

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
APRIL 14, 2009**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Tuesday, April 14, 2009, in the Lewis Library and Technology Center, Conference Room, 8437 Sierra Avenue, Fontana, CA. Council Member Roberts canceled the workshop at 5:31 p.m. due to lack of quorum.

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

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Tuesday, April 14, 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 7:05 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 Pastor Enrique Mulgado, Pilgrim's Progress Chapel, the Pledge of Allegiance was led by Mayor Nuaimi.

CLOSED SESSION:

The City Attorney stated the City Council met in Closed Session to C S
discuss the following items, the first item was not discussed, the
second and third items were discussed, with Council Member
Rutherford not participating in the discussion of the third item, there
was no reportable action.

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 230-081-01; Foothill-Liveoak Investments, L.P. (Foothill Blvd., Phase II Widening Project)

Negotiator: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 1100-701-36; (City of Fontana owner - approximately .6 acres located near the intersection of West Liberty Parkway and the San Sevaine-Etiwanda Creek Channel)

Negotiator: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

SPECIAL PRESENTATIONS:

S P

Mayor and Council recognized the Miss Fontana Contestants, introduced by Pamela Eshleman.

MISS FONTANA

Mayor and Council proclaimed April 25, 2009 as “Donate Life” Walk/Run at Cal State Fullerton, accepted by Perla Carrillo.

DONATE LIFE

PUBLIC COMMUNICATIONS

P C

The following Public Communications were received:

Joan Geist, Fontana Historical Society, 8533 Emerald Avenue, spoke regarding Fontana Water Company.

FONTANA WATER

Tony Orlich, Randall Avenue, spoke regarding media – internet.

MEDIA/INTERNET

John DeSousa, 7565 Concord, spoke regarding foreclosed homes.

FORECLOSURE

Linda Burton, Community Assistance Program, CAP 6th annual resource fair.

CAP FAIR

CONSENT CALENDAR

C C

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

CITY COUNCIL MINUTES

APRIL 14, 2009

- A. Approving the minutes of the March 24, 2009 Regular City Council meeting and the April 3, 2009 Adjourned Regular meeting. MINUTES
- Garth Nelson and Frances Hernandez, Community Services gave the staff report on Calendar Item B.
- B. Accepting Kaiser Permanente Southern California Fund for Community Charitable Contributions Grant in the amount of \$43,000 for use in the Aquatic Program and authorize the City Manager to execute the agreement. GRANT AQUATIC PROGRAM
- C. Authorizing the City Manager to execute a utility undergrounding fair share cost and lien agreement with Sierra Investment, LLC for the undergrounding of utilities on the northeast corner of Citrus Avenue and Slover Avenue; and to authorize the release of the securities for Conditional Use Permit No. 02-022. UNDRGRNDING UTILITIES CITRUS/SLOVER
- D. (1) Accepting as complete the subdivision improvements in Tract Nos. 16678 and 16678-1 located north of Santa Ana Avenue and east of Cypress Avenue. ACCPT CMPLT TRCT NOS 16678/16678-1
(2) Adopting **Resolution No. 2009-20**, accepting sewers in Tract Nos. 16678 and 16678-1 as part of the City sewer system.
- E. (1) Accepting as complete the subdivision improvements in Tract Nos. 16678-2 and 16678-3 located north of Santa Ana Avenue and east of Cypress Avenue. ACCPT CMPLT TRCT NOS 16678-2/16678-3
(2) Adopting **Resolution No. 2009-21**, accepting sewers in Tract Nos. 16678-2 and 16678-3 as part of the City sewer system.
- F. (1) Accepting as complete the subdivision improvements in Tract No. 17410 located on Hibiscus Street between Catawba Avenue and Citrus Avenue. ACCPT CMPLT TRCT NO 17410
(2) Adopting **Resolution No. 2009-22**, accepting sewers in Tract No. 17410 as part of the City sewer system.
- G. Accepting replacement of securities for Tract No. 16873 necessitated by change in ownership of the tract and authorize the City Manager to enter into a subdivision agreement with Lewis Operating Corporation for the construction of improvements. ACCPT RPLCMNT SECURTY TRCT NO 16873
- H. Awarding the professional auditing services contract to Lance, Soll, & Lunghard for the fiscal years ending June 30, 2009, 2010, and 2011 in the amount of \$55,780, \$57,420 and \$59,100, respectively, and to authorize the City Manager to execute the consultant services agreement. PRFSSNL AUDIT SERVICE LANCE/SOLL & LUNGHARD

- I. (1) Awarding professional services RFP SP-224-IT-09 to C2C Systems, Inc., of Springfield, MA for the Archive One Suite of Products for Email and File Archiving and Retention for an amount not to exceed \$65,000.
- (2) Authorizing the City Manager to enter into a professional services agreement for installation, setup, and on-going maintenance and support services for the Archive One Suite with annual renewal option for up to five years.

PRFSSNL SRVCS
AGR RFP SP-224-IT-09/C2C SYSTM

PUBLIC HEARINGS:

Public hearing was opened regarding Quarterly Lien Action for Delinquent Rubbish Accounts (Continued from March 24, 2009) Staff presentation was given by Lisa Strong. No one spoke in favor or opposition. The hearing was closed.

PH-A APPROVE
QTRLY RUBBISH
LIEN

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, and carried unanimously, (1) Authorizing staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the certified lien list. Directing staff to forward recorded liens to the County for collection.

Public hearing was opened regarding Ordinance Amending the Fontana Municipal Code Regarding Temporary and Non-Commercial Signs. Staff presentation was given by Debbie Brazill, and Shannon Casey. No one spoke in favor or opposition. The hearing was closed.

PH-B CONT
4/28/09
TMPRY/NON-COM
SIGNS

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, and carried unanimously, Continuing the Ordinance Amending the Fontana Municipal Code Regarding Temporary and Non-Commercial Signs to the City Council Meeting of April 28, 2009.

Public hearing was opened regarding Fiscal Year 2009-2010 One-Year Action Plan Staff presentation was given by Dave Edgar. No one spoke in favor or opposition. The hearing was closed.

PH-C ADPT 1-YR
ACTION PLAN

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Warren, and carried unanimously, (1) Adopting the Fiscal Year 2009-2010 One-Year Action Plan detailing the utilization of federal entitlement funds in said fiscal year and authorizing the City Manager to execute any and all documents necessary to effectuate said approvals.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

E O C

The following Elected Officials Communications were received:

Council Member Roberts requested continued prayers for Rosemary Koehler.

PRAYERS

Council Member Roberts thanked staff for their diligence of clearing illegal dumping.

THANKS

Council Member Roberts stated some of the Council Members and staff will be traveling to Sacramento tomorrow to hopefully resolve some issues.

SACRAMENTO

Council Member Scialdone stated he attended League of Cities meeting in Arrowhead and felt it was a very helpful meeting.

ARROWHEAD

Council Member Scialdone stated he attended the April 2nd League of Cities, Safety Policy Meeting in Los Angeles.

SAFETY POLICY
MTG

Council Member Scialdone thanked everyone who attended the Celebrity Luncheon fundraiser for the Boys and Girls Club.

CELEBRITY
LUNCHEON

Council Member Scialdone expressed special thanks to Kathy Binks for all her hard work over the years as an advocate for the children.

SPECIAL THANKS

Council Member Scialdone stated Council Member Rutherford and himself attended the Sierra Lakes Community meeting.

COMM MTG

Council Member Scialdone congratulated Officer Brad Van Dyke on his retirement yesterday, and wished him the very best.

RETIREMENT
BRAD VAN DYKE

Council Member Rutherford stated she also attended the City and County meeting in Arrowhead, but it left her feeling very dismal.

ARROWHEAD

Council Member Rutherford stated she felt the meeting in Sacramento tomorrow will be just as dismal and depressing.

SACRAMENTO

Council Member Rutherford encouraged everyone to come out and participate in the Annual Community Prayer Breakfast.

PRAYER BRKFST

Council Member Rutherford commended Community Services and Public Works staff for acting quickly, and installing changing tables in the bathrooms of all the City of Fontana Community Centers.

THANKS

Council Member Rutherford thanked everyone for their condolences in the loss of her stepfather, Manual.

THANKS

CITY COUNCIL MINUTES**APRIL 14, 2009**

Mayor Pro Tem Warren thanked Community Services staff for the great job they do on Healthy Fontana.	HLTHY FONTANA
Mayor Pro Tem Warren commended the Jessie Turner Center staff for the new kiosks loaded with information on Healthy Fontana programs.	THANKS
Mayor Pro Tem Warren stated she took her daughter to get her driving permit last week, and was very pleased with the service at the DMV.	DMV
Mayor Pro Tem Warren stated with the economy being such a challenge it is great to see the bargain at Center Stage's Classic Movie weekend showing "Gone with the Wind", on Friday, April 24, 2009, at 7:00 p.m., and "Snow White and the Seven Dwarfs, on Sunday, April 26, 2009, at 2:00 p.m. at a cost of \$5.00.	CLASSIC MOVIES CTR STAGE
Mayor Nuaimi thanked his colleagues for traveling to Sacramento tomorrow.	THANKS
Mayor Nuaimi stated he did attend the meeting in Arrowhead, and expressed concern for the amount of foreclosures upcoming in our area if nothing changes with the economy.	ARROWHEAD
Mayor Nuaimi stated Ken Hunt, the Deputy City Managers and himself will be meeting on Friday, regarding the current economy impacts.	ECONOMY IMPACTS
Mayor Nuaimi thanked Paul Biane for his recent workshop regarding foreclosures at the Jessie Turner Center.	FORECLOSURE WKSHP
Mayor Nuaimi stated the DMV is looking to build a new building in the City of Fontana.	DMV
Mayor Nuaimi encouraged everyone to come out Saturday and celebrate the one year anniversary and 1 millionth visitor of the Lewis Library and Technology Center.	LIBRARY CELEBRATION
Mayor Nuaimi thanked Kathy Binks and Council Member Scialdone for their dedication to the Boys and Girls Club Celebrity Luncheon.	CELEBRITY LUNCHEON
Mayor Nuaimi stated April 8, 2009, was his daughter's 18 th Birthday.	BIRTHDAY
Mayor Nuaimi thanked Kaiser High School for having him come out and speak today.	THANKS
Mayor Nuaimi requested continued prayers to Rosemary Koehler.	PRAYERS

CITY COUNCIL MINUTES

APRIL 14, 2009

City Manager, Ken Hunt stated tonight's meeting will be adjourning to the Legislative Committee meeting in Sacramento on April 15, 2009, then to the next Regular City Council Workshop and Meeting on April 28, 2009. ADJOURN

ADJOURNMENT

ADJOURN

The City Council meeting adjourned by consensus, at 8:06 p.m. to an adjourned meeting on April 15, 2009 in Sacramento with the Legislative Committee and then to the next Regular City Council Workshop on Tuesday, April 28, 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 28TH DAY OF APRIL. 2009.

Tonia Lewis
City Clerk