

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
SEPTEMBER 9, 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. Southern California Edison
- C. City Manager Comments

6:00 P.M. CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One (1) case

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Claim #2007-02, Zackery Brewer

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent: _____

PLEDGE OF ALLEGIANCE: Mayor Nuaimi

INVOCATION: Council Member Roberts

SPECIAL PRESENTATIONS:

- A. Proclamation on National Preparedness Month – “Be a Survivor – Get Ready Now”.
- B. Recognize the Fontana Aquatics Club 2008 Junior Olympic Team

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 August 12, 2008 Regular City Council meeting.
- B. Adopt **Ordinance No. 1579**, amending Article II, Section 17-61, of Chapter 17, of the Fontana Municipal Code of the City of Fontana pertaining to the Office of the Traffic Engineer.
- C. Adopt **Resolution No. 2008-___**, approving an addendum to the Home Depot USA Inc., Final Environmental Impact Report (State Clearing House No. 2005111065) and adopting the Findings therein, and adopting the Revised Mitigation Monitoring and Reporting Plan.
- D. Approve Tolling Agreement between the City of Fontana and the County of San Bernardino regarding Property Tax Administration Fees and authorize the City Manager to execute same.
- E. Adopt **Resolution No. 2008-___**, declaring the City's participation in the Great Southern California ShakeOut working towards becoming a safer community.
- F. Accept donation in the amount of \$200 from the Fontana Police Management Association for use in the Child Safety Fair.
- G. Award bid and authorize the City Manager to enter into an Agreement with BDL Alarms for Security Alarm Maintenance Services for a period of two (2) years renewable with three additional one-year increments at the City's sole discretion.
- H. Authorize the Management Services Department to piggy back off of the City of Corona's bid for the purchase of two (2) Wanco Mini Full Matrix Message Boards in the amount of \$37,497.
- I. Approve and authorize the City Manager to execute Amendment No. 2 to the Engineering Services Agreement between the Fontana Redevelopment Agency and Boyle Engineering Corporation in the amount of \$30,000.00 with a not to exceed amount contract of \$831,110.00.

ACTION: 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
- (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 AUGUST 12, 2008

- A. Declaring the Public Right of Way known as a segment of Highland Avenue as unnecessary for present and prospective public use and vacating the same pursuant to Streets Highway Code Section § 8320 et. seq.
 - (1) Adopt **Resolution No. 2008-_____**, declaring the public right of way known as a segment of Highland Avenue as unnecessary for present or prospective public use and vacating the same pursuant to Streets and Highway Code § 8320 et. seq.

CONTINUED FROM AUGUST 26, 2008

- B. Approving new user fees for previously approved discretionary applications, reducing the fee for the Temporary Use Permit (TUP) application and updating the State of California Department of Fish and Game filing fee.
 - (1) Find that the project has been reviewed pursuant to the local guidelines for implementing the California Environmental Quality Act (CEQA) and adopt a Negative Declaration and direct staff to file the Notice of Determination.
 - (2) Adopt **Resolution No. 2008-_____**, adopting new user fees for previously approved discretionary applications, reducing the fee for the Temporary Use Permit Applications, and updating the State of California Department of Fish and Game filing fee.

CONTINUED FROM AUGUST 26, 2008

- C. Community Facilities District No. 61M, located on the northwest corner of Miller Avenue and Mango Avenue.
 - (1) Adopt **Resolution 2008-_____** calling a special election and submitting to the qualified electors of territory proposed to be annexed to the 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. 2).
 - (2) Adopt **Resolution 2008-_____** declaring the results of the special election for Communities 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 Communities Facilities District, determining that the territory proposed to be annexed is added to and part of said Communities 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. Appeal of Planning Commission’s “no decision” for Conditional Use Permit (CUP) No. 08-009 to operate a new Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine) License within an existing Wal-Mart store of approximately 128,258 square feet, resulting in the denial of that CUP.
 - (1) Deny Appeal No. 08-003 and thereby uphold the “no decision” of the Planning Commission on July 1, 2008, resulting in the denial of proposed Conditional Use Permit No. 08-009.

- E. Request to amend Chapter 15, Article XII, developing regulations and procedures that pertain to massage establishments and massage technicians.
 - (1) Find that the project has been reviewed pursuant to the local guidelines for implementing the California Environmental Quality Act (CEQA) and adopt a Negative Declaration and Fish and Game De Minimis Impact and direct staff to file the Notice of Determination.
 - (2) Waive further reading of and introducing **Ordinance No. ____**, 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, and that the reading of the title constitutes the first reading thereof.
 - (3) Adopt **Resolution No. 2008-____**, pursuant to the amendment to Chapter 15, Article XII, of the Fontana Municipal Code, and adopting new user fees for massage establishments and massage technicians.

- F. 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 September 23, 2008.

- G. 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 September 23, 2008.

UNFINISHED BUSINESS:

- A. Adopt **Ordinance No. 1580**, relating to Police response to false alarms; recovering costs related to responses to false alarms, and amending Article IV of the Fontana Municipal Code titled Burglar Alarms.

NEW BUSINESS: None

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

Appointment of an Annexation Sub-Committee.

CITY MANAGER COMMUNICATIONS: None

ADJOURNMENT: To a workshop meeting on Tuesday, September 23, 2008 at 5:00 p.m. in the Executive Conference Room and then to the regular meeting at 7:00 p.m. in the City Hall Council Chambers, located at 8353 Sierra Avenue, Fontana, CA.