

**MINUTES
CITY COUNCIL REGULAR MEETING
JUNE 13, 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 Pastor Albert Aguilar, Cornerstone Praise Center, and the Pledge of Allegiance was led by Councilwoman Solano.

ROLL CALL

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

REPORT FROM CLOSED SESSION

No meeting.

SPECIAL PRESENTATIONS

Mayor Lilburn presented Donna Walker with a Certificate of Recognition for her service to the City of Highland.

Mario, Assemblyman Marc Steinorth's representative, also presented Donna Walker with a Certificate of Recognition.

PUBLIC COMMENT

Ms. Jody Scott spoke regarding her concerns for a particular LAFCO project and requesting this item to be placed on an agenda for discussion.

Mr. Mark Falcone spoke regarding his concerns of where the focus of important matters is for individual Council Members.

Ms. Gilda Gularte spoke regarding her concerns for the environment and the City of Highland's position in this matter.

Mr. Mark Estemeyer spoke regarding his concerns for how the City is being governed by our current Council Members.

Mr. Robert Porter spoke regarding exploring options for additional tax revenue sources which would benefit the community.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Councilwoman Solano, seconded by Mayor Pro Tem McCallon, to approve the consent calendar as submitted with Councilman Timmer abstaining from Item #3. 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 – May 23, 2017 City Council Regular Meeting
Approved the Minutes as submitted.
3. Minutes – May 30, 2017 City Council Special Meeting
Approved the Minutes as submitted.
4. Warrant Register
Approved Warrant Register No. 647 for June 13, 2017, in the amount of \$2,095,135.40 and Payroll of \$81,421.98.
5. Treasurer’s Report for April 2017
Received and filed Treasurer’s Report for April 2017.
6. Resolution No. 2017-020 Amending the City of Highland Premium Only Plan
Approved Resolution No. 2017-020 amending the City of Highland Premium Only Plan.

RESOLUTION NO. 2017-020
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HIGHLAND, CALIFORNIA,
AMENDING THE CITY OF HIGHLAND PREMIUM ONLY PLAN

7. Resolution No. 2017-021 Adopting a Local Debt Policy and Taking Certain Related Actions
Adopted Resolution No. 2017-021 adopting a local debt policy and taking certain related actions.

RESOLUTION NO. 2017-021
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, ADOPTING A LOCAL DEBT POLICY AND TAKING RELATED
ACTIONS

8. Resolution No. 2017-022 Accepting the Proposed Amendments to the Joint Powers Agreement (JPA) of the Public Agency Risk Sharing Authority of California (PARSAC)
Adopted Resolution No. 2017-022 accepting the proposed amendments to the Joint Powers Agreement (JPA) of the Public Agency Risk Sharing Authority of California (PARSAC).

RESOLUTION NO. 2017-022
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HIGHLAND, CALIFORNIA, ACCEPTING THE PROPOSED AMENDMENT
OF THE JOINT POWERS AGREEMENT OF THE PUBLIC AGENCY
RISK SHARING AUTHORITY OF CALIFORNIA (PARSAC)

9. Resolution No. 2017-023 Confirming the Authority of the City Treasurer Pursuant to Government Code Section 53607
Adopted Resolution No. 2017-023 confirming the authority of the City Treasurer pursuant to Government Code Section 53607.

RESOLUTION NO. 2017-023
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

10. Resolution No. 2017-024 Establishing the Appropriations Limit for Fiscal Year 2017-2018 for City of Highland in Accordance with the Provisions of Division 9 of Title 1 of the California Government Code
Adopted Resolution No. 2017-024 establishing the Appropriations Limit for Fiscal Year 2017-2018 for the City of Highland in accordance with the provisions of Division 9 of Title 1 of the California Government Code.

RESOLUTION NO. 2017-024
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HIGHLAND, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS
LIMIT FOR FISCAL YEAR 2017-2018 FOR THE CITY OF
HIGHLAND IN ACCORDANCE WITH THE PROVISIONS OF DIVISION 9
OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE

11. Resolution No. 2017-025 Rendering the Annual Statement of Investment Policy for Fiscal Year 2017-2018
Adopted Resolution No. 2017-025 rendering the Annual Statement of Investment Policy for Fiscal Year 2017-2018.

RESOLUTION NO. 2017-025
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA,
ADOPTING THE ANNUAL STATEMENT OF
INVESTMENT POLICY FOR FISCAL YEAR 2017/2018

12. Resolution No. 2017-026 Implementing on July 1, 2017, a 2% across the Board Adjustment for All Employees and Implementing on July 1, 2018, a 2% across the Board Adjustment for All Employees and Other Adjustments
Approved Resolution No. 2017-026 implementing on July 1, 2017, a 2% across the board adjustment for all employees and implementing on July 1, 2018, a 2% across the board adjustment for all employees and other adjustments.

RESOLUTION NO. 2017-026
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HIGHLAND, CALIFORNIA,
ESTABLISHING EMPLOYEE SALARIES

13. Resolution No. 2017-027 Amending Resolution No. 2006-022 Establishing Personnel System Rules and Rescinding Resolution No. 2015-021
Approved Resolution No. 2017-027 amending Resolution No. 2006-022 establishing personnel system rules and rescinding Resolution No. 2015-021.

RESOLUTION NO. 2017-027
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, AMENDING RESOLUTION NO. 2006-022 ESTABLISHING
PERSONNEL SYSTEM RULES & RESCINDING RESOLUTION NO. 2015-021

14. Sheriff's Department Schedule A Contract for FY 2017-2018
Authorized the Mayor to execute the Schedule A contract for Law Enforcement Services with the San Bernardino County Sheriff's Department.
15. Special Event Permit (SEP 17-006) by Immanuel Baptist Church for a 4th of July Community Event and Request for Co-Sponsorship
1. Approved the Special Event Permit 17-006 subject to the conditions of approval; and
 2. Approved a request by Immanuel Baptist Church for Co-Sponsorship and waiving of city police fees and public works traffic control in the amount of approximately \$5,563.59.

CITY COUNCIL PUBLIC HEARING

16. Resolution No. 2017-028 Adopting a Biennial Budget for Fiscal Years 2017-2019

Mayor Lilburn opened the public hearing.

Director of Administrative Services Dantuono stated the budget before you is the same budget you had in the study session. The reason being, there were no changes proposed at the study session. You'll remember the General Fund is balanced for the next two years, and since there are no changes to go over staff is here to answer any questions.

Mayor Lilburn called for any speakers in favor of this item. Seeing none, she called for speakers in opposition of the item.

Mr. Mark Falcone stated just out of curiosity, on the consent calendar, I thought I had a speaker slip for item #12.

Mayor Lilburn responded you are right. My apologies, you did.

Mr. Mark Falcone inquired you guys already voted?

Mayor Lilburn responded we did vote.

City Attorney Steele stated I suggest you allow the speaker to give his testimony at this point and if you want to reconsider the vote at the end of the testimony you can do that.

Mr. Mark Falcone stated no problem. Whether it's State, Federal or local the primary role of government is to protect its citizens. All of you are on record during last year's campaign agreeing we all need to add law enforcement deputies to our city. All of you stated in one form or another that you would look for ways to do this and in a few minutes you're going to rubber stamp the budgets for the next two years. Not only did you not look for ways to add deputies within our current resources, but you flat out didn't have the courage to push back on City Manager Hughes and Director of Administrative Services Dantuono when it came to wage increases for staff. True leaders confront challenges head on. True leaders do not struggle with making the difficult decisions. It's reprehensible to me how you found \$128,000 to fund staff wage increases, but you couldn't find one red cent to add for additional deputies. City Manager Hughes you know full well this Council rubber stamps everything you suggest. This clearly shows that all of you represent your own self-serving interest and it's disgusting to me that you exhibit a blatant disregard for the public safety needs of this community. Don't you dare cry, don't you dare cry there is no money and try to bring back a tax increase to fund additional deputies because we will fight you all the way. We will not allow for you to balance your failed leadership on the backs of hard working tax payers. It's too bad you

already voted, because I was going to ask that one of you exhibit the courage to pull item #12 from the consent calendar so it can be voted on separately. On Tuesday, May 30, I sat in this chamber for what was billed as a study session for the fiscal budgets of 17/18 and 18/19. After City Manager Hughes provided a 20 minute overview of the budgets, Madam Mayor, you opened it up for questions amongst the City Council members. Councilwoman Solano and Councilman Chavez as you always are, you were quiet as a mouse. Councilman Timmer, you were absent. Madam Mayor you asked one question and that was why City Manager Hughes and Director of Administrative Services Dantuono did not budget for three code enforcement officers rather than the two that was budgeted. In the overall scheme of a \$48 million dollar budget, I would have to say that that's a lame question. Mayor Pro Tem McCallon, you didn't have any questions but instead you slapped staff on the back and complimented them for putting work into the budget. Twenty-six minutes after the study session began, it was adjourned. Now, there are several reasons for this. Number one all of you are lost in the magnitude of financial numbers, funds, expenditures, etc., and rather than display your ignorance publicly you chose to remain silent. Number two, you rubber stamp staff's suggestions without any push back. To me, that is very dangerous and has a propensity to open a Pandora's Box. Or number three, some dialogue took place behind closed doors away from the public and you only held a public study session to satisfy your legal obligations. If that is the case, it's further proof that this government governs with absolutely zero transparency. A \$48 million budget and only one question was asked. Are you kidding me? I wish I could say I'm surprised that a budgetary study session would last a mere 26 minutes but I am not. It is simply par for the course with this group.

Mayor Lilburn called for any additional speakers. Seeing none, the public hearing is now closed.

Councilman Timmer stated yes, I was not at the meeting. However, I did study the budget at quite a length. As a member of the Finance Subcommittee, we had numerous meetings with staff developing this budget. We had public meetings, the press was there. We met several times with staff, making suggestions on changes, and so forth and that's when we added the safety position or the specialist position in the Sheriff's Department with the understanding that would make taking reports and other things easier so it would give the field officers more time to be in the field instead of taking reports. So with available monies we had, we chose to do that. So I take exception that we did this behind closed doors; every one of our Finance Subcommittee meetings are public meetings where we asked and had dialogue with staff for a period of several months putting this together. So I take exception to your comments.

Mayor Lilburn stated she would like to add to Councilman Timmer's comments. That we do read the budgets, we study the budgets, and we meet with our City Manager if we have any questions. Primarily one of the questions I asked was because I had spoken to him about the code enforcement and saw different numbers on there than my prior questions in my meeting with City Manager Hughes about the budget as we dissected it on a one on one basis. So it's easy for somebody to sit out there and throw stones unless you know both sides of the story, so I appreciate that Mark. I appreciate your comments.

Mayor Pro Tem McCallon stated one of the reasons we typically don't have a lot of discussion or controversy over the budget is because we have what's called our work program. That is where we decide on the items that staff is supposed to work on for the next two years. That's been a very successful way of prioritizing our efforts in the City and for the staff, and out of that work program comes the budget. So as a result, when the budget comes before us, there is not as much discussion or comment on it because we've already decided, in our work program, what the staff should be working on and the budget flows out of that. I echo what Councilman Timmer stated. All of our Finance Subcommittee meetings developing the budget are public meetings and the public is encouraged to attend. We do not rubber stamp what City Manager Hughes presents to us. In fact, we push back on some items and he knows that. If you came to our Finance Subcommittee meetings you would understand that.

Councilman Timmer stated you are absolutely right. We need more law enforcement. There is no doubt in anyone's mind. However, the issue is funding. You will say we have lots of money, \$48 million. Most of those monies are allocated to construction projects, and it's one time money, it's not ongoing money. I think if the Sherriff's contract hadn't gone up this year or next year, we would have added more law enforcement, but I don't remember the exact, I think it's over \$500,000 it went up next year without one additional police officer. That's just the contract. So if that hadn't gone up, we would have added more police officers. There are certain things we don't have any influence over about what the sheriff charges for that and they provide an excellent service and I think you would agree with that as well, but with available funds and the new contracts which are requiring more and more of our fixed dollars all the time, we don't have that option. I would have liked to have taken those funds and put it towards more law enforcement but that option wasn't there. This City Council, for many years, when we first incorporated there was no compensation for the Council members. I would like to have some discussion at some point to see if there is support to do that. I would be more than willing to give or forgo any salary that we are getting, which is very small to begin with, and give it back to the budget. I don't have a problem with that, but obviously there are five members who weigh in and let's talk about that maybe at some future meeting. We can talk about do we really want to be compensated the pittance that we get every month to pay for our expenses and so forth. I would be more than willing to discuss that.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilman Chavez, to adopt Resolution No. 2017-028 adopting a Biennial Budget for fiscal years 2017-2019. Motion carried, 5-0.

RESOLUTION NO. 2017-028
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, ADOPTING A BIENNIAL BUDGET
FOR FISCAL YEARS 2017-2019

CITY COUNCIL LEGISLATIVE

17. Second Reading of Ordinance No. 415, an Ordinance Amending Chapter 5.04 of the Highland Municipal Code to Prohibit the Issuance of a Business License for Commercial Marijuana Activity, (2) Amending Chapter 9.28 of the Highland Municipal Code to Prohibit Commercial Marijuana Activity and to Regulate Indoor Marijuana Cultivation on Private Residences; and (3) Amending Chapter 16.80 of the Zoning Code to Prohibit Commercial Marijuana Uses in All Zones in the City and to Allow Limited Indoor Marijuana Cultivation Consistent with State Law (MCA-17-002)

Ms. Jody Scott spoke in favor of this item.

Mr. Mark Falcone spoke in favor of this item.

Ms. Lisa Henley spoke in favor of this item.

Mr. William Cioci spoke in opposition of this item.

Mr. Mark Estemeyer spoke in opposition of this item.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem McCallon, to conduct a second reading of Ordinance No. 415 amending Chapter 5.04 of the Highland Municipal Code to prohibit the issuance of a business license for Commercial Marijuana Activity, (2) Amending Chapter 9.28 of the Highland Municipal Code to prohibit commercial marijuana activity and to regulate indoor marijuana cultivation on private residences; and (3) Amending Chapter 16.80 of the Zoning Code to prohibit commercial marijuana uses in all zones in the City and to allow limited indoor marijuana cultivation consistent with state law (MCA-17-002). Motion carried, 3-0, with Councilman Chavez dissenting and with Councilwoman Solano abstaining.

City Clerk Hughes introduced Ordinance No. 415:

ORDINANCE NO. 415

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA AMENDING CHAPTER 5.04 OF THE HIGHLAND MUNICIPAL CODE TO PROHIBIT THE ISSUANCE OF A BUSINESS LICENSE FOR COMMERCIAL MARIJUANA ACTIVITY, AMENDING CHAPTER 9.28 OF THE HIGHLAND MUNICIPAL CODE TO PROHIBIT COMMERCIAL MARIJUANA ACTIVITY AND TO REGULATE INDOOR MARIJUANA CULTIVATION ON PRIVATE RESIDENCES CONSISTENT WITH STATE LAW, AND AMENDING CHAPTER 16.80 OF THE ZONING CODE TO PROHIBIT COMMERCIAL MARIJUANA USES IN ALL ZONES IN THE CITY AND TO ALLOW LIMITED INDOOR MARIJUANA CULTIVATION CONSISTENT WITH STATE LAW, AND MAKING A FINDING OF EXEMPTION FROM CEQA UNDER SECTION 15061(b)(3) OF THE CEQA GUIDELINES

which title was read.

18. Five-Year Capital Improvement Program

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

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Solano, to approve the 5-year Capital Improvement Program (FY 2016/17 through FY 2020/21) as presented. Motion carried, 5-0.

19. Three-Way Stop Control at Summertrail Place/Plumblossom Lane Intersection

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

A MOTION was made by Councilwoman Solano, seconded by Councilman Timmer, to approve Resolution No. 2017-029 designating a 3-way stop control at the Summertrail Place/Plumblossom Lane. Motion carried, 5-0.

RESOLUTION NO. 2017-029

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DESIGNATING MULTI-WAY STOP CONTROL AT THE SUMMERTRAIL PLACE/PLUMBLOSSOM LANE INTERSECTION AND RESCINDING RESOLUTION NO. 2016-019

20. 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 would like to address the fact that as a City member, one of the two city members on that, I represent all of the cities in San Bernardino County on LAFCO, not just the City of Highland.

Mayor Lilburn gave a brief update regarding Omnitrans.

Public Works Director/City Engineer gave a brief update of the Victoria Avenue Interchange project.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 7:20 p.m. in memory of Christina Bishop, Jim Johnson and James "Jim" Merrett.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Penny Lilburn
Mayor