

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

A workshop meeting of the City of Fontana City Council was held on Tuesday, November 15, 2005 in the Executive Conference Room.

The Pledge of Allegiance was led by Girl Scout Troop #1052.

Mayor Nuaimi called the meeting to order at 5:08 p.m.

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

Absent: None

A presentation regarding the Office of Emergency Services was given by Police Chief Larry Clark, Police Lt. Chris Tronnas and Battalion Chief Al Brocoreff of Central Valley Fire District.

The agenda was reviewed. Following City Manager comments, the workshop adjourned at 5:50 p.m. to a Closed Session.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, November 15, 2005 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:44 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.

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

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

Property: 16120 Baseline Avenue, (Rankin Ownership)

Negotiating Parties: Debbie Brazill, Deputy City Manager.

Under Negotiation: Price and Terms

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

Property: APN 0240-052048, 50, 51, 52 (Bahamonde Ownership)

Baseline Rewidening

Negotiating Parties: Debbie Brazill, Deputy City Manager.

Under Negotiation: Price and Terms

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

Property: 7662 Locust Avenue – APN 0243-042-03 (Holguin Ownership)
Negotiating Parties: Debbie Brazill, Deputy City Manager.
Under Negotiation: Price and Terms

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

Property: 7156 and 7192 Sierra Avenue – APN 0240-101-29 & 21 (McGee Ownership); 7229 Sierra Avenue – APN 0240-141-27 (Fennel Ownership); 7146 Sierra Avenue – APN 0240-101-30 (Szuch Ownership) and 7241 Sierra Avenue – APN 0240-141-23 (Castelar Ownership) – Sierra Avenue Street Widening
Negotiating Parties: Debbie Brazill, Deputy City Manager.
Under Negotiation: Price and Terms

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

Property: 16262 Baseline Avenue, APN 0240-031-04 & 05 (Bethel AME Church)
Negotiating Parties: Debbie Brazill, Deputy City Manager.
Under Negotiation: Price and Terms

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

Number of Cases: Five

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

Name of Parties: San Gabriel Valley Water Company; Application No's A02-11-044 and A05-08-021

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE PURSUANT TO GOVERNMENT CODE SECTION 54957.

Number of Cases: Two

There was no reportable action.

The following Special Presentations were made:

S P

Mayor and Council recognized Johnny Villalobos who graduated from the City CERT Class on August 20th and was deployed as a Red Cross worker to New Orleans for Hurricane Katrina relief efforts, presented by Police Chief Larry Clark.

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Mayor and Council recognized the following individuals for their efforts in making Fontana Race Fest on September 1st a success, presented by Marketing/Special Projects Manager Mark Mayuga:

- Kathleen Farris, University of California Riverside
- Frances Hernandez, Community Services Supervisor
- Tina Johnson, Code Compliance Inspector
- Dan West, Parks and Landscape Supervisor
- Amy Colbrunn, Assistant to the City Manager (not present)

Mayor Nuaimi reported on the two meetings held previously at the Civic Auditorium regarding the proposed Fontana Water Company rate increase.

The following Public Communications were received:

P C

A representative of the Fontana Police, as well as the school police spoke of the Fontana Santa Program. Miller High School Peer Leaders were also present.

SANTA PROG.

Tony Orlich, Randall Avenue, spoke of the media and voting.

MEDIA/VOTING

Rosalie Jackson, Fontana Hispanic Chamber of Commerce spoke of upcoming events.

EVENTS

Tom Muchegain, Jr., 14281 Whittram, spoke of the RDA debt.

RDA DEBT

Staff reports were given on Consent Calendar Items "D and M".

C C

Council Member Rutherford left the meeting at 8:46 p.m., returning at 8:48 p.m.

ACTON: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, approving Consent Calendar Items "A-U" as follows:

A. Approving the minutes of the October 18, 2005 Regular City Council Meetings.

MINUTES

B. (1) Accepting as complete and authorizing the Public Works Director to negotiate and file a Notice of Completion for Project SB-38-05.

ACCPT PROJ.
SB-38-05

(2) Approving the final construction amount of \$45,531.79.

(3) Approving the release of 10% retention upon satisfactory closure of the contract.

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- C. (1) Accepting as complete and authorizing the Public Works Director to execute and file a Notice of Completion for Project SB-18-05. ACCPT PROJ. SB-18-05
- (2) Approving the final construction amount of \$568,030.63.
- (3) Approving the release of the 10% retention upon satisfactory closure of the contract.
- D. Adopting **Resolution No. 2005-172**, approving the acquisition of right-of-way along Jurupa Avenue that lies within the City of Fontana's unincorporated sphere of influence and requesting that the County Board of Supervisors adopt a written resolution of consent to said acquisition. ADPT RES 05-172
COUNTY RESOL.
JURUPA RIGHT
OF WAY
- E. (1) Accepting as complete the subdivision improvements in Tract No. 16110 located south of Jurupa Avenue and east of Live Oak Avenue in Southridge Village Specific Plan. ADPT RES 05-173
TRACT 16110
- (2) Adopting **Resolution No. 2005-173**, accepting sewers in Tract No. 16110 as part of the City sewer system.
- F. Accepting final map for Tract No. 16724 located south of Walnut Avenue and west of Citrus Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 16724
- G. (1) Awarding bid and authorizing the City Manager to enter into a two-year contract with Jose R. Rodriguez with three one-year extensions at the sole discretion of the City, for electrical installation and repair services in the City's Park and Landscape areas. AWARD BID
J.R.RODRIGUEZ
- (2) Authorizing the Business Services Manager to issue a purchase order in an amount not to exceed \$100,000 to Jose R. Rodriguez.
- H. Authorizing the City Engineer to approve a contract change order to the annual contract with Dye and Browning Construction, Inc., for additional construction work on the Baseline Avenue Pavement Rehabilitation Project at East Avenue and I-15 Freeway and increasing the contract amount from \$1,051,999 to \$1,186,150. APRV CHANGE
DYE & BROWNING
BASELINE
- I. (1) Authorizing the City Engineer to approve a contract change order to the annual contract with Dye and Browning Construction, Inc., for the removal of signal pole foundations and miscellaneous work at four locations on Jurupa Avenue in the amount of \$68,005.27 increasing the contract amount from \$1,186,150 to \$1,254,155.27. APRV CHANGE
DYE & BROWNING
JURUPA
- (2) Appropriating \$68,005.27 from Fund 243 Traffic Safety.

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- J. Accepting as complete the work performed by Belczak and Sons, Inc., for the construction of Summit Avenue street, sewer, and storm drain improvements from 760 feet west to 760 feet east of Lytle Creek Road; approving the final construction contract amount of \$1,929,666.50; and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-03-05. ACCPT BELCZAK & SONS WORK SUMMIT AVENUE

- K. Accepting as complete the work performed by Sully Miller Contracting Company for the construction of Foothill Boulevard street improvements traffic signal and safety lighting project from Almeria Avenue to Tokay Avenue, approving the final construction amount of \$1,177,100.69; and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid Number SB-23-04. ACCPT SULLY MILLER WORK FOOTHILL

- L. Authorizing the Engineering Department to advertise and obtain bids for construction of the Citrus Avenue Street Improvement Project from Baseline Avenue to South Highland Avenue, Bid No. SB-18-DE-06. ADV FOR BIDS CITRUS AVENUE

- M. Adopting **Resolution No. 2005-174**, summarily vacating drainage easement for storm drain purposes over Lots 1 and 2 of Tract No. 13325-4 located on the south side of Sandhurst Street and east side of Beech Avenue in the City of Fontana, pursuant to Section 8330 et seq. of Chapter 4, Part 3, Division 9, California streets and Highways Code. ADPT RES 05-174 TR 13325-4 EASEMENT

- N. (1) Authorizing the City Manager to execute a contract with Young Electric Sign Company (“YESCO”) in the amount of \$496,957 for the construction of the North Fontana Auto Center Community Message Board. CONTRACT YOUNG ELECT. AUTO MALL MESSAGE BD.

- (2) Authorizing the Business Services Manager to issue a purchase order to Young Electric Sign Company (“YESCO”) in the amount of \$496,957 and authorizing a 10% contingency in the amount of \$49,696.

- O. Authorizing the City Manager to execute Amendment No. 2 to an existing contractual services agreement with Langdon Wilson to provide for additional services related to the changes in the Civic Center parking structure and site improvements in the amount of \$105,000, plus a 10% contingency of \$10,500, for a total contract of \$666,000. AMEND #2 LANGDON WILSON CIVIC CTR. PARKING

- P. Approving and authorizing the City Manager to execute a contractual services agreement between the City of Fontana and JCM Group-Heery International, Inc., to provide project and construction management services for the new Development APRV CONTRACT JCM GROUP- HEERY INT’L MGMT SERV.

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- Services building and Civic Center parking structure in an amount not to exceed \$1,071,742, plus a 10% contingency amount of \$107,174.20. DEV. SERVICES BLDG. CIVIC CTR PARKING
- Q. Adopting **Resolution No. 2005-175**, to establish a Community Facilities District for the Summit at Rosena development. ADPT RES 05-175 SUMMIT/ROSENA CFD
- R. Approving a supplemental agreement between the County of San Bernardino and the City of Fontana relating to Criminal Justice Administrative Fees (Booking Fees) for the period July 1, 2005 through June 30, 2008 in the amount of \$79.86 per booking. CO/CITY AGREE BOOKING FEES
- S. Approving a construction contract for the construction of the Fontana Library and Resource/Technology Center in the Civic Center. CONST. CONTR. LIBRARY/TECH CENTER
- T. Authorizing an appropriation of \$9,000,000 from the Undesignated Sewer Expansion Fund Balance (Fund 623) to the Sewer Expansion Operating Account 4016623.6650. AUTH APPROP SEWER EXPANS. ACCT.
- U. Authorizing the City Manager to execute an agreement amending Fontana's existing Pretreatment Agreement with Inland Empire Utilities Agency. IEUA PRE-TREAT AGREEMENT

Motion carried unanimously.

Public hearing was opened regarding Resolution of Necessity – Walnut Avenue – Eminent Domain.

No written communications were received.

Staff presentation was given by Real Property Analyst Delia Mejia.

PH-A ADPT RES 05-176 RES. OF NECESSITY WALNUT AVE.

No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren adopting **Resolution No. 2005-176**, a Resolution of Necessity of the City Council of the City of Fontana, declaring that the acquisition of fee interests in APNS 0228-072-05, 0228-074-21, and 0228-076-01; to acquire fee interest in portions of APNS 0228-081-05, 0240-071-34, 0240-071-38, 0240-091-19 and 0240-071-36; of certain real property located on or near Walnut Avenue, by eminent domain is necessary for street extension and realignment, street widening improvements and related public infrastructure improvements to Walnut Avenue, in Fontana, California. Motion carried unanimously.

Public hearing was opened regarding Specific Plan Amendment No. 03-010 (Summit at Rosena Specific Plan) and Development Agreement.

PH-B CON'T SPA 05-010

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No written communications were received.

TO 12/20/05

Staff presentation was given by Deputy City Manager Debbie Brazill, Community Development Director Don Williams, and Planner DiTanyon Johnson.

Speaking for the applicant were Lloyd Zola, 3600 Lime St. Riverside; Tony Brickett, and Mark Ostoich, 550 E. Hospitality Lane, San Bernardino. No one spoke in favor. Speaking in opposition was Keith E. Davis, 5794 Pine Valley Drive, Fontana.

ACTION: After much discussion, motion was made by Mayor Nuaimi, seconded by Council Member Rutherford, to continue the hearing to the December 20, 2005 City Council meeting. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

A. Cancellation of the January 3, 2006 City Council meeting.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, to cancel the January 3, 2006 City Council meeting. Motion carried unanimously.

CANCEL 1/3/06
C C MEETING

Council Member Roberts stated he attended the Open House of the Pepper Street Historical House on October 23rd. He noted the Rotary Club is going to re-roof this house.

OPEN HOUSE

Council Member Roberts, Rutherford and Warren spoke of their trip to China, making busy connections, and thanking the Fontana Area Chamber of Commerce for hosting the trip. A viewing party of this trip will be Thursday, December 8, at the Sons of Italy where they will be sharing photos.

CHINA TRIP

Council Member Rutherford noted the Village of Heritage community meeting last night regarding the LMD, with the ballots to be mailed out soon.

VOH LMD

Council Member Rutherford spoke of mailboxes for the Morningside Community.

MAILBOXES

Council Member Warren gave a special thank you to Young Homes and City staff for the ribbon cutting of Almeria Park.

THANKS

Council Member Warren noted the Chamber of Commerce Holiday Mixer will be at Rotolo Chevrolet.

CHAMBER MIXER

Council Member Warren noted a toy drive sponsored by County and State elected officials on December 7 at 5:00 p.m.

TOY DRIVE

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Council Member Warren stated the Grand Opening of the Superior Warehouse at Citrus and Foothill is scheduled for November 17 th .	GRAND OPENING
Mayor and Council Members wished everyone a Happy Thanksgiving.	THANKSGIVING
Council Member Scialdone thanked the Police Department for the emergency services presentation in tonight's workshop.	THANKS
Council Member Scialdone noted a decrease in traffic accidents, noting hard work by Traffic Engineering, Community Development (Planning), and the Police enforcement.	LESS ACCIDENTS
Council Member Scialdone noted the approval of the library and Jurupa projects at tonight's meeting.	APPROVALS
Mayor Nuaimi stated it is great to have the Council Members back from their trip to China.	MEMBERS BACK
Mayor Nuaimi congratulated Pop Warner teams, Bucks, Elks, and Falcons for their weekend games.	POP WARNER
Mayor Nuaimi reminded everyone to please attend the water company rate increase hearings on Thursday.	WATER RATE HEARINGS
At 10:45 p.m. the meeting adjourned by consensus, to the next workshop meeting on Tuesday, December 6, 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 6th DAY OF DECEMBER, 2005.

Beatrice Watson
City Clerk