

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
FEBRUARY 26, 2007**

A workshop meeting of the Fontana City Council was held on Monday, February 26, 2007 in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 5:40 p.m.

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

Following agenda review and comments by City Manager Ken Hunt, the meeting adjourned to a Closed Session at 5:49 p.m.

The City Council went into open session in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Pro Tem Scialdone called the meeting to order at 6:03 p.m.

**ROLL CALL:** Present: Mayor Pro Tem Scialdone, Council Members Roberts, Rutherford and Warren. ROLL CALL  
Absent: Mayor Nuaimi.

The meeting was called at this time to take input on Closed Session Item 2. No one spoke in favor or opposition. EMPLOYEE/  
DISCIPLINE  
CON'T TO

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Warren to continue Closed Session Item 2, PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE PURSUANT TO GOVERNMENT CODE SECTION 54957 to the March 27, 2007 City Council meeting. Motion carried by a vote of 4-0-1 Mayor Nuaimi absent.

3/27/07

At 6:05 p.m. City Council Members adjourned back to the Closed Session. CS

The Regular Meeting of the City of Fontana City Council was held on Monday, February 26, 2007 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 Members Roberts, Rutherford, Scialdone and Warren. ROLL CALL  
 Absent: None.

The Invocation was given by Pastor Dennis McZeal, Living Water Church of God in Christ, followed by the Pledge of Allegiance lead by Mayor Nuaimi.

Mayor Nuaimi made comments regarding the loss of State funding for the I-10 Corridor. TRANS. FUNDS

The City Attorney announced the Closed Session was held to discuss the following items: C S

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

Property: APN 0255-011-01; 0255-011-02; 0255-011-03 (David Weiner Properties)

Negotiating Parties: Kenneth Hunt, City Manager

Under Negotiation: Price and Terms

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE PURSUANT TO GOVERNMENT CODE, SECTION 54957.**

There was no reportable action. Action was taken in open session to continue the second item to March 27, 2007.

The following Special Presentations were made: S P

- A. Mayor and Council recognized the following young men for reporting a fire that could have gotten out of control:  
 Jake Carrillo (12 years old)  
 Mason Moad (10 years old)  
 Kris Rivera (13 years old)
- B. Mayor and Council recognized Miss Fontana Marion Cubero, Senior Princess Christina Dennis and Junior Princess Jaclen Solis.
- C. Mayor and Council recognized Miss USA California Meagan Tandy.
- D. Mayor and Council recognized the family of Jeweline Newton for her community involvement and also her involvement in Black History Month. (Kay Newton, daughter and Ellen Turner accepted).
- E. Mayor and Council Members commended the following Rotary 4 Way Speech Contest winners:

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Jocelyn Sida – Sr. Kaiser spoke on immigration  
Adam Galeckas –Sr. A.B.Miller spoke on critical thinking  
Daniel Cardona – Sr. Citrus spoke on music

The following Public Communications were received: P C

Pastor Dennis McZeal, Living Water Church of God in Christ, presented a check in the amount of \$5,000 for the Library fund, with a pledge for another \$5,000. DONATION

Tony Orlich spoke on Fontana concerns and behaviors, as well as a fence that still needs repairs. CONCERNS

Miguel Carranza, and son, Joseph, 17314 Red Maple, spoke of a problem with the Southwest Little League not taking his son, Joseph in their league since he lives east of Sierra Avenue. This was referred to the Parks & Recreation Commission. LITTLE LEAGUE

Consent Calendar Item “G” .was moved to Public Hearing “B”. C C

City Manager Ken Hunt stated Consent Calendar Item “W” was pulled from the agenda.

**ACTON:** Motion was made by Council Member Scialdone, seconded by Council Member Warren, approving Consent Calendar Items “A-F, H-V” as follows:

- A. Approving the minutes of February 13, 2007 Regular City Council Meeting. MINUTES
- B. (1) Approving the recommended mid-year budget changes listed in the Mid-Year Budget Status Report for Fiscal Year 2006/2007. ADPT RES 07-20-  
(2) Approving the recommended Budget Development Guidelines for BGT REPORT  
Fiscal Year 2007/2008. SALARY  
(3) Adopting **Resolution No. 2007-20**, adopting position and salary range for Police Background Investigator and Police Dispatch Call Taker.
- C. (1) Adopting **Resolution No. 2007-21**, declaring intention to annex territory to Community Facilities District No. 13M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 2) located north of Miller, east of Cypress, west of Juniper and south of Baseline. ADPT RES 07-21  
(2) Setting the public hearing for April 10, 2007, for the formation of CFD 13M  
the district and call the special election for April 10, 2007.

- D. (1) Adopting **Resolution No. 2007-22**, declaring intention to annex territory to Community Facilities District No. 27M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1) located north of Foothill, east of Oleander, west of Cypress and south of Baseline. ADPT RES 07-22  
CFD 27M
- (2) Setting the public hearing for April 10, 2007, for the formation of the district and call the special election for April 10, 2007.
- E. (1) Adopting **Resolution No. 2007-23**, declaring intention to annex territory to Community Facilities District No. 36M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 2) located north of Miller, east of Locust, west of Maple and south of Baseline. ADPT RES 07-23  
CFD 36M
- (2) Setting the public hearing for April 10, 2007, for the formation of the district and calling the special election for April 10, 2007.
- F. Authorizing the City Manager to execute a professional services agreement with Canyon Consulting for the design of Valley Boulevard (south side) from Poplar Avenue to Catawba Avenue, Poplar Avenue from Valley Boulevard south and Catawba Avenue from Valley boulevard south in the amount of \$46,900 and authorizing a 10% contingency in the amount of \$4,690. CANYON  
CONSULTING  
AGREEMENT
- G. Moved to Public Hearing "B". MOVED PH "B"
- H. Authorizing the City Manager to enter into a contract with Micon Construction, Inc., for the installation of a park shelter at San Sevaime Park, in the amount of \$79,092 and authorizing a 10% contingency in the amount of \$7,909.00. MICON CONST
- I. Awarding bid and authorizing the City Manager to enter into an agreement with Caltrop Corporation in the amount of \$58,805 for project and construction management for the Palmetto Avenue pavement rehabilitation project and authorizing a 10% contingency in the amount of \$5,880. CALTROP CORP
- J. (1) Awarding bid and authorizing the City Manager to enter into a construction contract with TC Construction Company, Inc., in the amount of \$9,973,960, and approving a 10% contingency in the amount of \$997,396, for the San Bernardino Avenue Trunk Sewer Project, contingent upon approval by the State Water Resources Control Board to award request. T C CONST CO
- (2) Authorizing the Public Works Director to administratively approve and implement short term closures and detours during construction.

- K. (1) Accepting as complete and authorizing the Public Works Director to execute and file a Notice of Completion for Project SB-80-05 (West Annex Facility Construction Project). W.ANNEX FACILITY CONST  
 (2) Approving the final construction amount of \$2,888,637.71.  
 (3) Approving the release of a 10% retention upon satisfactory closure of contract.
- L. Awarding bid and authorizing the City Manager to enter into a construction contract with Parkwest Construction Company for Veterans Park Expansion in the amount of \$954,097 and authorizing a 10% contingency in the amount of \$95,409.70. PARKWEST CONST
- M. Accepting final map for Tract No. 16809 located west of Maple Avenue and north of Arrow Boulevard, accepting as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 16809
- N. Accepting final map for Tract No. 17018 located east of Mango Avenue and south of Miller Avenue; accept as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 17018
- O. Accepting final map for Tract No. 16494 located east of Cypress Avenue and south of Baseline Avenue; accepting as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 16494
- P. Authorizing the City Manager to execute a construction contract with Christopher R. Morales, Inc., for the construction of the Summit Avenue and Lytle Creek Road Traffic Signal Project in the amount of \$93,995.00 (Bid No. SB-33-DE-07), and authorizing a 10% contingency in the amount of \$9,399.50. CHRISTOPHER MORALES
- Q. Authorizing the City Manager to execute an agreement with the United States Department of Housing and Urban Development to improve the accessibility of City facilities and programs. HUD RE. CITY
- R. Accepting a donation in the amount of \$500 from the Southern California Auto Auction for use in the Police Department's Neighborhood Watch Program and National Night Out for 2007. DONATION
- S. Authorizing the Management Services Department to exercise the City's "Option to Renew Clause" for fiscal years ending June 30, 2007 and 2008, in the amount of \$54,630 and \$56,820 respectively and to authorizing the City Manager to execute the negotiated extension of the consultant services agreement for AUDIT SERV. LANCE, SOLL & LUNGHARD

annual audit services with Lance, Soll & Lunghard.

- T. (1) Awarding contract to Datanet Solutions, Inc., of Anaheim, CA for the provision of laserfiche support services in the amount of \$110,000. DATANET SOL.  
LASERFICHE
- (2) Authorizing the City Manager to enter into a one year professional services agreement for maintenance and support services for the City's laserfiche document imaging system with annual renew option for up to three years.
  
- U. (1) Adopting **Resolution No. 2007-24**, declaring intention to annex territory to Community Facilities District No. 61M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1), located north of Miller, east of Tamarind, west of Alder and south of Baseline Avenues. ADPT RES 07-24  
CFD 61M
- (2) Setting the public hearing for April 10, 2007, for the formation of the District and calingl the special election for April 10, 2007.
  
- V. (1) Approving and authorizing the City Manager to execute Amendment No. 7 to the engineering services agreement with Boyle Engineering in the amount of \$110,628.00 from \$914,579.30 to \$1,025,207.30, for the completion of the project report and environmental documents for the I-10/Citrus Avenue Interchange Reconstruction Project. BOYLE ENG.
- (2) Authorizing an appropriation in the amount of \$110,628.00 from Fund 281 to Project Account 9391200281.

W. PULLED PULLED

Motion carried unanimously.

Public hearing was opened regarding Medical Marijuana Dispensaries. No written communication or staff report was received. No one spoke in favor or opposition. PH-A CON'T  
MARIJUANA  
ORD TO 3/27/07

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Warren, to continue the public hearing regarding an Ordinance establishing a moratorium on the establishment and operation of medical marijuana dispensaries pursuant to Government Code Section 65858 to Tuesday, March 27, 2007. Motion carried unanimously.

Public hearing was opened regarding refuse collection rates. No written communication was received. Staff presentation was given by Public Services Supervisor Dan Chadwick and Public Services Director Curtis Aaron. No one spoke in favor or opposition. The hearing was closed. PH-B ADPT RES  
07-25 RUBBISH  
RATES

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Roberts, adopting **Resolution No.2007-25**, approving changes to rates for refuse collection services within the City. Motion carried unanimously.

Staff presentation was given by Police Captain Rodney Jones regarding a proposed Parade Ordinance.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Warren, waiving further reading of and introducing **Ordinance No. 1543**, amending Section 17-5 of the Fontana Municipal Code relating to meetings, demonstrations, and parades in or upon City streets; and that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

NB-A INTRO ORD  
1543 PARADES

The following Elected Official Communications were received:

E O C

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Scialdone, canceling the May 22, 2007 City Council meeting as the Council will be attending the ICSC meeting. Motion carried unanimously.

NO 5/22/07  
COUNCIL MTG

Mayor and Council Members commended staff and volunteers for the successful Race Fest.

COMMEND

Council Member Warren spoke of Black History Month.

BLACK HISTORY

Council Member Warren thanked the Living Water Church for their contribution to the M. L. King, Jr. Children's Library.

THANKS

Council Member Warren asked the residents of the Village of Heritage to vote for increasing the landscaping fees. She thanked those who are helping to spread the word.

VOH VOTE

Council Member Warren noted a walk in the Heritage Commons on March 3rd at 7:00 a.m. for registration, with the event starting at 8:00 a.m.

VOH WALK

Council Member Scialdone spoke on the Area 3 community meeting last week. He stated this is a great place for solving problems.

COMM. MTG

Council Member Rutherford commended Wayne Beckman for the letter to the editor regarding the help of the Public Works crew regarding a sewer problem..

COMMEND

Council Member Roberts thanked the Historical Society, Millie and Shirley, for their program at the Rotary Club regarding the early days in Fontana.

THANKS

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- Council Member Roberts commended Police Captain Rodney Jones for coordinating the handicapped transportation at the Speedway all weekend. COMMEND
- Council Member Roberts reported Rotary Club members will be going to Mississippi again in May. TRIP
- Council Member Roberts noted the tragedy of losing a construction worker on February 22 at the library construction site. He asked that we adjourn in his memory. TRAGEDY
- Mayor Nuaimi reported he spoke to a class at A. B. Miller recently. VISIT SCHOOL
- Mayor Nuaimi thanked Sammy Hagar for volunteering his talent at the Speedway this weekend. THANKS
- Mayor Nuaimi stated he rode in the helicopter when the race was over to see how the traffic flowed. He stated it was amazing to see all the improvements in Fontana from the air. HELICOPTER
- Mayor Nuaimi noted his frustration regarding the State withdrawal of funding for the I-10 improvements. I-10 IMPRVMT
- Mayor Nuaimi stated several will be going to Washington, D. C. tomorrow to campaign for I-10 funds, and then to Sacramento and on Friday to San Francisco regarding the water rate case. TRIPS
- Mayor Nuaimi thanked the church for their contribution to the library. THANKS
- The City Council meeting adjourned by consensus, at 8:48 p.m. in memory of William Ford III, a construction worker killed at the Library construction site recently, to an workshop meeting on Tuesday, March 13, 2007, in the Executive Conference Room at 5:00 p.m., 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 M. Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 13<sup>th</sup> DAY OF MARCH, 2007.

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Tonia Lewis  
City Clerk