

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
MARCH 24, 2009**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Tuesday, March 24, 2009, in the Lewis Library and Technology Center, Conference Room, 8437 Sierra Avenue, Fontana, CA. Council Member Roberts opened the meeting at 5:11 p.m.

ROLL CALL: Present: Mayor Nuaimi(arrived at 5:22 p.m.), ROLL CALL
Mayor Pro Tem Warren(arrived at 6:05 p.m.),
Council Members Roberts, Rutherford,
and Scialdone.

Absent: None.

A presentation was given by Senior Planner Charles Fahie, AICP; WESTGATE SP
Director of Community Development Don Williams, AICP;
and Unitex Representative Jess Harris regarding the Westgate
Specific Plan.

Following agenda review and City Manager comments, the meeting adjourned at 6:30 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 24, 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 7:07 p.m.

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

Absent: None.

Following the Invocation by Brother Jerry Scott, Westside Baptist Church, the Pledge of Allegiance was led by Mayor Nuaimi.

CLOSED SESSION:

The City Attorney stated they met in Closed Session to discuss the item C S
one upcoming litigation and one ongoing litigation, both were discussed,
with no reportable action on either item.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (b)(c)

Number of Cases: Two

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a):

Name of Case: Town of Apple Valley, City of Fontana et al v. County of San Bernardino, Los Angeles County Superior Court, Case No. KC049711/Second Appellate District, Case No. B 208282

SPECIAL PRESENTATIONS:

S P

Mayor and Council accepted the California Parks and Recreation Society Awards for the Fontana Park and Agency Logo. (Chuck Hays, Public Works Department and Garth Nelson, Community Services Department to present)

CPRS AWARD

Mayor and Council recognized Police Officer’s Jay Sayegh, Brandon Bowie and Pete Breslin and Code Compliance Inspector Luis Tejada as the February 2009 “Employees of the Month”. (Presented by Chief Rod Jones)

EMPLOYEE OF THE MONTH

PUBLIC COMMUNICATIONS

P C

The following Public Communications were received:

Scott Vanhorne, Representative of 2nd District Supervisor Paul Biane, 385 Arrowhead, spoke regarding an upcoming community event.

EVENT

Joan Geist, 8533 Emerald, Fontana Historical Society, spoke regarding an issue with the Fontana Water Company.

WATER

Tony Orlich, Randall Avenue, spoke regarding money.

MONEY

Gloria Zapata & Scott Dillon, Hemlock Avenue, spoke regarding the Fontana Aquatics 50th Anniversary.

AQUATICS

Shawn Glisson, 555 N. El Camino Real, San Clemente, spoke regarding Arbor Day Celebration, and an issue with the Police Dept.

ARBOR DAY

CONSENT CALENDAR

C C

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

CITY COUNCIL MINUTES

MARCH 24, 2009

- A. Approving the minutes of the March 10, 2009 Regular City Council meeting, as revised by the City Attorney. (NB-A should be **Introducing** Urgency Ordinance No. 1593. MINUTES

- B. Accepting as complete the work performed by Penn Woods Corporation for the construction of Walnut Avenue medians Phase I Landscape Improvements from Citrus Avenue to Juniper Avenue; approving the final construction amount of \$388,169.08; and authorizing the City Engineer to execute and file the Notice of Completion for the City Project Bid No. SB-76-DE-07. WALNUT AVE
MEDIAN/LNDSCPE
PENN WOODS
CORP
SB-76-DE-07

- C. (1) Accepting as complete the work performed by Sully-Miller Construction Company for the construction of Foothill Boulevard (Phase I) street improvements from Ilex Avenue to Cherry Avenue; approving the final construction amount of \$3,813,079.89; and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-83-DE-08. FOOHILL BLVD
ST IMPRVMNTS
ILEX TO CHERRY
SULLY-MILLER
CONST.
SB-83-DE-08
RES. 09-15
- (2) Adopting **Resolution No. 2009-15**, accepting sewers in Foothill Boulevard and a branch line stub in Banana Avenue.

- D. (1) Accepting as complete the subdivision improvements in Tract No. 16695 located north of Summit Avenue and east of Citrus Avenue. ACCPT AS COMP
TRT NO 16695
SUMMIT AVE
RES. 09-16
- (2) Adopting **Resolution No. 2009-16**, accepting sewers in Tract No. 16695 as part of the City sewer system.

- E. Authorizing, approving and directing the City Manager to execute a contractual service agreement between the City of Fontana and Avaco Construction, Inc., of Moreno Valley for remodel work at the main Police facility in the amount of \$39,200.00, plus a 15% contingency amount of \$5,880.00. CONT SERV AGR
AVACO CONST.
REMODEL PD
FACILITY

- F. Awarding bid and authorizing the City Manager to enter into an agreement with Crop Production Services for the purchase of herbicides and other chemicals. The term shall be for two years with three one-year extensions at the City's sole discretion. AGR TO PURCH
HERBICIDES
CORP PROD
SERVICES

- G. (1) Approving the Interlocal Agreement concerning the distribution of the 2009 American Recovery and Reinvestment Act Award (Justice Assistance Grant – JAG). INTERLOCAL
AGR 2009 AM
RECVRY &
REINVEST ACT
AWARD (JAG)
- (2) Authorizing the City Manager to sign the Interlocal Agreement for the Justice Assistance Grant (JAG) on behalf of the City of Fontana.

- (3) Approving the expenditure plan for the use of the funds to help offset the cost of three police officers and two sergeant positions within the Police Department.

PUBLIC HEARINGS:

Public hearing was opened regarding Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts. Staff presentation was given by Lisa Strong. No one spoke in favor or opposition. The hearing was closed. Staff requested the Rubbish element of this public hearing be removed, to be brought back at a later date

PH-A QTRLY
LIEN ACTION
DELINQUENT
SEWER
WEED ABATEMNT

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Warren, 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) Adopting **Resolution No. 2009-17**, adopting the Statement of Unpaid Expenses for Weed Abatement and imposing a lien against real property for payment thereof.

Public hearing was opened regarding Resolution Authorizing the Sale of Surplus Property, located on South Highland Avenue. Staff presentation was given by Jane Harris. Written communication was received in favor from Adler Realty Investments, Inc., 20950 Warner Center Lane, Suite C, Woodland Hills, CA. No one spoke in favor or opposition. The hearing was closed.

PH-B SALE
SURPLUS
PROPERTY
S. HIGHLAND

ACTION: Motion was made by Mayor Pro Tem Warren, seconded by Council Member Scialdone, and carried unanimously, (1) Finding that the project is exempt from further environmental review pursuant to Section 3.16 of the Local Guidelines for implementing the California Environmental Quality Act, with no possibility of significant effects upon the environment, and directing staff to file a Notice of Exemption. (2) Adopting **Resolution No. 2009-18**, finding that the public interest and necessity require the sale of surplus property, and declaring its intent to sell such property and authorizing the City Manager to execute any documents to effectuate said sale. (3) Approving a purchase and sale agreement between the City of Fontana and ARI Highland Village, L.P., and authorizing the City Manager to execute any documents to effectuate said sale.

NEW BUSINESS:

N B

Staff presentation was given by Ken Hunt regarding Modification to Section 20-31 of the Fontana Municipal Code – Department Heads Exception from Inclusion in Competitive Service.
No one spoke in favor. Speaking in opposition was Tony Orlich, Randall Avenue.

NB-A MODIFY
MUN CODE
DEPT HEADS

The City Council expressed to staff the modifications they felt needed to be made to the City Manager’s contract and/or the Fontana Municipal Code, and requested that the matter be brought back at a later date.

Staff presentation was given by Jane Harris regarding Summary Vacation of Street Right-of-Way, generally located west of Mango Avenue and north of South Highland Avenue.

NB-B VACA
STREET
RIGHT-OF-WAY

ACTION: Motion was made by Mayor Pro Tem Warren, seconded by Council Member Scialdone, and carried unanimously, (1) Finding that the project is exempt from further environmental review pursuant to Section 3.16 of the Local Guidelines for implementing the California Environmental Quality Act, with no possibility of significant effects upon the environment, and directing staff to file a Notice of Exemption. (2) Adopting **Resolution No. 2009-19**, to summarily vacate a portion of the public right-of-way known as a portion of Lot 16 of Rialto Acres as filed in Book 18 Page 12 of Maps, records of San Bernardino County, State of California and recorded as Easement Deed Number 19970328181.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

E O C

The following Elected Officials Communications were received:

Council Member Rutherford thanked everyone that came out to the non-profit tax workshop, and for all their wonderful comments about the City of Fontana and Jessie Turner Center.

COMMENTS

Council Member Rutherford thanked the Little Leagues for all of the invitations to their Opening Day Ceremonies and stated it is wonderful to be involved.

LITTLE LEAGUE

Council Member Roberts stated he attended Opening Day Ceremonies for a couple of the Little Leagues, and it turned out to be a beautiful day, with great turn outs.

LITTLE LEAGUE

Council Member Roberts stated he just returned from another trip to our Sister City in Mississippi, with the Rotary Club, where they placed a

ROTARY TRIP

CITY COUNCIL MINUTES

MARCH 24, 2009

new flag pole, and assisted in the 4th year of recovery from Hurricane Katrina.

Council Member Roberts stated his youngest son, John Jr. is leaving for the Army next week, and he is very proud of him. JOHN, JR.

Mayor Pro Tem Warren expressed gratitude for the Little League invitations to Opening Day, and stated her enjoyment of the day and the nachos.

Mayor Pro Tem Warren expressed special thanks to the Exchange Club for the remarkable job of recognizing Fontana students at Sierra Lakes. EXCHANGE CLUB DINNER

Mayor Pro Tem Warren thanked her colleagues for attending her "Woman of the Year" recognition event. THANKS

Mayor Pro Tem Warren stated Mayor Nuaimi, Amy Colbrunn, Ken Hunt, and herself went to Washington D.C. on behalf of the City of Fontana, where they attended a conference on energy solutions. She stated there will be more information forthcoming. ENERGY SOLUTIONS

Mayor Pro Tem Warren congratulated John Roberts, Jr. and stated she will be praying for his safety. JOHN, JR.

Council Member Scialdone requested prayers for Adam Ramos, FUSD Board Member Julie Ramos' son, who is in the Children's Hospital in Los Angeles undergoing tests, because they have been unable to find the source of his illness. PRAYERS

Council Member Scialdone stated he attended the Arbor Day Celebrations and had a wonderful time. He stated he took his grandsons back to the Mary Vagle Science and Nature Center on Sunday and enjoyed hiking in the area. ARBOR DAY

Council Member Scialdone encouraged everyone to come out to the Celebrity Luncheon fundraiser for the Boys and Girls Club on Wednesday, April 8, 2009, at the Sons of Itlay. CELEBRITY LUNCHEON

Council Member Scialdone announced Boy Scout Troop #545, will have a spaghetti dinner fundraiser on Friday at the Latter Day Saints Church on Juniper Avenue. SPAGHETTI DINNER

Council Member Scialdone reminded everyone of Cruise Night to be held on April 3, 2009. CRUISE NIGHT

Council Member Scialdone wished everyone a Happy Easter. HAPPY EASTER

CITY COUNCIL MINUTES

MARCH 24, 2009

Mayor Nuaimi thanked the Little Leagues for the invitations, but stated his weekends are crazy with his children, and apologized for not being able to attend the Opening Day Ceremonies.

LITTLE LEAGUE

Mayor Nuaimi expressed congratulations to Gus and Terry Hawthorne on their new grandson, and stated he is a beautiful young boy.

CONGRATS

Mayor Nuaimi stated their travel to Washington, D.C. was paid by the City of Fontana, and Thursday was a full day of meetings with the Department of Energy, and many others including Senators Feinstein, and Boxer. He reviewed the information received during the trip.

WASHINGTON, DC

Mayor Nuaimi stated this evening’s meeting will be adjourning to regional meeting on March 26-27, 2009 (Thursday and Friday at Lake Arrowhead, and then to an Adjourned Regular Meeting on Friday, April 3, 2009, at 9:00 a.m. to discuss fireworks and the City’s golden handshake.

ADJOURN TO:

ADJOURNMENT

ADJOURN

The City Council meeting adjourned by consensus, at 8:34 p.m. to Thursday and Friday, March 26-27, 2009 in Lake Arrowhead and then to an adjourned regular meeting on Friday, April 3, 2009 at 9:00 a.m. then to the next Regular City Council Workshop on Tuesday, April 14, 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 14TH DAY OF APRIL 2009.

Tonia Lewis
City Clerk