

May 19, 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 19, 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, Mayor Pro Tem Lynne Kennedy and Mayor L. Dennis Michael.

Also present were: John Gillison, City Manager; Nicholas Ghirelli, Assistant 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) – (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 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)

- D6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: INITIATION OF LITIGATION PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (D) OF GOVERNMENT CODE SECTION 54956.9: (1 CASE) – CITY
- D7. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 8408 ROCHESTER AVENUE, RANCHO CUCAMONGA, CA (THE EPICENTER ENTERTAINMENT & ADULT SPORTS COMPLEX); NEGOTIATING PARTIES: JOHN GILLISON, WILLIAM WITTKOPF, JENNIFER HUNT GRACIA, REPRESENTING THE CITY OF RANCHO CUCAMONGA, AND REYNOLDS SPORTS MANAGEMENT; REGARDING PRICE AND TERMS – (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 19, 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 7:00 p.m.

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

Also present were: John Gillison, City Manager; Nicholas Ghirelli, Assistant 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.

A. AMENDMENTS TO THE AGENDA

None.

B. ANNOUNCEMENTS/PRESENTATIONS

B1. Presentation of a Proclamation Declaring the Month of May 2021, as Mental Health Awareness Month.

Joanna Marrufo, Management Aide, City Manager's Office, shared a PowerPoint presentation showcasing recent and upcoming Healthy RC community events and community engagement efforts promoting a healthy mind, body and environment. Mayor Michael and Members of the City Council presented the Proclamation to Joanna Marrufo, declaring the month of May 2021, as Mental Health Awareness Month.

B2. Presentation of a Proclamation Celebrating Professional Municipal Clerks Week and Recognition of Jasmin Oriel for Receiving the Certified Municipal Clerk (CMC) Designation from the International Institute of Municipal Clerks.

Linda Troyan, City Clerk Services Director, provided a PowerPoint presentation featuring City Clerk Staff and acknowledged Jasmin Oriel for receiving the Certified Municipal Clerk (CMC) designation from the International Institute of Municipal Clerks. Mayor Michael presented a Proclamation to the City Clerk's Office and declared the week of May 2 through May 8, 2021 as Professional Municipal Clerks Week.

B3. Presentation of Certificate of Sympathy in Honor of Patricia Morris, Longtime Community Member and Previous Parks and Recreation Commissioner.

Mayor Michael announced that tonight's meeting will be adjourned with a moment of silence in memory of Patricia Morris, a resident of Alta Loma, CA since 1975. He noted that Mrs. Morris was an active community member, having served on the Parks and Recreation Commission of Rancho Cucamonga for twelve years. The Mayor, on behalf of the City Council, expressed heartfelt condolences and presented a Certificate of Sympathy to the Morris family.

C. PUBLIC COMMUNICATIONS

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

Via phone call, Dylan, spoke on water drought conditions, source and supply. He shared his support for Governor Newsom's response to announce a regional drought emergency and executive actions to bolster drought resilience.

Via phone call Frank Valverde, Valverde School of Performing Arts, spoke on the importance of re-opening the Lewis Family Playhouse.

Via phone call, Janet Walton, offered a prayer.

D. CONSENT CALENDAR

- D1. Consideration of Meeting Minutes for the Regular and Special Meetings of April 21, 2021.
- D2. Consideration to Receive and File Current Investment Schedule as of April 30, 2021 for the City of Rancho Cucamonga and the Rancho Cucamonga Fire Protection District. (CITY/FIRE)
- D3. Consideration to Approve the First Amendment to the Memorandum of Understanding for Cooperative Planning and Development of the San Sevaine Trail in San Bernardino County. (CITY)
- D4. Consideration of Memorandum's of Understanding (MOU's) between the Alta Loma, Central and Etiwanda School Districts and the City to Establish Cost-Sharing for the Provision of Crossing Guard Services. (CITY)
- D5. Consideration to Accept as Complete, File the Notice of Completion and Authorize Release of Retention and Bonds for the Tract 18960 Altura Drive, Tejas Court and Wilson Avenue Miscellaneous Asphalt and Concrete Repairs Project. (CITY)
- D6. Consideration to Accept the Citywide Concrete Repair – FY 2019/2020 Project as Complete, File the Notice of Completion, and Authorize Release of Retention and Bonds. (CITY)
- D7. Consideration to Accept as Complete, File a Notice of Completion, and Authorize Release of Retention, and Bonds for the Vineyard Avenue at San Bernardino Road Traffic Signal Modification Project. (CITY)
- D8. Consideration of Amendment No.1 to the Construction and Maintenance Agreement for Hellman Avenue. (CITY)
- D9. Consideration to Approve the Use of Midwest Tape to Provide Digital Media Content to the Rancho Cucamonga Public Library Using the Hoopla Platform. (CITY)
- D10. Consideration to Award Contract to Southern California Sound Image for the "Central Park A/V Update Project" and to Approve Change Order 001 for the Council Chambers A/V Refresh. (CITY)

MOTION: Moved by Council Member Spagnolo, seconded by Council Member Scott, to approve Consent Calendar Items D1 through D10. Motion carried, 5-0.

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

No items.

F. ADMINISTRATIVE HEARING ITEM(S)

No items.

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

- G1. Public Hearing to Consider a Resolution for Placement of Special Assessments and Liens for Delinquent Solid Waste Accounts. (RESOLUTION NO. 2021-040) (CITY)

City Manager Gillison introduced Linda Ceballos, Environmental Programs Manager, who gave a Staff Report via PowerPoint presentation. Ms. Ceballos provided an overview on the mandatory payment program, public hearing notifications and delinquent solid waste accounts as for the accrual period of: January 1, 2020 to December 31, 2020. Ms. Ceballos noted receipt of three (3) written protests from: Deanne Cantu, Todd Launchbaugh and Sergio Rodriguez. Correspondence received was provided to the City Council.

Mayor Michael opened the Public Hearing.

Via phone call, Sergio Rodriguez, White Oak Commercial LLC, spoke about the written protest he submitted for a Commercial Property located at 8241 White Oak Avenue. He stated that Burrtec has breached their contract and has not provided waste pick up services. He noted that he has attempted to contact Burrtec staff to resolve the dispute and has not received any response or resolution.

Mayor Michael closed the Public Hearing.

Mayor Michael instructed Linda Ceballos, Environmental Programs Manager, to research Mr. Rodriguez' protest with Burrtec and communicate with Mr. Rodriguez regarding his account status.

MOTION: Moved by Council Member Spagnolo, seconded by Mayor Pro Tem Kennedy, to adopt Resolution No. 2021-040, authorizing the placement of Special Assessments and Liens for delinquent solid waste accounts. Motion carried, 5-0.

- G2. Public Hearing to Consider a Resolution Approving the List of Properties with Nuisance Abatements and Authorizing the Placement of a Special Assessment. (RESOLUTION NO. 2021-039) (CITY)

City Manager Gillison introduced Jana Cook, Community Improvement Manager, who presented a PowerPoint providing an overview on nuisance abatements, cost recovery efforts and public hearing notifications.

Mayor Michael opened the Public Hearing.

No public communications were made.

Mayor Michael closed the Public Hearing.

Mayor Michael inquired if property owners that were renting to tenants that incurred the nuisance abatement fees due to Cannabis cultivation/ abatement would be responsible in paying the nuisance abatement fees due to the City.

Community Improvement Manager Cook clarified that property owners would be responsible for payment of the nuisance abatement fees due to cannabis abatement on their properties. She stated that often times the lease agreements are fraudulent and the Police Department does look extensively into cases involving fraudulent agreements. She noted that State Law does allow for city citations to be dismissed in the event that the property owner is unaware of the violation.

MOTION: Moved by Council Member Scott seconded by Council Member Hutchison, to adopt Resolution No. 2021-039, approving the list of properties with Nuisance Abatements and authorizing the placement of a Special Assessment. Motion carried, 5-0.

H. CITY MANAGERS STAFF REPORT(S)

- H1. Consideration Whether to Appeal the Action of the Planning Commission in Approving Tentative Parcel Map SUBTPM20164, Minor Design Review DRC2020-00138, and Conditional Use Permit DRC2020-00087. (CITY)

City Manager Gillison introduced the item and provided a verbal report on whether to appeal the action of the Planning Commission. City Manager Gillison explained that given the confused nature of the Planning Commission discussion and the lack of clarity around the “healthy” operation of the project, he placed the item on the City Council agenda to determine if the City Council wishes to call the item for appeal. He noted that in the event the item is appealed, staff would then analyze the project using the Healthy Development Checklist as well as any applicable Healthy RC standards; or if the item is not appealed, the project approvals would be final. He noted that correspondence was received from Jonathan Shardlow in opposition to appealing the action of the Planning Commission in approving Tentative Parcel Map SUBTPM20164. Correspondence received was provided to the City Council.

Assistant City Attorney Ghirelli clarified that if the City Council decided to appeal the action of the Planning Commission in approving Tentative Parcel Map SUBTPM20164, Minor Design Review DRC2020-00138, and Conditional Use Permit DRC2020-00087, there would be proper legal noticing of the Appeal which would be heard at a noticed Public Hearing at a future City Council Meeting in Council Chambers.

Council Member Hutchison stated that he met with the applicants regarding the project, reviewed Planning Commission meetings and opposed appealing the action of the Planning Commission in approving Tentative Parcel Map SUBTPM20164, Minor Design Review DRC2020-00138, and Conditional Use Permit DRC2020-00087.

Council discussion ensued concerning effects of the appeal on the business community and the current moratorium evaluating the development of gas stations in the City.

Council Member Spagnolo supported appealing the Planning Commission decision based on the city's moratorium evaluating gas stations in the City.

MOTION: Moved by Council Member Spagnolo seconded by Council Member Scott, to appeal the Planning Commission decision based on the city currently evaluating gas stations.

Discussion.

Council Member Scott shared that after review of the Planning Commission staff reports and meeting livestream, she is in alignment with Council Member Spagnolo's motion to appeal the Planning Commission's decision.

Mayor Michael expressed support in appealing the Planning Commission's decision given the confused nature of the Planning Commission meeting discussion and to understand the issue better.

MOTION: Moved by Council Member Spagnolo seconded by Council Member Scott, to appeal the Planning Commission decision in approving Tentative Parcel Map SUBTPM20164, Minor Design Review DRC2020-00138, and Conditional Use Permit DRC2020-00087. Motion carried, 4-1; Council Member Hutchison opposed.

I. COUNCIL BUSINESS

11. COUNCIL ANNOUNCEMENTS

None.

I2. INTER-AGENCY UPDATES

None.

J. CITY ATTORNEY ITEMS

None.

K. IDENTIFICATION OF ITEMS FOR NEXT MEETING

None.

L. ADJOURNMENT

- L1. Adjournment in Memory of Patricia Morris, Longtime Community Member and Previous Parks and Recreation Commissioner.

Mayor Michael adjourned the City Council Meeting at 8:06 p.m in memory of Patricia Morris.

Respectfully submitted,

Linda A. Troyan, MMC
City Clerk Services Director

Approved: