

**CITY OF FONTANA AGENDA
CITY COUNCIL REGULAR MEETING
JUNE 10, 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.

5:00 P.M. WORKSHOP:

- A. Agenda Review
- B. Building Industry Association (BIA) Presentation
- C. 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 v. Michael Schwartz, et al

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

7:00 P.M. – CALL TO ORDER/ROLL CALL:

Present: _____ Absent: _____

PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor/ Council Member Roberts

SPECIAL PRESENTATIONS:

- A. Mayor and Council to accept a check from Kaiser Permanente for the Operation Splash Grant. (Jennifer Resch-Silvestri to present)
- B. Redevelopment & Special Project Director, Ray Bragg to make a presentation to Mayor and Council regarding the following awards: Center Stage Theater – "2008 Merit Award", Ventura County American Institute of Architects, Behr Browers Architects. Center Stage Theater – "Superior Achievement and Professional Design Excellence", California Council, Society of Registered Architects, Behr Browers Architects.
- C. Mayor and Council to recognize the July 4th Celebration – Red, White and Cruise at the Auto Club Speedway. (Jennifer Hunt, Community Services to make the presentation).

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 May 26, 2009 Regular City Council meeting.
- B. Adopt **Ordinance No. 1601**, reaffirming and increasing sewer service rate beginning July 1, 2009.
- C. Adopt **Resolution No. 2009-_____**, amending Resolution No. 2008-130 revising the 2008/2010 Measure I Two-Year Capital Improvement Program Plan.
- D. Adopt **Resolution No. 2009-_____**, adding Fontana City Administrative Policy 20-38 "Code Compliance – Settlements in-Compromise".
- E. (1) Approve the Interlocal Agreement concerning the distribution of the 2009 Edward Byrne Memorial 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.
(4) Increase revenues for Fiscal Year 2009/2010 in the amount of \$91,313. Approve appropriation in the amount of \$91,313 for expenditures; and, reduce the operating transfer requested for the JAG Program for Fiscal Year 2009/2010 in the amount of \$91,313.
- F. (1) Adopt **Resolution 2009-_____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 1 ("LMD#1") for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
(2) Adopt **Resolution 2009-_____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 2 ("LMD#2") for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
(3) Adopt **Resolution 2009-_____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3 ("LMD#3") for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.

- (4) Adopt **Resolution 2009-_____**, declaring its intention to levy and collect assessments within Landscape Maintenance District No. 3-1 (“LMD#3-1”) for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
 - (5) Adopt **Resolution 2009-_____**, declaring its intention to levy and collect assessments within Local Lighting Maintenance District No. 3 (“LLMD#3”) for Fiscal Year 2009-2010 and giving notice of and setting the time and place of the hearing on the levy of the proposed assessment.
- G. Waive further reading of and introduce **Ordinance No. _____**, amending the City of Fontana Municipal Code, Chapter 2, Article IV, Section 2-144 changing dates of the regular Parks and Recreation Commission meetings, that the reading of the title constitutes the first reading thereof.
- H. (1) Approve the renewal of Memorandum of Understanding between the Fontana Unified School District and the City of Fontana to operate twenty-two elementary school and five middle school grant funded After School Programs; total grant funding in the amount of \$2,850,000.00 and authorize the City Manager or his designee to sign the contract, all related documents and any amendments for the term of the contract.
- (2) Approve a Memorandum of Understanding between the Boys and Girls Club of Fontana and the City of Fontana to provide educational and literacy services to grant funded after school programs.
- (3) Award a three-year contract to Sysco Food Service, A&R Wholesale Distribution and Campus Foods to provide daily snacks to the After School Program in an estimated amount of \$220,000 per year. Authorize the Management Services Department to issue three purchase orders with a cumulative amount of \$220,000 per year.
- I. Approve sixteen co-sponsorship applications received from various organizations for Fiscal Year July 1, 2009 through June 30, 2010.
- J. (1) Accept as complete the work performed by Belaire-West Landscape, Inc., for landscape installation at Sierra Avenue and the I-10 Freeway, SB-331-PW-08.
- (2) Authorize the Director of Public Works to execute and file the Notice of Completion of construction.
- (3) Approve the final construction amount of \$690,642.01 and approve the release of the 10% retention upon satisfactory closure of the contract.
- K. (1) Accept as complete the work performed by Mega Way Enterprises, Inc., for the construction of Benjamin Fernandez Park, SB-20-PW-08.
- (2) Authorize the Public Works Director to execute and file a Notice of Completion of construction.
- (3) Approve the final construction amount of \$1,389,282 and approve the release of the 10% retention upon satisfactory closure of the contract.
- L. Authorize the expenditure of \$68,241 to IK. Curtis for the updated orthophotography to update the City’s geobase information.

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. Continue to July 8, 2009 – Fire Station 71
- (1) Continue the final EIR for Fire Station No. 71, the “Certificate of Appropriateness” to make changes to the Historic Park Site and Historic Fire Station and Administrative Site Plan No. 08-009 for the construction of Fire Station No. 71 to the July 8, 2009, City Council meeting.
- B. Federal Transit Administration Grant Program
- (1) Adopt **Resolution No. 2009-_____**, certifying that there are not any non-profit organizations readily available to carry out the service described in the application submitted by the City of Fontana for Fiscal Year 2009-2010 relating to services under Section 5310 of the Federal Transit Administration Grant Program.
 - (2) Authorize the City Manager to sign the necessary grant application and any related documentation to implement the grant.
- C. Sale of Surplus Property, Located at 7792 West Liberty Parkway
- (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 convenience requires the sale of surplus property, Assessor’s Parcel Number 1100-701-36, 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 Water of Life Community Church and authorize the City Manager to execute any documents to effectuate said approval.

UNFINISHED BUSINESS:**NEW BUSINESS:****ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

CITY MANAGER COMMUNICATIONS:

- A. Appoint _____ to attend the League of California Cities Summit on July 17-18, 2009 regarding Governance and Fiscal Reform.
- B. Cancel the June 24, 2009 City Council meeting.

ADJOURNMENT:

To an adjourned meeting on Thursday, June 18, 2009 at 6:00 p.m. in the Steelworkers' Auditorium, located at 8437 Sierra Avenue, Fontana, CA. regarding the City's Budget.