

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
ADJOURNED REGULAR MEETING
DECEMBER 16, 2010**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Thursday, December 16, 2010, in the City of Fontana Executive Conference Room, 8353 Sierra Avenue, Fontana, California. Mayor Warren called the workshop to order at 5:37 p.m.

ROLL CALL:

Present: Mayor Warren and Council Members Roberts and Tahan.

Absent: None.

The Fontana City Council adjourned regular meeting agenda was reviewed.

City Manager Comments were heard.

The workshop meeting adjourned at 6:12 p.m. to the adjourned regular meeting.

ADJOURNED REGULAR CITY COUNCIL MEETING

The Adjourned Regular Meeting of the City of Fontana City Council was held on Thursday, December 16, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 7:06 p.m.

ROLL CALL:

Present: Mayor Warren and Council Members Roberts and Tahan.

Absent: None.

CLOSED SESSION: None.

INVOCATION/PLEDGE OF ALLEGIANCE:

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

SPECIAL PRESENTATIONS:

Mayor Warren and the City Council introduced Anthony Acevedo and recognized him on his achievement of Eagle Scout.

Mayor Warren announced that Community Heather Howard will be recognized at the January 12, 2011, meeting.

PUBLIC COMMUNICATIONS:

The following Public Communications were received:

Carlos Anzora congratulated Mayor Warren, Council Member Roberts and Tahan, and City Clerk Lewis on their recent elections. Mr. Anzora also spoke regarding opportunities to meet with the City's elected officials regarding City government and public participation.

Lydia Salazar Wibert thanked the community for their contributions and participation in the Fontana Santas Program and encouraged toy donation until Friday, December 17, 2010, at the Fontana Unified School District Police Station on Citrus and to meet at the Performing Arts Center to begin toy giving. Ms. Wibert welcomed home John Roberts, Jr. and Carlos Vivas, and also asked for community prayers and support of troops and sick children and wished everyone a Merry Christmas and safe and Happy New Year.

Joe Dean congratulated Anthony Acevedo on his achievement and spoke regarding the appointments to the City Council vacancies and recommended Candidate Lydia Salazar Wibert.

Danny Marquez spoke regarding job training programs at the City and County levels.

Dan Bane requested Consent Calendar Item B be pulled.

Mayor Warren commented that Council Member Tahan has requested that Consent Calendar Items B and O be pulled for discussion.

City Manager stated that a written letter was received for Consent Calendar Item B earlier this evening and staff recommends a continuance to the January 12, 2011, meeting.

City Attorney Alsop recommended continuance of the second reading of the ordinance for Consent Calendar Item B to allow time for a City staff response.

CONSENT CALENDAR:

- A) Approval of Minutes.
Approve the Minutes of the November 17, 2010, Adjourned Regular Meeting of the City Council and the December 8, 2010, Regular City Council Meeting.

- B) Ordinance No. 1626 – Pulled for Discussion and Continued to January 12, 2011, Meeting

Consideration of adoption of Ordinance No. 1626 was continued to the January 12, 2011, meeting to allow for City staff to respond to a written letter received from Daniel P. Bane of Sheppard, Mullin, Richter & Hampton, LLP.

David Eshleman spoke in support of adoption of the ordinance.

- C) Adopt Amended Conflict of Interest Code
Adopt **Resolution 2010-119** of the City Council of the City of Fontana, California, approving and adopting an Amended Conflict of Interest Code pursuant to the Political Reform Act of 1974.
- D) Accept Donation from Thompson Building Materials
Accept donation from Thompson Building Materials in the amount of \$1,000.00 for use towards the City's 2010 Festival of Winter.
- E) Accept donation from DW Development
Accept donation from DW Development in the amount of \$1,000.00 for use towards the City's 2010 Festival of Winter.
- F) Co-Sponsorship Applications
To approve amendment to the Co-Sponsorship application for Blessed John Church in the amount of \$270.00.
- G) Fontana Art Association Quarterly Report
To receive and order filed the written staff report.
- H) Reimbursement Agreement with Citrus and Slover, LLC
Authorize the City Manager to execute the agreement for the purpose of reimbursing Citrus and Slover, LLC, for public improvement costs related to a future retail shopping center at the southeast corner of Slover Avenue and Citrus Avenue.
- I) Final Acceptance of the Cypress Avenue Overcrossing Project
Accept as complete, the work performed by Riverside Construction Company for the construction of the Cypress Avenue Overcrossing Project at the Interstate 10; approve the final construction amount of \$11,405,333.29; and authorize the City Engineer to execute and file the Notice of Completion. (Bid No. SB-107-DE-09)
- J) Release a temporary easement for a detention basin for Tract No. 16563
Authorize the City Manager to execute Quit Claim Deeds with Oasis Homes for the release of a Temporary Easement for detention basin purposes for Tract No. 16563, Lots 59 and 60, located at the southwest corner of Pinewood Street and Cypress Avenue.

- K) Final Acceptance of Subdivision Improvements for Tract No. 16563
(1) Accept as complete the Subdivision Improvements for Tract No. 16563 located south of Walnut Avenue and west of Cypress Avenue.
(2) Adopt **Resolution No. 2010-120**, of the City Council of the City of Fontana, accepting sewers in Tract No. 16563 as part of the City sewer system.
- L) Award a Construction Contract for the Foothill Boulevard at Cypress Avenue Traffic Signal Project and the Randall Avenue at Pepper Avenue Pedestrian Flashing Beacon Project
Authorize the City Manager to execute a construction contract with Competitive Edge Electric Incorporated for the construction of the Foothill Boulevard at Cypress Avenue Traffic Signal Project and the Randall Avenue at Pepper Avenue Pedestrian Flashing Beacon Project in the amount of \$369,371.50 and authorize a 10 percent contingency in the amount of \$36,937.15. (SB-11-DE-11)
- M) Award a Construction Contract for the Extension of Auto Center Drive
(1) Find that the project has been reviewed pursuant to Section No. 15070 of the California Environmental Quality Act (CEQA), adopt a Mitigated Negative Declaration, and direct staff to file a Notice of Determination.
(2) Authorize the City Manager to execute a construction contract to Lee & Stires, Inc. for the extension of Auto Center Drive in the amount of \$195,989.51 and authorize a 10 percent contingency in the amount of \$19,598.95. (SB-45-DE-10)
(3) Authorize the City Manager to execute an Easement Deed for public streets and utilities within Auto Center Drive.
- N) Award a contract for the construction of the Pacific Electric Inland Empire Trail Segments 3B, 4 & 5B, and landscaping at the street intersections of existing Segment 3A
(1) Reject the bids received for the Pacific Electric Inland Empire Trail Segment 5B. (Bid No. SB-14-DE-10)
(2) Authorize the City Manager to execute a construction contract with Southwest Construction Company Incorporated for the improvements on the Pacific Electric Inland Empire Trail from the west City limit to Tokay Avenue in the amount of \$2,756,632.29 and authorize a 10 percent contingency in the amount of \$275,663.23. (Bid No. SB-14-DE-11)
- O) Award a Contract for the Civic Center Campus Parking Project – Pulled for Discussion

Senior Engineer Noel Castillo presented a staff report on the item and noted for the record that staff received a Protest Letter and responded accordingly.

Council Member Tahan requested clarification that staff did respond to the Protest Letter.

- (1) Authorize the City Manager to execute a construction contract with Mamco, Inc. for the construction of the Civic Center Campus Parking Project (Phase I & II) in the amount of \$2,178,497.50 and authorize a 10 percent contingency in the amount of \$217,849.75 (SB-18-DE-11)
- (2) Authorize the City Manager to execute any and all utility agreements, utility easements, parking agreements and any related items on behalf of the City of Fontana for the Civic Center Campus Parking Project.
- P) Reject bids and re-advertise the Fire Station No. 71 Project
Reject the bids received for the Fire Station No. 71 project and authorize staff to re-advertise the project. (SB-21-DE-11)
- Q) Comprehensive Annual Financial Report for Fiscal Year ended June 30, 2010
Approve the City of Fontana's Comprehensive Annual Financial Report (CAFR) for Fiscal Year ended June 30, 2010.
- R) Final Acceptance of San Bernardino Avenue Street and Drainage Improvements Project SB-03-PW-10
- (1) Accept as complete and authorize the Public Works Director to execute and file a Notice of Completion for Project SB-03-PW-10.
- (2) Approve the final construction amount of \$4,060,016.44.
- (3) Approve the release of the 10 percent retention upon satisfactory closure of the contract.

ACTION: Motion was made by Council Member Tahan, seconded by Council Member Roberts, and carried unanimously by vote of 3-0, to approve Consent Calendar Items "A-R" with Items B and O pulled for discussion, and Item B continued to the January 12, 2011 meeting.

PUBLIC HEARINGS:

- A) Hearing was opened to consider Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts.

Management Services Accounting Manager Dawn Brooks and Management Services Director Lisa Strong provided a staff report.

No written communications were received.
No one spoke in favor or opposition.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Tahan, and carried unanimously by vote of 3-0, to:

- (1) Authorize staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the Certified Lien List and direct staff to forward recorded liens to the County for collection.
- (2) Authorize staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the certified Lien List and direct staff to forward recorded liens to the County for collection.
- (3) Adopt **Resolution No. 2010-121** of the City Council of the City of Fontana adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.

B) Hearing was opened to consider User Fees for City Services.

Management Services Accounting Manager Dawn Brooks and Management Services Director Lisa Strong provided a staff report.

No written communications were received.
No one spoke in favor or opposition.

ACTION: Motion was made by Council Member Tahan, seconded by Council Member Roberts, and carried unanimously by vote of 3-0, to:

Adopt **Resolution No. 2010-122**, a resolution of the City of Fontana adopting certain new fees and increasing, decreasing or deleting certain existing fees for various services provided by the City.

C) Hearing for consideration of General Plan Amendment No. 09-011, Zone Change No. 09-006, and Development Agreement No. 10-0001 located near the Northeast corner of Citrus and Summit Avenues (Continued from 12-08-10), was pulled from the agenda and continued to a date uncertain. – Continued to date uncertain

City Manager Hunt requested the Mayor and City Council to continue the item to a date uncertain.

ACTION: The Mayor and City Council, unanimously and without formal motion, by vote of 3-0, continued the item to a date uncertain.

D) Hearing was opened to consider Registered Vehicle Storage Ordinance - Development Code Amendment No. 10-007- Continued from 11-17-10 Meeting - Continued to date uncertain

Community Development Principle Planner Craig Bruorton and Community Development Director Don Williams provided a staff report.

One written communication was received from Daniel P. Bane of Sheppard, Mullin, Richter & Hampton, LLP, representing an affected property owner.

Scott Roach spoke regarding concerns on the item.

David Eshleman questioned the text in the item and requested a continuance.

Dan Bane spoke in opposition and requested the item to be continued.

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

City Manager Hunt commented on the item and stated that the City is the applicant on this item, as the previous Mayor and City Council has requested staff to look into the issues in the South Fontana area.

City Manager Hunt also commented that a written letter had been received this evening and staff has not had a chance to review the letter.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Tahan, and carried unanimously by vote of 3-0, to continue the item to a date uncertain.

E) Hearing for conveyance of property – South Highland Avenue – Continued to date uncertain

ACTION: Motion was made by Council Member Tahan, seconded by Council Member Roberts, and carried unanimously by vote of 3-0, to continue the item to a date uncertain.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

Council Member Tahan thanked the City and residents for a wonderful swearing-in ceremony held at the last City Council Meeting.

Council Member Tahan discussed his attendance at the recent John Piazza Apartments Ribbon-Cutting Ceremony on December 9, 2010, and discussed the great senior housing the apartments will provide.

Council Member Roberts thanked the 29 applicants that have applied for the two City Council vacancies and thanked the community for the prayers for his son.

Mayor Warren announced the great Exchange Club's Annual Christmas Parade and thanked City Clerk Lewis for an outstanding job.

Mayor Warren also thanked the Community Services Department for an outstanding Snow Play Day.

Mayor Warren announced her attendance at the recent John Piazza Apartments Ribbon-Cutting Ceremony on December 9, 2010, and discussed the wonderful senior housing opportunity and current wait list.

Mayor Warren thanked the community for its prayers for John Roberts, Jr. and all the American troops.

Mayor Warren announced her daughter's arrival back home this evening from college.

Mayor Warren announced that Etiwanda High School's Band, along with her daughter, will be performing in the New Year's Day Parade in London.

Mayor Warren thanked staff for a great swearing in ceremony, thanked the community for 29 applicants for the two vacant City Council seats, and reminded the City that our youth are becoming involved in and aware of City government.

City Manager Hunt commented on the following item and the recommendation to consider changing the meeting dates to the second and fourth Tuesdays.

A) An Ordinance to change the days of the Regular City Council Meetings was considered.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Tahan, and carried unanimously by vote of 3-0, to waive further reading of and introduce **Ordinance No. 1627** of the City Council of the City of Fontana, California, Amending the City of Fontana Municipal Code, Chapter 2, Article IV, Section 2-142, changing the days of the Regular City Council Meetings, and that the reading of the title constitutes the first reading thereof.

City Manager Hunt commented that the second reading of the ordinance is expected to occur on January 12, 2011, and that it would become effective 30 days after adoption of the item.

CITY MANAGER COMMUNICATIONS:

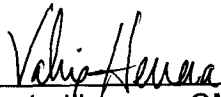
City Manager Hunt acknowledged that his youngest son has graduated from college today and that now all four of his sons are all college graduates.

City Manager Hunt reminded residents that the next three Council Meetings are open to the public and will be televised and broadcasted over the internet.

City Manager Hunt thanked Assistant to the City Manager Amy Colbrunn for her dedicated work.

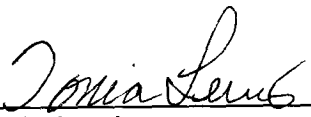
ADJOURNMENT:

The Regular City Council Meeting Adjourned at 8:25 p.m. to an Adjourned Regular City Council Meeting which will be held on Friday, December 17, 2010, at 3:00 p.m. in the City Council Chambers located at 8353 Sierra Avenue, Fontana, California.



Valerie Herrera, CMC
Administrative Analyst II

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 12TH DAY OF JANUARY, 2011.



Tonia Lewis
City Clerk