

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

A workshop of the Fontana City Council was held on Tuesday, October 23, 2007, in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Mayor Pro Tem Scialdone called the meeting to order at 5:35 p.m.

ROLL CALL: Present: Mayor Pro Tem Scialdone, Council Members Roberts and Rutherford ROLL CALL

Absent: Mayor Nuaimi and Council Member Warren

Following the agenda review and City Manager comments, the workshop adjourned at 5:43 p.m. to the Closed Session.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, October 23, 2007 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:19 p.m.

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

Absent: None

Following the Invocation by Council Member Roberts, the Pledge of Allegiance was led by Mayor Nuaimi.

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.9:

Properties:

0251-251-50	16491 Valley Blvd	Tseheridis
0251-251-49	10130 Cypress	Alcantara
0251-042-04	16482 Valley	Valley Investment Partnership
0251-061-12	16514 Valley	Rhynard
0251-164-05	Cypress/Boyle	Shigekuni
0251-164-21	16470 Slover	Trade Solutions
0251-171-25	10209 Cypress	Schwartz/Bunitch
0251-172-40	10335 Cypress	Hays
0251-181-12	16514 Slover	Zamora
0251-181-29	16535 Boyle	Bugarin

0251-253-04	10159 Toyon	Rivera
0251-321-01	Taylor	DIKI
0251-321-08	Cypress	DIKI
0251-321-09	Valley	DIKI
0255-021-07	16477 Slover	Phye
0255-021-06	16477 Slover	Hickman
0255-031-27	16515 Slover	Mercado
0251-251-47	16488 Taylor	Ortuno
Negotiating Parties :	Debbie Brazill, Deputy City Manager	
Under Negotiation:	Price and Terms	

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.9

Properties: APN 0255-111-18 – 16756 Jurupa Avenue (Eshleman)
 APN 0255-091-14 (Eshleman); and APN 0255-091-15 – 16638 Jurupa Avenue (Eshleman)
 Negotiating Party: Debbie Brazill, Deputy City Manager
 Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

Name of Parties: San Gabriel Water Company
 Application No.'s A02-11-044 and A-05-08-021

There was no reportable action.

The following Special Presentations were received:

S P

Mayor and Council recognized Officer Jason Perniciaro as the September Police Department "Employee of the Month", presented by Captain Rod Jones.

Mayor and Council recognized Matt Slowik for his \$5,000 donation to the Fontana Library Foundation.

Mayor and Council accepted a check in the amount of \$54,000 donation to the Fontana Library Foundation, presented by The Mayor's Gala Committee, with Chairperson Susanne Nuaimi.

The following Public Communications were received:

P C

Scott Vanhorne, 385 N. Arrowhead Avenue, San Bernardino, on behalf of Supervisor Paul Biane, spoke of upcoming community events.

EVENTS

Bob Brown, American Legion, 15840 Foothill Blvd, spoke of the Fontana Hometown Heroes Program.

HOMETOWN HEROES

Elizabeth Oreck, 2403 Briarcrest Rd., Los Angeles, CA, spoke of support letter AB 1634, CA Healthy Pets Act. AB 1634

Rafael Trujello, representing Congressman Joe Baca, gave a legislative update. UPDATE

Tony Orlich, Randall Avenue spoke of democracy. MEDIA

Amos Young, Jr. representing Assembly Member Carter, spoke of tax seminars. TAX SEMINARS

Staff reports were given on Consent Calendar Items “K”, and “M”. C C

Consent Calendar Item “I” was removed from the agenda.

Council Member Scialdone noted a correction to the minutes (Consent Calendar Item “A”).

Council Member Roberts stated he will be abstaining from the minutes, Consent Calendar Item “A”, because he was absent from that meeting.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, approving Consent Calendar Items “A-H, J –P” as follows:

- A. Approving the minutes of the October 9, 2007 Regular City Council Meeting, as corrected. MINUTES
- B. Adopting **Ordinance No. 1561**, authorizing the levy of a special tax within Community Facilities District No. 62M. ADPT ORD 1561
CFD 62M
- C. Accepting a donation in the amount of \$2,000 for use in the Police Departments Child Safety Fair from Supervisors Gonzales and Biane, \$1,000 from each. DONATION
- D. Authorizing the City Manager to execute Amendment No. 1 to the contractual services agreement with Kimley-Horn and Associates for additional work in the amount of \$29,500. amending the contract from \$56,000 to \$85,500. AMEND #1
KIMLEY-HORN
- E. Authorizing the City Manager to execute conservation elements affecting a portion of City owned property located within Tract No’s 16325, 16290, 16290-1, 16290-2, portions of the northeast quarter of section 23, and the northwest quarter of Section 24 in the Coyote Canyon Specific Plan. CONSERVATION
TR. 16325, 16290, 16290-1, 16290-2

- F. (1) Accepting as complete the subdivision improvements in Tract No's 16541, 16541-1, 16541-2 and 16541-3 located within the Sierra Lakes Specific Plan. ADPT RES 07-137 TR 16541
- (2) Adopting **Resolution No. 2007-137**, accepting sewers in Tract No's 16541, 16541-1, 16541-2 and 16541-3 as part of the City sewer system.
- G. (1) Accepting as complete the subdivision improvements in Tract No's 16540, 16540-1, 16540-2, 16540-3 and 16540-4 located within the Sierra Lakes Specific Plan. ADPT RES 07-138 16540 16540-1,-2 16540-3, 16540-4
- (2) Adopting **Resolution No. 2007-138**, accepting sewers in Tract No's 16540, 16540-1, 16540-2, 16540-3 and 16540-4 as part of the City sewer system.
- H. (1) Accepting as complete the subdivision improvements in Tract No. 15655-18 located within the California Landings Specific Plan. ADPT RES 2007-139, TR 15655-16
- (2) Adopting **Resolution No. 2007-139**, accepting sewers in Tract No. 15655-18 as part of the City sewer system.
- I. PULLED PULLED
- J. Authorizing the City Manager to execute Amendment No. 3 to the existing waste disposal agreement (WDA) with the County of San Bernardino. AMEND. #1 WDA AGREEMENT
- K. Directing staff to reject all proposals to build, operate, and maintain an outdoor ice skating rink in the Art Depot parking lot, and accepting a negotiated proposal and authorizing the City Manager to enter into a contract agreement with Studio 33 Productions for the same services. REJECT BIDS ACCPT AGREE STUDIO 33 PROD
- L. (1) Adopting **Resolution No. 2007-140**, of the City Council of the City of Fontana determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 63M. ADPT RES 07-140 140, 141 CFD 63M
- (2) Adopting **Resolution No. 2007-141**, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 63M of the City of Fontana.
- (3) Setting the public hearing for November 27, 2007, for the formation of the District and calling the special election for November 27, 2007.

- M. Authorizing the City Manager to enter into a three year agreement with Stargazer Productions for management and operation of the Center Stage Theatre with an optional two-year renewal period and authorizing the City Manager to execute any documents necessary to effectuate said agreement. AGREEMENT STARGAZER
- N. Authorizing the City Manager to execute the partial satisfaction of circulation development impact fees agreement with Heritage Crossings,LLC – Design Review No. 05-004. FEES HERITAGE CROSSINGS DR 05-004
- O. (1) Approving, authorizing and directing the City Manager to execute Amendment No. 3 to a contractual services agreement between the City of Fontana and Behr Browsers Architects, increasing the contract amount from \$478,800.00 to \$540,800.00 an increase of \$62,000.00 plus a 10% contingency amount of \$6,200.00 AMEND #3 CITY/ BEHR BROWERS ARCHITECTS CONTRACT
- (2) Approving an appropriation in the amount of \$68,200.00 from RDA Sierra Corridor Capital Project Fund 694.
- P. Authorizing the City Manager to execute a contract amendment with Datanet, increasing the not-to-exceed limit of contract from \$110,000 to \$128,250 with a contingency of 10% (\$12,800). CONTRACT AMENDMENT DATANET

Motion carried unanimously, with Council Member Roberts abstaining on Consent Calendar Item “A”.

Public hearing was opened regarding General Plan Amendment No. 07-004 and Zone Change 07-002.

No written communication was received.

No one spoke in favor or opposition.

PH-A CON'T PH
GPA 07-004
07-002 TO 11/13/
07

ACTION: Motion was made by Council Member Warren, seconded by Council Member Roberts, continuing the public hearing to November 13, 2007 for the adoption of General Plan Amendment No. 07-004 and Zone Change No. 07-002. Motion carried unanimously.

Public hearing was opened regarding Supplemental Law Enforcement Services – State COPS.

No written communication was received.

Staff presentation was given by Capt. Allan Hostettler.

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

PH-B APRV
COPS AWARD

ACTIION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, (1) approving the 2007/2008 Supplemental Law Enforcement Services Fund (State COPS) award in the amount of \$349,277; (2) increasing estimated revenues in the amount of \$83,777 in Fund 322 (Public Safety Grant Fund); and reducing operating

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transfers from Fund 101 (General Fund) by \$83,777; (3) increasing appropriations in Fund 322 (Public Safety Grant Fund) in the amount of \$83,777; and (4) authorizing Police staff to execute the related documents on behalf of the City. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 51M, located at the northwest corner of Baseline and Hemlock Avenues. No written communication was received. Staff presentation was given by Senior Accountant Jeff Moriarty and Finance Manager Mel Drown. Applicant Paul DeLong, Newport Beach, spoke in favor. No one spoke in opposition. The hearing was closed.

PH-C ADPT RES
07-141, 142, 143
CFD 51M

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, adopting **Resolution No. 2007-142**, 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. 2). Motion carried unanimously.

City Clerk Tonia Lewis stated there were 3 votes in favor.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Roberts, adopting **Resolution No. 2007-143**, 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 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 territory annexed thereto (Annexation No. 2). Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 06-011, Zone Change 07-001, and Administrative Site Plan No. 07-026. No written communications were received. Staff presentation was given by Planner Orlando Hernandez. and Community Development Director Don Williams. Speaking for the developer was Mike Roberts, Covenant Development Sierra Summit LLC, Irvine. No one spoke in favor or opposition. The hearing was closed.

PH-D DENY
GPA 07-002
ZC 07-001 ADM
SITE PLAN
07-026

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, finding that the General Plan Amendment and Zone Change proposal does not comply with and is contrary to the

the goals and policies of the General Plan as identified in the Land Use Element; the City Council concurs with the Planning Commission recommendation and denies General Plan Amendment No. 07-002, Zone Change No. 07-001 and Administrative Site Plan No. 07-026. Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 06-011, Zone Change No. 06-011, Specific Plan Amendment No. 03-008 and Final Environmental Impact Report (Fontana Promenade Specific Plan).

No written communication was received.

Staff presentation was given by Planner Stephanie Hall, Kevin Ryan, and Community Development Director Don Williams.

Speaking in opposition were John Nolan, 3750 University Avenue #250, Riverside, representing Gresham, Savage, Nolan & Tilden; and Tony Orlich, Fontana, CA.

PH-E INTRO ORD
1562, 1563, ADPT
RES 07-144, 145
GPA 06-011,
ZC 06-011, EIR
PROMENADE

Council Member Rutherford left at 8:55 p.m., returned at 9:01 p.m.

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Nuaimi, (1) adopting **Resolution No. 2007-144**, adopting the Statement of Facts and Findings, adopting a Statement of Overriding Considerations, certifying the final Environmental Impact Report, (FEIR) State Clearinghouse No. 2004071046) prepared for the Fontana Promenade Specific Plan (General Plan Amendment No. 06-011, Zone Change No. 06-011 and Specific Plan No. 03-008), approving the Mitigation Monitoring Plan, and directing staff to file a Notice of Determination and finding that: The final EIR has been completed and 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) adopting **Resolution No. 2007-145**, approving General Plan Amendment No. 06-011, an amendment to General Plan Land Use Map to change the existing land use designations on approximately 125 gross acres of property from General Commercial (C-G) and Medium Density Residential (R-M) to reflect the land use designations in the Fontana Promenade Specific Plan, and further amending General Plan Land Use Element to reflect the text changes necessary to add the Fontana Promenade Specific Plan; (3) waiving further reading of and introducing **Ordinance No. 1562**, approving Zone Change No. 06-011 to change the Zoning District Map on approximately 125 gross acres of land designated as General Commercial (C-2) and Medium Density Residential (R-2) to Specific Plan 25 (Fontana Promenade Specific Plan) and that the reading of the title constitutes the first reading thereof; and (4) waiving further reading of **Ordinance No. 1563**, approving Specific Plan No. 03-008 (Fontana Promenade Specific Plan), and that the

reading of the title constitutes the first reading thereof. Motion carried unanimously.

Staff presentation was given by Deputy City Treasurer Lisa Strong, regarding Fiscal Year 2007/2008 First-Quarter Budget Status Report.

NB-A ADPT RES
07-146 1st QTR
BUDGET

Council Member Roberts left at 9:32 p.m., returned at 9:34 p.m.

ACTION: Motion was made by Mayor Nuaimi, seconded by Council Member Scialdone, to set aside \$1,000,000 for joint facilities improvements with Fontana Unified School District. Motion **FAILED** by a vote of 2-3, Council Members Roberts, Rutherford and Warren against.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, (1) approving the recommended first quarter budget changes listed in the First Quarter Budget Status Report for Fiscal Year 2007/2008, and (2) adopting **Resolution No. 2007-146**, adopting the classifications and salary range for Transportation Engineering Manager and Software Development Supervisor. Motion carried by a vote of 4-1, Mayor Nuaimi voting against.

Mayor Nuaimi recommended money be put aside to renovate the Fontana High School athletic field.

Staff presentation was given by Building & Safety Director Andy Shipper regarding Solar Photovoltaic Electrical Generating Systems. Council Member Roberts recommended no fee for alternate energy systems for residential only.

NB-B ACCPT
STAFF REPORT
SOLAR
PHOTOVOLTAIC

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, accepting the staff report and providing direction on solar photovoltaic electrical generating systems. Motion carried unanimously.

The following Elected Officials Communications were received:

E O C

Council Member Roberts reported on the informative meeting he attended representing Omnitrans at the Public Transportation Conference in Charlotte, N. C.

CONFERENCE
OMNITRANS

Council Member Roberts thanked the Police and Fire for protecting us during the recent fires.

THANKS

Council Member Roberts asked that we adjourn in the memory of Rialto Police Officer Sergio Carrera, Jr.

MEMORY

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Council Member Warren left at 10:28 p.m., returned at 10:32 p.m.

Council Member Scialdone asked that we adjourn this meeting in memory of long time Fontana resident Pat DeTomaso who recently passed away.

MEMORY

Council Member Scialdone spoke regarding the earned release program

EARNED
RELEASE PROG

Council Members Scialdone and Warren congratulated Kathy Binks for receiving the Citizen of the Year Award from Rotary the Club.

CONGRATS

Council Member Warren noted Supervisor Josie Gonzales is working hard, and helping the evacuated victims of the recent wildfires.

J. GONZALES

Council Member Warren spoke of the stakeholders meeting for Healthy Fontana.

HEALTHY FONT.

Council Member Warren reported on the Hunter's Ridge Community meeting.

COMM.MTG

Council Member Warren asked for prayers for Ron and Katie King in the loss of their daughter, Courtney King.

CONDOLENCES

Mayor Nuaimi left at 10:36 p.m., returned at 10:38 p.m.

Council Member Rutherford thanked staff for their work with the recent wind damage and fires.

THANKS

Council Member Rutherford spoke of the Mayor's fundraiser support for Fontana Middle School tomorrow night at McDonald's and several people offering pledges.

FUNDRAISER

Mayor Nuaimi congratulated Kathy Binks on the Rotary Award.

CONGRATS

Mayor Nuaimi spoke on the Arrowhead Conference regarding green building practices.

CONFERENCE

Mayor Nuaimi noted the ground breaking for Cypress I-10 overpass Friday morning.

OVERPASS

Mayor Nuaimi spoke of Inland Empire Regional I-10 Corridor projects.

I-10 CORRIDOR

The following City Manager Communication was received: C M C

City Manager Ken Hunt led discussion regarding establishing Mayor SALARIES
and City Council salary increases.

By consensus, Mayor and Council directed staff to bring back an ordinance regarding City Council salary increases to \$1,170, with an additional \$500 more for the Mayor, effective January, 2009.

The City Council meeting adjourned by consensus, at 11:02 p.m. ADJOURN
in memory of Rialto Police Officer Sergio Carrera, Jr. and Pat DeTomaso,
to an adjourned workshop meeting on Tuesday, October 30 at 8:00 a.m.
and then to the Regular City Council Workshop on Tuesday, November
13, 2007 at 5:00 p.m. in the Executive Conference Room and to the
regular City Council meeting at 7:00 p.m. in the City Hall Council
Chambers, 8353 Sierra Avenue, Fontana, CA.

Orvene M. Steenbock
City Clerk Assistant

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

Tonia Lewis
City Clerk