

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

**WORKSHOP**

A workshop meeting of the Fontana City Council was held on Tuesday, March 10, 2009, in the Lewis Library and Technology Center, Conference Room, 8437 Sierra Avenue, Fontana, CA. Council Member Roberts opened the meeting at 5:14 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 City Manager comments, the meeting adjourned at 5:15 p.m. to the Closed Session.

**REGULAR CITY COUNCIL MEETING**

The Regular Meeting of the City of Fontana City Council was held on Tuesday, March 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 7:34 p.m.

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

Absent: Mayor Pro Tem Warren.

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

**CLOSED SESSION:**

The City Attorney stated they met in Closed Session to discuss the items listed below, with no reportable action. Council Member Rutherford did not participate in the discussion of the second item. C S

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(c)  
Number of Cases: Two

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO  
GOVERNMENT CODE SECTION 54956.95  
Claimant: Cruz Medina and Agueda Miranda vs. City of Fontana  
Claim Number: 2002-49

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Properties: 14505 Foothill Blvd., Fontana, CA (APN 0230-062-41)  
Owner: George A. & Regina M. Flint Pearson; 14604 Foothill Blvd.,  
Fontana, CA (APN 1110-141-14) Owner: Linda S. Shanley  
Property Negotiator: Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

**SPECIAL PRESENTATIONS:**

S P

Mayor and Council proclaimed March 12, 2009 as “Arbor Day”, accepted by Garth Nelson, Community Services Department and Chuck Hays, Public Works Department.

ARBOR DAY

Mayor and Council accepted the award for the U. S. Conference of Mayors’ Cans for Cash Contest, presented to Chuck Hays, Public Works Department.

AWARD

Mayor and Council recognized the following employees:  
Director’s Award Recipients: Tara Cloke and Laura Van Sciver  
Employees of the Year (Full-Time): Hector Vasquez and Larry Watson  
Employees of the Year (Part-Time): Faustino Lopez and Marie Rivera

EMP OF YR

Ann Knickerbocker with Senator Gloria McLeod’s Office presented the above listed employees with recognition certificates from the Senator.

**PUBLIC COMMUNICATIONS**

P C

The following Public Communications were received:

Lulu Gavira, 18054 Valencia Avenue, Ted J. Porter Elementary School spoke regarding the Pacific Electric Trail and the need for a crosswalk by the school.

PACIFIC ELEC TRAIL

Traci Ruthe, Caltrans, spoke regarding road work on the I-15.

I-15

Tony Orlich, Randall Avenue, spoke regarding money.

MONEY

Dawn Speancer, 5946 Meadowbrook, Riverside, Cal State San Bernardino, spoke regarding the Born Free Program.

BORN FREE PROGRAM

**CONSENT CALENDAR**

C C

Tony Orlich, Randall Avenue spoke on Consent Calendar Item “F”.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, and carried unanimously, approving Consent Calendar Items “A-G”:

- A. Approving the minutes of the February 24, 2009 Regular City Council meeting. MINUTES
  
- B. Accepting a donation of stuffed animals in the estimated amount of \$200. DONATION
  
- C. Authorizing the Management Services Department to join in a cooperative bid using General Services Administration (GSA) Contract GS-07F-9491G to purchase a Godwin Dri-Prime Model CD225M trailer mounted trash/sewer pump in the amount of \$40,405.37. COOP BID  
GSA/TRAILER
  
- D. (1) Accepting award in the amount of \$5,000 on behalf of the Public Works Department. (Cash for Cans Contest) AWARD  
 (2) Approving increase in estimated revenue by \$5,000 in Account 38010101.5334; and appropriating \$5,000 to Account 38010101.8010.
  
- E. Adopt **Resolution No. 2009-11**, accepting the proposed distribution of Ad Valorem taxes as requested by the San Bernardino County Auditor-Controller’s Office for the area within Fontana’s Sphere of Influence known as LAFCO 3128 – reorganization to include City of Fontana Annexation No. 172 and detachment from County Service Areas 70 and SL-1 (The annexation generally lies between Foothill Boulevard and Ivy Avenue, east side of Calabash Avenue). ADPT RES  
2009-11  
ANNEX NO 172
  
- F. (1) Adopting **Resolution No. 2009-12**, finding that the public interest and necessity require the sale of surplus property, declaring its intent to sell such property and setting a hearing date for the consideration of protests. ADPT RES  
2009-12  
SURPLUS  
PROPERTY  
 (2) Setting the public hearing for March 24, 2009, for the consideration of the sale of surplus property located on South Highland Avenue west of Mango Avenue.
  
- G. Authorizing the City Manager to execute a contract amendment to the DataNet Laserfiche support agreement to upgrade and implement a new agenda manager software system. DATANET  
LASERFICHE

**PUBLIC HEARINGS:**

Public hearing was opened regarding Fireworks Fees.  
Staff presentation was given by Management Services Director Lisa Strong. No one spoke in favor or opposition. The hearing was closed.

PH-A ADPT RES  
2009-13  
FIREWORKS FEES

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Rutherford, and carried unanimously, adopting **Resolution No. 2009-13**, establishing a regulatory fee applicable to all permits issued by the City for the sale and use of fireworks; a recovery fee for costs related to response exceeding the applicable operations plan; and a recovery fee for costs associated with the storage, transport and disposal of confiscated fireworks.

**NEW BUSINESS:**

Staff presentation was given by Human Resources Director, Ed Raya Regarding amendment to the CALPERS Contract.

NB-A ADPT RES  
2009-14  
ORD 1593  
CALPERS

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, and carried unanimously. (1) adopting **Resolution No. 2009-14**, declaring it intention to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System (CALPERS) and the City of Fontana regarding the change in benefits of the proposed contract; (2) Introduce Urgency **Ordinance No. 1593**, authorizing an amendment to the contract between the City of Fontana and the Board of Administration of the California Public Employees' Retirement System and declaring that the reading of the title constitutes the first reading thereof ; (3) approving Form PERS-CON-12, Certification of Governing Body's Action; (4) approving Form PERS-CON-12A, Certification of Compliance with Government Code Section 7507; (5) approving the Certification of Compliance with Government Code Section 20903; (6) authorizing the Mayor to execute the amendment to the contract authorizing two years additional service credit for all miscellaneous employees who retire between April 5, 2009 and July 3, 2009; and (7) directing the City Clerk, upon adoption of said Resolution, to forward to CALPERS a certified copy of: Resolution of Intention, Certification of Governing Body's Action and Certification of Compliance with Government Code Section 7507 and 20903.

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

E O C

The following Elected Officials Communications were received:

Council Member Rutherford invited anyone willing to help, to come out to the Church of Jesus Christ of Latter Day Saints' Helping Hand Project of inventorying the street lights that need fixing on April 25, 2009,

HELPING HANDS  
PROJECT  
STREET LIGHTS

**CITY COUNCIL MINUTES**

**MARCH 10, 2009**

starting at 3:00 a.m.

Council Member Rutherford stated on the weekend of May 2, 2009, there will a project called "Big Sunday" at the south end of town at the Ettie Lee Youth Home, anyone willing to assist is welcome.	BIG SUNDAY
Council Member Roberts encouraged everyone to come out to the Arbor Day Celebration.	ARBOR DAY
Council Member Roberts stated the VFW Post on Fontana Avenue will be having a Tree Planting Dedication Ceremony, Friday at 2:00 p.m. dedicating trees for our fallen Veterans.	VFW TREE DEDICATION
Council Member Scialdone attended a couple of meetings of the Inland Empire Division Legislative Task Force for the League of California Cities, at which Deputy Director, Department of Finance spoke relative to how the State budget will be for the next few years. Council Member Scialdone stated that the budgetary issues at the State level are far from over.	STATE BUDGET
Council Member Scialdone stated Council Member Roberts and himself attended the garden dedication at the Dorothy Grant Elementary School, and thanked all who participated.	DOROTHY GRANT GARDEN
Mayor Nuaimi stated that pursuant to AB1234, he reported that he traveled to Washington D.C. and received per diem from the City. He traveled with colleagues from SANBAG to lobby for regional transportation and stimulus funds. He also stated that he will be returning to Washington at the end of the month.	TRAVEL
Mayor Nuaimi stated he missed the last couple of meetings because his daughter, Jessica and son, Marcus have been playing basketball, and both of their teams had made the playoffs.	BASKETBALL JESSICA/MARCUS
Mayor Nuaimi congratulated the Summit High School Skyhawks Girls basketball team for making it to the semi-finals.	SKYHAWKS
Mayor Nuaimi expressed congratulations to Rob Bock and his sons for winning the basketball CIF championship for Eisenhower High School.	CONGRATS
Mayor Nuaimi thanked Ken Hunt and staff all the way down the organization for the way they handled the budget, and lay offs. He expressed regrets to the employees impacted, and thanked them for their dedication to the City. He expressed thanks to those who will take the golden handshake that is being offered.	BUDGET IMPACTS
Mayor Nuaimi expressed concerns regarding the State Capitol, the way the State budget is being addressed, the stimulus packages, and federal issues. He stated the City Council and staff will do their	BUDGET ISSUES

best to assist our community and get through this crisis.

**CITY MANAGER COMMUNICATIONS:**

C M C

The following City Manager Communications were received:

Ken Hunt stated due to the \$6.7 million dollar cut to the City budget, staff has had to make many adjustments, such as cuts to: positions, budget spending, programming, which will have a secondary effect on services, the use of some of the City's reserves, the need to offer golden handshakes, and lay offs. He commended the employees who were laid off for their professionalism, and also the staff that works with them. He stated none of this has been easy.

CITY BUDGET

Ken Hunt stated the City of Fontana has made some wise decisions, though we are not sure what the future holds, he stated staff will continue to keep the budget balanced. He stated he feels blessed to have the staff who is willing to cut corners and keep within the budget.

FUTURE

Ken Hunt stated he was honored to speak at the VA hospital last week regarding the City of Fontana's, past, present and future.

VA HOSPITAL

**ADJOURNMENT**

ADJOURN

The City Council meeting adjourned by consensus, at 8:10 p.m. to the next Regular City Council Workshop on Tuesday, March 24, 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.

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Orvene Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 24<sup>th</sup> DAY OF MARCH. 2009.

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Tonia Lewis  
City Clerk