

Mayor
L. Dennis Michael

Mayor Pro Tem
Lynne B. Kennedy

Members of the City Council:
Ryan A. Hutchison
Kristine D. Scott
Sam Spagnolo

CITY OF RANCHO CUCAMONGA REGULAR MEETING AGENDA

March 16, 2022

10500 Civic Center Drive
Rancho Cucamonga, CA 91730



FIRE PROTECTION DISTRICT BOARD – CITY COUNCIL
HOUSING SUCCESSOR AGENCY- SUCCESSOR AGENCY – PUBLIC
FINANCE AUTHORITY

**CLOSED SESSION
REGULAR MEETINGS**

**TRI-COMMUNITIES ROOM
COUNCIL CHAMBERS**

**4:30 P.M.
7:00 P.M.**



The City Council meets regularly on the first and third Wednesday of the month at 7:00 p.m. in the Council Chambers located at 10500 Civic Center Drive. It is the intent to conclude the meeting by 10:00 p.m. unless extended by the concurrence of the City Council. Agendas, minutes, and recordings of meetings can be found at www.cityofrc.us or by contacting the City Clerk's Office at 909-774-2023. Live Broadcast available on Channel 3 (RCTV-3).

CLOSED SESSION – 4:30 P.M. TRI-COMMUNITIES ROOM

ROLL CALL: Mayor Michael
Mayor Pro Tem Kennedy
Council Members Hutchison, Scott, and Spagnolo

A. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)

B. PUBLIC COMMUNICATIONS ON CLOSED SESSION ITEM(S)

C. CITY MANAGER ANNOUNCEMENTS

D. CONDUCT OF CLOSED SESSION

- D1. CONFERENCE WITH LABOR NEGOTIATOR ROBERT NEIUBER, HUMAN RESOURCES DIRECTOR PER GOVERNMENT CODE SECTION 54957.6 REGARDING LABOR NEGOTIATIONS WITH THE RANCHO CUCAMONGA CITY EMPLOYEES' ASSOCIATION (RCCEA), TEAMSTERS LOCAL 1932, EXECUTIVE MANAGEMENT GROUP – (CITY)**

CITY COUNCIL VISION STATEMENT

"Our Vision is to build on our success as a world class community, to create an equitable, sustainable, and vibrant city, rich in opportunity for all to thrive."

- D2.** 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)
- D3.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT THE TERMINUS OF SMOKESTONE STREET, EAST OF TORREY PINE COURT, RANCHO CUCAMONGA, CALIFORNIA 91739, IDENTIFIED AS COUNTY ASSESSOR'S PARCEL NUMBER 022804424, NEGOTIATING PARTIES JOHN GILLISON, CITY MANAGER REPRESENTING THE CITY OF RANCHO CUCAMONGA, AND CHAO PING YANG; REGARDING PRICE AND TERMS. – (CITY)
- D4.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 8949 ETIWANDA AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 022916222; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND OVERLAND, PACIFIC AND CUTLER, REPRESENTING THE CITY OF RANCHO CUCAMONGA, AND SOUTHERN CALIFORNIA EDISON, OWNER; REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)
- D5.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 8783 ETIWANDA AVENUE/12949 WHITTRAM AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 022916214; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND OVERLAND, PACIFIC, AND CUTLER, REPRESENTING THE CITY OF RANCHO CUCAMONGA, AND KULAR TRUCK LINE, INC., OWNER; REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)
- D6.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 9333 ETIWANDA AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 022916223; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND OVERLAND, PACIFIC AND CUTLER, REPRESENTING THE CITY OF RANCHO CUCAMONGA, AND SOUTHERN CALIFORNIA EDISON, OWNER; 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 FOR PROPERTY LOCATED AT 8768 AND 8822 ETIWANDA AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 022913115, 16, AND 26; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND KELLY DEWITT, OVERLAND, PACIFIC, AND CUTLER, ON BEHALF OF THE CITY OF RANCHO CUCAMONGA, AND SCG/DP ETIWANDA LLC, A DELAWARE LIMITED LIABILITY COMPANY, OWNER; 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 PROPERTY LOCATED AT 8996 ETIWANDA AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 022928379; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND KELLY DEWITT, OVERLAND, PACIFIC AND CUTLER, ON BEHALF OF THE CITY OF RANCHO CUCAMONGA, AND BTC III RANCHO CUCAMONGA LOGISTICS CENTER LP, A DELAWARE LIMITED LIABILITY COMPANY, OWNER; REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)
- D9.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 8821 ETIWANDA AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 022916215; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND KELLY DEWITT, OVERLAND, PACIFIC AND CUTLER, ON BEHALF OF THE CITY OF RANCHO CUCAMONGA, AND WILLIAM A. JONES AND JOAN F. JONES, TRUSTEES OF THE JONES FAMILY TRUST OF 2010, AS TO AN UNDIVIDED ONETHIRD (1/3) INTEREST, AND JAMES ROY GARNES AND RHONDA ANN GARNES, UNDIVIDED ONETHIRD (1/3) INTEREST, AND JAMES ROY GARNES AND RHONDA ANN GARNES, TRUSTEES OF THE GARNES FAMILY TRUST DATED JUNE 28, 2012, AS TO AN UNDIVIDED ONETHIRD (1/3) INTEREST, AND JOHN S. CLEMONS AND PATRICIA R. CLEMONS, TRUSTEES OF THE CLEMONS REVOCABLE TRUST DATED DECEMBER 4, 2014, AS TO AN UNDIVIDED ONETHIRD (1/3) INTEREST, AS TENANTS IN COMMON, OWNER; REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)
- D10.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 12521 ARROW ROUTE AND 8688 ETIWANDA AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 022913130 AND 31; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND KELLY DEWITT, OVERLAND, PACIFIC, AND CUTLER, ON BEHALF OF THE CITY OF RANCHO CUCAMONGA, AND GOODMAN RANCHO SPE LLC, A DELAWARE LIMITED LIABILITY COMPANY, OWNER; REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)
- D11.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 8889 ETIWANDA AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 0229 291 17 and 18; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND KELLY DEWITT, OVERLAND, PACIFIC, AND CUTLER, ON BEHALF OF THE CITY OF RANCHO CUCAMONGA, AND LIGHTNING P.M. LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, OWNER; REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)

- D12.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 8685 TO 8821 ETIWANDA AVENUE AND 12928 TO 12974 WHITTRAM AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 022915115 AND 28, 022916101, 02, 03, 04, 05, 19, AND 20; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND KELLY DEWITT, OVERLAND, PACIFIC, AND CUTLER, ON BEHALF OF THE CITY OF RANCHO CUCAMONGA, AND COLOMBERO FAMILY LIMITED PARTNERSHIP, OWNER; REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)
- D13.** CONFERENCE WITH REAL PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT 8939 ETIWANDA AVENUE, FURTHER IDENTIFIED AS SAN BERNARDINO COUNTY TAX ASSESSOR'S PARCEL NUMBER 022929155; NEGOTIATING PARTIES, JOHN GILLISON, CITY MANAGER, AND KELLY DEWITT, OVERLAND, PACIFIC, AND CUTLER, ON BEHALF OF THE CITY OF RANCHO CUCAMONGA, AND BCORE IE WEST OWNER LLC, OWNER; REGARDING INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE. NEGOTIATING PARTIES MAY NEGOTIATE WITH THE PROPERTY OWNERS SET FORTH ABOVE. – (CITY)
- D14.** CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (D) OF SECTION 54956.9; NAME OF CASE: CITY OF RANCHO CUCAMONGA V. TOWER OF POWER CORPORATION, SBSC CASE NO.: PENDING. (CITY)
- D15.** CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(A) SOUTHWEST VOTER REGISTRATION EDUCATION PROJECT AND LOUISA OLLAGUE V. CITY OF RANCHO CUCAMONGA; SAN BERNARDINO SUPERIOR COURT CASE NO. CIVRS 1603632. (CITY)

E. RECESS – Closed Session to Recess to the Regular City Council Meeting at 7:00 P.M. in the Council Chambers at City Hall, 10500 Civic Center Drive, Rancho Cucamonga, California.

**REGULAR MEETING – 7:00 P.M.
COUNCIL CHAMBERS**

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Michael
Mayor Pro Tem Kennedy
Council Members Hutchison, Scott, and Spagnolo

A. AMENDMENTS TO THE AGENDA

B. ANNOUNCEMENT / PRESENTATIONS

- B1.** Presentation of a Certificate of Sympathy in Memory of Sartaj Singh, Longtime Community Member.
- B2.** Recognition of Healthy RC Community Partners for Outstanding Service for the C.A.S.A. Cooking Program.

C. PUBLIC COMMUNICATIONS

Members of the City Council also sit as the Fire Board, Housing Successor Agency, Successor Agency, and Public Finance Authority. This is the time and place for the general public to address the Fire Protection District, Housing Successor Agency, Successor Agency, Public Financing Authority Board, and City Council on any item listed or not listed on the agenda. State law prohibits the Fire Protection District, Housing Successor Agency, Successor Agency, Public Financing Authority Board, and City Council from addressing any issue not previously included on the Agenda. The Fire Protection District, Housing Successor Agency, Successor Agency, Public Financing Authority Board, and City Council may receive testimony and set the matter for a subsequent meeting.

Comments are to be limited to five minutes per individual or less, as deemed necessary by the Mayor, depending upon the number of individuals desiring to speak. All communications are to be addressed directly to the Fire Board, Agencies, Successor Agency, Authority Board, or City Council not to the members of the audience. This is a professional business meeting and courtesy and decorum are expected. Please refrain from any debate between audience and speaker, making loud noises, or engaging in any activity which might be disruptive to the decorum of the meeting.

The public communications period will not exceed one hour prior to the commencement of the business portion of the agenda. During this one hour period, all those who wish to speak on a topic contained in the business portion of the agenda will be given priority, and no further speaker cards for these business items (with the exception of public hearing items) will be accepted once the business portion of the agenda commences. Any other public communications which have not concluded during this one hour period may resume after the regular business portion of the agenda has been completed.

CITY COUNCIL VISION STATEMENT

“Our Vision is to build on our success as a world class community, to create an equitable, sustainable, and vibrant city, rich in opportunity for all to thrive.”

CONSENT CALENDARS:

The following Consent Calendar items are expected to be routine and noncontroversial. They will be acted upon without discussion unless an item is removed by Council Member for discussion.

Members of the City Council also sit as the Fire Board, Housing Successor Agency, Successor Agency, and Public Finance Authority and may act on the consent calendar for those bodies as part of a single motion with the City Council consent calendar.

D. CONSENT CALENDAR

- D1.** Consideration of Meeting Minutes for the Regular Meetings of: January 19, 2022, February 2, 2022, February 16, 2022 and March 2, 2022.
- D2.** Consideration to Approve City and Fire District Bi-Weekly Payroll in the Total Amount of \$1,713,220.57 and City and Fire District Weekly Check Registers (Excluding Checks Issued to Southern California Gas Company) in the Total Amount of \$2,666,741.48 Dated February 22, 2022, Through March 06, 2022, and City and Fire District Electronic Debit Registers for the Month of February in the Total Amount of \$2,370,806.79. (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 \$25,807.70 Dated February 22, 2022, Through March 6, 2022. (CITY/FIRE)
- D4.** Consideration to Receive and File Current Investment Schedule as of February 28, 2022 for the City of Rancho Cucamonga and the Rancho Cucamonga Fire Protection District. (CITY/FIRE)
- D5.** Consideration to Receive and File the Housing Element Annual Progress Report for 2021. (CITY)
- D6.** Consideration to Adopt a Resolution Approving a Side Letter of Agreement Between the City of Rancho Cucamonga and the Executive Management Employee Group. (RESOLUTION NO. 2022-034) (CITY)
- D7.** Consideration of an Agreement with NBS Government Finance Group for D-FAST 3 Software License Agreement. (CITY)
- D8.** Consideration to Award a Contract to Gentry Brothers, Inc. for the "CDBG Concrete Rehabilitation Project". (CITY)
- D9.** Consideration to Accept Public Improvements Located at the Northeast Corner of Foothill Boulevard and Klusman Avenue per the Improvement Agreement Related to Case No. DRC2008-00356, as Complete, File the Notice of Completion, and Authorize Release of Bonds. (CITY)

CITY COUNCIL VISION STATEMENT

"Our Vision is to build on our success as a world class community, to create an equitable, sustainable, and vibrant city, rich in opportunity for all to thrive."

- D10.** Consideration of Amendment No. 1 to the Professional Services Agreement with Cambridge Seven Associates (Contract No. 2020-120) for Design Services Not to Exceed \$162,000. (CITY)
- D11.** Consideration of an Easement Agreement Between Cucamonga Valley Water District and The City of Rancho Cucamonga for the Purposes of Constructing a Retaining Wall Within City Right-of-Way at the Northwest Corner of 19th Street and Sapphire Street. (CITY)
- D12.** Consideration of the 2021 Annual Review of the Development Agreement by and between SC Rancho Development Corp., a California Corporation and Empire Lakes Holding Company, LLC, a Delaware Limited Liability Company and the City of Rancho Cucamonga, Case No. DRC2015-00118. (CITY)
- D13.** Consideration of a Purchase and Sale Agreement with the Jones Family Trust, the Garness Family Trust, & the Clemons Revocable Trust for the Acquisition of a Temporary Construction Easement Located at 8821 Etiwanda Avenue (Assessor Parcel Number 0229-162-15) in Connection with the Etiwanda Grade Separation Project. (CITY)
- D14.** Consideration of a Purchase and Sale Agreement with the Colombero Family Limited Partnership for the Acquisition of a Permanent Roadway Easement, a Non-Exclusive Maintenance and Construction Easement, and Temporary Construction Easements Located at 8685 to 8733 Etiwanda Avenue and 12928 to 12974 Whittram Avenue (Assessor Parcel Numbers 0229-151-15 and 28, and 0229-161-01, 02, 03, 04, 05, 19, and 20) in Connection with the Etiwanda Grade Separation Project. (CITY)
- D15.** Consideration to Receive and File Report on the Measures Taken to Alleviate the Conditions Which Led the City of Rancho Cucamonga to Enact Interim Urgency Ordinance No. 980 on April 21, 2021, Establishing a Moratorium on the Approval of 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)

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

F. ADMINISTRATIVE HEARING ITEM(S)

G. ADVERTISED PUBLIC HEARINGS ITEM(S) - CITY/FIRE DISTRICT

- G1.** Public Hearing for the Approval of the Draft Substantial Amendment to the 19-20, 20-21, and 21-22 Annual Action Plans for the Community Development Block Grant (CDBG) Program. (CITY)

CITY COUNCIL VISION STATEMENT

"Our Vision is to build on our success as a world class community, to create an equitable, sustainable, and vibrant city, rich in opportunity for all to thrive."

H. CITY MANAGER'S STAFF REPORT(S)

- H1. Consideration of First Reading of Ordinance No. 997, to be Read by Title Only and Waive Further Reading, Adjusting the Boundaries of the Four City Council Districts and Adopting a New Official Council District Map Based on the Results of the 2020 Decennial Census. **(ORDINANCE NO. 997)**
(CITY)

I. COUNCIL BUSINESS

I1. COUNCIL ANNOUNCEMENTS

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

I2. INTERAGENCY UPDATES

(Update by the City Council to the community on the meetings that were attended.)

J. CITY ATTORNEY ITEMS

K. IDENTIFICATION OF ITEMS FOR NEXT MEETING

L. ADJOURNMENT

Adjournment in Memory of Sartaj Singh, Longtime Community Member.

CERTIFICATION

I, Linda A. Troyan, MMC, City Clerk Services Director of the City of Rancho Cucamonga, or my designee, hereby certify under penalty of perjury that a true, accurate copy of the foregoing agenda was posted on at least Seventy-Two (72) hours prior to the meeting per Government Code 54954.2 at 10500 Civic Center Drive, Rancho Cucamonga, California and on the City's website.

LINDA A. TROYAN, MMC

CITY CLERK SERVICES DIRECTOR



If you need special assistance or accommodations to participate in this meeting, please contact the City Clerk's Office at (909) 477-2700. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired.

CITY COUNCIL VISION STATEMENT

"Our Vision is to build on our success as a world class community, to create an equitable, sustainable, and vibrant city, rich in opportunity for all to thrive."