

**MINUTES
CITY COUNCIL REGULAR MEETING
JANUARY 28, 2014 - 6:00 p.m.**

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:01 p.m. by Mayor Racadio at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Reverend Jerry Highfill, Immanuel Baptist Church, and the Pledge of Allegiance was led by Mayor Pro Tem McCallon.

ROLL CALL

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

REPORT FROM CLOSED SESSION

City Attorney Steele stated there was nothing to report under Anticipated Litigation from the 5:30 p.m. meeting and that the other item was continued to the 6:00 p.m. Council meeting at the end.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8 regarding the following properties:

Property: APN: 1201-331-01; 1201-341-08, 09

Negotiating Parties: Joseph Hughes, City of Highland
TREH Partners, LLC

Under negotiation: Instruction to City's negotiator concerning price and/or terms of payment.

SPECIAL PRESENTATIONS

Mayor Racadio presented Rob Hinderer, Executive Director of the Highland YMCA, a proclamation expressing Council's appreciation for his dedicated service to the Highland YMCA.

PUBLIC COMMENT

None

CITY COUNCIL CONSENT CALENDAR

City Manager Hughes stated Staff would like to add an item to the Agenda regarding a tentative approval for Co-sponsorship of the Redlands Bike Classic.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem McCallon, to add the item to the Agenda. Motion carried, 4-0, with Councilwoman Lilburn being absent.

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem McCallon, to approve the consent calendar as submitted with the exception of Item #2 being pulled for further discussion. Motion carried on a roll call vote, 4-0, with Councilwoman Lilburn absent.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
3. Warrant Register
Approved Warrant Register No. 576 for January 28, 2014, in the amount of \$643,169.29 and Payroll of \$98,662.17.
4. Claim Consideration – Colette Ross
Rejected claim.

ITEMS PULLED FROM CONSENT CALENDAR

2. Minutes – January 14, 2014 City Council Regular Meeting

Councilwoman Scott stated on page 16 or 15 of 20, she is not sure which, a little more than half way down, we are talking about the development agreement that we agreed upon and she wants to fully understand this. Her Motion was that the Council do not do any raise and if anyone pulls a permits between January and December 31 of 2014, they have no raise, but she had asked that a certain length of time, that they could not pull the permits and then hold the permits for twenty years with that locked-in rate. She was not sure whether that was clear in the minutes.

Mayor Racadio stated his understanding was this was if a development was entered into they would be locked in for that one year.

City Manager Hughes stated permits expire so you cannot pull a permit and have it be good for twenty years. So if someone came in and pulls a permit and they did not start their project, their permit would expire and the new rates would apply.

Councilwoman Scott asked but how long before the permit expires?

City Manager Hughes stated six months.

Councilwoman Scott stated on page 17, we are talking about the sign at the Police Station, sixth paragraph from the bottom where the Sign Company is to provide an estimate, some revised plans and revised cost estimate. When can we expect those?

Public Works Manager Richardson stated we have requested pricing from the contractor and did receive it today but he did not receive any additional drawings as requested. As soon as he receives the rest of the package, he will present it to City Planner Stater and she will schedule it accordingly.

A MOTION was made by Councilwoman Scott, seconded by Mayor Pro Tem McCallon, to Approve the Minutes as submitted. Motion carried, 3-1, with Councilman Timmer abstaining and with Councilwoman Lilburn being absent.

CITY COUNCIL PUBLIC HEARING

No Public Hearing

CITY COUNCIL LEGISLATIVE

Mayor Racadio stated we will move Item No. 9 up since there are several representatives here for that item.

9. Tentative Approval for Co-sponsorship for the Redlands Bicycle Classic Highland Circuit Race to be held on April 2, 2014

Public Services Manager Morgan gave a brief review of the Staff Report. One correction to make is the description states it starts on Boulder Avenue and travels west on Base Line, it actually travels east on Base Line, as shown on the map.

City Manager Hughes stated the reason we added this to the agenda was there was a meeting held last Friday and it became apparent they needed to get the sponsorship going and the advertising out for the event and could not wait till February because they would miss some sponsorship opportunities. This is tentative approval and the actual application will still come back to the Council for full review and recommendation. We do not expect it to be any different from the previous years that we have done this.

Councilwoman Scott asked this is done every year and so why so late?

City Manager Hughes stated this has not been done in Highland for probably 10 years.

Councilwoman Scott stated she is concerned about it is going to be held on April 2 and why so late getting the information to Council and also under the fiscal impact we are talking about staff time, equipment, permitting fees being waived and so forth. We can go back in the past and see what it has cost in past years and then adjust for inflation so we have some kind of idea.

City Manager Hughes stated this whole item will be coming back to the Council with all of the specifics of the costs with the actual Special Event Application. This is simply a tentative approval so they can start advertising.

Councilwoman Scott stated the first thing on here states we are approving the Redlands Bicycle Classic Committee's request for Co-Sponsorship. What if we decide it's too expensive or some other reason?

City Manager Hughes stated if the Council will recall back in December we asked the City Council if the Council is interested in having this event in the City of Highland. The Council at that date stated yes, we want to have an event in Highland and we want to sponsor this activity. Staff has been working diligently with the group who puts this event on, there were some delays because they were trying to get sponsorship in order to afford putting this leg on in Highland.

Councilwoman Scott stated she is all for Bicycle Classic but she does not like things brought at the last minute, not when they know in advance we are going to have it.

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

1. Approve the Redlands Bicycle Classic Committee's Request for Co-Sponsorship;
2. Authorize the use of the City logo for promotional items; and
3. Authorize staff to install a street banner for the event across Base Line.

Motion carried, 4-0, with Councilwoman Lilburn being absent.

5. Appeal No. 013-004, a Request to Overturn the Historic and Cultural Preservation Board's Denial of Certificate of Appropriateness 013-004 to Enlarge the Driveway of a Historic Residence from 8 feet (8') to Eighteen Feet (18') Wide with Consideration Given for "Reasonable Accommodations" as Provided in Ordinance No. 378 (Continued from January 14, 2014 City Council Public Hearing)

City Planner Stater gave a brief review of the Staff Report.

Councilwoman Scott stated page three, the very last sentence states the appellant and tenant reside full time in the home and the brother and daughter are frequently cared for. It is her understanding, from the speaker, that he has more than one tenant in the home, so should that be plural?

City Planner Stater stated this particular reference was to handicap people, not just how many tenants he had but how many were handicapped. So she included himself and one tenant was handicapped and two people who visited the home are handicapped.

Councilwoman Scott stated she knows that's what he said but also he said more than one person lives in the home. Now, is there just him and one person who actually resides in the home as living quarters?

City Attorney Steele stated the reference here is to an individual tenant who is disabled. There may be other tenants but that is really not relevant to what we were talking about.

Councilwoman Scott asked so it does not need to be tenant or/ tenants?

City Attorney Steele stated what was presented that evening was the owner and a tenant is disabled and that is what this reference is.

A MOTION was made by Mayor Pro Tem McCallon, seconded by Councilwoman Scott, to adopt Resolution No. 2014-004 denying Appeal No. 013-004. Motion carried, 4-0, with Councilwoman Lilburn being absent.

RESOLUTION NO. 2014-004
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HIGHLAND, CALIFORNIA, AFFIRMING THE HISTORIC
AND CULTURAL PRESERVATION BOARD'S DENIAL OF
A CERTIFICATE OF APPROPRIATENESS 013-004 TO
ENLARGE THE WIDTH OF THE DRIVEWAY OF HISTORIC
RESIDENCE LOCATED AT 27268 MAIN STREET FROM
EIGHT (8) TO EIGHTEEN (18) FEET

6. Berdzor City, Kashatagh Region of the Nagorno Karabagh Republic – Sister City Relationship

Councilwoman Scott stated she has brought this item before the Council because she did not feel we had all the information the night the Council acted on it. When she received the Proclamation itself, she was very concerned about the wording that was in the Proclamation in view of the fact that it was questioned when she asked for it to be brought back at the next meeting for discussion. She was told no, it was just like a friendship pen pal thing, but the Proclamation definitely states different. It states where it encourages and supports the Nagorno Republic's continuing efforts to develop as a free and independent Nation. Then it also states it was unanimously approved which it was not, it was a 3-1-0. Then it states, the resolving does, the City of Highland does hereby recognize Berdzor City of Kashatagh Region of the Nagorno Karabagh Republic as a Sister City and in view of the fact that there are numerous things she has given the Council. Actually she had submitted a three page letter and then she gave the City Clerk back-up for some of those letters. She feels that the Council should withdraw certainly the Proclamation. We can still be friends but she does not think we should make any Proclamation for this as recognition.

Mayor Pro Tem McCallon stated the Proclamation he wrote as a way of transmitting to the City a decision that was made by the Council. He does not understand Councilmember Scott's desire to rewrite history, because if you listen to the tape you will find that nowhere on that tape does she say no, and when he said the vote was 4-0, she did not object to that and as you know because of her sometimes wanting to vote no, he always pauses and looks at her when he asks if there is a no vote. She did not respond at that time and she did not make any objection to the fact that he referred to it as 4-0 vote. He does not think you will find anywhere on that tape that she voted no.

Councilwoman Scott stated you are correct, Mayor Pro Tem McCallon, she did not vote no and she kept silent. She did not vote period, you could either call it an abstention maybe, but she did not vote that is true. But she did not say no.

Mr. Elnur Aydinov stated let him clarify there is no such City named Berdzor, it is a fabricated name for the City of Lachin which was occupied in 1992 by Armenia in gross violation of International Law. The occupation infliction was followed by expulsion of over 65,000 Azerbaijanis. The thousands of Civilian Azerbaijanis were killed during the occupation and the Armenian Army plundered and destroyed hundreds of settlements, historical monuments and cultural facilities. Following the occupation, the displaced Azerbaijanis population joined a pool of one million Azerbaijanis refugees who were expelled from their homes and land. Following the occupation and ethnic cleansing, Armenia established a region on the occupied territories naming it the Nagorno Karabagh. The United Nations secured it to the Council and asked for legally binding resolutions in 1993 condemning occupation of Azerbaijani territories and demanding unconditional withdrawal of Armenian forces. The United States government position on this issue is quite clear. The United States does not recognize Nagorno Karabagh as an independent Country and supports Azerbaijan's inter-territorial integrity. Given all the aforementioned facts, this establishment of Sister City relationship and recognition of the so called Nagorno Karabagh Republic is a blatant violation of the U.S. Constitution, especially of its Supremacy Clause. It also contradicts your esteemed City's Code of Ethics. It is obvious now the esteemed Council Members were tricked into this adventure. Armenian lobbying groups are doing anything and everything to present the facts. Therefore, as an American taxpayer and a proud member of California's Azerbaijani Community, he fully supports Council Member Jody Scott's initiative to reconsider the establishment of Sister City ties with Berdzor and urges the Council to retract this Proclamation.

Mayor Pro Tem McCallon stated when he went to that part of the Region, he was in Shushi and stayed in Shushi and he met three Los Angeles Council Members there, Assemblywoman Cheryl Brown and another Assembly Member who was in Shushi which is the next City between Berdzor and Stepanakert. They were there to present them with a Resolution of Recognition. Also, last year on April 24, 2012, the City of Los Angeles recognized a Sister City relationship with Shushi and they did not experience the bullying the City of Highland has gotten on this issue. He spoke with our colleagues in Los Angeles and they have not received the kind of email stuff that we have gotten. Two hundred fifty and some

odd emails have flooded our inboxes, all from Azerbaijani interest and propagating their propaganda on this issue. He has the Resolution from the Los Angeles City Council which indicates that they recognize the City of Shushi, and obviously they think that they can bully small little Highland but not Los Angeles. He is just really upset over this whole issue. All they asked for us to do when he was there is they gave us a letter and said we would like to become a sister City with the City of Highland. He brought that letter to this City Council and the City Council looked at it and voted on it and agreed to have a Sister City relationship.

Councilwoman Scott stated that was one of the things that was brought up when she asked for more information at the second meeting. She was told well we're not recognizing them that this is just a friendship thing. That is not what the Proclamation says. The Proclamation says we encourage and support them.

Mayor Pro Tem McCallon stated it says the City of Highland has a strong commitment to the ideas of democracy, freedom and human dignity and encourages and supports them in their continuing efforts to develop as a free and independent Nation in order to guarantee its citizens those rights inherent in a free and independent society. As you recall the City of Highland was formed because we wanted to start to determine our own destiny. Just like this Country was formed because we wanted to determine our own destiny. This does not say anything about recognizing, it says we encourage them in these ideas of democracy, freedom and human dignity.

Councilwoman Scott stated and when the woman spoke the night it was adopted that was the one thing she said. It's very important that you recognize because that's one of the things that's on the tape.

Mayor Pro Tem McCallon stated it says we adopted relationship now forever it be resolved the City Council of the City of Highland does hereby recognize Berdzor City as a Sister City of the City of Highland and that's what we did. We recognize them as a Sister City.

Mayor Racadio stated we voted on this about two months ago and since then we have gotten both sides of it. Supporting, opposition, and he is not inclined to change. There is no way of telling and he is not going to go through the process of finding out from those 100's of emails which way, who's right or who's wrong because he thinks it's a matter of your view point.

A MOTION was made by Councilwoman Scott to rescind the Proclamation, Hearing No Second, the Motion dies.

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

Mayor Pro Tem McCallon stated at the SANBAG meeting the Transit and Commuter Rail Committee took action to replace Pat Morris on the Metrolink Board since he is leaving March 1 from his position as Mayor of San Bernardino. The committee made the recommendation that he replace Pat Morris on the Metrolink Board as the regular voting member. It appears that as a result of this, because Pat Morris is the Chair of Metrolink Board when he leaves office he will probably be voted in as the Chair of Metrolink for the rest of the year. The other issue was how to prioritize how we are going to spend the resources that we have in the Rail and Transit area, and we prioritized it such that the extension of rail to Redlands was first and then some double tracking on the San Bernardino line for Metrolink to expend some funds there so we could add three more express trains on that line.

Mayor Racadio stated he attended the League of California Cities New Mayor City Council conference last week in Sacramento.

8. San Bernardino International Airport Authority and IVDA

Mayor Racadio stated they had a very productive special meeting with the IVDA and the Airport Authority discussing where the Airport and the economic development efforts ought to go and we will have to follow up with at least one more meeting. He is in support of developing a policy for the future, where we are going to place our efforts. We talked about general aviation and fixed base operation we have there and how that could work for us.

ANNOUNCEMENTS

January 29 Special Meeting with East Valley Water District

CLOSED SESSION

At 6:47 p.m., City Council convened into Closed Session regarding the following:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8 regarding the following properties:

Property: APN: 1201-331-01; 1201-341-08, 09

Negotiating Parties: Joseph Hughes, City of Highland
TREH Partners, LLC

Under negotiation: Instruction to City's negotiator concerning price and/or terms of payment.

ADJOURN

There being no further business, Mayor Racadio adjourned the meeting at 7:18 p.m. in memory of Cathryn Hollander.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Sam J. Racadio
Mayor