

**CITY OF FONTANA  
CITY COUNCIL REGULAR MEETING  
MAY 8, 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

**6:00 P.M. CLOSED SESSION:**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957

Property: APN: 0234-011-16 Owner SP4Calabash II

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

CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54956.95

CLAIMANT: BARRIGA vs. CITY OF FONTANA; CLAIM NO. 2004-71

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 A-05-08-021

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

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

**PLEDGE OF ALLEGIANCE/INVOCATION:**

Mayor/Council Member Roberts

**SPECIAL PRESENTATIONS:**

- A. Mayor and Council to recognize Bill Neeper for his 39 years of service and Bob Salisbury for his 20 years of service to the City of Fontana. (Curtis Aaron, Public Works to present)
- B. Mayor and Council to accept a check in the amount of \$2,000 from the American Association of Retired Persons (AARP) to the Library Foundation. (Bernard Low to present)
- C. Mayor and Council to recognize Nathalie Gaydos (deceased) for all her contributions to the City of Fontana. (Frank and Richard Gaydos, sons to accept)
- D. David Jayne with the Exchange Club to announce Fontana Days Week.

**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 April 24, 2007 Regular City Council Meeting.
- B. Authorize an increase to the construction contract with Laird Construction, Inc., for the construction of the Foothill Boulevard and Alder Avenue street improvements and traffic signal project in the amount of \$136,000 increasing the contract amount from \$834,438 to \$970,438.
- C. (1) Approve the recommended Third-Quarter Budget changes listed in the Third-Quarter Budget Status Report for Fiscal Year 2006/2007.  
(2) Adopt **Resolution No. 2007-\_\_\_\_**, adopting the classifications and salary range for Senior Engineer and Principal Planner Transportation.
- D. Accept the County of San Bernardino Healthy Communities Grant in the amount of \$16,000 for use in the City of Fontana Healthy Fontana Employee Health & Wellness Program. Increase estimated revenues in the amount of \$16,000 in Project 9500101301.4945 and appropriate \$16,000 in Project 9500101301.6210.1
- E. Authorize the purchase of 56 panasonic toughbook laptops and related equipment from CDCE Inc., of Yorba Linda, CA in the amount of \$397,438.72 using the California Multiple Award Schedule (CMAS) Contract 3-00-70-1083E.
- F. Authorize a contract recognizing Bithell Inc. as the sole source vendor of vitrocem anti-graffiti coating, in an amount not to exceed \$60,000.

- G. (1) Accept as complete the work performed by 4-Con Engineering, Inc., for the installation of the Seville/Tamarind restroom replacement project.
- (2) Approve the final construction amount of \$157,500.
- (3) Authorize the Director of Public Works to execute and file a notice of completion for Project SB-51-PW-06.
- H. Approve an annual service agreement with Inland Fair Housing and Mediation Board in the amount of \$38,202 for a period of three years, extendable for two additional years, and authorize the City Manager to execute said agreement.
- I. (1) Find that the project is exempt from further environmental review pursuant to Section 3.07 of the local guidelines for implementing the California Environmental Quality Act (2006), projects with no possibility of significant effects upon the environment, and direct staff to file a Notice of Exemption.
- (2) Approve and authorize the City Manager to execute a pre-annexation agreement (No. 07-00001) with Foothill-Live Oak Investments, landowner, for the provision of sewer service to a 136-unit apartment complex at the southeast corner of Foothill Boulevard and Live Oak Avenue.

**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  | (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. Community Facilities District No. 45M, located at the northwest corner of Citrus Avenue and Walnut Avenue.
- (1) Adopt **Resolution No. 2007-\_\_\_\_\_**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 45M 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. 2007-\_\_\_\_\_**, declaring the results of the special election for Community Facilities District No. 45M 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 by 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)

- B. Community Facilities District No. 48M, located at the northwest corner of Baseline Avenue and Beech Avenue.
- (1) Adopt **Resolution No. 2007-\_\_\_\_\_**, calling a special election and submitting to the qualified electors of territory proposed to be annexed to Community Facilities District No. 48M 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. 2007-\_\_\_\_\_**, declaring the results of the special election for Community Facilities District No. 48M 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 by 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)
- C. Resolution of Necessity, Located on Cypress, Washington and Boyle Avenues.
- (1) Conduct a hearing to consider the adopting of the proposed resolution of necessity, including providing all interest 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 lest 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. 2007-\_\_\_\_\_**, declaring the full acquisition of fee interest in real property more particularly described as Assessor's Parcel Numbers Numbers 0251-161-13, 0251-161-17, 0251-161-18, 0251-161-35, 0251-161-36, 0251-163-11, 0251-172-22 and 0251-172-38, 0251-172-25 and 0251-172-39, 0251-172-41, 0251-181-20, 0251-181-23, 0251-253-05, 0251-253-06, 0251-253-07, 0251-253-08, located on Cypress Avenue, Washington Avenue and Boyle Avenue, in Fontana, California, by Eminent Domain, necessary for transportation and public infrastructure improvements. The transportation public use includes the construction of a bridge/overpass to improve traffic flow and to allow greater pedestrian access between Valley Boulevard and Slover Avenue, and other ancillary public right of way uses for water, gas, power, drainage, sewer, flood control, communications and landscaping, for the Cypress Avenue Over-crossing at Interstate 10, in Fontana, California
- D. Specific Plan No. 04-004 (Valley Trails Specific Plan), General Plan Amendment No. 06-012, Zone Change No. 06-008, and Certification of the Final Environmental Impact Report for the Valley Trails Specific Plan.
- (1) Certifiy the Valley Trails 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:

## CITY COUNCIL AGENDA

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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) Waive further reading of and introduce **Ordinance No. \_\_\_\_**, approving Zone Change No. 06-008 to change the Zoning District Map on approximately 290 gross acres of land designated as Residential Planned Community (R-PC) to Specific Plan No. 24 (Valley Trails Specific Plan) and that the reading of the title constitutes the first reading thereof.
- (3) Waive further reading of and introduce **Ordinance No. \_\_\_\_**, approving Specific Plan No. 04-004 (Valley Trails Specific Plan), and that the reading of the title constitutes the first reading thereof.
- (4) Adopt **Resolution No. 2007-\_\_\_\_**, certifying the Environmental Impact Report, approving General Plan Amendment No. 06-012, an amendment to the General Plan Land Use Map to change the land use designation to reflect the land use designations in the Valley Trails Specific Plan, and an amendment of the General Plan Circulation Element to upgrade the road classification of Alder/Armstrong Road from a secondary highway to a primary highway.

## UNFINISHED BUSINESS:

### NEW BUSINESS:

A. Amend Ordinance Relating to Emergency Access.

- (1) Waive further reading of an introduce **Ordinance No. \_\_\_\_**, amending the Fontana Municipal Code by adding Chapter 5, Article XVI regarding emergency access devices for controlled access gates at gated residential communities; and, that the reading of the title constitutes the first reading thereof.
- (2) Adopt **Resolution No. 2007-\_\_\_\_**, establishing the fine for violations of Chapter 5, Article XVI, regarding emergency access devices for controlled access gates at gated residential communities.

## ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

## CITY MANAGER COMMUNICATIONS:

**ADJOURNMENT:** To an adjourned closed session on Wednesday, May 9, 2007 at 6:00 p.m. to discuss Closed Session items.

