

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JULY 24, 2007**

A workshop of the Fontana City Council was held on Tuesday, July 24, 2007, in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Mayor Pro Tem Scialdone called the meeting to order at 5:35 p.m.

ROLL CALL: Present: Council Member Roberts, Rutherford, and Scialdone. ROLL CALL

Absent: Mayor Nuaimi and Council Member Warren.

A Park Master Plan presentation was given by Public Services Manager Chuck Hays.

Following agenda review and City Manager comments, the workshop adjourned at 6:47 p.m.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, July, 24, 2007 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:14 p.m.

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

Absent: None

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

The following Special Presentations were made: S P

Mayor and Council recognized artist Lucien Van Oosten.

Mayor and Council recognized Darren Robbins as the Police Department's "Employee of the Month", presented by Police Chief Larry Clark.

The following Public Communications were received: P C

Mrs. Miller, 9104 Spohn Court, spoke of the Fontana City utility tax. TAX

Tony Orlich, spoke of campaign funding. FUNDING

Council Member Scialdone stated he will abstain from Consent Calendar Item “A” (minutes) because he was absent from that meeting. C C

Council Member Rutherford will abstain from Consent Calendar Items “J and N” because she lives in that area.

Council Member Warren will abstain from Consent Calendar Item “J” because he lives in that area.

Mayor Nuaimi stated he will abstain from Consent Calendar Item “K” because he lives in that area.

Shawn Tizabi, Rancho Cucamonga; Yolanda Caldero, 16462 Washington Drive; and Craig Johnson, 7587 Toyon, L.I.F.E. group, spoke on Consent Calendar Item “B”.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, approving Consent Calendar Items “A –R” as follows:

- A. Approving the minutes of the July 10, 2007 Regular City Council meeting. MINUTES
- B. Adopting **Ordinance No. 1559**, amending Chapter 30, Zoning and Development Code, of the Fontana Municipal Code to prohibit medical marijuana dispensaries as a land use in all zoning pursuant to Government Code Section 65959. ADPT ORD 1559 PROHIBIT MARIJUANA DISP.
- C. Authorizing the City Manager to execute Amendment No. 1 to an existing contractual services agreement with Heery International, Inc., to extend the length of the contract and provide project and construction management services for the new Development Services Building. The amendment is to increase the original contract amount from \$1,071,742.00 to \$1,219,061.00, an increase of \$147,320.00 HEERY INT’L AMEND #`
- D. Approving the General Plan Progress Report and authorizing staff to forward the report to the Office of Planning and Research and the Department of Housing and Community Development. GEN’L PLAN PROGRESS RPT.
- E. Approving the annual Housing Element Progress Report and authorizing staff to forward the report to the Office of Planning and Research and the Department of Housing and Community Development. APRV HOUSING PROGRESS RPT.
- F. (1) Accepting as complete the subdivision improvements for Tract No. 16363 located north of Walnut Avenue and east of Citrus Avenue. ADPT RES 07-78 TR 16363

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- (2) Adopting **Resolution No. 2007-78**, accepting sewers in Tract No. 16363 as part of the City sewer system.

- G. (1) approving, authorizing and directing the City Manager to execute a contract between a City of Fontana and Integrated Technology Group, Inc., for the Lewis Library and Technology Center in an amount not to exceed \$454,052.03 plus a 10% contingency amount of \$45,405.00. APRV CONTRACT
INTEGRATED
TECH GRP.

- (2) Approving an increase in estimated revenues and authorizing an appropriation in the amount of \$300,000 on Grant Fund 301.

- H. Adopting **Resolution No. 2007-79**, authorizing the levy of a special tax within Community Facilities Districts (Maintenance) for Fiscal Year 2007-2008. ADPT RES 07-79
CFD (MAINT)

- I. Adopting **Resolution No. 2007-80**, authorizing the levy of a special tax within Community Facilities District No. 1 (Southridge Village) for Fiscal Year 2007-2008. ADPT RES 07-80
CFD #1

- J. Adopting **Resolution No. 2007-81**, authorizing the levy of a special tax within Community Facilities District No. 2 (Village of Heritage) for Fiscal Year 2007-2008. ADPT RES 07-81
CFD #1

- K. Adopting **Resolution No. 2007-82**, authorizing the levy of a special tax within Community Facilities District No. 3 (Hunter's Ridge) for Fiscal Year 2007-2008. ADPT RES 07-82
CFD #3

- L. Adopting **Resolution No. 2007-83**, authorizing the levy of a special tax within Community Facilities District No. 4 (a portion of Walnut Village) for Fiscal Year 2007-2008. ADPT RES 07-83
CFD #4

- M.. Adopting **Resolution No. 2007-84**, authorizing the levy of a special tax within Community Facilities District No. 7 (Country Club Estates) for Fiscal Year 2007-2008. ADPT RES 07-84
CFD #7

- N. Adopting **Resolution No. 2007-85**, authorizing the levy of a special tax within Community Facilities District No. 11 (Heritage West End) for Fiscal Year 2007-2008. ADPT RES 07-85
CFD #11

- O. Adopting **Resolution No. 2007-86**, authorizing the levy of a special tax within Community Facilities District No. 12 (Sierra Lakes) for Fiscal Year 2007-2008. ADPT RES 07-86
CFD #12

- P. Adopting **Resolution No. 2007-87**, authorizing the levy of a special tax within Community Facilities District No. 22 (Sierra Hills South) for Fiscal Year 2007-2008. ADPT RES 07-87
CFD #22

- Q. Adopting **Resolution No. 2007-88**, authorizing the levy of a special ADPT RES 07-88 tax within Community Facilities District No. 31 (Citrus Heights) CFD #31 for Fiscal Year 2007-2008.
- R.. Adopting **Resolution No. 2007-89**, authorizing the levy of a special ADPT RES 07-89 tax within Community Facilities District No. 37 (Montelago) for CFD #37 Fiscal Year 2007-2008.

Motion carried unanimously, except for the following abstentions: Council Member Scialdone Consent Calendar Item "A"; Mayor Nuaimi Consent Calendar Item "K"; Council Member Rutherford Consent Calendar Items "J and N"; and Council Member Warren Consent Calendar Item "J".

Public hearing was opened regarding establishing Landscape Maintenance Districts and Local Lighting Districts assessments. No written communication was received. Staff presentation was given by No one spoke in favor or opposition. The hearing was closed.

PH-A ADPT RES 07-90, 91, 92, 93, & 94 LMDS & LLMD

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Roberts, (1) adopting **Resolution No. 2007-90**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 1 ("LMD #1" throughout the City) for Fiscal Year 2007-2008. Motion carried by a vote of 4-0-1, Council Member Scialdone abstaining.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, adopting **Resolution No. 2007-91**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 2 ("LMD Village of Heritage) for Fiscal Year 2007-2008. Motion carried by a vote of 3-0-2, Council Members Rutherford and Warren abstaining.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Warren, adopting **Resolution No. 2007-92**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 1 ("LMD "2" Hunter's Ridge) for Fiscal Year 2007-2008. Motion carried by a vote of 4-0-1, Mayor Nuaimi. abstaining.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Warren, adopting **Resolution No. 2007-93**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 3-1 ("LMD "3-11" LMD #3-1 Empire Center) for Fiscal Year 2007-2008. Motion carried unanimously.

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ACTION: Motion was made by Council Member Roberts, seconded by Council Member Rutherford, adopting **Resolution No. 2007-94**, confirming a diagram and assessment, and levying the assessment for Local Lighting Maintenance District No. 3 (“LLMD #3” Hunter’s Ridge) for Fiscal Year 2007-2008. Motion carried by a vote of 4-0-1, Mayor Nuaimi abstaining.

Public hearing was opened regarding Community Facilities District No. 21M, located east of Oleander, and south of Walnut Avenue. No written communication was received. Staff presentation was given by Senior Accountant Jeff Moriarty, and Finance Manager Mel Drown. No one spoke in favor or opposition. The hearing was closed.

PH-B ADPT RES
07-95 & 96
CFD #21M

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, adopting **Resolution No. 2007-95**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 21M 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 Tonia Lewis stated there were 4 votes in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting **Resolution No. 2007-96**, declaring the result of the special election for Community Facilities District No. 21M of the City of Fontana on the proposition of annual levy of special taxes within the territory proposed to be annexed to aid 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 Community Facilities District No 38M, located at the northwest corner of Baseline and Beech Avenue. No written communication was received. Staff presentation was given by Senior Accountant Jeff Moriarty, and Finance Manager Mel Drown. No one spoke in favor or opposition. The hearing was closed.

PH-C ADPT RES
07-97 & 98
CFD #38M

ACTION: Motion was made by Council Member Warren, seconded by Council Member Roberts, adopting **Resolution No. 2007-97**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 38M of the

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City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 3). Motion carried unanimously.

City Clerk Tonia Lewis stated there were 5 votes in favor.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, adopting **Resolution No. 2007-98**, declaring the result of the special election for Community Facilities District No. 38M 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 the 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. 3). Motion carried unanimously.

Public hearing was opened regarding Issuance of 2007 Lease Revenue Bonds.
No written communication was received.
Staff presentation was given by Management Services Director Lisa Strong.
No one spoke in favor. Speaking in opposition was Tony Orlich. The hearing was closed.

PH-D ADPT RES
07-99 & 07-100
2007 LEASE
REVENUE BONDS

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Nuaimi, adopting **Resolution No. 2007-99**, authorizing the execution and delivery of documents relating to the sale and delivery of not to exceed \$60,000,000 Fontana Public Financing Authority 2007 Lease Revenue Bonds, and authorizing certain documents and directing certain actions in connection therewith; and adopting **Resolution No. 2007-100**, finding significant public benefit with respect to certain public capital improvements to be located within the boundaries of the City and approving the sale of bonds in connection therewith. Motion carried by a vote of 3-2, Council Members Rutherford and Scialdone voting against.

The following Elected Officials Communications were received:

E O C

ACTION: Appointment of Mayor Nuaimi and Council Member Scialdone to an Ad-Hoc Committee to work with Fontana Unified School District on school design and siting issues was approved by consensus.

APPT AD-HOC

Mayor Nuaimi and Council Members congratulated Dean and Kathy Binks who celebrated their 50th wedding anniversary last Sunday at Sierra Lakes.

CONGRATS

Mayor and Council Members congratulated the inductees in the Wall of Fame.

CONGRATS

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Council Member Scialdone noted August 7 th is National Night Out.	NIGHT OUT
Council Member Scialdone noted the Sgt. Aaron Scharf Street dedication on July 17 th .	DEDICATION
Council Member Warren noted Healthy Fontana competitions on July 31 at Miller Park from 6:30 – 8:30. A Health & Fitness Boot Camp will also take place at Miller Park from 7:00 – 8:00 a.m. on August 4 th .	UPCOMING FITNESS EVENTS
Council Member Rutherford expressed frustration when she received anonymous complaints as she cannot call to address them.	FRUSTRATION
Mayor Nuaimi thanked Mark Wilms at Fontana Nissan for the street dedication.	THANKS
Mayor Nuaimi noted a productive joint workshop with the Fontana Unified School District Board and the City Council	WORKSHOP
Mayor Nuaimi gave an update on joint efforts for work on the I-10 as well as noting the I-210 is now open.	I-10 & i-210
Mayor Nuaimi asked for prayers for Coach Black in the loss of his daughter recently.	PRAYERS
Mayor Nuaimi noted he and 3 Council Members will be attending the League of California Conference in Monterey	CONFERENCE
The following City Manager Communications were received:	C M C
City Manager Ken Hunt thanked staff for the report in the preceding workshop of the Parks Master Plan.	THANKS
City Manager Ken Hunt thanked Business Services Manager Jeff McPherson for his efforts toward the establishment of a fire district here in Fontana, and that we may be in the fire business within the next eight months.	THANKS

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ADJOURN

The City Council meeting adjourned by consensus, at 8:36 p.m. to the Regular City Council Workshop meeting on Tuesday, August 14, 2007 at 5:00 p.m. in the Executive Conference Room and then to the regular City Council meeting at 7:00 p.m. in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA.

Orvene M. Steenbock
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL
ON THE 14TH DAY OF AUGUST 2007.

Tonia Lewis
City Clerk