

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
NOVEMBER 28, 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.

5:30 P.M. WORKSHOP:

- A. Agenda Review
- B. City Manager Comments

6:00 P.M. CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 7662 Locust Avenue; APN 0243-042-03 (Holguin)

Negotiator: 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 Nuaimi/Pastor Chuck Franco, Fontana First Assembly of God

SPECIAL PRESENTATIONS:

- A. Mayor and Council to recognize the winners of the Veteran's Day Essay Contest as follows:

1ST Place - Andrew Castillo 8th Grade Resurrection Academy

2nd Place - Valerie Chavez 9th Grade Kaiser High School

3rd Place - Marcella Lopez 9th Grade Kaiser High School

Honorable Mention: Patrick Uptergrove – Resurrection Academy

Andrew Ortiz - Resurrection Academy

Vance Vios - Resurrection Academy

Savings bonds were sponsored by Jesse Sandoval.

- B. Mayor and Council to accept a presentation from the Veterans of Foreign War Post 6563 to Boy Scout Troop #567.

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 27, 2006 Adjourned Regular Meeting and the November 14, 2006 Regular Meeting.
- B. (1) Adopt **Ordinance No. 1531**, authorizing the levy of a special tax within Community Facilities District No. 53M.
 - (2) Adopt **Ordinance No. 1532**, authorizing the levy of a special tax within Community Facilities District No. 58M.
 - (3) Adopt **Ordinance No. 1533**, authorizing the levy of a special tax within Community Facilities District No. 59M.
- C. Adopt **Resolution No. 2006-_____**, amending the appendix of the Conflict of Interest Code pursuant to the Political Reform Act of 1974.
- D. Accept a donation from the Wal-Mart Foundation in the amount of \$750 on behalf of the Police Department for use in the Department's Community Holiday Programs.
- E. Authorize the City Manager to execute Amendment No. 1 to a contractual services agreement with TKE Engineering for additional work in the amount of \$96,700, amending the contract from \$92,300 to \$189,000 and a 10% contingency in the amount of \$9,670.
- F. Accept Final Map for Tract No. 16877 located within the Citrus Heights North Specific Plan; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- G. (1) Accept as complete the subdivision improvements in Tract No. 16271 located south of Miller Avenue and west of Sultana Avenue.
 - (2) Adopt **Resolution No. 2006-_____**, accepting sewers in Tract No. 16271 as part of the City sewer system.
- H. (1) Approve, authorize and direct the City Manager to execute a construction contract between the City of Fontana and Mepco Services, Inc., in the amount of \$5,159,000.00 plus a 10% contingency amount of \$515,900.00 (Downtown Redevelopment Project).
 - (2) Reject the bid from Harbor Construction, Inc., from the first bidding period because it exceeded the architect's estimate by a large margin.

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- (3) Reject the bid from Mepco Services, Inc., from the first bidding period because it exceeded the architect's estimate by a large margin.
 - (4) Approve a transfer in the amount of \$1,574,900.00 from the Economic Uncertainty Reserve in the General Fund #101 to the General Fund Capital Project Fund #601 and approve an appropriation of \$1,574,900.00 to the Capital Project Account 9381200601.
- I. No Item
- J. (1) Adopt **Resolution No. 2006-_____**, declaring intention to annex territory to Community Facilities District No. 40M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1). Located north of Foothill, south of Miller Avenue, east of Mango Avenue, and west of Palmetto Avenue.
- (2) Set the public hearing for January 9, 2007, for the formation of the District and call the special election for January 9, 2007.
- K. (1) Adopt **Resolution 2006-_____**, determining the sufficiency of the petition requesting formation of the proposed Community Facilities District No. 61M.
- (2) Adopt **Resolution No. 2006-_____**, of intention with respect to establishment of proposed Community Facilities District No. 61M of the City of Fontana.
 - (3) Set the public hearing for January 9, 2007, for the formation of the District and call the special election for January 9, 2007.
- L. Waive further reading of and introduce **Ordinance No. _____**, amending Article VIII of Chapter 2 of the Fontana Municipal Code relating to Boards, Commissions and Committees, that the reading of the title constitutes the first reading thereof.
- M. Appoint the City Manager or his designee as the Hearing Officer regarding Tokyo Acupressure license and direct him to hold a hearing.
- N. Authorize the City Manager to extend the contract with Hardy and Harper, Inc., for asphalt paving services, through June 2007.
- O. (1) Approve a contract change order with Nationwide Environmental Services to modify unit rates of service.
- (2) Approve an appropriation of \$33,000 from the Public Works Expenditure Control Budget (ECB) Fund Balance into the Street Sweeping Program Account 4002101.6660.

Approve Consent Calendar Items "A-O" 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.

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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. Establishment of Community Facilities District No. 60M, Tract No. 16993.
- (1) Adopt **Resolution No. 2006-_____**, establishing Community Facilities District No. 60M 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. 60M 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. 60M 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. 60M, that the reading of the title constitutes the first reading thereof.

UNFINISHED BUSINESS:

- A. Community Facilities District No. 31 (Citrus Heights North)
- (1) Adopt **Resolution No. 2006-_____**, authorizing the issuance of not to exceed \$28,000,000 aggregate principal amount of City of Fontana Community Facilities District No. 31M (Citrus Heights North) special tax bonds, Series 2006, approving the execution and delivery of an indenture, a bond purchase agreement, a continuing disclosure agreement and developer letter of credit agreements and the preparation of an official statement and other matters related thereto.

NEW BUSINESS:

- A. Sierra Corridor Redevelopment Project
- (1) Waive further reading of and introduce **Ordinance No. _____**, authorizing elimination of the

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20 year limitation to incur indebtedness within the Sierra Corridor Redevelopment Project; that the reading of the title constitutes the first reading thereof.

- (2) Adopt **Resolution No. 2006-_____**, electing to receive allocations of tax increment pursuant to California Health and Safety Code Section 33607.5(b).

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To a regular meeting on Tuesday, December 12, 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.