

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
MAY 17, 2005**

A workshop of the City of Fontana City Council was held on Tuesday, May 17, 2005 in the City of Fontana Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:10 p.m.

ROLL CALL: Present: Mayor Nuaimi, Council Members Roberts, Rutherford, and Scialdone. Council Member Warren arrived at 5:18 p.m. ROLL CALL

The Recycled Water Master Plan was reviewed by Public Services Director Curtis Aaron and Public Services Manager Anthony Ciotti.

The agenda was reviewed, followed by City Manager comments. The meeting adjourned to a Closed Session at 6:01 p.m.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, May 17, 2005 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:18 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 LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6.

Agency Negotiator: Kenneth Hunt, City Manager
Employee Organization: Police Officers Association, Police Management Association

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

Name of Parties: San Gabriel Valley Water Company;
Application No. A.02-11-044

There was no reportable action.

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The following Special Presentations were made:

S P

Mayor and Council recognized the Drug Enforcement Administration (DEA) for their joint work with the Fontana Police Department on a major narcotics case. DEA Group Supervisor Brian Young; Case Agents Stephen Davis (not present) and Thomas Etheridge; Agents Supervisor Tony Zavacky, Bill Petrarca, (not present) Don Addis, Special Agents Derrick Jones, Greg Chan, Joann Jindrlick, (not present) Dan Dobas, and Hector Zapata (not present). These were presented by Police Captain Terry Holderness and Sgt. Doug Imhof.

“Timeteo” Tim Polard sang for us. He will be entertaining at Fontana Days.

The following Public Communications were received:

P C

Fran Givens, 16686 Jurupa, and Rose Holliday, 11020 Juniper, spoke of the traffic congestion because of road closures at Sierra and Jurupa.

TRAFFIC

Carl Atkinson, 15186 Foothill, spoke against annexation.

ANNEXATION

Salvador Resendiz noted upcoming Hispanic Chamber of Commerce events.

H C OF C EVENTS

Stanley Beilock, 7739 Kaiser, asked about the funds from Walnut Village Park sale.

WALNUT VILLAGE FUNDS

Tony Orlich, spoke of the media.

MEDIA

David Pulido spoke of Fontana Area Chamber of Commerce events.

C OF C EVENTS

Thomas Mushegan, Jr., 14281 Whittram, Fontana, noted “history repeats itself”.

HISTORY

Tony Orlich spoke regarding Consent Calendar Items “P and S”.

C C

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

A. Approving the minutes of April 29, 2005 Adjourned Regular City Meeting and the May 3, 2005 Regular City Council Meeting.

MINUTES

B. Adopting **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.

ADPT ORD 1476
FIREWORKS

- | | |
|--|---|
| <p>C. Authorizing the City Manager to execute a contractual services agreement with David Evans and Associates, Inc. to provide design services for street improvements on Ceres Avenue between Citrus Avenue and Cypress Avenue in the amount of \$74,500.00 and a 10% contingency fund in the amount of \$7,450.00 for a total of \$81,950.00.</p> | <p>AUTH CONTRACT
DAVID EVANS
CERES AVENUE</p> |
| <p>D. Accepting final map for Tract No. 17021 located within Southridge Specific Plan; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider.</p> | <p>ACCPT TR. 17021</p> |
| <p>E. Accepting replacement of securities for Tract No. 16184 necessitated by change in ownership of the tract, and authorizing the City Manager to enter into a subdivision agreement with Shea Homes Limited Partnership for the construction of improvements in said tract.</p> | <p>REPL SECURITIES
TR 16184</p> |
| <p>F. Accepting as complete the construction of the emergency vehicle preemption upgrades project and authorizing the City Engineer to issue a final notice of completion.</p> | <p>ACCPT CONSTR
EMERG VEH
UPGRADES</p> |
| <p>G. Adopting Resolution No. 2005-42, approving the destruction of certain City Clerk files; Human Resource files; Management Services files; City Manager files and Planning files.</p> | <p>ADPT RES 05-42
DEST RECORDS</p> |
| <p>H. (1) Adopting Resolution No. 2005-43, of the City Council of the City of Fontana determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 39M.</p> <p>(2) Adopting Resolution No. 2005-44, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 39M of the City of Fontana.</p> <p>(3) Setting the public hearing for June 21, 2005, for the formation of the District and calling the special election for June 21, 2005.</p> | <p>ADPT RES 05-43-
05-44 CFD 39M</p> |
| <p>I. (1) Adopting Resolution No. 2005-45, of the City Council of the City of Fontana determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 40M.</p> <p>(2) Adopting Resolution No. 2005-46, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 40M of the City of Fontana.</p> | <p>ADPT RES 05-45
05-46 CFD 40M</p> |

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- (3) Setting the public hearing for June 21, 2005, for the formation of the District and calling the special election for June 21, 2005.

- J. (1) Adopting **Resolution No. 2005-47**, of the City Council of the City of Fontana determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 41M. ADPT RES 05-47 & 48 CFD #41M

- (2) Adopting **Resolution No. 2005-48**, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 41M of the City of Fontana.

- (3) Setting the public hearing for June 21, 2005, for the formation of the District and calling the special election for June 21, 2005.

- K. Approving the recommended budget changes listed in the third quarter Budget Status Report for Fiscal Year 2004/2005. APRV BGT CHANGES

- L. Accepting as complete the work performed by Sully-Miller Contracting Company for the construction of Beech Avenue street improvements from Cherry Avenue to I-15 Freeway; approving the final construction amount of \$211,443.57; and authorizing the City Engineer to execute and file the Notice of Completion for City Project No. SB-12-05. ACCPY WORK SULLY-MILLER BEECH AVE

- M. (1) Authorizing the City Manager to approve a contract change order in the amount of \$347,000 and a contingency amount of \$34,700 with Sully-Miller Contracting Company for added scope of work to extend construction of Foothill Boulevard street improvements at Almeria Avenue. APRV CONTRACT SULLY-MILLER FOOTHILL AT ALMERIA

- (2) Approving the revised contract amount including this contract Change Order Number 3 to \$1,046,000 and the revised contingency amount of \$104,600.

- N. Authorizing the City Manager to approve a contract change order to the annual contract with Dye and Browning Construction, Inc. to include the construction of Baseline Avenue pavement rehabilitation at East Avenue and the I-15 Freeway which will be constructed at a cost of \$265,849. APRV CONTRACT CHANGE ORDER DYE & BROWNING BASELINE

- O. (1) Approving purchase of Cisco Protego Network Appliance from Pacific Blue Micro in the amount of \$46,521.07 and; APRV PURCHASE CISCO PROTEGO

- (2) Approving a recurring budget appropriation of \$9,900 from General Fund Balance to the City Technology Fund 102.1842102.6260.

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- P. Authorizing the Public Services Department to advertise for bids for construction of the Public Services West Annex Facility. ADV BIDS
P.S.WEST ANNEX
- Q. Authorizing the City Manager to extend the annual maintenance contract with West Coast Arborists, Inc. and have the Business Services Manager issue the corresponding purchase order. EXTEND CONTR.
WEST COAST ARBORISTS
- R. Approving an agreement for the purchase and sale of real property at the northeast corner of Philadelphia Avenue and Vintage Place, APN 023-661-259 in the City of Fontana for the sum of \$2,000 and authorizing the City Manager to execute the purchase of said real property. APRV PURCH &
SALE PHILA. & VINTAGE
- S. (1) Authorizing the City Manager to execute a pipeline abandonment agreement to provide for the abandonment of an existing water pipeline in Juniper Avenue in the amount of \$79,742.00 with San Gabriel Valley Water Company. AUTH PIPELINE
ABANDON AGREE JUNIPER AVE
S.G.V.WATER CO
- (2) Authorizing the City Manager to execute a pipeline abandonment agreement to provide for the abandonment of an existing water pipeline in "Old" Highland Avenue in the amount of \$234,757.00 with San Gabriel Valley Water Company.
- T. (1) Accepting as complete and authorizing the Deputy City Manager to execute and file a Notice of Completion for Project SB-34-04. ACCPT PROJ.
SB-34-04
- (2) Approving the final construction amount of \$199,693.20.
- (3) Approving the release of cash bond held by the City upon satisfactory completion of the contract.
- U. (1) Accepting proposal from WLC Architects, Inc. for the senior community center building design project SP-39-05. ACCPT WLC
ARCH SR.COMM.
CENTER
- (2) Authorizing the City Manager to execute a contractual services agreement between the City of Fontana and WLC Architects to provide programming, architectural design, engineering, landscape architecture, construction plans and documents, construction bidding and construction administration services for the new senior community center building in an amount of \$699,115, effective July 1, 2005.
- (3) Authorizing Business Services Division to issue a purchase order in the amount of \$669,115.
- V. Adopting **Resolution No. 2005-49**, rescinding Resolution No. 2004-77, establishing an appropriations limit pursuant to Article XIII (B) of the California Constitution for Fiscal Year 2004/2005. ADPT RES 05-49
APPROP LIMIT

Motion carried unanimously.

Chairperson Frank Scialdone opened the Redevelopment Agency at 8:15 p.m.

PH-A (JOINT
CC & RDA)
ADPT RES 05-50
AMEND #3
N. FONTANA
REDEV PLAN

Public hearing was opened regarding Joint Hearing (City Council and Redevelopment Agency) to consider Amendment No. 3 to the North Fontana Redevelopment Plan.

Written communication was received from Charles and Nancy Rieben in opposition.

Staff presentation was given by Redevelopment/Special Projects Director Ray Bragg and Consultant Team member Ms. Acosta.

Commenting was Larry Bonanno, 702 Calle Monserarai, San Clemente. No one spoke in favor or opposition. The hearing was closed.

RDA ACTION: Motion was made by Member Roberts, seconded by Member Scialdone, adopting Redevelopment Agency Resolution No. FRA 2005-04, a resolution of the Fontana Redevelopment Agency approving the final report to the City Council and the text of the amendment for Amendment No. 3 to the redevelopment plan for the North Fontana Redevelopment Project and authorizing transmittal of the same to the City Council. Motion carried by a vote of 5-0.

CITY COUNCIL ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, adopting **Resolution No. 2005-50**, a Resolution of the City Council of the City of Fontana receiving the final report to the City Council and the text of the amendment and approving the Mitigated Negative Declaration for Amendment No. 3 to the Redevelopment Plan for the North Fontana Redevelopment Project. Motion carried by a vote of 5-0.

RDA Chairperson Scialdone adjourned the Redevelopment Agency meeting at 8:35 p.m.

Staff presentation was given by Community Improvement Program Manager Ted Porlas regarding display of grading placards by establishments furnishing food to the public.

NB-A INTRO ORD
1477 GRADING
OF FOOD ESTAB.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, waiving further reading of and introducing **Ordinance No. 1477**, adding Section 13-31 through 13-35 to Chapter 13, Article II of the Fontana Municipal Code adopting San Bernardino County Ordinance No. 3930 relating to inspection grading of food establishments and that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

The following Elected Official Communications were received:	E O C
Council Member Warren challenged Mayor Nuaimi to run in the Fontana Days race, as well as urging all citizens to participate in Fontana Days.	CHALLENGE
Council Member Warren noted a Health and Safety Fair on June 18 at Jack Bulik Teen Center sponsored by Supervisor Paul Biane.	HEALTH FAIR
Council Member Warren recognized the persons receiving honorary scholarships.	RECOG
Council Member Warren thanked the residents for working toward a safe Memorial Day weekend.	THANKS
Council Member Scialdone noted the Fontana Days Parade and carnival in the Town Square. He stated he will be running the half marathon with Fontana Unified School Superintendent Dr. Milligan, after which Dr. Milligan will be the Parade Marshal.	FONTANA DAYS
City Clerk Beatrice Watson spoke of participants in the parade.	PARADE
Council Member Roberts noted the Pancake Breakfast on June 4 th at the Community Church.	BREAKFAST
Council Member Roberts noted the Central Valley Fire District will have its new ladder truck in the parade.	CVFD TRUCK
Council Member Roberts reminded us to keep Police Officer Chip Wideen in our prayers.	PRAY
Council Member Rutherford wished Council Member Frank Scialdone and Rosemary Koehler a Happy Birthday tomorrow.	HAPPY B'DAY
Council Member Rutherford congratulated the new Miss Fontana and her Court.	CONGRATS
Council Member Rutherford reviewed the Village of Heritage Community Meeting last night, in which they formed a sub-committee to review the budget and future of the CFD.	COMM MTG.
Council Member Rutherford thanked City Council Members for meeting in Sacramento for the League of Cities meeting.	THANKS
Mayor Nuaimi noted the dedication tomorrow for the Dorothy Grant Elementary School.	SCHOOL DEDICATION

Mayor Nuaimi thanked the residents of South Fontana for attending the annexation meeting last week. THANKS

Mayor Nuaimi and Council Members concurred directing staff to explore the possibility of obtaining the dirt from the construction of the library to use for a Civic Center Amphitheater. Council Member Rutherford asked that they consider a functional design. Council Member Scialdone asked that flat areas be included for events in that area. DIRT FOR AMPHITHEATER

Mayor Nuaimi asked that residents keep Pastor Carroll in their prayers after his heart procedure and safe return home. PRAYERS

Mayor Nuaimi thanked Parks & Recreation Commissioner Lorena Corona for her efforts regarding the taco Chaffey fundraiser. THANKS

The following City Manager Communications were received: C M C

By consensus, Council Members Roberts and Scialdone were appointed to an Ad Hoc Committee for Providence Point Specific Plan located at the northwest corner of Citrus and Baseline Avenues. AD HOC COMM PROVIDENCE POINT

At 8:57 p.m. the meeting adjourned by consensus, to the ICSC Convention on May 23, 2005 through May 25, 2005 located in Las Vegas, Nevada and then to a workshop meeting on Tuesday, June 7, 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

Martha Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 7th DAY OF JUNE, 2005.

Beatrice Watson
City Clerk