

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JANUARY 27, 2009**

ARTIST SHOWCASE

The work of Featured Artist Josh Hunt was presented.

WORKSHOP

A workshop meeting of the Fontana City Council was held on Tuesday, January 27, 2009 in the Lewis Library and Technology Center, Conference Room, 8437 Sierra Avenue, Fontana, CA. Mayor Nuaimi opened the meeting at 5:38 p.m.

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

Absent: Mayor Pro Tem Warren.

Following agenda review and City Manager comments, the meeting adjourned at 5:55 p.m.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Tuesday, January 27, 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 7:02 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 John Roberts, the Pledge of Allegiance was led by Mayor Nuaimi.

SPECIAL PRESENTATIONS:

Mayor and Council recognized Officer's Brad Guith and Michael Bernholz as the Police Department "Employees of the Year", presented by Chief Rod Jones. PD EMP
OF YR

Mayor and Council recognized Josh Hunt, as the featured Artist of the Artist Showcase.

J. HUNT

PUBLIC COMMUNICATIONS

P C

The following Public Communications were received:

Tony Orlich, Randall Avenue, spoke regarding bravery.

BRAVERY

Hyun Park, 17480 Arrow Boulevard, spoke regarding Park’s Plaza.

PARK’S PLAZA

David Pulido, Sierra Avenue, spoke regarding the Mayor’s State of the City Address Event.

ST OF THE CITY

CONSENT CALENDAR

C C

Staff reports were given on CC Items “J” and “K”.

City Manager Hunt reported a revision to CC Item “S” with the additional wordage of Deputy City Manager “for Administrative Services”.

Council Member Scialdone reported on CC Item “Q”, Co-Sponsorships for the Relay for Life’s request will be changing due to change of venue and the length of the event.

ACTION: Motion was made by Council Member Rutherford, seconded by Mayor Pro Tem Warren, and carried unanimously, approving Consent Calendar Items “A-B” and “D-S” as follows:

A. Approving the minutes of the January 13, 2009 Regular City Council meeting.

MINUTES

B. Accepting donations from multiple donors for use in the Fontana Santa Bicycle Give Away and Volunteer Programs.

DONATIONS

C. PULLED

PULLED

D. Approving the purchase of a mobile law enforcement license plate recognition system from Pips Technology, Inc., located in Anaheim, California.

PIPS TECH. INC.

E. (1) Authorizing the Purchasing Division to piggy-back off of the California Multiple Award Schedule (CMAS) contracts for the Council Chambers furnishings.

CMAS CONTRACT
TANGRAM INT.

- (2) Authorizing the Purchasing Division to purchase furnishings for the Council Chamber project in the amount of \$139,783.79 and authorizing a 5% contingency in the amount of \$6,989.00.
- (3) Designate Tangram Interiors as the installing dealer for the project.

- F. Adopting **Resolution No. 2009-01**, electing to hear future resolutions of necessity for the construction of the Duncan Canyon Road to Interstate 15 Interchange and authorizing the City's general counsel to direct and approve resolution of necessity processes. ADPT RES 09-01
DUNCAN CYN
I-15

- G. Adopting **Resolution No. 2009-02**, electing to hear future resolutions of necessity for the reconstruction of the Citrus Avenue at Interstate 10 Interchange and authorizing the City's general counsel to direct and approve resolution of necessity processes. ADPT RES 09-02
I-10 INTRCHG

- H. Authorizing the City Manager to execute the first amendment to the agreement for the purpose of reimbursing Citrus and Slover, LLC for additional public improvement costs related to a future shopping center at the southeast corner of Slover Avenue and Citrus Avenue. 1ST AMEND
CITRUS/SLOVER
LLC

- I. (1) Accepting bid in the amount of \$299,965.00 and authorizing the City Manager to enter into a construction contract with Sully-Miller Contracting Company, Inc., for the construction of the Pacific Electric Inland Empire Trail Segment 3A; and authorizing a 10% contingency fund in the amount of \$29,996.50. CNST CONTRACT
SULLY-MILLER
CONT. CO. INC.
PAC. ELECT.
INLAND EMP. TRAIL

- (2) Authorizing the City Engineer to administratively approve any street closures as necessary for the safe and timely construction of the project.

- J. Adopting **Resolution No. 2009-03**, approving a Cooperative Agreement with the State of California Department of Transportation (CALTRANS) for project approval and environmental determination (PA&ED) for the I-10/Beech Avenue Interchange Project, Agreement No. 8-1390. ADPT RES. 09-03
COOP AGRMT
CALTRANS
PA&ED
I-10/BEECH

- K. Adopting **Resolution No. 2009-04**, approving a Corporate Agreement with the State of California Department of Transportation (CALTRANS) for project approval and environmental determination (PA&ED) for the I-10/Alder Avenue Interchange Project, Agreement No. 8-1391. ADPT RES 09-04
CORP AGRMT
CALTRANS
PA&ED
I-10/ALDER

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- L. Authorizing the reduction of the performance/labor and materials bonds for the following tracts:

Tract No.	Principal	Bond No.	Bond Amount	Reduce To:	
16877	Wm. Lyon	SU5021708	\$1,167,000.00	\$291,750.00	SU5021708
17824	Wm. Lyon	5026111	\$ 386,600.00	96,650.00	& 5026111
- M. Adopting **Resolution No. 2009-05**, designating City Officers who are authorized to invest funds for the City of Fontana and repealing Resolution No. 2006-123. ADPT RES 09-05
INVEST FUNDS
- N. Adopting the City of Fontana Statement of Investment Policy for 2009. INVSTMT POLICY
- O. Adopting **Resolution No. 2009-06**, designating City officers who are authorized to deposit or withdraw funds in the Local Agency Investment Fund for the City of Fontana. ADPT RES 09-06
DPST/WTHDRW
INVSTMT FUNDS
- P. Accepting donation from the Bel-Air Swap Meet in the amount of \$5,000.00 for use towards the City’s 2008 Festival of Winter. DONATION
- Q. Approving two co-sponsorship applications received from various organizations for Fiscal Year July 1, 2008 through June 30, 2009. CO-SPNSRSHP
- R. Accepting the Department of Justice, Office of Criminal Justice and Planning Grant in the amount of \$89,435.00 for use in the Jack Bulik Teen Center Program. JUSTICE GRANT
- S. Waiving further reading of and introducing **Ordinance No. 1590**, amending Chapter 2, Division 1, Article VII of the Fontana Municipal Code regarding duties of the Department of the City Clerk, that the reading of the title constitutes the first reading thereof, **as revised** adding Deputy City Manager of “**Administrative Services**” to Section 2-295. INTRO ORD 1590
DUTIES OF
CITY CLERK

PUBLIC HEARINGS

Public hearing was opened regarding Appeal No. 08-004, located at 11184 Almond Avenue, filed by Tami Wetzel (Continued from November 25, 2009.) PH-A
DENY APPEAL
2008-004
11184 ALMOND AVE
WETZEL

Written communications was received in favor from Scott Roach, 14188 Durian Avenue.

Staff presentation was given by Paul Gonzales, and Don Williams, AICP. Speaking for the applicant were Tami Wetzel, and Lee Wetzel, 15335 Valley Boulevard.

Speaking in favor was Scott Roach, 14188 Durian Avenue.

No one spoke in opposition. City Attorney noted that Council Members

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Scialdone, and Rutherford viewed the property. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, and carried unanimously, to deny Appeal 08-004, an appeal of the City Council, thereby upholding the unanimous decision of the Planning Commission on August 19, 2008, to deny Appeal No. 08-002, an appeal to the Planning Commission of the Director of Community Development’s decision to deny an extension of time to Conditional Use Permit No. 12561CU/W141-111/04/CUP01.

NEW BUSINESS

Discussion and possible action regarding a joint land use tour of Valley Boulevard between stakeholders, staff and policy makers:

NB-A TOUR
VALLEY BLVD

By consensus, the City Council selected Friday, February 13, 2009, at 9:00 A.M., as the tentative date and time, for the joint land use tour of Valley Boulevard.

Staff presentation was given regarding recovery of legal expenses of Code Enforcement Actions. Staff presentation by Chief Rod Jones, and Ted Porlas.

NB-B
CODE ENFRMNT
LEGAL FEE
RECOVERY
ORD NO 1591

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, and carried unanimously, waiving further reading of and introducing **Ordinance No. 1591**, adding Section 1-13 to Chapter 1 of the Fontana Municipal Code relating to recovery of costs in connection with Code Enforcement activities, that the reading of the title constitutes the first reading thereof.

Staff presentation was given by Lisa Strong, and noted revisions made to the fireworks ordinance as follows:

NB-C
FIREWORKS
ORD NO 1592

Section 15-633. Storage of Fireworks.

(a) Safe and sane fireworks shall be stored at all times in either an approved fireworks stand or in a building meeting the requirements of Section 15-618.

(b) Improperly stored fireworks shall be subject to seizure pursuant to Section 15-619.

Change Section 15-633. Temporary Use Permit to Section 15-634.

Change Section 15-634 Duties of Chief to Section 15-635; add (b) to read as follows: Unless otherwise provided in Article XIII of Chapter 15 of this Code, the Fire Chief shall be responsible for the enforcement, and shall determine the application, of National Fire Protection Association (NFPA) regulations to the sale and use of fireworks, and shall be responsible for all duties assigned to the director for enforcement and/or collection purposes.

Change Section 15-635 to 636. Administrative Fines, Fees and Costs.

(a) The City Council may establish by resolution a regulatory fee applicable to all permits issued by the City for the sale and use of fireworks. This regulatory fee shall be in addition to any fee or tax imposed by this Article or Article XIII of Chapter 15 of this Code. The regulatory fee shall be used to pay for and/or reimburse the City for costs associated with City personnel and equipment required to be deployed for the regulation of the sale and use of safe and sane fireworks. The regulatory fee shall not exceed the necessary or probable expense of issuing the permit and of inspecting and regulating the sale and use of safe and sane fireworks.

(b) The City Council may additionally establish by resolution a fee or fees to recover:

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Warren, and carried unanimously, waiving further reading of and introducing **Ordinance No. 1592**, adding Article XIII A to Chapter 15 of the Fontana Municipal Code relating to fireworks, that the reading of the title constitutes the first reading thereof, **as revised**.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

E O C

The following Elected Officials Communications were received:

Council Member Rutherford encouraged anyone seeing landscape concerns to report them to the landscaping hotline at 428-PARK.

LANDSCAPE

Council Member Roberts stated he had no comments.

NO COMMENTS

Mayor Pro Tem Warren expressed a hardy thanks to Pastor Brody, his church, and the BFW Brothers for their part in the Martin Luther King, Jr., Birthday celebration at the Children’s Library.

THANKS

Mayor Pro Tem Warren commended the children for their great essays on non-violence.

GREAT ESSAYS

Mayor Pro Tem Warren reported on her attendance of the inauguration, the many people from Fontana she saw there and the many outstanding events she was able to attend. She encouraged everyone to pray for the best for our nation.

INAUGURATION

Mayor Pro Tem Warren expressed our need to stay in touch and communicate with our government representatives.

STAY IN TOUCH

Council Member Scialdone thanked Hyun Park for his donation that was on this evening’s Consent Calendar.

THANKS

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Council Member Scialdone stated he attended the January 21, 2009, League of Cities Safety Policy meeting in Sacramento, regarding the issue of parolees not being supervised as a possible budget cut, as well as early prisoner and sex offenders release.

SAFETY POLICY

Council Member Scialdone stated yesterday he represented the Mayor and City Council at Resurrection Academy for their celebration of 48 years of quality education in our city and Catholic School week.

CELEBRATION

Mayor Nuaimi updated the residents on the state budget situation and how it will affect the Citrus and Cherry Avenue overpass projects

UPDATE
STATE BUDGET

Mayor Nuaimi spoke regarding the need for employment and the continued foreclosures of many homes.

FORECLOSURES

Mayor Nuaimi stated the City of Fontana is well positioned, thanks to the City Council, and staff's planning and investing. He expressed thanks to all who believe in this community.

FONTANA

Mayor Nuaimi expressed thanks to Ken Hunt and staff for setting up the city in a stable position for the upcoming year.

THANKS

CITY MANAGER COMMENTS:

C M C

The following City Manager comments were received:

Ken Hunt expressed his frustration with the state budget crisis, but commented on three positive aspects of the City of Fontana: 1) the "Orange Shirts", Public Works Department and the outstanding job they do to keep the City in great condition; 2) the City Manager's Assistant Ms. Colbrunn, for her ability and contacts at the state level to get things accomplished on behalf of the city and other cities in our area; 3) City and Police Department staff working on the budget with the wonderful attitude that "we are all in it together".

3 POSITIVES

ADJOURNMENT

The City Council meeting adjourned by consensus, at 8:57 p.m. to the staff breakfast at Center Stage at 8:30 a.m. on January 28, 2009, then to the Jessie Turner Center for the State of the City Address Luncheon on Thursday, January 29, 2009 at 11:30 a.m. and then to the next Regular City Council Workshop on Tuesday, February 10, 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.

ADJOURN

Orvene Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL
ON THE 10th DAY OF FEBRUARY, 2009.

Tonia Lewis
City Clerk