

**MINUTES
REDEVELOPMENT AGENCY AND CITY COUNCIL
REGULAR MEETING
APRIL 14, 2009 - 6:00 p.m.**

CALL TO ORDER

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

The invocation was given by Reverend Jason Barker of Immanuel Baptist Church and the Pledge of Allegiance was led by Councilman McCallon.

ROLL CALL

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

SPECIAL PRESENTATIONS

Mayor Lilburn presented City Manager Joe Hughes with a Proclamation proclaiming Friday, April 24, 2009 as Arbor Day.

Mayor Lilburn presented Jessica Sutorus with a Proclamation proclaiming Wednesday, April 22, 2009 as Earth Day.

Mayor Lilburn presented a Proclamation proclaiming May 1, 2009 as Silver Star Families of America Day.

Sheriff Rod Hoops introduced himself to the City Council.

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. Motion carried on a roll call vote, 5-0, with Councilman Timmer abstaining from Item #4 and Item #5, Councilman McCallon abstaining from Item #2 and Item #3 and with Councilwoman Scott abstaining from Item #2, Item #3 and Item #9.

1. Waive the Reading of All Ordinances
 Waived the reading of all Ordinances in their entirety and read by title only.

2. Minutes – March 10, 2009 City Council Regular Meeting
Approved Minutes as submitted.
3. Minutes – March 10, 2009 RDA Regular Meeting
Approved Minutes as submitted.
4. Minutes – March 18, 2009 City Council Special Meeting
Approved Minutes as submitted.
5. Minutes – March 18, 2009 RDA Special Meeting
Approved Minutes as submitted.
6. Minutes – March 24, 2009 City Council Regular Meeting
Approved Minutes as submitted.
7. Minutes – March 24, 2009 RDA Regular Meeting
Approved Minutes as submitted.
8. Claim Consideration – Carrie Stensrud
Rejected claim.
9. Warrant Register
Approved Warrant Register No. 481 for April 14, 2009, in the amount of \$3,405,567.54 and Payroll of \$79,385.18.
10. Interlocal Agreement Concerning Distribution of the 2009 American Recovery and Reinvestment Act Award (Edward Byrne Memorial Justice Assistance Grant (JAG))
 1. Authorized the City Manager to sign the Interlocal Agreement concerning distribution of the 2009 American Recovery and Reinvestment Act Award (Edward Byrne Memorial Justice Assistance Grant (JAG)); and
 2. Authorized the Director of Administrative Services to complete any necessary documentation to complete the grant process.
11. Easement Acceptance/East Highlands Village Street Improvements
 1. Accepted the Grants of Easement for Road and Drainage purposes from Jason Jenkins and Juan and Edith Martinez; and
 2. Directed the City Clerk to record the Grants of Easement.
12. Notice of Completion – Bid No. 2008-16 “Emergency Vehicle Pre-Emption Installation on Victoria Avenue”
 1. Accepted Bid No. 2008-16 “Emergency Vehicle Pre-Emption Installation on Victoria Avenue” as complete;
 2. Authorized the Mayor to sign the Notice of Completion; and
 3. Directed the City Clerk to record the Notice of Completion.

13. Article 3 Grant Claim Authorization
Authorized staff to claim Article 3 grant funds for Sterling Avenue, Webster Street and Pacific Street sidewalk projects in the amount of \$287,727.
14. The Planning Center's EIR Professional Service Agreement Amendment No. 4 – Budget Augmentation/Scope of Work Change (Greenspot Village and Marketplace Specific Plan) (City Council Agreement approval on July 11, 2006, and Amendment No. 1 Approved by City Council on February 12, 2008, Amendment No. 2 Approved by City Council on September 23, 2008, Amendment No. 3 Approved by the City's Finance Subcommittee on November 10, 2008)
Approved The Planning Center's Budget Augmentation in the amount of \$46,336.00 as a result of The Planning Center's error in tracking their budget under Amendment No. 3, and approve City Budget Adjustment of \$46,336.00 to be transferred from 001-2100 (Unreserved, Undesignated) to 001-4100-4554 (Contract Services-Consultant).

CITY COUNCIL/REDEVELOPMENT AGENCY LEGISLATIVE

15. Request from Santa Ana Watershed Project Authority (SAWPA) for Support for the Draft "One Water One Watershed" Integrated Regional Water Management Plan (IRWMP)

Mr. Rich Haller stated he is representative from Santa Ana Watershed Project Authority. SAWPA is an agency that deals with Regional Watershed Planning. They are a joint power of authority represented by member agencies and local agency San Bernardino Valley Municipal Water District. They were formed because of the mitigation between lower watershed and upper watershed and the agencies felt it was better to work together. Their focus now is Proposition 84. The Santa Ana Watershed is earmarked for \$114 million and has potential for monies far behind this amount. They have prepared an integrated regional watershed plan which would position the water agencies and the city municipalities within the watershed to try and apply for grant monies to be used for different programs. Over the last 18 months they have been preparing the One Water One Watershed plan and are in the process of applying to the State Department of Water Resources to be the Regional Representative for the Santa Ana Watershed. SAWPA is seeking the support of City Council in the form of a resolution for their application.

Councilman Timmer stated one of the issues he has concerns with is the east part of town which drains into this watershed system. What kind of authority does SAWPA have over our general plan planning process and how does SAWPA regulate this?

Mr. Rich Haller stated we do not.

Councilman Timmer stated the second issue is what if the city chooses to continue with Plan B, how would you deal with this and do you have any regulatory authority of this?

Mr. Rich Haller stated no regulatory authority and their plan would support Plan B. They are supportive of everything that would recharge storm water which is part of Plan B.

Councilman Timmer asked what taxing authority does SAWPA have? Do you have the ability to lay taxes over the watershed area?

Mr. Rich Haller stated none.

A MOTION was made by Councilman Timmer, seconded by Mayor Pro Tem Jones, to adopt the attached Resolution No. 2009-006 supporting the "One Water One Watershed" Santa Ana River Watershed Integrated Regional Water Management Plan and its submittal to the Department of Water Resources for Proposition 84, Chapter 2 Program Funding. Motion carried, 4-1, with Councilwoman Scott opposing.

RESOLUTION NO. 2009-006
A RESOLUTION SUPPORTING THE "ONE WATER ONE WATERSHED"
SANTA ANA RIVER WATERSHED INTEGRATED REGIONAL
WATER MANAGEMENT PLAN AND ITS SUBMITTAL TO THE
DEPARTMENT OF WATER RESOURCES FOR PROPOSITION 84,
CHAPTER 2 PROGRAM FUNDING

16. Agreement Between the City of Highland and the City of Redlands for Reclamation Plan Lead Agency Services

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

Councilwoman Scott asked how much influence will the City of Highland have regarding the reclamation for our side?

Community Development Director Jaquess stated the agreement language states we will prepare recommendations to the City of Redlands and they will incorporate our recommendations into their actions.

A MOTION was made by Mayor Pro Tem Jones, seconded by Councilwoman Scott, to approve the agreement between the City of Highland and the City of Redlands to allow the City of Redlands to assume the Lead Agency Role for review, approval and administration of the Reclamation Plan for the Wash area. This action is subject to the understanding that there will be only one reclamation plan for the entire Wash Plan. Motion carried, 5-0.

17. 2009-2011 Contract with the Highland Area Chamber of Commerce

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

A MOTION was made by Councilman McCallon, seconded by Mayor Pro Tem Jones, to approve the 2009-2011 Contract with the Highland Area Chamber of Commerce. Motion carried, 5-0.

18. Small Dog Area at Aurantia Park

Assistant Public Works Director Barton gave a brief review of the staff report.

Councilwoman Scott stated she was approached by citizens who visited the dog park daily. Nothing was mentioned about separating the large dogs from the small dogs. The citizen's concern was the access to the dog park and they requested a handicap entry access to the dog park.

Councilman Timmer stated a petition was received from a group of citizens who had issues of occasional behavior problems between small and large dogs. The access issue was also discussed and the subcommittee felt the access issue was a distance issue and could not be addressed unless major modifications were done. Currently the facility does meet all ADA requirements.

Councilwoman Scott stated we need direct access and she feels this is what the issue is.

Ms. Dawn Adler stated she is present to give a donation from citizens who support providing dogs a safe area to play.

Mr. Ron Begles stated there is a very small group of people who are making it difficult for a much larger group of people. In this case the vast majority of the people who utilize the dog park do not want this fence through the middle of the dog park. He organized his own petition for those in opposition of dividing the park. He is proposing an alternative suggestion which is not to put a fence through the park but rather to create a small dog park adjacent to the existing dog park. This also would address the handicap entrance because the handicap parking is adjacent to the established path.

Councilman McCallon stated the Council is put into positions where they try and please as many people as they can. A group of people presented a problem and they are trying to resolve it and he believes there is a problem. The question is what's the best solution given the budget restraints we are experiencing.

Councilwoman Scott stated as far as the money goes, it is being discussed to divide a community for dogs. Last year, \$38,000 was paid for water usage at Beattie School which was used by two entities six times in the year. She would suggest doing away with the Beattie School contract and putting the funds towards the dog park. She also would suggest scheduled hours for big dogs and little dogs.

Mayor Lilburn stated a dog park was built and there are times where dogs do not get along. She is content with not doing any modifications at all and leave the dog park as is.

City Attorney Steele stated once an owner brings a dog to a park and takes it off the leash, the owner is essentially assuming all risks of anything happening. In a city park additional signage is always recommended. The possible solution is to increase the signage in the park stating the owners will be assuming the risks by utilizing the dog park.

City Manager Hughes stated on page 7 of the staff report there is modified language regarding dog rules which staff is recommending placing on signs and post at the dog park.

Mr. Pat Mahoney stated for a small group of petition signers, the Council is proposing to spend \$10,000. Is this justified? As a tax payer he does not agree. As a dog owner, the park is already too small.

Mr. David Moyland stated he is a big dog owner. It is a shame people cannot get along as well as dogs can. Spending any money in these economic times is sketchy.

Ms. Valerie Morris stated she is a small dog owner and there are times when dogs do not get along and it can result in injuries or even death. There is an issue though for large dogs attacking small dogs and she would like this to be considered.

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

1. Provide a small dog area within the existing dog park;
2. Approve Alternate Two designating approximately one-third of the existing dog park as a small dog area with additional signage being installed; and
3. Authorize expenditures to create the small dog area. Motion carried, 4-1, with Councilwoman Scott opposing.

19. Oversight of Out-of-County Juvenile Offenders

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

A MOTION was made by Councilwoman Scott, seconded by Councilman McCallon, to draft a letter of support SB 352 as requested by Senator Dutton and as modified. Motion carried, 5-0.

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

Councilman McCallon stated SANBAG adopted the strategic plan for Measure I 2010/2040. SANBAG also approved the use of the Federal Stimulus monies which is coming to San Bernardino for the I-215 project. It was also requested for staff to provide a plan that would recognize the fact the stimulus monies are being put into one project which in turn would free up other monies. The ARRA funds would be exchanged with local and state funds.

City Engineer Wong stated at the city's request, Caltrans is doing the project study report as an in house project for the Victoria Avenue Interchange. They have developed two alternatives which they will spend more time studying. One alternative would be to build a full interchange within Highland at Victoria but also to remove two existing ramps at the Arden Interchange. The other option is to keep the Arden Interchange and add a new interchange at Victoria.

Mayor Lilburn stated she attended her first CAL ID meeting which was very informative. There is a local and regional board which has the sheriff, the DA and two police chiefs.

21. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

Friday, April 24 at 10:00 a.m.

Arbor Day – Aurantia Park

CLOSED SESSION

At 7:37 p.m., the City Council and Redevelopment Agency convened into closed session regarding the following:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(b)(1):

Two cases.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8 regarding the following property:

Property: APN 1192-421-02

Negotiating parties: Joseph Hughes, City of Highland

Robert J. & Charlotte Erwin

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

At 8:21 p.m., the City Council and Redevelopment Agency convened into open session, with all members present, making no announcements.

ADJOURN

There being no further business, Mayor Lilburn adjourned the meeting at 8:23 p.m. in memory of Thomas Patrick Blaine.

Submitted by:

Approved by:

Betty Hughes, CMC
City Clerk

Penny Lilburn
Mayor