

**MINUTES  
CITY COUNCIL REGULAR MEETING  
APRIL 11, 2017**

**CALL TO ORDER**

The regular meeting of the City Council of the City of Highland was called to order at 6:01 p.m. by Mayor Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by John Armstrong, Immanuel Baptist Church, 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**

Mayor Lilburn presented a proclamation to One Legacy proclaiming April, 2017, as DMV/Donate Life California month.

Mayor Lilburn presented a proclamation to Children's Network proclaiming April, 2017, as Child Abuse Prevention Month.

Mayor Lilburn presented a proclamation to Lieutenant Todd Cole for his service to the City of Highland.

Lieutenant John Walker was introduced to the City Council.

Assemblyman Marc Steinorth and Mayor Lilburn presented Highland Women of the Year awards to June Yamamoto, Charlotte Baber and Berenice Lowenstein.

Kristen Stevens, Highland Library Branch Manager, introduced herself to the City Council.

## PUBLIC COMMENT

Mr. David Stafford gave a brief presentation on his life and his contributions to the community.

## CITY COUNCIL CONSENT CALENDAR

**A MOTION** was made by Mayor Pro Tem McCallon, seconded by Councilman Chavez, to approve the consent calendar as submitted. 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 – March 28, 2017 City Council Regular Meeting  
Approved the Minutes as submitted.
3. Warrant Register  
Approved Warrant Register No. 643 for April 11, 2017, in the amount of \$495,422.11 and Payroll of \$76,063.56.
4. Claim Consideration – Progressive Insurance a/s/o Viviana Alderete  
Rejected claim.

## CITY COUNCIL PUBLIC HEARING

No public hearing.

## CITY COUNCIL LEGISLATIVE

5. Select the Firm of Van Lant & Fankhanel, LLP, as the City's New Auditors and Approve a Professional Services Agreement with Van Lant & Fankhanel, LLP

Director of Administrative Services Dantuono gave a brief review of the staff report.

**A MOTION** was made by Mayor Pro Tem McCallon, seconded by Councilwoman Solano, to:

1. Approve the selection of Van Lant & Fankhanel, LLP, as the City's new auditors; and to
2. Approve the attached professional services agreement with Van Lant & Fankhanel, LLP. Motion carried, 5-0.

6. Contract with San Bernardino County for Animal Control Services for FY 2017/2018 (Amendment No. 3)

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

**A MOTION** was made by Councilman Timmer, seconded by Councilwoman Solano, to approve the contract with San Bernardino County for Animal Care and Control Services for FY 2017/18 in the amount of \$444,926.00 and authorize the Mayor to sign the contract. Motion carried, 5-0.

7. Acceptance of Assignment of Memorandum of Understanding and Exclusive Negotiating Agreement from the Successor Agency to the City

City Attorney Steele stated it seems a little unbelievable but we've had this item pending since 2008. The previous Redevelopment Agency has a Memorandum of Understanding with the County Flood Control District relating to the purchase and then resale of a property in the City Creek area. We've known it fondly as the Flood Control property and we've had that agreement in place through the dissolution of the Redevelopment Agency. The Successor Agency then took over the Redevelopment Agency's right to acquire that crucial piece of property in the Golden Triangle area. The Successor Agency then entered into an Exclusive Negotiating Agreement a couple of years ago with TREH Development in order to sell the property to TREH, once we completed the acquisition from the Flood Control District. So you have a companion item on your Successor Agency agenda coming up next, but the purpose of this item is to approve an assignment from the Successor Agency to the City because the State Department of Finance has told us that they will no longer recognize these obligations of the Successor Agency because they are moving toward essentially shutting down all the Successor Agencies in the state, and our long term property management plan approved by the state relisted this property as a property that was going to be acquired for development. So the Department of Finance wants that property now to be, the property right, to be transferred to the City and then the City will be the party to the agreement with TREH. There is no financial impact to the City at all from this. This is going to be a pass thru transaction when this is completed, a simultaneous escrow. So the City won't lay out any money just as the Successor Agency was not obligated to lay out any money. The developer will put the money in escrow and it will pass straight through from the developer to the City now, and then on to the County Flood Control District. The reason, for our newer Council Members, the reason we entered into this transaction such a long time ago is because the County Flood District is able to dispose of property it owns and doesn't need any more, more easily to a redevelopment agency than it could to a private developer. So we facilitated the acquisition of this property because this City Council at the time thought it was in the City's best interest to sort of keep all that property together and to have it developed in a comprehensive fashion. So that's the reason we entered into the transaction in 2008. From staff's perspective those reasons are still good reasons to keep moving forward, especially because there is no fiscal impact on the City whatsoever, but we do want to keep the right to control the transaction alive. This is to accept the assignment from the Successor Agency assuming that the

Successor Agency board in your next meeting approves that assignment which is also on that agenda. So we recommend with that the approval of the resolution which accepts this assignment.

**A MOTION** was made by Councilwoman Solano, seconded by Councilman Timmer, to adopt Resolution No. 2017-013 authorizing the City to accept from the Successor Agency the assignment of the Successor Agency's rights, interests, duties and obligations under:

1. A Memorandum of Understanding between the Highland Redevelopment Agency and the San Bernardino County Flood Control District; and
2. An exclusive Negotiating Agreement between the City, the Successor Agency and TREH Partners XV, LLC. Motion carried, 5-0.

RESOLUTION NO. 2017-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AUTHORIZING THE ASSIGNMENT OF (1) A MEMORANDUM OF UNDERSTANDING BETWEEN THE HIGHLAND REDEVELOPMENT AGENCY AND THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT, AND (2) AN EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE CITY OF HIGHLAND, THE SUCCESSOR AGENCY TO THE HIGHLAND REDEVELOPMENT AGENCY AND TREH PARTNERS XV LLC

8. 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 gave a brief update regarding Southern California Air Quality Management District. He also attended Cesar Chavez Remembrance Day in Los Angeles sponsored by AQMD.

Mayor Lilburn gave a brief update regarding Omnitrans, SBCOG and SBCTA.

Councilman Timmer gave a brief update on regional issues regarding Plan B.

**ANNOUNCEMENTS**

April 1	H.I.T./Community Day of Service at Community Park
April 28	Arbor Day Tree Planting at Cunningham Park

**CLOSED SESSION**

NONE

## ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 6:47 p.m. in memory of Nancy Alexander, Richard Avery and Larry Fletcher.

Submitted By:

Approved By:

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Betty Hughes, MMC  
City Clerk

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Penny Lilburn  
Mayor