June 5, 2013

RANCHO CUCAMONGA
CITY COUNCIL, FIRE PROTECTION DISTRICT, SUCCESSOR AGENCY
CLOSED SESSION SPECIAL AND REGULAR MEETINGS
MINUTES

A. CALL TO ORDER

The Rancho Cucamonga City Council and Fire Protection District held a special and regular closed session on Wednesday, June 5, 2013 in the Tapia Room at the Civic Center located at 10500 Civic Center Drive, Rancho Cucamonga, California. The meeting was called to order at 3:00 p.m. by Mayor L. Dennis Michael.

Present were Council/Successor Agency Members: Bill Alexander, Diane Williams, Marc Steinorth, Mayor Pro Tem Sam Spagnolo and Mayor L. Dennis Michael.

Also present were: John Gillison, City Manager; City Attorney James Markman, Linda Daniels, Assistant City Manager; Lori Sassoon, Deputy City Manager/Administrative Services and Jeff Bloom, Deputy City Manager/Economic and Community Development.

B. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)

The following closed session items were considered:


D2. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT GOVERNMENT CODE SECTION 54956.9(B) – CITY

D3. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 7211 ACORN PLACE IN THE CITY OF RANCHO CUCAMONGA AND IDENTIFIED AS APN 0227-693-51; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNERS, GAMERO FAMILY TRUST, AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT

D4. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 7231 ACORN PLACE IN THE CITY OF RANCHO CUCAMONGA AND IDENTIFIED AS APN 0227-693-53; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNER, CARLOS A. LANDINO, AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT
D5. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 13089 FALLING OAK DRIVE IN THE CITY OF RANCHO CUCAMONGA AND IDENTIFIED AS APN 0227-693-54; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNERS, GERALD LOPEZ AND DANIELLE R. CARPIO, AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT

D6. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 13349 BASELINE AVENUE, 13451 BASELINE AVENUE, AND 13479 BASELINE AVENUE IN THE CITY OF FONTANA AND IDENTIFIED AS APN 1100-771-02, -03, AND -09; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNERS, PACIFIC/COSTANZO/ LEWIS- FONTANA, A CALIFORNIA GENERAL PARTNERSHIP AND PACIFIC DEVELOPMENT GROUP AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT

D7. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 7221 ACORN PLACE IN THE CITY OF RANCHO CUCAMONGA AND IDENTIFIED AS APN 0227-693-52; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNER, DINAH PIERSO, AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT

D8. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 7195 ACORN PLACE IN THE CITY OF RANCHO CUCAMONGA AND IDENTIFIED AS APN 0227-693-49; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNERS, ROZANNA RIVERA, JUAN RIVERA, AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT

D9. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 7175 GREEN GLEN COURT IN THE CITY OF RANCHO CUCAMONGA AND IDENTIFIED AS APN 0227-012-01; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNER, JAMES M. TAMAYO SR., AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT

D10. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 13539 BASELINE AVENUE IN THE CITY OF FONTANA AND IDENTIFIED AS APN 1100-771-01; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNERS, TESORO SIERRA PROPERTIES, LLC, AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT
D11. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 7201 ACORN PLACE IN THE CITY OF RANCHO CUCAMONGA AND IDENTIFIED AS APN 0227-693-50; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNERS, SATINJERIT S. BHATTI AND SIMRIT BHATTI, AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT

D12. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 13079 FALLING OAK DRIVE IN THE CITY OF RANCHO CUCAMONGA AND IDENTIFIED AS APN 0227-693-55; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNERS, VICTOR CAMPOS AND ROSENA PEREZ, AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT

D13. CONFERENCE WITH PROPERTY NEGOTIATORS FOR THE CITY PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 7391 EAST AVENUE IN THE CITY OF FONTANA AND IDENTIFIED AS APN 1100-771-08; NEGOTIATING PARTIES: KIRSTEN R. BOWMAN, ATTORNEY AT LAW, AND JASON WELDAY, TRAFFIC ENGINEER, CITY OF RANCHO CUCAMONGA; AND PROPERTY OWNERS, RICHARD P. CHADO, DARLENE L. CHADO AND ANTHONY C. CHADO, AND THEIR DESIGNATED REPRESENTATIVES REGARDING REAL PROPERTY INTERESTS TO BE ACQUIRED AS PART OF THE INTERSTATE 15 AND BASE LINE ROAD INTERCHANGE PROJECT

D14. CONFERENCE WITH PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF ETIWANDA AVENUE, NORTH OF BASE LINE ROAD, IDENTIFIED AS 7150 ETIWANDA AVENUE; NEGOTIATING PARTIES: LINDA D. DANIELS, ASSISTANT CITY MANAGER, CITY OF RANCHO CUCAMONGA; AND GWEN FROST, PRESIDENT OF THE ETIWANDA HISTORICAL SOCIETY– CITY

D15. CONFERENCE WITH PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF ETIWANDA AVENUE, NORTH OF BASE LINE ROAD, IDENTIFIED AS 7086 ETIWANDA AVENUE; NEGOTIATING PARTIES: LINDA D. DANIELS, ASSISTANT CITY MANAGER, CITY OF RANCHO CUCAMONGA; AND GWEN FROST, PRESIDENT OF THE ETIWANDA HISTORICAL SOCIETY– CITY

C. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEM(S)

No persons were present wishing to speak.

E. CITY MANAGER ANNOUNCEMENTS

No announcements were made.

F. RECESS

The closed session recessed at 6:45 p.m. with no action taken.
The meetings of the Rancho Cucamonga Fire Protection District, Successor Agency, Financing Authority and City Council reconvened in the Council Chambers of the Civic Center located at 10500 Civic Center Drive, Rancho Cucamonga, California. President/Chairman/Mayor L. Dennis Michael called the meeting to order at 7:00 p.m.

Present were Board Members/Board Members/Council Members: Bill Alexander, Marc Steinorth, Diane Williams, Vice President/Vice Chairman/Mayor Pro Tem Sam Spagnolo and President/Chairman/Mayor L. Dennis Michael were present.

Also present were: John Gillison, City Manager; James Markman, City Attorney; Linda Daniels, Assistant City Manager; Lori Sassoon, Assistant City Manager/Administrative Services; Jeff Bloom, Assistant City Manager/Economic & Community Development; Bill Wittkopf, Public Works Services Director; Mark Steuer, City Engineer; Chris Paxton, Human Resources Director; Nettie Neilson, Community Services Director; Robert Karatsu, Library Services Director; Veronica Fincher, Animal Care and Services Director; Candice Burnett, Planning Manager; Fire Chief Mike Bell; Police Chief Mike Newcombe; Debra McNay, Assistant City Clerk/Records Manager and Adrian Garcia, Assistant City Clerk.

(Item O1 (Landscape Maintenance District No. 2) was considered at this time but the comments and actions are shown in the order that it was listed on the agenda.)

H. ANNOUNCEMENTS/PRESENTATIONS


Mayor Michael presented a certificate of appreciation to Monaco’s Pizza and thanked them for participating in the Healthy RC Dining program.

H2. Announcement of the 2013/14 Season at the Lewis Family Playhouse.

Susan Sluka-Kelly, Community Services Supervisor announced the 2013/14 season of events at the Lewis Family Playhouse.

H3. Hands-Only CPR presentation.

Sandy Carnes, RN EMS Administrator announced upcoming Hands-Only CPR opportunities available to the public.

H4. Animal Center Information.

Linda Daniels, Assistant City Manager, presented information on the Animal Care and Adoption Center.

I. PUBLIC COMMUNICATIONS

I1. Jeri Lee noted that she attended the first Memorial Day celebration at Freedom Courtyard and was very proud of the activities held that day and the facility itself. Mrs. Lee noted the comments being made regarding the Animal Care and Services Center and noted that it is time for both sides to find a resolution to this matter. Lastly, she noted the dog tag material is very thin and noted that a return envelope should be provided along with the renewal notice.
I2. Jim Heitman, representing the Rancho Cucamonga Chamber of Commerce, spoke about upcoming activities in the community.

I3. Ondra Gilbertson displayed the Animal Care and Adoption Center’s euthanasia policy on the screen and noted that the Center does not a fostering, adoption or marketing policy. She disagreed with euthanasia being a final act of kindness for healthy animals. Ms. Gilbertson requested that the City Manager establish a program, directive, policies and procedures for the Center so that whenever someone new is hired they know of the community’s goals.

I4. Dana Keithly noted that the group is dedicated to shelter reform, looking at policies and procedures and encouraging a no-kill philosophy. She indicated that euthanasia should not be an option when an animal is healthy. Ms. Keithly showed a picture that was recently loaded onto the group’s face book page and pointed out that the group is not responsible for what other people think and say on the group’s site.

I5. Susan Keithly noted that the group has been working with the City Manager since 2010 and left a copy of the notes of a volunteer meeting held on November 18, 2000 at her home. She displayed a photograph of a dog’s paws that were full of feces and open sores, noting that the group just wanted the opportunity to improve the lives of these animals.

I6. Allison Kreider noted that dogs provided by the Animal Care and Adoption Center to the free groomer have been embedded with fleas and very dirty. One dog at the center was deemed to be a female but is really a male. Ms. Kreider was at the kiosk at Victoria Gardens on three occasions when it was supposed to be open and no one was there.

I7. Jennifer Corso noted that a dog has been promoted by the Center in 2013 but died in 2012. She indicated that background checks and fingerprinting of volunteers at the Center are not reasonable when the City does not require it for large events. The City’s Internet site should be changed as it has inaccurate information on when fingerprints are required. Ms. Corso volunteered for the Center in February but has yet to walk one dog.

I8. David Dykstra noted that meeting policies and procedures have been set up to ensure the smooth and civil operation of this meeting. He noted that the same thing is needed for the Animal Care and Adoption Center. He noted that the City purchased a No-Kill standard and isn't using it.

I9. Raymond Herrera noted that illegal aliens recently protested at Congressman Miller’s office. He spoke in opposition to amnesty for illegal aliens.

I10. Robin Hvidston referenced an article in the Daily Bulletin about the protest at Congressman Miller’s office. She provided photographs of the work being done by We the People. In addition, Ms. Hvidston expressed concerns with various provisions of the amnesty bill under consideration by the House and Senate.

I11. Dee Barrow loved America and our freedoms. She spoke in opposition to illegal aliens receiving the same rights that are granted to Americans.

I12. John Lyons reported that the Animal Care and Adoption Center recently held a licensing clinic. Now that school has let out, he encouraged everyone to focus on public safety, especially at the trail.

I13. Phyllis Nemeth addressed the proposed amenity bill, noting that if it passes it will cost 6.3 trillion dollars.

I14. Nicole Myerchin wondered why Mr. Winograd wasn’t involved in the hiring process for the Director at the Animal Care and Services Center. She expressed a concern that Mr. Winograd’s policies and procedures have not been adopted.
**CONSENT CALENDARS:**
The following Consent Calendar items are expected to be routine and non-controversial. They will be acted upon by the Fire Board/Successor Agency/Authority Board/Council at one time without discussion. Any item may be removed by a Fire Board/Successor Agency/Authority Board/Council Member for discussion.

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**J. CONSENT CALENDAR – FIRE PROTECTION DISTRICT**

J1. Approval of Minutes: May 15, 2013 (Regular Meeting)


J3. Adoption of a Resolution declaring results of a Special Election in Community Facilities District No. 85-1, Annexation No. 11-2 and ordering the annexation of such property located on the southwest corner of Etiwanda Avenue and Victoria Street, to Community Facilities District No. 85-1 (Water Mill Homes, Owner – APN: 1089-081-16,17,20&21).

RESOLUTION NO. FD 13-021

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, RANCHO CUCAMONGA, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 85-1, DECLARING THE RESULTS OF A SPECIAL ELECTION IN COMMUNITY FACILITIES DISTRICT NO. 85-1, ANNEXATION NO.11-2 AND ORDERING THE ANNEXATION OF SUCH PROPERTY TO COMMUNITY FACILITIES DISTRICT NO. 85-1

J4. Adoption of a Resolution declaring results of a Special Election in Community Facilities District No. 85-1, Annexation No. 13-1 and ordering the annexation of such property located east of East Avenue and south of the I-210 Freeway to Community Facilities District No. 85-1 (Robert & Heather Radford, Owners – APN: 0027-732-01).

RESOLUTION NO. FD 13-022

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, RANCHO CUCAMONGA, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 85-1, DECLARING THE RESULTS OF A SPECIAL ELECTION IN COMMUNITY FACILITIES DISTRICT NO. 85-1, ANNEXATION NO.13-1 AND ORDERING THE ANNEXATION OF SUCH PROPERTY TO COMMUNITY FACILITIES DISTRICT NO. 85-1

J5. Approval of plans, specifications and estimates and to authorize the advertising of the “Notice Inviting Bids” for the Capital Maintenance Repair Project at the San Bernardino Road Fire Station (172).

RESOLUTION NO. FD 13-023

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RANCHO CUCAMONGA FIRE PROTECTION DISTRICT, RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE CAPITAL MAINTENANCE REPAIR PROJECT AT THE SAN BERNARDINO ROAD FIRE STATION (172) IN THE CITY AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

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J6. Approval to award the purchase of Business Class Computers, Monitors, and Software to Golden Star Technology in the amount of $69,030 for the District’s Computer Replacement Project to be funded in accordance with the Fiscal Year 2012-2013 amended budget.

J7. Approval to award a contract for the computer installation and disposal services to Sigmanet, Inc. in the amount of $19,458 for the computer installation, disposal services, plus 10% contingency of $1,946 to complete the District’s portion of the citywide computer replacement project to be funded in accordance with the Fiscal Year 2012-2013 amended budget.

J8. Accept the bids received and award and authorize the execution of the contract for the base bid ($93,060.00) and the additive bid ($15,000.00) for a total amount of $108,060.00, to the lowest responsive bidder, Laird Construction Company Inc, and authorize the expenditure of a 10% contingency in the amount of $10,806.00, for the Remediation and Demolition Services for the Properties at 9547 And 9561 San Bernardino Road, to be funded from Fire Protection Capital Funds, Account No. 3288501-5240 (Operation of Acquired Property); and approve an appropriation in the amount of $18,870.00 from Fire District Capital Reserves to Account No. 3288501-5240 to fund the above noted contract.

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

K. CONSENT CALENDAR – PUBLIC FINANCING AUTHORITY

K1. Approval of Minutes: May 15, 2013 (Regular Meeting)

MOTION: Moved by Williams, seconded by Alexander, to approve the minutes of the meeting. Motion carried 5-0.

L. CONSENT CALENDAR – CITY COUNCIL

L1. Approval of Minutes: May 15, 2013 (Regular Meeting)


L4. Approval and appropriation of funds received from the County of San Bernardino, Department of Aging and Adult Services, for assisted transportation (senior transportation) – Older Americans Act Title III B Grant in the amount of $6,920 for Fiscal Year 2013/2014 (Revenue Fund Account: 1258000-4740 Expenditure Fund Account: 1258401-5300).

L5. Authorization to renew contract (CO#12-093) with Contact Security, Inc. of Brea, California with no fee increase and consistent with the original competitive bid process for FY 2013-2014 for security guard services to be conducted at various City facilities effective July 1, 2013 through June 30, 2014, contingent upon the adopted Budget for FY 2013-14, in an annual amount of $269,000 to be funded from 1001312-5304 (Facilities Maintenance), 1001320-5304 (Metrolink Station Maintenance), 1290606-5300 (Archibald Library) and 1700201-5304 (Sports Complex).

L6. Approval of an agreement between the City of Rancho Cucamonga, the San Bernardino County Flood Control District regarding the payment of the pass-thru agreement fund balance and a reimbursement for the East Avenue storm drain.
L7. Adoption of an Employer – Employee Relations Resolution and updated personnel rules and regulations.

RESOLUTION NO. 13-064

A RESOLUTION OF THE CITY COUNCIL OF RANCHO CUCAMONGA, CALIFORNIA ADOPTING ORDERLY PROCEDURES FOR THE ADMINISTRATION OF EMPLOYER-EMPLOYEE RELATIONS BETWEEN THE CITY AND ITS EMPLOYEE ORGANIZATIONS

RESOLUTION NO. 13-065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA ADOPTING UPDATED PERSONNEL RULES AND REGULATIONS

L8. Approval of Improvement Agreement extension for Tract 18096, located at the southwest corner of East Avenue and Via Veneto Drive, submitted by Rancho Victoria Meadows, LLC.

RESOLUTION NO. 13-066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENT EXTENSION AND IMPROVEMENT SECURITY FOR TRACT 18096

L9. Authorize the execution of Program Supplement Agreements No. 013-N to Administering Agency-State Agreement No. 08-5420R for Federal Aid Projects between the City of Rancho Cucamonga and the State of California, Department of Transportation.

RESOLUTION NO. 13-067


L10. Accept Improvements, release the Faithful Performance Bond, accept a Maintenance Bond and file a Notice of Completion for Improvements for DRC2012-00740, located at the northeast corner of Base Line Road and Forester Place, submitted by Van Daele Corporation, a California Corporation.

RESOLUTION NO. 13-068

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR DRC2012-00740 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

L11. Approval of a Resolution of the City Council of the City of Rancho Cucamonga, California, adopting the amended Measure "I" Five-Year Capital Improvement Program for the expenditure of Measure "I" funds covering Fiscal Years 2012/2017
RESOLUTION NO. 13-069

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ADOPTING THE AMENDED MEASURE "I" FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM COVERING FISCAL YEARS 2012/2017 FOR THE EXPENDITURE OF MEASURE "I" FUNDS

L12. Accept Improvements, release the Faithful Performance Bond, accept a Maintenance Bond and file a Notice of Completion for storm drain improvements for Tract 16776, located at the northeast corner of Base Line Road and Forester Place, submitted Van Daele Corporation, a California Corporation.

RESOLUTION NO. 13-070

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC STORM DRAIN IMPROVEMENTS FOR TRACT 16776 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

L13. Accept the bids received and award and authorize the execution of the contract in the amount of $205,000.00, to the lowest responsive bidder, Hardy & Harper Inc., and authorize the expenditure of a 10% contingency in the amount of $20,500.00, for the 8th Street Pavement Rehabilitation from 1300’ east of Hellman Avenue to 200’ west of Hermosa Avenue project to be funded from Measure I Funds, Account No. 1177303-5650/1798177-0.

L14. Accept the bids received and award and authorize the execution of the contract, including the additive bid, in the amount of $464,300.00, to the lowest responsive bidder, Flatiron Electric Group Inc., and authorize the expenditure of a 10% contingency in the amount of $46,430.00, for the 19th Street Traffic Signal Controller Replacement and Traffic Signal Modifications at Various Locations project to be funded from Transportation Funds, Account Nos. 1124303-5650/1152124-0, 1124303-5650/1792124-0, 1124303-5650/1800124-0 and 1124303-5650/1828124-0.

L15. Accept the Arrow Route from Baker Avenue to Archibald Avenue; Milliken Avenue from Arrow Route to Base Line Road and from Fairmont Way to 80’ north of Kenyon Way Pavement Rehabilitation, Contract No. 12-123 as complete, release the bonds, accept a Maintenance Bond, authorize the City Engineer to file a Notice of Completion and approve the final contract amount of $1,242,597.55.

RESOLUTION NO. 13-071

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE ARROW ROUTE FROM BAKER AVENUE TO ARCHIBALD AVENUE; MILLIKEN AVENUE FROM ARROW ROUTE TO BASE LINE ROAD AND FROM FAIRMONT WAY TO 80’ NORTH OF KENYON WAY PAVEMENT REHABILITATION, CONTRACT NO. 12-123 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

L16. Approval of Improvement Agreement extension for Parcel Map 16981, located 100 feet south of Wilson Avenue, between Hellman Avenue and Cousins Place, submitted by Steven Spies, Peter and Linda Bryan.

RESOLUTION NO. 13-072

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENT EXTENSION AND IMPROVEMENT SECURITY FOR PARCEL MAP 16981
L17. Approval of Map, Improvement Agreement, Improvement Securities, Monumentation Cash Deposit and ordering the annexation to Landscape Maintenance District No. 9 and Street Light Maintenance District Nos. 1 and 8 for Tract 18466, located at the southeast corner of Etiwanda and Miller Avenues, submitted by Lennar Homes of California, Inc.

RESOLUTION NO. 13-073

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING FINAL MAP, IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITIES AND MONUMENTATION CASH DEPOSIT FOR TRACT 18466

RESOLUTION NO. 13-074

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ORDERING THE ANNEXATION OF CERTAIN TERRITORY TO LANDSCAPE MAINTENANCE DISTRICT NO. 9 (LOWER ETIWANDA) FOR TRACT 18466

RESOLUTION NO. 13-075

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ORDERING THE ANNEXATION OF CERTAIN TERRITORY TO STREET LIGHT MAINTENANCE DISTRICT NO. 1 (ARTERIAL STREETS) FOR TRACT 18466

RESOLUTION NO. 13-076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ORDERING THE ANNEXATION OF CERTAIN TERRITORY TO STREET LIGHT MAINTENANCE DISTRICT NO. 8 (SOUTH ETIWANDA) FOR TRACT 18466

L18. Approval of revised advance expenditure Agreement No. C13030 and revised construction cooperative Agreement No. R13028 with the San Bernardino County Transportation Authority (SANBAG) for Construction Phase Project Management of the Interstate 15 at Base Line Road Interchange Improvement Project.

L19. Accept the bids received and award and authorize the execution of the contract in the amount of $154,637.90, to the lowest responsive bidder, DD Systems Inc dba Ace CD Inc, and authorize the expenditure of a 10% contingency in the amount of $15,463.79, for the FY 2012/2013 Bus Stops/Pads at Various Locations Project to be funded from Proposition 42 Funds and Pedestrian Grant Article 3 Funds, Account Nos. 1190303-5650/1823190-0 and 1214303-5650/1823214-0 and respectively.

L20. Approval to award the purchase of Business Class Computers, Spare Monitors, and Software to Golden Star Technology in the amount of $525,580 and authorize staff to reallocate previously approved Fiscal Year 2012-2013 amended budget funds as necessary among object codes to fund the Computer Replacement Project.

L21. Approval to award a contract for computer installation and disposal services to Sigmanet, Inc. in the amount of $148,050 plus 10% contingency of $14,805, and authorize staff to reallocate previously approved Fiscal Year 2012-2013 amended budget funds as necessary among object codes to fund the Computer Replacement Project.

L22. Approval to execute a Professional Services Agreement with Best Best and Kreiger Attorneys at Law, for legal services as Bond Counsel for the refinancing of Community Facilities District 2003-01 Improvement Area No. 1 (CFD 2003-01A) and Community Facilities District 2003-01 Improvement Area No. 2 (CFD 2003-01B).
L23. Approval to execute a Professional Services Agreement with David Taussing and Associates for Assessment Engineering for the refinancing of Community Facilities District 2003-01 Improvement Area No. 1 (CFD 2003-01A) and Community Facilities District 2003-01 Improvement Area No. 2 (CFD 2003-01B).


L25. Approval to execute a Professional Services Agreement with Jones Hall, a Professional Law Corporation for Legal Services as Underwriter Counsel for the refinancing of Community Facilities District 2003-01 Improvement Area No. 1 (CFD 2003-01A) and Community Facilities District 2003-01 Improvement Area No. 2 (CFD 2003-01B).


MOTION: Moved by Alexander, seconded by Williams, to adopt the recommendations in the staff reports. Motion carried 5-0.

O. ADVERTISED PUBLIC HEARINGS

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 alternate forms of Resolutions to declare the results of the assessment ballot tabulation for Victoria Neighborhood Parks and Landscape Maintenance District (LMD 2).

- If there is not a majority protest to the levy of assessments, adopt the form of Resolution approving the Engineer’s Report, confirming the diagram and assessment, and ordering the levy and collection on annual assessments; and adopt and approve a Resolution establishing the formation of the City of Rancho Cucamonga Citizens’ Oversight Committee and mandating that the Victoria Neighborhood Parks and Landscape District (LMD 2) be subject to its oversight.

- If there is a Majority Protest, adopt the form of Resolution abandoning the proceedings and retain Landscape Maintenance District No. 2.

RESOLUTION NO. 13-077

RESOLUTION NO. 13-078


RESOLUTION NO. 13-079

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ESTABLISHING THE FORMATION OF THE CITY OF RANCHO CUCAMONGA LANDSCAPE MAINTENANCE DISTRICT CITIZENS’ OVERSIGHT COMMITTEE AND MANDATING THAT THE VICTORIA NEIGHBORHOOD PARKS AND LANDSCAPE MAINTENANCE DISTRICT (LMD 2) BE SUBJECT TO ITS OVERSIGHT

Lori Sassoon, Deputy City Manager/Administrative Services presented the staff report.

Mayor Michael opened the public hearing.

Cynthia Howard spoke in opposition to the increase in assessment. She was concerned with the proposed automatic cost of living increase and wondered why the assessment wasn’t tied to a San Bernardino County index. Also, Ms. Howard noted that the District always has a surplus and did not want to forgo the right to vote on assessments in the future.

Victor Muniz noted that the vote in 2011 was ignored. He has lost his confidence in the City during this process.

Ponchita Medina was opposed to the proposed increase in assessment. He noted that his home has depreciated in value and stated that this is the wrong time to be requesting an increase. Everyone people are tightening their belts.

Jerie Lee noted that the City has done nothing but promote the increased assessment. The landscaping at Day Creek has not improved. Ms. Lee did not want the proposed assessment increase to pass but if it does, she urged the Council to make sure that the money is spent appropriately on drought tolerant landscaping.

Sunday Obazuaye agreed with Ms. Howard, noting that the CPI did not need to reflect the cost of living in Orange County. If the vote had been divided into two parts, with the proposed increase and the automatic CPI taken separately, he might have considered it.

John Lyons noted that the Victoria community is a beautifully planned community. When it was formed, residents wanted it to be a masterpiece and to reflect Rancho Cucamonga’s premier City status. Mr. Lyons noted that the proposed assessment is $40 per year and indicated that this should not be a hardship.

Bill Hanlon noted that very few people voted in support of no-smoking and now this is the law in the City. Similarly, the vote for an increased assessment failed and now it is okay to revote. Mr. Hanlon expressed a concern regarding the money that was spent to reconsider this matter and hoped that the proposed assessment failed.

Karen Polescow noted that she walks the trails every day and the landscaping has been there for many years. She spoke in favor of the proposed assessment increase as she appreciates the value and uses it as a tax deduction. Ms. Polescow urged the community to take care of their properties.
Stacy Abraham noted that it is beautiful for people to have money to keep their homes and to eat. She opposed the proposed increase in the assessment.

In response to the City Council, the Deputy City Manager/Administrative Services addressed the proposed CPI increase, noting that the City is in the Inland Southern California region. Also, she noted that current assessment has been in place since 1993. Mr. Gillison indicated that water rates have gone up very significantly; noting a 5% increase for the last four years.

Ms. Sassoon also noted that approval of the CPI does not authorize the City to spend the entire amount. Each year, the City must demonstrate the total cost to maintain this District. She noted that CPIs are included in many Districts and stated that the City has a proven track record of not imposing the maximum allowable assessment. Lastly, she noted that if the proposed assessment is approved, a Citizens Oversight Committee is proposed to be created to review the audited report.

Ms. Sassoon also noted that property tax is received by every District twice per year. As expenses are incurred monthly, a reserve is in place in order to ensure that every District has enough funds to carry it through until the next installment of property tax has been received.

Mayor Michael reminded the audience that all assessment ballots and replacement assessment ballots must be received by the City Clerk prior to the end of the public hearing. Ballots received after the public hearing is closed will not be tabulated. He encouraged property owners to turn in their ballots at this time.

Mayor Michael closed the public hearing and requested that the City Clerk tabulate the ballots. Once the ballots are tabulated, the City Clerk was requested to report back to the City Council.

Recess:

Mayor Michael recessed the meeting at 9:40 p.m.

Reconvene:

Mayor Michael reconvened the meeting at 10:04 p.m. with all Council Members present.

City Clerk Janice Reynolds stated the following: 6,424 assessment ballots were mailed to the property within the proposed boundaries of the Landscape Maintenance District and 2,268 of those assessment ballots were received prior to the close of the public hearing. 1,144 assessment ballots representing $723,419.00 of assessments were submitted in support of the levy of the proposed assessments within the Assessment District. This is 57% of the ballots received.

The City Clerk announced that 1,124 assessment ballots representing $528,432.00 of assessments were submitted in opposition to the levy of the proposed assessments within the Assessment District. This is 42% of the ballots received.

Jim Markman, City Attorney, noted that there is no majority protest for Landscape Maintenance District No. 2 and recommended that Resolution Nos. 13-077 and 13-079 be adopted.

MOTION: Moved by Spagnolo, seconded by Alexander, to adopt Resolution No. 13-077 approving the Engineer’s report, increasing assessments and ordering the maintenance work therein. Motion carried 5-0.

MOTION: Moved by Steinorth, seconded by Williams, to adopt Resolution No. 13-079 establishing the formation of a District Citizens Oversight Committee and mandating that the District be subject to its oversight. Motion carried 5-0
O2. DEVELOPMENT CODE AMENDMENT DRC2013-00101 AND ADDENDUM TO GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FPEIR) (SCH #2000061027) - CITY OF RANCHO CUCAMONGA - A supplement to Development Code Update (DRC2010-00571) amending Title 17 (Development Code) of the Rancho Cucamonga Municipal Code to clarify definitions and administrative procedures, correct prior errors and omissions, and regulate cottage food operations and ancillary equipment in industrial zones. An addendum to the General Plan FPEIR has been prepared for this project.

ORDINANCE NO. 860 (FIRST READING)

AN ORDINANCE OF THE CITY COUNCIL OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT DRC2013-00101, A SUPPLEMENTAL UPDATE TO THE DEVELOPMENT CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

Jennifer Nakamura, Associate Planner, presented the staff report.

Mayor Michael opened the public hearing.

Council Member Steinorth appreciated the regulations for the Cottage Food industry.

Council Member Alexander noted that whenever regulations are added, freedoms are lost and encouraged a balanced approach.

Council Member Williams indicated that many items are now less restrictive and supported the periodic review of the document.

In response to Mayor Michael, Ms. Nakamura confirmed that the sign regulations are planned to be presented to the Council in the Fall.

Mayor Michael opened the public hearing.

John Lyons expressed a concern with people renting homes in the community. He supported the regulations on the Cottage Food industry.

Mayor Michael closed the public hearing.

The Assistant City Clerk/Records Manager read the title of Ordinance No. 860.

MOTION: Moved by Alexander, seconded by Spagnolo, to take up Ordinance No. 860 for first reading and set second reading for June 19, 2013. Motion carried 5-0.

N. COUNCIL BUSINESS

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

N1. INTER-AGENCY UPDATES (Update by the City Council to the community on the meetings that were attended.)

Mayor Pro Tem Spagnolo provided a report on today’s OmniTrans meeting. He reported that he has been selected as the Vice Chair of the Board of Directors for a two year term.

Council Member Williams presented a report on a San Bernardino Association of Governments meeting that she had attended in Palm Desert. She presented the City Council with a commendation that she had accepted recognizing the City’s PEV Readiness.
Mayor Michael noted that he had attended a Regional Transportation Authority meeting for the San Bernardino Association of Governments. At the meeting, the budget was adopted. Mayor Michael commended the Engineering Department for their work in saving the City one million dollars in conjunction with the I-15/Base Line Interchange Project. Also, he reported that there was a major revision to the Agency's bylaws as a nominating committee had been formed. Lastly, Mayor Michael indicated that he had been selected as the Vice President.

N2. COUNCIL ANNOUNCEMENTS (Comments to be limited to three minutes per Council Member.)

Mayor Michael reported on an event that he had attended last weekend at Central Park. The Spirit of '45 Day will be held on August 11, 2013 and currently stories are being gathered from the veterans of World War II.

O. IDENTIFICATION OF ITEMS FOR NEXT MEETING

No items were identified.

P. ADJOURNMENT

Mayor Michael adjourned the meeting at 10:06 p.m.

Respectfully submitted,

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

Approved: June 19, 2013