

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
MAY 8, 2007**

A workshop meeting of the Fontana City Council was not held on Tuesday, May 8, 2007 in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA due to lack of quorum.

ROLL CALL: Present: Mayor Pro Tem Scialdone, Council Member and Roberts. Council Member Warren arrived at 5:52. ROLL CALL
Absent: Mayor Nuaimi and Council Member Rutherford

The Regular Meeting of the City of Fontana City Council was held on Tuesday, May 8, 2007 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:13 p.m.

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

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 0234-011-16 Owner SP4CalabashII
Negotiating Parties: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

(Mayor Nuaimi was not present for the first item.)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.(b)(c)
Number of Cases: One

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.95
CLAIMANT: BARRIGA vs. CITY OF FONTANA; CLAIM NO.2004-71

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 on the first, second or fourth item. With Council Member Scialdone abstaining, the third item was approved as the insurance company suggested.

The following Special Presentations were made: SP

- A. Mayor and Council recognized Bill Neeper for his 39 years of service and Bob Salisbury for his 20 years of service to the City of Fontana, presented by Public Services Director Curtis Aaron.
- B. Mayor and Council accepted a check in the amount of \$2,000 from the American Association of Retired Persons (AARP) to the Library Foundation, presented by Bernard Low.
- C. Mayor and Council recognized Nathalie Gaydos (deceased) for all her contributions to the City of Fontana, son Frank Gaydos accepted.
- D. David Jayne, Exchange Club, made an announcement of Fontana Days Week activities.

The following Public Communications were made: PC

- Gary George, 6571 Manzanita St., Chino, spoke of Verizon's fiber project. VERIZON
- Jeff Olivares, 15660 Ramona Drive, spoke of the P.E. Bike Trail funding/traffic control. BIKE TRAIL
- Chris Mardis, representing County Supervisor Josie Gonzales, brought information of a job fair on May 23 and a Homeless Policy survey. JOB FAIR SURVEY
- Tony Orlich, Randall Avenue spoke of public finance/elections. PUBLIC
- Thom Wellman, CVFD Valley Chief, presented Council Member Roberts his retirement badge and ID from the Fire Department. CVFD BADGE CM ROBERTS
- Staff presentations were given on Consent Calendar Items "C - D". C C

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren approving Consent Calendar Items "A-I(2)" as follows:

- A. Approve the minutes of April 24, 2007 Regular City Council Meeting. MINUTES
- B. Authorizing an increase to the construction contract with Laird Construction, Inc., for the construction of the Foothill Boulevard and Alder Avenue street improvements and traffic signal project in the amount of \$136,000 increasing the contract amount from \$834,438 to \$970,438. LAIRD CONST

- C. (1) Approving the recommended Third-Quarter Budget changes listed in the Third-Quarter Budget Status Report for Fiscal Year 2006/2007. ADPTRES07-49
PERSONNEL
- (2) Adopting **Resolution No. 2007-49** adopting the classifications and salary range for Senior Engineer and Principal Planner Transportation.
- D. Accepting the County of San Bernardino Healthy Communities Grant in the amount of \$16,000 for use in the City of Fontana Healthy Fontana Employee Health & Wellness Program. Increasing estimated revenues in the amount of \$16,000 in Project 9500101301.4945 and appropriating 16,000 in Project 9500101301.6210.1 ACCPT GRANT
- E. Authorizing the purchase of 56 Panasonic toughbook laptops and related equipment from CDCE Inc., of Yorba Linda, CA in the amount of \$397,438.72 using the California Multiple Award Schedule (CMAS) Contract 3-00-70-1083E. PURCHASE
LAPTOPS
- F. Authorizing a contract recognizing Bithell Inc. as the sole source vendor of vitrocem anti-graffiti coating, in an amount not to exceed \$60,000. BITHELL INC
- G. (1) Accepting as complete the work performed by 4-Con Engineering, Inc., for the installation of the Seville/Tamarind restroom replacement project. 4-CON ENG
- (2) Approving the final construction amount of \$157,500.
- (3) Authorizing the Director of Public Works to execute and file a notice of completion for Project SB-51-PW-06.
- H. Approving an annual service agreement with Inland Fair Housing and Mediation Board in the amount of \$38,202 for a period of three years, extendable for two additional years, and authorizing the City Manager to execute said agreement. FAIR HOUSING
AGREEMENT
- I. (1) Finding that the project is exempt from further environmental review pursuant to Section 3.07 of the local guidelines for implementing The California Environmental Quality Act (2006), projects with no possibility of significant effects upon the environment, and directing staff to file a Notice of Exemption. ANNEX AGREE
SEWER SERVI.
- (2) Approving and authorizing the City Manager to execute a pre-annexation agreement (No. 07-00001) with Foothill-Live Oak Investments, landowner, for the provision of sewer service to a 136-unit apartment complex at the southeast corner of Foothill Boulevard and Live Oak Avenue.

Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 45M, located at the northwest corner of Citrus Avenue and Walnut Avenue
No written communication was received.
Staff presentation was given by Finance Manager Mel Drown.

PH-A ADPT RES
07-50 & 51
CFD 45M

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

Page 3 of 7

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, (1) Adopting **Resolution No. 2007-50**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 45M 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 10 votes in favor.

Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2007-51**, declaring the results of the special election for Community Facilities District No. 45M 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 by 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. 48M, located at the northwest corner of Baseline Avenue and Beech Avenue. No written communication was received. Staff presentation was given by Finance Manager Mel Drown.

PH-BADPTRES
07-54 & 55
CFD 48M

Speaking in favor was Jim Montgomery, 19100 Von Karman, Ste. 40, Irvine, CA. No one spoke in opposition. The hearing was closed.

Mayor and Council Members expressed concern regarding the fees. This was tabled until after the other public hearings to allow time for staff to research cost to surrounding residents.

At 11:00 p.m. Mayor and Council moved back to consider this item.

Consensus was to direct staff to monitor future properties where they could generate economics of scale.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, (1) Adopting **Resolution No. 2007-54**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No.48M 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 6 votes in favor.

Page 4 of 7

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, (2) Adopting **Resolution No. 2007-55**, declaring the results of the special election for Community Facilities District No. 48M 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 by 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 Resolution of Necessity, Located on Cypress, Washington and Boyle Avenues.

No written communication was received.

Staff presentation was given by Senior Administrative Analyst Jane Harris.

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

PH-CADPTRES
07-52 EMINENT
DOMAIN FOR
CYPRESS
OVERCROSS

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, conducting a hearing to consider the adopting of the proposed resolution of necessity, including providing all interest parties of the affected property, their attorney's or their representatives an opportunity to be heard on the issues relevant to the resolution of necessity. (2) Making the necessary findings, (3) Adopting **Resolution No. 2007-52**, declaring the full acquisition of fee interest in real property more particularly described as Assessor's Parcel Numbers 0251-161-13, 0251-161-17, 0251-161-18, 0251-161-35, 0251-161-36, 0251-163-11, 0251-172-22 and 0251-172-38, 0251-172-25 and 0251-172-39, 0251-172-41, 0251-181-20, 0251-181-23, 0251-253-05, 0251-253-06, 0251-253-07, 0251-253-08, located on Cypress Avenue, Washington Avenue and Boyle Avenue, in Fontana, California, by Eminent Domain, necessary for transportation and public infrastructure improvements. The transportation public use includes the construction of a bridge/overpass to improve traffic flow and to allow greater pedestrian access between Valley Boulevard and Slover Avenue, and other ancillary public right of way uses for water, gas, power, drainage, sewer, flood control, communications and landscaping, for the Cypress Avenue Over-crossing at Interstate 10, in Fontana, California. Motion carried unanimously.

Council Member Roberts stated he will abstain from the following public hearing because he lives near the project. He left the meeting at 8:50 p.m.

Public hearing was opened regarding Specific Plan No. 04-004 (Valley Trails Specific Plan), General Plan Amendment No. 06-012, Zone Change No. 06-008, and Certification of the Final Environmental Impact Report for the Valley Trails Specific Plan.

No written communication was received.

Staff presentation was given by Planner Stephanie Hall.

Speaking for the applicant was Bryan Goodman, Lewis Group; and Randy

PH-D INTRO
ORD 1549-
1550 ADPT
RES 07-53
VALLEY TRAILS

Jackson, the Planning Center. No one spoke in favor. Speaking in opposition was Alexia King, 17522 Jurupa Avenue, Bloomington, who expressed concern regarding traffic. The hearing was closed.

Page 5 of 7

Motion was made by Council Member Scialdone, seconded by Council Member Warren, (1) Certifying the Valley Trails Specific Plan Environmental Impact Report (EIR), adopting the Statement of overriding consideration proposed for the final EIR, adopting the mitigation monitoring program, adopt the statement of facts and findings, directing staff to file a Notice of Determination and find that: The Final EIR has been completed in compliance with CEQA, the State Guidelines and the City's Guidelines; The City Council has reviewed and analyzed the final EIR before approving the project; and the final EIR reflects the independent judgment of the City. (2) Waiving further reading of and introducing **Ordinance No. 1549**, approving Zone Change No. 06-008 to change the Zoning District Map on approximately 290 gross acres of land designated as Residential Planned Community (R-PC) to Specific Plan No. 24 (Valley Trails Specific Plan) and that the reading of the title constitutes the first reading thereof. (3) Waiving further reading of and introducing **Ordinance No. 1550**, approving Specific Plan No. 04-004 (Valley Trails Specific Plan), and that the reading of the title constitutes the first reading thereof. (4) Adopting **Resolution No. 2007-53**, certifying the Environmental Impact Report, approving General Plan Amendment No. 06-012, an amendment to the General Plan Land Use Map to change the land use designation to reflect the land use designations in the Valley Trails Specific Plan, and an amendment of the General Plan Circulation Element to upgrade the road classification of Alder/Armstrong Road from a secondary highway to a primary highway. Motion carried by a vote of 4-0-1, Council Member Roberts abstaining.

Council Member Roberts returned to the meeting at 10:58 p.m.

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Nuaimi, to continue the meeting past 11:00 p.m. Motion carried unanimously. CONTINUE MEETING

Mayor and Council moved back on the agenda to take action on Public Hearing "B".

Police Captain Rodney Jones gave staff presentation regarding amending Ordinance relating to Emergency Access.

NB-A INTRO
ORD 1552
ADPT RES
07-56 CODE
AMEND RE.
ACCESS

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, (1) waiving further reading of and introducing **Ordinance No. 1551**, amending the Fontana Municipal Code by adding Chapter 5, Article XVI regarding emergency access devices for controlled access gates at gated residential communities, and that the reading of the title constitutes the first reading thereof; and (2) adopting **Resolution No. 2007-56**, establishing the fine for violations of Chapter 5, Article XVI, regarding the emergency access devices for controlled access gates at gated residential communities. Motion carried unanimously.

The following Elected Official Communications were received.

EOC

Council Member Roberts thanked Central Valley Fire District for recognizing his retirement. THANKS

Page 6 of 7

Council Member Scialdone congratulated Joe Mitchell for being named Small Business Person of the Year. CONGRATS

Council Member Warren congratulated Council Member Rutherford and her husband Steve Lim on the birth of their new baby boy. CONGRATS

Council Member Warren noted the Village of Heritage Community meeting. She thanked the residents for voting for the raise in the Landscape Maintenance fees. THANKS

Council Member Roberts thanked the Chaplain organization for their Day of Prayer at Kaiser Permanente. THANKS

Council Member Warren noted the golf tournament at Red Hill Country Club on June 18th as a benefit for the M.L. King, Jr. Children's Library. GOLF TOURN

Council Member Scialdone noted the theme for Fontana Days is "Keeping our Community Green!" FONTANA DAYS

Mayor Nuaimi thanked the volunteers for participating in the Relay for Life, as well as those helping with the tent in the winds. THANKS

Mayor Nuaimi noted a new 24 hour Fitness is opening at Summit and Beech. OPENING

Mayor Nuaimi congratulated the new Miss Fontana and her court. CONGRATS

The City Council meeting adjourned by consensus, at 11:11 p.m. to an adjourned closed session on Wednesday, May 9, 2007 at 6:00 p.m. to discuss Closed Session items, City Hall Development Conference Room, located at 8353 Sierra Avenue, Fontana, CA. That meeting will adjourn to the Legislative Conference May 16 and 17, 2007, then to the ICSC Conference on May 20-23, 2007 and then to the adjourned regular meeting on Thursday, May 31, 2007 at 6:00 p.m. in the Fontana City Council Chambers at 8353 Sierra Avenue, Fontana, CA. ADJOURN

Orvene M. Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 12TH DAY OF JUNE, 2007.

Tonia Lewis
City Clerk