

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
NOVEMBER 17, 2010**

**WORKSHOP**

A workshop meeting of the Fontana City Council was held on Wednesday, November 17, 2010, in the City of Fontana Executive Conference Room, 8353 Sierra Avenue, Fontana, California. Mayor Pro Tem Warren called the workshop to order at 6:08 p.m.

**ROLL CALL:**

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

Absent: Mayor Scialdone.

The Fontana City Council Regular Meeting Agenda was reviewed.

City Manager Comments were heard.

The workshop meeting adjourned at 6:12 p.m. to the regular meeting.

**REGULAR CITY COUNCIL MEETING**

The Regular Meeting of the City of Fontana City Council was held on Wednesday, November 17, 2010, in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Pro Tem Warren called the meeting to order at 7:07 p.m.

**ROLL CALL:**

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

Absent: Mayor Scialdone.

**CLOSED SESSION:** None.

Following the Invocation by Fontana Police Department Chaplain Regina Lindsay, the Pledge of Allegiance was led by Council Member Rutherford.

**SPECIAL PRESENTATION:**

Mayor Pro Tem Warren and the City Council added the following special presentation:

Board of Supervisors Josie Gonzales of the 5<sup>th</sup> District and Scott Van Horn, representing Supervisor Paul Biane of the 2<sup>nd</sup> District, presented Council Member and Supervisor-Elect Rutherford with a resolution on behalf of the County Board of Supervisors to commemorate her ten years of service on the Fontana City Council and to recognize her newly elected position as Supervisor of the 2<sup>nd</sup> District. Supervisor-Elect Rutherford's swearing in ceremony will occur on December 6, 2010.

Mayor Pro Tem Warren and the City Council thanked Supervisor Gonzalez and Paul Biane's Office for the special recognition of Council Member and Supervisor-Elect Rutherford.

**PUBLIC COMMUNICATIONS:**

The following Public Communications were received:

Lydia Salazar Wibert expressed thanks to the City, her family and friends, and the voters. Ms. Wibert also wished residents a safe Thanksgiving and wished the troops a safe holiday season.

Fontana Middle School Teacher Daniel Quiroga introduced the school's Travel Club and announced upcoming fundraising events which included the 5<sup>th</sup> Annual Burger Eating Challenge to occur on Thursday, February 10, 2011, at the McDonalds Restaurant located on Foothill Boulevard and Citrus Avenue beginning at 6:30 p.m. (The Travel Club will receive 20 percent of proceeds between 4-7 p.m.) and \$12 ticket sales for the Ontario Reign vs. Las Vegas Wranglers Hockey Game taking place on Friday, December 10, 2010, at 7 p.m. at the Ontario Citizens' Bank Arena. Those interested can contact Mr. Quiroga at 909-357-5370 ext. 354

Matthew Slowik commented on the upcoming 5<sup>th</sup> Annual Burger Eating Challenge and the City's participation.

Danny Marquez, representing the American Legion, spoke regarding the appointment process for Council vacancies and in support of Lydia Salazar Wibert's campaign for City Council.

Steven Figueroa, representing the Inland Empire Latino Coalition, spoke regarding the City's Hispanic population and the appointment process for Council vacancies.

Gil Navarro spoke regarding a request for speaker cards to be written in Spanish, immigration, and Mayor Pro Tem Warren's previous comments.

Lynda Dykes spoke regarding the use of City property by elected officials, traffic at South Fontana High School, election signs, and City road improvements.

Joe Olague, representing the League of United Latin American Citizens (LULAC), spoke regarding the City's Hispanic population and the appointment process for Council vacancies.

Kenny Parada spoke regarding Amos Young, Jr.

Mark Nuaimi spoke regarding the recent election results, expressed well wishes to Supervisor-elect Rutherford, Council Member Roberts, Council Member-elect Tahan, and Mayor-elect Warren, and spoke regarding preceding public comments.

Bobbi Jo Chavarria spoke regarding City staff, the election season, the City's Hispanic population, elected official standards, and the appointment process for Council vacancies.

Lynda Gonzalez spoke regarding Mayor Pro Tem Warren and her recent comments, civil rights, and her family history in Fontana.

Fran Givens spoke regarding the current election, coordination of City services, and the appointment process for Council vacancies.

Jesse Sandoval spoke regarding the appointment process for Council vacancies and suggested that the two candidates with the next highest votes be appointed to fill the Council vacancies.

Bobbi Jo Chavarria spoke regarding Consent Calendar Items A-P.

**CONSENT CALENDAR:**

- A) Approval of Minutes.  
Approve the October 27, 2010, Regular Meeting Minutes of the City Council.
  
- B) Conveyance of Selected Properties-South Highland Avenue  
Adopt **Resolution No. 2010-110** of the City Council of the City of Fontana, finding that the public interest and convenience require sale of that certain property located at the northwest corner of Citrus Avenue and South Highland Avenue, north of South Highland Avenue and east of Catawba Road (Assessors' Parcel Nos. 228-301-004, 05, 20-23, 33-49 and 51) to the Fontana Redevelopment Agency pursuant to Government Code Section 37420, et seq.
  
- C) Planning Commission Designation  
Adopt **Resolution No. 2010-111** of the City Council of the City of Fontana designating the Planning Commission as the Planning Agency for the purposes

of Government Section 65402 and also exempting certain transactions from compliance with Government Code Section 65402.

- D) Final Acceptance of the Jurupa Avenue Street Improvement Project
- (1) Accept as complete the work performed by Shawnan for the construction of the Jurupa Avenue Street Improvement Project; approve the final construction amount of \$7,861,603.35; and authorize the City Engineer to execute and file a Notice of Completion (Bid No. SB-349-DE-08).
  - (2) Appropriate \$263,039.00 from Storm Drain Fund 622.
  - (3) Adopt **Resolution No. 2010-112** of the City Council of the City of Fontana, accepting the sewers in Jurupa Avenue from Juniper Avenue to Sierra Avenue and Sierra Avenue from Jurupa Avenue to 125 feet north of Jurupa Avenue as part of the City Sewer System.
- E) Award a Contract for Construction of Traffic Signal at Alder and Wabash Avenues  
Authorize the City Manager to award a construction contract to Steiny and Company, Inc. for the construction of a traffic signal at Alder Avenue and Wabash Avenue in the amount of \$150,979.00 and authorize a 10 percent contingency in the amount of \$15,097.90 (Bid No. SB-513-DE-09).
- F) Approve Amendment to Agreement for the I-10 Citrus Avenue Interchange Project  
Adopt **Resolution No. 2010-113** of the City Council of the City of Fontana, approving Amendment No. 1 to the Trade Corridor Improvement Fund Baseline Agreement for the Interstate-10 Citrus Avenue Interchange.
- G) Update to Administrative Policy Manual  
Adopt **Resolution 2010-114** of the City Council of the City of Fontana, adding Administrative Policy Sections 20-39 (Technology Passwords) and 20-40 (City Website) and combining Sections 20-26 (Cellular Phones and Pagers) and 20-33 (E-Mail, Internet, Electronic Information Sharing) into an Amended Administrative Policy Section 20-26 (Technology Use), thereby deleting Section 20-33.
- H) Award of RFP No. SP-20-IT-10 (Comprehensive Land Management System) to CRW Systems, Inc.  
Authorize the City Manager to enter into a contract for software, professional services, and on-going support for a Comprehensive Land Management System which includes Permits, Planning, and Code Enforcement modules with CRW Systems, Inc. of San Diego, California for an amount not-to-exceed \$1,009,500 with an additional contingency amount of \$206,963.
- I) Award Contract to OfficeMax for Office Supplies  
Award bid and authorize the City Manager to enter into a contract with OfficeMax for City-Wide Integrated Solutions for Office Supplies for a period of two years, renewable with three additional one-year increments at the City's sole discretion.

- J) Cell Tower Lease Agreement for Hunter's Ridge Park
- (1) Approve a lease agreement with T-Mobile to install a wireless telecommunications structure on the grounds of Hunter's Ridge Park.
  - (2) Authorize the City Manager to execute the necessary documents.
- K) COPS Hiring Program Grant
- (1) Adopt **Resolution No. 2010-115** of the City Council of the City of Fontana approving and accepting a grant in the amount of \$1,797,165 from the U.S. Department of Justice Office of Community Oriented Policing Services (COPS) to fund five new officers for the 36-month period, and retain all five officers for a minimum of 12 months following the 36-month federal funding period.
  - (2) Increase estimated revenues and appropriations in Federal Grant Fund No. 321 for \$1,797,165 over a three-year grant period.
  - (3) Authorize the Chief of Police, or his designee, to sign all related grant documents for the term of the grant.
- L) Grant Authorization for 2010-11 Next Generation-Click it or Ticket
- (1) Approve the State of California Office of Traffic Safety Grant Agreement "Next Generation - Click It or Ticket" No. CT11143 in the amount of \$6,569.28.
  - (2) Authorize the Chief of Police, or his designee, to sign the Standard Grant Agreement to be entered into between the Office of Traffic Safety Grant and the Fontana Police Department for the total amount of \$6,569.28.
- M) Grant Authorization for 2010-11 Sobriety Checkpoint Mini-Grant Program
- (1) Approve the State of California Office of Traffic Safety Grant Agreement "Sobriety Checkpoint Mini-Grant Program" No. SC11143 in the amount of \$45,372.24.
  - (2) Authorize the Chief of Police, or his designee, to sign the Standard Grant Agreement to be entered into between the Office of Traffic Safety Grant and the Fontana Police Department for the total amount of \$45,372.24.
- N) Grant Authorization for Supplemental Law Enforcement Services
- (1) Approve the 2010-2011 Supplemental Law Enforcement Services Fund (State COPS) award in the amount of \$228,911.
  - (2) Increase revenues in the amount of \$31,411 in Fund 322 (State COPS – AB 3229) and decrease Operating Transfer from Fund 223 (Federal Asset Seizure) by \$31,411. (3) Authorize Police Department staff to execute the related documents on behalf of the City.
- O) Implementation Agreement with San Bernardino Flood Control District
- Authorize the City Manager to execute the National Pollutant Discharge Elimination System Stormwater Permit Implementation Agreement with San Bernardino County Flood Control District.

- P) Purchase Authorization of the Syn-Tech Fuelmaster Fuel Management System  
Authorize the purchase of the Fuelmaster Fuel Management System for \$46,815.80 from Syn-Tech Systems through the National Joint Powers Alliance Purchasing Program.

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

**PUBLIC HEARING:**

- A) Hearing was opened to consider the Registered Vehicle Storage Ordinance.

No written communications were received.  
No one spoke in favor or opposition.

City Manager Hunt commented on staff's request for continuance of the hearing to the December 16, 2010, meeting.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Rutherford, and carried unanimously by vote of 3-0, to continue the hearing to the December 16, 2010, Adjourned Regular Meeting, and to leave the hearing opened.

- B) Hearing was opened to consider enforcement of City Ordinances in certain portions of Fontana located south of the I-10 Freeway.

No written communications were received.  
Staff presentation was given by Community Development Director Don Williams. Bobbi Jo Chavarria requested clarification of the enforcement guidelines.  
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) Determine that the Ordinance is Categorically Exempt pursuant to Section 15327, Class 20, of the CEQA guidelines and direct staff to file the Notice of Exemption; and
- (2) Introduce **Ordinance No. 1626** of the City of Fontana, California concerning enforcement of City of Fontana Ordinances in certain portions of Fontana south of the Interstate 10 Freeway, and that the reading of the title constitutes the first reading thereof.

- C) Hearing was opened to consider certification of the Final Environmental Impact Report (FEIR) for the Fontana Sports Park and Roadway Improvements Project.

No written communications were received.

Staff presentation was given by Community Development Senior Planner Orlando Hernandez.

Bobbi Jo Chavarria requested clarification on the location and funding of the project.

Mayor Pro Tem Warren requested clarification on the environment impact report process.

Community Development Director Don Williams commented on the process and the requirement by the California Environmental Quality Act (CEQA) to analyze the environmental impacts before the design and funding for a project is considered for adoption.

Mark Nuaimi spoke regarding the project's benefits to the City.

Council Member Rutherford requested clarification on the impacts of the California Redevelopment Association and State lawsuit on this project's funding and of the time frame when the newly seated Mayor and City Council would determine the project's funding and possible Redevelopment Agency funding.

City Manager Hunt commented on the current state of the lawsuit and possible appeal process, the goals and priorities set by the Mayor and City Council, construction time estimates, and grant funding possibilities.

Council Member Rutherford requested clarification on the length of a time in which an EIR remains valid.

Community Development Director Don Williams commented on a three to five year estimated length of time.

No one else 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 3-0, to

- (1) Adopt **Resolution No. 2010-116**, a Resolution of the City of Fontana, California, adopting the Statement of Facts and Findings, adopting a Statement of Overriding Considerations, certifying the Final Environmental

Impact Report (FEIR) (State Clearinghouse No. 2009041029) prepared for the Sports Park and Roadways Improvement Project, approving the Mitigation Monitoring Program, directing staff to file a Notice of Determination, and find that:

- (a) The Final EIR has been completed in compliance with CEQA, the State Guidelines, and the City's Guidelines;
  - (b) The City Council has reviewed and analyzed the Final EIR before approving the project; and,
  - (c) The Final EIR reflects the independent judgment of the City.
- (2) Direct staff to further evaluate the on-site parking proposed for the project, as requested by the Planning Commission.

D) Hearing was opened to consider General Plan Amendment No. 10-006, Amendment to Chapter 5-Housing Element.

No written communications were received.

Staff presentation was given by Community Development Senior Planner Stephanie Hall.

Bobbi Jo Chavarria spoke regarding parking and low-income housing.

Mark Nuaimi commented on State law and affordable housing unit requirements.

No one else spoke in favor or opposition.

The hearing was closed.

Council Member Rutherford commented that the City is not in the business of building houses. The Housing Authority does occasionally partner with the State for affordable housing purposes.

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

- (1) Find that the project has been reviewed pursuant to Section 15070 of the California Environmental Quality Act (CEQA), adopt a Mitigated Negative Declaration, and direct staff to file the Notice of Determination.
- (2) Adopt **Resolution 2010-117**, of the City Council of the City of Fontana, approving General Plan Amendment No. 10-006, an amendment to Chapter 5 (Housing Element) of the General Plan, and find that the amendment is in conformance with the goals and policies of the General Plan.



- E) Consideration of Appeal No. 10-002 (Building Color) - Mariscos El Paisa Restaurant located at 9511 Sierra Avenue.

Council Member Rutherford requested that the item be continued to a future City Council Meeting in January 2011 in consideration of the opportunity for a fully seated body of the City Council and requested clarification from the City Attorney.

City Attorney Alsop commented that the public hearing should then be opened and the appellant should be given an opportunity to clarify their favor or disfavor of a continuance.

Mayor Pro Tem Warren opened the hearing.

Doug Andresen, the applicant representing the appellant, spoke in favor of the continuance.

City Manager requested clarification on the continuance meeting date.

Mr. Andresen was in favor of a continuance to the January 26, 2011, Regular City Council Meeting.

No one else spoke in favor or opposition and no written communications were received.

**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Roberts, and carried unanimously by vote of 3-0, to continue the item to the January 26, 2011, Regular City Council Meeting, with approval of the applicant due to the City Municipal Code Section that applies to appeals.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:** None.

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

Council Member Roberts expressed thanks to the community for their support in the recent election.

Council Member Rutherford expressed thanks to the community, her family, her late husband, City Manager Hunt and City staff, and her colleagues for their support and advice over the 10 years she has served on the City Council, commented on looking forward to the challenge at the County level and how it has been an honor to serve this community, and announced her great pride in this community and the change that has

occurred over the last decade. It is her hope that the newly seated Mayor and City Council will continue the Community Assistance Program (CAP) to continue to assist this great community.

Council Rutherford reminded residents that everyone has voice and everyone has a right to disagree with opinions and announced that she looks forward to a possible appointment process to fill the City Council vacancies.

Council Rutherford will be sworn in as Second District County Supervisor on December 6, 2010, at Noon at the County Government Center and she encouraged the community to attend.

Mayor Pro Tem Warren announced the 2010 Holiday Follies at Center Stage. Residents can purchase three dinners and opening tickets with an opportunity to get one dinner and ticket free. Those interested can contact the Center Stage Box Office at 909-429-7469.

Mayor Pro Tem Warren invites residents to attend the "Man You No Bash your Baby" Play presented by New Heights Ministries and their parents at the Lewis Library Steelworkers' Auditorium on December 3 and 4, 2010, from 7:30-8:30 p.m. For more information residents can contact Mayor Pro Tem Warren by email.

Mayor Pro Tem Warren announced her attendance at last Sunday's meeting with Korean Business Leaders that visited Fontana. She is excited to continue to foster a partnership with these leaders and other City leaders.

Mayor Pro Tem Warren announced her recent visit to Disneyland sponsored by Fontana's Rotolo Chevrolet and encouraged residents to support their local dealerships and buy in Fontana.

Mayor Pro Tem Warren congratulated newly elected City Council Members John Roberts and Michael Tahan, City Clerk Toni Lewis, City Treasurer Janet Koehler-Brooks, and Second District County Supervisor Janice Rutherford.

Mayor Pro Tem Warren expressed thanks to her family, friends, the community, and her colleagues for their support and her determination to keep moving Fontana forward as newly elected Mayor.

Mayor Pro Tem Warren announced the adjournment to the December 8, 2010, Regular City Council Meeting where the newly elected officials will be sworn in and where the City Council will consider the process by which to fill the City Council vacancies.

Mayor Pro Tem Warren expressed her expectations of a fully-seated City Council by January 2011, with great citizens of this community.

**CITY MANAGER COMMUNICATIONS:**

City Manager Hunt commented on the last twelve years of his services as City Manager, the nine different Council Members that he has worked with, and the need for individuals with individual opinions to serve on the City Council.

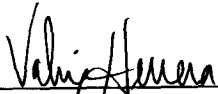
City Manager Hunt congratulated newly elected Second District County Supervisor Janice Rutherford, commented on the ten years he has worked with her as Council Member and opportunity to work with her at the County-level, and thanked her for the great benefits the City has received from her leadership by standing behind her individual opinions.

City Manager Hunt congratulated newly elected Mayor Acquanetta Warren, City Council Members John Roberts and Michael Tahan, City Clerk Toni Lewis, and City Treasurer Janet Koehler-Brooks.

Council Member Roberts expressed that he has learned to “disagree without being disagreeable” from Council Member Rutherford.

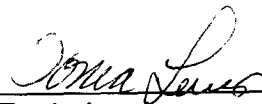
**ADJOURNMENT:**

The Regular City Council Meeting Adjourned at 9:07 p.m. to the next Regular City Council Meeting which will be held on December 8, 2010, with the Tree Lighting Ceremony beginning at 5:00 p.m. in front of City Hall and then the Regular Meeting beginning at 7:00 p.m. in the Steel Workers' Auditorium located at 8437 Sierra Avenue, Fontana, California.



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Valerie Herrera  
Administrative Analyst II

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 16TH DAY OF DECEMBER, 2010.



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Tonia Lewis  
City Clerk