

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
OCTOBER 23, 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.** If other special assistance is required, please contact the City Clerk's Office (350-7602) 48 hours prior to the scheduled meeting so the City can make reasonable arrangements.
WWW.FONTANA.ORG (INTERNET).

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 54956.9

Properties:

0251-251-50	16491 Valley Blvd	Tseheridis
0251-251-49	10130 Cypress	Alcantara
0251-042-04	16482 Valley	Valley Investment Partnership
0251-061-12	16514 Valley	Rhynard
0251-164-05	Cypress/Boyle	Shigekuni
0251-164-21	16470 Slover	Trade Solutions
0251-171-25	10209 Cypress	Schwartz/Bunitch
0251-172-40	10335 Cypress	Hays
0251-181-12	16514 Slover	Zamora
0251-181-29	16535 Boyle	Bugarin
0251-253-04	10159 Toyon	Rivera
0251-321-01	Taylor	DIKI
0251-321-08	Cypress	DIKI
0251-321-09	Valley	DIKI
0255-021-07	16477 Slover	Phye
0255-021-06	16477 Slover	Hickman
0255-031-27	16515 Slover	Mercado
0251-251-47	16488 Taylor	Ortuno

Negotiating Party: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.9

Properties: APN 0255-111-18 – 16756 Jurupa Avenue, (Eshleman); APN 0255-091-14 (Eshleman); and APN 0255-091-15 – 16638 Jurupa Avenue (Eshleman)

Negotiating Party: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

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

Name of Parties: San Gabriel 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 Officer Jason Perniciaro as the September Police Department "Employee of the Month".
- B. Mayor and Council to recognize Matt Slowik for his \$5,000 donation to the Fontana Library Foundation.
- C. Mayor and Council to accept a check in the amount of \$54,000 from the Mayor's Gala Committee to the Fontana Library Foundation.

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 9, 2007 Regular City Council Meeting.
- B. Adopt **Ordinance No. 1561**, authorizing the levy of a special tax within Community Facilities District No. 62M.
- C. Accept a donation in the amount of \$2,000 for use in the Police Department's Child Safety Fair.
- D. Authorize the City Manager to execute Amendment No. 1 to the contractual services agreement with Kimley-Horn and Associates for additional work in the amount of \$29,500, amending the contract from \$56,000 to \$85,500.

- E. Authorize the City Manager to execute conservation elements affecting a portion of City owned property located within Tract No.'s 16325, 16290, 16290-1, 16290-2, portions of the northeast quarter of Section 23, and the northwest quarter of Section 24 in the Coyote Canyon Specific Plan.
- F. (1) Accept as complete the subdivision improvements in Tract No.'s 16541, 16541-1, 16541-2, and 16541-3 located within the Sierra Lakes Specific Plan.
(2) Adopt **Resolution No. 2007-_____**, accepting sewers in Tract No.'s 16541, 16541-1, 16541-2, and 16541-3 as part of the City sewer system.
- G. (1) Accept as complete the subdivision improvements in Tract No.'s 16540, 16540-1, 16540-2, 16540-3 and 16540-4 located within the Sierra Lakes Specific Plan.
(2) Adopt **Resolution No. 2007-_____**, accepting sewers in Tract No.'s 16540, 16540-1, 16540-2, 16540-3 and 16540-4 as part of the City sewer system.
- H. (1) Accept as complete the subdivision improvements in Tract No. 15655-18 located within the California Landings Specific Plan.
(2) Adopt **Resolution No. 2007-_____**, accepting sewers in Tract No. 15655-18 as part of the City sewer system.
- I. (1) Authorize the City Manager to enter into a contract services agreement with Clean Street for a period of two years from date of award, renewable for three additional one-year increments at the sole discretion of the City.
(2) Appropriate \$116,700 for cost increase in street sweeping services to 4002101.6660.
- J. Authorize the City Manager to execute Amendment No. 3 to the existing waste disposal agreement (WDA) with the County of San Bernardino.
- K. Direct staff to reject all proposals to build, operate, and maintain an outdoor ice skating rink in the Art Depot parking lot, and to accept a negotiated proposal and authorize the City Manager to enter into a contract agreement with Studio 33 Productions for the same services.
- L. (1) Adopt **Resolution No. 2007-_____**, of the City Council of the City of Fontana determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 63M.
(2) Adopt **Resolution No. 2007-_____**, of intention of the City Council of the City of Fontana with respect to establishment of proposed Community Facilities District No. 63M of the City of Fontana.
(3) Set the public hearing for November 27, 2007, for the formation of the District and call the special election for November 27, 2007.
- M. Authorize the City Manager to enter into a three year agreement with Stargazer Productions for management and operation of the Center Stage Theatre with an optional two-year renewal period and authorize the City Manager to execute any documents necessary to effectuate said agreement.

- N. Authorize the City Manager to execute the partial satisfaction of circulation development impact fees agreement with Heritage Crossings, LLC – Design Review No. 05-004.
- O. (1) Approve, authorize and direct the City Manager to execute Amendment No. 3 to a contractual services agreement between the City of Fontana and Behr Browers Architects, increasing the contract amount from \$478,800.00 to \$540,800.00 an increase of \$62,000.00, plus a 10% contingency amount of \$6,200.00
 (2) Approve an appropriation the amount of \$68,200.00 from RDA Sierra Corridor Capital Project Fund 694.
- P. Authorize the City Manager to execute a contract amendment with Datanet, increasing the not-to-exceed limit of the contract from \$110,000 to \$128,250 with a contingency of 10% (\$12,800).

Approve Consent Calendar Items “A-P” 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. 07-004 and Zone Change 07-002.
 Continue the public hearing to November 13, 2007, for the adoption of General Plan Amendment No. 07-004 and Zone Change No. 07-002.
- B. Supplemental Law Enforcement Services – State COPS
 (1) Approve the 2007/2008 Supplemental Law Enforcement Services Fund (State COPS) award in the amount of \$349,277.
 (2) Increase estimated revenues in the amount of \$83,777 in Fund 322 (Public Safety Grant Fund); and reduce operating transfers from Fund 101 (General Fund) by \$83,777.
 (3) Increase appropriations in Fund 322 (Public Safety Grant Fund) in the amount of \$83,777.
 (4) Authorize Police staff to execute the related documents on behalf of the City.
- C. Community Facilities District No. 51M, located at the northwest corner of Baseline and Hemlock Avenues.
 (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. 51 of the City of Fontana the question of levying special taxes within the territory proposed to be annexed (Annexation No. 2).

Page 4 of 6

- (2) Adopt **Resolution No. 2007-____**, declaring the results of the special election for Community Facilities district No. 51M 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 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. 2).
- D. General Plan Amendment 07-002, Zone Change 07-001, and Administrative Site Plan No. 07-026.
- (1) Find that the General Plan Amendment and Zone Change proposal does not comply with and is contrary to the goals and policies of the General Plan as identified in the Land Use Element; therefore staff recommends that the City Council concur with the Planning Commission recommendation and deny General Plan Amendment No. 07-002, Zone Change No. 07-001 and Administrative Site Plan No. 07-026.
- E. General Plan Amendment No. 06-011, Zone Change 06-011, Specific Plan Amendment No. 03-008 and Final Environmental Impact Report (Fontana Promenade Specific Plan).
- (1) Adopt **Resolution No. 2007-____**, adopting the Statement of Facts and Findings, adopting a Statement of Overriding Considerations, certifying the final Environmental Impact Report, (FEIR) State Clearinghouse No. 2004071046) prepared for the Fontana Promenade Specific Plan (General Plan Amendment No. 06-011, Zone change No. 06-011 and Specific Plan No. 03-008), approving the mitigation monitoring plan, and direct staff to file a Notice of Determination and find that:
- The final EIR has been completed and 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. 06-011, an amendment to the General Plan Land Use Map to change the existing land use designations on approximately 125 gross acres of property from General Commercial (C-G) and Medium Density Residential (R-M) to reflect the land use designations in the Fontana Promenade Specific Plan, and further amending the General Plan Land Use Element to reflect the text changes necessary to add the Fontana Promenade Specific Plan.
- (3) Waive further reading of and introduce **Ordinance No. ____**, approving Zone Change No. 06-011 to change the Zoning District Map on approximately 125 gross acres of land designated as General Commercial (C-2) and Medium Density Residential (R-2) to Specific Plan 25 (Fontana Promenade Specific Plan) and that the reading of the title constitutes the first reading thereof.
- (4) Waive further reading of **Ordinance No. ____**, approving Specific Plan No. 03-008 (Fontana Promenade Specific Plan), and that the reading of the title constitutes the first reading thereof.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Fiscal Year 2007/2008 First-Quarter Budget Status Report
 - (1) Approve the recommended first quarter budget changes listed in the First Quarter Budget Status Report for Fiscal Year 2007/2008.
 - (2) Adopt **Resolution No. 2007-_____**, adopting the classifications and salary range for Transportation Engineering Manager and Software Development Supervisor.

- B. Discussion of Solar Photovoltaic Electrical Generating Systems
 - (1) Accept the staff report on solar photovoltaic electrical generating systems.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

- A. Discussion and possible action regarding the report on establishing Mayor and City Council salaries.

ADJOURNMENT: To an adjourned workshop meeting on Friday, October 26, 2007 regarding Valley Trails and then to a workshop meeting on Tuesday, November 13, 2007 at 5:00 p.m. in the Executive Conference Room and then to the regular meeting in the City Council Chambers at 7:00 p.m. in the City Hall Council Chambers.