

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
FEBRUARY 13, 2007**

A workshop meeting of the Fontana City Council was held on Tuesday, February 13, 2007 in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 5:37 p.m.

ROLL CALL: Present: Mayor Nuaimi, Council Members Roberts, Rutherford, and Scialdone. ROLL CALL
Absent: Council Member Warren

Following agenda review and comments by City Manager Ken Hunt, the meeting adjourned to a Closed Session at 5:47 p.m.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, February 13, 2007 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:08 p.m.

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

The Invocation was given by Rev. Jacqueline Williams, Good Samaritan AME, Zion Church, followed by the Pledge of Allegiance lead by Mayor Nuaimi.

Mayor Nuaimi made comments regarding Fontana Water Company rates. WATER RATES

The City Attorney announced the Closed Session was held to discuss the C S following items:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties:	APN	
10170 Cypress	0251-253-06	Galvan
10160 Cypress	0251-253-05	Ortuno
16484 Boyle	0251-163-11	Mora
16513 Boyle	0251-181-20	Lopez
10429 Cypress	0251-181-23	Hudson
10180 Cypress	0251-253-07	Shaw
10190 Cypress	0251-253-08	Salcedo
10206 Cypress	0251-161-17	Morales
10244 Cypress	0251-161-35	Rodriguez
16480 Washington	0251-161-36	Perez

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10216 Cypress 0251-161-18
10373 Cypress 0251-172-25,39
16512 Boyle 0251-172-22,38
10341 Cypress 0251-172-41
10230 Cypress 0251-161-13

Kimminau
Villegas
Daversa
Garcia/Gutierrez
Alcantara

Negotiating Parties: Ray Bragg, Redevelopment & Special Project Director
Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.95

Claimant: Gerson vs. City of Fontana, Claim No. 2004-67 and
Olivas/Perez vs. City of Fontana, Claim No. 2004-44.

There was no reportable action. Council Member Scialdone abstained from the second Closed Session item.

The following Special Presentations were made:

S P

- A. Mayor and Council recognized artist Joe Pastor for his contributions to the arts in Fontana.
- B. Mayor and Council recognized Officer Chris Tusan as the Police Department’s December “Employee of the Month”. (Chief Clark presented)
- C. Mayor and Council recognized Code Compliance Inspector, Luis Tejada as the Police Department’s January 2007 “Employee of the Month”. (Chief Clark presented)
- D. Mayor and Council recognized Willie Cathcart of the Public Works Department on his retirement. (Chuck Hays, Deputy Public Works Director presented) .
- E. Mayor and Council recognized the following Community Services Department “Employees of the Year”: (Ken Herron, Community Services Director and Ray Gonzales presented)
 Frances Hernandez, Community Services Supervisor
 Doug Johnson, Community Services Coordinator I
 Hilda Hernandez, Community Services Assistant II
 The following Director Awards to:
 Hector Vasquez, Community Services Coordinator II
 Pat Lehman, Community Services Coordinator II
 Victoria Zendejas, Community Services Coordinator II

- F. Mayor and Council recognized Brigette De La Riva, General Manager of Applebee’s for their donation to the Fontana Library Foundation Board. (Police Chief Larry Clark received.)

DONATION

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- G. Mayor and Council accepted \$5,000 from the United States Conference of Mayor's for First Place Finish in the National Cans for Cash Contest. (Tony Mata, Environmental Control Supervisor presented.)

The following Public Communications were received: P C

Ken Galasso spoke of upcoming Chamber of Commerce events. EVENTS

Tony Orlich spoke on the media. MEDIA

Staff presentations were given on Consent Calendar Items "C, J, R". C C

Tony Orlich spoke on Consent Calendar Item "H".

ACTON: Motion was made by Council Member Warren, seconded by Council Member Scialdone, approving Consent Calendar Items "A-R" as follows

- A. Approving the minutes of January 18, 2007 Adjourned Regular Meeting and the January 23, 2007 Regular Meeting MINUTES
- B. (1) Adopting **Ordinance No. 1538**, (1) Repealing certain sections of Article XIII of Chapter 15 of the Fontana Municipal code relating to the use and sale of fireworks, (2) Adding a new Section 15-601 of the Fontana Municipal Code relating to the use and sale of fireworks, and (3) Amending Section 15-43 of the Fontana Municipal Code relating to business license taxes for firework sales, and (4) Amending Section 30-89 of the Fontana Development Code permitting temporary use permits for fireworks. ADPT ORD 1538 FIREWORKS
- (2) Adopting **Ordinance No. 1539**, amending Fontana Municipal Code Chapter 16, Article I, Section 16-15 relating to the presence of juveniles in public places or private establishments during school hours. ADPT ORD 1539 JUVENILES
- (3) Adopting **Ordinance No. 1540**, authorizing the levy of a special tax within Community Facilities District No. 61M. ADPT ORD 1540 CFD 61M
- (4) Adopting **Ordinance No. 1541**, amending Chapter 30 of the Fontana Municipal Code, to reflect the new performance standard for infill development areas. ADPT ORD 1541 INFILL
- (5) Adopting **Ordinance No. 1542**, authorizing the levy of a special tax within Community Facilities District No. 60M. ADPT ORD 1542 CFD 60M
- C. (1) Authorizing the City Manager to enter into an agreement with Fontana Unified School District for exclusive off-hours use of Wayne Ruble Middle School. FUSD/CITY RUBLE FIELDS
- (2) Approving a reduction to Project Number 9431700601 for the School District Exclusive Use Agreement in the amount of

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- \$165,000 and transfer \$165,000 from the General Fund Capital Projects Fund #601 to the General Fund Operating Projects Fund #110. Appropriate \$165,000 to Project Number 9431701110.
- (3) Approving an appropriation of \$50,000 from the General Fund Undesignated Fund Balance to Business Unit 4202101.6660 for Maintenance Activities. This amount is recurring and will be added to Public Works General Fund target number.
- D. (1) Accepting as complete and authorizing the Public Works Director to ACCPT PROJ. execute and file a Notice of Completion for Project SB-78-05.
(2) Approving the final construction amount of \$2,711,343.03.
(3) Approving the release of the 10% retention upon satisfactory closure of the contract.
- E. (1) Approving a contract extension through January 2009 with TKE Engineering, Inc., for engineering services. TKE ENG
(2) Authorizing the City Manager to sign the contract extension.
- F. (1) Awarding the proposal in the amount of \$150,000 and authorizing the City Manager to enter into contract agreements with Morningstar Productions, LLC, Studio 33 and Alliant Event Services for staging, lighting, audio and visual services for a two-year period with an option for three one-year extensions at the sole discretion of the City. AWARD MORNINGSTAR STUDIO 33 AND ALLIANT EVENTS
(2) Authorizing the Business Services Manager to issue a purchase order to Morningstar Productions, LLC not to exceed \$70,000.
(3) Authorizing the Business Services Manager to issue a purchase order to Studio 33 not to exceed \$50,000.
(4) Authorizing the Business Services Manager to issue a purchase order to Alliant Event Services not to exceed \$30,000.
- G. (1) Awarding the proposal in the amount of \$40,000 and authorizing the City Manager to enter into a contract agreement with Garden Interiors for special event decorating services for a two-year period with an option for three one-year extensions at the sole discretion of the City. AWARD GARDEN INTERIORS
(2) Authorizing the Business Services Manager to issue a purchase order to Garden Interiors not to exceed \$40,000.
- H. Adopting **Resolution No. 2007-16**, amending Resolution No. 2005-12 by extending the time frame of the eligibility list for those non-profit organizations authorized to sell fireworks within the City of Fontana. ADPT RES 07-16 FIREWORKS
- I. (1) Accepting as complete and authorizing the Deputy City Manager to execute and file a Notice of Completion for Project SP-07-05. ACCPT PROJ
(2) Approving the final construction amount of \$530,617.00
(3) Approving the release of 10% retention upon satisfactory closure of

contract.

- J. Authorizing the City Manager to execute Amendment No. 1 to the existing contract with Commercial Roofing Systems, Inc., increasing their contract in the amount of \$68,862.00 from \$273,600.00 to \$342,462.00 for re-roofing mansards at the Laural Woods Apartments. AMEND #1
COMM. ROOFING
LAURAL WOODS
- K. (1) Accepting as complete and authorizing the Deputy City Manager to execute and file a Notice of Completion for Project WB-41-HD-07. ACCPT PROJ
(2) Approve the final construction amount of \$55,192.63.
- L. (1) Accepting award in the amount of \$5,000 on behalf of the Public Works Department. AWARD P.W.DEPT
(2) Approving an increase in estimated revenue by \$5,000 in Account 4005101.4326 and appropriate \$5,000 to Account 4005101.6210.
- M. Authorizing the City Manager to execute a construction contract with Riverside Construction Company for the construction of Summit Avenue storm drain MPSD Line B-Phase 3 from San Sevaine Basin No. 5 to the west of San Sevaine Road (Bid No. SB-39-DE-07) in the amount of \$6,990,543.70 and authorize a 10% contingency in the amount of \$699,054.37. RIVERSIDE
CONSTRUCTION
- N. Authorize the City Manager to execute a construction contract with Riverside Construction for construction of Sierra Avenue from Baseline Avenue to South Highland Avenue and Baseline Avenue from Sierra Avenue to Mango Avenue (Bid No. SB-29-DE07) in the amount of \$7,400,802.60 and authorize a 10% contingency in the amount of \$740,080.26. RIVERSIDE
CONSTRUCTION
- O. (1) Accepting as complete the subdivision improvements in Tract No. 16743 located south of Baseline Avenue and west of Maple Avenue. ADPT RES 07-17
TR 16743
(2) Adopting **Resolution No. 2007-17**, accepting sewers in Tract No. 16743 as part of the City sewer system.
- P. (1) Authorizing the City Manager to enter into a cooperative agreement with the County of San Bernardino to construct improvements at various locations and authorizing reimbursement by the County of San Bernardino in an amount not to exceed \$333,000. CITY/COUNTY
COOP AGREE
(2) Increasing estimated revenues in the General Fund 100 by \$333,000. Transfer from General Fund No. 101 \$333,000 to the General Fund Capital Projects Fund No. 601 and appropriate \$333,000 in Project Number 9322900601.6650.5.

- Q. (1) Authorizing the City Manager to execute a construction contract with LAIRD CONST Laird Construction Co., Inc., for the construction of the Foothill Boulevard and Alder Avenue street improvements and traffic signal project in the amount of \$834,438 and authorize a 10% contingency in the amount of \$83,443.

- (2) Authorizing an appropriation of \$100,000 from Fund 242 Measure I.

- R. Adopt **Resolution No. 2007-18**, declaring support for the I-10 ADPT RES 07-18 Coalition that includes the City of Fontana, City of Rialto, City of I-10 COALITION Colton and County of San Bernardino to improve Interstate 10 and critical interchanges along the freeway corridor in the County of San Bernardino and to commit to work collaboratively with these communities to secure funding.

Motion carried unanimously.

Council Members Rutherford and Warren abstained from the next item because they live in the Village of Heritage.

Staff report was given regarding Landscape Maintenance District No. 2, Village of Heritage. NB-A ADPT RES 07-19 LMD #2

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2007-19** of the City Council of the City of Fontana, declaring intention to add an assessment and range formula to the Method of Spread for Landscape Maintenance District No. 2, Village of Heritage, and calling an assessment ballot proceeding to submit to the qualified property owners within said district the question of the proposed assessment range formula for the District, Fiscal Year 2007/09; and (2) setting the public meeting for March 19, 2007 and setting the public hearing for April 10, 2007, for the tabulation of the ballots on the proposed assessment range formula. Motion carried by a vote of 3-0-2, Council Members Rutherford and Warren abstaining.

The following Elected Official Communications were received: E O C

Mayor Nuaimi appointed the following to the Planning Commission: PLAN. COMM APPTS

- Dr. Carole Lee
- Lawrence Meyer
- Matthew Slowik
- Kenneth Galasso
- Bryan Clark

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Mayor Nuaimi appointed the following to the Parks & Recreation Commission:	PARKS & REC APPTS
Steve Kakuska	
Robert Baker	
Dr. D. C. Thomas	
Salah Michael Tahan	
Lydia Wibert	
Gloria Echandi	
John Tignor	
Council Member Scialdone reviewed Council's actions.	MTG. REVIEW
Council Member Scialdone asked that tonight's meeting be adjourned in memory of RaVae Abernathy.	MEMORY
Council Member Warren wished Happy Black History Month, to everyone, noting activities scheduled to celebrate the month.	BLACK HISTORY WEEK
Council Member Warren noted a Village of Heritage community walk in the commons on March 3, 2007.	WALK
Council Member Warren spoke of the upcoming LMD vote in Village of Heritage, noting she doesn't want their services cut.	VOTE
Council Member Warren noted the people of courage at the drug court graduation recently.	DRUG COURT
Council Member Warren spoke of attending the Board of Supervisors and State Board of Education meetings recently.	MEETINGS
Council Member Rutherford noted Race Fest will be February 22, 2007.	RACE FEST
Council Member Rutherford participated in reading Dr. Seuss, noting we need to read to our students.	READING
Council Member Rutherford noted the Mummers will perform this week.	MUMMERS
Council Member Rutherford noted the Mayor's Gala will be March 31 st ..	MAYOR'S GALA
Council Member Roberts noted the great accomplishment of Jack Bulik Park completion.	PARK
Council Member Roberts noted another loss to the community, former educator Richard Drake, and asked that we also adjourn in his memory.	MEMORY
Mayor Nuaimi asked everyone to come out to Race Fest, with the fund raising from this going to the Library. He stated it is at the California Speedway	RACE FEST

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February 22nd at 5:00 p.m., and Sammy Hagar will be performing at 8:40 p.m.

- Mayor Nuaimi noted problems with Edison in the Village of Heritage. EDISON
- Mayor Nuaimi wished his father-in-law a Happy Birthday. HAPPY B'DAY
- Mayor Nuaimi noted traveling to Sacramento last week regarding water reclamation. He noted the next trip to Sacramento will be regarding the Cherry/Riverside/Citrus Overpass. TRIPS
- Mayor Nuaimi invited everyone to the Mayor's Gala, with the proceeds going to the library. He suggested everyone RSVP early! MAYOR'S GALA
- The following City Manager Communication was received: C M C
- City Manager Ken Hunt noted the next meeting will be on Monday, February 26th. MONDAY MTG
- City Manager Ken Hunt recognized staff for going the extra mile. THANK STAFF
- City Manager Ken Hunt thanked the Mayor and Council for their hard work regarding water rates and transportation. THANKS
- The City Council meeting adjourned by consensus, at 8:53 p.m. in memory of RaVae Abernathy and Richard Drake, and to an to a adjourned workshop meeting on Monday, February 26, 2007, in the Executive Conference Room at 5:00 p.m., then to the regular 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 26th DAY OF FEBRUARY, 2007.

Tonia Lewis
City Clerk