

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
MAY 3, 2005**

A workshop of the City of Fontana City Council was held on Tuesday, May 3, 2005 in the City of Fontana Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:04 p.m.

A Development Code Update was given by Deputy City Manager Debbie Brazill, Planning Manager Don Williams and Planner Kevin Ryan.

The agenda was reviewed, followed by City Manager comments. The meeting adjourned to a Closed Session at 6:04 p.m.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, May 3, 2005 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:14 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 they met in Closed Session to discuss: **C S**

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

Property: APN'S 237-191-01, -12, -27, -28

Property Owner: David Eshleman

Negotiating Parties: Kenneth R. Hunt, City Manager

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9**

Name of Parties: City of Fontana v Ulloa Family Trust (APN 226-092-60)

Case Number: CSVSS 117149

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (B)(C)**

Number of Cases: One

There was no reportable action.

The following Special Presentations were made:

S P

Mayor and Council accepted a check from Supervisor Paul Biane for sidewalks, library, teen center and rails to trails.

Mayor and Council presented a check for the Aaron Scharf Trust Fund from the money raised at the Mayor’s Gala, accepted by Shana Scharf.

Mayor and Council recognized the Police Department for receiving the James Q. Wilson Award for Excellence in Community Policing, Chief Larry Clark accepted.

Mayor and Council proclaimed the week of May 15<sup>th</sup> as “Blue Ribbon Week”, Law Enforcement Appreciation Week, accepted by Chief Larry Clark.

Mayor and Council proclaimed the month of May as “Buddy Poppy Month”, accepted by Allen Campbell.

Mayor and Council proclaimed “Communities Grow with McDonald’s Day”, Jason Cartie accepting.

The following Public Communications were received:

P C

Salvador Resendiz, P. O. Box 3944, representing the Hispanic Chamber of Commerce recognized students who helped with the Cinco de Mayo celebration last Saturday.

RECOG

Carl Atkinson, 15186 Foothill, spoke regarding annexation.

ANNEX

Ken Galasso spoke of Fontana Area Chamber of Commerce upcoming events.

EVENTS

Tony Orlich, Randall Avenue, spoke on media control.

MEDIA

Ochoa Family, 17213 Upland Avenue spoke of scholarship on behalf of the loss of three daughters.

SCHOLARSHIP

Staff presentations were given on Consent Calendar Items “F, G and H”.

C C

Anet Willingham, 6420 Wilshire, Ste. 1800, Los Angeles, JCM Group, spoke regarding Consent Calendar Item “F”.

A correction was noted on the minutes of April 19, 2005, regarding the spelling of Anne Dunihue, page 9, adjournment.

**CITY COUNCIL MINUTES**

**MAY 3, 2005**

Tony Orlich spoke regarding Consent Calendar Item “F”.

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

C C

- A. Approving the minutes of April 19, 2005 Regular City Council Meeting. MINUTES
- B. Accepting final map for Tract No. 16724-1 located south of Walnut Avenue and east of Catawba Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TRACT 16724-1
- C. Authorizing the City Manager to appropriate additional funding to increase the purchase order amount to Hardy and Harper, Inc., from \$497,080 to \$657,080, an increase of \$160,000. INCREASE P O HARDY & HARPER
- D. Authorizing the City Manager to dispose of specific surplus assets by transferring them to Fontana Pony Baseball of Veteran’s Park. SURPLUS
- E. (1) Awarding bid and authorizing the City Manager to enter into a two year contract with Howell Electric with three one-year extensions at the sole discretion of the City, for electrical installation and repair services in the City’s parks and landscape areas. AWARD BID HOWELL ELECT
- (2) Authorizing the Business Services Manager to issue a purchase order in an amount not to exceed \$40,000 to Howell Electric.
- F. Approving, authorizing and directing the City Manager to execute a contractual services agreement between the City of Fontana and the JCM Group for the Fontana Library and Resource/ Technology Center in the Civic Center in an amount not to exceed \$2,170,137.00, plus a 10% contingency amount of \$217,015.00. JCM AGREE LIBRARY
- G. Approving, authorizing and directing the City Manager to execute Amendment No. 1 to the existing contractual services agreement between the City of Fontana and Behr Brower Architects in the amount of \$168,900.00, plus a 10% contingency of \$16,890.00 for a total amount of \$185,790.00 with a not to exceed amount of \$489,830.00. AMEND #1 BEHR BROWER
- H. (1) Approving an additional appropriation of \$50,000 from the Community Development Block Grant Fund 362 Unappropriated Fund Balance to Project Number 9420503362.6650.5. CDBG GRANT APPROP

- (2) Approving Cost Estimate #22 (see Attachment “A”) from Los Angeles Engineering, Inc., in the amount of \$12,423.45.
  - (3) Approving Cost Estimate #23 (see Attachment “B”) from Los Angeles Engineering, Inc., in the amount of \$40,625.90.
  - (4) Authorizing the Management Services Department to increase Purchase Order #400425 for Los Angeles Engineering, Inc., in the amount of \$50,000 to Project Number 9420503362.6650.5.
  - (5) Authorizing the Community Services Department to spend \$3,049.35 (from the Park Development Fund 635) of the project’s 10% contingency amount to cover the actual cost in excess of the additional Community Development Block Grant funding.
- I. Authorizing the Public Services Department to advertise for bids to purchase and install a storage shed at Ralph M. Lewis Park, Project SB-67-05. ADV BIDS  
LEWIS PARK
  - J. Authorizing the City Manager to execute a contractual services agreement with GK & Associates to provide design services for the Elm Avenue street improvements from Slover Avenue to Santa Ana Avenue in the amount of \$42,840.00 and a contingency in the amount of \$4,284.00. CONTRACT  
GK & ASSOC
  - K. (1) Approving the use of Stone and Youngberg, LLC, as underwriter for the issuance of proposed refinancing bonds, and authorizing the City Manager to approve a professional services agreement. REFINANCE  
BONDS – STONE  
& YOUNGBERG
  - (2) Approving the use of Harris Realty Appraisal as appraiser for the proposed refinancing, and authorizing the City Manager to approve a professional services agreements. HARRIS REALTY  
APPRAISAL
  - L. (1) Authorizing the City Manager to execute a cooperative four party agreement with San Bernardino County Flood Control District (SBSFCD), Riverside County Flood Control District (RCFCD) and Riverside County Transportation Department (RCTD) for construction of the lower San Sevaine Channel generally from Philadelphia County Line Road to Jurupa Avenue. 4-PARTY AGREE  
SAN SEVAINE  
CHANNEL CONST
  - (2) Authorizing the City Manager to execute a funding agreement with Obayashi Corporation (OC) for fair share costs for the Philadelphia Avenue street crossing. AGREE  
OBAYASHI
  - M. Approving the reimbursement agreement between the City of Fontana and MAW Properties, LLC and authorizing the City AGREEMENT  
MAW PROP.

**CITY COUNCIL MINUTES**

**MAY 3, 2005**

Manager to execute the agreement for the purpose of reimbursing the owner for its public improvement costs for the Rotolo Chevrolet dealership located on the north side of South Highland Avenue at the intersection of Juniper Avenue and South Highland Avenue. **ROTOLO CHEV REIMBURSEMENT**

N. Authorizing the City Manager to execute a contractual services agreement between the City of Fontana, Godbe Research and TMG Communications to work with the City of Fontana to conduct a public opinion survey/strategy regarding annexation in an amount not to exceed \$65,000. **CONTRACT GODBE RESEARCH & TMG COMM.**

Motion carried unanimously.

Public hearing was opened regarding a Resolution vacating a portion of Juniper Avenue between Old Highland Avenue and South Highland Avenue. **PH-A ADPT RES 05-39 VACATE JUNIPER**

No written communication was received.  
Staff presentation was given by Deputy City Manager Debbie Brazill and Planner Kevin Ryan.  
Tony Orlich asked a question. No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2005-39**, declaring that a portion of the public right-of-way known as Juniper Avenue between Old Highland Avenue and South Highland Avenue is unnecessary for present or prospective public use and vacating the same pursuant to Streets and Highways Code #8300 ET SEQ. Motion carried unanimously.

Public hearing was opened regarding a Resolution of Necessity – Citrus Avenue, north of Summit Avenue, in Citrus Heights North Specific Plan Area. **PH-B ADPT RES 05-40 RES NEC CITRUS AVE EASEMENT**

No written communication was received.  
Staff presentation was given by Senior Administrative Analyst Cecilia Henderson, and Deputy City Manager Debbie Brazill.  
No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Warren, making the following findings as hereinafter described in the report, and adopting **Resolution No. 2005-40**, declaring that the acquisition of a fee and temporary construction easement interest in a portion of real property, APNS 0239-141-06, 0239-131-47 and 0239-131-49 by eminent domain is necessary for the widening and improvements of the east side of Citrus Avenue, north of Summit Avenue in Citrus Heights North Specific Plan Area. Motion carried unanimously.

CITY COUNCIL MINUTES

MAY 3, 2005

Staff presentation was given by Police Chief Larry Clark, and Captain Tim Newsome regarding fireworks.

NB-A INTRO ORD  
1476 ADPT RES  
05-41

Council Member Scialdone suggested, and Mayor and Council concurred, to amend the Ordinance, 2-443(b) from five business days to ten (10) business days. FIREWORKS

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Roberts, waiving further reading of and introducing **Ordinance No. 1476**, amending Section 15-601 of the Fontana Municipal Code relating to the sale, use and possession of fireworks and adding Article XI to the Fontana Municipal Code concerning administrative fines and penalties; and, that the reading of the title constitutes the first reading thereof, **as amended**; and adopting **Resolution No. 2005-41**, establishing the fine for violations of Article XIII, Chapter 15 (Fireworks) imposed as administrative citations. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Council Member Rutherford spoke of the Celebrity Luncheon raising over \$15,000 for the Boys and Girls Club.

LUNCHEON

Council Member Rutherford noted the Church of Jesus Christ of the Latter Day Saints helped to spread mulch last Saturday in a park.

VOLUNTEERS

Council Member Rutherford noted the recent recognition dinner for Parks and Recreation volunteers.

DINNER

Council Member Roberts commended the Hispanic Chamber of Commerce for their recent Cinco de Mayo celebration.

COMMEND

Council Member Roberts noted a recent League of Cities event. He commended Council Member Rutherford for this event.

EVENT

Council Member Roberts reminded us to attend the Miss Fontana Pageant Saturday evening.

MISS FONTANA

Council Member Warren asked for participation in the Prayer Breakfast Friday morning at the Fontana Woman’s Club.

PRAYER BKFST

Council Member Warren wished the residents a Happy and Safe Cinco de Mayo.

HAPPY CINCO DE  
MAYO

Council Member Scialdone noted the passing of the start of the library as well as the fireworks ordinance this evening.

PROGRESS

Council Member Scialdone congratulated the Police Department for

CONGRAT

**CITY COUNCIL MINUTES**

**MAY 3, 2005**

being awarded the James Q. Wilson Award.

Mayor Nuaimi asked Lorena Carona to speak of the taco fundraiser Thursday night at the Chaffey Stadium. FUNDRAISER

Mayor Nuaimi thanked Supervisor Paul Biane and staff for their presentation of funds for the City projects. THANKS

Mayor Nuaimi thanked volunteers for the Earth Day Celebration and Assemblyman Baca. EARTH DAY

Mayor Nuaimi noted a successful Relay of Life this past weekend. RELAY FOR LIFE

Mayor Nuaimi asked for an item on the agenda updating the outreach survey process for annexation. ANNEX SURVEY UPDATE

Mayor Nuaimi noted outstanding stewardship of Fontana bringing the community closer and closer, and looking forward to reaching out to the sphere of influence. STEWARDSHIP

Mayor Nuaimi thanked City Clerk Bea Watson for organizing the Prayer Breakfast each year. THANKS

Mayor Nuaimi thanked everyone who helps to better the City of Fontana. THANKS

The following City Manager Communications were received: C M C

City Manager Ken Hunt congratulated Mayor Nuaimi for receiving an award last Friday. CONGRATS

At 9:03 p.m. the meeting adjourned by consensus, to a workshop meeting on Tuesday, May 17, 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 17<sup>th</sup> DAY OF MAY, 2005.

---

Beatrice Watson  
City Clerk