

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
APRIL 10, 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. ARTIST SHOWCASE

5:30 P.M. WORKSHOP:

- A. Agenda Review
- B. City Manager Comments
- C. Police Department Presentations on REACT and Loud Party Ordinance

6:00 P.M. CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957

Properties: APN 0255-071-24, 16130 Jurupa Avenue (Eshleman); APN 0255-111-12, northwest corner of Jurupa and Sierra Avenues (vacant) (Eshleman); APN 0255-111-11, 11290 Sierra Avenue (Saldivar)

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 0255-011-01; 0255-011-02; 0255-011-03 (David Wiener Properties)

Negotiating Parties: Kenneth Hunt, City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9:

Number of Cases: One

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/ Pastor Gabriel Araya, Fontana First Assembly of God

SPECIAL PRESENTATIONS:

- A. Mayor and Council to proclaim the week of May 13th, 2007, as “Blue Ribbon Week”. (Chief Larry Clark to accept)
- B. Mayor and Council to recognize A.B. Miller Girls Basketball Team.
- C. Mayor and Council to recognize Denise Kramer, Sharon Paviovich and Cyrus Lemmon as the City’s Artist Showcase participants.
- D. Mayor and Council to recognize the Miss Fontana Contestants. (Pamela Eshleman to introduce)

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 March 13, 2007 and March 27, 2007 Regular City Council Meetings.
- B. (1) Adopt **Ordinance No. 1545**, approving Specific Plan No. 05-063 (Ventana at Duncan Specific Plan).
(2) Adopt **Ordinance No. 1546**, approving Zone Change No. 06-007 (APNS 0228-073-01, -02, -03, -04, -05, and -06, 0228-092-15, -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.
- C. Accept donations in the amount of \$100 cash and \$486.65 in in-kind gifts from various donors for use in the City’s 2007 National Night Out.
- D. Accept final map for Tract No. 17095 located west of Alder Avenue and north of Miller Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- E. Accept final map for Tract No. 17881 located north of Harvey Drive and west of Cypress Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.

- F. Authorize the City Manager to execute a professional services agreement with Converse Consultants to provide geotechnical services for the Cherry Avenue street improvement project between Jurupa Avenue and Slover Avenue in the amount of \$88,600 and authorize a 10% contingency fund in the amount of \$8,860.
- G. Authorize the City Manager to execute a professional services agreement with Converse Consultants to provide geotechnical services for the Summit Avenue storm drain MPSD Line B-Phase 3 improvement project from San Sevaine Basin No. 5 to San Sevaine Road in the amount of \$71,860 and authorize a 10% contingency fund in the amount of \$7,186.
- H. Authorize the City Manager to execute a professional services agreement with Ninyo and Moore Consultants to provide geotechnical services for the construction of Sierra Avenue from Montgomery Avenue to South Highland Avenue and Baseline Avenue from Sierra Avenue to Mango Avenue in the amount of \$98,013 and authorize a 10% contingency in the amount of \$9,801.30.
- I. Accept final map for Tract No. 17884 located north of Walnut Avenue and west of Citrus Avenue; accept as public all dedicated streets and easements; and authorize the City Manager to enter into a subdivision agreement with the subdivider.
- J. Authorize the City Manager to execute an annual construction contract with Guzman Construction Company and Hardy and Harper, Inc., for the construction of public improvements at various locations within the City of Fontana on a unit cost basis as provided in the proposal bid sheet for the annual contract - Bid No. SB-33-DE-07.
- K. Authorize the City Manager to execute a professional services agreement with Pfeiler and Associates to provide surveying services for public improvements on Cherry Avenue between Jurupa Avenue and Slover Avenue in the amount of \$74,960 and authorize a 10% contingency fund in the amount of \$7,496.
- L. (1) Accept as complete and authorize the Public Works Director to execute and file a Notice of Completion for Project SB-55-05.
(2) Approve the final construction amount of \$387,910.40
(3) Approve the release of the 10% retention upon satisfactory closure of the contract.
- M. Approve and direct the City Manager to sign a final payment agreement between the California Department of Transportation and the City of Fontana, for the I-10/Sierra Avenue Urban Interchange Reconstruction Project, in the amount of \$1,774,433.07.

Approve Consent Calendar Items "A-M" 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. Community Facilities District No. 36M, located north of Miller Avenue, east of Locust Avenue, west of Maple Avenue, and south of Baseline Avenue.
Continue the public hearing to April 24, 2007.
- B. Fiscal Year One Year Action Plan
 - (1) Adopt the Fiscal Year 2007-2008 One-Year Action Plan detailing the utilization of federal entitlement funds in said fiscal year and authorize the City Manager to execute any and all documents necessary to effectuate said approvals.
- C. Landscape Maintenance District No. 2.
 - (1) Accept public comments regarding the addition of an assessment range formula to the method of spread for Village of Heritage Landscape Maintenance District No. 2.
- D. Community Facilities District No. 13M, located north of Miller, east of Cypress, west of Juniper, and south of Baseline. (Annexation No. 2)
 - (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. 13M 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. 13M 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).
- E. Community Facilities District No. 27M, located north of Foothill, east of Oleander, west of Cypress and south of Baseline. (Annexation No. 1)
 - (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. 27M 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. 27M 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. 1).

- F. Community Facilities District No. 61M, located north of Miller, east of Tamarind, west of Alder, and south of Baseline. (Annexation No. 1)
- (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. 61M 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. 61M 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. 1).
- G. Ordinance Establishing Moratorium on Approval of Medical Marijuana Dispensaries. Adopt Urgency **Ordinance No. _____**, for the purpose of establishing a 45-day moratorium on the establishment and operation of medical marijuana dispensaries to allow time to study regulating such establishments, pursuant to Government Code Section 65858.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Amend Ordinance Relating to Private Streets
- (1) Waive further reading of and introduce **Ordinance No. _____**, amending Chapter 17, Article II, Division I, by adding Section 17-38 of the Fontana Municipal Code regarding enforcement of Vehicle and Municipal Code Sections related to traffic on private streets not open for public use; and that the reading of the title constitutes the first reading thereof.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To an adjourned workshop on Tuesday, April 24, 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.