

**MINUTES
CITY COUNCIL REGULAR MEETING
DECEMBER 10, 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 6:02 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Bishop Troy Holmes, Church of Jesus Christ of Latter Day Saints and the Pledge of Allegiance was led by Councilman Timmer.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No Reportable Action

SPECIAL PRESENTATIONS

Mayor McCallon stated he represented the City of Highland at a Building Industry Association awards dinner in which the City of Highland was presented with a Good Government Award.

PUBLIC COMMENT

Ms. Tereza Yerimyan, Government Affairs Director of Armenian National Committee of America, stated she is not present on behalf of any foreign entity or foreign Government. She is simply present on behalf of Armenian American Constituents in the United States. She would like to express her thanks to the City for their recognition of the Naghorno Karabagh's independence and for the resolution cultivating a partner Sister City relationship with the City of Berdzor.

Mr. David Stafford, Stafford Painting, stated he had an established business and he put up steel building on his property in place of dilapidated wood buildings. Then he was informed he could not have steel buildings on Base Line. He was also informed his property will never again be commercial as it will be residential.

CITY COUNCIL BUSINESS

1. Appointment of Mayor and Mayor Pro Tem for 2013/14

City Clerk Hughes opened the floor for Mayor nominations.

Councilman Timmer nominated Sam Racadio.

Councilwoman Scott nominated Penny Lilburn.

City Clerk Hughes called for any other nominations. Hearing none, the floor is now closed for nominations.

City Clerk Hughes called for the votes for Councilman Sam Racadio.

Councilman Racadio received three votes for Mayor.

Mayor Racadio opened the floor Mayor for Pro Tem nominations.

Mayor Racadio nominated Councilman McCallon for Mayor Pro Tem

Councilwoman Scott nominated Penny Lilburn.

Mayor Racadio called for votes for Larry McCallon.

Councilman Larry McCallon received three votes for Mayor Pro Tem.

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

Mayor Racadio stated he would propose to keep the assignments for the current membership on various Council Committees, Ad Hoc and Agency Appointments as they are currently appointed.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem McCallon, to dissolve the County's Flood Control District Zone 2 and 3 Committee. Motion carried, 5-0.

CITY COUNCIL CONSENT CALENDAR

Councilwoman Scott stated she would like to add an item regarding the Sister City issue to the Agenda.

Mayor Racadio asked is the item too late for the agenda?

City Attorney Steele stated it would need a 4/5 vote and that it has come to the City's attention after the posting of the Agenda and that there is a need to take action before the next meeting.

A MOTION was made by Councilwoman Scott, no second, therefore the Motion has failed.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem McCallon, to approve the consent calendar as submitted. Motion carried on a roll call vote, 5-0, with Councilwoman Lilburn abstaining from Item #5 and Item #6.

3. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
4. Minutes – October 22, 2013 City Council Special Meeting
Approved the Minutes as submitted.
5. Minutes – November 26, 2013 City Council Special Meeting
Approved the Minutes as submitted.
6. Minutes – November 26, 2013 City Council Regular Meeting
Approved the Minutes as submitted.
7. Warrant Register
Approved Warrant Register No. 574 for December 10, 2013, in the amount of \$2,806,672.35 and Payroll of \$73,666.91.
8. Treasurer's Report for October 2013
Received and filed the Treasurer's Report for October 2013.
9. AB 1600 Development Impact Fee Annual Report for Fiscal Year 2012-2013 per Government Code Section 66006
Received and filed the AB 1600 Development Impact Fee Annual Report for Fiscal Year 2012-2013.
10. Developer In-Lieu Fee Annual Report for Fiscal Year 2012-2013
Received and filed the Developer in-lieu Fee Annual Report for Fiscal Year 2012-2013.
11. Comprehensive Annual Financial Report (CAFR), the Single Audit Report on Federal Awards, the GAS (Internal Controls) Letter, the Gann Limit (Appropriations Limit) Letter and the SAS 114 (Audit Committee) Letter. All Reports are for Fiscal Year Ended June 30, 2013
Received and filed the Comprehensive Annual Financial Report (CAFR), the Single Audit Report on Federal Awards, the GAS (Internal Controls) letter, the Gann Limit (Appropriations Limit) letter and the SAS 114 (Audit Committee) letter. All reports are for Fiscal Year ended June 30, 2013

Councilwoman Scott stated she would like to have the issue placed on the next Agenda.

Mayor Pro Tem McCallon stated he will object to this as the Council has already taken action on this item.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilman Timmer, to not reconsider the issue of Sister City. Motion carried, 3-1, with Councilwoman Scott dissenting and with Councilwoman Lilburn abstaining.

Councilwoman Scott stated she would like to make a statement, she would like to take her, she did not actually vote no, she did not say anything on the vote and so it was counted as a yes. She would like to take that no vote and make it a no.

Mayor Racadio stated in these minutes it will be noted, Councilwoman Scott meant to vote no.

Councilwoman Scott stated if you do not say anything it goes with the yes, it goes with the majority and the majority was yes.

Councilman Timmer stated for clarification, the action Council took, he thought was and he did not read all the little things but he thought we were just supporting and adopting a position as Sister City program. There are other articles floating around all over the place that we have endorsed NKR and we never did that as a Council. All we ever did was enter into an agreement to have a Sister City program between Berdzor and the City of Highland.

Councilwoman Scott stated that is why she would like to have it come back, she wants clarification that, is it just a Sister City friendship or is it recognition of that City.

Mayor Pro Tem McCallon stated by doing that you are in essence agreeing that Berdzor, that you are recognizing that it exists in that Country.

CITY COUNCIL PUBLIC HEARING

12. Municipal Code Amendment (MCA) 2013-006, an Ordinance of the City of Highland Adding Chapter 9.32 Titled "Psychoactive Bath Salts, Psychoactive Herbal Incense, and Other Synthetic Drugs" to the Highland Municipal Code to Prohibit the Distribution, Consumption and Sale of Certain Intoxicating Chemical Compounds known as Synthetic Drugs

Mayor Racadio opened the public hearing.

City Manager Hughes stated Staff has been working with the City Attorney's office and the Sheriff's Department regarding this Ordinance. It has been brought before the Public Safety Subcommittee, and the Council may be aware there is a State law which regulates these types of synthetic narcotics. However, Staff and the Sheriff's Department felt it would be good to have an extra tool in their tool box for the enforcement of these types of synthetic drugs. This allows us to have the City Attorney prosecute, if necessary, on these issues as well as State law allowing the DA to prosecute.

Mayor Racadio 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 Councilwoman Lilburn, seconded by Councilman Timmer, to:

1. Adopt a Notice of Exemption and instruct staff to file a Notice of Exemption with the County Clerk of the Board;
2. Introduce Ordinance No. 388 adding Chapter 9.32 titled "Psychoactive Bath Salts, Psychoactive Herbal Incense, and Other Synthetic Drugs" to the Highland Municipal Code to prohibit the distribution, consumption and sale of certain intoxicating chemical compounds known as synthetic drugs. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 388:

ORDINANCE NO. 388
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND
ADDING CHAPTER 9.32 TITLED "PSYCHOACTIVE BATH SALTS,
PSYCHOACTIVE HERBAL INCENSE, AND OTHER SYNTHETIC DRUGS" TO
THE HIGHLAND MUNICIPAL CODE TO PROHIBIT THE DISTRIBUTION,
CONSUMPTION AND SALE OF CERTAIN INTOXICATING CHEMICAL
COMPOUNDS KNOWN AS SYNTHETIC DRUGS

which title was read.

13. Public Hearing to Appeal the Public Nuisance Hearing Board's Decision to Uphold Administrative Citation No. 10778 Regarding the Property Located at 7862 Lankershim (Villa De La Rosa Apartments), Highland, California: Citee: JK Rentals through its Agent for Service Anil Mehta. PNHB Case No. 13-008.

Item was withdrawn at the applicant's request.

CITY COUNCIL LEGISLATIVE

14. Municipal Code Amendment (MCA) 2013-005, an Ordinance of the City of Highland Temporarily Suspending the Application of the City's Inclusionary Housing Requirements Described in Ordinance No. 306

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Lilburn, to conduct a second reading of Ordinance No. 385. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 385:

ORDINANCE NO. 385
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND
TEMPORARILY SUSPENDING THE APPLICABILITY OF THE CITY'S
INCLUSIONARY HOUSING REQUIREMENTS DESCRIBED IN
ORDINANCE NO. 306

which title was read.

15. Second Reading of Ordinance No. 386, Adoption of the 2013 California Building Code Series

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem McCallon, to approve the second reading and adopt Ordinance No. 386. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 386:

ORDINANCE NO. 386
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, REPEALING ORDINANCE NO. 357 AND AMENDING TITLE 15
OF THE MUNICIPAL CODE OF THE CITY OF HIGHLAND ADOPTING THE
2013 CALIFORNIA BUILDING CODE; VOLUMES I AND II; THE 2013
CALIFORNIA RESIDENTIAL CODE; THE 2013 CALIFORNIA ELECTRICAL
CODE; THE 2013 CALIFORNIA PLUMBING CODE; THE 2013 CALIFORNIA
MECHANICAL CODE; THE 2013 CALIFORNIA GREEN BUILDING
STANDARDS CODE; THE 1997 UNIFORM HOUSING CODE; AND THE 1997
UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS,
IMPOSING PENALTIES FOR THE VIOLATION OF SAID CODES,
AUTHORIZING THE BUILDING OFFICIAL TO ENFORCE SPECIFIED
POLICIES AND MAKING FINDINGS AS REQUIRED BY LAW RELATING TO
THE AMENDMENT OF SPECIFIED CODES

which title was read.

16. Second Reading of Ordinance No. 387, Adoption of the 2013 California Fire Code with Amendments

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem McCallon, to approve the second reading and adopt Ordinance No. 387. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 387:

ORDINANCE NO. 387
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ADOPTING AND AMENDING THE 2013 EDITION OF THE
CALIFORNIA FIRE CODE, REPEALING ORDINANCE NO. 333

which title was read.

17. Extension of City Landscape Maintenance District Contract with Common Area Maintenance

Public Works Director/City Engineer Wong gave a brief review of the staff report.

Councilwoman Scott asked is this the second reading?

City Manager Hughes stated at the previous Council meeting, the Council approved a contract with another contract firm for our facilities such as City Hall and the parks; this is for Landscape Maintenance Districts.

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

1. Approve extension of the Landscape Maintenance District contract with Common Area Maintenance for one year with a 5.3% increase of contract price for an annual contract amount of \$100,751.14; and
2. Authorize a change order in the amount of \$31,200.00 to add maintenance of LMD Nos. 44, 48A and 48B to the contract. Motion carried, 4-1, with Councilwoman Scott dissenting.

18. Bid Award – Bid No. 2013-09, “Base Line/Greenspot Road Traffic Safety and Bikeway Improvements Project” (Project No. sig13001)

Public Works Director/City Engineer Wong gave a brief review of the staff report.

Councilman Timmer stated he met with Staff earlier regarding this item and he wanted to ask what a bicycle activation system is and it was explained to him it was the same as the loops that are put in for cars, when you run over them it changes the traffic signal. On Palomino and Base Line, there is an existing storm drain system and it is behind the projected curb line. Does the project include moving that out into the street?

Public Works Director/City Engineer Wong stated this project includes street improvements between Browning, Streater and Palomino. The catch basin is east of Palomino, correct?

Councilman Timmer stated no, he believes it is on the northwest corner. It is really not a catch basin; it is just a low spot where the water comes down. He just wants to make sure if we are redoing this to move it out so it is in the normal curb line.

Public Works Director/City Engineer Wong stated he will confirm, but it will be removed and the intersection will be constructed in a way so that drainage will work properly.

A MOTION was made by Councilman Timmer, seconded by Councilwoman Scott to award the bid to the low bidder, California Professional Engineering, in the amount of \$779,598.67 for Bid No. 2013-09, "Base Line/Greenspot Road Traffic Safety and Bikeway Improvements Projects." Motion carried, 5-0.

19. Common Use Agreement with Edison Regarding Relocation of Edison's Greenspot Road Transmission Lines

Public Works Director/City Engineer Wong gave a brief review of the staff report.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilman Timmer, to:

1. Approve the Joint Use Agreement with Southern California Edison Company, subject to review and final approval by the City Attorney; and
2. Authorize the Public Works Director/City Engineer to sign the Joint Use Agreement on behalf of the City. Motion carried, 5-0.

20. A Resolution of the City Council of the City of Highland Approving the Execution of a Bond Proceeds Funding Agreement between the Successor Agency and the City of Highland and Taking Certain Related Actions

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Lilburn, to adopt Resolution No. 2013-037, a Resolution of the City Council of the City of Highland Approving the Execution of a Bond Proceeds Funding Agreement between the Successor Agency and the City of Highland and Taking Certain Related Actions. Motion carried, 5-0.

RESOLUTION NO. 2013-037

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, APPROVING THE EXECUTION OF A BOND PROCEEDS
FUNDING AGREEMENT BETWEEN THE SUCCESSOR AGENCY AND THE
CITY OF HIGHLAND AND TAKING CERTAIN RELATED ACTIONS

21. Notice of Completion – Bid No. 2013-04, “Highland Basin Drainage and Storm Drain Line “A” Outlet Repairs” (Project No. sdr13001)

Public Works Director/City Engineer Wong gave a brief review of the staff report.

Councilwoman Scott stated so there was an urgency, but the awareness of the increase should have come before the Council to take action in order to sign off on the Notice of Completion.

City Manager Hughes stated he agrees with Councilwoman Scott 100% that it should have, but unfortunately it did not. He has had a long discussion with staff regarding this issue, and we have put in place some safeguards to ensure hopefully this will not happen again.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem McCallon, to:

1. Accept Project No. sdr13001, “Highland Basin Drainage and Storm Drain Line “A” Outlet Repairs” constructed by Scorpion Backhoe, Inc., as complete;
2. Authorize the Mayor to sign the Notice of Completion;
3. Direct the City Clerk to file the Notice of Completion; and
4. Approve an increase of \$5,610 for the professional services contract with Engineering Resources of Southern California for additional construction management services provided for the project. Motion carried, 5-0.

22. 7th Street Joint Project with East Valley Water District

Public Works Director/City Engineer Wong gave a brief review of the staff report.

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

1. Approve a joint pavement rehabilitation project on 7th Street from Sterling Avenue to east end with East Valley Water District (EVWD); and
2. Authorize the City Manager to execute a Cooperative Letter Agreement with EVWD for the City’s share of the pavement rehabilitation. Motion carried, 5-0.

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

Mayor Pro Tem McCallon stated at the SANBAG meeting, the Board approved moving forward with a preliminary engineer looking at putting in express lanes on the I10 and the I15. We have been studying the need for those lanes or just HOV lanes. HOV lanes are not an option on the I15, but they are on the I10. SCAG held their fourth economic summit in December.

City Manager Hughes stated we will be having a joint meeting with East Valley Water District on January 29, 2014.

24. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

December 18	West Side – Operation Santa Claus
December 19	East Side – Operation Santa Claus
December 24	City Council Meeting – Dark
January 9	League of California Cities Division Meeting

CLOSED SESSION

At 7:10 p.m., the City Council and Redevelopment Agency convened into closed session regarding the following:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8 regarding the following properties:

Property:	APN: 1201-331-01; 1201-341-08, 09
Negotiating Parties:	Joseph Hughes, City of Highland TREH Partners, LLC
Under negotiation:	Instruction to City’s negotiator concerning price and/or terms of payment.

At 8:19 p.m., the City Council adjourned closed session making no announcements.

ADJOURN

There being no further business, Mayor Racadio adjourned the meeting at 8:19 p.m. in memory of Lloyd Michael.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Sam Racadio
Mayor