

**CITY OF FONTANA AGENDA
CITY COUNCIL REGULAR MEETING
MARCH 24, 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 Steelworker 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.

5:00 P.M. WORKSHOP:

- A. Agenda Review
- B. Westgate Specific Plan (Charles Fahie, Planning Department)
- C. City Manager Comments

6:00 P.M. CLOSED SESSION:

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

Number of Cases: Two

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

Name of Case: Town of Apple Valley, City of Fontana et al v. County of San Bernardino, Los Angeles County Superior Court, Case No. KC049711/Second Appellate District, Case No. B 208282

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent: _____

PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor/Pastor Samuel Dawkins, Westside Baptist Church

SPECIAL PRESENTATIONS:

- A. Mayor and Council to recognize Police Officer's Jay Sayegh, Brandon Bowie and Pete Breslin and Code Compliance Inspector Luis Tejeda as the February 2009 "Employees of the Month".
- B. Mayor and Council to accept the California Parks and Recreation Society Awards for the Fontana Park and Agency Logo. (Chuck Hays, Public Works Department and Garth Nelson, Community Services Department 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 March 10, 2009 Regular City Council meeting.
- B. Accept as complete the work performed by Penn Woods Corporation for the construction of Walnut Avenue medians Phase I Landscape Improvements from Citrus Avenue to Juniper Avenue; approve the final construction amount of \$388,169.08; and authorize the City Engineer to execute and file the Notice of Completion for the City Project Bid No. SB-76-DE-07.
- C. (1) Accept as complete the work performed by Sully-Miller Construction Company for the construction of Foothill Boulevard (Phase I) street improvements from Ilex Avenue to Cherry Avenue; approve the final construction amount of \$3,813,079.89; and authorize the City Engineer to execute and file the Notice of Completion for City Project Bid No. SB-83-DE-08.
(2) Adopt **Resolution No. 2009-_____**, accepting sewers in Foothill Boulevard and a branch line stub in Banana Avenue.
- D. (1) Accept as complete the subdivision improvements in Tract No. 16695 located north of Summit Avenue and east of Citrus Avenue.
(2) Adopt **Resolution No. 2009-_____**, accepting sewers in Tract No. 16695 as part of the City sewer system.
- E. Authorize, approve and direct the City Manager to execute a contractual service agreement between the City of Fontana and Avaco Construction, Inc., of Moreno Valley for remodel work at the main Police facility in the amount of \$39,200.00, plus a 15% contingency amount of \$5,880.00.
- F. Award bid and authorize the City Manager to enter into an agreement with Crop Production Services for the purchase of herbicides and other chemicals. The term shall be for two years with three one-year extensions at the City's sole discretion.

- G. (1) Approve the Interlocal Agreement concerning the distribution of the 2009 American Recovery and Reinvestment Act Award (Justice Assistance Grant – JAG).
- (2) Authorize the City Manager to sign the Interlocal Agreement for the Justice Assistance Grant (JAG) on behalf of the City of Fontana.
- (3) Approve the expenditure plan for the use of the funds to help offset the cost of three police officers and two sergeant positions within the Police Department.

Approve Consent Calendar Items “A-G” 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. 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. 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.
- B. Resolution Authorizing the Sale of Surplus Property, Located on South Highland Avenue.
- (1) Find that the project is exempt from further environmental review pursuant to Section 3.16 of the Local Guidelines for implementing the California Environmental Quality Act, with no possibility of significant effects upon the environment, and direct staff to file a Notice of Exemption.
- (2) Adopt **Resolution No. 2009-_____**, finding that the public interest and necessity require the sale of surplus property, and declaring its intent to sell such property and authorizing the City Manager to execute any documents to effectuate said sale.
- (3) Approve a purchase and sale agreement between the City of Fontana and ARI Highland Village, L.P., and authorize the City Manager to execute any documents to effectuate said sale.

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Modification to Section 20-31 of the Fontana Municipal Code – Department Heads Exception from Inclusion in Competitive Service.
 - (1) Discuss and provide direction to staff regarding a possible modification to Chapter 20, Section 20-31 of the Fontana Municipal Code.

- B. Summary Vacation of Street Right-of-Way, Generally Located West of Mango Avenue and North of South Highland Avenue.
 - (1) Find that the project is exempt from further environmental review pursuant to Section 3.16 of the Local Guidelines for implementing the California Environmental Quality Act, with no possibility of significant effects upon the environment, and direct staff to file a Notice of Exemption.
 - (2) Adopt **Resolution No. 2009-_____**, to summarily vacate a portion of the public right-of-way known as a portion of Lot 16 of Rialto Acres as filed in Book 18 Page 12 of Maps, records of San Bernardino County, State of California and recorded as Easement Deed Number 19970328181.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

CITY MANAGER COMMUNICATIONS:

ADJOURNMENT: To an adjourned regular conference meeting on Thursday and Friday, March 26-27, 2009 in Lake Arrowhead and then to an adjourned regular meeting on Friday, April 3, 2009 at 9:00 a.m. at the Steelworkers Auditorium, located at 8437 Sierra Avenue, Fontana, CA.