

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
SEPTEMBER 12, 2006**

A workshop of the City of Fontana City Council was held on Tuesday, September 12, 2006 in the City of Fontana Executive Conference Room. Mayor Pro Tem Roberts called the meeting to order at 5:01 p.m.

**ROLL CALL:** Present: Mayor Pro Tem Roberts, Council Members Rutherford, and Scialdone. Mayor Nuaimi arrived at 5:21 p.m., and Council Member Warren arrived at 5:32 p.m. ROLL CALL

Absent: None.

A presentation was given by Time Warner Vice President of Government Relations, Los Angeles Division Kristy Hennessey.

The agenda was reviewed, followed by City Manager comments. The meeting adjourned at 5:32 p.m.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, September 12, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:10 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 LEGAL COUNSEL-ANTICIPATED LITIGATION**

**PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(c)**

**Number of Cases:** One

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

**PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)**

**Case Number:** SCVSS113914

**CITY COUNCIL MINUTES**

**SEPTEMBER 12, 2006**

Name of Parties: Christopher Lindsey vs. California Department of Transportation et el

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.9**

Property: APN 0235-211-03, 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

There was no reportable action, with Council Member Rutherford abstaining from the last item because of possible conflict of interest.

The following Special Presentations were made:

S P

Mayor and Council recognized recognized Officer David Moore as the August "Employee of the Month", presented by Police Chief Larry Clark.

Mayor and Council recognized the following Aquatics Team Members who qualified for the Junior Olympics:

Lao Ortiz, Baylee Morales, Olga Ortiz, Emily Martin, Joshua Valdez, Adrian Cristbal, Jeanette Dove, Andrea Perez, Mitch Dillon, Carissa Melara, Sydnee Morales, Ashley Medrano, Cassandra Rodriguez and Leslie Dove.

The following Public Communication was received:

P C

Bob Lundy, 153 N. Sierra Way, San Bernardino, from the San Bernardiino County Tourism Council spoke of the Taste of Route 66 Motor Tour.

ROUTE 66

Bonita Pitts, 7041 Citrus Avenue, noted the name change of the Fontana Art Association to Fontana Creative Arts Center.

ART CENTER

John Charles Anicic, Jr. 15334 Iris Drive, gave the Mayor and Council Members a copy of his new book on the history of Kaiser Steel.

BOOK

David Pulido, Fontana Chamber of Commerce, 8491 Sierra Avenue, gave an update of activities.

CHAMBER EVENTS

Tammy Neal and Jenna Lear, P. O. Box 1630, brought an update on the Fontana Mummies.

FONTANA MUMMERS

Pastor Emory B. James, 17169 Athol, noted an Ephesians New Testament church celebration on September 16 and 17<sup>th</sup>.

CELEBRATION

**CITY COUNCIL MINUTES**

**SEPTEMBER 12, 2006**

Tony Orlich, spoke on the media.

MEDIA

Staff presentations were given on Consent Calendar Items “C & E”.

C C

**ACTON:** Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, approving Consent Calendar Items “A-I” as follows:

- A. Approving the minutes of August 22, 2006 Regular Meeting. MINUTES
- B. Adopting **Ordinance No. 1525**, approving a Development Agreement between the City of Fontana, California and Home Depot, U. S. A., Inc. ADPT ORD 1525  
HOME DEPOT  
DEV AGREE
- C. Adopting **Resolution No. 2006-204**, adopting the National Incident Management System and its Integration into the Standardized Emergency Management System. ADPT RES 06-204  
NAT’L INCIDENT  
MGMT SYSTEM
- D. (1) Adopting **Resolution No. 2006-205**, determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 57M. ADPT RES 06-205  
& 206 CFD 57M
- (2) Adopting **Resolution No. 2006-206**, of intention with respect to establishment of proposed Community Facilities District 57M of the City of Fontana.
- (3) Setting the public hearing for October 24, 2006, for the formation of the District and calling the special election for October 24, 2006.
- E. Authorizing the Mayor to execute Cooperative Agreement No. with Caltrans for the design of Interstate 10 Freeway/Citrus Avenue interchange reconstruction project. COOP AGREE  
CALTRANS  
CITRUS AVE
- F. Approving, authorizing and directing the Executive Director to execute a contractual services agreement between the Fontana Redevelopment Agency and WF Construction, Inc., for the Downtown Façade Rehabilitation Program, Phase I, in an amount not to exceed \$688,070.00 plus a 10% contingency amount of \$68,807.00 and a 5% reserve amount of \$34,403.00 (Downtown Redevelopment Project). APRV WF CONST  
DOWNTOWN  
FACADE
- G. (1) Authorizing the City Manager to execute a contract with Herman Weissker, Inc., to trench, furnish and install conduit and utility vault to facilitate the completion of power to the auto center community message board sign by Edison. H. WEISSKER  
CONTRACT
- (2) Authorizing the Business Services Manager to issue a purchase order to Herman Weissker Inc., in the amount of \$43,683 and

authorizing a 10% contingency in the amount of \$4,368.

H. (1) Authorizing the City Manager to award bids for various asphalt mixes for an initial two year period with three additional one year extensions approved solely at the City's discretion to Vulcan Materials, Craftco, Inc., and SEM Materials at the lowest responsible bidders.

AWARD BIDS  
VULCAN MAT'L;  
CRAFTCO; &  
SEM MAT'L

(2) Authorizing the Business Services Manager to issue purchase orders to Vulcan Materials, \$20,000.; Craftco Inc., \$5,000.; and SEM Materials \$1,000.

I. (1) Authorizing the City Manager to award bid for an initial two years with three additional one year extensions approved solely at the City's discretion for traffic paint, SB-04-PW-06 to the lowest responsible, responsive bidder, Pervo Paint Company.

AWARD BID  
PERVO PAINT

(2) Authorizing the Business Services Manager to issue a purchase order in the amount of \$25,583.33.

Motion carried unanimously.

Public hearing was opened regarding Amendment No. 1 to the Coyote Canyon Specific Plan Development Agreement.  
No written communication was received.  
No one spoke in favor or opposition.

PH-A CON'T  
COYOTE CYN  
DEV. AGREE  
TO 9/26/06

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, to continue the Amendment No. 1 to the Coyote Canyon Specific Plan Development Agreement to the September 26, 2006 City Council Meeting. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 52M for Tract 17126.  
No written communication was received.  
Staff presentation was given by Senior Accountant Jeff Moriarty.  
No one spoke in favor or opposition. The hearing was closed.

PH-B ADPT RES  
06-207  
CFD 52M

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Roberts, adopting **Resolution No. 2006-207**, abandoning and terminating proceedings to establish Community Facilities District No. 52M. Motion carried unanimously.

Public Hearing was opened regarding Environmental Impact Certification for the Jurupa Avenue Improvement Project.  
No written communication was received.  
Staff presentation was given by Planner Kevin Ryan.  
No one spoke in favor or opposition. The hearing was closed.

PH-C ADPT RES  
06-208 ENVIRON  
CERTIFICATION  
JURUPA AVE

**ACTION:** Motion was made by Council Member Scialdone , seconded by Council Member Warren, adopting **Resolution No. 2006-208**, certifying the final Environmental Impact Report prepared for the Jurupa Avenue Street Improvement Project and adopting Environmental Findings pursuant to the California Environmental Quality Act and a Mitigation Monitoring and Reporting Program, and approving the Jurupa Avenue Street Improvement Project. Motion carried unanimously.

Public Hearing was opened regarding Community Facilities District No. 56M, Tract 17548.

PH-D ADPT RES  
06-209, 210, 211  
CFD 56M

No written communication was received.  
Staff presentation was given by Senior Accountant Jeff Moriarty.  
No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Rutherford, (1) adopting **Resolution No. 2006-209**, establishing Community Facilities District No. 56M of the City of Fontana, Council of San Bernardino, State of California, and establishing the boundaries thereof; (2) adopting **Resolution No. 2006-210**, calling a special election and submitting to the voters of Community Facilities District No. 56M 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 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 election as 3 votes in favor.

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Rutherford, adopting **Resolution No. 2006-211**, declaring the results of a special election for Community Facilities District No. 56M of the City of Fontana, County of San Bernardino, State of California, on 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; and waiving further reading of and introducing **Ordinance No. 1526**, authorizing the levy of a special tax within Community Facilities District No. 56M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 50M, located north of Randall Avenue and west of Citrus Avenue, east of Catawba Avenue and south of Merrill Avenue.

PH-E ADPT RES  
06-212, 213  
CFD 50M

No written communication was received.  
Staff presentation was given by Senior Accountant Jeff Moriarty.

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

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-212**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 50M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 1). Motion carried unanimously.

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

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Roberts, adopting **Resolution No. 2006-213**, declaring the results of the special election for Community Facilities District No. 50M 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.

Public hearing was opened regarding Community Facilities District No. 55M, Tract No. 16458.  
No written communication was received.  
Staff presentation was given by Senior Accountant Jeff Moriarty.  
No one spoke in favor or opposition. The hearing was closed.

PH-F INTRO ORD  
1527; ADPT RES  
06-214, 215, 216  
CFD 55M

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-214**, establishing Community Facilities District No. 55M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof; and (2) adopting **Resolution No. 2006-215**, calling a special election and submitting to the voters of Community Facilities District No. 55M 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 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 election as 2 votes in favor

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Roberts, adopting **Resolution No. 2006-216**, declaring the results of the special election for Community Facilities District No. 55M 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; and (2) waiving further reading of and introducing **Ordinance No. 1527**, authorizing the levy of a special tax within Community Facilities District No. 55M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding revisions to the City of Fontana Local Guidelines for Implementing the California Environmental Quality Act (2006).

PH-G ADPT RES  
06-217 CEQA

No written communication was received.

Staff presentation was given by Planners Kevin Ryan and Stephanie Hall.

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

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Scialdone, finding that the adopting of local guidelines to implement the California Environmental Quality Act is categorically exempt from further environmental review pursuant to Section 3.16, Class 8 of the local guidelines for implementing the California Environmental Quality Act (Pub. Resources Code Sections 21000 et seq); and (2) adopting **Resolution No. 2006-217**, adopting local guidelines for implementing the California Environmental Quality Act (Pub. Resources Code Sections 21000 et seq). Motion carried unanimously.

Public hearing was opened regarding Consolidated Annual Performance Evaluation Report (CAPER) for Fiscal Year 2005-2006.

PH-H CAPER  
EVAL REPORT

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.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, certifying that the public hearing on the Consolidated Annual Performance and Evaluation Report (CAPER) that was prepared for the U. S. Department of Housing and Urban Development to report on specific federal housing assistance and community development activities undertaken by the City of Fontana during Fiscal Year 2005-2006; and (2) authorizing the City Manager to execute any documents necessary to submit the report, along with any comments received during the public hearing and public comment period, to the Department of Housing and Urban Development. Motion carried unanimously.

**CITY COUNCIL MINUTES****SEPTEMBER 12, 2006**

The following Elected Official Communications were received:	E O C
Mayor and Council Members noted the passing of Police Volunteer Yolanda Juarez, and suggested the meeting adjourn in her memory.	MEMORY
Council Member Scialdone congratulated Tony and Marie Finazzo on their 50 <sup>th</sup> wedding anniversary.	CONGRATS
Council Member Scialdone noted a successful race weekend at California Speedway where the Rotary Club coordinated transportation for the handicapped.	RACE WEEKEND
Council Members thanked City Clerk Bea Watson for the 9-11 tribute in front of City Hall on Monday.	9-11
Council Member Scialdone noted the blood drive at the Sierra San Antonio Medical Center.	BLOOD DRIVE
Council Member Warren noted a Katrina event where victims were helping each other.	KATRINA
Council Member Warren thanked the BIA's Carlos Rodriguez for their housing conference for first time homebuyers.	HOUSING
Council Member Warren thanked Fontana Nissan for the Black Sports Camp at Miller High School on Saturday, where MTV's Nick Thomas was present.	SPORTS CAMP
Council Member Warren commended the Police Explorer Program.	P.D.EXPLORERS.
Council Member Warren noted the Wal-Mart store has a grand re-opening on Friday, where the store looks great.	WAL-MART
Council Member Rutherford noted she attended the League of California Cities conference in San Diego last weekend.	CONFERENCE
Council Member Rutherford reported the Community Assistance Program Resource Fair will be held at Jack Bulik Park on Thursday.	CAP FAIR
Council Member Rutherford thanked A. B. Miller High School where she spoke to two government classes about the Katrina project.	THANKS
Council Member Rutherford asked residents of the Village of Heritage to get the petitions signed, and if any questions, ask Council Member Warren or herself.	V O H PETITION
Council Member Rutherford commended the Recreation staff for the great summer programs.	COMMEND

Council Member Rutherford noted the art display starting September 26th of the theatre arts and costumes.	ART DISPLAY
Council Member Roberts reported he gave 80 third grade students a tour of City Hall, noting they really enjoyed touring the Police Department.	TOUR
Council Member Roberts thanked Captain Rod Jones for his help at California Speedway in transporting the handicapped in golf carts. The Rotary Club hopes to raise enough money for another trip to help with Katrina victims to build a playground.	THANKS
Mayor Nuaimi stated at the League Conference, a city of 50,000 had trained 2,000 CERT volunteers.	CERT
Mayor Nuaimi thanked KLOS for being at the blood drive and noted more donors are needed.	THANKS
Mayor Nuaimi gave an update the transportation improvements on the I-10 widening from Ontario to Redlands. He noted a bond election will be on the November ballot.	I-10 IMPROVE
Mayor Nuaimi asked staff to address the hazardous entrance at the Falcon Ridge Center working with the developer for a solution.	FALCON RIDGE
Mayor Nuaimi noted the 15 <sup>th</sup> annual Child's Fair at the Police Department on September 30 <sup>th</sup> .	CHILD'S FAIR
The following City Manager Communication was received:	C M C
A. Plan for Service for the Island Annexation Areas:	SERVICE FOR ANNEX AREAS
A power point presentation was given on this plan for service by staff. Tony Orlich spoke on illegal dumping.	
The City Council meeting adjourned by consensus, in the memory of Yolanda Juarez, at 9:29 p.m. to a workshop meeting on September 26, 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

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Orvene Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 26<sup>th</sup> DAY OF SEPTEMBER, 2006.

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Beatrice Watson  
City Clerk