

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
MARCH 27, 2007**

The City Council convened in open session at 6:33 p.m. on March 27, 2007, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Chambers to take public comments on the first Closed Session personnel item pursuant to Government Code Section 54957.

Mayor Pro Tem Scialdone called the meeting to order at 6:33 p.m.

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

Absent: Mayor Nuaimi and Council Member Roberts  
There were no public comments made.

The Council then convened into Closed Session.

The Regular Meeting of the City of Fontana City Council was held on Monday, March 27, 2007 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Pro Tem Scialdone called the meeting to order at 7:07 p.m.

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

Absent: Mayor Nuaimi and Council Member Roberts

The Invocation was given by P.D.Chaplain Deylyne Mc Campbell, followed by the Pledge of Allegiance lead by Mayor Pro Tem Scialdone.

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

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE PURSUANT TO GOVERNMENT CODE, SECTION 54957.**

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

Properties: APN 0251-253-06 (Galvin); 0251-253-05 (Ortuno); 0251-163-11 (Mora); 0251-181-20 (Lopez); 0251-181-23 (Hudson); 0251-253-07 (Shaw); 0251-253-08 (Salcedo); 0251-261-17 (Morales); 0251-161-35 (Rodriguez); 0251-161-36 (Perez); 0251-161-18 (Kimminaru) 0251-172-25 & 39 (Villegas); 0251-172-22-& 38 (Davversa); 0251-172-41 (Garcia/Gutierrez) and 0251-161-13 (Alcantrar); 0251-131-25 (Delo)

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

The three items were discussed. There was a unanimous vote to uphold staff recommendation regarding the personnel matter. There was no other reportable action.

The following Special Presentations were made: S P

- A. Mayor Pro Tem and Council recognized Captain Terry Holderness and Community Services Officer Connie Parsons on their retirement from the City of Fontana. (Chief Larry Clark presented with Scott Van Horne from Paul Biane’s Office and Chris Mardis from Supervisor Josie Gonzales’ office talso presented certificates.)
- B. Mayor Pro Tem and Council recognized Healthy Fontana and the City of Fontana Employee Fundraising Committee on the Biggest Loser Program:  
Biggest Losers: Victoria Zendejas and Chris Ulreich  
Two Employees that were followed in the Newspaper: Vanessa Cortez and Jason Jauregui  
Sponsors: Tasty Chick and KATZ Outdoor Trainer
- C. Mayor Pro Tem and Council proclaimed the month of March as “Red Cross Month” (Jennifer Resch-Silveestri accepted)

The following Public Communications were received: P C

Mildred Henson and Joan Geist spoke of the Fontana Historical Society Rose Garden. City Manager Ken Hunt responded. ROSES

David Pulido spoke of Chamber of Commerce upcoming events. UPDATE

Tony Orlich spoke of media. MEDIA

Mayor Pro Tem Scialdone stated he will abstain from the minutes (Consent Calendar Item “A”) as he was absent from that meeting. C C

Staff report was given on Consent Calendar Item “H”.

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

- A. Continuing the minutes of March 13, 2007 Regular City Council Meeting to the April 10, 2007. MINUTES

**CITY COUNCIL MINUTES**

**MARCH 27, 2007**

- B. Adopting **Ordinance No. 1544**, amending Chapter 27, Chapter 5 and Chapter 2 relating to title changes, records and minor changes to the Fontana Municipal Code. ADPT ORD. 1544  
CH 27, 5, 2
  
- C. Authorizing the Information Technology Department to award a bid in the amount of \$237,520.51 to Nexus Integration Services, Inc., of Valencia, CA to purchase network equipment. NEXUS INTEG.
  
- D. (1) Adopting **Resolution No. 2007-31**, declaring intention to annex territory to Community Facilities District No. 45M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1) located on the northwest corner of Citrus Avenue and Walnut Avenue. ADPT RES 07-31  
CFD 45M
  
- (2) Setting the public hearing for May 8, 2007, for the formation of the district and calling the special election for May 8, 2007.
  
- E. Adopting **Resolution No. 2007-32**, accepting the proposed distribution of ad valorem taxes as requested by the San Bernardino County Auditor-Controller's Office for the area within Fontana's sphere of influence known as LAFCO 3077 – City of Fontana Annexation No. 170 (the annexation area lies on the south side of Foothill Boulevard, between Cherry Avenue and Hemlock Avenue, extending to parcels located southerly of Owen Street, Upland Avenue and Yucca Avenue). ADPT RES 07-32  
LAFCO 3077  
ANNEX 170
  
- F. (1) Adopting **Resolution No. 2007-33**, declaring intention to annex territory to Community Facilities District No. 48M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1) located on the northwest corner of Baseline Avenue and Beech Avenue. ADPT RES 07-33  
CFD 48M
  
- (2) Setting the public hearing for May 8, 2007, for the formation of the district and calling the special election for May 8, 2007.
  
- G. Authorizing the City Manager to execute Amendment No. 1 to a contractual services agreement with STK Architecture, Inc., for additional work for Fire Station No. 79 in the amount of \$66,986, amending the contract from \$264,401 to \$331,387 with a 10% contingency in the amount of \$6,699. STK ARCHITECT.  
AMEND NO. 1
  
- H. Authorizing the City Manager to execute a construction contract with Riverside Construction Co., for the improvements on Cherry Avenue between Jurupa Avenue and Slover Avenue which consists of sewer/storm drain (main lines and lateral lines), sidewalks, streetlights, traffic signals, landscaped median and street widening in the amount of \$706,065.81. RIVERSIDE  
CONST.

- I. Awarding a contract to SMI for interim support of the JD Edwards Computer System and approve a transfer out of the General Fund Economic Uncertainty Reserve to Fund #102 Equipment Replacement in the amount of \$215,000 and appropriating \$215,000 into Project #9101600102.

SMI/JD EDWARDS CONTRACT

Motion carried unanimously.

Public hearing was opened regarding Medical Marijuana Dispensaries. No written communication or staff report was received. No one spoke in favor or opposition.

PH-A CON'T MARIJUANA ORD TO 4/10/07

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Rutherford, to continue the public hearing regarding Ordinance establishing a moratorium on the establishment and operation of medical marijuana dispensaries pursuant to Government Code Section 65858 to Tuesday, April 10, 2007. Motion carried unanimously.

Public hearing was opened regarding Specific Plan #05-063 (Ventana at Duncan Canyon Specific Plan) General Plan Amendment # 06-010, Zone Change # 06-007, Design Review #06-029, Design Review No's 06-030 thru 06-033, Tentative Tract Map No. 18143 and Tentative Tract Map Nos. 18145 thru 18147.

PH-B INTRO ORD 1545, 1546, ADPT RES 07-34, 35 VENTANA

No written communication was received. Staff presentation was given by Planner Charles Fahie and Planning Manager Don Williams. Peter Moses, Trumark Co. spoke regarding the project. No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Warren, certifying the Ventana at Duncan Canyon Specific Plan Environmental Impact Report (EIR), adopting the Statement of Overriding Consideration proposed for the Final EIR, adopting the Mitigation Monitoring Program, adopting the Statement of Facts and Findings, directing staff to file a Notice of Determination, (2) adopting **Resolution No. 2007-34**, approving General Plan Amendment No. 06-101, an amendment to the General Plan Land Use Map to change the land use designation of: 1) Approximately 50 acres of Regional Mixed Use (RMU) Land to Multi-Family Residential (R-MF); and 2) approximately 49.4 acres of RMU to General Commercial (C-G); to reflect the land use designations in the Ventana at Duncan Canyon Specific Plan, an amendment of Pages 3-4 and Table 3-1 in the 1 General Plan to add the Ventana at Duncan Specific Plan, and an amendment of the General Plan Circulation Element to realign Lytle Creek Road within the Specific Plan boundary and extend the Citrus Avenue alignment north of Duncan Canyon Road to the northeast boundary of the Specific Plan, waiving further reading of and

**CITY COUNCIL MINUTES**

**MARCH 27, 2007**

introducing **Ordinance No. 1545**, approving Specific Plan No. 05-063 (Ventana at Duncan Specific Plan), and that the reading of the title constitutes the first reading thereof, waiving further reading of and introducing **Ordinance No.1546**, approving Zone Change No. 06-007 (APN 0226-073-01, -02, -03, -04, -05, and -06, 0226-092-15, -36, -38, -45, and -49) to change the zoning on approximately 104.8 acres of property designated as Regional Mixed Use (R-MU) to Specific Plan No. 23 to reflect the adoption of the Specific Plan, and that the reading of the title constitutes the first reading thereof; approving Design Review No. 06-029, Design Review No.s 06-030 thru 06-033, Tentative Tract Map No. 18143, and Tentative Tract Map No.'s 18145 thru 18147, subject to the attached findings and conditions of approval. 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 Service Manager Jeff McPherson. No one spoke in favor or opposition. The hearing was closed.

PH-C ADPT RES  
07-35 LIENS

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Rutherford, (1) adopting **Resolution No. 2007-35**, 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. Directing staff to forward recorded liens to the County for collection. (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. Directing staff to forward recorded liens to the County for collection. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Council Member Rutherford congratulated the A.B.Miller Girls Basketball Team, as well as the cheer squad.

BASKETBALL

Council Member Rutherford noted the Celebrity Luncheon on April 25.

LUNCHEON

Council Member Rutherford noted the Mayor's Gala on March 31<sup>st</sup>.

GALA

Council Member Warren congratulated Council Member Rutherford, City Treasurer Janet Koehler-Brooks and Cali Olson Binks for being named Women of Distinction.

CONGRATS

Council Member Warren congratulated Meagan Tandy for being named

CONGRATS

**CITY COUNCIL MINUTES**  
3<sup>rd</sup> runner up in the Miss USA.

**MARCH 27, 2007**

Council Member Warren urged all Village of Heritage residents to vote for the landscape maintenance ballot. LMD VOTE

Council Member Warren asked everyone to drive carefully next week because of Spring Break. CAREFUL

Mayor Pro Tem Scialdone noted he, Mayor Nuaimi, Council Members Warren and Roberts attended the City/County meeting last week in Lake Arrowhead, noting it was great networking. MEETING

The City Council meeting adjourned by consensus, at 8:50 p.m. to a workshop meeting on Tuesday, April 10, 2007, in the Executive Conference Room at 5:00 p.m., 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 10<sup>th</sup> DAY OF APRIL, 2007.

---

Tonia Lewis  
City Clerk