December 2, 2009

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

A. CALL TO ORDER

The Rancho Cucamonga City Council held a closed session on Wednesday, December 2, 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 5:15 p.m. by Mayor Donald J. Kurth.

Present were Councilmembers: Diane Williams, Sam Spagnolo, Mayor Pro Tem L. Dennis Michael and Mayor Donald J. Kurth.

Also present were: James Markman, City Attorney; Pamela Easter, Assistant City Manager, John Gillison, Deputy City Manager/Administrative Services and Linda D. Daniels, Deputy City Manager/Economic and Community Development.

B. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)

Mayor Donald J. Kurth announced the closed session items:

1. CONFERENCE WITH PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF ETIWANDA AVENUE, NORTH OF BASE LINE ROAD (7089 ETIWANDA AVENUE); LINDA D. DANIELS, RDA DIRECTOR, AND SANBAG REPRESENTATIVE, NEGOTIATING PARTIES – City

2. CONFERENCE WITH PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY PARCEL MAP 207-571-75, 8411 FOOTHILL BOULEVARD; MARK STEUER, DIRECTOR OF ENGINEERING SERVICES, AND MICHAEL FOURNIER, MDF PROPERTY MANAGEMENT, REGARDING TERMS OF PAYMENT. - City

C. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEM(S)

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

D. CONDUCT OF CLOSED SESSION

Closed session began at 5:15 p.m.

E. CITY MANAGER ANNOUNCEMENTS

No announcements were made.

F. RECESS

The closed session adjourned at 6:45 p.m. with no action taken.
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 7:00 p.m.

Present were Agencymembers/Boardmembers/Councilmembers: Diane Williams, Rex Gutierrez, Sam Spagnolo, Vice Chairman/Vice President/Mayor Pro Tem L. Dennis Michael and Chairman/President/Mayor Donald J. Kurth. Agencymember/Boardmember/Councilmember Sam Spagnolo left the meeting at 7:25 p.m.

Also present were: Jack Lam, City Manager; James Markman, City Attorney; John Gillison, Deputy City Manager/Administrative Services; Linda Daniels, Deputy City Manager/Economic and Community Development; Joe Cusimano, Police Chief; Mike Bell, Fire Chief; Mark Steuer, Director of Engineering Services; Bill Wittkopf, Public Works Services Director; James Troyer, Planning Director; Kevin Mc Ardle, Community Services Director; Robert Karatsu, Library Director; Jim Frost, City Treasurer; Janice Reynolds, City Clerk; Debra McNay, Records Manager/Assistant City Clerk and Shirr’l Griffin, Deputy City Clerk.

H. ANNOUNCEMENTS/PRESENTATIONS

1. Presentation of a Grant Award in the amount of $25,000 from U.S. Bank to the Rancho Cucamonga Community Foundation for the Play Partner Program at the Lewis Family Playhouse.

Mr. Richard Madsen, Senior Vice President and Manager and Mr. William Cave, Market President, presented a $25,000 check from U.S. Bank to the Rancho Cucamonga Community Foundation. Mayor Kurth thanked U.S. Bank for their donation.

2. Presentation of a Proclamation to Pam Stewart for her years of dedicated service to the City as a Planning Commissioner.

Mayor Kurth presented a proclamation to Pam Stewart thanking her for her years of service on the Planning Commission.

3. Presentation of a Proclamation in recognition of March 30, 2010 as “Welcome Home Vietnam Veterans Day” in the City of Rancho Cucamonga.

Mayor Kurth presented a proclamation to Mr. Jack Hayes, from VFW Post 2085, recognizing March 30, 2010 as Welcome Home Vietnam Veterans Day.

I. PUBLIC COMMUNICATIONS

1. Jerie Lee referenced Agenda Items O1 – O3 (Assessment Ballot Tabulations for Proposed Landscape Maintenance Districts 4, 6 and 8) and expected that even if the assessments were doubled, the City would indicate that there was not enough money to maintain the Districts. Ms. Lee noted that she has obtained budget information for Landscape Maintenance District 2, and stated that the budget is outrageous as nothing is being maintained.
I2. Ed Dietl invited the City Council and the audience to an Old Fashioned Christmas event at the Historic Rains House, to be held on December 5, 2009 from 3 – 8 p.m.

I3. Jim Moffatt commented on the smoking workshop held on October 7, 2009. He was opposed to smoking restrictions and expressed a concern with limiting smoking in restaurants in light of the current economic conditions. Mr. Moffatt indicated that a second survey had been sent out and noted that the return envelope that was provided did not have a return address.

I4. Gwyn Frost reported that the first Rancho Cucamonga City Council meeting was held on December 2nd, provided information on the items discussed at that first meeting and expressed birthday wishes.

I5. John Lyons indicated that assessment districts were formed and were necessary in order to provide for adequate landscaping in the various Districts. He indicated that 400 people attended the Thanksgiving Dinner provided by Sacred Heart Catholic Church. Mr. Lyons requested a complete ban on smoking in the high fire hazard areas in the City. He also noted the pending football game on Saturday between Rancho Cucamonga High School and Los Osos High School.

I6. Jim Frost commented on the formation of the Landscape Maintenance Districts and noted that when these improvements were deemed necessary, this was the only way to pay for them. He indicated that Retired Army Col. Lewis L. Millett, a Medal of Honor recipient, will be buried on Saturday at the Riverside National Cemetery.

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 Agency member for discussion.

J1. Approval of Minutes: November 18, 2009 (Regular Meeting)

J2. Approval of Check Register dated November 10 through November 23, 2009, for the total amount of $329,885.53.

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

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 Board member for discussion.

K1. Approval of Minutes: November 18, 2009 (Regular Meeting)

K2. Approval of Check Register dated November 10 through November 23, 2009, for the total amount of $81,590.19.

K3. Approval to adopt an annexation map showing Assessor Parcel Number 0201-043-63, (Robert Lemelin) located on Snow Drop Rd., west of Haven Ave., proposed to be annexed into CFD 88-1.
RESOLUTION NO. FD 09-043

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. 88-1, ADOPTING AN ANNEXATION MAP (ANNEXATION NO. 88-09-1) SHOWING PROPERTY TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 88-1

K4. Approval to adopt a Resolution of Intention to Annex Territory referred to as Annexation No. 88-09-1 (APN: 0201-043-63; Robert Lemelin), into Community Facilities District No. 88-1, specifying services proposed to be financed, to set and specify the special taxes proposed to be levied within the annexation territory and set a time and place for a public hearing related to the annexation.

RESOLUTION NO. FD 09-044

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. 88-1, DECLARING ITS INTENTION TO AUTHORIZE THE ANNEXATION OF TERRITORY (ANNEXATION NO. 88-09-1) TO COMMUNITY FACILITIES DISTRICT NO. 88-1

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

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: November 18, 2009 (Regular Meeting)

L2. Approval of Check Register dated November 10 through November 23 and payroll ending November 23, 2009, for the total amount of $5,955,607.00.

L3. Approval to authorize the advertising of the “Notice Inviting Bids’ for the construction of the Banyan Street Community Trail from Beryl Street to Hellman Avenue and the Wilson Avenue Community Trail from Amethyst Street to Morning Canyon Way, to be funded from Beautification Funds.

RESOLUTION NO. 09-223

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE BANYAN STREET COMMUNITY TRAIL AND WILSON AVENUE COMMUNITY TRAIL, IN SAID CITY AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

L4. Approval of Dissolution of California Cities Home Ownership Authority (CCHOA) by Rescission of the Joint Powers Agreement made on November 1, 1996.
RESOLUTION NO. 09-224

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO
CUCAMONGA, CALIFORNIA, AUTHORIZING THE RESCISSION AND
TERMINATION OF THE JOINT POWERS AGREEMENT MADE ON
NOVEMBER 1, 1996, CREATING THE CALIFORNIA CITIES HOME
OWNERSHIP AUTHORITY

L5. PUBLIC CONVENIENCE OR NECESSITY - DRC2009-00847 - FIESTA AMERICANA
MARKET - A request for a Public Convenience or Necessity determination for a Type 21 Off-
Sale General alcoholic beverage sales license (beer, wine and distilled spirits) for an existing
market that is located in a 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. 09-225

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO
CUCAMONGA, CALIFORNIA, REQUESTING A PUBLIC CONVENIENCE
OR NECESSITY DETERMINATION FOR A TYPE 21 OFF-SALE GENERAL
ALCOHOLIC BEVERAGE SALES LICENSE FOR AN EXISTING MARKET
LOCATED IN A 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.

L6. Approval of a Resolution in Support of the Submittal of an Application for Statewide Park
Program Grant Funds and Appropriation of Funds in the Amount of $47,500 from 120 Fund
Balance into Account Number 1120305-5650/1754120-0 to Assist with Community Meetings
and the Preparation of the Grant Application Package.

RESOLUTION NO. 09-226

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO
CUCAMONGA, CALIFORNIA, APPROVING THE APPLICATION FOR
STATEWIDE PARK PROGRAM GRANT FUND

L7. Approval and execution of a Common Use Agreement between the San Bernardino County
Flood Control District (CO 09-***) and the City of Rancho Cucamonga for a multi-use trail
system along Day Creek Channel and Deer Creek Channel.

L8. Approval to release Faithful Performance Bond No. 08903512, retained in lieu of a
Maintenance Guarantee Bond, in the amount of $988,764.45, for the Etiwanda Avenue
Pavement Rehabilitation from 4th Street to Arrow Route and Arrow Route Pavement
Rehabilitation from Etiwanda Avenue westerly 2500', Contract No. 08-048.

L9. Approval to release Faithful Performance Bond No. 0477989, retained in lieu of a Maintenance
Guarantee Bond, in the amount of $199,000.00 for the Terra Vista Parkway Pavement
Rehabilitation from Spruce Avenue to Milliken Avenue improvements, Contract No. 08-143.

L10. Approval to accept the Heritage Park Equestrian Bull Pen Project, Contract No. 09-235, from
Crimson Marie Company, 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 $113,778.72 and approve an appropriation
in the amount of $5,318.39 to Acct. No. 1848303-5650/1606848-0 from PD 85 Redemption fund balance.
RESOLUTION NO. 09-227


L11. Approval of Improvement Agreement Extension for Tract 15982, located on the northeast corner of Day Creek and Wilson Avenue, submitted by KB Home Greater Los Angeles.

RESOLUTION NO. 09-228

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENT EXTENSION AND IMPROVEMENT SECURITY FOR TRACT 15982

L12. Approval to accept Improvements, retain the Faithful Performance Bond in lieu of a Maintenance Bond, and file a Notice of Completion for improvements for DRC2006-00633, located on the north side of Foothill Boulevard west of Center Avenue, submitted by Rancho Workforce Housing, L.P.

RESOLUTION NO. 09-229


L13. Approval to accept Improvements, release the Faithful Performance Cash Deposit, accept a Maintenance Guarantee Cash Deposit, and file a Notice of Completion for improvements for DRC2008-00587, located at the northeast corner of Foothill Boulevard and Vineyard Avenue, submitted by CRE7, LLC.

RESOLUTION NO. 09-230


L14. Approval to accept the Improvements, release the Faithful Performance Cash Deposit and file a Notice of Completion for improvements for Parcel Map 18797, located on the East side of Haven Avenue, north of Town Center Drive, submitted by Church Haven Company, LLC.

RESOLUTION NO. 09-231

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR PARCEL MAP 18797 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

L15. Approval to accept Improvements, release the Faithful Performance Bond, accept a Maintenance Bond and file a Notice of Completion for improvements for Tract 16226, located north of Day Creek Boulevard, west of Etiwanda Avenue, submitted by Rancho Estates at Etiwanda / AF 37, LLC.
RESOLUTION NO. 09-232

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR TRACT 16226 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

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

M. CONSENT ORDINANCES

The following Ordinances 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. DEVELOPMENT CODE AMENDMENT DRC2008-00170 - CITY OF RANCHO CUCAMONGA
- A request to delete Chapter 19.16 (Xeriscape Requirements) of Title 19 of the Rancho Cucamonga Municipal Code and add Chapter 17.42 (Landscape Water Conservation) to Title 17 of the Rancho Cucamonga Municipal Code to enact water efficient landscape requirements. The project has been determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA) as a Class 7 exemption under State CEQA Guidelines Section 15307, which covers actions taken by regulatory agencies to assure the maintenance of a natural resource as well as a Class 8 exemption under State CEQA Guidelines Section 15308 which covers actions taken by regulatory agencies to assure the protection of the environment.

ORDINANCE NO. 823 (second reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING DEVELOPMENT CODE AMENDMENT DRC2008-00170, REMOVING CHAPTER 19.16 OF THE MUNICIPAL CODE AND CREATING CHAPTER 17.42 OF THE MUNICIPAL CODE TO DEVELOP WATER EFFICIENT LANDSCAPING REQUIREMENTS PURSUANT TO AB1881 AND AMENDING SECTIONS 17.02.135A, 17.32.070D (3)(E), 17.08.090C (5)(B) AND 17.10.060C (1)(E)(21)(C) TO REMOVE REFERENCES TO CHAPTER 19.16 AND XERISCAPING; AND MAKING FINDINGS IN SUPPORT THEREOF

Jack Lam, City Manager, presented the staff report.

MOTION: Moved by Williams, seconded by Michael, to adopt Ordinance No. 823 for second reading. Motion carried 4-0; Councilmember Spagnolo was absent.

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 (ARCO AM/PM – APNS 0229-141-10&11 - ANNEXATION NO. 09-6) 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 09-045

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. 09-6) 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. With no one wishing to speak, President Kurth closed the public hearing.

MOTION: Moved by Williams, seconded by Michael, to adopt Resolution No. FD 09-045. Motion carried 5-0.

Discussion on Items O1 – O3 was taken at this time. Item O3 was taken first, then Item O2 and Item O1 was heard last. The staff report for each District was given and a public hearing was held. Once the public hearing was closed, the ballots for that District were counted. Ballots for Item O3 were counted first, Item O2 was second and Item O1 was last. After a short recess, the City Council reconvened the meeting and continued the meeting as listed. After all listed items were discussed, another recess was held until the ballots were all counted. The City Council then reconvened and adopted the appropriate Resolution for each District. All discussion, public hearing testimony and action on Items O1 – O3 are shown as listed on the Agenda.

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.

RESOLUTION NO. 09-233

RESOLUTION NO. 09-234
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, DECLARING THE RESULTS OF THE ASSESSMENT BALLOT TABULATION IN PROPOSED LANDSCAPE MAINTENANCE DISTRICT NO. 8-R, DETERMINING THE EXISTENCE OF A MAJORITY PROTEST AND ABANDONING THE PROCEEDINGS TO FORM SUCH LANDSCAPE MAINTENANCE DISTRICT AND TO LEVY ASSESSMENTS THEREIN

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

Mayor Kurth opened the public hearing.

Marcia Godwin, representing St. Clare’s Episcopal Church, appreciated the work has been done to resolve several issues and indicated that the church is in receipt of a letter from the City. She noted that the letter is being reviewed and noted that she may return at a later date to discuss it.

Mayor Kurth closed the public hearing.

City Clerk Janice Reynolds stated the following: 196 assessment ballots were mailed to the property within the proposed boundaries of the Landscape Maintenance District and 50 valid assessment ballots were received prior to the close of the public hearing. 2 ballots were not properly marked or signed and invalidated. 9 assessment ballots representing $2,592.00 of assessments were submitted in support of the levy of the proposed assessments within the Assessment District. 41 assessment ballots representing $11,808.00 of assessments were submitted in opposition to the levy of the proposed assessments within the Assessment District.

John Gillison, Deputy City Manager/Administrative Services, stated that a majority protest existed for Landscape Maintenance District No. 8 and recommended that Resolution No. 09-234 be adopted.

MOTION: Moved by Williams, seconded by Michael, to adopt Resolution No. 09-234. Motion carried 3-0; Councilmembers Gutierrez and Spagnolo were absent.

RESOLUTION NO. 09-235


RESOLUTION NO. 09-236

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, DECLARING THE RESULTS OF THE ASSESSMENT BALLOT TABULATION IN PROPOSED LANDSCAPE MAINTENANCE DISTRICT NO. 6-R, DETERMINING THE EXISTENCE OF A MAJORITY PROTEST AND ABANDONING THE PROCEEDINGS TO FORM SUCH LANDSCAPE MAINTENANCE DISTRICT AND TO LEVY ASSESSMENTS THEREIN

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

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

City Clerk Janice Reynolds stated the following: 1279 assessment ballots were mailed to the property within the proposed boundaries of the Landscape Maintenance District and 380 valid assessment ballots were received prior to the close of the public hearing. 4 ballots were not properly marked or signed and invalidated. 118 assessment ballots representing $46,200.00 of assessments were submitted in support of the levy of the proposed assessments within the Assessment District. 262 assessment ballots representing $102,516.75 of assessments were submitted in opposition to the levy of the proposed assessments within the Assessment District.

John Gillison, Deputy City Manager/Administrative Services, stated that a majority protest existed for Landscape Maintenance District No. 6 and recommended that Resolution No. 09-236 be adopted.

MOTION: Moved by Michael, seconded by Williams, to adopt Resolution No. 09-236. Motion carried 3-0; Councilmembers Gutierrez and Spagnolo were absent.


RESOLUTION NO. 09-237


Redevelopment Agency, Fire Protection District, City Council Minutes December 2, 2009 - Page 10 of 13
RESOLUTION NO. 09-238

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, DECLARING THE RESULTS OF THE ASSESSMENT BALLOT TABULATION IN PROPOSED LANDSCAPE MAINTENANCE DISTRICT NO. 4-R, DETERMINING THE EXISTENCE OF A MAJORITY PROTEST AND ABANDONING THE PROCEEDINGS TO FORM SUCH LANDSCAPE MAINTENANCE DISTRICT AND TO LEVY ASSESSMENTS THEREIN

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

In response to Councilmember Gutierrez, Mr. Gillison identified the District boundaries. In response to Councilmember Williams, it was noted that the assessment, if approved, would commence in FY 2010/11.

In response to Mayor Pro Tem Michael, Mr. Gillison expanded on the reasons that the formation of Landscape Maintenance District No. 4-R were necessary. He noted that in the last couple of budget workshops, it was reported to the City Council that finances in these Districts were reaching the point where expenses were exceeding the assessments collected. Mr. Gillison indicated that the City Council heard a report in June and authorized the assessment ballot proceedings. After that time, two community meetings were held in each District, there was extensive coverage in the newspaper and information on the proposed assessment along with a ballot were sent to all property owners in October.

In response to Councilmember Gutierrez, Mr. Gillison estimated that about 5,000 ballots were sent and stated that the City Council will receive a report from the City Clerk later on in the meeting with all of the statistics. Councilmember Williams noted that the staff report stated that there were 3,670 property owners in the District. Councilmember Gutierrez inquired how many votes Lewis Homes was entitled to. James Markman, City Attorney, addressed the requirements of Proposition 218 and indicated that these proceedings were in accordance with the law. He noted that the law was created as a result of an initiative process and approved by the voters of the State of California.

Mayor Kurth opened the public hearing.

John Lyons indicated that there were many public improvements that were deemed necessary when the City incorporated. The formation of these Landscape Maintenance Districts was necessary in order to pay for these improvements.

Mayor Kurth closed the public hearing.

City Clerk Janice Reynolds stated the following: 3670 assessment ballots were mailed to the property within the proposed boundaries of the Landscape Maintenance District and 882 valid assessment ballots were received prior to the close of the public hearing. 19 ballots were not properly marked or signed and invalidated. 194 assessment ballots representing $981,693.14 of assessments were submitted in support of the levy of the proposed assessments within the Assessment District. 688 assessment ballots representing $279,866.20 of assessments were submitted in opposition to the levy of the proposed assessments within the Assessment District.

John Gillison, Deputy City Manager/Administrative Services, stated that a majority protest did not exist for Landscape Maintenance District No. 4 and recommended that Resolution No. 09-237 be adopted.

MOTION: Moved by Williams, seconded by Michael, to adopt Resolution No. 09-237. Motion carried 3-0; Councilmembers Gutierrez and Spagnolo were absent.
P. COUNCIL BUSINESS

Recess:
The meeting recessed at 8:30 p.m.

Reconvene:
The meeting reconvened at 8:50 p.m. with Agencymembers/Boardmembers/Councilmembers Diane Williams, Rex Gutierrez, Vice Chairman/Vice President/Mayor Pro Tem L. Dennis Michael and Chairman/President/Mayor Donald J. Kurth being present.

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 Gutierrez noted that he was blessed to live in such a great City and to serve on the City Council. He hoped that 2010 would be another great year.

Mayor Pro Tem Michael stated that Pam Stewart was a great asset to the Planning Commission and offered his best wishes to her. He referenced the presentation earlier in the evening by U.S. Bank and noted that the $25,000 will be spent to provide a live theater experience to low and moderate income families and their children. Mayor Pro Tem Michael reported that Councilmember Spagnolo had to leave the meeting due to a family emergency and encouraged everyone to keep the Spagnolo family in their prayers.

Councilmember Williams commended Pam Stewart for her service and noted that there are many devoted citizens who serve on the City's Commissions and Foundations. She hoped that everyone had a wonderful Thanksgiving and expressed her appreciation for serving on the City Council.

Mayor Kurth commented on a letter to the editor that he had written that was published in the Daily Bulletin. He expressed concerns with the potential changes to the health care system that are being contemplated in Washington and hoped that legislature would keep the needs of patients in mind. Mayor Kurth was appreciative of the opportunity to provide a proclamation for Vietnam veterans.

2. **LEGISLATIVE AND REGIONAL UPDATES**  (Oral)

Councilmember Williams provided comments on behalf of Councilmember Spagnolo. Councilmember Williams reported that the estimated State budget deficit is $21 Billion and indicated that the legislature acted on unrealistic estimates instead of addressing problems in the State budget. Councilmember Williams also reported on SAFETEA-LU and indicated that Senators were unsuccessful in an attempt to forge a compromise extending the law for six months. She noted that the City is watching this closely as transportation projects are in jeopardy.

Mayor Pro Tem Michael commented on a recent League of California Cities workshop and provided information on the League’s goals and how they will be implemented.

O. IDENTIFICATION OF ITEMS FOR NEXT MEETING

Mayor Pro Tem Michael suggested establishing an alternate for the various subcommittees. He noted that there have been instances where a Councilmember was not able to attend a meeting and stated that this would be helpful in ensuring the functionality of the subcommittee.

Councilmember Gutierrez requested information on the survey that was sent to restaurants regarding smoking along with information on the return envelope having an address.
Recess:
The meeting recessed at 9:10 p.m.

Reconvene:
The meeting reconvened at 10:44 p.m. with Agency members/Board members/Council members Diane Williams, Vice Chairman/Vice President/Mayor Pro Tem L. Dennis Michael and Chairman/President/Mayor Donald J. Kurth being present.

The City Council considered the Resolutions listed for Items O1 – O3 at this time.

Mayor Kurth adjourned the meeting at 10:50 p.m.

Respectfully submitted,

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

Approved: December 16, 2009