

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
TUESDAY, SEPTEMBER 23, 2008
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. (SB343 – DOCUMENTS RELATED TO AGENDA ITEMS ON OPEN SESSION.) - Any public document related to an open session agenda item that is distributed within 72 hours prior to the meeting is available for inspection at the City Council Chambers located at 8353 Sierra Avenue, Fontana, CA.

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. County Service Area (CSA) 120 – Tim Millington
- C. Chaffey College Update – Eric Bishop
- D. City Manager Comments

6:00 P.M. CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a): *City of Fontana, a Municipal Corporation vs. Henry Wilson, et al. – Case No. SCVSS 135346.*

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent: _____

PLEDGE OF ALLEGIANCE: Mayor Nuaimi

INVOCATION: Council Member Roberts

SPECIAL PRESENTATIONS:

- A. Kiwanis Club of Fontana – \$2,000 check presentation to Ronald McDonald House from the Fontana Day's Run Children's Dash – (Pres. Sylvia Anderson & Lt. Governor Kurt Meyer to present check to Karen Hooper, Dir. of Operations for Ronald McDonald)
- B. Proclamation Declaring September 27, 2008, as Worldwide Day of Play. (Mayor to read the proclamation) (Nickelodeon TV Network for Kids is promoting this day.)
- C. Proclamation declaring the week of October 5-11, 2008, as Fire Prevention Week (Mayor to present to Chief Terry Welsh & Captain Pat Gomez)
- D. Presentation to Police Explorer Scout Post – 2008 Champions in the 3rd Annual Inland Valley

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Explorer Competition (Chief Rod Jones will make presentation)

E. Half Marathon Sponsor Recognition (Mayor & Michael Wright, Community Services Supv. to present awards)

Sponsors:

Manheim Southern California Auto Action	Platinum
Bel-Air Swapmeet	Platinum
Dole Food Company	Gold
Arrowhead Water	Gold
Costco	Mile Marker
Best, Best & Kreiger	Silver
Kiwanis International	Silver
California Steel Industries	Silver
Kaiser Permanente	Silver
Sizzler Restaurants	Silver
Burrtec Waste	Silver
Allard Engineering	Bronze
Triangle Dental	In-kind sponsor
Cucamonga Valley Water District	In-kind sponsor

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 September 9, 2008 Regular City Council meeting.
- B. Adopt **Ordinance No. 1581**, amending Chapter 15, Article XII, of the Fontana Municipal Code, that will update existing regulations and establish new regulations and procedures that pertain to massage establishments and massage technicians.
- C. Authorize the City Manager to accept the proposal and enter into a Multi-Year Contract Agreement with Studio 33 Productions for the same services provided in 2007 for the same fee in 2008, and in Years 2009-2012 same fee plus CPI.
- D. Accept Final Map for Tract no. 18513 located on the north side of Foothill Boulevard and east of Hemlock Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the Subdivider.

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- E. Authorize the City Manager to execute Amendment No. 1 to a Contractual Services Agreement with J.L. Patterson and Associates for additional work in the amount of \$9,149.00, amending the contract from \$255,896 to \$265,045.
- F. Approve a Development Impact Fees Credit Agreement with the State of California Department of Transportation (Caltrans) for the Inland Empire Transportation Management Center and the Southern Regional Laboratory Building.
 - (1) Authorize the City Manager to execute a Development Impact Fees Credit Agreement with the State of California Department of Transportation (Caltrans) for the Inland Empire Transportation Management Center.
 - (2) Authorize the City Manager to execute a Development Impact Fee Credit Agreement with the State of California Department of Transportation (Caltrans) for the Southern Regional Laboratory Building.
- G. Approve the Settlement Agreement between the City of Fontana and Cole & Cole, LLC, for the purpose of determining the permitted uses on the properties located at 9987 Fontana Avenue, 10010 Beech Avenue, 15132 Valley Boulevard and 15252 Valley Boulevard.
- H. Adoption of Resolution of Intent and set the public hearing on establishing Community Facilities District No. 65M for street lighting, landscaping and park maintenance for Tract No. 16658, located south of Randall Avenue between Poplar and Lime Avenues.
 - (1) Adopt **Resolution No. 2008-____**, determining the sufficiency of the petition requesting formation of proposed Community Facilities District No. 65M.
 - (2) Adopt **Resolution No. 2008-____**, declaring intention to establish proposed Community Facilities District No. 65M of the City of Fontana.
 - (3) Set the public hearing for October 28, 2008, for the formation of the District and call the Special Election for October 28, 2008.
- I. Award of Bid for Cypress Community Center A.D.A. Restroom addition.
 - (1) Award a bid and authorize the City Manager to enter into an agreement with Texsun Construction in the amount of \$53,500 for the Cypress Community Center A.D.A. Restroom addition, SB-007-PW-09.
 - (2) Authorize a 15% construction contingency of \$8,025.
- J. Final acceptance of the work performed in accordance to the contract for construction of the Lewis Library and Technology Center.
 - (1) Accept as complete the work performed by Douglas E. Barnhart, Inc., for the construction of the Lewis Library and Technology Center, SB-08-RA-06.
 - (2) Authorize the Redevelopment Director to execute and file a Notice of Completion.
 - (3) Approve the final construction amount of \$44,834,930.00.
 - (4) Approve the release of the 10% retention upon satisfactory closure of the contract.
- K. Adopt **Resolution No. 2008-__** approving the application for grant funds from the Recreational Trails Program under the Federal Safe, Accountable, Flexible, Efficient Transportation Equity Act – a legacy for users (SAFETEA-LU).

ACTION: Approve Consent Calendar Items “A-K”, 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 five minutes)
- (e) oral – favor
- (f) oral – opposition
- (g) hearing closed

CONTINUED FROM SEPTEMBER 9, 2008

- A. General Plan Amendment No. 07-009, Zone Change No. 07-007, Tentative Parcel Map No. 18963, Design Review No. 07-045, and Administrative Variance No. 07-001 (Juniper Apartments, Affordable Housing).
 - (1) Continue the public hearing to the next regular scheduled meeting of October 14, 2008.

CONTINUED FROM SEPTEMBER 9, 2008

- B. General Plan Amendment No. 07-010 and Zone Change No. 07-008, Conditional Use Permit No. 07-045, and Tentative Tract Map No. 18676 (Young Homes, Planned Unit Development).
 - (1) Continue the public hearing to the next regular scheduled meeting of October 14, 2008.
- C. Quarterly Lien action for delinquent sewer, rubbish and weed abatement accounts.
 - (1) 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.
 - (2) 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.
 - (3) Adopt **Resolution No. 2008-_____**, adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.
- D. Establish Community Facilities District No. 64M for street lighting, landscaping and park maintenance for Tract 18128.
 - (1) Adopt **Resolution No. 2008-_____**, establishing Community Facilities District No. 64M of the City of Fontana, and establishing the boundaries thereof.
 - (2) Adopt **Resolution No. 2008-_____**, calling a Special Election and submitting to the voters of Community Facilities District No. 64M of the City of Fontana, a proposition with respect to the annual levy of special taxes within said Community Facilities District to pay the costs of certain services to be provided by the Community Facilities District and a proposition with respect to the establishment of an appropriations limit for said Community Facilities District.
 - (3) Adopt **Resolution No. 2008-_____**, declaring the results of the Special Election for Community Facilities District No. 64M of the City of Fontana, on the propositions with respect to (I) the annual levy of special taxes to pay the costs of certain services to be

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provided by the Community Facilities District and (II) the establishment of an appropriations limit.

- (4) Waive further reading and introduce **Ordinance No. _____**, authorizing the levy of a special tax within Community Facilities District No. 64M, that the reading of the title constitutes the first reading thereof.

UNFINISHED BUSINESS:

NEW BUSINESS:

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To the League of California Cities Annual Conference, at the Long Beach Convention Center on September 24-27, 2008, and then to a workshop meeting on Tuesday, October 14, 2008 at 5:00 p.m. in the Executive Conference Room and the regular meeting at 7:00 p.m. in the City Hall Council Chambers, located at 8353 Sierra Avenue, Fontana, CA.