

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

**ARTIST SHOWCASE**

The work of Artist Raul de la Torre was presented.

**WORKSHOP**

A workshop meeting of the Fontana City Council was held on Wednesday, July 28, 2010, City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Scialdone called the workshop to order at 5:30 p.m.

**ROLL CALL:**

Present: Mayor Scialdone and Council Members Roberts, Rutherford, and Warren (arrived at 5:39 p.m.).

Absent: None.

The Fontana City Council Regular Meeting Agenda was reviewed.

City Manager Comments were heard.

The workshop meeting adjourned at 5:48 p.m. to closed session.

**REGULAR CITY COUNCIL MEETING**

The Regular Meeting of the City of Fontana City Council was held on Wednesday, July 28, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Scialdone called the meetings to order at 7:06 p.m.

**ROLL CALL:**

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

Absent: None.

**CLOSED SESSION:**

City Attorney Jeff Ballinger announced that the City Council had met in Closed Session to discuss the following item with no reportable action.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)  
Number of Cases: Two

Following the Invocation by Ar-Rahman Islamic Center President and Religious Director Faiz Shah, the Pledge of Allegiance was led by Council Member Roberts.

**SPECIAL PRESENTATIONS:**

- A) City Clerk Toni Lewis provided the Oath of Affirmation of Allegiance to newly appointed Mayor Frank Scialdone. Mayor Scialdone introduced his wife Linda, grandchildren, and family and friends who were present and thanked the City Council for the honor to serve as Mayor.

A brief recess was taken from 7:15 to 7:17 p.m.

- B) Mayor Scialdone introduced Community Services Coordinator Courtney Hodnick and presented a plaque and check to Artist Raul de la Torre. Residents are encouraged to view the artwork on display in the Art Depot Gallery and City Council Chamber Foyer through August 22, 2010.

Mayor Scialdone and the City Council added the following special presentation:

Mayor Scialdone introduced Paul Cappitelli, Executive Director of POST (Peace Officer and Standards Training) who presented Chief Rod Jones with a POST Executive Certificate. Mayor Scialdone and the City Council congratulated Chief Jones on the outstanding achievement.

- C) Mayor Scialdone introduced Chief Rod Jones who recognized Field Services Secretary Alicia Lopez as the May 2010 Employee of the Month.

**PROCLAMATION:**

Mayor Scialdone introduced Chief Rod Jones who accepted a Proclamation to Proclaim August 3, 2010, as National Night Out. Chief Jones and Mayor Scialdone encouraged residents to participate in this National event by turning on their street light and visiting the nearest event location. Event locations can be found by visiting the Police Department link on the City Website at [www.fontana.org](http://www.fontana.org) or by calling Heather Howard at (909) 350-7758.

**SPECIAL PRESENTATIONS:**

- D) Mayor Scialdone introduced Chief Rod Jones who recognized the Fontana Police Department Explorers and Advisors who won first place overall at the Explorer Conference "Ex Con" championship in Las Vegas, Nevada on June 12, 2010.

E) Mayor Scialdone introduced Southern California Junior All American Football-Fontana Trojans Team President Michael Valencia who presented a plaque to the Fontana Police Officers Association (POA) for their sponsorship and generous support of the Fontana Trojans Football Team. Fontana POA President Shawn Hare accepted the plaque on behalf of the POA. Mayor Scialdone thanked both the Fontana Trojans and the POA for their dedication to the community and support of Fontana's youth.

**PUBLIC COMMUNICATIONS:**

The following Public Communications were received:

Lydia Salazar Wibert, Danny Marquez, and Elvia Lopez represented the American Legion Post 772, announced the upcoming Loma Linda Veterans Golf Tournament to occur on Monday, September 27, 2010 at 1 p.m. at Sierra Lakes. Those interested can contact (951) 505-1438 or (909) 829-9490 and [www.post772.com](http://www.post772.com). The Post Members also spoke in gratitude of the Rotary Club for their donations and generous support.

Danny Huie spoke regarding consideration for the establishment of an email club at the Fontana Community Senior Center.

Kristine Scott introduced herself as Southern California Gas Company Public Affairs Manager for the Southern Inland Region.

Raul Wilson spoke regarding City, school board, and legislative issues and freedom of speech.

Mayor Scialdone commented on and apologized for stopping Edgar Montes' public comments at the July 14, 2010, City Council Meeting.

Steven Figueroa spoke regarding civil rights issues, Senate Bill 1070, and immigration.

Jess Viskano represented Congressman Joe Baca's Office and spoke regarding the Supplemental Nutrition Assistance Program (SNAP). Those interested can call (909) 885-2222 for more information.

Edgar Montes spoke regarding freedom of speech, City employee salaries, City debt and loans, and recent court decisions.

Carlos Bravo spoke regarding community improvements and quality of life.

Lynda Gonzalez spoke regarding freedom of speech during public communications, racial profiling, the United Farmers of America, and Council Member Warren.

Mark Nuaimi spoke regarding recent public comments with misinformation regarding community meetings, redevelopment funds, and City of Fontana issues.

Lina Montes spoke regarding City Manager, elected official, and employee wages, a recent press article, and in support of a local resident's decisions.

Tami Wetzel spoke regarding recent public comments, former Mayor Nuaimi, and litigation matters.

**CONSENT CALENDAR:**

- A) Approval of Minutes.  
Approve the Minutes of the July 14, 2010, Regular Meeting of the City Council.
  
- B) Accept Grant Award from 3M Foundation  
Accept a grant from the 3M Foundation in the amount of \$3,500.00 to be used to provide items that will include a flat screen television, microscopy equipment, adventure packs, and contents for visitors at the Mary Vagle Nature Center.
  
- C) Resolution Amending the Administrative Policy Detailing Correspondence With Elected Officials  
Adopt **Resolution No. 2010-076** amending Administrative Policy No. 30-01, Correspondence with Elected Officials, which adds a provision to inform the City Manager's Office and the appropriate Department Head of discussion with City Council Members to ensure that the organization's established priorities are accomplished in the most effective manner.
  
- D) Acceptance of Final Map for Tract No. 16723
  - (1) Accept Final Map for Tract No. 16723 located north of Walnut Avenue and east of Cypress Avenue.
  - (2) Accept as public dedicated streets and easements and authorize the City Manager to enter into a subdivision agreement with the subdivider.
  
- E) Award Bid for Helicopter Patrol Services
  - (1) Award Bid to California Aviation Services, Inc., Riverside, California, in the amount of \$497,250 to provide helicopter patrol services to the City.
  - (2) Approve appropriation and allocate the amount of \$71,250 from Fund 223 "Federal Asset Seizure" and authorize the City Manager to execute all related contract documents.
  
- F) Levy of a Special Tax in Community Facilities Districts for Fiscal Year 2010-2011  
Adopt **Resolution No. 2010-077** authorizing the Levy of a Special Tax within Community Facilities Districts (Maintenance) for Fiscal Year 2010-2011.

- G) Levy of a Special Tax in Community Facilities District No. 1 (Southridge Village) for Fiscal Year 2010-2011  
Adopt **Resolution No. 2010-078** of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 1 (Southridge) for Fiscal Year 2010-2011.

The following item was pulled for discussion due to both Council Member Rutherford and Warren residing in the affected area.

- H) Levy of a Special Tax in Community Facilities District No. 2 (Village of Heritage) for Fiscal Year 2010-2011
- I) Levy of a Special Tax in Community Facilities District No. 3 (Hunter's Ridge) for Fiscal Year 2010-2011  
Adopt **Resolution No. 2010-079** of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 3 (Hunter's Ridge) for Fiscal Year 2010-2011.
- J) Levy of a Special Tax in Community Facilities District No. 4 (A portion of Walnut Village) for Fiscal Year 2010-2011  
Adopt **Resolution No. 2010-080** of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 4 (A Portion of Walnut Village) for Fiscal Year 2010-2011.
- K) Levy of a Special Tax in Community Facilities District No. 7 (Country Club Estates) for Fiscal Year 2010-2011  
Adopt **Resolution No. 2010-081** of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 7 (Country Club Estates) for Fiscal Year 2010-2011.

Council Member Rutherford abstaining from voting on the following item as she lives within the affected area.

- L) Levy of a Special Tax Community Facilities District No. 11 (Heritage West End) for Fiscal Year 2010-2011  
Adopt **Resolution No. 2010-082** of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 11 (Heritage West End) for Fiscal Year 2010-2011.
- M) Levy of a Special Tax in Community Facilities District No.12 (Sierra Lakes) for Fiscal Year 2010-2011  
Adopt **Resolution No. 2010-083** of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax In Community Facilities District No. 12 (Sierra Lakes) for Fiscal Year 2010-2011.

- N) Levy of a Special Tax in Community Facilities District No. 22 (Sierra Hills South) for Fiscal Year 2010-2011

Adopt **Resolution No. 2010-084** of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 22 (Sierra Hills South) for Fiscal Year 2010-2011.

- O) Levy of a Special Tax in Community Facilities District No. 31 (Citrus Heights North) for Fiscal Year 2010-2011

Adopt **Resolution No. 2010-085** of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 31 (Citrus Heights North) for Fiscal Year 2010-2011.

Mayor Scialdone abstained from voting on the following item as he resides within 500 feet of the affected area.

- P) Levy of a Special Tax in Community Facilities District No. 37 (Montelago) for Fiscal Year 2010-2011

Adopt **Resolution No. 2010-086** of the City Council of the City of Fontana, California, authorizing the Levy of Special Tax in Community Facilities District No. 37 (Montelago) for Fiscal Year 2010-2011.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Warren, and carried unanimously by vote of 4-0, to approve Consent Calendar Items "A-P," with Item H pulled for separate action, Council Member Rutherford abstaining from voting on Consent Calendar Item L regarding Community Facilities District No. 11, and Mayor Scialdone abstaining from voting on Consent Calendar item P regarding Community Facilities District No. 37.

**CONSENT CALENDAR ITEM H:**

- H) Levy of a Special Tax in Community Facilities District No. 2 (Village of Heritage) for Fiscal Year 2010-2011

As both Council Member Rutherford and Warren reside within the affected area, Mayor Scialdone explained the random method to be used to choose which Council Member would vote on the item. City Clerk Lewis administered the random method and Council Member Rutherford would vote on the item.

Council Member Warren left the dais at 8:33 p.m.

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

Adopt **Resolution No. 2010-087** of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 2 (Village of Heritage) for Fiscal Year 2010-2011.

Council Member Warren returned to the dais at 8:33 p.m.

**PUBLIC HEARING:**

- A) Hearing was opened to establish Fiscal Year 2010-2011 Assessment Rates for Landscape Maintenance Districts and Local Lighting Maintenance Districts.

No written letters of communication were received.

Staff presentation was given by Management Services Accounting Manager Dawn Brooks and Senior Accountant Jeff Moriarty.

Mayor Scialdone left the dais at 8:36 p.m. as he resides within the affected area.

Council Member Roberts presided.

No one spoke in favor or opposition.

The hearing was closed.

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

- (1) Adopt **Resolution No. 2010-088** of the City Council of the City of Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Landscape Maintenance District No. 1 ("LMD #1" throughout the City) for Fiscal Year 2010-2011.

Mayor Scialdone returned to the dais at 8:37 p.m. and presided.

As both Council Member Rutherford and Warren reside within the affected area, Mayor Scialdone explained the random method to be used to choose which Council Member would vote on the item. City Clerk Lewis administered the random method and Council Member Warren would vote on the item.

Council Member Rutherford left the dais at 8:37 p.m.

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

- (2) Adopt **Resolution No. 2010-089** of the City Council of the City of Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Landscape Maintenance District No. 2 ("LMD #2" Village of Heritage) for Fiscal Year 2010-2011.

Council Member Rutherford returned to the dais at 8:38 p.m.

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

- (3) Adopt **Resolution No. 2010-090** of the City Council of the City of Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Landscape Maintenance District No. 3 ("LMD #3" Hunter's Ridge) for Fiscal Year 2010-2011.
- (4) Adopt **Resolution No. 2010-091** of the City Council of the City of Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Landscape Maintenance District No. 3-1 ("LMD #3-1" Empire Center) for Fiscal Year 2010-2011.
- (5) Adopt **Resolution No. 2010-092** of the City Council of the City of Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Local Lighting Maintenance District NO. 3 ("LLMD #3" Hunter's Ridge) for Fiscal Year 2010-2011.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

- A) Approve Amendment No. 2 to the Interstate-210 Freeway Joint Powers Agreement

Staff presentation was given by Strategic Transportation Engineering Manager Kevin Ryan.

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

- (1) Authorize the City Manager to execute Amendment No. 2 to the Joint Exercise of Powers Agreement which created the Corridor Design Authority for the Interstate-210 Foothill Freeway with the Cities of Claremont, La Verne, Montclair, Rancho Cucamonga, Rialto and Upland.
- (2) Reappoint City Council Member John Roberts as a member of the Corridor Design Authority Board of Directors and appoint the City's Strategic Transportation Engineering Manager Kevin Ryan as the alternate member.

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

- A) Mayor Pro Tem Appointment

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Rutherford, and carried unanimously by vote of 4-0 to:  
Appoint Acquanetta Warren as Mayor Pro Tem for a term of one year.

- B) Discussion and possible action to fill existing City Council vacancy.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Rutherford, and carried unanimously by vote of 4-0 to:  
Not appoint to fill the Council Member vacancy and allow the vacancy to be filled through the November 2, 2010, General Election.



Mayor Pro Tem Warren thanked her colleagues for the opportunity to serve as Mayor Pro Tem.

Mayor Pro Tem Warren encouraged residents to participate in the events of National Night Out on August 3, 2010.

Mayor Pro Tem Warren expressed respect, love, and appreciation for her daughter as she heads off to college.

Council Member Rutherford announced that she attended a Chamber of Commerce retreat two weekends ago with local business leaders that included goal-setting for the coming year, concerns for changes in the City, and dialogue to improve the working relationship. Council Member Rutherford also encouraged small and large business to join and be active with the Chamber of Commerce to build a stronger Fontana.

Council Member Rutherford discussed tonight's public comment that referenced the City of Bell's high salaries for its City and elected officials, the recent Los Angeles Times reports on the matter, and violations of taxpayer and voter rights.

Council Member Rutherford discussed the transparency of the City of Fontana and proposed direction to the City Manager to list the compensation and benefits of City and elected officials on the City website.

Mayor Scialdone and Council Member Rutherford discussed the possibility to post City executive and elected official compensation on the City website.

City Attorney Ballinger discussed that both the information and contracts are public records and readily available for public viewing.

Mayor Pro Tem Warren discussed the procedure for viewing public records and encouraged residents to go to the City Clerk's Office for any record request.

Mayor Scialdone discussed the public confusion that may exist in understanding City official contracts.

Council Member Rutherford discussed the salary and basic benefits information needed on the City website.

Mayor Scialdone and the City Council provided the City Manager direction to detail the basic salary, benefits, and allowances of each City and elected official on the City website. The Human Resources Department will assist in gathering the information and breaking down the figures.

Council Member Roberts announced that on July 20, 2010, a plaque dedication ceremony was held at Fontana Transit Center to honor the recent and tragic passing of OmniTrans Coach Operator Larry Kester.

Council Member Roberts discussed the burglary incident that occurred earlier today involving two children who called 911 and remained safe from harm due to prompt Fontana Police responses. Thanks to Fontana Police and Dispatch, all four of the burglars were also apprehended.

Mayor Scialdone announced that he attended the 85<sup>th</sup> Anniversary Celebration of the Fontana Community Church and congratulated the Church on its continued success.

Mayor Scialdone announced that the Fontana Community Coalition met earlier today to discuss a Social Host Ordinance Campaign and opportunity for youths to submit 5 minute video segments and slogans to support the prevention of underage drinking. More information on the campaign and prizes will be forthcoming.

Mayor Scialdone announced that the Southridge Community Meeting will be held on Thursday, July 29, 2010, at 6:30 p.m. at Southridge Middle School.

Mayor Scialdone also announced the Southern California Edison Falcon Ridge Substation Open House to occur on Monday, August 2, 2010, at 6 p.m. at the Jesse Turner Center

#### **CITY MANAGER COMMUNICATIONS:**

City Manager Hunt recognized Public Works Director Chuck Hays for the Public Works Department's qualifications and hardwork in maintaining landscaping, watering, and lighting rates with no changes (since inception and/or within the last twelve years) in approximately 80-90 percent of the City's community facility, landscape maintenance, and lighting maintenance districts.

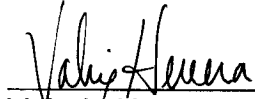
Public Works Director Hays thanked City Manager Hunt for the recognition and also thanked Public Works Department staff which included Parks and Landscape Manager Dan West, Parks and Landscape Supervisor Erik Garwick, landscape technicians, and field staff.

City Manager Hunt also thanked Fontana residents for their community meeting participation in these matters.

City Manager Hunt commented on tonight's discussion of contracts and salaries. City Manager Hunt stated that his base salary is approximately \$264,000 and that he had forfeited his raises (for the past two years) and cost of living increases, as he has asked staff to do without the cost of living increases.

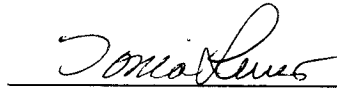
**ADJOURNMENT:**

The City Council Meeting adjourned by consensus at 9:03 p.m. to the next regular meeting which will be held on August 11, 2010, with a workshop at 5:00 p.m. and then the regular meeting at 7:00 p.m. in the Council Chambers located at 8353 Sierra Avenue, Fontana, California.



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Valerie Herrera  
Administrative Analyst II

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 25TH DAY OF AUGUST 2010.



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Tonia Lewis  
City Clerk