

April 1, 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 1, 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 5:40 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; Pamela Easter, Assistant City Manager; James Markman, 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:

- B1. 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*
- B2. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PER GOVERNMENT CODE SECTION 54956.9(A) – *HAROLD KELESHIAN V. CITY OF RANCHO CUCAMONGA* – CASE NUMBER CIVRS 703425 - *City*
- B3. CONFERENCE WITH LEGAL COUNSEL REGARDING POTENTIAL LITIGATION PER GOVERNMENT CODE SECTION 54956.9(A) - *ZELLAR V. CITY OF RANCHO CUCAMONGA* - *City*
- B4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PER GOVERNMENT CODE SECTION 54956.9(A) – *FREEDOM FROM RELIGION FOUNDATION, INC V. CITY OF RANCHO CUCAMONGA*, AND LINDA DANIELS – CASE NUMBER 2:08-CV-07833-PA-PJW, UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CA, EASTERN DIVISION – *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 5:40 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 7:03 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; Jim Markman, City Attorney; Jim Frost, City Treasurer; John Gillison, Deputy City Manager/Administrative Services; Pamela Easter, Assistant City Manager; Linda Daniels, RDA Director; Larry Henderson, Principal Planner; 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; Debra McNay, Records Manager/Assistant City Clerk and Kathy Scott, Assistant City Clerk.

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H. ANNOUNCEMENTS/PRESENTATIONS

H1. Presentation of a Proclamation to St. Peter & St. Paul School in recognition of 25 years of early education and proclaiming April as "Month of the Young Child" by the National Association for the Education of Young Children (NAEYC).

Mayor Kurth presented a Proclamation to Patty Ferrer, Principal of St. Peter & St. Paul School, and proclaimed April as "Month of the Young Child."

- H2. Presentation of Certificates of Achievement to the Chaffey College Men's Basketball Team for being Southern California Regional Finalists.

Mayor Kurth presented certificates of achievement to the Chaffey College Men's Basketball Team and congratulated them on their accomplishments.

- H3. Presentation of a Proclamation in recognition of April as "Organ Donation Month."

Mayor Kurth presented a Proclamation to Michael Adams, Onelegacy Ambassador and proclaimed April as "Organ Donation Month."

- H4. Presentation of a Proclamation in recognition of April as "Child Abuse Prevention Month."

Mayor Kurth presented a Proclamation to Lynda VanHoof, Business Development Coordinator with Arrowhead Regional Medical Center, and proclaimed April as "Child Abuse Prevention Month."

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I. PUBLIC COMMUNICATIONS

I1. Hank Stoy addressed Agenda Item P.2. (Red Hill Traffic Survey) and indicated that there are better solutions than closing the street. He asked that the Council authorize the survey and suggested that a couple of blank lines be included for comments.

I2. Patricia Dickinson addressed Agenda Item P.1. (Mason Appeal) and asked that the Council uphold the decision.

I3. Robert Santa Cruz addressed Agenda Item P.1. (Mason Appeal) and asked that the decision be upheld.

I4. Teri Martinez addressed Agenda Item P.1. (Mason Appeal) and supported the Hearing Officer's decision.

I5. Marcella Briowes addressed Agenda Item P.1. (Mason Appeal) and indicated that the actions of Mr. Herrera's associates should be addressed as well.

I6. Daryl Smathers addressed Agenda Item P.2. (Red Hill Traffic Survey) and supported the study's conclusion to put up a gate.

I7. Sergio Martinez addressed Agenda Item P.1. (Mason Appeal) and stated that the ruling was appropriate and fair.

I8. Kelley Olney addressed Agenda Item P.1. (Mason Appeal) asked that the Council uphold the decision.

I9. Gail Marlow-Dickey addressed Agenda Item P.2. (Red Hill Traffic Survey) and requested that the street be closed.

I10. Patty Anderson addressed Agenda Item P.1. (Mason Appeal) and spoke in support of the decision.

I11. A.R. Florez spoke in opposition to the Cucamonga Valley Water District's proposed Ordinances 47 and 48.

I12. Lindsey Crowe invited the Council and the audience to a Bingo fundraiser sponsored by 4 A Safe Ride Home to be held on April 17, 2009 at Central Park.

I13. Chauncey and Jon Salman requested help in acquiring grapevines to be planted at their home.

I14. John Lyons addressed Agenda Item P.1. (Mason Appeal) and stressed the need to address this situation.

I15. Jim Moffatt addressed Agenda Item P.2. (Red Hill Traffic Survey) and encouraged the Council to survey the community.

I16. Jim Frost spoke about the Run for the Wall event, which will be held May 13 – 24, 2009.

I17. Karen Pusateri addressed Agenda Item P.1. (Mason Appeal) and asked for the City Council's support in addressing this matter.

I18. Kathie Shimansky addressed Agenda Item P.2. (Red Hill Traffic Survey) and supported the closure of the street.

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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.

- J1. Approval of Minutes: March 12, 2009 (Jt. Meeting w/Planning Commission)
 March 18, 2009 (Regular Meeting)
 March 23, 2009 (Special Meeting – Consensus Building)
- J2. Approval of Check Register dated March 11 through March 24, 2009, for the total amount of \$2,033,385.71.
- J3. Approval to accept the bids received and award and authorize the execution of the contract in the amount of \$339,698.20 to the apparent low bidder, Mega Way Enterprises (RA 09-006) / CO 09-176), and authorize the expenditure of a 10% contingency in the amount of \$33,969.82, for the Foothill Boulevard / Etiwanda Avenue sidewalks and Block Walls, and the Wilson Avenue Median Modification at Fields Place Project to be funded from Measure I Funds, Account Nos. 11763035650/1675176-0, 11763035650/1670176-0 and 11763035650/1671176-0, RDA Funds, Account No. 2640801-5650/1670640-0 and LMD9 Funds, Account No. 11393035650/1671139-0 and appropriate \$60,000.00 to Account No. 11763035650/1675176-0, \$150,000.00 to 11763035650/1670176-0 and \$35,000.00 to Account No. 11763035650/1671176-0 from Measure I fund balance, \$151,500.00 to Account No. 2640801-5650/1670640-0 from RDA fund balance and \$57,000.00 to Account No. 11393035650/1671139-0 from LMD9 fund balance.
- J4. Approval to release Maintenance Guarantee Bond No. 1000782876 in the amount of \$5,304.00 for Stadium Outfield Fence Replacement Project, Contract No. RA 08-003.
- J5. Approval to accept the Epicenter Cross-Aisle Waterproofing Project, Contract RA 08-016 as complete, retain the Faithful Performance Bond as a Guarantee Bond, release the Labor and Material Bond, and authorize the City Engineer to file a Notice of Completion and approve the final contract amount of \$146,343.00.

RESOLUTION NO. RA 09-002

A RESOLUTION OF THE RANCHO CUCAMONGA REDEVELOPMENT AGENCY, RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE EPICENTER CROSS-AISLE WATERPROOFING PROJECT, CONTRACT RA 08-016 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

MOTION: Moved by Spagnolo, seconded by Michael, 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.

- K1. Approval of Minutes: March 12, 2009 (Jt. Meeting w/Planning Commission)
 March 18, 2009 (Regular Meeting)
 March 23, 2009 (Special Meeting – Consensus Building)
- K2. Approval of Check Register dated March 11 through March 24, 2009, for the total amount of \$96,573.05.
- K3. Approval of Fire Agencies Insurance Risk Authority (FAIRA) JPA Governing Board of Directors Representation Re-Election.

MOTION: Moved by Williams, 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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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: March 12, 2009 (Jt. Meeting w/Planning Commission)
 March 18, 2009 (Regular Meeting)
 March 23, 2009 (Special Meeting – Consensus Building)
- L2. Approval of Check Register dated March 11 through March 24, 2009, and payroll ending March 24, 2009, for the total amount of \$3,631,564.71.
- L3. Approval to authorize the advertising of the “Notice Inviting Bids” for the FY 2008/2009 Bus Bay, Driveway and ADA Access Ramp Improvements at Various Locations, to be funded from TDA-Article 3 Grant Fund and Measure “I” Fund.

RESOLUTION NO. 09-051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE FY 2008/2009 BUS BAY, DRIVEWAY AND ADA ACCESS RAMP IMPROVEMENTS AT VARIOUS LOCATIONS IN SAID CITY AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

L4. Approval to authorize the advertising of the "Notice Inviting Bids" for the Victoria Park Lane Pavement Rehabilitation from Fairmont Way to Rochester Avenue and from 300' east of Day Creek Boulevard to Base Line Road, to be funded from Proposition 1B Funds.

RESOLUTION NO. 09-052

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE VICTORIA PARK LANE PAVEMENT REHABILITATION FROM FAIRMONT WAY TO ROCHESTER AVENUE AND FROM 300' EAST OF DAY CREEK BOULEVARD TO BASE LINE ROAD IN SAID CITY AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

L5. Approval to accept grant revenue in the amount of \$175,917.00 from the United States Office of Justice Programs, Byrne Justice Assistance Grant through the American Recovery and Reinvestment Act (JAG) (CO 09-174 / Interlocal Agreement), and approval to pay the County of San Bernardino Law and Justice group a fee of five percent (\$8,796.00) for administrative costs.

L6. Approval of a request from "4 A Safe Ride Home" organization for the waiver of Central Park room rental fees for a fundraising event to be held on April 7, 2009.

L7. Approval to renew existing contract number 05-124 with Brodart, Inc., to provide book processing and technical services to the Rancho Cucamonga Library Services for an additional three (3) years, renewable in one (1) year increments upon mutual consent, and expend approved funding in accordance with the adopted budget line items for Acct. Nos. 1290606-5200 and 5300 and 1290607-5200 and 5300.

L8. Approval of Development Impact Fee Deferral Agreement between the City of Rancho Cucamonga and *Bella Victoria, LP* (Developer/Owner) (CO 09-175) for the residential property described in Exhibit "A" of the Agreement generally located at the northwest corner of East Avenue and Miller Avenue identified as Tract Map No. 17919.

RESOLUTION NO. 09-053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT IMPACT FEE DEFERRAL AGREEMENT

L9. Approval to accept the bids received and award and authorize the execution of the contract in the amount of \$339,698.20 to the apparent low bidder, Mega Way Enterprises (CO 09-176) / RA 09-006), and authorize the expenditure of a 10% contingency in the amount of \$33,969.82, for the Foothill Boulevard / Etiwanda Avenue sidewalks and Block Walls, and the Wilson Avenue Median Modification at Fields Place Project to be funded from Measure I Funds, Account Nos. 11763035650/1675176-0, 11763035650/1670176-0 and 11763035650/1671176-0, RDA Funds, Account No. 2640801-5650/1670640-0 and LMD9 Funds, Account No. 11393035650/1671139-0 and appropriate \$60,000.00 to Account No. 11763035650/1675176-0, \$150,000.00 to

11763035650/1670176-0 and \$35,000.00 to Account No. 11763035650/1671176-0 from Measure I fund balance, \$151,500.00 to Account No. 2640801-5650/1670640-0 from RDA fund balance and \$57,000.00 to Account No. 11393035650/1671139-0 from LMD9 fund balance.

L10. Approval to accept the bids received and award and authorize the execution of the contract in the amount of \$239,300.00 including Additive Bid Item No. 1 to the apparent low bidder, *Silvia Construction, Inc.* (CO 09-177), and authorize the expenditure of a 10% contingency in the amount of \$23,930.00 for the Arrow Route Pavement Rehabilitation from Milliken Avenue to Rochester Avenue, to be funded from Prop. 1B Funds, Acct. No. 1194303-5650/1690194-0.

L11. Approval to accept Improvements, release the Faithful Performance Bond, accept a Maintenance bond and file a Notice of Completion for improvements for CUP 99-53, located at the northwest corner of 6th Street and Haven Avenue, submitted by Rancho Haven, LLC.

RESOLUTION NO. 09-054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR CUP 99-53 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

L12. Approval to accept Improvements, release the Faithful Performance Bond, accept a Maintenance bond and file a Notice of Completion for improvements for DRC2006-00127 (PM 17866), located on the east side of Rochester Avenue, south of Foothill Boulevard, submitted by WF Construction, Inc.

RESOLUTION NO. 09-055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR DRC2006-00127 (PM 17866) AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

L13. Approval to release Maintenance Guarantee cash deposit for Parcel Map 17938, located on the east side of Pittsburgh Avenue at 5th Street, submitted by Rock-Pitt, LLC.

L14. Approval to accept Improvements, retain the Faithful Performance Bond in lieu of a Maintenance Bond, and file a Notice of Completion for improvements for Parcel Map 18680, located at 9275 Charles Smith Avenue, submitted by the William Fox Groups, Inc.

RESOLUTION NO. 09-056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR PARCEL MAP 18680 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

L15. Approval to accept the Improvements, release the Faithful Performance Bond and file a Notice of Completion for improvements for Tract 16726, located at the northwest corner of Day Creek Boulevard and Banyan Street, submitted by Young California Cucamonga, L.P.

RESOLUTION NO. 09-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR TRACT 16726 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

MOTION: Moved by Michael, seconded by Williams, to approve the staff recommendations in the staff reports for the remaining items. Motion carried 5-0.

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M. CONSENT ORDINANCES

The following Ordinances may 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. ENVIRONMENTAL ASSESSMENT AND TERRA VISTA COMMUNITY PLAN AMENDMENT-DRC2008-00761 - LEWIS OPERATING CORP. - A request to reduce the front-to-front building separation from 30 feet to 16 feet and the side-to-side building separation requirement from 15 feet to 8 feet for two-story buildings within the Medium-High Residential Development District (14-24 d/u per acre) of the Terra Vista Community Plan. Related files: Tentative Tract Map SUBTT18710, Development/Design Review DRC2008-00306 and Variance DRC2008-00762. Staff has prepared a Mitigated Negative Declaration of Environmental Impacts for consideration.

ORDINANCE NO. 811 (second reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING TERRA VISTA COMMUNITY PLAN AMENDMENT DRC2008-00761, A REQUEST TO REDUCE THE FRONT-TO-FRONT BUILDING SEPARATION FROM 30 FEET TO 16 FEET AND THE SIDE-TO-SIDE BUILDING SEPARATION REQUIREMENT FROM 15 FEET TO 8 FEET FOR TWO-STORY DUPLEX AND DETACHED SINGLE-UNIT BUILDINGS WITHIN THE MEDIUM-HIGH DENSITY RESIDENTIAL DISTRICT (14-24 DWELLING UNITS PER ACRE) OF THE TERRA VISTA COMMUNITY PLAN; AND MAKING FINDINGS IN SUPPORT THEREOF

M2. CONSIDERATION OF AN AMENDMENT TO TITLE 12 OF THE RANCHO CUCAMONGA MUNICIPAL CODE CHAPTER 12.16 REGULATION OF NEWSPAPER RACKS

ORDINANCE NO. 812 (second reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, MAKING TECHNICAL CHANGES TO THE CITY'S NEWSRACK REGULATIONS, AND AMENDING TITLE 12 OF THE RANCHO CUCAMONGA MUNICIPAL CODE

MOTION: Moved by Michael, seconded by Gutierrez, to adopt Ordinance Nos. 811 and 812 for second reading. Motion carried 5-0.

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

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

- N1. ADOPTION OF A RESOLUTION MAKING DETERMINATIONS REGARDING THE PROPOSED ANNEXATION OF TERRITORY (NEW BEGINNINGS FAMILY WORSHIP CENTER – APNS 0207-241-31 & 46 - ANNEXATION NO. 09-1) 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 09-009

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. 09-1) 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 09-009. Motion carried 5-0.

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**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 AUTHORIZING THE CREATION OF REVENUE ENHANCEMENT ZONES WITHIN THE CITY FOR THE PURPOSE OF GENERATING ADDITIONAL PROPERTY TAX REVENUE FOR THE CITY OF RANCHO CUCAMONGA (CO 09-178)

RESOLUTION NO. 09-058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, AUTHORIZING THE CREATION OF REVENUE ENHANCEMENT ZONES WITHIN THE CITY FOR THE

PURPOSE OF GENERATING ADDITIONAL PROPERTY TAX REVENUE
FOR THE CITY OF RANCHO CUCAMONGA

John Gillison, Deputy City Manager/Administrative Services, presented the staff report.

In response to Mayor Pro Tem Michael, Mr. Gillison noted that this action does not raise property taxes. It is a tax sharing agreement whereby the County redistributes to the City a small portion of the property taxes it receives for certain properties.

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

MOTION: Moved by Williams, seconded by Gutierrez, to adopt Resolution No. 09-058. Motion carried 5-0.

O2. CONSIDERATION OF A RESOLUTION AUTHORIZING THE ISSUANCE OF MULTI-FAMILY HOUSING REVENUE BONDS BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) FOR SAN SEVAINE VILLAS LOCATED AT 13233 FOOTHILL BOULEVARD

RESOLUTION NO. 09-059

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTI-FAMILY HOUSING REVENUE BONDS FOR SAN SEVAINE VILLAS

Tranda Drumwright, Housing Programs Manager, presented the staff report.

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

MOTION: Moved by Williams, seconded by Gutierrez, to adopt Resolution No. 09-059. Motion carried 5-0.

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P. CITY MANAGER'S STAFF REPORTS

The following items have no legal publication or posting requirements.

P1. CONSIDERATION OF APPEAL FROM RESPONDENT JENNIFER MASON TO DECISION AND ADMINISTRATIVE ABATEMENT ORDER RE: 6416 AND 6422 EAGLE PEAK PLACE IN CITY OF RANCHO CUCAMONGA V JENNIFER MASON

Fabian Villenas, Principal Management Analyst, presented the staff report.

Jim Markman, City Attorney, reminded the City Council that the hearing was not for the purpose of taking in more evidence. He referenced the evidence that had been collected on this matter and indicated that this evidence had been provided to the City Council. Mr. Markman stated that the purpose of the meeting is to consider the appeal. The City Council may adopt the findings and affirm the abatement order, uphold the appeal or to modify the order in some way. He indicated that he had personally spoken to the appellant's attorney, who had requested several continuances and who is

aware of tonight's hearing. He suggested that the Mayor inquire if the appellant's attorney was present.

No one representing the appellant came forward in response to the Mayor's request.

Patrick K. Bobko, Esq., of Richards, Watson & Gershon, representing the City, addressed the City Council.

In response to Mayor Pro Tem Michael, discussion was held regarding any additional measures that could be taken. Mr. Bobko indicated that the order is as broad as it can be. Mr. Markman discussed the ramifications of the abatement order.

In response to Councilmember Spagnolo, Mr. Markman assured the City Council that every remedy available to the City would be explored if the abatement order was violated.

Mr. Bobko noted that Mr. Herrera is on probation and noted that there are conditions attached to the probation.

Councilmember Williams confirmed for the record that all avenues available to the appellant were made available to her. Mr. Bobko confirmed to the Council that an independent hearing officer conducted the hearing and that all parties had an opportunity to participate and to cross examine each other's witnesses.

In response to Councilmember Gutierrez, discussion was held regarding access to the neighbor's utility box. Mr. Markman suggested that Building and Safety look into possible remedies to this situation.

Mayor Pro Tem Michael requested that staff look at the processes to see if situations like this could be addressed quicker in the future. He apologized to the neighborhood.

Councilmember Spagnolo had hoped that the appellant would be present to defend the actions taken against the neighborhood. Mayor Kurth agreed, noting that this is infuriating and hoped that justice will be served and peace established in the neighborhood. The rest of the Council concurred.

MOTION: Moved by Michael, seconded by Williams, to adopt the factual findings contained in the October 30, 2008 decision and administrative abatement order issued by Hearing Officer Glenn M. Gottlieb, to affirm all orders entered in that decision and to deny the appeal of the decision and order. Motion carried 5-0.

P2. APPROVAL TO CONDUCT A SURVEY OF RED HILL AREA RESIDENTS -- RELATED TO THE RED HILL TRAFFIC STUDY

Jon Gillespie, Traffic Engineer, presented the staff report.

Councilmember Williams suggested that the survey language be amended to list the City's physical location as well as mailbox number.

In response to Mayor Kurth, Mr. Gillespie confirmed the need for a survey. Mayor Pro Tem Michael recognized that it would provide information and stressed that the Council would need to make a final decision once the survey results are available.

Councilmember Gutierrez noted that the survey is necessary and will help the Council with their decision.

MOTION: Moved by Michael, seconded by Williams, to direct staff to conduct a survey of Red Hill area residents related to the Red Hill Traffic Study. Motion carried 5-0.

P3. ADDITIONAL INFORMATION TO ASSIST IN REVIEWING THE QUALIFIED DEVELOPER CANDIDATES FOR THE PROPOSED 1,200 ACRE CITY – COUNTY PROJECT

Pamela Easter, Assistant City Manager, presented the staff report.

In response to Councilmember Gutierrez, Mrs. Easter referenced the questions received by the Council.

Discussion was held regarding other information desired by the City Council. Mayor Pro Tem Michael cautioned the Council against requiring videos and noted that site visits should not be considered when some sites were quite a distance away and not all of them could reasonably be visited.

Councilmember Williams concurred and indicated that thorough answers to the questions would be helpful.

In response to Mayor Kurth, Mr. Markman addressed the City Council's role in this matter. It was noted that the Council would make a recommendation to the County Board of Supervisors on the two top candidate developers for each area. The County Board of Supervisors will make the final decision.

MOTION: Moved by Michael, seconded by Williams, to direct staff to forward the questions to the qualified developer candidates for their response by April 30, 2009. Motion carried 5-0.

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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 noted the passing of Grace Curatalo and suggested that the meeting be adjourned in her memory.

Councilmember Gutierrez thanked the neighbors for their patience with the nuisance abatement process. He invited the community to an Easter Egg Hunt on April 11, 2009 at Central Park and invited people to register online at www.vineyardpress.com.

Mayor Pro Tem Michael reminded everyone of the upcoming Job Fair sponsored by Congressman Dreier on April 8, 2009 at 8:00 a.m. at Central Park.

Councilmember Williams spoke about the importance of donating organs and Organ Donor Month. She congratulated the Inland Empire Ballet for their partnership with the Healthy RC program.

Mayor Kurth also noted the passing of Grace Curatalo. He appreciated the City Council's work tonight and felt that some important matters were accomplished.

Q2. LEGISLATIVE AND REGIONAL UPDATES (Oral)

Councilmember Spagnolo referenced the State's projected \$8 Billion deficit and noted that it could be higher pending the outcome of the upcoming election. He noted that the City's Task Force is focused on taking advantage of any Economic Stimulus opportunities. Lastly, Councilmember Spagnolo reported on a positive meeting that he had attended, noting several retailers had indicated that they would be expanding their store locations.

Mayor Pro Tem Michael reported that Chaffey College will be receiving funding to build an Omnibus Transit Center on their campus.

Q3. CONSIDERATION OF AD HOC COMMITTEE TO DISCUSS TRASH COLLECTION REQUIREMENTS AND ILLEGAL DUMPING (Oral)

Councilmember Spagnolo suggested that an Ad Hoc Committee be established to discuss mandatory trash collection and illegal dumping.

MOTION: Moved by Spagnolo, seconded by Williams, to establish an Ad Hoc Committee and to appoint Council members Spagnolo and Williams to the committee. Motion carried 5-0.

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Q. IDENTIFICATION OF ITEMS FOR NEXT MEETING

No items were identified.

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R. ADJOURNMENT

Mayor Kurth recessed the meeting to Closed Session at 10:06 p.m. The meeting adjourned at 11:20 p.m. in memory of Grace Curatalo.

Respectfully submitted,

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

Approved: April 15, 2009