

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JUNE 13, 2006**

A workshop of the City of Fontana City Council was held on Tuesday, June 13, 2006 in the City of Fontana Executive Conference Room. Mayor Pro Tem Roberts called the meeting to order at 5:06 p.m.

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

Absent: Council Member Warren.(arrived at 5:30 p.m. for Closed Session).

The agenda was reviewed, followed by City Manager comments. The meeting adjourned to a Closed Session at 5:15 p.m.

A Regular Meeting of the City of Fontana City Council was held on Tuesday, June 13, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Pro Tem Roberts called the meeting to order at 7:11 p.m.

ROLL CALL:Present: Mayor Pro Tem Roberts, Rutherford, Scialdone, and Warren. ROLL CALL

Absent: Mayor Nuaimi.

The Invocation was given by Council Member Rutherford, followed by the Pledge of Allegiance lead by Mayor Pro Tem Roberts.

The City Attorney announced they met in Closed Session to discuss: C S

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

NAME OF PARTIES: San Gabriel Valley Water Company,
Application No's A02-11-044 and A-05-08-021.

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT
TO GOVERNMENT CODE SECTION 54956.8**

Property: APN 0240-141-34, 16918 Baseline Avenue, Henry and Patricia Wilson Ownership (McKays Mortuary/Chapel); APN 0236-181-22, 11060 Cherry Avenue, Joe Burt Ownership; APN 0240-052-51 and 0240-052-52, Baseline Avenue, Cesar Modest Bahamonde Ownership;

Negotiating Parties: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

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CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0235-211-03, 0235-211-04, 0235-211-05 (Wiener Property on Catawba Avenue)

Negotiating Parties: Ken Hunt, City Manager and Ray Bragg, Redevelopment & Special Projects

Under Negotiation: Price and Terms

Council Member Rutherford abstained from the above (third) item. Also, this item was not completed, so will be continued after this meeting.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0192-032-01 (Gonzalez Property) and APN 0192-032-02 (Poduska Property)

Negotiating Parties: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

APN 0251-253-05 (Ortuno); APN 251-253-06 (Galvin) APN 0251-253-07 (Adams); APN 0251-253-08 (Loupe & Wooten); APN 0251-161-17 (Lipscomb); APN 0251-161-18 (Kimminau); APN 0251-161-13 (Ross); APN 0251-161-35 (Harris); APN 0251-161-36 (Aguilar & Avila); APN 0251-172-41 (Piercy); APN 0251-172-25, 39, 38 & 22 (Daversa); APN 0251-181-20 (Lopez); APN 0251-181-23 (Hudson)

Negotiating Parties: Debbie Brazill, Deputy City Manager

There was no reportable action.

The following Special Presentations were made:

S P

Mayor and Council recognized Officer Jay Sayegh as the April "Employee of the Month", presented by Chief Larry Clark.

Mayor and Council recognized Capt. Rod Jones.

Tony Grazo, SANBAG, introduced himself and gave an update on SANBAG.

The following Public Communications were received:

P C

Tony Orlich spoke on the media.

MEDIA

Tony Orlich spoke in opposition to Consent Calendar Items "D, R, and T".

C C

Council Member Rutherford and Scialdone noted corrections to the minutes of May 9, 2006.

Council Member Rutherford suggested revising Council Member “H”, suggesting “apparent”. Staff will do so.

Council Member Scialdone suggested “workday” on Consent Calendar Item “R” be defined. Staff responded, and this will be revised.

ACTON: Motion was made by Council Member Rutherford, seconded by Council Member Warren, approving Consent Calendar Items “A-Z” as follows:

- A. Approving the minutes of May 9, 2006 Regular City Council Meeting, **as corrected**, and the May 26, 2006 Adjourned Regular Meeting, MINUTES
- B. (1) Adopting **Ordinance No. 1500**, approving Zone Change No. 06-002 (APN 192-161-04, -05, -06, -07, -23, -24. and -25) to change approximately 3.8 acres of property zoned M-1 (Light Industrial) to C-2 (General Commercial) to be consistent with the proposed General Plan Designation of C-G (General Commercial). ADPT ORD 1500
ZC 06-002
- (2) Adopting **Ordinance No. 1501**, approving Zone Change No. 05-003, located on the south side of Foothill Boulevard between Ilex Avenue and Redwood Avenue to change zoning and pre-zoning on approximately 60 acres of property zoned Community Commercial (C-1) to General Commercial (C-2). ADPT ORD 1501
ZC 05-003
- (3) Adopting **Ordinance No. 1502**, amending Chapter 30 of the Fontana Municipal Code, that will add the minor use permit and administrative variance processes and modify the design review, administrative site plan and conditional use permit requirements. ADPT ORD 1502
CODE AMEND
CH. 30
- C. Adopting **Resolution No. 2006-85**, calling and giving notice of a General Municipal Election to be held in the City of Fontana on Tuesday, November 7, 2006 for the election of certain officers of the City as required by the provisions of the laws of the State of California relating to General Law Cities, and consolidating said election with the Statewide General Election to be held on said date. ADPT RES 06-85
NOV. ELECTION
- D. Directing the City Manager to review the City of Fontana’s Conflict of Interest Code according to Government Code Section 87306.5. CONFLICT OF
INTEREST
REVIEW

- E. Accepting final map for Tract No. 16898 located south of Merrill Avenue and east of Catawba Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 16898

- F. (1) Approving, authorizing and directing the City Manager, to execute Amendment No. 2 to a contractual services agreement between the City of Fontana and Behr Browsers Architects, increasing the contract amount from \$445,300.00 to \$478,800.00, an increase of \$33,500.00, plus a 10% contingency amount of \$3,350.00. AMEND #2 BEHR BROWERS ARCH.

- (2) Approving an operating transfer from the General Fund #101 in the amount of \$36,850, and appropriate the funds in Fund #601, Project #9381200601 in the amount of \$36,850.

- G. (1) Approving, authorizing and directing the City Manager to execute Amendment No. 1 to a contractual services agreement between the City of Fontana and Miralles Associates to prepare design and construction drawings, and provide support through construction for the Freight Depot renovation, increasing the contract amount from \$49,555.00 to \$69,247.00, an increase of \$19,692.00, plus a 10% contingency in the amount of \$1,969.00. AMEND #1 MIRALLES

- (2) Approving an operating transfer from the General Fund #101 in the amount of \$21,661, and appropriating the funds in Fund #601, Project #9391900601 in the amount of \$21,661.

- H. (1) Awarding bid and authorizing the City Manager to enter into a two-year agreement with Consolidated Electrical Distributors, Inc., with three one-year extensions at the sole discretion of the City, for the purpose of lighting and electrical supplies, **as revised**. CONSOLIDATED ELECT. DIST. AGREEMENT

- (2) Authorizing the Business Services Manager to issue a purchase order to Consolidated Electrical Distributors, Inc., not to exceed \$50,000.

- I. (1) Adopting **Resolution No. 2006-86**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 1 ("LMD #1") for Fiscal Year 2006-2007 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment. ADPT RES 06-86 LMD #1

- (2) Adopting **Resolution No. 2006-87**, declaring its intention to levy within Landscape Maintenance District No. 2 ("LMD #2") for Fiscal Year 2006-2007 and giving Notice of and setting the time ADPT RES 06-87 LMD #2

and place of the hearing on the levy of the proposed assessment.

- (3) Adopting **Resolution No. 2006-88**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3 (“LMD #3”) for Fiscal Year 2006-2007 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment. ADPT RES 06-88 LMD #3
- (4) Adopting **Resolution No. 2006-89**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3-1 (“LMD #3-1”) for Fiscal Year 2006-2007 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment. ADPT RES 06-89 LMD #3-1
- (5) Adopting **Resolution No. 2006-90**, declaring the intention to levy and collect assessments within Local Lighting Maintenance District No. 3 (“LLMD #3”) for Fiscal Year 2006-2007 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment. ADPT RES 06-90 LLMD #3
- J. (1) Accepting as complete and authorizing the Deputy City Manager to execute and file a notice of completion for Project SB-10-HD-06 (Atlas Parking Lot Maintenance). ACCPT ATLAS PARKING LOT MAINT.

(2) Approving the final construction amount of \$58,750.03.

(3) Approving the release of 10% retention upon satisfactory closure of the contract.
- K. (1) Awarding bid and authorizing the City Manager to enter into an agreement with Allison Mechanical, Inc., for HVAC full service maintenance and replacement, for a period of two years from date of award, renewable for three additional one-year increments at the sole discretion of the City of Fontana. AWARD BID ALLISON MECH.

(2) Authorizing the Business Services Manager to issue a purchase order to Allison Mechanical, Inc., in the amount of \$179,544. for the first year of the contract.
- L. (1) Approving a contract through October 2006 with Andresen Architects, Inc., for architectural services. ANDRESEN ARCH CONTRACT

(2) Authorizing the City Manager to sign the contract.
- M. (1) Accepting as complete the subdivision improvements in Tract No’s 15863 and 15863-1 located south of Walnut Avenue and east of Hemlock Avenue within the Fontana Star Community Plan. ADPT RES 06-91 TR 15863 & 15863-1

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- (2) Adopting **Resolution No. 2006-91**, accepting sewers in Tract No's 15863 and 15863-1 as part of the City sewer system.

- N. (1) Finding that the overlay of the Bloomington Park and Recreation District of the City of Fontana's corporate boundaries in exempt from further environmental review pursuant to Section 15378 of the Local Guidelines for implementing the California Environmental Quality Act (2005), and directing staff to file a Notice of Exemption. ADPT RES 06-92
BLOOMINGTON
PARK & REC DIST

- (2) Adopting **Resolution No. 2006-92**, agreeing to the overlay of the Bloomington Recreation and Park District of its corporate boundaries upon the annexation of the Bloomington islands (Areas 4, 5, 26 and 27), and agreeing to the overlay of the park district boundaries once the remainder of the City's southeastern sphere of influence in annexed.

- O. Adopting **Resolution No. 2006-93**, accepting the proposed distribution of ad valorem taxes as requested by the San Bernardino County Auditor-Controller's office for the area within Fontana's northern sphere of influence known as Annexation No. 169/LAFCO 3056-City of Fontana Annexation No. 169-Monarch Hills (various parcels generally located northwest of the I-15 freeway, between Duncan Canyon Road and Roadrunner Road.) ADPT RES 06-93
AD VALORUM TAX
ANNEX. 169

- P. (1) Accepting as complete the subdivision improvements in Tract No. 16178 located east of Augusta Drive at Medinah Street within the Sierra Lakes Specific Plan. ACCPT TR 16178
ADPT Res. 06-94

- (2) Adopting **Resolution No. 2006-94**, accepting sewers in Tract No. 16178 as part of the City sewer system.

- Q. (1) Awarding bid and authorizing the City Manager to enter into a two-year agreement with G. W. Reed Printing with three one-year extensions at the sole discretion of the City, for the purchase of Community Services brochure printing services. AWARD BID
G W REED PRINT

- (2) Authorizing the Business Services Manager to issue a purchase order to G. W. Reed Printing, not to exceed \$100,000.

- R. (1) Waiving further reading of and introducing **Ordinance No. 1503**, amending Section 17-5 of the Fontana Municipal Code related to meetings, demonstrations and parades, that the reading of the title constitutes the first reading thereof, **as revised**. INTRO ORD 1503
AMEND CODE
SEC. 17-5

- (2) Waiving further reading of and introducing **Ordinance No. 1504**, amending Sections 19-2 of the Fontana Municipal Code related to picnics, parades, etc., that the reading of the title constitutes INTRO ORD 1504
AMEND CODE
SEC. 19-2

the first reading thereof, **as revised**.

- (3) Waiving further reading of and introducing **Ordinance No. 1505**, amending Sections 19-3 of the Fontana Municipal code related to special permits, that the reading of the title constitutes the first reading thereof, **as revised**. INTRO ORD 1505
AMEND CODE
SEC. 19-3

- S. Reviewing and approving recommended revisions to the Co-Sponsorship of Events Policy and Procedures and approving thirteen co-sponsorship applications received from various organizations for Fiscal Year July 1, 2006 through June 30, 2007. APRV CO-
SPONSOR
APPLICATIONS

- T. Receiving and filing a report regarding sewer services rate increase. SEWER RATE
REPORT

- U. Reviewing, selecting and approving inductees for the inaugural 2006 Wall of Fame. WALL OF FAME

- V. Accepting cash donations in the amount of \$2,360.00 and product and service donations valued at approximately \$3,364.00 (See Attachment "A") for use in various Community Services programs. DONATIONS

- W. (1) Finding that the amendment to the City of Fontana's policy pertaining to annexation is exempt from further environmental review pursuant to Section 3.07 of the local guidelines for implementing the California Environmental Quality Act (2005), and directing staff to file a Notice of Exemption. ADPT RES 06-95
ANNEX POLICY
REVISIONS

- (2) Adopting **Resolution No. 2006-95**, revising the City of Fontana's policy pertaining to Annexation.

- X. (1) Accepting as complete and authorizing the Public Works Director to execute and file a notice of completion for Project SB-70-05. (Veterans Park). ACCPY WORK
VETS PARK

- (2) Approving the final construction amount of \$249,464.96.

- (3) Approving the release of the 10% retention upon satisfactory closure of the contract.

- Y. (1) Approving, authorizing and directing the City Manager to implement a staffing plan and two year budget in support of the Library Fundraising Program in an amount not to exceed \$1,050,000 LIBRARY
FUNDRAISING

- (2) Approving an appropriation and increasing estimated revenues in Fund #601, Project #9390122601 in the amount of \$545,900.00.

Z. (1) Adopting **Resolution No. 2006-96**, dedicating a source of revenue for repayment of any and all state revolving fund loans for Project No. C-06-4897, in accordance with the State Water Resources Control Board’s Revolving Fund Loan Program.

ADPT RES 06-96
FUND LOAN

(2) Adopting **Resolution No. 2006-97**, agreeing to provide a local match share and pay administrative fee in order to received a no-interest loan for the San Bernardino Trunk Sewer Project No. C-06-4897, in accordance with the State Water Resources Control Board’s Revolving Fund Loan Program.

ADPT RES 06-97
SEWER PROJ.
LOAN

Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 41, located at the southeast corner of Acacia Avenue and Randall Avenue.

PH-A CON’T
CFD #41 TO
7/11/06

No written communication was received.
No one spoke in favor or opposition.

ACTION: Motion was made by Council Member Scialdone , seconded by Council Member Warren, continuing the public hearing to July 11, 2006. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 50M for Street Lighting, Landscaping and Park Maintenance for Tract No. 16724.

PH-B ADPT RES
06-98, 99, 100
INTRO ORD 1506
CFD #50M

No written communication was received.
Staff presentation was given by Senior Accountant Jeff Moriarty.
No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2006-98**, establishing Community Facilities District No. 50M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof; (2) Adopting **Resolution No. 2006-99**, calling a special election and submitting to the voters of Community Facilities District No. 50M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District. Motion carried unanimously.

City Clerk Bea Watson reported the results of the election as 11 votes in favor.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, adopting **Resolution No. 2006-100**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 50M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit; and (4) waiving further reading and introducing **Ordinance No. 1506**, authorizing the levy of a special tax within Community Facilities District No. 50M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 51M for Street Lighting, Landscaping and Park Maintenance for Tract No. 16482.

PH-C ADPT RES
05-101, 102, 103
INTRO ORD 1507
CFD #51M

No written communication was received.
Staff presentation was given by Senior Accountant Jeff Moriarty.
No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2006-101**, establishing Community Facilities District No. 51M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof; (2) Adopting **Resolution No. 2006-102**, calling a special election and submitting to the voters of Community Facilities District No. 51M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District. Motion carried unanimously.

City Clerk Bea Watson reported the results of the election as 7 votes in favor.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, adopting **Resolution No. 2006-103**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 51M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit; and (4) waiving further reading and introducing **Ordinance No. 1507**, authorizing the levy of a special tax within Community Facilities District No. 51M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 48M for Street Lighting, Landscaping and Park Maintenance for Tract No. 17438.

PH-D ADPT RES
06-104, 105, 106
INTRO ORD 1508
CFD #48M

No written communication was received.

Staff presentation was given by Senior Accountant Jeff Moriarty.

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

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2006-104**, establishing Community Facilities District No. 48M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof; (2) Adopting **Resolution No. 2006-105**, calling a special election and submitting to the voters of Community Facilities District No. 48M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District. Motion carried unanimously.

City Clerk Bea Watson reported the results of the election as 14 votes in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-106**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 48M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit; and (4) waiving further reading and introducing **Ordinance No. 1508**, authorizing the levy of a special tax within Community Facilities District No. 50M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 49M for Street Lighting, Landscaping and Park Maintenance for Tract No. 16579.

PH-E INTRO ORD
1509 ADPT RES
06-107, 108, 109
CFD #49M

No written communication was received.

Staff presentation was given by Senior Accountant Jeff Moriarty.

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

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2006-107**, establishing Community Facilities District No. 49M of the City of Fontana, County of San Bernardino, State of California, and establishing the

boundaries thereof; (2) Adopting **Resolution No. 2006-108**, calling a special election and submitting to the voters of Community Facilities District No. 49M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District. Motion carried unanimously.

City Clerk Bea Watson reported the results of the election as 4 votes in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2006-109**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 49M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit; and (4) waiving further reading and introducing **Ordinance No. 1509**, authorizing the levy of a special tax within Community Facilities District No. 49M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 41M, located at the southeast corner of Acacia Avenue and Randall Avenue.

PH-F ADPT RES
06-110, 111
CFD #41M

No written communication was received.
Staff presentation was given by Senior Accountant Jeff Moriarty.
No one spoke in favor. Speaking in opposition was Orlis Fuentes.
The hearing was closed.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2006-110**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District no. 41M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 2). Motion carried unanimously.

City Clerk Bea Watson reported the results of the election as 2 votes in favor.

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, adopting **Resolution No. 2006-111**, declaring the results of the special election for Community Facilities District No. 41M of the City of Fontana on the proposition of annual levy

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of special taxes within the territory proposed to be annexed to said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District, determining that the territory proposed to be annexed is added to and part of said Community Facilities District with full legal effect, and ordering the recording of an amendment to the notice of special tax lien for said Community Facilities District including the territory annexed thereto (Annexation No. 2). Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 9M, located north of Harvey Drive, east of Oleander Avenue, and west of Cypress Avenue.

PH-G ADPT RES
06-112, 113
CFD #9M

No written communication was received.

Staff presentation was given by Senior Accountant Jeff Moriarty.

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

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, adopting **Resolution No. 2006-112**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 9M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 1). Motion carried unanimously.

City Clerk Bea Watson reported the results of the election as 4 votes in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, adopting **Resolution No. 2006-113**, declaring the results of the special election for Community Facilities District No. 9M of the City of Fontana on the proposition of the annual levy of special taxes within the territory proposed to be annexed to said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District, determining that the territory proposed to be annexed is added to and part of said Community Facilities District with full legal effect, and ordering the recording of an amendment to the notice of special tax lien for said Community Facilities District including the territory annexed thereto (Annexation No. 1). Motion carried unanimously.

Public hearing was opened regarding approval of Sale of Surplus Property.

PH-H ADPT RES
06-114 SURPLUS
PROPERTY

No written communication was received.

Staff presentation was given by Senior Administrative Analyst Jane Harris.

No one spoke in favor. Speaking in opposition were Tony Orlich, and Luis Orozco, 14372 Cheseboro Ct.. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone , seconded by Council Member Warren, adopting **Resolution No. 2006-114**, finding that the public interest and necessity require the sale of surplus property, declaring its intent to sell such property and to acquire certain parcels in exchange and with additional compensation; and (2) directing the City Manager to execute all necessary documents to effectuate the exchange and acquisition of the subject vacant parcels as described in the attached "Exhibit A". Motion carried unanimously.

Staff presentation was given by Senior Accountant Jeff Moriarty regarding Community Facilities District No. 31 (Citrus Heights North) Bonds.

UB-A ADPT RES
06-115 CFD 31
BONDS

ACTION: Motion was made by Council Member Scialdone , seconded by Council Member Warren, adopting **Resolution No. 2006-115**, authorizing the issuance of not to exceed \$36,000,000 aggregate principal amount of City of Fontana Community Facilities District No. 31 (Citrus Heights North) special tax bonds, series 2006, approving the execution and delivery of an indenture, a bond purchase agreement and a continuing disclosure agreement and the preparation of an official statement and other matters related thereto. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Council Member Warren congratulated all of the graduates, including her daughter.

Council Member Warren wished all of the Dads Happy Father's Day.

Council Member Warren noted the low voter turn out, but thanked those who voted.

Council Member Warren asked for prayers for our servicemen.

Council Member Rutherford asked the residents to write State Senator Dutton and Soto, asking that AB 2987 be revised before it is adopted.

Council Member Rutherford reported on the League of California Cities conference she attended in Sacramento.

Council Member Rutherford congratulated the new Chamber of Commerce officers.

Council Members congratulated all those involved in the successful Fontana Days Parade and Run.

Council Members reported on the recent ground breaking of the North Fontana Park.

Council Member Scialdone congratulated the graduates including his grandson.

Mayor Pro Tem Roberts noted the Rotary Club pancake breakfast during Fontana Days.

Mayor Pro Tem Roberts congratulated Second Harvest Food Bank.

Mayor Pro Tem Roberts noted the successful Fontana Unified School District Bond election.

Mayor Pro Tem Roberts invited the residents to the Star Spangled Spectacular at the FOHI stadium on July 4th.

The following City Manager Communication was received:

C M C

City Manager Ken Hunt noted that next Wednesday at 5:00 p.m. the City Council will meet for the budget hearing, and suggested this meeting be adjourned to go back into Closed Session after this meeting to finish discussing the third Closed Session item.

At 8:42 p.m. the meeting adjourned by consensus, to the continued Closed Session following this meeting, and then to an Adjourned meeting on Wednesday, June 21, 2006 at 5:00 p.m. in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA.

ADJOURN

Orvene Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 27th DAY OF JUNE , 2006.

Beatrice Watson
City Clerk