

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JUNE 10, 2009**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, June 10, 2009, in the Lewis Library and Technology Center, Conference Room, 8437 Sierra Avenue, Fontana, CA. Council Member Roberts called the workshop to order at 5:02 p.m.

ROLL CALL: Present: Mayor Nuaimi (arrived at 5:16 p.m.), Mayor Pro Tem Warren (arrived at 5:06 p.m.), Council Members Roberts, Rutherford, and Scialdone. ROLL CALL

Absent: None.

A presentation was given regarding the Building Industry Association (BIA) by Members of the BIA.

Following agenda review and City Manager comments, the meeting adjourned at 6:08 p.m. to the Closed Session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, June 10, 2009, in the Steelworkers Auditorium in the Lewis Library and Technology Center, 8437 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:03 p.m.

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

Absent: None.

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

CLOSED SESSION:

The City Attorney stated the City Council met in Closed Session to discuss the following item with no reportable action. C S

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

Name of Case: City of Fontana v. Michael Schwartz, et al
Case No. San Bernardino Superior Court, Case No. CIVSS 807178

SPECIAL PRESENTATIONS:

S P

Mayor and Council accepted a check from Kaiser Permanente for the Operation Splash Grant. Ray Christian and Jennifer Resch-Silvestri presented Frances Hernandez a check for \$43,000.00.

KAISER
DONATION

Redevelopment & Special Project Director, Ray Bragg made a presentation to Mayor and Council regarding the following awards: Center Stage Theater – “2008 Merit Award”, Ventura County American Institute of Architects, Behr Browers Architects. Center Stage Theater – “Superior Achievement and Professional Design Excellence”, California Council, Society of Registered Architects, Behr Browers Architects.

AWARDS

Mayor and Council recognized the July 4th Celebration – Red, White and Cruise at the Auto Club Speedway.

JULY 4TH

Mayor and Council recognized the family of Lance Corporal Joshua Whittle for their loss.

JOSHUA WHITTLE

Mayor and Council recognized to the members of the Mayor’s Youth Council.

MAYOR’S YOUTH
COUNCIL

PUBLIC COMMUNICATIONS

S C

The following Public Communications were received:

Girl Scout Troop 434, spoke regarding recycling.

RECYCLING

Tony Orlich, Randall Avenue, spoke regarding money and corruption.

MONEY

John DeSousa, 7565 Concord, spoke regarding water rates.

WATER RATES

CONSENT CALENDAR

C C

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, and carried unanimously, approving Consent Calendar Items “A-L”, with revised language on Consent Calendar Item “D”, and the addition of 2 applications to Consent Calendar Item “I”:

CITY COUNCIL MINUTES

JUNE 10, 2009

- A. Approving the minutes of the May 26, 2009 Regular City Council meeting. MINUTES
- B. Adopting **Ordinance No. 1601**, reaffirming and increasing sewer service rate beginning July 1, 2009. ADPT ORD NO. 1601
- C. Adopting **Resolution No. 2009-35**, amending Resolution No. 2008-130 revising the 2008/2010 Measure I Two-Year Capital Improvement Program Plan. ADPT RES NO. 2009-35
- D. Adopting **Resolution No. 2009-36**, adding Fontana City Administrative Policy 20-38 "Code Compliance – Settlements in-Compromise" was approved with the following language change. ADPT RES NO. 2009-36

City Manager Hunt presented the following change of language, for Consent Calendar Item "D":

III. Provisions

- D. As a result, certain individuals and/or City bodies are authorized to negotiate, authorize and sign in-compromise fee settlements. The following parties may enter into in-compromise fee settlements and reduce fees and other expenses up to \$5,000:

Code Compliance Manager
Police Special Operations Captain
Deputy Police Chief

The Chief of Police may enter into in-compromise fee settlements and reduce fees and other expenses up to \$10,000

The City Manager may enter into in-compromise fee settlements and reduce fees and other expenses up to \$25,000

The City Council may enter into in-compromise fee settlements and reduce fees and other expenses up to \$25,001 and beyond

- E. (1) Approving the Interlocal Agreement concerning the distribution of the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG). INTRLOCAL AGR
2009 EDWARD
BYRNE MEMORIAL
JAG
- (2) Authorizing the City Manager to sign the Interlocal Agreement for the Justice Assistance Grant (JAG) on behalf of the City of Fontana.
- (3) Approving the Expenditure Plan for the use of the funds to help offset the cost of three police officers and two sergeant positions within the Police Department.

- (4) Increasing revenues for Fiscal Year 2009/2010 in the amount of \$91,313. Approve appropriation in the amount of \$91,313 for expenditures; and, reduce the operating transfer requested for the JAG Program for Fiscal Year 2009/2010 in the amount of \$91,313.

- F. (1) Adopting **Resolution 2009-37**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 1 ("LMD#1") for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- (2) Adopting **Resolution 2009-38**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 2 ("LMD#2") for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- (3) Adopting **Resolution 2009-39**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3 ("LMD#3") for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- (4) Adopting **Resolution 2009-40**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3-1 ("LMD#3-1") for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- (5) Adopting **Resolution 2009-41**, declaring its intention to levy and collect assessments within Local Lighting Maintenance District No. 3 ("LLMD#3") for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.

ADPT RES
 NOS.
 2009-37 (LMD#1)
 2009-38(LMD#2)
 2009-39 (LMD#3)
 2009-40 (LMD#3-1)
 2009-41 (LLMD#3)

- G. Waiving further reading of and introducing **Ordinance No. 1602**, amending the City of Fontana Municipal Code, Chapter 2, Article IV, Section 2-144 changing dates of the regular Parks and Recreation Commission meetings, that the reading of the title constitutes the first reading thereof.

INTRO ORD
 NO 1602

- H. (1) Approving the renewal of Memorandum of Understanding between the Fontana Unified School District and the City of Fontana to operate twenty-two elementary school and five middle school grant funded After School Programs; total grant funding in the amount of \$2,850,000.00 and authorize the City Manager or his designee to sign the contract, all related documents and any amendments for the term of the contract.
- (2) Approving a Memorandum of Understanding between the Boys and Girls Club of Fontana and the City of Fontana to provide

MOU FUSD
 AFTR SCHOOL
 PROGRAM

educational and literacy services to grant funded after school programs.

- (3) Awarding a three-year contract to Sysco Food Service, A&R Wholesale Distribution and Campus Foods to provide daily snacks to the After School Program in an estimated amount of \$220,000 per year. Authorizing the Management Services Department to issue three purchase orders with a cumulative amount of \$220,000 per year.

Staff report was given by Community Services Director Garth Nelson and Community Services Manager Frances Hernandez

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| <p>I. Approving sixteen co-sponsorship applications received from various organizations with the inclusion of two additional applications for Fiscal Year July 1, 2009 through June 30, 2010.</p> | <p>CO-SPONSORSHIP</p> |
| <p>J. (1) Accepting as complete the work performed by Belaire-West Landscape, Inc., for landscape installation at Sierra Avenue and the I-10 Freeway, SB-331-PW-08.
 (2) Authorizing the Director of Public Works to execute and file the Notice of Completion of construction.
 (3) Approving the final construction amount of \$690,642.01 and approving the release of the 10% retention upon satisfactory closure of the contract.</p> | <p>ACCPT COMPLT
 BELAIRE-WEST
 LANDSCAPE
 SIERRA/I-10
 SP-331-PW-08</p> |
| <p>K. (1) Accepting as complete the work performed by Mega Way Enterprises, Inc., for the construction of Benjamin Fernandez Park, SB-20-PW-08.
 (2) Authorizing the Public Works Director to execute and file a Notice of Completion of construction.
 (3) Approving the final construction amount of \$1,389,282 and approving the release of the 10% retention upon satisfactory closure of the contract.</p> | <p>ACCPT COMPLT
 MEGA WAY
 ENTERPRISES, INC
 FERNANDEZ PARK
 SB-20-PW-08</p> |
| <p>L. Authorizing the expenditure of \$68,241 to IK. Curtis for the updated orthophotography to update the City's geobase information.</p> | <p>IK. CURTIS
 GEOBASE</p> |

PUBLIC HEARINGS:

Public hearing was opened regarding Fire Station 71 – Continue to July 8, 2009.

PH-A CONT
 FIRE STN 71
 7/8/09

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, and carried unanimously, (1) Continuing the final EIR for Fire Station No. 71, the "Certificate of Appropriateness" to make changes to the Historic Park Site and Historic Fire Station and Administrative Site Plan No. 08-009 for the construction of Fire Station No. 71 to the July 8, 2009, City Council meeting.

Public hearing was opened regarding Federal Transit Administration Grant Program. Staff presentation was given by Garth Nelson and Michael Wright.

No one spoke in favor. Speaking in opposition was Tony Orlich, Randall Avenue.

The hearing was closed.

PH-B ADPT
RES NO. 2009-42
FED TRANS
ADM GRANT

ACTION: Motion was made by Council Member Rutherford, seconded by Mayor Pro Tem Warren, and carried unanimously, (1) Adopting **Resolution No. 2009-42**, certifying that there are not any non-profit organizations readily available to carry out the service described in the application submitted by the City of Fontana for Fiscal Year 2009-2010 relating to services under Section 5310 of the Federal Transit Administration Grant Program; and (2) Authorizing the City Manager to sign the necessary grant application and any related documentation to implement the grant.

Council Member Rutherford recused herself from the Council Meeting.

Public hearing was opened regarding Sale of Surplus Property, located at 7792 West Liberty Parkway

Staff presentation was given by Jane Harris.

No one spoke in favor or opposition

The hearing was closed.

PH-C ADPT
RES NO. 2009-43
SALE PRPTY
7792 W LIBERTY

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, and carried by a vote of 4-0-1, with Council Member Rutherford abstaining, (1) Finding that the project is exempt from further environmental review pursuant to Section 3.16 of the Local Guidelines for Implementing the California Environmental Quality Act, with no possibility of significant effects upon the environment, and direct staff to file a Notice of Exemption; (2) Adopting **Resolution No. 2009-43**, finding that the public interest and convenience requires the sale of surplus property, Assessor's Parcel Number 1100-701-36, declaring its intent to sell such property and authorizing the City Manager to execute any documents to effectuate said sale; and (3) Approving a purchase and sale agreement between the City of Fontana and Water of Life Community Church and authorize the City Manager to execute any documents to effectuate said approval.

Council Member Rutherford returned to the Council Meeting.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

E O C

The following Elected Officials Communications were received:

Mayor Pro Tem Warren reminded everyone to come out to the Health and Safety Fair on Saturday, June 13, 2009, from 10:00 a.m. to 2:00 p.m. at Jack Bulik Park.

**HEALTH/SAFETY
FAIR**

Mayor Pro Tem Warren congratulated all of the middle school and high school Graduates, and stated she is very proud of them.

CONGRATS

Council Member Rutherford stated the Mayor and Council Members attended the Conference of League of California Cities in San Diego.

L OF C CONF

Council Member Roberts stated the Mayor and Council Members attended the Conference of League of California Cities in San Diego.

L OF C CONF

Council Member Roberts invited everyone to attend the Flag Day Dedication of the Veterans' Rose Garden on Sunday, June 14, 2009, at 2:00 p.m.

**FLAG DAY
ROSE GARDEN**

Council Member Scialdone stated he represented the Mayor and Council at the Award Ceremony at the Dino Papavero Center.

**AWARD
CEREMONY**

Council Member Scialdone commented on the success of Fontana Days and the parade. He stated it was nice having the Fontana Days Run on a different day than the parade. He commended Community Services for the nice job coordinating the half marathon.

FONTANA DAYS

Council Member Scialdone informed everyone of the Breakfast with Assembly Member Bill Emerson on Saturday, at Mimi's.

**ASSBLY MEM
EMERSON**

Council Member Scialdone encouraged everyone to come out to the Grand Opening of Fernandez Park on Friday, June 26, 2009, at 10:00 a.m.

**FERNANDEZ
PARK**

Council Member Scialdone encouraged everyone to use safe and sane fireworks with caution, and invited everyone to attend the Red, White, and Cruise 4th of July Celebration at the Speedway.

**RED, WHITE
& CRUISE**

Mayor Nuaimi thanked the Sons of Italy for the invitation to their 25th Anniversary Celebration, stated it was a nice event, which his wife and himself enjoyed.

THANKS

Mayor Nuaimi thanked Mayor Pro Tem Warren for the good wishes to his daughter, Jessica, and son, Davis on their graduation from high school, and middle schools.

THANKS

CITY COUNCIL MINUTES

JUNE 10, 2009

Mayor Nuaimi congratulated all graduates, especially the first graduating class from Summit High School. **CONGRATS**

Mayor Nuaimi thanked staff for moving the budget meeting to June 15th. **THANKS**

Mayor Nuaimi thanked City Manager Hunt and his team for keeping the Fontana Community moving forward, especially in the current economy. **THANKS**

Mayor Nuaimi thanked the Exchange Club and City Clerk Lewis for the efforts with Fontana Days. **THANKS**

City Clerk Lewis encouraged everyone to come out to the Historical Society's Flag Day Dedication of the Veterans' Rose Garden. **FLAG DAY
ROSE GARDEN**

CITY MANAGER COMMUNICATIONS: **C M C**

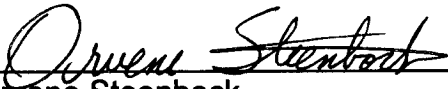
ACTION: Motion was made by Mayor Nuaimi, seconded by Mayor Pro Tem Warren, and carried unanimously, appointing Council Member Rutherford and Mayor Nuaimi to attend the League of California Cities Summit on July 17-18, 2009 regarding Governance and Fiscal Reform. **APPTMT
L OF C
SUMMIT**

ACTION: Motion was made by Mayor Pro Tem Warren, seconded by Council Member Scialdone, and carried unanimously, canceling the June 24, 2009 City Council Meeting. **CANCEL MTG
6/24/09**

City Manager Hunt reported the agenda items of the June 24, 2009, will be moved to the July 8, 2009, City Council Meeting. **AGDA ITEMS**

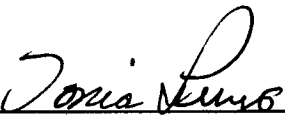
ADJOURNMENT **ADJOURN**

The City Council meeting adjourned by consensus, in Memory of Lance Corporal Joshua Whittle, at 8:35 p.m. to the adjourned Regular City Council meeting on Monday, June 15, 2009 at 3:00 p.m. in the City Hall Executive Conference Room, at 8353 Sierra Avenue, then to 4:00 p.m. in the Steelworkers Auditorium, located at 8437 Sierra Avenue regarding the City's Budget, then to the Retirement Event at Center Stage on Wednesday, June 24, 2009, at 3:00 p.m. then to the next regular Workshop on Wednesday, July 8, 2009 at 5:00 p.m. in the Lewis Library Conference Room, and then to the regular City Council meeting at 7:00 p.m. in the Steelworkers Auditorium located in the Lewis Library and Technology Center, located at 8437 Sierra Avenue, Fontana, CA.



Orvene Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL
ON THE 8TH DAY OF JULY 2009.



Tonia Lewis
City Clerk