

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
OCTOBER 4, 2005**

An Art Exhibit “Perspectives – A New Angle on Art” reception was held at 5:00 p.m. in the City of Fontana Council Chamber Foyer, featuring Artist Daniel “Rock” Rockholt.

A workshop meeting of the City of Fontana City Council was held on Tuesday, October 4, 2005 in the Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:30 p.m.

ROLL CALL: Present: Mayor Nuaimi, Council Members Roberts, Rutherford, and Scialdone. Council Member Warren arrived at 5:40 p.m.

Absent: None

A presentation was given by Pastor Emory B. James, Sculptor Ron Singerton, Banning, and Architect Doug Andresen regarding a proposed Martin Luther King Memorial. Also speaking was Rev. Reggie Beamor, 1504 Madison Street, San Bernardino, CA who will work to raise private funds for this project, if approved by the City Council.

An Annexation Education Program framework was reviewed by the City Manager, and discussed by the Mayor and Council Members. Consensus was to move forward with this education program, with funding to be approved with the first quarter budget.

The agenda was reviewed. Following City Manager comments, the workshop adjourned at 6:02 p.m. to a Closed Session.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, October 4, 2005 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:15 p.m.

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

Absent: None

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

The City Attorney announced they met in Closed Session to discuss: C S

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT
CODE SECTION 54956.9(b)(1)
Number of Cases: One

CITY COUNCIL MINUTES

OCTOBER 4, 2005

There was no reportable action.

The following Special Presentations were made:

S P

Mayor and Council proclaimed the month of October as “National Breast Cancer Awareness Month”. Gloria Lopez of Desert Sierra Partner was present.

Mayor and Council recognized artist Daniel Rockholt and presented him with a plaque and \$500. check from the Arts Affiliates for his display in the City Hall foyer.

Mayor and Council recognized Corporal Phil Suchowski as the August “Employee of the Month”, presented by Captain Rod Jones. He was also recognized by County Supervisor Josie Gonzales.

Mayor and Council proclaimed the week of October 9-15, 2005 as Fire Prevention Week, culminating with an Open House at the Fire Station at 7110 Citrus Avenue on October 15, 2005. San Bernardino County Fire District “Sparky” (Jay Housman); Division Chief Mike Conrad, and Battalion Chief Krelnicov were present.

Redevelopment/Special Projects Director Ray Bragg reported on two awards received for our Civic Center Project: Honorable Mention from the California Society of Civil Engineers, and the Crystal Eagle award from the California Downtown Association.

The following Public Communications were received:

P C

Jeff Sipos, 7171 Etiwanda, reported on the Etiwanda Excellence in Education Foundation event at the Filippi Winery on November 15th.

EVENT

Chris Mardis, 2329 Willow Drive, San Bernardino, introduced herself as the Field Representative for County Supervisor Josie Gonzales.

FIELD REP.

Grace Pereles-Suchowski, brought announcements of upcoming Fontana Area Chamber of Commerce events.

EVENTS

Tony Orlich spoke on campaign funding.

CAMPAIGN

A staff report was given on Consent Calendar Item “G”

C C

ACTON: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, approving Consent Calendar Items “A-G(2)” as follows:

- A. Approving the minutes of the August 10, 2005 Adjourned Regular Meeting, and the September 20, 2005 Regular City

MINUTES

Council Meetings.

- | | |
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| <p>B. (1) Adopting Ordinance No. 1493, approving Development Code Amendment No. 04-04, amending Chapter 30 of the Fontana Municipal Code pertaining to the Fontana Auto Center Overlay District.</p> | <p>ADPT ORD 1493
DCA 04-04 AUTO
CTR. OVERLAY</p> |
| <p>(2) Adopting Ordinance No. 1494, approving Zone Change No. 04-007, a Zone Change from Multi-Family Residential (R-3) to General Commercial (C-2).</p> | <p>ADPT ORD 1494
ZC 04-007</p> |
| <p>C. (1) Authorizing the City Manager to execute a two party agreement with San Bernardino County for Slover Avenue widening and railroad crossing improvements from Live Oak to 100 feet east of the existing Union Pacific Railroad tracks.</p> | <p>AGREEMENTS
SLOVER AVENUE
WIDENING</p> |
| <p>(2) Authorizing the City Manager to execute a three party funding agreement with Union Pacific Railroad Company and San Bernardino County for the improvements to the existing railroad tracts to accommodate the street widening and adjustment to new street grades.</p> | |
| <p>D. Authorizing the Engineering Department to issue a change order to Sully-Miller Contracting Company in the amount of \$330,000 plus a 10% contingency of \$33,000 for the Walnut Avenue storm drain, sewer and street improvements from Citrus Avenue to Cypress Avenue for additional work on Oleander Avenue, Cypress Avenue and Juniper Avenue from Walnut Avenue to South Highland Avenue.</p> | <p>SULLY-MILLER
CHANGE ORDER</p> |
| <p>E. (1) Awarding bid and authorizing the City Manager to enter into a contract with Perera Construction and Design, Inc., in the amount of \$2,735,000 and authorizing a 5% contingency in the amount of \$136,750.</p> | <p>AWARD BID
PERERA CONST &
DESIGN</p> |
| <p>(2) Authorizing the Business Services Manager to issue a purchase order to Perera Construction and Design, Inc., in the amount of \$2,735,000.</p> | |
| <p>(3) Appropriating \$200,000 from the Fleet Operations Fund 751 to Project Number 9430111751; appropriating \$500,000 from the Sewer Replacement Fund 703 to Project Number 9430111703. Appropriating \$500,000 from the Solid Waste Fund 282 to Project Number 9430111282; and appropriating \$371,150 from the Sewer Maintenance & Operations Fund 701 to Project Number 9430111701.</p> | |

F. Adopting **Resolution No. 2005-162**, authorizing the City Manager to deny, without prejudice, the cable franchise transfer application submitted by Time Warner Cable, Inc., and agree to extend the application review period.

ADPT RES 05-162
DENY CABLE
TRANSFER
EXTEND APPL
REVIEW PERIOD

G. (1) Accepting a bid in the amount of \$2,675,800 and authorizing the City Manager to enter into a contract with OHNO Construction Company for the construction of Jack Bulik Park Expansion Project, Phase II and authorizing a 10% contingency fund in the amount of \$267,580.

ACCPY BID OHNO
CONSTRUCTION
BULIK PARK
PHASE II

(2) Authorizing the Business Services Manager to issue a purchase order to OHNO Construction in the amount of \$2,675,800 and authorizing a 10% construction contingency fund in the amount of \$269,580.

Motion carried unanimously.

Public hearing was opened regarding Resolution of Necessity – Sierra Avenue Street Widening and Improvement Project. Written communication was received from Wreba McGee. Staff presentation was given by Real Property Analyst Delia Mejia. No one spoke in favor. Speaking in opposition was Frank Mistretta, 846 W. Foothill Blvd. Upland, Ca, representing the Cardenas property; and Wreba McGee, P. O. Box 264, Fontana, CA. Tony Orlich asked where the funding for this project would come from. Staff responded. The hearing was closed.

PH-A ADPT RES
NECESSITY
05-163 SIERRA
WIDENING

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2005-163**, a Resolution of Necessity of the City Council of the City of Fontana, declaring that the acquisition of fee interests in APNS 0240-101-21, 0240-101-29, 0240-101-30, 0240-141-23, and 0240-141-27 and to acquire a fee and temporary construction easement interests in a portion of APN 0240-132-07, certain real property located on Sierra Avenue by eminent domain is necessary for street widening, improvements and public infrastructure improvements to Sierra Avenue. Motion carried unanimously.

Public hearing was opened regarding Resolution of Necessity – Baseline Avenue Street Widening and Improvement Project. Written communication was received from Pierre and Pearl Rankin, 16120 Baseline, Fontana; and Li Li Hwang, APN 0240-031-08, 20, 21, Fontana, CA. Staff presentation was given by Real Property Analyst Delia Mejia. No one spoke in favor. Speaking in opposition were Li Li Hwang; Pierre Rankin, 16120 Baseline; and Tony Orlich, Fontana. The

PH-B ADPT RES
NECESSITY
05-164 BASELINE
WIDENING

hearing was closed.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2005-164**, a Resolution of Necessity of the City Council of the City of Fontana, declaring that the acquisition of fee interests in APNS 0240-141-24; to acquire fee interests in portions of APNS 0241-141-45, 0240-141-46, 0241-041-46, and 0241-041-47 and 0241-051-16; and to acquire a fee and temporary construction easement interests in portions of APNS: 0240-031-08, 0240-031-20, 0240-031-21, 0240-031-15, certain real property located on Baseline Avenue by eminent domain is necessary for street widening, improvements and public infrastructure improvements to Baseline Avenue. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

- A. Discussion and possible action regarding hurricane relief efforts, Phase II:

HURRICANE RELIEF

ACTION: Motion was made by Mayor Nuaimi, seconded by Council Member Warren, to direct the City Manager to enter into a discussion with the Water of Life Church to offer the six units near Veteran’s Park designated for a future parking lot, that the church could refurbish to be used for transitional housing until the property is needed for the proposed parking lot, as well as identifying Housing Authority vacant units as resources that could be used for hurricane victims. Motion carried by a vote of 3-2, Council Members Rutherford and Scialdone voting against.

Council Member Warren commended the Police Department Outreach Program for their diversity law enforcement, as well as Community Services and Mayor Nuaimi for attending the Healthy Fontana meeting, also participating were Supervisor Gonzales, Randall Lewis and Kaiser Permanente.

OUTREACJ

Council Member Warren challenged the Mayor and City Council to attend the next City Council meeting in their sweat suits for photos to be put on the Healthy Fontana website.

CHALLENGE

Council Member Warren noted the Halloween Scarecrow Festival on October 29, 2005 in the Civic Center.

FESTIVAL

Council Member Warren stated she attended a conference at California State University Los Angeles regarding the Urban and Transitional Project Workshop at which the Mayor of Los Angeles attended.

CONFERENCE

Council Member Warren noted a Government Health Summit.

HEALTH SUMMIT

CITY COUNCIL MINUTES

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Council Member Scialdone invited the community to attend Cruise Night Friday on Nuevo Avenue. **CRUISE NIGHT**

Council Member Scialdone highlighted the additional baseball fields approved tonight for the Jack Bulik Park. **BULIK PARK APPROVAL**

Council Member Rutherford stated she and Redevelopment/Special Projects Director Ray Bragg will be participating in a M S Bike-a-Thon this weekend from Huntington Beach to Mission Bay, San Diego. **MS BIKE-A-THON**

Council Member Rutherford thanked the Fontana Area Chamber of Commerce for the successful Women’s Expo. **WOMEN’S EXPO**

Council Member Rutherford addressed the Village of Heritage residents regarding the Community Facilities District budget, noting a meeting is scheduled for October 19th. She stated any questions, to call Assistant to the City Manager Amy Colbrunn. **HERITAGE CFD MEETING**

Council Member Rutherford commended long time resident Bill Martin for being named “Citizen of the Year” by the Rotary Club. **BILL MARTIN**

Council Member Rutherford noted the groundbreaking for the South Fontana Post Office last week. **NEW POSTOFFICE**

Council Member Rutherford commended the Police Department staff for the CAP Resource Fair. **RESOURCE FAIR**

Council Member Roberts congratulated Bill Martin, and gave a background of his efforts over the many years. He also noted he will be the Grand Marshal of the Christmas Parade. **CONGRATS**

Council Member Roberts discussed the water rates “battle” that is in progress at the present time. **WATER RATES**

Mayor Nuaimi thanked staff and Linda Burton regarding a CAP meeting with pastors regarding disaster preparedness. **THANKS**

Mayor Nuaimi congratulated Rotolo Chevrolet for their recent ground breaking, with an proposed opening date of April, 2006. **ROTOLO CHEV.**

Mayor Nuaimi also noted the South Fontana groundbreaking, as well as a Home Depot coming in South Fontana. He also congratulated Stater Bros. on their recent grand opening. **POSTOFFICE & HOME DEPOT**

Mayor Nuaimi reported on the Annexation community survey results, noting an education program is needed. **ANNEXATION EDUCATION**

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Mayor Nuaimi thanked the Community Services Department for the Halloween gifts including invitations to the Monster Bash and Scarecrow Festival.

HALLOWEEN

Mayor Nuaimi gave a report on the Fontana Water Company audit, and the court procedures to keep down water rates. He noted public participation is needed for the hearing on November 17th.

WATER RATES

At 9:22 p.m. the meeting adjourned by consensus, to the next workshop meeting on Tuesday, October 18, 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 18th DAY OF OCTOBER, 2005.

Beatrice Watson
City Clerk