

**MINUTES OF THE JOINT CITY COUNCIL/
PLANNING COMMISSION WORKSHOP
OF THE CITY OF FONTANA
REGULAR MEETING
APRIL 11, 2006**

A City Council Workshop was held on Tuesday, April 11, 2006 in the Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:31 p.m.

ROLL CALL: CITY COUNCIL

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

Absent: None

A Healthy Fontana presentation was given by Deputy City Manager David Edgar, Community Services Director Ken Herron, and Recreation Services Manager Ray Gonzales.

The agenda was reviewed. Following City Manager comments, the workshop adjourned at 6:05 p.m. to a Closed Session.

A Regular Meeting of the City Council of City of Fontana was held on Tuesday, April 11, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:14 p.m.

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

Absent: Council Member Warren arrived at 7:35 p.m. (during Public Hearing "A")

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 REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54956.8**

Property: APN 0240-141-37, 7266 Mango Avenue – (Kenneth L. Fowler); APN 0236-121-08, 10591 Cherry Avenue (Emma Variag); APN 0236-

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122-22 & 0236-101-23, 10691 Cherry Avenue (James and Rosalie Johnston); APN 0236-101-23 & 0236-101-24, s/w corner of Cherry and Slover (Rosemead Properties); APN 0236-181-22, 11060 Cherry Avenue (Joe Burt); APN 0236-181-11, 10918 Cherry Avenue, (California Contractor’s Connection); APN 0236-191-14, 11171 Cherry Avenue (Ronald N. Tutor)

Negotiating Parties: City Manager Ken Hunt and Delia Mejia, Real Property Analyst

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0228-301-03, 04, 05 (Dorriz/Senco); APN 0230-261-28 and APN 022280291025 (City of Fontana)

Negotiating Parties: City Manager Ken Hunt and Jane Harris, Senior Administrative Analyst

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO SECTION 54956.8

Property: APN 1119-241-17 (Chen); APN 1119-241-13 (Reveles); APN 1119-2410-14, -15, -16 (Davis); APN 1119-241-10 (Anderson Properties); APN 1119-241-12 (Devore); APN 1119-241-11 (Covenant Development); APN 1119-221-01, -02 (Covenant Development); APN 1110-221-03, -04 (Moses); APN 1119-221-05 (Dawnelle Enterprises); APN 1119-221-06, -07 (Ficarotta); APN 1119-221-08 (L & E Storage), -09, 010 (Abdellatif), -11, -12 (Montag), -13, -14 (Constant, -17 (CGS Partnership)

Negotiating Parties: Kenneth Hunt, City Manager

Under Negotiation: Price and Terms

There was no reportable action.

The following Special Presentations were made:

S P

Mayor and Council recognized Artist Ramona Moni Plank for the Artist Showcase entitled “Movement Captured”.

Community Services Manager Ray Gonzales gave an update on Teen Fest.

The following Public Communication was received:

P C

Tony Orlich spoke of clean money

Kevin Roberts spoke for Billy Brahams regarding an Americorps fundraiser at Riverside Community College to benefit the Teachers Preparation Scholarship Fund.

Chris Mardis, 385 N. Arrowhead, spoke of a scheduled Lunch with Supervisor Josie Gonzales on April 20 presented by the Chamber of Commerce.

Council Member Rutherford noted corrections to Consent Calendar Item "A", the minutes: Misspelling of Goldy Lewis, and the benefit was for MD rather than MS, both page 7 of the minutes. C C

Mayor Nuaimi stated he will abstain from Consent Calendar Item "K".

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 the March 22, 2006 Regular City Council Meeting, **as corrected.** MINUTES
- B. (1) Adopting **Resolution No. 2006-56**, determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 51M. ADPT RES 06-56, 57 CFD 51M
- (2) Adopting **Resolution No. 2006-57**, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 51M of the City of Fontana.
- (3) Setting the public hearing for June 13, 2006 for the formation of the District and calling the special election for June 13, 2006.
- C. (1) Adopting **Resolution No. 2006-58**, determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 50M. ADPT RES 06-58, 59 CFD 50M
- (2) Adopting **Resolution No. 2006-59**, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 50M of the City of Fontana.
- (3) Setting the public hearing for June 13, 2006 for the formation of the District and calling the special election for June 13, 2006.
- D. (1) Adopting **Resolution No. 2006-60**, determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 49M. ADPT RES 06-60, 61 CFD 49M
- (2) Adopting **Resolution No. 2006-61**, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 49M of the City of Fontana.

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- (3) Setting the public hearing for June 13, 2006 for the formation of the District and calling the special election for June 13, 2006.

- E. (1) Adopting **Resolution No. 2006-62**, determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 48M. ADPT RES 06-62, 63 CFD 48M

- (2) Adopting **Resolution No. 2006-63**, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 48M of the City of Fontana.

- (3) Setting the public hearing for June 13, 2006 for the formation of the District and calling the special election for June 13, 2006.

- F. (1) Adopting **Resolution No. 2006-64**, declaring intention to annex territory to Community Facilities District No. 41M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 2). Located at the southeast former of Acacia Avenue and Randall Avenue. ADPT RES 06-64 CFD 41M

- (2) Setting the public hearing for June 13, 2006, for the formation of the District and calling the special election for June 13, 2006.

- G. (1) Adopting **Resolution No. 2006-65**, declaring intention to annex territory to Community Facilities District No. 41M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1), located at the southeast corner of Poplar Avenue and Randall Avenue. ADPT RES 06-65 CFD 41M

- (2) Setting the public hearing for June 13, 2006, for the formation of the District and calling the special election for June 13, 2006.

- H. (1) Adopting **Resolution No. 2006-66**, declaring intent to annex territory to Community Facilities District No. 9M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1), located north of Harvey Drive, east of Oleander, and west of Cypress Avenue. ADPT RES 06-66 CFD 9M

- (2) Setting the public hearing for June 13, 2006, for the formation of District and calling the special election for June 13, 2006.

- I. Authorizing the City Manager to execute a contractual services agreement with TKE Engineering to revise the Foothill Boulevard plans from East Avenue to Hemlock Avenue in the amount of \$92,300 and a 10% contingency in the amount of \$9,230. CONTRACT TKE ENG.

- J. Authorizing the City Manager to execute Amendment No. 1 to an existing contractual services agreement with Jack Buchanan AMEND #1 JACK BUCHANAN

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- to provide technical support to maintain the City's Capital Improvement Project Management System (CPMS) and increasing the contract amount from \$24,500 to \$40,000, an increase of \$15,500.
- K. Approving and authorizing the City Manager to execute Amendment No. 3 to the engineering services agreement with Meyer, Mohaddes Associates (MMA) for the amount of \$60,000 with a not to exceed contract amount of \$364,229.40 to provide on-call transportation engineering services for the I-10 interchanges and overcrossing projects. AMEND #3
MMA AGREE

 - L. Accepting final map for Tract No. 16597 located north of Baseline Avenue and west of Beech 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 16597

 - M. Accepting final map for Tract No. 17438 located east of Citrus Avenue and south of Casa Grande 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 17438

 - N. Accepting final map for Tract No. 16482 located north of Miller Avenue and east of Locust 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 16482

 - O. (1) Awarding a bid (SB-32-DE-06) and authorizing the City Manager to enter into a construction contract with Sully-Miller Contracting Company for the construction of Walnut Avenue (Phase 2B) street improvement project from Citrus Avenue to Sierra Avenue in the amount of \$1,324,812.05. AWARD BID
SULLY-MILLER

 - (2) Authorizing a 10% contingency in the amount of \$132,481.21.

 - P. Accepting as complete the work performed by Dye and Browning Construction, Inc., for the construction of public improvements at various locations within the City of Fontana; approving the final construction contract amount of \$1,144,431.23; and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-15-05. ACCPT DYE &
BROWNING

 - Q. Authorizing the City Manager to execute a contractual services agreement with Willdan, Inc., to provide design services for street and traffic signal improvements on Cherry Avenue between Slover Avenue and Jurupa Avenue in the amount of \$48,000 and a 10% CONTRACT
WILLDAN, INC

contingency fund in the amount of \$4,800.

- R. (1) Awarding bid and authorizing the City Manager to enter into a construction contract with GCI Construction, Inc. for \$178,818, and approving a 10% contingency in the amount of \$17,818. (Storm Drain Rehabilitation Project SB-04-06). CONTRACT
GCI CONST.
- (2) Authorizing the Business Services Manager to issue a purchase order to CGI Construction Inc. in the amount of \$178,180.
- (3) Authorizing the Director of Public Works to administratively approve and implement short term street closures and detours during construction.
- S. Awarding bid and authorizing the City Manager to enter into a construction contract with F.E.C. Electric for \$156,449, and authorizing a 10% contingency in the amount of \$15,644. AWARD BID
F E C ELECTRIC
- T. (1) Authorizing the Management Services Department to join in the cooperative bid process with the County of San Bernardino for the purchase of an HD Industries pro-patch pothole patcher from Dieterich International Truck Sales, Inc., of Colton, CA. COOP BID
DIETERICH
- (2) Authorizing the Business Services Manager to issue a purchase order in the amount of \$152,049.65 to to Dieterich International Truck Sales of Colton, CA to purchase an HD Industries pro-patch pothole patcher.
- U. Adopting **Resolution No. 2006-67**, concerning telecommunications services and vital City interests. ADPT RES 06-67
TELECOMM.
- V. Adopting **Resolution No. 2006-68**, opposing AB 2015 which would expand the size of the South Coast Air Quality Management District’s Governing Board. ADPT RES 06-68
AB 2015 OPPOSE

Motion carried unanimously, with Mayor Nuaimi abstaining on Consent Calendar Item “K”.

Public hearing was opened regarding Fiscal Year 2006-2007 One-Year Action Plan. PH-A APRV FY 06-07 ACTION PLAN

No written communication was received.

Staff presentation was given by Deputy City Manager David Edgar.

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

Council Member Warren arrived at 7:35 p.m.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, adopting the Fiscal Year 2006-2007

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One-Year Action Plan detailing the utilization of federal entitlement funds in said fiscal year and authorizing the City Manager to execute any and all documents necessary to effectuate said approvals. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District #38M Annexation of Territory.
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.

PH-B ADPT RES
06-69, 70 CFD 38M

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, adopting **Resolution No. 2006-69**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 38M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 1).

City Clerk Bea Watson announced the results of the ballot as 17 (seventeen) votes in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Roberts, adopting **Resolution No. 2006-70**, declaring the results of the special election for Community Facilities District No. 38M 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 and 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. 1).
Motion carried unanimously.

Council Members Rutherford and Warren stated they will be abstaining from the next public hearing because their residences are in that area. They left the meeting at 7:43 p.m.

Public hearing was opened regarding Village of Heritage - Landscape Maintenance District No. 2.

PH-C VOH LMD 2
NO ACTION

No public comments were received, therefore, no action was taken.

Council Members Rutherford and Warren returned to the meeting at 7:45 p.m.

Staff presentation was given by Public Services Director Curtis Aaron and Public Services Manager Dan Chadwick regarding proposed

NB-A INTRO ORD
1499 FLY HAZARD

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Ordinance amending Chapter 13 of the Fontana Municipal Code regarding Fly Breeding Hazards.

Following discussion, staff was directed to add CH.13-Sec.104 referencing the parking of oversized vehicles.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, waiving further reading of and introducing **Ordinance No. 1499**, amending Chapter 13, Article IV, Section 13-96 through 13-106 of the Fontana Municipal Code, **as revised**, concerning Fly Breeding Hazards, and providing for the abatement of same, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

The following Elected Official Communications were received: E O C

ACTION: By consensus, Mayor and Council received report on meetings attended by the Mayor, Council Members and City Staff on March 29, 2006 in Washington, D.C. TRIPS

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren to cancel the May 23, 2006 City Council meeting and the December 26, 2006 City Council Meetings. Motion carried unanimously. NO MTGS
5/23/06 OR
12/26/06

Mayor Nuaimi and Council Member Rutherford spoke of telecommunications. TELECOMM.

Mayor and Council Members thanked those working on the Mayor's Gala, and the big success for community spirit and money for the new library. MAYOR'S GALA

Council Member Rutherford noted the lunch on April 26th benefiting the Boys & Girls Club at the Sons of Italy. LUNCHEON

Council Member Warren apologized for being late because she went to the Highland City Council for a Relay for Life challenge. RELAY FOR LIFE

Council Member Warren thanked staff for the Healthy Fontana presentation given in the workshop. THANKS

Mayor and Council Members noted the various egg hunts this weekend and wished all a Happy Holiday. HOLIDAY

Council Member Scialdone noted Cruise Night the first Friday of each month. CRUISE NIGHT

Council Member Scialdone hopes the fly abatement ordinance makes FLY ABATEMENT

many South Fontana residents much more happy.

Council Member Scialdone asked that the City endorse an ordinance in support of AB 21-74 regarding drunk drivers' appearance in court. SUPPORT
AB 21-74

Council Member Roberts noted the good article in The Sun regarding Council Member Scialdone. ARTICLE

Mayor Nuaimi thanked the donors and attendees of the Mayor's Gala, noting approximately \$150,000 was raised to benefit the library. He noted some of the sponsors. THANKS

Mayor Nuaimi challenged cities regarding the Relay for Life and the 5K and Half Marathon. CHALLENGE

The following City Manager Communication was received: C M C

City Manager Ken Hunt commended staff for their good work preparing for the recent trips, as well as the Engineering Department for the marvelous job with the infrastructure. COMMEND

By consensus, the meeting adjourned at 8:21 p.m. to a workshop meeting on Tuesday, April 25, 2006 at 5:30 p.m. in the City Hall Executive 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. ADJOURN

Orvene Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 25TH DAY OF APRIL, 2006.

Beatrice Watson
City Clerk