

**CITY OF FONTANA  
CITY COUNCIL REGULAR MEETING  
NOVEMBER 15, 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 IN COUNCIL CHAMBERS**

- A. Office of Emergency Services (Police Chief Larry Clark)
- B. Agenda Review
- C. City Manager Comments

**5:30 P.M. CLOSED SESSION:**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 16120 Baseline Avenue, (Rankin Ownership)  
Negotiating Parties: Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0240-052-48, 50, 51 and 52 (Bahamonde Ownership) Baseline Rewidening  
Negotiating Parties: Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 7662 Locust Avenue - APN 0243-042-03 (Holguin Ownership)  
Negotiating Parties: Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 7156 and 7192 Sierra Avenue - APN 0240-101-29 & 21 (McGee Ownership); 7229 Sierra Avenue – APN 0240-141-27 (Fennel Ownership); 7146 Sierra Avenue – APN 0240-101-30 (Szuch Ownership) and 7241 Sierra Avenue – APN 0240-141-23 (Castelar Ownership) – Sierra Avenue Street Widening  
Negotiating Parties: Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8**

Property: 16262 Baseline Avenue – APN 0240-031-04 & 05 (Bethel AME Church)  
Negotiating Parties: Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

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

Number of Cases: Five

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)**

Name of Parties: San Gabriel Valley Water Company; Application No’s A02-11-044 and A05-08-021.

**PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE PURSUANT TO GOVERNMENT CODE SECTION 54957**

Number of Cases: Two

**7:00 P.M. – CALL TO ORDER/ROLL CALL:**

Present: \_\_\_\_\_ Absent \_\_\_\_\_

**PLEDGE OF ALLEGIANCE/INVOCATION:**

Girl Scout Troop #1052/ Council Member Roberts

**SPECIAL PRESENTATIONS:**

- A. Mayor and Council to recognize Johnny Villalobos who graduated from the City CERT Class on August 20<sup>th</sup> and was deployed as a Red Cross worker to New Orleans for Hurricane Katrina relief efforts. (Chief Larry Clark to present)
- B. Mayor and Council to recognize the following individuals for their efforts in making Fontana RaceFest on September 1<sup>st</sup> a success: (Mark Mayuga to present)
  - Kathleen Farris, University of California Riverside
  - Francis Hernandez, Community Services Supervisor
  - Tina Johnson, Code Compliance Inspector
  - Dan West, Parks and Landscape Supervisor
  - Amy Colbrunn, Assistant to the City Manager

**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.

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 October 18, 2005 Regular City Council Meeting.
- B. (1) Accept as complete and authorize the Public Works Director to execute and file a Notice of Completion for Project SB-38-05.  
(2) Approve the final construction amount of \$45,531.79.  
(3) Approve the release of 10% retention upon satisfactory closure of the contract.
- C. (1) Accept as complete and authorize the Public Works Director to execute and file a Notice of Completion for Project SB-18-05.  
(2) Approve the final construction amount of \$568,030.63.  
(3) Approve the release of the 10% retention upon satisfactory closure of the contract.
- D. Adopt **Resolution No. 2005-\_\_\_\_\_**, approving the acquisition of right-of-way along Jurupa Avenue that lies within the City of Fontana's unincorporated sphere of influence and request that the County Board of Supervisors adopt a written resolution of consent to said acquisition.
- E. (1) Accept as complete the subdivision improvements in Tract No. 16110 located south of Jurupa Avenue and east of Live Oak Avenue in the Southridge Village Specific Plan.  
(2) Adopt **Resolution No. 2005-\_\_\_\_\_**, accepting sewers in Tract No. 16110 as part of the City sewer system.
- F. Accept final map for Tract No. 16724 located south of Walnut 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.
- G. (1) Award bid and authorize the City Manager to enter into a two-year contract with Jose R. Rodriguez 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 \$100,000 to Jose R. Rodriguez.
- H. Authorize the City Engineer to approve a contract change order to the annual contract with Dye and Browning Construction, Inc., for additional construction work on the Baseline Avenue Pavement Rehabilitation Project at East Avenue and I-15 Freeway and increase the contract amount from \$1,051,999 to \$1,186,150.
- I. (1) Authorize the City Engineer to approve a contract change order to the annual contract with Dye and Browning Construction, Inc., for the removal of signal pole foundations and miscellaneous work at four locations on Jurupa Avenue in the amount of \$68,005.27 increasing the contract amount from \$1,186,150 to \$1,254,155.27.  
(2) Appropriate \$68,005.27 from Fund 243 Traffic Safety.

## CITY COUNCIL AGENDA

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- J. Accept as complete the work performed by Belczak and Sons, Inc., for the construction of Summit Avenue street, sewer, and storm drain improvements from 760 feet west to 760 feet east of Lytle Creek Road; approve the final construction contract amount of \$1,929,666.50; and authorize the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-03-05.
- K. Accept as complete the work performed by Sully Miller Contracting Company for the construction of Foothill Boulevard street improvements, traffic signal and safety lighting project from Almeria Avenue to Tokay Avenue; approve the final construction amount of \$1,177,100.69; and authorize the City Engineer to execute and file the Notice of Completion for City Project Bid Number SB-23-04.
- L. Authorize the Engineering Department to advertise and obtain bids for construction of the Citrus Avenue Street Improvement Project from Baseline Avenue to South Highland Avenue, Bid No. SB-18-DE-06.
- M. Adopt **Resolution No. 2005-\_\_\_\_\_**, summarily vacating drainage easement for storm drain purposes over Lots 1 and 2 of Tract No. 13325-4 located on the south side of Sandhurst Street and east side of Beech Avenue in the City of Fontana, pursuant to Section 8330 et seq. of Chapter 4, Part 3, Division 9, California Streets and Highways Code.
- N.(1) Authorize the City Manager to execute a contract with Young Electric Sign Company ("YESCO") in the amount of \$496,957 for the construction of the North Fontana Auto Center Community Message Board.  
(2) Authorize the Business Services Manager to issue a purchase order to Young Electric Sign Company ("YESCO") in the amount of \$496,957 and authorize a 10% contingency in the amount of \$49,696.
- O. (1) Authorize the City Manager to execute Amendment No. 2 to an existing contractual services agreement with Langdon Wilson to provide for additional services related to the changes in the Civic Center parking structure and site improvements in the amount of \$105,000, plus a 10% contingency of \$10,500, for a total contact amount of \$666,000.
- P. Approve and authorize the City Manager to execute a contractual services agreement between the City of Fontana and JCM Group-Heery International, Inc., to provide project and construction management services for the new Development Services building and Civic Center parking structure in an amount not to exceed \$1,071,742, plus a 10% contingency amount of \$107,174.20.
- Q. Adopt **Resolution No. 2005-\_\_\_\_\_**, to establish a Community Facilities District for the Summit at Rosena development.
- R. Approve a supplemental agreement between the County of San Bernardino and the City of Fontana relating to Criminal Justice Administrative Fees (Booking Fees) for the period July 1, 2005 through June 30, 2008 in the amount of \$79.86 per booking.
- S. Approve a construction contract for the construction of the Fontana Library and Resource/Technology Center in the Civic Center.

- T. Authorize an appropriation of \$9,000,000 from the Undesignated Sewer Expansion Fund Balance (Fund 623) to the Sewer Expansion Operating Account 4016623.6650.
- U. Authorize the City Manager to execute an agreement amending Fontana’s existing Pretreatment Agreement with Inland Empire Utilities Agency.

**Approve Consent Calendar Items “A- U” 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. Resolution of Necessity – Walnut Avenue – Eminent Domain
  - (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 0228-072-05, 0228-074-21 and 0228-076-01; to acquire fee interest in portions of APNS: 0228-081-05, 0240-071-34, 0240-071-38, 0240-091-19 and 0240-071-36; of certain real property located on or near Walnut Avenue, by eminent domain is necessary for street extension and realignment, street widening improvements and related public infrastructure improvements to Walnut Avenue, in Fontana, California.
- B. Specific Plan Amendment No. 03-010 (Summit at Rosena Specific Plan) and Development Agreement
  - (1) Certify pursuant to the Local Guidelines for Implementing the California Environmental Quality Act (2005), that the City Council has reviewed and considered the information contained in the Environmental Impact Report for Specific Plan No. 03-010, and find that:
    - The Final EIR has been completed in compliance with CEQA, the State Guidelines and the City’s Guidelines;
    - The City Council has reviewed and analyzed the Final EIR before approving the Project; and,

**CITY COUNCIL AGENDA**

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The Final EIR reflects the independent judgment of the City.

- (2) Approve the Findings and adopt a Statement of Overriding considerations for Specific Plan Amendment No. 03-010 and the Development Agreement.
- (3) Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, approving Specific Plan No. 03-010 (Summit at Rosena Specific Plan), and that the reading of the title constitutes the first reading thereof.
- (4) Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, approving the Summit at Rosena Specific Plan Development Agreement, and that the reading of the title constitutes the first reading thereof.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

- A. Cancel the January 3, 2006 City Council meeting.

**CITY MANAGER COMMUNICATIONS:**

**ADJOURNMENT:** To an adjourned workshop meeting December 6, 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.