

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JANUARY 22, 2008**

A workshop of the Fontana City Council was held on Tuesday, January 22, 2008, in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Council Member Roberts called the meeting to order at 5:32 p.m.

ROLL CALL: Present: Mayor Pro Tem Warren(arrived at 5:40 p.m.), ROLL CALL
Council Members Roberts, Rutherford and Scialdone.

Absent: Mayor Nuaimi

An update of the High Speed Wireless Computer System in Police Vehicles was given by Technology Services Director Dennis Viasich.

Following agenda review and City Manager comments, the workshop adjourned to the parking lot for a demonstration of the High Speed System in a police vehicle at 5:45 p.m. then to the Closed Session.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, January 22, 2008 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:07 p.m.

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

Absent: None

Following the Invocation by Council Member Roberts, the Pledge of Allegiance was led by Mayor Nuaimi.

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

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

Name of Parties: City of Fontana v. California Contractors
Case Number SCV SS 144465

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)

Number of Cases: One

There was no reportable action.

The following Special Presentations were received:

S P

Mayor and Council recognized Artist Oona Ciji Houston.

Mayor and Council acknowledged Gary George representing the Verizon Foundation presented a check for \$24,000. to the Fontana Library Foundation, represented by Larry Meyer and Carole Lee, in support of the Lewis Library and Technology Center.

Mayor and Council recognized the following employees:

- Public Works Employee of the Year:
- Parks & Landscape Division – David Kurowski (not present)
- Support Services Division – Sal Romero
- Operations Division – Jose Hernandez

Mayor Nuaimi noted the appointments for Planning and Parks & Recreation Commissioners will be continued to the February 12, 2008 agenda, as it was not on tonight’s agenda.

The following Public Communications were received:

P C

Tressy Capps, 5498 Withers, spoke of law enforcement in Fontana regarding a sexual abuse case, District. Atty, Case # 2008-1922.

POLICE

Tony Orlich, Randall Avenue spoke of Dr Martin Luther King, Jr. Day.

M.L.KING,JR.

Matt Slowik, spoke of Fontana Middle School fundraising event at McDonald’s on February 6th at 6:15 p.m.

FUNDRAISER

City Manager Hunt noted new wording on Consent Calendar Item “E”.

C C

Staff presentation was given on Consent Calendar Item “K,”.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, approving Consent Calendar Items “A-K(2)” as follows:

A. Approving the minutes of the December 11, 2007 Regular City Council Meeting, and the January 8, 2008 Special City Council meeting.

MINUTES

B. Authorizing the City Manager to execute a contract for installation of particulate traps on City diesel fueled vehicles, via piggyback bid with Metropolitan Water District’s Bid (VT-172072, PO#

CONTRACT
IRONMAN

87402) with Ironman Parts and Services.

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| C. | Accepting bid in the amount of \$488,000 and authorizing the City Manager to enter into a contract with Oakview Contractors, Inc., for the remodel of 8353 Sierra Avenue and 8492 Wheeler Avenue and authorizing a 10% contingency in the amount of \$48,880. | BID OAKVIEW |
| D. | Adopting Resolution No. 2008-02 , approving the Redevelopment Agency's use of tax increment funds for certain work pursuant to Health and Safety Code Section 33445 and making certain findings with regard thereto. | ADPT RES 08-02
TAX INCRE. |
| E. | (1) Awarding the RFP #SP-155-IT-08 and Professional Services Agreement for Nortel System Support Services to Integrated Technology. | AWARD RFP
INTEGRATED
TECHNOLOGY |
| | (2) Awarding the Negotiated Professional Services Agreement for telephone system support services, in substantially the form on file with the City Manager, subject to any changes approved by the City Attorney, to Integrated Technology. | |
| | (3) Authorizing the City Manager to execute the Agreement. | |
| F. | Adopting the City of Fontana Statement of Investment Policy for 2008. | INVESTMENT
POLICY |
| G. | Approving contractual services agreements with David Evans & Associates, Dudek Engineering and Environmental, Jones and Stokes, Michael Brandman and Associates, PCR Services Corporation, RBF Consulting, the Planning Consortium, and URS Corporation to provide on-call environmental and planning consulting services and authorizing the City Manager to execute the agreements. | AGREEMENTS
EVANS,DUDEK
JONES,STOKES
BRANDMAN
PCR, RBF
URS |
| H. | (1) Accepting as complete the subdivision improvements in Tract No. 16177 located within Sierra Lakes Specific Plan. | ADPT RES 08-03
TR 16177 |
| | (2) Adopting Resolution No. 2008-03 , accepting sewers in Tract No. 16177 as part of the City sewer system. | |
| I. | Authorizing the City Manager to execute Amendment No. 2 to the Engineering Services Agreement with LAN Engineering in the amount of \$2,501,570 with a not to exceed total contract amount of \$3,517,853 to provide final design for the I-15/Duncan Canyon Road Interchange Project. | LAN ENG. CONTR.
AMEND 2 |

J. Authorizing the City Manager to execute Amendment No. 4 to the existing Waste Disposal Agreement (WDA) with the County of San Bernardino . WASTE DISPOSAL AMEND 4

K. (1) Awarding bid and authorizing the City Manager to enter into a construction contract with Tovey/Shultz Construction, Inc., for \$14,560,000 and authorizing a contingency amount of \$1,456,000. TOVEY/SHULTA AGREEMENT

(2) Authorizing the Management Services Director to issue a purchase order to Tovey/Shultz Construction in the amount of \$14,560,000.

Motion carried unanimously.

Public hearing was opened regarding User Fees for City Services. No written communications were received. Staff presentation was given by Lisa Strong, Management Services Director. PH-A ADPT RES 08-04 USER FEES
No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, adopting **Resolution No. 2008-04**, adopting certain new fees and increasing, decreasing or deleting certain existing fees for various services provided by the City. Motion carried unanimously.

Public hearing was opened regarding Zone Change No. 06-011, Specific Plan No. 03-008 (Fontana Promenade Specific Plan). PH-B CON'T PROMENADE TO 3/7/08
No written communications were received.
Staff presentation was given by Planners Stephanie Hall and Kevin Ryan. Speaking in favor is Reggie King, Young Homes, 10370 Trademark, Rancho Cucamonga, addressing the need for a school. Speaking in opposition were: Gus Hawthorne, 17255 Deodar, and Board President Laura Abernathy Mancha, 16835 Aliso, Fontana Unified School District; Barry Zook, 9945 Briarwood Avenue (wants Wal-Mart); Mark Ostoich, Wal-Mart, 550 E. Hospitality Lane, San Bernardino who asked for a continuance for a substantial compromise with the City; John Mendez, 1121 Quinto Creek Place, Chula Vista, Public Affairs of Wal-Mart, also suggested for a continuance; and Tony Orlich spoke in opposition.

Mayor and Council Members discussed the offer at this late date for a proposed compromise.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Roberts to continue this item to a special City Council meeting to Friday, March 7, 2008 at 11:00 a.m., inviting all interested landowners and the Fontana Unified School District representatives to bring forward their concepts for this special plan.

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Mayor Nuaimi called a recess at 9:16 p.m. The meeting reconvened at 9:25 p.m.

Public hearing was opened regarding Resolution of Necessity – Jurupa Avenue

PH-C RESOL. OF NECESSITY
ADPT RES 08-05
JURUPA AVENUE

No written communication was received.

Staff presentation was given by Annexation Program Coordinator Cecilia Lopez-Hernandez.

No one spoke in favor. Speaking in opposition was property owner John Klapper, 16490 Jurupa Avenue, with concerns. He was referred to staff. Also in opposition was Tony Orlich. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, certifying that the hearing was held; findings as outlined by staff, and adopting **Resolution No. 2008-05**, declaring that the acquisition by eminent domain of fee and temporary construction easement interests in portions of Assessor’s Parcel Numbers: 0255-081-12 and 0255-081-27, certain real property located on Jurupa Avenue, is necessary for street widening, improvements and public infrastructure improvements to Jurupa Avenue in Fontana, California. Motion carried unanimously.

Public hearing was opened regarding Resolution of Necessity – Cypress Avenue

PH-D RESOL OF NECESSITY
ADPT RES 08-06
CYPRESS AVE.

No written communications were received. In agenda packet was a letter from Attorney Avila & Putnam, 515 South Figueroa Street Suite 1550, Los Angeles.

Staff presentation was given by Senior Administrative Analyst Jane Harris and Strategic Transportation Engineering Manager Paul Balbach.

No one spoke in favor. Speaking in opposition was Attorney Joseph Avila, 515 South Figueroa Street, Suite 1550.

City Attorney Alsop addressed Mr. Avila’s concern. The hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, certifying that the hearing was held; findings as outlined by staff, and adopting **Resolution No. 2008-06**, declaring that the acquisition by eminent domain of fee and temporary construction easement interests in portions of Assessor’s Parcel Numbers: 0251-251-50, 0251-251-49, 0251-042-04, 0251-061-12, 0251-164-05, 0251-164-21, 0251-171-25, 0251-172-40, 0251-181-12, 0251-181-29, 0251-251-47, 0251-321-01, 0251-321-08, 0251-321-09, 0255-021-07, 0255-021-06, 0255-031-27 and acquisition of temporary construction easement interests in a portion of certain real property described as Assessor’s Parcel Numbers: 0251-251-50, 0251-251-49, 0251-042-04, 0251-164-21, 0251-181-12, 0251-251-47, 0251-321-09, 0255-021-07, 0255-021-06 and 0255-031-27 and acquisition of a roadway easement interest in a portion of certain real property described as Assessor’s Parcel Number 0255-021-07 located on Cypress Avenue, Washington Avenue and Boyle Avenue, in Fontana, California, by

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eminent domain for transportation and public infrastructure improvements, including the construction of a bridge/overpass to improve traffic flow and to allow greater pedestrian access between Valley Boulevard and Slover Avenue, and other ancillary public right-of-way uses for water, gas, power, drainage, sewer, flood control, communications and landscaping, for the Cypress Avenue over crossing at Interstate 10, in Fontana, California. Motion carried unanimously.

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| The following Elected Officials Communications were received: | E O C |
| Council Member Warren spoke of recent Martin Luther King, Jr. events She thanked Council Member Rutherford for the moving comments she made, as well as thanking Steve Whyte for the M. L. King, Jr. statue. She also thanked the community for all that has been given to making the library a success. | EVENTS |
| Council Member Scialdone noted the recent passing of former City employee Kay Vandenberg, as well as mortuary owner Stan Dickey and asked that the meeting adjourned in their memories. | CONDOLENCES |
| Council Member Scialdone reported on two recent League of CA Cities functions he attended. | LEAGUE MTGS |
| Council Member Scialdone reviewed Martin Luther King, Jr. Day activities. | KING DAY |
| Council Member Scialdone reported on recent sub-committee meeting with Fontana Unified School District. | FUSD MTG |
| Council Member Scialdone noted American Legion Post #772 is bringing the memorial wall to Fontana April 30 through May 5, 2008. | MEMORIAL WALL |
| Council Member Roberts thanked Reggie King for hosting the Martin Luther King, Jr. event at his home. | THANKS |
| Council Member Roberts attended Rev. Emory James celebration. | CELEBRATION |
| Mayor Nuaimi gave tribute to Kan Vandenberg. | TRIBUTE |
| Mayor Nuaimi was sorry he could not attend the event at Reggie King's. | SORRY |
| Mayor Nuaimi spoke of the quality of life in Fontana. | QUALITY |
| Mayor Nuaimi gave update of improvements funds for trade corridor, and SANBAG's priorities/concerns. | SANBAG |
| The City Council meeting adjourned by consensus, at 10:19 p.m. in memory of former City employee Kay Vandenberg and long time City resident Stan Dickey who founded Dickey Mortuary, to the next | ADJOURN |

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Regular City Council Workshop on Tuesday, February 12, 2008 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.

Orvene M. Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL
ON THE 12th DAY OF FEBRUARY 2008.

Tonia Lewis
City Clerk