

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
MAY 12, 2009**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Tuesday, May 12, 2009, in the Lewis Library and Technology Center, Conference Room, 8437 Sierra Avenue, Fontana, CA. Council Member Roberts called the workshop to order at 5:06 p.m.

ROLL CALL: Present: Mayor Pro Tem Warren (arrived at 5:24 p.m.), ROLL CALL
Council Members Roberts, Rutherford, and
Scialdone.

Absent: Mayor Nuaimi.

A presentation was given regarding Graffiti Tracker by Police Chief Rod Jones, Officers Scott Snyder, and Erik Savage.

Following agenda review and City Manager comments, the meeting adjourned at 5:31 p.m. to the Closed Session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Tuesday, May 12, 2009, in the Steelworkers Auditorium in the Lewis Library and Technology Center, 8437 Sierra Avenue, Fontana, CA. Mayor Pro Tem Warren called the meeting to order at 7:00 p.m.

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

Absent: Mayor Nuaimi

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

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 REAL PROPERTY NEGOTIATOR PURSUANT
TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0226-182-11 – 6391 Knox Avenue (Hsiau Ownership)

Negotiator: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

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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

PUBLIC COMMUNICATIONS

P C

The following Public Communications were received:

Tony Orlich, Randall Avenue, spoke regarding money.

MONEY

Matt Slowik, spoke regarding the re-opening of the Fontana Art Association.

ART ASSN

Beverly Thomas, Congressman Joe Baca’s office, spoke regarding upcoming events.

EVENTS

CONSENT CALENDAR

C C

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

:

A. Approving the minutes of the April 28, 2009 Regular City Council meeting, **as revised.**

MINUTES

B. (1) Adopting **Ordinance No. 1594**, superseding Ordinance No. 1398, establishing speed reduction (speed limit) zones within the City of Fontana.

ADPTNG ORD
NOS. 1594, 1595,
1596, 1597, 1598

(2) Adopting **Ordinance No. 1595**, amending Section 10-147 to the Municipal Code to provide informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Gov. Code Section 22000, et seq. of the Public Contracts Code).

(3) Adopting **Ordinance No. 1596**, amending the Fontana Municipal Code, Chapter 2, Article IV, Section 2-142 changing the dates of the regular City Council meetings.

(4) Adopting **Ordinance No. 1597**, amending certain sections of Chapter 3, Article IV, Signs, of the Fontana Municipal Code to regulate temporary non-commercial signs including political signs.

(5) Adopting **Ordinance No. 1598**, approving Specific Plan Amendment No. 08-010 (West End Specific Plan Amendment No. 16), which changes approximately 45 gross acres from Rail Served Industrial (BP3) to a new district to be named Commercial Light Industrial (CLI), and amending the text of the West End Specific Plan to include new uses.

- C. Accepting donations from various donors for use in the City’s 2009 National Night Out. NAT’L NITE OUT
- D. (1) Adopting **Resolution No. 2009-27**, declaring its intention to sell excess land described as Lot E of Tract 16318, filed in Book 307, Page 54 of Maps, County of San Bernardino, commonly known as Assessor’s Parcel Number 1100-701-36, located on West Liberty Parkway south of Miller Avenue and setting a public hearing for consideration of protests. ADPT RES NO.
09-27 SELL
EXCSS LAND

(2) Setting the public hearing for June 10, 2009, for the consideration of protests of the sale of surplus property located on West Liberty Parkway near Miller Avenue.
- E. Authorizing a bond reduction for the performance/labor and material bond for the following Tract:

<u>Tract No.</u>	<u>Principal:</u>	<u>Bond No.</u>	<u>Bond Amount</u>	<u>Reduce To:</u>
17317	Stratham Homes	726486S	\$310,620.00	\$77,655.00

BOND REDUCTN
- F. Authorizing the City Manager to execute a construction contract with Riverside Construction for miscellaneous construction work for the Cypress Avenue at Interstate 10 Overcrossing Project in an amount not to exceed \$200,000.00. CNSTRCT CNTRT
RIVERSIDE CONST
CYPRESS/I-10
- G. Awarding bid and authorizing the City Manager to enter into an agreement with Rudy’s Auto Body for auto body repair services for a period of two (2) years, renewable with three additional one-year increments at the City’s sole discretion. AGRMNT
RUDY’S AUTO
BODY
- H. Adopting **Resolution No. 2009-28**, approving the Disadvantage Business Enterprise Implementation Agreement for Federal Fiscal Year (FFY) 2008/09. ADPT RES
09-28 AGR
DISADVANTAGE
- I. Authorizing the City Manager to execute a construction contract with Alcorn Fence Company for the construction of the Sierra Avenue Metal Beam Guard Rail Project in the amount of \$70,376.25 with a 10% contingency in the amount of \$7,037.63 – Bid No. SB-432-DE-09. CNSTRCT CNTRT
ALCORN FENCE
CO. GUARD RAIL
SB-432-DE-09
- J. Adopting **Resolution No. 2009-29**, amending the boundaries of the existing Redevelopment Survey Area. ADPT RES
09-29 SURVEY
- K. (1) Approving the recommended third-quarter budget changes listed in the Third-Quarter Budget Status Report for Fiscal Year 2008/2009. ADPT RES
09-30 RVSD
JOB DSCRPTN
ENGINEERS

(2) Adopting **Resolution No. 2009-30**, adopting the revised job descriptions for Assistant Engineer, Associate Engineer, Senior Associate Engineer and Senior Engineer.

L. Authorizing the City Manager to place on the list of qualified vendors for Microsoft Dynamic CRM Software Design and Development Information Strategies, of Washington, D.C., and speakTECH, of Costa Mesa, CA.

VENDORS
SOFTWARE

M. Authorizing the City Manager to enter into a contract with Spinitar Incorporated in accordance with General Services Administration Contract GS-03F-0001P to provide and install video conferencing equipment for the joint-use computer lab in the Lewis Library and Technology Center in an amount not to exceed \$49,000.

CNTRCT
SPINITAR INC.
VIDEO CONFRNC.
EQUIPMNT

UNFINISHED BUSINESS:

Fontana Municipal Code Section 20-31 – Department Heads – Exception to Inclusion

UB-A
INTRO ORD
1589
DEPT HEAD
EXCEPT
INCLUSION

ACTION: Motion was made by Council Member Scialdone, and died due to lack of second, to continue this item to the next City Council meeting.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, and carried by a vote of 3-1, with Council Member Scialdone voting against, (1) Waiving further reading of and introducing **Ordinance No. 1599**, amending Chapter 20, Article II, Section 20-31 of the Fontana Municipal Code relating to Department Heads – Exception to Inclusion in Competitive Service, 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:

Council Member Scialdone thanked all volunteers of this year’s Relay for life, especially Pam Tuttle, Gus Hawthorne, Kathy Binks and all the students from Fontana, A.B. Miller, Kaiser and Summit High Schools as well as the Mayor’s Youth Council for their hard work.

RELAY FOR
LIFE

Council Member Scialdone congratulated Council Member Rutherford, and Tonia Lewis for the annual Prayer Breakfast, and stated it was a wonderful event.

PRAYER
BREAKFAST

Council Member Scialdone thanked Chaplain Greg Peck from the Police Department and the Chaplain from Kaiser Hospital for their noon time prayer service.

PRAYER SVC

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Council Member Scialdone stated on May 8, 2009, they all had the opportunity to attend the ground breaking for Kaiser Permanente’s new building.	GROUNDBREAK KAISER
Council Member Scialdone stated he attended the Miss Fontana Pageant Saturday night and congratulated Cesilee Cothran for being crowned Miss Fontana.	MISS FONTANA
Council Member Scialdone wished everyone a safe Memorial Day.	MEMORIAL DAY
Council Member Rutherford thanked the volunteers that helped with this year’s Prayer Breakfast.	PRAYER BREAK- FAST
Council Member Rutherford thanked all who helped the CAP Resource Fair, and stated there was a wonderful turn out, of both providers and those in need of assistance.	CAP
Council Member Rutherford thanked the Public Works Department for the change of gravel to turf on the Pacific Electric Trail.	PET TURF
Council Member Rutherford congratulated Cesilee Cothran and her Court for being crowned at this year’s Miss Fontana Pageant.	MISS FONTANA
Council Member Rutherford encouraged everyone to participate in the special election regarding the state budget next week, and stated Thursday of this week the Governor will be presenting two budgets for if ballot measure pass or fail.	BUDGET ELECTION
Council Member Rutherford encouraged everyone to call their State Representatives on Thursday afternoon and persuade them to fix the state budget without hit local governmental money.	STATE BUDGET
Council Member Roberts congratulated Joan Geist for being recognized as this year’s “Woman of Distinction” by Assemblyman Bill Emmerson.	WOMAN OF YR
Council Member Roberts congratulated Amanda Cothran for being last year’s Miss Fontana, and Cesilee Cothran for become the new Miss Fontana.	MISS FONTANA
Council Member Roberts commented on this Year’s Police and Fire Awards.	POLICE/FIRE AWARDS
Mayor Pro Tem Warren congratulated the new Miss Fontana Cesilee Cothran.	MISS FONTANA

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Mayor Pro Tem Warren announced this Saturday from 8:00 a.m. to 10:00 a.m. the American Lung Association will have a flap jack fundraiser at Applebee's, at \$10 per person.

AMERICAN
LUNG

CITY MANAGER COMMUNICATIONS:

City Manager Hunt stated tonight's meeting will be adjourned to the ICSC Conference in Las Vegas on May 17, 2009, then to the next regular City Council meeting on May 26, 2009.

ADJOURN
MTG

City Manager Hunt thanked the Community Services Department for the fabulous summer activities, and recognized Brent Strong for his hard work budgeting so they are able to offer these summer activities.

RECOGNIZE
BRENT
STRONG

ADJOURNMENT

ADJOURN

The City Council meeting adjourned by consensus, at 7:29 p.m. to the ICSC Conference in Las Vegas, NV on May 17, 2009, then to the next Regular City Council Workshop on Tuesday, May 26, 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 DAY 26TH OF MAY. 2009.

Tonia Lewis
City Clerk