

**MINUTES  
CITY COUNCIL REGULAR MEETING  
NOVEMBER 10, 2015**

**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 Pastor Rob Zinn, Immanuel Baptist Church, and the Pledge of Allegiance was led by Councilman Racadio.

**ROLL CALL**

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

**REPORT FROM CLOSED SESSION**

No reportable action to report.

**SPECIAL PRESENTATIONS**

None

**PUBLIC COMMENT**

Ms. Gayle Covey introduced herself to City Council as Supervisor Ramos' new Field Representative.

**CITY COUNCIL CONSENT CALENDAR**

**A MOTION** was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to approve the consent calendar as submitted. Motion carried on a roll call vote, 4-0, with Councilwoman Scott being absent.

1. Waive the Reading of All Ordinances  
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – October 27, 2015 City Council Special Meeting  
Approved the Minutes as submitted.
3. Minutes – October 27, 2015 City Council Regular Meeting  
Approved the Minutes as submitted.

4. Warrant Register  
Approved Warrant Register No. 613 for November 10, 2015, in the amount of \$1,096,042.65 and Payroll of \$74,704.16.
5. Treasurer's Report for September 2015  
Received and filed Treasurer's Report for September 2015.

#### **CITY COUNCIL PUBLIC HEARING**

No Public Hearing

#### **CITY COUNCIL LEGISLATIVE**

6. First Amendment to Amended and Restated Disposition and Development Agreement with Housing Venture I, Enabling the Refinancing of Obligations and Amending the Land Lease Related to the Jeffrey Court Senior Housing Apartments

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to adopt Resolution No. 2015-040 approving the First Amendment to Amended and Restated Disposition and Development Agreement with Housing Venture I, enabling the refinancing of obligations and amending the land lease related to the Jeffrey Court Housing Apartments. Motion carried, 4-0, with Councilwoman Scott being absent.

#### **RESOLUTION NO. 2015-040**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND HOUSING AUTHORITY APPROVING A FIRST AMENDMENT TO AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT BY AND AMONG THE AUTHORITY, THE CITY OF HIGHLAND AND HOUSING VENTURE I**

7. Proposed City of Highland Community Development Block Grant (CDBG) Applications for Fiscal Year 2016-2017

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

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

1. Approve the City's Application for Neighborhood Revitalization that supports thirty percent (30%) of the salary and benefits of the Assistant Community Development Director position, seventy-five percent (75%) of a Code Compliance Officer position and forty percent (40%) of an Administrative Assistant position, a total \$123,997;
2. Approve the City's Application for Pavement Rehabilitation on local streets within the CDBG Area boundaries including 7th Street, Elmwood Street, Fisher Street, Paloma Road and Walker Street in the amount of \$233,752; and
3. Authorize the City Manager to sign and submit the Applications to the San Bernardino County Economic Development Agency for consideration. Motion carried, 4-0, with Councilwoman Scott being absent.

8. Base Line Interchange – Cooperative Agreement and Term Loan Agreement with SANBAG

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

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to approve two agreements with SANBAG regarding the Base Line Interchange Project as follows:

1. Approve Amended and Restated Cooperative Agreement No. C13027-03, expanding the project scope to also include engineering design, and increasing the City's project share to \$1,246,433; and
2. Approve Term Loan Agreement Contract No. 16-1001330, regarding a \$662,407 loan from SANBAG against the existing balance of Measure I Arterial Sub-Program funds that have been allocated to the City. Motion carried, 4-0, with Councilwoman Scott being absent.

9. Measure I Capital Project Needs Analysis (2016/2017 – 2020/2021)

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

**A MOTION** was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to approve Resolution No. 2015-041 adopting the Measure I Five-Year Project Needs Analysis (2016/2017 – 2020/2021) for the Measure I Major Street Program and the Valley Freeway Interchange Program. Motion carried, 4-0, with Councilwoman Scott being absent.

RESOLUTION NO. 2015-041  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, ADOPTING THE MEASURE I  
FIVE-YEAR CAPITAL PROJECT NEEDS ANALYSIS  
(FISCAL YEARS 2016/2017 THROUGH 2020/2021)

10. Amendment to Five-Year Capital Improvement Program

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

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to approve a Five-Year Capital Improvement Program (FY2014/15 thru FY2018/19) as amended. Motion carried, 4-0, with Councilwoman Scott being absent.

11. Consider Whether to Endorse a “Cumulative Voting” System if a Court Orders the City to Change from the Current “At-Large” System of Voting, and a Potential Change in the Timing of City Council Elections; Adopt Resolution No. 2015-042

City Attorney Steele gave a brief review of the staff report.

As you know, the City is currently a party in the lawsuit titled Garrett v. City of Highland seeking to force the City to change its method of electing members of the City Council from the at-large system that has served the City well since its incorporation to a system where Council Members would be elected by Districts. As the Council is further aware, the voters of Highland previously rejected the concept of electing City Council members by District in a previous election and members of the Council have also expressed the opinion that a District-based election system in a general law city like Highland would be an ineffective way to govern the City and would lead to governance problems that are not being taken into account in the lawsuit. Given those two facts, we are recommending that the City Council take a position in favor of a cumulative voting system whereby members of the City Council would be elected as currently the case is now. Every two years, the voters would be entitled to cast the same number of ballots as there are seats to be elected on the City Council; so if three seats were up, a voter could cast three ballots for a candidate or spread the votes out among candidates. This is a system that has proved to be effective in helping address alleged violations of the Federal Voting Rights act, and it's a system that our expert has provided evidence to the Court to indicate it would assist minority voters in Highland in electing the candidate of their choice. So, we are recommending that the Council adopt the Resolution that is before you expressing the Council's preference for a cumulative voting system if the Court orders the City to change its method of election.

Mr. Fred Yauger spoke in favor of this item.

**A MOTION** was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to adopt Resolution No. 2015-042, to endorse a change to a cumulative voting system for electing City Council candidates, and a potential change to the timing of City Council elections, if ordered by the court in the *Garrett v. City of Highland* case. This would provide the court with an expression of the City Council's policy preference and reiterate the City's opposition to a district-based election system. Motion carried, 4-0, with Councilwoman Scott being absent.

RESOLUTION NO. 2015-042  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, ENDORSING A CUMULATIVE VOTING SYSTEM FOR  
CITY COUNCIL ELECTIONS

12. Code of Ethics

City Clerk Hughes gave a brief review of the staff report.

City Council reviewed the current Code of Ethics and made no recommendations or changes.

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

Mayor Pro Tem Lilburn gave a brief review of the proposed changes to the JPA with Omnitrans.

City Attorney Steele stated we have the agreement to review and will respond within the deadline that you have given us.

Mayor McCallon gave a brief review of SANBAG's pursuit of Legislation to make SANBAG a statutory entity rather than a JPA.

14. San Bernardino International Airport Authority and IVDA

None

**ANNOUNCEMENTS**

November 12

13th Annual Thalman Award Dinner

**CLOSED SESSION**

None

**ADJOURN**

There being no further business, Mayor McCallon adjourned the meeting at 6:33 p.m. in memory of Bryce Haynes.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Larry McCallon  
Mayor