

**CITY OF FONTANA  
CITY COUNCIL REGULAR MEETING  
FEBRUARY 13, 2007  
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. ARTIST SHOWCASE "ART IN MOTION" FEATURING JOE PASTOR**

**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

| Properties:      | APN            |                  |
|------------------|----------------|------------------|
| 10170 Cypress    | 0251-253-06    | Galvan           |
| 10160 Cypress    | 0251-253-05    | Ortuno           |
| 16484 Boyle      | 0251-163-11    | Mora             |
| 16513 Boyle      | 0251-181-20    | Lopez            |
| 10429 Cypress    | 0251-181-23    | Hudson           |
| 10180 Cypress    | 0251-253-07    | Shaw             |
| 10190 Cypress    | 0251-253-08    | Salcedo          |
| 10206 Cypress    | 0251-161-17    | Morales          |
| 10244 Cypress    | 0251-161-35    | Rodriguez        |
| 16480 Washington | 0251-161-36    | Perez            |
| 10216 Cypress    | 0251-161-18    | Kimminau         |
| 10373 Cypress    | 0251-172-25,39 | Villegas         |
| 16512 Boyle      | 0251-172-22,38 | Daversa          |
| 10341 Cypress    | 0251-172-41    | Garcia/Gutierrez |
| 10230 Cypress    | 0251-161-13    | Alcantara        |

Negotiating Parties: Ray Bragg, Redevelopment & Special Project Director  
Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.95

Claimant: Gerson vs. City of Fontana, Claim No. 2004-67 and Olivas/Perez vs. City of Fontana, Claim No. 2004-44.

**7:00 P.M. – CALL TO ORDER/ROLL CALL:**

Present: \_\_\_\_\_ Absent \_\_\_\_\_

**PLEDGE OF ALLEGIANCE/INVOCATION:**

Mayor/Rev. Jacqueline Williams, Good Samaritan AME Zion Church

**SPECIAL PRESENTATIONS:**

- A. Mayor and Council will recognize artist Joe Pastor for his contributions to the arts in Fontana.
- B. Mayor and Council to recognize Officer Chris Tusan as the Police Department's December "Employee of the Month". (Chief Clark to present)
- C. Mayor and Council to recognize Code Compliance Inspector, Luis Tejada as the Police Department's January 2007 "Employee of the Month". (Chief Clark to present)
- D. Mayor and Council to recognize Willie Cathcart of the Public Works Department on his retirement. (Curtis Aaron, Public Works Director to present)
- E. Mayor and Council to recognize the following Community Services Department "Employees of the Year": (Ken Herron, Community Services Director to present)
  - Frances Hernandez, Community Services Supervisor
  - Doug Johnson, Community Services Coordinator I
  - Hilda Hernandez, Community Services Assistant II
 The following Director Awards to:
  - Hector Vasquez, Community Services Coordinator II
  - Pat Lehman, Community Services Coordinator II
  - Victoria Zendejas, Community Services Coordinator II
- F. Mayor and Council to recognize Brigette De La Riva, General Manager of Applebee's for their donation to the Fontana Library Foundation Board.
- G. Mayor and Council to accept \$5,000 from the United States Conference of Mayor's for the City's First Place Finish in the National Cans for Cash Contest. (Curtis Aaron, Public Works Director to present)

**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 January 18, 2007 Adjourned Regular Meeting and the January 23, 2007 Regular Meeting.

- B. (1) Adopt **Ordinance No. 1538**, (1) Repealing certain sections of Article XIII of Chapter 15 of the Fontana Municipal code relating to the use and sale of fireworks, (2) Adding a new Section 15-601 of the Fontana Municipal Code relating to the use and sale of fireworks, and (3) Amending Section 15-43 of the Fontana Municipal Code relating to business license taxes for firework sales, and (4) Amending Section 30-89 of the Fontana Development Code permitting temporary use permits for fireworks.
- (2) Adopt **Ordinance No. 1539**, amending Fontana Municipal Code Chapter 16, Article I, Section 16-15 relating to the presence of juveniles in public places or private establishments during school hours.
- (3) Adopt **Ordinance No. 1540**, authorizing the levy of a special tax within Community Facilities District No. 61M.
- (4) Adopt **Ordinance No. 1541**, amending Chapter 30 of the Fontana Municipal Code, to reflect the new performance standard for infill development areas.
- (5) Adopt **Ordinance No. 1542**, authorizing the levy of a special tax within Community Facilities District No. 60M.
- C. (1) Authorize the City Manager to enter into an agreement with Fontana Unified School District for exclusive off-hours use of Wayne Ruble Middle School.
- (2) Approve a reduction to Project Number 9431700601 for the School District Exclusive Use Agreement in the amount of \$165,000 and transfer \$165,000 from the General Fund Capital Projects Fund #601 to the General Fund Operating Projects Fund #110. Appropriate \$165,000 to Project Number 9431701110.
- (3) Approve an appropriation of \$50,000 from the General Fund Undesignated Fund Balance to Business Unit 4202101.6660 for Maintenance Activities. This amount is recurring and will be added to Public Works General Fund target number.
- D. (1) Accept as complete and authorize the Public Works Director to execute and file a Notice of Completion for Project SPQ-14-PW-06.
- (2) Approve the final construction amount of \$2,711,343.03.
- (3) Approve the release of the 10% retention upon satisfactory closure of the contract.
- E. (1) Approve a contract extension through January 2009 with TKE Engineering, Inc., for engineering services.
- (2) Authorize the City Manager to sign the contract extension.
- F. (1) Award proposal in the amount of \$150,000 and authorize the City Manager to enter into contract agreements with Morningstar Productions, LLC, Studio 33 and Alliant Event Services for staging, lighting, audio and visual services for a two-year period with an option for three one-year extensions at the sole discretion of the City.
- (2) Authorize the Business Services Manager to issue a purchase order to Morningstar Productions, LLC not to exceed \$70,000.
- (3) Authorize the Business Services Manager to issue a purchase order to Studio 33 not to exceed \$50,000.
- (4) Authorize the Business Services Manager to issue a purchase order to Alliant Event Services not to exceed \$30,000.
- G. (1) Award proposal in the amount of \$40,000 and authorize the City Manager to enter into a contract agreement with Garden Interiors for special event decorating services for a two-year period with an option for three one-year extensions at the sole discretion of the City.
- (2) Authorize the Business Services Manager to issue a purchase order to Garden Interiors not to exceed \$40,000.

- H. Adopt **Resolution No. 2007-\_\_\_\_\_**, amending Resolution No. 2005-12 by extending the time frame of the eligibility list for those non-profit organizations authorized to sell fireworks within the City of Fontana.
- I. (1) Accept as complete and authorize the Deputy City Manager to execute and file a Notice of Completion for Project SP-07-05.  
(2) Approve the final construction amount of \$530,617.00  
(3) Approve the release of 10% retention upon satisfactory closure of contract.
- J. Authorize the City Manager to execute Amendment No. 1 to the existing contract with Commercial Roofing Systems, Inc., increasing their contract in the amount of \$68,862.00 from \$273,600.00 to \$342,462.00 for re-roofing mansards at the Laural Woods Apartments.
- K. (1) Accept as complete and authorize the Deputy City Manager to execute and file a Notice of Completion for Project WB-41-HD-07.  
(2) Approve the final construction amount of \$55,192.63.
- L. (1) Accept award in the amount of \$5,000 on behalf of the Public Works Department.  
(2) Approve an increase in estimated revenue by \$5,000 in Account 4005101.4326 and appropriate \$5,000 to Account 4005101.6210.
- M. Authorize the City Manager to execute a construction contract with Riverside Construction Company for the construction of Summit Avenue storm drain MPSD Line B-Phase 3 from San Sevaine Basin No. 5 to the west of San Sevaine Road (Bid No. SB-39-DE-07) in the amount of \$6,990,543.70 and authorize a 10% contingency in the amount of \$699,054.37.
- N. Authorize the City Manager to execute a construction contract with Riverside Construction for construction of Sierra Avenue from Baseline Avenue to South Highland Avenue and Baseline Avenue from Sierra Avenue to Mango Avenue (Bid No. SB-29-DE07) in the amount of \$7,400,802.60 and authorize a 10% contingency in the amount of \$740,080.26.
- O. (1) Accept as complete the subdivision improvements in Tract No. 16743 located south of Baseline Avenue and west of Maple Avenue.  
(2) Adopt **Resolution No. 2007-\_\_\_\_\_**, accepting sewers in Tract No. 16743 as part of the City sewer system.
- P. (1) Authorize the City Manager to enter into a cooperative agreement with the County of San Bernardino to construct improvements at various locations and authorize reimbursement by the County of San Bernardino in an amount not to exceed \$333,000.  
(2) Increase estimated revenues in the General Fund 100 by \$333,000. Transfer from General Fund No. 101 \$333,000 to the General Fund Capital Projects Fund No. 601 and appropriate \$333,000 in Project Number 9322900601.6650.5.
- Q. (1) Authorize the City Manager to execute a construction contract with Laird Construction Co., Inc., for the construction of the Foothill Boulevard and Alder Avenue street improvements and traffic signal project in the amount of \$834,438 and authorize a 10% contingency in the amount of \$83,443.  
(2) Authorize an appropriation of \$100,000 from Fund 242 Measure I.

- R. Adopt **Resolution No. 2007-\_\_\_\_\_**, declaring support for the I-10 Coalition that includes the City of Fontana, City of Rialto, City of Colton and County of San Bernardino to improve Interstate 10 and critical interchanges along the freeway corridor in the County of San Bernardino and to commit to work collaboratively with these communities to secure funding.

**Approve Consent Calendar Items “A-R” as recommended by staff.**

**PUBLIC HEARINGS:** None

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

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. Landscape Maintenance District No. 2, Village of Heritage.
  - (1) Adopt **Resolution No. 2007-\_\_\_\_\_**, of the City Council of the City of Fontana declaring intention to add an assessment range formula to the Method of Spread for Landscape Maintenance District No. 2, Village of Heritage, and calling an assessment ballot proceeding to submit to the qualified property owners within said district the question of the proposed assessment range formula for the District, Fiscal Year 2007/09.
  - (2) Set the public meeting for March 13, 2007 and set the Public Hearing for April 10, 2007, for the tabulation of the ballots on the proposed assessment range formula.

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

- A. Planning Commission and Parks and Recreation Appointments.

**CITY MANAGER COMMUNICATIONS:**

**ADJOURNMENT:** To an adjourned workshop on Monday, February 26, 2007 at 5:00 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.