

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
MAY 3, 2005
7:00 P.M.**

Information in shaded boxes also pertains to meetings directly following the Council Meeting.

Welcome to a meeting of the Fontana City Council. A complete agenda packet is located in the binder on the table in the lobby of the Council Chambers. To address the Council, please fill out a card located at the entrance to the left indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the City Clerk. Your name will be called when it is your turn to speak. **In compliance with Americans with Disabilities Act, the Chambers is wheel chair accessible and a portable microphone is available.**

Traducción en Español disponible a petición. Favor de notificar al Departamento "City Clerk". Para mayor información, favor de marcar el número 350-7602.

5:00 P.M. WORKSHOP

- A. Development Code Update (Deputy City Manager Debbie Brazill)
- B. Agenda Review
- C. City Manager Comments

6:30 P.M. CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN'S 237-191-01, -12, -27, -28

Property Owner: David Eshleman

Negotiating Parties: Kenneth R. Hunt, City Manager

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9

Name of Parties: City of Fontana v Ulloa Family Trust (APN 226-092-60)

Case Number: CSVSS 117149

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

Number of Cases: One

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent _____

PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor/ Council Member Roberts

SPECIAL PRESENTATIONS:

- A. Mayor and Council to accept a check from Supervisor Paul Biane for sidewalks, library, teen center and rails to trails.
- B. Mayor and Council to present a check for the Aaron Scharf Trust Fund from the money raised at the Mayor's Gala. (Shana Scharf present to accept)
- C. Mayor and Council to recognize the Police Department for receiving the James Q. Wilson Award for Excellence in Community Policing. (Chief Larry Clark to accept)

CITY COUNCIL AGENDA

MAY 3, 2005

- D. Mayor and Council to proclaim the week of May 15th as “Blue Ribbon Week” (Chief Larry Clark to accept)
- E. Mayor and Council to proclaim the month of May as “Buddy Poppy Month”. (Allen Campbell to accept)
- F.. Mayor and Council to proclaim “Communities Grow with McDonald’s Day” .

PUBLIC COMMUNICATIONS:

This is an opportunity for citizens to speak to the City Council for up to 5 minutes on items **not** on the Agenda, but within the City Council’s jurisdiction. The Council is prohibited by law from discussing or taking immediate action on non-agendized items.

CONSENT CALENDAR:

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form Listed below – there will be no separate discussion on these items prior to the time Council Votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for discussion.

Does any member of the public wish to address the City Council regarding any item on the Consent Calendar before the vote is taken?

- A. Approve the minutes of April 19, 2005 Regular City Council Meeting.
- B. Accept final map for Tract No. 16724-1 located south of Walnut Avenue and east of Catawba Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- C. Authorize the City Manager to appropriate additional funding to increase the purchase order amount to Hardy and Harper, Inc., from \$497,080 to \$657,080, an increase of \$160,000.
- D. Authorize the City Manager to dispose of specific surplus assets by transferring them to Fontana Pony Baseball of Veteran’s Park.
- E. (1) Award bid and authorize the City Manager to enter into a two year contract with Howell Electric with three one-year extensions at the sole discretion of the City, for electrical installation and repair services in the City’s parks and landscape areas.
(2) Authorize the Business Services Manager to issue a purchase order in an amount not to exceed \$40,000 to Howell Electric.
- F. Approve, authorize and direct the City Manager to execute a contractual services agreement between the City of Fontana and the JCM Group for the Fontana Library and Resource/Technology Center in the Civic Center in an amount not to exceed \$2,170,137.00, plus a 10% contingency amount of \$217,015.00.
- G. Approve, authorize and direct the City Manager to execute Amendment No. 1 to the existing contractual services agreement between the City of Fontana and Behr Brower Architects in the amount of \$168,900.00, plus a 10% contingency of \$16,890.00 for a total amount of \$185,790.00, with a not to exceed amount of \$489,830.00.

- H. (1) Approve an additional appropriation of \$50,000 from the Community Development Block Grant Fund 362 Unappropriated Fund Balance to Project Number 9420503362.6650.5.
- (2) Approve Cost Estimate #22 (see Attachment "A") from Los Angeles Engineering, Inc., in the amount of \$12,423.45.
- (3) Approve Cost Estimate #23 (see Attachment "B") from Los Angeles Engineering, Inc., in the amount of \$40,625.90.
- (4) Authorize the Management Services Department to increase Purchase Order #400425 for Los Angeles Engineering, Inc., in the amount of \$50,000 to Project Number 9420503362.6650.5.
- (5) Authorize the Community Services Department to spend \$3,049.35 (from the Park Development Fund 635) of the project's 10% contingency amount to cover the actual cost in excess of the additional Community Development Block Grant funding.

- I. Authorize the Public Services Department to advertise for bids to purchase and install a storage shed at Ralph M. Lewis Park, Project SB-67-05.

- J. Authorize the City Manager to execute a contractual services agreement with GK & Associates to provide design services for the Elm Avenue street improvements from Slover Avenue to Santa Ana Avenue in the amount of \$42,840.00 and a 10% contingency in the amount of \$4,284.00.

- K. (1) Approve the use of Stone and Youngberg, LLC, as underwriter for the issuance of proposed refinancing bonds, and authorize the City Manager to approve a professional services agreement.
- (2) Approve the use of Harris Realty Appraisal as appraiser for the proposed refinancing, and authorize the City Manager to approve a professional services agreement.

- L. (1) Authorize the City Manager to execute a cooperative four party agreement with San Bernardino County Flood Control District (SBSFCD), Riverside County Flood Control District (RCFCD) and Riverside County Transportation Department (RCTD) for construction of the lower San Sevaine Channel generally from Philadelphia County Line Road to Jurupa Avenue.
- (2) Authorize the City Manager to execute a funding agreement with Obayashi Corporation (OC) for fair share costs for the Philadelphia Avenue street crossing.

- M. Approve the reimbursement agreement between the City of Fontana and MAW Properties, LLC and authorize the City Manager to execute the agreement for the purpose of reimbursing the owner for its public improvement costs for the Rotolo Chevrolet dealership located on the north side of South Highland Avenue at the intersection of Juniper Avenue and South Highland Avenue.

- N. Authorize the City Manager to execute a contractual services agreement between the City of Fontana, Godbe Research and TMG Communications to work with the City of Fontana to conduct a public opinion survey/strategy regarding annexation in an amount not to exceed \$65,000.

Approve Consent Calendar Items "A-N" as recommended by staff.

PUBLIC HEARINGS:

To speak on Public Hearing Items, fill out a card at the microphone stand indicating **favor** or **opposition** and give it to the City Clerk. Each person will be allowed 5 minutes to address the Council.

If you challenge in court any action taken concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at, or prior to, the Public Hearing.

All Public Hearings will be conducted following this format:

- | | |
|---|-----------------------|
| (a) hearing opened | (e) oral – favor |
| (b) written communication | (f) oral – opposition |
| (c) council/staff comments | (g) hearing closed |
| (d) applicant comments (applicant not limited to 5 minutes) | |

- A. Resolution Vacating a Portion of Juniper Avenue between Old Highland Avenue and South Highland Avenue.
Adopt **Resolution No. 2005-_____**, declaring that a portion of the public right-of-way known as Juniper Avenue between Old Highland Avenue and South Highland Avenue is unnecessary for present or prospective public use and vacating the same pursuant to streets and vacating the same pursuant to Streets and Highways Code §8300 ET SEQ.
- B. Resolution of Necessity – Citrus Avenue, north of Summit Avenue, in Citrus Heights North Specific Plan Area.
- (1) Conduct a hearing to consider the adoption of the proposed resolution of necessity, including providing all interested parties of the affected property, their attorneys or their representatives an opportunity to be heard on the issues relevant to the resolution of necessity.
 - (2) Make the following findings as hereinafter described in this report:
 - (i) The public interest and necessity require the proposed project.
 - (ii) The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
 - (iii) The real property to be acquired is necessary for the project.
 - (iv) The offer of just compensation has been made to the property owner.
 - (3) Adopt **Resolution No. 2005-_____**, declaring that the acquisition of a fee and temporary construction easement interest in a portion of real property, APNS 0239-141-06, 0239-131-47 and 0239-131-49 by eminent domain is necessary for the widening and improvements of the east side of Citrus Avenue, north of Summit Avenue, in Citrus Heights North Specific Plan Area.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. (1) Waive further reading of and introduce **Ordinance No. _____**, amending Section 15-601 of the Fontana Municipal Code relating to the sale, use and possession of fireworks and adding Article XI to the Fontana Municipal Code concerning administrative fines and penalties; and, that the reading of the title constitutes the first reading thereof.
- (2) Adopt **Resolution No. 2005-_____**, establishing the fine for violations of Article XIII, Chapter 15 (Fireworks) imposed as administrative citations.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To a workshop meeting on May 17, 2005 at 5:00 p.m. and then to the regular meeting at 7:00 p.m. in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California.