

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
NOVEMBER 28, 2006**

A City Council Workshop was held on Tuesday, November 28, 2006 in the City of Fontana Executive Conference Room. Mayor Nuaimi called the meeting to order at 5:39 p.m.

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

**ABSENT:** None.

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

The Regular Meeting of the City of Fontana City Council was held on Tuesday, November 28, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:08 p.m.

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

Absent: None

The Invocation was given by Pastor Chuck Franco, Fontana First Assembly of God, followed by the Pledge of Allegiance lead by Mayor Nuaimi.

The City Attorney reported they met in Closed Session to discuss: **C S**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8.**

Property: 7662 Locust Avenue, APN 0243-042-03 (Holguin)

Negotiator: 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 the winners of the Dr. Charles Koehler Veteran's Day Essay Contest as:

1 <sup>st</sup> Place	Andrew Castillo 8 <sup>th</sup> Grade Resurrection Academy
2 <sup>nd</sup> Place	Valerie Chavez 9 <sup>th</sup> Grade Kaiser High School (not present)
3 <sup>rd</sup> Place	Marcella Lopez 9 <sup>th</sup> Grade Kaiser High School (not present)

Honorable Mention: Patrick Uptergrove – Resurrection Academy  
 Andrew Ortiz – Resurrection Academy  
 Vance Vios – Resurrection Academy

Savings bonds were sponsored by Jesse Sandoval

Special thanks were sent to County Supervisors Josie Gonzales and Paul Biane for their donations to the Bike Giveaway, as well as the County’s contribution for the library.

The following Public Communication was received: P C

Jewell Pountney, 9243 Beech Avenue, spoke of Avon’s Operation Hug-A-Bear.

Tony Orlich, Randall Avenue, spoke of library books.

Tony Orlich spoke of Consent Calendar Item “H”, staff followed with a staff report. C C

Consent Calendar Item “L” was pulled for separate action. PULLED

Consent Calendar Item “M” was pulled as it has been resolved. PULLED

**ACTON:** Motion was made by Council Member Roberts, seconded by Council Member Warren, approving Consent Calendar Items “A-H, J-K, N & O” as follows

- A. Approving the minutes of November 14, 2006 Regular Meeting. MINUTES
- B. (1) Adopting **Ordinance No. 1531**, authorizing the levy of a special tax within Community Facilities District No. 53M. ADPT ORD 1531  
CFD 53M
- (2) Adopting **Ordinance No. 1532**, authorizing the levy of a special tax within Community Facilities District No. 58M ADPT ORD 1532  
CFD 58M
- (3) Adopting **Ordinance No. 1533**, authorizing the levy of a special tax within Community Facilities District No. 59M. ADPT ORD 1533  
CFD 59M
- C. Adopting **Resolution No. 2006-268**, amending the appendix of the Conflict of Interest Code pursuant to the Political Reform Act of 1974. ADPT RES 06-268  
CONFLICT INT
- D. Accepting a donation from the Wal-Mart Foundation in the amount of \$750 on behalf of the Police Department for use in the Department’s Community Holiday Programs. DONATION

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- E. Authorizing the City Manager to execute Amendment No. 1 to a contractual services agreement with TKE Engineering for additional work in the amount of \$96,700, amending the contract from \$92,300 to \$189,000 and a 10% contingency in the amount of \$9,670. TKE ENG  
AMEND #1
  
- F. Accepting Final Map for Tract No. 16877 located within the Citrus Heights North Specific Plan; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. TRACT 16877
  
- G. (1) Accepting as complete the subdivision improvements in Tract No. 16271 located south of Miller Avenue and west of Sultana Avenue. ADPT RES 06-269  
TR 16271
  
- (2) Adopting **Resolution No. 2006-269**, accepting sewers in Tract No. 16271 as part of the City sewer system.
  
- H. (1) Approving, authorizing and directing the City Manager to execute a construction contract between the City of Fontana and Mepco Services, Inc., in the amount of \$5,159,000.00 plus a 10% contingency amount of \$515,900.00 (Downtown Redevelopment Project). MEPCO  
CONTRACT  
CENTER STAGE
  
- (2) Rejecting the bid from Harbor Construction, Inc., from the first bidding period because it exceeded the architect's estimate by a large margin.
  
- (3) Rejecting the bid from Mepco Services, Inc., from the first bidding because it exceeded the architect's estimate by a large margin.
  
- (4) Approving a transfer in the amount of \$1,574,900.00 from the Economic Uncertainty Reserve in the General Fund #101 to the General Fund Capital Project Fund #601 and approving an appropriation of \$1,574,900.00 to the Capital Project Account 9382300601.
  
- I. No item.
  
- J. (1) Adopting **Resolution No. 2006-270**, declaring intention to annex territory to Community Facilities District No. 40M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1), located north of Foothill, south of Miller Avenue, east of Mango Avenue, and west of Palmetto Avenue. ADPT RES 06-270  
CFD 40M
  
- (2) Setting the public hearing for January 9, 2007, for the formation of the District and calling the special election for January 9, 2007.

- K. (1) Adopting **Resolution No. 2006-271**, determining the sufficiency of the petition requesting formation of the proposed Community Facilities District No. 61M. ADPT RES 06-271 & 272 CFD 61M
- (2) Adopting **Resolution No. 2006-272**, of intention with respect to establishment of proposed Community Facilities District No. 61M of the City of Fontana.
- (3) Setting the public hearing for January 9, 2007, for the formation of the District and calling the special election for January 9, 2007.
- L. PULLED FOR SEPARATE ACTION. PULLED
- M. PULLED PULLED.
- N. Appointing the City Manager to extend the contract with Hardy and Harper, Inc., for asphalt paving services, through June 2007. HARDY & HARPER
- O. (1) Approving a contract change order with Nationwide Environmental Services to modify unit rates of service. NATIONWIDE ENV MODIFY
- (2) Approving an appropriation of \$33,000 from the Public Works Expenditure Control Budget (ECB) Fund Balance into the Street Sweeping Program Account 4002101.6660.

Motion carried unanimously.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Rutherford approving Consent Calendar Item "L", as follows: CC-L INTRO ORD 1534 BOARDS/ COMM. TERMS

- L. Waiving further reading of and introducing **Ordinance No. 1534**, amending Article VIII of Chapter 2 of the Fontana Municipal Code relating to Boards, Commissions and Committees, that the reading of the title constitutes the first reading thereof.

Motion carried by a vote of 3-2, Mayor Nuaimi and Council Member Warren voting against.

Public hearing was opened regarding Establishment of Community Facilities District No. 60M, Tract No. 16993 PH-A CON'T CFD 60M TO 12/12/06 TR 16993  
 No written communications were received.  
 Staff presentation was given by Finance Manager Mel Drown.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Roberts to continue this hearing to the December 12, 2006 Council Meeting and directing staff to look for possibly lowering this special

tax. Motion carried unanimously.

Staff presentation was given by Deputy City Treasurer Lisa Strong regarding Community Facilities District No. 31M (Citrus Heights North).

ADPT RES 06-273  
CFD 31M

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, adopting, **Resolution No. 2006-273**, authorizing the issuance of not to exceed \$28,000,000 aggregate principal amount of City of Fontana Community Facilities District No. 31M (Citrus Heights North) special tax bonds, Series 3006, approving the execution and delivery of an indenture, a bond purchase agreement, a continuing disclosure agreement and developer letter of credit agreements and the preparation of an official statement and other matters related thereto. Motion carried unanimously.

Staff presentation was given by Redevelopment/Special Projects Director Ray Bragg regarding Sierra Corridor Redevelopment Project.

INTRO ORD 1535  
ADPT RES 06-274  
ELIMINATE LIMIT  
SIERRA  
CORRIDOR RDA  
PROJECT

Speaking in opposition was Tony Orlich.

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Roberts, (1) waiving further reading of and introducing **Ordinance No. 1535**, authorizing elimination of the 20 year limitation to incur indebtedness within the Sierra Corridor Redevelopment Project; that the reading of the title constitutes the first reading thereof; and (2) adopting **Resolution No. 2006-274**, electing to receive allocations of tax increment pursuant to California Health and Safety Code Section 33607.5(b). Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Council Member Warren hoped all had a great Thanksgiving.

THANKSGIVING

Council Member Warren noted Cruise Night will be next week.

CRUISE NIGHT

Council Member Scialdone noted the Festival of Winter will be next weekend along with the parade.

PARADE

Council Member Scialdone thanked the Scroll Saw Club for their toy donation to Fontana Santa.

THANKS

Mayor Nuaimi thanked KFROG for their help with the food drive in the South Stater's lot for Thanksgiving.

THANKS

Mayor Nuaimi gave staff direction regarding commission appointments in January.

DIRECTION

The City Council meeting adjourned by consensus, at 9:20 p.m. to a workshop meeting on December 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**

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Orvene Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 12<sup>th</sup> DAY OF DECEMBER, 2006.

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Beatrice Watson  
City Clerk