

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
APRIL 28, 2010**

ARTIST SHOWCASE

The work of Artist Norman Deesing was presented.

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, April 28, 2010, City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the workshop to order at 5:32 p.m.

ROLL CALL:

Present: Mayor Nuaimi and Council Members Roberts and Rutherford.

Absent: Mayor Pro Tem Scialdone and Council Member Warren.

The Fontana City Council Regular Meeting Agenda was reviewed.

City Manager Comments were heard.

A Fireworks update was presented by Police Chief Jones and Fire Chief John Salvate.

The workshop meeting was adjourned at 6 p.m.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, April 28, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the meeting to order at 7 p.m.

ROLL CALL:

Present: Mayor Nuaimi and Council Members Roberts and Rutherford.

Absent: Mayor Pro Tem Scialdone and Council Member Warren.

CLOSED SESSION: None

Following the Invocation by Fontana First Assembly of God Pastor Chuck Franco, the Pledge of Allegiance was led by Mayor Nuaimi.

PROCLAMATIONS:

- A. The Proclamation to be presented to One Legacy Representative Elaine Jones by the Mayor Nuaimi and the City Council for April 2010 as DMV/Donate Life California Month was not held.
- B. Mayor Nuaimi and the City Council introduced Michael Sears from The Church of Jesus Christ of Latter-day Saints to accept a Resolution adopted by the Mayor and City Council to Proclaim May 8, 2010, as Mormon Helping Hands Day. The community service work will occur at 11 a.m. at the Mary Vagle Museum and Nature Center, Jurupa Park, the Pacific Electric Trail, and the Heritage Easement.

ACTION: The Mayor and City Council unanimously and without formal motion, voted 3-0 to:

Adopt **Resolution 2010-023** of the City Council of the City of Fontana Commending the Mormons Helping Hands 2010-Renewing California Parks Program and designating.

SPECIAL PRESENTATIONS:

- A. Mayor Nuaimi and the City Council introduced Community Services Coordinator Courtney Hodnick to recognize Norman Deesing as the artist in the Artist Showcase. Mr. Dessing's work will be featured until May 21, 2010, in City Council Chamber Foyer and at the Art Depot Gallery. A free reception at the Art Depot will be held on May 7, 2010, from 6-9 p.m. Mayor Nuaimi presented a plaque and check to Norman Deesing.
- B. Dr. D.C. Thomas will be recognized for his dedicated service to the Community and Community Services Department as a member of the Parks and Recreation Commission at a future meeting.
- C. Mayor Nuaimi and the City Council introduced and presented certificates to Empire Karate Team Coach Stan Money and athletes Casandra Mora, Caterina Cilluffo, Santana Ramirez, Abel Gastelum, Allison Campos, and Devin Johnson for their recent successful competition in the International Junior Olympics and Ozawa Cup Internationals which were held in Las Vegas on April 2 and 3, 2010, at Caesars Palace and the Flamingo Hotel. The young athletes competed against 46 countries in the Junior Olympics and 25 countries in the Ozawa Cup. Coach Stan Money thanked those who sponsored and supported the young athletes which included Council Member Scialdone, Police Chief Rod Jones and Rotary Club, City Clerk Toni Lewis and the Fontana Exchange Club. The Empire

Karate Team classes are held at the Fontana Karate-Do located at 16814 Foothill Blvd.

- D. Mayor Nuaimi introduced Public Works Environmental Control Technician Scott Bruckner who presented a \$5,000 check from the U.S. Conference of Mayors 2009 Cans for Cash City Recycling Challenge Competition to the Mayor and City Council. The goals were to raise awareness about recycling, remove aluminum can waste from the community, and reduce greenhouse gas, with collection of 2.1 pounds of aluminum cans per person. Mayor Nuaimi presented a certificate to the Public Works Environmental Control in recognition of the successful accomplishment during this national competition.

PUBLIC COMMUNICATIONS:

The following Public Communications were received:

The Mayor's Youth Advisory Council (MYAC) spoke regarding an update on the weekend events the MYAC will participate in which included a UCLA Campus Tour, Rummage Sale, and Relay 4 Life.

Cheryl Harris, of Fontana Unified School District, spoke regarding work permits for those students that are employed weekly.

Tyler Washington, a Peer Leader at Summit High School, spoke regarding the Leadership Program and how students are being informed of their rights as young workers.

Lydia Salazar Wibert spoke regarding the VFW Post 6563 Women's Auxiliary and new President Kelly Dresener.

Kelly Dresener spoke regarding the VFW Post 6563 Women's Auxiliary's community-based programs, needed for paint supplies and funding for eighty banners to be hung, and membership drives. The Post is located at 9190 Fontana Avenue and those interested can contact 951-204-6600 for more information.

George Villatoro and Luz Razo spoke regarding AB Miller High School's AP Government Class' collection for the canned food drive and gave a community service update. Over 725 pounds of canned goods have been collected thus far.

Steven Figueroa from the Inland Empire Latino Coalition spoke regarding civil rights.

Jess Vizkano from Congressman Baca's Office spoke regarding the City's outstanding 2010 Census efforts and grants.

Lynda Gonzalez spoke regarding the importance of the 2010 Census and also regarding public comments made at Fontana Unified School District meetings.

Barbara Chavez spoke in support of the City and of change.

Bobbi Jo Chavarria spoke in support of the Fontana Community and regarding Fontana Community member comments.

Matt Slowik, President of Fontana Arts Association, spoke regarding the 2010 Annual Student Art Competition to be held on May 13, 2010, at 6 p.m. at the Koehler Galley located at 8536 Sierra Avenue. The student art is on display from now until May 13, 2010.

Linus Amarikwa spoke regarding code enforcement matters on annexed properties located near Cherry, Slover, and Boyle Avenues.

Oscar Zambrano spoke regarding racial comments and tensions.

Ann Knickerbocker spoke regarding herbicide spraying in her neighborhood along Valencia Avenue.

Rosemarie Hernandez spoke regarding code enforcement violations on City properties.

CONSENT CALENDAR:

- A. Approval of Minutes.
Approve the Minutes of the April 14, 2010, Regular City Council Meeting.

- B. Lewis Library & Technology Center Book Mark Coffee Bar Lease Agreement
Authorize the City Manager to enter into a lease agreement with Jenny Lee, a sole proprietor, dba Sierra Coffee Bar to offer food and beverage preparation and retail services at the Lewis Library and Technology Center Book Mark Coffee Bar and authorize the City Manager to execute any documents necessary to effectuate said agreement.

- C. Adopt Resolutions for Vacating a Public Utility Easement and an Ingress/Egress Easement for Sewer Purposes
 - (1) Adopt **Resolution No. 2010-024** of the City Council of the City of Fontana, California, Summarily Vacating a Public Utility Easement over Assessor Parcel No. 0192-311-04 located on the south side of Foothill Boulevard, west of Alder Avenue in the City of Fontana, California, pursuant to Section 8333(A) et seq. of Chapter 4, Part 3, Division 9, California Streets and Highways Code.
 - (2) Adopt **Resolution No. 2010-025** of the City Council of the City of Fontana, California, Summarily Vacating the Rights for Ingress and Egress with reservations to Easement Rights for sewer purposes over Assessor Parcel No. 0192-311-04 located on the south side of Foothill Boulevard and on the west side of Alder Avenue in the City of Fontana, California pursuant to Section 8330(A) et seq. of Chapter 4, Part 3, Division 9, and Section 8340(C)

et seq. of Chapter 5, Part 3, Division 9, California Streets and Highways Code.

- (3) Find that the Project is Exempt from further Environmental Review pursuant to Section 15061, Class 32 (Infill Development Projects) of the California Environmental Quality Act with no possibility of significant effects upon the environment, and direct staff to file a Notice of Exemption.

- D. Authorize an Agreement between the City of Fontana and the City of Rialto for the Maintenance of Traffic Signals and Safety Lighting
Authorize the City Manager to enter into an agreement between the City of Fontana and the City of Rialto for the maintenance of traffic signals and safety lighting for Baseline Avenue at Alder Avenue and Foothill Boulevard at Maple Avenue.

Staff presentation was given by Senior Engineer Noel Castillo on the following item:

- E. Authorization to Accept Grant Money for the PE Trail
 - (1) Authorize the City Manager to accept a Federal Transportation Enhancement Grant in the amount of \$2,345,000 for the construction of the Pacific Electric Trail, Segments 3B and 4, and authorize staff to request monthly reimbursements.
 - (2) Authorize staff to appropriate \$2,345,000 to Project Account 9328200301.

Staff presentation was given by Senior Engineer Noel Castillo on the following item:

- F. Award a Contract for the Construction of Oleander Avenue Street Improvements
Authorize the City Manager to award and execute a construction contract between the City of Fontana and Laird Construction Co., Inc. for construction of sidewalk and street improvements on Oleander Avenue between Santa Ana Avenue and Slover Avenue in the amount of \$592,259 and authorize a 10 percent contingency in the amount of \$59,225.90 - Bid No. SB-35-DE-10.
- G. Phone System Hardware and Software Upgrade
Authorize the Purchasing Division to issue a purchase order to Integrated Technology, our current vendor, to install the hardware and software needed to upgrade the City Hall, City Yard, and Lewis Library phone systems.
- H. Professional Services Agreement for Service-now.com
Authorize the City of Fontana to enter into a Professional Services Agreement with Navigis LLC, for training, customization, and integration services for the Service-now service management application, pursuant to PSA MS-010-IT-11.
- I. Adopt Resolution of Intent and Set Public Hearing to Establish Community Facilities District No. 67M (NW corner of Walnut and Juniper) for Street Lighting, Landscaping and Park Maintenance.

- (1) Adopt **Resolution No. 2010-026** of the City Council of the City of Fontana Determining the Sufficiency of the Petition Requesting Formation of Proposed Community Facilities District No. 67M.
 - (2) Adopt **Resolution No. 2010-027** of Intention of the City Council of the City of Fontana with respect to Establishment of Proposed Community Facilities District No. 67M of the City of Fontana.
 - (3) Set the Public Hearing for June 9, 2010, for the Formation of the District and call the Special Election for June 9, 2010.
- J. Accept Award from the U.S. Conference of Mayors' Cans for Cash Contest
- (1) Accept award in the amount of \$5,000 on behalf of the City of Fontana from United States Conference of Mayors Cans for Cash City Recycling Challenge Competition.
 - (2) Approve an increase in estimated revenue by \$5,000 in Account 38010101.5334 and appropriate \$5,000 to Account 38010101.8010.

“A-J” as recommended by staff.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, and carried unanimously by vote of 3-0, to approve Consent Calendar Items “A-J.”

PUBLIC HEARINGS:

- A. The Public Hearing was opened regarding Fiscal Year (FY) 2010-2014 Five-Year Consolidated Plan, FY 2010-2014 Analysis of Impediments to Fair Housing, FY 2010-2014 Citizen Participation Plan, and FY 2010-2011 One-Year Action Plan.

No written communication was received.

Staff presentation was given by Deputy City Manager David Edgar.

Bobbi Jo Chavarria questioned how the plans were put together by staff and regarding opportunities for public participation.

Deputy City Manager David Edgar stated the requirements that staff followed to hold multiple public meetings for development of the plans.

No one else spoke in favor or opposition.

The hearing was closed.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Roberts, and carried unanimously by vote of 3-0 to:

- (1) Adopt the Fiscal Year 2010-2014 Five-Year Consolidated Plan, the Fiscal Year 2010-2014 Analysis of Impediments to Fair Housing, the Fiscal Year 2010-14 Citizen Participation Plan, and the Fiscal Year 2010-2011 One-Year Action Plan detailing the utilization of Federal Entitlement Funds in said Fiscal Years.
- (2) Authorize the City Manager to execute any and all documents necessary to effectuate said approvals.

City Attorney Stephen Deitsch announced that Council Member Scialdone was absent from the meeting but would have abstained from voting on the following item, as he owns real property within 500 feet of the project area. No other circumstances would pose a potential conflict for the remaining Council/Agency Members.

- B. A Joint Public Hearing between the City Council and the Redevelopment Agency was opened regarding Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

A brief recess was taken from 8:35-8:48 p.m.

Staff presentation was given by Community Development Director Don Williams and Redevelopment Analyst Evelyne Ssenkoloto.

Agency Consultants from RSG and RBF, as well as SWIP #9 Project Area Committee (PAC) Members, were announced present, with Vice Chair David Eshleman representing the SWIP #9 PAC.

RSG Agency Consultant Felise Acosta provided a summary of the City Council Report.

RBF Agency Consultant Kevin Thomas provided a summary of the Program Environmental Impact Report.

Redevelopment Analyst Evelyne Ssenkoloto stated for the record that City Clerk Lewis had received the following documents to place into the written record:

- Proof of Publication of Public Hearing Notice
- Copy of Affidavit of Mailing of Notice to Affected Taxing Entities
- Copy of Affidavit of Mailing of Notice to the California State Department of Finance and the California Department of Housing and Community Development
- Copy of Affidavit of Mailing Notice of Public Hearing to all SWIP Project Area Property Owners, and, Where Available, all Residents and Businesses
- Report to the City Council
- Program Environmental Impact Report

- Amended and Restated Redevelopment Plan for the Southwest Industrial Park Project Area)

Redevelopment Analyst Evelyne Ssenkoloto stated for the record that two written communications were received from Mr. Bill Holiday and Mr. Stephen W. Rogers from P.E. Consulting.

Community Development Director Don Williams stated that the Redevelopment Plan for the Southwest Industrial Park Project Area was a financial tool to collect property tax revenue and deliver community improvements.

City Manager/Executive Director Kenneth Hunt clarified that eminent domain has not been significantly utilized by the Redevelopment Agency.

David Eshleman spoke as Vice Chair of the SWIP #9 PAC, announced PAC Member present, discussed the recommendations that resulted from seven PAC meetings, and spoke in support of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area.

Mayor/Agency Member Nuaimi stated that Exhibit E-2 to the written staff report included information regarding property tax revenue.

Jonnie Long, SWIP #9 PAC member, spoke regarding SWIP #9 PAC meetings, SWIP Project Areas, and in support of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area.

Jeff Nadelman, SWIP #9 PAC member, spoke in support of eminent domain and regarding City land use matters.

Council Member/Agency Member Warren arrived at 9:47 p.m.

Randy Castle spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area.

Sal Lopez spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area and regarding the County's Speedway Redevelopment Agency. A letter was submitted for the record.

Elizabeth Lopez spoke regarding redevelopment awareness and in opposition of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area. A letter was submitted for the record.

Lina Montes spoke regarding annexed properties in the SWIP Project Area and in opposition of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area.

Adriana Flores spoke regarding awareness of the proposed Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area, upside-down housing mortgages, and housing relocations.

Greg Tonkinson spoke regarding signatures of landowners and businesses that are being collected in the SWIP Project Area and in opposition of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area.

Bobbi Jo Chavarria spoke regarding community awareness and in opposition of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area.

Lynda Dykes spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area.

Jacqueline Gordono spoke regarding community awareness for Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area.

Ann Knickerbocker spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area and regarding annexations.

No one else spoke in favor or opposition.

Four written letters were received in opposition of Amendment No. 9 to the Redevelopment Plan for the SWIP Project Area from Bill Holiday, Stephen Rogers, Sal Lopez, and Elizabeth Lopez.

ACTION: Motion was made by Council Member/Agency Vice Chair Roberts, seconded by Council Member/Agency Member Rutherford, and carried unanimously by vote of 4-0 by the City Council and Redevelopment Agency to close the joint public hearing.

ACTION: Motion was made by Council Member/Agency Vice Chair Roberts, seconded by Council Member/Agency Member Rutherford, and carried unanimously by vote of 3-0, with Council Member/Agency Member Warren absent, for the City Council and Redevelopment Agency to:

- (1) Appoint a subcommittee with members Mayor Nuaimi and Council Member/Agency Member Rutherford to meet on Thursday, May 13, 2010, at 6 p.m. at the Hilton Hotel located on Slover and Sierra Avenues. The subcommittee will address community comments and concerns related to Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park Project Area. Information on the meeting will be posted on the City website.
- (2) Receive and consider all evidence concerning Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park Project Area.

- (3) Direct staff to prepare written responses to written objections received prior to and during the Joint Public Hearing and present such responses to the City Council and the Redevelopment Agency for consideration on May 26, 2010, Joint Public Hearing.
- (4) Direct that further actions are to resume at the meeting of May 26, 2010.

UNFINISHED BUSINESS: None.

Council Member Warren returned to the dais during the following item.

NEW BUSINESS:

- A. Approve a Right of Way Cooperative Agreement for the I-10/Citrus Avenue Interchange Project

Staff presentation was given by Engineering Department Planning Technician Monique Molina.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Roberts, and carried unanimously by vote of 4-0 to:

Adopt **Resolution No. 2010-028**, executing a Cooperative Agreement between the City of Fontana, San Bernardino County Board of Supervisors, and San Bernardino Associated Governments Board of Directors for the right of way phase of the I-10/Citrus Avenue Interchange Project.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

Council Member Roberts congratulated the Fontana Boys and Girls Club on a successful fundraising event held earlier today.

Council Member Warren announced her attendance at the Cucamonga Water District Hearing held last night and that there will be an increase in rates for the Village of Heritage on May 1, 2010.

Council Member Warren apologized for being late to the meeting due to her attendance at an event.

Council Member Warren asked for support of a resolution to suspend Assembly Bill 32.

Council Member Warren announced that Pastor Emory James is recovering.

Council Member Rutherford announced her attendance at the California Youth Summit held in Los Angeles last weekend in compliance with Assembly Bill 1234.

CITY COUNCIL MINUTES

APRIL 28, 2010

Mayor Nuaimi thanked City Code Enforcement staff, Planning staff, and the Management team for their efforts at tonight's meeting.

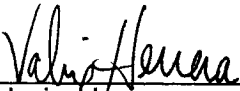
CITY MANAGER COMMUNICATIONS:

City Manager Kenneth Hunt announced newly appointed Fire Chief John Salvate.

Chief Salvate brings 27 years of Fire Service to the team and thanked the City for the opportunity as Fire Chief.

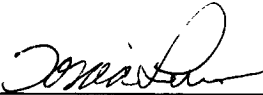
ADJOURNMENT:

The City Council meeting adjourned by consensus at 11:05 p.m. to the next regular meeting which will be held on May 12, 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 12th DAY OF MAY 2010.



Tonia Lewis
City Clerk