

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR MEETING  
AUGUST 12, 2008**

A workshop meeting of the Fontana City Council was held on Tuesday, August 12, 2008 in the City of Fontana Executive Conference Room, 8353 Sierra Avenue, Fontana, CA. Council Member Roberts opened the meeting at 5:05 p.m.

**ROLL CALL:** Present: Mayor Nuaimi (arrived at 5:15 p.m.) ROLL CALL  
Mayor Pro Tem Warren (arrived at 5:25 p.m.)  
Council Members Roberts, Rutherford,  
and Scialdone

Absent: None

The Proposed Foreclosure Ordinance/SB 1137 was presented by Police Chief Rod Jones, Community Improvement Program Manager Ted Porlas, City Attorney Jeffrey Ballinger, and Deputy City Manager David Edgar.

Mayor Pro Tem Warren participated via phone from 5:05 p.m. until the call was dropped at 5:15 p.m.

Following agenda review and City Manager comments, the meeting adjourned to a Closed Session at 6:14 p.m.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, August 12, 2008 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:29 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 reported the following items were discussed in the C S  
Closed Session:

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CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0255-021-17 (Thomas N. Shigekuni Trust)

Negotiator: Deputy City Manager Debbie Brazill

Under Negotiation: Price and Terms.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN's 0226-184-17, 0226-184-12, 0226-182-14, 0226-182-11, and 0226-182-10

Negotiator: Deputy City Manager, Debbie Brazill

Under Negotiation: Price and Terms

There was no reportable action.

The following Special Presentations were made:

S P

Mayor and Council presented and discussed the State budget crisis, and expressed their thoughts to the State, to leave local government funds uncut.

STATE BUDGET CUTS

The following Public Communications were received:

P C

John De Sousa, 7565 Concord, calling for service.

SERV. CALLS

Tom and Mary Rivera, Fontana Girls Softball, Twisted Sisters, 17091 Hogue Court, spoke regarding the Twisted Sisters' year's accomplishments.

TWISTED SIS.

Scott Vanhorne, Supervisor Biane, 385 N. Arrowhead, San Bernardino, spoke regarding upcoming events.

COMM. EVENTS

Tony Orlich, Randall Avenue, spoke regarding medical marijuana.

MED. MARIJUANA

Staff presentations were given on Consent Calendar Items "B" and "I".

C C.

**ACTION:** Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, approving Consent Calendar Items "A-K" as follows:

A. Approving the minutes of the July 22, 2008 Regular City Council meeting.

MINUTES

B. Adopting **Resolution No. 2008-94**, supporting the Safe Neighborhoods Act proposed by the California State legislature.

ADPT RES 08-94 SUPPORT

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- C. Accepting final map for Tract No. 16983 located on Cypress Avenue north of Foothill Blvd. and East of Oleander 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 16983
- D. Adopting **Resolution No. 2008-95**, opposing fiscally irresponsible state budget decisions that would “borrow” local government, redevelopment and transportation funds. ADPT RES 08-95 STATE BGT
- E. Approving the purchase of a tactical crisis response system in the amount of \$30,499.89 from Enforcement Technology Group, Inc. APRV ENFORCE TECH GROUP
- F. Approving the purchase of 20 handi-talkies from Motorola in the amount of \$66,151,87. APRV HANDI TALKIES
- G. Accepting as complete the work performed by Diversified Landscape Services, Inc., for the construction of the Foothill Blvd. center median landscape project from Almeria Avenue to Tokay Avenue; approving the final construction amount of \$593,017.37 and authorizing the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-14-DE-08. ACCPT WORK DIVERSIFIED
- H. (1) Adopting **Resolution No. 2008-96**, determining the sufficiency of petition requesting formation of proposed Community Facilities District No. 64M. ADPT RES 08-96/ 97 CFD 64M  
(2) Adopting **Resolution No. 2008-97**, with respect to establishment of proposed Community Facilities District No. 64M of the City of Fontana.  
(3) Setting the public hearing for September 23, 2008, for the formation of the District and calling the special election for September 23, 2008.
- I. Adopting **Resolution No. 2008-98**, approving the execution of a cooperative agreement with the State of California Department of Transportation (CALTRANS) for the design and construction of the I-15/Duncan Canyon Storm Drain (line “A”) Project, Agreement No. 08-1401. ADPT RES 08-98 CALTRANS AGR
- J. Authorizing the City Manager to sign contract exhibits to the State-wide Telecommunications contract known as CALNET-2, authorizing the City to purchase equipment and services at the Statewide discounted rates. AUTH CALNET-2 CONTRACT

<p>K. Adopting <b>Resolution No. 2008-99</b>, ratifying the Memorandum of Understanding for the Fontana Police Management Association and the Fontana Police Officers Association.</p>	<p>ADPT RES 08-99 MOU P D ASSN</p>
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Motion carried unanimously.

<p>Public hearing was opened regarding Administrative Site Plan No. 07-034 and Sierra Business Park Development Agreement Amendment (Con't from July 8, 2008). No written communication was received. Staff presentation was given by Community Development Director Don Williams, AICP, and Orlando Hernandez. No one spoke in favor or opposition. The hearing was closed.</p>	<p>PH-A APPROVE ASP 07-034 SIERRA PARK DEV. AGR. AMD.</p>
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**ACTION:** Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, (1) Finding that the project has been reviewed pursuant to the Local Guidelines for implementing the California Environmental Quality Act (CEQA) and adopting a Negative Declaration and direct staff to file the Notice of Determination. (2) Approving Administrative Site Plan No. 07-034 and Sierra Business Park Development Agreement Amendment subject to the attached Findings and Conditions of Approval. Motion carried unanimously.

<p>Public hearing was opened regarding Removing the Circulation Impact Fee for the Infill Development Fee Reduction Program. No written communication was received. Staff presentation was given by Community Development Director, Don Williams, AICP, and Planner Stephanie Hall. No one spoke in favor or opposition. The hearing was closed.</p>	<p>PH-B ADPT RES 08-100 INFILL DEV. FEES</p>
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**ACTION:** Motion was made by Mayor Pro Tem Warren, seconded by Council Member Roberts, (1) Finding that the project has been reviewed under a previously adopted Negative Declaration (Development Code Amendment No. 06-017) pursuant to Sections 15153 through 15164 et. seq. of the California Environmental Quality Act (CEQA) and directing staff to file the Notice of Determination; and (2) Adopting **Resolution No. 2008-100**, removing the Circulation Impact Fee from the infill Development Fee Reduction Program. Motion carried unanimously.

<p>Public hearing was opened regarding Right of Way – Highland Avenue No written communication was received. Staff presentation was given by Community Development Director Don Williams, AICP. No one spoke in favor or opposition. The hearing was closed.</p>	<p>PH-C CONT. RIGHT OF WAY HIGHLAND 9-9-08</p>
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**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Scialdone, continuing the Public Hearing for Right of Way - Highland Avenue to the City Council meeting of September 9, 2008. Motion carried unanimously.

Public hearing was opened regarding Community Facilities District No. 56M (Annexation No. 3), located north of Foothill Blvd., between Cypress and Juniper Avenues. PH-D ADPT RES 08-101/102 CFD 56M

No written communication was received.

Staff presentation was given by Accountant Jeff Moriarty, and Finance Director Mel Drown.

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

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Rutherford, adopting **Resolution No. 2008-101**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 56M of the 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 two (2) votes in favor.

**ACTION:** Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Warren, adopting **Resolution No. 2008-102**, declaring the results of the special election for Community Facilities District No. 56M 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. 3). Motion carried unanimously.

Public hearing was opened regarding Enforcement of Traffic Laws on Private Streets – Shady Trails Gated Community. PH-E ADPT RES 08-103 SHADY TRAILS TRFC LAWS

No written communication was received.

Staff presentation was given by Chief Rod Jones.

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 Mayor Pro Tem Warren, adopting **Resolution No. 2008-103**, authorizing the enforcement of the California Vehicle Code and Fontana Municipal Code as it relates to traffic on private streets in the

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gated community known as Shady Trails located in the City of Fontana.  
Motion carried unanimously.

The following Elected Officials Communications were received:	E O C
Mayor Pro Tem Warren reminded everyone of the importance of going on line and sending letters and e-mails to state legislators requesting they leave local governmental funds intact.	LTRS & E-MAILS LEGISLATORS
Mayor Pro Tem Warren encouraged everyone to drive with caution where children are around, especially in school zones.	SAFETY
Council Member Roberts stated that we will be having elections this year, and expressed his endorsements of Council Members Rutherford and Warren.	ELECTION
Council Member Scialdone echoed the importance of supporting local government, during this time of state budget cuts.	LOCAL GOV.
Council Member Scialdone expressed his excitement at the Grand Opening of Center Stage, and encouraged residents to try it and they too will be hooked.	CTR STAGE
Council Member Scialdone welcomed the new Deputy City Clerk Sandra Medina to the City of Fontana family.	WELCOME
Council Member Scialdone encouraged everyone to come out to the Annual Ice Cream Social at the Fontana Women’s Club on Sunday, August 17, 2008, from 1:00 p.m. to 3:00 p.m.	ICE CREAM SOCIAL
Council Member Scialdone encouraged attendance of the following Community Meetings at Walnut Village on August 13, 2008, and Central Fontana on August 19, 2008.	COMM. MTGS
Council Member Rutherford commended Community Services Staff for another very fun and successful Summer Program.	SUMMER PROG
Council Member Rutherford stated the Annual “National Night Out” was a great family event, and encouraged anyone who does not have a “Neighborhood Watch” program in their neighborhood to contact the Fontana Police Department about possibly organizing one.	NAT’L NIGHT OUT
Council Member Rutherford stated that she had been contacted regarding the unnecessary idling of Fontana Police vehicles, she has been assured by Chief Jones they are not idling unnecessarily unless they are K-9 Unit, which will be idling for the K-9’s safety.	PD VEHICLES

Council Member Rutherford commented that it was brought to her attention that in some neighborhoods, people have been digging through trash cans that have been rolled out to the street for pick up. She expressed the fact that this is illegal and encouraged anyone seeing this happen to contact police.

TRASH PICK UP

Council Member Rutherford assured the residents, that the City of Fontana has a very extensive emergency plan, in case of any kind of emergency or natural disaster, and if anyone is interested in being of assistance to the City, they should contact the Fontana Police Department for training. She encouraged everyone to be prepared to exist up to two or three weeks on their own before having any assistance from the City, county, state or federal government.

EMERG. PLAN

Council Member Rutherford stated she has been contacted about the early stop time of the City of Fontana Senior Transportation. She stated that if later hours of transportation are needed that they contact Omnitrans. She also stated that the City of Fontana had been looking into extending the hours, but with the possible State cutting of local government funding, this has not been place in the City budget at this time.

SR. TRANS.

Mayor Nuaimi stated with the cooling of the weather, that many park activities are starting up, such as Pop Warner, and encouraged people to use safety while driving around our City parks.

PARK SAFETY

Mayor Nuaimi wished students well in the upcoming school year.

SCH. WISHES

Mayor Nuaimi stated election season is approaching fast, and stated that the last election there was a lot of negativity surrounding the election. He encouraged all participants not use these tactics this year. He stated we are very lucky in this town to have five ladies and gentlemen that don't always agree on issue, but highly respect each other. He stated that Council Members Rutherford and Warren are very unique, talented individuals, and have wonderful abilities that they bring to the Council, and stated his endorsement for both of these ladies.

ELECTION  
ENDORSEMENTS

Mayor Nuaimi stated that Council Member Roberts had been on the City of Fontana Council for the past sixteen years, and has seen the City make many transformations. He stated his endorsement of John Roberts in his run for Congressman.

ENDORSEMENT

Mayor Nuaimi commended Fontana Unified School District Board Members Kathy Binks and Larry Clark, and expressed his endorsement of them also.

ENDORSEMENTS

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The following City Manager Communication was received:

CMC

City Manager Hunt stated he recently had an interesting experience with the City's legal team reviewing the many achievements of the City of Fontana throughout the last ten years, and how far we have come during that time, but that we still have a long way to go. He stated they had been reviewing what may have to be cut if the State cuts local government funding.

STATE BUDGET

City Manager Hunt congratulated Council Members Rutherford and Warren on their decision to run for election again, and encouraged voters to realize that the City of Fontana needs to keep the consistency of the City Council.

ELECTION  
CONSISTENCY

City Manager Hunt encouraged people to go to [www.cutupthecard.com](http://www.cutupthecard.com) and to let the state know they are serious about not wanting them to touch local government funding.

STATE CONTACT

City Manager Hunt introduced the new Deputy City Clerk, Sandra Medina. WELCOME

Deputy City Clerk Medina expressed her gratitude for the opportunities presented to her by the City of Fontana, and stated that she has an open door policy, encouraging anyone interested to stop by and chat.

THANKS

The City Council meeting adjourned by consensus, at 8:58 p.m. to the next Regular City Council Workshop on Tuesday, August 26, 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

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Orvene Steenbock  
City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL  
ON THE 26th DAY OF AUGUST. 2008.

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Tonia Lewis  
City Clerk