

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
JUNE 12, 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. Central Valley Fire Protection FY 07-08 Proposed Budget Presentaion
- B. Agenda Review
- C. City Manager Comments

6:00 P.M. CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957

Property: APN: 0255-091-14, 15 (n/side of Jurupa, between Juniper and Cypress Avenues – Eshleman)

Negotiating Parties: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957

Property: APN: 0255-091-13 (16676 Jurupa Avenue - Eshleman)

Negotiating Parties: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Case: Fred Flores and Charles Wideen vs City of Fontana

Workers Compensation Claim Number ANA 0393684 (Flores) and ANA 0390520 (Wideen)

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent _____

PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor/Pastor Garland, First Baptist Church

SPECIAL PRESENTATIONS:

- A. Mayor and Council to recognize Officer Trish Coyle as the May "Employee of the Month" (Chief Clark to present)
- B. Mayor and Council to recognize Dispatcher Michelle Plasencia on her retirement from the Police Department. (Chief Clark 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 May 8, 2007 Regular City Council meeting and May 9, 2007 and May 31, 2007 Adjourned Regular meetings.
- B. (1) Adopt **Ordinance No. 1549**, 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)
(2) Adopt **Ordinance No. 1550**, approving Specific Plan No. 04-004 (Valley Trails Specific Plan)
(3) Adopt **Ordinance No. 1551**, amending the Fontana Municipal Code to add Chapter 5, Article XVI regarding Emergency Access Devices for controlled access gates at gated residential communities.
- C. Authorize the City Manager to execute a construction contract with Elite Bobcat Service, Inc., for the construction of street improvements on Ceres Avenue between Citrus Avenue and Cypress Avenue in the amount of \$528,940.10 and authorize a 10% contingency in the amount of \$52,894.01.
- D. Accept final map for Tract No. 17824 located south of Highland Avenue between San Sevaine Road and Hemlock Avenue; accept as public all dedicated streets and easements; and authorize the Cit Manager to enter into a subdivision agreement with the subdivider.
- E. (1) Adopt **Resolution No. 2007-____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 1 ("LMD #1) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
(2) Adopt **Resolution No. 2007-____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 2 ("LMD #2) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
(3) Adopt **Resolution No. 2007-____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3 ("LMD #3) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.

- (4) Adopt **Resolution No. 2007-_____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3-1 ("LMD #3-1) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
 - (5) Adopt **Resolution No. 2007-_____**, declaring its intention to levy and collect assessments within Local Landscape Maintenance District No. 3 ("LLMD #3) for Fiscal Year 2007-2008 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- F. Approve the purchase and sale agreement regarding the sale of property to Larry and Dora Bonanno in consideration for the property received for the construction of the Auto Center Drive.
- G. Accept donations from various donors for use in the Police Department's Neighborhood Watch Program and 2007 National Night Out.
- H. Authorize the City Manager to enter into a three-year contract agreement with Pyro Spectaculars, Inc., with two one-year renewals at the sole discretion of the City, for the purchase of pyrotechnic demonstration services.
- I. Accept a donation from the Fontana Rotary Club in the amount of \$1,000 for use towards the Josephine Knopf Senior Center Nutrition Program.
- J. (1) Waive further reading of and introduce **Ordinance No. _____**, adopting the eighth amendment to the Redevelopment Plan for the Fontana Downtown Redevelopment Project, adopting an Eminent Domain Program for the Fontana Downtown Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof.
- (2) Waive further reading of and introduce **Ordinance No. _____**, adopting the fifth amendment to the Redevelopment Plan for the Jurupa Hills Redevelopment Project, adopting an Eminent Domain Program for the Jurupa Hills Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof.
- (3) Waive further reading of and introduce **Ordinance No. _____**, adopting the fourth amendment to the Redevelopment Plan for the North Fontana Redevelopment Project, adopting an Eminent Domain Program for the North Fontana Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof.
- (4) Waive further reading of and introduce **Ordinance No. _____**, adopting the fourth amendment to the Redevelopment Plan for the Sierra Corridor Redevelopment Project, adopting an Eminent Domain Program for the Sierra Corridor Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof.
- (5) Waive further reading of and introduce **Ordinance No. _____**, adopting the eighth amendment to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project, adopting an Eminent Domain Program for the Southwest Industrial Park Redevelopment Project Area and directing Agency staff to record a revised statement of proceedings, and that the reading of the title constitutes the first reading thereof

- K. (1) Adopt **Resolution No. 2007-_____**, declaring intention to annex territory to Community Facilities District No. 38M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 3). Located on the northwest corner of Oleander and Walnut Avenues.
- (2) Set the public hearing for July 24, 2007, for the formation of the District and call the special election for July 24, 2007.
- L. (1) Adopt **Resolution No. 2007-_____**, declaring intention to annex territory to Community Facilities District No. 21M of the City of Fontana and adopting a map of the area proposed to be annexed thereto (Annexation No. 1). Located east of Oleander and south of Walnut Avenue.
- (2) Set the public hearing for July 24, 2007, for the formation of the District and call the special election for July 24, 2007.
- M. (1) Approve the Interlocal Agreement concerning the distribution of the 2007 Byrne Justice Assistance Grant (JAG) Program Award.
- (2) Authorize the City Manager to sign the Interlocal Agreement for the Justice Assistance Grant (JAG) on behalf of the City of Fontana.
- (3) Approve the expenditure plan for the use of the funds to help offset the cost of three police officer and two sergeant positions within the Police Department.
- N. (1) Approve financing team for tax exempt financing.
- (2) Adopt **Resolution No. 2007-_____**, regarding its intention to issue tax-exempt obligations.
- O. Accept replacement of securities for Tract No. 16325 necessitated by change in ownership of the tract, and authorize the City Manager to enter into subdivision agreements with Van Daele Development Corporation for the construction of improvements in said tract.
- P. Accept final Parcel Map No. 17649 located south of Baseline Avenue and east of Cherry Avenue; authorize the City Clerk to certify the abandonment of certain easements for berms and berm maintenance purposes and a 20 foot wide storm drain and sewer easement.
- Q. Award bid and authorize the City Manager to enter into an agreement with Brown Motor Works in the amount of \$25,000 as a "single source" vendor for full service repair and maintenance of the Police Departments fleet of BMW patrol motorcycles for a period of two years from the date of award renewable for three additional one-year increments at the sole discretion of the City of Fontana.
- R. Authorize the Management Services Department to join in the cooperative bid process with the City of Corona for the purchase of two wanco mini full matrix message boards in the amount of \$37,497.
- S. Authorize the City Manager to enter into an agreement with Caltrop Corporation in the amount of \$94,350 for project and construction management of the Sierra I-10 Landscape Project and authorize a contingency in the amount of \$9,435.

- T. Award bid and authorize the City Manager to enter into an agreement with Horizons CCI Services, Inc., in the amount of \$483,989.40 and authorize a 10% contingency in the amount of \$48,398.
- U. Award bid in the amount of \$193,837.37 and authorize the City Manager to enter into a contract with Vector Resources, Inc. for telephone/data/CATV cabling services for the Development Services Organization Building and authorize a 10% contingency in the amount of \$19,383.73.
- V. Authorize a contract recognizing Corona Clay, as the sole source vendor of "angel mix" infield soil mix for baseball and softball fields, in an amount not to exceed \$80,000 annually. Contract aimed for a two-year period plus three one-year extensions at the sole discretion of the City.
- W. Accept cash and pledged donations in the amount of \$102,550 to the Fontana Library Foundation for the Lewis Library and Technology Center.
- X. Authorizing the Management Services Department to establish an Agency Account Code with the County of San Bernardino in order to facilitate the collection of the Prestley Estates Sewer Improvements levy by placing the levy on the annual tax rolls.
- Y. Approve Amendment No. 1 to a contractual services agreement between the City of Fontana and Hall and Foreman, Inc., for the Lewis Library and Technology Center in the Civic Center and increase the contract amount from \$11,700 to \$31,700, an increase of \$20,000, plus a 10% contingency in the amount of \$2,000; and authorize and direct the City Manager to execute said amendment.
- Z. (1) Authorize the City Manager to enter into a construction maintenance agreement, Tracking Number SB-73-DE-07 with Southern California Regional Rail Authority for the relocation and construction of railroad crossing signals for Citrus Avenue Highway-Rail Grade Crossing in the amount of \$372,551, and authorize a 10% contingency in the amount of \$37,255.
(2) Appropriate \$10,000 from Fund 242, Measure I.
- AA.(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 preannexation agreement (No. 07-00003) with Calabash 10288, LLC, landowner, for the provision of sewer service to a 577,000 square-foot high-cub warehouse distribution facility at the southwest corner of Calabash Avenue, adjacent to and north of the I-10 Freeway. The parcel generally lies southerly of Valley Boulevard (APN 0234-161-11).
- BB. Authorize the City Manager to execute the partial satisfaction of sewer, circulation, and landscape development impact fees credit agreement with FR Homes, LLC – Tract No's 12314, 13804-0 and 13804-1.

- CC. Approve and authorize the City Manager to execute a partial satisfaction of sewer, circulation, and landscape development impact fees credit agreement with KB Home Greater Los Angeles, Inc., for various tract maps.
- DD. Authorize the City Manager to execute an assignment agreement to effect the transfer of the City's towing franchise with Certified Towing to Armada Towing, contingent upon the execution of the agreement by all parties and the assignor (Certified Towing) completely transferring title to all assets comprising Certified Towing to Assignee (Armada Towing).
- EE. Adopt **Resolution No. 2007-_____**, supporting a \$1 Billion State Budget Allocation of Proposition 1B monies to cities in 2007-08.
- FF. Authorize the Management Services Department to award the District Administration and Delinquency Management Contract for Fiscal Years ending June 30, 2008, 2009, and 2010, in the amount of \$40,752 annually and authorize the City Manager to execute the contract of the consultant services agreement for District Administration and Delinquency Management Services with NBS.
- GG.(1) Authorize the City Manager to execute an agreement with the County of San Bernardino for addition of traffic signal and lighting improvements at Slover Avenue and Live Oak and to amend the estimate of project costs based upon low bid amount. Tracking Number MS-72-DE-07.
- (2) Appropriate \$40,000 from Fund 695, SWIP and \$20,000 from Fund 242. Measure I.
- HH. Approve an assumption and assignment agreement between the City of Fontana and Trumark Companies in conjunction with the Ventana at Duncan Canyon Development Project and authorize the City Manager to execute said agreement and any other documents necessary to effectuate said approval
Approve Consent Calendar Items "A-HH" 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. General Plan Amendment No. 06-013
- (1) Find that the project has been reviewed under a previous Environmental Impact Report (2003 General Plan, State Clearing House No. 2003033083) pursuant to Section 15162 of the Local CEQA Guidelines and direct staff to file the Notice of Determination.
 - (2) Adopt **Resolution No. 2007-_____**, approving General Plan Amendment No. 06-013, an amendment of the Circulation Master Plan Map and the General Plan Circulation Element text.
- B. Community Facilities District No. 28M, located on the southwest corner of Hemlock and South Highland
- (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. 28M 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. 2007-_____**, declaring the results of the special election for Community Facilities District No. 28M 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 including the territory annexed thereto (Annexation No. 2).
- C. Chapter 15 Amendment – Businesses Prohibited by State or Federal Law
Introduce **Ordinance No. _____**, to amend Chapter 15 of the Fontana Municipal Code to prohibit the establishment and operation of businesses prohibited by State or Federal Law that the reading of the title constitutes the first reading thereof.

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

ADJOURNMENT: To an adjourned regular meeting on Wednesday, June 20, 2007 at 5:00 p.m. for closed session and 6:00 p.m. for the adjourned regular meeting and then to the workshop at 5:00 p.m. on Tuesday, June 26, 2007 and then the regular meeting at 7:00 p.m. in the City Hall Council Chambers.