

**AGENDA  
CITY OF FONTANA  
CITY COUNCIL REGULAR MEETING  
JULY 8, 2009  
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 Steelworkers' Auditorium. To address the Council, please fill out a card located at the entrance to the right 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 Auditorium is wheel chair accessible and a portable microphone is available. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the Steelworkers' Auditorium lobby located at 8437 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.**

**5:30 P.M. WORKSHOP:**

- A. Agenda Review
- B. City Manager Comments

**6:00 P.M. CLOSED SESSION:**

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

Name of Case: City of Fontana vs. Michael Schwartz, et al

Case No. San Bernardino Superior Court, Case No. CIVSS 807178

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

Name of Case: Duran vs. City of Fontana

Case No. SCVSS 143912

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

Name of Party: San Gabriel Water Company

Application No. A09-07-009

**7:00 P.M. – CALL TO ORDER/ROLL CALL:**

Present: \_\_\_\_\_ Absent: \_\_\_\_\_

**PLEDGE OF ALLEGIANCE/INVOCATION:**

Mayor/ Pastor Enrique Mulgado

**SPECIAL PRESENTATIONS:**

- A. Mayor and Council to recognize Patricia Murray on her retirement. (City Manager Ken Hunt to present)
- B. Mayor and Council to proclaim August 4<sup>th</sup> as “National Night Out”. (Chief Rod Jones to present)
- C. Mayor and Council to recognize Corporal Kurt Schlotterbeck and Officer Michael Hall as the June Police Department “Employees of the Month”. (Chief Rod Jones to present)
- D. Mayor and Council to proclaim the month of July as “Parks and Recreation Month” (Garth Nelson 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 June 10, 2009 Regular City Council meeting and the June 15, 2009 Adjourned Regular meeting.
- B. Adopt **Ordinance No. 1602**, amending the City of Fontana Municipal Code, Chapter 2, Article IV, Section 2-144 changing the date of the regular Parks and Recreation Commission meetings.
- C. Approve sewer reimbursement agreement between the City of Fontana and Water of Life Community Church and direct the City Manager to effectuate execution of the terms of the agreement.
- D. Approve recommended budget changes resulting from the Golden Handshake Retirements as listed in the Attachment.
- E. (1) Eliminate seventeen positions from the City’s organizational chart as identified in the Attachment – Page 1.  
 (2) Approve recommended budget changes resulting from the Golden Handshake Retirements as listed in the Attachment – Page 2.  
 (3) Increase the PERS rate stability reserve by \$1 million.  
 (4) Increase the reserve for future projects and commitments by \$63,018.
- F. Approve and authorize the City Manager to execute Amendment No. 1 to the pre-annexation agreement between the City of Fontana and Foothill-Live Oak Investments, landowner for a five-year extension from the original expiration date of the pre-annexation agreement.
- G. Approve the County of San Bernardino’s request to use sales tax revenues generated in the City of Fontana’s western sphere of influence as outlined in the terms of the Memorandum of Understanding between the City of Fontana and County of San Bernardino.

- H. Adopt **Resolution No. 2009-\_\_\_\_\_**, approving a reimbursement resolution in accordance with the State Water Resources Control Board requirements relating to the State Revolving Fund Loan Application for the 1158 Zone Recycled Water Program.
- I. Accept a petition submitted by Panorama at Hunter's Ridge Homeowner Association requesting the City's enforcement of the Vehicle Code on private roads not open to public use; and, setting a public hearing prior to enactment of the ordinance.
- J. (1) Adopt **Resolution No. 2009-\_\_\_\_\_**, approving and accepting a grant in the amount of \$9,602 from the Office of Homeland Security.  
(2) Increase estimated revenues in the amount of \$9,602; and, increase appropriations for expenditures in the amount of \$9,602 in Grand Fund 301.  
(3) Authorize the Chief of Police or his designee to sign all related grant documents for the term of the grant; and, make purchases of equipment as outlined in the grant.
- K. Accept donations from multiple donors for use in Fontana's National Night Out to be held on August 4, 2009.
- L. Accept the 2008 Police Department Annual Report.
- M. (1) Accept as complete the work performed by Ted Burton's Underground Inc., for the construction of the Cypress Avenue Sewer Relocation Project; approve the final construction amount of \$1,065,560.15; and authorize the City Engineer to execute and file the Notice of Completion for the City Project Bid No. SB-242-DE-08.  
(2) Adopt **Resolution No. 2009-\_\_\_\_\_**, accepting sewers of the Cypress Avenue Sewer Relocation Project as part of the City sewer system.
- N. (1) Authorize the City Manager to execute a supplemental agreement amendment to the basic agreement between the City of Fontana and Union Pacific Railroad Company for the construction, maintenance, and operation of a traffic signal interconnect facility for the Slover Avenue at-grade road crossing.  
(2) Appropriate funds in the amount of \$65,000 from Measure I.
- O. Authorize the City Manager to execute a cost sharing agreement with Rialto Unified School District for the Sierra Avenue sewer line from Summit Avenue to Terra Vista Drive.
- P. Accept as complete the work performed by Hillcrest Contracting, Inc., for the construction of the Citrus Avenue Median Improvement Project from Arrow Boulevard to Merrill Avenue Federal ID No. STPLH-5307(014); approve the final construction amount of \$596,478.29; and authorize the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-181-DE-08.
- Q. (1) Approve a lease agreement with T-Mobile to install a wireless telecommunications structure on the grounds of Koehler Park.  
(2) Authorize the City Manager to execute the necessary documents.
- R. (1) Approve a lease agreement with Verizon to install a wireless telecommunications structure on the grounds of Martin Tudor Park.  
(2) Authorize the City Manager to execute the necessary documents.

- S. (1) Accept proposal from MDG Associates, Inc., for preparation of the Five-Year Consolidated Plan and AI documents and for technical assistance with the HUD IDIS System.  
 (2) Authorize the City Manager to enter into a contract with the above listed firm through project completion.
- T. (1) Approve the submittal of the Neighborhood Stabilization Program round two grant application.  
 (2) Authorize the City Manager to execute any documents or to take actions appropriate for the submittal of said application.
- U. (1) Approve the real property lease and improvement agreement between the Fontana Redevelopment Agency and Myeongae Han Joung (Charleys Tastee Shoppe designee).  
 (2) Authorize the Executive Director or his designee to sign the agreement and any related amendments.
- V. (1) Award bid and authorize the City Manager to enter into an agreement with Zumar Industries Incorporated in the amount of \$224,659.86 for the Civic Center Wayfinding Signage Project, SB-11-PW-09.  
 (2) Authorize a 5% construction contingency of \$11,233.  
 (3) Approve an appropriation of \$6,660 from Department ECB to Project No. 9431800601.

**Approve Consent Calendar Items “A- V” 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) |                       |

**CONTINUED FROM JUNE 10, 2009**

- A. Certify the Final Environment Impact Report – Fire Station No. 71
- (1) Adopt **Resolution No. 2009-\_\_\_\_\_**, certifying the Final Environmental Impact Report (State Clearinghouse No. 2008011095), approving the findings in support thereof, and adopting a statement of overriding considerations, approving the Mitigation Monitoring Plan and directing staff to file a Notice of Determination pursuant to the local guidelines for implementing the California Environmental Quality Act.
- (2) Adopt **Resolution No. 2009-\_\_\_\_\_**, approving a certificate of appropriateness and the necessary findings to make changes to the historic Fire Station No. 71 and the historic A.B. Miller Park site.
- (3) Approve Administrative Site Plan No. 09-008, subject t the Findings and Conditions of Approval.

- B. Capital Improvement Program Budget Fiscal Years 2009/10-2015/16
- (1) Adopt a Negative Declaration and direct staff to file a Notice of Determination.
  - (2) Adopt **Resolution No. 2009-\_\_\_\_\_**, adopting the Fiscal Years 2009/2010 through 2015/2016 Capital Improvement Program (CIP).
- C. Amend Fontana Municipal Code regarding Wireless Telecommunications
- (1) Find that the project is exempt pursuant to Section 15061 (b)(3) of the California Environmental Quality Act (CEQA), and direct staff to file the Notice of Exemption.
  - (2) Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, amending Chapter 32, Article I, of the Fontana Municipal Code regarding wireless telecommunication facilities, and that the reading of the title constitutes the first reading thereof.
- D. Extension of time for Administrative Site Plan, Design Review, Minor Use Permits and Conditional Use Permits
- (1) Find that the project has been reviewed pursuant to the local guidelines for implementing the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption.
  - (2) Waive further reading of and introduce **Ordinance No. \_\_\_\_\_**, approving an automatic twelve month extension of time for Administrative Site Plan (ASP, Design Review (DR), Minor Use Permit (MUP) and Conditional Use Permit (CUP) approvals and associated implementing approvals, and that the reading of the title constitutes the first reading thereof.
- E. Procedures for Formation and Election of Project Area Committee for Amendment No. 9
- (1) Conduct a public hearing to receive and consider all evidence concerning the procedures for the formation and election of the Project Area Committee for Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project Area; and
  - (2) Adopt **Resolution No. 2009-\_\_\_\_\_**, approving and adopting procedures for the formation and election of the Project Area Committee for Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project Area.
- F. Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement
- (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. 2009-\_\_\_\_\_**, adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.

**UNFINISHED BUSINESS:****NEW BUSINESS:**

- A. Presentation regarding Omega Sprinklers. (Fire)

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

- A. Appoint \_\_\_\_\_ as the voting delegate and \_\_\_\_\_ as the alternate at the 2009 League of California Cities Conference in San Jose on September 16-18, 2009.

**CITY MANAGER COMMUNICATIONS:**

A. Appoint a subcommittee to discuss low income housing development incentives.

**ADJOURNMENT:** To the workshop meeting scheduled on July 22, 2009 at 5:00 p.m. and then to the regular meeting at 7:00 p.m. in the Steelworkers' Auditorium in the Lewis Library and Technology Center, located at 8437 Sierra Avenue, Fontana, CA.