

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
FEBRUARY 10, 2010**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, February 10, 2010, City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the workshop to order at 5:07 p.m.

ROLL CALL:

Present: Mayor Nuaimi, Mayor Pro Tem Scialdone, and Council Members Roberts, Rutherford, and Warren (arrived at 5:31 p.m.).

Absent: None.

(A) Public Works Director Chuck Hays gave an update on recharged, recycled water.

(B) Assistant to the City Manager Amy Colbrunn gave a legislative update.

(C) Community Services Manager Kyla Brown gave an update on the Fontana Community Senior Center.

(D) Community Development Director Don Williams presented the Downtown Compass Project.

Following agenda review and City Manager comments, the meeting adjourned at 5:55 p.m. to Closed Session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, February 10, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the meeting to order at 7:05 p.m.

ROLL CALL:

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

Absent: None.

CLOSED SESSION:

The City Attorney announced that the City Council had met in Closed Session to discuss the following items with no reportable action.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
PURSUANT
TO GOVERNMENT CODE SECTION 54956.9 (a)
Number of Cases: One

PIONEER PROPERTIES v. CITY OF FONTANA
Case No. CIVDS 905670.
Superior Court, County of San Bernardino

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

SPECIAL PRESENTATIONS:

- A. Mayor and City Council recognized Public Works Department Employees of the Year: Support Services Division Project Coordinator Ken Williams, Operations Division Maintenance Worker II Alex Gonzalez, and Parks & Landscape Division Aquatics Maintenance Worker Brett Waterman. Mayor Nuaimi introduced Public Works Director Chuck Hays who introduced and presented plaques to Operations Division Maintenance Worker II Alex Gonzalez and Parks & Landscape Division Aquatics Maintenance Worker Brett Waterman. Public Works Director Chuck Hays announced that Support Services Division Project Coordinator Ken Williams could not be present.

PUBLIC COMMUNICATIONS:

The following Public Communications were received:

Jennifer Maiorca spoke regarding Community Service Projects conducted by her AB Miller High School AP Government Economics students which included voter registration of 578 voters. Feeding Our Families and Friends is the current Community Service Project her students are working on.

Andrew Mata spoke regarding his AB Miller High School AP Government Economics Class Feeding Our Families and Friends Project to collect 2010 pounds of canned food before their May 25, 2010, graduation.

Trevor Pascoe, spoke regarding his AB Miller High School AP Government Economics Class Feeding Our Families and Friends Project that would accept donations at AB Miller High School and would mainly be donated to children.

Kimberlee Maiorca spoke regarding her AB Miller High School AP Government Economics Class Feeding Our Families and Friends Project that works in conjunction with the Food Bank that serves the Cities of Rancho Cucamonga and Fontana.

AB Miller High School AP Government Economics Students Erika Avila, Omar Garnica, Brenda Guillen, Reyna Hernandez, Joseph Lovell, Raul Lozada, Charlie Martinez, Ian McMane, Norma Mejia, Cameron Nelson, Kijuan Randall, Luz Razo, Paola Sandoval, Lorely Sotelo, and George Villatoro introduced themselves to the Mayor and City Council.

Mayor Nuaimi thanked Ms. Jennifer Maiorca and her students for attending the City Council meeting.

CONSENT CALENDAR:

- A. Approval of Minutes
 - Approve the minutes of the January 27, 2010, regular City Council Meeting.
- B. Adoption of Ordinance No. 1615
 - Adopt **Ordinance No. 1615**, an Ordinance of the City Council of the City of Fontana, California, Approving the Chino Basin Water Efficient Landscape Ordinance.
- C. Acceptance of Subdivision Improvements for Tract No. 16494
 - (1) Accept as complete the Subdivision Improvements for Tract No. 16494 located east of Cypress Avenue and south of Baseline Avenue.
 - (2) Adopt **Resolution No. 2010-006**, accepting sewers in Tract No. 16494 as part of the City sewer system.
- D. Final Acceptance of Subdivision Improvements for Tract No. 16243
 - (1) Accept as complete the Subdivision Improvements for Tract No. 16243 located east of Hemlock Avenue and north of Walnut Avenue.
 - (2) Adopt **Resolution No. 2010-007**, accepting sewers in Tract No. 16243 as part of the City sewer system.
- E. Adopt a Resolution for a Memorandum of Understanding with SANBAG for the Regional Greenhouse Gas Inventory Reduction Plan and Environmental Impact Report.
 - (1) Adopt **Resolution 2010-008**, authorizing the City Manager to execute a Memorandum of Understanding between San Bernardino Associated Governments (SANBAG) and the City of Fontna for the management of and payment for the preparation of a Regional Greenhouse Gas Inventory and Reduction Plan and related Environmental Impact Report.

- (2) Approve the City of Fontana's cost share of \$48,209.86 to be budgeted in Project Account No. 9432100302.8130 with the Mid-Year Budget process.

- F. Bond Reduction for Tract No's. 18137, 18260 and 18261
Authorize a 50 percent reduction of the performance/labor and materials bonds posted by Crestwood Communities for subdivision improvements for Tract No's. 18137, 18260 and 18261 located north of Baseline Avenue and east Citrus Avenue.

- G. Memorandum of Understanding with Fontana Unified School District for Traffic Circulation Improvements
 - (1) Authorize the City Manager to execute a Memorandum of Understanding with the Fontana Unified School District for providing traffic circulation improvements associated with the Jurupa Hills High School project.
 - (2) Authorize the City Manager to execute a Memorandum of Understanding with the Fontana Unified School District for providing traffic circulation improvements associated with the Citrus Continuation High School.

- H. Donation for Fontana Police Department Holiday Programs
Accept donation in the amount of \$2,000 from San Manuel Band of Mission Indians for use in the Fontana Santa's Holiday Program.

- I. Accept donation from The Cadmus Group, Inc., for \$100 for energy efficiency study participation
 - (1) Authorize the City Manager to accept a donation of \$100 from the Cadmus Group, Inc. for participation in an energy efficiency study.
 - (2) Increase estimated revenues by \$100 in Facilities Maintenance Fund 103.

- J. Accept and Approve bid results for Closed Circuit Television Inspection of Sanitary Sewers
 - (1) Accept and Approve sealed proposal results and enter into a Cooperative Purchase Agreement with the City of Santa Ana, CA for Closed Circuit Television (CCTV) Inspection of sanitary sewers to be provided by Houston Harris PCS, Inc.
 - (2) Authorize the City Manager to enter into a two year contract with three one year extensions at the City's sole discretion.

- K. Final Acceptance of Catawba Avenue Pavement Rehabilitation Project SB-400-PW-09
 - (1) Accept as complete and authorize the Public Works Director to execute and file a Notice of Completion for Project SB-400-PW-09.
 - (2) Approve the final construction amount of \$604,803.28.
 - (3) Approve a transfer of funds from 4103A601.8330 to 4103B601.8331 in the amount of \$13,266.

- (4) Approve the release of the 10 percent retention upon satisfactory closure of the contract.

Approve Consent Calendar Items “A-K” as recommended by staff.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Scialdone, and carried unanimously, to approve Consent Calendar items “A-K”.

PUBLIC HEARINGS:

- A. The Public Hearing continued from January 27, 2010, regarding Appeal No. 09-001 (Monterey Villa Apartments) of the decision of the Planning Commission on November 3, 2009, to approve Design Review No. 09-008, a 100-unit apartment complex with 12 units designated for very low-income households was considered for continuation to March 10, 2010, per the applicant’s request.

No one was present wishing to speak and no written comments were received.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, and carried unanimously to:
Continue Appeal No. 09-001 of Paul Minnick of MCG Development Co., Inc., an appeal to the City Council, thereby upholding the unanimous decision of the Planning Commission on November 3, 2009, to approve Design Review No. 09-008, a 100-unit apartment complex with 12 units designated for very low-income households to March 10, 2010.

- B. The Public Hearing was opened regarding General Plan Amendment No. 09-008, a proposed amendment to the City of Fontana General Plan Land Use Map to add an Activity Center Overlay node to the General Plan Land Use Map at the intersection of Duncan Canyon Road and Coyote Canyon Road.

No written comments were received.

Staff presentation was given by Associate Planner DiTanyon Johnson.

Dave Drake represented Trammell Crow Company and MetLife and spoke in support of the City’s collaboration of the 36 acre project.

No one else spoke in favor or opposition.

The hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, and carried unanimously to:

- (1) Find that the project will not have a significant effect on the environment, adopt a Negative Declaration, and direct staff to file a Notice of Determination pursuant to the California Environmental Quality Act.
 - (2) Review the resolution to approve General Plan Amendment No. 09-008, amending the General Plan Land Use Map to add an Activity Center Overlay node to the City of Fontana General Plan Land Use Map at the intersection of Duncan Canyon Road and Coyote Canyon Road.
- C. The Public Hearing was opened regarding GPA No. 09-012, ZC No. 09-007, TPM No. 19231, and DR No. 09-009, a land use change from General Commercial (C-G) to Medium Density Residential (R-M) for 46 affordable apartments located on Valley Boulevard approximately 416 feet west of Juniper Avenue.
No written comments were received.
Staff presentation was given by Associate Planner DiTanyon Johnson.
- No one spoke in favor or opposition.
The hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Scialdone, and carried unanimously to:

- (1) Find that the project will not have a significant effect on the environment; adopt a Negative Declaration, and direct staff to file a Notice of Determination pursuant to the California Environmental Quality Act.
 - (2) Review the resolution to approve General Plan Amendment No. 09-012, amending the General Plan Land Use Map to change the general plan land use designation on approximately 5.2 acres of property from General Commercial (CG) to Medium Density Residential (R-M).
 - (3) Waive further reading of and introduce **Ordinance No. 1616** an ordinance of the City of Fontana approving Zone Change No. 09-007, changing the Zoning District Map from General Commercial (C-2) to Medium Density Residential (R-2); and that the reading of the title constitutes the first reading thereof.
 - (4) Approve Tentative Parcel Map No. 19231 and Design Review No. 09-009.
 - (5) Direct Community Development Director Don Williams to meet with the project applicant regarding the inclusion of fountains in the project.
- D. The Public Hearing was opened regarding consideration for approval of General Plan Amendment Nos. 09-008 and 09-012.
No written comments were received.
Staff presentation was given by Associate Planner DiTanyon Johnson.

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

ACTION: Motion was made by Mayor Pro Tem Scialdone, seconded by Council Member Warren, and carried unanimously to:

Adopt **Resolution No. 2010-009**, a Resolution of the City Council of the City of Fontana, approving General Plan Amendment No. 09-008, an amendment to the General Plan Land Use Map to add an Activity Center Overlay node to the General Plan Land Use Map at the intersection of Duncan Canyon Road and Coyote Canyon Road and to specifically include the approximately 36 acres of property located on the north side of said intersection (APNs: 0226-074-20, -23, and -24); and, approving General Plan Amendment No. 09-012, amending the General Plan Land Use map to change the general plan land use designation on approximately 5.2 acres of property (APNs: 0251-061-04, -06, -32, -33, and -34) from General Commercial (C-G) to Medium Density Residential (R-M) located approximately 416 feet west of the intersection of Valley Boulevard and Juniper Avenue with a frontage of approximately 392 feet on the north side of Valley Boulevard and having a depth of approximately 586 feet north of Valley Boulevard.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

None.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

Mayor Pro Tem Scialdone congratulated the Mayor and City staff on an outstanding State of the City Address.

Mayor Pro Tem Scialdone commented that Mayor Nuaimi is the best Mayor the City of Fontana has ever had.

Mayor Pro Tem Scialdone announced that the Kaiser Permanente Fontana Replacement Hospital Beam Ceremony would be held at 8:30 a.m. on Thursday, February 18, 2010, and that the project is moving along.

Mayor Pro Tem Scialdone announced the City of Rialto ground-breaking ceremony of the I-10 Riverside Avenue Interchange at 10 a.m. on Thursday, February 18, 2010 which will assist with improving traffic flow in the City of Fontana.

Mayor Pro Tem Scialdone encouraged residents to attend the Area 3 Community Meeting at 6:30 p.m. on Tuesday, February 23, 2010, at the First Baptist Church located on Randall and Palmetto Avenues.

Council Member Warren wished residents a Happy Black History Month and encouraged residents to support the American History by researching and celebrating the many events, contributions, and inventions.

Council Member Warren introduced Beverly Thomas, Representative for Congressman Joe Baca to announce a special event. Beverly Thomas announced the Third Annual Student Recognition Event to be held from 6:30-8:30 p.m. on February 26, 2010, in the Steelworkers' Auditorium in the Lewis Library and Technology Center. The event honors the top two African American students from each Fontana Unified School District High School and recognizes the aspirations, outstanding gpa's, and future plans of these 42 students.

Council Member Warren announced her attendance at the Channel 7 News "ABC Listen" Program town hall meeting which allowed residents, non-profit organizations, and regional program representatives to speak regarding community issues. Council Member Warren encouraged ABC News to assist with bringing the program to the City of Fontana.

Council Member Warren announced her attendance at the St. Bernadine Medical Center dinner held last Saturday, February 7, 2010, that celebrated "Years of Working on Everyone's Hearts" and recognition she received for the City's growth.

Council Member Warren encouraged residents to sign-up for the 2010 Healthy Fontana Challenge.

Council Member Warren encouraged residents to participate in the 2010 Census and to be a spokesman for the pride of their community. Forms will be mailed in March and due April 1, 2010.

Council Member Warren encouraged prayers for Destiny Colon and her family who suffered a recent dog attack.

Council Member Roberts congratulated the Water of Life on their new office and warehouse opening at the old Fontana Water Company building.

Council Member Roberts thanked Public Works staff on an outstanding job for keeping storms drains clear and preventing serious rain incidents.

Council Member Roberts commended Police Chief Jones on doing above and beyond job in supporting Destiny Colon and her family during the dog incident.

Chief Jones was also instrumental in bringing the issue to the Fontana Rotary Club who donated \$1,000 to Destiny Colon and her family.

Council Member Rutherford thanked Ms. Maiorca's class for attendance this evening and their community service. Council Member Rutherford encouraged her students to ask questions at their meeting to be held next Friday, February 19, 2010.

Council Member Rutherford thanked residents who attended the Area 2 West Community Meeting held this past Monday, February 8, 2010, and who discussed crime statistics and traffic issues. Council Member Rutherford encouraged residents to attend their community meetings and the City Council meetings, but to also contact the City Council and City staff on pressing issues.

Council Member Rutherford announced the Community Prayer Breakfast to be held in May 2010, volunteer opportunities, and the first planning meeting to be held on Tuesday, February 16, 2010. Residents interested in participating should contact Council Member Rutherford or City Clerk Tonia Lewis.

Council Member Rutherford announced that the Public Works Department graffiti crew is working to keep the Pacific Electric Trail clean on a regular basis. Council Member Rutherford also reminded residents to contact the 350-GONE graffiti hotline and that most incidents are resolved within twenty-four hours.

Council Member Rutherford sent her best wishes to Downtown Association and Historical Society Member Joan Geist and family for a quick recovery from a recent surgery.

Council Member Rutherford encouraged prayers for Destiny Colon and her family.

Mayor Nuaimi thanked the City Council and community for their prayers for Destiny Colon and family.

Mayor Nuaimi announced the Census Bus stop to be held at 2 p.m. on Thursday, February 18, 2010, at the Cardenas Market located at Foothill Boulevard and Citrus Avenue.

Mayor Nuaimi thanked City employees and the Chamber of Commerce for coordinating the State of the City Address.

Mayor Nuaimi thanked City employees, Management and Senior Staff, the City Manager's Office, and the Management Team for giving up contractual living adjustments and residents for being partners in the solution to living within our means. City Manager Hunt announced that the Police Benefits Association voted unanimously to extend their contract for one additional year.

Mayor Nuaimi thanked City staff for setting the regional standard for a growing senior community and delivering the Fontana Community Senior Center which is scheduled to open in May 2010.

Mayor Nuaimi congratulated Fontana Pop Warner President Gloria Ybarra and Vice President Gerry Aguilar on their retirement from 30+ years of volunteer dedicated service to the community.

CITY MANAGER COMMUNICATIONS:

A. Appointment of subcommittee for Downtown Compass Project.

ACTION: Motion was made by Mayor Nuaimi, seconded by Mayor Pro Tem Scialdone, and carried unanimously to:

Appoint Mayor Nuaimi and Mayor Pro Tem Scialdone to the Downtown Compass Project Subcommittee to participate in the vision for Downtown in a workshop to be held on March 9, 2010, at 10 a.m.

City Manager Kenneth Hunt introduced Christian Nelson, representing Southern California Edison to make an announcement. Christian Nelson announced that on Friday, February 12, 2010, Southern California Edison will be filing an Advice Filing with the Public Utilities Commission to build the Thrive Substation, a customer-dedicated substation on the Kaiser Hospital Facility. Letters will be mailed to affected residents along the north side of the Kaiser Property and San Bernardino Avenue.

City Manager Kenneth Hunt announced his attendance at the League of California Cities City Managers Department Meeting held in Carlsbad and discussion of economic challenges and best practices.

City Manager Kenneth Hunt thanked Housing and Business Development Project Manager Brent Mickey for his dedication to low-income and senior projects.

City Manager Kenneth Hunt commented on the fountain located on the corner of Summit Avenue, the Senior Phase 4 fountain, and going the extra mile to deliver nice integrated features.

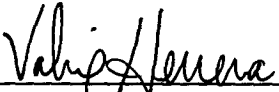
City Manager Kenneth Hunt announced the contract extension by the Police Benefits Association, along with the contract extensions by the Management Confidential and Sworn Police Officers and Police Management Groups.

City Manager Kenneth Hunt announced a budget strategy to balance the City budget without layoffs, the upcoming mid-year budget review, and overall progress as long as the economy does not worsen and State does not take City

funds. City Manager Kenneth Hunt also thanked the Mayor, City Council, and employees that are working together.


ADJOURNMENT:

The City Council meeting adjourned by consensus at 8:13 p.m. The next meeting will be held on February 27, 2010, with a workshop at 5:00 p.m. then the regular meeting at 7:00 p.m. in the Council Chambers at 8353 Sierra Avenue, Fontana, California.



Valerie Herrera
Administrative Analyst II

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 27th DAY OF FEBRUARY 2010.



Tonia Lewis
City Clerk