

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
MARCH 27, 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. WORKSHOP:

- A. Agenda Review
- B. City Manager Comments

At this time the Council will convene into the Council Chambers for public comments on the Closed Session item.

5:30 P.M. CLOSED SESSION:

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE PURSUANT TO GOVERNMENT CODE SECTION 54957

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties: APN 0251-253-06 (Galvan); 0251-253-05 (Ortuno); 0251-163-11 (Mora); 0251-181-20 (Lopez) 0251-181-23 (Hudson); 0251-253-07 (Shaw); 0251-253-08 (Salcedo); 0251-161-17 (Morales); 0251-161-35 (Rodriguez); 0251-161-36 (Perez); 0251-161-18 (Kimminau) 0251-172-25 & -39 (Villegas); 0251-172-22 & -38 (Daversa); 0251-172-41 (Garcia/Gutierrez) and 0251-161-13 (Alcantrar)

Negotiating Parties: Debbie Brazill, Deputy City Manager

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/Fontana PD Chaplain Deylyne Mc Campbell

At this time the City Attorney will report on Closed Session Items.

SPECIAL PRESENTATIONS:

- A. Mayor and Council to recognize Captain Terry Holderness and Community Services Officer Connie Parsons on their retirement from the City of Fontana. (Chief Larry Clark to present with Scott Van Horne from Paul Biane's Office and Chris Mardis from Supervisor Josie Gonzales' office to also present certificates.)
- B. Mayor and Council to recognize Healthy Fontana and the City of Fontana Employee Fundraising Committee on the Biggest Loser Program:
 - Biggest Losers: Victoria Zendejas and Chris Ulreich
 - Two Employees that were followed in the Newspaper: Vanessa Cortez and Jason Jauregui
 - Sponsors: Tasty Chick and KATZ Outdoor Trainer
- C. Mayor and Council to proclaim the month of March as "Red Cross Month" (Jennifer Resch-Silveestri 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.

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 March 13, 2007 Regular City Council Meeting.
- B. Adopt **Ordinance No. 1544**, amending Chapter 27, Chapter 5 and Chapter 2 relating to title changes, records and minor changes to the Fontana Municipal Code.
- C. Authorize the Information Technology Department to award a bid in the amount of \$237,520.51 to Nexus Integration Services, Inc., of Valencia, CA to purchase network equipment.
- D. (1) Adopt **Resolution No. 2007-____**, declaring intention to annex territory to Community Facilities District No. 45M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1) located on the northwest corner of Citrus Avenue and Walnut Avenue.
 - (2) Set the public hearing for May 8, 2007, for the formation of the district and call the special election for May 8, 2007.

- E. Adopt **Resolution No. 2007-____**, accepting the proposed distribution of ad valorem taxes

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as requested by the San Bernardino County Auditor-Controller's Office for the area within Fontana's sphere of influence known as LAFCO 3077 – City of Fontana Annexation No. 170 (the annexation area lies on the south side of Foothill Boulevard, between Cherry Avenue and Hemlock Avenue, extending to parcels located southerly of Owen Street, Upland Avenue and Yucca Avenue).

- F. (1) Adopt **Resolution No. 2007-____**, declaring intention to annex territory to Community Facilities District No. 48M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1) located on the northwest corner of Baseline Avenue and Beech Avenue.
 - (2) Set the public hearing for May 8, 2007, for the formation of the district and call the special election for May 8, 2007.
- G. Authorize the City Manager to execute Amendment No. 1 to a contractual services agreement with STK Architecture, Inc., for additional work for Fire Station No. 79 in the amount of \$66,986, amending the contract from \$264,401 to \$331,387 with a 10% contingency in the amount of \$6,699.
- H. Authorize the City Manager to execute a construction contract with Riverside Construction Co., for the improvements on Cherry Avenue between Jurupa Avenue and Slover Avenue which consist of sewer/storm drain (main lines and lateral lines), sidewalks, streetlights, traffic signals, landscaped median and street widening in the amount of \$706,065.81.
- I. Award a contract to SMI for interim support of the JD Edwards Computer System and approve a transfer out of the General Fund Economic Uncertainty Reserve to Fund #102 Equipment Replacement in the amount of \$215,000 and appropriate \$215,000 into Project #9101600102.

Approve Consent Calendar Items “A-I” 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. Ordinance Establishing Moratorium on Approval of Medical Marijuana Dispensaries. Continue the public hearing to Tuesday, April 10, 2007, for an interim Urgency Ordinance establishing a moratorium on the establishment of medical marijuana dispensaries pursuant to Government Code Section 65858.

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- B. Specific Plan No. 05-063 (Ventana at Duncan Canyon Specific Plan) General Plan Amendment No. 06-010, Zone Change No. 06-007, Design Review No. 06-029, Design Review No.s 06-030 thru 06-033, Tentative Tract Map. No. 18143 and Tentative Tract Map Nos. 18145 thru 18147.
- (1) Certify the Ventana at Duncan Canyon Specific Plan Environmental Impact Report (EIR), adopt the Statement of Overriding Consideration proposed for the Final EIR, adopt the Mitigation Monitoring Program, adopt the Statement of Facts and Findings, direct staff to file a Notice of Determination and find that:
 - The Final EIR has been completed in compliance with CEQA, the State Guidelines, and the City's Guidelines;
 - The City Council has reviewed and analyzed the Final EIR before approving the project; and
 - The Final EIR reflects the independent judgment of the City.
 - (2) Adopt **Resolution No. 2007-_____**, approving General Plan Amendment No. 06-101, an amendment to the General Plan Land Use Map to change the land use designation of: 1) Approximately 50 acres of Regional Mixed Use (RMU) Land to Multi-Family Residential (R-MF); and 2) approximately 49.4 acres of RMU to General Commercial (C-G); to reflect the land use designations in the Ventana at Duncan Canyon Specific Plan, an amendment of Pages 3-4 and Table 3-1 in the General Plan to add the Ventana at Duncan Specific Plan, and an amendment of the General Plan Circulation Element to realign Lytle Creek Road within the Specific Plan boundary and extend the Citrus Avenue alignment north of Duncan Canyon Road to the northeast boundary of the Specific Plan.
 - (3) Waive further reading of and introduce **Ordinance No. _____**, approving Specific Plan No. 05-063 (Ventana at Duncan Specific Plan), and that the reading of the title constitutes the first reading thereof.
 - (4) Waive further reading of and introduce **Ordinance No. _____**, approving Zone Change No. 06-007 (APN 0226-073-01, -02, -03, -04, -05, and -06, 0226-092-15, -36, -38, -45, and -49) to change the zoning on approximately 104.8 acres of property designated as Regional Mixed Use (R-MU) to Specific Plan No. 23 to reflect the adoption of the Specific Plan, and that the reading of the title constitutes the first reading thereof.
 - (5) Approve Design Review No. 06-029, Design Review No.s 06-030 thru 06-033, Tentative Tract Map No. 18143, and Tentative Tract Map No.'s 18145 thru 18147, subject to the attached findings and conditions of approval.
- C. Quarterly Lien Action Report for Delinquent Sewer, Rubbish and Weed Abatement Accounts.
- (1) Adopt **Resolution No. 2007-_____**, adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.
 - (2) Authorize staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the certified lien list. Direct staff to forward recorded liens to the County for collection.
 - (3) Authorize staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the certified lien list. Direct staff to forward recorded liens to the County for collection.

UNFINISHED BUSINESS: None

NEW BUSINESS: None

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To an adjourned workshop on Tuesday, April 10, 2007, 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.

