

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JULY 5, 2005**

A workshop of the City of Fontana City Council was held on Tuesday, July 5, 2005 in the City of Fontana Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:34 p.m.

ROLL CALL: Present: Mayor Nuaimi, Council Members Roberts, Rutherford, Scialdone and Warren. ROLL CALL

Absent: None

The agenda was reviewed, followed by City Manager comments. The meeting adjourned to a Closed Session at 6:04 p.m.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, July 5, 2005 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:05 p.m.

ROLL CALL: Present: Mayor Nuaimi, Council Members Roberts, Rutherford, Scialdone, and Warren. ROLL CALL

Absent: None

The City Attorney announced they did not meet in Closed Session to discuss: C S

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT
CODE SECTION 54956.95
Claimant: Escalante et al; Claim No. 2005-38

Therefore, there was no reportable action.

The following Special Presentations were made: S P

Mayor and Council recognized Ken Galasso, Past President of the Fontana Area Chamber of Commerce.

Mayor and Council recognized the Chamber of Commerce, Police and Fire Department employees for their work on the Police and Fire Recognition Awards Program, presented by Police Chief Larry Clark and Fire Chief Mike Conrad.

Mayor and Council accepted an award from the Conference of California Historical Society, presented by John Anicic.

The following Public Communications were received:

P C

Salvador Resendiz, Fontana Hispanic Chamber of Commerce noted upcoming events.

EVENTS

Tony Orlich, Randall Avenue, spoke of fireworks.

FIREWORKS

Walter Faller, 15372 Wooduck St., Fontana complained of weeds on undeveloped lots north of Highland between Cherry and Beech. This was referred to staff.

WEEDS

ACTON: Motion was made by Council Member Warren, seconded by Council Member Scialdone, approving Consent Calendar Items "A-H" as follows:

C C

A. Approving the minutes of June 14, 2005 Adjourned Regular City Council Meeting, and the June 21, 2005 Regular City Council Meeting.

MINUTES

B. (1) Adopting **Resolution No. 2005-90**, determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 42M.

ADPT RES 05-90
05-91 CFD #42M

(2) Adopting **Resolution No. 2005-91**, of the intention of the City Council with respect to establishment of proposed Community Facilities District No. 42M.

(3) Setting the public hearing for August 16, 2005, for the formation of the District and calling the special election for August 16, 2005.

C. (1) Authorizing the City Manager to execute a contractual services agreement with David Evans and Associates to provide surveying services for a period of one year, extendable for two additional one-year terms at the discretion of the City in the amount of \$150,000 and a 10% contingency in the amount of \$15,000 per year.

AUTH CONTRACT
DAVID EVANS
SURVEYING

(2) Authorizing the City Manager to execute a contractual services agreement with Pfieler and Associates to provide surveying services for a period of one year, extendable for two additional one-year terms at the discretion of the City in the amount of \$150,000 and a 10% contingency in the amount of \$15,000 per year.

AUTH CONTRACT
PFIELER ASSOC
SURVEYING

(3) Authorizing the City Manager to execute a contractual services agreement with Madole and Associates to provide surveying

AUTH CONTRACT
MADOLE ASSOC

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- services for a period of one year, extendable for two additional one-year terms at the discretion of the City in the amount of \$150,000 and a 10% contingency in the amount of \$15,000 per year.
- (4) Authorizing the City Manager to place Hitt-Zollers, Associated Engineers and Allard Engineering on the approved eligibility list. SURVEYING
APRV ELIGIBLE
HITT-ZOLLERS
& ALLARD ENG
- D. Approving final map for Tract No. 17027 located south of Jurupa Avenue and southeast of Cypress Avenue within Southridge Specific Plan; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. APRV MAP
TR 17027
- E. Approving final map for Tract No. 16992 located north of Miller Avenue and east of Beech Avenue within Rancho Fontana Specific Plan; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. APRV MAP
TR 16992
- F. (1) Accepting proposal from Gefion, Inc. for the ITIL-Based Maturity Assessment and Gap Analysis Project SP-57-05. APRV GELION
CONSULTING
- (2) Authorizing the City Manager to execute a contractual services agreement between the City of Fontana and Gefion, Inc., to provide consulting services, documentation, and a two-day planning session as outlined in their proposal in the amount of \$30,000.
- (3) Authorizing the Business Services Manager to issue a purchase order in the amount of \$30,000.
- G. (1) Accepting as complete and authorizing the Deputy City Manager to execute and file a Notice of Completion for Project SB-22-05. NOTICE OF
COMPLETION
PROJ. SB-22-05
- (2) Approving the final construction amount of \$84,637.
- (3) Approving the release of 10% retention upon satisfactory closure of the contract.
- H. Authorizing the Engineering Department to issue a change order to the construction contract (SB-23-04) with Sully Miller Contracting Company in the amount of \$2,598,500.00 plus a 10% contingency of \$259,850.00 for the Walnut Avenue storm drain, sewer and street improvements from Citrus Avenue to Cypress Avenue and on Oleander Avenue and Cypress Avenue from Walnut Avenue to South Highland Avenue. SULLY-MILLER
CHANGE ORDER

Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 04-007, Zone Change 04-006, Specific Plan Amendment No. 04-055, Tentative Parcel Map No. 16718, Design Review No. 04-031, and Amendment No. 1 to the Sierra Lakes Specific Plan Development Agreement.

No written communication was received.

Staff presentation was given by Planner Orlando Hernandez and Planning Manager Don Williams.

Speaking for the applicant was Mark Wendel, Lewis Retail Centers, 1156 N. Mountain Avenue, Upland. Speaking for Home Depot was Architect Frank Goda, 408 16th Street with Greenberg Farrow.

Statements were made by Tony Orlich, Randall Avenue. No one spoke in favor or opposition. The hearing was closed.

PH-A INTRO ORD
1482, 1483
GPA 04-007
SPA 04-055
TPA 16718
DR 04-031
CON'T AMEND #1
SIERRA LAKES
SPEC PLAN DEV
AGREE TO
7/19/05

In response to Council Scialdone’s concerns, and consensus of the Mayor and Council Members, the following revisions were made:

Specific Plan Amendment Text Change:

Page 4-15

Commercial Regulations

All commercial establishments shall not allow any person to linger, loiter, sit, stand or otherwise use for any purpose any parking or open space on any commercial or private property. The Police Department can require any commercial establishment to place a prominent, permanent sign or signs stating “NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES”. The size, format, form, placement, and languages of the sign or signs shall be determined by the Planning Division.

HOME DEPOT CONDITION

Adding Condition #88(a)

The applicant shall not allow any person to linger, loiter, sit ,stand or otherwise use for any purpose any parking or open space within the project site in such a manner as to violate the expressed wish of the owner, legal tenant or manager of such commercial property.

Council Member Warren left the meeting at 7:52 p.m., returning at 7:53 p.m.

There were concerns with sound issues, and delivery times in consideration of future development across the street from this development. This will be addressed at a later date.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, (1) Certifying, pursuant to the Local Guidelines for implementing the California Environmental Quality Act (2004), that the City Council has reviewed and considered the information contained in the Environmental Impact Report; Certifying the Environmental Impact Report for General Plan Amendment No. 04-007, Zone Change No. 04-006, Specific Plan Amendment No. 04-005, Tentative Parcel Map No. 16718, Design Review No. 04-031. The Final EIR reflects the independent judgment of the City; (2) approving the Findings and Statement of Overriding consideration for General Plan Amendment No. 04-007, Zone Change No. 04-006, Specific Plan Amendment No. 04-005, Tentative Parcel Map No. 16718, and Design Review No. 04-031; (3) Adopting General Plan Amendment No. 04-007, an amendment of the Land Use Policy Map to: a) change the land use designation of approximately 1.7 acres of property from Recreational Facilities (P-R) and Public Facilities (P-PF) to General Commercial (C-G); and b) change approximately 15.4 acres of P-R within the Sierra Lakes Specific Plan to C-G; (4) waiving further reading of and introducing **Ordinance No. 1482**, an Ordinance of the City of Fontana approving Zone Change No. 04-006, which amends the Land Use Zoning Map to change 1.7 acres of property from (P-PF) to Sierra Lakes Specific Plan, and that the reading of the title constitutes the first reading thereof; (5) waiving further reading of an introducing **Ordinance No. 1483**, an Ordinance of the City of Fontana, approving Specific Plan Amendment No. 04-005, which modifies the Land Use Map boundaries by adding approximately 1.7 acres of property to the Sierra Lakes Specific Plan, and amends the text of the Sierra Lakes Specific Plan, and that the reading of the title constitutes the first reading thereof; (6) continuing Amendment No. 1 of the Sierra Lakes Development Agreement to the regularly scheduled meeting of the City Council on July 19, 2005; and (7) approving Tentative Parcel Map No. 16718 and Design Review No. 04-031 and directing staff to file a Notice of Determination. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

The City Council meetings of August 2, 2005, and November 1, 2005 were cancelled, by consensus.

CANCEL CC MTGS
8/2/05 & 11/1/05

Mayor and City Council Members thanked staff for the successful 4th of July Celebration at FOHI. It was noted that over 80 citations were written regarding illegal fireworks. It was also noted that the Police Department received 538 calls that night, compared to 375 a year ago.

JULY 4TH CELEB.

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Council Members asked that our thoughts and prayers be with the Police Officer that was shot the evening of July 4th.

PRAYERS

Council Member Warren noted the Grand Opening of the Senior Apartments is scheduled for July 14th.

GRAND OPENING
SR. APTS

Council Member Warren wished everyone a Happy Belated 4th.

HAPPY 4TH

Council Member Roberts noted the care and concern of the Police Department.

CONCERN

Mayor Nuaimi reminded the community that National Night Out will be on August 2, 2005.

NAT'L NIGHT OUT
8/2/05

The following City Manager Communications were received:

C M C

City Manager Ken Hunt thanked Public Works, Recreation and Police Department staff for their work on July 4th events.

THANKS

At 8:12 p.m. the meeting adjourned by consensus, to a workshop on Tuesday, July 19, 2005 in the City Hall Executive Conference Room at 5:00 p.m. and then to the regular meeting at 7:00 p.m. in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA.

ADJOURN

Orvene Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 19th DAY OF JULY, 2005.

Beatrice Watson
City Clerk