

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
AUGUST 28, 2007**

A workshop of the Fontana City Council was held on Tuesday, August 28, 2007, in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 5:05 p.m.

**ROLL CALL:** Present: Mayor Nuaimi, Mayor Pro Tem Scialdone, and Council Member Rutherford; Council Member Roberts arrived at 5:09 p.m. Council Member Warren arrived at 6:03 p.m. ROLL CALL

Absent: None

A presentation of the Valley Blvd. Transition District was given by Senior Planner Shannon Casey. WORKSHOP

Following agenda review and City Manager comments, the workshop adjourned at 6:06 p.m.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, August 28, 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, Mayor Pro Tem Scialdone, Council Members Roberts, Rutherford, and Warren ROLL CALL

Absent: None

The Colors were presented by the Fontana Police Explorers. The Invocation was given by Council Member Roberts, followed by the Pledge of Allegiance led by Mayor Nuaimi.

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(c)  
Number of Cases: One

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties: APN 0237-191-23 (16034 Jurupa Avenue, Newton property owner); APN 0255-081-10 and -255-081-11 (16466 Jurupa Avenue and 16422 Jurupa Avenue, Long property owner); and 0255-081-27 (16490 Jurupa Avenue, Klapper property owner).

Negotiating Parties : Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

PUBLIC EMPLOYEE APPOINTMENT PURSUANT TO GOVERNMENT CODE SECTION 54957

Title of position to be filled: City Traffic Engineer

There was no reportable action.

The following Special Presentations were made:

S P

Mayor and Council recognized Community Services Recreation Manager Ray Gonzales, and City Traffic Engineer Eric Lewis, for their dedicated service to the City of Fontana.

Mayor and Council recognized Art Ramirez of Juan Pollo, for donating all the food for Office Jose Molina’s reception following his funeral services. Presented by Police Chief Larry Clark.

Mayor and Council recognized the 52<sup>nd</sup> Annual Fontana Days Run Sponsors – Young Homes, Platinum Sponsor, HR Benefit Consulting, Platinum Sponsor, Burrtec Waste, Gold Sponsor, Sizzler’s Restaurant, Silver Sponsor, California Steel Industries, Silver Sponsor, Kiwanis International, Bronze Sponsor, Allard Engineering, Bronze Sponsor, Triangle Dental, Inkind Sponsor, Centex Homes as the Mile Marker Sponsor and Kaiser Permanente.

Mayor and Council accepted a check donation from Kiwanis International for the Ronald McDonald House Children’s Run. Presented by Curtis Aaron.

Fontana Police Officers Association presented their annual donation to Community Services Coordinator Bill Brantley to be used for seniors who cannot afford the cost for meals at the senior center.

Mayor and Council recognized the Police Explorer Scout Post, presented by Police Chief Larry Clark.

Mayor Nuaimi called a recess at 7:42 p.m. for cake in honor of City Traffic Engineer Eric Lewis and Ray Gonzales The meeting reconvened at 8:01 p.m.

The following Public Communications were received:	P C
Yvonne Williams, Exchange Club, noted donations made by the Club from proceeds of Fontana Days events.	DONATIONS
Rafael Trujillo, representing Congressman Joe Baca, spoke of a foreclosure prevention initiative Congressman Baca is working on.	FORECLOSURES
Sophia Holguin, 300 N. El Molino Avenue, #325, Pasadena, read a letter regarding properties at 18060, 18070, 18099 Buckeye Court, Fontana. This was referred to Deputy City Manager Debbie Brazill.	PROPERTY
Esther Zavala, 14073 Champlain, spoke of a problem she was having with Postal Net in getting her franchise deposit returned.	POSTAL NET
Tony Orlich, Randall Avenue spoke of campaign funding.	FUNDING
Staff reports were given on Consent Calendar Items "E, H & I".	C C
It was noted the public hearing outlined in the Ordinance in Consent Calendar Item "D" should be held during the Redevelopment Agency meeting.	
<b>ACTION:</b> Motion was made by Council Member Scialdone, seconded by Council Member Warren, approving Consent Calendar Items "A -K" as follows:	
A. Approving the minutes of the August 14, 2007 Regular City Council Meeting.	MINUTES
B. Authorizing the City Manager to extend the contract with Hardy and Harper, Inc., for asphalt paving services, through June 2008.	HARDY & HARPER CONTRACT
C. (1) Adopting <b>Resolution No. 2007-108</b> , determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 62M (Tract 16800).	ADPT RES 07-108/ 109 CFD 62M
(2) Adopting <b>Resolution No. 2007-109</b> , of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 62M of the City of Fontana.	
(3) Setting the public hearing for October 9, 2007, for the formation of the District and calling the special election for October 9, 2007.	
D. Adopting <b>Resolution No. 2007-110</b> , approving the Fontana Redevelopment Agency's use of tax increment funds for the financing of certain public improvements pursuant to California	ADPT RES 07-110 TAX INCRE FUND

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- Health and Safety Code Section 33445 and making certain findings with regard thereto.
- E. Authorizing the City Manager to execute a construction contract with Diversified Landscape Service, Inc., for the construction of center median landscape improvements on Foothill Boulevard between Tokay Avenue and Almeria Avenue in the amount of \$584,807 and authorizing a 10% contingency in the amount of \$58,480.70 (Bid No. SB-14-DE-08). DIVERSIFIED LANDSCAPE CONTRACT
  
  - F. Adopting **Resolution No. 2007-111**, approving the application for grant funds from the Recreational Trails Program under the Federal, Safe, Accountable, Flexible, Efficient Transportation Equity Act; a legacy for users (SAFETEA-LU). ADPT RES 07-111 GRANT FUNDS
  
  - G. (1) Accepting as complete the work performed by WF Construction, Inc., for the construction of the Downtown Façade Rehabilitation Program Phase 1 Project SB-43-RA-06. ACCPT WF CONST  
  
(2) Authorizing the Redevelopment Director to execute and file a Notice of Completion.  
  
(3) Approving the final construction amount of \$765,438.90.  
  
(4) Approving the release of the 10% retention upon satisfactory closure of the contract.
  
  - H. Authorizing the City Manager to execute a construction contract with Penn Woods Corporation for the construction of the Walnut Avenue medians Phase 1 from Citrus Avenue to Juniper Avenue in the amount of \$388,169.08 and authorizing a 10% contingency in the amount of \$38,816.91 (Bid No. SB-76-DE-07). PENN WOODS CONTRACT
  
  - I. Authorizing the City Manager to execute a construction contract with Sully-Miller Contracting Company for the construction of Foothill Boulevard (Phase 1), Ilex Avenue to Cherry Avenue in the amount of \$3,556,000 and authorizing a 10% contingency fund in the amount of \$355,600 (Bid No. SB-83-DE-08). SULLY MILLER CONTRACT
  
  - J. Approving, authorizing and directing the City Manager to execute a contract between the City of Fontana and Yamada Enterprises for the Lewis Library and Technology Center in the Civic Center in an amount not to exceed \$1,040,943.94, plus a 10% contingency amount of \$104,094.00. YAMADA ENTERPRISES CONTRACT
  
  - K. Adopting **Resolution No. 2007-112**, encouraging the House of Representatives in naming a Fontana Post Office after Beatrice Evelyn Watson. ADPT RES 07-112 NAME WATSON POSTOFFICE

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Motion carried unanimously.

Public hearing was opened regarding Consolidated Annual Performance Evaluation Report (CAPER) for Fiscal Year 2006-2007.

PH-A CAPER  
ANNUAL RPT

No written communication was received.

Staff presentation was given by Deputy City Manager David Edgar.

No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Rutherford, authorizing the City Manager to execute any documents necessary to submit the report, along with any comments received during the public hearing comment period, to the Department of Housing and Urban Development. Motion carried unanimously.

Staff presentation was given by Police Captain Tim Newsome regarding prohibited noises.

NB-A INTRO ORD  
1560 ADPT RES  
07-112

Council Member Rutherford suggested, and Mayor and Council concurred that Section (8) of the Ordinance should change 'churches' to 'places of worship'.

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Scialdone, waiving further reading of and introducing **Ordinance No. 1560**, amending Section 18062 of the Fontana Municipal Code relating to prohibited noises and amending Section 18-63 of the Fontana Municipal Code relating to the enumeration of prohibited noises, and that the reading of the title constitutes the first reading thereof; and (2) adopting **Resolution No. 2007-113**, establishing the fines for violations of Fontana Municipal Code Sections 18-62 (prohibited noises) where those violations are handled by administrative citation. Motion carried unanimously.

The following Elected Officials Communications were received:

E O C

Council Member Scialdone commended the Police Department for bringing forth the noise ordinance revisions.

NOISE ORD.

Council Member Scialdone congratulated Yvonne Williams for completing two years as Exchange Club President. He congratulated the present President Jesse Armendarez.

CONGRATS

Council Member Scialdone noted the golf tournament brought in \$29,000 for the Boys & Girls Club.

GOLF TOURN

Council Member Scialdone thanked City Employees Eric Lewis and Ray Gonzales for their dedicated work for the City of Fontana.

THANKS

Council Member Scialdone congratulated Howard and Barbara Edmiston on their 60<sup>th</sup> wedding anniversary.

CONGRATS

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Council Member Scialdone noted the upcoming makeover of North Tamarind Park this Thursday.	PARK
Council Member Scialdone noted the races are at Fontana Speedway this weekend.	RACES
Council Member Rutherford noted the foreclosure rate increase in the City brings landscape maintenance problems. She asked staff to find the tools necessary to solve of these problems.	LANDSCAPE PROBLEMS
Council Member Roberts stated we need to be proactive to keep these lawns from turning brown.	LAWNS
Council Member Roberts noted the success of the Historical Rose Garden and that the veterans section is a great asset.	ROSE GARDEN
Council Member Warren noted that summer is almost over, and it is time for a Healthy Fontana Cooking Class, now on KFON on Saturday and Sunday. She stated Shady Trails will be hosting the cooking class the third Saturday of the month.	HEALTHY COOKING
Council Member Warren noted a Unity Walk on September 15 <sup>th</sup> with Dr. Bernice King speaking.	UNITY WALK
Mayor Nuaimi wished students a successful school year.	SCHOOL
Mayor Nuaimi wished his son Davis a Happy Birthday today.	HAPPY B'DAY
Mayor Nuaimi thanked staff for the great facilities at the Ralph M. Lewis Sports Complex for Pop Warner this fall.	THANKS
Mayor Nuaimi addressed residential alarm responses, suggesting there may be scare tactics involved.	ALARMS
Mayor Nuaimi stated he, City Manager Ken Hunt, and Planner Kevin Ryan attended a Caltrans meeting today regarding the Cypress overpass.	CALTRANS
Mayor Nuaimi noted the Valley Boulevard transition was discussed in the workshop proceeding tonight's meeting.	VALLEY BLVD
Mayor Nuaimi congratulated and thanked our service clubs for all they do for the betterment of Fontana.	THANKS
Mayor Nuaimi invited citizens to come out Thursday to North Tamarind Park for its renovation.	PARK

The following City Manager Communications were received:

C M C

City Manager Ken Hunt noted Council Members Roberts and Warren and himself are going to Sacramento tomorrow to receive an award for leadership in the recent annexations to the City. He thanked the Mayor and City Council for their leadership.

AWARD

The City Council meeting adjourned by consensus, at 9:25 p.m. to the League of California Cities Conference in Sacramento and then to the Regular City Council Workshop on Tuesday, September 11, 2007 at 5:00 p.m. in the Executive Conference Room and then to the regular City Council 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 11<sup>TH</sup> DAY OF SEPTEMBER 2007.

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Tonia Lewis  
City Clerk