

**MINUTES
CITY COUNCIL REGULAR MEETING
JUNE 28, 2016**

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 Tim Evans, Unforgettables Foundation, 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 meeting.

SPECIAL PRESENTATIONS

Ms. Karen Lampert, Executive Director, gave a brief Presentation regarding the Highland YMCA Annual Report.

PUBLIC COMMENT

Mr. Frank Adomitis spoke regarding the tax increase survey and his concerns regarding the process.

Ms. Maragret Hill spoke regarding the two of San Bernardino County's Schools being recognized as a "School to Watch" in the United States.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made was made by Councilman Timmer, seconded by Councilman Racadio, to add Item #24 to the Agenda, regarding Emergency Street Repair on Victoria Avenue. Motion carried, 5-0.

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, with Councilwoman Scott abstaining from Item #3.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – June 14, 2016 City Council Special Meeting
Approved the Minutes as submitted.
3. Minutes – June 14, 2016 City Council Regular Meeting
Approved the Minutes as submitted.
4. Warrant Register
Approved Warrant Register No. 627 for June 28, 2016, in the amount of \$1,470,348.70 and Payroll of \$76,582.10.
5. Treasurer’s Report for May 2016
Received and filed Treasurer’s Report for May 2016.
6. Claim Consideration – Jose Daugherty
Rejected claim.
7. Resolution No. 2016-039 Establishing the Annual Special Tax for Community Facilities District No. 2007-1 for Fiscal Year 2016/2017
Adopted Resolution No. 2016-039 establishing the Annual Special Tax for Community Facilities District No. 2007-1 for Fiscal Year 2016/2017 and file with the County Auditor-Controller Resolution No. 2016-039 with the tax roll.

RESOLUTION NO. 2016-039
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ESTABLISHING THE ANNUAL SPECIAL TAX FOR
COMMUNITY FACILITIES DISTRICT NO. 90-1
FOR THE FISCAL YEAR 2016/2017

8. Resolution No. 2016-040 Confirming the Authority of the City Treasurer pursuant to Government Code Section 53607
Adopted Resolution No. 2016-040 confirming the authority of the City Treasurer pursuant to Government Code Section 53607.

RESOLUTION NO. 2016-040
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, CONFIRMING THE AUTHORITY
OF THE CITY TREASURER, PURSUANT TO
GOVERNMENT CODE SECTION 53607

9. Resolution No. 2016-041 Establishing the Appropriations Limit for Fiscal Year 2016-2017 for the City of Highland in Accordance with the Provisions of Division 9 of Title 1 of the California Government Code
Adopted Resolution No. 2016-041 establishing the Appropriations Limit for Fiscal Year 2016-2017 for the City of Highland in accordance with the provisions of Division 9 of Title 1 of the California Government Code.

RESOLUTION NO. 2016-041
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HIGHLAND, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS
LIMIT FOR FISCAL YEAR 2016-2017 FOR THE CITY OF
HIGHLAND IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9
OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

10. Resolution No. 2016-042 Rendering the Annual Statement of Investment Policy for Fiscal Year 2016/2017
Adopted Resolution No. 2016-042 rendering the Annual Statement of Investment Policy for Fiscal Year 2016/2017.

RESOLUTION NO. 2016-042
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA,
ADOPTING THE ANNUAL STATEMENT OF INVESTMENT
POLICY FOR FISCAL YEAR 2016/2017

11. Interlocal Agreement Concerning Distribution of the 2016 Byrne Justice Assistance Grant (JAG) Program Award
1. Authorized the City Manager to sign the Interlocal Agreement Concerning Distribution of the 2016 Byrne Justice Assistance Grant (JAG) Program Award;
 2. Authorized the Director of Administrative Services to complete any necessary documentation to complete the grant process;
 3. Authorized the expenditure of the grant award of \$18,831 in Special Project over-time out of the Justice Assistance Grant (JAG) 2016/2017 budget; and
 4. Approved the following budget adjustment for 2016/2017: Increase expenditure account 026-8480-4560 by \$835 and increase revenue account 026-8480-9360 by \$835.
12. Budget Adjustments for Fiscal Year 2016/2017
Approved the following budget adjustments:
1. Transfer \$35,000 from 004-2100 (Gas Tax fund-Unreserved, undesignated fund balance) to 004-8310-6040 (Equipment); and
 2. Transfer \$24,000 from 001-2100 (General Fund fund-Unreserved, undesignated fund balance) to 001-6000-4246 (Parks-Playground Maintenance).

13. Agreement with the San Bernardino County Auditor-Controller/Treasurer/Tax Collector for the Collection of Special Taxes, Fees and Assessments for Fiscal Year 2016/2017
Approved the Agreement with the San Bernardino County Auditor-Controller/Treasurer/Tax Collector for the Collection of Special Taxes, Fees and Assessments for Fiscal Year 2016/2017.

CITY COUNCIL PUBLIC HEARING

14. Consolidated Landscape and Lighting District 96-1 Annual Report (Fiscal Year 2016/17)

Mayor McCallon opened the public hearing.

Public Services Manager Morgan gave a brief review of the staff report.

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

A MOTION was made by Councilman Timmer, seconded by Councilwoman Scott, to approve Resolution No. 2016-043 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 2016/17. Motion carried, 5-0.

RESOLUTION NO. 2016-043

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 2016/2017

15. Street and Drainage Maintenance District 96-1 Annual Report (Fiscal Year 2016/17)

Mayor McCallon opened the public hearing.

Public Services Manager Morgan gave a brief review of the staff report.

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

A MOTION was made by Councilwoman Scott, seconded by Councilman Racadio, to approve Resolution No. 2016-044 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 2016/17. Motion carried, 5-0.

RESOLUTION NO. 2016-044
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND
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 2016/2017

CITY COUNCIL LEGISLATIVE

16. Purchase of Street Lights from SCE

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:

1. Authorize staff to pursue future purchase of street lights from Southern California Edison, and to pursue future conversion of street lights to LED fixtures; and
2. Authorize staff to make the necessary budget adjustment and fund transfer to purchase the street lights from SCE, to convert street lights to LED fixture, and to eliminate the negative fund balance of the Street Lighting District, as follows:
 - a. Approve a budget adjustment for the purchase of street lights: For FY16-17, transfer \$527,640 from 023-2100 (General Capital Financing-Unreserved, undesignated) to 023-3890-6550; transfer \$2,043,000 from 004-2100 (Gas Tax-Unreserved, undesignated) to 004-8310-6550; and transfer \$500,000 from 041-2100 (Insurance Fund-Unreserved, undesignated) to 041-9500-6550.
 - b. Approve a budget adjustment for the conversion to LED fixtures: For FY 16-17, transfer \$977,500 from 023-2100 (General Capital Financing-Unreserved, undesignated) to 023-3890-6550.
 - c. Approve a budget adjustment for the elimination of the Street Light District negative fund balance: For FY 15-16, approve the following budget adjustment and year-end transfer - transfer the actual negative fund balance at the fiscal year end (estimated to be \$1,300,000) from 023-2100 (General Capital Financing-Unreserved, undesignated) to 023-3890-4113 for the expenditure and 013-8510-9923 for the Street Light District to receive these funds. (This budget adjustment and transfer will be for the actual amount owed at year end. That amount will not be determined until September, but is estimated to be \$1,300,000.) Motion carried, 5-0.

17. Residential Rental Enhancement Program “Pilot Program” Final Report (2015/2016 City Council Work Program)

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

Mr. Fred Yauger spoke regarding his concerns for the program.

18. Second Reading of Ordinance No. 406 to Amend the Municipal Code Including the City’s Official Zoning Map, Changing the Zoning of the Site from Two-Family District (R-2) to Planned Development “Planned Development PD 13-001” (ZC 15-001)

Councilman Racadio recused himself from this item. He will not participate in the discussion nor participate in the voting process as this item is a conflict of interest on his part.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to conduct a second reading of Ordinance No. 405 amending the Municipal Code including the City’s Official Zoning Map, changing the zoning of the site from Two-Family District (R-2) to Planned Development “Planned Development SPA 15-001.” Motion carried, 4-0, with Councilman Racadio abstaining.

City Clerk Hughes introduced Ordinance No. 406:

ORDINANCE NO. 406
AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA,
AMENDING TITLE 16 (LAND USE AND DEVELOPMENT CODE) OF THE
HIGHLAND MUNICIPAL CODE, AND AMENDING THE CITY’S OFFICIAL
ZONING MAP AT THE HIGHLAND PARK SITE FROM TWO-FAMILY DISTRICT
(R-2) TO PLANNED DEVELOPMENT, ALL RELATED TO THE
‘HIGHLAND PARK’ PLANNED DEVELOPMENT
(ZONE CHANGE ZC 15-001)

which title was read.

19. November 8, 2016 General Municipal Election – Second Reading of Ordinance No. 407 Establishing the Boundaries of City Council Districts

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

A MOTION was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to conduct the second reading, read by title only and waive further reading of Ordinance No. 407, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND PROVIDING FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL BY FIVE DISTRICTS, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, ESTABLISHING THE INITIAL ELECTION TERM FOR EACH DISTRICT AND AMENDING CHAPTER 2.12 OF THE HIGHLAND MUNICIPAL CODE. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 407:

ORDINANCE NO. 407
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND
PROVIDING FOR THE ELECTION OF MEMBERS OF THE CITY
COUNCIL BY FIVE DISTRICTS, ESTABLISHING THE BOUNDARIES
AND IDENTIFICATION NUMBER OF EACH DISTRICT, ESTABLISHING
THE INITIAL ELECTION TERM FOR EACH DISTRICT AND AMENDING
CHAPTER 2.12 OF THE HIGHLAND MUNICIPAL CODE

which title was read.

20. Design Contract for Base Line Hill Pavement Rehabilitation – Engineering Resources of Southern California, Inc.

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

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

1. Approve a proposal from Engineering Resources of Southern California, Inc., to provide engineering design services for Base Line Pavement Rehabilitation at a not-to-exceed fee of \$25,141; and
2. Authorize the City Manager to approve contract amendments up to 10 percent of the contract amount. Motion carried, 5-0.

21. Hours of Use for City Property on Cloverhill Drive

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

Mr. Fred Yauger spoke in support of this item.

Mayor McCallon stated he does want to point out that his name appears on the petition that's in this agenda item. He did attend the Neighborhood Watch Meeting and he does live in that area with his son who resides there. However, he did not sign the petition. The signature that is on there is not his, so he wanted to make everyone aware of that. He does have a written opinion from the FPPC that says he does not have any financial interest in the house that he lives in, therefore he does not have to recuse himself from anything that deals with the 500 foot kind of thing that Sam recused himself from.

A MOTION was made by Councilman Timmer, seconded by Councilwoman Scott, to approve Resolution No. 2016-045 adopting alternative hours for public use on City property located on Cloverhill Drive to be from dawn to dusk.

RESOLUTION NO. 2016-045
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HIGHLAND, CALIFORNIA, ESTABLISHING ALTERNATIVES HOURS FOR
AURANTIA PARK AND CLOVERHILL DRIVE NATURE PARK

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

Councilman Racadio stated he attended the League of California Cities Executive Forum on June 22 -23, 2016 in Monterey.

Councilwoman Scott stated she attended the Municipal Water District meeting where the State of California's water supply current orders were distributed as well as new regulations endorsed by the Governor.

23. San Bernardino International Airport Authority and IVDA

None

24. Victoria Avenue Emergency Street Repair

City Manager Hughes gave a brief statement regarding the emergency street repair.

A MOTION was made by Councilman Racadio, seconded by Councilwoman Scott, to approve emergency street repair on Victoria Avenue to be performed by Rekceb Industries, Inc., for an amount not to exceed \$20,000. Motion carried, 5-0.

ANNOUNCEMENTS

None

CLOSED SESSION

At 7:31 p.m. the City Council convened into closed session regarding the following:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): One case.

A point has been reached where, in the opinion of the City Council based on advice from the City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation against the City arising out of various traffic-related incidents at 7435 Tuolumne Lane, Highland, CA 92346.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1) – Lisa Garrett v. City of Highland - San Bernardino Superior Court Case No.: CIVDS1410696

At 7:50 p.m., the City Council adjourned closed session making no announcements.

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:52 p.m. in memory of Ruth June Perl.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor