

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JULY 11, 2006**

A workshop of the City of Fontana City Council was held on Tuesday, July 11, 2006 in the City of Fontana Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:05 p.m.

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

Absent: Council Members Scialdone and Warren.

The agenda was reviewed, followed by City Manager comments. The meeting adjourned to a Closed Session at 5:18 p.m.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, July 11, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:17 p.m.

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

Absent: None.

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

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 A-05-08-021.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT
TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0235-211-004, 0235-211-05 (Wiener Property on
Catawba Avenue)

Negotiating Parties: Kenneth Hunt, City Manager and Ray Bragg,
Redevelopment.

Under Negotiation: Price and Terms

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

Name of Parties: City of Fontana vs Chou et al

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Case Number: 115928

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (b) (c)**

Number of Cases: One

There was no reportable action. Council Member Rutherford did not participate in the second Closed Session item because of a possible conflict of interest.

The following Special Presentations were made:

S P

Mayor and Council recognized Payroll Staff, Karen DeRenard and Rita Coventry, presented by Management Services Director Lisa Strong.

Mayor and Council recognized Officer Andrew Anderson and the Multiple Enforcement Team (MET Unit) as the June “Employees of the Month”, presented by Police Chief Larry Clark.

The following Public Communications were received:

P C

Tony Orlich spoke on voting rights.

RIGHTS

Dee McClure, CALTRANS, brought information regarding future closures of the I-15 near Devore for a pavement rehabilitation project.

CLOSURE

Ken Galasso, noted upcoming Fontana Chamber of Commerce events.

EVENTS

Mayor Nuaimi noted Consent Calendar Item “D” will be moved to Public Hearing “A”. It had been properly noticed.

C C

Council Member Scialdone abstained from the June 27, 2006 minutes as he was absent from that meeting.

Council Member Scialdone suggested an Ordinance be brought back similar to Consent Calendar Item “B” relating to prohibited peddling around City parks.

Council Member Scialdone abstained from Consent Calendar Item “F” because this is near his residence.

Staff presentation was given regarding Consent Calendar Item “I”.

Brent Del Valle, 415 29th St. Newport, CA, spoke in favor of Consent Calendar Item “M”.

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Tony Orlich, Randall Avenue, spoke in opposition to Consent Calendar Item "B".

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

- | | | |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| A. | Approving the minutes of June 21, 2006 Adjourned Regular Meeting and the June 27, 2006 Regular City Council Meeting, | MINUTES |
| B. | Adopting Ordinance No. 1510 , adding Section 15-681 to Chapter 15, Article XIV, Division 1 of the Fontana Municipal Code relating to prohibited peddling around primary and secondary schools. | ADPT ORD 1510
PEDDLING NEAR
SCHOOLS |
| C. (1) | Authorizing the City Manager to award a construction contract to the lowest responsible, responsive bidder, R. J. Noble Company and authorizing a construction contingency fund in the amount of 10% (\$39,311.58) of the awarded construction amount. | CONTRACT
R. J. NOBLE CO. |
| (2) | Authorizing the Business Services Manager to issue a purchase order in the amount of \$393,115.80. | |
| (3) | Authorizing the Public Works Director to administratively approve and implement short term street closures and detours during construction. | |
| D. | MOVED TO PUBLIC HEARING 'D'. | MOVED PH-D |
| E. (1) | Approving the reimbursement agreement between the City of Fontana and Sierra Lakes Marketplace, LCC and authorizing the City Manager to execute the agreement for the purpose of reimbursing the owner for its public improvement costs for the Costco store to be located in the Sierra Lakes Marketplace Shopping Center. | REIMBURSE
AGREE COSTCO |
| (2) | Approving an operating transfer of \$1,000,000 from General Fund 101, the Economic Uncertainty Reserve, and transfer to the General Fund Capital Projects Fund 601 and appropriate \$1,000,000. | |
| F. | Authorizing the Public Works Department to advertise for bids for the construction of a trunk sewer system, service laterals and abandonment of existing septic systems. | ADV. BIDS
TRUNK SYSTEM |
| G. | Awarding bid to BDL Alarms for the provision of a video surveillance system for the Police Department in the amount of \$32,262.59, plus a 10% contingency of \$3,226.26. | AWARD BID
BDL ALARMS |

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- H. Adopting **Resolution No. 2006-131**, directing the placement of unpaid weed abatement charges on the property tax rolls for collection. ADPT RES 06-131
WEED ABATE
- I. (1) Approving the City's Historical Monument Sign Procedure adding City Administrative Procedure 20-36. APRV HISTORIC
SIGN SIGN
- (2) Approving an appropriation of \$40,000 from the General Fund Undesignated Reserve to Account 4202101.6660 for landscape site improvements.
- J. (1) Accepting as complete the work performed by S & S Investments, Inc., for the construction of Tangelo Avenue Sewer improvements from Marygold Avenue to the intersection of Mallory Drive. ADPT RES 06-132
ACCPY WORK
S & S INVEST.
- (2) Adopting **Resolution No. 2006-132**, accepting portion of sewers in Tangelo Avenue as part of the City sewer system.
- K. Accepting as complete the work performed by Riverside Construction Company for the construction of Summit Avenue storm drain Phase 4a project between Citrus Avenue and Cypress Avenue; approving the final construction contract amount of \$2,113,798.41; and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-76-05. RIVERSIDE
CONST WORK
SUMMIT STORM
DRAIN
- L. Adopting **Resolution No. 2006-133**, approving the destruction of certain Code Enforcement, Case Files and Weed Abatement Photos; City Clerk, Agenda Packets, Audio Tapes, Time Sheets, Public Communication, Temporary Employees and Election Material; Management Services, Invoices with Check Copy, SCE Summary Detail, Wire Payments, SCRMA Checks, Business License Files and Accounts Payable Files. ADPT RES 06-133
DESTRUCTION
OF RECORDS
- M. (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. INTRO ORD 1511
CODE AMEND
DEVELOPMENT
IMPACT FEES
- (2) Waiving further reading of and introducing **Ordinance No. 1511**, an Ordinance of the City of Fontana amending Section 21-120 of Article V, Chapter 21 of the Fontana Municipal Code and amending Section 21-123 of Article V, Chapter 21 of the Fontana Municipal Code relating to development impact fees, that the reading of the title constitutes the first reading thereof.
- N. (1) Adopting **Resolution No. 2006-134**, approving an amendment to the contract between the City of Fontana and CALPERS to INTRO ORD 1512
ADPT RES 06-134

provide Section 21354.4 (2.5% @ 55 full formula) for local miscellaneous members.

AMEND CALPERS CONTRACT

- (2) Waiving further reading of and introducing **Ordinance No. 1512**, authorizing Section 21354.4 (2.5% @55 full formula) for local miscellaneous members and that the reading of the title constitutes the first reading thereof.

Motion carried unanimously, with Council Member Scialdone abstaining on Consent Calendar Item "A" (minutes of June 27, 2006), and Consent Calendar Item "F"..

Public hearing was opened regarding Community Facilities District No. 41M (Annexation No. 1).

PH-A ADPT RES 06-135 CFD 41M

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

ACTION: Motion was made by Council Member Scialdone , seconded by Council Member Warren (1) adopting **Resolution No. 2006-135**, abandoning and terminating proceedings to annex territory to Community Facilities District No. 41M (Annexation No. 1). Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 05-005 and Zone Change 05-004.

PH-B INTRO ORD 1513 ADPT RES 06-136 GPA 05-005 05-004

No written communication was received. Staff presentation was given by Senior Assistant Planner Charles Fahie. Speaking for the applicant was Adam Byrd. 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, (1) finding that the project will not have a significant effect on the environment, adopting a Negative Declaration of Environmental Impact and the State of California Department of Fish and Game DeMinimis Impact Finding, and directing staff to prepare and file a Notice of Determination; (2) adopting **Resolution No. 2006-136**, approving General Plan Amendment No. 05-005, an amendment of the General Plan Land Use Map to change the land use designation of approximately 9 acres of Community Commercial (C-C) to be consistent with the proposed General Plan designation of General Commercial (C-G); (3) waiving further reading of and introducing **Ordinance No. 1513**, approving Zone Change 05-004 (APNS 0225-042014 and 15), to change zoning on approximately 9 acres of property designated as Community Commercial (C-2) to be consistent with the proposed General Plan designation of General Commercial (C-G), and that the reading of the title constitutes the first reading thereof. Motion carried

unanimously.

Public Hearing was opened regarding Ordinance amending Section 3-164 pertaining to temporary off-site real estate directional signs. No written communications were received. Staff presentation was given by Community Improvement Program Manager Ted Porlas. No one spoke in favor or opposition. The hearing was closed.

PH-C INTRO ORD
1514 CODE
AMEND REAL
ESTATE SIGNS

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, finding that the Amendment to Section 3-164 of the Fontana Municipal Code is exempt from further environmental review pursuant to Section 3.07 of the Local Guidelines for implementing the California Environmental Quality Act (2005) and directing staff to file a Notice of Exemption; and (2) waiving further reading of and introducing **Ordinance No. 1514**, amending Section 3.164 of the Fontana Municipal Code pertaining to temporary off-site real estate directional signs, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding proposed resolution establishing fees for permitting and inspecting poultry ranch operations. No written communication was received. Staff presentation was given by Public Services Manager Dan Chadwick. No one spoke in favor or opposition. The hearing was closed.

PH-D ADPT RES
06-137 POULTRY
RANCH INSP.
FEES

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2006-137**, establishing fees for permitting and inspecting poultry ranch operations. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Mayor and Council Members commended staff on the successful 4th of July celebration. They noted this has outgrown the FOHI stadium, suggesting staff look for a larger venue.

HOLIDAY

Council Member Warren noted a benefit on July 29 by Val Verde School Partners.

BENEFIT

Council Member Warren noted Fontana Nissan will be holding a press conference Thursday regarding a Black Sports of America event.

PRESS CONF.

Mayor and Council sent condolences to the Rotolo family in the passing of Mariano Rotolo.

CONDOLENCE
ROTOLO

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Council Member Rutherford wished Tony Orlich a Happy Birthday next Monday. BIRTHDAY

Council Member Rutherford noted the grand opening of the new Home Depot Wednesday at 6:00 p.m. with a board cutting. HOME DEPOT

Mayor and Council noted the 10:00 a.m. opening of the sports/soccer complex Saturday including the first inductees to the Wall of Fame. SPORTS WALL OF FAME

Mayor Nuaimi stated he went on a helicopter ride along on July 3rd noting the out of control illegal fireworks. RIDE ALONG

Mayor Nuaimi suggested adjourning this meeting to the memory of Mariano Rotolo. MEMORY

The following City Manager Communication was received: C M C

City Manager Ken Hunt noted the significance of the sports complex being completed in a timely manner and the difficult assignment staff had to get it completed. GOOD JOB

At 8:41 p.m. the meeting adjourned by consensus, in memory of Mariano Rotolo, to a workshop meeting on July 25, 2006 in the 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

Linda S. Nunn
Deputy City Clerk

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 25th DAY OF JULY, 2006.

Beatrice Watson
City Clerk