

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
SEPTEMBER 8, 2010**

WORKSHOP

A workshop meeting of the Fontana City Council was held on Wednesday, September 8, 2010, in the City of Fontana Executive Conference Room, 8353 Sierra Avenue, Fontana, California. Mayor Scialdone called the workshop to order at 5:07 p.m.

ROLL CALL:

Present: Mayor Scialdone, Mayor Pro Tem Warren (arrived at 5:21 p.m.), and Council Members Roberts and Rutherford.

Absent: None.

Fontana Police Department Captain Bob Ramsey provided background and additional information on establishment of the Fontana Leadership Intervention Program. Fontana Police Officer Brian Binks and Fontana Unified School District Superintendent Cali Olsen Binks, Police Chief Bob Ratcliffe, and Officer John Garcia were also present.

The Fontana City Council Regular Meeting Agenda was reviewed.

City Manager Comments were heard.

The workshop meeting adjourned at 5:49 p.m. to closed session.

REGULAR CITY COUNCIL MEETING

The Regular Meeting of the City of Fontana City Council was held on Wednesday, September 8, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Scialdone called the meetings to order at 7:04 p.m.

ROLL CALL:

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

Absent: None.

CLOSED SESSION:

City Attorney Clark Alsop 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: Two

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APNs 0228-091-24 and -39 (Baseline Avenue, east of I-15 Freeway)

Owner: City of Fontana

Negotiator: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

Following the Invocation by Journey Community Church Pastor Dennis Larkin, the Pledge of Allegiance was led by Boy Scouts of American National Jamboree Troop 809.

PROCLAMATION

- A) Mayor Scialdone Proclaimed September 18, 2010, as "Play Day" to support and maintain play spaces and playgrounds throughout the City. Community Services Manager Frances Hernandez and Community Services Supervisor Mariana Mitchell were present to accept the Proclamation. Residents are encouraged to attend the Play Day Picnic Fun at the Park event to be held on Saturday, September 18, 2010, at Veteran's Park from 10 a.m. to 2 p.m. Activities including games, arts and crafts, and music will be provided.

SPECIAL PRESENTATIONS

- A) Mayor Scialdone introduced Police Chief Rod Jones who recognized Officer Rosalie Garcia as the June 2010 Employee of the Month.

Added Presentation:

Mayor Scialdone introduced Police Chief Rod Jones who introduced the volunteers that worked or provided services during the two-and-a-half-month search for homicide victim Anyssia Escamilla. The search was the largest of its kind in the Inland Empire area with outstanding regional community efforts and volunteerism. The Mayor and Council along with Police Chief Jones and those in attendance, thanked and recognized the following individuals on behalf of the Mayor and City Council, the City, the Escamilla Family, and the local community:

The search dog handlers recognized were Pete Sellas, Sharron Barton, Tammie Belmonte, and Sharon Gattas of the San Bernardino County Sheriff's Department and Joy Barba and Donna Sanford of the Riverside Sheriff's Department.

The search dog coordinators recognized were Deputy Marion Browne and Emergency Services Coordinator John Amrhein.

Corona Landfill Operations Manager Craig Mitchell, Sr. District Manager Mike Williams, and Excavator Operator Ray Hobbs were recognized.

Business Partners recognized for providing food for the volunteers were Hospitality Partner Kelly Arriola, Claim Jumper Restaurant located in Rancho Cucamonga, and Fontana Costco General Manager Rick Battistoni.

Fontana Police Department Volunteers recognized were Stephen Sullivant who served as coordinator for all Police Department Volunteers, and CERT, Crime Prevention, and ECS Radio volunteers which included Eddie Alejo, Alexis Alexander, Ray Amaral, Matt Ballinger, Melissa Blake, Juan Cortes, Corey Diaz, Brenda Ebanks, Andrew Hernandez, Tina Kalberg, Paul Kiehl, Leticia Lares, Dorotea Lazo, Donald Lewis, Jean Masingale, Candy Mendoza, Trudy Milne, Donna Monjaraz, Dominic Polimeni, Thomas Rievlev, Debbie Roldan, Bill Runyan, Nena Stone, Hal Sturm, and Michael Uranek.

- B) Mayor Scialdone introduced Community Services Supervisor Rob Bock and presented Certificates of Recognition to the Fontana Days Run Sponsors for their generous contributions for the successful event that occurred on June 5, 2010. Those present were Lin Nigoney of Manheim Southern California, Clark Alsop of Best, Best & Krieger LLP, and Jimmy Tatosian of Burrtec Waste. Those who could not be present were Bel-Air Swapmeet, Inc., Kaiser Permanente, DW Development, EAS Myoplex, West Coast Arborists, Host Hotel Hilton Garden Inn-Fontana, DOLE Food Company, Triangle Dental Group, Aquaphor, and American Medical Response.
- C) Mayor Pro Tem Warren and Council Member Rutherford presented Certificates of Recognition to Boy Scouts of American 2010 National Jamboree Members Bryce Furukawa and Anthony Acevedo for their dedication to school, community service, and the Boy Scouts of America's California Inland Empire Council.
- D) Mayor Scialdone introduced District Administrator Doug Morris who provided an overview of the championship events and introduced the California 2010 Little League and Softball District 71 Champion teams. Mayor Scialdone and the City Council recognized the following team players, managers, coaches, and parents (1) Southridge Little League Major Softball; (2) Southridge Little League Junior Softball; (3) Fontana Community Little League Senior Baseball; (4) Fontana

Community Little League 10/11 Softball; (5) Southwest Little League 9-10's All Stars; and (6) Southwest Little League Senior Girls Softball All Stars.

Mayor Scialdone commented on the talent of the young athletes, great leadership and volunteerism of the managers and coaches, and support of parents and families that contribute to successful youth sports programs.

A brief recess was taken at 7:55 p.m. and the Mayor and City Council returned to the dais at 8:07 p.m.

PUBLIC COMMUNICATIONS:

The following Public Communications were received:

Lydia Salazar Wibert commented on the great volunteerism and achievements in the City, thanked the Mayor and Council for their support of recent projects, and requested information on the City bid process.

City Manager Hunt commented on the City bid process and how bids are publicly advertised through the City website, trade journal, and other electronic postings.

City Manager Hunt also commented that those interested in specific City bids may send a letter to Management Services to be placed on a bid list to be notified when specific projects are available for bid depending on their area of expertise.

Lydia Salazar Wibert commented on the local business Mindset Design Studio Danny located on the corner of Foothill Boulevard and Cypress Avenue, commented that Saturday, September 11, 2010, marks the 9th Anniversary of 9/11, and requested the public's continued support of American troops.

Joe Dean expressed thanks to the City for its support of Veterans with its four organizations and various programs and events that assist Veterans. Mr. Dean also acknowledged Council Member Roberts for his support of possible housing opportunities for Veterans.

Danny Marquez announced the Gold Benefit Tournament to be held at Sierra Lakes Golf Club on September 27, 2010, at 1 p.m. and Car Show to be held on October 3, 2010, at Veterans Hospital. Those interested can view information on www.steeltownpost772.org, email steeltownpost772@att.net, or call 909-829-9490 and 951-505-1438.

Mike Espinoza introduced himself as a resident running for a City Council seat in the upcoming November Election and presented information on his 30-year career in the City.

Lina Montes commented on the newspaper article regarding approval of the Police Department remodel, Fire Station 71 construction, and Duncan Canyon Interchange Project, the need for completion of the Citrus Avenue Overpass to address school children safety, the need for Latino representation on the City Council, and the August 27, 2010, Adjourned Regular City Council Meeting.

Mayor Scialdone stated that the Cherry and Citrus Avenue Overpass Projects are fully funded with construction to begin in August 2011.

City Manager Hunt commented on the lengthy process for overpass construction and that the Cypress Overpass needed to be complete before the Cherry and Citrus Avenue Overpass Projects.

Tami Wetzel spoke regarding her campaign for the City Council seat in the November Election and commented on the August 27, 2010, Adjourned Regular City Council Meeting Minutes and newspaper article regarding property tax reassessments, Police Department remodel, Fire Station 71 construction, and the Duncan Canyon Interchange Project.

Mayor Scialdone commented that the 2.7 property tax reduction was completed by the County Assessor's Office and the City took this into consideration in its budget in June 2010.

Chris Mardis, Field Representative for County Supervisor and Vice Chair Josie Gonzales, thanked the City for the opportunities over the last five years, introduced new Fontana Field Representative Angel Valgazar who can be contacted at 909-387-4565 and who looks forward to the new opportunity to work with the City.

Bobbi Jo Chavarria spoke regarding funding for overpass projects, investments in the north end of the City, zoning concerns near the Citrus Avenue Overpass, and the use of a \$20,000 Healthy Communities Grant for a possible Farmer's Market.

Mayor Scialdone clarified that those residents living near the Cypress Overpass are not being zoned out of the area.

CONSENT CALENDAR:

A) Approval of Minutes.

Approve the Minutes of the August 25, 2010, Regular Meeting of the City Council, and the August 27, 2010, Adjourned Regular City Council Meeting.

Bobbi Jo Chavarria commented on the calling to order, motions, and Brown Act notice requirements for the August 27, 2010, Adjourned Regular City Council Meeting and its Minutes.

Mayor Scialdone clarified that he was present before the meeting was called to order at 9:00 a.m.

City Attorney clarified that the "unanimous without formal motion" votes in the August 27, 2010, Adjourned Regular City Council Meeting Minutes were done in an open and public meeting setting.

Council Member Rutherford requested that the Minutes of the August 27, 2010, Adjourned Regular City Council Meeting be corrected to clarify that the Property Tax Reassessment discussion on page 1 of 3 was related to the County Assessor's reassessment of property values.

- B) Fontana Art Association Quarterly Report
Receive and order filed the written Fontana Art Association Quarterly Report.
- C) Accept A Resolution delegating authority to the Director of Human Resources/ Risk Management to act on behalf of the City in administration of the City's excess Worker's Compensation
Adopt **Resolution No. 2010-095** of the City Council of the City of Fontana, delegating authority to the Director of Human Resources/Risk Management to Act on behalf of the City in matters relating to the purchase and administration of the City's excess worker's compensation insurance through the California State Association of Counties - Excess Insurance Authority (CSAC-EIA).
- D) Approval of Fontana Leadership Intervention Program (FLIP)
Adopt **Resolution 2010-096** of the City Council of the City of Fontana approving establishment of the Police Department's Fontana Leadership Intervention Program "FLIP."
- E) National Night Out Donations
Accept multiple donations valued at \$3,010 for use in the 2010 National Night Out.

Bobbi Jo Chavarria commented on the mapping of National Night Out locations.

Mayor Pro Tem Warren clarified that National Night Out has occurred in Fontana for several years and is successful due to neighborhood volunteers that contact the Police Department and organize their areas to support the event.
- F) Office of Traffic Safety - STEP Grant
(1) Adopt **Resolution 2010-097** of the City Council of the City of Fontana approving and accepting a \$150,000 grant from the State of California Office

of Traffic Safety and approving a Grant Agreement for "Selective Traffic Enforcement Program (STEP)" number PT1126 in the amount of \$150,000.

(2) Authorize the Chief of Police to sign the Standard Grant Agreement contract to be entered into between the Office of Traffic Safety Grant and the Fontana Police Department.

(3) Approve the expenditure plan for the use of the funds.

ACTION: Motion was made by Mayor Pro Tem Warren, seconded by Council Member Roberts, and carried unanimously by vote of 4-0, to approve Consent Calendar Items "A-F," with a correction to the Minutes of the August 27, 2010, Adjourned Regular City Council Meeting to clarify that property tax reassessment discussion was held relating only to the County's reassessments of local property values.

PUBLIC HEARINGS:

- A) Hearing was opened to consider Appeal No. 10-001 regarding the upgrade of an existing ABC License at 17500 Foothill Blvd., Suite C-4 and C-5 (Sunny Food Market).

One written communication was received at the dais from Ashvini Gupta. No other written communications were received.

Staff presentation was given by Community Development Director Don Williams and Police Chief Rod Jones. Community Development Director Williams also presented the economic burden that the applicant has presented to City staff in regards to discounts received from distiller purchases.

Mr. Dick Evitt spoke in opposition of the July 6, 2010, Planning Commission decision for the applicant, Mandip Kaur, due to a lack of existence of conditions in writing regarding alcoholic product container size.

Ashvini Gupta spoke in opposition of the July 6, 2010, Planning Commission decision, commented on the size of alcoholic beverage containers in other local stores on Foothill and Alder, and expressed the existence of a financial burden from the inability to purchase packages of all-size containers from distilleries.

Michael Parmer, speaking on behalf of the Fontana Community Coalition, spoke in favor of the Planning Commission's decision and urged the City Council to deny Appeal No. 10-001.

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

Mayor Scialdone requested clarification on the July 6, 2010, Planning Commission Minutes regarding the three conditions for the matter at hand and Condition 21 which specifies an alcoholic beverage container size of 750 milliliters for Sunny Food Market and an alcoholic beverage container size of 375 milliliters for the business located on Foothill and Alder Avenues.

Police Chief Jones commented that the Minutes are correct.

Mayor Pro Tem Warren requested clarification on graffiti notification requirements by the business owner of the entire building location.

Community Development Director Williams clarified that it is a standard condition for ABC License conditional use permits and generally speaking, a "good housekeeping" condition where the business owners notify the City but are not required to abate the graffiti on the portions of the business not owned.

Community Development Director Williams also commented that the business located on Foothill and Alder Avenues sells only beer and wine and not hard liquor which explain the difference in container sizes discussed earlier.

Council Member Rutherford requested information on whether the condition will become standard.

Police Chief Jones stated that an Ordinance is being drafted to propose container size restrictions on all new establishments and those existing establishments that violate certain portions of their conditional use permits.

City Attorney Alsop commented on the Planning Commission and City Council's opportunity to impose appropriate conditions on a conditional use permit.

Council Member Rutherford requested the Mayor and Council to consider that the conditions for this applicant be modified based upon the conditions approved in a future ordinance.

Mayor Scialdone also requested consideration that other approved conditional use permits be modified with future conditions in the proposed ordinance.

City Attorney Alsop requested the Mayor and Council to include the written staff report and testimony received during this hearing in the motion.

Mayor Pro Tem Warren also commented on inclusion of the proposed revision.

City Attorney Alsop commented on the proposed revision.

Mayor Scialdone stated that it would be more appropriate to incorporate such revision when the Ordinance is completed for the Mayor and Council's review. Mayor Scialdone further commented that the revision be considered at a future meeting when the proposed ordinance is heard.

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

Deny Appeal No. 10-001 and uphold the Planning Commission's decision to approve the three conditions for Conditional Use Permit No. 10-006 based upon the written staff report and both oral and written testimony received during the hearing.

- B) Hearing was opened to consider the Proposed Ordinance amending Municipal Code Article IV, Verification of Burglary Alarms and Fraudulent Verification of Burglary Alarms.

No written communications were received.

Staff presentation was given by Police Chief Rod Jones and Captain David Faulkner.

No one spoke in favor or opposition.

The hearing was closed.

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

(1) Waive further reading of and introduce **Ordinance No. 1624** of the City Council of the City of Fontana, California amending Article IV, Chapter 22, of the Fontana Municipal Code related to Verification and Fraudulent Verification of Burglary Alarms, and that the reading of the title constitutes the first reading thereof.

(2) Approve a Settlement Agreement with Inland Empire Alarm Association.

- C) Hearing was opened to consider the Consolidated Annual Performance and Evaluation Report (CAPER) that was prepared for the U.S. Department of Housing & Urban Development to report on specific federal housing assistance and community development activities undertaken by the City of Fontana during Fiscal Year 2009-2010.

No written communications were received.

Staff presentation was given by Deputy City Manager David Edgar.

Council Member Rutherford requested clarification on the entitlement jurisdictions.

Deputy City Manager Edgar commented that the City, because of its population and compliance with certain HUD requirements, is entitled to receive annual allocations of federal dollars.

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

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

Authorize the City Manager to execute any documents necessary to submit the CAPER, along with any comments received during the public hearing and public comment period, to the Department of Housing & Urban Development.

UNFINISHED BUSINESS: None.

NEW BUSINESS: None.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

Council Member Roberts commented on the recent two-week leave of his son from Afghanistan and thanked those residents for their continued support and appreciation of his son and all Veterans.

Council Member Rutherford announced the Picnic Fun in Park to occur on September 18, 2010, from 10 a.m. to 2 p.m. at Veterans Park with games, art & crafts, and free In-N-Out food for children and their families.

Council Member Rutherford announced Constitution Day to occur at Chaffey College Fontana Campus on September 20, 2010, at 3:30 p.m. to discuss the Constitution and its local applications.

Council Member Rutherford welcomed Lorena Corona back to town, who is a Fontana resident that has spent much of her time at Harvard University earning her bachelor and masters degrees.

Council Member Rutherford commented on the misinformation presented by some of the speakers at this evening's meeting and their lack of presence at the moment, the recent Friday City Council Meeting, the building of homes by private developers, City building on interchanges due to a lack of State and Federal funding, and the Mayor and Council's commitment to represent the entire community. Council Member Rutherford also commented on the importance of the Duncan Canyon Interchange and the accessibility and job creation that will be provided, the need for

improvements to the existing and outdated Police Department and Fire Station 71 buildings, the process for open meetings, the availability of public information, and the Election season.

Council Member Rutherford commented on the Saturday Anniversary of the September 11th Attacks, expressed her thanks for the great military troops and personnel, and asked residents to mourn with her for those that gave their lives that day.

Mayor Pro Tem Warren announced the availability of the City Activities booklet that has been mailed to City residents and the great activities and programs to offer.

Mayor Pro Tem Warren commented on her appointment to the Council which occurred eight years ago which was a great and open process that occurred during City Council Meetings.

Mayor Pro Tem Warren announced that National Night will continue and neighborhoods will continue to support and represent a safe community.

Mayor Pro Tem Warren requested prayers for the September 11th Anniversary and for those that gave their lives as the ultimate sacrifice.

Mayor Scialdone commented on the misinformation presented this evening about the Friday, August 27, 2010, meeting. All of the projects discussed had been discussed for years in City Council Meetings and budget workshops.

Mayor Scialdone congratulated the Hilton Garden Inn and attended the September 1, 2010, event where they were named the official hotel for the Auto Club Speedway.

Mayor Scialdone commented on the successful Grand Opening of AJ Wright on September 2, 2010, which brought the City 50 new jobs and over 400 people waiting in line at the opening.

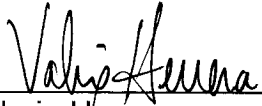
Mayor Scialdone announced the Second Annual Police Department Family Safety and Preparedness Fair to occur Saturday, September 11, 2010, from 10 a.m. to 2 p.m. in the Police Department Parking Lot.

CITY MANAGER COMMUNICATIONS:

City Manager Hunt announced that this evening's City Council Meeting will be adjourned to the League of California Cities Annual Conference at the San Diego Convention Center from September 15-17, 2010, in which a quorum of the Mayor and Council will be attending, and the next regular City Council Meeting will be held on September 22, 2010.

ADJOURNMENT:

Motion was made by Mayor Pro Tem Warren, seconded by Council Member Roberts, and carried unanimously by vote of 4-0 to adjourn the City Council Meeting by consensus at 9:52 p.m. to League of California Cities Annual Conference at the San Diego Convention Center from September 15-17, 2010, and then to the next regular meeting which will be held on Wednesday, September 22, 2010, at 7:00 p.m. in the Council Chambers located at 8353 Sierra Avenue, Fontana, California.



Valerie Herrera
Administrative Analyst II

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 22ND DAY OF SEPTEMBER, 2010.



Tonia Lewis
City Clerk