

May 5, 2021

CITY OF RANCHO CUCAMONGA

FIRE PROTECTION DISTRICT, HOUSING SUCCESSOR AGENCY, SUCCESSOR AGENCY,  
PUBLIC FINANCE AUTHORITY AND CITY COUNCIL REGULAR MEETINGS MINUTES

The City Council of the City of Rancho Cucamonga held a closed session on Wednesday, May 5, 2021, in the Tri-Communities Conference Room at the Civic Center, 10500 Civic Center Drive, Rancho Cucamonga, California. Mayor Michael called the meeting to order at 5:00 p.m.

Present were Council Members: Ryan Hutchison, Kristine Scott, Sam Spagnolo and Mayor Pro Tem Lynne Kennedy. Absent: Mayor L. Dennis Michael.

Also present were: John Gillison, City Manager; James L. Markman, City Attorney; Lori Sassoon, Deputy City Manager/Administrative Services; Elisa Cox, Deputy City Manager/Cultural & Civic Services and Matt Burris, Deputy City Manager/Economic and Community Development.

**A. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)**

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

No public communications were made.

**C. CITY MANAGER ANNOUNCEMENTS**

None.

**D. CONDUCT OF CLOSED SESSION**

- D1. CONFERENCE WITH LABOR NEGOTIATOR ROBERT NEIUBER, HUMAN RESOURCES DIRECTOR PER GOVERNMENT CODE SECTION 54954.2 REGARDING LABOR NEGOTIATIONS WITH THE RANCHO CUCAMONGA CITY EMPLOYEES ASSOCIATION (RCCEA), RANCHO CUCAMONGA MANAGEMENT ASSOCIATION AND FIRE SUPPORT SERVICES – (CITY)
- D2. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION PURSUANT TO PARAGRAPH (1) OF SUBDIVISION (D) OF SECTION 54956.9; NAME OF CASE: HIMNEL USA, INC. d/b/a ST. MARY'S MONTESSORI SCHOOL AND GLOBAL PROPERTY HOLDINGS LLC VS. CITY OF RANCHO CUCAMONGA, SBSC CASE NO.: CIVDS 2014554. – (CITY)
- D3. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION PURSUANT TO PARAGRAPH (1) OF SUBDIVISION (D) OF SECTION 54956.9; NAME OF CASE: CITY OF RANCHO CUCAMONGA V. DR LANDMARK, INC.; POWER MEDIC TECHNOLOGIES, INC.; HOFER PROPERTIES, LLC; AND DOES 1 THROUGH 5 INCLUSIVE, SBSC CASE NO.: CIVDS 1904713 – (CITY)
- D4. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION PURSUANT TO PARAGRAPH (1) OF SUBDIVISION (D) OF SECTION 54956.9; NAME OF CASE: PEPE'S INC. V. CITY OF RANCHO CUCAMONGA, UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA, CASE NO. 5:20CV02506JGBSP – (CITY)

- D5. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 12467 BASELINE ROAD IDENTIFIED AS PARCEL NUMBERS 1090331030000, 1090331040000, 1089581040000; NEGOTIATING PARTIES JOHN GILLISON, CITY MANAGER REPRESENTING THE CITY OF RANCHO CUCAMONGA, AND JOSEPH FILIPPI, JOSEPH FILIPPI WINERY AND VINEYARDS; REGARDING PRICE AND TERMS. – (CITY)
- D6. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 REGARDING THE FOLLOWING REAL PROPERTY: (1) REAL PROPERTY OWNED BY THM ENTERPRISES, LLC AND LOCATED AT 12449 FOOTHILL BOULEVARD IN THE CITY OF RANCHO CUCAMONGA AND FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 0229 031 41. NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, ON BEHALF OF THE CITY OF RANCHO CUCAMONGA, REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)
- D7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 REGARDING THE FOLLOWING REAL PROPERTY:(1) REAL PROPERTY OWNED BY WALMART REAL ESTATE BUSINESS TRUST AND LOCATED AT 12549 FOOTHILL BOULEVARD IN THE CITY OF RANCHO CUCAMONGA AND FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBERS 022903238 & 44. NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, ON BEHALF OF THE CITY OF RANCHO CUCAMONGA, REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)
- D8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTIES LOCATED AT: 7089 ETIWANDA AVE. (APN 0227- 12156); HAVEN AVE. (APN:020833147); HAVEN AVE. (APN:020833140); 8340 UTICA AVE. (APN:0208 353 06); 9612 SAN BERNARDINO ROAD (APN:0208 131 83); 9547 SAN BERNARDINO ROAD (APN:020815107); 9561 SAN BERNARDINO ROAD (APN: 0208 151- 17); NEGOTIATING PARTIES JOHN GILLISON, CITY MANAGER AND LORI SASSOON, DEPUTY CITY MANAGER REPRESENTING THE CITY OF RANCHO CUCAMONGA; AND VOLUNTEERS OF AMERICA OF LOS ANGELES (VOALA), REGARDING PRICE AND TERMS. – (CITY/FIRE)
- D9. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT V. CITY OF RANCHO CUCAMONGA; CASE NO. CIVRS 1603632.- (CITY)

**E. RECESS**     The closed session recessed at 6:30 p.m.

**REGULAR MEETING – 7:00 p.m.**  
**CALL TO ORDER – COUNCIL CHAMBERS**

The regular meetings of the Rancho Cucamonga Fire Protection District, Housing Successor Agency, Successor Agency, Public Finance Authority and the City of Rancho Cucamonga City Council were held on May 5, 2021 in the Council Chambers at City Hall, located at 10500 Civic Center Drive, Rancho Cucamonga, California. Mayor Michael called the meeting to order at 7:01 p.m.

Present were Council Members: Ryan Hutchison, Kristine Scott, Sam Spagnolo and Mayor Pro Tem Lynne Kennedy. Absent: Mayor L. Dennis Michael.

Also present were: John Gillison, City Manager; James L. Markman, City Attorney and Linda A. Troyan, MMC, Director of City Clerk Services.

Council Member Scott led the Pledge of Allegiance.

Responding to the spread of the Coronavirus (COVID-19) and social distancing requirements, City Manager Gillison announced that due to recent changes in the Governor's Executive Orders, the San Bernardino County Department of Public Health requirements, and to ensure the health and safety of Rancho Cucamonga residents by limiting contact that could spread the COVID-19 virus, there will be no members of the public in attendance at the City Council/Fire District Meetings and in place of in-person attendance, members of the public are encouraged to watch from the safety of their homes live from the City's website or on RCTV-3.

He stated members of the public wishing to speak during public communication or on a public hearing item will need to dial in to (909)774-2751 to be added to the queue for comment. Additional information on the Coronavirus pandemic and City resources and updates can be found at [www.cityofrc.us/coronavirus](http://www.cityofrc.us/coronavirus).

**A. AMENDMENTS TO THE AGENDA**

None.

**B. ANNOUNCEMENTS/PRESENTATIONS**

None.

**C. PUBLIC COMMUNICATIONS**

Mayor Pro Tem Kennedy announced, due to COVID-19 and social distancing requirements, the Public Communications portion of the meeting will be conducted telephonically.

Via phone call, Janet Walton, offered a prayer and shared information about National Day of Prayer.

**D. CONSENT CALENDAR**

- D1. Consideration of Meeting Minutes for the Regular Meetings of April 7, 2021.
- D2. Consideration to Approve City and Fire District Bi-Weekly Payroll in the Total Amount of \$1,708,408.16 and City and Fire District Weekly Check Registers(Excluding Checks Issued to Southern California Gas Company) in the Total Amount of \$2,208,670.47 Dated April 12, 2021 Through April 25, 2021 and City and Fire District Electronic Debit Registers for the Month of March, 2021 in the Total Amount of \$1,125,870.89. (CITY/FIRE)

- D3. Consideration to Approve City and Fire District Weekly Check Registers for Checks Issued to Southern California Gas Company in the Total Amount of \$2,407.80 Dated April 12, 2021 Through April 25, 2021. (CITY/FIRE)
- D4. Consideration to Approve Amended Fiscal Year 2020/21 Appropriations. (CITY/FIRE)
- D5. Consideration to Accept the Public Safety Facility Construction Project as Complete, Approve a Final Contract Amount of \$13,575,862.40, File a Notice of Completion, and Release Bonds Accordingly. (FIRE/CITY)
- D6. Consideration of a Resolution Approving the Annual Local Responsibility Area Wildland Protection Agreement with the California Department of Forestry and Fire in the Amount of \$198,090 for FY 2021-22. (RESOLUTION NO. FD 2021-006) (FIRE)
- D7. Consideration to Adopt a Resolution Approving a Memorandum of Understanding Between the Rancho Cucamonga Fire Protection District and the Fire Support Services Association Employee Group. (RESOLUTION NO. 2021-039) (FIRE)
- D8. Consideration of an Improvement Agreement Extension for Tract 20042, Located on the East Side of Carnelian Street and North of Hillside Road, Related to Case No. SUBTT20042, Submitted by New Weaver Lane, LLC. (CITY)
- D9. Consideration of Amendment No. 9 to Contract Number CO 15-103 with Siemens Mobility, Inc. for Citywide Traffic Signal and Safety Lighting Maintenance Services in the Amount of \$1,161,150. (CITY)
- D10. Consideration of Final Payment for General City Master Plan Drainage Improvements Under Drainage Reimbursement Agreement No. DRA-40 for Tract 17382 and Authorization of an Additional Appropriation of \$256,141. (CITY).
- D11. Consideration to Continue the Existing Local Emergency Due to the Novel Coronavirus (COVID-19) Pandemic. (CITY)
- D12. Consideration of a Resolution Authorizing Examination of Sales and Use Tax Records. (RESOLUTION NO. 2021-035) (CITY)
- D13. Report in Conformance with California Government Code Section 65858(D) on Measures Taken to Alleviate the Need for Interim Ordinance No. 980, Establishing a Moratorium on the Approval of Applications for Building Permits or Other Entitlements for New Service Station Uses or the Expansion of Existing Service Station Uses in the City of Rancho Cucamonga. (CITY)

**MOTION:** Moved by Council Member Hutchison, seconded by Council Member Spagnolo, to approve Consent Calendar Items D1 through D13 with Council Member Scott abstaining on item D3 due to her employment with Southern California Gas Company. Motion carried, 4-0-1. Absent: Mayor Michael.

## **E. CONSENT CALENDAR ORDINANCE(S) - SECOND READING/ADOPTION**

No items.

## F. ADMINISTRATIVE HEARING ITEM(S)

- F1. Consideration of Adoption of Resolutions of Necessity for the Acquisition by Eminent Domain of Certain Real Property Interests for Public Purposes in Connection with the Yellowwood Place Connection to Foothill Marketplace Project. (RESOLUTION NO. 2021-033) (RESOLUTION NO. 2021-034) (CITY)

City Manager Gillison introduced Brian Sandona, Senior Civil Engineer and Regina Danner, Attorney at Richards Watson and Gershon Law, who presented a PowerPoint for Item F1. Together they presented a PowerPoint detailing the Resolutions of Necessity for the Acquisition by Eminent Domain of Certain Real Property Interests for Public Purposes in Connection with the Yellowwood Place Connection to Foothill Marketplace Project.

Correspondence was received from Palmieri Hennessey & Leifer, LLP and provided to the City Council, in opposition to item F1.

Mayor Pro Tem Kennedy opened the Administrative Hearing.

No public communications were made.

Mayor Pro Tem Kennedy closed the Public Hearing.

In response to the correspondence received, Council Member Hutchison inquired on the total size of the easement needed for the project.

Senior Civil Engineer Sandona stated that 465 square feet of permanent easement and 330 square feet of temporary easement for construction is needed for the project.

City Attorney Markman addressed comments in correspondence submitted by Palmieri Hennessey & Leifer, LLP and stated that the letter did not present viable project alternatives and that the argument has no substance.

Council discussion ensued.

**MOTION:** Moved by Council Member Hutchison, seconded by Council Member Scott, to to adopt Resolution No. 2021-033 and Resolution No. 2021-034 for the Acquisition by Eminent Domain of Certain Real Property Interests for Public Purposes in Connection with the Yellowwood Place Connection to Foothill Marketplace Project. Motion carried, 4-0-1. Absent: Mayor Michael.

## G. ADVERTISED PUBLIC HEARING ITEM(S) – CITY/FIRE DISTRICT

- G1. Consideration of an Appeal of the Planning Commission's Decision to Deny Hillside Design Review DRC2017-00244 and Minor Exception DRC2018-00473 – Paul Bardos, Applicant. A Request for Site Plan and Architectural Review of a Proposed 4,118 Square Foot Two-Story, Single-Family Residence with an Attached 771 Square Foot Garage and a Request to Construct Retaining Walls up to 4-Feet and 6-Inches High on a 15,430 Square Foot Lot within the Low (L) Residential District and within the Hillside Overlay District at 8035 Camino Predera - APN: 0207-631-03. A Minor Exception was also Requested to Exceed the Maximum Height Limit for Retaining Walls in the Zone. (RESOLUTION NO. 2021-037 AND RESOLUTION NO. 2021-038) (CITY)

City Manager Gillison introduced the item and Anne McIntosh, Planning Director and Tabe Van der Zwaag, Associate Planner who gave a staff report via PowerPoint presentation. Staff provided background information on the appeal noting that the City Council held a public hearing to review the applicant's appeal of the Planning Commission decision on February 19, 2020; and at that meeting, the City Council recommended that the applicant work with the other Camino Predera property owners to come up with a mutually amicable solution and consider reducing the size of the house by 10 percent and to increase the side yard setbacks to reduce the overall massing of the house. Staff reported that to date, the applicant did not make any changes to the plans since last reviewed

by the City Council. Staff recommended that the City Council deny Appeal DRC2019-00975 and uphold the Planning Commission decision to deny Hillside Design Review DRC2017-00244 and Minor Exception DRC2018-00473 for the following reasons: project conflicts with intent of Hillside Design Guidelines; project is incompatible with existing neighborhood and project is inconsistent with General Plan.

Correspondence was received by Paul Bardos in opposition to item G1 and provided to the City Council.

Mayor Pro Tem Kennedy opened the Public Hearing.

Appellant, Paul Bardos, addressed the City Council on the appeal he submitted on the Planning Commission's Decision to Deny Hillside Design Review DRC2017-00244 and Minor Exception DRC2018-00473. Mr. Bardos spoke on the size/height of the proposed home, building standards, subjective opinions, unfair situation for developers on Camino Predera and referenced Los Angeles Hillside Area Ordinance No. 179883. Mr Bardos noted that the project does meet the building standards.

Three (3) public communications were made in opposition to an Appeal of the Planning Commission's Decision to Deny Hillside Design Review DRC2017-00244 and Minor Exception DRC2018-00473 via phone call by: Renee Massey, Raquelle Alamat and Mr. Weber; Four (4) public communications were made in support of the proposed project via phone call by: John Adams, Derrick Wilson, Sarah Patel and Jay Adams.

Mayor Pro Tem Kennedy closed the Public Hearing.

Council discussion ensued concerning the size/height of the proposed home, lack of outreach efforts by the applicant and project compatibility. Council Member Spagnolo suggested having a possible noticed community meeting to give an opportunity to the Applicant and Neighbors to reach a resolution within 30 days.

**MOTION:** Moved by Council Member Spagnolo, seconded by Council Member Hutchison, for Planning Department staff to facilitate a noticed community meeting for the applicant, Paul Bardos, to meet with Camino Predera neighbors to reach a resolution and continue the Public Hearing 30 days to the June 16, 2021 Regular City Council meeting at 7:00PM in Council Chambers, 10500 Civic Center Drive, Rancho Cucamonga, CA 91730. Motion failed: 2-2-1; Mayor Pro Tem Kennedy and Council Member Scott opposed; Absent: Mayor Michael.

City Manager Gillison noted that the City Council could entertain a different action or consider staff's recommendation to uphold the Planning Commission's Decision to Deny Hillside Design Review DRC2017-00244 and Minor Exception DRC2018-00473 by adoption of Resolution No. 2021-037 and Resolution No. 2021-038.

**MOTION:** Moved by Council Member Hutchison, seconded by Council Member Scott, to uphold the Planning Commission's Decision to Deny Hillside Design Review DRC2017-00244 and Minor Exception DRC2018-00473 by adoption of Resolution No. 2021-037 and Resolution No. 2021-038. Motion carried, 4-0-1. Absent: Mayor Michael.

- G2. Consideration of an Appeal of the Planning Commission's Decision (DRC2021-00104) to Approve Hillside Design Review DRC2020-00016 – Saurabh Patel – An Appeal of a Planning Commission Approval of a Request to Construct a 3,300 Square Foot Single-Family Residence with Two Separate Attached 2-Car Garages Totaling 1,063 Square Feet on a Vacant Property of 15,601 Square Feet (0.36-Acre) within the Low (L) Residential District and the Hillside Overlay District Located at 8005 Camino Predera – APN: 0207-631-06. The Project Qualifies as a Class 3 Exemption Under State CEQA Guidelines Section 15303 – New Construction or Conversion of Small Structures. (RESOLUTION NO. 2021-036) (CITY)

City Manager Gillison introduced Anne McIntosh, Planning Director and Tabe Van der Zwaag, Associate Planner who presented via PowerPoint on the background of the project and an analysis that the project had a lower profile with adjacent homes having higher profiles. They spoke on the project's compatibility and Development Code requirements for projects within the Hillside Overlay District. Staff recommended that the City Council deny the appeal and uphold the Planning Commission's decision to approve Hillside Design Review DRC2020-00016 through the adoption of Resolution No. 2021-036.

Correspondence was received from Chuck Buquet in support of appealing the Planning Commission's decision (DRC2021-00104) to approve Hillside Design Review DRC2020-00016 and was provided to the City Council.

Mayor Pro Tem Kennedy opened the Public Hearing.

Appellant, Renee Massey, noted that she was representing a group of neighbors and spoke on the significant progress made during community meetings held before the COVID-19 pandemic and adjustments made by the applicant. They requested two adjustments be made to the project which include reduction of the profile of the project and eliminating a 15 foot deck view on the east side of the structure. She concluded by stating that she would prefer the City Council grant the applicant an extension to address the concerns of the project's profile and sight balcony.

Applicant, Rob Patel, addressed the City Council on the submitted appeal. He stated that his proposed project was approved by the City's Planning Director and noted that the Planning Director's original decision was based on the project's consistency with the Development Code. He stated that the appeal has no merit as he has followed topography and adhered to the City's Development Code. He addressed the proposed project's sight balcony and stated that the concerns were null and void as adjacent neighbors also have similar sight balconies.

Four (4) public communications were made in support of upholding the Planning Commission's decision (DRC2021-00104) to approve Hillside Design Review DRC2020-00016 via phone call by: John Adams, Jay Adams, Paul Bardos and Jane Adams.

Three (3) public communications were made in support of appealing the Planning Commission's decision (DRC2021-00104) to approve Hillside Design Review DRC2020-00016 via phone call by: Catherine Weber, Suzanne Buquet and Chuck Buquet.

Mayor Pro Tem Kennedy asked if the appellant, Renee Massey, would like to make any further statements or rebuttal before the hearing was closed.

Appellant, Renee Massey, stated that Camino Predera neighbors did not have an opportunity to meet with the applicant to work on a resolution.

Mayor Pro Tem Kennedy closed the Public Hearing.

City Attorney Markman addressed comments made during the open public hearing period regarding view protection laws. He clarified that the City Council does have discretion and authority in view protections, citing the City of Rancho Palos Verdes Ordinance.

Council discussion ensued regarding: privacy issues and clarification on the project's sight balcony, compatibility of the project, the importance of kindness amongst neighbors and previous efforts demonstrated by the applicant.

Mayor Pro Tem Kennedy asked if Mr. Patel would consider a community meeting with Camino Predera neighbors to discuss the project and come to a resolution.

Via teleconference, Applicant, Rob Patel answered that he would not be willing to meet with Camino Predera neighbors as he has met with the neighbors in the past only to be appealed a second time after his efforts. His project did not require a neighborhood meeting and he has already reduced the size of the house.

**MOTION:** Moved by Council Member Hutchison, seconded by Council Member Spagnolo, to adopt Resolution No. 2021-036, upholding the Planning Commission's decision to approve Hillside Design Review DRC2020-00016. Motion carried, 4-0-1. Absent: Mayor Michael.

G3. Public Hearing for Consideration of the Draft 2021-2022 Action Plan for the Community Development Block Grant CDBG Program. (CITY)

City Manager Gillison introduced Flavio Nunez, Management Analyst II, who presented a PowerPoint providing an overview of the Draft 2021-2022 Annual Action Plan including CDBG proposed activities, accomplishment goals and their respective funding amounts.

Mayor Pro Tem Kennedy opened the Public Hearing.

No public communications were made.

Mayor Pro Tem Kennedy closed the Public Hearing.

**MOTION:** Moved by Council Member Scott, seconded by Council Member Hutchison, to approve the Planning Department's recommendation of approving the 2021-2022 Action Plan for the Community Development Block Grant CDBG Program including authorizing submission of the plans to HUD. Motion carried, 4-0-1. Absent: Mayor Michael.

## **H. CITY MANAGERS STAFF REPORT(S)**

No items.

## **I. COUNCIL BUSINESS**

### **I1. COUNCIL ANNOUNCEMENTS**

None.

### **I2. INTER-AGENCY UPDATES**

None.

## **J. CITY ATTORNEY ITEMS**

None.

## **K. IDENTIFICATION OF ITEMS FOR NEXT MEETING**

None.

## **L. ADJOURNMENT**

Mayor Michael adjourned the City Council Meeting at 9:40p.m.

Respectfully submitted,

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Linda A. Troyan, MMC  
City Clerk Services Director

Approved: