

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
MAY 26, 2009**

**WORKSHOP**

A workshop meeting of the Fontana City Council was held on Tuesday, May 26, 2009, in the Lewis Library and Technology Center, Conference Room, 8437 Sierra Avenue, Fontana, CA. Council Member Roberts called the workshop to order at 5:19 p.m.

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

Absent: Mayor Nuaimi.

Following agenda review and City Manager comments, the meeting adjourned at 5:49 p.m. to the Closed Session.

**REGULAR CITY COUNCIL MEETING**

The Regular Meeting of the City of Fontana City Council was held on Tuesday, May 26, 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 7:01 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 Council Member Roberts, the Pledge of Allegiance was led by Mayor Nuaimi.

**SPECIAL PRESENTATIONS:**

S P

Mayor and Council to proclaim the month of May as "Older Americans Month". (Linda Elliott accepted the proclamation)

OLDR AMRCN MTH

**PUBLIC COMMUNICATIONS**

P C

The following Public Communications were received:

Tony Orlich, Randall Avenue, spoke regarding campaign & elections.

CAMPAIGN

Dave Jamieson, 9732 Kaiser Court, spoke regarding blighted houses.

BLIGHT HOUSES

Barbara T, Walnut Village, spoke regarding a victim of crime.

CRIME

**CONSENT CALENDAR**

C C

Staff reports were given on Consent Calendar Item “K” by Senior Engineer Noel Castillo, and Consent Calendar Item “L” by City Manger Ken Hunt.

Tony Orlich, Randall Avenue, spoke in opposition of Consent Calendar Item “L”.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, and carried unanimously, with Mayor Nuaimi abstaining on Consent Calendar Item “A”, approving Consent Calendar Items “A-O”;

- A. Approving the minutes of the May 12, 2009 Regular City Council meeting. MINUTES
- B. Authorizing the Management Services Department to join in a cooperative bid using General Services Administration (GSA) Contract GS-06F-0031N for elevator maintenance service with Thyssenkrupp Elevator Corporation. GSA CNTRCT  
TYSSENDRUPP  
ELEVATOR CORP
- C. Awarding bid and authorizing the City Manager to enter into an agreement with Pacific Building Care for janitorial services, SP-365-PW-09 for a period of two years, renewable for three additional one-year increments at the City’s sole discretion. AGR PACIFIC BLDG  
CARE JANITORIAL  
SERVICES
- D. Awarding bid and authorizing the City Manager to enter into an agreement with:  
Valley Crest Landscape Maintenance in Area 1  
Spectrumcare Landscape Management in Area 2  
California Landscape and Design Inc., in Area 3 AGRMNTS  
VALLEY CREST  
SPECTRUMCARE  
CALIF LNDSCP
- E. (1) Accepting as complete and authorizing the Public Works Director to execute and file a Notice of Completion for final acceptance for the construction of San Bernardino and Etiwanda Avenues Force Main, Project SB-44-PW-07. N OF COMP  
S. B./ETIWANDA  
SB-44-PW-07
- (2) Approving the release of the 10% retention upon satisfactory closure of the contract.
- F. (1) Adopting **Resolution No. 2009-31**, authorizing submittal of the Energy Efficiency and Conservation Block Grant (EECBG) Application and designating the City Manager as the authorized signer on behalf of the City. ADPT RES. NOS.  
2009-31/2009-32  
EECBG/ARRA

- (2) Adopting **Resolution No. 2009-32**, authorizing submittal of the American Recovery Act and Reinvestment Act of 2009 (ARRA) Application and designating the City Manager as the authorized signer on behalf of the City.
  
- G. (1) Accepting as complete the work performed by Olivas Valdez, Inc., for the construction of the Pacific Electric Inland Empire Trail-Segment 2 (Juniper Avenue to Tokay Avenue), SB-38-RA-06. COMP. OLIVAS VALDEZ, INC. PACIFIC ELEC SGMNT 2 SB-38-RA-06
- (2) Authorizing the Redevelopment Director to execute and file a Notice of Completion.
- (3) Approving the final construction amount of \$1,752,833.45.
- (4) Approving the release of the 10% retention upon satisfactory closure of the contract.
  
- H. Adopting **Resolution No. 2009-33**, approving the Redevelopment Agency’s use of public funds for certain work pursuant to Health and Safety Code Section 33445 and making certain findings with regard thereto. (RRM Design Group – Downtown Façades) ADPT RES NO 2009-33 RDA - RRM DSGN DWNTWN FAC
  
- I. Adopting **Resolution No. 2009-34**, approving the Redevelopment Agency’s use of public funds for certain work pursuant to Health and Safety Code Section 33445 and making certain findings with regard thereto. (Pacific Electric Trail Segments) ADPT RES NO 2009-34 RDA PACIFIC ELEC TRAIL
  
- J. Approving the execution of Amendment No. 6 to the Engineering Services Agreement with Parsons Brinckerhoff Quade & Douglas Inc., for the amount of \$150,000.00 for a total not to exceed contract amount of \$3,355,375.34 for construction management services for Downtown Revitalization Projects. AMDMNT NO 6 PARSONS/ BRINCKERHOFF/ QUADE & DOUGLS DWNTWN PRJ
  
- K. (1) Authorizing the City Manager to execute a construction contract with Mega Way Enterprises, for the construction of the Foothill Boulevard Median Landscape Project located on Foothill Boulevard from Citrus Avenue to Oleander Avenue and from East Avenue to Cherry Avenue in the amount of \$2,969,661.40 and authorizing a 10% contingency in the amount of \$296,966.14 – Bid No. SB-384-DE-09. CONSTR CNTRCT MEGA WAY ENT. FOOTHILL BLVD MEDIAN LNDSCP PRJ CITRUS/OLEANDER EAST/CHERRY
- (2) Relieving Western RIM Constructors, Inc., of their bid in accordance with Sections 5100, et seq., of the Public Contract Code.
  
- L. Approving the purchase of a video surveillance system for the Police Department from NIC Partners and Xiotech Corporation VIDEO SURVLNC SYST. NIC PRTNRS

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in the amount of \$240,301.67, plus, a contingency amount of \$8,877.67.

XIOTECH CORP

M. Authorizing the donation of police equipment to the Fontana Historical Society Museum.

DONATION

N. Accepting Fontana Arts Association Quarterly Report.

ART ASSN QTRLY

O. Authorizing the City Manager to renew an agreement with the Fontana Art Association to offer Cultural Arts Programming at the Fontana Art Association facility and the Art Depot and authorizing the City Manager to execute any documents necessary to effectuate said agreement.

AGRMNT FONT.  
ART ASSN.  
PRGRMNG AT  
ART ASSN & ART  
DEPOT

**PUBLIC HEARINGS:**

Public hearing was opened regarding Fire Station 71 – continue to June 10, 2009.

PH-A CONT  
FIRE STN 71  
6/10/09

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, and carried unanimously, (1) Continuing the final EIR for Fire Station No. 71, the “Certificate of Appropriateness” to make changes to the Historic Park Site and Historic Fire Station and Administrative Site Plan No. 08-009 for the construction of Fire Station No. 71 to the June 10, 2009, City Council meeting.

Public hearing was opened regarding Adjustments to Sewer Service Rates. Staff presentation was given by Public Works Manager Dan Chadwick, and IEUA Richard Atwater.

PH-B SEWER  
SERVICE ADJ

Written communications in opposition were received from: Mercedes Todesco, Rancho La Fon Mobile Park, 331 Laguna Terrace, Simi Valley; Brad Harris 3038 W. 850 S. Bunker Hill, IN; Margaret C. Cardenas, 17295 Los Cedros Avenue, Fontana; Benjamin Hernandez; Martin M. Chow, Sharmaye Chow, 11269 Bethany Drive, Rancho Cucamonga; Wanda Sawyer, 8978 Chantry; Elva Acosta, 14768 Alabama Court; Olivia M Garcia, 7585 Concord Avenue; Demitilo Corona Vaca; Roberta O. Haley, 15549 Old Castle Road; Omar Manamcola, 15637 Iris Drive; Nicholas Santa Anna 1491 Weeping Willow Lane; David and Susi Newland, 14564 Alberta Lane; Rodolfo Briones, Jr., 15546 Gulfstream Avenue; Clarence and Theresa Winkleman, 11544 Bell Tower Drive, Marfrid Enriquez, 15045 Astor Lane; Richard Garcia, 6962 Tahoe Way; Anders A. Anderson, 7440 McClellan Court; Mario Aranda, 16236 Seville Avenue; Brett Del Valle, PRP Investors Fontana, LLC, 417 29<sup>th</sup> Street, Newport Beach(17051 Casmalia Street, 17017 Sierra Lakes Boulevard, 16927 Sierra Lakes Parkway, 16923 Sierra Lakes Parkway, 16933 Sierra Lakes Parkway, 16975 Sierra Lakes Parkway, 16953 – 16963 Sierra Lakes Parkway); Richard Garcia, 6962 Tahoe Way.

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Speaking in favor were: Forrest Jordan, 17388 Merrill Avenue; and Dianne Ohiosumua, 17757 Athol Street; Speaking in opposition were Gerald Santora, Fountain Village Apartment, 17015 San Bernardino Avenue and Tony Orlich, Randall Avenue  
The hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, and carried unanimously, (1) Adopting the written report regarding parcels affected by the proposed ordinances. (2) Adopting Urgency **Ordinance No. 1600**, reaffirming and increasing sewer service rates beginning on July 1, 2009 and declaring the urgency thereof. (3) Waiving further reading of and introducing **Ordinance No. 1601**, reaffirming and increasing sewer service rates beginning on July 1, 2009, and that the reading of the title constitutes the first reading thereof.

**UNFINISHED BUSINESS:**

Staff presentation was given by Ken Hunt, regarding Fontana Municipal Code Section 20-31 – Department Heads – Exception from Inclusion

UB-A  
DEPT HEADS  
EXCEPTION FRM  
INCLUSION

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Roberts, and carried by a vote of 3-2, with Mayor Nuaimi, and Council Member Scialdone opposing (1) Adopting **Ordinance No. 1599**, amending Chapter 20, Article II, Section 20-31 of the Fontana Municipal Code relating to Department Heads – Exception from Inclusion in Competitive Service.

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

E O C

The following Elected Officials Communications were received:

Mayor Pro Tem Warren reminded everyone of the Thursday “Kick Off” at the new Hilton Gardens, for the American Lung Association.

KICK OFF

Mayor Pro Tem Warren mentioned the Breakfast with Assembly Member Bill Emmerson at Mimi’s Café Saturday, June 13, 2009.

BREAKFAST

Mayor Pro Tem Warren wished all the graduates a Happy Graduation.

GRADUATION

Mayor Pro Tem Warren wished all fathers a Happy Father’s Day.

FATHER’S DAY

Council Member Rutherford commented of the Council’s last week travel to Las Vegas for the ICSC Conference.

ICSC CONF

Council Member Rutherford reminded everyone of the Fontana Days Parade this Saturday, at 10:00 a.m. and the Fontana Days Carnival at Veterans Park.

FONTANA DAYS

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Council Member Rutherford encouraged everyone to please visit the new website: [saveyourcity.net](http://saveyourcity.net).

WEBSITE

Council Member Roberts congratulated some of our local family members who received their Master Degree, they are: Beverly Thomas, Amanda Cothran, and Kathleen Farris.

CONGRATS

Council Member Roberts thanked our local VFW and American Legion for Memorial Day Service at Green Acres.

THANKS

Council Member Roberts commented he had dropped his car off and walked to City hall. While he walked he saw graffiti along his route, called it into the graffiti hotline, and commended the graffiti clean up team on their quick response.

GRAFFITI

Council Member Scialdone stated he also attended the ICSC Conference in Las Vegas.

ICSC CONF

Council Member Scialdone stated he attended the Fire and Police Recognition Dinner on Thursday, May 21, 2009.

RECOGNITON  
DINNER

Council Member Scialdone expressed his condolences on the passing of Rosemary Koehler, and stated he had been pleased to see her at the Relay for Life, just two weeks ago.

ROSEMARY  
KOEHLER

Council Member Scialdone requested prayers for Natalie Verdugo, Lydia Wibert's eleven month old granddaughter who has leukemia.

PRAYERS

Council Member Scialdone reminded everyone Fontana Days starts on Thursday, with the Parade on Saturday.

FONTANA DAYS

Mayor Nuaimi expressed the pleasure it was to know Rosemary Koehler, her beautiful smile and that she had been looking forward to going to be with Charlie. He questioned staff about designating a chair in the renovated Council Chambers in her memory.

ROSEMARY  
KOEHLER

Mayor Nuaimi congratulated his daughter, Jessica for graduating from high school and his son Davis, from 8<sup>th</sup> grade.

CONGRATS

Mayor Nuaimi commented he is blessed his to have his wife, Suzanne raising and caring for his children, who he is very proud of.

BLESSED

Mayor Nuaimi thanked Council Member Scialdone for his friendship and integrity.

THANKS

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Mayor Nuaimi stated he also attended the ICSC Conference in Las Vegas.

ICSC CONF

**CITY MANAGER COMMUNICATIONS:**

City Manager Hunt recognized Community Service Department's Jennifer Hunt, for stepping in as Acting Community Services Manager.

RECOGNITION

City Manager Hunt stated the next City Council meeting will be held on a Wednesday June 10, 2009, at 7:00 p.m.

WEDNESDAY  
MEETINGS

**ADJOURNMENT**

ADJOURN

The City Council meeting adjourned by consensus, in Memory of Rosemary Koehler, at 8:02 p.m. to the next Regular City Council Workshop on Wednesday, June 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.

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Orvene Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL  
ON THE DAY 10<sup>TH</sup> OF JUNE 2009.

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Tonia Lewis  
City Clerk