

**MINUTES
REDEVELOPMENT AGENCY AND CITY COUNCIL
REGULAR MEETING
JUNE 23, 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 Mayor Pro Tem Jones and the Pledge of Allegiance was led by Mr. Jim Nonnemacher, American Legion Representative.

ROLL CALL

Present: Jones, Scott, Timmer, Mayor Lilburn
Absent: McCallon

SPECIAL PRESENTATIONS

None

COMMUNITY INPUT

Mr. Jim Nonnemacher stated he is present to discuss Vietnam Veteran's Day. The United States does not have a specific day to recognize the Vietnam Veterans. The Highland American Legion Post #421 has followed suit promoting a declaration declaring a specific day to honor the Vietnam Veterans. He would like to request the Council's support to proclaim March 29th of every year from here on as Vietnam Veteran's Day.

Mr. Carlos Torres stated he is representing Mr. Alfaro who purchased property in the City of Highland approximately five years ago. At this time he was under the impression the property was zoned equestrian. It was not until recently that Mr. Alfaro received a citation for housing of horses. As a result, it was discovered there is an ordinance stating it is illegal to house horses on a lot which is less than 20,000 square feet. Mr. Alfaro's property is approximately 5,500 square feet short of the required 20,000 square feet. He would like to request on Mr. Alfaro's behalf to have this item be added to the agenda for further discussion and action.

Councilman Timmer stated this ordinance was adopted since the city was incorporated and this resident was not the original owner as he has only owned the home for the past five years.

Community Development Director Jaquess stated this property is surrounded by residential development.

Mayor Lilburn stated this item will be directed to the Public Safety Subcommittee.

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem Jones, to add an additional item to the agenda regarding proposed funding for the allocation of the Senior Home Repair Program, County of San Bernardino. Motion carried, 4-1, with Councilman McCallon being absent.

City Clerk Hughes stated there is an amendment to item #2 and item #3, under item #13 it was stated the motion carried, 5-0. It should state, 4-1, with Councilwoman Scott dissenting.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman Timmer, to approve the consent calendar as amended. Motion carried on a roll call vote, 4-1, with Councilman McCallon being absent.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – May 26, 2009 City Council Regular Meeting
Approved Minutes as submitted.
3. Minutes – May 26, 2009 RDA Regular Meeting
Approved Minutes as submitted.
4. Claim Consideration – Sunil Bhasin
Rejected claim.
5. Claim Consideration – Maria Hartman
Rejected claim.
6. Warrant Register
Approved Warrant Register No. 486 for June 23, 2009, in the amount of \$466,979.96 and Payroll of \$80,484.30.
7. Treasurer's Report for May 2009
Received and filed Treasurer's Report for May 2009.
8. Easement Acceptance/9th Street Sidewalk Improvements
 1. Accepted the Grant of Easement for Road and Drainage purposes from Pedro and Reynalda Gonzalez; and
 2. Directed the City Clerk to record the Grant of Easement.

9. Notice of Completion – Bid No. 2008-07 “Cypress Street Improvements Project” and Bid No. 2008-08 “Seventh Street and Sterling Avenue Improvements Project”
 1. Accepted Bid No. 2008-07 “Cypress Street Improvements Project” and Bid No. 2008-08 “Seventh Street and Sterling Avenue Improvements 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.

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

10. Renewal of the Joint Sponsorship and Use of Facilities agreement with the San Bernardino City Unified School District for the Use of Cypress and Thompson Elementary Schools in Association with the After School Activity Program

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

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman Timmer, to approve the Agreement for Joint Sponsorship and Use of Facilities with the San Bernardino City Unified School District; authorize the City Manager to execute the Agreement; and consider whether or not to take a voluntary 10% reduction in fees from the District. Motion carried, 4-1, with Councilman McCallon being absent.

11. Freeway Mitigation Fee

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

Councilwoman Scott asked when the decision was made in 1995, was it based on the city not being able to receive the funds back because there was a possibility the funds were going to be distributed by another entity?

City Engineer Wong stated this fee stays in the City of Highland. The city has control over the freeway mitigation fee when it is collected. Also, in 1995 there was only one discussion by City Council to waive the freeway mitigation fee for one project but ever since then staff used this as an informal policy with one exception which we conditioned San Manuel to pay this fee.

Councilwoman Scott asked if this is an actual refund of \$266,000?

City Engineer Wong stated it is a refund.

Councilman Timmer stated the Finance Subcommittee felt that having the main freeway system being funded by city funds was not appropriate and to essentially add another tax on developers.

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

1. Determine that the City will not establish a fee program for collection of Freeway Impact Fee for freeway mainline improvements;
2. Direct staff not to require new developments to pay their fair share of freeway mainline improvement cost;
3. Confirm the City's current practice and continue to require new developments to pay Development Impact Fee and Traffic Mitigation Fee as their fair share of freeway interchange improvement cost; and
4. Authorize refund of Freeway Mitigation Fee to San Manuel in the amount of \$266,629.27. Motion carried, 4-1, with Councilman McCallon being absent.

12. San Manuel Village Development Impact Fee Credits

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

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman Timmer, to approve Development Impact Fee credit for San Manuel Village in the amount of \$94,855.84 for the four buildings already constructed; and authorize staff to approve future DIF credits under the street, signal and median subcategories for the remaining four future buildings. Motion carried, 4-1, with Councilman McCallon being absent.

13. Unconstitutional Diversion of Local Share of Motor Fuel (Gas) Tax & Redevelopment Funds

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

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilwoman Scott, to adopt Resolution No. 2009-024 authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by state government of the city's street maintenance funds; and that the Redevelopment Agency adopt Resolution No. RDA 2009-002 authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by state government of the city's street maintenance funds and redevelopment funds. Motion carried, 4-1, with Councilman McCallon being absent.

RESOLUTION NO. 2009-024

A JOINT RESOLUTION OF THE CITY COUNCIL AND REDEVELOPMENT AGENCY OF THE CITY OF HIGHLAND AUTHORIZING THE CITY ATTORNEY/REDEVELOPMENT AGENCY GENERAL COUNSEL TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, THE CALIFORNIA REDEVELOPMENT ASSOCIATION, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE AND REDEVELOPMENT FUNDS

RESOLUTION NO. RDA 2009-002
A JOINT RESOLUTION OF THE CITY COUNCIL AND
REDEVELOPMENT AGENCY OF THE CITY OF HIGHLAND AUTHORIZING THE
CITY ATTORNEY/REDEVELOPMENT AGENCY GENERAL COUNSEL TO
COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, THE CALIFORNIA
REDEVELOPMENT ASSOCIATION, OTHER CITIES AND COUNTIES IN
LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY
STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE AND
REDEVELOPMENT FUNDS

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

Mayor Lilburn stated the Governance Committee met and discussed the possibility of remaining a JPA. They are looking to make this committee a transit agency. The CEO has announced his retirement and Omnitrans has established a committee to conduct a nationwide recruitment.

Councilman Timmer stated in reference to the consolidation of Muni and Conservation District, a letter was sent inquiring if the City of Highland wanted to continue our opposition or change our position on this and he would like to know if the financial analysis has been completed.

Community Development Director Jaquess stated a draft of this report is done but he has not received a copy or reviewed it. He was informed by the manager of the Water Conservation District that in fact it did reflect there were no cost benefits to the merger.

15. San Bernardino International Airport Authority and IVDA

None

16. Senior Home Repair Program

Community Development Director Jaquess stated the County Board is supposed to make a change in how they administer the Senior Home Repair Program using CDBG monies. In the past there were funds set aside and disbursed by the county and it was not specified that it would be allocated to any particular city or district. The County Board decided they want to allocate funds to each member city and district and allow the jurisdictions to make the decisions as to how much they would want to commit to each program. The City of Highland will receive \$86,000; \$33,000 is recommended to go to infrastructure and \$53,000 is recommended to go to the Senior Home Repair Program.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman Timmer, to continue the program with the new allocation of \$33,000 for infrastructure and \$53,000 for the Senior Home Repair Program. Motion carried, 4-1, with Councilman McCallon being absent.

ANNOUNCEMENTS

Thursday, July 9, 2009

League of California Cities Dinner Meeting

CLOSED SESSION

At 6:50 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 7:34 p.m., the City Council and Redevelopment Agency convened into open session, with all members present with the exception of Councilman McCallon being absent, making no announcements.

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 7:36 p.m. in memory of Bob Cram.

Submitted by:

Approved by:

Betty Hughes, CMC
City Clerk

Penny Lilburn
Mayor