

**CITY OF FONTANA  
CITY COUNCIL REGULAR MEETING  
MAY 9, 2006  
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. Report on Measure C Bond (Cali Olsen-Binks, Fontana Unified School District)
- B. Agenda Review
- C. City Manager Comments

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

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.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0229-052-25, 13473 Foothill Blvd., Empire Self Storage

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 (b)(c)

Number of Cases: One

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

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

**PLEDGE OF ALLEGIANCE/INVOCATION:**

Mayor/Mayor Pro Tem Roberts

**SPECIAL PRESENTATIONS:**

- A. Mayor and Council to recognize Officers Dave Ibarra and Ron Landers for their service In Iraq.
- B. Mayor and Council to proclaim May 19, 2006 as the 3<sup>rd</sup> Annual NASCAR Day.
- C. Report on Measure C Bond (Cali Olsen-Binks, Fontana Unified School District)

**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 April 25, 2006 Regular City Council Meeting.
- B. (1) Authorize the City Manager to amend the contract with Caltrop Corporation in the amount of \$1,398,900.  
(2) Authorize the Business Services Manager to increase Purchase Order #500507 to Caltrop Corporation in the amount of \$1,398,900.
- C. Approve the recommended budget changes listed in the Third-Quarter Budget Status Report and Fiscal Year 2005/2006.
- D. (1) Accept as complete the subdivision improvements in Tract No. 16099 located north of Sierra Lakes Parkway and west of Augusta Avenue in the Sierra Lakes Specific Plan.  
(2) Adopt **Resolution No. 2006-\_\_\_\_\_**, accepting sewers in Tract No. 16099 as part of the City sewer system.
- E. Authorize the City Manager to execute a contractual services agreement with TKE Engineering, Inc., to design a storm drain on Foothill Boulevard between Oleander Avenue and Citrus Avenue in the amount of \$36,700.
- F. Authorize the City Manager to execute an extension to the annual contractual services agreement with Bureau Veritas (formally Berryman and Henigar) to provide as-needed engineering services for City wide capital improvement program projects for one year.
- G. Adopt **Resolution No. 2006-\_\_\_\_\_**, in support of Assembly Bill 2253 allowing for seizure and civil forfeiture of a vehicle used in illegal dumping.
- H. Adopt **Resolution No. 2006-\_\_\_\_\_**, in support of Assembly Bill 2174 making personal appearance before a judge mandatory for persons charged with a misdemeanor offense involving driving under the influence.
- I. (1) Adopt **Resolution No. 2006-\_\_\_\_\_**, finding that the public interest and necessity require the sale of surplus property, declaring its intent to sell such property to acquire certain parcels in exchange and with compensation and setting a hearing date for consideration of protests.  
(2) Set the public hearing for June 13, 2006 for the consideration of the sale of surplus property and acquisition of vacant parcels described in Exhibit "A".

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- J. Adopt **Resolution No. 2006-\_\_\_\_\_**, to endorse and support Proposition 81, the 2006 California State Library Construction Bond.
- K. Approve, authorize and direct the City Manager to execute Amendment No. 1 to a contractual services agreement between the City of Fontana and the JCM/Heery Group for the Fontana Library and Resource/Technology Center in the Civic Center and increase the contract amount from \$2,170,137.00 to \$2,576,431.00, an increase of \$406,294.00 plus a 10% contingency in the amount of \$40,630.00.
- L. Accept as complete the work performed by L.A. Engineering, Inc., for the construction of the Civic Center Park and entry project, Phase I & 2; approve the final construction contract of \$5,809,450.75; and authorize the Redevelopment Director to execute and file the Notice of Completion for City Project Bid No. SB-56-02.
- M. Approve and authorize the City Manager to execute Amendment No. 6 to the Engineering Services Agreement with Boyle Engineering for the amount of \$59,854.00, from \$854,725.00 to \$914,579.30, for the completion of the environmental documents for the I-10/Citrus Avenue interchange reconstruction project.
- N. Receive report on public outreach education on code compliance in the island annexation areas.
- O. (1) Accept as complete and authorize the Public Works Director to execute and file a Notice of Completion for Project SB-54-05. (Etiwanda Avenue Pavement Rehab Project)  
(2) Approve the final construction amount of \$505,664.70.  
(3) Approve the release of the 10% retention upon satisfactory closure of the contract.
- P. (1) Accept as complete the subdivision improvements in Tract No. 16099-1 located north of Sierra Lakes Parkway and west of Augusta Avenue in the Sierra Lakes Specific Plan.  
(2) Adopt **Resolution No. 2006-\_\_\_\_\_**, accepting sewers in Tract No. 16099-1 as part of the City sewer system.
- Q. Authorize the City Manager to execute a grant deed to transfer title of a portion of property granted in fee to the City of Fontana for Foothill Boulevard improvements to the original owner.

**Approve Consent Calendar Items "A-Q" 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. General Plan Amendment No. 06-002, Zone Change No. 06-002, Tentative Parcel Map No. 17977, Design Review No. 06-004, Conditional Use Permit No. 06-003, and Variance No. 06-002 (located at the southeast corner of Sierra Avenue and Orange Way (APN 192-161-04, -05, -06, -07, -23, -24, and -25)
- (1) Adopt a Negative Declaration of Environmental Impact and the State of California Department of Fish and Game DeMinimis Impact Finding pursuant to the local guidelines for implementing the California Environmental Quality Act (2004) and direct staff to file a Notice of Determination for General Plan Amendment No. 06-002, Zone Change No. 06-002, Tentative Parcel Map No. 17977, Design Review No. 06-004, Conditional Use Permit No. 06-003, and Variance No. 06-002.
  - (2) Approve General Plan Amendment No. 06-002 (APNS 192-161-04, -05, -06, -07, -23, -24, and -25) changing approximately 3.8 acres of land designated Light Industrial (I-L) to General Commercial (G-C) (Resolution under separate item).
  - (3) Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, an Ordinance of the City Council of the City of Fontana approving Zone Change No. 06-002 (APN 192-161-04, -05, -06, -07, -23, -24, and -25) to change approximately 3.8 acres of property zoned M-1 (Light Industrial) to C-2 (General Commercial), and that the reading of the title constitutes the first reading thereof.
  - (4) Approve Tentative Parcel Map No. 17977, Design Review No. 06-004, Variance No. 06-002, and Conditional Use Permit No. 06-003 subject to the attached Findings and Conditions of Approval identified as Attachment 3 through 6 in the Planning Commission Staff Report dated April 18, 2006.
- B. General Plan Amendment No. 05-004, Zone Change No. 05-003, Tentative Tract Map 17566 and Design Review No. 05-027, located generally between Foothill Boulevard and Ilex Avenue.
- (1) Adopt a Mitigated Negative Declaration of Environmental Impact and the State of California Department of Fish and Game DeMinimis Impact Finding pursuant to the local guidelines for implementing the California Environmental Quality Act (2004) and direct staff to file a Notice of Determination for General Plan Amendment No. 05-004 and Zone Change 05-003.
  - (2) Approve General Plan Amendment No. 05-004 changing approximately 60 acres of land designated Community Commercial (C-C) to General Commercial (C-G). (Resolution under separate item).
  - (3) Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, an Ordinance of the City Council of the City of Fontana approving Zone Change No. 05-003, to change approximately 60 acres of property zoned Community Commercial (C-1) to General Commercial (C-2) and that the reading of the title constitutes the first reading thereof.
  - (4) Approve Tentative Tract Map No. 17566 and Design Review No. 05-027, subject to the attached Findings and Conditions of Approval identified in the Planning Commission Staff Report dated February 28, 2006.

- C. General Plan Amendment No. 05-004 and General Plan Amendment No. 06-002. Adopt **Resolution No. 2006-\_\_\_\_\_**, approving General Plan Amendment No. 05-004 (see Exhibit "B") of the attached resolution for Assessor Parcel Numbers) changing approximately 60 acres of land designated Community Commercial (C-C) to General Commercial (C-G) and General Plan Amendment No. 06-002 (APNS 192-161-04, -05, -06, -07, -23, -24, and -25) changing approximately 3.8 acres of land designated Light Industrial (I-L) to General Commercial (C-G).
- D. Development Code Amendment No. 05-006, Amending Chapter 30 of the Fontana Municipal Code.
- (1) Find that the project has been reviewed pursuant to the local guidelines for implementing the California Environmental Quality Act (CEQA) and adopt a Negative Declaration and Fish and Game DeMinimis Impact Finding and directing staff to file the Notice of Determination.
  - (2) Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, an Ordinance of the City Council of the City of Fontana, amending Chapter 30 of the Fontana Municipal Code, that will add the minor use permit and administrative site processes, and modify the design review, administrative site plan, and conditional use requirements, and that the reading of the title constitutes the first reading thereof.
  - (3) Adopt **Resolution No. 2006-\_\_\_\_\_**, approving the establishment of user fees for the minor use permit and administrative variance processes.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:** None

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

- A. Discussion and possible action regarding Fontana Municipal Code Section 15-2, regarding Noise.

**CITY MANAGER COMMUNICATIONS:**

**ADJOURNMENT:** To an adjourned meeting on Monday, May 15, 2006 at 6:00 p.m. in the City Hall Council Chambers, located at 8353 Sierra Avenue, Fontana, CA.