

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
JUNE 24, 2008**

A workshop meeting of the Fontana City Council was held on Tuesday, June 24, 2008 in the City of Fontana Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Council Member Roberts opened the meeting at 5:10 p.m.

ROLL CALL: Present: Mayor Nuaimi (arrived at 5:16 p.m.), ROLL CALL
Council Members Roberts, Rutherford,
and Scialdone.

Absent: Mayor Pro Tem Warren

A library presentation was given by Kyla Brown, Leonard Hernandez, and Helen Fisher.

Following agenda review and City Manager comments, the meeting adjourned to a Closed Session at 5:39 p.m..

The Regular Meeting of the City of Fontana City Council was held on Tuesday, June 24, 2008 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:07 p.m.

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

Absent: None

Following the Invocation by Council Member Roberts, the Pledge of Allegiance was led by Mayor Nuaimi.

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)

Number of Potential Cases: One

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54957.6

Agency Negotiator: Ed Raya, Human Resources Director

Employee Organization: Police Management Association and Police
Officers Association

There was no reportable action, but further discussion was needed on the second item and the this evening's meeting would be adjourn to Closed Session to continue this discussion.

The following Special Presentations were made:

S P

Mayor and Council recognized Captain Tim Newsome on his retirement from the Fontana Police Department, presented by Chief Rod Jones.

Mayor and Council recognized Officer Loni Ives as the May Fontana Police Department "Employee of the Month", presented by Chief Rod Jones.

Mayor and Council accepted a check from DaVita Dialysis Center to the Fontana Library Foundation in support of the Dr. Martin Luther King, Jr., Children's Library, presented by Patrick Muller, DaVita Dialysis.

Mayor and Council recognized the Mayor's Youth Advisory Council, introduced by Community Services Supervisor Frances Hernandez and Victoria Zendejas.

Mayor and Council recognized Jose Marquez (A.B.Miller High), Roberth Machado (A.B.Miller High); and Catalina Ramirez (Kaiser High School), recipients of the Gates Millennium Scholarships, presented by FUSD Board Members Larry Clark, Gus Hawthorne, Superintendent Jane Smith and Deputy Superintendent Cali Olsen-Binks.

The following Public Communications were received:

P C

Ann Knickerbocker, Senator Gloria Negrete McLedd, 8592 Williams Road, spoke regarding an upcoming Veterans Fair.

VETS FAIR

Mayor Pro Tem Warren left the dais at 7:45 p.m., returned at 7:51 p.m.

Todd Warden, AQMD, 21865 Copley Drive, Diamond Bar, spoke regarding cement plants, air quality, hearing and legislation.

AIR QUALITY

Tony Orlich, Randall Avenue, spoke regarding elections – campaign.

ELECTION

Staff presentations were given on Consent Calendar Items "F" and "G".

C C

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, approving Consent Calendar Items "A-S" as follows:

CITY COUNCIL MINUTES

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- A. Approving the minutes of the June 10, 2008 Regular City Council meeting MINUTES

- B. Adopting **Resolution No. 2008-57**, calling and giving notice of a general municipal election to be held in the City of Fontana on Tuesday, November 4, 2008 for the election of certain officers of the City 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 08-57
ELECTION

- C. Awarding bid in the amount of \$100,429.47 to Neff Rental, Inc., for the purchase of two portable generators. AWARD BID
GENERATOR

- D. Accepting the 2007 Police Department Annual Report. POLICE REPORT

- E. Accepting the settlement offer for the Adelpia lawsuit from Time Warner Cable for a contract to provide high speed internet services and basic cable/DVR connections within the City Hall campus and authorizing the City Manager to execute any documents necessary to effectuate said settlement contract. ADELPHIA
LAWSUIT

- F. (1) Approving a contractual agreement with Action Park Alliance, Inc., of the City of Industry, CA in the amount of \$440,000 to provide programs and supervision at the Jack Bulik Skate Park and the new Fontana Skate Park in North Fontana. ACTION PARK
AGREEMENT

- (2) Authorizing the City Manager or his designee to sign the contract, all related documents and any amendments for the term of the contract.

- G. Accepting Kaiser Permanente community benefit charitable contributions grant in the amount of \$50,000 for use in the aquatic program and authorizing the City Manager to execute the agreement. DONATION

- H. 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

- I. Accepting cash donation in the amount of \$1,000 from Vista Metals Corporation for use in the Teen Program of the Community Services Department. DONATION

- J. (1) Authorizing the City Manager to enter into an agreement with Sherman & Feller, a Law Corporation, to conduct foreclosure proceedings under the Mello-Roos Community Facilities Act of 1982 and to provide other legal services related thereto. ADPT RES 08-58
RE MELLO-ROOS
FORECLOSURES

- (2) Adopting **Resolution No. 2008-58**, acting as the governing body of all of its Community Facilities Districts ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, ordering that the tax collector be credited with those taxes and acknowledging the retention of special counsel.

- K. Adopting **Resolution No. 2008-59**, directing the placement of sewer charges on the property tax bills for collection. ADPT RES 08-59 SEWER

- L. Adopting **Resolution No. 2008-60**, directing the placement of rubbish charges on the property tax bills for collection. ADPT RES 08-60 RUBBISH

- M. Adopting **Resolution No. 2008-61**, directing the placement of weed abatement charges on the property tax bills for collection. ADPT RES 08-61 WEED ABATE.

- N. Approving fifteen and deny one co-sponsorship applications received from various organizations for Fiscal Year July 1, 2008 through June 30, 2009. CO-SPONSOR

- O. (1) Accepting as completed the subdivision improvements in Tract No. 16579 located south of Baseline Avenue and east of ADPT RES 08-62 TRACT 16579

- (2) Adopting **Resolution No. 2008-62**, accepting sewers in Tract No. 16579 as part of the City sewer system.

- P. (1) Accepting as completed the subdivision improvements in Tract No. 16518 located north of Miller Avenue and west of Maple Avenue. ADPT RES 08-63 TRACT 16518

- (2) Adopting **Resolution No. 2008-63**, accepting sewers in Tract No. 16518 as part of the City sewer system.

- Q. (1) Accepting as completed the subdivision improvements in Tract No. 16326 located north of Duncan Canyon Road and within the Coyote Canyon Specific Plan. ADPT RES 08-64 TRACT 16326

- (2) Adopting **Resolution No. 2008-64**, accepting sewers in Tract No. 16326 as part of the City sewer system.

- R. (1) Accepting as completed the subdivision improvements in Tract's No. 16325-1 and 16325-2 located north of Duncan Canyon Road within the Coyote Canyon Specific Plan. ADOT RES 008-65 TR 16325-1 & 16325-2

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(2) Adopting **Resolution No. 2008-65**, accepting sewers in Tract's No. 16325-1 and 16325-2 as part of the City sewer system.

S. Accepting as complete the work performed by Christopher R. Morales, Inc., for the construction of Summit Avenue and Lytle Creek Road traffic signal project, approving the final construction amount of \$95,682.54; and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-33-DE-07.

ACCPT WORK
MORALES, INC.

Motion carried unanimously.

Public hearing was opened regarding Administrative Site Plan No. 07-034 and Sierra Business Park Development Agreement Amendment.

PH-A
CONT.
ASP 07-034
JULY 8, 2008

No written communication was received.

Staff presentation was given by Director of Community Development Don Williams.

Speaking for the applicant was Brian Paine. Speaking in favor was Norman Filer, 500 H State College Drive, Orange.

No one spoke in opposition. The hearing was closed.

ACTION: Motion was made by Mayor Nuaimi, seconded by Council Member Rutherford, to continue the Public Hearing for Administrative Site Plan No. 07-034 and Sierra Business Park Development Agreement Amendment to the July 8, 2008, regular City Council meeting. Motion carried unanimously.

Public hearing was opened regarding Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts.

PH-B
APPROVE
RES. 2008-66
LIEN ACTION
SEWER, RUBBISH
WEED ABTMNT

No written communication was received.

Staff presentation was given by Finance Manager Mel Drown.

No one spoke in favor. Speaking in opposition was Tony Orlich, Randall Avenue. The hearing was closed.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, (1) Authorizing staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the certified lien list. Direct staff to forward recorded liens to the County for collection. (2) Authorizing staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the certified lien list. Direct staff to forward recorded liens to County for collection. (3) Adopting **Resolution No. 2008-66**, adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof. Motion carried unanimously.

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Staff presentation was given by Director of Community Services Ken Herron, FUSD Deputy Superintendent Cali Olsen-Binks, Community Services Manager Frances Hernandez, and Boys and Girls Manager Teri Schneider.

NB-A
MOU
FUSD
B & G CLUB
SMART KIDS

Regarding Memorandum of Understanding between the Fontana Unified School District and the City of Fontana to operate twenty-one elementary schools and seven middle schools grant funded after school programs.

ACTION: Motion was made by Mayor Nuaimi, seconded by Mayor Pro Tem Warren, (1) Approving the renewal of Memorandum of Understanding between the Fontana Unified School District and the City of Fontana to operate twenty-one elementary schools and seven middle schools grant funded after school programs; increase grant funding in the amount of \$1,350,000 for a total of \$3,071,250 and authorizing the City Manager or his designee to sign the contract, all related documents and any amendments for the term of the contract. (2) Approving the renewal of Memorandum of Understanding between the Boys and Girls Club of Fontana to provide continued educational and literacy services to grant funded after programs for the period of three years; with the addition of a facility use agreement at the Don Day Community Center for after school middle school programs from Southridge Middle School and authorizing the City Manager or his designee to sign the contract, all related documents and any amendments for the term of the contract. (3) Authorizing the Human Resources Department for the approval of one Community Services Coordinator II position for the purposes of coordinating the new additional Smart Kids After School sites; the coordinator position will be funded entirely through grant funds. Motion carried unanimously

Staff presentation was given by Principal Planner Kevin Ryan, regarding staff direction in December 2008 regarding circulation impact fees.

NB-B
INCREASE
CIRCULATION
IMPACT FEE

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Warren, Directing staff to bring back a resolution in December 2008, increasing circulation impact fees as required by the Measure I Nexus Program. Motion carried unanimously.

The following Elected Officials Communications were received:

E O C

Council Member Scialdone thanked Kaiser Permanente for their donation for the "Operation Splash" program.

THANKS

Council Member Scialdone thanked staff for the wonderful Martin Luther King Jr. Children's Library Dedication.

LIB. DEDI.

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Council Member Scialdone thanked Mayor Pro Tem Warren for organizing the golf classic fundraiser for the Martin Luther King, Jr., Children’s Library.	THANKS
Council Member Scialdone encouraged everyone to come out to the Fourth of July activities at Fontana High School, and stated there would be another wonderful fireworks show.	4 TH JULY
Council Member Scialdone encouraged the residents to come to the Patricia Murray Park Dedication on Saturday, June 28, 2008.	PARK DEDI.
Council Member Roberts commended city staff, the Boys and Girls Club, and the Fontana Unified School District for the Smart Kids Program, and stated that this is another thing that helps the well being of the City of Fontana.	SMART KIDS
Council Member Roberts commented that Pat Murray started working for the City of Fontana in 1954, is still work for the City as a volunteer, and was Miss Fontana in 1945.	P. MURRAY
Council Member Rutherford congratulated the City of Fontana on the dedication of the Martin Luther King, Jr. Children’s Library and commended the gentleman that did the wonderful renditions of Martin Luther King, Jr.’s, sermons and speeches.	LIB. DEDI.
Council Member Rutherford thanked the Library staff for the great presentation during this evening’s workshop.	WKSHP PRES.
Council Member Rutherford stated that she was proud to be a part of the Miguel Jr. Burrito ribbon cutting ceremony at their new location on Cherry Avenue.	MIGUEL, JR.
Mayor Pro Tem Warren encouraged those wishing to learn to swim, but short on money right now, to come out and fill out an application for Operation Splash at any community center or the Community Services Office.	OPERATION SPLASH
Mayor Pro Tem Warren stated that she attended the Art Mixer and was amazed at the very talented works of art on display by many community residents, and expressed thanks to staff for this event.	ART MIXER
Mayor Pro Tem Warren commented on the new breast imaging center at San Antonio Hospital in Upland, and their great staff.	BREAST IMAGING
Mayor Pro Tem Warren complimented Assemblywoman Wilmer Amina Carter on her Elder Financial Abuse campaign.	ELDER ABUSE

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Mayor Pro Tem Warren expressed her thanks to everyone involved with the Martin Luther King, Jr. Children’s Library dedication, and commended them on the wonderful job they did.	LIB. DEDI. THANKS
Mayor Nuaimi thanked Mayor Pro Tem Warren for the fantastic event Saturday, the dedication of the Martin Luther King, Jr. Children’s Library, and commented on all of the wonderful activities of the day, especially the speeches and sermons done by Mr. Johnson.	LIB. DEDI.
Mayor Nuaimi thanked the Library staff for the presentation and the awesome job they have done since the library’s opening.	LIB. STAFF
Mayor Nuaimi thanked the Mayor’s Youth Advisory Council for coming this evening and introducing themselves.	YOUTH ADVISORY
Mayor Nuaimi congratulated the Gates Millennium Grant reciprocates.	GATES GRANT
Mayor Nuaimi encouraged everyone to come out to the Fourth of July event at Fontana High School, reminded the residents that this is the last year of legal fireworks, and requested that they be safe.	4 TH JULY
Mayor Nuaimi wished Council Members Rutherford and Roberts a very happy birthday this coming week.	HAPPY B-DAYS
Mayor Nuaimi reviewed the first few events to be held soon at Center Stage.	CENTER STAGE
City Manager Hunt reminded the City Council that this evening’s meeting will be adjourned to Closed Session immediately following the meeting in the Executive Conference Room.	ADJOURN TO CLOSE SESSION
The City Council meeting adjourned by consensus, at 9:23 p.m. to Closed Session to continue earlier discussion, then to the next Regular City Council Workshop on Tuesday, July 8, 2008 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.	ADJOURN

Orvene Steenbock
City Clerk Assistant

CITY COUNCIL MINUTES

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THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL
ON THE 8th DAY OF JULY 2008.

Tonia Lewis
City Clerk