

November 4, 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 4, 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 5:35 p.m. by Mayor Donald J. Kurth.

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

Also present were: James Markman, City Attorney; Pamela Easter, Assistant City Manager, Linda D. Daniels, Deputy City Manager/Economic and Community Development and Debra L. McNay, Assistant City Clerk/Records Manager.

The City Attorney noted the need to add the following matter to the Closed Session agenda: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9 (a)) WILHELM, ET. AL. V. SANBAG, ET. AL., GENERALLY REFERRED TO AS THE 210 FREEWAY SOUND WALL LITIGATION.

MOTION: Moved by Michael, seconded by Kurth, to add the matter to the Closed Session agenda as there was a need to take immediate action and that this need came to light after the agenda was prepared. Motion carried, 5-0.

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9 (a)) WILHELM, ET. AL. V. SANBAG, ET. AL., GENERALLY REFERRED TO AS THE 210 FREEWAY SOUND WALL LITIGATION (Added by Urgency)

**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*
2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9 (a)) WILHELM, ET. AL. V. SANBAG, ET. AL., GENERALLY REFERRED TO AS THE 210 FREEWAY SOUND WALL LITIGATION (Added by Urgency)

**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 5:35 p.m.

## **E. CITY MANAGER ANNOUNCEMENTS**

No announcements were made.

## **F. RECESS**

The closed session adjourned at 5:55 p.m. with no action taken.

## **G. SPECIAL MEETING CALL TO ORDER – 6:00 P.M. COUNCIL CHAMBERS**

The Rancho Cucamonga Redevelopment Agency/Fire District/City Council held a special meeting on Wednesday, November 4, 2009, in the Council Chambers of the Civic Center located at 10500 Civic Center Drive, Rancho Cucamonga, California. The meeting was called to order at 6:04 p.m. by Mayor Donald J. Kurth.

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

Also present were: James Markman, City Attorney; Pamela Easter, Assistant City Manager; Trang Huynh, Building & Safety Official; Kevin McArdle, Community Services Director; Mike Bell, Fire Chief; Joe Pulcinella, Animal Services Director; Debra McNay, Records Manager/Assistant City Clerk and Shirr'l Griffin, Deputy City Clerk.

G3. Presentations:

- A. Recognition of Community Heroes: Amanda & Alex Castro, Terri Jacobs and Wilma & Elmer Steeve.

Mayor Kurth presented certificates of recognition to Amanda & Alex Castro and Wilma & Elmer Steeve.

- B. Recognition of Brent Dooley and Deputy Eddie McCloud for their Exemplary Service to Animals.

Mayor Kurth recognized Brent Dooley and Deputy Eddie McCloud and commended them for their exemplary service to animals.

- C. Lions Club Recognition of AMR for Public Safety Efforts.

Mayor Kurth and Alice-Faye Peugh, President of the Cucamonga District Host Lions Club, recognized representatives from AMR and Shirley Patrick for their excellent service to the community.

- D. Recognition of Erika Delos Santos, 2009 Grand Champion of the "Tawag Ng Tanghalan – USA"

Mayor Kurth recognized Erika Delos Santos for being named the Tawag Ng Tanghalan Grand Championship.

- E. Recognition of Rancho Cucamonga A.C.E. 8-Year Old & Under All Star Team.

Mayor Kurth presented certificates of achievement to the A.C.E. 8-year old & under All Star Team.

F. Recognition of Rancho Cucamonga A.C.E. 10-Year Old & Under All Star Team.

Mayor Kurth presented certificates of achievement to the A.C.E. 10-year old & under All Star Team.

G. Recognition of Rancho Cucamonga A.C.E. 14-Year Old & Under All Star Team.

Mayor Kurth presented certificates of achievement to the A.C.E. 14-year old and under All Star Team.

## **H. RECESS**

The special meeting adjourned at 6:45 p.m. with no action taken.

## **I. 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: Rex Gutierrez, Sam Spagnolo, Vice Chairman/Vice President/Mayor Pro Tem L. Dennis Michael and Chairman/President/Mayor Donald J. Kurth. Agencymember/Boardmember/Councilmember Diane Williams was absent.

Also present were: Pamela Easter, Assistant City Manager; James Markman, City Attorney; 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; Joe Pulcinella, Animal Services Director; Robert Karatsu, Library Director; Jim Frost, City Treasurer; Debra McNay, Records Manager/Assistant City Clerk and Shirr'l Griffin, Deputy City Clerk.

## **J. ANNOUNCEMENTS/PRESENTATIONS**

J1. PRESENTATION OF HEALTHY RC LIVING SHOW AND WEBSITE (Oral)

Erika Lewis-Huntley, Management Analyst II, Janelle Hughes, Community Services Coordinator and Kristen Compean, Intern, presented information on the Healthy RC Living Show and website.

In response to Mayor Pro Tem Michael, Ms. Hughes indicated that volunteers are needed and should contact her for more information. Mrs. Lewis-Huntley confirmed that information regarding the hiking trail system at the Preserve would be placed on the Internet site.

Mayor Kurth encouraged residents to take advantage of the Healthy RC programs and activities.

## **K. PUBLIC COMMUNICATIONS**

K1. Shirley Patrick encouraged the Council and the audience to donate to the Gap Food Bank. Further information can be found at: [www.gapfoodbank.org](http://www.gapfoodbank.org).

K2. John Beyenberg on behalf of San Bernardino County Tourism invited the Council to the 4<sup>th</sup> Annual "Taste of Route 66 Cruise". The event will be on November 21, 2009 from 5 – 8 p.m. Mr. Beyenberg provided a map, directions and more information to the City Council.

K3. Jeri Lee expressed concerns with the approval of Item L3 (Construction of the Base Line Road Parkway Landscape from Rochester Avenue to Day Creek Boulevard), as the City's can't maintain the landscaping that it has. Ms. Lee indicated that the landscaping in LMD #2 is not being maintained and noted that trees and plants are dying.

K4. Bill Hanlon invited everyone to the 3<sup>rd</sup> Annual Veteran's Night on November 11, 2009 from 5 – 6:30 p.m. at Central Park. He expressed a concern with the need for a Council meeting to discuss smoking regulations as only .04% of the residents surveyed supported such regulations. He also noted the lack of decorum at the meeting. Mr. Hanlon stated that the Patriot Guard attended two funeral services last week and urged the City Council to establish a veteran's memorial at Central Park.

K5. Janet Walton offered a prayer for the City Council and staff.

K6. Nicole Kwon noted that the Inland Korean-American Association hosted a Korean Culture Day on October 24, 2009 and thanked the City for their support.

K7. John Lyons noted that he is aware of two memorials for veterans in the City. He thanked the sponsors of the Sacred Heart Catholic Church and commented on the food bank at the Church. Mr. Lyons attended Mayor Kurth's Assembly fundraiser. At the event, he found out that information on the H1N1 virus could be found on the County Public Health Department's Internet site. Mr. Lyons attended the Son's of Italy fundraiser and supported the implementation of the Healthy RC program.

K8. Trudy Milne expressed concerns with Code Enforcement and indicated that she had called numerous times to set up a meeting with the Mayor. She is working to resolve a violation on her property and Code Enforcement has unrealistic expectations and is harassing her by making unscheduled inspections. Ms. Milne requested an appointment.

K9. Gwyn Frost invited the Council and the audience to the Etiwanda Historical Society Street Fair on November 14, 2009 from 11 a.m. – 3 p.m. Participants and volunteers are needed.

K10. Jim Frost reported that Sgt. Robert Stinson was missing in action for more than 60 years. He came home last week Wednesday and was interred on Friday at Riverside National Cemetery. Mr. Frost appreciated the City's support of the annual Run for the Wall event.

K11. Jim Moffatt requested that tonight's Council meeting be adjourned in honor of veterans. He invited everyone to the Veteran's Night on November 11, 2009 at Central Park. Also, he noted that there will be a veteran's memorial at Alta Loma High School on Sunday at 3:30. Mr. Moffatt recognized Rancho Cucamonga High School track team for their recent win.

## **L. 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.**

- L1. Approval of Minutes: October 14, 2009 (Special Mtg. - Traffic in Red Hill area)  
October 21, 2009 (Special Jt. Mtg. - Library Board & Foundation)  
October 21, 2009 (Regular Meeting)
- L2. Approval of Check Register dated October 14 through October 27, 2009, for the total amount of \$436,671.98.

- L3. Approval to authorize the advertising of the "Notice Inviting Bids" for the construction of the Base Line Road Parkway Landscape from Rochester Avenue to Day Creek Boulevard, to be funded from Redevelopment Agency Funds.

RESOLUTION NO. RA 09-019

A RESOLUTION OF THE RANCHO CUCAMONGA REDEVELOPMENT AGENCY, RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE BASE LINE ROAD PARKWAY LANDSCAPE FROM ROCHESTER AVENUE TO DAY CREEK BOULEVARD, IN SAID CITY AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

- L4. Approval of an appropriation for the purchase of a network appliance and completion of fiber optic network loop to improve public internet access at both the Archibald and Biane Libraries and Tech Junction at Central Park in the amount of \$35,000, and a 10% contingency in the amount of \$3,500, to be funded from Fund 630 Fund Balance to Acct. No. 2630801/5300.

MOTION: Moved by Spagnolo, seconded by Gutierrez, to approve the staff recommendations in the staff reports contained within the Consent Calendar. Motion carried 4-0; Agencymember Williams was absent.

### M. 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.

- M1. Approval of Minutes: October 14, 2009 (Special Mtg. - Traffic in Red Hill area)  
October 21, 2009 (Special Jt. Mtg. - Library Board & Foundation)  
October 21, 2009 (Regular Meeting)
- M2. Approval of Check Register dated October 14 through October 27, 2009, for the total amount of \$65,564.56.

MOTION: Moved by Michael, seconded by Spagnolo, to approve the staff recommendations in the staff reports contained within the Consent Calendar. Motion carried 4-0; Boardmember Williams was absent.

### N. 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.

- N1. Approval of Minutes: October 14, 2009 (Special Mtg. - Traffic in Red Hill area)  
October 21, 2009 (Special Jt. Mtg. - Library Board & Foundation)  
October 21, 2009 (Regular Meeting)
- N2. Approval of Check Register dated October 14 through October 27, 2009, and payroll ending October 27, 2009, for the total amount of \$3,974,701.35.
- N3. Approval of a recommendation by the Park and Recreation Commission to approve the street banner schedule and applications for calendar year 2010.
- N4. Approval to award the purchase of five (5) hybrid sports utility vehicles from Fairway Ford of Placentia, California, as per Request for Bid (RFB) #09/10-008 in the amount of \$151,423.50

from Acct. No. 1712001-5604 (Vehicle and Equipment Replacement Fund) to be used by GIS, NPDES, Fleet, Building and Safety and Facilities.

- N5. Approval of a request to Summarily Vacate an existing storm drain easement and related purposes and Right of Entry Temporary Easement, located at 13233 Foothill Boulevard, west of East Avenue V-215 – APN: 229-041-10.

RESOLUTION NO. 09-215

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, SUMMARILY ORDERING THE VACATION OF EXISTING STORM DRAIN EASEMENT AND RIGHT OF ENTRY TEMPORARY EASEMENT, LOCATED AT 13233 FOOTHILL BOULEVARD, WEST OF EAST AVENUE

- N6. HISTORIC LANDMARK DESIGNATION DRC2009-00679 - CINDY HAMPTON - A request to designate the G. Edgar Frost House as a Designated Local Landmark located at 7082 East Avenue - APN: 227-092-03. Related File: Mills Act Agreement DRC2009-00695.

RESOLUTION NO. 09-216

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, RECOMMENDING APPROVAL OF HISTORIC LANDMARK DESIGNATION DRC2009-00679, DESIGNATING THE G. EDGAR FROST HOUSE A HISTORIC LANDMARK, LOCATED AT 7082 EAST AVENUE; AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0227-092-03

- N7. MILLS ACT APPLICATION DRC2009-00695 (*Agreement CO 09-072*) - CINDY HAMPTON - A request to implement the use of the Mills Act to reduce property tax for the G. Edgar Frost House, currently applying for Historic Landmark Status, located at 7082 East Avenue - APN: 227-092-03. Related file: Landmark Designation DRC2009-00679.
- N8. Approval of drainage reimbursements to developers with active agreements for the Etiwanda Sevaine Area Master Plan for FY 2008/2009 and appropriation of \$50,156.18 to Acct. No. 1116303-5650/1026116-0.
- N9. Approval of drainage reimbursements to developers with active agreements for the General City Area Master Plan for FY 2008/2009 and appropriation of \$276,922.92 to Acct. No. 1112303-5650/1026112-0.
- N10. Approval of Amendment No. 1 to District Agreement No. 08-1254 for the I-15/Base Line Road interchange and authorize the Mayor to sign said amendment.
- N11. Approval of Caltrans Cooperative Agreement No. 8-1455 (*CO 09-073*) for the preparation of the Base Line Road/I-15 Freeway interchange plans, specifications and estimates, and authorize the Mayor to sign said agreement.
- N12. Approval to authorize the City Engineer to file a claim for the reimbursement of approved SANBAG funding from the Transportation Development Act (TDA), Article 3, 20% Transit Access Funds for the FY 2008/2009 Bus Bay, Driveway and ADA Access Ramp improvements at various locations.

RESOLUTION NO. 09-217

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AUTHORIZING THE CITY ENGINEER TO FILE A CLAIM FOR REIMBURSEMENT OF APPROVED SANBAG FUNDING FROM THE TRANSPORTATION DEVELOPMENT ACT (TDA),

ARTICLE 3, 20% TRANSIT ACCESS FUNDS FOR THE FY 2008/2009  
BUS BAY, DRIVEWAY AND ADA ACCESS RAMP IMPROVEMENTS AT  
VARIOUS LOCATIONS

N13. Approval to release the Maintenance Guarantee Bond for Tract 14759 (traffic signal), located at the intersection at Wilson Avenue and Wardman Bullock Road, submitted by Pulte Homes, Inc.

MOTION: Moved by Gutierrez, seconded by Michael to approve the staff recommendations in the staff reports contained within the Consent Calendar. Motion carried 4-0; Councilmember Williams was absent.

**O. 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.**

- O1. CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, AMENDING ELECTRIC RATES, FEES, AND CHARGES PURSUANT TO THE REQUIREMENTS AND AUTHORITY OF CHAPTER 3.46 OF TITLE 3 OF THE RANCHO CUCAMONGA MUNICIPAL CODE

RESOLUTION NO. 09-218

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AMENDING ELECTRIC RATES, FEES, AND CHARGES PURSUANT TO THE REQUIREMENTS AND AUTHORITY OF CHAPTER 3.46 OF TITLE 3 OF THE RANCHO CUCAMONGA MUNICIPAL CODE

Mark Steuer, Director Engineering Services/City Engineer, presented the staff report.

In response to Mayor Pro Tem Michael, Mr. Steuer indicated that this action generally affects properties around Victoria Gardens.

Mayor Kurth opened the public hearing. As no one wished to speak, Mayor Kurth closed the public hearing.

MOTION: Moved by Gutierrez, seconded by Michael, to adopt Resolution No. 09-218 amending the electric rates, fees and charges. Motion carried 4-0; Councilmember Williams was absent.

**P. CITY MANAGER'S STAFF REPORTS**

**The following items have no legal publication or posting requirements.**

- P1. CONSIDERATION 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 (first reading)

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

Mark Steuer, Director Engineering Services/City Engineer, presented the staff report.

In response to Mayor Pro Tem Michael, Mr. Steuer expected that the affected neighborhood could apply for a Permit Parking District the second week in January.

Councilmember Gutierrez noted that the Public Works Subcommittee considered this matter and recommended to the City Council that an amended Ordinance be adopted.

MOTION: Moved by Michael, seconded by Spagnolo, to waive full reading of Ordinance No. 822 and set second reading for November 18, 2009. Motion carried 4-0; Councilmember Williams was absent.

P2. FINDINGS AND INITIATIVE RECOMMENDATIONS OF THE IDEAL CULTURE LEARNING TEAM (Oral)

Sig Delhime, Information Services Project Coordinator and Donna Finch, RDA Analyst I presented the findings and initiative recommendations of the Ideal Culture Learning Team.

## Q. 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 shared a PowerPoint presentation highlighting movie stars who served in the armed forces.

Councilmember Gutierrez invited the Council and the audience to the 3<sup>rd</sup> Annual Veteran's Night on November 11, 2009 from 5 – 6:30 p.m. at Central Park. He thanked members of his family who had served in the armed forces as well as the veterans who were in the audience.

Mayor Pro Tem Michael reported that the City will be hosting a Veteran's Day celebration at Central Park on November 11, 2009 starting at 10 a.m. Also, on November 8<sup>th</sup>, a veteran's memorial will be held at Alta Loma High School at 3:30 p.m. On November 14<sup>th</sup>, the City will be hosting the annual Founder's Day parade which will be followed by the Etiwanda Street Fair. Mayor Pro Tem Michael congratulated Mayor Kurth for his recent appointment to the faculty of the Department of Health Policy and Management in Loma Linda University's School of Public Health.

Mayor Kurth recognized that many families have loved ones who have served or are serving in the armed forces. He spoke about members of his family who have served in the military and stated that we all owe our veterans a debt of gratitude. Mayor Kurth noted that the meeting would be adjourned tonight in honor of all veterans of all wars.

As Councilmember Williams was absent tonight, Councilmember Spagnolo noted that she would want to invite the Council and audience to watch Metrolink's Holiday Toy Express, which will be arriving in Rancho Cucamonga on November 21, 2009.

Q2. LEGISLATIVE AND REGIONAL UPDATES (Oral)

Councilmember Spagnolo reported that the Legislature has approved a comprehensive water package which will be considered by the voters in November 2010. He indicated that the City is aggressively pursuing economic stimulus opportunities and reported that the City recently received a \$1.6 million Energy Efficiency and Conservation Block Grant.

Mayor Pro Tem Michael reported that the City Council met last week with representatives from Omnitrans to discuss regional bus rapid transit opportunities.

## **O. IDENTIFICATION OF ITEMS FOR NEXT MEETING**

No items were identified.

## **Q. ADJOURNMENT**

After a moment of silence in honor of all veterans, Mayor Kurth adjourned the meeting at 8:46 p.m.

Respectfully submitted,

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

Approved: November 18, 2009