

CITY COUNCIL MINUTES

JULY 22, 2008

The following Public Communications were received:

P C

Gary Cherms, spoke regarding the POW – MIA Flag.

POW/MIA FLAG

Christian Nelson, SCE, 1351 E. Francis Street, Ontario, spoke regarding the state of the Southern California Edison system.

SCE SYSTEM

Tony Orlich, Randall Avenue, spoke regarding economy.

ECONOMY

Matthew Slowik, spoke regarding the Fontana Art Association.

ART ASSN

Written Communication was received from Fontana Water Company on Consent Calendar Items “X” and “Y”.

C C

Public Communications were received as follows: John De Sousa, spoke on Consent Calendar Item “D”, and Tony Orlich, spoke on Consent Calendar Items “L” through “V”.

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, approving Consent Calendar Items “A-Z” as follows:

A. Approving the minutes of the July 8, 2008 Regular City Council meeting

MINUTES

B. (1) Accepting grant award in the amount of \$171,000 from the Office of Traffic Safety.

GRANT AWARD

(2) Increasing revenues in Fund 225 for Fiscal Year 2008/09 by \$169,800; and appropriate for expenditures in Fund 225.

(3) Authorizing the Chief of Police or his designee to sign all related grant documents for the term of the grant.

C. Accepting a petition submitted by Shady Trails Community Association requesting the City’s enforcement of the vehicle code on private roads not open to public use; and, setting a public hearing prior to enactment of the ordinance.

SHADY TRAILS
ROADS

D. (1) Adopting **Resolution No. 2008-72**, declaring intention to annex territory to Community Facilities District No. 61M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 2), located at the northwest corner of Miller Avenue and Mango Avenue.

ADPT RES 08-72
CFD 61M

(2) Setting the public hearing for August 26, 2008 for the formation of the District and calling the special election for August 26, 2008.

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- E. (1) Accepting as complete and authorizing the Deputy City Manager to execute and file a Notice of Completion for the Development Services building, Project SB-59-CD-06, (DSO Building-OK Earl Corporation). ACCPT OK EARL PROJECT
- (2) Approving the release of the 10% retention upon satisfactory closure of the project.
- F. Accepting replacement of securities for Tract No. 17440 necessitated by change in ownership of the tract, and authorizing the City Manager to enter into subdivision agreements with Lenmar Construction for the construction improvements in said tract. TR 17440 SECURITIES
- G. (1) Accepting as completed the subdivision improvements in Tract No.'s 16158 and 16158-2, located south of Walnut avenue and east of Beech in the Rancho Fontana Specific Plan. ADPT RES 08-73 TR 18158 & 16158-2
- (2) Adopting **Resolution No. 2008-73**, accepting sewers in Tract No.'s 16158 and 16158-1 as part of the City sewer system.
- H. Authorizing the City Manager to execute quitclaim deeds for the release of a temporary easement for detention basin purposes on Lot 333 of recorded Tract Map No. 17438. EASEMENT TR 17438
- I. (1) Accepting as completed the subdivision improvements in Tract No. 16380 located south of Baseline Avenue and east of Sultana Avenue in Rancho Fontana Specific Plan. ADPT RES 08-74 TR 16380
- (2) Adopting **Resolution No. 2008-74**, accepting sewers in Tract No. 16380 as part of the City sewer system.
- J. Accepting final map for Tract No. 17859 located on Paine Street, north of Foothill Boulevard and west of Juniper 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 17859
- K. (1) Accepting as completed the subdivision improvements in Tract No.'s 16258 and 16258-1 located north of Baseline Avenue between Beech Avenue and Almeria Avenue in the Rancho Fontana Specific Plan. ADPT RES 08-75 ACCPT TR 16258 & 16258-1
- (2) Adopting **Resolution No. 2008-75**, accepting sewers in Tract No.'s 16258 and 16258-1 as part of the City sewer system.
- L. Adopting **Resolution No. 2008-76**, authorizing the levy of a special tax within Community Facilities Districts (Maintenance) for Fiscal Year 2008-2009. ADPT RES 08-76 CFD (MAINT)

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- M. Adopting **Resolution No. 2008-77**, authorizing the levy of a special tax within Community Facilities District No. 1 (Southridge) for Fiscal Year 2008-2009. ADPT RES 08-77
CFD #1
- N. Adopting **Resolution No. 2008-78**, authorizing the levy of a special tax within Community Facilities District No. 2 (Village of Heritage) Fiscal Year 2008-2009. ADPT RES 08-78
CFD #2
- O. Adopting **Resolution No. 2008-79**, authorizing the levy of a special tax within Community Facilities District No. 3 (Hunter's Ridge) for Fiscal Year 2008-2009. ADPT RES 08-79
CFD #3
- P. Adopting **Resolution No. 2008-80**, authorizing the levy of a special tax within Community Facilities District No. 4 (a portion of Walnut Village) for Fiscal Year 2008-2009. ADPT RES 08-80
CFD #4
- Q. Adopting **Resolution No. 2008-81**, authorizing the levy of a special tax within Community Facilities District No. 7 (Country Club Estates) for Fiscal Year 2008-2009. ADPT RES 08-81
CFD #7
- R. Adopting **Resolution No. 2008-82**, authorizing the levy of a special tax within Community Facilities District No. 11 (Heritage West End) for Fiscal Year 2008-2009. ADPT RES 08-82
CFD #11
- S.. Adopting **Resolution No. 2008-83**, authorizing the levy of a special tax *within* Community Facilities District No. 12 (Sierra Lakes) for Fiscal Year 2008-2009. ADPT RES 08-83
CFD #12
- T. Adopting **Resolution No. 2008-84**, authorizing the levy of a special tax within Community Facilities District No. 22 (Sierra Hills South) for Fiscal Year 2008-2009. ADPT RES 08-84
CFD #22
- U. Adopting **Resolution No. 2008-85**, authorizing the levy of a special tax within Community Facilities District No. 31 (Citrus Heights North) for Fiscal Year 2008-2009. ADPT RES 08-85
CFD #31
- V. Adopting **Resolution No. 2008-86**, authorizing the levy of a special tax within Community Facilities District No. 37 (Montelago) for Fiscal Year 2008-2009. ADPT RES 08-86
CFD #37
- W. Authorizing the reduction of the performance/labor and materials bond for the following projects: REDUCE BONDS

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Tract No.	Principal:	Bond No:	Bond Amt.	Reduce To:
16346	Almeria 2, LLC	556243S	\$ 91,064	\$ 9,107
16572	YH Walnut, LLC	SU5011187	\$ 704,905	\$ 70,491
16572	YH Walnut, LLC	SU5011188	\$1,234,874	\$123,488
16577	YH Walnut, LLC	SU5011185	\$344,202	\$ 34,420
16577	Same/Off-Site	SU5011186	\$ 154,900	\$ 15,490
16685	YH Juniper, LLC	SU5017387	\$1,820,000	\$455,000
16724	YH Citrus, LLC	559698S	\$1,123,000	\$112,300
16993	VW Miller 1, LLC	SU5019628	\$ 323,730	\$ 80,932

- X. Adopting **Resolution No. 2008-87**, making responsible agency findings pursuant to the California Environmental Quality Act for the addendum prepared for Fontana-3 pipeline material recycled water pipeline project, adopting the addendum and mitigation monitoring and reporting program, and approving the project. ADPT RES 08-87
RECYCLED
WATER

- Y. Adopting **Resolution No. 2008-88**, authorizing an application for financial assistance for a loan/grant from the State Water Resources Control Board for the 1158 Zone Recycled Water Program and designating authorized representatives to sign and file for and on behalf of the City of Fontana, for a loan/grant from the State Water Resources Control Board. ADPT RES 08-88
APPLICATION
WATER BOARD

- Z. Authorizing and directing the City Manager to award the contract and execute a professional services agreement between the City of Fontana and Sarah Villarreal to provide grant writing and marketing support of ongoing operations and special projects in an amount not to exceed \$48,000.000 for one year with an option for one additional year extension. CONTRACT
S. VILLARREAL
GRANT WRITE

Motion carried unanimously, except for the following abstentions: Mayor Nuaimi abstained on Consent Calendar Item "O", Mayor Pro Tem Warren abstained on Consent Calendar Item "N", and Council Member Rutherford abstained on Consent Calendar Items "N" and "R", due to the proximity of the location of their residences.

Public hearing was opened regarding establishing fiscal year 2008-2009 Assessment rates for Landscape Maintenance Districts and Local Lighting Maintenance Districts. PH-A
ADPT 08-89 -
LMD #1;
08-90 - LMD #2;
08-91 - LMD #3;
08-92 - LMD #3-1;
08-93 – LLMD #3

No written communication was received.
Staff presentation was given by Jeff Moriarty and Mel Drown.
Speaking in opposition was Tony Orlich, Randall Avenue.
The hearing was closed.

ACTION: Motion was made by Mayor Nuaimi, seconded by Council Member Rutherford, (1) Adopting **Resolution No. 2008-89**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 1 (“LMD #1”) throughout the City) for Fiscal Year 2008-2009; (2) Adopting **Resolution No. 2008-90**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 2 (“LMD #2” (Village of Heritage) for Fiscal Year 2008-2009; (3) Adopting **Resolution No. 2008-91**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 3 (“LMD #3” Hunter’s Ridge) for Fiscal Year 2008-2009; (4) Adopting **Resolution No. 2008-92**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 3-1 (“LMD #3-1”) Empire Center) for Fiscal Year 2008-2009; (5) Adopting **Resolution No. 2008-93**, confirming a diagram and assessment, and levying the assessment for Local Lighting Maintenance District No. 3 (“LLMD #3”)) Hunter’s Ridge) for Fiscal Year 2008-2009.

Motion carried unanimously except for the following abstentions: Mayor Nuaimi abstained from LMD #3, and LLMD #3; Council Member Rutherford abstained from LMD #2; and Council Member Scialdone abstained from LMD #1 due to the proximity of the location of their residences.

The following Elected Officials Communications were received:

E O C

Council Member Scialdone requested that Police Chief Rod Jones give a report on the upcoming National Night Out.

NAT’L NIGHT OUT

Chief Jones stated that the Annual National Night out will be held at seven locations throughout the City of Fontana on the evening of Tuesday, August 5, 2008. He stated this is to celebrate an Anti Crime Awareness Program, with approximately 11,000 other communities. He stated that a group will be meeting in front of the Fontana Police Department at 4:30 p.m. to visit the seven locations, and all are welcome.

NAT’L NIGHT OUT

Council Member Scialdone stated that he attend a community meeting at Sierra Lakes on July 14th, at which foreclosures and water rates were discussed. He stated that the resident requested that the Mayor attend the next meeting for continued discussion of water rates.

COMM. MTG

Council Member Scialdone reported that the Exchange Club, Fontana Unified School District and he have met to discuss the fact that school will be out on June 1, 2009. Due to this issue the Fontana Days Parade and Run have been move to May 30, 2009, so that the various school groups and bands will be able to participate.

FONTANA DAYS
2009

Council Member Scialdone welcomed the new Community Services Director Garth Nelson to the City of Fontana.

WELCOME

Council Member Scialdone stated that Fontana Center Stage grand opening will be this Saturday, July 25, 2008, with the VIP Ribbon Cutting this Friday evening, July 24, 2008.

CENTER STAGE

Council Member Scialdone stated that the Boys and Girls Club will be hosting a Golf Tournament Fundraiser on August 1, 2008, at Sierra Lakes.

GOLF TORN.

Council Member Roberts stated that Edward Keen, passed away last week, Edward was the son of former Fire Chief R. J. Keen. Edward was a Fire Engineer.

EDWARD KEEN

Council Member Roberts stated that Joseph Spinks passed away Joseph worked for Fontana Christian School for 45 years, was a member of Fontana Free Methodist Church, and also was a volunteer for the Fontana Police Department for many years.

JOSEPH SPINKS

Council Member Roberts requested that this evening's meeting be adjourned in the memory of Edward Keen, and Joseph Spinks.

ADJOURN

Mayor Pro Tem Warren stated she had an opportunity to visit with many young people interning at Kaiser Hospital and through the toastmaster program was able to discuss the draft and how important it is to vote. She stated that the students were able to comments on her speaking, and that she will cherish the comments she received.

KAISER HOSP

Mayor Pro Tem Warren stated she was able to speak to a class at A. B. Miller High School and that this was a very positive experience, that she was please to learn that the students watched and absorbed the actions of the Fontana City Council.

A. B. MILLER

Mayor Pro Tem Warren expressed her thanks for Paul Balbach, and Ken Herron for them many years of hard work for the City of Fontana, and wished them well on their retirements.

RETIREMENTS

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Mayor Pro Tem Warren stated that she attend the recent dedication of the new Living Water Church site, and that it is great the church was able to relocate and stay in the City of Fontana.

LIVING WATER

Council Member Rutherford wished Mayor Pro Tem Warren a Happy Birthday.

HAPPY B-DAY

Council Member Rutherford stated she visited Kathy Binks at the Boy's Home earlier today, was very pleased to meet some very nice, polite young men and wished them well in their future.

BOY'S HOME

Council Member Rutherford stated that recently there was an event to thank the volunteers of the Lewis Library and Technology Center. She expressed her thanks to the people who take their time to help at such a wonderful place for our community.

VOLUNTEERS

Council Member Rutherford stated that it was a very sad weekend, with the discovery of a newborn baby in a dumpster in the City, and reminded everyone of the free drop off policy at any hospital or fire station. She stated that the police need help in finding the person responsible for this, and requested that a reward be established for this.

SAD EVENT

The City Manager advised the City Council he would establish a \$5,000.00 reward for information leading to an arrest.

REWARD

Mayor Nuaimi congratulated Living Water Church on their new location.

LIVING WATER

Mayor Nuaimi thanked staff for the recognition of Ken Herron and Paul Balbach, and wished them well. He stated that Deputy Clerk Linda Nunn is also retiring, and thanked her for the many years of hard work and dedication to the City of Fontana.

RETIREMENTS

Mayor Nuaimi expressed his feeling on a letter to the editor, he wrote, and the feedback that he received.

LETTER

Mayor Nuaimi commented on the transportation corridor, and the stated legislation.

TRANSPORATION

Council Member Rutherford suggested residents write letters to their state legislators regarding state budget cut of local government funds, which could effect redevelopment funds, police department, roads and parks.

STATE BUDGET

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Mayor Nuaimi expressed that voters need to speak up and encourage the state government not to fix the state budget with local government funds.

STATE BUDGET

The following City Manager Communication was received:

CMC

City Manager Hunt commended Mayor Nuaimi and Council Member Rutherford for the comments on the state budget, and the need to not fix the state budget at the expense of local government funds.

STATE BUDGET

City Manager Hunt thanked Ken Herron, Paul Balbach and Linda Nunn for their many years of service and hard work to the City of Fontana, and wished them every happiness in their retirements.

RETIREMENTS

City Manager Hunt welcomed the new Community Services Director Garth Nelson.

WELCOME

The City Council meeting adjourned by consensus, at 8:56 p.m. in memory of Edward Keen and Joseph Spinks, to the Grand Opening of Center Stage on July 24, 2008, then to National Night Out on August 5, 2008, then to the next Regular City Council Workshop on Tuesday, August 12, 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

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL
ON THE 12th DAY OF AUGUST. 2008.

Tonia Lewis
City Clerk