

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
AUGUST 26, 2008**

A workshop meeting of the Fontana City Council was held on Tuesday, August 26, 2008, in the City of Fontana Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Council Member Roberts opened the meeting at 5:04 p.m.

**ROLL CALL:** Present: Mayor Nuaimi(arrived at 5:27 p.m.), ROLL CALL  
Mayor Pro Tem Warren (arrived at 5:05 p.m.)  
Council Members Roberts, Rutherford,  
and Scialdone.

Absent: None.

An update of the Chamber of Commerce was presented by David Puldo, Suzie Colon, and various Board Members.

Following agenda review and City Manager comments, the meeting adjourned to a Closed Session at 6:01 p.m.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, August 26, 2008 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, Mayor Pro Tem Warren, ROLL CALL  
Council Members Roberts, Rutherford,  
and Scialdone.

Absent: None.

Following the Invocation by Police Chaplain Gregory Peck, the Pledge of Allegiance was led by Mayor Nuaimi.

The City Attorney reported the following items were discussed in the C S  
Closed Session:

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

Property: APN 1110-141-23 14688 Foothill Boulevard (Monty F.  
Sheehan Trust Ownership)

Negotiator: Deputy City Manager Debbie Brazill

Under Negotiation: Price and Terms.

This item was discussed with no reportable action.

**CITY COUNCIL MINUTES**

**AUGUST 26, 2008**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0251-171-25 (Schwartz & Bunitch)  
Negotiating Party: Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

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

Number of Cases: One

The last two items were not discussed, there was no reportable action.

The following Special Presentations were made: S P

Mayor and Council recognized Officers Binks and Dills as the Police Department Employees of the Month, presented by Chief Rod Jones. PD

The following Public Communications were received: P C

Art Alcantar, LIST, Inc., 6820 Newport Court, spoke regarding the upcoming LIST Football Tournament. LIST Football

Jeff Olivares, 15660 Ramona Drive, spoke regarding public safety and Health, especially for children. PUBLIC SAFETY

Tony Orlich, Randall Avenue, spoke regarding "Wake up America" WAKE UP

Staff presentations were given on Consent Calendar Items "G - J" and, "O - Q" C C

**ACTION:** Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, approving Consent Calendar Items "A-R" as follows:

A. Approving the minutes of the August 12, 2008, Regular City Council meeting. MINUTES

B. (1) Adopting **Resolution No. 2008-104**, partially rescinding Resolution No. 2006-49 and authorizing application for financial assistance from the State Water Resources Control Board for the San Bernardino Avenue Lift Station and Force Main Project Nos. C-06-4897-210 (Lift Station) and C-06-4897-220 (Force Main) from the State Revolving Loan Fund. ADPT RES 08-104 WATER CONTROL BOARD APPL

(2) Adopting **Resolution No. 2008-105**, partially rescinding Resolution No. 2006-97 and agreeing to provide a local match share and pay an administrative fee in order to receive a no-interest financing agreement for Project Nos. C-06-4897-210 ADPT RES 08-105 LIFT STATION MATCH SHARE

**CITY COUNCIL MINUTES**

**AUGUST 26, 2008**

(Lift Station) and C-06-4897-220 (Force Main) in accordance with the State Water Resources Board's Revolving Fund Loan Program.

- C. Authorizing the City Manager to enter into a contract agreement with Aramark Uniform Services for a two-year period, renewable for three additional one-year increments at the City's sole discretion, for uniform, mat, towel rental and cleaning services. ARAMARK CONTRACT
  
- D. (1) Accepting as complete the work performed by 4-Con Engineering Inc., for the installation of the Village Park Restroom and Snack Bar Replacement Project, SB-64-PW-08; 4-CON ENG WORK ACCPT  
  
(2) Approving the final construction amount of \$470,399.86 and approving the release of the 10% retention upon satisfactory closure of the contract;  
  
(3) Authorizing the Director of Public Works to execute and file the Notice of Completion for Project SB-64-PW-08.
  
- E. Authorizing a piggy-back from the Los Angeles County Sheriff's Department bid to purchase a voice recording system from Voice Print International, Inc., in the amount of \$42,497.68. VOICE PRINT W/SHERIFF
  
- F. (1) Authorizing the City Manager to execute a construction contract with Hillcrest Contracting, Inc., for construction of the Citrus Avenue Median Improvements from Arrow Boulevard to Merrill Avenue (Federal ID No. STPLH-5307 (014) in the amount of \$547,426.22 and authorizing a 10% contingency in the amount of \$54,742.62 - Bid No. SB-181-DE-08. HILLCREST CONTRACT  
  
(2) Appropriating \$60,000 from Fund 633 Landscape to Project No. 9321100633.
  
- G. Adopting **Resolution No. 2008-106**, approving a project Baseline Agreement between the City of Fontana, the California Transportation Commission (CTC), the California Department of Transportation (CALTRANS), San Bernardino County, and San Bernardino Association of Governments (SANBAG) for the I-10/ Citrus Avenue Interchange Project, Agreement No. C09014. ADPT RES 08-106 BASELINE AGREE
  
- H. Adopting **Resolution No. 2008-107**, approving a project Baseline Agreement between the City of Fontana, the California Transportation Commission (CTC), the California Department of Transportation (CALTRANS), San Bernardino County, and San Bernardino Association of Governments (SANBAG) for the I-10/Cherry Avenue Interchange Project, Agreement No. C09013. ADPT RES 08-107 I-10/CHERRY

**CITY COUNCIL MINUTES**

**AUGUST 26, 2008**

- I. Adopting **Resolution No. 2008-108**, approving a funding agreement between the City of Fontana, San Bernardino County, and the San Bernardino Association of Governments (SANBAG) for the I-10/Citrus Avenue Interchange Project. ADPT RES 08-108  
I-10 CITRUS
  
- J. Adopting **Resolution No. 2008-109**, approving a funding agreement between the City of Fontana, San Bernardino County, and the San Bernardino Association of Governments (SANBAG) for the I-10/Cherry Avenue Interchange Project. ADPT RES 08-109  
I-10/CHERRY
  
- K. (1) Accepting as complete the subdivision improvements in Tract Nos. 16495-1 and 16495-2 located east of Sierra Avenue and north of Jurupa Avenue. ADPT RES 08-110  
TR 16495-1 &  
16495-2
  
- (2) Adopting **Resolution No. 2008-110**, accepting sewers in Tract Nos. 16495-1 and 16495-2 as part of the City sewer system.
  
- L. (1) Accepting as complete the subdivision improvements in Tract No. 16221 located east of Citrus Avenue and south of Mallory Drive. ADPT RES 08-111  
TR 16221
  
- (2) Adopting **Resolution No. 2008-111**, accepting sewers in Tract No. 16221 as part of the City sewer system.
  
- M. Accepting as complete the work performed by Powell Constructors for the construction of the Pacific Electric Inland Empire Trail Segment 5A, Baseline Avenue to Cherry Avenue; approving the final construction amount of \$1,265,679.72; and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-11-RA-06. ACPT POWELL  
CONST
  
- N. Waiving further reading of and introducing **Ordinance No. 1579**, amending Article II, Section 17-61, of Chapter 17, of the Fontana Municipal Code of the City of Fontana pertaining to the Office of the Traffic Engineer, that the reading of the title constitutes the first reading thereof. INTRO ORD 1579  
AMEND CH. 17
  
- O. (1) Adopting **Resolution No. 2008-112**, approving and adopting the Updated City Emergency Operations Plan. ADPT RES 08-112  
UPDATE EMERG  
PLAN
  
- (2) Authorizing the City Manager, Deputy City Manager, (Development Services), Deputy City Manager (Administrative Services and Housing Authority and Business Development), Chief of Police, City Clerk, Director of Building and Safety, Director of Community Development, Director of Community Services, Director of Engineering, Director of Human Resources/Risk Management, Director of Information Technology, Director of Management Services, Director of Public Works and Director

**CITY COUNCIL MINUTES**

**AUGUST 26, 2008**

of Redevelopment and Special Projects to sign the Emergency Plan concurrences list.

- (3) Authorizing the Mayor to sign the letter of promulgation on behalf of the members of the City Council and the citizens and employees of Fontana.

P. (1) Accepting as complete and authorizing the Public Works Director to execute and file a Notice of Completion for Project SB-219-PW-08. (Santa Ana Pavement Rehab Project) ACPT PROJ

- (2) Approving the final construction amount of \$672,838.

- (3) Approving the release of the 10% retention upon satisfactory closure of the street.

Q. Authorizing the City Manager to execute a construction contract with Shawhan for the improvements of Jurupa Avenue between Poplar Avenue and Sierra Avenue in the amount of \$7,888,255 and authorizing a 10% contingency in the amount of \$788,825.50 – Bid No. SB-349-DE-08. SHAWHAN  
JURUPA/POPLAR

R. Extending the contract with Partners Consulting Services for interim support of the JD Edwards Computer System from December 31, 2008 to June 30, 2009 and increasing the compensation by \$25,000 out of Project No. 910600102 and authorizing the City Manager to execute any documents necessary to effectuate said extension. EXTEND CONTR  
PARTNERS

Motion carried unanimously.

Public hearing was opened regarding User Fees. PH-A CON'T  
USER FEES  
9/9/08  
 No written communication was received.  
 No staff presentation was given.  
 No one spoke in favor or opposition.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Roberts, to continue the public hearing to the next regularly scheduled meeting of September 9, 2008, for the adoption of new user fees, decreasing the existing fee for temporary use permits, and updating development related fees provided by the City. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 61M, located on the northwest corner of Miller Avenue and Mango Avenue. PH-B CON'T  
CFD #61M  
TO 9/9/08  
 No written communication was received.  
 No staff presentation was given.

No one spoke in favor or opposition.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, to continue the public hearing to the next regularly scheduled meeting of September 9, 2008, on the annexation of territory to Community Facilities District No. 61M. Motion carried unanimously.

Public hearing was opened regarding Development Code Amendment No. 07-001, regarding permitted uses in Commercial Zoning Districts. Written communication in favor was from Santos and Guadalupe Rosas, 17740 Ivy Avenue.

PH-C  
DENY APPEAL  
DEV. CODE  
AMEND 07-001

Staff presentation was given by DiTanyon Johnson, and Don Williams. Speaking for the applicant was Richard Provman. Speaking in favor were Russ Hockman, 17830 Vine Avenue; and George and Christina Hockman, 14835 Vine Avenue. No one spoke in opposition. The hearing was closed.

Mayor Nuaimi left the dais from 8:46 p.m. to 8:47 p.m.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, 1) finding that the proposed Development Code Amendment No. 07-001 does not comply with, and is contrary to, the goals and policies of the General Plan as identified in the Land Use Element and is furthermore inconsistent with other commercial and business uses in the City's General Commercial Zoning District; therefore, the City Council moved supporting and approving the Planning Commission's recommendation to deny Development Code Amendment No. 07-001. Motion carried by a vote of 4-0-1, with Mayor Nuaimi abstaining.

Staff presentation was given by Debbie Brazill, regarding Memorandum of Understanding between the City of Fontana and County of San Bernardino for the City's Western Sphere of Influence.

NB-A APPR  
CITY/COUNTY  
MOU

Council Member Rutherford left the dais from 8:48 p.m. to 8:49 p.m.  
Mayor Pro Tem Warren left the dais from 8:51 p.m. to 8:53 p.m.

**ACTION:** Motion was made by Mayor Nuaimi, seconded by Council Member Rutherford, finding that the project is exempt from further environmental review pursuant to Section 3.07 of the Local Guidelines for implementing the California Environmental Quality Act (2007), projects with no possibility of significant effects upon the environment, and directing staff to file a Notice of Exemption; and approving and authorizing the City Manager to execute the Memorandum of Understanding with the County of San Bernardino for the City's Western Sphere of Influence. Motion carried unanimously.

Staff presentation was given by Chief Rod Jones and Alan Hostetter regarding proposed Ordinance amending Article IV – Burglar Alarms Speaking in favor was Bruce Boyer, Lone Start Security, 7545 Claire Avenue, Reseda. Speaking in opposition were: Jon Sarget, California Alarm Assoc., 4511 Willow Road #8, Pleasanton; Ronald Walters, 13173 N N 19 Street, Hollywood; Larry Rudolph, California Alarm Assoc., 1120 Palmetto Avenue, Riverside; Frank Burke, 138 E. Chestnut, Monrovia; Will Joyce, Central Security, 43174 Business Park, Temecula; Charles Courtney, Orange County Alarm Assoc., 2970 E. La Palma, Anaheim; Morgan Hertel, IEAA, 1708 Rimpan Avenue, #101, Cora; and, Tony Orlich, Randall Avenue.

NB-B INTRO ORD  
1580 BURGLAR  
ALARMS

Council Member Roberts left the dais from 9:39 p.m. to 9:45 p.m.

**ACTION:** Motion was made by Mayor Pro Tem Warren, seconded by Council Member Scialdone, (1) waiving further reading of and introducing **Ordinance No. 1580**, relating to police response to false alarms, recovering costs related to responses to false alarms, and amending Article IV of the Fontana Municipal Code titled Burglar Alarms; and (2) adopting **Resolution No. 2008-113**, establishing the initial fee for alarm business permits and the late fee for failure to renew the permit prior to the expiration of the existing permit. Motion carried unanimously.

The following Elected Officials Communications were received:

E O C

**ACTION:** Motion was made by Mayor Pro Tem Warren, seconded by Council Member Scialdone, canceling the December 23, 2008, City Council meeting due to the holiday closure. Motion carried unanimously.

CANCEL  
12/23/08  
CC MTG

**ACTION:** Appointing Council Member Rutherford, as the voting delegate and Mayor Nuaimi as the alternate voting delegate at the 2008 League of California Cities on September 24-27, 2008 in Long Beach, California. Motion carried by consensus.

APPNT VOTING  
DELEGATE

Mayor Pro Tem Warren stated school has started back up, and encouraged the residents to join one of the many walking clubs in the City of Fontana. She stated that there will be a bike give-away for those who have participated in the walking clubs between June 10<sup>th</sup>, and August 26<sup>th</sup>, and many other gifts for participants

WALKING CLUBS

Mayor Pro Tem Warren encouraged residents to sign up to receive the Healthy Fontana Newsletter.

HEALTHY  
FONTANA

**CITY COUNCIL MINUTES**

**AUGUST 26, 2008**

Mayor Pro Tem Warren stated that the City of Fontana employees will be having a Health Fair on October 14, 2008. She stated City employees will have the opportunity to sign out bikes during their breaks to ride along the Pacific Electric Trail. HEALTH FAIR

Mayor Pro Tem Warren congratulated students for starting a new school year, and encouraged everyone to drive with care, especially in school zones. NEW SCH YR

Council Member Scialdone stated he has had many dialogs with residents regarding street sweeping and cars parked along the street on sweeping days. He encouraged them to remember to move cars on sweeping days. He encouraged people to take it upon themselves to sweep the gutter in front of their house, while they are outside doing yard work. STREET SWEEPING

Council Member Scialdone thanked Tonia Lewis for a wonderful Ice Cream Social. ICE CREAM SOC

Council Member Scialdone reminded the public of the race weekend coming up and encouraged them to avoid the congestion if possible, and if not to practice patience. RACE WKND

Council Member Scialdone wished everyone a great Labor Day, to be safe and enjoy a restful day with family. LABOR DAY

Council Member Scialdone requested that the annexation sub-committee be reactivated to discuss actions dealing with the annexations in the future. ANNEX SUB-COMM.

City Manager Hunt stated it will be placed on a future agenda for action.

Council Member Scialdone requested that the evening's meeting be adjourned in memory of Rialto Police Officer Kirk Kidderly, and stated it is truly a great loss. MEMORY

Council Member Roberts encouraged everyone to come out and experience the Center Stage show. CTR STAGE

Council Member Rutherford stated that it is almost the end of August and the State of California has not yet passed the budget. She encouraged residents to call or e-mail their State Legislators to balance the state budget without effecting local government funds. STATE BDGT

**CITY COUNCIL MINUTES**

**AUGUST 26, 2008**

Council Member Rutherford requested staff agendaize an amended ordinance so that yard signs can be displayed for more than 30 days prior to the election.

YARD SIGN

Mayor Nuaimi stated that this is the time of the year when the many athletic fields start to switch back to soccer, and encouraged all sports teams to share fields, especially over the Labor Day weekend.

ATHLETIC FIELDS

Mayor Nuaimi stated that with another school year starting he will again support the Fontana Middle School Travel Club, but not with the hamburger challenge of the past. He stated that this year there will be a Healthy Walk-A-Thon on Friday, October 17, 2008, and encouraged all of the Council Members to participate.

WALK-A-THON  
FUNDRAISER

Mayor Nuaimi wished all students a great school year.

GREAT SCH YR

The following City Manager Communication was received:

CMC

City Manager Hunt stated that the Council Chamber's renovations will begin soon, and starting with the first Council meeting of November, meetings will be held in the Steelworkers Auditorium. He stated the renovations will take approximately six months to complete.

CHAMBER  
RENOVATION

Council Member Rutherford requested the City Council meeting of November 11, Veteran's Day be agendaized for cancellation in honor and memory of our Veterans.

CANCEL VETS  
DAY MTG

The City Council meeting adjourned by consensus, at 10:34 p.m. in Memory of Kirk Kidderly, to the next Regular City Council Workshop on Tuesday, September 9, 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.

ADJOURN

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Orvene Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL  
ON 9<sup>th</sup> DAY OF SEPTEMBER 2008.

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Tonia Lewis  
City Clerk