

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
SEPTEMBER 20, 2005**

A workshop meeting of the City of Fontana City Council was held on Tuesday, September 20, 2005 in the Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:08 p.m.

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

Absent: Council Member Warren

The Inclusionary Housing Ordinance was discussed, following a presentation by Deputy City Manager David Edgar, Community Services Director Don Williams, and Planner Colin Drukker from The Planning Center, 1580 Metro Drive, Costa Mesa, CA .

The agenda was reviewed. Following City Manager comments, the workshop adjourned at 6:02 p.m. to a Closed Session.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, September 20, 2005 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:04 p.m.

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

Absent: Council Member Warren

The Invocation was given by Council Member Roberts, followed by the Pledge of Allegiance led by Mayor Nuaimi.

The City Attorney reported they met in Closed Session to discuss: C C

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Property: 16918 Baseline, APN 0240-141-34  
Negotiating Parties: Kenneth R. Hunt, City Manager  
Under Negotiation: Price and Terms

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Property: APN 0240-131-04, APN 0240-031-05 (AME Church)  
Negotiating Parties: Kenneth R. Hunt, City Manager  
Under Negotiation: Price and Terms

**CITY COUNCIL MINUTES**

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There was no reportable action.

The following Special Presentations were made:

S P

Mayor and Council recognized a donation of \$1,000. from the Fontana Police Officer’s Association given to the Knopf Senior Center for seniors who cannot afford to pay for their lunch. This was received by Recreation Coordinator Bill Brantley.

Mayor and Council recognized Rafael Verduzco for his help in recovering a child during an Amber Alert, presented by Police Chief Larry Clark. The mother, Lilia Lanesa Leano, and son, Noah, who was rescued were introduced.

The following Public Communications were received:

P C

Jennifer Thompson, 7241 Las Palmas, and Gary Simpson, 4717 Roadrunner Road, spoke of disruption to the trail system because of the Coyote Canyon development nearby.

TRAILS

Scott Vanhorne, 5475 Canyon Crest, Riverside, introduced himself as a Field Representative for County Supervisor Biane.

INTRODUCE

Cheryl Anaya, 6580 Oleander, asked that she be considered to serve on the Ad Hoc Committee regarding water rates.

WATER RATES

Tony Orlich, Randall Avenue, spoke of campaign monies.

CAMPAIGN

David Pulido, gave an update on Fontana Area Chamber of Commerce events.

EVENTS

Bruce and Marcia Nave, 15292 Coyote Canyon Road, explained their actions regarding problems near their home.

PROBLEMS

Staff reports were given on Consent Calendar Items “C, G, and J”

C C

**ACTON:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, approving Consent Calendar Items “A-J” as follows:

A. Approving the minutes of the August 23, 2005 Adjourned Regular Meeting, as corrected, and the September 6, 2005 Regular City Council Meetings.

MINUTES

B. (1) Accepting as complete the subdivision improvements in Tract No 16027 located east of Catawba Avenue and Northwest of Fontana Avenue.

ADPT RES 05-153  
TR 16027

- (2) Adopting **Resolution No. 2005-153**, accepting sewers in Tract No. 16027 as part of the City sewer system.
  
- C. Approving a Mitigated Negative Declaration of Environmental Impact and the State of California of Fish and Game De Minimis Impact Finding pursuant to the local guidelines for implementing the California Environmental Quality Act (2005) and directing staff to file a Notice of Determination (Cherry Avenue Roadway and Infrastructure Improvements). EIR CHERRY AVE  
ROADWAY IMPR
  
- D. (1) Accepting cash donations in the amount of \$18,000.00 for use in the September Race Fest Block Party Event. DONATION
  
- (2) Increasing revenues by \$18,000.00 in Fund 3002101.5210 and appropriating \$18,000.00 to Project No. 9317700101.6660.1.
  
- E. Increasing appropriations by \$3,349.17 in the Home Program Fund #363 for Fiscal Year 2004/2005. INCREASE HOME  
PROG FUND
  
- F. Authorizing Housing and Business Development to advertise for bids for additional rehabilitation to the Option House Facility ADV BIDS  
OPTION HOUSE
  
- G. (1) Authorizing the Public Works Department to seek requests for proposals to design build for the construction of an additional parking lot, shade structures, sports Wall of Fame and synthetic turf for Ralph M. Lewis Park. AUTH RFP  
R M LEWIS PARK  
ADD'L IMPROVE
  
- (2) Authorizing the City Manager to award the contract to the lowest responsible, responsive design build entity whose proposal is judged as providing the best value in meeting the interest and objectives of the project.
  
- (3) Approving an appropriation of \$1.5 Million to Project Number 9422600416 from Fund 416 CFD No. 12 undesignated fund balance.
  
- H. Authorizing the City Manager to enter into a contract amendment with Gosney Construction to modify unit bid prices and extend their contract for an additional two year period. AUTH CONTRACT  
GOSNEY CONST
  
- I. Approving a reimbursement agreement for the proportionate cost of the improvements for the Boyle Avenue/Poplar Avenue (local) sewer line between the City of Fontana and the William Fox Group, Inc. and authorizing the City Manager to execute the agreement. APRV REIMB  
AGREEMENT  
WILLIAM FOX  
GROUP
  
- J. (1) Awarding a bid and authorizing the City Manager to enter into a contract with Caltrop in the amount of \$1,593.375 for Project Management Services for Fontana Park. AWARD BID  
CALTROP

(2) Authorizing the Business Services Manager to issue a purchase order to Caltrop in the amount of \$1,593.375.

Motion carried unanimously.

Mayor Nuaimi stated he will abstain on Public Hearings "A, B, and C" because he lives in Hunter's Ridge. He left the meeting at 8:14 p.m.

Public hearing was opened regarding Establishment of Community Facilities District 32M (Hunter's Ridge Estate Lots). No written communication was received. Staff presentation was given by Deputy Management Services Director Lisa Strong. No one spoke in favor or opposition. The hearing was closed.

PH-A ADPT RES  
05-154, 155, 156  
CFD 32M  
ELECTION

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2005-154**, of the City Council of the City of Fontana establishing Community Facilities District No. 32M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof, and (2) adopting **Resolution No. 2005-155**, of the City Council of the City of Fontana calling a Special Election and submitting to the voters of Community Facilities District No. 32M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District. Motion carried by a vote of 3-0, Mayor Nuaimi abstaining and Council Member Warren absent.

City Clerk Bea Watson announced the results of the election as 26 votes in favor.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Roberts, adopting **Resolution No. 2005-156**, of the City Council of the City of Fontana declaring the results of the Special Election for Community Facilities District No. 32M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (I) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (II) the establishment of an appropriations limit. Motion carried by a vote of 3-0, Mayor Nuaimi abstaining and Council Member Warren absent.

Public hearing was opened regarding Landscape Maintenance District No. 3. No written communication was received.

PH-B ADPT RES  
05-157 DETACH  
FROM LMD #3

Staff presentation was given by Deputy Management Services Director Lisa Strong.

No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, adopting **Resolution No. 2005-157**, of the City Council of the City of Fontana ordering the detachment of territory from Landscape Maintenance District No. 3 of the City of Fontana. Motion carried by a vote of 3-0, Mayor Nuaimi abstaining and Council Member Warren absent..

Public hearing was opened regarding Local Lighting Maintenance District No. 3.

No written communication was received.

Staff presentation was given by Deputy Management Services Director Lisa Strong.

No one spoke in favor or opposition. The hearing was closed.

PH-C ADPT RES  
05-158 LLMD #3  
DETACHMENT

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, adopting **Resolution No. 2005-158**, of the City Council of the City of Fontana ordering the detachment of territory from Local Lighting Maintenance District No. 3 of the City of Fontana. Motion carried by a vote of 3-0, Mayor Nuaimi abstaining and Council Member Warren absent.

Mayor Nuaimi returned to the meeting at 8:22 p.m.

Public hearing was opened regarding the Fontana Auto Center Overlay District.

No written communication was received.

Staff presentation was given by Planner Kevin Ryan.

PH-D INTRO ORD  
1493 AUTO CTR  
OVERLAY DIST.

Council Member Roberts left the meeting at 8:24 p.m., returning at 8:26 p.m.

Council Member Rutherford left the meeting at 8:27 p.m., returning at 8:29 p.m.

Bringing concerns regarding their respective properties in the area were Bill Violante, 5121 Van Nuys Blvd., Suite 210, Sherman Oaks, representing Abraham and John Fakhoury, 4761 Hale, LaVerne, CA, who also spoke; Don Bonanno, Jr, San Diego; Cheryl Anaya, 6580 Oleander; and Larry Fishman, 1630 Heather Drive, LaVerne, CA. No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Roberts, (1) Certifying the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2004081097), approving

the findings for, and adopting a Statement of Overriding Considerations, approving the Mitigation Monitoring Plan and directing staff to file a Notice of Determination for Development Code Amendment No. 04-04 pursuant to the Local Guidelines for Implementing the California Environmental Quality Act (2005), and (2) waiving further reading of and introducing **Ordinance No. 1493**, an Ordinance of the City Council of the City of Fontana, California, approving Development Code Amendment No 04-04, amending Chapter 30 of the Fontana Municipal Code pertaining to the Fontana Auto Center Overlay District, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding Quarterly Lien Action Report for delinquent sewer, rubbish and weed abatement accounts. No written communication was received. Staff presentation was given by Business Services Manager Jeff McPherson.

PH-E ADPT RES  
05-159 SEWER,  
RUBBISH, WEED  
ABATEMENT  
LIEN ACTION

Council Member Rutherford left the meeting at 8:44 p.m., returning at 8:53 p.m.

No one spoke in favor. Speaking in opposition was Tony Orlich, Randall Avenue. The hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2005-159**, a Resolution of the City Council of the City of Fontana adopting the Statement of Unpaid Expenses for Weed Abatement and imposing a lien against real property for payment thereof; (2) authorizing staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the Certified Lien List and directing staff to forward recorded liens to the County for collection; and (3) authorizing staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the Certified Lien List and directing staff to forward recorded liens to the County for collection. Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment #04-008 and Zone Change #04-007. Two written communications were received: Sun Ja Choe, 20009 Emerald Meadow Drive, Walnut, CA, received August 29, 2005; and a fax received August 16, 2005 from Modesto Toral. Both were in opposition and referring to the property at 8041 Almeria, Fontana, CA. Staff presentation was given by Principal Planner Craig Bruorton. No one spoke in favor or opposition. The hearing was closed.

PH-F INTRO ORD  
1494, ADPT RES  
05-160 GPA  
04-008 ZC  
04-007

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Rutherford, (1) finding that Amendment No. 04-008 and Zone Change No. 04-007 will not have a significant effect on the

environment and adopting Negative Declaration and State of California Department of Fish and Game De Minimis Impact Finding, and directing staff to prepare and file a Notice of Determination per the Local Guidelines for implementing the California Environmental Quality Act (2005); (2) adopting **Resolution No. 2005-160**, approving Amendment No. 04-008, and Amendment to the Land Use Policy Map to change a designation from Multi-Family Residential (R-MF) to General Commercial (C-G) (APN's: 1110-361-14, -15, -16, -17, -18, -19, -20, -21, -22 and -23); and (3) waiving further reading of and introducing **Ordinance No. 1494**, an Ordinance of the City of Fontana approving Zone Change No. 04-007, a Zone Change from Multi-Family Residential (R-3) to General Commercial (C-2), and that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

A. Discussion and possible action regarding appointment of a Parks and Recreation Commissioner (Lorena Corona vacancy).

APPT TEHAN TO  
PARKS &  
RECREATION  
COMMISSION

**ACTION:** The recommendation by Council Member Rutherford to appoint Michael Tahan as a Parks and Recreation Commissioner was confirmed unanimously.

Mayor Nuaimi gave an update regarding the PUC hearing of San Gabriel Water Company.

WATER

Mayor Nuaimi left the meeting at 9:24 p.m., returning at 9:26 p.m.

Council Member Rutherford noted the Community Assistance Resource Fair is scheduled for Thursday, September 22<sup>nd</sup> in the Civic Center.

RESOURCE  
FAIR

Council Member Rutherford stated the Rotary Club will recognize their "Citizen of the Year" next Tuesday, September 27<sup>th</sup>.

ROTARY EVENT

Council Member Scialdone appreciated the City Council's continued support of Option House.

OPTION HOUSE

Council Member Scialdone reviewed some of the items approved at tonight's meeting that will benefit the community.

ITEMS APPROVED  
BENEFIT CITY

Council Members Scialdone and Roberts thanked staff for the successful International Days.

THANKS

Council Member Roberts congratulated City Manager Ken Hunt on his son's engagement.

CONGRATS

Mayor Nuaimi thanked those who helped in the Katrina relief effort. He noted Water of Life has shipped 5,000 hygiene packs, with another

THANKS

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5,000 being shipped soon. He also commended the County and other cities during the hurricane relief efforts.

Mayor Nuaimi reviewed the Economic Development Quarterly Report, which showed a remarkable increase in sales tax over last year. He thanked staff for a job well done.

SALES TAX REC'D

Mayor Nuaimi asked that staff research the Centex Homes/Coyote Canyon problems. City Manager Ken Hunt responded.

PROBLEMS

The following City Manager Communication was received:

C M C

**The resolution regarding assistance for those affected by Hurricane Katrina was modified to also include assistance for Hurricane Rita.**

ADPT RES 05-161  
HURRICANE  
ASSISTANCE

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, adopting **Resolution No. 2005-161**, authorizing assistance to public agencies and victims affected by Hurricane Katrina **and Hurricane Rita**, as modified. Motion carried unanimously.

City Manager Ken Hunt congratulated Don Williams on his promotion to Community Development Director.

CONGRATS

At 9:44 p.m. the meeting adjourned by consensus, to the next workshop meeting on Tuesday, October 4, 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

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Martha Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 4<sup>th</sup> DAY OF OCTOBER, 2005.

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Beatrice Watson  
City Clerk