

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
ADJOURNED REGULAR MEETING
JANUARY 18, 2007**

An Adjourned Regular Meeting of the City of Fontana City Council was held on Thursday, January 18, 2007 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:22 p.m.

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

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: C S

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT
TO GOVERNMENT CODE SECTION 54956.8
Property: APN 0243-042-46, 47 and 48
Negotiating Parties: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

There was no reportable action. They will go back to Closed Session following tonight's meeting.

Public hearing was opened regarding Appeal of Planning Commission decision for Design Review No. 04-026, Tentative Parcel Map No. 17821, Variance No. 06-006, and Environmental Impact Report. PH-A CON'T
APPEAL TO
5/31/07
APARTMENTS
No written communication was received.
Staff presentation was given by Community Development Director Don Williams
Speaking in favor of the appeal was Armando Rivas. Speaking in opposition to the appeal was Keith Clements.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, continuing this item to May 31, 2007, to allow staff more time to study the EIR impacts. Motion carried unanimously.

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Public hearing was opened regarding Appeal No. 06-05 of Design Review No. 06-046 for the construction of an approximate 54,300 square foot shopping center on Phase II of the Sierra Crossroads Shopping Center. Several written communications were received. Staff presentation was given by Community Development Director Don Williams and Planner DiTanyon Johnson. Speaking for the applicant was Karen Feld, 650 E. Hospitality Ste. 600 San Bernardino, CA.; Wana Sims, Empire Company, 3536 Concour, #300, Ontario; Robert Kraus, 3536 Concour, Ontario; and Jennifer Dorgan, 3536 Concour Ste #300, Ontario, CA. Mary Budisalovich, 11953 Almond Dr. spoke in favor. No one spoke in opposition. The hearing was closed.

PH-B DENY
APPEAL 06-005
W/CONDITION
HOLD PAD FOR
RESTAURANT

The discussion centered on the need for a sit-down, dinner style, restaurant in the project.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Rutherford, (1) finding that the project has been reviewed under the previously approved Mitigated Negative Declaration for the Empire Center South project has been adequately identified the impacts associated with the project, pursuant to Section 15162 of the Local CEQA Guidelines and directing staff to file a Notice of Determination (2) deny Appeal No. 06-05, thereby, approving the Design Review No. 06-046 subject to the attached Findings and Conditions of Approval, as revised: The applicant shall use best efforts reserving Building Pad "E" within the project site for a dinner style sit-down restaurant. Application for this restaurant shall be submitted separately and be forwarded to the Planning Commission for consideration and possible approval. Motion carried unanimously.

Public Hearing was opened regarding Appeal No. 06-006, of Planning Commission approval of Design Review No. 06-026 and Tentative Tract Map No. 17859 (TTM No. 06-016), located at 16558 Paine Street. No written communications were received. Staff presentation was given by Community Development Director Don Williams and Planner Paul Gonzales. Speaking in favor was Donald Atkinson, 16858 Merrill. Speaking in opposition were Kent Wu, 1274 E. Center Court Dr., Ste 211, Covina; Sonny Lee, 867 W. 17th Street, Upland, and Noella Sanchea, 16594 Paine Street, Fontana. The hearing was closed.

PH-3 DENY
APPEAL 06-006
APRV DR 06-026
& TTM 17859

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, deny appeal No. 06-006, determining that the project is categorically exempt pursuant to Section 3.16, Class 32 of the Local Guidelines for Implementing CEQA and directing staff to file a Notice of Exemption; and thereby upholding the decision of the Planning Commission on November 21, 2006, approving Tentative Tract Map No. 17859 (TTM 06-016) and Design Review No. 06-016.

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Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Council Member Warren noted the City was closed Monday for the Martin Luther King, Jr. Holiday, as well as outstanding celebrations around the City.

HOLIDAY

Council Member Warren congratulated Alicia Shelton for her outstanding dedication.

CONGRATS

At 9:08 p.m. the meeting adjourned by consensus, to the Closed Session and then to a workshop meeting on January 23, 2007 in the Executive Conference Room at 5:00 p.m. and then to the regular meeting at 7:00 p.m.. in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA.

ADJOURN

Orvene Steenbock
City Clerk Assistant

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

Tonia Lewis
City Clerk