

**MINUTES
REDEVELOPMENT AGENCY AND CITY COUNCIL
REGULAR MEETING
MARCH 23, 2010 - 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 Councilwoman Scott and the Pledge of Allegiance was led by Mayor Lilburn.

ROLL CALL

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

SPECIAL PRESENTATIONS

Mayor Lilburn presented a Proclamation to Linda Myers, Department of Motor Vehicles, proclaiming April 2010 as DMV/Donate Life California month.

COMMUNITY INPUT

None

CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Jones, to approve the consent calendar as submitted with the exception of Item #10 being pulled for further discussion. Motion carried on a roll call vote, 5-0, with Councilman McCallon abstaining from Item #2 and Item #4.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – February 23, 2010 City Council Regular Meeting
Approved Minutes as submitted.
3. Minutes – March 9, 2010 City Council Regular Meeting
Approved Minutes as submitted.
4. Minutes – February 23, 2010 RDA Regular Meeting
Approved Minutes as submitted.

5. Minutes – March 9, 2010 RDA Regular Meeting
Approved Minutes as submitted.
6. Warrant Register
Approved Warrant Register No. 501 for March 23, 2010, in the amount of \$753,333.01 and Payroll of \$78,191.72.
7. Treasurer’s Report for February
Received and filed Treasurer’s Reports for February 2010.
8. Resolution No. 2010-004 Establishing the Appropriations Limit for Fiscal Year 2009-2010 for the City of Highland in accordance with the provisions of Division 9 of Title 1 of the California Government Code and Repealing Resolution No. 2009-018
Adopted Resolution No. 2010-004 establishing the Appropriations Limit for Fiscal Year 2009-2010 for the City of Highland in accordance with the provisions of Division 9 of Title 1 of the California Government Code and Repealing Resolution No. 2009-018.

RESOLUTION NO. 2010-004
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HIGHLAND, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS
LIMIT FOR FISCAL YEAR 2009-2010 FOR THE
CITY OF HIGHLAND IN ACCORDANCE WITH THE PROVISIONS
OF DIVISION 9 OF TITLE 1 OF THE CALIFORNIA GOVERNMENT CODE
& REPEALING RESOLUTION NO. 2009-018

9. Community-Based Transportation Planning Grant Application
Adopted Resolution No. 2010-005 approving the application for grant funds through the Community-Based Transportation Planning Grant Program for Community-Based Transportation Planning along the Victoria Avenue Corridor between Third Street and Highland Avenue.

RESOLUTION NO. 2010-005
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HIGHLAND, CALIFORNIA, APPROVING THE
APPLICATION FOR GRANT FUNDS FOR
COMMUNITY-BASED TRANSPORTATION PLANNING
ALONG VICTORIA AVENUE BETWEEN
3RD STREET AND HIGHLAND AVENUE

11. Project STR09002 – Lankershim Avenue Sidewalk Project/Easement Acceptance
 1. Accepted three Grants of Easement for Road and Drainage purposes from the property owners listed in the staff report; and
 2. Directed the City Clerk to record the Grants of Easement.

12. Project STR09003 – Olive Street Sidewalk Project/Easement Acceptance
 1. Accepted four Grants of Easement for Road and Drainage purposes from the property owners listed in the staff report; and
 2. Directed the City Clerk to record the Grant of Easements.
13. Renewal of Auditing Services Contract with Mayer Hoffman McCann P.C.

Approved the proposed contract with Mayer Hoffman McCann P.C. for auditing services.
14. Budget Adjustment of \$2,500 for Spay/Neuter Vouchers During Canvassing Program

Approved a budget adjustment of \$2,500 for spay/neuter vouchers during the canvassing program. Funds would be transferred from 001-2100 (unreserved, undesignated) to 001-2200-4344 (Animal Control-Voucher Program).

ITEMS PULLED FROM THE CONSENT CALENDAR

10. Notice of Completion – Bid No. 2009-25 “Street Improvements for Church Avenue and Ninth Street”

Mayor Lilburn stated she would like clarification of the location for the street improvements.

City Engineer Wong stated this project is closer to Pacific Street.

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

1. Accept Bid No. 2009-25 “Street Improvements for Church Avenue and Ninth Street” as complete subject to minor punch list items;
2. Authorize the Mayor to sign the Notice of Completion; and
3. Direct the City Clerk to file the Notice of Completion.

Motion carried, 5-0.

CITY COUNCIL/REDEVELOPMENT AGENCY PUBLIC HEARING

15. In Accordance with City Council Resolution No. 2001-12, the City Council has Requested a Reconsideration of the Conditions Requiring the Construction of a Raised Concrete Median with Landscaping as Part of a New Dairy Queen Fast Food Restaurant (Conditional Use Permit 009-006 and Design Review Application 010-002)

Mayor Lilburn opened the public hearing.

Community Development Director Jaquess stated this item involves a proposed fast food restaurant for Dairy Queen at the southwest corner of Central and Base Line. The item was approved by the Planning Commission and the Design Review Board jointly as a joint action on March 2nd. However, there have been two hearings at the Planning Commission and after the first hearing there was an issue raised, there were several issues raised initially, one of the issues dealt with the

proposal for a median in Base Line. As a result of that discussion it was brought to staff's attention from two Council members, Mayor Lilburn and Councilwoman Scott, that they would like to have this item called up to the City Council for discussion. After the March 2 meeting when the Planning Commission took their final action to approve the project, there was a condition in the project to require a landscape median along the frontage of the property in the center of Base Line extending from Central west to the westerly edge of the property. Behind him on the board is a larger scale plot plan which shows the proposed median along the north edge of the site. This median would just be for the left turn pocket for Central going north on Central from Base Line. The median was discussed at some length by the Planning Commission at its last hearing. In fact, knowing the concern that was being raised by Councilwoman Scott and Mayor Lilburn, we actually asked the Planning Commission to take a separate action just on the median. As a result of a fairly lengthy discussion between the members of the Commission, they elected to require that the median be installed and that the median be landscaped. Even though it wouldn't be as wide as it might be farther west, they still felt the property in front of the site should be landscaped as well even if it was low lined landscaping. There were conditions of approval which are in your staff report. Engineering conditions and Planning Conditions which require the median and require landscaping and those are listed. From a planning standpoint, the reason for the median is the fact that Base Line is shown as a divided major highway with a raised median as an element of the General Plan in the General Plan circulation element. From an engineering standpoint, he will let City Engineer Wong discuss that. There are also safety issues City Engineer Wong wants to address.

City Engineer Wong stated there is a copy of the site plan at the back of the staff report which might be a little easier for Council to review. He wants to draw Council's attention to the site plan. This project has proposed a driveway access on Base Line near the west end of the project and that driveway as you can tell is pretty close to the Central Avenue intersection where there is a traffic signal directly. So from an engineering point of view the median's primary function is to help manage traffic at this portion of Base Line so that traffic from the project could only make a right turn but not a left turn out to Base Line plus traffic on Base Line would have to make the left turn onto the site onto Central Avenue rather than directly making a left turn onto the project if there is no median that would restrict that kind of movement. So he wanted to mention that from an engineering staff standpoint there is a safety reason that we are trying to address. In addition, he would like to point out there is a recent project approved by the city and recently constructed, also on Base Line, at the intersection of Sterling Avenue. The new Jack in the Box has an identical requirement except that the median, although it is built, the Jack in the Box was not required to put landscaping in but the median was installed in front of Jack in the Box for the exact reason because it is so close to the intersection. He just wants to draw Council's attention that we have recent examples for construction of this kind of median near an intersection.

Mayor Lilburn stated at this time the applicant which would be probably be Mr. Chin's party would like to speak.

Mr. Bernie Mayer, Site Tech Engineering, representative for Mr. Young Chin, stated first off they would like to thank the City Council for hearing the project tonight. Certainly would like to thank Mayor Lilburn and Councilwoman Scott for giving them the opportunity to discuss this particular issue with the Council. He also would like to thank city staff, the Planning Commission and Design Review Board for the hard work they have done so far to bring them to this point where we essentially have an approved project and we really just have one more issue to iron out. He wanted to add they have been in opposition to the median since that requirement first came to them and it came to them fairly late in the process. They were actually a few days from their first Planning Commission hearing when Mr. Meikle informed them that engineering was considering a condition for a median within Base Line. They think a median is out of character for the area. There is no other median in close proximity to this project and as we understand it none is proposed in the foreseeable future even with the projects that the city is going to do along Base Line just east of the Dairy Queen site. They certainly support the idea of a median but we think the median should come in at the appropriate time. In other words when there is a more reasonable section of Base Line that will be done, much like what is being proposed for the center of town. They certainly wouldn't be opposed to participating in the cost of the median when it's done at that particular point and time. At this point the staff report and the conditions of approval speak about the median being eliminated and an in lieu fee being paid. That really is wasn't they were looking for either. At this point they would like to see the median be eliminated in its entirety and then they would certainly be willing to participate in the cost of the median at such time as when the most substantial part of the median is being constructed. Mr. Wong pointed out there are potentially some safety issues and they certainly do not want to bring a project forth that is unsafe but he thinks there are a number of things that could be done to address the safety issue and the turning movements from the restaurant out onto Base Line. As an example, we could design a directional driveway and you may have seen those in your travels where the driveway allows only a right turn movement in and a left turn movement out. They often have a small island or delineation within the center of the driveway to direct traffic accordingly or there are certainly some other items that could be put in within the median of the street itself to prevent the turning movements short of doing a piece of a larger median. These could be things like delineation, there could be traffic cones that could be installed there or there could even be something that would be much more economically favorable to the project which would be some sort of a temporary median, a raised asphalt median. There is a portion of that in front of the Lowe's project. We don't want to create an unsafe situation and we certainly stand ready to accept a condition that requires us to work with Mr. Wong and his staff to look at that particular issue and to design something that addresses his safety concerns. Again he might add that

Mr. Shin has been working on relocating his Dairy Queen for quite some time now. He had a few setbacks along the way with some properties that the corporate office didn't find to be feasible. He has invested a lot of money into where he has gotten so far and this particular property offers its own economic challenges. We have quite a bit of Edison work that needs to be done, that is prudent to be quite expensive to do. We have a neighbor that we need to deal with as far as a negotiation with an easement for our driveway to make that work. He has a fairly heavy financial burden to bring this restaurant to completion. At this point he is still very much committed to moving forward and getting the project done. We certainly appreciate the Council's consideration to the request.

Mayor Lilburn called for any speakers in favor or in opposition of this item.

Mr. Armon stated he, too, is in support of the recommendation number 2 for item number 15. Mr. Shin has done everything the city has asked for. He has put in so much time, so much energy, so many dollars and he would hope the Council would take into consideration the dedication he has to the city. He is not sure a lot of us would have done that. We may have done something else but to Mr. Shin he would like to say thank you for his dedication.

Mayor Lilburn called for any speakers in opposition of this item, hearing none, she closed the public hearing.

City Engineer Wong stated the presentation by the applicant's representative alluded to the fact that the median is a late requirement. He wants to make some clarification on that. As Council may recall this project was originally planned to be built on Base Line and Bonita, it is also a corner lot and was a southwest corner of the intersection. During that application the project did not have a driveway on Base Line; it only has one driveway on Bonita. When this project was proposed to be built on Central Avenue the reason that staff was in support of having a driveway on Base Line was because we at the time it was discussed that a median would be required for this project which will limit some left hand turn movements in and out of the new access on Base Line. What he is saying is during an early discussion of this project layout with the project applicant there was discussion as to whether a driveway would be allowed on Base Line different from the previous project. The only reason it was allowed was because a median was to be built and that point was discussed at the early stage of design of this project.

Mayor Pro Tem Jones asked what the cost of the median to be put in is.

Mayor Lilburn stated not only the cost of the median but does the Dairy Queen have to pay for the upkeep of the landscaping.

Councilman Timmer stated just like every other business that had landscaping is part of the district.

Mr. Mayer stated what we have discussed so far on the maintenance is for time being we would, if it were landscaped, it would become Mr. Shin's responsibility to pay for the construction of the landscaping, install a separate water meter to provide water for the landscaping, and to pay for the upkeep either on his own or it would be done as an assessment through the city's LLMD. As far as the overall cost of the project, they have done some rough estimate on it and with a proposal which would include the landscaping, putting the median per the city's standards, putting the utility services in, separate landscape meter, the district cost for providing a water meter to serve just that particular site because it is in separate LLMD area, we think it's going to be close to \$40,000.

Mayor Pro Tem Jones asked is the opposition to the median or the \$40,000 or both.

Mr. Mayer stated he thinks it is to both. They don't think it's appropriate to put a median there at this point. They think it is out of character for the area. They think it would look a little bit odd and he thinks the area would be better served by putting in a median when a larger portion of Base Line is done. They are not opposed to the concept of the median, they just think the timing of this particular isolated section is not correct. Certainly he understands not making a decision based solely on the cost of things but Mr. Shin has put a lot of money in trying to relocate his Dairy Queen here in the City of Highland. He has gone through two planning processes so far with the two sites that he has explored and now working with this particular project which has, as he pointed out earlier, has a number of inherent costs that go with it.

Councilman McCallon stated he appreciates very much Mr. Shin's keeping his business in Highland and we as a city have bent over backwards in this pursuit of having of it stay in Highland through various stages from one site to another and selling the land that he city owned and so on. He thinks the city is trying to do what we can to make sure the business stays. He just has a problem in providing special treatment to this business as opposed to what was given Jack in the Box. Just because we have a, if you will, an individual business as opposed to a corporate business, he doesn't think we should provide special treatment. They had to put in a median down there for the same reasons, for the traffic flow for the safety issues, and he thinks that is appropriate for this business because of the safety issues and the traffic issues. It is appropriate that a median be placed there. It's in the General Plan. It's been there for quite awhile and he thinks we ought to proceed with the median.

Mayor Pro Tem Jones stated he too, in response to the medians, there is already planned medians for the rest of all of Base Line, freeway on out. We just got the recent update design of that. He thinks it is fair for Dairy Queen to be required to pay their portion of that median which would be 50% of it. So instead of \$40,000, a \$20,000 contribution, to him, because we have an equal responsibility for what other party is on the north side to split that 50/50 because both are going to be impacted by that one way or the other. So it would be his proposal that we require the median to remain there for traffic and safety reasons and the one that he has seen too many times is individuals coming out of that driveway on Base Line and wanting to make a left hand turn that close to the signal is just flat not safe for anybody. He thinks the median needs to stay there. He does feel that Mr. Shin should only be required to pay 50% of the cost of the median, not 100% cost.

Councilwoman Scott stated she has several concerns. When Mayor Pro Tem Jones asked the question was it the median or the cost and as a citizen who lives on the west side of Highland if the median itself, she knows this Council changed the zoning on Base Line some time back and then immediately had to change it back again from the General Plan. The idea of having the median all the way down Base Line, she reminds Council again, look at Palm and that median that was put in, that is dirt, it's bare, it looks ugly and it stops traffic basically for people going from Harlan Lane if they want to go down to 5th Street. Reading the report it says that the drivers heading west, the median, was so the drivers heading west would make their left hand turn at Central. Well as close as, if you're going west on Base Line and you want to go to the Dairy Queen you obviously are going to make a left hand turn onto Central at the light. You're not going to go another couple 100 feet and then make a left had turn against the traffic. So that doesn't wash. The idea of a designated directional driveway she has seen those before where if you had the driveway and people going east on Base Line they could make a right hand turn but they could not from the Dairy Queen decide to come out and make anything other than a right hand turn onto Base Line coming out if they choose to go that way. She had a concern about the landscaping of this median she believes the city has landscape maintenance district so she was very concerned that we were requiring this particular median to be the sole responsibility for the landscaping, the water lines and the maintenance of a median that really is a median for the whole city, its not just a median for Dairy Queen. As Councilman McCallon stated he didn't think we should make exceptions or doing something for business but she reminds the Council that we did plenty for the Lowe's and Fitness Center on 5th and the freeway. In the report it says that if the median is appealed they will remove the language requiring ongoing maintenance but they are going to add language that Dairy Queen pays an in lieu towards any future median construction. If that has to be she agrees with Mayor Pro Tem Jones that he shouldn't have to pay any more than 50%. Citizens on this side of town do not want the median there and she asks you if we are going to have a median there, where is the median going to be in front of the new police station and so forth. That is part of Base Line too and that is a big hunk of land there, much bigger than Mr. Shin's Dairy Queen and it also is at the corner of Central and Base Line.

Councilman Timmer stated first issue that he thinks is important as a Council; it has never been unanimous on the General Plan on all issues. Obviously there has been dissenting visions but the approved General Plan requires as a standard Base Line to have a median strip. The Planning Commission addressed this at length and they were unanimous as going forward. He thinks that is important. We ask them to serve as volunteers to serve the City of Highland and to serve our interest and he thinks they did that. The main issue, to him, is the potential conflict of traffic going left into that facility on Base Line, the entrance and people turning left out of that facility. To him that is a big concern and the way we got around that is as City Engineer Wong pointed out on the Bonita property is they didn't have access on Base Line, they only had access off of Bonita and we can certainly do that on this project as well. Give them no access off Base Line to get around this point and have them only access off Central which then would eliminate that traffic conflict but he likes Mayor Pro Tem Jones' idea that he thinks if we are going to have a vision for the city to have medians we can't do it all at once, we're going to do it in phases as projects develop and this is part of that just like we did down at the Jack in the Box at Sterling. He would think we would want to adhere to our General Plan or we better change the General Plan but we as a Council adopted, a majority of the Council, adopted that and if we want to change it then it should be an action of the Council. He likes the idea of splitting it but we have to recognize that if we do that, whatever the \$20,000 cost was, once city money goes into that project you get into prevailing wage issues and the cost of the project probably goes up quite a bit. He likes the recommendation to maintain the median landscaped and since it is going to be a city project overall and all portions of Base Line would be providing funding to do that as we build portions of that going down east and/or west, to him that seems like a logical way to do that.

Mayor Pro Tem Jones stated he would make a motion we are going to turn down the appeal but we are going to alter the recommendation by the Planning Commission by saying that the median will be built at some time and that will require Mr. Shin with Dairy Queen to pay an in lieu fee of 50% of the cost of that median and then of course it will go into a landscape maintenance district and those assessed values and the cost of maintaining it will be covered by those within the geographic area therein the maintenance district.

Councilman Timmer stated he was supporting we build it now.

Mayor Pro Tem Jones stated that is fine, build it now.

Councilman Timmer stated if we don't do it now, we don't eliminate the traffic conflict potential. To him that is the biggie.

Mayor Pro Tem Jones stated he is in agreement with that. Just the other day we had one of those restricted lanes coming out of the Shell station and he saw an individual come out of that restricted lane, make a left hand turn, there is a median there he went about 50 feet to the end of the median and then over and on westbound on Base Line. If we're going to do it now, all we're going to do is restrict that the Dairy Queen to pay 50%.

City Manager Hughes stated therefore what you're requesting is that the city then front the other half of the cost.

Councilman Timmer stated Redevelopment Agency.

City Manager Hughes stated Redevelopment Agency, okay.

Councilman McCallon asked did the Jack in the Box pay for the whole thing.

Community Development Director Jaquess stated there was no landscaping required for Jack in the Box. That is the difference from what the recommendation made by the Planning Commission.

Mayor Lilburn stated Councilman Timmer spoke about the Planning Commission and the reason she is addressing this is because we have a Commissioner and she wants them to understand. She is not questioning their decision, they only went by what the Council, the direction the Council gives.

Councilman Timmer stated no, they are following the General Plan.

Mayor Lilburn stated which is the direction the Council gave, not that they necessarily agree with this. They are following the General Plan in which the Council gave that direction. The General Plan we zoned Base Line then went back and rezoned.

Councilman Timmer stated and that is not entirely true.

Mayor Lilburn stated we talked about we're going to have medians in the Town Center and that was talked about as an individual basis how they were going to be planned, what they were going to look like, how they were going to be landscaped, so on and so forth. Then Mr. Shin gets direction he has to add and she understands when somebody is going to move a business she doesn't think the thought goes through their head, oh go look at the General Plan and see that you're going to have to install a light, you're going to have to install a median and so on and so forth. She thinks they rely on us to kind of give them that direction when they are pulling their permits and going through the process. She doesn't know where that was. We probably have a discrepancy but the bottom line is she knows our medians were going to start from the Town Center which was Cole up. Are we going to have medians from Central to Cole in front of the new park and the Police Station?

City Manager Hughes stated eventually. That is what the General Plan calls for.

Mayor Lilburn stated okay, we are building a new police station right now, are medians going in right now?

City Manager Hughes stated not as far as the project goes.

Mayor Lilburn asked why.

City Manager Hughes stated they were not conditioned as part of the project.

Mayor Lilburn stated then how can we condition someone else to put one in.

City Manager Hughes stated if the Council would like to put them in, we certainly could.

Mayor Lilburn stated she isn't getting it. She is wondering why we're putting a median in on this business but we're building something and then General Plan calls for medians.

City Manager Hughes stated a lot of it has to do with the location of the driveway being so close to a traffic signal.

Mayor Lilburn stated the police station will have a driveway close to the light.

City Manager Hughes stated not close to a traffic signal.

Mayor Lilburn stated what about the park.

Councilman Timmer stated no driveway.

Mayor Lilburn stated we are having a new police station and we're going to have medians up there, is that going to be landscaped.

City Manager Hughes stated yes.

Mayor Lilburn stated and who is going to pay for that.

City Manager Hughes stated the City of Highland will.

Mayor Lilburn stated so the other median is going at Base Line and the Town Center. She doesn't understand why the guy on the corner of Base Line and Central who doesn't live here but can have a dump of a location wouldn't have to help clean up his location where we're sticking in, putting in a bunch of money, asking somebody to relocate their business, to put in a bunch of money to beautify that and we don't ask him to contribute. Those are her concerns on that. Another question is that's a two lane street and we have Omnitrans. Do we have Omnitrans stop at the side of the curb and for the cars to go around with the median there?

City Engineer Wong stated that won't change. The median would be placed at a location where the traffic will be maintained at Base Line as two lane traffic. It would not affect the layout of the lanes on Base Line. Base Line is not very wide and you have an Omnitrans bus then the vehicle behind it would either have to wait or they have to move to another lane to pass the bus.

Mayor Lilburn stated she isn't saying that it's right or wrong. She is just asking a question. She is just trying to visualize it that right now we don't have a median there so once we put it there that's going to eliminate some additional room.

City Engineer Wong stated near the intersection the lanes would be narrower than existing but he doesn't know what is currently there, if there is an Omnitrans bus stop at that location or not. Most likely not because they usually don't stop at this side of the intersection.

Mayor Lilburn stated there is a stop in front where the park is going to be and if there is a median going there we are going to run into that as well but she remembers when we were talking about median for a location, she is not sure what project it was for but she remembers Council saying medians are only good for traffic control and beautification for the landscape. While she appreciates beautifying the west end because she really thinks we need it and she likes the landscaping, she just feels that for a business, a small business coming in to try and do business in our city so we can survive on sales tax. She means we are all trying to work as a team to come up with a solution. How would the in lieu fee work, if he paid an in lieu of fee, who else would pay a portion to put it in?

City Engineer Wong stated the in lieu fees are paid for by new developments.

Mayor Lilburn asked how much would the in lieu fee be.

City Engineer Wong stated the in lieu fee is typically 100% of the cost of the work. In general unless we specify it differently, in this case if we specify only 50%, then we only collect 50% but generally we collect 100% and then the work would be done by the city and not by the developer.

Mayor Lilburn stated but you don't have any estimates.

City Engineer Wong stated you mean the cost of the median. The applicant stated it's \$40,000 and he doesn't have any other estimates. Of that \$40,000 probably a lot of that would be related to installation of the water lines and the water meters.

Mayor Lilburn stated so can that project be incorporated with the landscape district when the entire project is done.

Mayor Pro Tem Jones stated you mean hold up the medians.

Mayor Lilburn stated right when all the medians are done.

Councilman Timmer stated historically as projects come in line they are annexed into the Landscape Maintenance District. If you waited for the whole project to be done, our grandchildren would still not have landscaping.

Mayor Lilburn stated well we are supposed to work on the Town Center which is a priority project.

City Engineer Wong stated this project is conditioned to be annexed into the Landscape Maintenance District. Now if a median is built now and the median has landscaping in it, then the assessment would start right at this time but if the median is built and you don't require landscaping, then there is no need for the assessment. However, the mechanism of requiring the project to be annexed and the signing of any ballot or any legal paperwork must be done at the time the project is still under the city's permit.

Mayor Lilburn stated okay, just so she is clear because she doesn't get this. So if we required him to build the median and we went with the motion that the city, that RDA pays \$20,000 and Mr. Shin pays \$20,000 and then it's landscaped, he doesn't have to pay that monthly cost of landscaping or he'll pay his portion of the Landscape Maintenance District.

City Engineer Wong stated he will pay 100% of the maintenance cost for the median in front his property.

Mayor Lilburn stated yes for the median but what about the landscaping upkeep.

City Engineer Wong stated yes that too.

City Manager Hughes stated that's because there is only one person annexed into the Landscape Maintenance District at this time. As more people are annexed into district then the percentage will decrease.

Mayor Lilburn stated how much is that.

Councilwoman Scott stated look at your warrant register each week and look at the different 44 Landscape Maintenance District expenses that we have. We have the water bill, we also have the landscaping, where they trim the bushes, etc.

Mayor Lilburn stated so let's say Mr. Shin starts paying for this landscaping on his own, let's say its \$100 a month to water that median and then we start building the other medians and it comes to \$10,000 a month. He has to pay his portion of that \$10,000.

City Engineer Wong stated no, he would only be required to pay his share of the maintenance costs. There is one alternative you may want to consider which is having the median built but put in hardscape rather than landscaping in it. In this case there will be, he would say quite a bit of cost reduction of the initial costs and there won't be any maintenance costs at this time. Just like what Jack in the Box did; they put a median in so that you get the benefit of traffic management but you don't have the landscape to maintain.

Mayor Lilburn stated she thinks we need the beautification. If we're going to do it, we need to start making sure everyone steps up to the plate and beautifying. Somebody has to make these decisions to beautify the western territory.

Councilman McCallon stated he would only pay for the frontage.

Mayor Lilburn stated how much is the frontage, do we have a set price.

City Engineer Wong stated let's say if this median that has landscaping is extended to the west for twice the distance. So instead of 150 feet it becomes 300 feet. This project still only has $\frac{1}{4}$ of the frontage, therefore, he is only responsible for $\frac{1}{4}$ of the maintenance cost.

Mayor Pro Tem Jones stated it's actually not $\frac{1}{4}$ because a portion of that median is actually going to be a turn lane which will have no landscape on it whatsoever. As you get further to the west then it broadens out and the landscaping portion comes into it. The real portion that is going to be maintained is going to be a minimal amount of that. You're not talking a \$100 a month to water.

Mayor Lilburn stated that is another question. During these drought times, are we looking at user friendly landscaping that requires minimum watering?

City Engineer Wong stated yes, that is what we do for the median we plan on constructing on Base Line.

Mayor Lilburn stated one of the reasons she wanted to bring this up was because somebody said well you know I'm wasting time. This is our right as a Council that we can appeal things and bring them up and discuss them because she thinks our Council is willing to do that and we're not so narrow minded that we're stuck. One of the things is she thinks Councilman McCallon commented that we bent over backwards for Mr. Shin but we're business friendly and we wanted to work with him and sell him the property. One of her concerns is that if we're putting in medians and we're building something and we don't have a median put in there right now she was wondering why.

Councilman McCallon stated based on what Mayor Lilburn said that was what he meant. We are business friendly and we have bent over backwards to try to keep Mr. Shin's business in our city because we think it's important. We appreciate all the things Mr. Shin has done to keep his business in Highland and the city has tried to accommodate that as much as we can.

Councilwoman Scott stated she wants to come up with the Palm median. Now that is filled with dirt, was the condition for it to be a landscaped median.

City Manager Hughes stated the problem with that median is the developer went bankrupt.

Councilwoman Scott stated well of course he went bankrupt, he had to put everything in before he could even put one house up to sell. The economy didn't help but he had to do all of that, the fencing, the streets, the gutters, the curbs and that median before he could even build one house. So of course he went bankrupt. Again she thinks what's good for the goose is good for the gander and if the Council is going to continue to pursue the fact that Mr. Shin put in the median that citizens on the west side over here do not want, then she thinks the median should also be put in at the police station that is being built right now. It's already in progress and she thinks that should be done.

Mayor Lilburn stated do we have that in the plans to come soon.

City Engineer Wong stated you mean the portion of median in front of the old library.

Councilwoman Scott stated no the new police station the one that's going to be in the middle of a narrow Base Line street which is a major street where Omnitrans stops and if anybody, if Omnitrans has stopped to pick up someone and the light turns green for the traffic going east, the cars will have to stop behind the bus because they can't get over into the other lanes because you've shortened the lanes or narrowed the lanes.

Councilman Timmer stated that happens at every place the bus stops in the City of Highland.

Councilwoman Scott stated that's fine and do you know how close to Central the bus stop is. You will allow about two or three cars and after that they're going to back up in the lane.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilman McCallon, to amend Condition #13 and go forward with the landscaping median as recommended by the Planning Commission, however, Mr. Shin will pay 50% and the RDA will pay 50% of the costs, and if the property to the north side is ever developed, the City of Highland will be reimbursed their portion. Motion carried, 3-2, with Mayor Lilburn and Councilwoman Scott dissenting.

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

16. SB1265 – Forensic Conditional Release Program

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

A MOTION was made by Councilman McCallon, seconded by Councilman Timmer, to approve Senator Dutton's Request for a Letter of support for SB1265 which would provide needed oversight of Conditional Release Program participants in unlicensed facilities. Motion carried, 5-0.

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

City Manager Hughes stated City Council Members and himself attended the 2010 City County Conference on March 18 and March 19, 2010.

18. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

Saturday, March 27, 2010

Citrus Harvest Festival

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 7:02 p.m. in memory of Robert E. Smith and Lt. Colonel Carl Clark.

Submitted by:

Approved by:

Betty Hughes, CMC
City Clerk

Penny Lilburn
Mayor