

November 18, 2009

RANCHO CUCAMONGA
REDEVELOPMENT AGENCY, FIRE DISTRICT AND CITY COUNCIL
CLOSED SESSION MINUTES

A. CALL TO ORDER

The Rancho Cucamonga Redevelopment Agency/City Council held a closed session on Wednesday, November 18, 2009, in the Tapia Room of the Civic Center located at 10500 Civic Center Drive, Rancho Cucamonga, California. The meeting was called to order at 5:08 p.m. by Mayor Donald J. Kurth.

Present were Agencymembers/Councilmembers: Diane Williams, Sam Spagnolo, Vice Chairman/Mayor Pro Tem L. Dennis Michael and Chairman/Mayor Donald J. Kurth. Agencymember/Councilmember Rex Gutierrez was absent.

Also present were: James Markman, City Attorney; Pamela Easter, Assistant City Manager, John Gillison, Deputy City Manager/Administrative Services and Linda D. Daniels, Deputy City Manager/Economic and Community Development.

B. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)

Chairman/Mayor Donald J. Kurth announced the closed session items:

1. LABOR NEGOTIATIONS PER GOVERNMENT CODE SECTION 54954.2 TO GIVE JOHN GILLISON, DEPUTY CITY MANAGER, AND PAMELA EASTER, ASSISTANT CITY MANAGER, DIRECTION IN REGARDS TO THE MEET AND CONFER PROCESS – *RDA & CITY*

C. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEM(S)

No one was present to comment on the closed session items.

D. CONDUCT OF CLOSED SESSION

Closed session began at 5:08 p.m.

E. CITY MANAGER ANNOUNCEMENTS

No announcements were made.

F. RECESS

The closed session adjourned at 6:50 p.m. with no action taken.

**G. REGULAR MEETING
CALL TO ORDER – 7:00 P.M.
COUNCIL CHAMBERS**

The meeting of the Rancho Cucamonga Redevelopment Agency, Fire Protection District, and City Council reconvened in the Council Chambers of the Civic Center located at 10500 Civic Center Drive, Rancho Cucamonga, California. Chairman/President/Mayor Donald J. Kurth called the meeting to order at 7:00 p.m.

Present were Agencymembers/Boardmembers/Councilmembers: Diane Williams, Rex Gutierrez, Sam Spagnolo, Vice Chairman/Vice President/Mayor Pro Tem L. Dennis Michael and Chairman/President/Mayor Donald J. Kurth.

Also present were: Pamela Easter, Assistant City Manager; James Markman, City Attorney; John Gillison, Deputy City Manager/Administrative Services; Linda Daniels, Deputy City Manager/Economic and Community Development; Joe Cusimano, Police Chief; Mark Steuer, Director of Engineering Services; Mike Bell, Fire Chief; Bill Wittkopf, Public Works Services Director; Trang Huynh, Building & Safety Official; Kevin McArdle, Community Services Director; Robert Karatsu, Library Director; Janice Reynolds, City Clerk; Debra McNay, Records Manager/Assistant City Clerk and Kathy Scott, Assistant City Clerk.

H. ANNOUNCEMENTS/PRESENTATIONS

H1. Presentation by the New Owners of the Rancho Cucamonga Quakes Regarding Plans for the Upcoming Season.

Kevin McArdle, Community Services Director, introduced Brent Miles, President and Grant Riddle, Vice President/General Manager of the Rancho Cucamonga Quakes.

H2. Presentation of a Proclamation to the Juvenile Diabetes Research Foundation (FDRF) in recognition of November 2009 as "American Diabetes Awareness Month."

Mayor Kurth presented a proclamation to Gail Oyler and Sarah Rodriguez from the Juvenile Diabetes Research Foundation Inland Empire Chapter in recognition of American Diabetes Awareness Month.

H3. Demonstration of joint project between the Geographic Information Systems Division and Library Services Department utilizing GIS software in celebration of Geography Awareness Week, November 16-20, 2009, and recognizing November 18, 2009 as Geographic Information System (GIS) Day.

Robert Karatsu, Library Director introduced Gabrielle Baltierra, Sharon Chiang and Tiffany Hsu who demonstrated the joint project between the Geographic Information Systems Division and Library Services Department. Mayor Kurth presented a proclamation to Ingrid Bruce, GIS/Special Districts Manager in recognition of Geographic Information System Day.

I. PUBLIC COMMUNICATIONS

I1. Kelley Donaldson, Public Education Specialist, invited the Council and the audience to the Metrolink's Holiday Toy Express, to be held on November 21, 2009 from 3 – 6:30 p.m. at the Metrolink Station.

I2. John Lyons indicated that many people are praying for Jessica Garcia, whose car was hit recently at the intersection of Arrow Route and Vineyard Avenue. He encouraged everyone to obtain a H1N1

vaccination and noted the recent death of Joey Holt due to complications of the virus. Mr. Lyons suggested that information be placed on the City's Internet site. He referenced the proclamation that was given for American Diabetes Awareness Month and reported that Spires and Coco's offer sugar-free items at their restaurants. In response, Fire Chief Bell updated the Council and the audience on the clinics being held by the County Health Department and the information that is currently located on the City's Intranet site.

I3. Abraham Tekin noted the existing City signage requirement and expressed a concern with the adequacy of signage when split up between several different businesses. As businesses are currently struggling, he asked that the sign criteria be adjusted to allow more square footage and that banners be allowed for an 8 or 9 week period of time.

J. CONSENT CALENDAR – REDEVELOPMENT AGENCY

The following Consent Calendar items are expected to be routine and non-controversial. They will be acted upon by the Agency at one time without discussion. Any item may be removed by an Agencymember for discussion.

- J1. Approval of Minutes:
- October 28, 2009 (Special Joint Mtg. with Planning Commission re Bus Rapid Transit – *Gutierrez absent*)
 - November 4, 2009 (Regular Meeting – *Williams absent*)
- J2. Approval of Check Register dated October 28 through November 9, 2009, for the total amount of \$527,451.77.
- J3. Approve to receive and file current Investment Schedules for September 30 and October 31, 2009.

MOTION: Moved by Spagnolo, seconded by Gutierrez, to approve the staff recommendations in the staff reports contained within the Consent Calendar. Agencymember Gutierrez abstained from voting on the October 28, 2009 minutes and Agencymember Williams abstained from voting on the November 4, 2009 minutes. Motion carried 5-0.

K. CONSENT CALENDAR – FIRE PROTECTION DISTRICT

The following Consent Calendar items are expected to be routine and non-controversial. They will be acted upon by the Fire Board at one time without discussion. Any item may be removed by a Boardmember for discussion.

- K1. Approval of Minutes:
- October 28, 2009 (Special Joint Mtg. with Planning Commission re Bus Rapid Transit – *Gutierrez absent*)
 - November 4, 2009 (Regular Meeting – *Williams absent*)
- K2. Approval of Check Register dated October 28 through November 9, 2009, for the total amount of \$151,630.03.
- K3. Approval to receive and file current Investment Schedules for September 30 and October 31, 2009.

MOTION: Moved by Spagnolo, seconded by Michael, to approve the staff recommendations in the staff reports contained within the Consent Calendar. Boardmember Gutierrez abstained from voting on the October 28, 2009 minutes and Boardmember Williams abstained from voting on the November 4, 2009 minutes. Motion carried 5-0.

Jim Markman, City Attorney, noted the need to add to the Consent Calendar agenda Item L. 14 (Approval of a Resolution Committing to a State Bicycle Transportation Account Grant Match for the "Pacific Electric Inland Empire Trail Enhancements Project" from Grove Avenue to the I-15 Freeway) as action to commit the matching funds is needed before the grant application deadline of December 1, 2009 and the need to commit the funds arose after the posting of the November 18, 2009 agenda last week.

MOTION: Moved by Michael, seconded by Williams, to add Item L.14. to the City Council Consent Calendar. Motion carried 5-0.

L. CONSENT CALENDAR – CITY COUNCIL

The following Consent Calendar items are expected to be routine and non-controversial. They will be acted upon by the Council at one time without discussion. Any item may be removed by a Councilmember for discussion.

- L1. Approval of Minutes:
- October 28, 2009 (Special Joint Mtg. with Planning Commission re Bus Rapid Transit – *Gutierrez absent*)
 - November 4, 2009 (Regular Meeting – *Williams absent*)
- L2. Approval of Check Register dated October 28 through November 9, 2009, and payroll ending November 9, 2009, for the total amount of \$5,479,446.56.
- L3. Approval to receive and file current Investment Schedules for September 30 and October 31, 2009.
- L4. Approval of Community Services Update Report.
- L5. Approval to appropriate \$61,684.90 for video surveillance hardware, software, maintenance and services for the Police Department Video Surveillance Pilot into the following JAG Grant Fund Accounts: \$257 into Acct. No. 1361701-5152 (Computer Software); \$15,307 into Acct. No. 1361701-5200 (Operations & Maintenance); \$36,940 into Acct. No., 1361701-5300 (Contract Services); and \$9,276 into Acct. No. 1361701-5605 (Capital Outlay – Computer Equipment); and approval to award a contract to *VAS Security Systems (CO 09-084)* of Simi Valley, California, for video surveillance hardware, software, maintenance, and services in the amount of \$23,980.90, to be funded by a portion of the authorized additional appropriations as follows: \$11,299 from Acct. No. 1361701-5200 (Operations & Maintenance); \$3,500 from Acct. No. 1361701-5300 (Contract Services); and \$9,276 from Acct. No. 1361701-5605 (Capital Outlay – Computer Equipment).
- L6. Approval of Voluntary Employees Beneficiary Association (VEBA) Plan and Trust Adoption.

RESOLUTION NO. 09-219

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ESTABLISHING A VOLUNTARY EMPLOYEES BENEFICIARY ASSOCIATION (VEBA) PLAN AND ADOPTING THE PLAN DOCUMENT OF THE CALIFORNIA GOVERNMENT VOLUNTARY EMPLOYEES BENEFICIARY ASSOCIATION (CALGOVEBA) TOGETHER WITH THE TRUST ESTABLISHED TO HOLD THE ASSETS OF THE PLAN FOR THE BENEFIT OF ELIGIBLE EMPLOYEES

- L7. Approval of a Cooperative Agreement (*CO 09-079*) for Parking Enforcement Services between the City of Rancho Cucamonga and *Chaffey Community College District*.

- L8. Approval of a request for a Cooperative Work Agreement (CO 09-080) for budget authority extension per Government Code Section 16304.3 for the Base Line Road at I-15 Freeway Interchange Project.

RESOLUTION NO. 09-220

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING A REQUEST FOR A COOPERATIVE WORK AGREEMENT FOR BUDGET AUTHORITY EXTENSION PER GOVERNMENT CODE SECTION 16304.3 FOR THE BASE LINE ROAD AT I-15 FREEWAY INTERCHANGE PROJECT

- L9. Approval of a Professional Services Agreement with *Mathis Consulting Group* (CO 09-081) for the annual City Council Goal Setting Session in January, 2010, to be funded from Acct. No. 1001001-5102 (Training – General Overhead).
- L10. Approval to accept the bids received and award and authorize the execution of the contract in the amount of \$59,119.00 to the apparent low bidder, *New Legacy Corporation* (CO 09-082), and authorize the expenditure of a 10% contingency in the amount of \$5,911.90 for the Beryl Street Community Trail from Banyan Street to Wilson Avenue, to be funded from Beautification Funds, Acct. No. 1110316-5650/1503110-0.
- L11. Approval to accept Improvements and file a Notice of Completion for improvements for DRC2005-00810 located on the southeast corner of Banyan Street and Beryl Avenue, submitted by Inland Empire Builders.

RESOLUTION NO. 09-221

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR DRC2005-00810 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

- L12. Approval to release the Faithful Performance Bond retained in lieu of a Maintenance Guarantee Bond, and accept a Maintenance Guarantee Bond for DRC2005-01060, located at the southerly terminus of Sierra Madre Avenue (south of Ninth Street), submitted by National Community Renaissance of California.
- L13. Approval to release Faithful Performance Bond No. 105063414, retained in lieu of Maintenance Guarantee Bond in the amount of \$688,644.28, for Fiscal Year 07/08 Local Street Pavement Rehabilitation Overlay of Various Streets, Contract No. 08-051.
- L14. Approval of a Resolution Committing to a State Bicycle Transportation Account Grant Match for the "Pacific Electric Inland Empire Trail Enhancements Project" from Grove Avenue to the I-15 Freeway. (**Added by Urgency**)

MOTION: Moved by Williams, seconded by Spagnolo to approve the staff recommendations in the staff reports contained within the Consent Calendar. Councilmember Gutierrez abstained from voting on the October 28, 2009 minutes and Councilmember Williams abstained from voting on the November 4, 2009 minutes. Motion carried 5-0.

M. CONSENT ORDINANCES

The following Ordinances have had public hearings at the time of first reading. Second readings are expected to be routine and non-controversial. The Agency, Fire Board, or Council will act upon them at one time without discussion. The City Clerk will read the title.

Any item can be removed for discussion by an Agencymember, Boardmember, or Councilmember.

M1. CONSIDERATION OF SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AMENDING SECTION 10.50.030 OF THE RANCHO CUCAMONGA MUNICIPAL CODE REGARDING THE MINIMUM SIZE OF A PERMIT PARKING DISTRICT

ORDINANCE NO. 822 (second reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, REVISING REGULATIONS APPLICABLE TO PERMIT PARKING DISTRICTS

MOTION: Moved by Michael, seconded by Williams, to adopt Ordinance No. 833 for second reading. Motion carried 5-0.

**N. ADVERTISED PUBLIC HEARINGS
CITY COUNCIL**

The following items have been advertised and/or posted as public hearings as required by law. The Mayor will open the meeting to receive public testimony.

N1. DEVELOPMENT CODE AMENDMENT DRC2008-00170 - CITY OF RANCHO CUCAMONGA
- A request to delete Chapter 19.16 (Xeriscape Requirements) of Title 19 of the Rancho Cucamonga Municipal Code and add Chapter 17.42 (Landscape Water Conservation) to Title 17 of the Rancho Cucamonga Municipal Code to enact water efficient landscape requirements. The project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) as a Class 7 exemption under State CEQA Guidelines Section 15307, which covers actions taken by regulatory agencies to assure the maintenance of a natural resource as well as a Class 8 exemption under State CEQA Guidelines Section 15308 which covers actions taken by regulatory agencies to assure the protection of the environment.

ORDINANCE NO. 823 (first reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT DRC2008-00170, REMOVING CHAPTER 19.16 OF THE MUNICIPAL CODE AND CREATING CHAPTER 17.42 OF THE MUNICIPAL CODE TO DEVELOP WATER EFFICIENT LANDSCAPING REQUIREMENTS PURSUANT TO AB1881 AND AMENDING SECTIONS 17.02.135A, 17.32.070D (3)(E), 17.08.090C (5)(B) AND 17.10.060C (1)(E)(21)(C) TO REMOVE REFERENCES TO CHAPTER 19.16 AND XERISCAPING; AND MAKING FINDINGS IN SUPPORT THEREOF

Jennifer Nakamura, Associate Planner, presented the staff report.

In response to Councilmember Gutierrez, Ms. Nakamura addressed the planned outreach to homeowners and businesses. In response to Mayor Kurth, she concurred that this Ordinance was driven by State legislation.

Mayor Pro Tem Michael commended the work that was done on this Ordinance and indicated that this will result in similar Ordinances being done throughout the area.

Mayor Kurth opened the public hearing.

John Lyons inquired if a homeowner wanted to redo his landscaping if this Ordinance would apply. In response, Ms. Nakamura indicated that as no permit is required for re-landscaping, this Ordinance would not apply.

Mayor Kurth closed the public hearing.

MOTION: Moved by Michael, seconded by Spagnolo, to waive full reading and set second reading for December 2, 2009. Motion carried 5-0.

O. CITY MANAGER'S STAFF REPORTS

The following items have no legal publication or posting requirements.

O1. EXECUTIVE DISPATCH COMMITTEE'S UPDATE (Oral)

Mike Bell, Fire Chief, presented the staff report.

Mayor Kurth thanked the Fire Chief and the Department for their hard work during this transition.

Mayor Pro Tem Michael concurred; noting that no other change to service has been so dramatic and has gone so smoothly.

In response to Councilmember Gutierrez, Chief Bell discussed the move from Ontario to ConFire, which has ensured that the best level of service to the community is provided. He also discussed planned upgrades to the station alarm systems.

P. COUNCIL BUSINESS

The following items have been requested by the City Council for discussion.

Q1. COUNCIL ANNOUNCEMENTS (Comments to be limited to three minutes per Councilmember.)

Councilmember Spagnolo showed a Thanksgiving video honoring the men and women of the armed forces.

Councilmember Gutierrez showed pictures of the recent 3rd Annual Veteran's Night.

Mayor Pro Tem Michael encouraged everyone to remember those less fortunate and asked that the community support the Spark of Love Toy Drive, make donations of food and volunteer in service organizations. He commended staff for the Founder's Day parade.

Councilmember Williams encouraged everyone to attend the Metrolink's Holiday Toy Express, to be held on November 21, 2009 from 3 – 6:30 p.m. at the Metrolink Station. She encouraged residents to help others less fortunate and indicated that they could contact the City Manager's office to make a donation.

Mayor Kurth noted that he was very fortunate to live in Rancho Cucamonga and to be an American. He thanked the community for the privilege of serving.

O. IDENTIFICATION OF ITEMS FOR NEXT MEETING

Mayor Kurth requested that staff prepare a Resolution in support of Welcome Home Vietnam Veterans Day.

P. ADJOURNMENT

After a moment of silence in memory of June Reese, Recreation Leader, Mayor Kurth adjourned the meeting at 8:45 p.m.

Respectfully submitted,

Debra L. McNay, MMC
Assistant City Clerk/Records Manager

Approved: December 2, 2009