

**MINUTES  
CITY COUNCIL REGULAR MEETING  
SEPTEMBER 25, 2012 - 6:00 p.m.**

**CALL TO ORDER**

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

The invocation was given by Tim Evans of The Unforgettables Foundation and the Pledge of Allegiance was led by Mayor Pro Tem Lilburn.

**ROLL CALL**

Present: Lilburn, Racadio, Scott, Timmer  
Absent: McCallon

**REPORT FROM CLOSED SESSION**

No reportable action

**SPECIAL PRESENTATIONS**

Mr. Gary Underwood, East Highlands Ranch, presented the City of Highland with a check in the amount of \$130,000 for the installation of the Automated License Plate Reader cameras.

**PUBLIC COMMENT**

Mr. Steve Kobernick stated he received a letter from Code Enforcement informing him he owed \$1,440 within 30 days to apply for nine residential business licenses. He would like to inquire if there is a possibility to reduce the fees as he and his wife do not have the adequate funds for the nine licenses. His expenses for the last nine months are \$2,100 over income from their properties. He would like to continue to do business here but the bill is very difficult to pay and he is not certain what to do about this.

Community Development Director Jaquess stated he will make contact with Mr. Kobernick tomorrow.

Ms. Linda Kobernick stated she would like to echo her husband's comments. She has had to do all the manual labor to upkeep her homes and loves residing in Highland. She feels they need compassion from the City in regards to the amount of money being asked for the fees.

Mr. Tony CiFuentes, Highlander Boxing Club, stated he would like to thank the Council Members and the City of Highland for their continued support of the program.

Mr. Ron Sellers stated he has noticed cities are having a lot of financial problems and he feels part of the reason is due to the CalPers program. The retirement pension system in California has hit such an expensive non-sustainable type of position by taking new tax money to support people who no longer work or are employed. He wants to be careful this City does not do this very same thing.

## **CITY COUNCIL CONSENT CALENDAR**

**A MOTION** was made by Councilwoman Scott, seconded by Councilman Racadio, to approve the consent calendar as submitted with Mayor Pro Tem Lilburn abstaining from Item #6 and also with the exception of Item #8 being pulled for further discussion. Motion carried on a roll call vote, 4-0, with Mayor 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 – September 11, 2012 City Council Regular Meeting  
Approved the Minutes as submitted.
3. Warrant Register  
Approved Warrant Register No. 548 for September 25, 2012, in the amount of \$1,864,432.79 and Payroll of \$72,085.61.
4. Year-End Budget Adjustments for Fiscal Year 2011/2012  
Approved of budget adjustments for fiscal year 2011/2012.
5. Community Development Block Grant (CDBG) Subrecipient Contract between the City of Highland and Highlanders Boxing Club to provide for rehabilitation of the Club Facilities/Equipment  
Approved the contract and authorize execution by the Community Development Director.
6. Community Development Block Grant (CDBG) Subrecipient Contract between the City of Highland and Highland District Council on Aging, Inc., to Provide for Senior Services, Transportation Services and Senior Visitation to Low-and Moderate-Income Seniors  
Approved the contract and authorize execution by the Community Development Director.

7. Easement Acceptance/Olive Street Sidewalk Project (Project str09003)
  1. Accepted the Grant of Easement for Road and Drainage purposes from LUPOID LLC; and
  2. Directed the City Clerk to record the Grant of Easement.

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

8. Bid Award – Bid No. 2012-06 “Pavement Rehabilitation, Bikeway and Nature Trail Staging Area Improvements” (Project Nos. ola1001, str1001, str11003)

Councilman Timmer stated he has a concern for two of the streets, one being Church Street and the others being Water and Weaver, and then some activity along Highland Avenue. Those are major thoroughfares and his concern is when we manage the resurfacing of those streets and the associated detours that we do not have all of them closed at the same time or two.

City Engineer Wong stated the projects specification require the contractor to submit their construction schedule and their location of construction for the City’s approval. During this process the City will make certain all the access roads are maintained and if there is parking allotted then we will provide for this or notify the residents.

**A MOTION** was made by Councilman Timmer, seconded by Councilman Racadio, to:

1. Allow the lowest bidder, Silvia Construction, Inc., to withdraw its bid; and
2. Award the contract to the second lowest bidder, Matich Corporation, in the amount of \$2,018,999.70 for Bid No. 2012-06 “Pavement Rehabilitation, Bikeway, and Nature Trail Staging Area Improvements.” Motion carried, 4-0, with Mayor McCallon being absent.

#### **CITY COUNCIL PUBLIC HEARING**

9. Ordinance No. 371 Establishing a Fee and Service Charge Revenue/Cost Comparison System and Resolution No. 2012-\_\_\_\_\_ Establishing a Schedule of Fees and Charges for City Services

Mayor Pro Tem Lilburn opened the public hearing.

Director Administrative Services Dantuono stated this is a continuation of this item to allow the BIA more time to review the fees. Before Council is a copy of an email received from the BIA asking Council not to increase any of the fees.

Mayor Pro Tem Lilburn called for any speakers in favor of this item or in opposition. Hearing none, the public hearing is now closed.

Councilwoman Scott stated under the SOO6610, the refuse exemption permit, it showed we had 90 and that is based on the past and the revenue was \$1,800 and yet the cost was \$3,809. She thinks this should be raised and she does not think the City should subsidize any of the refuse exemption permits. We all have to pay. Under 06440 the residential parking permit, she had no idea what that was, apparently we had 15 last year and the revenue was \$300 and yet the cost was \$843. When she asked what this residential parking was, she received an email and it stated the last time the City issued such a permit was when Mr. Hartmann was employed by the City and the case was related to an elderly couple parking in the front yard. Well, Mr. Hartmann has been gone a long time and yet it shows a projected based on the past of being 15 so she is not sure what this was based on. She is not real sure what this residential parking permit is, she means doesn't everyone park at their residence.

Mayor Pro Tem Lilburn stated well they don't park on the lawn. How aggressive is Code Enforcement if someone is continuously parking on the lawn?

Community Development Director Jaquess stated based on complaints but Code would cite them stating they have to park on an approved surface such as a driveway.

Councilman Racadio stated but the projection of 15...

Community Development Director Jaquess stated he cannot address that. There has not been one issued since he has been employed by the City.

Councilman Timmer stated obviously staff has some history of this and is projecting that many.

Mayor Pro Tem Lilburn stated she thinks projecting 15 is low.

Councilwoman Scott stated again, this is a \$300 revenue and an \$843 cost and is subsidized by Council ordinance and she thinks the ordinance needs to be addressed on this item again with no city subsidy.

Councilman Timmer stated if we take action to implement what Councilwoman Scott is proposing, do we have to change the ordinance?

City Manager Hughes stated actually Council can change the ordinance tonight because the subsidy is within this ordinance here so it can be modified.

City Attorney Steele stated if we are going to change the fee, we have to change the fee to a specific number we cannot just say 100%. This fee schedule has a particular fee on it.

Director of Administrative Services Dantuono stated if it is 100%, the fee would be approximately \$55.

City Attorney Steele stated we will have to attach a dollar figure. You will have to give direction to what Council wants to be in the Resolution.

Councilman Racadio stated if we set this at 0 subsidies that would drive the resolution which comes back in two weeks which will have the fee.

City Attorney Steele stated staff will have to tell Council if that 0 subsidy can be broken down into a permit number.

Director of Administrative Services Dantuono stated he will be able to do this.

City Manager Hughes stated so far we have S06440 to 100%.

Councilwoman Scott stated and 6610 to 100% and the next one is 05565 which is the loud party response. Based on the past it has 206 and shows no revenue, no cost and no possible new revenue. She would like to see something where the loud parties are cited just like our false alarms.

City Manager Hughes stated the reason this is at 0 is because it's the actual hourly rate that is charged. If we have to call in a whole lot of deputies for a loud party in which they have to go out multiple times and they have to bring all the troops in to break it up, we charge the fully burdened hourly rate of all the deputies. We don't have a set fee for it because it's the actual cost.

Councilman Racadio stated plus it's the out of pocket expense for the personnel, the special equipment supplies and any other State or County applicable fees so that is a lot.

Councilwoman Scott stated right but how often do they use it because there are times when they get called three and four times for the same house and it is usually the same homes every weekend.

City Manager Hughes stated we will have a discussion with the Sheriff's Department to make certain they are tracking it and charging that time for the repeat offenders but typically what this is for is a very large out of control party and we have to bring in units from outside the City and sometimes we have to call in a helicopter, those types of things. That is where this fee typically comes into play.

Councilwoman Scott stated these are just the boom boom kind that just rattles the windows and keep the neighbors awake.

City Manager Hughes stated that is more of a noise complaint.

Councilwoman Scott stated and the last one is when cite is given for the noise, is there a fee charged with that cite?

City Manager Hughes stated that's a penalty, not a fee.

Councilwoman Scott stated okay, there is a difference. Number 05151, which is the residential rental regulatory license and if you will notice our revenue is \$96,000 and the cost was \$81,836. That is a big difference and that is a lot with what the gentleman was talking about tonight at being \$160 for the first time and then \$35 a year. Since she has been on the Council, when the very first rental ordinance was put in and it has since been changed to include things that, anyway, she really would like to have the landlord business license ordinance come back to the Council or a committee for a recommendation. It needs to be cleaned up.

Councilman Timmer stated sounds like it needs to be on the Work Program for next year.

Councilman Racadio stated you're not asking to reduce the subsidy on this, its full recovery.

Councilwoman Scott stated yes, full recovery plus.

Councilman Racadio stated your issues are different but Councilwoman Scott is okay with the fee.

Councilwoman Scott stated not if we are going to have \$5,000 or \$6,000 income over and above what the expenses are.

Mr. Rick Kermer stated he did not realize it until it was just mentioned. The reason it is \$96,000 was because it was \$160 which is recurring fees against the total units of 600 but really that \$160 was only applied against the 500 units that paid the base fee. So the current revenue should have only been \$80,000 which means right now the City is subsidizing it by the minimal amount of \$1,836 which was the additional time that staff is spending on additional units and additional inspections.

Councilwoman Scott stated one of her biggest concerns is there are people who are in the Neighborhood Watch that have rentals and they have asked several times what are they paying for? They said they don't mind paying the license but what are they paying for. They have never been inspected. She feels the ordinance needs to be looked at.

Mayor Pro Tem Lilburn stated she agrees as she feels it should be stronger quite frankly. Is this fee for when they first come in and get their license and then it goes down the following year?

Councilman Racadio stated as he looks at this we are collecting \$14,164 more than it is costing us.

Mr. Kermer stated that is because the total revenue number really should have been \$80,000. The difference between the current year and the proposed is that staff is suggesting that they spend some additional time for each unit when it gets beyond four units at a location and also that they spend half an hour to do an additional inspection after they have done their first three if the applicant needs any corrections.

Councilwoman Scott stated the original intent of the landlord license was multiple. It started out duplex, triplex, four plex and apartments.

Councilman Timmer stated no. The way it was set up initially was multi-family projects, duplexes, single family, with phasing in first the highest density, second and so forth but the intent over time was to get to all rental properties.

Councilwoman Scott stated the single family was never mentioned except if there was a complaint. If there was code enforcement issue then that would automatically bring the single family in.

Mayor Pro Tem Lilburn stated she would like to make a recommendation to have the Mayor appoint a committee.

Councilman Timmer stated we could place this item on the Work Program. Is this what Councilwoman Scott is saying is, there is a minor discrepancy between revenue and expenditures and this should be adjusted to zero subsidy.

Councilwoman Scott stated she didn't think it should be as high as it was but since it was a typo error she will let it go for now. She is not sure if this is for this one or another issue but it is on the mobile vendors, 5008. She asked for a list of our solicitor/peddler licenses and there are only six on here but it was based on ten. So we are going to say we got four more, we darn sure have more than that who are not licensed. Again, the revenue is \$750 but the cost is \$1,323 and she thinks this ought to come up.

Mayor Pro Tem Lilburn stated you mean non-subsidy.

Councilwoman Scott stated she thinks that got it where there is no subsidy, they have brought it up to \$575 to make it \$1,370, so that one is okay. We need to be aggressive in pursuing the permits of the peddlers, the mobile peddlers.

Mayor Pro Tem Lilburn asked Councilwoman Scott is her proposal for 05560 and 05565 is to do a 0 subsidy adjustment and bring the ordinance back to Council.

Councilman Racadio stated 6610; he wants to talk about that a little more. That historically has been 50%. It's when somebody wants to come to the City and get an exemption because the property is vacant or they self haul. That one historically has been a 50% subsidy so it encourages people to come and to not overly burden them. He doesn't see why this needs to be changed.

Councilman Timmer stated he doesn't recall it that way. When we went to mandatory trash collection, we had a lot of people who were hauling to the dump but there was no process to do that so we came up with a self hauler permit. We wanted to encourage them to have a permit but we didn't want to ding them too hard so we did the 50% but also he thinks we took a position one time that once we did self hauler permits we would not issue any new ones after that. It was just for the old folks in the system but as time went by as people moved and new people came in they would not be issued another self hauler permit. Over time those were supposed to be diminished to zero.

City Manager Hughes stated the majority is for vacant houses.

Councilman Racadio stated he doesn't have a problem with the 50% subsidy. He doesn't understand why it needs to be raised?

Councilwoman Scott stated well because we are taking in \$1,800 and it's costing us \$3,800. By the same token, it's not on here because she thinks it is a penalty and not one of these, but it is the people who don't pay their trash bill.

Councilman Timmer stated another part of the rationality for the subsidy was we wanted to encourage people to haul to the dump rather than dumping it on the streets. Part of the incentive was to keep the fee lower to encourage people to get the permit.

Councilwoman Scott stated to her that is penalizing the person that is paying for the mandatory trash every month because as a single person who doesn't generate much trash and then I can go and get a permit to haul my own trash.

Councilman Timmer stated as a new person, you cannot apply for a permit.

Councilman Racadio stated going to 100% is fine, they will benefit because if they get the exemption they will save money.

Councilwoman Scott stated she is still against it and she would like to know how many we had in 2009 and 2010 since it is based on 90 for 2011.

Councilman Racadio stated isn't Councilwoman Scott's proposal instead of having 50% subsidized it would go to go 100% where they will pay the full price.

Councilwoman Scott stated she will split and go 25% subsidized.

Councilman Racadio stated he thought she wanted to go to 100%.

Councilwoman Scott stated she did.

Councilman Racadio stated 100% is okay.

Mayor Pro Tem Lilburn stated the motion is for 100%, no subsidy for 06610 and 06440.

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to introduce Ordinance No. 371 establishing a fee and service charge revenue/cost comparison system as amended. Motion carried, 4-0, with Mayor McCallon being absent.

City Clerk Hughes introduced Ordinance No. 371

ORDINANCE NO. 371  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, AMENDING CHAPTER 2.36 ("FEES AND SERVICE CHARGES")  
OF THE HIGHLAND MUNICIPAL CODE TO PROVIDE ADDITIONAL  
CATEGORIES OF FEES AND CHARGES, AND TO UPDATE AND AMEND  
OTHER PROVISIONS AS APPROPRIATE

which title was read.

## **CITY COUNCIL LEGISLATIVE**

10. Two Appointments to the Public Nuisance Hearing Board

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to reappoint Melvin Abeyta and John Lorei to the Public Nuisance Hearing Board. Motion carried, 4-0, with Mayor McCallon being absent.

11. Three Appointments to the Community Trails Committee

**A MOTION** was made by Councilwoman Scott, seconded by Councilman Racadio, to reappoint Michael Haynes, Sr., Brent Merideth and Julio Silva to the Community Trails Committee. Motion carried, 4-0, with Mayor McCallon being absent.

12. Measure I Five-Year Capital Improvement Program (2012/2013-2016/2017)

Public Works Director/City Engineer Wong stated every year the City receives Measure I Pass Thru funds in the amount of \$750,000 for street work. Every year the City is required to adopt a five year CIP informing SANBAG how the City will be utilizing the next five years Measure I Pass Thru funds. Attached to the staff report and the resolution is a list of projects that the City is proposing to use the Measure I Pass Thru funds. In essence every year the City is proposing to use \$300,000 on general types of pavement maintenance work such as slurry seal, overlay, crack seal, a method of the City's choice and location of the City's choice. In addition to that there is several specific street locations that has been proposed for pavement rehab work and those locations include Water Street, Weaver Street, Greenspot Road and Pacific Street. This list of projects is strictly the City's election and the City can change it at any time as long as SANBAG is kept informed.

Councilwoman Scott stated number 6, Pacific Street, Victoria to Palm, half of that is the City of San Bernardino, will they share the cost when it is completed.

Public Works Director/City Engineer Wong stated if this list is approved this means the Council is agreeing to do this project and this would authorize staff to start working with the City of San Bernardino to see whether or not they will share the costs. The amount listed in the report only reflects Highland's share of the costs.

Councilwoman Scott stated if the City of San Bernardino does not agree to share the costs, will we do only our half or will we divert the amount of money to be expended on number 6 to another area.

City Engineer Wong stated it is our choice to move the money to another project or we could do part of the project which is entirely within the City of Highland.

Councilman Timmer stated Pacific Street probably is the worst paved street in the city. He would like to extend the project all the way up to Church Avenue, where the packing houses are, when and if we get cooperation from San Bernardino. He would really like to look at, if San Bernardino cooperates, to move this project further up in the priority list. If we are not going to do this project soon, we will need to spend some pretty good dollars doing repairs.

Public Works Director/City Engineer Wong stated he thinks it is a good idea to amend the project limit to include Church Avenue and make a change on this five year CIP plus move this project up to third project on this list. With Council approval staff can amend the CIP to move the Pacific Street project to fiscal year 2014/2015 and then change the limits of the project from Victoria Avenue to Palm Avenue to Church Avenue.

**A MOTION** was made by Councilman Racadio, seconded by Councilman Timmer, to approve Resolution No. 2012-036 adopting the Five-Year Capital Improvement Program and Expenditure Strategy (2012/2013-2016/2017) for the Measure I Local Street Program including extending Pacific Project to Church Avenue and interchange the projects. Motion carried, 4-0, with Mayor McCallon being absent.

RESOLUTION NO. 2012-036  
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,  
CALIFORNIA, ADOPTING THE FIVE-YEAR CAPITAL IMPROVEMENT  
PROGRAM FOR MEASURE I LOCAL STREET PROGRAM  
(2012/2013 – 2016/2017)

13. City Selection Committee Election – LAFCO

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

**A MOTION** was made by Councilman Racadio, seconded by Mayor Pro Tem Lilburn, to select Candidate Diane Williams and to advise the Mayor. Motion carried, 4-0, with Mayor McCallon being absent.

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

None

15. San Bernardino International Airport Authority and IVDA

Councilman Racadio stated the design work has been approved for the new Sheriff's facility and the project is moving forward.

**ANNOUNCEMENTS**

October 5  
November 17

19th Annual Volunteer Dinner  
Silver Jubilee – 25th Anniversary Celebration

**CLOSED SESSION**

None

## ADJOURN

There being no further business, Mayor Pro Tem Lilburn adjourned the meeting at 7:03 p.m. in memory of Beatrice Burtin and Iris Mazaroff.

Submitted By:

Approved By:

---

Betty Hughes, MMC  
City Clerk

---

Larry McCallon  
Mayor