

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
JUNE 7, 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. Nuisance Abatement-Curtis Aaron
- B. Amphitheater-Ray Bragg
- C. Agenda Review
- D. City Manager Comments

6:00 P.M. CLOSED SESSION:

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

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 recognize Jeanette Moore on her retirement from the Fontana Police Department. (Chief Larry Clark to present)
- B. Mayor and Council to recognize Corporal James Burton as the April "Employee of the Month". (Chief Larry Clark to present)
- C. Mayor and Council to recognize Lorena Corona on receiving the 2005 Phi Theta Kappa All California Academic 2nd Team.
- D. Mayor and Council to recognize Fontana Fire Explorers for their hard work and dedication to the City of Fontana. (Jay Hausman, San Bernardino county Fire Department)
- E. Mayor and Council to recognize Loma Linda Ronald McDonald House. (Frances Hernandez, Community Services)
- F. Mayor and Council to recognize Recreation Coordinator Tara Savage with her quick life saving efforts. (Frances Hernandez, Community Services)
- G. Barbara and Richard Anderson to present a plaque to the Mayor and City Council from Neighborhood Watch for sidewalks.

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 the May 17, 2005 Regular City Council Meeting.
- B. Adopt **Ordinance No. 1477**, adding Section 13-31 to the Fontana Municipal Code and adopting by reference San Bernardino County Ordinance No. 3930, adding Chapter 14 to Division 3 of Title 3 and adding Subsection 16.021B(b)(17) to Chapter 2 of Division 6 of Title 1 relating to Inspection Grading of Food Establishments.
- C. Accept donation in the amount of \$1,000 on behalf of the Police Department for use in the Career Opportunity Program (COP).
- D. Accept final map for Tract No. 14244 located within Southridge Village Specific Plan; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- E. Accept final map for Tract No. 14245 located within Southridge Village Specific Plan; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- F. Accept final map for Tract No. 14243 located within Southridge Village Specific Plan; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- G. Accept final map for Tract No.'s 16290, 16290-1 and 16290-2 located north and south of Coyote Canyon Road within the Coyote Canyon Specific Plan; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- H. Accept final map for Tract No. 16325 located south of Coyote Canyon Road and east of Roadrunner Road within the Coyote Canyon Specific Plan; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- I. Approve recommended changes to Administrative Policy Procedure Section 20-35 amending the procedure for naming City parks and facilities.

- J. Review and approve twenty-eight co-sponsorship applications received from various non-profit organizations from Fiscal Year July 1, 2005 through June 30, 2006.
- K. Accept as complete the work performed by Sully-Miller Contracting Company for the construction of Summit Avenue street improvements from Knox Avenue to Citrus Avenue (Component 28) within CFD No. 12 Sierra Lakes Specific Plan.
- L. (1) Award bid and authorize the City Manager to enter into a two-year contract with Econo Fence Inc., with three one-year extensions at the sole discretion of the City, for fencing and installation services in the City's parks and landscape areas.
(2) Authorize the Business Services Manager to issue a purchase order in the amount of \$100,000 to Econo Fence Inc.
- M. Adopt **Resolution No. 2005-____**, accepting the proposed distribution of Ad Valorem Taxes as requested by the San Bernardino County Auditor-Controller's Office for the area within Fontana's Sphere of Influence known as Annexation No. 158/LAFCO 2984-City of Fontana Annexation No. 158, located at the southwest corner of Randall and Poplar Avenues, APNS 0233-212-02 and -03, 0233-212-05 through -10 and 0233-212-12 and -13.
- N. Approve and authorize the City Manager to execute a Real Property Lease Agreement with Madeline and Patrick M. Terry, Sr., to provide facility space located at 8562 Wheeler Avenue, Fontana, Ca., 92335 for the City's Government Access Cable Television Channel (KFON).
- O. (1) Authorize the City Manager to enter into a cooperative agreement with the County of San Bernardino to construct sidewalk improvements at various locations.
(2) Authorize reimbursement from the County of San Bernardino in the amount not to exceed \$345,000.
(3) Authorize the Public Services Director to administratively approve and implement short term street closures and detours during construction.
- P. Authorize the Community Services Department to advertise for bids for the completion of tenant improvements to the vacant library building located at 8334 Emerald Avenue, and authorize the City Manager to award a contract to the lowest responsible bidder.
- Q. (1) Authorize the City Manager to award a construction contract to the lowest responsible, responsive bidder, R.J. Noble Company in the amount of \$505,664.70 and authorize a construction contingency fund in the amount of 20% (\$101,132.94) of the awarded construction amount.
(2) Authorize the Business Services Manager to issue a purchase order in the amount of \$505,664.70.
(3) Authorize the Public Works Director to administratively approve and implement short term street closures and detours during construction.
- R. Accept final map for Tract No. 16868 located in the Citrus Heights North Specific Plan, north of Summit Avenue and west of Citrus Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

- S. Accept final map for Tract No. 16695 located north of Summit Avenue and east of Citrus Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.
- T. Accept as complete the work performed by Belaire-West Landscape, Inc., for the construction of the Baseline Avenue Median Enhancement Project; approve the final amount of \$144,600 and authorize the City Engineer to execute and file the Notice of Completion for City Project Bid Number SB-49-05.
- U. Accept final map for Tract No's. 16872 and 16872-1 located within the Citrus Heights North Specific Plan; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.
- V. (1) Authorize the City Manager to execute a contractual services agreement with David Evans and Associates to provide surveying services for a period of one year, extendable to two additional one-year terms at the discretion of the City in the amount of \$150,000 and a 10% contingency in the amount of \$15,000.
- (2) Authorize the City Manager to execute a contractual services agreement with Pfeiler and Associates to provide surveying services for a period of one year, extendable for two additional one-year terms at the discretion of the City in the amount of \$150,000 and a 10% contingency in the amount of \$15,000.
- (3) Authorize the City Manager to execute a contractual services agreement with Madole and Associates to provide surveying services for a period of one year, extendable for two additional one-year terms at the discretion of the City in the amount of \$150,000 and a 10% contingency in the amount of \$15,000.
- W. (1) Adopt **Resolution No. 2005-_____** of the City Council of the City of Fontana declaring intention to annex territory to Community Facilities District No. 23M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 3), located at the northeast corner of Oleander Avenue and Valencia Avenue.
- (2) Set the Public Hearing for July 19, 2005, for the formation of the district and call the Special Election for July 19, 2005.
- X. (1) Adopt **Resolution No. 2005-_____**, of the City of Fontana California, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 1 ("LMD #1") for Fiscal Year 2005-2006 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- (2) Adopt **Resolution No. 2005-_____**, of the City of Fontana California, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 2 ("LMD #2") for Fiscal Year 2005-2006 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- (3) Adopt **Resolution No. 2005-_____**, of the City of Fontana California, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3 ("LMD #3") for Fiscal Year 2005-2006 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- (4) Adopt **Resolution No. 2005-_____**, of the City of Fontana California, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3-1 ("LMD #3-1") for Fiscal Year 2005-2006 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.

- (5) Adopt **Resolution No. 2005-_____**, of the City of Fontana California, declaring its intention to levy and collect assessments within Local Lighting Maintenance District No. 3 (“LLMD #3”) for Fiscal Year 2005-2006 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- Y. Approve, authorize and direct the City Manager to execute Amendment No. 4 to the Engineering Services Agreement between the City of Fontana and DMJM Harris in the amount of \$110,883 plus a 10% contingency of \$11,088.30 for a total amount of \$121,971.30, with a not to exceed contract amount of \$814,135.40.
- Z. Authorize the City Manager to execute a contractual services agreement with Caltrop Engineering Corporation for project management services for City wide Capital Improvement Program Projects in the amount of \$885,000 for one year and extendable for two additional one-year terms at the discretion of the City.
- AA. (1) Authorize the City Manager to execute a contractual services agreement with Ninyo & Moore to provide Geotechnical Services for a period of one year, extendable for two additional one-year terms at the discretion of the City in the amount of \$150,000 and a 10% contingency in the amount of \$15,000.
- (2) Authorize the City Manager to execute a contractual services agreement with Converse Consultants to provide Geotechnical Services for a period of one year, extendable for two additional one-year terms at the discretion of the City in the amount of \$150,000 and a 10% contingency in the amount of \$15,000.
- (3) Authorize the City Manager to execute a contractual services agreement with CHJ Incorporated to provide Geotechnical Services for a period of one year, extendable for two additional one-year terms at the discretion of the City in the amount of \$150,000 and a 10% contingency in the amount of \$15,000.
- BB. Approve a Lease Agreement with Sprint to locate their wireless communications facilities at Fire Station 78 and authorize the City Manager to execute the necessary documents.
- CC. (1) Adopt City Council **Resolution No. 2005-_____**, a Resolution of the City Council of the City of Fontana approving responses to written objections regarding Amendment No. 3 to the Redevelopment Plan for the North Fontana Redevelopment Project.
- (2) Waive further reading and introduce **Ordinance No. _____**, an Ordinance of the City Council of the City of Fontana approving and adopting Amendment No. 3 to the Redevelopment Plan for the North Fontana Redevelopment Project, and that the reading of the title constitutes the first reading thereof.

Approve Consent Calendar Items “A-CC” 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. Formation of Community Facilities District No. 31 (Citrus Heights North)
- (1) Adopt **Resolution No. 2005-____**, of the City Council of the City of Fontana of formation of the City of Fontana Community Facilities District No. 31 (Citrus Heights North), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District.
 - (2) Adopt **Resolution No. 2005-____**, of the City Council of the City of Fontana deeming it necessary to incur bonded indebtedness within the City of Fontana Community Facilities District No. 31 (Citrus Heights North).
 - (3) Adopt **Resolution No. 2005-____**, of the City Council of the City of Fontana calling Special Election for City of Fontana Community Facilities District No. 31 (Citrus Heights North).
 - (4) Adopt **Resolution No. 2005-____**, declaring results of Special Election and directing recording of Notice of Special Tax Lien.
 - (5) Waive further reading of and introduce **Ordinance No. ____**, levying special taxes within the City of Fontana Community Facilities District No. 31 (Citrus Heights North), and that the reading of the title constitutes the first reading thereof.
- B. Formation of Community Facilities District No. 37 (Montelago)
- (1) Adopt **Resolution No. 2005-____**, of the City Council of the City of Fontana of formation of the City of Fontana Community Facilities District No. 37 (Montelago), authorizing the levy of a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District.
 - (2) Adopt **Resolution No. 2005-____**, of the City Council of the City of Fontana deeming it necessary to incur bonded indebtedness within the City of Fontana Community Facilities District No. 37 (Montelago).
 - (3) Adopt **Resolution No. 2005-____**, of the City Council of the City of Fontana calling Special Election for City of Fontana Community Facilities District No. 37 (Montelago).
 - (4) Adopt **Resolution No. 2005-____**, declaring results of Special Election and directing recording of Notice of Special Tax Lien.
 - (5) Waive further reading of and introduce **Ordinance No. ____**, levying special taxes within the City of Fontana Community Facilities District No. 37 (Montelago), and that the reading of the title constitutes the first reading thereof.
- C. Refuse Services
- (1) Adopt **Resolution No. 2005-____**, of the City of Fontana, California approving changes to rates for Refuse Collection Services within the City.

UNFINISHED BUSINESS:

- A. Refinancing of Community Facilities District No. 12 (Sierra Lakes), Community Facilities District No. 11 (Heritage West End) and Community Facilities District No. 7 (Country Club Estates) Special Bonds.
- (1) Adopt **Resolution No. 2005-____** authorizing the issuance of City of Fontana Community Facilities District No. 7 (Country Club Estates) Special Tax Bonds, Series 2005, in an aggregate principal amount of not to exceed \$4,250,000, authorizing the execution and

delivery of a Fiscal Agent Agreement, an Escrow Agreement, a Bond Purchase Agreement and a representation letter and authorizing the execution of necessary documents and

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certificates and related actions.

- (2) Adopt **Resolution No. 2005-_____** authorizing the issuance of City of Fontana Community Facilities District No. 11 (Heritage West End) special Tax Refunding Bonds, Series 2005, in an aggregate principal amount of not to exceed \$6,000,000, authorizing the execution and delivery of a First Supplemental Indenture, an Escrow Agreement, a Bond Purchase Agreement and a representation letter and authorizing the execution of necessary documents and certificates and related actions.
- (3) Adopt **Resolution No. 2005-_____** authoring the issuance of City of Fontana Community Facilities District No. 12(Sierra Lakes) Special Tax bonds, Series 2005 A, and City of Fontana Community Facilities District No. 12 (Sierra Lakes) Special Tax bonds, Series 2005 B, in and aggregate principal amount of not to exceed \$28,000,000 authorizing the execution and delivery of a Fiscal Agent Agreement, an Escrow Agreement, a Bond Purchase Agreement and a representation letter and authorizing the execution of necessary documents and certificates and related actions.

NEW BUSINESS:

- A. Adoption of the 2004 Edition of the California Electrical Code
 - (1) Find that the adoption of the California Electrical Code, 2004 Edition and the National Electrical Code, 2002 Edition is exempt from further environmental review under Section 15061(b)(3) of the State CEQA Guidelines and Section 3.07 of the Local CEQA Guidelines (2004), projects with no possibility of significant effects upon the environment, and direct staff to file a Notice of Exemption.
 - (2) Waive further reading of and introduce **Ordinance No. _____**, adding, amending and deleting certain articles sections and subsections of Chapter 5 of the Code of the City of Fontana, California, pertaining to the construction and maintenance of buildings, and adopting by reference the 2004 Edition of the California Electrical Code, known as the California Code of Regulations, Title 24, Part 3, and the National Electrical Code, 2002 Edition, and that the reading of the title constitutes the first reading thereof.
 - (3) Set public hearing for July 19, 2005, and deem the Notice of Hearing sufficient to give interested persons notice of the purpose of the Ordinance and subject matter thereof.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To an Adjourned Closed Session at 5:00 pm and then to an Adjourned Regular Meeting on June 14th, 2005 at 6:00 p.m. in the City Hall Council Chambers at 8353 Sierra Avenue, Fontana, Ca., 92335.