

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

The Regular Meeting of the City of Fontana City Council was held on Tuesday, December 12, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:03 p.m.

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

Absent: None

The Invocation was given by Pastor Danny Carroll, followed by the Pledge of Allegiance lead by Mayor Nuaimi.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-275**, reciting the fact of the General Municipal Election on November 7, 2006 declaring the result thereof and such other matters as provided. Motion carried unanimously. ADPT RES 06-275  
ELECTION  
RESULTS

Administration of Oath to:

Mayor Mark Nuaimi, sworn in by Pastor Danny Carroll  
Council Member John Roberts sworn in by Mayor Mark Nuaimi  
Council Member Frank Scialdone sworn in by Mayor Mark Nuaimi  
City Clerk Tonia Lewis sworn in by Mayor Mark Nuaimi  
City Treasurer Janet Koehler Brooks sworn in by Mayor Mark Nuaimi

The following Special Presentations were made:

Mayor and Council presented a plaque to former City Clerk Beatrice Watson for her years of service. Fontana Police Officers Association also made a presentation to her.

The Fontana Falcon and Lions Pop Warner football teams, cheerleaders and coaches were introduced for their successful season. The Fontana Bucks were not present because of their banquet.

The Bulldog Pop Warner Cheerleaders were also introduced. They placed sixth in the nationals in Orlando.

Mayor and Council accepted a presentation from the Veterans of War Post 6563 to Boy Scout Troop #567.

Sports Award presented to the Community Services Department by Southern California Municipal Athletic Federation Director Daniel Schneider, accepted by Community Services staff.

Mayor and Council recognized Kasey Bennett for earning the National Girl Scout Lifesaving Medal of Honor.

Mayor Nuaimi called a recess at 8:13 p.m. The meeting reconvened at 8:37 p.m.

The following Public Communication was received:

P C

David Pulido gave an update on Fontana Chamber of Commerce events.

CHAMBER

Tony Orlich spoke on campaign financing.

CAMPAIGN

Gary Madden spoke on the United Way.

UNITED WAY

Bryan Heredia, 10956 Bamboo Court, Jose Carlos, 3537 Scenic Drive, Riverside, Carol Jacobs, 770 West C, Colton, and Richard Ocegüera, P.O. Box 548, Norco, Arrial Vega, 10976 Bamboo Court, Fran Givens, 16686 Jurupa, and Rollie Jacobs, 770 West C St., Colton, spoke in favor of homing pigeons.

PIGEONS

Linda Howdyshell, 14190 Via Brothers, Rancho Cucamonga, gave invitation for Grand Opening of the new Chaffey College building on Merrill on January 11, 2007, at 10:00 a.m.

CHAFFEY COLLEGE

Staff presentations were given on Consent Calendar Items "H, K, N, T".

C C

Council Member Scialdone noted correction to the minutes of November 28, 2006. (He abstained from the minutes of November 14, 2006.)

City Manager Ken Hunt noted Consent Calendar Item "S" should be pulled from the agenda.

Consent Calendar Items "N, T, and W" were pulled for separate action.

**ACTON:** Motion was made by Council Member Scialdone, seconded by Council Member Warren, approving Consent Calendar Items "A-M, O-R, T-V" as follows

- A. Approving the minutes of December 28, 2006 Regular Meeting **as corrected.** (Council Member Scialdone abstained from Consent Calendar Item "A".

MINUTES

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- B. (1) Adopting **Ordinance No. 1534**, amending Article VIII of Chapter 4, of the Fontana Municipal Code relating to Boards, Commissions and Committees. ADPT ORD 1534  
CH.4, CODE
- (2) Adopting **Ordinance No. 1535**, eliminating the debt incurrence deadline for Sierra Corridor Commercial Redevelopment Plan pursuant to Health and Safety Code Section 33333.6(e)(2)(B) and correcting a clerical error in Ordinance No. 1470 pertaining to the period of plan effectiveness and the tax receipt deadline for the project area. ADPT ORD 1535  
DEBT
- C. Accepting donations for use in the Police Department Annual Bicycle Giveaway and Community Outreach Holiday Programs. DONATIONS
- D. Authorizing the City Manager to execute a contractual purchase agreement with Lingo Industrial Electronics, Inc., to provide traffic signal poles and mast arms for the traffic signal on Slover Avenue and Live Oak Avenue in the amount of \$39,850.88. LINGO IND
- E. (1) Authorizing the City Manager to execute Amendment No. 4 to an existing contractual services agreement with Bill Mann and Associates to provide general engineering services for the San Sevaine Creek system and to increase the contract amount from \$150,000 to \$160,000, an increase of \$10,000. BILL MANN
- (2) Approving an appropriation in the amount of \$10,000 from Fund 620 San Sevaine.
- F. Adopting **Resolution No. 2006-276**, authorizing the City Manager to submit a grant application to the California Healthy Cities and Communities Center for Civic Partnerships for a Healthy Aging Project in the amount of \$20,000 for the period January 15, 2007 to January 15,2008, and authorizing execution of any resultant agreements and amendments. ADPT RES 06-276  
GRANT
- G. (1) Authorizing the Business Services Division to join in a cooperative bid process using California Multiple Award Schedule (CMAS) #4-01-56-0006A, Supplement #1 to purchase roofing materials for City facilities from the Garland Company, Inc. GARLAND BID
- (2) Authorizing the City Manager to award the bid to the lowest, responsive, responsible bidder(s) for roofing installation, restoration and repairs for SB-65-HD-06 and to enter into the necessary construction contract(s).
- (3) Authorizing the Business Services Manager to issue purchase order(s) in the amount of materials and the bidder award(s) and authorizing a 10% contingency.

- (4) Join in a cooperative bid process using Federal General Services Administration (GSA) #GS-07F-0130K for installation services support from Design-Build Solutions, Inc.
- H. Adopting **Resolution No. 2006-277**, requesting that the Local Agency Formation Commission (LAFCO) initiate proceedings for the annexation of various parcels that lie on the south side of Foothill Boulevard, between Cherry Avenue and Hemlock Avenue, to the City of Fontana City limits under Annexation No. 170. ADPT RES 06-277  
ANNEX 170
- I. Authorizing the Purchasing Office to continue to piggy-back on the Cerritos Community College District Bid (0102-07) for office furniture for one year with an option for two additional one year increments. COOP BID
- J. Authorizing the Management Services Department to join in the cooperative bid process using GSA (U. S. General Services Administration) Contract #GS-07F-0341M to purchase a Crown RC3020-30 TF 154 lift truck and Crown SP 3405-30 TL 148 stock picker from Crown Equipment Corporation of New Bremen, Ohio. COOP BID
- K. (1) Accepting as complete and authorizing the Public Works Director to execute and file a Notice of Completion for Project SB-20-PW-05. ACCPT PROJ.
- (2) Approving the final construction amount of \$156,499.00.
- (3) Approving the release of the 10% retention upon satisfactory closure of the contract.
- L. (1) Accepting proposal from Andresen Architecture, Inc., to provide architectural and related services on an on-call basis. ANDRESEN
- (2) Accepting proposal from Carter Burgess to provide architectural and related services on an on-call basis. CARTER  
BURGESS
- (3) Accepting proposal from BMLA, Inc., to provide architectural and related services on an on-call basis. BMLA, INC.
- (4) Authorizing the City Manager to enter into contract agreements with Andresen Architecture, Inc., Carter Burgess, and BMLA, Inc.
- M. Awarding bid and authorizing the City Manager to enter into an agreement with Dibs Safe for Locksmith & Security Services. DIBS SAFE BID
- N. PULLED PULLED

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- O. Adopting **Resolution No. 2006-278**, endorsing the formation of the Inland Empire Landscaping Alliance and appointing a City representative to the Alliance. ADPT RES 06-278  
I.E.LANDSCAPING ALLIANCE
  
- P. Awarding Bid SB-19-PW-07 to Alfred Signs for the replacement of monument sign letters City-wide and authorizing the City Manager to enter into a contract to effectuate said services. ALFRED SIGNS  
BID
  
- Q. (1) Awarding bid to Atlas Parking Lot Maintenance for the rehabilitation of the property specified in SB-03-HD-07. ATLAS PARKING  
BID
  
- (2) Authorizing the City Manager to enter into a construction contract with Atlas Parking Lot Maintenance.
  
- (3) Authorizing the Business Services Manager to issue a purchase order with Atlas Parking Lot Maintenance in the amount of \$45,931.14 and authorizing a 10% contingency in the amount of \$4,593.14.
  
- R. (1) Accepting as complete the subdivision improvements in Tract No. 16600 located south of Merrill Avenue and west of Citrus Avenue. ADPT RES 06-279  
TR 16600
  
- (2) Adopting **Resolution No. 2006-279**, accepting sewers in Tract No. 16600 as part of the City sewer system.
  
- S. PULLED PULLED
  
- T. PULLED FOR SEPARATE ACTION. PULLED
  
- U. Adopting **Resolution No. 2006-280**, amending Fontana City Administrative Policies & Procedures 20-16 "Petty Cash"; 20-18 "City-Wide Bulletin Boards and Display Cases"; 20-22 "User Fees"; 20-24 "Payroll Deductions"; 20-29 "Dress Code" and 20-55 "Cal-Card Usage". ADPT RES 06-280  
ADM POLICY &  
PROCEDURES
  
- V. Approving increase to costs of issuance due to failed bond sale (Community Facilities District No. 31 Citrus Heights North). CFD 31 COSTS
  
- W. PULLED FOR SEPARATE ACTION. PULLED

Motion carried unanimously.

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Roberts, approving Consent Calendar Item "N", as follows: CC-N SJ&B  
GROVE BID

- N. Awarding bid and authorizing the City Manager to enter into a construction contract with SJ&B Grove, in the amount of \$1,143,631.00 and authorizing a contingency in the amount of

\$1,372.357.00.

- (2) Approving a transfer of \$1,372.357.00 from Sewer Replacement Fund 703 to Sewer Capital Projects Fund 702 and approving an appropriation of \$1,372.357.00 to Project Number 0412300702.
- (3) Authorizing the Public Works Director to administratively approve and implement short term street closures and detours during construction.

Motion carried by a vote of 4-0-1, Council Member Scialdone abstaining.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Warren, approving Consent Calendar Item "T", as follows:

CC-T NBS  
LMD #2

Approving and authorizing the City Manager to execute a professional services agreement with NBS for consulting services to conduct the special ballot proceeding to increase the assessment in Landscape Maintenance No. 2, Village of Heritage. Motion carried unanimously. (The City Attorney determined Council Member Rutherford and Warren did not need to abstain from this item).

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Roberts, approving Consent Calendar Item "W". as follows:

CC-W JOINT USE  
WATER OF LIFE  
CHURCH/CITY

Approving Joint Use Agreement and authorizing the City Manager to enter into an agreement between the City of Fontana and Water of Life Community Church. Motion carried by a vote of 4-0-1, Council Member Rutherford abstaining.

Public hearing was opened regarding General Plan Amendment No. 06-010, Zone Change 06-007, Specific Plan 06-063, (Ventana at Duncan Canyon Specific Plan), Tentative Tract Map Nos. 18143, 18144, 18145, 18146, and 18147 and Design Review Nos. 06-029, 06-030, 06-031, 06-032, and 06-033.

PH-A VENTANA  
CON'T TO 1/23/07

No written communications were received.  
No one spoke in favor or opposition.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, continuing the public hearing to the January 23, 2007 City Council Meeting. Motion carried unanimously.

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

PH-B CFD #51M  
CON'T TO 1/23/07

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

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Rutherford, continuing the public hearing to the January 23, 2007 City Council Meeting. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 60M, located south of Miller Avenue between Beech Avenue and Sultana Avenue. PH-CFD #60M  
CON'T TO 1/23/07

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

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, continuing the public hearing to the January 23, 2007 City Council Meeting. Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 06-004, 06-005, 06-008, 06-014; Zone Change Nos. 06-003, 06-004, 06-005 and 06-009 and Design Review Nos. 06-015, 06-020. PH-D INTRO ORD  
1536; ADPT RES  
06-281 GPA  
AMEND 06-004;  
ZC 06-003; 06-004;  
06-005; 06-009;  
DR 06-015; 06-020

No written communication was received.  
Staff presentation was given by Planner Orlando Hernandez.  
No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Warren, finding that this will not have a significant effect on the environment and adopting the corresponding Negative Declarations for each proposal and State of California Department of Fish and Game DeMinimis Impact Findings, and directing staff to prepare and file a Notice of Determination per the Local Guidelines for implementing the California Environmental Quality Act (2006); adopting **Resolution No. 2006-281**, approving Amendment Nos. 06-004, 06-005, 06-008, 06-014, amendments to the Land Use Policy Map to: A)Change the land use designation of approximately 3.4 acres of property from Light Industrial (L-1) to Medium Density Residential (R-MO (See Exhibit "A"); B) change approximately 1.7 acres of property from Single Family Residential (R-SF) to Medium Density Residential (R-M) (See Exhibit B); C-Change approximately 2.1 acres of property from Light Industrial (L-1) to Public Facilities (P-PF) (See Exhibit C); and D) Change approximately 27.2 acres of property from Single-Family Residential (R-SF) to Medium Density Residential (R-M) (See Exhibit D); (3) waiving further reading of and introducing **Ordinance No. 1536**, an Ordinance of the City of Fontana approving Zone Change Nos. 06-003, 06-004, 06-005, 06-009, Zone Changes to the Zoning District Map to change from A) Light Industrial (M-1) to Medium Density Residential (R-2) (See Exhibit A); B) Single Family Residential (R-1) to Medium Density Residential (R-2) (See Exhibit B); C) Light Industrial (M-1) to Public Facilities (P-PF) (See Exhibit C) and D) Single Family Residential (R-1) to Medium Density

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Residential (R-2) (See Exhibit D) and that the reading of the title constitutes the first reading thereof; and (4) approving Tentative Parcel Map No. 17999, Design Review No. 06-015, 06-020, and Conditional Use Permit No. 06-011 and directing staff to file a Notice of Determination. Motion carried unanimously.

Public hearing was opened regarding prohibiting peddling within 1,000 feet of parks.  
No written communication was received.  
Staff presentation was given by Community Improvement Program Manager Ted Porlas, and Police Chief Larry Clark.  
No one spoke in favor or opposition. The hearing was closed.

PH-E PEDDLING  
NEAR PARKS

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Roberts, waiving further reading of and introducing **Ordinance No. 1537**, adding Section 19-7 to Chapter 19, Article 1, of the Fontana Municipal Code prohibiting peddling within 1,000 feet of parks and that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding User Fees for City Services.  
No written communication was received.  
Staff presentation was given by Business Services Manager Jeff McPherson, and Senior Accountant Jeff Moriarty.  
No one spoke in favor or opposition. The hearing was closed.

PH-F ADPT RES  
06-282 USER  
FEES

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Roberts, adopting **Resolution No. 2006-282**, adopting certain new fees and increasing or decreasing certain existing fees for various services provided by the City. Motion carried unanimously.

Public hearing was opened regarding Quarterly Lien Action Report for Delinquent Sewer, Rubbish and Weed Abatement Accounts.  
No written communication was received.  
Staff presentation was given by Business Services Manager Jeff McPherson.  
No one spoke in favor or opposition. The hearing was closed.

PH-G ADPT RES  
06-283 LIENS

**ACTION:** Motion was made by Council Member Scialdone, seconded Council Member Roberts, adopting **Resolution No. 2006-283**, adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof; (2) authorizing staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the certified lien list and directing staff to forward recorded liens to the County for collection; and (3) authorizing staff to complete and record liens against real property for those rubbish accounts more than ninety days

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delinquent as described in the certified lien list, and directing staff to forward recorded liens to the County for collection. Motion carried unanimously.

Staff presentation was given by Finance Director Mel Drown regarding the comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2006.

NB-A ANNUAL  
FINANCIAL RPT  
CAFR

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Warren, approving the City of Fontana's Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended June 30, 2006. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Mayor and Council Members wished all a Merry Christmas and Happy New Year.

HOLIDAYS

Mayor and Council Members noted a great parade.

PARADE

Council Member Rutherford apologized for missing the Festival of Winter as she was out of State.

APOLOGY

Council Member Roberts congratulated City Clerk Tonia Lewis and City Treasurer Janet Koehler Brooks on their elections.

CONGRATS

Council Member Roberts stated he is thankful for being reelected.

THANKS

Council Member Warren congratulated all of the successful candidates.

CONGRATS

Council Member Warren spoke of Fontana's Biggest Loser staff challenge from January 4, to March 1, 2007, both body weight and body fat.

LOSER

Council Member Warren noted a June 11, 2007 golf tournament with proceeds going to the MLK Children's Wing at the new Library.

GOLF

Council Member Warren noted a petition for Village of Heritage residents regarding the LMD.

PETITION

Council Member Warren suggested a summit for adults to open dialogue to get them to work together and get along with each other.

SUMMIT

Council Member Scialdone noted the grand opening of the South Fontana POST OFFICE post office this month.

POST OFFICE

Council Member Scialdone thanked the Fontana Host Lions Club for their donation to the Fontana Santa's Program.

THANKS

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Council Member Scialdone noted the grand opening of Applebee's.	APPLEBEE'S
Mayor Nuaimi spoke of the need for LMD for Village of Heritage.	LMD
Mayor Nuaimi noted recent openings of Costco, Applebee's, and Ralph's.	OPENINGS
Mayor Nuaimi congratulated the Fontana Library Campaign Committee for their fundraising efforts.	CONGRATS
Mayor Nuaimi noted the 5 <sup>th</sup> annual Mayor's Gala is scheduled for March 31, 2007.	MAYOR'S GALA
Mayor Nuaimi thanked Dr. Dennis Wayne Ruble for his 42 years of service to the Fontana Unified School District.	THANKS
Mayor Nuaimi congratulated all of the school board and City recently elected officials.	CONGRATS
Mayor Nuaimi noted the Fontana Santa's will be delivering on December 16, 2006. Donations are still being accepted.	DONATIONS
Mayor Nuaimi gave update on Fontana Water rates.	WATER UPDATE
The following City Manager Communication was received:	C M C
City Manager Ken Hunt reviewed the successful events of the Festival of Winter, and thanked staff for making this happen.	SUCCESS
City Manager Ken Hunt noted the high quality of staff we have here in the City of Fontana.	GREAT STAFF
City Manager Ken Hunt stated we need to adjourn to the Adjourned Regular Meeting on Thursday, January 18, 2007 at 6:30 p.m. for several appeal issues.	ADJOURN TO 1/18/07
The City Council meeting adjourned by consensus, at 10:37 p.m. in memory of former Planning Commissioner Hal Clark, to a Adjourned Regular Meeting on Thursday, January 18, 2007, at 6:30 p.m. and then to a workshop meeting on January 23, 2007, 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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Linda S. Nunn

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 23<sup>rd</sup>  
DAY OF JANUARY, 2007.

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Tonia Lewis  
City Clerk