

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
MAY 12, 2010**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, May 12, 2010, City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the workshop to order at 5:34 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.

Inland Empire Utilities Agency (IEUA) General Manager Rich Atwater presented information on the IEUA proposed sewer service rate increase for Fiscal Year 2010-11.

The workshop meeting was adjourned at 5:52 p.m. to the Special Redevelopment Agency meeting for closed session to be held at 6 p.m.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, May 12, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the meeting to order at 7:05 p.m.

ROLL CALL:

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

Absent: None.

Following the Invocation by Life Changing Ministries Pastor David Horn, the Pledge of Allegiance was led by Mayor Nuaimi.

PROCLAMATIONS: None

SPECIAL PRESENTATIONS:

Mayor Nuaimi introduced Jennifer Maiorca and her A.B. Miller High School Students for a special presentation.

Trevor Pascoe presented an update on the canned food drive where a total of 3,657 pounds of canned goods were donated, which exceeded the goal of 2,010 pounds of food.

Jennifer Maiorca also presented an update on the canned food drive and spoke in support of the community and A.B. Miller High School Students.

Mayor Nuaimi thanked Ms. Maiorca and her students for their contributions and efforts to the community.

- B) Council Member Warren and the City Council introduced and presented a Certificate of Recognition to Dr. D.C. Thomas for his dedicated service to the Fontana Community and Community Services Department as a member of the Parks and Recreation Commission from 2005-10. Mayor Nuaimi introduced Chair Jasmin Hall and the Park and Recreation who presented a Certificate of Appreciation to Dr. D.C. Thomas on behalf of the Commission for his dedicated service over the past five years. Dr. Thomas thanked the Mayor, City Council, staff, the Park and Recreation Commission for being able to part of the innovation in the community and for their operation in excellence. Dr. Thomas also thanked Council Member Warren for the appointment to the Commission and the opportunity to serve the community.
- C) Mayor Nuaimi introduced Chief Rod Jones who recognized Officer Jose Ferreira and Animal Services Officer Jamie Simmons as the March 2010 "Employees of the Month."
- D) Mayor Nuaimi introduced Paul Balbach and presented a Dedication Street Sign and Resolution naming the newly constructed street immediately adjacent to the I-10/Cypress Avenue Overcrossing Project, Paul Balbach Drive. Paul Balbach thanked the City Manager, Mayor, and City Council for their support of local traffic improvements and expressed his pride in the community.
ACTION: Motion was made by Mayor Pro Tem Scialdone, seconded by Council Member Warren, and carried unanimously, by vote of 5-0 to:

Adopt **Resolution 2010-029** of the City Council of the City of Fontana, naming a newly constructed street Paul Balbach Drive.

- A) Mayor Nuaimi introduced Community Development Director Don Williams who presented the following Certificates of Recognition to members of the City of

Fontana Count Committee and Cardenas Market, on behalf of the Mayor and City Council, for their 2010 Census outreach efforts:

- I. Fontana Count Committee Members
 - A. Outreach/Events
 - 1. Don Williams
 - 2. Cheryl Cabaruvias
 - 3. Jonathan Villalobos
 - 4. Nicole Cole
 - 5. Stephanie Hall
 - 6. Elisa Gomez
 - 7. Leticia Ortiz
 - 8. Salvador Quintanilla
 - 9. Grace Martinez
 - 10. Monique Molina
 - B. Marketing
 - 1. Kyla Brown
 - 2. Kathleen Fariss
 - 3. Anthony Sarinana
 - 4. Maureen Barley
 - 5. Rob Bock
- II. Outside Agency: Cardenas Market - Mr. Marco Robles

Community Development Director Don Williams announced that the following Fontana Count Committee Members count not be present this evening:

- 1. Ultima Williams
- 2. Arely Monarez
- 3. Dawn Clement
- 4. Cecilia Henderson
- 5. Orlando Hernandez
- 6. John Perez
- 7. Victoria Reyna
- 8. Bianca Gutierrez

A brief recess was taken at 7:41 p.m. and the Mayor and City Council reconvened at 7:59 p.m.

CLOSED SESSION:

The City Attorney announced that the Redevelopment Agency had met for a Special Meeting in Closed Session at 6 p.m. to discuss the following item and announced that the meeting was still open and the Redevelopment Agency is still operating as such for open comment:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

Name of case: California Redevelopment Association, et al vs. Michael C. Genest, et al
Sacramento County Superior Court Case No. 34-2009-80000359-CU-WM-GDS

Redevelopment Agency Chair Warren and Members Nuaimi, Roberts, Rutherford, and Scialdone spoke regarding the State's taking of Fontana's Redevelopment Agency funds, the impacts of redevelopment projects, the existing litigation and appeal, and the need for citizens to question their State Representative's decision.

PUBLIC COMMUNICATIONS:

The following Public Communications were received:

Pastor David Horn spoke regarding the Life Changing Mentoring Program for children ages 7-17 years old that have incarcerated parents and spoke regarding his vision to work with the City to create satellite locations and the June 9, 2010, benefit recognition event to be held.

Steven Figueroa spoke regarding checkpoints, immigration, and community concerns.

Edgar Montes spoke regarding community concerns.

Raul Wilson spoke regarding community and election concerns.

Bobbi Jo Chavarria spoke regarding immigration and human rights issues.

CONSENT CALENDAR:

Mayor Pro Tem Scialdone abstained from voting on Item A.

- A. Approval of Minutes.
 - Approve the Minutes of the April 28, 2010, Regular City Council Meeting.
- B) Approval of Resolution supporting Senate Bill 942 Regulatory Burden Reduction Act.
 - (1) Adopt **Resolution 2010-030** of the City Council of the City of Fontana, supporting Senate Bill 942, Regulatory Burden Reduction Act.
- C) Fontana Art Association General Cooperative Programming Agreement
 - (1) Authorize the City Manager to renew an agreement with the Fontana Art Association to offer cultural art programming at the Koehler Gallery and the Art Depot Gallery and authorize the City Manager to execute any documents necessary to effectuate said agreement.
- D) Fiscal Year 2009-10 Third Quarter Budget Status Report
 - (1) Approve the recommended Third Quarter Budget adjustments.
- E) Agreement with San Bernardino County Redevelopment Agency
 - (1) Authorize the City Manager to execute an Agreement with the San Bernardino County Redevelopment Agency for construction of additional street

improvements with raised medians and landscaping along San Bernardino Avenue between Commerce Drive and Mulberry Avenue by Prologis, LLC, with page two of the agreement amended to include a total contract amount of not-to-exceed \$2,884,365.

- F) Final Acceptance of Asphalt Pavement Restoration Project SB-01-PW-10
 - (1) Accept as complete the work performed by American Asphalt for the Asphalt Pavement Restoration Project SB-01-PW-10 and authorize the Public Works Director to execute and file a Notice of Completion.
 - (2) Approve a final construction amount of \$3,276,552.14.
 - (3) Approve the release of the ten percent (10%) retention upon satisfactory closure of the contract.

“A-F” as recommended by staff.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, carried unanimously by vote of 5-0, to approve Consent Calendar Items “A-F,” with Mayor Pro Tem Scialdone abstaining from voting on Item A, and accepting the amendment to page two of the agreement in Item E.

PUBLIC HEARINGS: None

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- A) Conflict of Interest Code Review

City Manager Hunt commented that upon approval, administrative review of the current Conflict of Interest Code would occur with the City Attorney

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

Direct the City Manager to review the City of Fontana Conflict of Interest Code according to Government Code Section 857306.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

- A) Parks and Recreation Commission Appointment

ACTION: The Mayor and City Council unanimously and without formal motion continued review and appointment of a Park and Recreation Commissioner to the May 26, 2010, City Council Meeting.

CITY COUNCIL MINUTES

MAY 12, 2010

Council Member Warren announced that she attended Cruise Night held in Downtown on Friday, May 7, 2010, and encouraged residents of all ages to attend future Cruise Nights and enjoy the parade of classic and new cars.

Council Member Warren announced that she had the opportunity to attend several National Day of Prayer events and stated that the nation and community are blessed to celebrate such events.

Council Member Warren announced that her daughter will be graduating from Etiwanda High School in the next few weeks and stated her pride in her daughter's accomplishment.

Council Member Rutherford thanked residents for the prayer submitted at the National Day of Prayer breakfast and expressed thanks to City Clerk Toni Lewis, Mary Stewart, and the outstanding volunteer committee.

Council Member Rutherford reminded residents of the May 20, 2010, Grand Opening of the Fontana Community Senior Center.

Council Member Rutherford announced that she dined with tremendously skilled students at the Peer Leading Awards Banquet held at the Jessie Turner Center

Council Member Rutherford congratulated the new Miss Fontana and her court.

Council Member Rutherford thanked The Church of Jesus Christ of Latter-day Saints and volunteers for the Helping Hands Day for community clean-up.

Council Member Rutherford commented on public communications held earlier this evening. Council Member Rutherford stated that she represents all citizens interested in improving the quality of life and building a community.

Mayor Pro Tem Scialdone apologized for not being present at the April 28, 2010, City Council Meeting.

Mayor Pro Tem Scialdone announced his attendance at the Thirty Year Anniversary of the Dino Papavero Senior Center and commented on the three residents (Allie Sterling, Betty Jackson, and Margie Norfolk) who have lived there for 30 years since the center opened at those residents that have lived there for 10 to 20 years.

Mayor Pro Tem Scialdone commented on his attendance at the Community Services Department Volunteers Banquet on April 21, 2010. It is volunteerism that makes this City great.

Mayor Pro Tem Scialdone commented on the successful and well-attended Cruise Night held last Friday evening.

CITY COUNCIL MINUTES

MAY 12, 2010

Mayor Pro Tem Scialdone congratulated his son-in-law, Department of Corrections Lieutenant Tim Ellis who received the Department of Corrections Silver Star for an act of bravery at the Fire Camp during the Station Fire.

Mayor Pro Tem Scialdone announced that he had participated in the Eric Hidalgo Golf Tournament held on April 30, 2010, where Eric Hidalgo was honored and money was raised for the American Cancer Society and Relay for Life. Mayor Pro Tem Scialdone thanked all the family members for honoring Eric and raising money for a good cause.

Mayor Pro Tem Scialdone announced his attendance at the Fontana High School 2010 Annual Scholastic Awards Event for Senior Athletes hosted by Coach Vance. Seventy two senior athletes were honored with 3.0 and higher grade point averages. Seventy one of the athletes will attend college and one is joining the Navy. Mayor Pro Tem Scialdone congratulated Coach Vance and thanked all coaches for stressing importance of academics.

Mayor Pro Tem Scialdone expressed thanks to City Clerk Lewis and Council Member Rutherford for a great National Day of Prayer Breakfast.

Mayor Pro Tem Scialdone announced the Relay for Life event which will occur beginning on Saturday, May 15, 2010, at 9 a.m. at Summit High School to raise money for the American Cancer Society. The event is supported by local volunteers.

Mayor Pro Tem Scialdone reminded residents of the Grand Opening of Fontana Community Senior Center with events beginning on Thursday, May 20, 2010, through Saturday, May 22, 2010.

Mayor Pro Tem Scialdone announced the Chamber of Commerce is sponsoring their Annual Police Fire Awards Ceremony on May 20, 2010, at 6 p.m. in the Steelworkers Auditorium. Tickets can be purchased by contacting the Chamber of Commerce.

Council Member Roberts commented on public communications held earlier this evening. Council Member Roberts stated that during his eighteen years on the City Council, race has never been an issue in the City. The Community parks and facilities provide the best quality of life for all citizens of the community.

Council Member Roberts regretfully announced that former Park and Recreation Commissioner Lydia Wibert's two-year-old granddaughter Natalie had a relapse of Leukemia. Council Member Roberts sends prayers for her recovery.

Council Member Roberts announced the brutal murder of Omnitrans Coach Operator Larry Kester while on duty in the City of Rialto. Omnitrans had started a special fund to help out with family expenses for Mr. Kester's wife Misty and eight young children. Council Member Roberts send his prayers to Misty and family.

CITY COUNCIL MINUTES

MAY 12, 2010

Mayor Nuaimi congratulated his son Marcus who will be graduating from Etiwanda High School. Marcus has been honored as part of the student athlete program and Mayor Nuaimi stated his great pride in his son's achievements.

Mayor Nuaimi announced that he attended his wife Susanne's open house held at her school held on May 10, 2010. He acknowledged his thanks and pride in Susanne for everything she has done.

Mayor Nuaimi thanked the Mayor's Youth Advisory Council and Teen Center for providing a UCLA college tour to middle school students. These youths set a great example for the community and Mayor Nuaimi sends his thanks to staff for their support. A rummage sale and a softball game against staff were held to receive donations for the Relay for Life event.

Mayor Nuaimi encouraged residents to attend the Relay for Life to be held this weekend on May 15 and 16, 2010. The heart of Fontana and passion of the community are present on the track each year.

Mayor Nuaimi expressed his prayers for Lydia Wibert's family.

Mayor Nuaimi announced the many great parks, facilities such as the Skate Parks, Fontana Community Senior Center, and the Lewis Library and Technology Center, and road improvements, and business development that the City of Fontana has to offer its business owners and residents. Mayor Nuaimi announced his passion as a Mayor who will stand up and defend the integrity of the community.

Mayor Nuaimi congratulated Ms. Mairoca's class for their canned food collection and recognized the Fontana Unified School District's staff and students' achievement of greatness and excellence.

Mayor Nuaimi announced the Primary Election that is forthcoming, the County of San Bernardino Board of Supervisors election in which Council Member Rutherford is participating in, and the recent campaign matters. Mayor Nuaimi also commented on the State Assembly election that Council Member Warren is participating in.

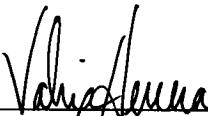
CITY MANAGER COMMUNICATIONS:

City Manager Hunt recognized and thanked Public Works Facilities Supervisor Shawn Burgo for his dedicated service to the City and his commitment to the community.

City Manager Hunt stated that tonight's meeting will be adjourned to the International Conference of Shopping Centers (ICSC) Conference to be held from May 23-25, 2010, and then to the Regular City Council Meeting on May 26, 2010.


ADJOURNMENT:

The City Council meeting adjourned by consensus at 9:31 p.m. in memory of Omnitrans Coach Operator Larry Kester and was adjourned to the International Council of Shopping Centers (ICSC) Conference to be held in Las Vegas, NV, from May 23-25, 2010, and then to the next regular meeting which will be held on May 26, 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 26th DAY OF MAY 2010.



Tonia Lewis
City Clerk