

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
JULY 8, 2009**

**WORKSHOP**

A workshop meeting of the Fontana City Council was held on Wednesday, July 8, 2009, in the Lewis Library and Technology Center, Conference Room, 8437 Sierra Avenue, Fontana, CA. Council Member Roberts called the workshop to order at 5:37 p.m.

**ROLL CALL:** Present: Council Members Roberts, Rutherford, and Scialdone. **ROLL CALL**

Absent: Mayor Nuaimi, and Mayor Pro Tem Warren.

Following agenda review and Deputy City Manager comments, the meeting adjourned at 5:45 p.m. to the Closed Session.

**REGULAR CITY COUNCIL MEETING**

The Regular Meeting of the City of Fontana City Council was held on Wednesday, July 8, 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, Council Members Roberts, Rutherford, and Scialdone. **ROLL CALL**

Absent: Mayor Pro Tem Warren.

Following the Invocation by Pastor Enrique Mulgado, the Pledge of Allegiance was led by Mayor Nuaimi.

**CLOSED SESSION:**

The City Attorney announced that the City Council had 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 vs. Michael Schwartz, et al

Case No. San Bernardino Superior Court, Case No. CIVSS 807178

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9:**

Name of Case: Duran vs. City of Fontana  
Case No. SCVSS 143912

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SETION 54956.9(a)**

Name of Party: San Gabriel Water Company  
Application No. A09-07-009

**SPECIAL PRESENTATIONS:**

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- A. Mayor and Council recognized Patricia Murray on her retirement, and Mayor Nuaimi presented her with a plaque.
- B. Mayor and Council proclaimed August 4<sup>th</sup> as “National Night Out”, which was presented by Chief Rod Jones.
- C. Mayor and Council recognized Corporal Kurt Schlotterbeck and Officer Michael Hall as the June Police Department “Employees of the Month” which was presented by Chief Rod Jones.
- D. Mayor and Council proclaimed the month of July as “Parks and Recreation Month” Mayor Nuaimi presented the proclamation to Parks and Recreation Chairman Baker.

**PUBLIC COMMUNICATIONS**

P C

The following Public Communications were received:

- Randy Campbell, Fontana Freemasons, 1025 Oak Glen Lane, Colton, spoke regarding organization signage. FREEMASONS
- Frank Ellis, 10583 Oleander Avenue, spoke regarding fireworks, annexation and moving. FIREWORKS  
ANNEX/MOVING
- Tony Orlich, Randall Avenue, spoke regarding media especially TV. MEDIA

**CONSENT CALENDAR**

C C

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, and carried unanimously, with Council Member Rutherford abstaining on Consent Calendar Item “C”, approving Consent Calendar Items “A-V”.

- A. Approving the minutes of the June 10, 2009 Regular City Council meeting and the June 15, 2009 Adjourned Regular meeting. MINUTES 6/10/09  
6/15/09

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| <p>B. Adopting <b>Ordinance No. 1602</b>, amending the City of Fontana Municipal Code, Chapter 2, Article IV, Section 2-144 changing the date of the regular Parks and Recreation Commission meetings.</p>  | <p>ADPT ORD 1602<br/>P &amp; R NIGHT<br/>CHG</p>             |
| <p>C. Approving sewer reimbursement agreement between the City of Fontana and Water of Life Community Church and direct the City Manager to effectuate execution of the terms of the agreement.</p> <p>Council Member Rutherford abstained on Item C of the Consent Calendar.</p>   | <p>SEWER REIMBMT<br/>AGR WATER OF<br/>LIFE</p>               |
| <p>D. Approving recommended budget changes resulting from the Golden Handshake Retirements, as listed in the Attachment.</p> <p>By consensus, the Council pulled Item D from the Consent Calendar.</p>  | <p>PULLED</p>  |
| <p>E. (1) Eliminating seventeen positions from the City's organizational chart as identified in the Attachment – Page 1.<br/>(2) Approving recommended budget changes resulting from the Golden Handshake Retirements as listed in the Attachment – Page 2.<br/>(3) Increasing the PERS rate stability reserve by \$1 million.<br/>(4) Increasing the reserve for future projects and commitments by \$63,018.</p>                    | <p>GOLDEN<br/>HANDSHAKE<br/>RETIREMENTS</p>                  |
| <p>F. Approving and authorizing the City Manager to execute Amendment No. 1 to the pre-annexation agreement between the City of Fontana and Foothill-Live Oak Investments, landowner for a five-year extension from the original expiration date of the pre-annexation agreement.</p>   | <p>AMD NO. 1<br/>PRE-ANNEXAGR<br/>FOOTHILL-<br/>LIVE-OAK</p> |
| <p>G. Approving the County of San Bernardino's request to use sales tax revenues generated in the City of Fontana's western sphere of influence as outlined in the terms of the Memorandum of Understanding between the City of Fontana and County of San Bernardino.</p> <p>Speaking in favor of Consent Calendar Item "G", was Scott Vanhorne, 2<sup>nd</sup> District Supervisor Paul Biane, 385 N. Arrowhead, San Bernardino.</p> | <p>MOU CO OF S.B.<br/>SALES TAX</p>                          |
| <p>H. Adopting <b>Resolution No. 2009-48</b>, approving a reimbursement resolution in accordance with the State Water Resources Control Board requirements relating to the State Revolving Fund Loan Application for the 1158 Zone Recycled Water Program.</p>  | <p>ADPT RES 09-48<br/>RECYCLED<br/>WATER PROG</p>            |

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| I. | Accepting a petition submitted by Panorama at Hunter's Ridge Homeowner Association requesting the City's enforcement of the Vehicle Code on private roads not open to public use; and, setting a public hearing prior to enactment of the ordinance.   | ACCPET PETITION<br>PANORAMA<br>VEHICLE CODE<br>ENFORCEMENT                                   |
| J. | (1) Adopting <b>Resolution No. 2009-49</b> , approving and accepting a grant in the amount of \$9,602 from the Office of Homeland Security.<br>(2) Increasing estimated revenues in the amount of \$9,602; and, increase appropriations for expenditures in the amount of \$9,602 in Grand Fund 301.<br>(3) Authorizing the Chief of Police or his designee to sign all related grant documents for the term of the grant; and, make purchases of equipment as outlined in the grant.      | ADPT RES 09-49<br>GRANT OFFICE<br>HOMELAND<br>SEC  |
| K. | Accepting donations from multiple donors for use in Fontana's National Night Out to be held on August 4, 2009.   | DONATIONS  |
| L. | Accepting the 2008 Police Department Annual Report.  | PD ANNUAL RPT  |
| M. | (1) Accepting as complete the work performed by Ted Burton's Underground Inc., for the construction of the Cypress Avenue Sewer Relocation Project; approving the final construction amount of \$1,065,560.15; and authorizing the City Engineer to execute and file the Notice of Completion for the City Project Bid No. SB-242-DE-08.<br>(2) Adopting <b>Resolution No. 2009-50</b> , accepting sewers of the Cypress Avenue Sewer Relocation Project as part of the City sewer system. | ACCPET COMP<br>TED BURTON'S<br>UNGRND INC<br>CYPRESS SEWER<br>SB-242-DE-08<br>ADPT RES 09-50 |
| N. | (1) Authorizing the City Manager to execute a supplemental agreement amendment to the basic agreement between the City of Fontana and Union Pacific Railroad Company for the construction, maintenance, and operation of a traffic signal interconnect facility for the Slover Avenue at-grade road crossing.<br>(2) Appropriating funds in the amount of \$65,000 from Measure I.   | AGR UNION PAC<br>CROSSING<br>SLOVER  |
| O. | Authorizing the City Manager to execute a cost sharing agreement with Rialto Unified School District for the Sierra Avenue sewer line from Summit Avenue to Terra Vista Drive.   | AGR RUSD<br>SIERRA SEWER<br>SUMMIT/TERRA V   |

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| <p>P. Accepting as complete the work performed by Hillcrest Contracting, Inc., for the construction of the Citrus Avenue Median Improvement Project from Arrow Boulevard to Merrill Avenue Federal ID No. STPLH-5307(014); approving the final construction amount of \$596,478.29; and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-181-DE-08.</p> | <p>ACCP T COMP<br/>HILLCREST CONT<br/>CITRUS MEDIAN<br/>ARROW/MERRILL<br/>SB-181-DE-08</p> |
| <p>Q. (1) Approving a lease agreement with T-Mobile to install a wireless telecommunications structure on the grounds of Koehler Park.<br/>(2) Authorizing the City Manager to execute the necessary documents.</p>   | <p>LEASE AGR<br/>T-MOBILE<br/>KOEHLER</p>  |
| <p>R. (1) Approving a lease agreement with Verizon to install a wireless telecommunications structure on the grounds of Martin Tudor Park.<br/>(2) Authorizing the City Manager to execute the necessary documents.</p>   | <p>LEASE AGR<br/>VERIZON<br/>MARTIN TUDOR</p>  |
| <p>S. (1) Accepting proposal from MDG Associates, Inc., for preparation of the Five-Year Consolidated Plan and AI documents and for technical assistance with the HUD IDIS System.<br/>(2) Authorizing the City Manager to enter into a contract with the above listed firm through project completion.</p>   | <p>MDG ASSC., INC<br/>5-YR CON PLN<br/>HUD IDIS SYSTM</p>                                  |
| <p>T. (1) Approving the submittal of the Neighborhood Stabilization Program round two grant application.<br/>(2) Authorizing the City Manager to execute any documents or to take actions appropriate for the submittal of said application.</p>  | <p>NGHRHD STAB<br/>PROJ GRANT<br/>APP</p>  |
| <p>U. (1) Approving the real property lease and improvement agreement between the Fontana Redevelopment Agency and Myeongae Han Joung (Charleys Tastee Shoppe designee).<br/>(2) Authorizing the Executive Director or his designee to sign the agreement and any related amendments.</p>   | <p>IMPRVMNT AGR<br/>RDA/M H JOUNG<br/>CHARLEYS</p>   |
| <p>V. (1) Awarding bid and authorizing the City Manager to enter into an agreement with Zumar Industries Incorporated in the amount of \$224,659.86 for the Civic Center Wayfinding Signage Project, SB-11-PW-09.<br/>(2) Authorizing a 5% construction contingency of \$11,233.<br/>(3) Approving an appropriation of \$6,660 from Department ECB to Project No. 9431800601.</p>                             | <p>AGR ZUMAR<br/>SIGNAGE PROJ<br/>SB-11-PW-09</p>  |

**PUBLIC HEARINGS:**

- A. Public hearing was opened regarding Certification of the Final Environment Impact Report – Fire Station No. 71. **(Continued from June 10, 2009)** PH-A FEIR  
 Staff presentation was given by DiTanyon Johnson, Don Williams, AICP, FIRE  
 and Ricardo Sandoval, City Engineer. STATION 71  
 No one spoke in favor or opposition.  
 The hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, and carried unanimously, (1) Adopting **Resolution No. 2009-51**, certifying the Final Environmental Impact Report (State Clearinghouse No. 2008011095), approving the findings in support thereof, and adopting a Statement of Overriding Considerations, approving the Mitigation Monitoring Plan and directing staff to file a Notice of Determination pursuant to the local guidelines for implementing the California Environmental Quality Act; (2) Adopting **Resolution No. 2009-52**, approving a certificate of appropriateness and the necessary findings to make changes to the historic Fire Station No. 71 and the historic A.B. Miller Park site; and (3) Approving Administrative Site Plan No. 09-008, subject to the Findings and Conditions of Approval.

- B. Public hearing was opened regarding Capital Improvement Program PH-B CIP  
 Budget Fiscal Years 2009/10-2015/16 ADPT RES 09-53  
 Staff presentation was given by Fabiola Barrita.  
 No one spoke in favor or opposition.  
 The hearing was closed.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, and carried unanimously, (1) Adopting a Negative Declaration and directing staff to file a Notice of Determination; and (2) Adopting **Resolution No. 2009-53**, adopting the Fiscal Years 2009/2010 through 2015/2016 Capital Improvement Program (CIP).

- C. Public hearing was opened regarding Amending Chapter 32, Article 1, PH-C AMEND  
 of the Fontana Municipal Code regarding Wireless Telecommunication FMC WIRELESS  
 Staff presentation was given by Dawn Clement, and Don Williams, AICP. INTRO ORD1603  
 No one spoke in favor or opposition.  
 The hearing was closed.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Roberts, and carried unanimously, (1) Finding that the project is exempt pursuant to Section 15061 (b)(3) of the California Environmental Quality Act (CEQA), and directing staff to file the Notice of Exemption; and (2) Waiving further reading of and introducing **Ordinance No. 1603**, amending Chapter 32, Article I, of the Fontana Municipal Code

regarding wireless telecommunication facilities, and that the reading of the title constitutes the first reading thereof, with the change of the date on the Ordinance to July 8, 2009.

- D. Public hearing was opened regarding extension of time for Administrative Site Plan, Design Review, Minor Use Permits and Conditional Use Permits

PH-D EXTENSION  
ASP/DR/MUP  
INTRO ORD 1604

Staff presentation was given by Stephanie Hall, and Don Williams, AICP. No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, and carried unanimously, (1) Finding that the project has been reviewed pursuant to the local guidelines for implementing the California Environmental Quality Act (CEQA) and directing staff to file a Notice of Exemption; and (2) Waiving further reading of and introducing **Ordinance No. 1604**, approving an automatic twelve month extension of time for Administrative Site Plan (ASP), Design Review (DR), Minor Use Permit (MUP) and Conditional Use Permit (CUP) approvals and associated implementing approvals, and that the reading of the title constitutes the first reading thereof, with the change of the date on the Ordinance to July 8, 2009.

Council Member Scialdone recused himself from the Council Meeting.

- E. Public hearing was opened regarding Procedures for Formation and Election of Project Area Committee for Amendment No. 9 for the Southwest Industrial Park Redevelopment Project Area

PH-E AMEND 9  
FORM/ELECT  
PROJ AREA  
COMMITTEE  
ADPT RES 09-54

Staff presentation was given by Ray Bragg. No one spoke in favor or opposition. The hearing was closed.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Roberts, and carried by a vote of 3-0-1, with Council Member Scialdone abstaining, (1) to conduct a public hearing to receive and consider all evidence concerning the procedures for the formation and election of the Project Area Committee for Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project Area; and (2) Adopting **Resolution No. 2009-54**, approving and adopting procedures for the formation and election of the Project Area Committee for Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project Area.

Council Member Scialdone returned to the Council Meeting.

F. Public hearing was opened regarding Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Staff presentation was given by Dawn Brooks. No one spoke in favor. Speaking in opposition was Tony Orlich, Randall Avenue The hearing was closed.

PH-F QTRLY LIEN  
SEWER/RUBBISH/  
WEED ABTMNT  
ADPT RES 09-55

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, and carried unanimously, (1) Authorizing 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. Directing staff to forward recorded liens to the County for collection; (2) Authorizing 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. Directing staff to forward recorded liens to the County for collection; and (3) Adopting **Resolution No. 2009-55**, adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.

**NEW BUSINESS:**

N B

A. A prese ntation was given by Fire Protection Staff regarding Omega Sprinklers.

NB-A  
SPRINKLERS

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

E O C

The following Elected Officials Communications were received:

A. Appoi nt a voting delegate and alternate at the 2009 League of CA Cities Conference in San Jose on September 16-18, 2009.

VOTING  
DELEGATES  
LEAGUE OF  
CA CITIES  
LEAGUE OF  
CITIES CONF

By consensus, the City Council appointed Council Member Scialdone as the voting delegate and Council Member Roberts, as the alternate at the 2009 League of California Cities Conference in San Jose on September 16-18, 2009.

**COMMUNICATIONS**

Council Member Rutherford thanked staff of the Police, Fire, and Community Services Departments for their hard work on the Fourth of July event at the Speedway, but stated she missed the hometown feeling of having this event at FOHI.

THANKS

Council Member Roberts commended staff on the great fireworks at the Speedway.

FIREWORKS

**CITY COUNCIL MINUTES****JULY 8, 2009**

Council Member Roberts requested staff to put the sale of safe and sane fireworks on the ballot for next year, so Fontana residents would be able to vote on this issue.	BALLOT FIREWORKS
Council Member Roberts congratulated Pat Murray on her retirement, and commented on what a great lady she is.	CONGRATS
Council Member Scialdone commended staff of the wonderful Fourth of July event at the Speedway, and stated his grandchildren really enjoyed it.	FIREWORKS
Council Member Scialdone stated he agreed with Council Member Roberts regarding placing the sale of safe and sane fireworks issue on the ballot next year so the community can vote on it.	BALLOT FIREWORKS
Council Member Scialdone congratulated Pat Murray on her retirement, and stated his wife, Linda, went to school with Pat's daughter since kindergarten.	CONGRATS
Council Member Scialdone thanked staff and the Fernandez Family for the wonderful grand opening of Fernandez Park.	THANKS
Mayor Nuaimi congratulated staff on the opening of Fernandez Park, and stated the park is a great improvement to the area.	CONGRATS
Mayor Nuaimi expressed his thanks to all staff who spent days setting up at the Speedway for the Fourth of July, but he stated he missed the hometown feeling of having the event at FOHI.	THANKS
Mayor Nuaimi stated he would like to see more non-profit organizations make the Fourth of July Event a fundraiser by selling items at this event.	FUNDRAISER
Mayor Nuaimi commented he was embarrassed to see all of the illegal fireworks shot off in the City of Fontana, and requested the sale of fireworks be placed on next year's ballot.	BALLOT FIREWORKS
Mayor Nuaimi informed the residents of the process of the stimulus funds.	STIMULUS
Mayor Nuaimi thanked Pat Murray for her years of dedication to the City of Fontana, and thanked all former employees who took the Golden Handshake offered this year.	THANKS

**CITY MANAGER COMMUNICATIONS:**

C M C

- A. By consensus the City Council appointed a subcommittee of Council Member Scialdone, and Council Member Roberts to discuss low income housing development incentives.

**ADJOURNMENT**

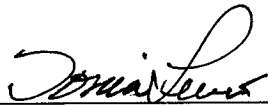
ADJOURN

The City Council meeting adjourned by consensus, at 8:53 p.m. to the next regular Workshop on Wednesday, July 22, 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 22<sup>ND</sup> DAY OF JULY 2009.



Tonia Lewis  
City Clerk