

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
CITY COUNCIL MEETING  
MARCH 27, 2012**

**WORKSHOP:**

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

A Workshop Meeting of the Fontana City Council was held on Tuesday, March 27, 2012, in the Fontana City Hall Executive Conference Room located at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the Workshop Meeting to order at 5:35 p.m. with Mayor Pro Tem Roberts, Council Members Slowik and Wibert present. Council Member Tahan arrived at 6:00 p.m. Director of Management Services Lisa Strong provided a Management Services presentation. The Fontana City Council Regular Meeting Agenda was reviewed and City Manager Comments were heard. The Workshop Meeting adjourned at 6:20 p.m. to Closed Session.

**CLOSED SESSION:**

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

Closed Session was held at 6:21 p.m. in the City Hall Executive Conference room with Mayor Warren and all Council Members present.

**PUBLIC COMMUNICATIONS:**

There were no public communications received on the following closed sessions items.

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

**PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a):**

Name of Case: Larry Smith vs. City of Fontana

U.S. District Court (LA) Case # EDCV11-00196SVW(VBKx)

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

Name of Case: Pioneer Properties v. City of Fontana; City of Fontana v. Lee P. Wetzel, Pioneer Properties, LP

San Bernardino County Superior Court, Case No. CIVDS 905670 (Consolidated with Case No. CIVDS 907318)

**A. 7:00 P.M. Call the Meeting to Order**

The Regular Meeting of the City of Fontana City Council was held on Tuesday, March 27, 2012, in the City Hall Council Chambers, 8353 Sierra Avenue,

Fontana, CA. Mayor Warren called the meeting to order at 7:21 p.m.

**ROLL CALL:**

Present: Mayor Warren and Council Members Roberts, Slowik, Tahan, and Wibert.

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. Arbor Day Proclamation**

Mayor and City Council presented a Proclamation to Public Works Director Chuck Hayes to Proclaim April 5, 2012, as Arbor Day.

Director of Public Works, Chuck Hayes together with Parks and Landscape Supervisor Erik Garwick gave an update on treescape in Fontana and announced the upcoming Arbor Day event to be held on April 5, 2012, at the Mary Vagle Center, 11501 Cypress Avenue, Fontana, California from 10:00 a.m. to 12:00 p.m.

**SPECIAL PRESENTATIONS:**

**A. SCMAF Awards**

Mayor Warren introduced Director of Community Services Garth Nelson who introduced Past President Kevin McArdle from the Southern California Municipal Athletic Federation ("SCMAF").

Mayor Warren and City Council received two awards presented by Past President Kevin McArdle from tSCMAF:

1. Golden Shield Award; and the
2. Outstanding New Recreation Facility Award for the Fontana Community Senior Center.

Mayor Warren and the City Council thanked Mr. McArdle for the two awards and recognized Community Services Managers Frances Hernandez and Jennifer Hunt, and Community Services Services Rafael Gonzales for their great work.

## **B. Special Presentation to Reach Out**

Mayor Warren introduced Chief Jones who introduced Reach Out Organization representative Mr. Mike Palmer.

Mayor Warren accepted a \$5,000 check from Reach Out presented by Mr. Mike Palmer, and recognized them on their partnership with the City of Fontana.

## **PUBLIC COMMUNICATIONS:**

### **A. Public Communications**

Michael Townsend, representing Congressman Joe Baca's Office, gave an update on Congressman Baca's recent activities and upcoming events: Youth Education Motivation Program event, Congressional Art Competition held on March 16, 2012; Women's Conference held on March 15, 2012; and the upcoming Round Table discussion on Agriculture and Nutritional Programs to be held on April 10, 2012.

## **CONSENT CALENDAR:**

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

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

Approve Minutes of the March 13, 2012 Regular City Council Meeting.

### **B. Recognized Obligation Payment Schedule**

#### **CITY OF FONTANA AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

1. Adopt **Resolution No. SAR 2012-022** approving a revised draft Recognized Obligation Payment Schedule pursuant to Health and Safety Code Section 34177 (l) for February 1, 2012 through June 30, 2012.

2. Adopt **Resolution No. SAR 2012-023** approving a Recognized Obligation Payment Schedule pursuant to Health and Safety Code Section 34177(l) for July 1, 2012 through December 31, 2012

### **C. Final Acceptance of Subdivision Improvements for Tract No. 14244**

1. Accept as complete the Subdivision Improvements for Tract No. 14244 located within the Southridge Village Specific Plan.

2. Adopt Resolution **No. 2012-024**, accepting sewers in Tract No. 14244 as part

of the City sewer system.

**D. Fontana Art Association Quarterly Report**

Accept staff report.

**E. Final Acceptance of the Construction of the Pacific Electric Inland Empire Trail Segments 3B, 4 & 5B and Landscaping of Segment 3A (Bid No. SB-14-DE-11)**

1. Accept as complete the work performed by Southwest Construction Company Incorporated for the improvements on the Pacific Electric Inland Empire Trail Segments 3B, 4 & 5B and landscaping at the street intersections of existing Segment 3A; approve the final construction amount of \$2,818,032.30; and authorize the City Engineer to execute and file the Notice of Completion. (Bid No. SB-14-DE-11).

2. Authorize the City Engineer to file grant reimbursement claims for a lump sum payment of \$187,000.00 allocated under the 2009 Transportation Development Act (TDA) for the Pacific Electric Inland Empire Trail Segment 5B.

**F. Award a Construction Contract for the Almeria Avenue Storm Drain Project and the Tokay Avenue Storm Drain Project (Bid No. SB-20-DE-12)**

1. Authorize the City Manager to execute a construction contract with Mamco Inc. for the construction of the Almeria Avenue Storm Drain Project and the Tokay Avenue Storm Drain Project in the amount of \$233,333.33 and authorize a 10% contingency in the amount of \$23,333.33. (Bid No. SB-20-DE-12)

2. Authorize the City Manager to execute any and all utility agreements, utility easements, and any related items on behalf of the City of Fontana for the Almeria Avenue Storm Drain Project and the Tokay Avenue Storm Drain Project.

3. Appropriate \$115,000.00 from Storm Drain Fund 622 to Project No. 3284.

**G. Approve Reach Out Mini Grant**

1. Approve Reach Out's Mini Grant in the amount of \$5,000.

2. Authorize the Chief of Police to sign the Standard Agreement to be entered into between the Reach Out and the Fontana Police Department in the amount of \$5,000.

3. Approve the expenditure plan for the use of the funds and authorize appropriate budget entries increasing both estimated revenues and appropriations in Grant Fund #301, Budget Unit #40315301.

## **PUBLIC HEARINGS:**

### **A. Hearing was opened to consider a Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts**

Accounting Manager, Dawn Brooks provided the staff report.

No written communications were received.

No one spoke in favor or opposition.

The hearing was closed.

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

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. 2012-025** adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.

### **B. Hearing was opened to consider Municipal Code Amendment (AMD) 11-025, amendment to Chapter 3 - Advertising and Signs**

Deputy City Manager Debbie Brazill and Senior Planner Stephanie Hall provided the staff report.

No written communications were received.

No one spoke in favor or opposition.

City Manager Ken Hunt read the amended language of the ordinance distributed in the workshop earlier in the evening and made a suggestion to break the hearing into two parts: Part 1 to focus on related Item 1 (CEQA) and Item 2 (Billboard Signs); and Part 2 to focus on Item 3 – (Windflag -Banners).

There were no speaker cards related to billboard signs.

Council Member Tahan requested clarification from staff as to whether the Industry had provided some input in the ordinance.

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

1. Find that the project has been reviewed pursuant to Section No. 15070 of the California Environmental Quality Act (CEQA), adopt a Negative Declaration and direct staff to file the Notice of Determination.
2. Waive further reading of and introduce 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; and that the reading of the title constitutes the first reading thereof.

Ordinance No. 1657 was approved with the direction to staff to include the amended Section 3-177 Sub Section (9) regarding the Billboard Relocation Agreements Review Proces.

Deputy City Manager Brazill continued the presentation with a focus on Staff Report Recommendation Item 3-Windflag Banners.

Mayor Warren asked if there was a Dealership allowance and special concession based on their use.

Mayor Pro Tem Roberts asked if staff had talked to the Chamber of Commerce, and business community and other cities to determine what policies are elsewhere. He stated that the ordinance needed to be business friendly and requested staff to contact the Chamber of Commerce and the business community for their input on the process.

Deputy City Manager Brazill stated staff has not received any input from the Chamber of Commerce.

Council Member Tahan concurred with Mayor Pro Tem Roberts' comments regarding getting input from the business community and Chamber of Commerce and suggested having more discussions on Item 3 (Windflag Banners).

Council Member Slowik commented that there was a need for input from the Chamber of Commerce and business community. Council Member Slowik stated staff needs to look at the signage allowance criteria based on acreage, lot frontage, land use and commercial land use district and bring back the item for further discussion.

Council Member Wibert requested clarification on page 92 Item 4 regarding the number of banners allowed for floral shops and whether that allowance applied to beauty shops.

Council Member Tahan requested clarification on the process of obtaining a permit.

Deputy City Manager Brazill stated all other shops were allowed one banner and the permitting process would be the same as the current temporary sign permit process.

Mayor Warren commented that relative to her discussion with the business community, businesses would like to see these windflags. Mayor Warren has had an opportunity to interview businesses on "Fontana is Open for Business" and some of the discussions have been the importance of windflags to businesses. Mayor Warren asked not to enforce the ordinance until there was more discussion on the ordinance.

City Manager Hunt requested Captain Ramsey to comment on the implications of enforcing the ordinance.

Captain Ramsey stated that his office has not been issuing citation but instead has been providing advisorial and educational support to the business community in anticipation of the new ordinance.

City Manager Hunt suggested that the city only enforce complaints related to blade signs in the event they present in the opinion of the police department a public safety hazard. City Manager Hunt stated blade signs are a relatively recent phenomenon. They are fairly new and have not been addressed. They have become a cost effective method of advertising. He also provided a course of action: 1) Adopt Ordinance as presented by staff; and 2) Direct staff to bring the ordinance back to the city council in 30 days with a section that deals with automotive dealerships and stand alone businesses.

Deputy City Manager Brazill stated that bringing back the ordinance to the city council would require more time due to the 60 day noticing requirement.

Mayor Warren concluded by requesting revision be made regarding automotive dealerships and stand alone businesses, the 15 feet spacing between banners requirement, discussion with the Chamber of Commerce, and revise the one banner per business requirement and bring back the ordinance for discussion at a later date.

**ACTION:** Motion was made by Council Member Wibert, seconded by Council Member Slowik. No Vote was taken.

Mayor Pro Tem Roberts spoke regarding the one signage per business. Discussion continued regarding one sign per business and the 15 feet parameter spacing.

**ACTION:** Motion was made by Council Member Wibert, seconded by Mayor Pro

Tem Roberts and passed by a vote of 4-0-1 (Council Member Slowik abstained from voting) to:

1. Find that the project has been reviewed pursuant to Section No. 15070 of the California Environmental Quality Act (CEQA), adopt a Negative Declaration and direct staff to file the Notice of Determination.

3. Waive further reading of and introduce 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; and that the reading of the title constitutes the first reading thereof.

The City Council approved Ordinance No. 1658 as presented and recommended that the ordinances be brought back with the requested language modification regarding automotive dealerships, stand alone businesses, the 15 feet spacing between banners requirement, discussion with the Chamber of Commerce, and revise the one banner per business requirement.

## **NEW BUSINESS:**

### **A. Possible Cancellation of the City Council Meeting scheduled for Tuesday May 22, 2012**

**ACTION:** Motion was made by Council Member Tahan, seconded by Council Member Wibert, and passed unanimously by a vote of 5-0, to: Cancel the City Council Meeting scheduled for Tuesday, May 22, 2012.

### **B. Mayor's appointments of two (2) members to the Oversight Board**

City Manager Ken Hunt provided the staff report.

**ACTION:** Motion was made by Council Member Tahan, seconded by Council Member Wibert, and passed unanimously by a vote of 5-0, to appoint Mayor Acquanetta Warren, as the Mayor's representative on the Oversight Board.

**ACTION:** Motion was made by Mayor Pro Tem Roberts, seconded by Council Member Slowik, and passed unanimously by a vote of 5-0, to appoint Evelyne C. Ssenkoloto, as the representative on the Oversight Board from the employees of the former Agency employed by the Successor Agency.

### **CITY OF FONTANA AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

Adopt **Resolution No. SAR 2012-026**, a Resolution of the City Council of the City of Fontana confirming the Mayor's appointments of two (2) members to the Oversight Board.



**C. Appointment of one (1) member to the County Oversight Board**

City Manager Ken Hunt provided the staff report.

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

Adopt **Resolution No. 2012-027**, a Resolution of the City Council of the City of Fontana appointing one (1) member to the Oversight Board for the County of San Bernardino regarding dissolution of the County of San Bernardino Redevelopment Agency.

City Council appointed Mayor Acquanetta Warren as the City’s representative on the Oversight Board for the County of San Bernardino.

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

The following Elected Officials Communications were received:

**A. Discussion and take possible action regarding Commission appointments.**

There was no discussion on Elected Officials Communications/Reports Item A to discuss the possible appointment of a Commissioner.

**B. Current Parks and Community Services Commission Members**

<u>Name</u>	<u>Title</u>	<u>Term</u>
Janie Rowland	Chair	1 year
Luis Vaquera	Vice-Chair	1 year
Luisa "Patty" Espinoza	Secretary	2 year
John Tigner	Commissioner	1 year
Lourdes Goni	Commissioner	2 year
Daniel Quiroga	Commissioner	2 year
VACANT	Commissioner	2 year

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

Approve the current Parks and Community Services Commission Members terms.

**C. Elected Officials Communications/Reports**

Council Member Slowik announced his attendance at the I-10 Citrus and Cherry

ground breaking event. He thanked staff and volunteers for organizing a great event.

Council Member Slowik congratulated the Fontana Girls Soft Ball League on a successful opening day ceremony, and Tom and Mary Rivera on their 30 years with the Fontana Girls Soft Ball.

Council Member Slowik thanked the Rotarians and volunteers that supported the Auto Club Speedway race last weekend.

Council Member Slowik announced his attendance at Community Family Track Walk and the Summit CIF Champions Ring Ceremony.

Council Member Slowik expressed his condolences to the Deer family for the passing of Pamela Deer and asked the meeting tonight to be adjourned in her memory.

Mayor Pro Tem Roberts announced the upcoming Fontana Car Show Kick-off event on March 31, 2012.

Council Member Wibert announced the upcoming community events: A Health and Wellness Fair for Seniors on April 7th; Fontana Special Olympics on April 14th; Veterans Fundraising on April 21st ; Relay for Life on April 28th ; Open House for the Fontana Police K9 Training Center on May 24th .

Council Member Wibert congratulated the winners of the 2012 Miss Fontana Scholarship Pageant Contestants: Ms. Fontana Krystal Eshleman, Senior Princess Melissa Au and Junior Princess Ellyse Martinez.

Council Member Wibert announced her attendance at the I-10 Citrus and Cherry Avenue ground breaking event; Community Family Track Walk (raised funds for the Empire Karate Team); and the Summit CIF Champions Ring Ceremony.

Council Member Wibert congratulated the Fontana Girls Soft Ball League and thanked Tom and Mary Rivera and the volunteers.

Council Member Wibert announced the upcoming community events: Walk for Kids in April; Community Clean Up and Recycling event on April 14th , and the Farmers Market on April 28th.

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

Council Member Tahan announced his attendance at the ground breaking ceremony for the reconstruction projects of the existing Interstate 10 Freeway interchanges at Citrus and Cherry avenues on Friday, March 23, 2012 and commented on the projects regional impact in terms of jobs creation and

economic development.

Council Member Tahan announced his attendance at the Fontana Girls Soft Ball League opening, Historical Society Quarterly Meeting, and the Summit CIF Champions Ring Ceremony.

Council Member Tahan congratulated Fontana Unified School District Board Member Leticia Garcia on a great proposal to continue the After School Program.

Mayor Warren announced her attendance at the Summit CIF Champions Ring Ceremony, Auto Club Speedway Race and the Coca Cola Walk.

Mayor Warren announced the upcoming California Sports Hall of Fame being presented by former football running back for the Kansas City Chiefs Christian Okoye. The primary mission of the California Sports Hall of Fame is to capture the passion children and young adults have for sports.

Mayor Warren reminded the community to support the upcoming Kaiser High School - Rotolo Chevrolet Scholarship Sponsorship event to be held on April 5th at Kaiser High School. She asked the Community to embrace the program and assist with prizes, sponsoring or funding.

Mayor Warren invited the community to join the City Council on April 10th at 5:30 p.m. outside the Council Chambers to view the newest addition to the Fontana Community Senior Center Transportation fleet, procured through the 5310 Federal Transportation Administration Grant.

Mayor Warren commented on the After School Program, thanked the children, parents, business and community leaders for their efforts in making sure the students in the program are sustained.

Mayor Warren expressed her condolences to the Deer and Humphrey families for the passing of Pamela Deer and Pat Humphrey and asked to adjourn the meeting in their memory.

## **CITY MANAGER COMMUNICATIONS:**

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

City Manager Hunt thanked the Historical Society for inviting him to be guest speaker at their quarterly meeting last week.

City Manager Hunt recognized and thanked Strategic Transportation Engineering Manager Kevin Ryan for a fabulous job of shepherding the I-10 Freeway Interchange projects at Citrus and Cherry Avenues. He also recognized Senior Administrative Analyst Cheryl Cabaruvias and Administrative Analyst Monique Molina for a wonderful job on the ground breaking ceremony.

**ADJOURNMENT:**

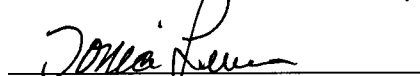
A moment of silence was held for the passing of Pamela H. Deer and Pat Humphrey, a former employee of Fontana Unified School District.

The City Council meeting adjourned in memory of Pamela H. Deer and Pat Humphrey at 9:11 p.m. to the 28th Annual City County Conference from March 29-30, 2012, at the Lake Arrowhead Resort, 27984 Highway 189, Lake Arrowhead, California, and then to the next Regular City Council Meeting which will be held on Tuesday, April 10, 2012, with a workshop at 5:30 p.m. and the Regular Meeting at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, CA.



Evelyne C. Ssenkoloto  
Administrative Analyst

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 27TH DAY OF MARCH, 2012.**



Tonia Lewis  
City Clerk