

**MINUTES
REDEVELOPMENT AGENCY AND CITY COUNCIL
REGULAR MEETING
MAY 12, 2009 - 6:00 p.m.**

CALL TO ORDER

The regular meeting of the City Council and Redevelopment Agency of the City of Highland was called to order at 6:02 p.m. by Mayor Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Reverend Todd Barnett of Immanuel Baptist Church and the Pledge of Allegiance was led by Councilman Timmer.

ROLL CALL

Present: Jones, McCallon, Scott, Timmer, Mayor Lilburn
Absent: None

SPECIAL PRESENTATIONS

Mayor Lilburn presented Mr. Robert Moore with a Proclamation proclaiming the City of Highland's appreciation for his dedicated service to the Planning Commission.

COMMUNITY INPUT

Mr. Al Newman stated he is coordinating a car show to be held in the Highland Village Plaza. The car show will consist of 150 to 200 cars and the money raised will be donated for the defibrillators for the City of Highland Fire Department. He is requesting a waiver of city fees for this event.

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to add an additional item to the agenda regarding a fiscal hardship resolution. Motion carried, 5-0.

A MOTION was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, 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 – April 14, 2009 City Council Regular Meeting
Approved Minutes as submitted.

3. Minutes – April 14, 2009 RDA Regular Meeting
Approved Minutes as submitted.
4. Warrant Register
Approved Warrant Register No. 483 for May 12, 2009, in the amount of \$1,112,971.59 and Payroll of \$78,207.80.
5. Professional Services Agreement for Aerial Imagery and Terrain Data and Letter Agreement with East Valley Water District
 1. Authorized the City Manager to execute a letter agreement with East Valley Water District to reimburse the City for its proportionate cost of aerial imagery and terrain data; and
 2. Authorized the Mayor to execute the Professional Services Agreement with I.K. Curtis Services to provide aerial imagery and terrain data, contingent upon approval by EVWD of the Letter Agreement.
6. Declaration of Two (2) Vacant Seats on the Building Code Appeals (BCAB)
 1. Declared two (2) seats vacant on the Building Code Appeals Board; and
 2. Directed the City Clerk to advertise the vacancies on the Board.
7. Adjustment to Employee Benefits: 1) Cafeteria Plan and 2) Vacation and Administrative Leave Buy Back Programs
Adopted Resolution No. 2009-008 amending Resolution No. 2006-022 establishing personnel system rules and rescinding Resolution No. 2008-027.

RESOLUTION NO. 2009-008
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, AMENDING
RESOLUTION NO. 2006-022 ESTABLISHING
PERSONNEL SYSTEM RULES &
RESCINDING RESOLUTION NO. 2008-027

8. Resolution No. 2009-009 Adopting Amendments to the City of Highland Premium Only Plan
Approved Resolution No. 2009-009 adopting amendments to the City of Highland Premium Only Plan.

RESOLUTION NO. 2009-009
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HIGHLAND, CALIFORNIA,
AMENDING THE CITY OF HIGHLAND PREMIUM ONLY PLAN

9. Easement Acceptance/9th Street Sidewalk Improvements
 1. Accepted the Grant of Easement for Road and Drainage Purposes from Daniel Sanchez and Maria Saldana; and
 2. Directed the City Clerk to record the Grant of Easement.

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

10. Resolution No. 2009-010 Fixing the Highland Paramedic Special Tax Rate for Fiscal Year 2009-10

Mayor Lilburn opened the public hearing.

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

Mayor Lilburn called for speaker slips in favor or in opposition. Hearing none, Mayor Lilburn closed the public hearing.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman Timmer, to adopt Resolution No. 2009-010 Fixing the Highland Paramedic Special Tax Rate for Fiscal Year 2009-10. Motion carried, 5-0.

RESOLUTION NO. 2009-010
A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HIGHLAND, CALIFORNIA,
FIXING THE HIGHLAND PARAMEDIC SPECIAL TAX
RATE FOR FISCAL YEAR 2009-10

11. MCA-009-001 – The City of Highland Municipal Code is Being Amended to Give the Purpose and Duties of the City of Highland Design Review Board to the City of Highland Planning Commission, Dissolve the Design Review Board, and Increase the Membership of the Planning Commission from Five (5) Members to Seven (7) Members. Municipal Code Amendments will Need to be Made to Title 2, Administration and Personnel; Title 5, Business Licenses and Regulations; and Title 16, Land Use and Development.

Community Development Director Jaquess stated this is an item that was on the work program and was adopted in February of 2009. The item was identified as having several areas where there was benefit to the city from taking this action and these are enumerated in the staff report. It would decrease processing times, make more efficient use of staff resources, allow streamlining of planning decision making, provide for more flexible agenda scheduling and provide for more integrated decision making by having design issues be addressed as part of the entitlement process. There was some negative issues identified. One of these was by merging the two processes. It could potentially result in longer public hearings on a single item. The reorganization would eliminate one volunteer position between the Planning Commission and the Design Review Board and that the time required of the volunteers would be greater than they have currently experienced except for the two Commissioners who are both on the Planning Commission and the Design Review Board already. The proposal is to merge the Planning Commission and Design Review Board, and change the Planning Commission configuration to a seven member board. Planning Commission did recommend approval of this but they had some comments. Their first comment was they felt it would be desirable to change the term of office for a Commissioner

from four years to six years and the terms would be every two years; you would have two members, two members, three members. This would extend the time but minimize the impact on the Commission and you would never have a whole quorum of the Commission being changed out at one time. There is language in the staff report that, if the Council wishes to do so, to include for the draft ordinance. The Commissioners had a concern about the fact there is potential for meetings to be a little longer than they have been. Staff felt that the total amount of time should not increase because it would be allowed to mix together the design entitlement issues into one action. Commissioners are also concerned if there would be an effect on the process if they wanted to deny or continue a project for either an entitlement or design issue and staff responded that the issue would be handled in the same way that it has been in the past where the Commission has pulled authority to continue an item to request revisions in the project design. This concludes staff presentation.

Mayor Lilburn called for any speaker slips in favor or in opposition. Hearing none, Mayor Lilburn closed the public hearing.

Councilman McCallon stated the Planning Commission's recommendation to have the term of six years is fine.

Councilman Timmer stated this is a Council driven item and this was initiated to reduce the time for processing applications. He would support the Planning Commission's recommendation as well.

A MOTION was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to adopt a Notice of Exemption and instruct the City Clerk to file a Notice of Exemption with the County Clerk of the Board; and introduce Ordinance No. 341 amending various sections of Title 2, Administration; Title 5, Business Licenses and Regulations; and Title 16, Land Use and Development Code. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 341:

ORDINANCE NO. 341

AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA, AMEND VARIOUS SECTIONS OF TITLE 2, ADMINISTRATION AND PERSONNEL, TITLE 5 BUSINESS LICENSES AND REGULATIONS, SECTION AND TITLE 16, LAND USE AND DEVELOPMENT CODE, OF THE HIGHLAND MUNICIPAL CODE, RELATING TO THE RE-ORGANIZATION AND MERGING OF THE PLANNING COMMISSION AND DESIGN REVIEW BOARD. [MUNICIPAL CODE AMENDMENT (MCA-009-001)]

which title was read.

12. Amendments to Portions of the City's General Plan Public Health and Safety Element (Chapter 6) and Airport Element (Chapter 11) (GPA 007-003), and Amendments to the City's Land Use and Development Code Amending the City's Official Zoning Map to Incorporate "Airport Overlay Zones," and Amending Section 16.40.410, Airport Safety Regulations (MCA 007-003) all in Accordance with the San Bernardino International Airport Interagency Cooperative Agreement, approved on August 22, 2007

Mayor Lilburn opened the public hearing.

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

Councilman Timmer stated one of the points was the FAA had to approve the operating plan. Was this ever resolved?

Mr. Bill Ingram, Aviation Director of SBIAA, stated it did take quite some time to get through the FAA process but at the end of the process, they received a letter stating they agreed with the operating process which is the key element that they had to agree to and comment on.

Community Development Director Jaquess stated there is still outstanding a process of actually adopting a formal airport land use plan which by agreement is going to be done by the City of San Bernardino. The City of Highland will be working closely with them and verbally they have indicated the willingness to incorporate the work we have done with the airport into the land use agreement.

City Attorney Steele stated the original documents from which this was created have been reviewed and approved by the appropriate consultants.

Mayor Lilburn called for any speaker slips in favor or in opposition. Hearing none, Mayor Lilburn closed the public hearing.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Jones, to approve the following:

1. Determine that an Addendum to the General Plan Program Environmental Impact Report adopted by the City Council on March 14, 2006, is the appropriate environmental document for the proposed General Plan and Land Use and Development Code Amendments and direct the City Clerk to file a Notice of Determination with the County Clerk of the Board;
2. Approve Resolution No. 2009-013 adopting the General Plan Amendments to portions of the Public Health and Safety Element (Chapter 6) and Airport Element (Chapter 11);
3. Introduce Ordinance No. 342 to amend portions of the Land Use and Development Code Section 16.40.410, Airport Safety Regulations; and
4. Introduce Ordinance No. 343 to amend the City's Official Zoning Map to incorporate Airport Overlay Zones. Motion carried, 5-0.

RESOLUTION NO. 2009-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND TO DETERMINE THAT AN ADDENDUM TO THE GENERAL PLAN UPDATE PROGRAM ENVIRONMENTAL IMPACT REPORT ADOPTED BY THE CITY ON MARCH 14, 2006, IS THE APPROPRIATE ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED GENERAL PLAN AMENDMENTS AND DIRECT THE CITY CLERK OR AUTHORIZED REPRESENTATIVE TO FILE A NOTICE OF DETERMINATION WITH THE COUNTY CLERK OF THE BOARD AND ADOPT THE GENERAL PLAN AMENDMENTS TO PORTIONS OF THE PUBLIC HEALTH AND SAFETY ELEMENT (CHAPTER 6) AND THE AIRPORT ELEMENT (CHAPTER 11) (GPA-007-003)

City Clerk Hughes introduced Ordinance No. 342:

ORDINANCE NO. 342

AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE CITY'S MUNICIPAL CODE, TITLE 16, LAND USE AND DEVELOPMENT CODE, SECTION 16.40.410, AIRPORT SAFETY REGULATIONS (MCA-007-003)

which title was read.

City Clerk Hughes introduced Ordinance No. 343:

ORDINANCE NO. 343

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING THE CITY'S OFFICIAL ZONING MAP AS ADOPTED BY THE CITY OF HIGHLAND

which title was read.

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

13. Appointment to the Design Review Board

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

A MOTION was made by Councilman McCallon, seconded by Councilman Timmer, to reappoint one (1) Member of the Public, Mr. Trang Huynh, to the Design Review Board. Motion carried, 5-0.

14. Two Appointments to the Planning Commission

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

A MOTION was made by Councilman McCallon, seconded by Councilman Timmer, to reappoint one (1) Member of the Public, Mr. Randall Hamerly, to the Design Review Board and to leave the other appointment vacant. Motion carried, 5-0.

15. Second Reading of Ordinance Nos. 339 and 340 Municipal Code Amendments to the City of Highland's Title 16, Land Use and Development Code to Establish the East Highland Village Zoning District (EHV) (MCA 008-004 / ZC0-008-001)

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to conduct a second reading of:

1. Ordinance No. 339, Amending Title 16, Chapter 16.16, Sections 16.16.020, 16.16.030, and 16.16.040; and
2. Ordinance No. 440, Amending the City's Zoning Map consistent with the East Highland Village Police Area (EHV). Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 339:

ORDINANCE NO. 339
AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA,
AMENDING SECTION 16.16.020 RESIDENTIAL DEVELOPMENT DISTRICTS;
SECTION 16.16.030 USE REGULATIONS FOR RESIDENTIAL DISTRICTS
AND SECTION 16.16.040 RESIDENTIAL SITE DEVELOPMENT STANDARDS
OF TITLE 16 (LAND USE AND DEVELOPMENT) OF THE
HIGHLAND MUNICIPAL CODE MUNICIPAL CODE
AMENDMENT (MCA 008-004)]

which title was read.

City Clerk Hughes introduced Ordinance No. 340:

ORDINANCE NO. 340
AN ORDINANCE OF THE CITY OF HIGHLAND, CALIFORNIA AMENDING
THE OFFICIAL ZONING MAP AS ADOPTED BY THE CITY OF HIGHLAND

which title was read.

16. Naming of Access "A" at Greenspot Road

City Engineer Wong gave a brief review of the staff report.

Mayor Pro Tem Jones stated with the eventual development of the project on the north, how are we going to address both sides of the street? Will we name them different?

City Engineer Wong stated we will name them differently as this has been done in other cities as well. The Mission/Vestar project will have a name they will choose and TREH/Regency will have a name they will choose. We do not know what the suggested name is for the south side development. The signal is city property and the city retains the authority to the final decision.

Councilman McCallon stated the subcommittee felt it would be more appropriate to honor Corporal Ray with a more substantial appointment.

Councilwoman Scott stated she would hope there would be an appropriate ceremony honoring the street naming for Corporal Ray. She is against a street north and a street south being named differently.

City Engineer Wong stated we do not have to have a name for the entrance. This practice started with the Stater Bros. project and the subcommittee indicated their interest to help identify the business by having a sign on the signal.

Councilman Timmer stated we need to correct the issue. This wasn't the appropriate place to honor Corporal Ray.

A MOTION was made by Councilwoman Scott, seconded by Councilman Timmer, to name a future public street with the city to honor the late Corporal Darwin Esker Ray. Motion carried, 5-0.

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to remove the existing "Ray Avenue" signs at the Access "A" private entrance on Greenspot Road and not to be replaced with any signs which identify the shopping centers. Motion carried, 5-0.

17. Consideration of Becoming a Member of the Inland Valley Development Agency

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

Councilman Timmer asked why would the City of Highland want to join an organization who has skirted the environmental review process and an organization which may have quite a bit of debt based on redevelopment monies coming in from IVDA? The major focus is the airport authority; he does not want to waste staff time and committee time.

Mayor Pro Tem Jones stated the real reason it needs to be addressed is because the IVDA is getting to the point now where they have an access of tax increment dollars coming in and those agencies that belong to the IVDA are going to want to redirect the funds into their individual cities. We have a large strip of property along the front of the airport and this area would need some redevelopment dollars to remove the blight and develop it. It would be a prudent time to do this because the City of Redlands has also been invited to join the IVDA. The reason for the Ad Hoc appointment is to explore what would be necessary to join the IVDA.

Councilwoman Scott stated we currently have an area in the IVDA and she could not understand why the city did this.

Councilman Timmer stated this was due to the IVDA or the Airport Authority wanting to have access onto Third Street. We would have the north side and the City of San Bernardino would have the south side meaning we would not be held liable for the entire maintenance of the whole street; it would be a joint venture. There was some benefit to the City of Highland as we straightened out the boundary just a little and we separated the street to be maintained by both cities.

Councilwoman Scott stated the only advantage she could see would be these horrible boundaries we have. San Bernardino has their property in one of 13 RDA's of which the IVDA is only one of them.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilwoman Scott, to appoint an Ad Hoc Committee to study and evaluate the possibility of joining the Inland Valley Development Agency. Motion carried, 3-2, with Councilman Timmer and Councilman McCallon dissenting.

Mayor Lilburn appointed Mayor Pro Tem Jones and Councilman Timmer to serve on the IVDA Ad Hoc Committee to explore alternatives.

18. 2009-2011 Preliminary Budget and Study Session Date

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

It was agreed upon to set May 26, 2009, at 5:00 p.m. as the Study Session date.

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

Councilman McCallon stated SCAG held their general assembly meeting and as part of this meeting a city profile was handed out which included detailed information about the city.

Mayor Pro Tem Jones stated FEMA has sent a recent designation on our levees within the City of Highland and they have assigned them the title of being provisionally accredited.

City Engineer Wong stated some levees within the city limits are owned by the County Flood Control District and if those levees are not certified to meet FEMA standards, then there will be a quite a bit of area in the City of Highland that will have a flood passage zone designation on the FEMA map. This would happen in August 2009 if the levee is not certified. County Flood Control District has been working with FEMA to try to certify these levees.

City Manager Hughes stated a request was made at the prior Council meeting from the IVDA and SBIAA to submit a letter of support for the 3rd Street and 5th Street Project and they also requested one for the Mt. View project but the Council's directive was not to send one. We have received a new request for support of the Victoria Interchange Project which IVDA would like to seek federal transportation dollars to do the next step of the process. This would mean IVDA would take more of a lead role in this interchange at least with the federal issues.

City Engineer Wong stated the City of Highland has thus far taken the leading role in coordinating with stakeholder agencies and Caltrans to have Caltrans complete the first step of the interchange project. They have scheduled the project study to be completed by the end of 2009. IVDA has been one of the strong supporters of the Victoria Avenue interchange project. They have asked us to support an application in which they are working on with Congressman Lewis' office. Staff is recommending SBIAA and IVDA be the lead on this project. For several reasons, one being that it is an agency that includes many other member agencies. If you have SBIAA and IVDA go behind a project, it means several other agencies are also supporting it. Also, it sounds less self-serving. Logically speaking it is better for IVDA/SBIAA to propose this project. There could be one disadvantage meaning if another agency were to receive the grant money then they would have control over the monies. Staff would recommend a letter to be signed by the City Manager in support of IVDA as the lead agency but we would also request this project be included in the new transportation bill as a separate project and not lumped together with other projects.

Councilwoman Scott stated she has a concern for a lead agency having control over the monies and they can divert the monies into their other projects unless there would be representation from City of Highland to have input.

Councilman Timmer stated City Engineer Wong stated this will be identified as a single project. The key is to establish this as an individual project rather than part of a bigger project. Once the money is allocated, it has to stay with the project.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman Timmer, to authorize the City Manager to sign a letter in support of IVDA being the lead agency in the Victoria Interchange Project. Motion carried, 5-0.

20. San Bernardino International Airport Authority and IVDA

None

21. Fiscal Hardship Resolution

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

A MOTION was made by Councilman McCallon, seconded by Councilwoman, Scott to adopt Resolution 2009-011 Finding Severe Fiscal Hardship. Motion carried, 5-0.

RESOLUTION NO. 2009-011
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF
ADDITIONAL LOCAL PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL
UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA

ANNOUNCEMENTS

None

CLOSED SESSION

At 7:46 p.m., the City Council and Redevelopment Agency convened into closed session regarding the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1):

One case.

At 8:04 p.m., the City Council and Redevelopment Agency convened into open session, with all members present, making no announcements.

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 8:06 p.m.

Submitted by:

Approved by:

Betty Hughes, CMC
City Clerk

Penny Lilburn
Mayor