

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
SEPTEMBER 23, 2008**

A workshop meeting of the Fontana City Council was held on Tuesday, September 23, 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 Mayor Pro Tem Warren ROLL CALL
(arrived at 5:10 p.m.), Council Members
Roberts, Rutherford, and Scialdone.

Absent: None.

A presentation was given by Tim Millington, and Kathleen McDonald of LAFCO regarding County Services Area (CSA) 120.

Eric Bishop, and the Chaffey College Board of Directors gave an update of Chaffey College Fontana Campus.

Following agenda review and City Manager comments, the meeting adjourned to a Closed Session at 5:55 p.m.

The Regular Meeting of the City of Fontana City Council was held on Tuesday, September 23, 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 Pastor Chuck Franco, of Fontana 1st Assembly of God, the Pledge of Allegiance was led by Mayor Nuaimi.

The City Attorney reported the following items were discussed in the C S
Closed Session:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a):
City of Fontana, a Municipal Corporation vs. Henry Wilson, et al. –
Case No. SCVSS 135346.

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There was no reportable action.

The following Special Presentations were made:

S P

The Kiwanis Club of Fontana President Sylvia Anderson and Roger Hurley made a presentation of \$2,000 check to the Ronald McDonald House from the Fontana Day's Run Children's Dash, accepted by Karen Hooper, Director of Operations for Ronald McDonald.

DONATION
MCDONALD
HOUSE

Mayor and City Council proclaimed September 27, 2008, as Worldwide Day of Play, that is being promoted by Nickelodeon TV Network.

WW DAY OF PLAN

Mayor and Council proclaimed the Week of October 5-11, 2008 as Fire Prevention Week, accepted by Chief Terry Welsh and Captain Pat Gomez.

FIRE PROT. WK

Mayor and Council acknowledged Police Explorer Scout Post – 2008 as Champions in the 3rd Annual Inland Valley Explorer Competition, presented by Chief Rod Jones.

POLICE EXPL.
SCOUT POST

Mayor and Council recognized the following sponsors of the Half Marathon, presented by Michael Wright, Community Services Supervisor:

HALF MARATHON
SPONSORS

Sponsors:

Manheim Southern California Auto Action	Platinum
Bel-Air Swapmeet	Platinum
Dole Food Company	Gold
Arrowhead Water	Gold
Costco	Mile Marker
Best, Best & Kreiger	Silver
Kiwanis International	Silver
California Steel Industries	Silver
Kaiser Permanente	Silver
Sizzler Restaurants	Silver
Burrtec Waste	Silver
Allard Engineering	Bronze
Triangle Dental	In-kind sponsor
Cucamonga Valley Water District	In-kind sponsor

The following Public Communications were received:

P C

Tony Silva, and the Fontana Middle School Travel Club spoke regarding an invitation to the upcoming fundraiser - walk-a-thon.

WALK-A-THON

Jesse Armandarez spoke regarding a donation from the Exchange Club to the Lewis Library and Technology Center.

LIBRARY DON.

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- Tony Orlich, Randall Avenue, spoke regarding the economic crisis. ECON. CRISIS
- ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Rutherford, approving Consent Calendar Items “A-K” as follows: C C
- A. Approving the minutes of the September 9, 2008 Regular City Council meeting. MINUTES
 - B. (1) Adopting **Ordinance No. 1581**, amending Chapter 15, of the Fontana Municipal Code of the City of Fontana that will update existing regulations and establish new regulations and procedures that pertain to massage establishments and massage technicians. ADPT ORD 1581
CH 15 AMEND
 - C. Authorizing the City Manager to accept the proposal and enter into a Multi-Year Contract Agreement with Studio 33 Productions for the same services provided in 2007 for the same fee in 2008 and in Years 2009-2012 same fee plus CPI. STUDIO 33 PROD
 - D. Accepting Final Map for Tract No. 18513 located on the north side of Foothill Boulevard and east of Hemlock 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 18513
 - E. Authorizing the City Manager to execute Amendment No. 1 to a Contractual Services Agreement with J.L. Patterson and Associates for additional work in the amount of \$9,149.00, amending the contract from \$255,896 to \$265,045. J.L.PATTERSON
AGREEMENT
AMEND # 1
 - F. (1) Authorizing the City Manager to execute a Development Impact Fees Credit Agreement with the State of California Department of Transportation (CALTRANS) for the Inland Empire Transportation Management Center. CALTRANS
DEV.IMPACT FEE
CR. AGREE
 - (2) Authorizing the City Manager to execute a Development Impact Fee Credit Agreement with the State of California Department of Transportation (CALTRANS) for the Southern Regional Laboratory Building.
 - G. Approving the Settlement Agreement between the City of Fontana and Cole & Cole, LLC, for the purpose of determining the permitted uses on the properties located at 9987 Fontana Avenue, 10010 Beech Avenue, 15132 Valley Boulevard and 15252 Valley Boulevard. COLE & COLE
AGREEMENT

- H. (1) Adopting **Resolution No. 2008-121**, determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 65M. ADPT RES 08-121 & 08-122 CFD 65M
- (2) Adopting **Resolution No. 2008-122**, declaring intention to establish proposed Community Facilities District No. 65M of the City of Fontana.
- (3) Setting the public hearing for October 28, 2008, for the formation of the District and calling the Special Election for October 28, 2008.
- I. (1) Awarding a bid and authorizing the City Manager to enter into an agreement with Teksun Construction in the amount of \$53,500 for the Cypress Community Center A.D.A. Restroom addition, SB-007-PW—09. AWARD BID TEXSUN
- (2) Authorizing a 15% construction contingency of \$8,025.
- J. Accepting as complete the work performed by Douglas E. Barnhart, Inc., for the construction of the Lewis Library and Technology Center, SB-08-RA-06; authorizing the Redevelopment Director to execute and file a Notice of Completion; approving the final construction amount of \$44,834,930.00; and approving the release of the 10% retention upon satisfactory closure of the contract. ACCPT DOUGLAS BARNHART
- K. Adopting **Resolution No. 2008-123**, approving the application for grant funds from the Recreational Trails Program under the Federal safe, Accountable, Flexible, Efficient Transportation Equity Act – a legacy for users (SAFETEA-LU). ADPT RES 08-123 TRAILS GRANT APPL

Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 07-009 Zone Change No. 07-007, Tentative Parcel Map No. 18963, Design Review No. 07-045, and Administrative Variance No. 07-001 (Juniper Apartments, Affordable Housing), continued from September 9, 2008. PH-A CON'T TO 10/14/08

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

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, continuing the public hearing to the next regularly scheduled meeting of October 14, 2008. Motion carried unanimously.

Public hearing was opened regarding General Plan Amendment No. 07-010 Zone Change No. 07-008, Tentative Parcel Map No. 18676, (Young Homes, Planned Unit Development), continued from September 9, 2008.

PH-B CON'T TO
10/14/08

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

ACTION: Motion was made by Council Member Scialdone, seconded by Mayor Pro Tem Warren, continuing the public hearing to the next regularly scheduled meeting of October 14, 2008. Motion carried unanimously.

Public hearing was opened regarding quarterly lien action for delinquent sewer, rubbish and weed abatement accounts.

PH-C ADPT RES
08-124 SEWER,
RUBBISH &
WEED ABATE
LIENS

No written communication was received.
Staff presentation was given by 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 Scialdone, (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, and directing 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, and directing staff to forward recorded liens to the County for collection; and (3) adopting **Resolution No. 2008-124**, adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof. Motion carried unanimously.

Public hearing was opened regarding establishing Community Facilities District No. 64M for street lighting, landscaping and park maintenance for Tract No. 18128.

PH-D INTRO ORD
1582, ADPT RES
08-125/126/127
CFD 64M

No written communication was received.
Staff presentation was given by Jeff Moriarty, and Mel Drown.
No one spoke in favor or opposition. The hearing was closed.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, adopting **Resolution No. 2008-125**, establishing Community Facilities District No. 64M of the City of Fontana and establishing the boundaries thereof. Motion carried unanimously.

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Scialdone, adopting **Resolution No. 2008-126**, calling a special election and submitting to the voters of Community Facilities District No. 64M of the City of Fontana, a proposition with

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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 Tonia Lewis stated there were 2 (two) votes in favor.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Rutherford, adopting **Resolution No. 2008-127**, declaring the results of the special election for Community Facilities District No. 64M 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 Communities 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 (II) the establishment of an appropriations limit. Motion carried unanimously.

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, waiving further reading and introducing **Ordinance No. 1582**, authorizing the levy of a special tax within Community Facilities District No. 64M, that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

The following Elected Officials Communications were received:

E O C

Council Member Scialdone congratulated the Housing Department for the wonderful Grand Opening of the Ceres Court Apartments, and all those who helped make this happen.

CERES CT

Council Member Scialdone stated that on Friday, September 12, 2008, Kaiser High School dedicated their football stadium in memory of former Principal Brian Malloy.

KAISER STAD.

Council Member Scialdone stated the recent events of Tip-A-Cop, and the FPD Children’s Safety Fair were both very successful.

TIP-A-COP
CHIDREN’S FAIR

Council Member Scialdone informed the public that today he was honored to swear in five new Police Officers.

NEW PD OFFICERS

Council Member Scialdone stated the Southridge Community meeting would be held on October 2, 2008, at Southridge Middle School.

COMM. MTG

Mayor Pro Tem Warren stated the Ceres Court Apartments Grand Opening was outstanding and it is a great project.

CERES CT

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Mayor Pro Tem Warren encouraged everyone to remember to come out to Cruise Night, the first Friday of each month, from 5:00 p.m. to 10:00 p.m.	CRUISE NIGHT
Mayor Pro Tem Warren stated Healthy Fontana will have Cooking Classes on October 4 th and 18 th .	HLTHY FONTANA COOKING CLASS
Mayor Pro Tem Warren encouraged everyone to review the City of Fontana Fall Brochure, and to participate in the activities.	FALL BROCHURE
Mayor Pro Tem Warren thanked the Fontana Police Department for the Children’s Healthy and Safety Fair, and stated the kids really enjoyed themselves.	HEALTHY/SAFETY FAIR
Mayor Pro Tem Warren stated that the Fontana Unified School District has a program to help parents if they think their child is on drugs.	PARENT’S HELP
Council Member Rutherford reminded of the Southridge Community Meeting on October 2, 2008, at Southridge Middle School; and, the North West Community meeting at Long Elementary School, on October 6, 2008.	COMM. MTGS
Council Member Rutherford stated there will be an opportunity for anyone able to help with a recent widow’s landscaping project on the weekend of October 11 th and 12 th .	LANDSCAPING PROJECT
Council Member Rutherford thanked Eric Bishop for the Chaffey College update for Phase IV, and stated anyone interestedn receiving their “AA” degree will be able to start and finish it here at the Fontana Campus.	CHAFFEY COLL.
Council Member Rutherford encouraged those with foreclosures in their area to work with local cities to help keep the area clean, and that local cities talk with lender executives to find solutions.	FORECLOSURES
Council Member Rutherford requested this evening’s meeting be adjourned in memory of Jerry Todd.	MEM. J. TODD
Council Member Roberts stated the state budget went to the Governor for signing today, but that it is still taking money from local government, and it hit Fontana Redevelopment funds for nearly 7 million dollars.	STATE BDGT
Council Member Roberts expressed thanks to Eric Bishop of Fontana Chaffey College for his presentation during the workshop.	CHAFFEY COLL

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Mayor Nuaimi commented about all of the false rumors that are circulating during this election year, regarding South Fontana, transportation along the I-10, etc., and encouraged the public to look at the track record of the City Council over the past few years.	FALSE RUMORS
Mayor Nuaimi encouraged the public to communicate with the Members of the City Council and not to base opinion on the miscommunication floating around.	COMMUNICATION
Mayor Nuaimi congratulated Kaiser High School, and Ceres Court Apartments on their successful dedications.	KAISER HS CERES CT
Mayor Nuaimi encouraged everyone to read their City of Fontana Fall Brochure, and to look forward to the Grand Opening of Fontana Park on October 23, 2008. He expressed congratulations to staff for Fontana Park, the Skate Park, and the Dog Park.	FALL BROCHURE FONTANA PARK
Mayor Nuaimi reminded the teens of the upcoming Teen Fest on October 11, 2008.	TEEN FEST
Mayor Nuaimi encouraged everyone to come out and see the Fontana Pop Warner Bull Dogs and Lions Football Teams play this Sunday.	POP WARNER
The following City Manager Communication was received:	CMC
City Manager Hunt stated he just returned from Washington, D.C. where Fontana received the award for being one of the 100 Best Communities to raise youth, and congratulated the community for coming together and raising our youth. He thanked Kathleen Farris for putting together the information on Fontana's many youth programs to receive this award.	BEST COMM.
The City Council meeting adjourned by consensus, at 8:33 p.m. in memory of Jerry Todd, to the League of Cities Annual Conference at the Long Beach Convention Center on September 24 – 27, 2008, and then to the next Regular City Council Workshop on Tuesday, October 14, 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 14th DAY OF OCTOBER, 2008.

Tonia Lewis
City Clerk