

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
APRIL 10, 2007**

The Artist Showcase was held in the foyer of the City Hall Council Chambers at 5:00 p.m. on Tuesday, April 10, 2007.

A workshop meeting of the Fontana City Council was held on Tuesday, April 10, 2007 in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 5:38 p.m.

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

Police Captain Rodney Jones gave a presentation on REACT. A report of the Loud Party Ordinance will be brought back at a later date.

Following the agenda review and comments by City Manager Ken Hunt, the meeting adjourned to a Closed Session at 6:00 p.m.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, April 10, 2007 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:18 p.m.

ROLL CALL: Present: Mayor Nuaimi, Council Member Roberts, Rutherford, ROLL CALL 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: CS
following items:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54957**

Properties: APN 0255-071-24, 16130 Jurupa Avenue (Eshleman); APN 0255
-111-12, northwest corner of Jurupa and Sierra Avenues (vacant) (Eshleman);
APN 0255-111-11, 11290 Sierra Avenue (Saldivar)
Negotiating Parties: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54957**

Property: APN 0255-011-01; 0255-011-02; 0255-011-03 (David Wiener Properties)
Negotiating Parties: Kenneth Hunt, City Manager
Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9:

Number of Cases: One

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

There was no reportable action.

The following Special Presentations were made: SP

- A. Mayor and Council proclaimed the week of May 13th, 2007, as “Blue Ribbon Week”. (Chief Larry Clark accepted)
- B. Mayor and Council recognized A.B. Miller Girls Basketball Team.
- C. Mayor and Council recognized Denise Kramer, Sharon Paviovich and Cyrus Lemmon as the City’s Artist Showcase participants.
- D. Mayor and Council recognized the Miss Fontana Contestants. (Pamela Eshleman introduced)

Council Member Rutherford left the meeting at 7:42 p.m., returning at 7:44 p.m.

The following Public Communications were made: PC

Chester Britt, 4091 Riverside Dr., #117, Chino, Arellano Association, representing SANBAG, spoke of “Come Play on the Freeway Event” on 210 Freeway on Saturday, June 23, 2007. EVENT

Domonic Polimeni, 6151 LaCosta Place, spoke of the need of street sweeping in his area (newly released by developer), and the need for a stop sign at E. Augustine and Club House. STREETSWEEP
STOP SIGN

Cheryl Anaya, Fontana PAC, commended police officers for their response. COMMEND

Tony Orlich, spoke of campaign funding. FUNDING

Council Member Scialdone stated he will be abstaining from approval of the minutes of March 13, 2007; Mayor Nuaimi and Council Member Roberts stated they will abstain from approval of the minutes of March 27, 2007, because they were absent from those respective meetings. C C

Staff presentation was given on Consent Calendar Items “F, G, H, K, L, & M”.

Mayor Nuaimi stated he will abstain from Consent Calendar Item “B” because he was absent from the discussion at the previous meeting.

ACTION: Motion was made by Council Member Scialdone, seconded by Councilmember Warren to approving Consent Calendar Items “A-M” as follows:

- | | | |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| A. | Approving the minutes of the March 13, 2007 and March 27, 2007 Regular City Council Meeting. | MINUTES |
| B. (1) | Adopting Ordinance No. 1545 , approving Specific Plan No. 05-063 (Ventana at Duncan Specific Plan). | ADPT ORD 1545
VENTANA |
| (2) | Adopting Ordinance No. 1546 , approving Zone Change No. 06-007 (APNS 0228-073-01, -02, -03, -04, -05, and -06, 0228-092-15, -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. | ADPT ORD 1546 |
| C. | Accepting donations in the amount of \$100 cash and \$486.65 in in-kind gifts from various donors for use in the City's 2007 National Night Out. | DONATION |
| D. | Accepting final map for Tract No. 17095 located west of Alder Avenue and north of Miller Avenue; accept as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. | ACCPT TR 17095 |
| E. | Accepting final map for Tract No. 17881 located north of Harvey Drive and west of Cypress Avenue; accepting as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider. | ACCPT TR 17881 |
| F. | Authorizing the City Manager to execute a professional services agreement with Converse Consultants to provide geotechnical services for the Cherry Avenue street improvement project between Jurupa Avenue and Slover Avenue in the amount of \$88,600 and authorizing a 10% contingency fund in the amount of \$8,860. | CONVERSE
CONSULTING |
| G. | Authorizing the City Manager to execute a professional services agreement with Converse Consultants to provide geotechnical services for the Summit Avenue storm dran MPSP Line B-Phase 3 improvement project from San Sevaine Basin No. 5 to San Sevaine Road in the amount of \$71,860 and authorizing a 10% contingency fund in the amount of \$7,186. | CONVERSE
CONSULTING |
| H. | Authorizing the City Manager to execute a professional services agreement with Ninyo and Moore Consultants to provide geotechnical services for the construction of Sierra Avenue from Montgomery Avenue to South Highland Avenue and Baseline Avenue from Sierra Avenue to Mango Avenue in the amount of \$98,013 and authorizing a 10% contingency in the amount of \$9,801.30. | NINYO & MOORE |
| I. | Accepting final map for Tract No. 17884 located north of Walnut Avenue and west of Citrus Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manger to enter into a subdivision agreement with the subdivider. | ACCPT TR 17884 |
| J. | Authorizing the City Manager to execute an annual construction contract with Guzman Construction Company and Hardy and Harper, | GUZMAN CONST/
HARDY & HARPER |

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Inc., for the construction of public improvements at various locations within the City of Fontana on a unit cost basis as provided in the proposal bid sheet for the annual contract - Bid No. SB-33-DE-07.

- K. Authorizing the City Manager to execute a professional services agreement with Pfeiler and Associates to provide surveying services for public improvements on Cherry Avenue between Jurupa Avenue and Slover Avenue in the amount of \$74,960 and authorizing a 10% contingency fund in the amount of \$7,496. PFEILER

- L. (1) Accepting as complete and authorize the Public Works Director to execute and file a Notice of Completion for Project SB-55-05. ACCPT PROJ.
 - (2) Approving the final construction amount of \$387,910.40
 - (3) Approving the release of the 10% retention upon satisfactory closure of the contract.

- M. Approving and directing the City Manager to sign a final payment agreement between the California Department of Transportation and the City of Fontana, for the I-10/Sierra Avenue Urban Interchange Reconstruction Project, in the amount of \$1,774,433.07. I-10/SIERRA
INTERCHANGE

Motion carried unanimously, with Mayor and Council Members abstaining as noted on Consent Calendar Items "A & B".

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, to continue the public hearing to Tuesday, April 24, 2007, regarding Community Facilities District No. 36M, located north of Miller Avenue, east of Locust Avenue, west of Maple Avenue, and south of Baseline Avenue. Motion carried unanimously. PH-A
CONT
4/24/07
CFD 36M

Public hearing was opened regarding Fiscal Year One Year Action Plan No written communication was received. PH-B FY 1 YR
ACTION PLAN
 Staff presentation was given by Deputy City Manager David Edgar.
 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 the Fiscal Year 2007-2008 One-Year Action Plan detailing the utilization of federal entitlement funds in said fiscal year and authorizing the City Manager to execute any and all documents necessary to effectuate said approvals. Motion carried unanimously.

Council Members Rutherford and Warren stated they will abstain from the next public hearing, because they live in that area. PH-C LMD #2
ELECTION

Public hearing was opened regarding Landscape Maintenance District No. 2. No written communication was received.
 Staff presentation was given by Senior Accountant Jeff Moriarty.
 No one spoke in favor or opposition. The hearing was closed.

No action was taken as this was to accept public comments regarding the

addition of an assessment range formula to the method of spread for Village of Heritage Landscape Maintenance District No. 2.

Council Members Rutherford and Warren returned to the meeting at 8:08 p.m

Public hearing was opened regarding Community Facilities District No. 13M, located north of Miller, east of Cypress, west of Juniper, and south of Baseline. (Annexation No. 2)

PH-D ADPT RES
07-36 & 37
CFD 13M

No written communication was received.
Staff presentation was given by Senior Accountant Jeff Moriarty.
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. 2007-36** calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 13M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 2). Motion carried unanimously.

Deputy City Clerk Linda Nunn stated there were four (4) votes in favor.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, adopting **Resolution No. 2007-37**, declaring the results of the special election for Community Facilities District No. 13M 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 and 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. 2). Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 27M, located north of Foothill, east of Oleander, west of Cypress and south of Baseline, (Annexation No. 1)

PH-E ADPT RES
07-38 & 39
CFD #27M

No written communication was received.
Staff presentation was given by Senior Accountant Jeff Moriarty.
No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Roberts, adopting **Resolution No. 2007-38** calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 27M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 1). Motion carried unanimously.

Deputy City Clerk Linda Nunn stated the votes were four (4) in favor.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, adopting **Resolution No. 2007-39**, declaring the

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results of the special election for Community Facilities District No. 27M 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 and 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. 61M, located north of Miller, east of Tamarind, west of Alder, and south of Baseline. (Annexation No. 1)

PH-F ADPT RES
07-40 & 41
CFD #61M

No written communication was received.

Staff presentation was given by Senior Accountant Jeff Moriarty.

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. 2007-40**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 61M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 1). Motion carried unanimously.

Deputy City Clerk Linda Nunn stated the votes were three (3) in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, adopting **Resolution No. 2007-41**, declaring the results of the special election for Community Facilities District No. 61M 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 and 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 Urgency Ordinance Establishing a Moratorium for establishment and operation of medical marijuana dispensaries. No written communication was received.

PH-G ADPT ORD
1547 MARIJUANA
URGENCY ORD

Staff presentation was given by Community Development Director Don Williams and Planner Shannon Casey.

Speaking in favor were Aaron Rockwood, Melissa Rebecca, Dave Tonkey, 268 San Lorenzo, with FAC, and Yolanda Calderon, 16462 Washington Drive, Fontana. Speaking in opposition were Craig Johnson, 7587 Toyon Avenue, LIFE Group; Shermin Tizabi, 11148 Larkspur, Corona; Kay Smith, 7589 Dartmouth, Rancho Cucamonga; and Shawn Tizabi, 7589 Dartmouth, HCC, Rancho Cucamonga. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, adopting Urgency **Ordinance No. 1547**, for the

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purpose of establishing a 45-day moratorium on the establishment and operation of medical marijuana dispensaries to allow time to study regulating such establishments, pursuant to Government Code Section 65858. Motion carried unanimously.

Staff presentation was given by Police Chief Larry Clark regarding amending Ordinance relating to private streets.

NB-A INTRO ORD
1548 CH. 17 RE
PRIVATE STREET

Council Member Rutherford left the meeting at 9:11 p.m., returning at 9:13 p.m.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, waiving further reading of and introducing **Ordinance No. 1548**, amending Chapter 17, Article II, Division I, by adding Section 17-38 of the Fontana Municipal Code regarding enforcement of Vehicle and Municipal Code Sections related to traffic on private streets not open for public use, and that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

The following Elected Official Communications were received.

EOC

Council Member Warren wished everyone a Happy Belated Easter.

EASTER

Council Member Warren noted an HIV/AIDS Awareness Forum will be held in Rialto on June 21, 2007.

FORUM

Council Member Warren noted an upcoming Golf Classic to benefit the MLK Library.

GOLF

Council Member Rutherford noted the Sierra Lakes Community meeting will be on the 16th.

COMM. MTG

Council Member Rutherford congratulated Gerald Smith and Leslie Travis who will be receiving their Eagle Scout awards on Saturday.

CONGRATS

Council Member Rutherford noted work and restoration at South Tamarind TAMARIND PARK Park will be on Saturday April 28, and they need many volunteers.

Council Member Scialdone reported on a California League of Cities meeting.

LEAGUE MTG

Council Member Scialdone noted a swearing in ceremony of 8 new police officers He noted one of them is Lydia Wibert's son, David.

NEW POLICE

Council Member Scialdone congratulated the Committee on another successful Mayor's Gala.

CONGRATS

Council Member Scialdone wished good luck to the participants of the Baker to Vegas run.

GOOD LUCK

Council Member Scialdone noted the Special Olympics will be held at FOHI on Saturday.

SPEC. OLYMPICS

Council Member Roberts congratulated Captain Hostetler for his promotion.

CONGRATS

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Council Member Roberts reported on his trip to Mississippi and thanked Captain Rodney Jones for doing an outstanding job. Ten Rotary Club members from Fontana joined with others. The trip was possible with the fundraising the Club did running the trams at the Fontana Speedway at the last race.	TRIP
Mayor Nuaimi gave more information regarding refurbishing at Tamarind Park.	TAMARIND PARK
Mayor Nuaimi wished his daughter Jessica a Happy 16 th Birthday.	HAPPY B'DAY
Mayor Nuaimi thanked his wife and her committee for the Mayor's Gala. He also thanked staff and KFON for their video.	THANKS
Mayor Nuaimi congratulated Captain Hostetler on his promotion, and thanked him for his work at FUSD.	CONGRATS
Mayor Nuaimi reported on his recent trip to Washington, D. C.	TRIP
Mayor Nuaimi gave an update on the PUC's hearing regarding the Fontana Water rate increase.	WATER RATES
The City Council meeting adjourned by consensus at 9:32 p.m. to an adjourned workshop on Tuesday, April 24, 2007 at 5:00 p.m. and then to the regular meeting at 7:00 p.m. in the City Hall Council Chambers, located at 8353 Sierra Avenue, Fontana, CA.	ADJOURN

Orvene M. Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 24TH DAY OF APRIL, 2007.

Linda S. Nunn
Deputy City Clerk

