

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
MARCH 15, 2005**

A workshop meeting of the City of Fontana City Council was held on Tuesday, March 15, 2005 in the Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:10 p.m.

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

Absent: None.

The agenda was reviewed. Following City Manager comments, the Fontana Park Development project and the Jessie Turner Health and Wellness Community Center were discussed (Curtis Aaron, Public Services Director). The workshop adjourned at 5:53 p.m.

A Closed Session of the City of Fontana City Council was held on Tuesday, March 15, 2005 in the Executive Conference Room at 6:30 p.m. to discuss the following:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6

Agency Negotiator: Kenneth Hunt, City Manager

Employee Organization: Police Officers Association: Police Management Association

A Regular Meeting of the City of Fontana City Council was held on Tuesday, March 15, 2005 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:17 p.m.

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

Absent: None

The Invocation was given by Council Member Roberts, followed by the Pledge of Allegiance.

The City Attorney reported no reportable action was taken in Closed Session. **CS**

The following Special Presentation was made: **S P**

Mayor and Council recognized the following individuals for their efforts in making Fontana Race Week and Race Fest a success: Sgt. Orbelio Rodriguez, FPD Traffic Officer; Dan West, Parks and Landscape Supervisor; Bill Neeper, Utilities and Street Supervisor; Kyla Brown, Community Services Supervisor; Hector Vasquez,

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Youth Services Coordinator; Jason Morrow, Maintenance Worker II; Freddy Fix, Parks and Landscape; and, Teresa Patton, Technology Services.

The following Public Communications were received:

P C

Ken Galasso, spoke regarding upcoming Chamber events.

CHAMBER

Carolyn Wimmel, 11345 Ponderosa, spoke regarding weed abatement.

WEED ABTMT

Tony Orlich, Randall Avenue, spoke regarding clean money campaigns.

CAMPAIGN

ACTON: Motion was made by Council Member Scialdone, seconded by Council Member Warren, approving Consent Calendar Items "A-P" as follows:

C C

A. (1) Accepting as complete the subdivision improvements in Tract No. 16273 located at the northwest corner of Miller Avenue and Beech Avenue in the Rancho Fontana Specific Plan.

ACPT
TRACT NO.
16273 SEWER
RES. NO. 05-17

(2) Adopting **Resolution No. 2005-17**, accepting sewers in Tract No. 16273 as part of the City sewer system.

B. (1) Accepting as complete the subdivision improvements in Tract No. 16250 located at the northwest corner of Baseline Avenue and Hemlock Avenue.

ACPT
TRACT NO.
16250 SEWER
RES. NO. 05-18

(2) Adopting **Resolution No. 2005-18**, accepting sewers in Tract No. 16250 as part of the City sewer system.

C. (1) Accepting as complete the subdivision improvements in Tract No. 16216 located south of Miller Avenue at Hemlock Avenue.

ACPT
TRACT NO.
16216 SEWER
RES. NO. 05-19

(2) Adopting **Resolution No. 2005-19**, accepting sewers in Tract No. 16216 as part of the City sewer System.

D. (1) Accepting as complete the subdivision improvements in Tract No. 16009 located north of Baseline Avenue between San Sevaine Road and Hemlock Avenue.

ACPT
TRACT NO.
16009 SEWER
RES. NO. 05-20

(2) Adopting **Resolution No. 2005-20**, accepting sewers in Tract No. 16009 as part of the City sewer system.

E. (1) Accepting as complete the subdivision improvements in Tract No. 15843 located south of Summit Avenue between Beech

ACPT
TRACT NO.

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Avenue and Lytle Creek Road in the Summit Height Specific Plan.

15843 SEWER
RES. NO. 05-21

- (2) Adopting **Resolution No. 2005-21**, accepting sewers in Tract No. 15843 as part of the City sewer system.

- F. (1) Accepting as complete the subdivision improvement in Tract No. 15841 located south of Summit Avenue between Beech Avenue and Lytle Creek Road in the Summit Height Specific Plan.

ACPT
TRACT NO.
15841 SEWER
RES. NO. 05-22

- (2) Adopting **Resolution No. 2005-22**, accepting sewers in Tract No. 15841 as part of the City sewer system.

- G. Authorizing the City Manager to execute Amendment No. 1 to an existing contractual services agreement with RBF Consulting to provide design engineering services for the East Avenue street improvement project and to increase the contract in the amount of \$10,000 from \$22,700 to \$32,700.

AMEND NO. 1
RBF CNSLTNG
EAST AVE
ST IMPRV PROJ

- H. (1) Authorizing the Community Development Department to advertise and award the bid for the Walnut Avenue storm drain, sewer and street improvement project in Walnut, Oleander and Cypress Avenues.

WALNUT AVE
STRM DRAIN
SEWER/ST IMPRV

- (2) Authorizing the City Manager to award the construction contract to the lowest responsive, responsible bidder; and authorizing a construction contingency fund in the amount of 10% of the construction contract.

- (3) Authorizing the Purchasing Manager to issue a purchase order to the most responsive vendor of concrete pipe to deliver pipe materials in a timely manner within the project budget.

- I. Accepting the 2004 Police Department Annual Report.

ACPT PD RPT

- J. Authorizing the Public Services Department to advertise for bids for the construction of ADA improvements to Miller Fitness Center, SB-59-05.

ADA IMPRV
MILLER CTR.

- K. (1) Authorizing the City Manager to enter into a contract with South Coast Lighting and Design Company in the amount of \$46,569.04 for the purchase of decorative traffic signal poles for the San Bernardino Avenue and Alder Avenue traffic signal and street improvement project (SB 43-05).

SO COAST
LGHT CO
TRFC SGNL
S B & ALDER

- (2) Designating South Coast Lighting and Design as sole source supplier for all decorative traffic signals throughout the City.

- L. Authorizing the City Manager to execute a contractual services agreement with Parsons Brinckerhoff Quade & Douglas Engineering to provide design services for the South Highland Avenue widening project from Cherry Avenue to Citrus Avenue in the amount \$305,900 and a 10% contingency in the amount of \$30,590.

ENG AGR
P B Q & D
SO HIGHLAND
WDNG CHERRY
TO CITRUS

- M. (1) Authorizing the City Manager to enter into a contract with Majich Bros. Inc., in the amount \$1,651,210 for the construction of the Citrus Avenue storm drain improvement project between Baseline Avenue and South Highland Avenue and authorizing a 10% Contingency in the amount of \$165,121.

CNST AGR
MAJICH BROS
CITRUS STRM
DRAIN BASELINE
TO SO HIGHLAND

(2) Authorizing the appropriation from Fund 693, RDA Capital Project North Fontana in the amount of \$665,000.

- N. Adopting **Resolution No. 2005-23**, authorizing the City of Fontana Community Services Department to submit an application for grant funds to the United States Department of Education for the improvement of education.

ADPT RES 05-23
APPL ED GRANT

- O. Adopting **Resolution No. 2005-24**, approving a Disposition and Development Agreement between the Fontana Redevelopment Agency and Chaffey College in conjunction with expansion of the Fontana Center Campus Facilities and authorizing the City Manager to execute any documents necessary to effectuate said approval.

ADPT RES 05-24
FRDA & CHAFFEY
EXPANSION

- P. (1) Approving the Inter-Local Agreement concerning the distribution Of the 2005 Byrne Justice Assistance Grant (JAG) Program Award.

INTER-LOCAL
BYRNE JAG
PROG

(2) Authorizing the City Manager to sign the Inter-Local Agreement for the Justice Assistance Grant (JAG) on behalf of the City of Fontana.

Motion carried unanimously.

Public hearing was opened regarding Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts
 No written communication was received.
 Staff presentation was given by Jeff McPherson.
 No one spoke in favor. Speaking in opposition was Tony Orlich, Randall Avenue. The hearing was closed.

PH-A ADPT
RES 05-25
QTRLY LIEN
ACTION SEWER,
RUBBISH, WEED
ABTMT

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, (1) Adopting **Resolution No. 2005-25**,

adopting the Statement of Unpaid Expenses for Weed Abatement and imposing a lien against real property for payment thereof.

(2) Authorizing staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the certified lien list. Directing staff to forward recorded liens to the County for collection. (3) Authorizing staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the certified lien list. Directing staff to forward recorded liens to the County for collection. Motion carried unanimously.

Public hearing was opened regarding Resolution of Necessity - Foothill Boulevard and Almeria Avenue Widening. No written communication was received. Staff presentation was given by Delia Mejia and Debbie Brazill, Deputy City Manager. No one spoke in favor or opposition. The hearing was closed.

PH-B ADPT
RES 05-26
RES. OF NCSSTY
FOOTHILL &
ALMERIA

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, (1) Conducting a hearing to consider the adoption of the proposed resolution of necessity, including providing all interested parties of the affected property, their attorneys or their representatives an opportunity to be heard on the issues relevant to the resolution of necessity. (2) Making the following findings as hereinafter described in this report: (i) The public interest and necessity require the proposed project. (ii) The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury. (iii) The real property to be acquired is necessary for the project. (iv) The offer of just compensation has been made to the property owner. (3) Adopting **Resolution No. 2005-26**, declaring that the acquisition of a fee and temporary construction easement interest in a portion of real property, APNS 1110-391-07 (formerly 0228-27-09) and 0232-071-020, by eminent domain is necessary for the widening and improvements at the corner of Foothill Boulevard and Almeria Avenue, and for the installation of traffic signal improvements, in Fontana, California. Motion carried unanimously.

Public hearing was opened regarding amending Chapter 21 of the Fontana Municipal Code – Development Impact Fees. No written communication was received. Staff presentation by Cecilia Lopez-Henderson and Debbie Brazill, Deputy City Manager. No one spoke in favor. Speaking in opposition was Tony Orlich, Randall Avenue. The hearing was closed.

PH-C ORD 1475
CODE AMNDMT
DEV IMPACT
FEES

ACTION: Motion was made by Council Member Warren, seconded by Council Member Rutherford, (1) Finding that the project is exempt from further environmental review pursuant to Section 3.07 of the Local

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Guidelines for implementing the California Environmental Quality Act (2004), projects with no possibility of significant effects upon the environment, and directing staff to file a Notice of Exemption. (2) Waiving further reading of and introducing **Ordinance No. 1475**, amending Section 21-120 of Article V, Chapter 21 of the Fontana Municipal Code and amending Section 21-123 of Article V, Chapter 21 of the Fontana Municipal Code relating to development impact fees, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Mayor and Council discussed possible action regarding fire restructuring.

FIRE
RESTRUCTURE

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, authorizing the City Manager to enter into an agreement with ESCI to study the consolidation plan of San Bernardino County Fire Department, in an amount not to exceed \$35,000. Motion carried unanimously.

Mayor and Council discussed possible action regarding appointing an ad hoc planning process sub-committee.

AD-HOC
PLANNING

ACTION: Motion was made by Mayor Nuaimi, seconded by Council Member Warren, appointing Council Members Roberts, and Scialdone as an ad hoc planning process sub-committee, to look into ways to stream line issues for the Planning Commission. Motion carried unanimously.

Council Member Scialdone left at 8:20 p.m., returned at 8:25 p.m.

Council Member Roberts left at 8:26 p.m., returned at 8:29 p.m.

Mayor and Council discussed possible action regarding annexation.

ANNEX SUB-
COMMITTEE

ACTION: Motion was made by Council Member Warren, seconded by Council Member Roberts, appointing a sub-committee of Mayor Nuaimi and Council Member Scialdone to work with the City Manager to move forward and receive proposals to conduct public opinions poles regarding annexation. Motion carried unanimously.

Council Member Warren informed the residents that there would be an Ontario Leadership Alliance luncheon on Wednesday, March 23, 2005, at Sierra Lakes honoring Supervisor Josie Gonzales.

OLA LUNCH
SUPERVISOR
GONZALES

Council Member Warren stated that there would be a Black Tie Banquet

BANQUET

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to honor Pastor Emory James for 20 year of Pastoral Leadership in the City of Fontana on Saturday, March 19, 2005 at 5:00 p.m. at the Radisson Hotel and Convention Center in San Bernardino. PSTR JAMES

Council Member Warren stated that the Ribbon Cutting for Fontana Nissan will be March 16, 2005. FONTANA NISSAN

Council Member Warren expressed the need for funds in our local Red Cross. RED CROSS

Council Member Warren requested prayers for Upland Firefighter Tom and the fatality of today's traffic accident. PRAYERS

Council Member Scialdone commended the Fontana Police Department's annual report that was brought to the Council this evening on the Consent Calendar. FPD RPT

Council Member Scialdone congratulated Council Member Warren for her picture in the L A Times promoting Healthy Fontana. HEALTHY FONTANA

Council Member Roberts thanked the Exchange Club for their recent Public Safety Award and congratulated the recipient. THANKS

Council Member Roberts congratulated Fontana Nissan on their Grand Opening. CONGRATS

Council Member Roberts requested prayers for those involved in today's traffic accident and also for Rosemary Koehler who is in the hospital this evening. PRAYERS

Council Member Rutherford reminded the residents of the NAACP Image Awards to be held at the Civic Auditorium on March 25, 2005. NAACP IMAGE AWARDS

Council Member Rutherford informed the residents of the Boys and Girls Club Basketball Challenge on March 30, 2005. BOYS & GIRLS BASKETBALL

Council Member Rutherford reminded the residents of the Mayor's Gala on April 2, 2005, at Jack Bulik Park. MAYOR'S GALA

Council Member Rutherford informed the residents of the upcoming "Buzzin' the Fuzz" to be held at the Fontana Police Department's parking lot on April 2nd. BUZZIN THE FUZZ

Mayor Nuaimi thanked the Exchange Club for the Law Enforcement Dinner. He requested that staff draft a letter regarding a recent comment made at the dinner by Congressman Baca's representative Mark Sheppard, LAW ENFRMNT DINNER LTR REQUEST

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for calling Fontana “felony flats”.

Mayor Nuaimi encouraged the residents to attend the upcoming Mayor’s Gala, at which he will give the “State of the City” address, with all proceeds to go to the Teen Center at Jack Bulik Park. He thanked the many sponsors of this event.

Mayor Nuaimi congratulated Etiwanda High School for their recent CIF Basketball Championship.

ETIWANDA H S
CIF BASKETBALL

City Manager Hunt reminded the residents of the Arbor Day Celebration to be held at Miller Park on Saturday, March 19, 2005, from 10:00 a.m. to 2:00 p.m.

ARBOR DAY

At 9:08 p.m. the meeting adjourned by consensus, to the joint meeting with the Fontana Unified School District on Wednesday, March 23, 2005 in the City Hall Executive Conference Room at 6:00 p.m.; then to the City-County Conference on March 24, and 25, 2005 at Lake Arrowhead; then to a workshop meeting on Tuesday, April 5, 2005 in the City Hall 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 5th DAY OF APRIL, 2005.

Beatrice Watson
City Clerk