MINUTES
CITY COUNCIL REGULAR MEETING
DECEMBER 14, 2021

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 Lilburn at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Pastor Wayne Reynolds, Immanuel Baptist Church, and the Pledge of Allegiance was led by Mayor Lilburn.

ROLL CALL

Present: Chavez, Lilburn, McCallon, Solano, Timmer
Absent: None

REPORT FROM CLOSED SESSION

City Attorney Marroquin stated thank you, Mayor. The Council met in closed session pursuant to Government Code section 54956.9 (d)(1) in the national prescription opioid litigation. The City is participating as a non-litigating entity and Council provided direction to enter into a settlement with defendants McKesson, Cardinal Health, AmerisourceBergen and Janssen Pharmaceutical that will allow for the allocation of funds to the City that will be passed through to the county for opioid remediation purposes.

SPECIAL PRESENTATIONS

None

PUBLIC COMMENT (ITEMS NOT ON THE AGENDA)

None

CITY COUNCIL BUSINESS

City Manager Hughes stated we would like to add an item which was too late for the agenda. It is an agreement with San Manuel, and it would be directing the City Manager and the City Attorney to negotiate an agreement. We just received notification of this today and there is a very short time period in order to get this agreement finalized and negotiated with San Manuel. Therefore, we would ask the Council to vote to add this item on the agenda as item number 28.

City Attorney Marroquin stated for the record pursuant to Government Code section 54954.2 (b)(2), the City Council may add an item by a 2/3 vote of the City Council if there is a need for an immediate action. As has already been demonstrated, the item came to the attention of staff after the agenda was posted, which has also been satisfied.

A MOTION was made by Council Member Solano, seconded by Council Member Timmer, to add Item #28, San Manuel Agreement, to the agenda. Motion carried, 5-0.

1. <u>Appointment of Mayor and Mayor Pro Tem for 2021/22</u>

City Clerk Hughes stated thank you Mayor and Members of the City Council. It is time for the annual reorganization of the Mayor and Mayor Pro Tem. The floor is now open for nominations and once the floor closes, we will go ahead and call for the vote in order of the nominations received. She will go ahead and open the floor for nominations for Mayor.

Council Member Timmer nominated Council Member Larry McCallon for Mayor.

Council Member Lilburn called for any other nominations, seeing none, the floor is now closed.

Council Member Larry McCallon has been appointed to Mayor.

Council Member Lilburn called for the nomination of Mayor Pro Tem.

Mayor McCallon nominated Council Member Penny Lilburn for Mayor Pro Tem.

Mayor Pro Tem Lilburn called for any other nominations, seeing none, the floor is now closed.

The City Council chose Council Member Larry McCallon as Mayor and Council Member Penny Lilburn as Mayor Pro Tem.

2. <u>Membership on Various Council Subcommittees, Ad Hocs and Agency Organizations</u>

Mayor McCallon asked does anyone wish to change their current assignments.

Council Member Chavez stated he would like to notify the Council that the San Bernardino Valley Water Board District Advisory Committee had ended as of July. At the October meeting, the Board stated they will no longer pursue having the Advisory Commission.

A MOTION was made by Council Member Solano, seconded by Mayor Pro Tem Lilburn, to disband the San Bernardino Valley Municipal Water District Advisory Commission and make no additional changes to the current memberships on various Council Committees, Ad Hocs and Agency Appointments. Motion carried, 5-0.

Mayor McCallon asked if any of the Ad Hoc committees are out of date.

City Manager Hughes stated the City Council Frequency, which is on the agenda tonight.

Mayor McCallon stated we will remove the Council Frequency Ad Hoc Committee and keep the other Ad Hoc Committees active.

CITY COUNCIL CONSENT CALENDAR

City Manager Hughes stated staff would like to request item number 14, which is the Notice of Completion for a Public Works project, be pulled from the Council agenda for tonight and will be brought back at the first meeting in January. There is a discrepancy in the amount.

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Council Member Solano, to approve the consent calendar as submitted with Item #14 being pulled to the next regularly scheduled Council Meeting and with Council Member Timmer dissenting on Item #18. Motion carried on a roll call vote, 5-0.

3. <u>Waive the Reading of All Ordinances</u>
   Waived the reading of all Ordinances in their entirety and read by title only.

4. <u>Minutes – November 9, 2021 City Council Regular Meeting</u>
   Approved the Minutes as submitted.

5. <u>Warrant Register</u>
   Approved Warrant Register No. 734 for December 14, 2021, in the amount of $4,065,933.93 and Payroll of $311,313.37.

6. <u>Treasurer's Report for October 2021</u>
   Received and filed Treasurer's Report for October 2021.

7. <u>Claim Consideration – April Islas</u>
   Rejected claim.

8. Escrow Account with All American Asphalt for the Retention of the Sector E Pavement Rehabilitation Project str20001 at Citizens Bank
Approved the attached Resolution No. 2021-046 approving the escrow account with All American Asphalt for the retention of the Sector E Pavement Rehabilitation Project str20001 at Citizens Bank and giving Joseph A. Hughes, City Manager, the authority to sign the Escrow Agreement.

RESOLUTION NO. 2021-046
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, APPROVING AN ESCROW ACCOUNT (ESCROW #2731) WITH ALL AMERICAN ASPHALT AT CITIZENS BUSINESS BANK FOR THE SECTOR E PAVEMENT REHABILITATION, PROJECT STR20001

9. The Annual Comprehensive Financial Report (ACFR), the Single Audit Report on Federal Award Programs, the Independent Auditor's Report on Internal Controls, the Audit Conclusion Letter, and the Gann Limit (Appropriations Limit) Letter. All reports are for Fiscal Year Ended June 30, 2021.
Received and filed the Annual Comprehensive Financial Report (ACFR), the Single Audit Report on Federal Award Programs, the Independent Auditor's Report on Internal Controls, the Audit Conclusion letter, and the Gann Limit (Appropriations Limit) letter. All reports are for Fiscal Year Ended June 30, 2021.

10. AB 1600 Development Impact Fee Annual Report for Fiscal Year 2020-2021 per Government Code Section 66006
Received and filed the AB 1600 Development Impact Fee Annual Report for Fiscal Year 2020-2021.

11. Developer In-Lieu Fee Annual Report for Fiscal Year 2020-2021
Received and filed the Developer in-lieu Fee Annual Report for Fiscal Year 2020-2021.

12. Contract Renewal – Bid No. 2020-08, "City-Wide Concrete Maintenance Contract"
Extended the City-Wide Concrete Maintenance Contract with Above All Names Construction Services, Inc., for one year.

13. Contract Renewal – Bid No. 2020-09, "City-Wide Traffic Striping and Pavement Marking Maintenance Contract"
Extended the City-Wide Traffic Striping and Pavement Marking Maintenance Contract with Interstate Striping & Signs, Inc., for one year.

15. Easement Acceptance/Navarro (7987 Cortez Street)
    1. Accepted Grant of Easement for Road and Drainage purposes from Cesar and Araceli Navarro; and
    2. Directed the City Clerk to record the Grant of Easement.

16. Easements Acceptance from Curtis Skalet (Southwest Engines) and Leonel Estupinan (Johnny's Minimart) – Traffic Signal Modifications at 5th Street and Del Rosa Drive (Project No. sig21002)
    1. Accepted the Grants of Easement for Road and Drainage purposes from Curtis Skalet and Leonel Estupinan; and
    2. Directed the City Clerk to record the Grants of Easement.

17. Addendum No. 5 of the Professional Services Agreement with Digital Map Products, Inc., for GovClarity and CommunityView Website Hosting Services
    Approved Addendum No. 5 to Professional Services Agreement with Digital Map Products, Inc., for continued GovClarity Enterprise and CommunityView Website Hosting Services for two (2) years.

18. Second Reading of Ordinance No. 451 adding Chapter 8.13, Mandatory Organic Waste Disposal Reduction, to Title 8, Health and Safety, of the Highland Municipal Code and Making a Determination of Exemption Under CEQA in Compliance with SB 1383 Short-lived Climate Pollutants: Methane Emissions: Dairy and Livestock: Organic Waste: Landfills
    Conducted a second reading, read by title only, waived further reading of Ordinance No. 451, an Ordinance adding Chapter 8.13 Mandatory Organic Waste Disposal Reduction to Title 8, Health and Safety of the Highland Municipal Code and Making a Determination of Exemption Under CEQA.

    City Clerk Hughes introduced Ordinance No. 451

    ORDINANCE NO. 451

    AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, ADDING CHAPTER 8.13 (MANDATORY ORGANIC WASTE DISPOSAL REDUCTION) TO TITLE 8 HEALTH AND SAFETY OF THE CITY OF HIGHLAND MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

    which title was read.

19. A Resolution of the City Council of the City of Highland, California, Authorizing the City to Enter Into Settlement Agreements with Mckesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-Mcneil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., Agree to the Terms of the State-Subdivision Agreements, and Authorize Entry into the State-Subdivision Agreements with the Attorney General
    1. Adopted Resolution No. 2021-047; and
    2. Authorized the City Manager to execute any necessary documents.

RESOLUTION NO. 2021-047
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, AUTHORIZING THE CITY TO ENTER INTO SETTLEMENT AGREEMENTS WITH MCKESSON CORPORATION, CARDINAL HEALTH, INC., AMERISOURCEBERGEN CORPORATION, JOHNSON & JOHNSON, JANSSEN PHARMACEUTICALS, INC., ORTHO-MCNEIL-JANSSEN PHARMACEUTICALS, INC., AND JANSSEN PHARMACEUTICA, INC., AGREE TO THE TERMS OF THE STATE-SUBDIVISION AGREEMENTS, AND AUTHORIZE ENTRY INTO THE STATE-SUBDIVISION AGREEMENTS WITH THE ATTORNEY GENERAL

ITEMS PULLED FROM THE CONSENT CALENDAR

14. Notice of Completion – Project Nos str11005 & str11006 (Bid No. 2020-05, "Federal Funded Safe Routes to School Projects")

Staff pulled this item due to a discrepancy from the Council agenda and will be brought back to the first meeting in January.

CITY COUNCIL PUBLIC HEARING

No public hearing.

CITY COUNCIL LEGISLATIVE

20. Proposition 68 Park Per Capita Grant Project – Community Park Perimeter Fencing Configuration Options

Public Services Manager Morgan gave a brief review of the staff report.

A MOTION was made by Council Member Solano, seconded by Council Member Chavez, to select perimeter fencing Option C configuration for the Community Park Proposition 68 per Capita Grant Project Application. Motion carried, 5-0.

21. Bid Award – Bid No. 2021-02, "Cooperative City/County Pavement Rehabilitation Ward Street, Cooley Street, 6th Street and Tippecanoe Avenue" (Project str20003)

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

A MOTION was made by Council Member Solano, seconded by Council Member Chavez, to award the construction contract for Bid No. 2021-02, "Cooperative City/County Pavement Rehabilitation Ward Street, Cooley Street, 6th Street and Tippecanoe Avenue (Project str20003)" to the responsible low bidder, Matich Corporation, in the amount of $2,315,112.00. Motion carried, 5-0.

22. <u>Construction Management and Inspection Services for Bid No. 2021-02, "Cooperative City/County Pavement Rehabilitation Ward Street, Cooley Street, 6th Street and Tippecanoe Avenue" (Project str20003)</u>

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

A MOTION was made by Council Member Solano, seconded by Council Member Chavez, to:

1. Approve proposal from Willdan Engineering to provide construction management and inspection services in the amount of $119,832 for Bid No. 2021-02, "Cooperative City/County Pavement Rehabilitation Ward Street, Cooley Street, 6th Street and Tippecanoe Avenue" (Project str20003); and
2. Authorize the City Manager to approve contract amendments up to 10% of the proposal amount. Motion carried, 5-0.

23. <u>Construction Engineering Services/TKE Engineering, Inc., Services – Traffic Signal Modifications at 5th Street and Del Rosa Drive (Project No. sig21002)</u>

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

A MOTION was made by Council Member Timmer, seconded by Council Member Solano, to:

1. Approve proposal from TKE Engineering, Inc., (TKE) to provide construction management services for traffic signal modifications at 5th Street and Del Rosa Drive; and
2. Authorize the City Manager to approve contract amendments up to 10% of the contract amount. Motion carried, 5-0.

24. <u>Frequency of City Council Meetings</u>

City Clerk Hughes stated thank you Mayor and Members of City Council. Before you is an item for consideration regarding the frequency of City Council meetings. The Ad Hoc committee met on November 17 to discuss the pros and cons of switching from two regular Council meetings per month to one regular Council meeting per month and recommended this item be brought forth to the City Council for consideration. As stated in the staff report, there would be a cost savings for contract staff, consultants, as well as hourly staff with reduced comp time as well as overtime. There would be less opportunities to hear from the public, but emails are accepted anytime up until one hour prior to the meeting and through the public hearing items. There are some items that cannot be held at a special meeting. Ordinances can be introduced at a special meeting, but cannot be adopted at a special meeting, therefore, would have to wait until a regular meeting to adopt the ordinance. Alternatively, the City Council could introduce an ordinance at a regular meeting and then adjourn that meeting to a specific date and time. That adjourned meeting would be considered a regular, adjourned meeting and an ordinance could be adopted at that meeting. Staff is seeking direction from Council on two bullet points – If the Council were to hold one meeting a month, which day would that meeting be held on, the second or the fourth Tuesday of the month. Staff recommends that the regular meetings be held on the second Tuesday as this would allow the Council to hold a special meeting, if necessary, by month's end if an item comes up and cannot wait until the next regularly scheduled meetings. The second item is should the Council continue to go dark in July. The Ad Hoc committee is recommending just one meeting in July instead of going dark. That concludes the presentation. If you have any questions, she is happy to answer them.

Mayor Pro Tem Lilburn stated refresh my memory. Who was on the Ad Hoc committee?

Mayor McCallon stated me and Council Member Solano.

Mayor Pro Tem Lilburn stated okay, her question would be to staff. The time commitment on the agenda, if this is feasible and do you feel comfortable that we have time to get through the agendas. Usually, our City Council meetings are relatively short, but she just wants to make sure that we never short the public on items that are of importance, and that we need to address.

City Manager Hughes stated we had a long discussion with management staff on how we think that this could work. Essentially, the Council meetings will get longer, you see it tonight. There are more items on the agenda tonight. This is kind of case in point. We did not have the second meeting in November, so we have a lot of items on the agenda tonight, so it is a longer meeting. That being said, there will be some time savings for staff because we are not cranking out an agenda every two weeks. So, we need to make sure that because of just having the one meeting a month that we get everything right. That we make sure that the T's are crossed, and the I's are dotted because we do not have that meeting two weeks from then to correct things. That being said, staff also has an extra two weeks to make sure that the T's are crossed, and the I's are dotted. You have more time; you are not in that constant cycle of turning out the work. It will give staff more time to get the staff reports completed. As far as feasibility, we do think it is feasible from a staff perspective, but we will go, you know, whichever way the City Council decides, but we can work with either scenario. He thinks we can make it work.

Council Member Timmer stated the only thing he had a concern with was addressed. The way, if things change, we have the ability to call a special meeting, or if an emergency comes up, we can still declare an emergency. We still have that flexibility, so right now the workload is not there for us to have meeting every two weeks. So, this is probably a good savings for staff and for some of us with families.

Council Member Solano stated that was one of the things. A lot of the questions that were brought up during the meeting were the concerns of that, and we did have a long discussion on it, and that is why the committee felt comfortable bringing it forward to Council with everything that was presented.

City Attorney Marroquin stated and to your concern, Councilmember Timmer, Staff is recommending that the change be made by resolution so that will give more flexibility. So, let us say six months from now we realize this is not working out, we need to have more frequent meetings, it is easier to come back with a new resolution saying here is our new meeting schedule, every two weeks again.

City Manager Hughes stated that is a good point. The old frequency of meetings was done by ordinance, so that is why, as shown in the staff report, it is going to take some time for this to even go into effect because you will have to have a first reading, a second reading and all those things. What the City Attorney brought up is the recommendation to now remove it from the ordinance and have it done by resolution. So, if it does not work out, and that is a great point, but if it does not work out, then we can just go back to two meetings a month. We can adjust quickly.

Mayor McCallon stated any other comments or questions?

Council Member Timmer stated he will move the committee's recommendation on this.

Council Member Chavez stated that is with meeting once a month in July, right?

Council Member Timmer stated we have to answer those two questions now. In his motion he will designate the second Tuesday as the meeting date and still having the one meeting in July instead of going dark.

A MOTION was made by Council Member Timmer, seconded by Council Member Chavez, to switch from two Council meetings per month to one Council meeting per month and conduct a first reading of an Ordinance designating the location of regular meetings of the City Council and rescinding Ordinance No. 236. Motion carried, 5-0.

City Clerk Hughes introduced Ordinance No. 452

ORDINANCE NO. 452
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HIGHLAND, CALIFORNIA, DESIGNATING THE LOCATION OF REGULAR MEETINGS OF THE CITY COUNCIL OF THE CITY OF HIGHLAND AND RESCINDING ORDINANCE NO. 236

which title was read.

City Clerk Hughes stated this is just stating the time and the location. The Resolution will be brought forth at the next Council meeting in January, which will state the Council’s vote here, on the second Tuesday, once a month, at 6 o'clock.

City Manager Hughes stated this will not go into effect until March.

25. Appoint Three (3) Members of the Public to the Community Trails Committee

City Clerk Hughes gave a brief review of the staff report. The floor is now open for nominations for the seat expiring in October 2022. The other two nominations will be for the seats expiring in October 2023.

Council Member Timmer nominated Robert LaChausse for the seat expiring in October 2022.

Mayor McCallon nominated Erwin Fogerson and Michael McMillan for the seats expiring in October 2023.

City Clerk Hughes called for any other nominations. Seeing none, the floor is now closed for nominations. Three (3) members of the public have been appointed to the Community Trails Committee with Robert LaChausse's seat expiring in October 2022, and Erwin Fogerson and Michael McMillan seats expiring in October 2023.

26. City Manager Report and Comments (Work Program, Regional/Legislative/ Development Issues, Subcommittees, etc.)

City Manager Hughes stated he will try to make each item brief, but the first one is the Citrus Harvest Festival which staff is gearing up for. The event will take place in March. Vendor applications were distributed last week, so we are going full steam ahead on the Citrus Harvest Festival for next year. At their December 7 hearing, the Planning Commission approved a conditional use permit and design review application for a Tractor Supply Company as part of the first phase of a mixed use commercial residential project at the northwest corner of Base Line and Church. The approval is conditional upon the City Council's approval of a General Plan Amendment which will be coming forward to the City Council in the very near future. Also on December 7, the Planning Commission and the Appeals Board took action to approve a declaration of a public nuisance regarding a wall. Just to make the Council aware of the 2022 homeless point in time count which the city will be participating in again. It will be on Thursday, January 27 from 6:00 a.m. to 10:00 a.m. The coronavirus fund for businesses, the City provides $7,500 for businesses, and we are now up to 155 applications received for that program. The senior grocery delivery program, we have 25 inquiries with 15 approved so that is a jump on that program. The emergency mortgage assistance program, we still only have one inquiry, and we are working through the application process with that person. Burrtec illegal dumping work orders for November are 179 illegal dumps picked up. For the Sheriff's Department, December 3 through the 13, they responded to 1,070 calls for service, made 77 reports and 41 arrests. The Fire Department responded to, for the month of November, 673 calls for service, 480 of those were medical aides, 52 traffic collisions, 11 structure fires and 17 vegetation fires. A public works project is under construction. This is a work program item that consists of the pavement rehabilitation of Sector E, which is the last phase of the City Council 5-year Pavement Management program at a cost of $2,000,000. It includes 25 streets segments and construction began on Monday, December 13, and is anticipated to be completed in March of 2022. So once that gets completed, staff will start the process again and we will start another whole cycle again. A 5-year cycle to improve the streets in the community. Also, staff wanted to bring you up to speed on the Highland-Redlands Regional Connector project. That is the project on Orange Street, and it was to put in a bikeway and pedestrian path that would link Highland and Redlands. We have been working with the City of Redlands for a long time on this project, and we have gotten fairly far down the road. However, we have run into a hurdle, which is the environmental, and we received comments back from the state. Essentially, they want more in mitigation than the project cost to do. It is like millions of dollars of mitigation money. At this point Highland actually could use our credits that we have for Plan B to offset our costs. However, Redlands does not have very much of Plan B money, and they have the lion share of this project. The Highland share is small compared to the Redlands share. So, this is millions of dollars of a hit to the City of Redlands that they do not have the funding for. So, at this point in time what we are going to be looking at, just to give the Council a heads up, is finishing all the design work for the project. Get a shovel ready project ready to go, and then look for some additional funding opportunities so that we can move forward with the project, but right now it is just not financially feasible. With this mitigation hit, it is a crazy amount of money. That is kind of where we are at. If something changes and we can work something out, we will do that, but that is the direction that we are leaning towards right now. What is frustrating is this is all being done within the public right-of-way. We are not asking for any decision of the Council tonight, but you know, it is what it is, so that is kind of where we are at. He also wanted to bring up to the City Council that we were contacted by the City of Redlands, and they are going to be sending a letter of opposition regarding the California Citizens Redistricting Commission proposal. He is sure the Council has seen the new districts that are being proposed. For Highland, we are going to either be bifurcated or trifurcated by the assembly and the Senate, and so it is really going to split the city up. Redlands reached out and asked if we would like to join them in sending a letter, and we can send a joint letter. So, we plan on doing that. We will be working on a joint letter with the City of Redlands on that, he just want to make the Council aware.

27. Council Member Comments (Agency/Committee/AB 1234 Reports, District Updates, etc.)

Mayor Pro Tem Lilburn stated she just has a couple of things. She had the opportunity to attend San Manuel's grand opening for the Yaamava Hotel and Spa, and she just wanted to tell you they did a beautiful job. It is gorgeous there, and it is right in our own backyard, so she hopes everyone really enjoys it. Secondly, she would like to wish everyone a very Merry Christmas and do not forget about Operation Senior Santa Claus being held at our Fire Stations and Sheriff Station.

28. San Manuel Community Credit Fund Restricted Grant Agreements

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

A MOTION was made by Mayor Pro Tem Lilburn, seconded by Council Member Timmer, to authorize the City Manager and City Attorney to prepare and sign two San Manuel Community Credit Fund Restricted Grant Agreements with San Manuel Band of Mission Indians pertaining to Type I Fire Engine Replacement, and SR-210/Base Line Interchange on behalf of the City. Motion carried, 5-0.

ANNOUNCEMENTS

None

CLOSED SESSION

None

ADJOURN

There being no further business, Mayor McCallon adjourned the meeting at 6:41 p.m. in memory of Karl Kraemer, Ruben De Leon, Don Troy, Bill Summers, Robert Pierazek and Senator Bob Dole.

Submitted By:	Approved By:
______________________	______________________
Betty Hughes, MMC City Clerk	Larry McCallon Mayor