

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
AUGUST 22, 2006**

A workshop of the City of Fontana City Council was held on Tuesday, August 22, 2006 in the City of Fontana Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:07 p.m.

ROLL CALL: Present: Mayor Nuaimi, Council Members Roberts, Rutherford, and Scialdone. Council Member Warren arrived at 5:19 p.m. ROLL CALL

Absent: None.

A presentation was given by the Fontana Area Chamber of Commerce.

The agenda was reviewed, followed by City Manager comments.. The meeting adjourned at 6:04 p.m.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, August 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 Member Roberts, Rutherford, Scialdone and Warren. ROLL CALL

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 54956.9**

Property: Ronald N Tutor/Krista Investments Ltd. Ownership –
A{N 0236-101-14. -25. 11181 Cherry Avenue; Ferris Family Revocable
Living Trust Ownership – APN 0236-111-01, 10640 Cherry Avenue;
Naemi A. Compton Trust Ownership – APN 0236-1810-23, 11080
Cherry Avenue; Irwindale Company, Inc. – APN 0236-111-25, -26,
Northwest corner of Cherry and Santa Ana Avenues; Balderas
Ownership – APN 0236- 111-22, 10818 Cherry Avenue

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Negotiating Parties: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

There was no reportable action.

The following Special Presentations were made:

S P

Mayor and Council recognized former Fontana Police Officer David Ibarra, who recently resigned and is moving to Arkansas.

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

Mayor and Council proclaimed September 4-8, 2006 as "National Payroll Week", received by Rita Coventry and Karen DeRenard.

The following Public Communication was received:

P C

Tony Orlich spoke of public financing and illegal dumping.

DUMPING

Cheryl Anaya asked a question on Consent Calendar Item "F", to which staff responded.

C C

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

A. Approving the minutes of August 8, 2006 Regular Meeting.

MINUTES

B. (1) Adopting **Ordinance No. 1524**, authorizing an levy of a special tax within Community Facilities District No. 54M.

ADPT ORD 1524
CFD 54M

C. Adopting **Resolution No. 2006-197**, approving the destruction of certain Police Department files.

ADPT RES 06-197
DEST P.D. FILES

D. (1) Approving a contract agreement with Correctional Services, Inc. (CSI) of Anaheim, California in the amount of \$465,300 to provide booking, jail and transport services.

APRV CONTRACT
CORRECTIONAL
SERVICES (CSI)

(2) Authorizing the City Manager or his designee to sign the contract, all related documents and any amendments for the term of the contract.

(3) Approving the purchase of a transport van and two handi-talkies for use by CSI personnel.

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- E. (1) Authorizing the Management Services Department to join in a cooperative bid process using California Multiple Award Schedule (CMAS) #4-02-23-0013A to purchase an Altec AT37-G telescoping/articulating vehicle mounted aerial device from Altec Industries, of Dison, CA COOP BID
ALTEC VEH.
- (2) Authorizing the Management Services Department to issue a purchase order in the amount of \$79,017.39 to Altec Industries, Inc., of Dixon, CA for the purchase of an Altec AT37-G telescoping/articulating vehicle.
- F. (1) Adopting **Resolution No. 2006-198**, approving a reimbursement in accordance with the State Water Resources Control Board requirements relating to the State Revolving Loan Fund application for the San Bernardino trunk sewer project. ADPT RES 06-198
APRV REIMB.
WATER BOARD
TRUNK SEWER
- (2) Adopting **Resolution No. 2006-199**, establishing a wastewater capital replacement reserve fund in accordance with the State Water Resources Control Board's requirements of the State Revolving Loan Fund Program. ADPT RES 06-199
WASTEWATER
RESERVE FUND
- G. (1) Authorizing the Management Services Department to join in the cooperative bid with the County of San Bernardino for the purchase of an International 4300 5 cubic yard dump truck from Westrux International, (formerly Dieterich Truck Sales, Inc.) of Colton, CA. COOP BID
WESTRUX TRUCK
- (2) Authorizing the Management Services Department to issue a purchase order in the amount of \$80,367.09 for Westrux International (formerly known as Dieterich Truck Sales, Inc.) of Colton, CA to purchase an International 4300 5 cubic yard dump truck.
- H. Adopting **Resolution No. 2006-200**, approving the application for grant funds from the Recreation Trails Program under the federal safe, accountable, flexible, efficient transportation Equity Act; a legacy for users (SAFETEA-LU). ADPT RES 06-200
GRANT APPL
SAFETEA-LU
- I. (1) Approving a lease agreement with T-Mobile to install a wireless communications structure built into an existing lightpole, on the grounds of Northgate Park. APRV T-MOBILE
LEASE AGREE
- (2) Approving a lease agreement with Metro PCS and Southern California Edison (SCE) to install wireless communications equipment within the utility corridor near Shadow Park. APRV METRO PCS
& SCE LEASE
AGREE SHADOW
PARK
- (3) Authorizing the City Manager to execute the necessary documents.

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- J. (1) Accepting as complete the work performed by the Williams Fox Group, Inc., for the construction of a (local) sewer line from the intersection of Boyles/Poplar Avenues 700 feet west and 310 feet south. ACCPT WORK WILLIAMS FOX GROUP
- (2) Adopting **Resolution No. 2006-201**, accepting the sewers in Boyle and Poplar Avenues as part of the City sewer system. ADPT RES 06-201 SEWERS
- K. (1) Authorizing the City Manager to execute a construction contract with Erickson-Hall Construction Company for the construction of Fire Station No. 79 located at 5075 Duncan Canyon Road within the Coyote Canyon Specific Plan in the amount of \$3,533,000 and authorizing a 10% contingency amount of \$353,300. AUTH ERICKSON-HALL CONST CO CONTRACT FIRE STA 79
- (2) Appropriating \$250,000 from Fire Assessment Fund 631.
- L. Authorizing and directing the City Manager to award the contract and execute a professional services agreement between the City of Fontana and Sarah Villarreal to provide communications and marketing support for the Library Fundraising Program in an amount not to exceed \$80,000.00 for one year with an option for one additional year extension. AWARD CONTR SARAH VILLARREAL LIBRARY FUND
- M. (1) Authorizing the Information Technology Department to piggyback off The California Multiple Award Schedule (CMAS) Contract 03-06-07-092OH with Govplace of Irvine, CA per the terms of the contract. CMAS CONTRACT GOVPLACE
- (2) Authorizing Purchasing to issue a purchase order in the amount of \$32,562.92 to Govplace.

Motion carried unanimously.

Public hearing was opened regarding Development Agreement for Home Depot. PH-A INTRO ORD 1525, ADPT RES 06-202 HOME DEPOT DEV AGREE/FEIR

Two letters, one in favor and one in opposition, were received.

Staff presentation was given by Community Development Director Don Williams and Planner Orlando Hernandez.

Speaking for the applicant, Home Depot, were Michael Rogozen, Ultry Systems Environmental, 100 Pacifica, Ste. 250, Irvine; Frank Coda, 1920 Main Street, Ste 1150, Irvine; and George Ray, Home Depot Real Estate, Chapman Avenue, Orange.

Speaking in favor were William VanSetten, 17156 Vista Cielo Court; Gilbert Quinonez, 16340 Ash Drive; and Kevin Walker, 11628 Blue Jay.

Speaking in opposition were Vanessa Nash, 10966 White Oak Lane; Paul and Diane Fernandez, 16895 Manila Court; Dale Peeler, 10870 Nuevo Drive; Sue Kendall, 16830 Manila Court; Faye Williams, 16860 Manila Court; Zeff Valdovinos, 10810 Nuevo Drive; Oscar Brooks,

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17217 Gingles Court; Mafu Crull, 11016 Sierra; Chuck Williams, 16860 Manilla Court; Jim Dunn, 10870 Bennett Drive; and Rudy Miranda, 10810 Bennett Drive. The hearing was closed.

Community Development Director Don Williams suggested changing “should” to “shall” on Condition 16C, to which Mayor and Council agreed.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-202**, certifying the Final Environmental Impact Report (FEIR) (State Clearing House No. 2006111065), approving the findings for, and adopting a Statement of Overriding Considerations, approving the Mitigation Monitoring Plan and directing staff to file a Notice of Determination pursuant to the Local Guidelines for Implementing the California Environmental Quality Act (2004); approving Tentative Parcel Map No. 17652 and Design Review No. 05-005, subject to the Findings and Conditions of Approval; and waiving further reading of and introducing **Ordinance No. 1525**, approving a Development Agreement between the City of Fontana, California, and Home Depot U.S.A., Inc., and that the reading of the title constitutes the first reading thereof, with revision noted above. Motion carried unanimously.

Public hearing was opened regarding Disposition and Development Agreement with Mastercraft Homes Group LLC.
No written communication was received.
Staff presentation was given by City Manager Ken Hunt.
No one spoke in favor or opposition. The hearing was closed.

PH-B ADPT RES
06-203
MASTERCRAFT
HOMES DDA

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, adopting **Resolution No. 2006-203**, approving a disposition and development agreement between the Fontana Redevelopment Agency and Mastercraft Homes Group, LLC concerning the development of a thirty single-family residential subdivision tract generally located at the intersection of Walnut Village Parkway and Mango Avenue in the City of Fontana; and (2) appropriating \$100,000 in Park Development Fund for costs of design for Mango Linear Park (Project #9423400635). Motion carried unanimously.

The following Elected Official Communications were received:

E O C

- A. Appointment of voting delegate and alternate for the League Conference

DELEGATES

ACTION: By consensus, Council Member Rutherford was appointed the voting delegate and Mayor Nuaimi as the alternate League of California Cities Conference.

ACTION: By consensus, the December 26, 2006 and January 9, 2007 City Council meetings were cancelled.	CANCEL MTGS. 12/6/06 & 1/9/07
Council Member Scialdone thanked the Woman’s Club for the successful Ice Cream Social, noting the barbershop quartet was great.	THANKS
Council Member Scialdone noted the Emergency Responders recognition will be held at Quakes Stadium on August 18 th at which time Officer Ron Landers will be recognized.	RECOG
Council Member Roberts congratulated City Treasurer Janet Koehler Brooks and City Clerk hopeful Tonia Lewis for running unopposed.	ELECTION
Council Member Warren noted the Sports Camp at A. B. Miller High School on September 9 th , noting they must sign up before then at Fontana Nissan.	SPORTS CAMP
Council Member Warren asked everyone to drive carefully now that school will be starting.	CAREFUL
Council Member Rutherford noted the CAP Resource Fair will be held at Jack Bulik Park on September 14 th .	CAP FAIR
Mayor Nuaimi thanked staff for their hard work regarding the successful annexation effort, noting 27 of the 32 areas were approved at the last LAFCO meeting. He regretted the new Fontana residents will not be able to vote in the upcoming City election as the law states 88 days as residents and this will not allow enough time before the election.	THANKS
Mayor Nuaimi congratulated the Pop Warner teams for their first four scrimmages on the new Ralph M. Lewis turf.	CONGRATS
The following City Manager Communication was received:	C M C
City Manager Ken Hunt welcomed back his youngest son last Thursday from Africa.	SON HOME
City Manager Ken Hunt noted tomorrow will be his birthday, and his first granddaughter, Avalon, may arrive that day.	BIRTHDAY & GRANDPA

The City Council meeting adjourned by consensus, at 10:23 p.m. to a workshop meeting on September 12, 2006 in the Executive Conference Room at 5:00 p.m., to a Closed Session at 6:00 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 12th DAY OF SEPTEMBER, 2006.

Beatrice Watson
City Clerk