

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
CITY COUNCIL MEETING  
MARCH 13, 2012**

**WORKSHOP:**

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

A Workshop Meeting of the Fontana City Council was held on Tuesday, March 13, 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 arrived at 5:45 p.m. Council Member Tahan arrived at 5:55 p.m. Deputy City Manager David Edgar and RSG Consultant Felise Acosta provided an update on the Inclusionary Zoning Ordinance ("IZO"). The Fontana City Council Regular Meeting Agenda was reviewed and City Manager Comments were heard. The Workshop Meeting adjourned at 6:10 p.m. to Closed Session.

**CLOSED SESSION:**

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

Closed Session was held at 6.10 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 - ANTICIPATED  
LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)  
Number of Cases: One

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a): Name of Case:  
Veronica Pizarro vs. City of Fontana San Bernardino Superior Court, Case No.  
CIV DS 1105263

**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 13, 2012, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Warren called the meeting to order at 7:05 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 Slowik.

**CLOSED SESSION ANNOUNCEMENT:**

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

**SPECIAL PRESENTATIONS:**

The following Special Presentation Items were taken out of sequence.

**A. Miss Fontana Scholarship Pageant Contestants**

Mayor Warren welcomed Fontana Rotary Club President Ray Allard and the 2012 Miss Fontana Scholarship Pageant Contestants. Fontana Rotary Club President Allard introduced Co-Directors of the Pageant, Amanda Cothran and Danielle Holly to introduce the 2012 Miss Fontana Scholarship Pageant Contestants.

Each Miss Fontana Scholarship Pageant Contestant present introduced themselves and their sponsor to the Mayor and City Council. Mayor Warren and the City Council congratulated this year's 46 contestants and thanked them for their representation of the City. The event will take place on Saturday, March 17 at 6:30 p.m. at the Steelworkers' Auditorium at the Lewis Library and Technology Center. The annual pageant is being presented by the Rotary Club of Fontana.

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

Mayor Warren introduced Police Chief Rod to introduce the January 2012 Police Department Employees of the Month.

Mayor Pro Tem Roberts, on behalf of the Mayor and City Council presented Plaques of Recognition to recognized Officers Frank Losch, Mark Aranda and Taylor Hymas for their great accomplishment and contribution to the safety of the Fontana Community. Officer Losch was not present to accept his Plaque.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

Victor Sanchez, a volunteer with Veterans Partnering With Communities, Inc. spoke on the organization's new initiatives: Resource Center Sponsors Campaign; Website Sponsors Campaign, Online Donors Campaign, and Social

Media. He announced the upcoming Heroes in Uniform Black Tie Event to be held on September 15, 2012. The event is being presented by Veterans Partnering With Communities, Inc. and Kimberly Crest.

Danny Marquez, President of the Veterans Partnering With Communities, Inc. announced the upcoming events: Veteran's Health and Wellness Benefits Fair to be held on Saturday, April 7, 2012, from 10:00 a.m. to 4:00 p.m. at the Fontana Senior Center located at 16710 Ceres Street; American Legion Event to be held on April 28, 2012, at the San Bernardino Golf Club; Veteran Women's Appreciation event presented by Senator Gloria Negret McLeod to be held on March 16, 2012, at the Chino American Legion Post 229, 13759 Central Avenue, Chino.

Bill Waddingham announced the Police and Fire Recognition event to be held on May 17, 2017 at Center Stage, the upcoming luncheon with the Mayor at J & M Restaurant in Fontana on Thursday March 15, 2012, and congratulated the 46 Miss 2012 Fontana Scholarship Pageant Contestants.

Michael Townsend, representing Congressman Joe Baca's Office, thanked the Mayor and Council, City Manager and City Staff for their attendance at the Congressman's meeting in Washington D.C., gave an update on the new legislation H.R.4144 The Strengthening Economic Development Through Affordable Housing Act introduced by Congressman Joe Baca on Tuesday, March 6, 2012, and announced the upcoming Women's Conference to be held on March 15, 2012 at 2500 S. Archibald Avenue in Ontario from 8:00 a.m. to 12:00 p.m.

Fran Givens, California Senior Legislative Assembly Member commented on the Mayor's Youth Advisory Council and her interest in working with the youth.

Mark Nuaimi, former City of Fontana Mayor, spoke regarding the After School Program.

## **CONSENT CALENDAR:**

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

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

Approve Minutes of the February 28, 2012 Regular City Council Meeting.

### **B. Adoption of Ordinance No. SAR 1654**

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

Waive further reading of and adopt Ordinance No. SAR 1654 an Ordinance of the City Council of the City of Fontana, California, Repealing Ordinance No. 1634 Electing to Participate in the Alternative Voluntary Redevelopment Program Pursuant to Health and Safety Code Section 34192 et seq.

**C. Ten-Ninety, Ltd. – Fourth Quarter Statement of Development Costs: October 1, 2011 through December 31, 2011**

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

Approve the Reimbursement of Ten-Ninety, Ltd., 2011 Fourth Quarter Statement of Development Costs, in the amount of \$10,516.04 (Jurupa Hills Redevelopment Project).

**D. Adoption of Ordinance No.1655**

Waive further reading of and adopt **Ordinance No. 1655** an Ordinance of the City of Fontana approving Zone Change No. 11-013, changing the Zoning District Map to change approximately 36 acres of property (APNs: 0226-074-20, 0226-075-23, and -48) from Residential Planned Community (R-PC) to Single-Family Residential (R-1).

**E. Accept Donation**

Accept donation from Smart & Final Charitable Foundation in the amount of \$1,000.00 for use towards the City's 2012 Easter Egg Celebration at the Don Day Neighborhood Center.

**F. Homeland Security Grant**

1. Adopt **Resolution No. 2012-019** of the City Council of the City of Fontana, approving and accepting a grant in the amount of \$53,437 from the Office of Homeland Security.

2. Authorize the Chief of Police or his designee to sign all related grant documents for the grant; and, make purchases of equipment as outlined in the grant.

3. Increase estimated revenues and appropriations in Grant Fund #301 by \$53,437.

**G. Fontana Police Department 2011 Annual Report**

Receive and accept the Police Department's 2011 Annual Report.

**H. Final Acceptance of ARAM Pavement Rehabilitation Project SB-52-PW-11**

1. Accept as complete and authorize the Director of Public Works to execute and file a Notice of Completion for Project SB-52-PW-11.
2. Approve the final construction amount of \$2,899,596.10
3. Approve the release of the 10 percent retention upon satisfactory closure of the contract.

**I. Development of a Feasibility Study under Title XVI Water Reclamation and Reuse Program**

1. Adopt **Resolution 2012-020** authorizing the development of a feasibility study under the Title XVI Water Reclamation and Reuse Program from the U.S. Department of the Interior.
2. Authorize the City Manager to enter into an agreement providing funding and a Cooperative Agreement with the U.S. Bureau of Reclamation.

**J. Award Construction of Martin Tudor Aquatic Center Renovation Project - Phase II (SB-29-PW-12)**

Award bid and authorize the City Manager to enter into a contract with Hamel Contracting, Inc. for the construction of the Martin Tudor Aquatic Center Renovation Project - Phase II (SB-29-PW-12) in the amount of \$1,918,754.00 and authorize a 10 percent contingency in the amount of \$191,875.00

**K. Award Bid – Sports Equipment, Education, School and Craft Supplies**

Award bid #SB-16-CS-12 to S&S Worldwide for the purchase of sports equipment, education supplies, and school and craft supplies for the Fontana After School Program.

**L. Safety and Support Equipment Purchase for Police Department Helicopter**

1. Approve the purchase of additional safety and support equipment for helicopter (N335PD) assigned to the police department air support unit.
2. Approve appropriation and allocate the amount of \$115,000 from Fund 223 "Federal Asset Seizure" and authorize the City Manager or his designee to execute all related contract documents.

**PUBLIC HEARINGS:**

**A. Hearing was opened to Consider the written decisions of the**

**Administrative Hearing Officer and deny or approve the appeal and hardship waiver for a citation received for violation of Fontana Municipal Code Section 15-602 for Sales/Possession of Fireworks:**

Appellant Tony Xavier Serhal; Citation No. 644543; Customer No. 94846

Captain Robert Ramsey provided the staff report.

No written communications were received and no one was present wishing to speak other than the Appellant.

Appellant Tony Xavier Serhal explained that he was not in possession of fireworks on July 4th and requested video proof from the officers regarding the violation.

Council Member Tahan requested clarification from staff regarding tonight's hearing, judge's decision and fine. Council Member Tahan commented on the need for safe fireworks and safety is a number one priority for the community.

Council Member Slowik commented on the administrative aspect of the fine, the offer made to reduce the fine, and the defendant's choice not to accept the lowering of the fine.

City Manager Ken Hunt clarified that tonight's hearing was an opportunity for the appellant to present his side of the issue and not a legal hearing. The legal hearing took place on September 14th. The Council has three options: 1. Deny the appeal and hardship waiver; 2. Approve the appeal and hardship waiver and wipe out the fine; 3. Set a fine amount between \$2,500 and \$0.

The hearing was closed.

Mayor Warren highlighted the importance of keeping the Fontana Community of over 200,000 residents safe. The trial took place in court and tonight's hearing was for the appellant to prove that paying the fine was a hardship. Mayor Warren requested the City Council's consensus on setting the fine at \$500.

**ACTION:** Motion was made by Council Member Tahan, seconded by Council Member Wibert, and passed by a vote of 4-1 (Roberts), with Mayor Pro Tem Roberts voting "No"; to:

Deny the appeal and hardship waiver for a citation received for violation of Fontana Municipal Code Section 15-602 for Sales/Possession of Fireworks: Appellant Tony Xavier Serhal; Citation No. 644543; Customer No. 94846.

**B. Hearing was opened to consider a Municipal Code Amendment regulating the use of Self-Generating Water Softeners**

Public Works Manager Dan Chadwick and Inland Empire Utility Agency (“IEUA”) General Manager Tom Love provided the staff report.

Nine written letters were received in favor and three in opposition of the proposed ordinance.

Kurt Brechthold, Executive Officer, Santa Ana Water Quality Control Board Member spoke in favor of the proposed ordinance and stated that Salt Management is vital to maintaining the water supply levels of the region.

Randall Lewis, representing Lewis Operating Corporation spoke in favor of the proposed ordinance. Mr. Lewis stated four reasons for his support of the ordinance: 1. Lewis Corporation has worked with IEUA and they find them very credible and reliable, 2.He recognizes how important water is to the growth of the city and the need for existing residents to have a safe and reliable source of water; 3. The need for water recycling; 4.The ordinance is proactive going into the future and good for Fontana.

Mike Mecca, representing Pacific Water Quality Association spoke in opposition of the proposed ordinance. Mr. Mecca stated that water softener bans do not help, but ban the newest most efficient equipment. Self-Generating Water Softening Equipments built today are ten times more efficient than those built 10 years ago.

Bob Martinez, a former water treatment business owner with over 40 employees spoke in opposition of the proposed ordinance. The proposed ordinance will cost jobs.

Greg Hudson, representing Lifetime Solutions a water treatment distributor in Southern California spoke in opposition of the proposed ordinance. He stated that the citizens will lose their rights and jobs. Water softening bans will force businesses out of California. IEUA is nearly 30 years away from facing the repercussions of salinity. The Water Softening Industry is 400% more efficient today than they were 30 years. The industry’s goal is to have salt free softening in the future. Water softeners improve the quality of life and they are the most environmental friendly equipment a family can own. The salinity problem can be solved with increased efficiencies.

Jesse Hudson spoke in opposition of the proposed ordinance. Mr. Hudson stated four reasons for opposing the proposed ordinance: 1.It creates more laws and restrictions; 2.Takes away people’s rights and freedom; 3.Shuts down more businesses; and 4.Does not solve the problem.

Doug Newby spoke in opposition of the proposed ordinance. Mr. Newby stated

that today's water softener equipments are the number one green appliances. With water softeners, 75% less phosphates and detergents are being dumped in the environment. Today's water softeners are more efficient, use less salt and appliances use less energy to heat the water. Passing the proposed ordinance will put him and others out of a job.

Chris Layton spoke in opposition of the proposed ordinance. Per Mr. Clayton water softener bans have not been successful and imposing a restriction will take away a person's right to choose the quality of water. Mr. Clayton requested that city staff to put together the findings, where bans have been successful, the cost, the reasons, and what will be accomplished by the proposed ordinance.

Jackie McCaleb, representing Pacific Water Quality Association spoke in favor of the proposed ordinance. Mr. McCaleb stated that new portable exchange softeners conservatively reduce fluoride discharge by 40%.

The hearing was closed.

Council Member Slowik requested clarification from staff regarding the disposition of the portable exchange units should the proposed ordinance be adopted.

Public Works Manager Dan Chadwick stated that the portable exchange units would be permitted under the proposed ordinance.

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

Waive further reading of and introduce **Ordinance No.1656**, amending Chapter 23, Article II, Section 23-162 of the Fontana Municipal Code, pertaining to special restrictions - water conditioning devices; and that the reading of the title constitutes the first reading thereof.

**C. Hearing was opened to consider the Tax Equity and Fiscal Responsibility Act (TEFRA) in conjunction with the issuance of bonds for Kaiser Hospital**

Deputy City Manager, David Edgar provided the staff report.

No written communications were received.

No one else spoke in favor or opposition.

City Manager Hunt requested Deputy City Manager to re-emphasize that the issuance of the \$2 Billion bonds is considered conduit financing and the City of Fontana will be under no obligation to repay the bonded indebtedness now or in the future.



Jennifer Silvestri, Area Director of Kaiser Permanente San Bernardino County provided some facts about the Fontana Service Area and gave an update on the new hospital construction project in Fontana. Kaiser Permanente services 430,000 residents in San Bernardino County. The new hospital is scheduled to open in 2013 and the speciality services offered will include Cardiac Care, Pediatric intensive care, Neonatal Intensive Care, In-patient Dialysis, Pediatrics ICU, Labor and Delivery and more. Kaiser Permanente Fontana Medical Center will employ an additional 150 employees.

John Penkower, representing California Statewide Communities Development Authority spoke in regards to the bond issuance and confirmed Deputy City Manager Edgar's comments that the bond issue will not be an obligation of the City of Fontana.

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:

Adopt **Resolution No. 2012-021**, a Resolution of the City Council of the City of Fontana, approving the issuance of the California Statewide Communities Development Authority Revenue Bonds (Kaiser Permanente), Series 2012 in an aggregate principal amount not to exceed \$2,000,000,000 for the purpose of financing or refinancing the acquisition, construction, improvement, equipping, renovation, rehabilitation, remodeling and other capital projects of certain Health Facilities and certain other matters relating thereto.

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

The following Elected Officials Communications were received:

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

Council Member Wibert acknowledged the volunteers that put together the opening day ceremonies of the Little League.

Council Member Wibert congratulated Director of Community Services Garth Nelson, Community Services Manager Frances Hernandez, Community Services staff, the Mayor's Youth Advisory Committee, speakers, Principal Michael Garcia of Maple Elementary, and the vendors on a great and a well attended Teen Summit on Anti-Bullying held at the Jack Bulik Teen Center last March 10, 2012.

Council Member Wibert wished her daughter Jennifer a Happy Birthday.

Council Member Wibert announced the upcoming community events: Easter Egg Hunt, Summer Concerts, and the Farmers Market.

Council Member Wibert expressed her condolences to the Swedlove family for the passing of Hershel Swedlove.

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

Council Member Tahan announced the upcoming ground breaking ceremony for the reconstruction projects of the existing Interstate 10 Freeway interchanges at Citrus and Cherry Avenues. The event will be held on Friday, March 23, 2012 between 10:00 a.m. to 12:00 p.m. at 10251 Cherry Avenue.

Council Member Tahan announced his attendance at the public information meeting held on Thursday, March 1, at 6:30 p.m. at Jurupa Hills High School Cafeteria to discuss the upcoming projects and renovation of the existing Interstate 10 Freeway interchanges at Citrus and Cherry Avenues. He commented on the great turnout of over 90 people.

Council Member Tahan announced his attendance in Washington D.C. He thanked Congressmen Joe Baca and Gary Miller for graciously giving them (Mayor Warren, Mayor Pro Tem Roberts, City Manager Hunt and Assistant to the City Manager Amy Colbrunn) the time to meet and listen to the council's concerns and facilitate with upcoming grants and priority projects in our community. They met with Senators Feinstein and Boxer, FEMA, Homeland Security and other departments.

Council Member Tahan congratulated the Little League on a successful event held on March 3, 2012. Council Member Tahan thanked the coaches, parents, volunteers and staff for their volunteerism and support of the Little League.

Council Member Tahan expressed his condolences to the Swedlove family for the passing of Hershel Swedlove.

Mayor Pro Tem Roberts announced his attendance in Washington D.C. to discuss city issues with federal representatives and various departments (Agriculture and FEMA). Mayor Pro Tem Roberts stated that FEMA awarded a small grant to Fontana related to the Fire District. They were well received by the Assistant Secretary of Veteran Affairs.

Mayor Pro Tem Roberts expressed his condolences to the Swedlove family for the passing of Hershel Swedlove and asked the meeting tonight to be adjourned in his memory.

Council Member Slowik highlighted tonight's presentation on Kaiser Permanente new facility and the 150 new jobs that will be added as a result.

Council Member Slowik thanked Team Destination Discovery members for promoting community advocacy and hosting the community picnic held on Sunday March 4, 2012 at Seville Park.

Council Member Slowik extended a good luck wish to all the Little Leagues for a successful season and congratulated the Southridge Little League on their 25 year anniversary.

Council Member Slowik thanked staff and the Mayor's Youth Advisory Committee on a well attended and successful Teen Summit on Anti-Bullying held at the Jack Bulik Teen Center on Saturday, March 10, 2012.

Council Member Slowik announced the following upcoming events: Historical Society Quarterly Meeting on March 24<sup>th</sup> with City Manager Ken Hunt as the special guest speaker; Auto Club Speedway Race on March 25<sup>th</sup>; asked the community to join him along with Council Member Wibert on March 25<sup>th</sup> at AB Miller School for the Community Family Track Walk to raise funds for Empire Karate Team; and the Kaiser High School Band Spring Concert on April 4<sup>th</sup> and May 3<sup>rd</sup>.

Council Member Slowik expressed his condolences to the Swedlove family for the passing of Hershel Swedlove.

Mayor Warren announced her attendance in Washington D.C. (along with Mayor Pro Tem Roberts and Council Members Tahan) and her meetings with Congressmen Baca and Miller this past week and commented on the importance of the City's efforts, with the loss of redevelopment, to explain its needs for the community and secure a revenue source for future programs and projects.

Mayor Warren commented on her discussion with Congressman Baca and his intent on replacing affordable housing funds in his constituent.

Mayor Warren commented on the great council team and their great job in representing the City Council at the Department of Veteran Affairs and FEMA while in Washington D.C. Mayor Warren gave special thanks to Mayor Pro Tem Roberts for an outstanding job in representing the council and securing a Fire District related grant from FEMA. Mayor Warren expressed her great pride in the city staff for their excellent job in scheduling the trip and the legislative materials provided for the D.C. meetings.

Mayor Warren congratulated the Mayor's Youth Advisory Committee (the parents, staff and volunteers) on a great Teen Summit on Anti-Bullying held last Saturday, March 10, 2012. Mayor Warren thanked Mayor Pro Tem Roberts for his attendance.

Mayor Warren announced the Rotolo Chevrolet Scholarship Sponsorship event to be held on April 5, 2012 at Kaiser High School. She asked the Community to embrace the program and assist with prizes, sponsoring or funding.

Mayor Warren expressed her condolences to the Swedlove family for the passing of Hershel Swedlove and asked to adjourn the meeting in his memory.

Mayor Warren commented on the After School Program and reminded residents that the After School Program is not about elected officials, businesses or concerned citizens, it is about all our children. The City has a huge stake in the program and approximately \$1.6 Million is provided by the City to match the grant received from the state. The City is a partner and not a vendor, contractor or provider. Mayor Warren encouraged parents, business and community leaders, ex-council and board members that built the After School Program to attend the Joint Adjourned Regular Meeting of the City Council and the Fontana Unified School District to be held at the City of Fontana Council Chambers on Monday, March 19, 2012 at 6:30 p.m. to discuss the After School Program.

## **CITY MANAGER COMMUNICATIONS:**

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

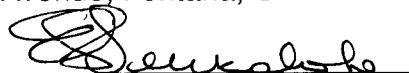
City Manager Hunt announced his attendance in Washington D.C. this past week.

City Manager Hunt recognized Community Services Manager Frances Hernandez for her great work and thanked Director of Community Services Garth Nelson for his leadership.

## **ADJOURNMENT:**

A moment of silence was held for the passing of Mr. Herschel Swedlove.

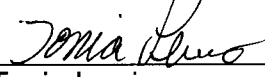
The City Council meeting adjourned in memory of Mr. Herschel Swedlove at 9:30 p.m. to a Joint Adjourned Regular Meeting with Fontana Unified School District to be held on March 19, 2012, at 6:30 p.m., in the Council Chambers located at 8353 Sierra Avenue, Fontana, CA, and then to the next Regular City Council Meeting which will be held on March 27, 2012, with workshop at 5:30 p.m. and the Regular Meeting at 7:00 p.m. in the 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.**

  
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Tonia Lewis  
City Clerk