

**CITY OF FONTANA  
CITY COUNCIL REGULAR MEETING  
JULY 19, 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. Fire Services Presentation
- B. Agenda Review
- C. City Manager Comments

**6:00 P.M. CLOSED SESSION:**

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6 (Employee Memorandum of Understanding)

Name of Agency Negotiator: Ed Raya, Human Resources Director

Name of Employee Organizations: Police Officers Association (POA) and Police Management Association (PMA)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties: APN #0228-072-05, 6892 Almeria Avenue, Villalobos and Venegas Ownership and APN #0228-076-01, 6891 Catawba Avenue, Velasco Ownership

Under Negotiation: Price and Terms

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 recognize the following winners of the Earth Day Everyday 2005 Poster Contest:
  - Grade Group K-1
  - Jason Ramirez, Sequoia Middle School – Grand Prize
  - Francisco Garcia, Grant Elementary School – 1<sup>st</sup> Place

Viviana Bivian, Almond Elementary School – 2<sup>nd</sup> Place  
Ashley Arangua, Michael D’Arcy Elementary School – 3<sup>rd</sup> Place

**CITY COUNCIL AGENDA**

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**SPECIAL PRESENTATIONS CONTINUED:**

Grade Group 2-3

Sergio DeSantiago, Palmetto Elementary School – 1<sup>st</sup> Place  
Lesley Ramos, Tokay Elementary School – 2<sup>nd</sup> Place  
Vanessa Rodriguez, Juniper Elementary School – 3<sup>rd</sup> Place

Grade Group 4-5

Michelle Aguiar, Hemlock Elementary School – 1<sup>st</sup> Place  
Manuel Rojas Vladez, Virginia Primrose Elementary School – 2<sup>nd</sup> Place  
Cristina Aguirre, Hemlock Elementary School – 3<sup>rd</sup> Place

Grad Group 6-9

Jessie Marie Carvalho, Sycamore Hills Elementary School – 1<sup>st</sup> Place  
Vanessa Portillo, Truman Middle School – 2<sup>nd</sup> Place  
April Rincon, Alder Middle School – 3<sup>rd</sup> Place

- B. Mayor and Council to recognize the Half Marathon Sponsors.
- C. Mayor and Council to proclaim August 2, 2005 as National Night Out. (Chief Larry Clark and Lonnie Ives, Community Policing Technician to accept)
- D. Mayor and Council to recognize Jorge Rodriguez as the Police Department’s June “Employee of the Month”. (Chief Larry Clark to present)

**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 July 5, 2005 Regular City Council meeting.
- B. (1) Adopt **Ordinance No. 1482**, approving Zone Change 04-006, which amends the Land Use Zoning Map to change 1.7 acres of property from (P-PF) to Sierra Lakes Specific Plan.  
(2) Adopt Ordinance No. 1483, approving Specific Plan Amendment No. 04-005, which modifies the Land Use Map boundaries by adding approximately 1.7 acres of property to the Sierra Lakes Specific Plan, and amends the text of the Sierra Lakes Specific Plan, that the reading of the title constitutes the second reading thereof.
- C. Adopt **Resolution No. 2005-\_\_\_\_\_**, approving the destruction of certain Police Department files.

- D. Approve an increase to the contract for the work performed by Sully-Miller Contracting Company for the construction of Beech Avenue street improvements from Cherry Avenue to I-15 Freeway from \$211,443.57 to \$214,413.57.

## CITY COUNCIL AGENDA

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- E. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 1 (Southridge) for Fiscal Year 2005-2006.
- F. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 2 (Village of Heritage) for Fiscal Year 2005-2006.
- G. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 3 (Hunter's Ridge) for Fiscal Year 2005-2006.
- H. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 4 (portion of Walnut Village) for Fiscal Year 2005-2006.
- I. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 6 (The Landings) for Fiscal Year 2005-2006.
- J. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 6-1 (Stratham) for Fiscal Year 2005-2006.
- K. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 6-2 (North Morningside) for Fiscal Year 2005-2006.
- L. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 6-3a (Bellgrove II) for Fiscal Year 2005-2006.
- M. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 7 (Country Club Estates) for Fiscal Year 2005-2006.
- N. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 8M (Presley) for Fiscal Year 2005-2006.
- O. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 9M (Morningside) for Fiscal Year 2005-2006.
- P. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 10M (Jurupa Industrial Park) for Fiscal Year 2005-2006.
- Q. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 11 (Heritage West End) for Fiscal Year 2005-2006.
- R. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 12 (Sierra Lakes) for Fiscal Year 2005-2006.
- S. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities

District No. 13M (Summit Heights) for Fiscal Year 2005-2006.

- T. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 14M (Sycamore Hills) for Fiscal Year 2005-2006.

## **CITY COUNCIL AGENDA**

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- U. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 15M (Silver Ridge) for Fiscal Year 2005-2006.
- V. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 16M (Ventana Pointe) for Fiscal Year 2005-2006.
- W. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 18M (Badiola Homes) for Fiscal Year 2005-2006.
- X. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 20M (STG Cottages) for Fiscal Year 2005-2006.
- Y. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 21M (Garden Village) for Fiscal Year 2005-2006.
- Z. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 22 (Sierra Hills South) for Fiscal Year 2005-2006.
- AA. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 23M (CDS Homes) for Fiscal Year 2005-2006.
- BB. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 24M for Fiscal Year 2005-2006.
- CC. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 25M for Fiscal Year 2005-2006.
- DD. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 27M for Fiscal Year 2005-2006.
- EE. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 28M for Fiscal Year 2005-2006.
- FF. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 29M for Fiscal Year 2005-2006.
- GG. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 30M for Fiscal Year 2005-2006.
- HH. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 31 for Fiscal Year 2005-2006.

- II. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 33M for Fiscal Year 2005-2006.
- JJ. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 34M for Fiscal Year 2005-2006.

**CITY COUNCIL AGENDA**

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- KK. Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 35M, that the reading of the title constitutes the first reading thereof.
- LL. Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 36M, that the reading of the title constitutes the first reading thereof.
- MM. Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 37 for Fiscal Year 2005-2006.
- NN. Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 38M, that the reading of the title constitutes the first reading thereof.
- OO. Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 39M, that the reading of the title constitutes the first reading thereof.
- PP. Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, authorizing the levy of a special tax in Community Facilities District No. 41M, that the reading of the title constitutes the first reading thereof.
- QQ.(1)Amend a contract to Diablo Technology Partners LLC in the amount not to exceed \$84,500.  
(2) Authorize the City Manager to execute the necessary contracts.
- RR. Authorize the City Manager to execute an amendment to the Cooperative Agreement between the City of Fontana and the County of San Bernardino for the construction of the traffic signals at Jurupa Avenue and Banana Avenue.
- SS. Approve the second contract amendment for the Community Assistance Program; and authorize the City Manager to sign the amended agreement.
- TT. Authorize the Technology Services Department to extend the contract for three additional one year renewals in the amount of \$35,800 to SBC PacBell as the web hosting provider for the City.
- UU.(1)Authorize the Redevelopment/Special Projects Department to go out to bid for the renovation of the Historic Freight Depot in the Hazel Putnam Historical Plaza.  
(2)Authorize the City Manager to award the contract to the lowest responsible, responsive

bidder for the renovation of the Historic Freight Depot.

(3) Authorize the City Manager to enter into an operating contract with Color Me Mine Ontario for a period of one year.

- VV. Approve the Memorandum of Understanding between the City of Fontana and Horizon Tower, LLC to relocate three existing cell towers located at the Jesse Turner Community Center and authorize the City Manager to sign and execute the MOU on behalf of the City.

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WW.(1) Approve the addition of an Administrative Aide to the Community Development Department Table of Organization.

- (2) Adopt **Resolution No. 2005-\_\_\_\_\_**, establishing the job specification and salary range for Senior Plans Examiner, establishing the salary range for Lead Property Control Clerk and updating the job specification and title for Plans Examiner I-II.

XX.(1) Award bid and authorize the City Manager to enter into a construction contract with Hal Hays Construction in the amount of \$238,245 and authorize a 10% contingency in the amount of \$23,820.

- (2) Authorize the Business Services Manager to issue a purchase order in the amount of \$238,245.00.

**Approve Consent Calendar Items "A- XX" 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
- (b) written communication
- (c) council/staff comments
- (d) applicant comments (applicant not limited to 5 minutes)
- (e) oral – favor
- (f) oral – opposition
- (g) hearing closed

A. Amendment No. 3 to the Engineering Services Agreement with Parsons Brinckerhoff Quade and Douglas, Inc.

- (1) Adopt **Resolution No. 2005-\_\_\_\_\_**, approving the Redevelopment Agency's use of tax increment funds for certain work pursuant to Health and Safety Code Section 33445 and making certain findings with regard thereto.

B. Second Reading and Public Hearing for the Adoption of the 2004 Edition of the California Electrical Code and Corresponding Base Model Code.

- (1) Adopt **Ordinance No. 1481**, adding, amending and deleting certain articles, sections and subsections of Chapter 5 of the Code of the City of Fontana 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, that the reading of the title constitutes the second reading thereof.

- C. Annexation of Territory to Community Facilities District No. 23M, located at the northeast corner of Oleander Avenue and Valencia Avenue.
- (1) Adopt **Resolution No. 2005-\_\_\_\_**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 23M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed. (Annexation No. 3).

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- (2) Adopt **Resolution No. 2005-\_\_\_\_**, declaring the results of the special election for Community Facilities District No. 23M 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).
- D. Establish Fiscal Year 2005/06 Assessment Rates for Landscape Maintenance Districts and Local Lighting Maintenance Districts.
- (1) Adopt **Resolution No. 2005-\_\_\_\_**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 1 ("LMD #1" throughout the City) for Fiscal Year 2005-2006.
  - (2) Adopt **Resolution No. 2005-\_\_\_\_**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 2 ("LMD #2" Village of Heritage) for Fiscal Year 2005-2006.
  - (3) Adopt **Resolution No. 2005-\_\_\_\_**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 3 ("LMD #3 Hunter's Ridge) for Fiscal Year 2005-2006.
  - (4) Adopt **Resolution No. 2005-\_\_\_\_**, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 3-1 ("LMD #3-1 Empire Center) for Fiscal Year 2005-2006.
  - (5) Adopt **Resolution No. 2005-\_\_\_\_**, confirming a diagram and assessment, and levying the assessment for Local Lighting Maintenance District No. 3 ("LLMD #3 Hunters Ridge) for Fiscal Year 2005-2006.
- E. Development Code Amendment No. 04-011 and Zone Change No. 05-001.
- (1) Find that the project has been reviewed under a previous Environmental Impact Report (2003 General Plan Update, State Clearinghouse No. 2003032083) pursuant to Section 15162 of the local CEQA Guidelines and direct staff to file the Notice of Determination.
  - (2) Waive further reading of **Ordinance No. \_\_\_\_**, amending Chapter 30 of the Fontana Municipal Code, that the reading of the title constitutes the first reading thereof.
  - (3) Waive further reading of **Ordinance No. \_\_\_\_**, approving Zone Change No. 05-001 to change approximately 2.75 acres of property (APN 0240-011-15) zoned R-1 (Single Family Residential) to C-2 General Commercial) to be consistent with the current General Plan designation of C-G (General Commercial), and approximately 5.70 acres of property (APN

0240-061-09, 10 and 11) zoned R-1 (Single Family Residential) to P-PF (Public Facilities) to be consistent with the General Plan designation of P -PF (Public Facilities) that that the reading of the title constitutes the first reading thereof.

- F. Amendment No. 1 to the Sierra Lakes Specific Plan Development Agreement.
- (1) Find that the project does not require further environmental review due to a previously certified FEIR (SCH No. 2004091108) prepared for GPA No. 04-007, SPA No. 04-005, ZC No. 04-006, TPM No. 16718 and DR No. 04-031 (Home Depot Project).
  - (2) Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, approving Amendment No. 1 to the amended and restated Development Agreement between the City of Fontana and Sierra Lakes Land Company, LLC, and that the reading of the title constitutes the first reading thereof.

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- G. Amendment No. 1 to the Development Agreement for the California Landings Specific Plan.
- (1) Find that the project is exempt pursuant to Section 3.07 of the Local Guidelines for implementing the California Environmental Quality Act (2004).
  - (2) Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, approving Amendment No. 1 to the Development Agreement for the California Landings Specific Plan between the City of Fontana and KB Home Greater Los Angeles, Inc., a California Corporation, and that the reading of the title constitutes the first reading thereof.

## **UNFINISHED BUSINESS:**

- A. Community Facilities District No. 37 (Montelago).
- (1) Adopt **Resolution No. 2005-\_\_\_\_\_**, authorizing the issuance of not to exceed \$5,000,000 aggregate principal amount of City of Fontana Community Facilities District No. 37 (Montelago) special tax bonds, Series 2005, approving the execution and delivery of an indenture, a bond purchase agreement and a continuing disclosure agreement and the preparation of an official statement and other matters related thereto.

**NEW BUSINESS:** None

## **ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

- A. Discussion and possible action regarding the proposed apartment project in North Fontana.

## **CITY MANAGER COMMUNICATIONS:**

**ADJOURNMENT:** To a joint meeting with the Fontana Unified School District Board Members on August 10, 2005 at 6:00 p.m., located at 9680 Citrus Avenue, Fontana, CA. and then to the workshop meeting at 5:00 p.m. on August 16, 2005 in the Executive Conference Room and then to the regular City Council Meeting at 7:00 p.m. in the City Hall Council Chambers.