

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
MAY 9, 2006**

A workshop of the City of Fontana City Council was held on Tuesday, May 9, 2006 in the City of Fontana Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:02 p.m.

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

Absent: None.

A presentation was given regarding the Fontana Unified School District's Measure C Bond, by Cali Olsen-Binks and Dr. Stedry.

The agenda was reviewed, followed by City Manager comments. The meeting adjourned to a Closed Session at 5:56 p.m.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, May 9, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:15 p.m.

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

Absent: None.

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

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)  
Name of Parties: San Gabriel Valley Water Company; Application  
No's A02-11-044 and A05-08-021.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT  
TO GOVERNMENT CODE SECTION 54956.8  
Property: APN 0229-052-25, 13473 Foothill Boulevard, Empire Self  
Storage  
Negotiating Parties: Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (b) (c)

Number of Cases: One

There was no reportable action.

The following Special Presentations were made: S P

Mayor and Council recognized Officers Dave Ibarra and Ron Landers for their service in Iraq.

Mayor and Council proclaimed May 19, 2006 as the 3<sup>rd</sup> Annual NASCAR Day.

Mayor and Council received a report on the Measure C Bond, presentation by Cali Olsen-Binks, Fontana Unified School District.

The following Public Communications were received: P C

Public Services Director Curtis Aaron, noted the Kiwanis Club is holding a Roast of A. B. Miller High School Coach John Tyree on his retirement on June 9, 2006. KIWANIS ROAST JOHN TYREE

David Pulido and Suzie Colon, gave updates of the Fontana Chamber of Commerce events. CHAMBER EVENTS

Dick Adams, 17409 San Bernardino Avenue, complained of problems he has had with Code Enforcement. CODE ENFORCEMENT

Tony Orlich, Randall Avenue spoke of media and campaign financing. MEDIA/CAMPAIGN

Brandy Siegel, 14520 Village Drive, spoke in favor of the school bond, Measure C. MEASURE C

Tony Orlich spoke in opposition to Consent Calendar Items “G” C C

Consent Calendar Item “G” was pulled for separate action.

Staff reports were given on Consent Calendar Items “L”, and “N”

**ACTON:** Motion was made by Council Member Scialdone, seconded by Council Member Warren, approving Consent Calendar Items “A-F, H-Q” as follows:

- A. Approving the minutes of April 25, 2006 Regular City Council Meeting, as corrected. MINUTES

- |  |                                    |
|--|------------------------------------|
| B. (1) Authorizing the City Manager to amend the contract with Caltrop Corporation in the amount of \$1,398,900.<br>(2) Authorizing the Business Services Manager to increase Purchase Order #500507 to Caltrop Corporation in the amount of \$1,398,900.  | AMEND CALTROP CONTRACT             |
| C. Approving the recommended budget changes listed in the Third-Quarter Budget Status Report and Fiscal Year 2005/2006.  | BUDGET CHANGES                     |
| D. (1) Accepting as complete the subdivision improvements in Tract No. 16099 located north of Sierra Lakes Parkway and west of Augusta Avenue in the Sierra Lakes Specific Plan.<br>(2) Adopting <b>Resolution No. 2006-74</b> , accepting sewer in Tract No. 16099 as part of the City sewer system.  | ADPT RES. 06-74<br>TT NO. 16099    |
| E. Authorizing the City Manager to execute a contractual services agreement with TKE Engineering, Inc., to design a storm drain on Foothill Boulevard between Oleander Avenue and Citrus Avenue in the amount of \$36,700.   | TKE ENG CONTRACT                   |
| F. Authorizing the City Manager to execute an extension to the annual contractual services agreement with Bureau Veritas (Formally Berryman and Henigar) to provide as-needed engineering services for city wide capital improvement program projects.   | EXTEND BUREAU VERITAS AGREE        |
| G. PULLED FOR SEPARATE ACTION.   | PULLED                             |
| H. Adopting <b>Resolution No. 2006-76</b> , in support of Assembly Bill 2174 making personal appearance before judge mandatory for persons charged with a misdemeanor offense involving driving under the influence.   | ADPT RES. 06-76<br>SUPPORT AB 2174 |
| I. (1) Adopting <b>Resolution No. 2006-77</b> , finding that the public interest and necessity require the sale of surplus property, declaring its intent to sell such property to acquire certain parcels in exchange and with compensation and setting a hearing date for consideration of protests.<br>(2) Setting the public hearing for June 13, 2006 for the consideration of the sale of surplus property and acquisition of vacant parcels described in Exhibit "A". | ADPT RES. 06-77<br>SURPLUS PROP    |
| J. Adopting <b>Resolution No. 2006-78</b> , endorsing and supporting Proposition 81, the 2006 California State Library Construction Bond.  | ADPT RES. 06-78<br>SUPPORT PRP 81  |

**CITY COUNCIL MINUTES**

**MAY 9, 2006**

- K. Approving, authorizing and directing the City Manager to execute Amendment No. 1 to a contractual services agreement between the City of Fontana and the JCM/Heery Group for the Fontana Library and Resource/Technology Center in the Civic Center and increase of \$406,294.00 plus a 10% contingency in the amount of \$40,630.00. JCM/HENRY AMEND #1
  
- L. Accepting as complete the work performed by L. A. Engineering, Inc., for the construction of the Civic Center Park and entry project, Phase 1 & 2; approving the final construction contract of \$5,809,450.75; and authorizing the Redevelopment Director to execute and file the Notice of Completion for City Project Bid No. SB-56-02. ACCPT LA ENG CIVIC CTR
  
- M. Approving and authorizing the City Manager to execute Amendment No. 6 to the Engineering Services Agreement with Boyle Engineering for the amount of \$59,854.00, from \$854,725.00 to \$914,579.30, for the completion of the environment documents for the I-10/Citrus Avenue Interchange reconstruction project. BOYLE ENG AMEND #6
  
- N. Receiving report on public outreach education on code compliance in the island annexation areas. CODE COMP EDUCATION
  
- O. (1) Accepting as complete and authorizing the Public Works Director to execute and file a Notice of Completion for Project SB-54-05. (Etiwanda Avenue Pavement Rehab Project) PROJ SB-54-05 ETIWANDA AVE  
(2) Approving the final construction amount of \$404,664.70.  
(3) Approving the release of the 10% retention upon satisfactory closure of the contract.
  
- P. (1) Accepting as complete the subdivision improvement in Tract No. 16099-1 located north of Sierra Lakes Parkway and west of Augusta Avenue in Sierra Lakes Specific Plan. ADPT RES 06-79 TRACT 16099-1  
(2) Adopting **Resolution No. 2006-79**, accepting sewers in Tract No. 16099-1 as part of the City sewer system.
  
- Q. Authorizing the City Manager to execute a grant deed to transfer title of a portion of property granted in fee to the City of Fontana for Foothill Boulevard improvements to the original owner. DEED TRNSFR FOOTHILL IMPROVEMENTS

Motion carried unanimously.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, approving Consent Calendar Item “G”, as follows: ADPT RES 06-75 SUPPORT AB 2253

**CITY COUNCIL MINUTES**

**MAY 9, 2006**

G. Adopting **Resolution No. 2006-75**, supporting Assembly Bill 2253 allowing for seizure and civil forfeiture of a vehicle used in illegal dumping.

Motion carried by a vote of 4-1, Council Member Rutherford voting against.

Public hearing was opened regarding General Plan Amendment No. 06-002, Zone Change No. 06-002, Tentative Parcel Map No. 17977, Design Review No. 06-004, Conditional Use Permit No. 06-003, and Variance No. 06-002 (located at the southeast corner of Sierra Avenue and Orange Way (APN 192-161-04, -05, -06, -07, -23, -24, and -25) No written communication was received.

PH-A INTOR ORD  
1500, GPA 06-002,  
ZC 06-002,  
TPM 17977,  
DR 06-04, SIERRA/  
ORANGE WAY

Staff presentation was given by Community Services Director Don Williams and Planner Amber Gregg.

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

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, (1) adopting a Negative Declaration of Environmental Impact and the State of California Department of Fish and Game De Minimis Impact Finding pursuant to the local guidelines for implementing the California Environmental Quality Act (2004) and directing staff to file a Notice of Determination for General Plan Amendment No. 06-002, Zone Change No. 06-002, Tentative Parcel Map No. 17977, Design Review No. 06-004, Conditional Use Permit No. 06-003, and Variance No. 06-002; (2) approving General Plan Amendment No. 06-002 (APNS: 192-161-04, -05, -06, -07, -23, -24, and -25) changing approximately 3.8 acres of land designated Light Industrial (I-L) to General Commercial (G-C)(Resolution under separate item); (3) waiving further reading of and introducing **Ordinance No. 1500**, an Ordinance of the City Council of the City of Fontana approving Zone Change No. 06-002 (APNS: 192-161-04, -05, -06, -07, -23, -24, and -25) to change approximately 3.8 acres of property zoned M-1 (Light Industrial) to C-2 (General Commercial), and that the reading of the title constitutes the first reading thereof; and (4) approving Tentative Parcel Map No. 17977, Design Review No. 06-004, Variance No. 06-002 and Conditional Use Permit No. 06-003 subject to the attached Findings and Conditions of Approval identified as Attachment 3 through 6 in the Planning Commission staff report dated April 18, 2006. Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 05-004, Zone Change No. 05-003, Tentative Tract Map No. 17566, and Design Review No. 05-027, located generally between Foothill Boulevard and Ilex Avenue.

PH-B INTRO ORD  
1501, GPA 05-04,  
ZC 05-03,  
TTM 17566,  
DR 05-27,  
FOOTHILL/ILEX

No written Communication was received.

Staff presentation was given by Community Service Director Don Williams and Planner DiTanyon Johnson.

**CITY COUNCIL MINUTES**

**MAY 9, 2006**

Speaking for the applicant was Robert Gibbs, 12786 N. Rim Way, Rancho Cucamonga, CA. No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Roberts, (1) adopting a Mitigated Negative Declaration of Environmental Impact and the State of California Department of Fish and Game De Minimis Impact Finding pursuant to the local guidelines for implementing the California Environmental Quality Act (2004) and directing staff to file a Notice of Determination for General Plan Amendment No. 05-004 and Zone Change 05-003; (2) approving General Plan Amendment No. 05-004 changing approximately 60 acres of land designated Community Commercial (C-C) to General Commercial (C-G). (Resolution under separate item); and (3) waiving further reading of and introducing **Ordinance No. 1501**, an ordinance of the City Council of the City of Fontana approving Zone Change No. 05-003, to change approximately 60 acres of property zoned Community Commercial (C-1) to General Commercial (C-2) and that the reading of the title constitutes the first reading there of; and (4) approving Tentative Tract Map No. 17566 and Design Review No. 05-027, subject to the attached Findings and Conditions of Approval identified in the Planning Commission staff report dated February 28, 2006. Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 05-004 and General Plan Amendment No. 06-002.  
No written communication was received.  
Staff presentation was given by Community Services Director Don Williams and Planner DiTanyon Johnson.  
No one spoke in favor or opposition. The hearing closed.

PH-C ADPT 06-08  
GPA 05-04,  
GPA 06-02, ZC

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, adopting **Resolution No. 2006-80**, approving General Plan Amendment No. 05-004 (see Exhibit "B") of the attached resolution for Assessor Parcel Numbers changing approximately 60 acres of land designated Community Commercial (C-C) to General Commercial (C-G) and General Plan Amendment No. 06-002 (APNS 192-161-04, -05, -06, -07, -23, -24, and -25) changing approximately 3.8 acres of land designated Light Industrial (I-L) to General Commercial (C-G). Motion carried unanimously.

Public hearing was opened regarding Development Code Amendment No. 05-006, amending Chapter 30 of the Fontana Municipal Code.  
No written communication was received.  
Staff presentation was given by Community Services Director Don Williams and Planners Kevin Ryan and Stephanie Hall.  
No one spoke in favor or opposition. The hearing was closed.

PH-D INTRO ORD  
1502, ADPT RES  
06-81 MINOR USE  
PERMIT/ADMIN  
VARIANCE

**CITY COUNCIL MINUTES**

**MAY 9, 2006**

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, (1) finding that the project has been reviewed pursuant to the local guidelines for implementing the California Environmental Quality Act (CEQA) and adopting a Negative Declaration and Fish and Game De Minimis Impact Finding and directing staff to file the Notice of Determination; (2) waiving further reading of and introducing **Ordinance No. 1502**, an ordinance of the City Council of the City of Fontana, amending Chapter 30 of the Fontana Municipal Code, that will add the minor use permit and administrative site processes, and modify the design review, administrative site plan, and conditional use requirements, and that the reading of the title constitutes the first reading thereof; and, (3) adopting **Resolution No. 2006-81**, approving the establishment of user fees for the minor use permit and administrative variance processes. Motion carried unanimously.

Council Member Rutherford congratulated the graduating class from Community Leadership Assistance Program.	CONGRATS
Council Member Rutherford encouraged residents to visit the Fontana Historical Society Library which is open on Monday and Friday afternoons as well as on Cruise Night.	HISTORICAL LIBRARY
Council Member Rutherford reminded residents of the Village of Heritage of the upcoming Community Meeting on May 15, 2006.	V OF H COMM. MTG
Council Member Warren stated she is happy to have the San Antonio Hospital Annex is open and operating in the City of Fontana.	SAN ANTONIO
Council Member Warren encouraged everyone to come out to the Miss Fontana Pageant on May 13, 2006, at the Civic Auditorium.	MISS FONTANA
Council Member Warren reminded the residents of the Health and Safety Fair to be held at the Jack Bulik Park on May 20, 2006, from 10:00 a.m. to 2:00 p.m., and of the Women's Seminar that same day at the Upland facility of San Antonio Hospital.	HEALTH/SAFETY FAIR
Council Member Warren encouraged residents of the Village of Heritage to come out and voice their opinions at the community meeting.	V OF H COMM MTG
Council Member Warren requested that drivers use caution when driving around school zones and crosswalks.	CAUTION
Council Member Warren wished Josie Gonzales a speedy recovery.	RECOVERY
Council Member Roberts thanked the Public Works Department for their continued diligence on illegal dumping.	THANKS

**CITY COUNCIL MINUTES**

**MAY 9, 2006**

Council Member Roberts expressed his appreciation to Captain Rodney Jones and Chief Larry Clark for the Police Officers Memorial that was held in Upland today.	APPRECIATION
Council Member Scialdone stated his concerns regarding the noise ordinance and ice cream trucks, he requested that staff look into a possible revision of the current ordinance.	NOISE ORD
Council Member Warren stated that perhaps the health department be involved regarding the revision of the noise ordinance in regards to ice cream trucks.	NOISE/HEALTH DEPT
Council Member Scialdone stated that he had attended the Annual Prayer Breakfast, the Relay for Life and Cruise Night that the they were all great events.	EVENTS
Council Member Scialdone encouraged the residents to participate in the events of Fontana Days, such as the carnival, the parade, the half marathon, and the pancake breakfast.	FONTANA DAYS
Council Member Scialdone expressed his condolences to the family of Sergeant Bryan Brewster.	CONDOLENCES
Mayor Nuaimi stated that it is time for the citizens of the City of Fontana to come together and enjoyed the many activities of Fontana Days.	FONTANA DAYS
Mayor Nuaimi thanked those who participated in the Relay for Life.	RELAY FOR LIFE
Mayor Nuaimi thanked the Members of the Fontana Unified School District for the presentation on Measure C.	MEASURE C
Mayor Nuaimi requested prayers for the family of Tab Burg in the premature birth of twins.	PRAYERS
Mayor Nuaimi encouraged Josie Gonzales to get well soon.	GET WELL WISH
Mayor Nuaimi informed the resident of the upcoming WOW Jam to be held at Fontana Middle School on May 20, 2006.	WOW JAM
Mayor Nuaimi requested staff bring back information regarding annexation policy the regarding sewers.	ANNEX POLICY SEWER
At 9:29 p.m. the meeting adjourned by consensus, to a Community meeting at the Village of Heritage on May 15, 2006, then to the San Bernardino Board of Supervisors meeting on May 16, 2006, at 10:00 a.m., then to Legislation Day on May 17, 2006, then to the International Council of Shopping Centers on May 22, and 23, 2006, then to a Special Council Meeting on May 26, 2006 at 8:00 a.m., then to the next	ADJOURN

**CITY COUNCIL MINUTES**

**MAY 9, 2006**

regular City Council meeting on June 13, 2006, at 7:00 p.m. in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA.

---

Orvene Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 13<sup>th</sup> DAY OF June, 2006.

---

Beatrice Watson  
City Clerk