

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
OCTOBER 4, 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. ART EXHIBIT

5:30 P.M. WORKSHOP

- A. Martin Luther King Memorial (Pastor Emory B. James)
- B. Annexation Education Program (City Manager Kenneth Hunt)
- C. Agenda Review
- D. City Manager Comments

6:00 P.M. CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)(1)

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 proclaim October as "National Breast Cancer Awareness Month".
- B. Mayor and Council to recognize Corporal Phil Suchowski as the August "Employee of the Month". (Chief 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 August 10, 2005 Adjourned Regular Joint City Council/ School Board Meeting and the September 20, 2005 Regular City Council Meeting.
- B. (1) Adopt **Ordinance No. 1493**, approving Development Code Amendment No. 04-04, amending Chapter 30 of the Fontana Municipal Code pertaining to the Fontana Auto Center Overlay District.
(2) Adopt **Ordinance No. 1494**, approving Zone Change No. 04-007, a Zone Change from Multi-Family Residential (R-3) to General Commercial (C-2).
- C. (1) Authorize the City Manager to execute a two party agreement with San Bernardino County for Slover Avenue widening and railroad crossing improvements from Live Oak to 100 feet east of the existing Union Pacific Railroad tracks.
(2) Authorize the City Manager to execute a three party funding agreement with Union Pacific Railroad Company and San Bernardino County for the improvements to the existing railroad tracts to accommodate the street widening and adjustment to new street grades.
- D. Authorize the Engineering Department to issue a change order to Sully-Miller Contracting Company in the amount of \$330,000 plus a 10% contingency of \$33,000 for the Walnut Avenue storm drain, sewer and street improvements from Citrus Avenue to Cypress Avenue for additional work on Oleander Avenue, Cypress Avenue and Juniper Avenue from Walnut Avenue to South Highland Avenue.
- E. (1) Award bid and authorize the City Manager to enter into a contract with Perera Construction and Design, Inc., in the amount of \$2,735,000 and authorize a 5% contingency in the amount of \$136,750.
(2) Authorize the Business Services Manager to issue a purchase order to Perera Construction and Design, Inc., in the amount of \$2,735,000.
(3) Appropriate \$200,000 from the Fleet Operations Fund 751 to Project Number 9430111751. Appropriate \$500,000 from the Sewer Replacement Fund 703 to Project Number 9430111703. Appropriate \$500,000 from the Solid Waste Fund 282 to Project Number 9430111282. Appropriate \$371,150 from the Sewer Maintenance & Operations Fund 701 to Project Number 9430111701.
- F. Adopt **Resolution No. 2005-____**, authorizing the City Manager to deny, without prejudice, the cable franchise transfer application submitted by Time Warner Cable, Inc., and agree to extend the application review period.
- G. (1) Accept a bid in the amount of \$2,675,800 and authorize the City Manager to enter into a contract with OHNO Construction Company for the construction of Jack Bulik Park Expansion Project, Phase II and authorize a 10% contingency fund in the amount of \$267,580.

- (2) Authorize the Business Services Manager to issue a purchase order to OHNO Construction in the amount of \$2,675,800 and authorize a 10% construction contingency fund in the amount of \$267,580.

Approve Consent Calendar Items “A- G” 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 of Necessity – Sierra Avenue Street Widening and Improvement Project
- (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-____**, a Resolution of Necessity of the City Council of the City of Fontana, declaring that the acquisition of fee interests in APNS 0240-101-21, 0240-101-29, 0240-101-30, 0240-141-23, and 0240-141-27 and to acquire a fee and temporary construction easement interests in a portion of APN 0240-132-07, certain real property located on Sierra Avenue by eminent domain is necessary for street widening, improvements and public infrastructure improvements to Sierra Avenue.
- B. Resolution of Necessity – Baseline Avenue Street Widening and Improvement Project
- (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-_____**, a Resolution of Necessity of the City Council of the City of Fontana, declaring that the acquisition of fee interests in APNS 0240-141-24; to acquire fee interests in portions of APNS 0240-041-45; 0241-041-46, 0241-041-46, 0241-041-47
- (4) and 0241-051-16; and to acquire fee and temporary construction easement interests in portions of APNS: 0240-031-08, 0240-031-20, 0240-031-21, 0240-031-15, certain real property located on Baseline Avenue, by eminent domain is necessary for street widening, improvements and public infrastructure improvements to Baseline Avenue.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Discussion and possible action regarding hurricane relief efforts, Phase II.

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To an adjourned workshop meeting on October 18, 2005 at 5:00 p.m. in the City Hall Executive Conference Room and then to the regular meeting in the City Hall Council Chambers at 7:00 p.m., located at 8353 Sierra Avenue, Fontana, CA.