

**MINUTES  
REDEVELOPMENT AGENCY AND CITY COUNCIL  
REGULAR MEETING  
MAY 26, 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 6:00 p.m. by Mayor Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Reverend Mark Rush of Immanuel Baptist Church and the Pledge of Allegiance was led by Councilman McCallon.

**ROLL CALL**

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

**SPECIAL PRESENTATIONS**

None

**COMMUNITY INPUT**

None

**CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR**

**A MOTION** was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to approve the consent calendar as submitted with the exception of Item #13 being pulled for further discussion. Motion carried, 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 28, 2009 City Council Regular Meeting  
Approved Minutes as submitted.
3. Minutes – April 28, 2009 RDA Regular Meeting  
Approved Minutes as submitted.
4. Claim Consideration – Freddy Nava and Ray Slade  
Rejected claim.
5. Claim Consideration – Jason Anderson  
Rejected claim.

6. Warrant Register  
Approved Warrant Register No. 484 for May 26, 2009, in the amount of \$222,524.27 and Payroll of \$78,620.13.
7. Treasurer-s Report for April 2009  
Received and filed Treasurer's Report for April 2009.
8. Award of Bid Number 2009-01, "History of Recycling Exhibit," for the Highland Sam J. Racadio Library and Environmental Learning Center to Universal Exhibits  
Awarded Bid Number 2009-01, "History of Recycling Exhibit" for the Highland Sam J. Racadio Library and Environmental Learning Center to Universal Exhibits.
9. Proposal to Remove and Dispose of Asbestos Containing Materials from City-Owned Buildings at 26967, 26985 and 27005 Base Line  
Approved the proposal and contract by Brickley Environmental.
10. Notice of Completion – Bid No. 2008-15 "Rogers Lane Street Improvement Project"
  1. Accepted Bid No. 2008-15 "Rogers Lane Street Improvement Project" as complete;
  2. Authorized the Mayor to sign the Notice of Completion; and
  3. Directed the City Clerk to file the Notice of Completion.
11. Easement Acceptance/9<sup>th</sup> Street Sidewalk Improvements
  1. Accepted the Grants of Easement for Road and Drainage Purposes from Pete S. Martinez and Cuong Do and Hinh Kim Linh; and
  2. Directed the City Clerk to record the Grants of Easement.
12. Easement Acceptance/9<sup>th</sup> Street Sidewalk Improvements
  1. Accepted the Grant of Easement for Road and Drainage Purposes from Eleanor L. Duarte; and
  2. Directed the City Clerk to record the Grant of Easement.

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

13. Race-Conscious Disadvantaged Business Enterprise (DBE) Implementation Agreement for Federal Fiscal Year 2008/2009

Councilwoman Scott stated she would like clarification of the resolution as it seems to state the City of Highland has to abide by this resolution or there are no Federal Funds. On page 5, Roman numeral 6, it states the UDBE are limited to those who are certified, owned and controlled by African Americans, Native Americans, women and Asian Pacific Americans. To her, this is discrimination in the reverse. Roman numeral 8 states a liaison officer. Is this person an employee or is it an outside agency we need to report to?

City Engineer Wong stated the liaison is a staff person.

Councilwoman Scott asked if an employee needs to be assigned to this program full time. To her, we need full time code enforcement officers instead of someone to make sure contracts are ethnic conscious. Also, it does not state anything about legal status.

Assistant Public Works Director Barton stated this is essentially reverting back to the program we had a few years ago where there are race conscious goals. In this case, it is limited to those ethnic groups that were mentioned earlier. It is a requirement for Federal Funding. It is something that if we have a federally funded project from the Highway Transportation program, we must have this in place. It is the result of a court ruling from the 9<sup>th</sup> Circuit Court of Appeals. The employee liaison is City Engineer Wong, therefore, there is no need for an additional employee.

City Attorney Steele stated it is not a requirement of the liaison official to spend all of his/her time on this program.

**A MOTION** was made by Mayor Pro Tem Jones, seconded by Councilman McCallon, to adopt Resolution No. 2009-012 approving the Disadvantaged Business Enterprise (DBE) Implementation Agreement (Exhibit 9A) and to direct the City Engineer to sign and submit said DBE Implementation Agreement to the California Department of Transportation (Caltrans) to meet funding authority requirements, on behalf of the City. Motion carried, 4-1.

RESOLUTION NO. 2009-012  
A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HIGHLAND, CALIFORNIA, APPROVING THE  
DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION  
AGREEMENT (EXHIBIT 9-A) FOR FEDERAL FISCAL YEAR (FFY) 2008/09

**CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE**

14. One (1) Appointment to the Historic and Cultural Preservation Board (HCPB)

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

**A MOTION** was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to appoint one (1) member of the public, Steven Dondalski, to the Historic and Cultural Preservation Board. Steven Dondalski received four votes.

15. Second Reading of Ordinance No. 341 Municipal Code Amendments to the City of Highland's Title 2, Administration, Title 5 Business Licenses and Regulations, and Title 16 Land Use and Development Code 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 (MCA 009-001)

**A MOTION** was made by Councilman McCallon, seconded by Councilman Timmer, to conduct a second reading of 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, 4-1, with Councilwoman Scott dissenting.

City Clerk Hughes introduced Ordinance No. 341:

ORDINANCE NO. 341

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AMENDING 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.

16. Second Reading of Ordinance Nos. 342 and 343 – Amendments to the City's Land Use and Development Code, Amending Section 16.40.410, Airport Safety Regulations, and Amending the City's Official Zoning Map to incorporate "Airport Overlay Zones" (MCA 007-003), all in accordance with the San Bernardino International Airport Interagency Cooperative Agreement, approved on August 22, 2007

**A MOTION** was made by Mayor Pro Tem Jones, seconded by Councilman McCallon, to conduct a second reading of the following Ordinance No. 342, amending portions of the Land Use and Development Code Section 16.40.410, Airport Safety Regulations, and Ordinance No. 343, amending the City's Official Zoning Map to incorporate Airport Overlay Zones. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 342:

ORDINANCE NO. 342

AN ORDINANCE OF THE CITY COUNCIL 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.

17. Beattie Middle School – Joint Use of Facilities

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

Councilwoman Scott stated this item is on the agenda due to the amount of funds being disbursed at Beattie Middle School. Last year, 2008, the city paid \$31,029.04 on water bills. Thus far, 2009, we have spent almost \$5,000 on water bills. She received a report stating the use of the park and the park is being used very little. She feels this is the school district's responsibility. It belongs to the school district, let the school district handle these few organizations that use the field.

Councilman McCallon stated he disagrees with Councilwoman Scott. He feels this is pretty cheap expenditure in terms of having a park. The park is being well used and while people may not be coming in for permits, the citizens are using the facility. If we did not have this agreement, the school could lock the fields up and citizens would not have access. He thinks \$36,000 a year to have a park that size available to our citizens is a cost effective expenditure. He does not see any need for modifications.

Councilwoman Scott stated she would like to respond to the statement of the citizens not being able to use the facility. The citizens, as taxpayers, are paying a lot to the school district on school taxes and if the school locked the fields the citizens should address the school district.

Mayor Pro Tem Jones stated there are a number of individuals who use the field and they use it on a regular basis. He has seen a number of families along with members of their extended families who use the facilities. He is in agreement with Councilman McCallon in what little money we have to spend for these additional facilities is well worth the expenditure.

**A MOTION** was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to table the item of Beattie Middle School Joint Use of Facilities contract between the City and the Redlands Unified School District. Motion carried, 4-1, with Councilwoman Scott dissenting.

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

Councilman McCallon stated Council and staff attended the ICSC Conference in Las Vegas. We were in attendance to market the city for retail and restaurants possibilities. Due to the economy, the attendance by retailers were down as well as the attendance numbers.

19. San Bernardino International Airport Authority and IVDA

None

**ANNOUNCEMENTS**

None

**CLOSED SESSION**

None

**ADJOURN**

There being no further business, Mayor Lilburn adjourned the meeting at 6:27 p.m. in memory of Maria Ofelia Henley and Beverly Cunningham.

Submitted by:

Approved by:

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Betty Hughes, CMC  
City Clerk

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Penny Lilburn  
Mayor