

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
APRIL 28, 2009**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Tuesday, April 28, 2009, in the Lewis Library and Technology Center, Conference Room, 8437 Sierra Avenue, Fontana, CA. Council Member Roberts called the workshop to order at 5:31 p.m.

ROLL CALL: Present: Mayor Nuaimi (arrived at 5:54 p.m.), Council Members Roberts, Rutherford, and Scialdone **ROLL CALL**

Absent: Mayor Pro Tem Warren

A presentation was given by Police Chief and Fire Battalion Chief regarding the Fire and Police Department's July 4th Operations Plans.

Following agenda review and City Manager comments, the workshop adjourned at 5:58 p.m. to the Closed Session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Tuesday, April 28, 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 Roberts, the Pledge of Allegiance was led by Mayor Nuaimi.

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 230-081-7; Southwest corner of Foothill Boulevard & Hemlock Avenue (Owner – Martin Holiday)

Negotiator: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

SPECIAL PRESENTATIONS:

S P

Mayor and Council recognized Artist Rickie Dickerson.

ARTIST

Mayor and Council proclaimed the week of May 3-9, 2009 as “Municipal Clerks Week”, accepted by City Clerk Tonia Lewis.

CLERKS WEEK

Mayor and Council proclaimed the week of May 10, 2009 as “Blue Ribbon Week”, accepted by Chief Jones.

BLUE RIBBON WEEK

PUBLIC COMMUNICATIONS

P C

The following Public Communications were received:

Stephen Yang, Friends of the Pacific Electric Trail, 7825 Zephyr Street, spoke regarding the Cucamonga Challenge 2009.

PACIFIC ELEC

Daniel Quiroza, Fontana Middle School Travel Club, expressed thanks to the Council and community for their support.

THANKS

Edward Ramirez, 17406 Owen Street, spoke regarding paint balls.

PAINT BALLS

Tony Orlich, Randall Avenue, spoke regarding media status.

MEDIA STATUS

John De Sousa, 7565 Concord, spoke regarding future hiring of employees.

HIRING

Don Johnson, Southridge U.S.A., 9199 Jurupa Road, Riverside, spoke regarding cycling trails on the south side of town.

CYCLING TRAILS

CONSENT CALENDAR

C C

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, and carried unanimously, approving Consent Calendar Items “A-H”:

A. Approving the minutes of the April 10, 2009 Regular City Council meeting.

MINUTES

B. Authorizing the City Manager to enter into a hosted services agreement with Sungard Public Sector to set up a remote computer hot site to maintain business continuity for the City’s mission critical computer applications in the event of loss or disruption of the City’s Data Center Operations due to a disaster.

SRVC AGRMT
SUNGARD
DATA CTR OP

C. (1) Awarding RFP SP-354-IT-08 to Icon Enterprises, Inc., dba CivicPlus.

PRFSNL SRVC
AGRMT
ICON

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- (2) Authorizing the City Manager to enter into a professional services agreement on a task order basis for an amount not to exceed \$255,110.00 for the initial design and an on-going support and services agreement to host the City’s website for an amount not to exceed \$19,000.00 per year with an annual escalation cap not to exceed 5% per year. ENTERPRISES/
CIVICPLUS
WEBSITE

- D. (1) Awarding bid and authorizing the City Manager to enter into an agreement with Elite Bobcat Services, Inc., in the amount of \$537,762.00 for the construction of the Catawba Avenue Pavement Rehabilitation Project SB-400-PW-09 and authorizing a 10% contingency in the amount of \$53,776.00. AGRMT ELITE
BOBCAT SER, INC
CATAWBA AVE

- (2) Authorizing the Public Works Director to administratively approve and implement short term street closures and detours during construction.

- E. Waiving further reading of and introducing **Ordinance No. 1594**, superseding Ordinance No. 1398, establishing speed reduction (speed limit) zones within the City of Fontana, and that the reading of the title constitutes the first reading thereof. INTRD ORD
1594 SPEED
LIMIT ZONES

- F. (1) Adopting **Resolution No. 2009-23**, adopting Uniform Public Construction Cost Accounting Procedures. ADPT RES
2009-23
INTRD ORD

- (2) Waiving further reading of and introducing **Ordinance No. 1595**, amending Section 10-147 to Chapter 10 (Public Project Contract Procedures), Article V of the Fontana Municipal Code regarding Purchasing to provide informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Gov. Code Section 2200, et seq. of the Public Contracts Code), and that the reading of the title constitutes the first reading thereof. 1595
UNIFORM CONST
COST ACCTNG
ACT

- G. Adopting **Resolution No. 2009-24**, amending Fontana City Administrative Policy 20-15 “Use of Council Chambers, Executive, Heritage, Departmental Conference Rooms.” ADPT RES
2009-24
ADM PLCY 20-15

- H. Waiving further reading of and introducing **Ordinance No. 1596**, amending the City of Fontana Municipal Code, Chapter 2, Article IV, Section 2-142 changing the dates of the regular City Council meetings, and that the reading of the title constitutes the first reading thereof. INTRD ORD
1596
CHG DATES OF
CC MTGS

PUBLIC HEARINGS:

(Continued from April 14, 2008)

Public hearing was opened regarding Ordinance Amending the Fontana Municipal Code Regarding Temporary and Non-Commercial Signs PH-A
AMD TEMP
NON-COMM

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Staff presentation was given by Shannon Casey, AICP; and Don Williams, AICP.

SIGNS

Speaking in favor was John De Sousa, 7565 Concord.
No one spoke in opposition. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, and carried unanimously, (1) Determining that the Ordinance is categorically exempt pursuant to Section 15321, Class 21, of the State CEQA Guidelines and direct staff to file the Notice of Exemption. (2) Waiving further reading of and introducing **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, and that the reading of the title constitutes the first reading thereof. By consensus, the City Council requested the deletion of (g) under (a) Development Standards, as follows:

~~g. No more than eighty (80) square feet of temporary non commercial signage may be erected on any single parcel of land.~~

Public hearing was opened regarding Inland Empire Utilities Agency Sewerage Facilities Expansion Fees Increase
Staff presentation was given by Dan Chadwick.
No one spoke in favor. Speaking in opposition was Tony Orlich, Randall Avenue. The hearing was closed.

PH-B
IEUA SEWER
FAC EXP FEES
INCREASE

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, and carried unanimously, (1) Adopting **Resolution No. 2009-25**, approving an increase to the Sewer Expansion Fee for sewage collection and treatment services in accordance with yearly increases imposed by the Inland Empire Utilities Agency for Fiscal Year 2009/10.

Public hearing was opened regarding Fiscal Year 2008/09 One-Year Action Plan
Staff presentation was given by David Edgar.
No one spoke in favor or opposition. The hearing was closed.

PH-C
2008/09 1 YR
ACTION PLAN

ACTION: Motion was made by Mayor Pro Tem Warren, seconded by Council Member Rutherford, and carried unanimously, (1) Approving a substantial amendment to the Fiscal Year 2008/09 One-Year Action Plan.

Public hearing was opened regarding Specific Plan Amendment No. 08-010 (Amendment No. 16 to the West End Specific Plan)
Staff presentation was given by Stephanie Hall.
No one spoke in favor or opposition. The hearing was closed.

PH-D
SPA 08-010
INTRD ORD
1598

ACTION: Motion was made by Council Member Rutherford, seconded by Mayor Pro Tem Warren, and carried unanimously, (1) Finding that the project has been reviewed pursuant to the Local Guidelines for implementing the California Environmental Quality Act (CEQA) and adopting a Negative Declaration and directing staff to file the Notice of Determination. (2) Waiving further reading of and introducing **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, and that the reading of the title constitutes the first reading thereof.

NEW BUSINESS:

Discussion regarding City Council Benefit Compensation was led by Ken Hunt. By direction of the City Attorney, the words “and other Elected Officials” were added to the Resolution.

NB-A
ADPT RES
2009-26
AMD ELECTED
OFFICIALS
BENEFITS

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Nuaimi, and carried unanimously, (1) Adopting **Resolution No. 2009-26**, amending the health and welfare benefit options available to the Mayor and City Council **and other Elected Officials. Amended as follows:** A Resolution of the City Council of the City of Fontana amending the health and welfare benefit options available to the Mayor and City Council **and other Elected Officials.**

Now, therefore, be it resolved, by the City Council of the City of Fontana **that** the health and welfare benefit options **available to the Mayor and City Council and other elected officials of the City are amended** to include a cash back option for non-use of City medical and dental **plans** similar to that afforded other **City management** employees.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

E O C

The following Elected Officials Communications were received:

Council Member Roberts thanked Daniel Quiroza, Teacher from Fontana Middle School Travel Club for the great effort he makes taking the students to Washington, D.C., and getting the students involved with our government.

THANKS

Council Member Rutherford stated she went to Sacramento as part of the League of Cities, Legislative Days.

LEGISLATIVE
DAYS

Council Member Rutherford reminded the public of the CAP Resource Fair to be held at the Jessie Turner Center on April 30, 2009, from 10:00 a.m. to 2:00 p.m.

CAP RESOURCE
FAIR

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Council Member Rutherford invited everyone to the Annual Prayer Breakfast on Thursday, May 7 th , at 7:30 a.m.	PRAYER BRKFST
Mayor Pro Tem Warren stated it is very rewarding to see the youth of Fontana Middle School Travel Club have the opportunity to travel and gain the experiences of government. She expressed thanks to Matt Slowik for his fundraising on their behalf.	TRAVEL CLUB THANKS
Mayor Pro Tem Warren stated she attended the Lewis Library and Technology Center's One-Year Anniversary and was very pleased.	LIBRARY
Mayor Pro Tem Warren stated she was proud to represent the City of Fontana at the Inland Valley News Banquet.	NEWS BANQUET
Mayor Pro Tem Warren told her daughter "I love you".	LOVE
Council Member Scialdone reported he attended the League of California Cities Legislative Days in Sacramento.	LEGISLATIVE DAYS
Council Member Scialdone thanked the Community Services Department for their Annual Volunteer Banquet, and congratulated the individuals that were honored at this outstanding event.	THANKS CONGRATS
Council Member Scialdone stated he attended the Lewis Library and Technology Center One-Year Anniversary and the one millionth visitor celebration.	LIBRARY
Council Member Scialdone stated today he had the opportunity to swear in four new Police officers.	NEW OFFICERS
Council Member Scialdone informed the residents that this Saturday at Fontana High School will be the annual Relay for Life from 9:00 a.m. to 9:00 p.m. He encouraged everyone to come out and support the cause.	RELAY OF LIFE
Council Member Scialdone stated that May 9, 2009 will be the Miss Fontana Pageant.	MISS FONTANA
Council Member Scialdone wished all Mothers a Happy Mother's Day and commented Moms are very special people in our lives.	HAPPY MOTHER'S DAY
Mayor Nuaimi congratulated the library staff on the One-Year Anniversary celebration and also those who were recognized at the Volunteer Dinner.	CONGRATS
Mayor Nuaimi requested an update at a future meeting on the latest Teen Fest Activities.	TEEN FEST

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Mayor Nuaimi stated while he was golfing at Sierra Lakes on Saturday, he was approached by someone who requested the dog park be expanded and maybe a drinking fountain be added for the dogs. He commented how he has been surprised by the big success of the dog park.

DOG PARK

Mayor Nuaimi thanked Daniel Quiroza for helping to change the destiny of the students of the Fontana Middle School Travel Club, and thanked the community for the support of this program.

THANKS
TRAVEL CLUB

Mayor Nuaimi commented on the St. Bernadine Urgent Care facility opening along the I-210 corridor.

URGENT CARE
FACILITY

Mayor Nuaimi stated next Friday will be the ground breaking for the Kaiser Permanente construction project.

GROUND
BREAKING

Mayor Nuaimi commented on the progress of the Cypress Avenue I-10 overpass.

CYPRESS
OVERPASS

Mayor Nuaimi requested tonight's meeting to be adjourned in memory of Marshal Hanson.

MEMORY

CITY MANAGER COMMUNICATIONS:

City Manager Hunt commented on the past year's partnership of the City of Fontana and the County of San Bernardino Fire for the operation of the Fontana Fire Protection District. He stated it has been a learning experience for both parties and they met last week to discuss the lessons learned over the past year, and the contract with a change of approximately one percent for the upcoming year. He expressed his thanks for the opportunity to work with fire and office staff, noting everyone has been great to work with.

FFPD
PARTNERSHIP

City Manager Hunt recognized Evelyne Ssenkoloto of the City of Fontana Redevelopment Agency. He stated our Redevelopment Department is approximately the third largest in the state. He commended Evelyne on her hard work coordinating with Director Ray Bragg.

RECOGNITION

City Manager Hunt stated he was also in Sacramento for League of Cities, Legislative Days.

LEGISLATIVE
DAYS

ADJOURNMENT

ADJOURN

The City Council meeting adjourned by consensus, at 8:54 p.m. in Memory of Marshal Hanson, to the next Regular City Council Workshop on Tuesday, May 12, 2009 at 5:00 p.m. in the Lewis Library Conference Room, and then to the regular City

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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 12TH OF MAY 2009.

Tonia Lewis
City Clerk