

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
CITY COUNCIL MEETING  
APRIL 10, 2012**

**WORKSHOP:**

**A. 5:30 P.M.**

A Workshop Meeting of the Fontana City Council was held on Tuesday, April 10, 2012, in the Fontana City Hall Executive Conference Room located at 8353 Sierra Avenue, Fontana, California. Mayor Pro Tem Roberts called the Workshop Meeting to order at 5:40 p.m. with Council Members Slowik and Wibert present. Mayor Warren and Council Member Tahan were absent. Police Chief Rod Jones and Community Assistance Program ("CAP") representative Linda Burton did not provide a CAP presentation. The CAP presentation was postponed to be rescheduled to a later City Council meeting. The Fontana City Council Regular Meeting Agenda was reviewed and City Manager Comments were heard. The Workshop Meeting adjourned at 5:45 p.m. to the tour of Community Services New Senior Transportation Buses followed by a Closed Session at 6:00 p.m.

**CLOSED SESSION:**

**A. 6:00 P.M.**

Closed Session was held at 6:00 p.m. in the City Hall Executive Conference room with Mayor Warren, Mayor Pro Tem Roberts, Council Members Slowik and Wibert present. Council Member Tahan was absent.

**PUBLIC COMMUNICATIONS:**

There were no public communications received on the following closed session item.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Property: APN: 0230-041-01: 14129 Foothill Blvd.

Property Owner: Joe Diaz

Negotiator: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

**A. 7:00 p.m. Call the Meeting to Order**

The Regular Meeting of the City of Fontana City Council was held on Tuesday, April 10, 2012, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue,

Fontana, CA. Mayor Warren called the meeting to order at 7:08 p.m.

**ROLL CALL:**

Present: Mayor Warren, Mayor Pro Tem Roberts, Council Members Slowik and Wibert. Council Member Tahan arrived at 7:35 p.m.

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

Following the Invocation given by Mayor Pro Tem Roberts, the Pledge of Allegiance was led by Council Member Wibert.

**CLOSED SESSION ANNOUNCEMENT:**

City Attorney Jeff Ballinger announced that there was no reportable action taken on the Closed Sessions held earlier this evening.

**PROCLAMATIONS:**

**A. Child Abuse Prevention Month**

Mayor Warren and the City Council proclaimed April 2012, as Child Abuse Prevention Month and presented a Proclamation to San Bernardino County Children and Family Services representative Kristy Loufek.

San Bernardino County Children and Family Services representative Kristy Loufek thanked Mayor Warren and City Council, and commented on the role and mission of San Bernardino County Children and Family Services in preventing Child Abuse and the need for community vigilance in protecting children.

**B. Grover W. Taylor**

Mayor Warren requested Mayor Pro Tem Roberts to read the Proclamation to rename the Fontana City Council Chambers to the Grover W. Taylor Council Chambers.

Mayor Warren and City Council presented a proclamation to Mrs. Marina Taylor in honor of re-naming of the Fontana City Council Chambers to the Grover W. Taylor Council Chambers in memory of her late husband.

Mrs. Marina Taylor thanked Mayor Warren and City Council for recognizing her late husband and renaming the Council Chambers to Grover W. Taylor Council Chamber.

**SPECIAL PRESENTATIONS:**

**A. Police Department Employees of the Month**

Mayor Warren and City Council recognized Officers Mike Hall and Rich Guerrero

as the Police Department February 2012, Employees of the Month.

## **B. Thompson Building Materials Recognition**

Mayor Warren and City Council presented a proclamation to Thompson Building Materials representatives Tom Rievely and Larnie Villanueva, recognizing Thompson Building Materials Company for helping the City of Fontana create a beautiful backdrop for the Groundbreaking Ceremony held on March 23rd for the I-10 Citrus and I-10 Cherry Avenues Interchange projects .

## **PUBLIC COMMUNICATIONS:**

### **A. Public Communications**

Chamber of Commerce representative Pattie Davidson provided an update on the Chamber of Commerce recent activities and upcoming events: Hispanic Business Collaborative "Health Care Reform and its effects on Small Business" meeting held on April 10th; Legislative Action meeting to be held on April 19th at Rotolo Chevrolet; Police and Fire Recognition event to be held on May 17th.

Danny Marquez, President of Veterans Partnering With Communities, Inc., thanked Mayor Warren and City Council for their attendance at the Veteran's Health and Wellness Benefits Fair held on April 7th and announced the upcoming events: Veterans Chapter 12 Golf Tournament to be held on April 12th; and the American Legion 25th District Wounded Warriors Golf Tournament to be held on April 28th.

Mayor Pro Tem Roberts apologized for not being at the Veteran's Health and Wellness Benefits Fair. He was picking up a returning veteran (his son John Roberts Jr.) from the airport. John Roberts Jr. completed his enlistment in the military.

## **CONSENT CALENDAR:**

**ACTION:** Motion was made by Council Member Wibert, seconded by Mayor Pro Tem Roberts, and passed unanimously by a vote of 5-0, to approve Consent Calendar Items "A-D."

### **A. Approval of Minutes**

Approve Minutes of the March 19, 2012, Joint Adjourned Regular City Council and Fontana Unified School District Meeting and the March 27, 2012, Regular City Council Meeting.

### **B. Fontana Art Association General Cooperative Programming Agreement**

Authorize the City Manager to enter into an Agreement with the Fontana Art Association to offer Cultural Art Programming at the Koehler Gallery and authorize the City Manager to execute any documents necessary to effectuate

said agreement.

**C. Approve Purchase of Robinson R66 Police Edition Helicopter**

1. Approve the purchase of one Robinson R66 Police Edition Helicopter and associated equipment for the police department air support unit.
2. Approve appropriation and allocate the amount of \$300,000 from Fund 223 "Federal Asset Seizure" and authorize the City Manager or his designee to execute all related contract documents.

**D. Final Acceptance for the demolition and grading of the Martin Tudor Aquatic Center Renovation Project, SB-14-PW-12**

1. Authorize an increase in the construction contingency in order to provide payment for extra work related to the construction contract with Southwest Construction Co., Inc., for the demolition and grading of the Martin Tudor Aquatic Center Renovation Project in the amount of \$109,572.84.
2. Accept as complete the work performed by Southwest Construction Co., Inc., for the demolition and grading of the Martin Tudor Aquatic Center Renovation Project; approve the final construction amount of \$470,108.84; and authorize the Public Works Director to execute and file a Notice of Completion.

**PUBLIC HEARINGS:**

**A. Hearing was opened to consider General Plan Amendment Nos. 12-001 (210 Sports Park), and 12-002 (Promenade Specific Plan)**

Director of Community Development Don Williams and Senior Planner Orlando Hernandez provided the staff report.

No written communications were received.

No one else spoke in favor or opposition.

Council Member Tahan requested clarification as to whether Public Hearing Item A (General Plan Amendment Nos. 12-001-Sports Park and 12-002- Promenade Specific Plan ) and Item B (Specific Plan Amendment No. 11-001 - Promenade Specific Plan) were being handled separately in tonight's meeting.

Mayor Warren stated public hearing items A and B would be presented separately.

Council Member Slowik requested clarification regarding the minimum average lot size of 4,100 square feet stated in the staff report and the minimum average lot size of 4,000 square feet stated in Exhibit C. He stated there was lack of consistency in the minimum average lot size permitted.

Senior Planner Hernandez stated the minimum average lot size of 4,000 square feet would be permitted in R2 development for lots outside the specific plan and minimum average lot size of 4,100 square feet would be permitted for lots within the specific plan.

Director of Community Development Williams further clarified the discrepancy in the permitted minimum average lot size language.

Council Member Slowik asked for more discussion on part two of the Public Hearing Item A related to General Plan Amendment No. 12-002 (Promenade Specific Plan).

Council Member Slowik commented that the proposed project is part of the Promenade Specific Plan area that had a certain vision that included certain development aspects and directions. He asked if any of his Council Member colleagues had any concerns regarding the proposal since the current proposal would replace previous vision with an entirely new and different development vision. The proposed specific plan would reduce the development intensity of the overall specific plan.

Discussion continued regarding the development intensity, housing element component, 111,000 square feet reduction of Commercial Square footage, and the 275 residential units reduction.

Council Member Slowik stated the amendment runs in counter direction to the General Plan aspects. There will be a reduction in some features that exist in the current plan (General Plan).

Mayor Warren stated there have been lots of changes in the last few years and the seating City Council has to deal with reality of the current economic environment and continue to provide quality development.

The hearing was closed.

**ACTION:** Motion was made by Council Member Tahan, seconded by Council Member Wibert, and passed by a vote of 4-1 (Council Member Slowik voting "No") to:

Adopt **Resolution No. 2012-028**, a Resolution of the City Council of the City of Fontana approving:

1. General Plan Amendment No. 12-001, an amendment to the General Plan Land Use Map to change the existing land use designation of approximately 27 adjusted gross acres of land (APNs: 0226-182-09 through -12, -14 through -22, -26 and -27 and 0226-184-07, -10 thru -21, -33, -37 and -38) from Multi-Family Residential (R-MF) to Public Facilities (P-PF), located south of Sierra Lakes

Parkway between Catawba Avenue and Knox Avenue and having a frontage of approximately 1,300 feet on the south side of Sierra Lakes Parkway, a frontage of approximately 820 feet on the west side of Catawba Avenue and a frontage of approximately 925 feet on the east side of Knox Avenue.

2. General Plan Amendment No. 12-002, an amendment to the General Plan Land Use Map to change the existing land use designation of approximately 36.5 adjusted gross acres of property (APNs: 0240-101-01, -02, -15, -26, -27, -28, -31, -32, -33, and -35) from General Commercial (C-G) to Medium Density Residential (R-M), and to change the text in Chapter 3 of the Land Use Element to allow for a minimum average lot size of 4,100 square feet (minimum lot size 3,600 square feet) for single-family residential development within an amenitized specific plan, located south of Walnut Avenue between Sierra Avenue and Juniper Avenue and having a frontage of approximately 1250 feet on the south side of Walnut Avenue, a frontage of approximately 1260 feet on the west side of Sierra Avenue and a frontage of approximately 1260 feet on the east side of Juniper Avenue.

**B. Hearing was opened to consider Planning Case No. 11-008/Specific Plan Amendment No. 11-001 (Promenade Specific Plan)**

Director of Community Development Don Williams and Senior Planner Orlando Hernandez provided the staff report.

No written communications were received.

Jo Faris of Forestar Fontana LLC provided a power point presentation and introduced members of the project team.

Council Member Tahan requested clarification on the parking ratio, Covenant Conditions and Restrictions ("CC&R"), Home Owners Association ("HOA") fees, whether CC&Rs could be amended in the future, and the size of the house requirement.

Director of Community Development Williams stated the city is a third party to the CC&R and property owners would have to seek City's approval to make any changes. HOAs are set up by by-laws and an HOA is empowered to enforce the CC&R.

Jo Fariss stated the expected HOA fee would be in the range of \$77 and \$84 a month.

Senior Planner Hernandez stated there was a minimum house size requirement of 1,500 square feet but no limit on the maximum size.

Discussion continued regarding Area Five's specific permitted uses: multi-family, senior housing, and active-passive open space.

The hearing was closed.

**ACTION:** Motion was made by Council Member Tahan, seconded by Council Member Wibert, and passed by a vote of 4-1 (Council Member Slowik voting "No") to:

1. Determine that the Final Environmental Impact Report (FEIR) (SCH No. 2004071046) certified for the Promenade Specific Plan, the Addendum to the FEIR, and the Supplemental Greenhouse Gas Assessment to the FEIR, have adequately identified the impacts associated with Specific Plan Amendment No. 11-001 and that no previously reviewed impacts have changed, adopt the Addendum to the FEIR, and direct staff to file a Notice of Determination; and,

2. Waive further reading of and introduce **Ordinance No. 1659**, an Ordinance of the City of Fontana approving Specific Plan Amendment No. 11-001, amending the Promenade Specific Plan to eliminate 666 attached multi-family residential units to be replaced with 391 single-family detached units; reduce the total allowed commercial area from 778,500 square feet to 667,000 square feet; other miscellaneous changes to accommodate a proposed single family residential project; and, that the reading of the title constitutes the first reading thereof.

**C. Hearing was opened to consider Planning Case No. 12-003/Zone Change No. 12-001/Design Review No. 12-001 (210 Sports Park)**

Director of Community Development Don Williams and Senior Planner Orlando Hernandez provided the staff report.

No written communications were received.

No one else spoke in favor or opposition.

Mayor Warren commented on the proposed project's impact in terms of jobs creation and economic development.

The hearing was closed.

**ACTION:** Motion was made by Council Member Slowik, seconded by Council Member Tahan, and passed unanimously by a vote of 5-0 to:

1. Determine that the project has been analyzed under a Final EIR prepared for the project and certified by the City Council on November 17, 2010, and direct staff to prepare and file a Notice of Determination pursuant to the guidelines for implementing the California Environmental Quality Act;

2. Waive further reading of and introduce **Ordinance No. 1660**, an Ordinance of the City of Fontana approving Zone Change No. 12-001, changing the Zoning District Map on approximately 27 adjusted gross acres of property from Multi-Family Residential (R-3) to Public Facilities (P-PF), and that the reading of the title constitutes the first reading thereof; and,

3. Approve Design Review No. 12-001 subject to the Findings and Conditions of Approval.

## **UNFINISHED BUSINESS:**

### **A. Adoption of Ordinance No. 1657 and 1658**

**ACTION:** Motion was made by Council Member Wibert, seconded by Council Member Tahan, and passed unanimously by a vote of 5-0 to:

1. Waive further reading of and adopt **Ordinance No. 1657**, an ordinance of the City Council of the City of Fontana, California, amending Chapter 3, Articles I through IV, Sections 3-82, 3-162, and 3-177 (Advertising and Signs - Billboard Signs) of the Fontana Municipal Code.
2. Waive further reading of and adopt **Ordinance No. 1658**, an ordinance of the City Council of the City of Fontana, California, amending Chapter 3, Articles I through IV, Sections 3-82, 3-162, and 3-163 (Advertising and Signs-Windflag Signs) of the Fontana Municipal Code.

## **ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

The following Elected Officials Communications were received:

### **A. Elected Officials Communications/Reports**

Mayor Pro Tem Roberts thanked the community for their prayers and support of his son John Roberts Jr.'s return home from military duty on Saturday April 7, 2012. John Roberts Jr. will be officially discharged from the military on May 10, 2012. Mayor Pro Tem Roberts apologized for his absence at the Veteran's Health and Wellness Benefits Fair held on Saturday, April 7, 2012.

Council Member Wibert wished John Roberts Jr. a warm welcome home. Council Member Wibert stated in addition to his coming home he does bring home a purple hat and congratulated him on completing his enlistment in the military.

Council Member Wibert announced her attendance at the Veteran's Health and Wellness Benefits Fair; Fontana Car Show; and the Walk for Kids event.

Council Member Wibert announced the upcoming community events: Curves for Women opening at 17284 Foothill Boulevard; newly renovated Regency Theater at 16741 Valley Boulevard; Special Olympics Area Games and Community Clean Up and Recycling events on April 14th; Yard Sales the weekend of April 20-22; and the Farmers Market on April 28th.

Council Member Slowik congratulated John Roberts Jr. on his service in the military and defending this great country.



Council Member Slowik announced his attendance at the Veteran's Health and Wellness Benefits Fair.

Council Member Slowik reminded and encouraged the community to attend the Relay for Life on April 28th.

Council Member Slowik requested the community to pray for our troops and their families.

Council Member Tahan announced his attendance at the Veteran's Health and Wellness Benefits Fair, Fontana Pony Baseball League and the Duncan Canyon Interchange project meeting at SANBAG.

Council Member Tahan asked Mayor Warren if the Council could have the naming of the new Fire Station # 71 added to the April 24, 2012 City Council meeting agenda for discussion.

Mayor Warren announced her attendance at the Veteran's Health and Wellness Benefits Fair and the Fontana Lions Club breakfast at Dino Papavero.

Mayor Warren congratulated and thanked President of the Veterans Partnering with Communities Danny Marquez, volunteers and staff on a great and well attended Veteran's Health and Wellness Benefits Fair.

Mayor Warren announced the upcoming community events: Farmer's Market; Healthy Fontana; Salsa Music and Dance every Thursday at Center Stage; and the Pacific Electric Trail Big Play Day.

Mayor Warren commented on the Fontana Successor Agency Oversight Board meeting held on April 6th and asked the community to pray for the board as it "winds down" the activities of the former Redevelopment Agency.

Mayor Warren congratulated John Roberts Jr. on completing his enlistment in the military.

## **CITY MANAGER COMMUNICATIONS:**

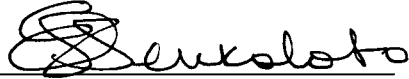
### **A. City Manager Communications**

There were no City Manager Communications.

City Attorney Ballinger gave a brief update on the Redevelopment legislation that was passed and interpreted by the Supreme Court regarding whether the prohibition against acquiring property in project areas continues to exist. City Attorney Ballinger stated the prohibition no longer applies. City officials can now buy property in former redevelopment areas.

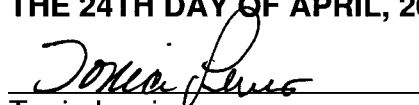
**ADJOURNMENT:**

The City Council meeting adjourned at 9:07 p.m. to the next Regular City Council Meeting which will be held on April 24, 2012, with an Artist Showcase at 5:00 p.m. in the Grover W. Taylor Council Chambers and Foyer, followed by the Regular Meeting at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, CA.



Evelyn C. Ssenkoloto  
Administrative Analyst

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON  
THE 24TH DAY OF APRIL, 2012.**



Tonia Lewis  
City Clerk