

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
DECEMBER 20, 2005**

A workshop meeting of the City of Fontana City Council was held on Tuesday, December 20, 2005 in the Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:07 p.m.

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

Absent: None

The Ventana at Duncan Specific Plan presentation was cancelled. The agenda was reviewed. Following City Manager comments, the workshop adjourned at 5:25 p.m. to a Closed Session.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, December 20, 2005 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:03 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, led by Mayor Nuaimi.

Mayor and Council Members congratulated Council Member Rutherford on her recent marriage to Steve Young Lim.

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

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9.
Number of Cases: One

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT
TO GOVERNMENT CODE SECTION 54956.8
Property: APN 0240-081-13 16564 Baseline Avenue, estate of Ella Kopp.

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Negotiating Parties: Deputy City Manager Debbie Brazill
Under Negotiation: Price and Terms

There was no reportable action.

The following Special Presentations were made: S P

The recognition of Officer Frank Tolerico as the November "Employee of the Month" and the "Employee of the Year" was continued to a future meeting.

Mayor and Council recognized Officer Matthew Roth as the December "Employee of the Month", presented by Chief Larry Clark.

Mayor and Council recognized the players, cheer squad members, cheer leaders and coaches of the Fontana Pop Warner Elks Football Team.

Mayor and Council introduced Central Valley Fire District Chief Tom Weldon.

The following Public Communications were received: P C

Joseph Quattnocarck, American Legion Post 262 asked that they be permitted to keep their building. POST 262 BLDG

Pastor Emory James spoke of the proposed Martin Luther King, Jr. memorial. Mayor Nuaimi made a statement suggesting this be done by naming a room in the new library for Dr. King. MEMORIAL

Tony Orlich, Randall Avenue, spoke of campaign funding. CAMPAIGN

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

Tony Orlich spoke in opposition to Consent Calendar Items "C, D, J, & K".

Consent Calendar Item "L" was pulled for separate action.

ACTON: Motion was made by Council Member Roberts, seconded by Council Member Warren, approving Consent Calendar Items "A-K, & M(2)" as follows:

- A. Approving the minutes of the December 6, 2005 Regular City Council Meetings. MINUTES
- B. Adopting **Ordinance No. 1495**, amending Chapter 25, Chapter 7 and Chapter 2 relating to streets, sidewalks and other public ways, elections, and administration of the Fontana Municipal Code. ADPT ORD 1495 AMEND CODE CH 25, 7, 2

- C. Accepting as complete the work performed by Majich Bros., Inc., for the construction of Citrus Avenue Storm Drain Project from Baseline Avenue to South Highland Avenue, approving the final construction amount of \$1,542,692.50 and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid Number SB-48-05. ACCPT MAJICH SB-48-05
- D. Accepting as complete the work performed by GCI Construction, Inc., for the construction of Juniper Avenue Storm Drain from Baseline Avenue to South Highland Avenue, approving the final construction contract amount of \$1,413,660.55 and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-40-05. ACCPT GCI SB-40-05
- E. Authorizing the Department of Engineering to advertise for bids for construction of Fire Station No. 79. ADV BIDS FIRE STATION #79
- F. (1) Accepting as complete and authorizing the Deputy City Manager to execute and file a Notice of Completion for Project SB-73-05 (8334 Emerald). ACCPT SB-73-05 8334 EMERALD
- (2) Approving the final construction amount of \$298,640.00.
- (3) Approving the release of 10% retention upon satisfactory closure of the contract.
- G. Approving the City of Fontana's Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended June 30, 2005. APRV CAFR
- H. (1) Adopting **Resolution No. 2005-184**, of the City Council of the City of Fontana declaring intention to annex territory to Community Facilities District No. 23M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 4) located at the northwest corner of Oleander Avenue and Miller Avenue. ADPT RES 05-184 CFD 23M
- (2) Setting the public hearing for February 7, 2006, for the formation of the District and calling the special election for February 7, 2006.
- I. (1) Adopting **Resolution No. 2005-185**, of the City Council of the City of Fontana declaring intention to annex territory to Community Facilities District No. 39M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1) located at the northeast corner of Poplar Avenue and San Bernardino Avenue. ADPT RES 05-185 CFD 39M

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- (2) Setting the public hearing for February 7, 2006, for the formation of the District and calling the special election for February 7, 2006.

- J. (1) Adopting **Resolution No. 2005-186**, of the City Council of the City of Fontana determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 44M. ADPT RES 05-186 & 187 CFD 44M

- (2) Adopting **Resolution No. 2005-187**, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 44M of the City of Fontana.

- (3) Setting the public hearing for February 7, 2006, for the formation of the District and calling the special election for February 7, 2006.

- K. (1) Adopting **Resolution No. 2005-188**, of the City Council of the City of Fontana determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 45M. ADPT RES 05-188 & 189 CFD 45m

- (2) Adopting **Resolution No. 2005-189**, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 45M of the City of Fontana.

- (3) Setting the public hearing for February 7, 2006, for the formation of the District and calling the special election for February 7, 2006.

- L. PULLED FOR SEPARATE ACTION. PULLED

- M. (1) Authorizing the City Manager to execute a construction contract with HCI, Inc., for the installation of Verizon conduits on Lytle Creek Road from Ford Way to Summit Avenue, Bid No. SB-31-DE-06 in the amount of \$98,937.12 and authorizing a contingency fund in the amount of \$21,062.88. AUTH HCI, INC VERIZON

- (2) Appropriating \$150,000 from Fund 637 Underground Utilities to complete this project which includes \$30,000 for construction management, inspection and testing services.

Motion carried unanimously.

Carl Atkinson, 15186 Foothill and Victor Vollhardt spoke in opposition to Consent Calendar Item "L". C C – L ADPT RES 05-190 LAFCO

Priscilla Brown, 16079 Tyrol Drive asked for information regarding her business if she is annexed to the City. Staff responded. ANNEXATION OF ISLANDS REQUEST

Mayor and Council Members noted there will be community informational meetings beginning the end of January. City Manager Ken Hunt noted staff should be in place to cover the annexed areas when the annexation

happens as it has been included in the budget.

LAFCO Executive Director Kathy McDonald explained the timeline for takeover by the City of Fontana if/when approved by LAFCO.

Council Member Rutherford stated she opposes the State Law regarding infill annexation, therefore, she will be voting against this item.

ACTION: Motion was made by Mayor Nuaimi, seconded by Council Member Roberts, approving Consent Calendar Item "L" as follows:

- L. (1) Adopting **Resolution No. 2005-190**, requesting that the Local Agency Formation Commission (LAFCO) initiate proceedings for the annexation of the unincorporated "island" areas to the City of Fontana City limits under Annexation No. 168 (various parcels throughout the City's unincorporated sphere of influence); and
- (2) Based upon the plan of services and fiscal impact analysis, approving the additional staff positions for the Police Department, Department of Public Works, Department of Building and Code Compliance, and Department of Community Development. If the City Council approves the additional positions, City staff will follow up with budget changes at mid-year.

Motion carried by a 4-1 vote, Council Member Rutherford voting against for the reason as noted above.

Public hearing was opened regarding continuation of Specific Plan No. 03-010 and Development Agreement for Summit at Rosena Specific Plan.
No written communication was received.

PH-A CON'T SPA
03-010 TO 1/7/06
SUMMIT AT
ROSENA

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, continuing Specific Plan No. 03-010 and Development Agreement for Summit at Rosena Specific Plan to the January 17, 2006 City Council meeting. Motion carried unanimously.

Public hearing was opened regarding Appeal No. 05-002 regarding Variance No. 05-012.
No written communication was received.
Staff presentation was given by Community Development Director Don Williams and Planner Paul Gonzales. Staff provided Findings for Variance if the City Council wishes to uphold the Appeal.
Speaking for the applicant was District Manager Dave Ranovich.
No one spoke in favor or opposition. The hearing was closed.

PH-B UPHOLD
APPEAL 05-002
VARIANCE 05-012
APPROVED

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Roberts, overturning the decision of the Planning

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Commission on October 11, 2005, and upholding Appeal No. 05-002, Variance No. 05-012, including the Findings for Variance as provided by staff. Motion carried unanimously.

Public hearing was opened regarding weed abatement, sewer accounts, and rubbish accounts liens.
No written communications were received.
Staff presentation was given by Business Services Manager Jeff McPherson.

PH-C ADPT RES
05-191 WEED
ABATEMENT/
SEWER/RUBBISH
LIENS

Council Member Rutherford left the meeting at 8:52 p.m., returning at 8:55 p.m.

No one spoke in favor. Speaking in opposition was Tony Orlich. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, (1) adopting **Resolution No. 2005-191**, adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof; (2) authorizing staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the certified lien list, and directing staff to forward recorded liens to the County for collection; and (3) authorizing staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the certified lien list, and directing staff to forward recorded liens to the County for collection. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Nuaimi appointing Council Member Roberts as Mayor ProTem. Motion carried unanimously.

MAYOR PRO TEM

Mayor and Council Members spoke of the Festival of Winter and parade, and wished everyone a Happy Holiday Season and Happy New Year.

FESTIVITIES

Council Member Warren thanked those participating in the Foster children event, as well as the "Shop with a Cop".

THANKS

Council Member Warren thanked the Black Voice Newspaper for their fundraiser.

THANKS

Council Member Warren invited citizens to an event on February 18th at Sierra Lakes for the Chaffey Center.

EVENT

Council Member Scialdone stated he attended the NAACP Forum.

FORUM

Council Member Scialdone commended the Police Department for the great job with the bike give-away of 50 bicycles, as well as the “Shop with a Cop” with over 70 officers participating.	COMMEND
Council Member Scialdone participated with the Police Department Saturday delivering toys to 300 households in the City and sphere of influence.	TOY GIVEAWAY
Mayor Nuaimi congratulated Council Member Scialdone for being appointed the Interim Police Chief of the City of Rialto.	CONGRATS
Mayor Nuaimi congratulated Council Rutherford on her recent marriage to Steve Young Lim.	CONGRATS
Mayor Nuaimi congratulated Assistant to the City Manager Amy Colbrunn on receiving her Bachelor’s Degree.	CONGRATS
Mayor Nuaimi thanked all who participated in events this past weekend delivering toys and shopping with a cop program.	THANKS
Mayor Nuaimi recognized the Letter to the Editor from Ron and Irma Escobar regarding their recent loss, and asked that we continue to pray for them.	LETTER
At 9:11 p.m. the meeting adjourned by consensus, to an Adjourned Regular Meeting on December 23, 2005, at 8:00 a.m. in the City Hall Executive Conference Room located at 8353 Sierra Avenue, Fontana, CA, and then to the next regular City Council Workshop on Tuesday, January 17, 2006 at 5:00 p.m. in the Executive Conference Room, followed by the regular City Council 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 17th DAY OF JANUARY, 2006.

Beatrice Watson
City Clerk