

**MINUTES OF THE JOINT CITY COUNCIL/
PLANNING COMMISSION WORKSHOP
OF THE CITY OF FONTANA
REGULAR MEETING
MARCH 22, 2006**

Two Joint City Council/Planning Commission Workshops were held on Wednesday, March 22, 2006 in the Police Department Conference Room. Mayor Nuaimi called the meeting to order at 4:05 p.m.

ROLL CALL: CITY COUNCIL

Present: Mayor Nuaimi, Council Members Roberts, Scialdone and Rutherford. Council Member Warren arrived at 4:15 p.m.
Absent: None

PLANNING COMMISSION:

Present: None

(The Planning Commission Members were absent because they were attending a conference.)

I-15 Development discussion was led by Senior Planner Charles Fahie. I-15 DEV.

Input was received by the Mayor and Council Members regarding the circulation element, office buildings, and the master storm drain east of I-15.

Council Member Rutherford left the meeting at 4:40, returning at 4:43 p.m.

Council Member Scialdone left the meeting at 4:48, returning at 5:00 p.m.

This workshop adjourned at 5:00 p.m.

The second Joint City Council/Planning Commission workshop began at 5:09 p.m.

LEWIS
HOMES
NORTH
SPECIFIC
PLAN

The Lewis Homes North Specific Plan was presented by Senior Planner Charles Fahie. Input was given by Bryan Goodman, Lewis Homes, and Randy Jackson with the Planning Center.

The agenda was reviewed. Following City Manager comments, the workshop adjourned at 6:00 p.m. to a Closed Session.

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A Regular Meeting of the City Council of City of Fontana was held on Wednesday, March 22, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:06 p.m.

ROLL CALL: Present: Mayor Nuaimi, Council Members Roberts, Rutherford, Scialdone and Warren **ROLL CALL**
Absent: None

The Invocation was given by Mayor Pro Tem Roberts, followed by the Pledge of Allegiance.

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 (b) (c)
Number of Cases: One

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT
TO GOVERNMENT CODE SECTION 54956.8
Property: APN 0240-041-39 (WEP Real Estate)
Negotiating Parties: Deputy City Manager Debbie Brazill
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54956.8
Property: APN 0228-301-03-04 and 05 (Dorriz/Senco); APN 0230-261-26
(City of Fontana); APN 0240-052-57 (City of Fontana; APN 0240-052-60
(City of Fontana); APN 0228-291-25 (City of Fontana)
Negotiating Parties: Deputy City Manager, Debbie Brazill
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54956.8
Property: APN 0240-101-20 & 29 (Wreba G. McGee)
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**

Mayor and Council recognized the following “Employees of the Month”:
January – Officer Brian McLane and Officer Kevin Goltara

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February – Corporal Danny Gore

These were presented by Police Chief Larry Clark.

The following Public Communication was received:

P C

Tony Orlich spoke of campaign funding.

FUNDING

Staff presentation was given on Consent Calendar Item “M”.

C C

Staff presentations were given on Consent Calendar Items “K, and M”.

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

- A. Approving the minutes of the March 8, 2006 Regular City Council Meeting MINUTES
- B. (1) Adopting **Ordinance No. 1497**, approving Specific Plan No. 03-010 (Summit at Rosena Specific Plan). ADPT ORD 1497
SPA 03-010
SUMMIT/ROSENA
- (2) Adopting **Ordinance No. 1498**, approving the Summit at Rosena Specific Plan Development Agreement. ADPT ORD 1498
SUMMIT/ROSENA
DEV. AGREE
- C. Accepting the 2005 Police Department Annual Report. POLICE REPORT
- D. (1) Accepting as complete the subdivision improvements in Tract No. 15844 located south of Sierra Lakes Parkway and east of Beech Avenue in the Summit Heights Specific Plan. ADPT RES 06-47
TR 15844
- (2) Adopting **Resolution No. 2006-47**, accepting sewers in Tract No. 15844 as part of the City sewer system.
- E. Accepting as complete the work performed by HCI Inc., for the installation of Verizon conduits on Lytle Creek Road Way to Summit Avenue; approving the final construction contract amount of \$102,724.14 and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-31-DE-06. ACCPT HCI, INC
- F. (1) Accepting as complete the subdivision improvements in Tract No. 15841-1 located south of Summit Avenue and west of Lytle Creek Road in the Summit Heights Specific Plan. ADPT RES 06-48
TR 15841-1
- (2) Adopting **Resolution No. 2006-48**, accepting sewers in Tract No. 15841-1 as part of the City sewer system.

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- G. Accepting final Parcel Map No. 16829 located north of Foothill Boulevard and west of Cherry Avenue and allow the abandonment of portions of the easement granted to the City of Fontana for storm drain and public utility easement. ACCPT PM 16829
- H. Authorizing the City Manager to execute a contractual services agreement with Kimley-Horn and Associates, Inc., to provide design improvements at Baseline Avenue and Laurel Avenue in the amount of \$56,000 and a 10% contingency fund in the amount of \$5,600. AUTH CONTRACT KIMLEY-HORN
- I. (1) Finding that the project is exempt from further environmental review pursuant to Section 3.07 of the Local Guidelines for implementing the California Environmental Quality Act (2005), projects with no possibility of significant effects upon the environment, and directing staff to file a Notice of Exemption. APRV PRE-ANNEX ACE HARDWARE
- (2) Approving and authorizing the City Manager to execute a pre annexation agreement with Charles L. Pagano, landowner (owner and operator of Act Hardware dba Fontana Builders Mart, at the southeast corner of Foothill Boulevard and Almeria Avenue.
- J. Adopting **Resolution No. 2006-49**, authorizing application for financial assistance application from the State Water Resources Control Board for the San Bernardino trunk sewer project from the State Revolving Loan Fund. ADPT RES 06-49 WATER APPL
- K. (1) Accepting bid in the amount of \$47,994.903 and authorizing the City Manager to enter into a contract with Douglas E. Barnhart, Inc., for the construction of Fontana Park and Jessie Turner Community and authorizing a 10% contingency in the amount of \$4,799,490. ACCPT BID BARNHART
- (2) Authorizing the Business Services Manager to issue a purchase order to Douglas E. Barnhart, Inc., in the amount of \$52,794.393.
- L. (1) Awarding bid and authorizing the City Manager to enter into a two-year contract with Dunn Edwards Paints with three one-year extensions at the sole discretion of the City, for graffiti paint. AWARD BID DUNN-EDWARDS
- (2) Authorizing the Business Services Manager to issue a purchase order in an amount not to exceed \$40,000 to Dunn Edwards Paint.
- M. (1) Adopting the Mitigated Negative Declaration and California Fish and Game DeMinimis Impact Finding prepared for the I-10/ Cypress Avenue Overcrossing Project, directing staff to file a Notice of Determination. I-10/CYPRESS PROJECT

- (2) Making a Finding that the I-10/Cypress Avenue Overcrossing Project is in conformance with Policy No. 14 of Goal No. 1 and of the Circulation Element (Chapter 4), and generally in conformance with the 2003 General Plan.

Motion carried unanimously, except for Mayor Nuaimi voting against Consent Calendar No. "B-2".

Public hearing was opened regarding Community Facilities District No. 47M – Tract No. 16743.

PH-A ADPT RES
06-50/51/52
CFD 47M

No written communication was received.
Staff presentation was given by Finance Manager Mel Drown.
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. 2006-50**, of the City Council of the City of Fontana establishing Community Facilities District No. 47M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof; and adopting **Resolution No. 2006-51**, of the City Council of the City of Fontana calling a special election and submitting to the voters of Community Facilities District No. 47M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District. Motion carried unanimously.

City Clerk Bea Watson announced the results of the ballot as 3 (three) votes in favor.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2006-52**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 47M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District 25M, located north of Upland Avenue, east of Laurel Avenue and west of Frankfort Avenue.

PH-B ADPT RES
06-53/54
CFD 25M

No written communication was received.
Staff presentation was given by Finance Manager Mel Drown.
No one spoke in favor. Speaking in opposition was Tony Orlich.
The hearing was closed.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-53**, of the City Council of the City of Fontana calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 25M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 2). Motion carried unanimously.

City Clerk Bea Watson announced the results of the election as 3 (three) votes in favor.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, adopting **Resolution No. 2006-54**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 25M of the City of Fontana on the proposition of the annual levy of special taxes within the territory proposed to be annexed to said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District, determining that the territory proposed to be annexed is added to the part of said Community Facilities District with full legal effect, and ordering the recording of an amendment to the notice of special tax lien for said Community Facilities District including the territory annexed thereto (Annexation No. 2). Motion carried unanimously.

Public hearing was opened regarding Quarterly Lien Action Report for Delinquent Sewer, Rubbish and Weed Abatement Accounts.

PH-C ADPT RES
06-55 LIENS

No written communication was received.

Staff presentation was given by Business Services Manager Jeff McPherson.

No one spoke in favor or opposition. Speaking with a concern was Brian Cain, 6530 Crenshaw, Los Angeles. The hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2006-55**, 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.

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The following Elected Official Communications were received:	E O C
Mayor and Council Members sent condolences to the Lewis family in the passing of Goldy Lewis, as well as the DuBois family in the passing of Gerald DuBois.	CONDOLENCE
Council Member Rutherford commended those who went to jail to benefit the M D Association.	THANKS
Council Member Rutherford and Warren spoke of the assessment in the Village of Heritage.	BALLOT
Council Member Rutherford thanked the Police and Fire Departments for their help in the Church of Jesus Christ of Latter Day Saints Preparedness Fair.	THANKS
Council Member Rutherford commended the Fontana Unified School District for improvement in recent scores.	COMMEND
Council Member Roberts cautioned citizens to be careful what they sign when asked for signatures for propositions regarding the use of eminent domain.	CAUTION
Council Member Warren noted the new hospital in North Fontana has opened.	HOSPITAL
Council Member Scialdone noted items that were approved on tonight's agenda.	ITEMS APRV
Mayor Nuaimi noted the Mayor's Gala to benefit the new library on April 8 th .	GALA
Mayor Nuaimi asked for prayers for the four Council Members going to Washington, D. C.	TRIP
Mayor Nuaimi congratulated City Clerk Bea Watson on her recent acknowledgement by a dinner sponsored by the Exchange Club.	CONGRATS
By consensus, Mayor and Council directed staff to write a letter regarding opposition of expansion of the AQMD.	LETTER
Mayor Nuaimi asked that adjournment be in memory of Jerry DuBois and Goldy Lewis.	ADJ IN MEMORY
By consensus, the meeting adjourned in memory of Jerry DuBois and Goldy Lewis, at 8:11 p.m. to Lake Arrowhead on March 23 and 24; a trip to Washington, D. C. on Monday March 27, 2006; then to a workshop meeting on Tuesday, April 11, 2006 at 5:30 p.m. in the City Hall Executive	ADJOURN

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Conference Room and then to the adjourned regular meeting at 7:00 p.m. in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA.

Orvene Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 11TH DAY OF APRIL, 2006.

Beatrice Watson
City Clerk