

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
JUNE 13, 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. Agenda Review
- B. City Manager Comments

5:15 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 0240-141-34, 16918 Baseline Avenue, Henry and Patricia Wilson Ownership (McKays Mortuary/Chapel); APN 0236-181-22, 11060 Cherry Avenue, Joe Burt Ownership; APN 0240-052-51 and 0240-052-52, Baseline Avenue, Cesar Modest Bahamonde 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 0235-211-03, 0235-211-04, 0235-211-05 (Wiener Property on Catawba Avenue)
Negotiating Parties: Kenneth Hunt, City Manager and Ray Bragg, Redevelopment & Special Projects
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0192-032-01 (Gonzalez Property) and APN 0192-032-02 (Poduska Property)
Negotiating Parties: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

APN 0251-253-05 (Ortuno); APN 0251-253-06 (Galvin); APN 0251-253-07 (Adams); APN 0251-253-08 (Loupe & Wooten); APN 0251-161-17 (Lipscomb); APN 0251-161-18 (Kimminau); APN 0251-161-13 (Ross); APN 0251-161-35 (Harris); APN 0251-161-36 (Aguilar & Avila); APN 0251-172-41 (Piercy); APN 0251-172-25, 39, 38, & 22 (Daversa); APN 0251-181-20 (Lopez); APN 0251-181-23 (Hudson)

Negotiating Parties: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

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 Officer Jay Sayegh as the April “Employee of the Month”.
(Chief Larry Clark to present)
- B. Mayor and Council to recognize Lt. Rod Jones.
- C. Mayor and Council to recognize members of the Mayor’s Gala Committee.

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 9, 2006 Regular City Council Meeting and the May 26, 2006 Adjourned Regular Meeting.
- B. (1) Adopt **Ordinance No. 1500**, 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) to be consistent with the proposed General Plan Designation of C-G (General Commercial).
(2) Adopt **Ordinance No. 1501**, approving Zone Change No. 05-03, located on the south side of Foothill Boulevard between Ilex Avenue and Redwood Avenue to change zoning and pre-zoning on approximately 60 acres of property zoned Community Commercial (C-1) to General Commercial (C-2).

Page 2 of 9

- (3) Adopt **Ordinance No. 1502**, amending Chapter 30 of the Fontana Municipal Code, that will add the minor use permit and administrative variance processes and modify the design review, administrative site plan and conditional use permit requirements.
- C. Adopt **Resolution No. 2006-_____**, calling and giving notice of a General Municipal Election to be held in the City of Fontana on Tuesday, November 7, 2006 for the election of certain officers of the City as required by the provisions of the laws of the State of California relating to General Law Cities, and consolidating said election with the Statewide General Election to be held on said date.
- D. Directing the City Manager to review the City of Fontana's Conflict of Interest Code according to Government Code Section 87306.5
- E. Accept final map for Tract No. 16898 located south of Merrill Avenue and east of Catawba Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- F. (1) Approve, authorize and direct the City Manager to execute Amendment No. 2 to a contractual services agreement between the City of Fontana and Behr Browers Architects, increasing the contract amount from \$445,300.00 to \$478,800.00, an increase of \$33,500.00, plus a 10% contingency amount of \$3,350.00.
(2) Approve an operating transfer from the General Fund #101 in the amount of \$36,850, and appropriate the funds in Fund #601, Project #9381200601 in the amount of \$36,850.
- G. (1) Approve, authorize and direct the City Manager to execute Amendment No. 1 to a contractual services agreement between the City of Fontana and Miralles Associates to prepare design and construction drawings, and provide support through construction for the Freight Depot renovation, increasing the contract amount from \$49,555.00 to \$69,247.00, an increase of \$19,692.00, plus a 10% contingency in the amount of \$1,969.00
(2) Approve an operating transfer from the General Fund #101 in the amount of \$21,661, and appropriate the funds in Fund #601, Project #9391900601 in the amount of \$21,661.
- H. (1) Award bid and authorize the City Manager to enter into a two-year agreement with Consolidated Electrical Distributors, Inc., with three one-year extensions at the sole discretion of the City, for the purchase of lighting and electrical supplies.
(2) Authorize the Business Services Manager to issue a purchase order to Consolidated Electrical Distributors, Inc., not to exceed \$50,000.
- I. (1) Adopt **Resolution No. 2006-_____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 1 ("LMD #1") for Fiscal Year 2006-2007 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
(2) Adopt **Resolution No. 2006-_____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 2 ("LMD #2") for Fiscal Year 2006-2007 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
(3) Adopt **Resolution No. 2006-_____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3 ("LMD #3") for Fiscal Year 2006-2007 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.

- (4) Adopt **Resolution No. 2006-_____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3-1 (“LMD #3-1”) for Fiscal Year 2006-2007 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
 - (5) Adopt **Resolution No. 2006-_____**, declaring its intention to levy and collect assessments within Local Lighting Maintenance District No. 3 (“LLMD #3”) for Fiscal Year 2006-2007 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- J. (1) Accept as complete and authorize the Deputy City Manager to execute and file a notice of completion for Project SB-10-HD-06 (Atlas Parking Lot Maintenance).
- (2) Approve the final construction amount of \$58,750.03.
 - (3) Approve the release of 10% retention upon satisfactory closure of the contract.
- K. (1) Award bid and authorize the City Manager to enter into an agreement with Allison Mechanical, Inc., for HVAC full service maintenance and replacement, for a period of two years from date of award, renewable for three additional one-year increments at the sole discretion of the City of Fontana.
- (2) Authorize the Business Services Manager to issue a purchase order to Allison Mechanical, Inc., in the amount of \$179,544, for the first year of the contract.
- L. (1) Approve a contract through October 2006 with Andresen Architects, Inc., for architectural services.
- (2) Authorize the City Manager to sign the contract.
- M. (1) Accept as complete the subdivision improvements in Tract No.’s 15863 and 15863-1 located south of Walnut Avenue and east of Hemlock Avenue within the Fontana Star Community Plan.
- (2) Adopt **Resolution No. 2006-_____**, accepting sewers in Tract No.’s 15863 and 15863-1. as part of the City sewer system.
- N. (1) Find that the overlay of the Bloomington Park and Recreation District of the City of Fontana’s corporate boundaries is exempt from further environmental review pursuant to Section 15378 of the Local Guidelines for implementing the California Environmental Quality Act (2005), and direct staff to file a Notice of Exemption.
- (2) Adopt **Resolution No. 2006-_____**, agreeing to the overlay of the Bloomington Recreation and Park District of its corporate boundaries upon the annexation of the Bloomington islands (Areas 4, 5, 26 and 27), and agreeing to the overlay of the park district boundaries once the remainder of the City’s southeastern sphere of influence is annexed.
- O. Adopt **Resolution No. 2006-_____**, 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 northern sphere of influence known as Annexation No. 169/LAFCO 3056-City of Fontana Annexation No. 169-Monarch Hills (various parcels generally located northwest of the I-15 freeway, between Duncan Canyon Road and Roadrunner Road.)
- P. (1) Accept as complete the subdivision improvements in Tract No. 16178 located east of Augusta Drive at Medinah Street within the Sierra Lakes Specific Plan.
- (2) Adopt **Resolution No. 2006-_____**, accepting sewers in Tract No. 16178 as part of the City sewer system.

- Q. (1) Award bid and authorize the City Manager to enter into a two-year agreement with G.W. Reed Printing with three one-year extensions at the sole discretion of the City, for the purchase of Community Services brochure printing services.
- (2) Authorize the Business Services Manager to issue a purchase order to G.W. Reed Printing, not to exceed \$100,000.
- R. (1) Waive further reading of and introduce **Ordinance No. _____**, amending Section 17-5 of the Fontana Municipal Code related to meetings, demonstrations and parades, that the reading of the title constitutes the first reading thereof.
- (2) Waive further reading of and introduce **Ordinance No. _____**, amending Sections 19-2 of the Fontana Municipal Code related to picnics, parades, etc., that the reading of the title constitutes the first reading thereof.
- (3) Waive further reading of and introduce **Ordinance No. _____**, amending Sections 19-3 of the Fontana Municipal code related to special permits, that the reading of the title constitutes the first reading thereof.
- S. Review and approve recommended revisions to the Co-Sponsorship of Events Policy and Procedures and approve thirteen co-sponsorship application received from various organizations for Fiscal Year July 1, 2006 through June 30, 2007.
- T. Receive and file a report regarding sewer service rate increase.
- U. Review, select and approve inductees for the inaugural 2006 Wall of Fame.
- V. Accept cash donations in the amount of \$2,360.00 and product and service donations valued at approximately \$3,364.00 (See Attachment "A") for use in various Community Services Programs.
- W. (1) Find that the amendment to the City of Fontana's policy pertaining to annexation is exempt from further environmental review pursuant to Section 3.07 of the local guidelines for implementing the California Environmental Quality Act (2005), and direct staff to file a Notice of Exemption.
- (2) Adopt **Resolution No. 2006-_____**, revising the City of Fontana's policy pertaining to Annexation.
- X. (1) Accept as complete and authorize the Public Works Director to execute and file a notice of completion for Project SB-70-05. (Veterans Park)
- (2) Approve the final construction amount of \$249,464.96.
- (3) Approve the release of the 10% retention upon satisfactory closure of the contract.
- Y. (1) Approve, authorize and direct the City Manager to implement a staffing plan and two year budget in support of the Library Fundraising Program in an amount not to exceed \$1,050,000.
- (2) Approve an appropriation and increase estimated revenues in Fund #601, Project #9390122601 in the amount of \$545,900.00
- Z. (1) Adopt **Resolution No. 2006-_____**, dedicating a source of revenue for repayment of any and all state revolving fund loans for Project No. C-06-4897, in accordance with the State Water Resources Control Board's Revolving Fund Loan Program.

- (2) Adopt **Resolution No. 2006-_____**, agreeing to provide a local match share and pay administrative fee in order to receive a no-interest loan for the San Bernardino Trunk Sewer Project No. C-06-4897, in accordance with the State Water Resources Control Board’s Revolving Fund Loan Program.

Approve Consent Calendar Items “A-Z” 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. Community Facilities District No. 41, located at the southeast corner of Acacia Avenue and Randall Avenue.
Continue the public hearing to July 11, 2006.
- B. Community Facilities District No. 50M for Street Lighting, Landscaping and Park Maintenance for Tract No. 16724.
 - (1) Adopt **Resolution No. 2006-_____**, establishing Community Facilities District No. 50M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof.
 - (2) Adopt **Resolution No. 2006-_____**, calling a special election and submitting to the voters of Community Facilities District No. 50M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District.
 - (3) Adopt **Resolution No. 2006-_____**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 50M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit.
 - (4) Waive further reading of and introduce **Ordinance No. _____**, authorizing the levy of a special tax within Community Facilities District No. 50M, that the reading of the title constitutes the first reading thereof.
- C. Community Facilities District No. 51M for Street Lighting, Landscaping and Park Maintenance for Tract No. 16482.

- (1) Adopt **Resolution No. 2006-_____**, establishing Community Facilities District No. 51M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof.
 - (2) Adopt **Resolution No. 2006-_____**, calling a special election and submitting to the voters of Community Facilities District No. 51M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District.
 - (3) Adopt **Resolution No. 2006-_____**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 51M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit.
 - (4) Waive further reading of and introduce **Ordinance No. _____**, authorizing the levy of a special tax within Community Facilities District No. 51M, that the reading of the title constitutes the first reading thereof.
- D. Community Facilities District No. 48M for Street Lighting, Landscaping and Park Maintenance for Tract No. 17438.
- (1) Adopt **Resolution No. 2006-_____**, establishing Community Facilities District No. 48M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof.
 - (2) Adopt **Resolution No. 2006-_____**, calling a special election and submitting to the voters of Community Facilities District No. 48M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District.
 - (3) Adopt **Resolution No. 2006-_____**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 48M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit.
 - (4) Waive further reading of and introduce **Ordinance No. _____**, authorizing the levy of a special tax within Community Facilities District No. 48M, that the reading of the title constitutes the first reading thereof.
- E. Community Facilities District No. 49M for Street Lighting, Landscaping and Park Maintenance for Tract No. 16579.
- (1) Adopt **Resolution No. 2006-_____**, establishing Community Facilities District No. 49M of the City of Fontana, County of San Bernardino, State of California, and establishing the boundaries thereof.
 - (2) Adopt **Resolution No. 2006-_____**, calling a special election and submitting to the voters of Community Facilities District No. 49M of the City of Fontana, County of San Bernardino, State of California, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an

appropriations limit for said Community Facilities District.

Page 7 of 9

- (3) Adopt **Resolution No. 2006-_____**, of the City Council of the City of Fontana declaring the results of the special election for Community Facilities District No. 49M of the City of Fontana, County of San Bernardino, State of California, on the propositions with respect to (i) the annual levy of special taxes to pay the costs of certain services to be provided by the Community Facilities District and (ii) the establishment of an appropriations limit.
 - (4) Waive further reading of and introduce **Ordinance No. _____**, authorizing the levy of a special tax within Community Facilities District No. 49M, that the reading of the title constitutes the first reading thereof.
- F. Community Facilities District No. 41M, located at the southeast corner of Acacia Avenue and Randall Avenue.
- (1) Adopt **Resolution No. 2006-_____**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 41M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 2).
 - (2) Adopt **Resolution No. 2006-_____**, declaring the results of the special election for Community Facilities District No. 41M 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. 2.)
- G. Community Facilities District No. 9M, located north of Harvey Drive, east of Oleander Avenue, and west of Cypress Avenue.
- (1) Adopt **Resolution No. 2006-_____**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 9M of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 1).
 - (2) Adopt **Resolution No. 2006-_____**, declaring the results of the special election for Community Facilities District No. 9M 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. 1.)
- H. Approving the Sale of Surplus Property.
- (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 and to acquire certain parcels in exchange and with additional compensation.
 - (2) Direct the City Manager to execute all necessary documents to effectuate the exchange and acquisition of the subject vacant parcels as described in the attached "Exhibit A".

UNFINISHED BUSINESS:

- A. Community Facilities District No. 31 (Citrus Heights North) Bonds.
Adopt **Resolution No. 2006-_____**, authorizing the issuance of not to exceed \$36,000,000 aggregate principal amount of city of Fontana Community Facilities District No. 31 (Citrus Heights North) special tax bonds, series 2006, 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:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To an adjourned meeting on Wednesday, June 21, 2006 at 6:00 p.m. in the City Hall Council Chambers, located at 8353 Sierra Avenue, Fontana, CA.