

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

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, March 10, 2010, City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the workshop to order at 5:16 p.m.

ROLL CALL:

Present: Mayor Nuaimi and Council Members Roberts and Scialdone.

Absent: Council Members Rutherford and Warren.

Following agenda review and City Manager comments, the meeting adjourned at 6 p.m. to Closed Session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, March 10, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the meeting to order at 7:09 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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties: (1) 16172 Slover and 16191 Boyle Avenue (APNs 0251-151-09, 39, 40, 42 and 43), Owners: Robert and Lillian Cantero; (2) 16226 Washington Drive (APN 0251-131-02), Owner: Lauro Gonzalez; (3) APN 0251-132-14, property located on sly. side of Washington Drive, wly. of Oleander Avenue, Owners: Duncan and Katheryn Bush; (4) 16166 Washington Drive (APNs 0251-131-03 and 24), Owners: Bryan and Catherine Hyndman; (5) 10207 Citrus Avenue, 16116 Washington Drive, and 16148 Washington Drive (APNs 0251-131-08, 09 & 25), Owner: City of Fontana; (6) 16120 Boyle Avenue (APN 0251-141-15), Owner: Alice V. Shane; (7) 16085 Boyle Avenue (APN 0237-054-20), Owner: Fabio Olivares; and (8) APN 0251-132-08, property located on swly. corner of Washington Drive and Oleander Avenue, Owner: Andres Garcia
Property Negotiator: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

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

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Number of Cases: One

Following the Invocation by Fontana Police Department Chaplain Roger Hurley, the Pledge of Allegiance was led by Mayor Nuaimi.

PROCLAMATION:

- A. The Mayor and City Council Proclaimed March 18, 2010, as Arbor Day. Mayor Nuaimi presented the Proclamation to Public Works Director Chuck Hays who announced that the Arbor Day Celebration would be held on March 18, 2010, at the Mary Vagle Nature Center located at 11501 Cypress Avenue, with events to begin at 9 a.m. through 1 p.m. Those interested can call 909-349-6993 for more information.

SPECIAL PRESENTATIONS:

- A. Mayor Nuaimi and the City Council introduced Chief Rod Jones who recognized Sergeant Bob Morris as the January 2010 Police Department "Employee of the Month."
- B. Mayor Nuaimi and the City Council added a Special Presentation to recognize "Employee of the Day" Engineering Principal Planner Kevin Ryan for his efforts with the Cypress Overpass and the concrete lower deck pouring held earlier today.

Ann Knickerbocker presented a certificate to Sergeant Bob Morris, on behalf of Senator Gloria Negrete McLeod, for his recognition as Police Department "Employee of the Month."

PUBLIC COMMUNICATIONS:

The following Public Communication was received:

Beverly Thomas from Congressman Joe Baca's Office announced the Congressman's Annual 2010 Education Summit to be held on March 26, 2010, from 8 a.m.-12 p.m. at California State University, San Bernardino in Obershaw Dining Room located at 5500 University Parkway, the Congressman's Art Competition to be held on April 9, 2010, from 6-8 p.m. at Art Thompson Teen Center located at 651 N. Mt. Vernon Avenue in the City of Colton, and also announced that this Friday, March 12, 2010, would be her last day working for Congressman Baca as she has accepted a new position in the City of San Bernardino. Ms. Thomas expressed thanks to Congressman Baca, the Mayor and City Council, the City of Fontana, City Manager Hunt, Chief Jones, and City Treasurer Janet Koehler-Brooks.

Mayor Nuaimi congratulated Ms. Thomas on her new assignment.

Robert Holcomb spoke regarding unfair practices by the citation processing center and regarding a citation he paid without a hearing being heard.

Mayor Nuaimi referred Mr. Holcomb to Police Captain Faulkner for assistance.

Mike Aivaliotis spoke in gratitude of the Mayor and City Council's prayers and support for his mother, Joan Geist.

Danny Gonzalez, Merit Badge Counselor of Boy Scout Troop 567, introduced his troop and each member introduced themselves.

Mayor Nuaimi recommended that the Boy Scout Troop attend a community meeting in the Southridge Area for more conducive setting for the members to ask questions.

Eric Bishop spoke regarding a construction update of the new academic building expansion at Chaffey College, which will include a 30,000-square-foot, two-story building for academic classrooms, biology and chemistry labs, cybrary, art studio, and student lounge. The construction will begin March 15, 2010, and completion is expected in April 2011.

Sal Lopez spoke in support of Boy Scout Troops and spoke regarding an enforcement concern at the Automobile Club Speedway drag strip.

Mayor Nuaimi encouraged Mr. Lopez's attendance at a County Board of Supervisors Meeting to express his concerns.

Mayor announced that comments were received in writing from Bobbi Jo Chavarria pertaining to the Consent Calendar Items A (Minutes) and D (City-wide Copier Agreement). Mayor Nuaimi clarified that the minutes were not written in verbatim.

Council Member Rutherford requested that Ms. Chavarria's questions regarding Consent Calendar Item D be addressed.

Information Technology Director Dennis Vlasich clarified that number of copiers and costs would be corrected when the Lease Agreement is finalized and brought to the City Council.

City Manager Kenneth Hunt clarified that there is a Facility and Lease Agreement with the Chamber of Commerce.

Mayor Pro Tem Scialdone announced that he would be abstaining from Consent Calendar Item F.

CONSENT CALENDAR:

- A. Approval of Minutes.
Approve the minutes of the February 24, 2010, regular City Council Meeting.
- B. Adopt a Resolution for a Permit Parking Zone within the Vicinity of Fontana High School.
Adopt **Resolution No. 2010-10** to establish a permit parking zone on various streets within the vicinity of Fontana High School.
- C. Rescind Development Impact Fee Credit Agreement with Blue Tee Corporation.
Accept Blue Tee Corporation's offer to mutually rescind and cancel that certain Development Impact Fee Credit Agreement for Partial Satisfaction of Circulation, Storm Drainage, and Full Satisfaction of Sewer for Parcel Map No. 19073, dated December 9, 2008, and authorize the City Manager to execute a letter agreement with Blue Tee Corporation to memorialize said action.
- D. City-wide Copier Agreement.
Authorize the Purchasing Division to execute a Master Premier Lease contract with Konica Minolta to consolidate the lease, maintenance, and support of the 54 copiers piggybacking off of the San Bernardino County K52 Contract from May 2009 through May 2014.

- E. Donations for Police Department Programs.
Accept donations from United Towing, Kevin Peralta, and Kohl's for use by the Police Department for child victims and holiday programs.
- F. Resolution to consider consenting to a joint public hearing with the Fontana Redevelopment Agency on the proposed Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.
Adopt **Resolution No. 2010-11**, a Resolution of the City Council of the City of Fontana consenting to a Joint Public Hearing with the Fontana Redevelopment Agency on the proposed Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park Project Area.

Approve Consent Calendar Items "A-F" as recommended by staff.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, with Council Member Scialdone abstaining from voting on Item F, and carried unanimously, to approve Consent Calendar Items "A-F".

PUBLIC HEARINGS:

- A. The Public Hearing continued from February 10, 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 April 14, 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 Roberts, seconded by Mayor Pro Tem Scialdone, and carried unanimously to continue Appeal No. 09-001 to April 14, 2010.

Mayor Nuaimi clarified that Public Hearing Items B and C would be opened and heard together.

City Manager Kenneth Hunt commented that a revised and consolidated resolution for Public Hearing Items B and C was provided to the Mayor and City Council.

- B and C. The Public Hearings were opened regarding General Plan Amendment No. 09-015 and Zone Change No. 09-008 and General Plan Amendment No. 10-002, an Amendment to the General Plan Land Use Element (Chapter 3).

No written communications received.

Staff presentation for Public Hearing Items B was given by Senior Planner Orlando Hernandez.

Staff presentation for Public Hearing Item C was given by Senior Planner Stephanie Hall.

Yoon Kim, the applicant for Young Homes, thanked the Mayor, City Council, and City staff for working diligently with Young Homes.

No one else spoke in favor or opposition.
The hearings were closed.

Mayor Nuaimi announced that the revised resolution was given to Mayor and City Council and clarified that only four General Plan Amendments are allowed per year.

Mayor Pro Tem Scialdone spoke in support of Public Hearing Item C and Crime Prevention Through Environmental Design.

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

Public Hearing Item B Recommendations for General Plan Amendment No. 09-015 and Zone Change No. 09-008:

- (1) Find that the project has been reviewed under a previously adopted environmental document on December 12, 2006, and no further environmental review is required per Section No. 15162 of the California Environmental Quality Act and direct staff to file a Notice of Determination.
- (2) Waive further reading of and introduce **Ordinance No. 1617**, of the City of Fontana approving Zone Change No. 09-008, a zone change to the Zoning District Map to change approximately 17.7 adjusted gross acres of property (APNs 0240-061-05, -06, -22 and -23) from Medium Density Residential (R-2) to Single-Family Residential (R-1) located on the north side of Walnut Avenue, between Cypress Avenue and Juniper Avenue; and, that the reading of the title constitutes the first reading thereof.

Public Hearing Item C Recommendations for General Plan Amendment No. 10-002, an Amendment to the General Plan Land Use Element (Chapter 3):

- (1) Find that the project is exempt pursuant to Section No. 15061 (b) (3) of the California Environmental Quality Act (CEQA), and direct staff to file the Notice of Exemption.

Public Hearing Items B and C Recommendation for Combined Resolution:

- (1) Adopt **Resolution No. 2010-12**, a Resolution of the City Council of the City of Fontana, approving General Plan Amendment No. 09-015, an amendment to the General Plan Land Use Map to change the existing land use designation of approximately 17.7 adjusted gross acres of property from Medium Density Residential (R-M) to Single-Family Residential (R-SF) located on the north side of Walnut Avenue, between Cypress Avenue and Juniper Avenue (APNs: 0240-061-05, -06, -22 and -23); and, approving General Plan Amendment No. 10-002, amending the text to the General Plan Land Use Element (Chapter No. 3)

- D. The Public Hearing was opened regarding General Plan Amendment No. 10-003, an Amendment to the General Plan Safety Element (Chapter 11).

No written comments were received.

Staff presentation was given by Senior Planner Stephanie Hall.

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

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

- (1) Find that the project is exempt pursuant to Section No. 15061 (b) (3) of the California Environmental Quality Act (CEQA), and direct staff to file the Notice of Exemption.
- (2) Adopt **Resolution No. 2010-13**, of the City Council of the City of Fontana, California, approving General Plan Amendment No. 10-003, an amendment to the General Plan Safety Element (Chapter 11).

- E. The Public Hearing was opened regarding the Development Impact Fee Deferral Program.

No written comments were received.

Staff presentation was given by Senior Planner Stephanie Hall.

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 is exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), and direct staff to file the Notice of Exemption.

(2) Adopt **Resolution No. 2010-14**, of the City Council of the City of Fontana, California, approving a temporary period for the deferral of the payment of certain Development Impact Fees for residential development.

- F. The Public Hearing regarding General Plan Amendment No. 09-011 and Zone Change No. 09-006 was considered for continuation to a date uncertain.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, and carried unanimously to continue the item to a date uncertain.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

None.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

Council Member Rutherford encouraged citizens to complete their Census 2010 Forms which will be mailed out on approximately March 15, 2010. The forms assist with City program funding from State, Federal, and organizational funds.

Council Member Roberts thanked all those individuals and volunteers that made the Little League opening this past Saturday, March 6, 2010, a great success.

Council Member Warren thanked Healthy Challenge participants for their support, encouraged residents to be part of 2010 participants, and reminded residents about the event on March 27, 2010, Lefty's Family 5K Run at the Automobile Club Speedway.

Council Member Warren announced the proposed Cucamonga Valley Water District rate increases and directed staff to contact the District to present an overview of the increases and link the hearing information on the City website. The hearing is scheduled for Tuesday, April 27, 2010, at 6 p.m. at the Water District Board Room located at 10440 Ashford Street in the City of Rancho Cucamonga.

Council Member Warren reminded residents interested in jobs to visit www.fontana.org to live, play, and work in Fontana.

Mayor Pro Tem Scialdone commended the Little League and Girls Softball Openings held last weekend and this upcoming weekend. Mayor Pro Tem Scialdone thanked all adult volunteers for their contributions to the youth community.

Mayor Pro Tem Scialdone announced the Empire Karate Team's car wash and fundraising efforts for the participation in the Junior Olympics to be held in Las Vegas on April 2 and 3, 2010. Car washes will be held at Empire Karate located at 16814 Foothill Boulevard on March 13, 20, and 27, 2010, from 9 a.m. to 3 p.m. Those interested can contact Mr. Stan Money at 909-429-8620.

Mayor Pro Tem Scialdone asked Chief Jones to announce the upcoming Fontana Police Officers Association charity football game. Chief Jones announced the Fontana Police Eagles v. Ventura Hawks full-contact tackle football game to be held on Saturday, March 20, 2010, at 5:30 p.m. at AB Miller High School. Tickets are \$5 for a group of four individuals and can be purchased at the Police Department Front Counter. For more information, individuals can contact 909-350-7740.

Mayor Nuaimi thanked Council Member Rutherford for the Census update and City staff for Census outreach efforts.

Mayor Nuaimi thanked volunteers for their mentoring time and talents for the next generation.

Mayor Nuaimi announced his and City staff attendance in Washington D.C. last week. Mayor Nuaimi thanked Public Works Director Chuck Hays for focusing on flood control funds for water recharge purposes. Mayor Nuaimi thanked City staff for preparation and support efforts, thanked City Manager Hunt and his team, and commented on advocate efforts for transportation improvements.

Mayor Nuaimi congratulated the Little Leagues on the opening held last weekend.

Mayor Nuaimi announced the "From Binge to Blackout" Event to be held on March 20, 2010, from 5-9 p.m. by the Teen Center and Mayor's Youth Advisory Council to be held at the Jack Bulik Teen Center. Interested teens can contact

909-349-6983 for more information. Mayor Nuaimi thanked the Teen Center and Fontana Community Coalition for reaching out to youth with alcohol free lifestyle efforts.

Mayor Nuaimi announced his and Mayor Pro Tem Scialdone's attendance at the Downtown Visioning Compass discussion and commented on the challenges and blueprint discussion.

Mayor Nuaimi congratulated his son and the Etiwanda High School Boys Varsity Basketball Team for making it to the CIF Southern Section IAA Championship held at the Honda Center, the Etiwanda High School Girls Varsity Basketball Team, and the Summit High School Boys and Girls Varsity Basketball Teams.

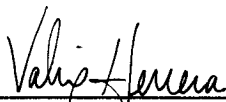
CITY MANAGER COMMUNICATIONS:

City Manager Kenneth Hunt congratulated the Mayor and City Council on the concrete construction of the Cypress Overpass.

City Manager Kenneth Hunt thanked his Executive Assistant Karen Porlas for her work behind the scenes and her extraordinary efforts in the City Manager's Office.

ADJOURNMENT:

The City Council meeting adjourned by consensus at 8:26 p.m. to an adjourned regular meeting to be held on March 18 and 19, 2010, for the 26th Annual City/County Conference at 11 a.m. on Thursday March 18, 2010, at the Lake Arrowhead Resort Conference Center. Then to the regular meeting to be held on March 24, 2010, with a workshop at 5 p.m. then to the regular meeting at 7 p.m. in the Council Chambers located at 8353 Sierra Avenue, Fontana, CA.



Valerie Herrera
Administrative Analyst II

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 24th DAY OF MARCH 2010.



Tonia Lewis
City Clerk