

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
SEPTEMBER 9, 2009
COUNCIL CHAMBERS
8353 SIERRA AVENUE, FONTANA, CA**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, September 9, 2009, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Pro Tem Warren called the workshop to order at 5:05 p.m.

ROLL CALL: Present: Mayor Nuaimi (arrived at 5:11 p.m.), Mayor Pro Tem Warren, Council Members Roberts, Rutherford, and Scialdone. **ROLL CALL**

Absent: None.

Police Chief Jones presented a report on the COPS Hiring Recovery Program Grant.

Dennis Vlasich, Cathie Scanlon, and IT staff presented the new Novus Agenda program installed in the renovated City of Fontana Council Chambers.

Following agenda review and City Manager comments, the meeting adjourned at 6:04 p.m. to the Closed Session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, September 9, 2009, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:04 p.m.

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

Absent: None.

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

SPECIAL PRESENTATIONS:

- | | |
|---|------------------------------|
| A. Mayor and Council recognized Officer Kirsten Ryn as the May 2009 "Employee of the Month." (Chief Rod Jones presented a certificate) | S P
EMP OF MTH |
| B. Mayor and Council proclaimed the month of September as "Energy Efficiency Month". (Kari Provost, American Lung Association accepted the proclamation) | ENERY
EFFICIENCY
MONTH |
| C. Mayor and Council recognized the Martinez Family along with the Fontana Community Coalition for their leadership in the community. (Mayor presented a certificate to Martinez Family) | COMMUNITY
COALITION |
| D. Mayor and Council proclaimed the partnership between the City of Fontana and the U.S. Census Bureau: 2010 Census. (Don Williams, Community Development Director presented a proclamation to Amos Young, Sr.) | U.S. CENSUS
2010 |

PUBLIC COMMUNICATIONS

P C

The following Public Communications were received:

Tony Orlich, Randall Avenue, spoke regarding the media.	MEDIA
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CONSENT CALENDAR

C C

- | | |
|---|---|
| A. Approving the minutes of the August 28, 2009 adjourned regular City Council meeting, as corrected, under Council Member Scialdone's communication, changing A.B. Miller Park to A.B. Miller High School. | MINUTES |
| B. Final Acceptance of the City Hall Council Chambers Remodel Project, SB-007-PW-09. | FINAL ACPT
C C REMDL
SB-007-PW-09 |
| (1) Accepting as complete and authorizing the Public Works Director to execute and file a Notice of Completion for Project SB-007-PW-09. | |
| (2) Approving the final construction amount of \$277,956. | |
| (3) Approving the release of the 10% retention upon satisfactory closure of the contract. | |
| C. Second Amendment to the Reimbursement Agreement between City of Fontana and Citrus and Slover, LLC | PULLED |

Item C was pulled from the consent calendar.

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| D. | Adopting a Resolution establishing Cherry Avenue between Foothill Blvd and Whittram Avenue as a County Highway. | ADPT RES
09-080
CHERRY AVE
FOOTHILL/
WHITTRAM |
| (1) | Adopting Resolution No. 2009-080 , establishing Cherry Avenue between Foothill Boulevard and Whittram Avenue as a County Highway. | |
| E. | Release of Leased Property – Park N Ride Facility | ADPT RES
09-081
RELEASE
PARK N RIDE |
| (1) | Adopting Resolution No. 2009- 081 , approving and authorizing the execution and delivery of certain documents in connection with a proposed release and substitution of leased property. | |
| F. | Fontana Art Association Quarterly Report | ART ASSN
QTRLY RPT |
| (1) | Accepting the Quarterly Report for the Fontana Art Association. | |
| G. | Crossing Guards Service Agreement | AGR FUSD/ESD
CRSSNG GUARD |
| (1) | Approving contract agreement with Fontana Unified School District and Etiwanda School District for Crossing Guard services. | |
| H. | Final Acceptance of SB-381-PD-09 Code Enforcement Remodel | FINAL ACPT
CODE ENF
RMDL FPD
AVACO CONST
SB-381-PD-09 |
| (1) | Accepting as complete the work performed by Avaco Construction, Inc. for the remodel of the Police Department Code Enforcement Unit. | |
| (2) | Approving the final construction amount of \$38,400 and approving the release of the 10% retention upon satisfactory closure of the contract. | |
| (3) | Authorizing the Chief of Police or his designee to execute and file the Notice of Completion for Project SB-381-PD-09. | |
| I. | Adding Policy Regarding Administrative Fines | ADPT RES
09-082
ADM FINES
POLCY 20-61 |
| (1) | Adopting Resolution No. 2009-082 , adding Fontana City Administrative Policy 20-61 “Administrative Fines/Administrative Hearings conducted by teleconference” | |

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, and carried unanimously, with Council Member Rutherford abstaining on Consent Calendar Item “A”, approving Consent Calendar Items “A-B”, and “D-I”. Item C on the consent calendar pulled from the agenda.

PUBLIC HEARINGS:

- | | | |
|----|--|---------------------------------------|
| A. | Public hearing was opened regarding Consolidated Annual Performance Evaluation Report (CAPER) for Fiscal Year 2008-2009.
Staff presentation was given by David Edgar. | PH-A
CAPER
FISCAL YR
2008-09 |
|----|--|---------------------------------------|

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

ACTION: Motion was made by Council Member Rutherford, seconded by Mayor Pro Tem Warren, and carried unanimously, (1) Conducting a Public Hearing on the Consolidated Annual Performance and Evaluation Report (CAPER) that was prepared for the U.S. Department of Housing & Urban Development to report on specific Federal housing assistance and community development activities undertaken by the City of Fontana during Fiscal Year 2008-2009. (2) Authorizing the City Manager to execute any documents necessary to submit the report, along with any comments received during the public hearing and public comment period, to the Department of Housing & Urban Development.

- B. Public hearing was opened regarding Amendment to the Citrus Heights North Specific Plan (Shady Trails) Development Agreement
Staff presentation was given by Don Williams, AICP.
No one spoke in favor or opposition. The hearing was closed.

PH-B
INTRO ORD
1605 AMD
09-07 CITRUS
HGHTS NORTH
SP DEV AGR

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Warren, and carried unanimously, (1) Finding that Amendment No. 09-007 complies with a previously certified EIR and direct staff to file a Notice of Determination per CEQA guidelines 15075; (2) Waiving further reading of and introducing **Ordinance No. 1605**, an Ordinance of the City of Fontana approving Amendment No. 09-007, an amendment of the Citrus Heights North Specific Plan Development Agreement and that the reading of the title constitutes the first reading thereof.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

E O C

The following Elected Officials Communications were received:

Mayor Nuaimi welcomed Council Member Rutherford back and congratulated her on her new baby boy, Noah.

CONGRATS

Council Member Rutherford thanked Mayor Nuaimi, and stated it's a pleasure to be back.

THANKS

Council Member Roberts congratulated Council Member Rutherford on her new baby boy.

CONGRATS

Council Member Roberts commended staff for the outstanding renovation done on the Council Chambers

COUNCIL
CHAMBERS

Council Member Roberts stated he would like to see City Treasurer

CITY TREASURER

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Janet Koehler-Brooks sitting up on the dias during City Council meetings.

Council Member Scialdone encouraged everyone to come out for the "Tip A Cop" fundraiser at Chili's on Monday, September 14, 2009.	TIP A COP
Council Member Scialdone stated the Annual Children's Fair would be held on Saturday, September 19, 2009, in the Fontana Police Department's parking lot.	CHILDREN'S FAIR
Mayor Pro Tem Warren congratulated the Summit Titan on their recent golf tournament.	CONGRATS
Mayor Pro Tem Warren stated she attended the International Conference for Shopping Centers in San Diego with Mayor Nuaimi.	ICSC
Mayor Pro Tem Warren stated the City Council is not part of the ongoing banking struggles, and they are very concerned with doing everything possible to help keep people from losing their homes, including praying.	CONCERN
Mayor Pro Tem Warren stated she attended the grand opening of Upland Christian Academy, who have formed a partnership with Abundant Living Church.	CONGRATS
Mayor Pro Tem Warren encouraged everyone to come out to the "Flex your Power" event at the Lewis Library and Technology Center.	FLEX YOUR POWER
Mayor Pro Tem Warren reminded everyone of the upcoming Boys and Girls Club Annual Golf Tournament on Saturday, September 19, 2009.	GOLF TOURN.
Mayor Pro Tem Warren stated September 19, 2009, is Fontana Day at the L. A. County Fair, and congratulated our three Fontana Community Heroes who will be honored on that day.	FONTANA DAY L.A. FAIR
Mayor Nuaimi stated he attended the ICSC Conference in San Diego, and commented the City of Fontana have many opportunities available.	ISCC
Mayor Nuaimi invited everyone to come out to the 7 th Annual Mayor's Gala, with this years funds to benefit the Fontana Boys and Girls Club.	MAYOR'S GALA
Mayor Nuaimi stated he attended the SANBAG meeting this morning, and stated that funding for two more phases of the Pacific Electric Trail have been obtained.	PACIFIC ELEC TRAIL FUNDING
Mayor Nuaimi stated his son is playing his last year of Pop Warner Football on the Fontana Bucks.	POP WARNER

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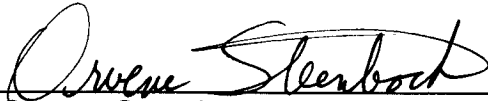
Mayor Nuaimi commented on recent rumors regarding his mayoral position and his family. He stated they were not true, and he is very happy doing what he is doing.

CONCERN

ADJOURNMENT

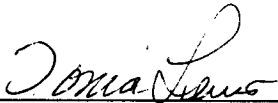
ADJOURN

The City Council meeting adjourned by consensus, at 8:00 p.m. to the League of California Cities Annual Conference in San Jose from September 16 - 18, 2009, then to the next regular City Council meeting to be held on Wednesday, September 23, 2009, with a workshop at 5:00 p.m. in the Executive Conference Room, then to the regular meeting at 7:00 p.m. in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA.



Orvene Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL
ON THE 23RD DAY OF SEPTEMBER 2009.



Tonia Lewis
City Clerk