

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
OCTOBER 9, 2007**

A workshop of the Fontana City Council was held on Tuesday, October 9, 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 Nuaimi, Council Member Scialdone and Warren. Council Member Rutherford arrived at 5:43 p.m. ROLL CALL

Absent: Council Member Roberts

Community Services Supervisor Frances Hernandez, Community Services Coordinator II Dede Benson, and Human Resources Director Ed Raya gave a presentation regarding Employee Health and Wellness.

Following the agenda review and City Manager comments, the workshop adjourned at 6:07 p.m. to the Closed Session.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, October 9, 2007 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:09 p.m.

ROLL CALL: Present: Mayor Nuaimi, Mayor Pro Tem Scialdone Council Member Rutherford, and Warren ROLL CALL

Absent: Council Member Roberts

The Invocation and Pledge of Allegiance were led by Mayor Nuaimi.

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.9

Properties: (Union Pacific Railroad) Parcel 115 Footing, Crash Wall, Column Easement; Parcel 116 Footing, Easement/Battered Piles, Parcel 117 Ariel Easement, Parcel 118 Sewer Easement, Temporary Construction Easement, DOT 92431L, Alhambra Subdivision, Milepost 531.9

Negotiating Parties : Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

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

Name of Parties: Inland Empire Alarm Association and Barbara Bartel
vs. City of Fontana Police Department
Case No. CIVSS 706505.

There was no reportable action.

The following Special Presentations were received:

S P

Mayor and Council proclaimed the month of October as Breast Cancer Awareness Month. Janie and Shawn Burgo, 10806 Saffron Street, gave information on the Relay for Life scheduled for May 3 and 4, 2008. They noted the chairmen of the Relay for Life will be Kathy Binks, Frank Scialdone, and Kathy Hawthorne.

Mayor and Council recognized Detective Phil Suchowski on his retirement from the Fontana Police Department.

Mayor and Council recognized artist Roger Trevinos.

At the request of the applicant, Public Hearing “A” was moved up to be heard at this time.

PH-A ADPT RES
07-131-2-3, ORD
1561 CFD # 62M

Public hearing was opened regarding Community Facilities District No. 62M, Tract No. 16800.

No written communications were received

Staff presentation was given by Senior Accountant Jeff Moriarty, and Finance Manager Mel Drown, and Director of Engineering Ricardo Sandoval. No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, adopting **Resolution No. 2007-131**, establishing Community Facilities District No. 62M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof; and adopting **Resolution No. 2007-132**, calling a special election and submitting to the voters of Community Facilities District No. 62M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the establishment of an appropriations limit for said Community Facilities District. Motion carried unanimously.

City Clerk Tonia Lewis stated there were 2 votes in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2007-133**, declaring the results of the special election for Community Facilities District No. 62M of the City of Fontana on the propositions with respect to (i)f the annual

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levy of special taxes to pay the costs of certain services to be provided by the Community and (ii) the establishment of an appropriations limit; and waiving further reading of and introducing **Ordinance No. 1561**, authorizing the levy of a special tax within Community Facilities District No. 62M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

The following Public Communications were received:

P C

John DeSousa, 7565 Concord, spoke of real estate scams.

REAL EST. SCAMS

Daniel Quiroga and Fontana Middle School Travel Club students challenged Mayor Nuaimi to eat more McDonald’s hamburgers for their fundraiser on October 24, at 6:00 p.m. Mayor Nuaimi challenged the Fire Chief to join him. This is a fundraiser for students trip to Washington, D. C., New York and Philadelphia in the Spring.

CHALLENGE

Tony Orlich, Randall Avenue spoke of media hijacking.

MEDIA

Staff reports were given on Consent Calendar Items “B, and O”.

C C

Tony Orlich spoke on Consent Calendar Item “B”.

City Manager noted Consent Calendar Item “U” is to be removed.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, approving Consent Calendar Items “A –T and V(3)” as follows:

A. Approving the minutes of the September 25, 2007 Regular City Council Meeting.

MINUTES

B. (1) Accepting bid in the amount of \$1,553,514.05 and authorizing the City Manager to enter into a construction contract with Olivas Valdez, Inc., for the construction of the Pacific Electric Inland Empire Trail Segment 2; and authorizing a 15% contingency fund in the amount of \$233,027.11.

ACCPT BID
OLIVAS VALDEZ
PAC.ELECTRIC.
TRAIL

(2) Authorizing the City Engineer to administratively approve any street closures as necessary for the safe and timely construction of the project.

C. Authorizing the Business Services Manager to execute annual purchase orders, based on amounts approved in the annual operating budget, to the following single source playground vendors throughout the expected life of the playground equipment: Miracle Playground Sales, Coast Recreation, Playpower Ltd., Dave Bang Associates, Inc., Innovative Playground Inc.

AUTH P.O.S
PLAYGROUND

- D. Awarding bid and authorizing the City Manager to enter into an agreement with Parkhouse Tires for the purchase of City tires and off road services for a period of two years renewable for three additional one-year increments at the City's sole discretion. AWARD BID PARKHOUSE TIRES
- E. Awarding bid and authorizing the City Manager to enter into a two year contract with Spectraturf with three one-year extensions at the sole discretion of the City, for the repairs of spectrapour rubberized playground surfaces. AWARD BID SPECTRATURF
- F. (1) Awarding bid and authorizing the City Manager to enter into a contract with Morris Automotive Supply for automotive parts supplies for a period of two years renewable for three additional one-year increments at the City's sole discretion. AWARD BID MORRIS AUTO
- (2) Awarding bid and authorizing the City Manager to enter into a contract with Napa Auto Parts for automotive parts supplies for two years renewable for three additional one-year increments at the City's sole discretion. AWARD BID NAPA AUTO PTS
- G. (1) Accepting as complete the subdivision improvements in Tract No. 16269 located within Bellgrove II Community Plan. ADPT RES 07-134 ACCPT TR 16269
- (2) Adopting **Resolution No. 2007-134**, accepting sewers in Tract No. 16269 as part of the City sewer system.
- H. (1) Accepting as complete the subdivision improvements in Tract No.'s 16539, 16539-1 and 16539-2 located within Sierra Lakes Specific Plan. ADPT RES 07-135 TR 16539, 9-1, 9-2
- (2) Adopting **Resolution No. 2007-135**, accepting sewers in Tract No.'s 16539, 16539-1 and 16539-2 as part of the City sewer system.
- I. (1) Adopting **Resolution No. 2007-133**, 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. 2). ADPT RES 07-133 CFD 21M ANNEX #2
- (2) Setting the public hearing for November 13, 2007, for the formation of the district and calling the special election for November 13, 2007.
- J. Accepting final map for Tract No. 16503 located north of Baseline Avenue and west of Hemlock Avenue, accepting as public all dedicated streets and easements, and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 16503

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- K. Accepting final map for Tract No. 16800 located east of Poplar Avenue and north of Randall Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 16800

- L. Accepting final map for Tract No. 18377 located south of Walnut Avenue and east of Oleander Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 18377

- M. Accepting final map for Tract No. 17440 located on the Westside of Oleander Avenue and north of San Bernardino Avenue accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 17440

- N. (1) Accepting as complete and authorizing the Public Works Director to execute and file a Notice of Completion for Project SB-61-PW-07 PROJ (Jack Bulik Park) ACCPT BULIK PK
 - (2) Approving the final construction amount of \$45,583.
 - (3) Approving the release of the 10% retention upon satisfactory closure of contract.

- O. (1) Approving the renewal of Memorandum of Understanding between the Fontana Unified School District and the City of Fontana to operate thirteen elementary school and three middle school grant funded after school programs; with the additional opportunity for future program school sites. FUSD/CITY MOU
 - (2) Approving the Memorandum of Understanding between the Boys and Girls Club of Fontana and the City of Fontana to provide continued educational and literacy services to grant funded after school programs; with the addition of a facility use agreement at the Don Day Community Center for after school middle school programs. BOYS & GIRLS CLUB/CITY MOU
 - (3) Awarding a two-year contract (FY 07/08 and FY 08/09) to A & R Wholesales, Biscomerica, Campus Foods, Coca-Cola, and Sysco to provide daily snacks to the after school program on an as needed basis in the amount not to exceed \$240,084.00 per year (original bid is from Fontana Unified School District Bid # 05/06-1180) Authorizing the Business Services Manager to issue a purchase orders to the above five vendors in an aggregate amount not to exceed \$240,084.00 per year for two years. CONTRACTS BISCOMERICA, CAMPUS FOODS, COCA-COLA, SYSCO, A & R WHOLESALS SNACKS

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- P. Accepting donations for use in the Police Department's Child Safety Fair. DONATION

- Q. Authorizing the City Manager to execute Amendment No. 1 to the existing contractual services agreement with Epic Productions, LLC to provide marketing services and a production video related to the marketing of the I-10 coalition in the contract amount not to exceed \$43,750. AUTH AMEND.#1
EPIC PROD. LLC

- R. (1) Approving the final selection of qualified firms to provide various professional services. AUTH QUALIFIED
FIRMS FOR VAR.
PROF. SERV.

(2) Authorizing the City Manager to execute a master agreement with selected firms to provide professional services for a period of three years, extendable for two additional one-year terms at the discretion of the City.

- S. Approving, authorizing and directing the City Manager to execute a contract between the City of Fontana and Intelli-Flex Communications, Inc., for the telephone system in the Lewis Library and Technology Center in the Civic Center in an amount not to exceed \$75,992.31 plus a 10% contingency amount of \$7,599.00. APRV. INTELLI-
FLEX PHONE
SYSTEM FOR
LEWIS LIBRARY

- T. Authorizing the City Manager to execute an agreement with San Bernardino County Redevelopment Agency and Prologis, LLC for construction of street improvements along San Bernardino Avenue between Commerce Drive and Mulberry Avenue. AGREEMENT
S.B.CO. RDA &
PROLOGIS LLC

- U. REMOVED. REMOVED

- V. (1) Accepting as complete and authorizing the Deputy City Manager to execute and file a Notice of Completion for Project SB-65-HD-06. (Commercial Roofing Systems, Inc.) ACCPT COMM'L
ROOFING

(2) Approving the final construction amount of \$345,582.00.

(3) Approving the release of a 10% retention upon satisfactory closure of the contract.

Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 62M and was moved up on the Agenda and heard before Public Communications. PH-A MOVED UP
BEFORE P C

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The following Elected Officials Communications were received:	E O C
By consensus, Council upheld Mayor Nuaimi's appointment of Amos Young, Jr. to the Planning Commission.	PLAN COMM APPT YOUNG
By consensus, the City Council cancelled the City Council meeting on December 25, 2007, kept the meeting on January 8, 2008, and scheduled an adjourned regular meeting on Wednesday, January 16, 2008.	MEETING SCH.
Council Member Rutherford thanked everyone for their prayers and well wishes since her injury.	THANKS
Council Member Rutherford noted the West Side Baptist Church on Randall Avenue will hold an open house on October 28 th celebrating their first anniversary.	OPEN HOUSE
Council Member Rutherford stated there will be a clean-up day at the Pepper Street House all day on October 13 th , and open house will be on the 27 th of October from 1-3 p.m. She asked City Clerk Toni Lewis to give more information on this.	PEPPER ST. HOUSE
Council Member Rutherford asked that this meeting adjourn in memory of Dale Gladding, a long time Fontana resident.	MEMORY
Council Member Warren congratulated City Clerk Tonia Lewis for receiving the "Bea Watson Service Award".	CONGRATS
Council Member Warren spoke of the Employee Step Up To Wellness Program in the City of Fontana.	PROGRAM
Council Member Scialdone reported he swore in three new police officers and introduced new unsworn employees recently.	POLICE
Council Member Scialdone stated there was a large crowd at Cruise Night in spite of inclement weather.	CRUISE NITE
Council Member Scialdone reviewed upcoming community meetings in Hunter's Ridge and Sierra Lakes.	COMM. MTGS
Council Member Scialdone noted the Rotary Citizen of the Year Dinner will be October 22 nd .	DINNER
Council Member Scialdone noted the Red Ribbon Breakfast will be on October 23 rd .	RED RIBBON
Council Member Scialdone stated Joe Dean from American Legion Post told him the Vietnam Memorial Wall will be near the library from April 30 to May 5 th .	MEMORIAL WALL

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Mayor Nuaimi congratulated Council Member Warren for receiving the California State Poppy Award at the State Park System conference.	CONGRATS
Mayor Nuaimi reported the near future retirement of Police Chief Larry Clark, and thanked him for his dedication to the City of Fontana.	CHIEF CLARK RETIREES
Mayor Nuaimi gave an update on the Cypress Overpass project.	UPDATE
The following City Manager Communication was received:	C M C
City Manager Ken Hunt stated that hiring a Police Chief is more important than hiring a City Manager or any other City staff.	IMPORTANT
City Manager Ken Hunt announced a Ground Breaking on October 26th celebrating the renovation near I-10 with demolition of buildings for the Cypress overpass at 10:00 a.m.	GR. BREAKING
City Manager Ken Hunt thanked Amy Colbrunn and Kevin Ryan for their work on the I-10 corridor.	THANKS
City Manager Ken Hunt noted he recently took a tour of the new library with Reggie King and Ray Bragg, which was very exciting.	TOUR
The City Council meeting adjourned by consensus, at 8:28 p.m. in memory of Dale Gladding, to the Regular City Council Workshop on Tuesday, October 23, 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

Orvene M. Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL
ON THE 23rd DAY OF OCTOBER 2007.

Tonia Lewis
City Clerk