

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JUNE 12, 2007**

A workshop meeting of the Fontana City Council was held on Tuesday, June 12, 2007 in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA .

ROLL CALL: Present: Mayor Pro Tem Scialdone, Council Member Roberts and Rutherford. Council Member Warren arrived at 5:31 p.m. ROLL CALL

Absent: Mayor Nuaimi.

Central Valley Fire Protection gave a FY 07/08 proposed budget presentation. Consensus was to agendize this budget and staffing for station 79.

Following agenda review and City Manager comments, the workshop adjourned to the Closed Session at 5:55 p.m.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, June 12, 2007 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 Members Roberts, Rutherford, Scialdone and Warren ROLL CALL

Absent: None.

The invocation was given by First Baptist Church Pastor Garland, followed by the Pledge of Allegiance lead by Mayor Nuaimi.

The City Attorney announced they met in Closed Session to discuss: CS
following items:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957

Properties: APN 0255-091-14, 15 (n/side of Jurupa between Juniper and Cypress Avenues – Eshleman)

Negotiating Parties: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957

Properties: APN: 0255-091-13 (16676 Jurupa Avenue – Eshleman)

Negotiating Parties: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

Case: Fred Flores and Charles Wideen vs. City of Fontana
Workers Compensation Claim Number ANA 0393684 (Flores) and ANA
0390510 (Wideen)

The first item was not discussed and there was no reportable action on the other two.

The following Special Presentations were made: SP

- A. Mayor and Council recognized Officer Doug Locey as the April “Employee of the Month, and Officer Trish Coyle as the May “Employee of the Month” presented by Police Chief Clark.

Council Member Rutherford left the meeting at 7:33 p.m., returning at 7:35 p.m.

- B. Mayor and Council recognized Dispatcher Michelle Plasencia on her retirement from the Police Department. (Chief Clark presented)

The following Public Communications were made: PC

Scott VanHorn, representing Supervisor Paul Biane, announced the 5th Annual Health & Safety Fair at Jack Bulik Park on Saturday, June 23rd from 10:00 a.m. to 2:00 p.m. HEALTH FAIR

Tony Orlich, Randall Avenue, spoke of campaign financing. FINANCING

Council Member Rutherford stated she will abstain from the minutes of May 8, 2007 because she was absent from that meeting. C C

Council Member Roberts stated he will abstain from Consent Calendar Item “B (1)” because he lives near the project.

Consent Calendar Item “N” was pulled for separate action.

Council Member Scialdone stated he will abstain from Consent Calendar Item “X” because he lives near the project.

Consent Calendar Item “HH” was removed from the Consent Calendar and moved to New Business “A”.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren approving Consent Calendar Items “A-M, O-GG” as follows:

- A. Approving the minutes of May 8, 2007 Regular City Council meeting and May 9, 2007 and May 31, 2007 Adjourned Regular meetings. MINUTES

- B. (1) Adopting **Ordinance No. 1549**, approving Zone Change No. 06-008 to change the Zoning District Map on approximately 290 gross acres of land designated as Residential Planned Community (R-PC) to Specific Plan No. 24 (Valley Trails Specific Plan) ADPTORD 1549
ZC -06-008
- (2) Adopting **Ordinance No. 1550**, approving Specific Plan No. 04-004 (Valley Trails Specific Plan) ADPTORD 1550
SPA 04-004
- (3) Adopting **Ordinance No. 1551**, amending the Fontana Municipal Code to add Chapter 5, Article XVI regarding Emergency Access Devices for controlled access gates at gated residential communities. ADPTORD 1551
CH. 5 CODE
- C. Authorizing the City Manager to execute a construction contract with Elite Bobcat Service, Inc., for the construction of street improvements on Ceres Avenue between Citrus Avenue and Cypress Avenue in the amount of \$528,940.10 and authorize a 10% contingency in the amount of \$52,894.01. ELITE BOBCAT
CERES AVE
- D. Accepting final map for Tract No. 17824 located south of Highland Avenue between San Sevaine Road and Hemlock Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. TR 17824
- E. (1) Adopting **Resolution No. 2007-57**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 1 ("LMD #1) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment. ADPT RES
07-57 LMD #1
- (2) Adopting **Resolution No. 2007-58**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 2 ("LMD #2) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment. ADPT RES
07-58 LMD#2
- (3) Adopting **Resolution No. 2007-59**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3 ("LMD #3) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment. ADPT RES
07-59 LMD#3
- (4) Adopting **Resolution No. 2007-60**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3-1 ("LMD #3-1) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment. ADPT RES
07-60 LMD#3-1
- (5) Adopting **Resolution No. 2007-61**, declaring its intention to levy and collect assessments within Local Landscape Maintenance District No. 3 ("LLMD #3) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment. ADPT RES
07-61 LLMD
#3
- F. Approving the purchase and sale agreement regarding the sale of property to Larry and Dora Bonanno in consideration for the property received for the construction of the Auto Center Drive. APRV AGREE
- G. Accepting donations from various donors for use in the Police Department's Neighborhood Watch Program and 2007 National Night Out. DONATION

- H. Authorizing the City Manager to enter into a three-year contract agreement with Pyro Spectaculars, Inc., with two one-year renewals at the sole discretion of the City, for the purchase of pyrotechnic demonstration services. PYRO SPECT
- I. Accepting a donation from the Fontana Rotary Club in the amount of \$1,000 for use towards the Josephine Knopf Senior Center Nutrition Program. DONATION
- J. (1) Waiving further reading of and introducing **Ordinance No. 1552**, adopting the eighth amendment to the Redevelopment Plan for the Fontana Downtown Redevelopment Project, adopting an Eminent Domain Program for the Fontana Downtown Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof. INTRO ORD
1552 AGREE
- (2) Waiving further reading of and introducing **Ordinance No. 1553**, adopting the fifth amendment to the Redevelopment Plan for the Jurupa Hills Redevelopment Project, adopting an Eminent Domain Program for the Jurupa Hills Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof. INTRO ORD
1553 RDA
AMEND
- (3) Waiving further reading of and introducing **Ordinance No. 1554**, adopting the fourth amendment to the Redevelopment Plan for the North Fontana Redevelopment Project, adopting an Eminent Domain Program for the North Fontana Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof. INTRO ORD
1554 RDA
AMEND
- (4) Waiving further reading of and introducing **Ordinance No. 1555**, adopting the fourth amendment to the Redevelopment Plan for the Sierra Corridor Redevelopment Project, adopting an Eminent Domain Program for the Sierra Corridor Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof. INTRO ORD
1555 RDA
AMEND
- (5) Waiving further reading of and introducing **Ordinance No. 1556**, adopting the eighth amendment to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project, adopting an Eminent Domain Program for the Southwest Industrial Park Redevelopment Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof. INTRO ORD
1556 RDA
AMEND
- K. (1) Adopting **Resolution No. 2007-62**, declaring intention to annex territory to Community Facilities District No. 38M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 3) Located on the northwest corner of Oleander and Walnut Avenues. ADPT RES
07-62 CFD 38M
- (2) Setting the public hearing for July 24, 2007, for the formation of the District and calling the special election for July 24, 2007.

- L. (1) Adopt **Resolution No. 2007-63**, declaring intention to annex territory to Community Facilities District No. 21M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1). Located east of Oleander and south of Walnut Avenue. ADPT RES 07-63 CFD #21M
- (2) Setting the public hearing for July 24, 2007, for the formation of the District and calling the special election for July 24, 2007.
- M. (1) Approving the Interlocal Agreement concerning the distribution of the 2007 Byrne Justice Assistance Grant (JAG) Program Award. INTERLOCAL AGREE
- (2) Authorizing the City Manager to sign the Interlocal Agreement for the Justice Assistance Grant (JAG) on behalf of the City of Fontana.
- (3) Approving the expenditure plan for the use of the funds to help offset the cost of three police officer and two sergeant positions within the Police Department.
- N. PULLED FOR SEPARATE ACTION. PULLED
- O. Accepting replacement of securities for Tract No. 16325 necessitated by change in ownership of the tract, and authorizing the City Manager to enter into subdivision agreements with Van Daele Development Corporation for the construction of improvements in said tract. TR 16325
- P. Accepting final Parcel Map No. 17649 located south of Baseline Avenue and east of Cherry Avenue; authorizing the City Clerk to certify the abandonment of certain easements for berms and berm maintenance purposes and a 20 foot wide storm drain and sewer easement. PM 17649
- Q. Awarding bid and authorizing the City Manager to enter into an agreement with Brown Motor Works in the amount of \$25,000 as a "single source" vendor for full service repair and maintenance of the Police Departments fleet of BMW patrol motorcycles for a period of two years from the date of award renewable for three additional one-year increments at the sole discretion of the City of Fontana. BROWN MOTOR WKS AGREE
- R. Authorizing the Management Services Department to join in the cooperative bid process with the City of Corona for the purchase of two wanco mini full matrix message boards in the amount of \$37,497. MESSAGE BOARDS
- S. Authorizing the City Manager to enter into an agreement with Caltrop Corporation in the amount of \$94,350 for project and construction management of the Sierra I-10 Landscape Project and authorize a contingency in the amount of \$9,435. CALTROP
- T. Awarding bid and authorizing the City Manager to enter into an agreement with Horizons CCI Services, Inc., in the amount of \$483,989.40 and authorizing a 10% contingency in the amount of \$48,398. HORIZONS CCI

- U. Awarding bid in the amount of \$193,837.37 and authorizing the City Manager to enter into a contract with Vector Resources, Inc. for telephone/data/CATV cabling services for the Development Services Organization Building and authorize a 10% contingency in the amount of \$19,383.73. VECTOR CABLING
- V. Authorizing a contract recognizing Corona Clay, as the sole source vendor of “angel mix” infield soil mix for baseball and softball fields, in an amount not to exceed \$80,000 annually. Contract aimed for a two-year period plus three one-year extensions at the sole discretion of the City. CORONA CLAY
- W. Accepting cash and pledged donations in the amount of \$102,550 to the Fontana Library Foundation for the Lewis Library and Technology Center. DONATIONS
- X. Authorizing the Management Services Department to establish an Agency Account Code with the County of San Bernardino in order to facilitate the collection of the Presley Estates Sewer Improvements levy by placing the levy on the annual tax rolls. PRESLEY SEWER
- Y. Approving Amendment No. 1 to a contractual services agreement between the City of Fontana and Hall and Foreman, Inc., for the Lewis Library and Technology Center in the Civic Center and increase the contract amount from \$11,700 to \$31,700, an increase of \$20,000, plus a 10% contingency in the amount of \$2,000; and authorizing and directing the City Manager to execute said amendment. HALL & FOREMAN
- Z. (1) Authorizing the City Manager to enter into a construction maintenance agreement, Tracking Number SB-73-DE-07 with Southern California Regional Rail Authority for the relocation and construction of railroad crossing signals for Citrus Avenue Highway-Rail Grade Crossing in the amount of \$372,551, and authorize a 10% contingency in the amount of \$37,255. SC RAIL AGREE
 (2) Appropriating \$10,000 from Fund 242, Measure I.
- AA.(1) Finding that the project is exempt from further environmental review pursuant to Section 3.07 of the local guidelines for implementing the California Environmental Quality Act (2006), projects with no possibility of significant effects upon the environment, and directing staff to file a notice of exemption. CALABASH AGREE
 (2) Approving and authorizing the City Manager to execute a preannexation agreement (No. 07-00003) with Calabash 10288, LLC, landowner, for the provision of sewer service to a 577,000 square-foot high-cub warehouse distribution facility at the southwest corner of Calabash Avenue, adjacent to and north of the I-10 Freeway. The parcel generally lies southerly of Valley Boulevard (APN 0234-161-11).
- BB. Authorizing the City Manager to execute the partial satisfaction of sewer, circulation, and landscape development impact fees credit agreement with FR Homes, LLC – Tract No’s 12314, 13804-0 and 13804-1. FR HOMES

- C. Approving and authorizing the City Manager to execute a partial satisfaction of sewer, circulation, and landscape development impact fees credit agreement with KB Home Greater Los Angeles, Inc., for various tract maps.

KB HOME
- DD. Authorizing the City Manager to execute an assignment agreement to effect the transfer of the City’s towing franchise with Certified Towing to Armada Towing, contingent upon the execution of the agreement by all parties and the assignor (Certified Towing) completely transferring title to all assets comprising Certified Towing to Assignee (Armada Towing).

ARMADA
TOWING
- EE. Adopting **Resolution No. 2007-65**, supporting a \$1 Billion State Budget Allocation of Proposition 1B monies to cities in 2007-08.

ADPT RES
07-65 BGT
- FF. Authorizing the Management Services Department to award the District Administration and Delinquency Management Contract for Fiscal Years ending June 30, 2008, 2009, and 2010, in the amount of \$40,752 annually and authorizing the City Manager to execute the contract of the consultant services agreement for District Administration and Delinquency Management Services with NBS.

NBSAGREE
- GG.(1) Authorizing the City Manager to execute an agreement with the County of San Bernardino for addition of traffic signal and lighting improvements at Slover Avenue and Live Oak and amending the estimate of project costs based upon low bid amount. Tracking Number MS-72-DE-07.
(2) Appropriating \$40,000 from Fund 695, SWIP and \$20,000 from Fund 242. Measure I.

TRFC SIGNAL
AGREEMENT

HH. MOVED TO NEW BUSINESS “A”.

Motion carried unanimously.

N. Staff presentation was given by Deputy Treasurer Lisa Strong. CC’N’ ADPT
RES 07-64
FINANCING

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren approving financing team recommendation for tax exempt financing, and adopting **Resolution No. 2007-64**, regarding its intention to issue tax-exempt obligations. Motion carried by a vote of 3-2, with Council Members Scialdone and Rutherford voting against because they prefer to pay as you go.

Public hearing was opened regarding General Plan Amendment No. 06-013. PH-A ADPT RES
07-66 GPA 06-013
 No written communication was received.
 Staff presentation was given by Planner Charles Fahie.
 No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, finding that the project has been reviewed under a previous Environmental Impact Report (2003 General Plan, State Clearing House No. 2003033083) pursuant to Section 15162 of the Local CEQA

Guidelines and directing staff to file the Notice of Determination, and adopting **Resolution No. 2007-66**, approving General Plan Amendment No. 06-013, an amendment of the Circulation Master Plan Map and the General Plan Circulation Element text. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 28M, located on the southwest corner of Hemlock and South Highland. 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-BADPTRES
07-67 & 07-68
CFD 28M

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, (1) Adopting **Resolution No. 2007-67**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No.28M 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 Tonia Lewis reported 9 votes in favor.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, (2) Adopting **Resolution No. 2007-68**, declaring the results of the special election for Community Facilities District No. 28M 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 by 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 Chapter 15 Amendment – Businesses Prohibited by State or Federal Law. No written communication was received. Staff presentation was given by Community Development Director Don Williams. No one spoke in favor or opposition. The hearing was closed.

PH-C INTRO
ORD 1557
AMEND CH 15

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, introducing **Ordinance No. 1557**, amending Chapter 15 of the Fontana Municipal Code to prohibit the establishment and operation of businesses prohibited by State or Federal Law, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Staff presentation was given by Deputy City Manager David Edgar regarding assumption and assignment agreement between the City of Fontana and Trumark Companies (Ventana). This item was formerly Consent Calendar “HH”.

NB-A (CC”HH”)
TRUMARK
(VENTANA)
AGREEMENT

ACTION: Motion was made by Mayor Nuaimi, seconded by Council Member Warren, approving an assumption and assignment agreement between the City of Fontana and Trumark Companies in conjunction with the Ventana at

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Duncan Canyon Development Project and authorizing the City Manager to execute said agreement and any other documents necessary to effectuate said approval. Motion carried by a vote of 3-2, Council Members Roberts and Rutherford voting against because of their concern of possibly jeopardizing General Funds.

- The following Elected Official Communications were received. EOC
- Mayor and Council Members wished City Clerk Tonia Lewis a Happy Birthday. H BIRTHDAY
- Mayor and Council Members thanked everyone involved with the successful Fontana Days events. FONTANA DAYS
- Council Member Warren noted the upcoming Children’s Health and Safety HEALTH FAIR Fair on June 23rd and the Golf Classic at Red Hill benefiting the MLK Jr. Library.
- Council Member Rutherford congratulated Edith Delaueva and Karen Arest students going to Brown University for Science. CONGRATS
- Council Member Rutherford suggested agendizing the possibility of a Sister City for Fontana, such as Pass Christian, MI, a city damaged by Katrina. SISTER CITY
- Council Member Roberts represented the Rotary Club last night at Kaiser High School awarding scholarships. SCHOLARSHIP
- Council Member Roberts asked for prayers for former City Clerk Beatrice Watson. PRAYERS
- Council Member Scialdone noted Vista Metals High Achievement Award Banquet for local high schools. Three high school graduating seniors, one from each high school graduation class received \$1,000 scholarships and teachers from all four high schools were identified as high achievers and each received \$1,000 to use in their classrooms. The guest speaker was a former gang member who turned her life around, has graduated from college and has been accepted into a Master’s Program. AWARD
- Council Member Scialdone thanked the Chamber of Commerce for the Police and Fire Awards Banquet. THANKS
- Council Member Scialdone thanked City Clerk Tonia Lewis for helping with the Fontana Days parade. THANKS
- Council Member Scialdone congratulated 16 graduates from the Fontana Leadership Academy. THANKS
- Council Member Scialdone noted the Police Department is presenting My Space training in the Council Chambers Friday morning. MY SPACE
- Council Member Scialdone noted that the Fontana Branch Library will be re-dedicating its mobile library “Adventure Bus” and kick off its “Get a Clue” LIBRARY

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reading program on June 19, 2007 at 5:00 p.m. at the Fontana Library located at 16860 Valencia.

Mayor Nuaimi congratulated the graduates.	CONGRATS
Mayor Nuaimi apologized for missing invitations because of high work.	SORRY
Mayor Nuaimi reviewed the Summer Days Program activities.	SUMMER ACTIVITY
Mayor Nuaimi noted the 4 th of July event with a raffle benefiting the new library.	JULY 4 TH
Mayor Nuaimi wished a belated Happy Birthday to his wife Suzanne, and a Happy 19 th Anniversary next week.	CONGRATS
Council Member Scialdone asked that the Fire Department budget, and staffing level of Station 79 be placed on next weeks agenda.	FIRE BGT
The City Council meeting adjourned by consensus, at 8:30 p.m. to an adjourned regular meeting on Wednesday, June 20, 2007 at 5:00 p.m. Closed Session and 6:00 p.m. for the adjourned regular meeting and then to the workshop at 5:00 p.m. on Tuesday, June 26, 2007 and then to the regular meeting at 7:00 p.m. in the Fontana City Council Chambers at 8353 Sierra Avenue, Fontana, CA.	ADJOURN

Orvene M. Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 26TH DAY OF JUNE, 2007.

Tonia Lewis
City Clerk