

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
NOVEMBER 14, 2006**

A City Council Workshop was held on Tuesday, November 14, 2006 in the City of Fontana Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:21 p.m.

PRESENT: Mayor Nuaimi, Council Members Roberts, Rutherford,
and Warren.

ABSENT: Council Member Scialdone.

The Kaiser Hospital Master Plan was reviewed. The presentation was given by Facilities Development Leader Dominic Nigro of Kaiser Permanente.

Following agenda review and City Manager comments, the workshop adjourned at 6:03 p.m.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, November 14, 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, and Warren. **ROLL CALL**

Absent: Council Member Scialdone.

The Invocation was given by Chaplain Gregory Peck, Fontana Police Department followed by the Pledge of Allegiance lead by Mayor Nuaimi.

The following Special Presentations were made: **S P**

Mayor and Council recognized Robert Aanerud and Ray Gonzales as the San Bernardino County 22nd Annual Juvenile Justice and Delinquency Prevention Service Award recipients, presented by Chairperson Steve Langer.

Mayor and Council recognized Mildred Rnjak Hanson as the first Miss Fontana of 1946.

Mayor and Council recognized Officer Frank Losch, Officer Mike Ernes, (not present), and Officer Brian Keyner as the Police Department's October "Employees of the Month".

Mayor and Council recognized Supervising District Attorney of the Fontana Office, Ben Gonzales.

The following Public Communication was received:

P C

Speaking as the Fontana Santas were Michelle Wibert, Cassandra Olive, Reina Chavez, POA President John Vavlos, Police Chief Larry Clark, School Police Chief Hostettler, Cindy Evans and Lydia Wibert.

SANTAS

David Pulido, spoke of upcoming Chamber of Commerce events.

EVENTS

James Borders, a muralist spoke of the Art Association.

MURALS

Tony Orlich, Randall Avenue, spoke of the election results.

ELECTION

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

C C

Council Member Warren left the room at 7:46 p.m.

A. Approving the minutes of October 24, 2006 Regular Meeting.

MINUTES

B. Adopting **Ordinance No. 1530**, authorizing the levy of a special tax within Community Facilities District No. 57M

ADPT ORD 1530
CFD 57M

C. Accepting donation for Sam's Club in the amount of \$500 on behalf of the Police Department for use in the Department's Community Relations Programs.

DONATION

D. Accepting final map for Tract No. 16566 located north of Walnut Avenue and west of Oleander Avenue, accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider.

TR. 16566

E. (1) Approving an amendment to the SMI Professional Services Agreement to extend the contract through February, 2007 for J. D. Edwards functional support in an amount of \$50,000, increasing the existing contract from \$114, 000 to \$164,000.

SMI PROF.

(2) Directing the City Manager to execute any documents necessary to effectuate said approval.

F. (1) Accepting as complete the subdivision improvements in Tract No. 16427 located within Citrus Heights Specific Plan.

ADPT RES 06-247
TR 16427

(2) Adopting **Resolution No. 2006-247**, accepting sewers in Tract No. 16427 as part of the city sewer system.

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- G. Authorizing the City Manager to sign an agreement with Houston Harris PCS, Inc., extending the term for Sanitary Sewer Video Inspection Services for an additional two years based on the City of Santa Ana's approved two year extension. HOUSTON HARRIS PCS

- H. Accepting final map for Tract No. 17108 located east of Citrus Avenue between Baseline Avenue and Miller Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. TR 17108

- I. Accepting final map for Tract No. 16383 located east of Oleander Avenue and north of Baseline Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. TR 16383

- J. Accepting final map for Tract No. 17460 located west of Cypress Avenue and north of Baseline Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. TR 17460

- K. (1) Authorizing the Management Services Department to join in a piggyback bid process with Newport-Mesa Unified School District (Bid #142-05 for the purchase and installation of nine custom shade canopies, in the amount of \$351,095. from Shade Structures, of Costa Mesa, CA. SHADE STRUCT.

(2) Authorizing the City Manager to execute the appropriate documents to effectuate said approval.

- L. (1) Awarding bid and authorizing the City Manager to enter into a construction contract with 4-Con Engineering, Inc., for \$159,000, and authorizing a 10% contingency in the amount of \$15,900. 4-CON ENG

(2) Authorizing the Business Services Manager to issue a purchase order to 4-Con Engineering, Inc., in the amount of \$159,000.00.

(3) Approving the transfer of \$80,721.72 from Project 9420203601 to Project 9422900601.

- M. (1) Approving an increase to the purchase order issued to R. Y. Rodriguez for shop equipment and fuel system maintenance and repair services and authorizing the Business Services Manager to issue a change order in the amount of \$20,000 increasing the existing purchase order to \$45,000. R.Y.RODRIGUEZ

- (2) Approving an appropriation of \$20,000 from the Fleet Fund Balance to account number 4410751.6260.

- N. (1) Awarding bid and authorizing the City Manager to enter into a construction contract with R. J. Noble Company for the construction of the Palmetto Avenue Pavement Rehabilitation Project SB-56-05 in the amount of \$790,495 and authorizing a 10% contingency in the amount of \$79,050. R.J.NOBLE

- (2) Authorizing the Public Works Director to administratively approve and implement short term street closures and detour during construction.

- O. Approving two co-sponsorship applications received from various organizations for Fiscal Year July1, 2006 through June 30, 2007. CO-SPONSOR

- P. (1) Authorizing the Mayor to execute Cooperative Agreement No. CO7058 with SANBAG for the early project advancement of the Baseline Avenue Street Improvement Project from Citrus Avenue to Mango Avenue. SANBAG PROJ.

- (2) Authorizing the Mayor to execute Cooperative Agreement No. CO7059 with SANBAG for the early project advancement of the Cherry Avenue Street Improvement Project from Jurupa Avenue to Slover Avenue.

- (3) Authorizing the Mayor to execute Cooperative Agreement No. CO7060 with SANBAG for the early project advancement of the Foothill Avenue Street Improvement Project from East Avenue to Hemlock Avenue.

- (4) Authorizing the Mayor to execute Cooperative Agreement No. CO7061 with SANBAG for the early project advancement of the Sierra Avenue Street Improvement Project from Citrus Avenue to Mango Avenue.

- (5) Authorizing the Mayor to execute Cooperative Agreement No. CO7062 with SANBAG for the early project advancement of the Baseline Avenue Street Improvement Project from Citrus Avenue to Mango Avenue.

- (6) Authorizing the Mayor to execute Cooperative Agreement No. CO7063 with SANBAG for the early project advancement of the Jurupa Avenue Street Improvement Project from Etiwanda Avenue to Sierra Avenue.

- (7) Authorizing the Mayor to execute Cooperative Agreement No. CO7064 with SANBAG for the early project advancement of the Walnut Avenue Street Improvement Project from Citrus Avenue to Sierra Avenue.
- (8) Authorizing the Mayor to execute Cooperative Agreement No. CO7065 with SANBAG for the early project advancement of the South Highland Avenue Street Improvement Project from Baseline Avenue to Walnut Avenue.
- (9) Authorizing the Mayor to execute Cooperative Agreement No. CO7066 with SANBAG for the early project advancement of the I/10 Cypress Avenue Overcrossing Street Improvement Project from Slover Avenue to Valley Avenue.
- (10) Authorizing the Mayor to execute Cooperative Agreement No. CO7129 with SANBAG for the early project advancement of the I/15 Duncan Canyon Road Interchange Project.

Q. Authorizing the Mayor to execute Amendment No. 1 to a contractual services agreement with Allard Engineering for annual surveying work in the amount of \$25,000 amending the contract from \$25,000 to \$50,000. ALLARD ENG.
AMEND #1

Motion carried by a vote of 3-0-1, Council Member Warren out of room.

Council Member Warren returned at 7:48 p.m.

The first City Manager Communication item was addressed at this time. C M C A LAFCO
BLOOMINGTON
DIRECTIVE

Direction to present to LAFCO at its November 15, 2006 public hearing, the City Council's position regarding the Bloomington Islands (Areas 4, 5, 26 and 27).

Staff noted 70% of the property owners in Area 27 prefer annexation into Fontana at this time.

Staff presentation was given by City Manager Ken Hunt and Annexation Program Coordinator Cecilia Lopez Henderson.

Speaking in opposition to annexation of Area 27 was Juanita Ruiz, 10740 Tamarind, Bloomington.

ACTION: Motion was made by Mayor Nuaimi, seconded by Council Member Roberts to move forward with Area 27 and defer Areas 4, 5, and 26 at this time. Motion carried unanimously.

Public hearing was opened regarding Development Impact Fees for Circulation Facilities.
No written communications were received.
Staff presentation was given by Strategic Transportation Engineering Manager Paul Balbach.
No one spoke in favor or opposition. The hearing was closed.

PH-A ADPT RES
06-248 DEV
IMPACT FEES

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, (1) adopting **Resolution No. 2006-248**, a Resolution of the City Council of the City of Fontana, amending methods and rates of development impact fees for various circulation facilities provided by the City; and (2) determining the project is exempt pursuant to Section 3.01 of the California Environmental Quality Act (CEQA) and directing staff to file a Notice of Exemption. Motion carried unanimously.

Public hearing was opened regarding approval of Mitigated Negative Declaration for City of Fontana Annexation No. 170.
Written communication was received from Paul Conzelman, Managing Member of Foothill-Liveoak Investments, L. P. in favor. There was no opposition..
Staff presentation was given by Annexation Program Coordinator Cecelia Lopez Henderson.
No one spoke in favor or opposition. The hearing was closed.

PH-B ANNEX 170

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, approving a Mitigated Negative Declaration of Environmental Impact, and the State of California Department of Fish and Game DeMinimis Impact Findings for Annexation No. 06-0008 South side of Foothill Boulevard, from Cherry to Hemlock) and directing staff to prepare and file a Notice of Determination). Motion carried unanimously.

Public Hearing was opened regarding establishment of Community Facilities District No. 53M, Tract No. 17167, located at the general vicinity of Foothill Blvd. and Maple Avenue.
No written communication was received.
No. staff presentation was given by Finance Manager Mel Drown.
No one spoke in favor or opposition. The hearing was closed.

PH-C INTRO ORD
1531 ADPT RES
06-249, 250, 251
CFD 53M

ACTION: Motion was made by Council Member Warren, seconded by Council Member Roberts, (1) adopting **Resolution No. 2006-249**, establishing Community Facilities District No. 53M of the City of Fontana, County of San Bernardino, State of California, and establishing boundaries thereof, and (2) adopting **Resolution No. 2006-250**, calling a special election and submitting to the voters of Community Facilities District No. 53M 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 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 reported the results as four (4) votes in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-251**, declaring the results of the special election for Community Facilities District No. 57M 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 (4) waiving further reading of and introducing **Ordinance No. 1531**, authorizing the levy of a special tax within Community Facilities District No. 57M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public Hearing was opened regarding establishment of Community Facilities District No. 58M, Tract No. 17108, located at the general vicinity of Foothill Blvd. and Maple Avenue. No written communication was received. No staff presentation was given by Finance Manager Mel Drown. No one spoke in favor or opposition. The hearing was closed.

PH-D INTRO ORD
1532 ADPT RES
06-252, 253, 254
CFD 58M

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, (1) adopting **Resolution No. 2006-252**, establishing Community Facilities District No. 58M of the City of Fontana, County of San Bernardino, State of California, and establishing boundaries thereof, and (2) adopting **Resolution No. 2006-253**, calling a special election and submitting to the voters of Community Facilities District No. 58M 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 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 reported the results as three (3) votes in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-254**, declaring the results of the special election for Community Facilities District No. 58M 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 waiving further reading of an introducing **Ordinance No. 1532**, authorizing the levy of a special tax within Community Facilities District No. 58M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public Hearing was opened regarding establishment of Community Facilities District No. 59M, Tract No. 17054, located at the corner of Merrill and Fontana Avenues.

PH-E INTRO ORD
1533 ADPT RES
06-255, 256, 257
CFD 59M

No written communication was received.

No 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 Rutherford, seconded by Council Member Warren, (1) adopting **Resolution No. 2006-255**, establishing Community Facilities District No. 59M of the City of Fontana, County of San Bernardino, State of California, and establishing boundaries thereof, and (2) adopting **Resolution No. 2006-256**, calling a special election and submitting to the voters of Community Facilities District No. 59M 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 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 reported the results as one (41 vote in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-257**, declaring the results of the special election for Community Facilities District No. 59M 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 (4) waiving further reading of and introducing **Ordinance No. 1533**, authorizing the levy of a special tax within Community Facilities District No. 59M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding annexation of Territory to Community Facilities District No. 51M, located at the northeast corner of Baseline and San Sevaine Avenues.

PH-F CON'T
CFD 51M TO
12/12/06

No written communication was received. No one spoke in favor or opposition.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Roberts, to continue this item to the December 12, 2006 City Council meeting. Motion carried unanimously.

Public hearing was opened regarding annexation of Territory to Community Facilities District No. 38M, located at the north of Walnut Avenue and west of Oleander Avenue.

PH-G ADPT RES
06-258, 259
CFD 38M

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 Warren, seconded by Council Member Roberts, adopting **Resolution No. 2006-258**, 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. 2). Motion carried unanimously.

City Clerk Bea Watson stated the results of the election as four (4) votes in favor.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2006-259**, 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. 2). Motion carried unanimously.

Public hearing was opened regarding annexation of Territory to Community Facilities District No. 6-3a, located east of Locust, north of Arrow, and west of Maple Avenues.

PH-H ADPT RES
06-260, 261
CFD 6-3a

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 Rutherford, seconded by Council Member Roberts, adopting **Resolution No. 2006-260**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 6-3a of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 4). Motion carried unanimously.

City Clerk Bea Watson stated the results of the election as two (2) votes in favor.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2006-261**, declaring the results of the special election for Community Facilities District No. 6-3a 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. 4). Motion carried unanimously.

Public hearing was opened regarding Resolution of Necessity, located on Foothill Boulevard.

PH-I ADPT RES
06-262 EMINENT
DOMAIN
FOOTHILL BLVD.

Two written communications had been received.

Staff presentation was given by Supervising Real Property Agent Delia Mejia.

No one spoke in favor. Speaking in opposition was Thomas Hsu, Monterey Park, CA. The hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, making the findings as described in the report, and adopting **Resolution No. 2006-262**, a resolution of necessity by the City Council of the City of Fontana declaring the acquisition of a fee interest in APN 0230-051-03; to acquire a fee interest and temporary construction easement interest in portions of real property particularly described as Assessor’s Parcel Numbers: 0229-052-09, 0229-052-25, 0229-091-13, 0230-011-02, 0230-011-29, 0230-011-32, 0230-011-34, 0230-031-04, 0230-031-05, 0230-041-01, 0230-041-04, and 0230-051-38, located on Foothill Boulevard by eminent domain is necessary for street widening and related public infrastructure improvements on Foothill Boulevard, Fontana, California. Motion carried unanimously.

Public hearing was opened regarding Formation of Rule 20A Underground Utility Districts.

PH-J ADPT RES
06-263, 264, 265,
266, 267
UNDERGROUND
UTILITY DISTS.

No written communication was received.

Staff presentation was given by Assistant Engineer Grace Martinez.

No one spoke in favor. Speaking in opposition was Tony Orlich.

The hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Roberts, (1) adopting **Resolution No. 2006-263**, establishing underground District No. 6 on South Highland Avenue

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between Juniper Avenue and Sierra Avenue; (2) adopting **Resolution No. 2006-264**, establishing underground District No. 7 on Sierra Avenue between Walnut Avenue and Baseline Avenue; (3) adopting **Resolution No. 2006-265**, establishing underground District No. 8 on Walnut Avenue between Juniper Avenue and Sierra Avenue; (4) adopting **Resolution No. 2006-266**, establishing underground District No. 9 on Juniper Avenue between Baseline Avenue and South Highland Avenue; and (5) adopting **Resolution No. 2006-267**, establishing underground District No. 10 on Baseline Avenue between Juniper Avenue and Sierra Avenue. Motion carried unanimously.

The following Elected Official Communications were received:	E O C
Mayor and Council congratulated those School Board and City elected officials at the recent election.	CONGRATS
Council Member Rutherford thanked the organizations for the great Veteran’s Day ceremony.	VETERAN’S DAY
Council Member Rutherford reported on the work proposed Unity Day being prepared by FOHI and suggested the City and other high schools be included. Council Member Warren suggested this be included with Martin Luther King, Jr. Day celebrations.	UNITY DAY
Council Member Rutherford congratulated the Rotary Club for their 80 TH anniversary.	CONGRATS
Council Member Rutherford noted the “Art In the Park” Saturday at the Arts Depot.	ART IN PARK
Council Member Rutherford congratulated the Engineering Department for their win of the Halloween costume contest.	CONGRATS
Council Member Roberts noted the 80 th anniversary of the Rotary Club was celebrated at the same place their first meeting was held– The Fontana Woman’s Club. His grandfather took the photo at the first meeting.	ANNIVERSARY
Council Member Roberts thanked those who voted for him.	THANKS
Council Member Warren asked for prayers for the families of the firemen who lost their lives in the recent fire, and reported on the memorial held at Glen Helen.	PRAYERS
Council Member Warren congratulated the Etiwanda High School band for taking first place last weekend, especially her daughter.	CONGRATS

Council Member Warren noted the upcoming Thanksgiving is a wonderful THANKSGIVING time to share with others.

Mayor Nuaimi congratulated the Rotary Club. CONGRATS

Mayor Nuaimi thanked the firefighters for their fantastic job at the Summit/ THANKS Sierra fire recently.

Mayor Nuaimi congratulated the Etiwanda High School band. CONGRATS

Mayor Nuaimi congratulated the success of the Fontana Pop Warner FOOTBALL teams.

Mayor Nuaimi apologized for missing the Veteran’s Day ceremony, but he APOLOGY attended a men’s church retreat

Mayor Nuaimi noted the Christmas Parade on December 9th along with PARADE the other activities of that day.

The following City Manager Communication was received: C M C

A. Direction regarding Council’s position of the Bloomington ISLANDS (Areas 4, 5, 26 and 27) was addressed before the Public hearings. MOVED UP

B. Staff presentation regarding pigeon ordinance research was given PIGEON by Community Improvement Program Manager Ted Porlas. Consensus of the Mayor and Council was to leave the ordinance as it is.

C. An update of the handicapped ramp at the Jo Knopf Senior Center SENIOR RAMP was given by Public Works Director Curtis Aaron. No action taken.

The City Council meeting adjourned by consensus, at 9:20 p.m. to a ADJOURN workshop meeting on November 28, 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.

Orvene Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 28th DAY OF NOVEMBER, 2006.

Beatrice Watson
City Clerk