, do we have a Development Agreement that says either you stay in or you make the payments to maintain these areas?

Public Works Director/City Engineer Wong stated he does not know of any mechanism that can establish a maintenance district. Once you are annexed, you are annexed.

Councilman Racadio stated he thought if you got enough of the registered voters to oppose it that there is a way out of the Landscape Maintenance District. Could they dissolve the District that they are in or it would be whole city-wide?

City Attorney Steele stated it would be the whole district.

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to approve Resolution No. 2013-029 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 2013-14. Motion carried, 5-0.

RESOLUTION NO. 2013-029

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 2013-14

**CITY COUNCIL LEGISLATIVE**

12. Albert A. Webb Associates Professional Service Agreement Change Order No. 3 – Budget Augmentation/Scope of Work to finish the Environmental Impact Report Document for Harmony Specific Plan (City Council Agreement Initially Approved on August 2, 2011)

Community Development Director Jaquess gave a brief review of the Staff Report.

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to approve Albert A. Webb Associates Change Order No. 3 in the amount not to exceed \$67,270.00 to complete the subject Specific Plan Environmental Impact Report, and approve City Budget Adjustment of \$67,270.00 to be transferred from 001-2100 (unreserved, undesignated) to 001-4100-4554 (Planning Contract Services – Consultant). Motion carried, 5-0.

13. Funding Contribution and Easement Acceptance/Aloe Court Widening Improvements

Public Works Director/City Engineer Wong gave a brief review of the Staff Report.

Councilwoman Scott stated the City will be paying \$21,360 for the total costs of the construction at \$24,000 and this was 2013. Yet in 2009 it said the estimated costs would be over \$50,000, what's the difference?

City Manager Hughes stated it was also the purchase of the right-of-way.

Councilman Timmer stated before they wanted us to buy the right-of-way to widen the street and that is now being eliminated, that's where the difference is.

**A MOTION** was made by Councilman Timmer, seconded by Councilman Timmer, seconded by Councilwoman Scott to:

1. Accept funding contribution, in the amount of \$2,640, from property owners on Aloe Court to widen the west side of Aloe Court, south of Water Street;
2. Accept the Grant of Easement for road and drainage purposes from Raquel Rocha; and
3. Direct the City Clerk to record the Grant of Easement. Motion carried, 5-0.

14. Bid Award – Bid No. 2013-02, “City-Wide Concrete Repair Project,” Project No. swk11001

Public Works Director/City Engineer Wong gave a brief review of the Staff Report.

**A MOTION** was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to award the bid to the low bidder, Avi-Con, Inc., in the amount of \$143,832.75 for Bid No. 2013-02, “City-Wide Concrete Repair Project.” Motion carried, 5-0.

15. Boulder Avenue Improvement and Bridge Replacement Project (Project No. brg04004) – Construction Contract Change Orders and Professional Contract Amendment

Public Works Director/City Engineer Wong gave a brief review of the Staff Report.

City Manager Hughes stated Public Works Director/City Engineer Wong has been hounding Caltrans and Federal. He has been very, very diligent in following up on this project. What we are trying to do with this is get this approval contingent upon the Federal dollars being released.

Public Works Director/City Engineer Wong stated we are asking the City Council to approve change orders up to 35% of the original contract amount. The Council had a policy where the City Manager is pre-authorized to approve contract change orders up to 10% but this is over the 10%. Out the 35%, the vast majority of it, 25% is for new construction items, new scope and then we have another 5% of expense that has to do with the project suspension as the project has been suspended since mid-February, and another 5% as a contingency with the remaining 2% for other known change orders that we have already approved.

Councilman Timmer asked on page six, what is the significance of the photo?

Public Works Director/City Engineer Wong stated it showcases the enhancement work.

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to approve FHWA to obligate additional federal funds under the Projects of National and Regional Significance (PNRS) Program:

- 1) Authorize change orders up to 35% of the original amount of construction contract with Griffith Company; and
- 2) Approve amendment in the not-to-exceed amount of \$250,314 of the Professional Services Contract with Harris & Associates for the Boulder Avenue Improvements and Bridge Replacement project. Motion carried, 5-0.

16. Panhandler Educational Program

Captain Torres gave a brief review of the Staff Report.

Councilman Racadio asked the 2-1-1 cards, would this be given to the businesses to hand out to their customers?

Captain Torres stated correct. In addition to the display they will have stacks of the two-in-one cards and the cards are endless.

Councilman Racadio stated he likes the concept. He feels for these people and this gives this a different experience.

Councilwoman Scott stated it would be very helpful if we had a list to assist people when they are in need but this is a great idea.

Captain Torres stated we also have a collaborative effort with Highland Community News to put together some public service announcements monthly or weekly to educate the public on the services that are available.

**A MOTION** was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to authorize the Highland Police Department to expend asset seizure funds to educate the public in services available to panhandlers and the homeless population. Motion carried, 5-0.

17. Second Reading of Ordinance No. 381 Setting the Rate of Compensation for the Highland City Council

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 approve Ordinance No. 381 setting the rate of compensation for the Highland City Council. Motion carried, 3-2, with Councilman Racadio and Councilwoman Scott dissenting.

City Clerk Hughes introduced Ordinance No. 381:

ORDINANCE NO. 381  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF HIGHLAND, CALIFORNIA, AMENDING SECTION  
2.04.010, COMPENSATION OF COUNCIL MEMBERS, OF  
THE HIGHLAND MUNICIPAL CODE

which title was read.

18. Code of Ethics

City Clerk Hughes gave a brief review of the Staff Report.

Councilwoman Scott stated she has a question on number 12 and number 13. It seems to her that they are in conflict. When East Valley Water District, for example, has their meetings here at City Hall and they want to have a rate increase, and she has come to these meeting and she has spoken at these meetings. She did not identify herself as a Council Member but she has identified herself as representing certain people because people have asked her to come and represent them.

Mayor McCallon stated number 12 deals with representation before the Council, this Council.

Councilwoman Scott stated that isn't what it says, it says any board.

Councilman Racadio stated he thinks it is City boards.

Councilwoman Scott stated it doesn't say City, it does state nor shall the members of boards or commissions appear before their own bodies or before the Council on behalf.

Mayor McCallon stated the intent was to be City board and commission.

City Attorney Steele stated he thinks it's pretty clear that it is a City board.

Councilwoman Scott stated she thinks we ought to add one more thing under number five, no texting during the meeting. She has had a lot of complaints from citizens that are out there and they say it's rude.

Mayor McCallon stated it can be a conflict issue and an ethics issue if you are receiving information especially in a public hearing that the rest of the board is not privy to. Texting from the dais is not a good policy at all.

**A MOTION** was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to make no changes to the current Code of Ethics. Motion carried, 5-0.

19. City Attorney Steele gave a brief review of the Staff Report regarding Medical Marijuana Dispensaries and Mobile Medical Marijuana Dispensaries.

- A. **A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to adopt Ordinance No. 382 of the City of Highland prohibiting the issuance of business licenses for medical marijuana dispensaries and mobile medical marijuana dispensaries, prohibiting medical marijuana dispensaries and mobile medical marijuana dispensaries from receiving compensation for cultivating, distributing, trading, exchanging, bartering or making available medical marijuana, approving an environmental exemption, declaring the urgency thereof and amending the highland municipal code. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 382:

ORDINANCE NO. 382  
AN URGENCY ORDINANCE OF THE CITY OF HIGHLAND PROHIBITING  
THE ISSUANCE OF BUSINESS LICENSES FOR MEDICAL MARIJUANA  
DISPENSARIES AND MOBILE MEDICAL MARIJUANA DISPENSARIES,  
PROHIBITING MEDICAL MARIJUANA DISPENSARIES AND MOBILE  
MEDICAL MARIJUANA DISPENSARIES FROM RECEIVING  
COMPENSATION FOR CULTIVATING, DISTRIBUTING, TRADING,  
EXCHANGING, BARTERING OR MAKING AVAILABLE MEDICAL  
MARIJUANA, APPROVING AN ENVIRONMENTAL EXEMPTION,  
DECLARING THE URGENCY THEREOF AND AMENDING THE  
HIGHLAND MUNICIPAL CODE

which title was read.

- B. **A MOTION** was made by Councilwoman Scott, seconded by Councilman Racadio, to Introduce the first reading of Ordinance No. 383 of the City of Highland prohibiting the issuance of business licenses for medical marijuana dispensaries and mobile medical marijuana dispensaries, prohibiting medical marijuana dispensaries and mobile medical marijuana dispensaries from receiving compensation for cultivating, distributing, trading, exchanging, bartering or making available medical marijuana, approving an environmental exemption, and amending the highland municipal code. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 383:

ORDINANCE NO. 383  
AN ORDINANCE OF THE CITY OF HIGHLAND PROHIBITING THE  
ISSUANCE OF BUSINESS LICENSES FOR MEDICAL MARIJUANA  
DISPENSARIES AND MOBILE MEDICAL MARIJUANA DISPENSARIES,  
PROHIBITING MEDICAL MARIJUANA DISPENSARIES AND MOBILE  
MEDICAL MARIJUANA DISPENSARIES FROM RECEIVING  
COMPENSATION FOR CULTIVATING, DISTRIBUTING, TRADING,  
EXCHANGING, BARTERING OR MAKING AVAILABLE MEDICAL  
MARIJUANA, APPROVING AN ENVIRONMENTAL EXEMPTION, AND  
AMENDING THE HIGHLAND MUNICIPAL CODE

which title was read.

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

Councilman Timmer stated he attended a meeting last week regarding Plan B and basically the lead agency is working over the past year or two with the different agencies involved and it sounds as if there is some agreement on the process again.

21. San Bernardino International Airport Authority and IVDA

None

## **ANNOUNCEMENTS**

City Manager Hughes stated the City of Highland has received another grant in the amount of \$670,000 to be used for the restoration of the Iron Bridge on Greenspot Road. He would also like to announce City Planner Mainez will be taking over as our Community Development Director effective July 1, 2013.

## **CLOSED SESSION**

None

## ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:31 p.m.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Larry McCallon  
Mayor