

**MINUTES
CITY COUNCIL REGULAR MEETING
MARCH 14, 2017**

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 Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Reverend Petra Sternberg, First United Church of Christ and the Pledge of Allegiance was led by Mayor Pro Tem McCallon.

ROLL CALL

Present: Chavez, Lilburn, McCallon, Solano, Timmer
Absent: None

REPORT FROM CLOSED SESSION

No meeting.

SPECIAL PRESENTATIONS

Ms. Lynn Valbuena and Mr. Jerry Paresa gave a brief presentation regarding the San Manuel Band of Mission Indians.

Mayor Lilburn presented the San Manuel Band of Mission Indians with a proclamation from the City of Highland proclaiming March 14, 2017 as a day in honor and in appreciation of the San Manuel Band of Mission Indians.

PUBLIC COMMENT

Ms. D. Regina Hopper spoke of her concerns regarding the traffic at the intersection of Highland Avenue and Arden Avenue.

Mr. Sesario Perez spoke regarding his concerns for how the City of Highland is being governed and the need to work with the adjacent cities.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Councilman Timmer, seconded by Councilwoman Solano, to approve the consent calendar as submitted and with Councilman Timmer abstaining from Item #2. 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 – February 28, 2017 City Council Regular Meeting
Approved the Minutes as submitted.
3. Warrant Register
Approved Warrant Register No. 641 for March 14, 2017, in the amount of \$1,010,617.62 and Payroll of \$80,648.63.
4. Claim Consideration – Carmen Stubblefield
Rejected claim.
5. Claim Consideration – Michael Duran
Rejected claim.
6. Preparation of Annual Engineer’s Reports for 2017/2018 Assessments
 1. Adopted Resolution No. 2017-008 ordering the preparation of an Engineer’s Report for Consolidated Landscape and Lighting District No. 96-1; and
 2. Adopted Resolution No. 2017-009 ordering the preparation of an Engineer’s Report for Street and Drainage Maintenance District 96-1.

RESOLUTION NO. 2017-008
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
COUNTY OF SAN BERNARDINO, CALIFORNIA
ORDERING THE PREPARATION OF ENGINEER’S REPORT
FOR CONSOLIDATED LANDSCAPE & LIGHTING DISTRICT NO. 96-1
FOR FISCAL YEAR 2017/2018

RESOLUTION NO. 2017-009
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
COUNTY OF SAN BERNARDINO, CALIFORNIA
ORDERING THE PREPARATION OF AN ENGINEER’S REPORT FOR
STREET AND DRAINAGE MAINTENANCE DISTRICT 96-1
FOR FISCAL YEAR 2017/2018

7. Household Hazardous Waste Used Oil Payment Program
Authorized the City Manager to execute the Authorization Letter to the County of San Bernardino to apply for the Used Oil Payment Program on behalf of the City of Highland.

CITY COUNCIL PUBLIC HEARING

8. Secure Storage Highland, LLC (James Karas) – Shapik Law Group (Gerald Shapik)

Community Development Director Mainez stated the appellant is unable to attend tonight's meeting and upon their request, staff is recommending Council continue this item to March 28, 2017.

City Attorney Steele stated we will note that this is a continuation of the public hearing that was scheduled for this evening.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilman Timmer, to continue this item to the March 28, 2017 City Council hearing. Motion carried, 5-0.

9. Adoption of Mitigated Negative Declaration related to the City's Routine Maintenance of Drainage Facilities

Mayor Lilburn opened the public hearing.

Assistant Public Works Director Zamano stated the City is seeking to do routine maintenance of its 25 storm drain facilities city-wide. In order to do this we have to comply with California Environmental Quality Act also known as CEQA. As part of the CEQA process we have to go through the various resource agencies that we have outlined in the report and also in the study that is in your packet before you. There is a comprehensive report that includes all the mitigation measures that are required in order for the city to maintain its facilities. We have identified, of the 25 locations that we are going to maintain, that we do have 10 areas that have potentially environmentally sensitive species or environmentally sensitive. Part of this includes a preconstruction survey conducted by a biologist who will go out and assess if there are critters that are found such as SBKR, San Bernardino Kangaroo Rat; then there are certain measures we need to take that are consistent with the report that tells how we are going to do that, but that's only in the event if we actually find the presence of this kind of species out there. We don't expect them everywhere. We only expect them actually potentially in one location, but all of the measures are in there and it does outline in the report what we would need to do or be required to do. The City is seeking as part of this process to do a long term maintenance agreement, and the term of the long term maintenance agreement with a various resource agency is for 20 years. That is the time frame we are seeking, so upon adoption of this mitigated negative declaration then City staff will be able to then proceed with a permit process with various resource agencies.

Mayor Lilburn called for any other speakers in favor or in opposition of this item.

Councilman Timmer stated there are multiple agencies involved in this. If all the agencies except one do not issue a permit, does this kill the whole process or do we get the permit from the other agencies? The one that does not, do we have to deal with them on an ongoing basis or this an all or nothing kind of plan? What time frame is there on how quickly they have to respond to an issue being brought forward? Are there time limits or could they drag this out for years like they do a lot of times on this environmental stuff, asking for more studies and more studies?

Ms. Julie Gilbert, Jericho Systems, Inc., stated in terms of your question about the length of time, agencies can do whatever they want. What we have done is worked very hard with the City staff to really hone in on what it is exactly you really, really need to do. We have the acreages down, we have the equipment down, we have protective measures throughout, and we have a worker awareness program. We have integrated a lot of protective and avoidance and minimization measures that we feel the agencies would be happy with. Now with that said, so this part of it, right, satisfies the California Environmental Quality Act. This is needed for the State permits. Then you have the Army Corp and they will do, they have their own process. In terms of your question, what if one denies it? That could happen, but we haven't had that experience happen honestly because we work really hard and they want, the agencies don't want to be the ones to stop this. They recognize the value of maintaining your storm drain systems, because if there was a flood or something happened and they were on, everybody points their fingers at them. They're not going to let that happen. They will work with us, and we just received permits to do the dredging for Lake Arrowhead and a record, all of them, in a record eight months. That was just unheard of, eight months. Not to say that will happen here, but just to say how hard we really work to try and get everything done upfront so that back end goes really smoothly.

Councilman Timmer asked do you see this as a positive move forward, the potential of getting an agreement from all these agencies will happen in some reasonable amount of time?

Ms. Julie Gilbert stated I do. I think now we're into technically almost summer, we're into spring, but technically from a regulatory perspective we are almost into summer and they do have some time lines. Usually it's that first 30 days to whether they're going to say well you need this kind of permit and then from that point on you say okay and then you fill out, you do what you need to do. Now they may ask for additional SBKR surveys, they're only good for a year. We didn't do them here because we knew that from a financial perspective, from a biological perspective, if they ask for them we want them to be fresh. So they may ask for mitigation, for the riparian there's a lot of willow, cottonwood, bulrush, that's grown in these facilities. They're not good for storm drains but they're great for birds and resources, so again it's just one of those things that we in the back office we work with the agencies to try to balance that.

Councilman Timmer asked based on your history, do you feel optimistic that this process will go forward?

Ms. Julie Gilbert stated yes, absolutely. We did try and delineate all facilities and really work very well with their staff to say what is it that you absolutely have to do. What can you live with, what do you have to not do? If there was some kind of, well we kind of like to go over here and you go okay, we'll include that too. So we're not trying to put in the kitchen sink, we're trying to put in what you really need to get done and if you need to go outside of that for any reason then it's okay, we'll deal with that. A lot of these areas are really small, less than a tenth of an acre. In our experience they really don't have a lot of heartburn over that. I am very optimistic this will go very well.

Councilman Timmer stated the reason behind this is there is a big fiscal cost when we have to start doing these analyses over and over again. In fact in the mitigation, on page 89, it talks about having biological people on call basically anytime you do any work and certain of the project areas that we have to go and analyze every time we do any project. So this is a blanket approval to do things for 20 years. There's still certain mitigation things we have to do and are required to do biologically as far as noise and all the other things. This solves the problem for 20 years. There are still a lot of potential costs that could be involved in this process.

Ms. Julie Gilbert stated yes there is. We still have the permit phase to go through. Now in terms of biological monitoring, you do not want take of a listed species. So do you want to have a biologist spend a couple of hundred dollars to go out and check or do you want take?

Councilman Timmer stated I know we have to do it. I just don't want to see this process continue for years, years and years.

Ms. Julie Gilbert stated that's why we are doing this and one of the things we built into the mitigation is the worker awareness program. This is very successful that we've implemented for other companies who are doing something similar. We train all of your staff, come in once year, we have field cards, they can do some things themselves when you're working during bird season. Especially after all the rains like we've had this past year. When you have a lot of nests, you're going to have a lot birds, you're probably going to want a biologist to come out and take a peek. For the most part we are working towards trying to educate your own workers, working outside of bird season, doing something really finding those parameters to reduce those impacts.

Councilman Timmer stated I think the full Council has supported this. In fact, several years ago when Public Works Director Wong brought this as a work program for our City the Council approved it with a pretty high priority that we recognize that we need to do this.

Ms. Julie Gilbert stated when it might be more complicated maybe for the first year or two years as you kind of get these facilities where you want them to be, so where they're easier to maintain. When there's a lapse in maintenance as you know they tend to grow up and explode so as that first year, those first probably two years, to get the facilities where you want them to be, you might see some increased costs for some monitoring and things like that. After that, we should be okay.

Mayor Lilburn closed the public hearing.

A MOTION was made by Councilman Timmer, seconded by Councilwoman Solano, to adopt Resolution No. 2017-010, adopt the Mitigated Negative Declaration. Motion carried, 5-0.

RESOLUTION NO. 2017-010
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
ADOPTING A MITIGATED NEGATIVE DECLARATION RELATED
TO THE ROUTINE MAINTENANCE OF CITY DRAINAGE FACILITIES

CITY COUNCIL LEGISLATIVE

10. Appoint One Member of the Public to the Planning Commission

City Clerk Hughes gave a brief review of the staff report and opened the floor for nominations.

Councilman Timmer nominated Richard Haller.

Councilman Chavez nominated Jerry Martin.

City Clerk Hughes called for any other nominations. Seeing none, the nominations are now closed.

City Clerk Hughes called for the vote.

Richard Haller received three ayes and is therefore appointed as a member to the Planning Commission.

11. Authorization of Additional Fee for Construction Management Services for Willdan Engineering – Base Line Street Safety Improvements (Project No. str08002)

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

A MOTION was made by Mayor Lilburn, seconded by Mayor Pro Tem McCallon, to authorize an additional \$17,840 for construction management services being provided by Willdan Engineering for the Base Line Street Safety Improvements Project. Motion carried, 5-0.

12. Updates on LAFCO, Omnitrans, SBCOG, SBCTA, SBIAA, SBVMWD, SCAG, SCAQMD, Work Program, Regional/Legislative Issues, Development Issues, Subcommittees and AB 1234/Council Member District Updates

Mayor Pro Tem McCallon stated he will be attending a delegation from SCAG in Sacramento to lobby the leadership for funding for projects in Southern California. AQMD did pass the Air Quality Management Plan at the last meeting; warehouses and ports did not receive enough votes to get into the plan but there was an indirect source rule on the airports. Also, a provision was added into the plan regarding fleet rules for public agencies asking that Legislature pass legislation which would give authority to require public fleets to go to either zero emission or near zero emission engines.

Mayor Lilburn gave a brief update regarding Omnitrans and their due diligence on maintaining bus stops in Highland and adjacent to Highland.

Councilman Chavez stated he attended the San Bernardino Valley Municipal Water District meeting on March 9.

ANNOUNCEMENTS

March 25
April 3 - 6

21st Annual Citrus Harvest Festival
Public Safety Appreciation Week

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 6:55 p.m.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Penny Lilburn
Mayor