

**CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 14, 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. Artist Showcase – Council Chambers Foyer 5:00-5:30
- B. Emergency Preparedness – Police Dept. 5:30-5:50
- C. Agenda Review
- D. City Manager Comments

6:00 P.M. CLOSED SESSION:

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

Number of Potential cases: one

CONFERENCE WITH LEGAL COUNSEL – ADJUDICATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 – Attorney's Fees:

Name of Parties: *Inland Empire Alarm Association and Barbara Bartel vs. City of Fontana Police*

Case No. CIVSS 706505

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent: _____

PLEDGE OF ALLEGIANCE: Mayor Nuaimi

INVOCATION: Council Member Roberts

SPECIAL PRESENTATIONS:

- A. Artist Showcase – Joe Neri (Mayor to announce Joe Neri as the artist in the Artist Showcase.)

- B. Mayor and Council to recognize Officer David Campa as the Police Department's "August Employee of the Month" (Chief Rod Jones 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 the September 23, 2008, Regular City Council meeting.
- B. Adopt **Ordinance No. 1582**, of the City Council of the City of Fontana, authorizing the levy of a special tax within Community Facilities District No. 64M.
- C. Software purchase from Linko Data Systems Inc.
 - (1) Approve the purchase of specialized Wastewater Pretreatment Software System from Linko Data Systems, Inc. of Wheatridge, Colorado for an amount not to exceed \$50,000.
- D. Implement the Digital Infrastructure and Video Competition Act of 2006 (DIVCA).
 - (1) Waive further reading and introduce **Ordinance No. _____**, amending Chapter 6 of the Fontana Municipal Code, establishing franchise fees, public access support fees and customer service penalties for State Franchise Holders providing video service within the City of Fontana.
- E. Accept donations in the amount of \$5,000 from First Five and San Bernardino County Board of Supervisors Paul Biane and Josie Gonzales for use in the Child Safety Fair.
- F. Purchase of Coplogic Online Reporting System.
 - (1) Approve the purchase of a Coplogic Online Reporting System from Tiburon, Inc. in the amount of \$42,573; and an agreement for extended services between the City of Fontana and Tiburon, Inc., amending the original agreement dated June 23, 1998.
 - (2) Authorize the Chief of Police or his designee to sign all documents related to the purchase of the Coplogic Online Reporting System.
- G. Final Acceptance of the San Sevaine Park Court Lighting Project.
 - (1) Accept as complete the work performed by D&J Foothill Electrical Contractors, Inc. for installation of the San Sevaine Court Lighting Project, SB-253-PW-08.
 - (2) Approve the final construction amount of \$90,750 and approve the release of the 10% retention upon satisfactory closure of the contract.

- (3) Authorize the Director of Public Works to execute and file the Notice of Completion for Project SB-253-PW-08.
- H. Award bid for City Hall Council Chambers Project.
 - (1) Award bid and authorize the City Manager to enter into an Agreement with Thomco Construction, Inc. in the amount of \$243,950 for the City Hall Council Chambers Project, SB-007-PW-09.
 - (2) Authorize a 15% construction contingency of \$36,600.
- I. Waive and introduce **Ordinance No. _____**, revising Chapter 19 of the Fontana Municipal Code, relating to Parks and Recreation by adding Section 19-8, establishing regulations for the safe use of designated dog park areas within the City of Fontana, that the reading of the title constitutes the first reading thereof.

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 SEPTEMBER 23, 2008

- A. General Plan Amendment Nos. 07-009 and 07-010, Zone Change Nos. 07-007 & 07-008 Design Review No. 07-045, Conditional Use Permit No. 07-045, Tentative Parcel Map No. 18963, Tentative Tract Map No. 18676, and Administrative Variance No. 07-001.
 - (1) Find that General Plan Amendment Nos. 07-009 and 07-010, Zone Change Nos. 07-007 and 07-008, Design Review No. 07-045, Conditional Use Permit No. 07-045, Tentative Parcel Map No. 18963, Tentative Tract Map No. 18676, and Administrative Variance No. 07-001 will not have a significant effect on the environment and adopt the corresponding Negative Declaration and Mitigated Negative Declaration for each proposal and State of California Department of Fish and Game De Minimis Impact Findings, and direct staff to prepare and file a Notice of Determination per the local guidelines for implementing the California Environmental Quality Act (2006).
 - (2) Adopt **Resolution No. 2008-_____**, approving General Plan Amendment Nos. 07-009 and 07-010, Amendments to the Land Use Policy Map to: a) change the General Plan Designation on approximately 4.9 acres from General Commercial (C-G), to Medium Density Residential (R-M) (Exhibit “A”); b) change the General Plan Land Use Designation on approximately nine (9) acres from Single-Family Residential (R-SF) to Medium Density Residential (R-M) (Exhibit “B”).

- (3) Waive further reading of and introduce **Ordinance No. _____**, approving Zone Change Nos. 07-007 and 07-008, Zone Changes to the Zoning District Map to: a) change approximately 4.9 acres from General Commercial (C-G) to Medium Density Residential (R-2) (Exhibit "A"); b) change approximately nine (9) acres from Single-Family Residential (R-1) to Medium Density Residential (R-2) (Exhibit "B").
 - (4) Approve Tentative Parcel Map No. 18963, Tentative Tract Map No. 18676, Design Review No. 07-045, Administrative Variance No. 07-001, and Conditional Use Permit No. 07-045.
- B. Appeal No. 08-004 to deny the extension of time for Conditional Use Permit No. 12562CU/W141-111/04/CUP01, to operate a truck storage/dispatching sales use.
- (1) Deny Appeal No. 08-004, an appeal to the City Council, thereby upholding the unanimous decision of the Planning Commission on August 19, 2008, to deny Appeal No. 08-002, an appeal to the Planning Commission of the Director of Community Development's decision to deny an extension of time to Conditional Use Permit No. 12562CU/W141-111/04/CUP01.

UNFINISHED BUSINESS:

NEW BUSINESS:

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To a workshop meeting on Tuesday, October 28, 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.