

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JANUARY 13, 2010**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, January 13, 2010, in the City of Fontana Development Services Organization Conference Room, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the workshop to order at 5:08 p.m.

ROLL CALL:

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

Absent: None.

(A) The Fontana City Council Regular Meeting Agenda was reviewed.

(B) Discussion on the Housing Element Update with Planning Commission was tabled.

(C) City Manager Comments

Following agenda review and City Manager comments, the meeting adjourned to the Regular Meeting.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, January 13, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the meeting to order at 7:04 p.m.

ROLL CALL:

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

Absent: None.

Following the Invocation by Executive Pastor Phil Kaufman from Water of Life Ministry, the Pledge of Allegiance was led by Mayor Nuaimi.

CLOSED SESSION:

There were no closed session items.

PROCLAMATIONS:

- A. Mayor Nuaimi introduced Fontana Boys and Girls Club Director of Operations Connie Avila. Mayor and Council proclaimed January 21, 2010, as Kids Crafting Day. Ms. Avila thanked the Mayor and City Council and invited everyone to attend the Kids Craft Fair at the Boys and Girls Club on Thursday, January 21, 2010. Call 909-822-4988 for information. This event is in collaboration with the United Way and the Craft and Hobby Association.

SPECIAL PRESENTATIONS:

- A. Mayor Nuaimi introduced Southern California Municipal Athletic Federation (SCMAF) President Daniel Schneider who presented the SCMAF Inland Valley's Agency of the Year Award to the Mayor and Council for Community Services Sports Division. Community Services Director Garth Nelson received the award on behalf of the Mayor and City Council.
- B. SCMAF President Daniel Schneider also presented the SCMAF Outstanding New Facility Award to the Mayor and Council for Fontana Park. Community Services Director Garth Nelson received the award on behalf of the Mayor and City Council.
- C. Mayor Nuaimi introduced Chief Rod Jones to recognize Community Policing Technician Bonnie Edwards as the December 2009 "Employee of the Month." Chief Jones presented Technician Edwards with a plaque.
- D. Mayor Nuaimi introduced Director of Community Development Don Williams who, on behalf of the Mayor and City Council, presented the Cool California "Small Business Excellence" Award to CenterStone Communities, Inc., for Harmony at CenterStone Estates Project. CenterStone Communities, Inc., Representative Hal Woods accepted the award.
- E. Mayor Nuaimi introduced Councilmember Janice Rutherford who presented Greg Perron with a certificate of appreciation for his service over the past year as a member of the Parks and Recreation Commission. Commissioner Perron spoke to encourage residents to take advantage of all the great programs being offered in the City.

PUBLIC COMMUNICATIONS:

The following Public Communications were received:

Chris Gonzalez, spoke on Relay for Life. He thanked the City and Council for their continued support and assistance for this event. He announced that the Relay for Life website is up and running. Participants can register teams, volunteer or make donations at www.relayforlife.org/FontanaCA. A fundraiser will be held on February 18, 2010, at the Mimi's Café on Sierra Lakes Parkway. The Relay for Life will be held beginning May 15 at 9:00 a.m. and ends at 9:00 a.m. on May 16 at Summit High School.

Pastor Emory James, Ephesians New Testament Church, spoke on the Martin Luther King Jr. Celebration "Refocusing the Dream" 22nd Citywide Celebration, on Saturday, January 16, at 3:00 p.m. at Ephesians New Testament Church, 16380 Merrill Avenue, Fontana. He also spoke on the recent catastrophe in Haiti and asked the Council to consider helping on behalf of the City of Fontana.

David Pulido, President/CEO, Fontana Chamber of Commerce, spoke on the State of the City Event on January 28, 2010. Mayor Nuaimi will be addressing the community at three events, a breakfast session at 7:30 a.m., a lunch session at 11:30 a.m. and an evening session at 7:00 p.m. at the Jessie Turner Health and Fitness Center. He invited the community to come out. There is a cost for the breakfast and lunch session, but the evening session is at no cost. He thanked the Related Company, Southern California Auto Auction, Securitas, and St. Bernadine Hospital for their participation. RSVP by contacting the Chamber or visiting www.fontanachamber.com. Mayor Nuaimi added that there would be an opportunity for questions to be asked.

CONSENT CALENDAR:

- A. Approval of Minutes
Approve the minutes of the December 9, 2009, regular City Council meeting.
- B. Adoption of Ordinance No. 1612
 - 1. Adopt **Ordinance No. 1612**, of the City of Fontana concerning enforcement of the Fontana Municipal Code, Chapter 30, along certain portions of Valley Boulevard.
- C. Update on the Neighborhood Stabilization Program
 - 1. Receive and file an update on the Neighborhood Stabilization Program and activities completed to date.
 - 2. Authorize the City Manager and/or Deputy City Manager to execute and file a Notice of Completion for NSP properties after rehabilitation is completed.

Staff presentation was given by Deputy City Manager David Edgar.

Mayor Nuaimi asked that information be provided on how residents could notify the City about abandoned homes. Chief Rod informed residents to call 909-350-7700. The Police Department will deal with notifying owners regarding the property and securing the dwelling.

Public Communication was received from Pastor James who asked if there was a process to determine who gets the opportunity to rehabilitate the properties that the City comes into possession of.

City Manager David Edgar explained that a request for proposal to vendors was done before any of the work began. He notified that anyone interested to contact the City Manager's Office.

- D. Acceptance of Subdivision Improvements for Tract No. 16503
 - 1. Accept as complete the Subdivision Improvements for Tract No. 16503 located north of Baseline Avenue and west of Hemlock Avenue.
 - 2. Adopt **Resolution No. 2010-01**, accepting sewers in Tract No. 16503 as part of the City sewer system.
- E. Acceptance of Subdivision Improvements for Tract No. 16597
 - 1. Accept as complete the Subdivision Improvements for Tract No. 16597 located north of Baseline Avenue and west of Beech Avenue.
 - 2. Adopt **Resolution No. 2010-02**, accepting sewers in Tract No. 16597 as part of the City sewer system.
- F. City of Fontana 2010 Statement of Investment Policy
 - 1. Adopt the City of Fontana Statement of Investment Policy for 2010.
- G. Designating the Territory in the City as a Recovery Zone for Purposes of the American Recovery and Reinvestment Act of 2009
 - 1. Adopt **Resolution 2010-03**, designating the Territory in the City as a Recovery Zone for Purposes of the American Recovery and Reinvestment Act of 2009.
- H. Utility User Tax Refund for Overpayment
 - 1. Authorize the City Manager to execute a Settlement Agreement with Occidental Energy Marketing, Inc., for refund of overpayment of Utility User Tax plus interest in the amount of \$36,039.06.
- I. Vehicle Towing and Parking
 - 1. Introduce **Ordinance No. 1613** to repeal and replace 17-136.5 of the Code of the City of Fontana to refer to the City's Schedule of Penalties; amend Section 17-147 to include commercial trailers; deleting and replacing Sections of 30-312 relating to the parking of commercial trailers; amending Section 17-144 relating to parking for certain

purposes prohibited; adding Section 17-148 clarifying the City's authority to tow vehicles and that the reading of the title constitutes the first reading thereof.

J. Revised Schedule of Penalties for Parking Violations

1. Adopt **Resolution 2010-04** to increase the fine amounts in the Schedule of Penalties for Parking Violations and Related Charges committed within the boundaries of the City of Fontana; establishing late payment penalties; and incorporating provisions for the city's recovery of collection costs for delinquent penalties for said parking violations and related charges.

K. Penalties for Violations of Animal Regulations

1. Introduce **Ordinance No. 1614**, of the City Council of the City of Fontana, California, amending Chapter 4, Section 4-1 of the Fontana Municipal Code allowing prosecutorial discretion for the charging of violations of animal regulations thereof and that the reading of the title constitutes the first reading thereof.

Council Member Scialdone spoke about the City being better served to have a change in the ordinance that spells out civil penalties versus misdemeanors to avoid having to deal with it each time on the agenda.

City Attorney Jeffrey Ballinger spoke regarding other cities adopting ordinances that allow for non-criminal, non-judicial relief which is more cost effective to the City. If directed by City Council, his office would come back with an ordinance that covers all violations of the Municipal Code. The Mayor and City Council directed the City Attorney's Office and staff to work on such an ordinance.

L. Donations for Safety Fair

1. Accept donations from multiple donors for use in the 2009 Safety Fair totaling \$10,285.

M. Donations for 2009 Fontana Police Department Holiday Programs and the General Volunteer Program

1. Accept donations from multiple donors for use in the Fontana Santa's, Bicycle Give Away, Shop with a Cop Holiday Programs in the amount of \$19,027.00 and for use in the General Volunteer Program in the amount of \$395.

N. Lease Agreement for Storage Units

1. Authorize the City Manager to enter into an Annual Lease Agreement with O'Bryan and Company for lease of storage space located at 16565 Orange Way.

Approve Consent Calendar Items “A-N” as recommended by staff.

ACTION: Motion was made by Council Member Rutherford, seconded by Mayor Pro Tem Scialdone, and carried unanimously, to approve Consent Calendar items “A-N”.

PUBLIC HEARING:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

None.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

The following Elected Officials Communications were received:

- A. Planning Commission and Parks and Recreation Commission Appointments.

Council Member Rutherford recommended Patty Espinoza to serve on the Parks and Recreation Commission for a term of one year. Mayor Nuaimi announced that all Planning Commissioners and Park and Recreation Commissioners would remain the same except for the one vacant Park and Recreation Commissioner position. Mayor Nuaimi moved for the appointment of Patti Espinoza to the vacant position on the Park and Recreation Commission and the City Council unanimously approved.

Council Member Roberts commented on Fontana’s budget challenges as we move into the new decade.

Council Member Roberts appreciates the employee groups that are willing to come to the table to help during this difficult time. We will get through this.

Council Member Rutherford encouraged anyone watching tonight’s meeting that may have any ideas on how we could save money to let the Council know. They could use the website to send an email. A bunch of little ideas together could be jobs we can save or programs we do not have to cut.

Council Member Rutherford invited everyone to the grand opening of the new low income senior center on Sierra Avenue that is being held on Thursday, January 14, 2010.

CITY COUNCIL MINUTES

JANUARY 13, 2010

Council Member Rutherford announced that the 2010 Community Prayer Breakfast is coming up in May. Prayers for the community and people in it are always needed. Volunteers are also needed if anyone is interested.

Council Member Rutherford announced that she is looking forward to the Community Meeting on January 21, 2010, at Southridge at 6:30 p.m.

Council Member Warren wished everyone a Happy New Year.

Council Member Warren echoed other Council Members' comments on the City's financial situation.

Council Member Warren commented that this was the time to pull together and to embrace each other. We will work through this era and will come through this.

Council Member Warren invited everyone to participate in the Healthy Fontana Challenge 2010. Channel 4 did a series on the challenge to the community to stay healthy.

Council Member Warren encouraged everyone to join and take part in the Family Fun Day and 5K at Auto Club Speedway on March 27, 2010.

Council Member Warren encouraged everyone to continue to look out for each other and contact the Fontana Police Department to set up a Neighborhood Watch in their neighborhood. It is a good way to tell criminals not to come into your neighborhood.

Council Member Warren asked everyone to celebrate Martin Luther King Jr. Day by helping someone and serving your fellow man with many different projects. She encouraged everyone to use that day to do a volunteer project in the community to show understanding for Dr. King's legacy.

Council Member Warren commented on the disaster in Haiti and the need for everyone to step up and try to help the victims. She reminded everyone to research where they are donating their funds and use reputable sites to make donations.

Council Member Warren commented that we are a praying community and when we pray, things change. She encouraged everyone to pray for Haiti.

Council Member Warren wished everyone a Happy Dr. Martin Luther King Jr.'s birthday.

Mayor Pro Tem Scialdone thanked City Clerk Toni Lewis and the volunteers for the annual Christmas parade. He commented on the number of spectators and

the shock of seeing so many people. He commented that it was a testament to the community.

Mayor Pro Tem Scialdone commented on the way different bands performed in the parade, regardless of the rain. He thanked everyone for braving the weather.

Mayor Pro Tem Scialdone thanked the Community Services staff for their work on the Winter of Festival.

Mayor Pro Tem Scialdone thanked the Fontana Police Department and the Fontana Unified School District Police Department for another successful Santa's Program that helped a lot of families and was very gratifying to participate in.

Mayor Pro Tem Scialdone commented on the fourth senior center opening. He thanked everyone involved for everything they are doing for seniors in the community.

Mayor Pro Tem Scialdone spoke on the budget and the very talented City staff and City Council that is not afraid of taking the bull by the horns and tackling issues. He commented that there will be plan shortly to deal with the short fall.

Mayor Pro Tem Scialdone commented that the City Council will work hard to continue to serve the community in spite of the budget crisis.

Mayor Nuaimi thanked City Clerk Toni Lewis, Gus Hawthorne, and all the departments that participated in the parade. He was surprised at how many people were out in spite of the rain.

Mayor Nuaimi suggested that instead of referring to the new senior center as low-income, that we say we are opening our fourth high quality senior lifestyle facility.

Mayor Nuaimi thanked David Edgar for delivering another jewel to downtown.

Mayor Nuaimi urged the community to start thinking about the Census 2010 in March. He explained that funding is provided by population and by answering 10 simple questions, funding can be provided for jobs, schools, programs, and transportation in the City. He encouraged everyone to fill out the form and mail it in.

Mayor Nuaimi thanked staff and the Council for the goal setting workshop. The workshops provides a level of accountability. He thanked everyone for spending their morning crafting what we have accomplished and what is to be done this year.

Mayor Nuaimi spoke on the budget challenges the City is facing. He asked for any suggestions to be given to the Council.

City Manager Hunt added that the City is looking at all areas for tightening and living within our means. Sometimes, it costs more to shut down an activity.

Council Member Rutherford spoke on the governor's budget proposal regarding a gas sales tax and its impact on the residents of Fontana.

Mayor Nuaimi spoke on the state's handling of their budget and its diversion to avoid addressing the budget problem. He commented that as a City, we can do everything right and still be impacted by state legislatures and the governor.

Mayor Nuaimi commented that citizens of the state need to get active.

Mayor Nuaimi spoke on proposals available to the state to help with its budget. He trusts that City staff can fix the problem, but has no faith in the state.

Mayor Nuaimi congratulated Greg Devereaux, who was selected as the Chief Financial Officer for the City of San Bernardino.

CITY MANAGER COMMUNICATIONS:

City Manager Hunt thanked the Council, City Clerk Toni Lewis and City Treasurer Janet Koehler-Brooks for their goal setting meeting.

City Manager Hunt spoke on the challenges that have to be dealt with in the community.

City Manager Hunt commented that the City will continue to flourish and we will have a list of accomplishments in 2011, thanks to the City Council, City Clerk and Treasurer, as well as a talented staff.


City Manager Hunt commented on meeting with labor groups regarding the challenges the City faces and the employees' being ready to fold up their sleeves and work together.

City Manager Hunt was very appreciative and touched that we are blessed to have this staff.


City Manager Hunt reminded everyone of the State of the City Address on January 28, 2010.

ADJOURNMENT:

The City Council meeting adjourned by consensus at 8:24 p.m. The next meeting will be held on January 27, 2010, with a workshop at 5:00 p.m. then the regular meeting at 7:00 p.m. in the Council Chambers at 8353 Sierra Avenue, Fontana, California.


Ysela Aguirre
Commission Secretary

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON
THE 27th DAY OF JANUARY 2010.


Tonia Lewis
City Clerk