

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JANUARY 23, 2007**

A workshop meeting of the Fontana City Council was held on Tuesday, January 23, 2007 in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 5:14 p.m.

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

Absent: Council Member Roberts

A review of the Parks Master Plan was given by Public Services Director Curtis Aaron; a Healthy Fontana presentation was given by Community Services Supervisor Frances Hernandez.

Following agenda review and comments by City Manager Ken Hunt, the meeting adjourned to a Closed Session at 6:08 p.m.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, January 23, 2007 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:12 p.m.

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

Absent: None

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

The City Attorney announced the Closed Session was held to discuss the C S following items:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.9

Property: 9420 Sierra Avenue, APN 0193-234-08

Negotiating Parties: Kenneth Hunt, City Manager

Under Negotiation: Price and Terms

There was no reportable action.

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

Number of Cases: One

This item was not discussed.

The following Special Presentations were made:

Mayor and Council recognized the following Public Works "Employees of the Year":

Jeff Grewatz, Utilities and Streets Division
Freddie Fix, Parks & Landscape Division
Antonio Garcia, Support Services Division
Stephen Pendleton, Administration Division
Mike Burgstaler, Directors Award

Mayor and Council accepted a check from Randall Lewis for the Healthy Fontana Program; recognized the following for their contributions toward the City of Fontana Healthy Fontana Program:

Etiwanda Unified School District
Fontana Unified School District
San Antonio Community Hospital
Lewis Operating Company
Young Homes
Boys & Girls Club of Fontana
San Bernardino County
Kaiser Permanente
Shady Trails
Mark Mayuga
Amy Colbrunn
Council Members Scialdone and Warren

Mayor and Council recognized donors of the holiday programs:

Fontana Police Management Association
Fontana Police Benefit Association
Fontana Police Officer's Association
Fontana Police Explorer Post 531
Inland Empire Scroll Saw Association (601 wooden toys)
Bloomington Youth Accountability Board
Cay and Jerry Flock
Kiwanis Club
Exchange Club
Rotary Club
Lions Club
San Bernardino County Supervisor Paul Biane
San Bernardino County Supervisor Josie Gonzales
Schneider National
VFW Women's Auxiliary
Continental Pallets

Lydia Wibert, Fontana Police Department Volunteer and

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School District employee, recognized for dedicating her life to the children of our community and countless hours organizing and facilitating the Fontana Santa's Program

Not Present:

Von's

Burrtec Waste

Summit High School Peer Leaders

Summit High School Mr. Atkins and ASB

Wal-Mart

Woman's Club of Fontana

Century 21

TAD – Sheila Parker

Celia Contreras

The following Public Communications were received:

P C

Cory Whitfield, 5048 Lassa Way, Perris, promoted the Fontana Mummings Program.

MUMMERS

Tony Orlich spoke of sidewalk hazards.

SIDEWALKS

NB-A was moved up.

NB-A INTRO ORD
1538 FIREWORKS

Staff presentation was given by Police Captain Newsome and Fire Chief Ryder regarding adoption of the Ordinance regarding fireworks.

Speaking in favor of continuing the sale of fireworks were: David Blair, 7605 Sierra; Daniel Sandt, 1196 N. Viceroy Avenue, Covina; John MacMillan, 17181 Wabash, Joanna Wubker, 8541 Emerald; Lynda Dykes, 16368 Aliso Avenue (opposition); Carol Hayes, 14939 Bear Tree; Buck Quigley, 16116 Sibi Avenue; Judie Brown, 11090 Juniper; Paul Tash, 8288 Pepper; Martha B. Beirios, 15058 Randall; Frank Ellis, 10583 Oleander; Gina Duran-Salazar, 11366 Nuevo Circle; Rudy Barragan, 16370 Ramona; Kelsie Shelton, 16644 Kraft Lane; Bill Waddingham, 17381 Seville; Liz Duran, 11366 Nuevo Circle; Arnel Recio, 11335 Hoffman Court; Joe Dean, 8215 Sewell Avenue; Jim Gardner, 16140 Elaine Drive; Bill Baumgartner, 555 N. Gilbert, Fullerton, TNT Fireworks; (opposition) and Ryan Romo, 6283 Eleso Way,

Discussion followed regarding alternative fundraisers.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, waiving further reading of and introducing **Ordinance No. 1538**, repealing certain sections of Article XIII of Chapter 15 of the Fontana Municipal Code relating to the use and sale of fireworks; and adding a new Section 15-601 of the Fontana Municipal Code relating to the use and sale of fireworks; and amending Section 15-43 of the

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Fontana Municipal Code relating to business license taxes for firework sales; and amending Section 30-89 of the Fontana Development Code permitting temporary use permits for fireworks; and, that the reading of the title constitutes the first reading thereof; **and** directing staff to contact all non-profits to help find alternative fundraisers. Motion carried unanimously.

Staff presentations were given on Consent Calendar Items “K, M, O”. C C

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

- A. Approving the minutes of December 12, 2006 Regular Meeting. MINUTES
- B. (1) Adopting **Ordinance No. 1536**, approving Zone Change Nos. 06-003, 06-004, 06-005, and 06-009, a Zone Change from A) M-1 (Light Industrial) to R-2 (Medium Density Residential), B) R-1 (Single Family Residential) to R-2 (Medium Density Residential) C) M-1 (Light Industrial) to P-PF (Public Facilities), D) R-1 (Single Family Residential) to R-2 (Medium Density Residential). ADPT ORD 1536 ZC 06-003/4/5/9
- (2) Adopting **Ordinance No. 1537**, adding Section 19-7 to Chapter 19, Article 1, of the Fontana Municipal Code relating to prohibited peddling around parks within the City. ADPT ORD 1537 PEDDLING/PARKS
- C. Awarding bid and authorizing the City Manager to enter into an agreement with Hunt Design in the amount of \$47,250 for way-finding design and program implementation services for the Civic Center Campus and authorizing a contingency in the amount of \$2,750. BID HUNT DESIGN
- D. Accepting donations in the amount of \$4,200 on behalf of the Police Department for use in the Department’s Community Holiday Programs. DONATIONS
- E. Approving the purchase of 16 tactical entry vests for the Special Enforcement Detail Team in the amount of \$29,700 from Adamson Police Products of Los Alamitos, California. ADAMSON P.D. PRODUCTS
- F. Adopting **Resolution No. 2007-01**, approving the destruction of certain Police Department files. ADPT RES 07-01 DEST. P.D.FILES
- G. Finding that the project (Fernandez Park) 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 DeMinimis Impact Finding and FERNANDEZ PARK EIR

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Directing staff to file the Notice of Determination.

- H. Authorizing the City Manager to record a grant deed for Assessor's Parcel Number 0228-081-06, deeding said property to YH Citrus LLC. GRANT DEED
YH CITRUS LLC

- I. Approving request from the family of Patricia Murray to name the park known as Gateway Park, Patricia Murray Park. PATRICIA
MURRAY PARK

- J. (1) Approving a City Residential Retrofit Program; ADPT RES 07-02

(2) Adopting **Resolution No. 2007-02**, establishing the City's Residential Plumbing Retrofit Program in compliance with the State Water Resources Control Board's Guidelines; CITY RESID
RETROFIT PROG

(3) Approving appropriation of \$32,000 from the Sewer Fund 701 Undesignated Fund Balance to Account Number 4019701.6210.

- K. Awarding bid and authorizing the City Manager to enter into an agreement with R. C. Construction in the amount of \$3,880,000 for construction of the Village of Heritage Community Center and authorizing a 10% contingency in the amount of \$388,000. BID R.C.CONST
VOH COMM CTR

- L. (1) Accepting as complete and authorizing the Public Works Director to execute and file a Notice of Completion for Project SB-04-06. ACCPT PROJ.

(2) Approving the final construction amount of \$183,199.

(3) Approving the release of the 10% retention upon satisfactory closure of the contract.

- M. (1) Approving a Memorandum of Understanding between the Fontana Unified School District and the City of Fontana to operate thirteen elementary school and three middle school grant funded after school programs. ADPT RES 07-03
AFTER SCHOOL
PROGRAM FUSD;
CJUSD; BOYS &
GIRLS CLUB;

(2) Approving a Memorandum of Understanding with the Colton Joint Unified School District and the City of Fontana to operate three grant funded after school programs. LAIDLAW; MEAL
BRAKERS

(3) Approving a Memorandum of Understanding between the Boys and Girls Club of Fontana and the City of Fontana to provide educational and literacy services to grant funded after school programs.

(4) Adopting **Resolution No. 2007-03**, adopting the classifications and salary range for After School Community Service Assistant I, After School Community Service Assistant II, and After School Community Service Assistant III.

- (5) Awarding a three-year contract with Meal Brakers to provide daily snacks to the after school program in the amount of \$240,084. per year, and authorizing the Business Services Manager to issue a purchase order to Meal Brakers in the amount of \$240,084 per year for three years.
- (6) Awarding a three year contract to Laidlaw to provide daily bus transportation services to the after school program in the amount of \$108,000. per year, and authorizing the Business Services Manager to issue a purchase order to Laidlaw in the amount of \$108,000 per year for three years.
- (7) Authorizing the City Manager to enter into a three year contract with the Boys and Girls Club of Fontana to provide educational and literacy services to the after school Smart Kids Program in the amount of \$17,280. per year, and authorizing the Business Services Manager to issue a purchase order to the Boys and Girls Club of Fontana in the amount of \$17,280. per year for three years.
- (8) Approving an appropriation of \$2,088,444 per year for three years in Fund 110, General Fund Operating Projects, Project Number 95004 and increasing estimated revenues in the amount of \$2,088.444 per year for three years in Fund 110, general fund operating projects, Project Number 95004.
- N. Adopting the City of Fontana Statement of Investment Policy for 2007. INVESTMENT POLICY
- O. Reviewing and approving amendment to Administrative Procedure 20-35 regarding Tree Planting Memorials at City Parks. ADM PROC TREE PLANTING
- P. Adopting **Resolution No. 2007-04**, amending Fontana City Administrative Policies and Procedures 20-19 "American Flag at Half Staff"; 20-26 "City Mobile Phone and Pager Use" and 20-30 "Gifts or Donations to the City" ADPT RES 07-04
ADM PROC
- Q. Authorizing the City Manager to execute an agreement between the City of Fontana and the County of San Bernardino for the construction of traffic signals and safety lighting on Valley Boulevard and Redwood Avenue. CITY/COUNTY AGREEMENT
TRAFFIC SIGNALS
- R. Authorizing the City Manager to execute an agreement between the City of Fontana and the County of San Bernardino for the construction of traffic signals and safety lighting for Arrow Boulevard and Locust Avenue. CITY/COUNTY AGREEMENT
TRAFFIC SIGNALS
- S. Authorizing the City Manager to execute an agreement between CITY/COUNTY

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the City of Fontana and the County of San Bernardino for the construction of traffic signals and safety lighting for San Bernardino Avenue and Fontana Avenue/Elm Avenue.

**AGREEMENT
TRAFFIC SIGNALS**

Motion carried unanimously.

New Business B was moved up.

**NB-B INTRO ORD
1539 JUVENILES**

Staff presentation was given by Fontana Unified School Police Chief Hostetler regarding amending Section 16-15 of the Fontana Municipal Code Regarding Presence of Juveniles. No one spoke in favor or opposition.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Rutherford waiving further reading of and introducing **Ordinance No. 1539**, amending Fontana Municipal Code Chapter 16, Article 1, Section 16-15 relating to the presence of juveniles in public places or private establishments during school hours; and that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 06-010, Zone Change 06-007, Specific Plan No. 05-063 (Ventana at Duncan Canyon Specific Plan).

**PH-A CON'T
VENTANA TO
3/27/07**

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, continuing this item to the March 27, 2007 City Council Meeting. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 61M, Tract Nos. 16383 and 17460. No written communications were received. (no staff report) No one spoke in favor or opposition.

**PH-B INTRO ORD
1540; ADPT RES
07-05/6/7
CFD 61M**

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, adopting **Resolution No. 2007-05**, establishing Community Facilities District No. 61M of the City of Fontana, County of San Bernardino, State of California and establishing the boundaries thereof; and adopting **Resolution No. 2007-06**, calling a special election and submitting to the voters of Community Facilities District No. 61M 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 unanimously.

City Clerk Tonia Lewis reported 11 votes in favor.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, adopting **Resolution No. 2007-07**, declaring the results of the special election for Community Facilities District No. 61M 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.; and waiving further reading of and introducing **Ordinance No. 1540**, authorizing the levy of a special tax within Community Facilities District No. 61M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding Amendment to Chapter 30 (Zoning and Development Code) (Development Code Amendment No. 06-017). No written communication was received. Staff presentation was given by Planner Stephanie Hall and Community Development Director Don Williams. No one spoke in favor or opposition. The hearing was closed.

PH-C INTRO ORD
1541; ADPT RES
07-08 CH.30
INFILL FEES

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, 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 DeMinimis Impact Finding and directing staff to file the Notice of Determination; (2) waiving further reading of and introducing **Ordinance No. 1541**, amending Chapter 30 of the Fontana Municipal Code, to reflect the new performance standard for infill development areas and that the reading of the title constitutes the first reading thereof; and (3) adopting **Resolution No. 2007-08**, to reflect the new performance standard for infill development areas and rescind Resolution No. 2001-102, removing numeric values previously established and apply the reduction in fees to most recently adopted fees. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 51M, located at the northeast corner of Baseline and San Sevaine Avenue.

PH-D ADPT RES
07-09/10 CFD 51M

No written communication was received.
No staff report was given.
No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2007-09**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 51M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 1). Motion carried unanimously.

City Clerk Tonia Lewis reported 11 votes in favor.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, adopting **Resolution No. 2007-10**, declaring the results of the special election for Community Facilities District No. 51M of the City of Fontana on the proposition of the annual levy of special taxes within the territory proposed to be annexed to said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District, determining that the territory proposed to be annexed is added to an part of said Community Facilities District with full legal effect, and ordering the recording of an amendment to the notice of special tax lien for said Community Facilities District including the territory annexed thereto (Annexation No. 1). Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 40M, located north of Foothill Boulevard, south of Miller Avenue, east of Mango Avenue, and west of Palmetto Avenue. PH-E ADPT RES 07-11/12 CFD 40M

No written communication was received.
No staff report was given.
No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, adopting **Resolution No. 2007-11**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 40M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 1). Motion carried unanimously.

City Clerk Tonia Lewis reported 2 votes in favor.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, adopting **Resolution No. 2007-12**, declaring the results of the special election for Community Facilities District No. 40M of the City of Fontana on the proposition of the annual levy of special taxes within the territory proposed to be annexed to said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District, determining that the territory proposed to be annexed is added to an part of said Community Facilities District with full legal effect, and ordering the recording of an amendment to the notice of special tax lien for said Community Facilities District including the territory annexed thereto (Annexation No. 1). Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 60M, Tract No. 16993. PH-F INTRO ORD 1542; ADPT RES 07-13/14/15 CFD 60M
No written communication was received.
No staff presentation was given.

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

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, adopting **Resolution No. 2007-13**, establishing Community Facilities District No. 60M of the City of Fontana, County of San Bernardino, State of California and establishing the boundaries thereof; and adopting **Resolution No. 2007-14**, calling a special election and submitting to the voters of Community Facilities District 60M 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 a appropriations limit for said Community Facilities District. Motion carried unanimously.

City Clerk Tonia Lewis reported 3 votes in favor.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, adopting **Resolution No. 2007-15**, declaring the results of the special election for Community Facilities District No. 60M 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; and waiving further reading of and introducing **Ordinance No. 1542**, authorizing the levy of a special tax within Community Facilities District No. 60M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

New Business –A was moved up before the Consent Calendar.

NB-A MOVED UP

New Business –B was moved up before the Public Hearings.

NB-B MOVED UP

The following Elected Official Communications were received:

E O C

By consensus, Mayor and Council Members agreed continue the Planning Commission and Parks and Recreation appointments to the next regular Council meeting.

APPTS CON'T

ACTION: Motion was made by Council Member Warren, seconded by Council Member Rutherford to reschedule the City Council Meeting for Tuesday, February 27th to Monday, February 26th due to the Washington, D. C. trip.

RESCHEDULE
2/27/07 MTG TO
2/26/07

Council Member Rutherford reminded residents that they do not have to put trash out on windy days, she stated you can call Burrtec for special pickup. Noting, if the trash is taken out, be sure to put in trash bags securely tied.

TRASH

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Council Member Scialdone reported on a Public Safety Committee meeting in Sacramento where homeland security, group homes and looking on the time of sentencing was addressed.

SAFETY UPDATE

The following City Manager Communication was received:

C M C

City Manager Ken Hunt stated we need to adjourn to the Adjourned Regular Meeting on Friday, February 2, 2007 at 8:30 a.m. regarding goals and objectives.

ADJOURN TO
2/2/07

The City Council meeting adjourned by consensus, at 10:56 p.m. to an Adjourned Regular Meeting on Friday, February 2, 2007, at 8:30 a.m. and then to a workshop meeting on February 13, 2007, 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 M. Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 13th DAY OF FEBRUARY, 2007.

Tonia Lewis
City Clerk