A. CALL TO ORDER

The Rancho Cucamonga Redevelopment Agency and City Council held a closed session on Wednesday, December 17, 2008, in the Tapia Room of the Civic Center located at 10500 Civic Center Drive, Rancho Cucamonga, California. The meeting was called to order at 5:15 p.m. by Chairman/Mayor Donald J. Kurth.

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

Also present were: Jack Lam, Executive Director; Pamela Easter, Assistant City Manager; Craig Fox, Assistant City Attorney; Mahdi Aluzri, Deputy City Manager/Community Development; Linda D. Daniels, Redevelopment Agency Director.

B. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)

Chairman Kurth announced the closed session items:

1. CONFERENCE WITH PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF CHURCH AND ARBOR LANE; AGS HOMEBUILDER 1, LLC, AND LINDA D. DANIELS, RDA DIRECTOR, NEGOTIATING PARTY, REGARDING TERMS OF AGREEMENT – RDA

2. CONFERENCE WITH PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF SAN BERNARDINO ROAD, WEST OF KLUSMAN AVENUE; LINDA D. DANIELS, RDA DIRECTOR, NEGOTIATING PARTY, REGARDING TERMS OF PROPOSAL – RDA

C. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEM(S)

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

D. CONDUCT OF CLOSED SESSION

Closed session began at 5:15 p.m.

E. CITY MANAGER ANNOUNCEMENTS

No announcements were made.
F. RECESS

The closed session adjourned at 6:30 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 7:01 p.m.

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

Also present were: Jack Lam, City Manager; Craig Fox, Assistant City Attorney; Pamela Easter, Assistant City Manager; Mahdi Aluzri, Deputy City Manager/Community Development; Trang Huynh, Building and Safety Official; Mark Steuer, Director Engineering Services/City Engineer; James Troyer, Planning Director; Linda D. Daniels, Redevelopment Agency Director; Robert Karatsu, Library Director; Dave Blevins, Public Works Director; Kevin McArdle, Community Services Director; Chief Joe Cusimano, Rancho Cucamonga Police Department; Peter Bryan, Fire Chief and Debra McNay, Records Manager/Assistant City Clerk.

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H. ANNOUNCEMENTS/PRESENTATIONS

1. Presentation by Joe Bert, President of the Rancho Cucamonga Rotary Club, of the final check for the Library Reading Room.

The Rotary Club Presidents from 2003/04 (Ed Brebrich), 2004/05 (Mike Cobb), 2005/06 (Andrea Shields), 2006/07 (Diane O'Neal), 200708 (William Roman) and 2008/09 (Joe Bert) awarded a $10,000 check to the City Council for the Library Reading Room. This was the last payment earmarked to the Reading Room; $50,000 was donated in total. Mayor Kurth and the City Council thanked the Rotary Club for their outstanding contribution.

2. Presentation of a proclamation to Library Services Manager Michelle Perera for receiving the “Award of Excellence” by the California Library Association at their recent annual conference.

Mayor Kurth presented a proclamation to Michelle Perera in recognition of her accomplishments.

3. Presentation of a plaque to Deborah Kaye Clark in recognition for her retirement as Library Director.

Mayor Kurth presented a plaque and proclamation to Deborah Clark in recognition of her retirement.

4. ADDED ITEM: Rancho Cucamonga Police Department Holiday Crime Prevention Information.
Joe Cusimano, Police Captain, presented Holiday Crime Prevention information.

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I. PUBLIC COMMUNICATIONS

I1. Amber Starbuck, Public Affairs Manager for the Gas Company, announced the possibility of lower gas bills this winter. She urged everyone to properly maintain their furnaces.

I2. Jim Moffatt addressed the potential restriction of smoking in various public places. He did not see the need to prohibit smoking in restaurant patios.

I3. John Lyons reminded everyone to eat and shop in Rancho Cucamonga. He also cautioned the audience not to drink and drive.

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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:  
   - July 2, 2008 (Regular Mtg. – Canceled due to holiday)  
   - November 19, 2008 (Regular Meeting)  
   - December 3, 2008 (Regular Meeting)

2. Approval of Check Register dated November 26 through December 9, 2008, for the total amount of $485,829.01.

3. Approval of an appropriation from fund balance to Acct. No. 2500801-5515 in the amount of $1,342,890 for the payment of pass thru payments to various taxing entities as required by AB 1290.

4. Approval of an increase to Contract No. RA 05-031 in the amount of $77,500 to Dan Guerra & Associates, authorize the expenditure of a 10% contingency in the amount of $7,750 and approve Contract Change Order No. 2 for additional design services for the East Avenue Master Plan Storm Drain, to be funded from Lower Etiwanda Drainage Funds, Acct. No. 1126303-5650/1584126-0, and appropriate an additional amount of $85,250 to Acct. No. 1126303-5650/1584126-0 from Lower Etiwanda Drainage Fund Balance.

5. Approval to accept the bids received, award the execution of a contract in the amount of $14,828.00 to the apparent low bidder, Econo Fence, Inc. (RA 08-034) of Riverside, California and authorize the expenditure of a fabrication of the Epicenter handrails to be funded from 2646801-5602 (Sports Complex Capital Improvements) and appropriate $16,310 from the Sports Complex Capital Improvement Fund Balance.

6. Approval of a Resolution and a Cooperative Agreement between the State of California and the City of Rancho Cucamonga for the improvement of the southbound I-15 Freeway off-ramp at Foothill Boulevard, and appropriate $1,052,000.00 to Acct. No. 2650801-5650/1714650-0 from Fund 650 (Public Improvements-2001 TAB) Fund Balance.
RESOLUTION NO. RA 08-013

A RESOLUTION OF THE RANCHO CUCAMONGA REDEVELOPMENT AGENCY, RANCHO CUCAMONGA, CALIFORNIA, APPROVING A COOPERATIVE AGREEMENT BETWEEN THE STATE OF CALIFORNIA AND THE CITY OF RANCHO CUCAMONGA.

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: July 2, 2008 (Regular Mtg. – Canceled due to holiday) November 19, 2008 (Regular Meeting) December 3, 2008 (Regular Meeting)

2. Approval of Check Register dated November 26 through December 9, 2008, for the total amount of $29,256.61.


RESOLUTION NO. FD 08-039

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, RANCHO CUCAMONGA, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ELECTION IN COMMUNITY FACILITIES DISTRICT NO. 85-1, ANNEXATION NO. 08-1

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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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: July 2, 2008 (Regular Mtg. – Canceled due to holiday) November 19, 2008 (Regular Meeting) December 3, 2008 (Regular Meeting)
2. Approval of Check Register dated November 26 through December 9, 2008, and payroll ending December 9, 2008, for the total amount of $2,965,711.28.

3. Approval of plans and specifications for the “Epicenter Stadium Locker Room Shower Tile Replacement” and authorize the City Clerk to advertise the Notice Inviting Bids, to be funded from Account Number 1025001-5602 (Capital Reserve).

RESOLUTION NO. 08-246

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR EPICENTER STADIUM LOCKER ROOM SHOWER TILE REPLACEMENT AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

4. Approval of plans and specifications for the “West Beryl, Park Sport Light Wire Replacement Project” and authorize the City Clerk to advertise the Notice Inviting Bids.

RESOLUTION NO. 08-247

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR WEST BERYL PARK SPORT LIGHT WIRE REPLACEMENT AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

5. Approval of the Community Services Update Report.

6. Approval and authorize the Mayor to execute a Transferred and New Municipal Departing Load Non-bypassable Charges and Cost Responsibility Surcharge Agreement with Southern California Edison (CO 08-179).

7. Approval of a Resolution updating the existing Conflict of Interest Code for designated personnel.

RESOLUTION NO. 08-049 (I)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ADOPTING AN UPDATED CONFLICT OF INTEREST CODE WHICH INCORPORATES BY REFERENCE THE STANDARD CONFLICT OF INTEREST CODE PREPARED BY THE FAIR POLITICAL PRACTICES COMMISSION AND REPEALING RESOLUTION NO. 80-049(H)

8. Approval for award and authorize the execution of a professional services agreement with Aufbau Corporation (CO 08-181) of Rancho Cucamonga for the creation of the plans, technical and standard specifications, and estimates for various bridge maintenance work within the City in the amount of $209,187 ($190,170 contract amount plus a 10% contingency of $19,017) to be funded from 1112303-5650/1542112-0 (Drainage Fac/General).

9. Approval to release Maintenance Cash Deposit for DRC2005-00704, located on the west side of Hellman Avenue 300 feet south of Arrow Route, submitted by KBARCO, LLC.

10. Approval to release Maintenance Guarantee Bond for Tract 16567 located between Foothill Boulevard and San Bernardino Road and between Hellman and Malachite Avenues, submitted by WL Route 66 Associates.
11. Approval to release Faithful Performance Bond No. 6473438 retained in lieu of a Maintenance Guarantee Bond in the amount of $113,120.00 for the Heritage Park Emergency Sewer Retrofit Improvements, Contract No. 07-138.


13. Approval of an increase to Contract No. RA 05-031 in the amount of $77,500 to Dan Guerra & Associates, authorize the expenditure of a 10% contingency in the amount of $7,750 and approve Contract Change Order No. 2 for additional design services for the East Avenue Master Plan Storm Drain, to be funded from Lower Etiwanda Drainage Funds, Acct. No. 1126303-5650/1584126-0, and appropriate an additional amount of $85,250 to Acct. No. 1126303-5650/1584126-0 from Lower Etiwanda Drainage Fund Balance.

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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M. ADVERTISED PUBLIC HEARINGS
FIRE PROTECTION DISTRICT

The following items have been advertised and/or posted as public hearings as required by law. It is recommended that this hearing be continued to January 7, 2009.

1. CONSIDERATION OF A RESOLUTION DECLARING ANNEXATION OF TERRITORY (PNEUDRAULICS, INC. A CALIFORNIA CORPORATION – APN 0209-021-42 - ANNEXATION NO. 08-2) TO AN EXISTING COMMUNITY FACILITIES DISTRICT, CALLING A SPECIAL ELECTION AND AUTHORIZING SUBMITTAL OF LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS.

MOTION: Moved by Williams, seconded by Michael, to continue the hearing until January 7, 2009. 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. ENVIRONMENTAL ASSESSMENT AND CONSIDERATION OF DEVELOPMENT CODE AMENDMENT DRC2008-00593 CITY OF RANCHO CUCAMONGA - A request to modify the definition of landscaping under Section 17.02.140 of the Development Code to allow for the use of synthetic turf and modify Sections 17.08.090, 17.10.060 and 17.30.060 of the Development Code to establish design guidelines for the use of synthetic turf. Staff has prepared a negative declaration of environmental impacts for consideration.
ORDINANCE NO. 804 (first reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT DRC2008-00593 AMENDING SECTION 17.02.140C OF THE DEVELOPMENT CODE TO MODIFY THE DEFINITION OF LANDSCAPING TO ALLOW FOR THE USE OF SYNTHETIC TURF AND AMENDING SECTIONS 17.08.090C(5), 17.10.060C(1)(E) AND 17.30.060F; AND MAKING FINDINGS IN SUPPORT THEREOF

James Troyer, Planning Director, presented the staff report.

In response to Mayor Pro Tem Michael, Mr. Troyer confirmed that the artificial turf would be allowed in all residential, commercial and industrial projects. In response to Councilmember Williams, Mr. Troyer indicated that staff would provide samples at the public counter and would provide information to interested parties. In response to Councilmember Gutierrez, Mr. Troyer confirmed that plastic and nylon was prohibited and indicated that a permit was not required.

Mayor Kurth opened the public hearing.

John Lyons suggested that a brochure be developed on the use of synthetic turf.

Mayor Kurth closed the public hearing.

MOTION: Moved by Michael, seconded by Williams, to waive full reading and set second reading of Ordinance No. 804 for the January 7, 2009 meeting. Motion carried 5-0.

2. CONSIDERATION OF AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA TEMPORARILY REVISING REGULATIONS RELATING TO DURATION OF BUILDING AND GRADING PERMITS AND DEFERRAL OF CERTAIN DEVELOPMENT IMPACT FEES AS PART OF THE BUILDING INDUSTRY ASSOCIATION'S HOUSING MARKET ECONOMIC STIMULUS PACKAGE

ORDINANCE NO. 802 (first reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, TEMPORARILY REVISING REGULATIONS RELATING TO DURATION OF BUILDING AND GRADING PERMITS AND DEFERRAL OF CERTAIN DEVELOPMENT IMPACT FEES

Dan James, Senior Civil Engineer, noted that this Ordinance was considered and adopted by the City Council at a previous meeting. Staff had re-evaluated the regulations in light of the discussion at the Council meeting and has determined that there would be no significant delays to projects if development impact fees were deferred for all residential projects

In response to Councilmember Gutierrez, Mr. James discussed the proposed $1,060 processing fee. If an applicant proposes to defer the fees, $1,060 would be charged to process the deferral of the fees for the entire group of building permits. If the agreement is modified or if an extension is requested, a flat $117 per hour fee would be charged. It was noted that only the actual cost to provide the service can be charged. Discussion was held.

Mayor Kurth opened the public hearing. With no-one wishing to speak, Mayor Kurth closed the public hearing.

MOTION: Moved by Spagnolo, seconded by Gutierrez to waive full reading and set second reading of Ordinance No. 802 for the January 7, 2009 meeting. Motion carried 5-0.
The following items have been requested by the City Council for discussion.

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

Councilmember Spagnolo thanked the Rancho Cucamonga athletic director and football team for the outstanding game and wished everyone a Merry Christmas.

Councilmember Gutierrez congratulated Robert Karatsu and Michelle Perera for their appointments. He indicated that Good Morning America would be highlighting a literary program. It will be shown on Channel 7 Saturday morning from 7-8 a.m. Councilmember Gutierrez also shared photographs of the recent Snowflake Festival.

Mayor Pro Tem Michael wished everyone a happy holiday and stated his appreciation of the accomplishments at the library. He urged everyone to participate in the various seasonal programs to benefit the needy.

Councilmember Williams reported on the Metrolink Holiday Train and urged everyone to donate to the needy. She also congratulated Meagan Riley for being crowned Miss Rodeo America.

Mayor Kurth noted that there will be a guest editorial in the Daily Bulletin this weekend regarding smoking and thanked Deborah Clark for her services to the City of Rancho Cucamonga.

2. **CONSIDERATION AND DISCUSSION OF SELECTION FOR MAYOR PRO TEM**

The City Council discussed the selection of a Mayor Pro Tem, including the history of the appointment and the preferred length of term.

MOTION: Moved by Spagnolo, seconded by Gutierrez to appoint L. Dennis Michael as Mayor Pro Tem. Motion carried 5-0.

MOTION: Moved by Gutierrez, seconded by Michael to discuss this appointment annually at the second meeting of December. Motion carried 5-0.

3. **REVIEW OF APPOINTMENTS TO STANDING COMMITTEES AND OTHER GOVERNMENTAL AGENCIES**

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

Mayor Kurth noted that one of the recommended actions was to disband unneeded committees.

MOTION: Moved by Williams, seconded by Gutierrez to formally disband the following ad hoc City Council subcommittees: Mobile Home Accord Review Subcommittee, the Sign Ordinance Subcommittee and the Residential and Commercial Solicitors Subcommittee. Motion carried 5-0.

Mayor Kurth and the City Council addressed the appointments and the City Council members indicated their desire to serve on the following standing committees and other governmental agencies:

- Community Services Subcommittee – Diane Williams and Sam Spagnolo
- Housing Set Aside Subcommittee – Rex Gutierrez and Dennis Michael
- Library Subcommittee – Rex Gutierrez and Dennis Michael
- Planning/Historic Preservation Subcommittee – Diane Williams and Sam Spagnolo
Public Works Subcommittee – Diane Williams and Rex Gutierrez
Redevelopment Marketing Subcommittee – Dennis Michael and Diane Williams
Telecommunications Subcommittee – Dennis Michael and Sam Spagnolo
Abandoned Residential Properties Ordinance Ad Hoc Committee – Dennis Michael and Sam Spagnolo
California Housing Opportunities Agency – Representative: Sam Spagnolo, Alternate: Linda Daniels
City Selection Committee – Don Kurth
Inland Empire Utilities Agency – Landscape Alliance Task Force – Dennis Michael
League of California Cities Inland Empire Division Legislative Task Force – Sam Spagnolo
North Etiwanda Preserve – Rex Gutierrez
Omnitrans – Delegate: Dennis Michael, Alternate: Diane Williams
Chamber of Commerce – Dennis Michael
Route 210 Freeway Corridor Design Joint Powers Authority - Delegate: Sam Spagnolo, Alternate: Diane Williams
San Bernardino Association of Governments – Delegate: Diane Williams; Alternate: Don Kurth

Councilmember Gutierrez indicated that he would like to pursue possible appointments to other League of California Cities policy committees.

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P. IDENTIFICATION OF ITEMS FOR NEXT MEETING

No items were identified.

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Q. ADJOURNMENT

Mayor Hurth stated the next regular meeting would be held on January 7, 2009.

Meeting adjourned at 8:42 p.m. in honor of Boy Scouts of America to a workshop of the City Council to be held on January 7, 2009 at 2:00 p.m.

Respectfully submitted,

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

Approved: January 7, 2009