

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
APRIL 19, 2005**

A Closed Session of the City of Fontana City Council was held on Tuesday, April 19, 2005 in the Executive Conference Room at 6:00 p.m. to discuss the following:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Property: Fontana Center Stage, 8463 Sierra Avenue and Freight Depot , APN 0191-161-19

Negotiating Parties: Kenneth R. Hunt, City Manager

Under Negotiation: Price and Terms

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Property: APN'S 235-211-03, -04, -05

Negotiating Parties: Kenneth R. Hunt, City Manager

Under Negotiation: Price and Terms

A Regular Meeting of the City of Fontana City Council was held on Tuesday, April 19, 2005 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:08 p.m.

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

Absent: None.

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

The City Attorney Also reported that no reportable action was taken in Closed Session.

The following Special Presentations were made: S P

Mayor and Council introduced the Miss Fontana Contestants.

Mayor and Council recognized the following students from Long Elementary School who did a "Destination Imagination" Performance: Karen Sun, David Asbra, John Reinschmidt, Britney Amancio, Brandon Carter and Morgan Dobbs. (Teacher Lorie Arnold)

Presentation made by the Exchange Club to the Mayor and Council regarding Fontana Days.

Mayor and Council recognized Corporal William Green, Corporal Brad Garland and Officer Anthony Cafaro as the March “Employees of the Month”.

Mayor and Council recognized the Orthopedic Rehabilitation Program called PossAbilities for their help in the Triathlon and 5K Race supporting Healthy Fontana.

Mayor and Council recognized Jenna Galasso for her attendance at the Presidential Inaugural.

Mayor and Council recognized the Community Services Department for receiving three California Parks and Recreation Society (CPRS) Achievement Awards in the following categories: Marketing Theme Campaign – Signs of Summer Program; Single Focus Brochure – Signs of Summer Program; and Community Calendar.

Mayor and Council recognized the Community Services Department for receiving the Youth Sports Connector of the Year Award for the City’s exemplary efforts and effective execution in promoting Positive Coaching Alliance Workshops to coaches and parents in youth sports.

The following Public Communications were received:

P C

Ken Galasso, 8491 Sierra Avenue, spoke regarding upcoming Chamber of Commerce events.

CHAMBER  
EVENTS

Forrest Jordan, 17388 Merrill Avenue, spoke regarding acquiring property for school.

SCHOOL  
PROPERTY

Kristi Cayton, Fontana Arts Affiliates, 17423 Grevillea, spoke regarding the 2005 Student Scholarship Show to be held at the Fontana Arts Center from April 19, through May 5, 2005.

SCHOLARSHIP  
ART SHOW

Lorena Corona, 16285 Pine, spoke regarding a Cinco De Mayo taco eating contest to raise fund for scholarships on May 5, 2005, at Chaffey College Stadium from 5:00 p.m. to 8:00 p.m. between the cities of Fontana, Montclair and Rancho Cucamonga.

CINCO DE MAYO  
TACO EATING  
CONTEST

Carl Atkinson, Wheel, Etc., 15186 Foothill Blvd., spoke regarding Fontana sphere of influence and annexation.

ANNEXATION

Tony Orlich, Randall Avenue, spoke regarding media and ignorance.

MEDIA

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Salvador Resendiz, Fontana Hispanic Chamber of Commerce, P. O. Box 3944, spoke regarding the 5<sup>th</sup> of May Celebration to be held at Miller Park on Saturday, April 30, 2005 from 11:00 a.m. to 6:00 p.m.

5<sup>TH</sup> OF MAY  
CELEBRATION

Fran Givens, 16686 Jurupa, spoke regarding the city’s image.

IMAGE

Council Member Rutherford requested the following corrections to Consent Calendar Item “A” the April 5, 2005, City Council Minutes, page 2 and page 5 as follows:

C C

Page 2 - Removal of the following as Lorena Corona was not in attendance(Council Member Rutherford requested that this be rescheduled).

~~Mayor Pro Tem and Council to recognize Lorena Corona for receiving the 2005 Phi Theta Kappa All California Academic 2<sup>nd</sup> Team. This award honors California’s outstanding community college students. Phi Theta Kappa is a prestigious national honors society).~~

Page 5, the following correction:

Council Member Rutherford expressed thanks to those who attended the Mayor’s Gala, with special thanks to volunteers, especially ~~Suzanne~~ **Susanne** Nuaimi and Kyla Brown.

MAYOR’S  
GALA

Mayor Nuaimi and Council Member Warren stated that they would be abstaining from Consent Calendar Item “A”.

**ACTON:** Motion was made by Council Member Scialdone, seconded by Council Member Roberts, approving Consent Calendar Items “A-L” as follows:

C C

A. Approving the minutes of April 5, 2005 Regular City Council Meeting, as corrected above.

MINUTES

B. Authorizing the City Manager to execute a construction contract with Sully-Miller Contracting Company for the construction of the San Bernardino Avenue and Alder Avenue street improvements, traffic signal and storm drain project in the amount of \$417,000.00 and authorize a 10% contingency in the amount of \$41,700.00

STREET  
IMPRVMTS  
S.B./ALDER

C. Authorizing the Public Services Department to advertise for bids for the construction of Jack Bulik Park Phase II.

JACK BULIK  
PHASE II

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- D. (1) Authorizing the City Manager to execute Amendment No. 1 to the existing construction contract with Atlas Parking Lot Maintenance increasing their contract in the amount of \$17,000.00 for additional rehabilitation necessitated by damage sustained after the initial inspection as specified in SB-22-05.  
(2) Authorizing the use of contingency funds and authorize the Business Services Manager to increase the purchase order from \$75,271.90 to \$85,429.00.  
(3) Authorizing funds (\$2,829.00) to be transferred from Business Unit 3837697 to Project Number 9380109697.
  
- E. (1) Approving formation of the Fontana Community Foundation, a non-profit charitable purpose foundation.  
(2) Approving the foundation articles of incorporation and bylaws.  
(3) Accepting appointment of City Council as Ex Officio Directors of the Foundation and authorize Best, Best and Krieger to execute any documents required to effectuate establishment of the foundation.
  
- F. (1) Adopting **Resolution No. 2005-29**, establishing the job specifications for Deputy City Manager, Community Services Director, Technology Services Director, Grant Coordinator, Cable Television Operations Assistant, Customer Service Coordinator, GIS Analyst, Systems Administrator, Annexation Program Coordinator, Supervising Real Property Agent, Contracts Administrator and Finance Manager.  
(2) Adding one Senior Administrative Analyst to the Community Development Table of Organization.
  
- G. (1) Accepting as complete the subdivision improvements in Tract No.'s 16085 and 16085-1 located north of Baseline Avenue and east of Beech Avenue in the Rancho Fontana Specific Plan.  
(2) Adopting **Resolution No. 2005-30**, accepting sewers in Tract No.'s 16085 and 16085-1 as part of the City sewer system.
  
- H. Authorizing the City Manager to enter into a lease agreement, for locating wireless telecommunications facilities on City property, with Sprint at Bill Martin Park.
  
- I. (1) Awarding bid and authorizing the City Manager to enter into a contract with Fleming Environmental Inc, in the amount of \$43,847.00 and authorizing a 10% contingency in the amount of \$4,384.70.  
(2) Authorizing the Business Services Manager to issue a purchase order to Fleming Environmental, Inc., in the amount of \$43,847.00

PARKING LOT  
REHAB - ATLAS

FONTANA  
COMMUNITY  
FOUNDATION

ADPT RES. 05-29  
ESTABLISHING  
JOB SPECIFICS

ADPT RES. 05-30  
TRACTS 16085  
& 16085-1  
SEWER SYSTEM

SPRINT FAC.  
BILL MARTIN PK

FLEMING  
ENVIRONMENTAL

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- J. Accepting donation in the amount of \$15,000.00 from Lewis Operating Companies to support a part-time staff person for the Healthy Fontana Program. ACPT DONATION  
HEALTHY  
FONTANA
  
- K. (1) Accepting proposal from NBS for consulting services. NBS CONSULT  
SERVICES  
 (2) Authorizing the City Manager to enter into a contract in the amount of \$30,000.00 plus expenses, with NBS to provide consulting services to conduct an assessment increase ballot proceeding for Landscape Maintenance No. 2.  
 (3) Authorizing the Business Services Division to issue a purchase order for the identified services.
  
- L. Adopting **Resolution No. 2005-31**, amending Administrative Policy and Procedures Manual Section 20-31, Purchasing Policies and Procedures, by adding a provision for the pre-qualification of vendors, as a method of selection, for contractors seeking to bid on public works projects for the City of Fontana. ADPT RES 05-31  
PURCHASING  
POLICY &  
PROCEDURES

Motion carried unanimously, with Mayor Nuaimi and Council Member Warren abstaining from Consent Calendar Item "A".

Public hearing was opened regarding Resolution of Necessity – Citrus Avenue Street Widening Project.  
 No written communication was received.  
 Staff presentation by Delia Mejia and Debbie Brazill.  
 No one spoke in favor or opposition.  
 The public hearing was closed.

PH-A CITRUS  
ST. WIDENING  
ADPT RES. 05-32

**ACTION:** Motion was made by Council Member Scialdone seconded by Council Member Rutherford, (1) Conducting a hearing to consider the adoption of the proposed resolution of necessity, including, and 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 is necessary for the project. (iv) The offer of just compensation has been made to the property owner. (3) Adopting **Resolution No. 2005-32**, declaring that the acquisition of a fee and temporary construction easement interest in a portion of real property, APNS 0228-151-06 by eminent domain is necessary for the widening an improvements of Citrus Avenue, in Fontana, California. Motion carried unanimously.

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Public hearing was opened regarding Appeal No. 05-001 – Conditional Use Permit No. 04-016, filed by Sierra Land Associates.

PH-B APPEAL  
NO. 05-001  
RESCIND  
CUP 04-016

Written communication was received from Lantson E. Eldred, 74-900 Highway 111, Suite 127, Indian Wells, in favor of the appeal, however opposing staff's recommendation for denial of the appeal.

Staff presentation by Orlando Hernandez, Debbie Brazill, and Don Williams.

No one spoke in favor.

Speaking in opposition was Doug Jacobs, 2159 Guinsborough, Riverside.

The public hearing was closed.

**ACTION:** Motion was made by Mayor Nuaimi seconded by Council Member Scialdone approving Appeal No. 05-001, and thereby rescinding the Planning Commission's decision to approve Conditional Use Permit No. 04-016. Motion carried unanimously.

Public hearing was opened regarding Fiscal Year 2006-2010 Five Year Consolidated Plan and Fiscal Year 2005-2006 One-Year Action Plan.

PH-C 2006-2010  
5 YR CONSOLID  
PLAN

No written communication was received.

Staff presentation by David Edgar.

No one spoke in favor.

Speaking in opposition was Tony Orlich, Randall Avenue.

The public hearing was closed.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Warren, (1) Adopting the 2006-2010 Five Year Consolidated Plan and Fiscal Year 2005-2006 One-Year Action Plan detailing the utilization of federal entitlement funds in said fiscal year and authorizing the City Manager to execute any and all documents necessary to effectuate said approvals. Motion carried unanimously.

Public hearing was opened regarding Resolution Approving the Sale Surplus Property.

PH-D SALE  
SURPLUS PROP.  
ADPT RES. 05-33

No written communication was received.

Staff presentation by Don Williams and Debbie Brazill.

No one spoke in favor or opposition.

The public hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, (1) Adopting **Resolution No. 2005-33**, authorizing the sale of surplus property located at the southwest corner of Juniper Avenue and south Highland Avenue to Rotolo Chevrolet and directing staff to file a Notice of Determination for a previously adopted Negative Declaration. Motion carried unanimously.

Public hearing was opened regarding Sewerage Expansion Fees.  
No written communication was received.  
Staff presentation by Dan Chadwick and Curtis Aaron.  
No one spoke in favor.  
Speaking in opposition was Tony Orlich, Randall Avenue.  
The public hearing was closed.

PH-E SEWERAGE  
EXPANSION FEES  
ADPT RES 05-34

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Roberts adopting **Resolution No. 2005-34**, increasing the connection fee for sewage collection and treatment services in accordance with yearly increases imposed by the Inland Empire Utilities Agency for Fiscal Year 2005/06. Motion carried unanimously.

Staff presentation was given by Lisa Strong regarding Resolution of Intent to Establish Community Facilities District No. 31 (Citrus Heights North) and Authorization to Incur Bonded Indebtedness.  
Speaking regarding this item were Bryan Goodman, SC Fontana Development Corporation, 1156 N. Mountain Avenue, Upland; and Tony Orlich, Randall Avenue.

NB-A ESTABLISH  
CFD #31(CITRUS  
HEIGHTS NORTH)  
ADPT RES 05-35  
& RES 05-36

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone (1) Approving deposit and reimbursement agreement by and between the City of Fontana and SC Fontana Development Corporation. (2) Approving the use of Stone & Youngberg as underwriter for the issuance of proposed bonds, and authorizing the City Manager to approve a Professional Services Agreement. (3) Adopting **Resolution No. 2005-35**, of the City Council of the City of Fontana of intention to establish a Community Facilities District and authorizing the levy of special taxes. (4) Adopting **Resolution No. 2005-36**, of the City Council of the City of Fontana to incur bonded indebtedness of the proposed City of Fontana Community Facilities District No. 31 (Citrus Heights North). (5) Set the public hearing for June 7, 2005. Motion carried unanimously.

Staff presentation was given by Lisa Strong regarding Resolution of Intent to Establish Community Facilities District No. 37 (Montelago) and Authorization to Incur bonded Indebtedness.  
Speaking regarding this item were Tony Orlich, Randall Avenue, and Fran Given, 16686 Jurupa. Avenue.

NB-B ESTABLISH  
CFD #37  
(MONTELAGO)  
ADPT RES. 05-37  
& RES. 05-38

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Warren, (1) Adopting **Resolution No. 2005-37**, of the City Council of the City of Fontana of intention to establish a Community Facilities District and authorizing the levy of special taxes. (2) Adopting **Resolution No. 2005-38**, of the City Council of the City of Fontana to incur bonded indebtedness of the proposed

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City of Fontana Community Facilities District No. 37 (Montelago).  
Motion carried by a vote of 4-0-1, with Council Member Scialdone abstaining.

The following Elected Official Communications were received:

E O C

The Mayor and City Council requested that staff agenize the requirement of displaying restaurant grading placards for further action.

RESTAURANT  
GRADE PLACARD

Council Member Rutherford reminded the residents of the Celebrity Waiter's fundraiser luncheon on April 20, 2005, starting a noon at the Son's of Italy to benefit the Boys and Girls Club.

CELEBRITY  
WAITERS

Council Member Rutherford stated that there is a pet assistance group that can help cover vet's cost for seniors.

SENIOR PET  
ASSISTANCE

Council Member Roberts encouraged the residents to come out to the Celebrity Waiter's Luncheon.

CELEBRITY  
WAITERS

Council Member Roberts requested that this evening's meeting be adjourned in honor of former Council Member Anne Dunihue.

ANNE  
DONAHUE

Council Member Warren stated that the Annual Prayer Breakfast would be held at the Fontana Women's Club on May 6, 2005, from 8:00 a.m. to 9:00 a.m.

PRAYER  
BREAKFAST

Council Member Warren encouraged any single parent interested in purchasing a house to come out to a mortgage mixer to be held at Jazz on Friday, April 22, 2005.

MORTGAGE  
MIXER

Council Member Warren stated that she is glad to be back and that there is no place like home in Fontana.

FONTANA  
HOME

Council Member Scialdone wished the Baker to Las Vegas Relay Team of the Fontana Police Department good luck in the race this weekend.

BAKER-VEGAS  
RELAY

Council Member Scialdone encouraged everyone to participate in the Relay for Life to be held April 30, 2005, at A. B. Miller High School, starting at 10:00 a.m.

RELAY FOR LIFE

Council Member Scialdone reminded the residents of the Fontana Hispanic Chamber of Commerce's Cinco De Mayo Celebration to be held on April 30, 2005, from 11:00 a.m. to 6:00 p.m.

CINCO DE  
MAYO

Mayor Nuaimi congratulated his wife, Susanne, the Committee Members and all of the volunteers on a very successful Mayor's Gala, which raised a lot of money.

MAYOR'S  
GALA

Mayor Nuaimi congratulated the "Destination Imagination" students that performed earlier this evening, stated that they are an outstanding group of children and wished them good luck in their national competition.

DESTINATION  
IMAGINATION  
STUDENTS

Mayor Nuaimi thanked the students of Dorothy Grant Elementary School for asking him to come speak, and stated that it is a very impressive school.

DOROTHY  
GRANT ELEM.

Mayor Nuaimi wished all students good luck on their SAT in the next couple of weeks.

GOOD LUCK  
SAT

Mayor Nuaimi commended the Kiwanis Club for their fantastic Special Olympics event.

SPECIAL  
OLYMPICS

Mayor Nuaimi stated that the Grand Opening of Stater Bros. in the Falcon Ridge Shopping Center will be tomorrow April 20, 2005, and congratulated Regency for their outstanding project.

GRAND OPENING  
STATER BROS.

City Manager Hunt stated that this evenings meeting would be adjourned to April 29, 2005, at 8:00 a.m.

MEETING

Council Member Rutherford invited everyone to attend the performance of the Tamburitzans, on Monday, May 16, 2005, 7:30 p.m at Fontana High School.

TAMBURITZANS

At 9:46 p.m. the meeting adjourned by consensus, in memory of Anne Dunihue, and to an adjourned meeting to be held at 8:00 a.m. on Friday, April 29, 2005, then to a workshop meeting on Tuesday, May 3, 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

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Orvene Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 3rd DAY OF MAY, 2005.

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Beatrice Watson  
City Clerk