

**MINUTES
REDEVELOPMENT AGENCY AND CITY COUNCIL
REGULAR MEETING
SEPTEMBER 8, 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 Mayor Lilburn.

ROLL CALL

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

SPECIAL PRESENTATIONS

Fire Chief Mary Stock gave a brief introduction of Cal Fire San Bernardino Unit Chief Doug McCain.

Mr. Charles Roberts introduced David Berkowitz, the new Publisher of the Highland Community News.

COMMUNITY INPUT

Ms. Faye Jure stated she is present to speak about the empty homes on the corner of Base Line and Olive which have been unfinished for a year and a half. The property is now being used as a dumping site for unwanted debris. The last time she spoke with staff, the property owner had received a six month extension and the last known work done was a year ago in March. She would like to know the current status of this property.

Community Development Director Jaquess stated staff does try to communicate with the property owner on a regular basis. We have not heard any news as of today from the property owner. The extended permit expiration date is October 15, 2009. She will have to do a substantial amount of work if she would like to request another extension of the permit.

Mr. Blas Sanchez stated he would like to express his neighborhood's concerns with the current on-goings on Fisher Street. On August 1, 2009, his son was attacked in their front yard by two alleged gang members. The two individuals sometimes stay at a home two doors down from his home although they do not live there. They are constantly intimidating people coming and going from the neighborhood by claiming their gang affiliations.

A resident residing in this neighborhood stated he lives next door to the home where these individuals stay. He can smell marijuana every day and he has observed these individuals consuming alcohol. He also calls dispatch and he has been told an officer will respond and they do not come out. We do not want this in our neighborhood. He believes narcotics are being sold from this home as well.

Mayor Lilburn inquired if the neighborhood has established a Neighborhood Watch Program. This neighborhood seems like a perfect candidate as the neighbors are becoming involved in getting this situation resolved.

Mr. Michael Smith stated he is also a resident in this neighborhood. When there are people breaking the law they are breaking it blatantly as there is a resident who is a Redlands Police Officer who parks his squad car in front of his home. These illicit activities are taking place with no regards to a police officer in the vicinity. His wife is hesitant to even go get the mail and hurries into the house due to the individuals being in the area.

A resident residing in this neighborhood stated these individuals are also driving at high speeds through the neighborhood. He has approached them and asked them not to drive at these high speeds as there are children in the area. Someone in authority needs to address this.

Mr. Al Newman stated he would like to present Mayor Lilburn and Fire Chief Mary Stock with a check in the amount of \$10,525 for the purchase of defibrillators for the Highland Fire Department raised by a fundraiser organized by Mr. Newman.

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to approve the consent calendar as submitted. Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer 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 – July 14, 2009 City Council Regular Meeting
Approved Minutes as submitted.
3. Minutes – July 14, 2009 RDA Regular Meeting
Approved Minutes as submitted.
4. Minutes – July 28, 2009 City Council Regular Meeting
Approved Minutes as submitted.
5. Minutes – July 28, 2009 RDA Regular Meeting
Approved Minutes as submitted.

6. Claim Consideration – Leahcim Hardy
Rejected claim.
7. Warrant Register
Approved Warrant Register No. 489 for September 8, 2009, in the amount of \$4,671,180.39 and Payroll of \$230,520.27.
8. Treasurer’s Report for June
Received and filed Treasurer’s Reports for June 2009.
9. Declaration of Two (2) Seats Vacant on the Community Trails Committee (CTC)
 1. Declared two (2) seats vacant on the Community Trails Committee; and
 2. Directed the City Clerk to advertise the vacancies on the Board.
10. Easement Acceptance/Camden Holdings (CUP 007-013/Jack-in-the-Box)
 1. Accepted the Grants of Easement for Road and Drainage Purposes, and Landscaping Purposes from Camden Holdings; and
 2. Directed the City Clerk to record the Grants of Easement.
11. Easement Acceptance/East Highlands Village Street Improvements
 1. Accepted the Grant of Easement for Road and Drainage Purposes from Jeffery W. Phillips; and
 2. Directed the City Clerk to record the Grant of Easement.
12. Notice of Completion – Bid No. 2009-03 “Trail Fencing Construction”
 1. Accepted Bid No. 2009-03 “Trail Fencing Construction” 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 PUBLIC HEARING

13. Regency Centers Appeal Application 009-006 Regarding the Planning Commission’s Denial of an Amendment to Conditional Use Permit 007-009 to add a Freeway-oriented Community Business Sign to the Previously Approved Entitlement for the “Highland Crossroads” Commercial Project

Mayor Lilburn opened the public hearing.

Community Development Director Jaquess stated the applicant, after submitting the appeal, has had a meeting which involved Mayor Pro Tem Jones as well as the adjacent property owner and they appear to be working out their issues. They have asked for staff to continue this item to September 22, 2009, in the interim.

Mayor Lilburn called for any speakers in opposition or in favor of. Hearing none, she stated the public hearing will continue to be open to September 22, 2009.

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to continue this agenda item to September 22, 2009. Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer being absent.

14. General Plan Amendment 009-001 (GPA 009-001), a City Initiated General Plan Amendment to Update and Amend the Existing “Fire Hazards and Safety Overlay Areas” Map, Figure 6-6, in the Public Health and Safety Element of the City’s General Plan

Mayor Lilburn opened the public hearing.

Community Development Director Jaquess stated the item really was prompted by an action that was taken by the State of California when they updated a fire hazard map boundary. This is something that happens periodically. We last updated it in 2006 when we adopted our General Plan and before that we had updated it in 1995. The change in this round was not major. There were a couple of adjustments in the boundary to move the very high fire hazard boundary out further in the area of Carriage Hills and the subdivision west of Carriage Hills. Another area of the city along Weaver, north and south of Water, a very high fire hazard boundary was pulled back and that became just a high fire hazard area. A third area is over Greenspot, south of the Santa Ana River, where they adjusted the very high fire hazard boundary to include some lands both on the east and west side of Greenspot Road. Very minor change; doesn’t appear to affect any existing development and probably wouldn’t have any significant affect in the future.

City Manager Hughes stated what we are doing tonight is just making our General Plan consistent with the mapping that was performed by the State of California.

Mayor Lilburn called for any speakers in opposition or in favor of. Hearing none, she closed the public hearing portion.

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to adopt a Negative Declaration for General Plan Amendment 009-001 and direct staff to file a Notice of Determination, and to approve Resolution No. 2009-032 approving General Plan Amendment 009-001 to update the Fire Hazards and Safety Overlay Areas Map in the General Plan. Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer being absent.

RESOLUTION NO. 2009-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND DIRECTING STAFF TO FILE A NOTICE OF DETERMINATION WITH THE COUNTY CLERK OF THE BOARD; AND APPROVING GENERAL PLAN AMENDMENT 009-001 AMENDING FIGURE 6-6, FIRE HAZARDS AND SAFETY OVERLAY AREAS MAP IN THE PUBLIC HEALTH AND SAFETY ELEMENT (CHAPTER 6) OF THE GENERAL PLAN (GPA 009-001)
APPLICANT: THE CITY OF HIGHLAND

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

15. Community Trails Committee "Mile Makers" Fundraising Program

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

Councilman McCallon stated the Public Works Subcommittee recommended the wording be changed on the large sign to include the statement "a portion of the maintenance funding for the city trails has been generously donated." Because these funds are going to build trails, it is going to be used to maintain existing trails.

Mayor Lilburn asked if staff is going to be marketing this fundraiser?

Community Development Director Jaquess stated mainly the Trails Committee Members plus press releases.

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to approve the "Mile Makers" fundraising program. Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer being absent.

16. State Borrowing (Prop. 1A) 8% of 2009/2010 Property Taxes

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

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to approve the reduction of the economic uncertainty fund balance in each fund. Currently there is \$1,075,000 in the general fund and \$325,000 in the Fire Department fund. Staff recommends that the Economic Uncertainty fund balances be reduced by \$690,198 and \$207,169 respectively. Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer being absent.

17. Reliance Preferred Deposit Custody Account Program and Resolution No. 2009-033 Rendering the Annual Statement of Investment Policy for Fiscal Year 2009-2010

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

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to direct staff to invest in the Reliance Preferred Deposit Custody Account, and to adopt Resolution No. 2009-033 rendering the Annual Statement of Investment Policy for Fiscal Year 2009-2010. Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer being absent.

RESOLUTION NO. 2009-033
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, REPEALING RESOLUTION NO. 2009-016
ADOPTING THE ANNUAL STATEMENT OF
INVESTMENT POLICY FOR FISCAL YEAR 2009/2010

18. Approval of Contract Change Order No. 1 – Bid No. 2004-03, “Street Improvements at Northwest Corner of Victoria Avenue and Highland Avenue”

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

Councilwoman Scott stated the change order is an increase but not an increase for overruns; it is an increase due to the additional work being listed such as the retaining walls and driveways. Also, the total working days would be adjusted for the completion and they are predicting the completion date to be February 2010. In the contract, is there a penalty for delays or bonuses for early completion?

City Engineer Wong stated no bonus but in the contract we do have liquidated damages, which is so many hundreds of dollars for each day of delay.

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to approve Contract Change Order No. 1 for Bid No. 2004-03 in the amount of \$119,861,033. Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer being absent.

19. California High Speed Rail Alignment Alternatives

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

A MOTION was made by Councilman McCallon, seconded by Mayor Lilburn, to approve the attached letter to be sent to the California High Speed Rail Authority supporting the High Speed Rail Alignment Alternative that will have a High Speed Train stop in the City of San Bernardino. Motion carried, 2-1-0, with Councilwoman Scott dissenting, and with Mayor Pro Tem Jones and Councilman Timmer being absent.

20. SB 696 – Emission Reduction Credits

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

A MOTION was made by Councilman McCallon, seconded by Councilwoman Scott, to approve the request from Todd Warden, South Coast Air Quality Management District, for a Letter of Support on SB 696. Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer being absent.

21. Delta Legislation

Councilman McCallon stated he requested this item be placed on the agenda due to his attendance of the Legislative Task Force for the League of California Cities where the Metropolitan Water District (MWD) gave a presentation regarding the Delta.

A MOTION was made by Councilwoman Scott, seconded by Councilman McCallon, to approve the request to draft a Letter of Support and Talking Points regarding the Delta Legislation Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer being absent.

22. League of California Cities (LOCC) 2009 Annual Conference Resolutions Packet

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

A MOTION was made by Councilwoman Scott, seconded by Councilman McCallon, to vote in favor of Resolution No. 1 and to entrust Councilman McCallon to vote on Resolution No. 2 based on his judgment. Motion carried, 3-0, with Mayor Pro Tem Jones and Councilman Timmer being absent.

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

City Manager Hughes stated Councilman McCallon was successful in adjusting the service life of road projects from 15 years to 10 years for the local stimulus plan which opened up numerous larger numbers of streets in which we can use the funds for.

Councilman McCallon stated SCAG regional Council voted to take support positions on SB 632 and AB 672. SB 632 would require the ports of Los Angeles, Long Beach and Oakland by July 1, 2010, to assess their infrastructure and air quality improvement needs. Also, AB 672 would establish a letter of no prejudice process for projects funded through Proposition 1B. SCAG took action to combine the general assembly with its retreat so they would occur within the same time period.

24. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

Saturday, September 12, 2009 Kiwanis Car Show/Highland Community Park

CLOSED SESSION

At 7:27 p.m., the City Council and Redevelopment Agency convened into closed session regarding the following:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8 regarding the following property:

Property: APN 1192-341-06
Negotiating parties: Joseph Hughes, City of Highland
Joseph Hughes, Redevelopment Agency
Under negotiation: Instruction to City's negotiator concerning price and terms of payment.

At 7:44 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 7:46 p.m. in memory of Ross Redenbo, Granville Charles "Chuck" Jones, Alejandro Contreras, Robert Cly Knight, Carolyn Breault, Donald Wayne Henley, Capt. Tedmund "Ted" Hall and Firefighter Specialist Arnaldo "Arnie" Quinones.

Submitted by:

Approved by:

Betty Hughes, CMC
City Clerk

Penny Lilburn
Mayor