

**AGENDA
CITY OF FONTANA
CITY COUNCIL REGULAR MEETING
WEDNESDAY, SEPTEMBER 23, 2009
CITY COUNCIL CHAMBERS
8353 SIERRA AVENUE, FONTANA, CA
5:00 P.M. – WORKSHOP
6:00 P.M. – CLOSED SESSION
7:00 P.M. - MEETING**

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 on the table near the Secretary 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 City Hall lobby 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. Presentation on readiness of the Office of Emergency Management (Laura Wolbert, Emergency Services Technician)
- B. Web Design Overview (Cathie Scanlon, IT Department)

6:00 P.M. CLOSED SESSION:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957

Title of Position: Chief of Police

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent: _____

PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor/Pastor Daniel Vasquez, Up Word Ministry

SPECIAL PRESENTATIONS:

- A. Mayor and Council to recognize Officer David Campa and Officer Brian Binks as the July 2009 "Employees of the Month." (Chief Rod Jones to present)
- B. Mayor and Council to proclaim "Fire Prevention Week" October 4-10, 2009. (Mayor to present to Fire Chief Terry Welsh)
- C. Mayor and Council to recognize Fontana Days Run Sponsors. (Mayor to introduce Rob Bock, CSD Supervisor)

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, 2009 regular City Council meeting.
- B. Adoption of Ordinance
 - (1) Adopt **Ordinance No. 1605**, approving Amendment No. 09-007 and amendment of the Citrus Heights North Specific Plan Development Agreement.
- C. Approve a Lien Agreement for Tract No. 16800
 - (1) Authorize the City Manager to execute a Lien Agreement to secure construction of subdivision improvements for Tract No. 16800.
 - (2) Authorize the release of the Performance/Labor and Materials Bond No. 4360824.
- D. Final Acceptance of Subdivision Improvements for Tract No. 16809
 - (1) Accept as complete the subdivision improvements for Tract No. 16809 located west of Maple Avenue and north of Arrow Boulevard.
 - (2) Adopt **Resolution No. 2009-____**, accepting sewers in Tract No. 16809 as part of the City sewer system.
- E. Final Acceptance of Subdivision Improvements for Tract No. 16852
 - (1) Accept as complete the subdivision improvements for Tract No. 16852 located west of Poplar Avenue and south of Randall Avenue.
 - (2) Adopt **Resolution No. 2009-____**, accepting sewers in Tract No. 16852 as part of the City sewer system.
- F. Final Acceptance of Subdivision Improvements for Tract No. 2183
 - (1) Accept as complete the subdivision improvements for Tract No. 2183 located west of Locust Avenue and north of Foothill Boulevard.
 - (2) Adopt **Resolution No. 2009-____**, accepting sewers in Tract No. 2183 as part of the City sewer system.
- G. Final Acceptance of the Construction of the Sierra Avenue Metal Beam Guard Rail Project.
 - (1) Accept as complete the work performed by Alcorn Fence Company for the construction of the Sierra Avenue Metal Beam Guard Rail Project.
 - (2) Approve the final construction amount of \$69,515.63
 - (3) Authorize the City Engineer to execute and file the Notice of Completion for City Project Bid Number SB-432-DE-09.

- H. Ratification of the election of the Project Area Committee in connection with Amendment No. 9 to the Redevelopment Plan for the Southwest Industrial Park Redevelopment Project Area.
- (1) Adopt **Resolution No. 2009-_____**, a Resolution of the City Council of the City of Fontana finding that all applicable procedures were followed in the election of the Project Area Committee for Amendment No. 9 to the Redevelopment Plan for Southwest Industrial Park Redevelopment Project Area.
- I. Approve a Resolution Adopting the List of Projects to be placed on the 2010 Regional Transportation Improvement Program.
- (1) Adopt **Resolution No. 2009-_____**, certifying that the City of Fontana has the resources to fund the projects submitted for inclusion in the 2010 Regional Transportation Improvement Program and affirming its commitment to implement all of the projects submitted in the program.
- J. Approve the Measure I Five Year Capital Project and the Five Year Local Streets Program.
- (1) Adopt **Resolution No. 2009-_____**, approving the Measure I Five Year Capital Project needs analysis and the Measure I Five Year Local Streets Program.
- K. Use of Sales Tax Revenue generated within Fontana's Western Sphere of Influence per the Memorandum of Understanding (MOU) between the City of Fontana and County of San Bernardino for Landscape Maintenance at the I-10 Freeway Interchange and Cherry Avenue.
- (1) 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 (MOU) between the City of Fontana and the County of San Bernardino.
- (2) Authorize the City Manager to execute the agreement between the City of Fontana and the County of San Bernardino for the use of sales tax revenues per the MOU for landscape maintenance at the I-10 Freeway and Cherry Avenue Interchange.
- L. Approve the purchase of fitness equipment for Fontana Community Senior Center.
- (1) Authorize purchasing to join in the cooperative bid process using General Services Administration (GSA) Contract GS-07F-92345 with Technogym USA Corp. to purchase, deliver and install fitness equipment.
- (2) Authorize the Purchasing to issue purchase orders by department with Technogym USA Corp. on an as-needed basis for the term of the GSA contract.

Approve Consent Calendar Items "A- L", 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) | |

- A. Adopt Resolution of Necessity
- (1) Conduct a Hearing to consider the Adoption of the proposed Resolution of Necessity, including providing all interested parties of the affected property, their Attorneys or their Representatives an opportunity to be heard on the issues relevant to the Resolution of Necessity;
 - (2) Make the following findings as hereinafter described in this report:
 - a. The public interest and necessity require the proposed project.
 - b. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
 - c. The real property to be acquired is necessary for the project.
 - d. The offer of just compensation has been made to the property owner.
 - (3) Adopt **Resolution No. 2009-_____**, a Resolution of Necessity by the City Council of the City of Fontana, declaring the acquisition of fee interest and temporary construction easement interests in portions of real property located on Foothill Boulevard, more particularly described as Assessor's Parcel Numbers: 1110-141-14, 1110-151-22, 0230-062-41, 0230-081-06, and 0230-081-07, by eminent domain is necessary for street widening and related public infrastructure improvements to Foothill Boulevard, Fontana, California.
- B. Approval of Specific Plan No. 04-006 – Arboretum Specific Plan
- (1) Adopt **Resolution No. 2009-_____**, a Resolution of the City Council of the City of Fontana, California, certifying the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2006071109), adopting the Statement of Overriding Consideration proposed for the Final EIR, adopting the Mitigation Monitoring Program, adopting the Statement of Facts and Findings, directing staff to file a Notice of Determination that: the Final EIR has been completed in compliance with CEQA, and the State guidelines; the City Council has reviewed and analyzed the Final EIR before approving the project; and, the Final EIR reflects the independent judgment of the City.
 - (2) Adopt **Resolution No. 2009-_____**, a Resolution of the City Council of the City of Fontana, California, approving General Plan Amendment No. 06-006:
 - (a) An amendment of the General Plan Land Use Map to change the land use designation of approximately 275.7 gross acres of Residential Planned Community Commercial (R-PC) land, approximately 27.2 gross acres of Community Commercial (C-C) land, and approximately 189.6 gross acres of Regional Mixed Use (RMU) land to Multi-Family Residential (R-MF);
 - (b) Amend the Circulation Master Plan Map by upgrading the street classification of Duncan Canyon Road (from Citrus Avenue to Sierra Avenue) and Cypress Avenue (from the project main entrance to Grapeland Street) from a secondary highway to primary highway; and,
 - (c) Modify the General Plan Text to allow 3,000 square foot Single-Family Residential lots within an approved specific plan
 - (3) Waive further reading of and introduce **Ordinance No. _____**, approving Zone Change No. 07-005, to change the zoning on approximately 275.7 gross acres of Residential Planned Community (R-PC) land, approximately 27.2 gross acres of Community Commercial (C-C) land, and approximately 231.6 gross acres of Regional

Mixed Use (RMU) land to Specific Plan No. 27 to reflect the adoption of the Specific Plan, and that the reading of the title constitutes the first reading thereof;

- (4) Waive further reading of and introduce **Ordinance No.** _____, approving Specific Plan No. 04-006 (Arboretum Specific Plan), and that the reading of the title constitutes the first reading thereof; and,
- (5) Waive further reading of and introduce **Ordinance No.** _____, approving Development Agreement No. 09-001 (Arboretum Specific Plan Development Agreement), and that the reading of the title constitutes the first reading thereof.

C. Municipal Code Amendment No. 09-004

- (1) Find that the project is exempt pursuant to Section 15061 (b)(c) 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 15, Article XII, of the Fontana Municipal Code regarding Massage Establishments and Massage Technicians, and that the reading of the title constitutes the first reading thereof.

D. 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, and 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, and direct staff to forward recorded liens to the County for collection.
- (3) Adopt **Resolution No. 2009-**_____, a Resolution of the City Council of the City of Fontana, adopting the Statement of Unpaid Expenses for Weed Abatement and imposing a lien against real property for payment thereof.

UNFINISHED BUSINESS: None

NEW BUSINESS:

A. Election Ballot Measure relative to Fireworks

- (1) Discussion and possible action regarding a ballot measure relative to the sale of fireworks.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

A. Cancellation of City Council Meetings of November 25 and December 23, 2009

- (1) That the Mayor and City Council approve cancellation of the City Council Meetings of November 25, and December 23, 2009, due to the holidays.

ADJOURNMENT: To an adjourned joint regular meeting with Cucamonga Valley Water District to be held on September 29, 2009, at 6:30 p.m. at 10440 Ashford, Rancho Cucamonga, CA 91730.

The next workshop meeting will held on Wednesday, October 14, 2009 at 5:00 p.m. and then the regular meeting at 7:00 p.m. in the City Council Chambers, located at 8353 Sierra Avenue, Fontana, CA.