

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
APRIL 14, 2010**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, April 14, 2010, City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the workshop to order at 5:06 p.m.

ROLL CALL:

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

Absent: Council Member Warren.

The Fontana City Council Regular Meeting Agenda was reviewed.

City Manager Comments were heard.

The update on Fontana Park Skate and BMX Park and Jack Bulik Skate Park contractual services by Action Park Alliance, Inc., Representative Mark Lure was cancelled.

Police Chief Rod Jones presented and update on Part One Crime Statistics.

The workshop meeting was adjourned at 5:38 p.m. to the 6 p.m. Closed Session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, April 14, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the meeting to order at 7:11 p.m.

ROLL CALL:

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

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 LEGAL COUNSEL - ANTICIPATED LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Number of Cases: One

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL RELEASE PURSUANT TO
GOVERNMENT CODE SECTION 54957

Number of Cases: Two

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54956.8

Property: APN 0255-011-01, -02, and -03, located on southeasterly corner of
Citrus and Slover Avenues, Owner: Citrus and Slover, LLC
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: APN 1119-241-17, located on southeasterly corner of Summit and
Sierra Avenues, Owner: PJRJ Iris Investment, LLC
Property Negotiator: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54956.8

Properties: (1) APNs 0237-051-17 and 0237-141-27, property located south of
Interstate 10 and east and west of Citrus Avenue, Owner: Southern Pacific
Railroad; (2) 10444 Citrus Avenue (APN 0237-054-17), Owner: Robert Pastor;
(3) 16112 Boyle Avenue (APN 0251-141-16), Owner: Kelly Family Trust
(Beverly A. Shane); (4) 10177 Citrus Avenue (APN 0251-121-13), Owner: Top
Star Investment; (5) 10126 Citrus Avenue, 16095 Valley Boulevard, and southwest
corner of Citrus Avenue and Valley Boulevard (APNs 0235-221-10, 22, 41),
Owner: Thompson Living Trust; and (6) 15991 Valley and 16005 Valley Boulevard,
west side of Citrus Avenue, south side of Valley Boulevard and east side of
Catawba Avenue (APNs 0235-221-47, 52, 53), Owner: Sunrise Management, LLC
Property Negotiator: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

Following the Invocation by Council Member Roberts, the Pledge of Allegiance
was led by Mayor Nuaimi.

SPECIAL PRESENTATIONS:

- A. A Special Presentation was given by the Inland Empire Division of the League of California Cities. Mayor Nuaimi introduced City of Rancho Cucamonga Mayor Pro Tem Dennis Michael (President of the Division) and City of Rancho Cucamonga Council Member Sam Spagnolo (newly appointed Chairman of the Division) who presented awards to Mayor Pro Tem Scialdone and Assistant to the City Manager Amy Colbrunn. Mayor Pro Tem Scialdone resigned his position as Chairman of the Legislative Task Force of the Division and was thanked for dedication and leadership. Assistant to the City Manager Amy Colbrunn was recognized for her outstanding service and support.
- B. Mayor Nuaimi introduced Police Chief Rod Jones who recognized Sergeant Michael Dorsey as the February 2010 Police Department "Employee of the Month."
- C. Mayor Nuaimi introduced Community Services Supervisor Michael Wright who recognized the California Parks and Recreation Society (CPRS) Award Recipients:
- (1) CPRS District 11 Outstanding Volunteer Award - City Clerk Tonia Lewis and Don Lewis. City Clerk Lewis thanked the City, Community Services Department, and her husband Don for their support. April 15, 2010, will mark their 50th Anniversary.
 - (2) CPRS District 11 Professional Service Award - Community Services Manager Kyla Brown. Kyla could not be present but sends her gratitude.
- D. Mayor Nuaimi introduced Community Development Director Don Williams and the City of Fontana Count Committee who presented an oral presentation on the 2010 Census efforts. Census forms were mailed out on March 15th and April 10, 2010. Residents can track the City's current 65 percent response rate at www.2010Census.gov. Over 250 City volunteers will participate in the "March to the Mailbox Blitz" to be held on April 24, 2010, to improve the lowest response areas in the City. Several public service announcements have been aired to aide the effort. Mayor Nuaimi and the City Council thanked City staff and volunteers for their continued support.
- E. Mayor Nuaimi welcomed Pamela Eshelman, the Miss Fontana Contestants, and introduced Co-Chair Amanda Cothran who announced the Miss Fontana Contest which will occur at 6:30 p.m. on May 1, 2010, in the Steelworkers Auditorium. Tickets for the event can be purchased from each of the contestants or at the Chamber of Commerce. Each Miss Fontana Contestant present introduced themselves and their sponsor to the Mayor, City Council, and City of Fontana. Mayor Nuaimi spoke in

support of each contestant and sponsor and in gratitude of their representation of the City.

PUBLIC COMMUNICATIONS:

The following Public Communications were received:

Everett Thompson of Community Bank spoke regarding opportunities for growth in the City, business growth at the local branch, and requested the Mayor and City Council to meet with the Planning Commission to develop a plan for steel-structured buildings.

Sal Lopez spoke in support of the development on Slover Avenue and regarding Environmental Impact Report circulation for the Speedway Event Center.

Bobbi Jo Chavarria spoke regarding the Grow Fontana Organization, efforts to improve community participation, and several upcoming events for Earth Day, Mother's Day, Relay or Life, and marathons. Those interested can call 909-356-4292 for event information.

Mayor Nuaimi announced that Council Member Scialdone will be abstaining from voting on Consent Calendar Item "J."

CONSENT CALENDAR:

- A. Approval of Minutes.
 - Approve the Minutes of the March 24, 2010, Regular City Council Meeting and Minutes of the March 29, 2010, Joint Adjourned Regular Meeting with Fontana Unified School District.

- B. Final Acceptance of the Work Performed in Accordance to the Contract for the Construction of Phase 2 of the Downtown Facade Rehabilitation Program, SB-244-RA-08.
 - (1) Accept as complete the work performed by Spec Construction Co., Inc. for the construction of the Downtown Facade Rehabilitation Program Phase 2 (Project SB-244-RA-08).
 - (2) Authorize the Director of Community Development to execute and file a Notice of Completion.
 - (3) Approve the final construction amount of \$1,139,192.48.
 - (4) Approve the release of the ten percent (10%) retention upon satisfactory closure of the contract.

- C. Approve Purchase of Mobile Trailer Stage.
 - (1) Accept and approve sealed bid results from a bid solicitation from Weber County, Utah for the purchase of a Stageline SL100 Mobile Stage and authorize the City to "piggy back" on this proposal.

- (2) Authorize the Management Services Department to enter into a purchase agreement with Stageline Mobile Stage, Inc. and issue a purchase order in the amount of \$127,765.00 to cover the purchase of the stage, transportation of the stage, and operational training costs.
- D. Final Acceptance of Subdivision Improvements for Tract No. 16325.
(1) Accept as complete the Subdivision Improvements for Tract No. 16325 located south of Duncan Canyon Road and east of Roadrunner Road.
(2) Adopt **Resolution No. 2010-018**, accepting sewers in Tract No. 16325 as part of the City sewer system.
- E. Final Acceptance of Subdivision Improvements for Tract No. 16620.
(1) Accept as complete the Subdivision Improvements for Tract No. 16620 located south of Foothill Boulevard between Laurel Avenue and Locust Avenue.
(2) Adopt **Resolution No. 2010-019**, accepting sewers in Tract No. 16620 as part of the City sewer system.
- F. Release a Temporary Easement for Tract No. 16695.
Authorize the City Manager to execute a Quit Claim Deed with Centex Homes for the release of a Temporary Easement for detention basin purposes for Tract No. 16695, Lots 13 through 20.
- G. Award Annual Vehicle Contract SB-16-PW-10
(1) Award Bid to Sunrise Ford of Fontana to purchase new and used vehicles for two years with an option for three additional one year increments.
(2) Authorize the Purchasing Division to dispose of the surplus vehicles.
- H. Donation from Riverside County.
Accept donation from Riverside County of one livestock trailer valued at \$3,000 for the Police Department's Animal Service Program.
- I. Donation from Young Homes.
Accept donation from Young Homes of Ontario Reign Hockey game tickets valued at \$500 for use by Police Department employees.

Mayor Pro Tem Scialdone abstained from voting on the following item.

- J. Resolution to consider receiving from the Fontana Redevelopment Agency the Agency's Report to the City Council on Amendment No. 9 to the Redevelopment Plan for the Southwest ("SWIP") Industrial Park Project Area and Amendment No. 9.
Adopt **Resolution No. 2010-020**, a Resolution of the City Council of the City of Fontana acknowledging receipt from the Fontana Redevelopment Agency of the proposed Amendment No. 9 to the Redevelopment Plan for

the Southwest Industrial Park Project Area and the report to the City Council concerning Amendment No. 9.

“A-J” as recommended by staff.

ACTION: Motion was made by Council Member Rutherford, seconded by Mayor Nuaimi, and carried unanimously by vote of 5-0, to approve Consent Calendar Items “A-J,” with Mayor Pro Tem Scialdone abstaining from voting on Consent Calendar Item “J.”

PUBLIC HEARINGS:

- A. The Public Hearing continued from March 24, 2010, regarding Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts was opened for consideration.

Mayor Nuaimi stated that written communication was received from Mr. Russell L. Merwin.

Staff presentation was given by Management Services Accounting Manager Dawn Brooks and Ms. Brooks stated that staff has addressed the concerns raised by a property owner regarding the licensing requirements of the contractors performing the weed abatement services.

Russell L. Merwin spoke in opposition.

No one else spoke in favor or opposition.

The hearing was closed.

ACTION: Motion was made by Mayor Pro Tem Scialdone, seconded by Council Member Warren, and carried unanimously by vote of 5-0 to:

- (1) Authorize staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the Certified Lien List and direct staff to forward recorded liens to the County for collection.
- (2) Authorize 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 and direct staff to forward recorded liens to the County for collection.
- (3) Adopt **Resolution No. 2010-021**, of the City Council of the City of Fontana adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.

- B. The Public Hearing continued from March 10, 2010, regarding Appeal No. 09-001 (Monterey Villa Apartments) of the decision of the Planning Commission on November 3, 2009, to approve Design Review No. 09-008, a 100-unit apartment complex with 12 units designated for very low-income households was considered.

Community Development Director Don Williams reported that a written letter was received from Mr. Paul Minnick of MCG Development Co., Inc., to withdraw the appeal and that revised action was being presented for the City Council's consideration.

No one was present wishing to speak in favor or opposition and no other written comments were received.

The hearing was closed.

ACTION: Motion was made by Council Member Warren, seconded by Mayor Pro Tem Scialdone, and carried unanimously by vote of 5-0 to:

- (1) Accept Mr. Paul Minnick of MCG Development Co., Inc., (the applicant) withdraw of Appeal No. 09-001, an appeal to the City Council of the unanimous decision of the Planning Commission on November 3, 2009, which approved Design Review No. 09-008, a 100-unit apartment complex with 12 units designated for very low-income households.
- (2) Direct staff to:
 - a. Refer the item back to the Planning Commission for review of the applicant's requested architectural changes to Building "D";
 - b. Waive the option under Health and Safety Code Section 50053 (b)(4) which states: "For those moderate income households whose gross income exceed 110 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable rent be established at a level not to exceed 30 percent of gross income of the household"; and
 - c. Work with the applicant to bring back a Development Agreement for review by the Fontana Housing Authority, outlining the affordability provisions, the covenants, conditions and restrictions (CC&R's) for the project and other mutually agreed upon deal points specified in the City's letter dated March 17, 2010 (Attachment No. 14 located in the City Council Staff Report).

PUBLIC COMMUNICATION:

The following Public Communication was received:

Bobbi Jo Chavarria spoke regarding Consent Calendar Item A and comments made at the Joint Meeting with the Fontana Unified School District.

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- B. The Election Ballot Measure Hearing continued from March 24, 2010, was considered relative to Fireworks for the November 2, 2010, General Election.

City Manager Hunt spoke regarding previous discussion on the legality of safe and sane fireworks. The cost to place such an item on the ballot for a special election was not considered cost-productive at the time. The ballot measure is being considered for placement on the November 2010, General Election Ballot.

ACTION: Motion was made by Mayor Pro Tem Scialdone, seconded by Council Member Warren, and carried unanimously by vote of 5-0 to:

- (1) Determine that the Ordinance is Exempt pursuant to Section 15061(b) (3), of the California Environmental Quality Act and direct staff to file the Notice of Exemption.
 - (2) Adopt **Resolution 2010-22**, a Resolution of the City Council of the City of Fontana, County of San Bernardino, State of California, submitting to the City's Voters at the General Election to be held on November 2, 2010, a Measure prohibiting the possession, sale, use, display or discharge of fireworks, establishing procedures in connection with the November 2, 2010, Election, and authorizing the preparation of arguments.
- A. An Oral Presentation was heard from the Cucamonga Valley Water District (CVWD) on sewer/water rate increases per Council Member Warren's request at a previous City Council Meeting.

City Manager Hunt commented that the discussion is related to the City's affected-residents that reside in the Village of Heritage.

Cucamonga Valley Water District Assistant General Manager Todd Corbin presented the proposed sewer/water rate increases.

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The public hearing is scheduled for 6 p.m. on April 27, 2010, at the Cucamonga Valley Water District located at 10440 Ashford Street in the City of Rancho Cucamonga.

Those residents affected can call the District regarding fee increases and rate study information can be found at www.cvwd.com.

Council Member Warren questioned whether a second notice had been mailed to affected residents and if the information was currently on the City website.

CVWD General Manager Corbin stated that a second notice was not required to be mailed and Public Works Director Chuck Hays will work with CVWD to post the information on the City's website.

CVWD General Manager Corbin commented that notices were mailed to all customers on record and owners of each affected parcel. Meetings were also held with city staff and other large stakeholders to ensure information was distributed.

Mayor Nuaimi stated that the next community meeting will be on May 3, 2010, and that the information should be presented at the meeting.

Mayor Pro Tem Scialdone directed City staff to utilize the City's portable message signs as a way to transmit the information.

ACTION: Without formal motion and unanimously by vote of 5-0 the Mayor and City Council received and ordered filed the oral presentation given by Cucamonga Valley Water District Assistant General Manager Todd Corbin on sewer/water rate increases.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

Council Member Warren encouraged affected residents to voice their opinions at the April 27, 2010, 6 p.m. public hearing at the CVWD located 10440 Ashford Street, Rancho Cucamonga.

Council Member Warren thanked the Census Count Committee for their efforts and spoke regarding her recent attendance at the Spanish-speaking Seventh-Day Adventist Church Service where she had the opportunity to encourage youths to get involved and ensure that their parents complete their Census Form.

Council Member Warren spoke regarding the visibility of obesity in United States communities and the need to encourage healthy living for youths, with such events through the Healthy Fontana Challenge and Lefty's Family 5K Run at the

Automobile Club Speedway. The Speedway Event was very beneficial for local families and for the support of healthy living.

Mayor Pro Tem Scialdone announced that 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 still available for \$20 per person and those interested can contact 909-822-4988.

Mayor Pro Tem Scialdone congratulated to Don and Toni Lewis on their upcoming 50th Anniversary and spoke regarding the successful Christmas Parade.

Mayor Pro Tem Scialdone spoke regarding the recent Joint Meeting with Fontana Unified School District (FUSD) and the excellent partnership for and coordination of facility-usage that is a win-win situation for both agencies for cost-reduction. The working relationship with the FUSD Police Department and District Superintendent Cali Olsen-Binks is great for the City and FUSD.

Mayor Pro Tem Scialdone spoke regarding the City's student drop-out rate and how much lower it is than the State.

Mayor Pro Tem Scialdone mentioned the discussion on Checkpoints and the comments by FUSD Board Member Chavez regarding LAPD's checkpoints. Mayor Pro Tem Scialdone stated that LAPD does hold checkpoints every weekend and some weekdays.

Mayor Pro Tem Scialdone discussed the derogatory comments heard at and after the Joint Meeting with FUSD and the fact that derogatory comments will not be condoned and everyone should be treated equally with respect.

Mayor Pro Tem Scialdone commended FUSD Board Member Binks for her sincere apologies and for her continued support of disadvantaged youths in the local community.

Mayor Pro Tem Scialdone spoke regarding the Fontana Community Coalition's efforts to stop teen alcohol use in the community. The Coalition meets on the fourth Thursday of each month at 3:30 p.m. in City Hall. Those interested are welcome to attend.

Council Member Rutherford discussed the importance of a civil community and the need for discussion without personal attacks.

Council Member Rutherford commended FUSD Board Member Binks for taking responsibility for and apologizing for making a mistake and mis-speaking.

Council Member Rutherford discussed the great community meeting held last night at Long Elementary School. Traffic and speeding concerns were made by

those in attendance. The Police Traffic Unit and Traffic Safety Department are looking into the speeding in the Hunter's Ridge Area that occurs when the 1-15 has traffic.

Council Member Rutherford encouraged residents to review the City's Activities, Services, and Programs Guide and to attend the events at local community centers. Community Action Partnership (CAP) events are free and other classes and programs for parents and youths can be registered for online or at each community center.

Council Member Rutherford reminded residents of the Fontana Community Senior Center Grand Opening Ceremony to be held at 10:45 a.m. on May 20, 2010.

Council Member Rutherford commended the Rotary Club and other organizations that participated in re-roofing the American Legion Hall located in Downtown.

Council Member Rutherford encouraged residents to volunteer with the Historical Society to care for the monuments at the Rose Garden. Those interested can contact the Historical Society of City Clerk Toni Lewis.

Council Member Rutherford announced that the next Fontana Prayer Breakfast will be held at 7:30 a.m. on May 6, 2010, at the Jesse Turner Center for National Prayer Day. The event is open to the public, but reservations are required as seating is limited. Donations are also suggested.

Council Member Rutherford thanked Dickey's Barbeque Pit, located on Sierra Lakes Parkway between Citrus and Sierra Avenue, for the excellent dinner provided to the Mayor and City Council.

Council Member Roberts discussed the growth of the community and the family-orientation of the community.

Council Member Roberts announced his pride for Mayor Pro Tem Scialdone and his comments.

Council Member Roberts commended FUSD Board Member Binks for her corrective actions and for her support of the minority community. We should all continue to work together.

Mayor Nuaimi spoke regarding the election season and politics, the negative tactics of local organizations, the comments from the Joint Meeting with FUSD, and comments made towards his reputation in the community. Community antagonists will not be tolerated in this community and it is important for local agencies to work together. This community has been named one of the Nation's 100 Best Communities for Young People by America's Promise Alliance.

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Mayor Nuaimi applauded FUSD Board Member Binks for her apologies and her continued support of this community.

Council Member Warren applauded FUSD Board Member Binks for realizing that her comment was offensive and for her apologies.

Council Member Warren discussed the importance of reducing the student drop-out rate, as the trend is serious across the Nation. The community should be discussing the rate and working together to educate our children.

Mayor Nuaimi discussed the successful collaboration with FUSD that includes joint-use facility agreements, an After School Program with over 4,000 students, and dedicated instructors and professionals that work together.

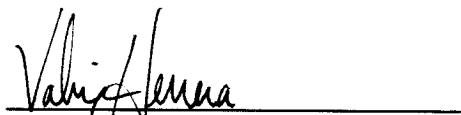
CITY MANAGER COMMUNICATIONS:

City Manager Kenneth Hunt congratulated City Clerk's Office Administrative Analyst II on her recent completion of the Master of Business Management Program at California Baptist University.

City Manager Kenneth Hunt thanked Community Services Supervisor Jennifer Hunt for a job well done in embracing the Arts in the City and enhancing the Art Depot.

ADJOURNMENT:

The City Council meeting adjourned by consensus at 9:29 p.m. to the next regular meeting which will be held on April 28, 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 14th DAY OF APRIL 2010.



Tonia Lewis
City Clerk