

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
NOVEMBER 14, 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. Kaiser Hospital Master Plan
- 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.

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent _____

PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Nuaimi/Chaplain Gregory Peck, Fontana Police Department

SPECIAL PRESENTATIONS:

- A. Mayor and Council to recognize Robert Aanerud and Ray Gonzalez as the San Bernardino County 22nd Annual Juvenile Justice and Delinquency Prevention Service Award recipients. (Chairperson Steve Langer to be present)
- B. Mayor and Council to recognize Mildred Rnjak as the first Miss Fontana of 1946.
- C. Mayor and Council to recognize Officer Frank Losch, Officer Mike Ernes, and Officer Brian Keyner as the Police Department's October "Employees of the Month".
- D. Mayor and Council to recognize Supervising District Attorney for the Fontana Office, Ben Gonzales.

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 October 24, 2006 Regular Meeting.
- B. Adopt **Ordinance No. 1530**, authorizing the levy of a special tax within Community Facilities District No. 57M.
- C. Accept Donation for Sam's Club in the amount of \$500 on behalf of the Police Department for use in the Department's Community Relations Programs.
- D. Accept Final Map for Tract No. 16566 located north of Walnut Avenue and west of Oleander Avenue; Accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- E. (1) Approve an amendment to the SMI Professional Services Agreement to extend the contract through February, 2007 for JD Edwards functional support in an amount of \$50,000, increasing the existing contract from \$114,000 to \$164,000,
(2) Direct the City Manager to execute any documents necessary to effectuate said approval.
- F. (1) Accept as complete the subdivision improvements in Tract No. 16427 located within Citrus Heights Specific Plan.
(2) Adopt **Resolution No. 2006-_____**, accepting sewers in Tract No. 16427 as part of the city sewer system.
- G. Authorize the City Manager to sign an agreement with Houston Harris PCS, Inc. extending the term for Sanitary Sewer Video Inspection Services for an additional two years based on the City of Santa Ana's approved two year extension.
- H. Accept final map for Tract No. 17108 located east of Citrus Avenue between Baseline Avenue and Miller 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. 16383 located east of Oleander Avenue and north of Baseline 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 final map for Tract No. 17460 located west of Cypress Avenue and north of Baseline Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.

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- K. (1) Authorize the Management Services Department to join in a piggyback bid process with Newport-Mesa Unified School District (Bid #142-05) for the purchase and installation of nine custom shade canopies, in the amount of \$351,095, from Shade Structures, of Costa Mesa, CA.
- (2) Authorize the City Manager to execute the appropriate documents to effectuate said approval.
- L. (1) Award bid and authorize the City Manager to enter into a construction contract with 4-Con Engineering, Inc., for \$159,000, and authorize a 10% contingency in the amount of \$15,900.
- (2) Authorize the Business Services manager to issue a purchase order to 4-Con Engineering, Inc., in the amount of \$159,000.00.
- (3) Approve the transfer of \$80,721.72 from Project 9420203601 to Project 9422900601.
- M. (1) Approve an increase to the purchase order issued to R.Y. Rodriguez for shop equipment and fuel system maintenance and repair services and authorize the Business Services Manager to issue a change order in the amount of \$20,000 increasing the existing purchase order to \$45,000.
- (2) Approve an appropriation of \$20,000 from the Fleet Fund Balance to account number 4410751.6260.
- N. (1) Award bid and authorize the City Manager to enter into a construction contract with R.J. Noble Company for the construction of the Palmetto Avenue Pavement Rehabilitation Project SB-56-05 in the amount of \$790,495 and authorize a 10% contingency in the amount of \$79,050.
- (2) Authorize the Public Works Director to administratively approve and implement short term street closures and detours during construction.
- O. Approve two co-sponsorship applications received from various organizations for Fiscal Year July 1, 2006 through June 30, 2007.
- P. (1) Authorize the Mayor to execute Cooperative Agreement No. CO7058 with SANBAG for the early project advancement of the Baseline Avenue Street Improvement Project from Citrus Avenue to Mango Avenue.
- (2) Authorize the Mayor to execute Cooperative Agreement No. CO7059 with SANBAG for the early project advancement of the Cherry Avenue Street Improvement Project from Jurupa Avenue to Slover Avenue.
- (3) Authorize the Mayor to execute Cooperative Agreement No. CO7060 with SANBAG for the early project advancement of the Foothill Avenue Street Improvement Project from East Avenue to Hemlock Avenue.
- (4) Authorize the Mayor to execute Cooperative Agreement No. CO7061 with SANBAG for the early project advancement of the Sierra Avenue Street Improvement Project from Baseline Avenue to Walnut Avenue.
- (5) Authorize the Mayor to execute Cooperative Agreement No. CO7062 with SANBAG for the early project advancement of the Jurupa Avenue Street Improvement Project from Etiwanda Avenue to Sierra Avenue.
- (6) Authorize the Mayor to execute Cooperative Agreement No. CO7063 with SANBAG for the early project advancement of the Citrus Avenue Street Improvement Project from Baseline Avenue to South Highland Avenue.

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- (7) Authorize the Mayor to execute Cooperative Agreement No. CO7064 with SANBAG for the early project advancement of the Walnut Avenue Street Improvement Project from Citrus Avenue to Sierra Avenue.
 - (8) Authorize the Mayor to execute Cooperative Agreement No. CO7065 with SANBAG for the early project advancement of the South Highland Avenue Street Improvement Project from Baseline Avenue to Walnut Avenue.
 - (9) Authorize the Mayor to execute Cooperative Agreement No. CO7066 with SANBAG for the early project advancement of the I/10 Cypress Avenue Overcrossing Street Improvement Project from Slover Avenue to Valley Blvd.
 - (10) Authorize the Mayor to execute Cooperative Agreement No. CO7129 with SANBAG for the early project advancement of the I/15 Duncan Canyon Road Interchange Project.
- Q. Authorize the City Manager to execute Amendment No. 1 to a contractual services agreement with Allard Engineering for annual surveying work in the amount of \$25,000 amending the contract from \$25,000 to \$50,000.

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 | (e) oral – favor |
| (b) written communication | (f) oral – opposition |
| (c) council/staff comments | (g) hearing closed |
| (d) applicant comments (applicant not limited to 5 minutes) | |

- A. Development Impact Fees for Circulation Facilities.
- (1) Adopt **Resolution No. 2006-_____**, a Resolution for the City Council of the City of Fontana, amending methods and rates of development impact fees for various circulation facilities provided by the City.
 - (2) Determine the project is exempt pursuant to Section 3.01 of the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption.
- B. Approval of Mitigated Negative Declaration for City of Fontana Annexation No. 170.
- (1) Approve a Mitigated Negative Declaration of Environmental Impact, and the State of California Department of Fish and Game DeMinimis Impact Findings for Annexation No. 06-00008 (Southside of Foothill Boulevard, from Cherry to Hemlock) and direct staff to prepare and file a Notice of Determination)
- C. Establishment of Community Facilities District No. 53M, Tract No. 17167, located at the general vicinity of Foothill Blvd. and Maple Avenue.
- (1) Adopt **Resolution No. 2006-_____**, establishing Community Facilities District No. 53M of the City of Fontana, County of San Bernardino, State of California, and establishing

boundaries thereof.

- (2) Adopt **Resolution No. 2006-_____**, calling a special election and submitting to the voters of Community Facilities District No. 53M 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-_____**, declaring the results of the special election for Community Facilities District No. 53M 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. 53M, that the reading of the title constitutes the first reading thereof.
- D. Establishment of Community Facilities District No. 58M, Tract No. 17108, located at the corner of Elaine and Montgomery Avenues.
- (1) Adopt **Resolution No. 2006-_____**, establishing Community Facilities District No. 58M of the City of Fontana, County of San Bernardino, State of California, and establishing boundaries thereof.
 - (2) Adopt **Resolution No. 2006-_____**, calling a special election and submitting to the voters of Community Facilities District No. 58M 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-_____**, declaring the results of the special election for Community Facilities District No. 58M 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. 58M, that the reading of the title constitutes the first reading thereof.
- E. Establishment of Community Facilities District No. 59M, Tract No. 17054, located at the corner of Merrill and Fontana Avenues.
- (1) Adopt **Resolution No. 2006-_____**, establishing Community Facilities District No. 59M of the City of Fontana, County of San Bernardino, State of California, and establishing boundaries thereof.
 - (2) Adopt **Resolution No. 2006-_____**, calling a special election and submitting to the voters of Community Facilities District No. 59M 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-____**, declaring the results of the special election for Community Facilities District No. 59M 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. 59M, that the reading of the title constitutes the first reading thereof.
- F. Annexation of Territory to Community Facilities District No. 51M, located at the northeast corner of Baseline and San Sevaine Avenues.
- (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. 51M 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. 51M 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).
- G. Annexation of Territory to Community Facilities District No. 38M, located at the north of Walnut Avenue and west of Oleander 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. 38M 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. 38M 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).
- H. Annexation of Territory to Community Facilities District No. 6-3a, located east of Locust, north of Arrow, and west of Maple Avenues.
- (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. 6-3a of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 4).
 - (2) Adopt **Resolution No. 2006-____**, declaring the results of the special election for Community Facilities District No. 6-3a 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. 4).

- I. Resolution of Necessity, located on Foothill Boulevard.
- (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 a fee interest in APN 0230-051-03; to acquire fee interest and temporary construction easement interest in portions of real property particularly described as Assessor's Parcel Numbers: 0229-052-09, 0229-052-25, 0229-091-13, 0230-011-02, 0230-011-29, 0230-011-32, 0230-011-34, 0230-031-04, 0230-031-05, 0230-041-01, 0230-041-04, and 0230-051-38, located on Foothill Boulevard by eminent domain is necessary for street widening and related public infrastructure improvements on Foothill Boulevard, Fontana, California.
- J. Formation of Rule 20A Underground Utility Districts.
- (1) Adopt **Resolution No. 2006-____**, establishing underground District No. 6 on South Highland Avenue between Juniper Avenue and Sierra Avenue.
 - (2) Adopt **Resolution No. 2006-____**, establishing underground District No. 7 on Sierra Avenue between Walnut Avenue and Baseline Avenue
 - (3) Adopt **Resolution No. 2006-____**, establishing underground District No. 8 on Walnut Avenue between Juniper Avenue and Sierra Avenue.
 - (4) Adopt **Resolution No. 2006-____**, establishing underground District No. 9 on Juniper Avenue between Baseline Avenue and South Highland Avenue.
 - (5) Adopt **Resolution No. 2006-____**, establishing underground District No. 10 on Baseline Avenue between Juniper Avenue and Sierra Avenue.

UNFINISHED BUSINESS:**NEW BUSINESS:****ELECTED OFFICIALS COMMUNICATIONS/REPORTS:****CITY MANAGER COMMUNICATIONS:**

- A. Direct staff to present to LAFCO, at its November 15, 2006 public hearing, the City Council's position regarding the Bloomington Islands (Areas 4, 5, 26 and 27).
- B. Receive the report on pigeon ordinance research.

ADJOURNMENT: To a regular meeting on Tuesday, November 28, 2006 at 5:00 pm for City Council Workshop and to 7:00 p.m. in the City Hall Council Chambers, located at 8353 Sierra Avenue, Fontana, CA.