

April 15 2009

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

A. CALL TO ORDER

The Rancho Cucamonga Redevelopment Agency, Fire District and City Council held a closed session on Wednesday, April 15, 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 5:05 p.m. by Chairman/President/Mayor Donald J. Kurth.

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

Also present were: Jack Lam, Executive Director/City Manager; Steve Flower, Deputy City Attorney; John Gillison, Deputy City Manager/Administrative Services and Linda D. Daniels, Redevelopment Agency Director.

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B. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)

Chairman/President/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, Fire*
2. CONFERENCE WITH PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 9TH STREET AND MADRONE AVENUE - LINDA D. DANIELS, RDA DIRECTOR, NEGOTIATING PARTY – *RDA*

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**C. PUBLIC COMMUNICATIONS ON CLOSED SESSION
ITEM(S)**

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

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D. CONDUCT OF CLOSED SESSION

Closed session began at 5:05 p.m.

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E. CITY MANAGER ANNOUNCEMENTS

No announcements were made.

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F. RECESS

The closed session adjourned at 6:45 p.m. with no action taken.

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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 7:05 p.m.

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

Also present were: Jack Lam, City Manager; Steve Flower, Deputy City Attorney; Jim Frost, City Treasurer; John Gillison, Deputy City Manager/Administrative Services; James Troyer, Planning Director; Peter Bryan, Fire Chief; Chief Joe Cusimano, Rancho Cucamonga Police Department; Robert Karatsu, Library Director; Trang Huynh, Building and Safety Official; Mark Steuer, Director of Engineering Services/City Engineer; Janice Reynolds, City Clerk; Debra McNay, Records Manager/Assistant City Clerk and Shirr'I Griffin, Deputy City Clerk.

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H. ANNOUNCEMENTS/PRESENTATIONS

1. Presentation of a Proclamation in recognition of April 26 – May 2, 2009 as “National Crime Victims’ Rights Week.”

Mayor Kurth presented a Proclamation to Rita Marin, Secretary of Families and Friends of Murder Victims, and proclaimed April 26 – May 2, 2009 as “National Crime Victims’ Rights Week.”

2. Announcement regarding Special Olympics “Tip a Cop” at the Claim Jumper on April 16th, 2009, 5:00 to 9:00 p.m.

Lisa Henley, Sheriffs Service Specialist, announced the Tip a Cop event to benefit the Special Olympics, which will be held on April 16, 2009 at the Claim Jumper restaurant.

3. Presentation of a Proclamation in recognition of April 12–18, 2009 as “National Library Week.”

Mayor Kurth presented a Proclamation to Robert Karatsu, Library Director, and proclaimed April 12 – 18, 2009 as “National Library Week.”

4. Presentation of a Proclamation in recognition of April 22, 2009 as "Earth Day."

Mayor Kurth presented a Proclamation to Linda Ceballos, Environmental Programs Manager and Cara Vera, Senior Librarian, and proclaimed April 22, 2009 as "Earth Day."

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I. PUBLIC COMMUNICATIONS

11. Deputy Chad Foytik invited the City Council and the audience to the 8th Annual Ron Ives Bicycle Safety Rodeo, which will be held on May 30, 2009 starting at 8:00 a.m. at the Old Town Park.

12. James Massey reported that the Upland Christian Academy will be opening a new school on September 9, 2009. The school will be located at the Abundant Living Family Church, 10900 Civic Center Drive, and will provide classrooms for students K-12.

13. John Preston addressed the water shortage and the need to preserve open space. He urged the Council to look into their hearts before approving additional development.

14. Jim Frost spoke about the upcoming Run for the Wall event. He encouraged everyone to participate in a trip down to the Riverside National Cemetery on May 12, 2009 and indicated that donations to the Run for the Wall event are needed.

15. Gwyn Frost referenced an upcoming Run for the Wall activity and noted that the City did not have any POW/MIA flags for the interior of the building. Therefore, she presented a flag and read the flag protocol for its display.

16. Becky Frost thanked the City Council for their support of veteran's affairs.

17. Ed Dietl presented photos and spoke in support of Item N.2. (Historic Landmark Designation of the Cucamonga Service Station).

18. Robert Santa Cruz thanked the City Council for the resolution of the Herrera matter. He suggested that an Ordinance be adopted to prevent this situation from happening in the future.

19. Sergio Martinez thanked the City Council for their support during the Herrera hearing. He addressed possible preventive measures; including forming a task force and ensuring that neighbor's utilities are not blocked off.

110. Victor Muniz asked that the City Council take measures to provide closure on the street tree matter. He stated that the City Attorney had promised to provide a plan to address the matter to his satisfaction and requested a remediation plan by next week.

111. Jim Moffatt indicated that he had received a letter announcing upcoming community workshops to discuss expanding the no-smoking policies in public places. He did not support this effort and asked that smokers be provided equal rights.

112. Bill Hanlon shared photographs of Run for the Wall activities with the City Council and the audience.

113. Benjamin Merritt spoke in opposition to the development of the 1,200 acre project at this point in time.

114. Jean Leavy, representing the House of Ruth, spoke regarding Item N.1. (Community Development Block Grant funding) and thanked the City Council for their support. She promised to use any funding allocated to the House of Ruth wisely.

I15. John Lyons noted that today's Tea Party was well attended. He expressed concerns with excessive spending and taxation. Mr. Lyons defended the Mayor's desire to expand the non-smoking policies and wondered about the new school's compatibility with the surrounding industrial area.

I16. Justin and Isaiah Khoury noted that they operate a beauty salon and asked for the Council's assistance with a shower requirement. The Khoury's indicated that there is no need for a shower in their establishment.

I17. Julie Boynton, representing Project Sister Family Services, spoke regarding Item N. 1. (Community Development Block Grant funding) and thanked the City Council for their support. She asked for funding consideration for FY 2009/10.

I18. Sandra Rutherford, representing Camp Fire USA, spoke regarding Item N.1. (Community Development Block Grand funding) and thanked the City Council for their support. She requested the continuation of funding for Camp Fire USA.

I19. Arnold San Miguel, representing the Southern California Association of Governments, invited the City Council to the 2009 General Assembly.

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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.

1. Approval of Minutes: April 1, 2009 (Adjourned Meeting – Healthy RC/Green Sustainability)
April 1, 2009 (Regular Meeting)
Sept. 22, 2008 (Special Meeting – Team Building)
2. Approval of Check Register dated March 25 through April 7, 2009, for the total amount of \$203,881.48.
3. Approval to receive and file current Investment Schedule as of March 31, 2009.
4. Approval of Plans, Specifications and Estimates and to authorize the advertising of the "Notice Inviting Bids" for the Demens Basin Fill Project, to be funded from Acct. No. 2502801-5650/1694502-0.

RESOLUTION NO. RA 09-003

A RESOLUTION OF THE RANCHO CUCAMONGA REDEVELOPMENT AGENCY, RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE DEMENS BASIN FILL PROJECT, IN SAID CITY AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

MOTION: Moved by Spagnolo, seconded by Williams, to approve the staff recommendations in the staff reports contained within the Consent Calendar. Motion carried 5-0.

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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.

1. Approval of Minutes: April 1, 2009 (Adjourned Meeting – Healthy RC/Green Sustainability)
April 1, 2009 (Regular Meeting)
Sept. 22, 2008 (Special Meeting – Team Building)
2. Approval of Check Register dated March 25 through April 7, 2009, for the total amount of \$231,340.36.
3. Approval to receive and file current Investment Schedule as of March 31, 2009.

MOTION: Moved by Williams, seconded by Spagnolo, to approve the staff recommendations in the staff reports contained within the Consent Calendar. Motion carried 5-0.

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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.

1. Approval of Minutes: April 1, 2009 (Adjourned Meeting – Healthy RC/Green Sustainability)
April 1, 2009 (Regular Meeting)
Sept. 22, 2008 (Special Meeting – Team Building)
2. Approval of Check Register dated March 25 through April 7, 2009, and payroll ending April 7, 2009, for the total amount of \$6,169,802.83.
3. Approval to receive and file current Investment Schedule as of March 31, 2009.
4. Approval of specifications and to authorize the advertising of the “Notice Inviting Bids” for the Citywide Bridge Deck Maintenance, to be funded from Acct. No. 1112303-5650/1542112-0.

RESOLUTION NO. 09-060

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR “CITYWIDE BRIDGE DECK MAINTENANCE” AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

5. Approval of specifications and to authorize the advertising of the “Notice Inviting Bids” for the Citywide Street Name Sign Replacement – FY 08/09, to be funded from Acct. No. 1112303-5650 / 1542112-0.

RESOLUTION NO. 09-061

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR "CITYWIDE STREET NAME SIGN REPLACEMENT – FY 08/09" AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

6. Approval to authorize the advertising of the "Notice Inviting Bids" for the Construction of Hillside Road Pavement Rehabilitation from West City Limit to Beryl Street, to be funded from Prop 1B funds, Acct. Nos. 1194303-5650/1682194-0 and 1194303-5650/1713194-0.

RESOLUTION NO. 09-062

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE HILLSIDE ROAD PAVEMENT REHABILITATION FROM WEST CITY LIMIT TO BERYL STREET IN SAID CITY AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

7. Approval to authorize the advertising of the "Notice Inviting Bids" for the FY 2009/10 Local Street Pavement Rehabilitation – Overlay of Various Streets, Part 2, to be funded from Proposition 1B for construction of said project.

RESOLUTION NO. 09-063

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE "FY 2009/10 LOCAL STREET PAVEMENT REHABILITATION – OVERLAY OF VARIOUS STREETS, PART 2," IN SAID CITY AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

8. Approval of Community Services Update Report.
9. Approval of request for City Council to appropriate \$5,000.00 out of the \$50,000.00 Census Bureau Grant Funds to Expenditure Acct. No. 1016301-5200 to be utilized during FY 08/09 and \$45,000.00 to be budgeted for FY 09/10; funds will be used to support the City's preparation and public outreach efforts for Census 2010.
10. PUBLIC CONVENIENCE OR NECESSITY - DRC2009-00265 - RANCHO FARMER'S MARKET - A request for a Public Convenience or Necessity determination for a Type 20 Off-Sale Beer and Wine license for an existing market that is located in an existing commercial center on the south side of Foothill Boulevard between Helms Avenue and Malachite Avenue in the Community Commercial (CC) District - APN: 208-261-56. Staff has determined that the project is categorically exempt from CEQA review and qualifies as a Class 1 exemption under State CEQA Guidelines Section 15301.

RESOLUTION NO. 09-064

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY FOR A TYPE 20 OFF-SALE BEER AND WINE LICENSE FOR AN EXISTING MARKET THAT IS LOCATED IN AN EXISTING COMMERCIAL CENTER ON THE SOUTH SIDE OF FOOTHILL BOULEVARD BETWEEN HELMS AVENUE AND MALACHITE AVENUE IN THE COMMUNITY COMMERCIAL (CC) DISTRICT, LOCATED AT 9455 FOOTHILL BOULEVARD - APN: 0208-261-56

11. Approval to Execute an Addendum to the Epicenter Rental Contract (CO 94-039) with *Rancho Cucamonga High School* for Waiver of Rental Fees Associated with Graduation Ceremonies at the Rancho Cucamonga Epicenter in Exchange for City Use of the Rancho Cucamonga High School's Gymnasium for the City's Youth Basketball Program for 2009 and 2010.
12. Approval of Improvement Agreement, Improvement Security and Ordering the Annexation to Landscape Maintenance District No. 3B and Street Lighting Maintenance District Nos. 1 and 6 for DRC2005-00703, located AT 8578 Pecan Avenue, submitted by Gordon Trucking, Inc.

RESOLUTION NO. 09-065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR DRC2005-00703

RESOLUTION NO. 09-066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ORDERING THE ANNEXATION OF CERTAIN TERRITORY TO LANDSCAPE MAINTENANCE DISTRICT NO. 3B AND STREET LIGHTING MAINTENANCE DISTRICT NOS. 1 AND 6 FOR DRC2005-00703

13. Approval of Improvement Agreement and Improvement Security for Verizon FIOS Project (ROW2009-00053) located citywide, submitted by *Verizon California, Inc.*, and approval to utilize a portion of the \$50,000 deposited by Verizon California, Inc. into Trust Acct. No. 1882000-2305/1720-0 for the Fios Project and appropriate \$20,000 into Revenue Acct. No. 1001000-4511/1720-0 and \$20,000 to Expenditure Acct. No. 1001305-5303/1720-0 to fund contract inspection services, and appropriate \$15,000 into Revenue Acct. No. 1001000-4914/1720-0 to offset anticipated staff time to be spent on this project.

RESOLUTION NO. 09-067

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR ROW2009-00053

14. Approval to accept the bids received and award and authorize the execution of the contract in the amount of \$727,000.00 to the apparent low bidder, *Hardy & Harper, Inc.* (CO 09-187), and authorize the expenditure of a 10% contingency in the amount of \$72,700.00 for the FY 2009/2010 Local Street Pavement Rehabilitation Overlay of Various Streets, to be funded from Prop 1B Funds, Acct. No. 1194303-5650/1022194-0 and appropriate \$839,700.00 to Acct. No. 1194303-5650/1022194-0 from Prop 1B fund balance.

15. Approval to release the Maintenance Guarantee Bond for Parcel Map 17318, located at the northeast corner of 4th St. and Utica, submitted by Investment Development Services, Inc.
16. Approval to accept Improvements, release the Faithful Performance Bond, accept a Maintenance Bond and file a Notice of Completion for improvements for Rancho Etiwanda Infrastructure (Tract 16226 Collector Streets and Storm Drain), located north of the extension of Day Creek Boulevard and west of Etiwanda Avenue, submitted by JTY Investment, LLC.

RESOLUTION NO. 09-068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR RANCHO ETIWANDA INFRASTRUCTURE (TRACT 16266 COLLECTOR STREETS AND STORM DRAIN) AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

17. Approval to substitute Improvement Agreement and Improvement Security for Rancho Etiwanda Estates Infrastructure work to be completed with Tract Map 16226-2, located at the northwest corner of Day Creek Boulevard and Etiwanda Avenue, submitted by JTY Investment, LLC.

RESOLUTION NO. 09-069

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR RANCHO ETIWANDA ESTATES INFRASTRUCTURE (TENTATIVE TRACT MAP 16226)

18. Approval to accept Improvements, release the Faithful Performance Bond, accept a Maintenance Bond and file a Notice of Completion for improvements for Rancho Etiwanda Infrastructure (Tract 16227 Collector Streets and Storm Drain), located north of the extension of Day Creek Boulevard and west of Etiwanda Avenue, submitted by JTY Investment, LLC.

RESOLUTION NO. 09-070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR RANCHO ETIWANDA INFRASTRUCTURE (TRACT 16227 COLLECTOR STREETS AND STORM DRAIN) AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

19. Approval to release the Maintenance Guarantee Bond for Rancho Etiwanda Infrastructure Day Creek Storm Drain and Basin, located at the northwest corner of Day Creek Boulevard and Etiwanda Avenue, submitted by JTY Investment, LLC.
20. Approval to accept the Improvements, release the Faithful Performance Bond and file a Notice of Completion for improvements for Tract 16454, 16454-1 and 16455, located at the southeast corner of Base Line Road and Etiwanda Avenue, submitted by KB Home Greater Los Angeles, Inc.

RESOLUTION NO. 09-071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR TRACT 16454, 16454-1 AND 16455 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

21. Approval to release Faithful Performance Bond No. 443898, retained in lieu of Maintenance Guarantee Bond, in the amount of \$561,957.28, for the Haven Avenue and 19th Street Improvement Project, Contract No. 07-078.

MOTION: Moved by Michael, seconded by Gutierrez, to approve the staff recommendations in the staff reports contained within the Consent Calendar. Motion carried 5-0.

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**M. ADVERTISED PUBLIC HEARINGS
FIRE PROTECTION DISTRICT**

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

1. APPROVAL TO ADOPT A RESOLUTION MAKING DETERMINATIONS REGARDING THE PROPOSED ANNEXATION OF TERRITORY (RC66 PLAZA LLC – APN'S 0207-113-23 & 24 – ANNEXATION NO. 09-2) TO AN EXISTING COMMUNITY FACILITIES DISTRICT, CALLING A SPECIAL ELECTION AND AUTHORIZING SUBMITTAL OF LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS

RESOLUTION NO. FD 09-010

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, RANCHO CUCAMONGA, CALIFORNIA, MAKING CERTAIN DETERMINATIONS REGARDING THE PROPOSED ANNEXATION OF TERRITORY (ANNEXATION NO. 09-2) TO AN EXISTING COMMUNITY FACILITIES DISTRICT (CFD 85-1) AND CALLING A SPECIAL ELECTION AND AUTHORIZING THE SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF SUCH TERRITORY

Jack Lam, City Manager, presented the staff report.

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

MOTION: Moved by Michael, seconded by Williams, to adopt Resolution No. FD 09-010. Motion carried 5-0.

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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.

1. CONSIDERATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT DRAFT FUNDING ALLOCATIONS FOR FISCAL YEAR 2009-2010 – DRC 2009-00227 – CITY OF RANCHO CUCAMONGA – A review of the federally required Annual Action Plan, which includes the preliminary selection of CDBG projects, based on a new grant allocation of \$1,013,150.

Tom Grahn, Associate Planner, presented the staff report.

In response to Mayor Pro Tem Michael, Mr. Grahn indicated that the \$1,013,150 was an estimate. If the amount granted to the City was different, Mr. Grahn noted that the Administrative and Public Service Programs would be affected the most.

In response to Councilmember Williams, Mr. Grahn stated that if the amount granted dropped, everything would be reduced proportionately. However, he didn't expect that it would drop and expected that the grant amount would slightly increase. Councilmember Williams commended staff for their assistance in organizing the program and developing fair recommendations.

Councilmember Gutierrez noted that there was a wide discrepancy in some cases between what was requested and the recommended allocation amount. He addressed the Oldtimers Foundation and suggested that any increase in funding be applied to this Foundation. In response, Mr. Grahn indicated that the total allocation amount provided to the City will ultimately determine the amount available.

Councilmember Williams requested that the staff send out a memorandum to the City Council if additional funding is received so that a decision can be made on the best way to allocate it. She noted that the Family Resource Center is deserving of consideration as well.

Mayor Kurth opened the public hearing.

Greg Alvarado, Director of the Steelworkers Oldtimers Foundation, thanked the City Council for their long partnership. He requested that any additional funding be directed to Project Sister Family Services and House of Ruth.

Mayor Kurth closed the public hearing.

MOTION: Moved by Michael, seconded by Gutierrez, to direct staff to prepare the final Annual Action Plan to be brought back for adoption at a subsequent meeting. Motion carried 5-0.

2. HISTORIC LANDMARK DESIGNATION DRC2009-00069 – THE CITY OF RANCHO CUCAMONGA – A request to designate the Cucamonga Service Station as a designated historic landmark, located at 9670 Foothill Boulevard - APN: 0208-153-05.

RESOLUTION NO. 09-072

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING HISTORIC LANDMARK DRC2009-00069, DESIGNATING THE CUCAMONGA SERVICE STATION A HISTORIC LANDMARK, LOCATED AT 9670 FOOTHILL BOULEVARD; AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0208-153-05

Candyce Burnett, Senior Planner, presented the staff report. She indicated that a letter was received today from the owner's legal counsel.

In response to Mayor Kurth, Ms. Burnett discussed the presence of arches on the original gas station. Also discussed was what was written on the sides of the building in the earlier photos.

In response to Councilmember Gutierrez, Ms. Burnett confirmed that a representative from the owner was present in the audience.

Discussion was held by Deputy City Attorney Flower in response to Mayor Pro Tem Michael's questions regarding the Historic Landmark designation and how this designation would affect future applications regarding the property. It was noted that the Historic Landmark designation would preclude the owner from obtaining a demolition permit or altering the site until further review was conducted. The Deputy City Attorney commented that this designation would not preclude the demolition of the structure if the Building and Safety Department deems it unsafe.

Ms. Burnett commented that the structure might be eligible for State or Federal designation.

Mayor Kurth opened the public hearing.

Jennifer Smith, Gresham, Savage, Nolan & Tilden, representing TLC (Lamar), spoke in opposition to the proposed designation. She stated that a financial burden would fall on the property owner with this designation. TLC agrees that the structure has historic qualities. Ms. Smith indicated that the property had been recently taken off of the market as it is difficult to sell with this pending action. She requested that the City Council delay the decision until a mutually agreed-upon appraiser can determine the decrease in value as a result of the proposed designation. Ms. Smith noted that TLC has been working with Code Enforcement to secure the property. A demolition permit is needed before a structure can be demolished.

In response to Councilmember Gutierrez, Ms. Smith noted that they would pay for the cost of the appraisal. She stated to Mayor Kurth that TLC purchased the property in 2005 to facilitate the continuation of their billboard advertising on the site.

James Troyer, Planning Director, confirmed to Councilmember Spagnolo that the property had not been on the market for a while. In response to Councilmember Williams, the Planning Director did not have information on the asking price but noted that he could obtain it.

Discussion was held with the Deputy City Attorney regarding the need for an appraisal. Deputy City Attorney Flower indicated that the purpose of tonight's meeting was to determine if the characteristics of the property warrant a Historic Landmark designation. He indicated that the results of an appraisal would not have any bearing on this decision. However, as the Historic Preservation Ordinance does provide exceptions to the regulations when there is a severe economic impact, the Deputy City Attorney indicated that an appraisal of the property might be beneficial at a later date.

Councilmember Williams concurred, noting that an appraisal done under these economic conditions would not be very realistic.

Discussion regarding the need for an appraisal was held with Ms. Smith. Mayor Pro Tem Michael pointed out that TLC does not really know if there was a financial burden. While he appreciates the concern, the Mayor Pro Tem noted the City Council's concern with the loss of their heritage.

Discussion was also held regarding the impact of this decision with a separate action to relocate billboards. James Troyer, Planning Director, noted that the billboard agreement is in effect.

Councilmember Gutierrez did not see the value in postponing the decision. He encouraged TLC to take an interest in the historic nature of the property or sell it to someone who would.

In response to Councilmember Spagnolo, Deputy City Attorney Flower confirmed that the structure was designated as a notable structure. This designation allows for the property owner to request that it be considered for Historic Landmark status. However, the Deputy City Attorney noted that the Historic Preservation section of the Municipal Code allows the Planning Commission or staff to seek such designation. That is what occurred in this situation.

Roy LaParry indicated that Lamar should have recognized the presence of the historic structure before they purchased the property. He supported this designation as it would prevent demolition of the gas station.

Ed Dietl stated that Lamar paid \$240,000.00 for the property and indicated that the property has not been on the market. An appraisal was done last month which resulted in a value of over \$350,000.00.

Luana Hernandez noted that she lives in a Historic Landmark home. She urged the Council to move forward and designate the structure as a Historic Landmark.

Becky Frost indicated that the Norton-Fisher House was a good example of designation and use of Historic Landmarks. She noted that the integrity of the structure has been kept and the home is being used to good purpose.

Gwyn Frost thanked the staff and Planning Commission for their hard work in bringing this matter forward to the City Council.

John Anicic, President of the Etiwanda Historical Society, supported the designation. He noted that concessions could be made in the future to perhaps develop the land behind the structure in order to support the preservation of the gas station.

Cliff Jewel spoke in support of the designation.

Mayor Kurth closed the public hearing.

Mayor Pro Tem Michael thanked the Commission for their hard work and concurred with the designation. Councilmember Gutierrez encouraged TLC to take a special interest in the property.

Mayor Kurth supported private property owner rights; however, there are special community needs that also must be taken into consideration.

MOTION: Moved by Michael, seconded by Williams, to adopt Resolution No. 09-072 approving Historic Landmark DRC2009-00069. Motion carried 5-0.

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O. 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 announced Kickback Jack's Banquet Table of Life event, which will be held on Saturday, April 25, 2009 from 6:00 a.m. to 3:00 p.m. He reminded the Council and the audience of the upcoming freeway closures.

Councilmember Gutierrez shared pictures of last week's Easter Egg Hunt. He thanked the Police Explorers and Citizens on Patrol for their assistance that day.

Mayor Pro Tem Michael commented on Congressman Dreier's recent job fair. He requested that another job fair be sponsored by the City in the near future. Mayor Pro Tem Michael also referenced the Hererra matter and requested that staff investigate how the process can be expedited in the future. Lastly, Mayor Pro Tem Michael encouraged everyone to support the "National Crime Victims' Rights Week" activities.

Councilmember Williams expressed concern with the number of people needing jobs. She hoped that a real effort would be made to find local businesses willing to participate in another job fair. Councilmember Williams announced the 2009 Cucamonga Challenge, which will be held on May 9, 2009 at Central Park.

Mayor Kurth commented on his attendance today at a Volunteer conference. He expressed support of veterans and spoke of the picture in the Los Angeles Times on the job fair. Mayor Kurth stated that he was in Sacramento yesterday with the California Medical Association providing comments on a better healthcare system. He reminded everyone of the Ron Ives Bicycle Safety Rodeo and suggested that the meeting be adjourned tonight in memory of Officer Ron Ives.

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Q. IDENTIFICATION OF ITEMS FOR NEXT MEETING

Councilmember Spagnolo requested that the Run for the Wall supporters be recognized.

Councilmember Gutierrez requested that a report be placed on a future meeting regarding the nuisance abatement process, noting that perhaps a subcommittee could be formed.

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R. ADJOURNMENT

Mayor Kurth recessed the meeting to Closed Session at 10:00 p.m. The meeting adjourned at 11:10 p.m. in memory of Officer Ron Ives.

Respectfully submitted,

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

Approved: May 6, 2009