

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
MAY 26, 2010**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, May 26, 2010, City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the workshop to order at 5:30 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.

Council Member Scialdone announced that he would not be attending the Special Redevelopment Agency meeting for closed session and would be abstaining from voting on the Joint City Council and Redevelopment Agency item for the SWIP No. 9 Amendment on this evening's agendas, due to owning real property within 500 feet of the boundaries of the redevelopment project area.

Public Works Manager Dan Chadwick, Engineering Administrative Clerk Jonathan Villalobos, Senior Planner Orlando Hernandez, and Community Services Manager Kyla Brown presented information on the proposed Green Policies in the City.

The workshop meeting was adjourned at 6:08 p.m. to the Special Redevelopment Agency meeting for closed session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, May 26, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Nuaimi called the meeting to order at 7:09 p.m.

ROLL CALL:

Present: Mayor Nuaimi, Mayor Pro Tem Scialdone (left the dais at 9:43 p.m.), and Council Members Roberts, Rutherford, and Warren.

Absent: None.

CLOSED SESSION:

The City Attorney/Agency Counsel Stephen Deitsch announced that the Redevelopment Agency had met for a Special Meeting in Closed Session to discuss the following item with no reportable action and that Council Member/Agency Member Scialdone was not present during deliberations due to owning real property within 500 feet of the boundaries of the redevelopment project area:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (b)(1)

Number of Cases: One

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

PROCLAMATIONS:

- A) Mayor Nuaimi introduced Exchange Club President Donald Lewis to accept a Proclamation to designate June 3-6, 2010, as "Fontana Days."

Exchange Club President Donald Lewis expressed his thanks for the City and Community Service Department's support of the event. He also invited the public to attend the June 5, 2010, parade which will begin in downtown at Sierra and Arrow Avenues at 11 a.m. and would end at Veteran's Park.

SPECIAL PRESENTATIONS:

- A) Mayor Nuaimi introduced Terry Welsh and presented a plaque and certificate in recognition of his retirement and for his dedicated service as Fontana Fire Protection District Fire Chief.

Retired Fire Chief Terry Welsh expressed his gratitude in serving the City of Fontana, thanked staff, and his family for their support. He also wished the best to his successor, Fire Chief John Salvate.

PUBLIC COMMUNICATIONS:

The following Public Communications were received:

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Alfred Palazzo spoke regarding the need for the City to monitor assessments of commercial properties.

Danielle Johnson, member of the Bloomington Boosters 4-H Club, spoke regarding Fontana Days and the Livestock Auction to be held on June 6, 2010, at 2 p.m. at Veterans Park.

Bert Bene spoke regarding a petition to be submitted to the City of Fontana regarding trucking on Oleander Avenue.

Javier Gonzalez spoke regarding a petition to be submitted to the City of Fontana regarding trucking on Oleander Avenue.

Larry Meyer spoke in support of the City of Fontana, the opportunity to have a voice and be heard, and in gratitude of the Mayor, City Council, City staff, and those involved in City leadership.

Carole Lee spoke in support of the City of Fontana, in gratitude of the Mayor, City Council, City staff, and those involved in City leadership, and regarding the benefits of a united community with many projects and organizations for City residents.

Mayor Nuaimi commented on the six 2010 California Distinguished Schools in the Fontana Unified School District.

Steven Figueroa spoke regarding community concerns, Civil Rights, and equality in the City.

Mayor Nuaimi extended his invitation to Mr. Steven Figueroa to tour the parks in the Community's core.

Linda Gonzalez spoke in response to recent press releases for Senate Bill 1070, job development, and the need for answers to community concerns.

Raul Wilson, President for the Mexican Political Association, spoke regarding Senate Bill 1070, employment, and immigration.

Mayor Nuaimi extended his invitation to Mr. Steven Figueroa and Mr. Raul Gonzalez to tour the parks in the Community's core.

Renea Wickman spoke regarding employment and unemployment rates, Senate Bill 1070, and immigration.

Jenifer (no last name given) translated Ms. Renea Wickman's comments for Spanish speakers regarding employment and unemployment rates, Senate Bill 1070, and immigration.

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Dayle Jamieson spoke regarding City parking fees, sidewalk repairs, and law breaking issues.

Gil Navarro spoke regarding local school district performance, immigration, and recent press releases.

Joshua Higgins spoke in support of Police Department traffic stops and regarding immigration and the community.

Lina (no last name given) spoke regarding immigration, job creation, and recent press releases.

Jessica Nuaimi spoke regarding community-based activities and in support of her family and Mayor Nuaimi.

Lynda (no last name given) spoke regarding text messaging during City Council meetings, City Council meeting minutes, and community meetings held with Western (or United) Strategies.

Mayor Nuaimi commented on recent community meetings and stated that Mr. Bruce Cash is not an agent of the City.

Council Member Warren and Mayor Nuaimi commented on the structure of City Council meeting minutes.

David Eshleman announced that Eshleman Racing won its first race at Irwindale Speedway last Saturday evening and that the Fontana Days Livestock Auction will be held on June 6, 2010, at 2 p.m. at Veterans Park.

Linda Scialdone spoke regarding community concerns, community and activist group comments made at local meetings, and in support of the actions of the Mayor and City Council for the City.

Bobbi Jo Chavarria spoke regarding election campaigning, the State budget, community organizations, and Senate Bill 1070.

Susanne Nuaimi spoke in support of the local community, regarding a diverse 2010 graduating class at Summit High School, and regarding current elected officials and positive campaigns for the 2010 elections.

Esther Portillo was not present for public comments.

Edgar Montes spoke regarding Senate Bill 1070, immigration, and comments made at local meetings.

Ann Knickerbocker spoke regarding Memorial Day and Veteran celebrations, thanks for City responses to pesticide complaints she had previously made, and regarding verbal comments.

Gene Born spoke regarding the flooding of his residence located at 13980 Rose Avenue in San Bernardino County.

Mayor Nuaimi commented on the County's flood control responsibility in unincorporated areas of the City.

Ozzie Garcia spoke regarding community input, constructive criticism, and community statements.

Wendy Ellis spoke regarding community statements, in support of the actions of the Mayor and City Council, regarding the public use of parks located in the southern area of the community, and election campaigning.

Nick Gonzales spoke in support of the actions of the Mayor and City Council and regarding local school districts and businesses.

Mayor Nuaimi thanked the community for their public comments and reminded residents of issues that are within and not within the City's jurisdiction.

Council Member Warren commented on the recent press of Senate Bill 1070.

CONSENT CALENDAR:

A) Approval of Minutes.

(1) Approve the Minutes of the May 12, 2010, Regular City Council Meeting, with typo corrections (*in italics*) to page seven to Elected Official comments, per Council Member Scialdone:

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.

(2) Approval of revisions to page 5 of the Minutes of the December 11, 2007, Regular City Council Meeting, and page 2 of the Minutes of the January 8, 2008, Regular City Council Meeting, in relation to the votes for the introduction and adoption of Ordinance No. 1571.

Bobbi Jo Chavarria spoke regarding the format of City Council Minutes and suggested corrections to the City Council Minutes.

- B) Approval of Resolution supporting Senator Dutton's California Jobs Initiative—Assembly Bill 32 Suspension.
Adopt **Resolution 2010-031** supporting the California Jobs Initiative—Assembly Bill 32 Suspension.

Bobbi Jo Chavarria spoke regarding a recent article and in opposition of suspension of Assembly Bill 32.

Amos Young, Jr. spoke in opposition of suspension of Assembly Bill 32, as well as in opposition to Proposition 16.

Oscar Hermosillo spoke regarding the Solar Energy Council of Inland Southern California's opposition of suspension of Assembly Bill 32.

Mayor Nuaimi and Council Member Warren commented on Assembly Bill 32 and the uncertainty of the impacts nationwide and globally.

- C) Professional Services Contract with MDG Consulting Services.
(1) Authorize the City Manager to extend the existing contract with MDG Consulting Services for one year, with three one-year extensions at the sole discretion of the City.
(2) To expand scope of services to include assistance with preparation of the Consolidated Annual Performance Evaluation Report (CAPER) and other HUD required documents and submittals.
- D) Accept Donation from Fontana Water Company.
Accept donation from the Fontana Water Company in the amount of \$5,000.00 for use towards the City's 2010 Teen Fest series.
- E) Authorize Grant Reimbursement Progress Payments for the Pacific Electric Inland Empire Trail, Segment 6.
Authorize the City Engineer to file grant reimbursement claims for progress payments up to the total grant fund of \$1,000,000, allocated under the 2009 Transportation Development Act (TDA), for the Pacific Electric Inland Empire Trail Segment 6, from Palmetto Avenue to Maple Avenue.
- F) Authorize an Agreement with the City of Rancho Cucamonga for Design and Construction of Cherry Avenue at Beech Avenue.
Authorize the City Manager to execute a cooperative agreement between the City of Fontana and the City of Rancho Cucamonga for the design and construction of street intersection and pavement improvements on Cherry Avenue between Beech Avenue and the Hawker-Crawford Channel.
- G) 2010 Edward Bryne Memorial Justice Assistance Grant (JAG).
(1) Approve the Interlocal Agreement with the Town of Apple Valley, Cities of Adelanto, Barstow, Chino, Colton, Hesperia, Highland, Montclair, Ontario,

Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Upland, Victorville, and County of San Bernardino, concerning distribution of the 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$90,611.

- (2) Authorize the City Manager to sign the Interlocal Agreement on behalf of the City of Fontana for the Justice Assistance Grant.
- (3) Approve the expenditure plan for use of the funds to help offset the cost of three police officers and two sergeant positions within the Police Department.

- H) Award of Contract for Pavement Striping and Markings, SB-17-PW-10.
Award Bid and authorize the City Manager to enter into a service contract with Chrisp Company for pavement striping and marking services with thermoplastic and/or paint.

“A-H” as recommended by staff.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone carried unanimously by vote of 5-0, to approve Consent Calendar Items “A-H,” with typo corrections to page seven of the May 12, 2010, City Council Minutes.

PUBLIC HEARINGS:

- A) Hearing was opened to consider adoption of Amendment-10-001 for modifications to various sections of Chapter 30, Zoning and Development Code, regulating Bus Depots and Bus Terminals.

No written communications were received.

Staff presentation was given by Senior Planner Shannon Casey.

No one spoke in favor or opposition.
The hearing was closed.

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

- (1) Determine that the Ordinance will have no significant impact on the environment and direct staff to file the Negative Declaration pursuant to Section No. 15070 of the California Environmental Quality Act; and
- (2) Introduce **Ordinance No. 1618** amending various sections of Chapter 30, Zoning and Development Code, regulating Bus Depots and Bus Terminals and that the reading of the title constitutes the first reading thereof.

Council Member/Agency Member Scialdone abstained from voting on the following item due to living within 500 feet of the project area and left the dais at 9:43 p.m.

UNFINISHED BUSINESS:

A) A Joint City Council and Redevelopment Agency item was held to consider approval of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and related the Program Environmental Impact Report, as the Joint Public Hearing was closed on April 28, 2010.

City Attorney/Agency Counsel Stephen Deitsch stated that written communications were received from the following senders:

- 1) An email addressed to Mayor Nuaimi from Mr. Jack Mazmanian in support of the item.
- 2) An email addressed to Mayor Nuaimi from Mr. John Grisafe in opposition of the item.
- 3) A fax addressed to Mayor Nuaimi from Mr. Boghous Jankouzian in support of the item.
- 4) Written correspondence to the City Council and Redevelopment Agency from Attorney C. Robert Ferguson in opposition on behalf of his clients.
- 5) A written response from City Attorney/Agency Counsel to Attorney C. Robert Ferguson.

Staff presentation was given by Community Development Director Don Williams who also stated that Redevelopment Analyst Evelyne Ssenkoloto, RSG Agency Consultants Felise Acosta and Sherry Fuller, RBF Agency Consultant Kevin Thomas, and Best, Best & Krieger Associate Fernando Avila were present.

Community Development Director Don Williams stated that on May 13, 2010, a City Council Subcommittee composed of Mayor Nuaimi and Council Member Rutherford, met to consider community concerns. Staff responses to the community comments have been placed into the record and are available for viewing in the City Council Chamber lobby and on the City's website at www.fontana.org.

Tami Wetzel, City property owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

C. Robert Ferguson, Attorney for Citizens for Fontana First (CFFF)-Randy Castle and Linda Dykes, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Mike James, Project Area Committee (PAC) Member and property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area to allow for the Project Area Committee's review and removal of eminent domain provisions.

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John Grisafe, property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the impacts on small businesses in the area.

RE (no last name given), City property owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Sharon Mitchell, City property owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and questioned the benefits to the area.

Jacqueline (no last name given), City business owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and questioned the effects on property and business owners in the area.

Rocky (no last name given) stated that his wife Silvinia (no last name given) is present but does not speak English, that he is a City property owner, and spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Ana (no last name given) spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the unknown impacts on residents that live in the area.

Juan M. Santana, property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Rodrigo Santana, property owner in the SWIP Project Area and business owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the unknown impacts on property and business owners in the area.

Maria, Celina, Carlos, Ramon, Irene, and Sarbelio (no last names given), were in opposition and were not present to speak.

Edgar Montes spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to family and friends that are directly affected and opposed to the amendment.

Jackie (no last name given) was in opposition and was not present to speak.

Ruben Godinez was in opposition and was not present to speak.

Dora Chavez was in opposition and was not present to speak.

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Lynda Dykes, PAC Member and property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the differences between Project Area Committee (PAC) and City Council Meeting documentation. Ms. Dykes also requested information so that the PAC could continue to meet.

Angela (no last name given) spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area on behalf of opposition from family and friends that live in the project area.

Stephen Rogers, a Consultant Engineer, spoke on behalf of Citizens for Fontana First (CFFF) and the Anticorruption Team of the County of San Bernardino (ACT), in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area, and regarding written communication previously submitted, misinformation, and community meeting responses.

Nicolas (no last name given) was in opposition and was not present to speak.

Leonel Cortez, City property owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Alesandro Garcia was in opposition and was not present to speak.

Bobbi Jo Chavarria spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and commented on the use of redevelopment funds and issuance of debt.

Lina (no last name given), property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area due to the uncertainty of the plan. Lina (no last name given) also spoke regarding code enforcement complaints and vacant business properties.

Salvador Lopez spoke on behalf of Citizens for Fontana First (CFFF), in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area, and regarding written communication previously submitted.

Elizabeth Lopez, resident of San Bernardino County, spoke on behalf of business and property owners in project area and in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Chris G. Grisafe spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area and questioned the lack of specific plan guidelines.

Vera Raygoza, City of Rancho Cucamonga property and business owner, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial

Park (SWIP) Project Area and regarding the contributions by property owners to the local community.

Francisco Valenciano, spoke regarding a code enforcement citation received, an arrest of himself and his wife due to hearing issues with his lawyer, and the need for community. Edgar Montes assisted with translation of Mr. Valenciano's comments.

Yadirah Mendez, small business and property owner in the SWIP Project Area, spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Aida Solis and Martin Solis were in opposition and were not present to speak.

Jehu Melchor, spoke on behalf of his father who owns a small business affected by the amendment and in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

Karen (no last name given) spoke in opposition of Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park (SWIP) Project Area.

No one else spoke in favor or opposition.

ACTION: Motion was made by Council Member/Agency Member Rutherford, seconded by Council Member/Agency Vice Chair Roberts, and *failed to carry by vote of 2-2*, with Mayor/Agency Member Nuaimi and Council Member/Agency Chair Warren voting no, to adjourn the meeting.

ACTION: Motion was made by Council Member/Agency Chair Warren, seconded by Mayor/Agency Member Nuaimi, and *failed to carry by vote of 2-2*, with Council Member/Agency Member Rutherford and Council Member/Agency Vice Chair Roberts voting no, to continue the meeting past 11 p.m.

ACTION: Motion was made by Mayor/Agency Member Nuaimi, seconded by Council Member/Agency Chair Warren, and *carried unanimously by vote of 4-0* to continue the meeting through to 11:30 p.m. to allow for Council/Agency and staff discussion of the public communications received.

Mayor/Agency Member Nuaimi clarified that the Specific Plan for the project area is separate from the Redevelopment Plan Amendment.

Mayor/Agency Member Nuaimi also clarified the issuance of debt procedure used by the Redevelopment Agency.

RSG Agency Consultant Felise Acosta stated that project list for the project area can be found on page 9 of Exhibit C attached to the Draft Redevelopment Plan in the April 28, 2010, written staff report.

City Attorney/Agency Counsel Stephen Deitsch stated that low income loans to property owners are only possible if a redevelopment plan exists in an area.

Mayor/Agency Member Nuaimi requested City Attorney/Agency Counsel Stephen Deitsch to clarify the role of the Project Area Committee (PAC).

RSG Agency Consultant Felise Acosta stated the role of the Project Area Committee (PAC) is an advisory body and discussed the PAC meetings held and documents reviewed.

Council Member/Agency Vice Chair Roberts commented on public comments regarding protection of property in the project area and the possibility of the removal of eminent domain from the amendment.

ACTION: Motion was made by Council Member/Agency Member Rutherford, seconded by Council Member/Agency Chair Warren, *yet failed to carry by unanimous vote* to remove eminent domain from the Redevelopment Plan.

Redevelopment Analyst Evelyne Ssenkoloto stated that eminent domain had not been used in the project area for the last ten years.

Mayor/Agency Member Nuaimi clarified that code enforcement issues are independent of the Redevelopment Plan Amendment.

City Attorney/Agency Counsel Stephen Deitsch commented on the role of the Project Area Committee (PAC).

Council Member/Agency Member Rutherford stated that the project list for the project area will be made available in the City Clerk's Office, commented that the Speedway is located in the County's jurisdiction, and stated that the City has a healthy budget with a fiscally conservative City Council. Budget documents are available on the City's website.

Council Member/Agency Member Rutherford and City Manager/Executive Director Hunt commented on the availability of a code enforcement map that shows only pin-point locations of complaint call generations and stated that the map is available by contacting the City Manager's Office.

Council Member/Agency Chair Warren restated that the staff responses to the community comments from the May 13, 2010, community meeting are available for viewing in the City Council Chamber lobby and on the City's website.

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Council Member/Agency Vice Chair Roberts commented that the redevelopment plan amendment has no financial impact on any property owner in the area.

Mayor/Agency Member Nuaimi requested staff to provide copies of the May 13, 2010, community meeting comment cards to the City Council/Redevelopment Agency Members. The agenda packets have been transparent and include staff responses to comment cards and written communications.

Mayor/Agency Member Nuaimi commented on the discussion of eminent domain provisions and that action on the redevelopment plan amendment item would be heard at the June 9, 2010, meeting.

NEW BUSINESS: None.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A) Parks and Recreation Commission Appointment

This item was not heard due to the adjournment and will be heard at the June 9, 2010, meeting.

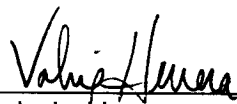
Council Member Warren congratulated her daughter on her recent graduation.

Mayor Nuaimi congratulated his son on his recent graduation.

CITY MANAGER COMMUNICATIONS: None.


ADJOURNMENT:

Motion was made by Council Member/Agency Chair Warren, seconded by Council Member/Agency Member Rutherford, and carried unanimously by vote of 4-0 to adjourn by consensus at 11:31 p.m. to the next City Council and Redevelopment Agency regular meetings which will be held on June 9, 2010, with a City Council workshop at 5 p.m. and the regular meetings 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 9TH DAY OF JUNE 2010.



Tonia Lewis
City Clerk