

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
MAY 13, 2008**

The workshop of the City of Fontana City Council was held on Tuesday, May 13, 2008 in the City of Fontana Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 5:10 p.m.

**ROLL CALL:** Present: Mayor Nuaimi, Mayor Pro Tem Warren arrived at 5:40 p.m.) Council Members Roberts, Rutherford and Scialdone  
Absent: None  
ROLL CALL

A presentation was given by Senior Planner Stephanie Hall regarding East Sierra Specific Plan.

Following agenda review and City Manager comments, the workshop adjourned at 6:00 p.m.

The Regular Meeting of the Fontana City Council was held on Tuesday, May 13, 2008 in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:18 p.m.

**ROLL CALL:** Present: Mayor Nuaimi, Mayor Pro Tem Warren Council Member Roberts, Rutherford and Scialdone  
Absent: None  
ROLL CALL

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

The City Attorney announced they met in Closed Session to discuss: CLOSER SESSION

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

Property: 16491 Valley Blvd. – Tseheridis – APN 0251-251-50; 10209 Cypress Avenue Schwartz/Bunitch – APN 0251-171-25

Property Negotiator: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

**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

There was no reportable action.

The following Special Presentations were made:

SP

Mayor and Council recognized those individuals that participated in the trip to our Sister City Pass Christian, Mississippi. Police Chief Rod Jones presented a brief video of the trip. Mayor and Council proclaimed the week of May 4-10, 2008 as "Arson Awareness Week". Peter Brietry, Fire Marshall accepted)

The following Public Communications were received:

PC

David Pulido, President of the Fontana Chamber of Commerce provided a calendar and highlighted the upcoming Chamber events, He also thanked the Mayor and Council for the Miss Fontana Pageant.

EVENTS

Tony Orlich, Randall Avenue, Fontana, CA. spoke on elections and County meetings.

ELECTION

Staff Reports were given on Consent Items M, N and O.

**ACTION:** Motion was made by Council Member Warren, seconded by Council Member Roberts, approving Consent Calendar Items "A-Q" as follows:

CC

- |        |   |   |
|--------|---|---|
| A.     | Approving the minutes of the April 22, 2008 Regular City Council Meeting, <b>with a correction to Page 6, name should be Martin, not Mark.</b>  | MINUTES                                   |
| B.     | Adopting <b><u>Ordinance No. 1577</u></b> , concerning enforcement of City of Fontana Ordinances along certain portions of Valley Boulevard.  | ORD 1577<br>VALLEYBLVD<br>ENFORCMT        |
| C.     | Adopting <b><u>Resolution No. 2008- 30</u></b> , approving execution of a cooperative agreement with the State of California Department of Transportation (CALTRANS) for the construction of the I-10/Cypress Avenue Overcrossing Project (Agreement No. 08-1376).  | ADOPT RES<br>08-30<br>CALTRANS<br>AGREEMT |
| D.     | Adopting <b><u>Resolution No. 2008-31</u></b> , authorizing the City Manager to execute a service agreement with the State of California Department of Highway Patrol (CHP) to provide a Construction Zone Enhanced Enforcement Program (COZEEP) services for the I-10/Cypress Avenue Overpass Project in an amount not to exceed \$190,400.00. | ADOPT RES<br>08-31 CHP<br>AGREEMT         |
| E. (1) | Authorizing the Purchasing Division to "piggy-back" off   | PURCHASE                                  |

- |   |   |
|---|---|
| <p>the General Services Administration (GSA) Contracts S-28F-0042T and GS-27F-0027S with Moduform, Inc., for the purchase of furniture and installation services Citywide.</p>  | <p>MODUFORM<br/>FURNITURE</p>                     |
| <p>(2) Authorize the Purchasing Division to issue purchase orders by the Department with Moduform, Inc., on an as-needed basis for the term of the contract. Initial expenditure approximately \$90,000.00.</p>   |   |
| <p>F. Approving the recommended third-quarter budget changes listed in the Third-Quarter Budget Status Report for Fiscal Year 2007/2008.</p>  | <p>APRV<br/>3<sup>RD</sup> QTR<br/>BUDGET</p>     |
| <p>G. (1) Accepting as complete the subdivision improvements in Tract No.'s 16427-3 and 16427-4 located north of Curtis Avenue and west of Citrus Avenue within the Citrus Heights Specific Plan.</p>   | <p>ACPT<br/>TR 16427-3<br/>16427-4<br/>ADOPT</p>  |
| <p>(2) Adopting <b>Resolution No. 2008-32</b>, accepting sewers in</p>  | <p>RES</p>  |
| <p>(3) Tract No.'s 16427-3 and 16427-4 as part of the City sewer system.</p>  | <p>08-32</p>                                      |
| <p>H. Accepting as complete the work performed by Elite Bobcat Service, Inc., for the construction of street improvements on Ceres Avenue between Citrus Avenue and Cypress Avenue; approving the final construction amount of \$535,821.97; and ACPT authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid Number SB-49-DE-07.</p> | <p>ELITE<br/>BOBCAT<br/>FINAL</p>                 |
| <p>I. (1) Rejecting all proposals received for Street Sweeping Services Contract, SP-40-PW-07.</p>  | <p>REJECT<br/>PROPOSAL<br/>STREET<br/>SWEEP</p>   |
| <p>(2) Authorizing the Public Works Department to resolicit proposals for street sweeping services contract.</p>  |   |
| <p>J. (1) Accepting as complete and authorizing the Public Works Interim Director to execute and file a Notice of Completion for Project SB-14-PW-07 (Presley Estates).</p>   | <p>ACPT<br/>COMPLETE<br/>PRESLEY<br/>AGREEMT</p>  |
| <p>(2) Approving the release of the 10% retention upon satisfactory closure of the contract.</p>  |   |
| <p>K. Adopting <b>Resolution No. 2008-33</b>, authorizing the submittal of grant applications to the California Integrated Waste Management Board for all available grants under the California Oil Recycling Enhancement Act and all available household hazardous waste grants under the California Integrated Waste Management Act.</p>                                    | <p>ADOPT<br/>RES 08-33<br/>CA WASTE<br/>GRANT</p> |
| <p>L. Adopting <b>Resolution No. 2008-34</b>, authorizing the designation</p>   | <p>ADOPT</p>                                      |

- of the applicant's agent for disaster recovery purposes for the California State Office of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA). RES 08-34  
FEMA  
DESIGNATE
- M. (1) Authorizing the City Manager to enter into a contract agreement with Belaire-West Landscape Inc., Construction Company in the amount of \$651,980 for landscape installation on Sierra Avenue and the I-10 Freeway and authorize a contingency in the amount of \$65,198. AGREEMT  
BELAIRE-  
WEST
- (2) Authorizing the Business Services Manager to issue a purchase order in the amount of \$651,980.00.
- N. (1) Authorizing the City Manager to enter into a two-year contract with Graffiti Tracker, Inc., with three one-year extensions at the sole discretion of the City, for graffiti incident tracking and analysis services. AGREEMT  
GRAFFITI  
SERVICES
- (2) Authorizing Graffiti Tracker, Inc., as a sole source vendor.
- O. (1) Awarding bid and authorizing the City Manager to enter into an agreement with Sully-Miller Contracting in the amount of \$874,057.41 for the construction of CDBG Pavement Rehabilitation Project SB-270-PW-08 and authorize a 10% contingency in the amount of \$87,406. AGREEMT  
SULLI-  
MILLER
- (2) Authorizing the Public Works Director to administratively approve and implement short term closures and detours during construction.
- P. (1) Authorizing the Information Technology Department to piggyback off the California Strategic Sourcing Initiative (CSSI) Contract 1S-05-70-16-01 with System Technology Associates (STA) of Tustin, California per the terms of the contract. AGREEMT  
SYSTEM  
TECHNOLOGY
- (2) Authorizing the Purchasing Department to issue a purchase order in the amount of \$340,935.48 to STA for the purchase and installation of HP-Blade Servers and related items.
- Q. Adopting **Resolution No. 2008-35**, rescinding Resolution No. 2007-42 and adopting a Resolution dedicating a source of revenue for repayment for any and all State revolving fund loans for Project No. C-06-4897, in accordance with State Water Resources Control Board's Revolving Fund Loan Program. ADOPT  
RES 08-35  
STATE  
WATER  
RESOURCES

Motion carried unanimously with Council Member Scialdone abstaining on Consent Calendar Item J.

Public Hearing was opened on General Plan Amendment No. 08-004, PH-A

Amendment to the General Plan.

ADOPT  
RES 08-36  
GPA 08-004  
PARKS  
REC TRAIL

No written communication was received.

Staff Presentation was given by Interim Public Works Director, Chuck Hays.

No one spoke in favor or opposition.

Council and the City Manager thanked Chuck Hays for all his hard work on this project. Public hearing was closed.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Rutherford adopting **Resolution No. 2008-36**, approving General Plan Amendment No. 08-004, an amendment to the General Plan Parks, Recreation, and Trails Element (Chapter 10), and adopting the revised Parks, Recreation and Trails Master Plan. Motion carried unanimously.

Public Hearing Item B, regarding the Cypress Avenue Improvement Project was pulled from the agenda.

Public Hearing was opened on Windrows at Arrow and the Windrows at Valencia Mixed Use Project and Development Agreement.

PH-C  
WINDROWS  
DEV AGRMT  
ADPT ORD  
1578

Written communication was received from Fontana Unified School District.

Shawnika Johnson, Assistant Planner and Shannon Casey, Senior Planner gave the staff presentation. A memorandum to City Council was presented to with additional Conditions of Approval.

Speaking in favor was Lawani R., 8566 Cypress Avenue, Fontana, CA and Brad Buller, Land Matters Development , 10877 Yuba Court, Rancho Cucamonga, CA. Mr. Buller requested Condition K (dental offices) and Condition S (medical offices and mental health counseling) be removed from the Conditions of Approval.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Warren (1) Approving Tentative Tract Map No. 18347 (TTM No. 06-031), Design Review No. 06-056 and Conditional Use Permit No. 07-012 (Windrows at Arrow). (2) Approving Tentative Tract Map No. 18439 (TTM No. 07-013), Design Review No. 07-009 and Conditional Use Permit No. 07-007 (Windrows at Valencia). (3) Waiving further reading of and introducing **Ordinance No. 1578**, approving a Development Agreement between the City of Fontana, the Windrows-Arrow, LLC., and the Windrows-Valencia, LLC a mixed use project and find that the reading of the title constitutes the first reading thereof. (4) Adopting the attached Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Windrows at Arrow and the Windrows at Valencia; and directing staff to file a Notice of Determination.

Motion carried unanimously with the Conditions of Approval presented by staff included as

stated.

Dawn Brooks, Account II gave the staff presentation <b>ACTION:</b> Motion was made by Council Member Scialdone, seconded Council Member Rutherford receiving and filing the Community Safety Service Fees of the San Bernardino County Fire Department as the Community Safety Service Fees for the Fontana Fire Protection District. Motion carried unanimously.	NB-A REC RPT FIRE PROTECT FEES
The following Elected Official Communications were received:	EOC
Council Member Rutherford congratulated former Police Chief Larry Clark on his appointment to the FUSD Board.	CLARK FUSD BOARD
Council Member Rutherford congratulated Amanda Cothran on being named Miss Fontana.	MISS FONTANA
Council Member Rutherford thanked the Fontana Police Department volunteers.	PD
Council Member Rutherford recognized Council Member Warren and Assistant to the City Manager, Amy Colbrunn for their Status of Women recognition.	STATUS OF WOMEN
Council Member Rutherford spoke on the Vietnam Wall and what a touching tribute this was to those who lost their lives.	VIETNAM
Council Member Rutherford thanked Toni Lewis and Mary Stewart for the successful Prayer Breakfast. She stated they will be meeting at the end of the month to review and also start planning for next years event.	PRAYER BREAKFAST
Council Member Rutherford invited the public to the community meetings on May 15 <sup>th</sup> at the Village of Heritage Community and May 20 <sup>th</sup> at First Baptist Church.	COMMUNITY MTG
Council Member Warren congratulated Larry Clark on his appointment to the Fontana Unified School District Board.	CLARK FUSD BOARD
Council Member Warren congratulated Amanda Cothran on for being named Miss Fontana.	MISSFONTANA
Council Member Warren stated she attended the dinner at San Antonio and Fontana was fondly referred to as the new frontier.	FONTANA

Council Member Warren stated she attended the We Tip Award luncheon on Enhancing Citizens Quality of Life, which was very interesting.	WE TIP LUNCHEON
Council Member Warren stated she had the opportunity to participate in the television station interview on what elected official are doing and she addressed the June 21 <sup>st</sup> ceremony of unveiling the Martin Luther King, Jr. statue and other events taking place in the City.	TV STATION
Council Member Warren invited everyone to the June 16 <sup>th</sup> Golf Tournament supporting the Martin Luther King Jr. Children's Library.	GOLFTOURN MLK JR
Council Member Warren invited everyone to the Steel Workers Ceremony on June 21 <sup>st</sup> unveiling the Martin Luther King Jr. statue.	STATUE MLK JR
Council Member Warren stated bookmarkers will be distributed promoting non-violence and respect for others.	BOOKMARKS
Council Member Warren congratulated Pastor Brody on his 10 <sup>th</sup> Anniversary. She also noted the Chief spoke and everyone was very impressed.	10 <sup>th</sup> ANNIVER PASTOR BRODY
Council Member Roberts commended Joe Dean, American Legion on the Vietnam Wall.	VIETNAM WALL
Council Member Roberts thanked those who participated in the Relay for Life, stating it was a very successful event.	RELAY FOR LIFE
Council Member Roberts congratulated Larry Clark on his appointment to the Fontana Unified School District Board.	CONGRATS CLARK
Council Member Roberts congratulated Amanda Cothran on being named Miss Fontana.	MISS FONTANA
Council Member Roberts congratulated Chuck Hays on being named Public Works Director.	CHUCKHAYS
Council Member Scialdone congratulated Larry Clark on being appointed to the Fontana Unified School District Board.	LARRYCLARK FUSD
Council Member Scialdone commended Joe Dean, American Legion on his efforts in bringing the Vietnam Wall to Fontana. He also spoke of the Carona family and how touched they were as they had lost a son to the Vietnam war.	VIETNAM WALL
Council Member Scialdone thanked those involved in Relay for	RELAY FOR

Life, noting they raised \$77,000.	LIFE
Council Member Scialdone thanked staff for the park amenities report and congratulated staff on the Jurupa Hills ground breaking.	PARKS
Council Member Scialdone congratulated Amanda Cothran on being named Miss Fontana.	MISSFONTANA
Council Member Scialdone stated he received a letter from Allan Campbell, VFW, requesting the City honor those individuals that have lost their lives in Iraq. He requested the City honor them by naming a street after them. He noted he would turn his list into staff.	IRAQ
Mayor Nuaimi congratulated Larry Clark on being appointed to the Fontana Unified School District Board.	LARRYCLARK FUSD
Mayor Nuaimi thanked all those involved in the Prayer Breakfast.	PRAYER
Mayor Nuaimi thanked those involved in the Vietnam Wall Memorial noting the dramatic impact on these peoples lives and recognizing those who have lost loved ones.	VIETNAM WALL
Mayor Nuaimi congratulated Miss Fontana, Amanda Cothran and her court.	MISSFONTANA
Mayor Nuaimi reminded everyone of the Village of Heritage Community Center Grand Opening on May 31 <sup>st</sup> . He thanked staff for inviting Jeanette Allard.	VOH
Mayor Nuaimi stated he attended the Boys and Girls Conference in San Francisco with his son Marcus, and they had some wonderful presentations on breaking the cycle of poverty and teaching children the importance of investing and education. He also touched on how much he believes in this community and how we have transformed lives. He also spoke on the excellent partnering with the schools.	BOYS&GIRLS
Mayor Nuaimi reminded everyone of the Fontana Days Run on June 7 <sup>th</sup> .	FONTANA DAYS RUN
Mayor Nuaimi read a card from residents thanking the Mayor and Council on the library, noting it's an amazing blessing.	THANKS
The following City Manager comments were received:	CMGR
City Manager Hunt referred to the handout from Community	EVENTS

Services on Around the World in 8 Weeks and Discovering Parks  
With Fontana's Summer Events.

The City Council adjourned by consensus at 9:17 pm. to ADJOURN  
the ICSC Conference in Las Vegas on May 18-21, 2008 and then to a workshop meeting  
on Tuesday, May 27, 2008 at 5:00 p.m. in the Executive Conference Room and the regular  
meeting at 7:00 p.m. in the City Hall Council Chambers, located at 8353 Sierra Avenue,  
Fontana, CA.

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 27<sup>TH</sup>  
DAY OF MAY 2008.

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Tonia Lewis  
City Clerk