

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
OCTOBER 10, 2006**

A Grand Opening of the Art Depot, located at 16822 Spring Street, Fontana, CA was held at 5:00 p.m. on Tuesday, October 10, 2006.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, October 10, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:09 p.m.

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

Absent: None.

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

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)
NUMBER OF CASES: One

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54956.8
PROPERTY: APN 4525-01-05; 4525-01-06; 4525-01-07
NEGOTIATING PARTIES: Ricardo Sandoval, City Engineer
UNDER NEGOTIATION: Price and Terms

There was no reportable action.

The following was not discussed, therefore no reportable action.

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 A-05-08-021.

The following Special Presentation was made: S P

Mayor and Council proclaimed the week of October 8-14, 2006 as "Fire Prevention Week", accepted by Fireman Jay Hausman and Sparky. Mr. Hausman introduced Explorer Jenny Coleson, who was named Fire Chief for the Academy she recently attended.

The following Public Communication was received:	P C
Ken Galasso, Terri Schneider, and Lawrence Meyer spoke of the Library Foundation "Read a Book at Home Ball".	FUNDRAISER
Ken Galasso spoke of upcoming events of the Fontana Chamber of Commerce.	CHAMBER EVENTS
Joan Geist and Tonia Lewis, Fontana Historical Society spoke of the Blessing of the Roses on October 26 th at 11:45 a.m.	ROSES
Tony Orlich, Randall Avenue, spoke of the election.	ELECTION
Daniel Quirogo, 8640 Mango Avenue, a teacher at Fontana Middle School, asked for donations for the student trip to Washington, D. C. next March. They will be having many fundraisers. Since he will be flipping hamburgers at McDonald's, Citrus and Foothill tomorrow evening, Mayor Nuaimi volunteered to raise funds by eating as many hamburgers he can in five minutes at 5:30 p.m. October 11 th .	FUNDRAISER
Consent Calendar Item "O" was pulled for separate action.	C C
Consent Calendar Item "H" was revised to read "reviewing and approving" .	
ACTON: Motion was made by Council Member Warren, seconded by Council Member Roberts, approving Consent Calendar Items "A-N, P-Q" as follows:	
A. Approving the minutes of September 26, 2006 Regular Meeting.	MINUTES
B. (1) Adopting Ordinance No. 1528 , approving Zone Change No. 06-01 to modify the zoning on the Zoning District Map and changing the zoning designation on approximately three acres from Community Commercial (C-1) to Residential Planned Community (R-PC) to Community Commercial (C-1).	ADPT ORD 1528 ZC 06-01
(2) Adopting Ordinance No. 1529 , approving Amendment No. 1 to the Coyote Canyon Specific Plan Development Agreement between the City of Fontana and Centex Homes.	ADPT ORD 1529 AMEND #1 COYOTE CYN DEV. AGREE.
C. (1) Authorizing the City Manager to execute maintenance contracts with Gosney Construction as the primary contractor and R. D. Raney as the secondary contractor for concrete removal and replacement throughout the City.	APRV CONTRACT GOSNEY AND R.D.RANEY

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- (2) Authorizing the Public Works Director to administratively approve and implement short term street closures and detours during construction.

- D. Adopting **Resolution No. 2006-225**, adopting the 2006/2010 Measure I four-year Capital Improvement Program Plan. ADPT RES 06-225 CIP

- E. Approving, authorizing and directing the City Manager to execute a professional services agreement between the City of Fontana and Dreambox Creations, Inc., to provide ongoing website support for the library fundraising program for two years in an amount not to exceed \$17,500.00. AGREEMENT DREAMBOX CREATIONS

- F. Reviewing and approving general cooperative use agreement between the City of Fontana and Fontana Unified School District. APRV FUSD AGREEMENT

- G. Authorizing the City Manager to execute a construction contract with Laird Construction Company for the construction of the Elm Avenue street improvement project from Jurupa Avenue to Slover Avenue in the amount of \$543,943.50 and authorizing a 10% contingency in the amount of \$54,394.35. APRV CONTRACT LAIRD CONST.

- H. Accepting a grant from the Target Stores Community Giving Program in the amount of \$1,700 on behalf of the Police Department for use in the Department's Area Commander Program. DONATION

- I. (1) Adopting **Resolution No. 2006-226**, declaring intention to annex territory to Community Facilities District No. 6-3a of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 4) located east of Locust Avenue, north of Arrow, and west of Maple Avenue. ADPT RES 06-226 CFD 6-3a ANNEX

(2) Setting the public hearing for November 14, 2006, for the formation of the District and calling the special election for November 14, 2006.

- J. (1) Adopting **Resolution No. 2006-227**, determining the sufficiency of the petition requesting formation of the proposed Community Facilities District No. 58M. ADPT RES 06-227 06-228, CFD 58M

(2) Adopting **Resolution No. 2006-228**, of intention of the City Council of the City of Fontana with respect to establishment of a proposed Community Facilities District No. 58M of the City of Fontana.

(3) Setting the public hearing for November 14, 2006, for the formation of the District and all the special election for November 14, 2006.

- K. (1) Adopting **Resolution No. 2006-229**, determining the sufficiency of the petition requesting formation of the proposed Community ADPT RES 06-229, 06-230 CFD 59M

Facilities District No. 59M.

- (2) Adopting **Resolution No. 2006-230**, of intention of the City Council of the City of Fontana with respect to establishment of a proposed Community Facilities District No. 59M of the City of Fontana.
- (3) Setting the public hearing for November 14, 2006, for the formation of the District and calling the special election for November 14, 2006.
- L. (1) Adopting **Resolution No. 2006-231**, declaring intention to annex territory to Community Facilities District No. 51M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1), located at the northeast corner of Baseline and San Sevaine. ADPT RES 06-231
CFD 51M
- (2) Setting the public hearing for November 14, 2006, for the formation of the District and calling the special election for November 14, 2006.
- M. (1) Adopting **Resolution No. 2006-232**, declaring intention to annex territory to Community Facilities District No. 38M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 2), located north of Walnut Avenue and west of Oleander Avenue. ADPT RES 06-232
CFD 38M
- (2) Setting the public hearing for November 14, 2006, for the formation of the district and calling the special election for November 14, 2006.
- N. (1) Adopting **Resolution No. 2006-233**, determining the sufficiency of the petition requesting formation of the proposed Community Facilities District No. 53M. ADPT RES 06-233
06-234 CFD 53M
- (2) Adopting **Resolution No. 2006-234**, of intention of the City Council of the City of Fontana with respect to establishment of a proposed Community Facilities District No. 53M of the City of Fontana.
- (3) Setting the public hearing for November 14, 2006, for the formation of the District and calling the special election for November 14, 2006.
- O. PULLED FOR SEPARATE ACTION. PULLED
- P. (1) Authorizing the Police Department to utilize the Law Offices of Jones and Mayer of Fullerton, California for legal services related to law enforcement personnel matters. P.D. APRV
USE JONES &
MAYER
- (2) Authorizing staff to issue an annual purchase order for the Law Offices of Jones and Mayer based upon the review and approval of the Police Department's annual fiscal year operating budget by the City Council of the City's annual budget hearing.

Q. Adopting **Resolution No. 2006-236**, expressing the desire and intent to name the new Children’s Library the Dr. Martin Luther King Jr. Children’s Library and to raise funds to make this a reality.

ADPT RES 06-236
NAME CHILDRENS
LIBRARY

Motion carried unanimously.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Roberts, adopting **Resolution No. 2006-235**, supporting Propositions 1A, 1B on the November 2006 California State Ballot, and bringing back Propositions 1D and 1E and Proposition No. 84 on the next agenda to be considered at that time. Motion carried unanimously.

CC-O ADPT RES
06-235 SUPPORT
PROPOSITIONS

Public hearing was opened regarding Appeal of Planning Commission denial of Design Review No. 05-063.

PH-A GRANT
INTEX APPEAL
DR 05-063

Staff presentation was given by Planner Orlando Hernandez and Community Development Director Don Williams.

Speaking for the applicant was Doug Ford, Intex, 4001 Via Oro Avenue, #222. Mr. Ford stated they agree with the conditions of approval as presented. No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, to grant Appeal of Design Review No. 05-063, accepting as modified, subject to the attached Findings and Conditions of Approval. Motion carried unanimously.

Public hearing was opened regarding adoption of the Housing Element. No written communication was received.

PH-B ADPT RES
06-237 ADPT
HOUSING
ELEMENT

Staff presentation was given by Planner Kevin Ryan.

Council Member Warren left the meeting at 8:33 p.m., returning at 8:35 p.m.

Tony Orlich asked a question. No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, (1) finding that the project has been reviewed under a previous Environmental Impact Report (2003 General Plan, State Clearing Housing No. 2003032083) pursuant to Section 15162 of the local CEQA Guidelines and directing staff to file a Notice of Determination; and (2) adopting **Resolution No. 2006-237**, approving and adopting the Housing Element of the Fontana General Plan and approving minor modifications to the optional density standards. Motion carried unanimously.

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Public Hearing was opened regarding Resolution of Necessity, located on Cherry Avenue.
Written communication was received from Robert W. Nicholson, Rosemead Properties, Inc.; Daniel E. Hoffman, attorney for Rozenberg Property; and owner of Parcel No. 235-111-22 asking for a continuance.
No. staff presentation was given.
No one spoke in favor or opposition.

PH-C CON'T
RES OF NEC.
TO 10/24/06

ACTION: Motion was made by Council Member Scialdone , seconded by Council Member Roberts, to continue the hearing to the October 24, 2006 Council meeting. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Council Member Warren thanked Mayor Nuaimi for volunteering to eat hamburgers for the school fundraiser.

THANKS

Council Member Warren thanked the Mayor and Council Members for their support in naming the Martin Luther King, Jr. Children's Library which should help with fundraising.

THANKS

Council Member Scialdone noted a successful Police Department Child's Fair Saturday, with over 800 hot dogs served, and 400 finger prints taken.

CHILD FAIR

Council Member Scialdone thanked citizen Larry Volt for the Veteran's Car Show at Loma Linda, where over \$30,000 was raised for the hospital.

THANKS

Council Member Scialdone noted another successful Cruise Night.

CRUISE NIGHT

Council Member Scialdone reported the grand opening of the new Bank of America at Citrus and Foothill.

BANK OPEN

Council Member Scialdone reported the Red Ribbon Breakfast will be at Sierra Lakes Country Club on October 25 at 7:00 p.m.

RED RIBBON
BREAKFAST

Council Member Rutherford reminded us that the general election will be on November 7th, and the last day to register to vote is October 23rd.

ELECTION

Council Member Roberts noted two City employees will be recognized tomorrow, Robert Aanerud, and Ray Gonzales.

RECOGNITION

Mayor Nuaimi noted the official opening of the Art Depot this evening before this meeting. He suggested this be added to school tours when possible.

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Mayor Nuaimi noted the Almeria Park grand opening will be November 4th, and thanked Young Homes for bringing this up to conform.

ALMERIA PARK

Mayor Nuaimi asked everyone to support the “Read a Book at Home Ball” to support the library.

FUNDRAISER

Mayor Nuaimi addressed concerns at the Ralph M. Lewis complex, as he has received e-mails from both football and soccer regarding field use.

CONCERNS

The following City Manager Communication was received:

C M C

A. Discussion and possible action regarding Commission term limits:

TERM LIMITS

Following discussion, consensus of the Mayor and Council was to direct staff to review the appointment process section of the City Code, and bring back for further consideration.

The City Council meeting adjourned by consensus, at 9:33 p.m. to a workshop meeting on October 24, 2006, in the Executive Conference Room at 5:00 p.m., to a Closed Session at 6:00 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 24th DAY OF OCTOBER, 2006.

Beatrice Watson
City Clerk