

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
JULY 25, 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. Community Services presentation on their Summer Program series
- C. Public Works presentation
- D. City Manager Comments

5:30 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 54956.9

Property: APN 0235-211-03, 0235-211-004, 0235-211-05 (Wiener Property on Catawba Avenue)

Negotiating Parties: Kenneth Hunt, City Manager and Ray Bragg, Redevelopment

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 Larry Meyers as being awarded the "Rohan Award",
- B. FUSD to recognize City Clerk Bea Watson for her dedication and service to the Fontana Community.

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 11, 2006 Regular Meeting.
- B. (1) Adopt **Ordinance No. 1511**, amending Section 21-120 or Article V, Chapter 21 amending Section 21-123 , Article V, Chapter 21 of the Fontana Municipal Code relating to Development Impact Fees, that the reading of the title constitutes the second reading thereof.
(2) Adopt **Ordinance No. 1513**, approving Zone Change No. 05-004 (APNS 0225-041-14 and -15), to change the zoning on approximately 9 acres of property designated as Community Commercial (C-1) to General Commercial (C-2) to be consistent with the proposed General Plan designation of General Commercial (C-G)
(3) Adopt **Ordinance No. 1514**, amending Section 3-164 of the Fontana Municipal Code pertaining to Temporary Off-Site Real Estate Directional Signs.
- C. Accept bid in the amount of \$9,971,000 and authorize the City Manager to enter into a contract with O.K. Earl Corporation DBA Earl Corporation for the construction of the Development Services Building and authorize a 10% Contingency in the amount of \$997,100.
- D. Authorize the City Manager to execute a construction contract with Sully-Miller Contracting Company for the construction of the Baseline Avenue Street Improvement Project from Mango Avenue to 400 feet east in the amount of \$380,000.00 and authorize a 10% contingency in the amount of \$38,000.00.
- E. (1) Accept as complete the Subdivision Improvements in Tract No's 15964 & 15964-1 located south of Baseline Avenue between Lime Avenue and Sultana Avenue within Rancho Fontana Specific Plan.
(2) Adopt **Resolution No. 2006-_____**, accepting sewers in Tract No's 15964 & 15964-1 as part of the City Sewer System.
- F. (1) Accept as complete the Subdivision Improvements in Tract No. 16210 located south of South Highland Avenue and east of Hemlock Avenue.
(2) Adopt **Resolution No. 2006-_____**, accepting sewers in Tract No. 16210 as part of the City Sewer System.
- G. (1) Accept as complete the Subdivision Improvements in Tract No. 16379 located north of Miller Avenue and west of Almeria Avenue.
(2) Adopt **Resolution No. 2006-_____**, accepting sewers in Tract No. 16379 as part of the City Sewer System.
- H. Accept final map for Tract No. 16458 located south of Miller Avenue and east of Hemlock Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.
- I. Accept final map for Tract No. 17410 located at Hibiscus Street between Catawba Avenue and

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Citrus Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

- J. Accept cash donations in the amount of \$4,750 to offset the cost of the ground breaking ceremony of Fontana Park and Jessie Turner Health and Fitness Center.
- K. Review, provide input and approve the Ralph M. Lewis Sports Complex facility use rules and procedures.
- L. (1) Authorize the City Manager to execute a construction contract with Powell Constructors for the construction of Pacific Electric Inland Empire Trail Segment 5a, Baseline Avenue to Cherry Avenue (Bid No. SB-11-RA-06) in the amount of \$1,099,400 and authorize a 10% contingency in the amount of \$109,940.
(2) Appropriate \$100,000 from AQMD Fund 241.
- M. (1) Authorize the City Manager to enter into cooperative agreements with the County of San Bernardino to construct concrete improvements in various locations.
(2) Authorize reimbursement by the County of San Bernardino in the amount not to exceed \$500,000.
(3) Authorize the Director of Public Works to administratively approve and implement short term street closures and detours during construction.
- N. Approve the addition of a Secretary to the Redevelopment Department Table of Organization.
- O. (1) Approve a Contractual Services Agreement between the Fontana Unified School District and the City of Fontana to provide one Police Lieutenant to serve as Acting Chief of Police for the Fontana Unified School District School Police.
(2) Authorize the City Manager or his designee to execute and sign the Contract Services Agreement, all related documents, and any amendments for the term of the contract.
(3) Approve one new Police Lieutenant position to be added to the Police Department's Table of Organization; and, authorize Human Resources to issue a Position Control Number and fill the position.
- P. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 51M (southwest corner of Walnut Avenue and Citrus Avenue) for Fiscal Year 2006-2007.
- Q. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 1 (Southridge) for Fiscal Year 2006-2007.
- R. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 2 (Village of Heritage) for Fiscal Year 2006-2007.
- S. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 3 (Hunter's Ridge) for Fiscal Year 2006-2007.
- T. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 4 (A Portion of Walnut Village) for Fiscal Year 2006-2007.
- U. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 6 (The Landings) for Fiscal Year 2006-2007.
- V. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 6-1 (Stratham) for Fiscal Year 2006-2007.
- W. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 6-2 (North Morningside) for Fiscal Year 2006-2007.
- X. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 6-3a (Bellgrove II) for Fiscal Year 2006-2007.
- Y. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 7 (Country Club Estates) for Fiscal Year 2006-2007.
- Z. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 8M (Presley) for Fiscal Year 2006-2007.

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- AA. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 9M (Morningside) for Fiscal Year 2006-2007.
- BB. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 10M (Jurupa Industrial Park) for Fiscal Year 2006-2007.
- CC. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 11 (Heritage West End) for Fiscal Year 2006-2007.
- DD. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 12 (Sierra Lakes) for Fiscal Year 2006-2007.
- EE. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 13M (Summit Heights) for Fiscal Year 2006-2007.
- FF. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 14M (Sycamore Hills) for Fiscal Year 2006-2007.
- GG. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 15M (Silver Ridge) for Fiscal Year 2006-2007.
- HH. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 16M (Ventana Pointe) for Fiscal Year 2006-2007.
- II. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 18M (Badiola Homes) for Fiscal Year 2006-2007.
- JJ. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 20M (STG Cottages) for Fiscal Year 2006-2007.
- KK. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 21M (Garden Village) for Fiscal Year 2006-2007.
- LL. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 22 (Sierra Hills South) for Fiscal Year 2006-2007.
- MM. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 23M for Fiscal Year 2006-2007.
- NN. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 24M (south of Baseline between Village Parkway and Beech) for Fiscal Year 2006-2007.
- OO. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 25M (north of Walnut between Citrus and Oleander) for Fiscal Year 2006-2007.
- PP. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 27M (north of Walnut between San Sevaine and Hemlock) for Fiscal Year 2006-2007.
- QQ. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 28M (southeast corner of Baseline and Sultana and northwest corner of Miller and Almeria) for Fiscal Year 2006-2007.
- RR. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 29M (south of Miller between Sultana and Lime) for Fiscal Year 2006-2007.
- SS. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 30M (south of Summit between Lytle Creek and Catawba) for Fiscal Year 2006-2007.
- TT. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 31 (Citrus Heights North) for Fiscal Year 2006-2007.
- UU. Waive further reading of and introduce **Ordinance No.**____, authorizing the levy of a special tax within Community Facilities District No. 32M (northern section of the Hunters Ridge development), that the reading of the title constitutes the first reading thereof.
- VV. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 33M (south of the I-10 Freeway, east of Sierra Avenue and north of Jurupa Avenue) for Fiscal Year 2006-2007.

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- WW. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 34M (south of Slover Avenue, east of Sierra Avenue, west of Tamarind Avenue and north of Jurupa Avenue) for Fiscal Year 2006-2007.
- XX. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 35M (north of Beech Avenue and northwest of I-15) for Fiscal Year 2006-2007.
- YY. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 36M (north of Baseline, east of Beech Avenue, south of Walnut Avenue, and west of Citrus Avenue) for Fiscal Year 2006-2007.
- ZZ. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 37 (Montelago) for Fiscal Year 2006-2007.
- AAA. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 38M (east of Cypress Avenue, south of Walnut Avenue, west of Juniper and north of Baseline) for Fiscal Year 2006-2007.
- BBB. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 39M (south of Merrill Avenue between Catawba Avenue and Citrus Avenue) for Fiscal Year 2006-2007.
- CCC. Waive further reading of and introduce **Ordinance No.** _____, authorizing the levy of a special tax within Community Facilities District No. 40M (southeast corner of Merrill Avenue and Catawba Avenue), that the reading of the title constitutes the first reading thereof.
- DDD. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 41M (south of Miller Avenue, east of Beech Avenue, west of Sultana Avenue, and north of Foothill) for Fiscal Year 2006-2007.
- EEE. Waive further reading of and introduce **Ordinance No.** _____, authorizing the levy of a special tax within Community Facilities District No. 42M (south of Jurupa Avenue and south and east of Cypress Avenue), that the reading of the title constitutes the first reading thereof.
- FFF. Waive further reading of and introduce **Ordinance No.** _____, authorizing the levy of a special tax within Community Facilities District No. 44M (south of Miller Avenue, east of Locust Avenue and west of Maple Avenue), that the reading of the title constitutes the first reading thereof.
- GGG. Waive further reading of and introduce **Ordinance No.** _____, authorizing the levy of a special tax within Community Facilities District No. 45M (northwest corner of Summit Avenue and Cypress Avenue), that the reading of the title constitutes the first reading thereof.
- HHH. Waive further reading of and introduce **Ordinance No.** _____, authorizing the levy of a special tax within Community Facilities District No. 46M (north of Mill Avenue, east of Beech Avenue, west of Sultana Avenue, and south of Baseline), that the reading of the title constitutes the first reading thereof.
- III. Waive further reading of and introduce **Ordinance No.** _____, authorizing the levy of a special tax within Community Facilities District No. 47M (southwest corner of Baseline and Maple Avenue), that the reading of the title constitutes the first reading thereof.
- JJJ. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 48M (southeast corner of Casa Grande Avenue and Citrus Avenue) for Fiscal Year 2006-2007.
- KKK. Adopt **Resolution No. 2006**____, authorizing the levy of a special tax in Community Facilities District No. 49M (southeast corner of Baseline and Locust Avenue) for Fiscal Year 2006-2007.
- LLL. (1) Adopt **Resolution No. 2006**____, declaring intention to annex territory to Community Facilities District No. 50M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation NO. 1, located north of Randall Avenue, west of Citrus Avenue, east of Catawba Avenue and south of Merrill).
- (2) Set the Public Hearing for September 12, 2006, for the formation of the district and call the Special Election for September 12, 2006.

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- MMM. (1) Adopt **Resolution No. 2006**_____, of the City Council of the City of Fontana determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 55M.
- (2) Adopt **Resolution No. 2006**_____, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 55M of the City of Fontana.
- (3) Set the Public Hearing for September 12, 2006, for the formation of the District and call the Special Election for September 12, 2006.
- NNN. (1) Approve and authorize the City Manager to execute the Engineering Services Agreement with Parsons Transportation Group for the amount of \$1,867,467.00 for the preparation of plans, specifications and estimates for the I10 Freeway/Cypress Avenue Overcrossing Project.
- (2) Approve an increase in estimated revenues and increase appropriations in the amount of \$1,493,973.60 in Grant Fund #301, and approve an appropriation of \$373,493.40 in the Circulation Mitigation Fund #630.
- OOO. Waive further reading of and introduce **Ordinance No.**_____, amending Section 145 of Article V of Chapter 10 of the Fontana Municipal Code relating to purchasing and that the reading of the title constitutes the first reading thereof.
- PPP. Adopt **Resolution No. 2006**_____, authorizing the levy of a special tax within Community Facilities District No. 50M for Fiscal Year 2006-2007.

Approve Consent Calendar Items "A-PPP" 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. Tax Increment Funds
Adopt **Resolution No. 2006**_____, 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. Development Agreement for Home Depot
- (1) Certify the Final Environmental Impact Report (FEIR) (State Clearing House No. 2005111065), approve the findings for, and adopt a Statement of Overriding Considerations, approve the Mitigation Monitoring Plan and direct staff to file a Notice of Determination pursuant to the Local Guidelines for Implementing the California Environmental Quality Act (2004).
 - (2) Approve Tentative Parcel Map No. 17652 and Design Review No. 05-045, subject to the Findings and Conditions of Approval.
 - (3) Waive further reading of and introduce **Ordinance No.** _____, approving a Development

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Agreement between the City of Fontana, California, and Home Depot U.S.A., Inc., and that the reading of the title constitutes the first reading thereof.

- C. Landscape Maintenance Districts and Local Lighting Maintenance Districts Assessments
- (1) Adopt **Resolution No. 2006**____, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 1 (“LMD #1” throughout the City) for Fiscal Year 2006-2007.
 - (2) Adopt **Resolution No. 2006**____, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 2 (“LMD #2” Village of Heritage) for Fiscal Year 2006-2007.
 - (3) Adopt **Resolution No. 2006**____, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 3 (“LMD #3” Hunter’s Ridge) for Fiscal Year 2006-2007.
 - (4) Adopt **Resolution No. 2006**____, confirming a diagram and assessment, and levying the assessment for Landscape Maintenance District No. 3-1 (“LMD #3-1” Empire Center) for Fiscal Year 2006-2007.
 - (5) Adopt **Resolution No. 2006**____, confirming a diagram and assessment, and levying the assessment for Local Lighting Maintenance District No. 3 (“LLMD #3” Hunter’s Ridge) for Fiscal Year 2006-2007.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To a workshop meeting on August 8, 2006 in the Executive Conference Room at 5:00 p.m., to a Closed Session at 6:00 p.m. and then to the regular meeting at 7:00 p.m. in the City Hall Council Chambers located at 8353 Sierra Avenue, Fontana, CA.