

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
OCTOBER 10, 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. Grand Opening of the Art Depot located at 16822 Spring Street, Fontana, CA

6:00 P.M. CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (b)

NUMBER OF CASES: One

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

PROPERTY: APN 4525-01-05; 4525-01-06; 4525-01-07

NEGOTIATING PARTIES: Ricardo Sandoval, City Engineer

UNDER NEGOTIATION: Price and Terms

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.

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent _____

PLEDGE OF ALLEGIANCE/INVOCATION:

Cub Scouts to do Pledge/Mayor Pro Tem Roberts

SPECIAL PRESENTATIONS:

- A. Mayor and Council to proclaim the week of October 8-14, 2006 as "Fire Prevention Week".
(Jay Hausman to accept)

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 September 26, 2006 Regular Meeting.
- B. (1) Adopt **Ordinance No. 1528**, approving Zone Change No. 06-01, to modify the zoning on the Zoning District Map and change the zoning designation on approximately three acres from Community Commercial (C-1) to Residential Planned Community (R-PC) to Community Commercial (C-1).
(2) Adopt **Ordinance No. 1529**, approving Amendment No. 1 to the Coyote Canyon Specific Plan Development Agreement between the City of Fontana and Centex Homes.
- C. (1) Authorize the City Manager to execute maintenance contracts with Gosney Construction as the primary contractor and R.D. Raney as the secondary contractor for concrete removal and replacement throughout the City.
(2) Authorize the Public Works Director to administratively approve and implement short term street closures and detours during construction.
- D. Adopt **Resolution No. 2006-_____**, adopting the 2006/2010 Measure I four-year Capital Improvement Program Plan.
- E. Approve, authorize and direct the City Manager to execute a professional services agreement between the City of Fontana and Dreambox Creations, Inc., to provide ongoing website support for the library fundraising program for two years in an amount not to exceed \$17,500.00.
- F. Review general cooperative use agreement between the City of Fontana and Fontana Unified School District.
- G. Authorize the City Manager to execute a construction contract with Laird Construction Company for the construction of the Elm Avenue street improvement project from Jurupa Avenue to Slover Avenue in the amount of \$543,943.50 and authorize a 10% contingency in the amount of \$54,394.35.
- H. Accept a grant from the Target Stores Community Giving Program in the amount of \$1,700 on behalf of the Police Department for use in the Department's Area Commander Program.
- I. (1) Adopt **Resolution No. 2006-_____**, declaring intention to annex territory to Community Facilities District No. 6-3a of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 4) located east of Locust Avenue, north of Arrow, and west of Maple Avenue
(2) Set the public hearing for November 14, 2006, for the formation of the District and call the special election for November 14, 2006.
- J. (1) Adopt **Resolution No. 2006-_____**, determining the sufficiency of the petition requesting formation of the proposed Community Facilities District No. 58M.

- (2) Adopt **Resolution No. 2006-_____**, of intention of the City Council of the City of Fontana with respect to establishment of a proposed Community Facilities District No. 58M of the City of Fontana.
 - (3) Set the public hearing for November 14, 2006, for the formation of the District and all the special election for November 14, 2006.
- K. (1) Adopt **Resolution No. 2006-_____**, determining the sufficiency of the petition requesting formation of the proposed Community Facilities District No. 59M.
- (2) Adopt **Resolution No. 2006-_____**, of intention of the City Council of the City of Fontana with respect to establishment of a proposed Community Facilities District No. 59M of the City of Fontana.
 - (3) Set the public hearing for November 14, 2006, for the formation of the District and all the special election for November 14, 2006.
- L. (1) Adopt **Resolution No. 2006-_____**, declaring intention to annex territory to Community Facilities District No. 51M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1). Located at the northeast corner of Baseline and San Sevaine.
- (2) Set the public hearing for November 14, 2006, for the formation of the District and call the special election for November 14, 2006.
- M. (1) Adopt **Resolution No. 2006-_____**, declaring intention to annex territory to Community Facilities District No. 38M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 2). Located north of Walnut Avenue and west of Oleander Avenue.
- (2) Set the public hearing for November 14, 2006, for the formation of the district and call the special election for November 14, 2006.
- N. (1) Adopt **Resolution No. 2006-_____**, determining the sufficiency of the petition requesting formation of the proposed Community Facilities District No. 53M.
- (2) Adopt **Resolution No. 2006-_____**, of intention of the City Council of the City of Fontana with respect to establishment of a proposed Community Facilities District No. 53M of the City of Fontana.
 - (3) Set the public hearing for November 14, 2006, for the formation of the District and all the special election for November 14, 2006.
- O. Adopt **Resolution No. 2006-_____**, supporting Propositions 1A, 1B, 1C, 1D, and 1E and Proposition No. 84 on the November 2006 California State Ballot.
- P. (1) Authorize the Police Department to utilize the Law Offices of Jones and Mayer of Fullerton, California for legal services related to law enforcement personnel matters.
- (2) Authorize staff to issue an annual purchase order for the Law Offices of Jones and Mayer based upon the review and approval of the Police Department's annual fiscal year operating budget by the City council at the City's annual budget hearing.
- Q. Adopt **Resolution No. 2006-_____**, expressing the desire and intent to name the new Children's Library the Dr. Martin Luther King Jr. Children's Library and to raise funds to make this a reality.

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. Appeal of Planning Commission Denial of Design Review No. 05-063.
Staff recommends that the City Council direct staff to refer Design Review No. 05-063 back to the Planning commission for additional consideration based on new information and design improvements received by staff from the appellant.
- B. Adoption of the Housing Element
- (1) Find that the project has been reviewed under a previous Environmental Impact Report (2003 General Plan, State Clearing House No. 2003032083) pursuant to Section 15162 of the local CEQA Guidelines and direct staff to file a Notice of Determination.
 - (2) Adopt **Resolution No. 2006-____**, approving and adopting the Housing Element of the Fontana General Plan and approving minor modifications to the optional density standards.
- C. Resolution of Necessity, located on Cherry Avenue
- (1) Conduct a hearing to consider the adoption of the proposed resolution of necessity, including providing all interested parties of the affected property, their attorney's 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 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. 2006-____**, a resolution of necessity by the City Council of the City of Fontana declaring the acquisition of portions of certain real property for easement and temporary construction easement interests more particularly described as Assessor's Parcel Numbers 0236-191-14, 0236-101-25, 0236-101-23, 0236-101-24, 0236-111-01, 0236-111-22, 0236-111-25, 0236-111-26, 0236-121-07, 0236-122-19, 0236-181-11, 0236-181-22 and 0236-181-23, located on Cherry Avenue, by eminent domain is necessary for street widening and related public infrastructure improvements to Cherry Avenue.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

- A. Discussion and possible action regarding Commission term limits.

ADJOURNMENT: To an adjourned regular meeting on October 13, 2006 at 8:00 a.m., in the City Hall Council Chambers, located at 8353 Sierra Avenue, Fontana, CA.