

**MINUTES
CITY COUNCIL REGULAR MEETING
AUGUST 27, 2013 - 6:00 p.m.**

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:00 p.m. by Mayor McCallon at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Karsten Polk of Highland Baptist Temple and the Pledge of Allegiance was led by Councilwoman Scott.

ROLL CALL

Present: Lilburn, McCallon, Racadio, Scott, Timmer
Absent: None

REPORT FROM CLOSED SESSION

No Reportable Action

SPECIAL PRESENTATIONS

Mr. Paul Pfeifer, American Legion Post 421 – Highland, gave a brief presentation regarding the History of POW/MIA.

PUBLIC COMMENT

Ms. Liz Baldwin stated she is speaking on behalf of a number of community leaders and prominent community members who live and work in the Historical District on Palm Avenue. All of these community members are working very hard to make our community a better place, a place to be proud of. The Christian Center at Highland has a Charter School for grades K-6 where there are approximately 100 children enrolled. Highland Community Church also has a school and daycare as well. These churches are aimed to nurturing our children into good productive citizens and are all within a mile of each other. Earlier this year, a bar which resided right in the center of all of these efforts was shut down. This bar was a major cancer in their midst and when it was shut down they all couldn't be happier. A new owner has filed for a Conditional Use Permit to reopen under a slightly different name and the permit was granted. They are asking the Council to rescind the permit for this bar, as it does not belong in a residential area and belongs in a commercial area only.

Ms. Kristen Polk stated she is speaking as a resident in the Historical District. They were under the impression that when the bar closed it was not going to reopen and then it did reopen. They would also like for the Council to reconsider the Conditional Use Permit. They have tried calling the police, and they have police reports showing their calls are low priority unfortunately. Since the bar has been closed it has been very peaceful and so quiet. She is in support of someone having a business, but one that helps the community and promotes the things in our community. We are pleading to the Council to be able to do something on behalf of the Historical District.

Mr. Joel Chesley stated his concern is dealing with Code Enforcement. He has concerns with residential and business owners who make an effort to keep their property in line with the rest of the community. In the area where he lives there are two businesses, one is a smog shop and the other is the transmission repair. The smog business had an open chain link fence around it and Code Enforcement got involved and informed them they had to clean the mess up. What the business ended up doing was putting up this black screen material around the fencing, and when the winds came up it blew the screening down. The owner also stores junk trailers and junk boats. Then you look across the street and see a 1960 Falcon sitting there for who knows how long, and then other cars come and go. His main concern is the beautification of Highland and he does not want these types of circumstances to continue.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Councilman Timmer, to approve the consent calendar as submitted. Motion carried on a roll call vote, 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 – August 13, 2013 City Council Regular Meeting
Approved the Minutes as submitted.
3. Minutes – August 13, 2013 City Council Special Meeting
Approved the Minutes as submitted.
4. Warrant Register
Approved Warrant Register No. 567 for August 27, 2013, in the amount of \$884,960.81 and Payroll of \$71,246.24.

CITY COUNCIL PUBLIC HEARING

5. Consideration of Resolution No. 2013-033 to Adjust the Business Tax on the Extraction and/or Processing of Rock, Sand and Gravel (Aggregate) Pursuant to Section 5.17.040 (Rock, Sand and Gravel [Aggregate] Extraction and Processing Tax), Chapter 5.17 (Business License Tax on Extraction and/or Processing of Rock, Sand and Gravel [Aggregate]), Title 5 (Business Licenses and Regulations)

Mayor McCallon opened the public hearing.

Director of Administrative Services Dantuono stated this is the annual adjustment to the Mining Tax, and as you can see from the Staff Report we are proposing an 8.98% increase which will generate around \$2,000 a year in mining tax.

Mayor McCallon called for any speakers either in favor or in opposition. Seeing none, the public hearing is now closed.

Councilwoman Scott asked what was the raise based on?

Director of Administrative Services Dantuono stated the CPI.

Councilwoman Scott stated you don't take into consideration the street damage and so forth.

Director of Administrative Services Dantuono stated this is the way it was set up originally.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Lilburn, to adopt Resolution No. 2013-033 fixing the Highland Business License Tax on the extraction and/or processing of rock, sand and gravel (aggregate) for Fiscal Year 2013-14. Motion carried, 5-0.

RESOLUTION NO. 2013-033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND,
CALIFORNIA, FIXING THE HIGHLAND BUSINESS LICENSE TAX ON THE
EXTRACTION AND/OR PROCESSING OF ROCK SAND AND GRAVEL
(AGGREGATE) FOR FISCAL YEAR 2013-2014

CITY COUNCIL LEGISLATIVE

6. Amendment to Agreement to Form the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan Task Force

Community Development Director Jaquess gave a brief review of the Staff Report.

Mayor McCallon stated he is concerned because MWD is trying to take over the Water Conservation District which we opposed as a City, and now they want to spend \$275,000 to join this Task Force and he is wondering what the benefit is to them and why.

Mr. Daniel Cozad, MWD, stated after we were not consolidated one of the things they went back to and said, what was the driving force behind this, what was the problem that was trying to be addressed. Their primary reason was they had a water right that they needed to prove out and to do that they needed to recharge more water. Their simple answer was if you need to recharge more water they can help out with that. They originally, five years ago, had a plan that was worked on together before all this transpired to enhance the recharge of the Santa Ana River water on the district's property. Subsequent to the non-consolidation of the two districts they have an agreement for a 50 year lease, to lease them the land that they need to be able to build those facilities on and they will operate those facilities for them once constructed. They do not have the tax increment that they do to build facilities such as those. As their lessee, they will need to contribute to the wash plan to make it workable. Their project cannot be constructed unless the wash plan goes through.

Councilwoman Scott asked what is Muni going to bring to this? We have been 25 plus years on this wash plan and the streets are still being torn up, the trucks are still throwing dirt on the streets, they are still not covering up the loads as they leave and they are pitting windshields, and the 57 conditions that were agreed on the first year have still not been met. So what is Muni going to bring to it?

Mr. Daniel Cozad stated they bring money; they are a lessee if you will, and they are in the same category as Cemex is from the District's point of view. They are a lessee who has a land use and needs to participate in the wash plan. On the 57 conditions, he does not know anything about them and he would defer to City Staff on those. He does know there are a number of items that the mining entities on both sides are required to do as part of the wash plan being approved.

Councilwoman Scott asked did the group contact Muni or did Muni contact the group for this partnership?

Mr. Daniel Cozad stated the partnership was contemplated in the lease agreement that the district signed with them, so he is not sure whether he brought it up or they brought it up but when you're talking about leasing someone several hundred acres in the area, anyone who asked to lease land in that area for any sort of land use certainly would have been one that we discussed with. He believes it was Fish and Wildlife was really the people who told them that they were not going to be able to build anything out there unless they were part of the wash plan.

Councilman Racadio stated what he hears is the main thing they are bringing, which is a lot, is \$275,000. Are there any negative things about slowing the process down with them involved at this point?

Mr. Daniel Cozad stated the covered activity that they are building is the same covered activity the Water Conservation District always intended to build. He does not think there is any detrimental part to having them as a partner and he really thinks their interest is in being a partner and helping work through this.

Councilman Racadio stated he feels that if we could get some credits for some of our projects it would be very beneficial. What is the potential of this?

Mr. Daniel Cozad stated the working plan and Public Works Director/City Engineer Wong has been the chief negotiator on this, but the working plan currently is to switch out some projects because you have paid already for mitigation for some projects, so to switch some of the projects to projects you need to do which will take up about a third in acres which you would have covered before.

Mayor Pro Tem Lilburn stated the \$275,000 goes into a project fund. What is this fund and what is done with that?

Mr. Daniel Cozad stated the task force approved a budget that will pay for the processing, the work that needs to be done between the EIR and the draft HCP and then going through the Federal EIS process.

Mayor McCallon asked does the next item, which includes the \$700,000, is that after you have subtracted or added the \$275,000 which MWD is going to contribute?

Mr. Daniel Cozad stated total is the 700 plus we have about \$180,000 in interim costs.

Councilman Timmer stated he has been involved in this process, however, the last couple of task force meetings with the new people from the Federal Government, Fish and Wildlife Service and Bureau of Land Management, their attitude is a lot different than it had been in the past. He has lot more confidence with the people they are working with now on getting this through the system.

Councilwoman Scott stated she sees that Robertson's is the only aggregate that is listed. When this was first started, 25 years ago, the other one was in. She realizes they are City of Redlands but still it is the gateway, both Orange or Boulder and Palm are gateways to Highland.

Councilman Timmer stated Cemex is still the signor and have been attending all the task force meetings.

A MOTION was made by Councilman Racadio, seconded by Councilman Timmer, to approve an amendment to the Agreement to form the Upper Santa Ana River Wash Land Management and Habitat Conservation Plan Task Force. Motion carried, 5-0.

7. Commitment to Completing the Upper Santa Ana River Wash Land Management and Habitat and Habitat Conservation Plan and Authorization of Additional Funding in the amount of \$47,730

Community Development Director Jaquess gave a brief review of the Staff Report.

Councilwoman Scott stated the Water Conservation District and MWD jointly are paying an \$182,322 which makes it \$91,161 each. Now is that included in their \$275,000 or is Muni going to pay the \$275,000 plus this amount?

Mr. Daniel Cozad, MWD, stated the amount you see in the table for water conservation activities and the \$180,000 which was spent in the interim period equals their contribution plus the \$275,000. San Bernardino Valley Municipal and the Water Conservation District are funding the interim \$180,000 plus their share of the ongoing future costs.

Councilman Timmer stated he assumes that since MWD is involved in this process they have withdrawn their opposition to the sphere of influence expansion.

Mr. Daniel Cozad stated they have provided a letter of support for the reinstatement of their sphere and in fact they provided the first one.

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

1. Reaffirm the City of Highland's continued interest in and commitment to completing the Upper Santa River Wash Land Management and Habitat Conservation Plan;
2. Authorize funding from the FY 13-15 budget in the amount of \$47,730 as the City of Highland's share as a Wash Plan Task Force Member pursuant to the MOU signed in November 2002; and
3. Specifically approve the following budget adjustments: For FY 2013/2014, transfer \$28,638 from 001-2100 (General Fund, Unreserved, undesignated) to 001-4100-4660 (Planning Department-Contract Services-Santa Ana Master Plan). For FY 2014/2015, transfer \$19,092 from 001-2100 (General Fund, Unreserved, undesignated) to 001-4100-4660 (Planning Department-Contract Services-Santa Ana Master Plan). Motion carried, 5-0.

8. Amendment No. 1 to Cooperative Agreement with SANBAG Regarding the SR-210/Base Line Interchange

Director of Public Works/City Engineer Wong gave a brief review of the staff report.

Councilwoman Scott stated she needs an explanation for oversight costs. To her an oversight is something we did not plan for so what is the oversight costs?

Director of Public Works/City Engineer Wong stated that is a process, it is name which Cal Trans has applied to their process for billing the project. It is not a carelessness type of an oversight, just overseeing the project.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to approve Amendment No. 1 to Cooperative Agreement with SANBAG for preparation of Project Initiation and Environmental Documents for the SR210/Base Line Interchange. Motion carried, 5-0.

9. Second Amendment to Professional Services Contract with Willdan Engineering for Base Line Town Center Beautification Project

Director of Public Works/City Engineer Wong gave a brief review of the staff report.

Mayor Pro Tem Lilburn asked if we do not have work going on, how do we have additional costs for Willdan?

Director of Public Works/City Engineer Wong stated they spent time in the earlier phase when we had a lot of construction work. Of course we are not paying them while there is no work going on, but they have used the budget. The figure indicated the original estimate was low and we think it is easily justified that we provide more budget amount for this project.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to approve the second amendment to Professional Services Contract with Willdan Engineering for construction management and inspection services for the Base Line Town Center Beautification Project in an amount not-to-exceed \$29,605. Motion carried, 5-0.

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

None

11. San Bernardino International Airport Authority and IVDA

Councilman Racadio stated the Board unanimously approved a marketing study and this will look at the future of the airport. This study will feature the potential aspects in all phases such as a fueling facility and maintenance.

ANOUNCEMENTS

September 26

20th Annual Volunteer Dinner

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 7:05 p.m. in memory of Karen White, Beulah Smith and Gerald Dunns.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor