

January 6, 2010

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

A. CALL TO ORDER

The Rancho Cucamonga City Council and Redevelopment Agency held a closed session on Wednesday, December 16, 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 5:30 p.m. by Chairman/Mayor Donald J. Kurth.

Present were Agencymembers/Councilmembers: Rex Gutierrez, Diane Williams, Sam Spagnolo, Vice Chairman/Mayor Pro Tem L. Dennis Michael and Chairman/Mayor Donald J. Kurth.

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

B. ANNOUNCEMENT OF CLOSED SESSION ITEM(S)

Chairman/Mayor Donald J. Kurth announced the closed session items:

- D1. CONFERENCE WITH PROPERTY NEGOTIATORS PER GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF HELLMAN AVENUE BETWEEN HILLSIDE ROAD AND WILSON AVENUE, COMMONLY KNOWN AS APN 106-162-103-0000, LINDA D. DANIELS, DEPUTY CITY MANAGER, NEGOTIATING PARTY – *RDA*
- D2. LABOR NEGOTIATIONS PER GOVERNMENT CODE SECTION 54954.2 TO GIVE JOHN GILLISON, ASSISTANT CITY MANAGER, DIRECTION IN REGARDS TO THE MEET AND CONFER PROCESS – *RDA & CITY*
- D3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PER GOVERNMENT CODE SECTION 54956.9(A) - *DALE NELSON AND JEANNE NELSON V. SANDRA KENT, MICHAEL FERNANDEZ, CITY OF RANCHO CUCAMONGA; COUNTY OF SAN BERNARDINO, AND DOES 1 THROUGH 10, INCLUSIVE* – CASE NO. CIVRS 913680, SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN BERNARDINO – *RANCHO CUCAMONGA COURT - 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 5:30 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.

Also present were: Jack Lam, City Manager; James Markman, City Attorney; John Gillison, Assistant City Manager; Linda Daniels, Deputy City Manager/Economic and Community Development; Joe Cusimano, Police Chief; James Troyer, Planning Director; Mike Bell, Fire Chief; Mark Steuer, Director of Engineering Services; Kevin McArdle, Community Services Director; Joe Pulcinella, Animal Services Director; Bill Wittkopf, Public Works Services Director; Debra McNay, Records Manager/Assistant City Clerk and Shirr'l Griffin, Deputy City Clerk.

H. ANNOUNCEMENTS/PRESENTATIONS

H1. Recognition of National Rifle Association's Eddie Eagle Gun Safety Program for children.

Mayor Kurth presented a certificate of appreciation to the National Rifle Association for the Eddie Eagle Gun Safety program.

H2. "Pit Idol" -- A campaign to raise awareness of the positive attributes of Pit Bulls and promote their adoption.

Joe Pulcinella, Animal Services Director, and Victoria Johnson, Animal Caretaker, spoke about the upcoming "Pit Idol" campaign.

I. PUBLIC COMMUNICATIONS

I1. Anita Hamsik addressed Item O1 (Request for all-way stop signs at the intersection of Amethyst and Hillside) and spoke in support of the installation of the signs. She indicated that the safety of pedestrians needs to be addressed. There are no crosswalks, sidewalks or shoulders at the intersection.

I2. Rey Lavalley spoke regarding Item O1 and indicated that the speeders have returned to the area since the stop sign was removed. He had thought the speed limit was 25 mph but indicated that it is posted as 35 mph. Mr. Lavelley requested that the stop signs be installed.

I3. Cecilia Voegelé addressed Item O1 and did not know the stop sign was intended to be temporary. When it was put up, she thought that it was a good idea. Ms. Voegelé indicated that this is a very dangerous corner with people speeding through the intersection. She was hit in this area five years ago and urged the Council to install the signs.

14. Jim Moffatt spoke regarding Item O1 and pointed out that cars automatically pick up speed when coming down a hill. He supported the stop signs to slow people down.

15. Bill Hanlon noted that there is not a veteran's memorial in the City and indicated that there are two places at Central Park in which a memorial could be placed. He requested that the matter be placed on a future agenda. Mr. Hanlon also encouraged the Council members to respond to public communications.

16. Osvaldo Leonard Diaz indicated that he was a medical marijuana patient. He noted that his sister obtained a false restraining order seven years ago in order to obtain the family home. Mr. Diaz supported the use of video cameras by the Police Department but hoped that they would perform their duties respectfully. In conclusion, he extended a figurative olive branch and made predictions for 2010.

17. Daryl Vollrath addressed Item O1 and spoke in support of the placement of stop signs in that location. He noted that the warrant process was to be used as a guide and encouraged the Council to enhance the safety of the neighborhood.

18. Ed Dietl thanked the Council for placing sidewalks in front of Valle Vista Elementary School. He provided a photograph of the vacant property at the corner of Alta Cuesta and Baseline. He understood that the property was owned by the Cucamonga Valley Water District and leased to the City for a future park. As there is no funding to build the park, Mr. Dietl encouraged the Council to release the property so that it could be put to another use. He also addressed the advertising signs located adjacent to the gas station on Foothill, expressed concerns that the signs do not blend in with the historic gas station and asked that the matter be reviewed.

19. John Lyons disagreed with Mr. Diaz that the drug war was over and spoke in support of the Police Department. He commented on Item O1, noting that the grade would make it difficult for heavy vehicles to stop. Mr. Lyons commended the Council for the new bridge on Haven Avenue. He also spoke regarding a new indoor air soft shooting gallery.

110. Glenn Garza spoke regarding Item O1, and noted that speed is an issue on Amethyst. He stated that he received a letter from the City indicating that a permanent stop sign would be placed there due to the construction of the fire station. Then he discovered that a letter was received from the County Supervisor requesting that the sign be taken down. After that, the stop sign was removed. Mr. Garza indicated that cars are now speeding on the street and hoped that the Council would consider the safety of the community.

111. Cynthia Parlier addressed Item O1 and supported the placement of the stop signs. She noted that the City approved the placement of homes above the intersection, and traffic has increased dramatically. Ms. Parlier indicated that heavy trucks should not be a concern, as this is a residential street. There is a very narrow passageway and the sign appeared to be permanent. She noted that there is a traffic hazard and requested that the stop signs be placed.

112. Sandra Garza spoke regarding Item O1 and noted that her neighbor has almost been hit three times. There is no where for people to go when riding a horse.

113. Archie McLay addressed Item O1. He indicated that the street becomes very narrow and noted that people are driving up and down the street at 60 mph. Mr. McLay didn't think that it was too much to request several inexpensive poles in order to ensure safety in that area.

114. Duayne Bliss spoke regarding Item O1. He was really pleased to see the stop sign and did receive a letter indicating that it was going to be permanent. He noted that cars are traveling 50 to 60 mph in that area. He encouraged the Council to recognize the safety issue and put the signs back up.

115. Dave Schultz commented on Item O1 and noted that a wide variety of people have addressed the Council on this issue, including residents, pedestrians, equestrians and someone from Ontario. He delivers newspapers to the neighborhood and noted that he almost got hit in this area. A placement of a stop sign would stop people from going so fast.

116. Sandra Sraberg addressed Item O1 and requested that the stop signs be placed back for safety reasons. Mr. Sraberg concurred.

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 Agencymember for discussion.

- J1. Approval of Minutes: December 16, 2009 (Regular Meeting)
- J2. Approval of Check Register dated December 9 through December 28, 2009, for the total amount of \$2,763,705.18.

MOTION: Moved by Williams, seconded by Michael, to approve the staff recommendations in the staff reports contained within the Consent Calendar. Motion carried 5-0.

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 Boardmember for discussion.

- K1. Approval of Minutes: December 16, 2009 (Regular Meeting)
- K2. Approval of Check Register dated December 9 through December 28, 2009, for the total amount of \$141,745.98.
- K3. Approval to adopt a resolution declaring results of a Special Election in Community Facilities District No. 85-1, Annexation No. 09-6 and ordering the annexation of such property to Community Facilities District No. 85-1 (ARCO AM/PM – APN 0229-141-10&11).

RESOLUTION NO. FD 10-001

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. 09-6 AND ORDERING THE ANNEXATION OF SUCH PROPERTY TO COMMUNITY FACILITIES DISTRICT NO. 85-1

- K4. Approval to adopt a Resolution of Intention to Annex Territory referred to as Annexation No. 10-1 (APNs: 0208-811-58, 59 & 60 – Jamil & Jamila Samouh, Owners) into a Community Facilities District No. 85-1, 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 10-002

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 ITS INTENTION TO AUTHORIZE THE ANNEXATION OF TERRITORY (ANNEXATION NO. 10-1) TO COMMUNITY FACILITIES DISTRICT NO. 85-1)

- K5. Approval of an Annexation Map showing Assessor Parcel Numbers 0108-811-58, 59 & 60 (Jamil & Jamila Samouh, Owners), located on the northwest corner of Archibald Avenue and Arrow Route, proposed to be annexed into CFD No. 85-1.

RESOLUTION NO. FD 10-003

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, ADOPTING AN ANNEXATION MAP (ANNEXATION NO. 10-1) SHOWING PROPERTY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 85-1

MOTION: Moved by Michael, seconded by Williams, to approve the staff recommendations in the staff reports contained within the Consent Calendar. Motion carried 5-0.

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: December 16, 2009 (Regular Meeting)
- L2. Approval of Check Register dated December 9 through December 28 and payroll ending December 28, 2009, for the total amount of \$4,717,649.71.
- L3. Approval of Specifications for Red Hill Park Lake Cobblestone Installation and authorize the City Clerk to Advertise the "Notice Inviting Bids" to be funded from Account No. 1848303-5650/1697848-0 (PD 85 Redemption Fund).

RESOLUTION NO. 10-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA APPROVING PLANS AND SPECIFICATIONS FOR RED HILL PARK LAKE COBBLESTONE INSTALLATION AND AUTHORIZING AND DIRECTING THE CITY CLERK TO ADVERTISE TO RECEIVE BIDS

- L4. Approval of Improvement Agreement Extension for Parcel Map 16981, located 100 feet south of Wilson between Hellman Avenue and Cousins Place, submitted by Steven Spies, Peter and Linda Bryan.

RESOLUTION NO. 10-002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENT EXTENSION AND IMPROVEMENT SECURITY FOR PARCEL MAP 16981

- L5. Approval to accept grant revenue in the amount of \$117,500 from the South Coast Air Quality Management District, administered by the Mobile Source Air Pollution Reduction Review Committee (MSRC) into Account #1105000-4740 (Grant Revenue) and authorization to appropriate \$117,500 into Account 1105208-5650/1541105-0 (AB2766 AQMD, Capital Project-Fleet Shop CNG Modifications).

- L6. Approval of a Permit Parking District for the residential area identified as “San Felipe Court,” generally located west of Haven Avenue and south of San Andreas Drive. REMOVED FOR DISCUSSION BY COUNCILMEMBER GUTIERREZ.

RESOLUTION NO. 10-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ESTABLISHING A PERMIT PARKING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 10.50 OF THE RANCHO CUCAMONGA MUNICIPAL CODE

- L7. Approval of request to Summarily Vacate a Portion of Church Street, located east of Milliken Avenue V-216 – APN 227-532-13.

RESOLUTION NO. 10-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, SUMMARILY ORDERING THE VACATION OF A PORTION OF CHURCH STREET, EAST OF MILLIKEN AVENUE

- L8. Approval to accept the bids received and award and authorize the execution of the contract in the amount of \$64,660.00, to the apparent low bidder, *Maneri Sign Company, Inc.* (CO 10-001) of Gardena, California, and authorize the expenditure of a 10% contingency in the amount of \$6,466.00, for “Citywide Street Name Sign Replacement – FY 09/10” to be funded from Capital Reserve, Account No. 1025001-5300.
- L9. Approval to accept the Valle Vista Drive Sidewalks adjacent to Valle Vista Elementary School, Contract No. 09-029 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 \$83,134.97.

RESOLUTION NO. 10-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE VALLE VISTA DRIVE SIDEWALKS ADJACENT TO VALLE VISTA ELEMENTARY SCHOOL, CONTRACT NO. 09-029 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

- L10. Approval to accept the Epicenter Locker Room Shower Tile Replacement Project, Contract No. 09-071 as complete, release the bonds, retain Faithful Performance Bond to act as Maintenance Guarantee Bond and authorize the Public Works Services Director to file a Notice of Completion and approve the final contract amount of \$25,300.

RESOLUTION NO. 10-006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE EPICENTER LOCKER ROOM SHOWER TILE REPLACEMENT PROJECT AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

- L11. Approval to accept the Vineyard Avenue Pavement Rehabilitation from 8th Street to Foothill Boulevard, Contract No. 09-234 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 \$281,044.08.

RESOLUTION NO. 10-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE VINEYARD AVENUE PAVEMENT REHABILITATION FROM 8TH STREET TO FOOTHILL BOULEVARD, CONTRACT NO. 09-234 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

- L12. Approval to accept the "Citywide Street Name Sign Replacement – FY 08/09" Project, Contract No. 09-237, from Prestige Striping Services, Inc. as complete; retain the Faithful Performance Bond as a Guarantee Bond; release the Labor and Materials Bond and authorize the Public Works Services Director to file a Notice of Completion and approve the final contract amount of \$60,298.06.

RESOLUTION NO. 10-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR "CITYWIDE STREET NAME SIGN REPLACEMENT – FY 08/09" AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

- L13. Approval to accept Improvements, retain the Faithful Performance Bond in lieu of a Maintenance Bond, and file a Notice of Completion for improvements for DRC2004-01290, located on the north side of Arrow Route, between I-15 and Etiwanda Avenue, submitted by Heffler Holdings, LLC.

RESOLUTION NO. 10-009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR DRC2004-01290 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

- L14. Approval to release the Faithful Performance Bond retained in lieu of a Maintenance Guarantee Bond for Parcel Map 18680, located at 9275 Charles Smith Avenue, submitted by the Williams Fox Group, Inc.
- L15. Approval to release the Maintenance Guarantee Bond for Tract 14493, located at the southwest corner of Day Creek Boulevard and Banyan Street, submitted by Young California Cucamonga, LP.
- L16. Approval to accept Improvements, release the Faithful Performance cash deposit, accept a Maintenance cash deposit and file a Notice of Completion for improvements for Tract 16908, located on the north side of Arrow Route, west of Baker Avenue, submitted by SUP 41, LLC.

RESOLUTION NO. 10-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR TRACT 16908 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

- L17. Approval to accept the Improvements, release the Faithful Performance Bond and file a Notice of Completion for improvements for Tract 17455, located on the north side of Ninth Street, east of Madrone Avenue, submitted by KB Home Greater Los Angeles, Inc.

RESOLUTION NO. 10-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ACCEPTING THE PUBLIC IMPROVEMENTS FOR TRACT 17455 AND AUTHORIZING THE FILING OF A NOTICE OF COMPLETION FOR THE WORK

Councilmember Gutierrez removed Item L6 for discussion.

MOTION: Moved by Gutierrez, seconded by Williams, to approve the staff recommendations in the remaining staff reports contained within the Consent Calendar. Motion carried 5-0.

- L6. Approval of a Permit Parking District for the residential area identified as "San Felipe Court," generally located west of Haven Avenue and south of San Andreas Drive.

RESOLUTION NO. 10-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, ESTABLISHING A PERMIT PARKING DISTRICT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 10.50 OF THE RANCHO CUCAMONGA MUNICIPAL CODE

Councilmember Gutierrez noted that this item establishes a permit parking district adjacent to Chaffey College as a result of the work of JoAnn Henkel and neighbors in that area.

MOTION: Moved by Michael, seconded by Williams, to approve the staff recommendation in the staff report. Motion carried 5-0.

**M. ADVERTISED PUBLIC HEARINGS
FIRE PROTECTION DISTRICT**

**The following items have been advertised and/or posted as public hearings as required by law. The Chairman will open the meeting to receive public testimony.
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- M1. APPROVAL TO ADOPT A RESOLUTION MAKING DETERMINATIONS REGARDING THE PROPOSED ANNEXATION OF TERRITORY (ROBERT LEMELIN – APN 0201-043-63 - ANNEXATION NO. 88-09-1) 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 10-004

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. 88-09-1) TO AN EXISTING COMMUNITY FACILITIES DISTRICT (CFD 88-1) 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 Michael, seconded by Gutierrez, to adopt Resolution No. FD 10-004. Motion carried 5-0.

N. 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.

- N1. CONSIDERATION OF AMENDMENT TO THE VICTORIA COMMUNITY PLAN - DRC2009-00432 - RME CLINICS, INC. - GARY REA - A request to amend the Victoria Community Plan to allow massage establishments as a conditionally permitted use within the Village Commercial District of the Victoria Arbors Master Plan. Related files: Arbors Master Plan Amendment DRC2009-00739 and Conditional Use Permit DRC2009-00433. This action is exempt from environmental review pursuant to Section 15061(b) (3) of the State CEQA Guidelines.

CONSIDERATION OF AMENDMENT TO THE VICTORIA ARBORS MASTER PLAN - DRC2009-00739 - RME CLINICS, INC. - GARY REA - A request to amend the Victoria Arbors Master Plan to allow massage establishments as a conditionally permitted use within the Village Commercial District. Related files: Victoria Community Plan Amendment DRC2009-00432 and Conditional Use Permit DRC2009-00433. This action is exempt from environmental review pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

CONSIDERATION OF CONDITIONAL USE PERMIT DRC2009-00433 - RME CLINICS, INC. (MASSAGE ENVY) – GARY REA - A request to operate a massage establishment at the Winery Estate Marketplace within the Village Commercial District of the Victoria Arbors Master Plan, located at 7305 Day Creek Boulevard: APN: 227-161-67. Related files: Victoria Community Plan Amendment DRC2009-00432 and Arbors Master Plan Amendment DRC2009-00739. This project is categorically exempt from the requirement of the California Environment Quality Act (CEQA) pursuant to Section 15301 (Class 1 exemption – Existing Facilities).

ORDINANCE NO. 824 (first reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING VICTORIA COMMUNITY PLAN AMENDMENT DRC2009-00432, A REQUEST TO AMEND THE VICTORIA COMMUNITY PLAN TO ALLOW MASSAGE ESTABLISHMENTS AS A CONDITIONALLY PERMITTED USE WITHIN THE VILLAGE COMMERCIAL DISTRICT OF THE VICTORIA ARBORS MASTER PLAN, AND MAKING FINDINGS IN SUPPORT THERE

ORDINANCE NO. 825 (first reading)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING VICTORIA ARBORS MASTER PLAN AMENDMENT DRC2009-00739, A REQUEST TO AMEND THE VICTORIA ARBORS MASTER PLAN TO ALLOW MASSAGE ESTABLISHMENTS AS A CONDITIONALLY PERMITTED USE WITHIN THE VILLAGE COMMERCIAL DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF

RESOLUTION NO. 10-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT DRC2009-00433, A REQUEST TO ALLOW A MASSAGE ESTABLISHMENT TO OPERATE AT A SITE LOCATED WITHIN THE WINERY ESTATE MARKETPLACE AT THE SOUTHEAST CORNER OF BASE LINE ROAD AND DAY CREEK BOULEVARD, LOCATED AT 7305 DAY CREEK BOULEVARD, UNIT 101, IN THE VILLAGE COMMERCIAL DISTRICT OF THE VICTORIA ARBORS MASTER PLAN – APN: 0227-161-67

Steve Fowler, Assistant Planner, presented the staff report.

In response to Mayor Pro Tem Michael, Mr. Fowler confirmed that the City Council had heard this item previously and provided direction; the Planning Commission had reviewed the proposed conditions of approval and has unanimously recommended its approval.

Councilmember Gutierrez indicated that Massage Envy has a wonderful business plan and noted that the conditions of approval were tightened up per the City Council's direction.

Mayor Kurth opened the public hearing.

Bill Hanlon noted that massage parlors are similar to whorehouses and did not support the placement of these establishments in the City.

John Lyons noted that the massage parlor is only as good as the owner. If there are problems, he was confident that the Police Department would take care of it. Mr. Lyons spoke in support of the placement of this massage parlor in this area.

Gary Rea, representing RME clinics aka Massage Envy, indicated that he owns and operates the Massage Envy in Upland. He noted that they have a great business model and indicated that all operators are employees of the business and have to be licensed.

In response to Councilmember Williams, Mr. Rea indicated that he would keep the franchise in Upland open as there is enough clientele to open a new business in Rancho Cucamonga. He indicated that he lives in the City.

JoAnn Henkel noted that she had visited the establishment in Upland and expressed concerns with the mandatory tipping policy.

Chris Binkley stated that he provides training for the franchise owners. Mr. Binkley owns the franchise in Murrieta and complimented Mr. Rea's business in Upland. In response to Ms. Henkel, Mr. Binkley stressed that a tip was not mandatory. He commented on the many positive benefits from massage services.

Oswaldo Leonard Diaz stated that with the appropriate regulations, this business should be permitted.

Mayor Kurth closed the public hearing.

Mayor Pro Tem Michael spoke in support of the business and indicated that the owner of the center pursued this use and felt that this would be a good fit for the center. The City Council previously provided direction on this and the regulations have been reviewed and approved by the Planning Commission. Councilmember Williams concurred and cited the positive benefits of massage. In response to Councilmember Williams, it was reported that a bicycle rack will be installed.

MOTION: Moved by Williams, seconded by Michael, to waive full reading of Ordinance No. 824 and Ordinance No. 825, set second reading of these Ordinances for January 20, 2010 and adopt Resolution No. 10-012. Motion carried 5-0.

Recess:

Mayor Kurth recessed the meeting at 8:45 p.m.

Reconvene:

Mayor Kurth reconvened the meeting at 9:00 p.m.

O. CITY MANAGER'S STAFF REPORTS

The following items have no legal publication or posting requirements.

O1. REQUEST FOR ALL-WAY STOP SIGNS AT THE INTERSECTION OF AMETHYST AVENUE AND HILLSIDE ROAD

Mayor Kurth indicated that while the public communications period was over, there appeared to be some people who had not yet had an opportunity to speak on this matter. While this wasn't a public hearing, he encouraged people wishing to speak who have not yet done so to submit a card.

Paul Biane indicated that 80% of the neighbors on Gooseneck do not prefer to have the signs installed. 70% of the residents on Amethyst Estates do not prefer it. There are some people who do speed but the placement of stop signs does not guarantee that there will not be accidents.

Bill Parlier disagreed with Mr. Biane and noted that the majority of the speeding problem comes from the top of the hill.

Dwight Voegele noted that the City put in a stop sign and had someone to control traffic during construction to protect the construction project. Obviously, traffic was a concern and these measures were necessary. They are still necessary. The stop sign was paid for and it cost money to remove. Mr. Voegele noted that the sign should be put back.

Jon Gillespie, Traffic Engineer, presented the staff report.

In response to Mayor Kurth, Mr. Gillespie addressed an accident that occurred to the west of the intersection. This is not considered an intersection accident for purposes of the warrant. There was sideswipe accidents, a truck accident, etc. on the street which were not considered intersection accidents.

In response to Mayor Kurth, Mr. Gillespie noted in addition to the warrant process, the Council can use their judgment to consider the decision. Discussion was held.

In response to Councilmember Gutierrez, Mr. Gillespie noted that signs were put in a Red Hill which did not meet warrants, but are as part of a traffic management program. Councilmember Williams inquired about the planned future development of the street, which may result in widening Amethyst. Mr. Gillespie expected that the street would be left in its current condition until such time as widening is possible. In the future, Mr. Gillespie expected that Hillside would be widened. Based on new development, the street may be realigned.

In response to Councilmember Spagnolo, Mr. Gillespie didn't think the road was necessarily unsafe as it is a rural road. Councilmember Spagnolo expected that the placement of a stop sign would not alleviate all of the safety concerns.

Mark Steuer, City Engineer, noted that generally, it has been shown that when improvements are placed in intersections that do not meet warrants, people have a false sense of security which results in more accidents.

Mayor Kurth wondered if we were going to solve something by putting a stop sign in. Mr. Gillespie indicated that widening the road would make it a safer street but noted that some people have made improvements in the right-of-way. Councilmember Williams noted that sometimes a compromise has to be made in the interests of safety. She noted the need to study the situation as other steps may be necessary.

In response to James Markman, City Attorney, Mr. Gillespie did not believe that installation of the stop signs would create a more dangerous situation.

Mayor Pro Tem Michael spoke in support of the placement of the stop sign and agreed that additional measures may be needed to improve the safety. He did not want to see the Council as a policymaking body whenever someone approaches the Council. In this case, there was a stop sign and the residents saw the improvement and want it back.

Councilmember Williams noted that it is a dangerous situation and does not believe that the stop sign is the sole solution. The City needs to spend money wisely and this area needs to be looked at closely. It was fortunate that the neighborhood was able to test the stop sign as this is not often the case. If the stop sign makes everyone feel and behave safer, she supported it.

Councilmember Gutierrez noted that it will be a while before the street will be improved in conjunction with new development. He noted the many intersections in which stop signs have been placed and expected that they were not all warranted. Councilmember Gutierrez noted the many concerns that have been stated and the accidents that have occurred and requested that people opposed to the stop signs consider the concerns of the neighborhood. He noted that the letter that was sent out appeared to indicate that the stop sign was permanent. The timing of Mr. Biane's letter was very strange, right after that a study was ordered and the stop sign was removed. Councilmember Gutierrez read a letter from the former Fire Chief requesting that stop signs be placed. He supported the placement of stop signs in this location.

Councilmember Spagnolo knew that the sign was to be temporary as he was told it from the very beginning; however, there was a concern with what was put in print. He did not expect that the stop signs would stop speeders. Hopefully this will be a first step to resolve the concern.

Mayor Kurth believed that the intersection was unsafe and concurred with the placement of the stop signs. He noted the need to do no harm and felt that this decision would improve the situation.

MOTION: Moved by Michael, seconded by Williams, to place all-way stop signs at the intersection of Amethyst Avenue and Hillside Road and implementation of any other actions as staff deems necessary. Motion carried 5-0.

P. COUNCIL BUSINESS

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

P1. COUNCIL ANNOUNCEMENTS (Comments to be limited to three minutes per Councilmember.)

Councilmember Spagnolo noted that over the holidays, he was able to participate in many service activities, such as the Spark of Love Toy Drive. He looked forward to the challenges ahead in 2010.

Councilmember Gutierrez apologized for missing some of the events due to his work schedule. He enjoyed working on the City Council and congratulated the City for being a first-class operation. Councilmember Gutierrez wished everyone a Happy New Year.

Mayor Pro Tem Michael noted the need to help the less fortunate. He noted that the Favela family exemplified this when they prepared meals on Christmas Day for about 200 families.

Councilmember Williams appreciated the placement of new sidewalks around Valle Vista Elementary School. She encouraged everyone to have a healthy New Year and invited the Council and the audience to the Cucamonga Challenge planned for May 8, 2010.

Mayor Kurth noted that the Council considers many tough decisions and appreciated the comments and participation of the community in order to make these decisions. He noted various service activities that were held over the holidays and indicated that he did a radio interview today. Mayor Kurth also noted that the State of the City address will be held on January 27, 2010 at 11:30 a.m. at Etiwanda Gardens.

P2. CONSIDERATION OF THE CITY COUNCIL COMMUNITY SERVICES SUBCOMMITTEE'S RECOMMENDATION REGARDING APPOINTMENTS TO THE COMMUNITY FOUNDATION BOARD OF DIRECTORS

Councilmember Williams reported that the Community Services Subcommittee met on December 17, 2009 to review applications for the Community Foundation Board of Directors. She indicated that Taro Barag and Jeremy Kahn are recommended for two-year terms. Councilmember Spagnolo reported that the Subcommittee is recommending the appointment of Bryan Snyder and Richard Madsen to four-year terms.

MOTION: Moved by Michael, seconded by Gutierrez, to appoint Taro Barag and Jeremy Kahn to the Community Foundation Board of Directors for a two-year term, to expire on June, 2011 and Bryan Snyder and Richard Madsen to the Board for a four-year term, to expire on June, 2014. Motion carried 5-0.

P3. LEGISLATIVE AND REGIONAL UPDATES (Oral)

Councilmember Spagnolo reported on the Governor's State of the State address and indicated the Governor's plan to call the legislature into emergency session to discuss the State budget. He indicated that the City is actively monitoring the situation. Councilmember Spagnolo also reported that the President recently signed a \$447 billion omnibus spending bill. Lastly, he congratulated Senator Dutton for being chosen to succeed Senator Hollingsworth as the Senate Republican leader.

Mayor Pro Tem Michael reported that Mr. Milo Victoria has been selected as the new Omnitrans CEO.

Mayor Kurth congratulated Senator Dutton on behalf of the City Council.

O. IDENTIFICATION OF ITEMS FOR NEXT MEETING

No items were identified.

P. ADJOURNMENT

Mayor Kurth adjourned the meeting at 10:21 p.m.

Respectfully submitted,

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

Approved: January 20, 2010