

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
MARCH 24, 2010**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, March 24, 2010, City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the workshop to order at 5:36 p.m.

ROLL CALL:

Present: Mayor Nuaimi and Council Members Roberts and Rutherford.

Absent: Council Members Scialdone and Warren.

Following agenda review and City Manager comments, the meeting adjourned at 5:56 p.m. to Closed Session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, March 24, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the meeting to order at 7:07 p.m.

ROLL CALL:

Present: Mayor Nuaimi, Mayor Pro Tem Scialdone, and Council Members Roberts, Rutherford, and Warren (arrived at 7:50 p. m.).

Absent: None.

CLOSED SESSION:

The City Attorney announced that the City Council had met in Closed Session at 6 p.m. to discuss the following items with no reportable action.

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

Properties: (1) 11213 Citrus Avenue (APN 0255-071-42), Owner: Alonzo Heathcock; (2) APN 0255-071-01, property located on the south easterly corner of Citrus and Santa Ana Avenues, Owner: Henry M. Shigekuni; (3) 11269 Citrus Avenue (APN 0255-071-25), Owners: Robert and Beverly McGinty;

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(4) 11153 Citrus Avenue (APN 0255-071-48), Owner: Maria J. Boshae Trust;
(5) 10861 Citrus Avenue (APN 0255-011-30), Owner: Annette Patricia Carlo;
(6) 10895 Juniper Avenue (APN 0255-071-30), Owner: Dayle V. Pipher; and
(7) 11133 Citrus Avenue (APN 0255-071-29), Owner: David E. Brown
Property Negotiator: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 16157 Valley Boulevard (APN 0251-121-22), Owner: Han-Chung Lee
Property Negotiator: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

Following the Invocation by Ar-Rahman Islamic Center President and Religious Director Imam Faiz Shah, the Pledge of Allegiance was led by Mayor Nuaimi.

SPECIAL PRESENTATION:

A. Mayor Nuaimi and the City Council introduced Community Services Director Garth Nelson who introduced Community Services Manager Kyla Brown and Frances Hernandez to introduce the Part-Time and Full-Time Community Services Department 2009 Employees of the Year. Community Services Manager Kyla Brown presented awards to Part-Time Employees of the Year Eydee Jimenez and Sammie Young. Community Services Manager Frances Hernandez presented an award to Full-Time Employee of the Year Rafael Gonzalez. Community Services Director Garth Nelson presented the 2009 Director's Award to Maria Torres.

PUBLIC COMMUNICATIONS:

The following Public Communication was received:

California Senior Legislature Assembly Member Fran J. Givens spoke regarding the 30th Anniversary Celebration of the California Senior Legislature, the California Fund for Senior Citizens on California State Franchise Tax Board Form 540, and supported issues by the Assembly.

Mayor Nuaimi stated that during the workshop held earlier, the Mayor and City Council requested updates to be heard on Consent Calendar Items H, J, and M.

CONSENT CALENDAR:

A. Approval of Minutes.
Approve the minutes of the March 10, 2010, regular City Council Meeting.

- B. Adoption of Ordinance No. 1617
Waive further reading of and adopt **Ordinance No. 1617**, an Ordinance of the City of Fontana approving Zone Change No. 09-008, a zone change to the Zoning District Map to change approximately 17.7 adjusted gross acres of property (APNs 0240-061-05, -06, -22 and -23) from Medium Density Residential (R-2) to Single-Family Residential (R-1) located on the north side of Walnut Avenue, between Cypress Avenue and Juniper Avenue.
- C. Accept Donation from W.J.S. Trust
Accept donation from W.J.S. Trust of an artistic sculptured reptile cage valued at approximately \$6,500 for use at the Mary Vagle Museum and Nature Center.
- D. Fontana Art Association Quarterly Report
Receive and order filed staff report.
- E. Final Acceptance of the Community Services Department Administrative Offices Construction Remodel and Renovation Project
(1) Accept as complete the work performed by Abboud Diamond Construction, Inc. for the construction remodel and renovation of the new Community Services Department Administrative Offices located at 16860 Valencia Avenue, Fontana, CA (Former Valencia Library).
(2) Approve the final contract amount of \$1,652,684.00 and authorize the Community Services Director to execute and file the Notice of Completion for City Project Bid Number SB135-HD-08.
- F. Fontana Community Senior Center Coffee/Juice Bar Lease Agreement
Authorize the City Manager to enter into a Lease Agreement with Rafaela V. Alarcon, Sole Proprietor, dba Tacos Y Jugos Xalisco, Inc. to offer food and beverage preparation and retail services at the Fontana Community Senior Center Coffee/Juice Bar and authorize the City Manager to execute any documents necessary to effectuate said agreement.
- G. Fontana Community Senior Center Beauty Salon Lease Agreement
Authorize the City Manager to enter into a lease agreement with Melly's Barber and Beauty to offer hair, nail, and retail services at the Fontana Community Senior Center Beauty Salon and authorize the City Manager to execute any documents necessary to effectuate said agreement.
- H. Award a Contract for Foothill Boulevard Street Improvements

Senior Engineer Noel Castillo presented a status report.

Mayor Nuaimi verified that the landscape improvements would begin this spring and completion is scheduled for Fall 2010.

Authorize the City Manager to execute a contract with All American Asphalt for the construction of street and infrastructure improvements on Foothill Boulevard between Cherry Avenue and Hemlock Avenue in the amount of \$3,802,080 and authorize a 10 percent contingency in the amount of \$380,208 for Bid No. SB-08-DE-10.

I. Final Acceptance of Completed Components of Community Facilities District (CFD) No. 31 Citrus Heights North

Accept as complete the work performed by International Pavement Solutions, Inc. for the construction of Summit Avenue street asphalt paving from Lytle Creek Road to Citrus Avenue and the Knox Avenue traffic signal, which are Components 2E and 2F of the Funding and Acquisition Agreement dated October 1, 2005.

J. Accept grant awards for the allocation of STIP and Local Stimulus Funds for Citrus Interchange Project

Administrative Analyst Monique Molina and Principal Planner Kevin Ryan presented a status report.

(1) Authorize the City Manager to accept a State Transportation Improvement Program (STIP) allocation in the amount of \$3,238,000 for the I-10 Citrus Avenue Interchange Project and authorize staff to request monthly reimbursements.

(2) Authorize the City Manager to accept the San Bernardino Associated Governments (SANBAG) Local Stimulus Program funding in the amount of \$2,679,517.76 for the I-10 Citrus Avenue Interchange Project and authorize staff to request monthly reimbursements.

(3) Authorize staff to appropriate \$3,238,000 to Grant Fund 301 and \$2,679,571.76 to Grant Fund 302.

K. Adopt a Resolution Authorizing Staff to Apply for the 2010/2011 Community-Based Transportation Planning Grant

Adopt **Resolution No. 2010-015**, a Resolution of the Mayor and City Council of the City of Fontana authorizing staff to submit an application to the California Department of Transportation (Caltrans) for the 2010/2011 Community-Based Transportation Planning (CBTP) Grant Program Funds and authorizing the City Manager to enter into a contract with Caltrans if the grant is awarded.

L. Adopt a Negative Declaration of Environmental Impact for Sidewalk and Associated Street Improvements

Adopt a Negative Declaration of Environmental Impact pursuant to the Local Guidelines for Implementing the California Environmental Quality Act (2009) and direct staff to file a Notice of Determination for sidewalk

and associated minor street improvements adjacent to Jurupa Hills High School.

- M. Adopt a Resolution to Execute a Cooperative Agreement for the I-10/Cherry Avenue Interchange Project

Administrative Analyst Monique Molina and Principal Kevin Ryan presented a status report.

Kevin Ryan commented that both the Cherry and Citrus Interchange Projects are scheduled to begin in summer of 2011.

Mayor Nuaimi commented that both projects would be bid on together.

Adopt **Resolution No. 2010-016**, a Resolution of the City Council of the City of Fontana, executing a Cooperative Agreement between the City of Fontana, the San Bernardino County Board of Supervisors, and the San Bernardino Associated Governments Board of Directors for the Right of Way Phase of the I-10/Cherry Avenue Interchange Project.

- N. Disaster Recovery Assistance

Adopt **Resolution No. 2010-017**, authorizing the designation of applicant's agent for disaster recovery purposes for the California State Office of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA).

- O. Accept and Approve Sealed Proposal Results for Pavement Management Program Services

- (1) Award a Contract to Infrastructure Management Services, Inc. to provide Pavement Management Program Services.
- (2) Authorize the City Manager to enter into a two year contract with three one year extensions at the City's sole discretion.

- P. Donation of Surplus Vehicle

Approve the donation of a City surplus vehicle to the Fontana Unified School District Police Department.

“A-P” as recommended by staff.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, and carried unanimously by vote of 4-0 with Council Member Warren absent, to approve Consent Calendar Items “A-P”.

PUBLIC HEARING:

- A. The Public Hearing was opened regarding Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts.

Written communication in opposition was received from Russell Merwin. No other written communication was received.

Staff presentation was given by Management Services Accounting Manager Dawn Brooks.

Don Pederson completed a card to speak but left the meeting.

Russell Merwin spoke in opposition of how the assessments were conducted, and regarding the licensing and bid process for assessment contractual services.

No one else spoke in favor or opposition.

The hearing was closed.

Council Member Rutherford requested City Attorney Alsop to comment on the written communication received.

City Attorney Alsop stated that he did not have enough information to comment.

Chief of Police Jones stated that the Department will bring forth license information for the contractor to address the concern.

ACTION: Motion was made by Mayor Pro Tem Scialdone, seconded by Council Member Roberts, and carried unanimously by vote of 4-0 with Council Member Warren absent to continue the item to the April 14, 2010, meeting.

UNFINISHED BUSINESS: None.

Council Member Warren arrived at 7:50 p.m. during the following item.

NEW BUSINESS:

- A. City Council Goals and Objectives

Staff presentation was given by Deputy City Manager David Edgar to review the existing and proposed City Council Goals and Objectives.

ACTION: Motion was made by Mayor Pro Tem Scialdone, seconded by Council Member Rutherford, and carried unanimously to:

(1) Re-adopt the existing City Council Goals and Objectives as amended to include the following italicized language additions to the second and fourth objectives under Goal No. 7, To Concentrate on Inter-Governmental Relations by:

- Establishing partnerships *and positive working relationships* with other public agencies providing services to residents.
- Advocating Fontana's position in regional, state, *and federal* Organizations; and

(2) Adopt and incorporate the proposed City Council Goals and Objectives into the appropriate existing City Council Goals and Objectives.

- B. Election Ballot Measure relative to Fireworks for November 2, 2010, General Election.

ACTION: Motion was made by Mayor Pro Tem Scialdone, seconded by Council Member Roberts, and carried unanimously to continue the item to the April 14, 2010, meeting to allow the City Attorney to revise the administrative cites portion of the proposed ordinance.

- C. Approve Project Funding Plan and Authorize Cash Flow Advances

Staff presentation was given by Principal Planner Kevin Ryan and Management Services Director Lisa Strong.

Mayor Nuaimi commented on the sources of funding for the projects.

ACTION: Motion was made by Mayor Pro Tem Scialdone, seconded by Mayor Nuaimi, and carried unanimously to:

(1) Approve the Project Funding Plan for the Citrus I-10 Interchange Project, the Cherry I-10 Interchange Project, and the Pacific Electric Trail Project; and

(2) Authorize Cash Flow Advances from the General Fund up to \$5 million for the period from Fiscal Year 2009/10 through Fiscal Year 2011/12, and up to \$8 million for the period from Fiscal Year 2012/13 through Fiscal Year 2014/15, to be repaid as funds become available from future development fees with interest at four percent.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

Mayor Pro Tem Scialdone announced the Annual Fontana Boys and Girls Club Celebrity Waiters Luncheon will be held on Wednesday, April 28, 2010, at 12 p.m. at the Sons of Italy. Tickets are \$20 per person and those interested can contact 909-822-4988.

Council Member Warren apologized for arriving late due to a few appointments and stated she was glad to be present at the meeting.

Council Member Warren spoke regarding her attendance at Coyote Canyon for Little League team openings this past Saturday. The facilities are great for recreation for youths and parents, Aftershock was present, and over 2,300 tickets were sold for the upcoming Quakes Game.

Council Member Warren announced both her and City Treasurer Janet Koehler-Brooks' attendance at a welcoming ceremony for the new Reverend Francine Brookins, Esquire, at Bethel AME Church. Reverend Brookins is a great addition to the faith-based community.

Council Member Warren reminded residents of the Lefty's Family 5K Run beginning at 7 a.m. on Saturday, at the Automobile Club Speedway. Winners for the Healthy Fontana Challenge will be announced, events will continue until Noon, and approximately 12-20,000 attendees will be present. Council Member Warren encouraged residents to be part of 2010 participants and sign up for free at www.healthyfontana.org.

Council Member Warren congratulated her son Jamal who is now a Deputy Sherriff in San Bernardino.

Council Member Roberts congratulated Council Member Warren's son Jamal on his achievement as Deputy Sherriff in San Bernardino.

Council Member Roberts thanked the Community Services Department for the successful Little League opening days.

Council Member Roberts attended the Ephesians New Testament Church 25th Anniversary Banquet for Pastor Emory James and his wife Venice. Council Member Roberts announced that Pastor James suffered from a recent heart attack and he wished him prayers and the best recovery.

Council Member Rutherford announced the Community Assistance Program (CAP) Resource Fair which will take place from 12-4 p.m. on Thursday, April 29, 2010, at the Jesse Turner Center. Free information on private and public services and activities will be available at the event and on the website www.fontanacap.org.

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Council Member Rutherford spoke regarding the outcomes of the Fontana Police Officers Association charity football game. The Fontana Police Eagles lost by one touchdown in the last few minutes of the games against the Ventura Hawks. Thanks to those who made the event successful.

Council Member Rutherford announced that she and the Council, as well as community volunteers, have three more weeks to collect signatures to support the ballot measure to prevent the State from borrowing tax dollars that support the local community. If the ballot measure is not approved, then over \$40 million dollars in tax-payer redevelopment funds will be taken by the State over the next two years.

Council Member Rutherford announced recent resident concern regarding the response by the City's graffiti removal program due to staffing challenges and other City public works projects. Residents are encouraged to email graffiti@fontana.org or call City Hall and the hotline 350-GONE to report graffiti. The Public Works Department will continue to improve the service back to its previous outstanding standards.

Mayor Nuaimi wished supportive prayers to Pastor James and his family after the successful double bypass surgery.

Mayor Nuaimi announced his and his fellow Council Member's participation in the 26th Annual City/County Conference held last week. The struggle continues with the State legislature.

Mayor Nuaimi announced the low response rate of the Fontana Community in completing their 2010 Census Forms. The 13 percent response rate is low compared to the national average of 20 percent. With 16,000 homes in the City, phone calls reached 8,500 homes successfully. Public service announcements on KFON, commercials, flyers, and other staff outreach efforts will continue to allow for an accurate count of the community.

CITY MANAGER COMMUNICATIONS:

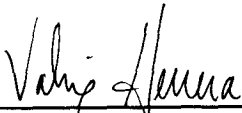
A. Verbal Presentation on the Google Fiber to Community Program

Staff Presentation was given by Information Technology Director Dennis Vlasich.

Discussion was held on Google's national campaign to conduct an experiment on affordable broadband services in chosen communities.

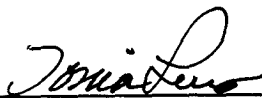
ADJOURNMENT:

The City Council meeting adjourned by consensus at 8:20 p.m. to a joint adjourned regular meeting with Fontana Unified School District to be held on March 29, 2010, at 6:30 p.m., in the John D. Piazza Education Center located at 9680 Citrus Avenue and then to the next regular meeting which will be held on April 14, 2010, with workshop at 5 p.m. and the regular meeting at 7:00 p.m. in the Council Chambers located at 8353 Sierra Avenue, Fontana, CA.



Valerie Herrera
Administrative Analyst II

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON
THE 24th DAY OF MARCH 2010.



Tonia Lewis
City Clerk