

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
CITY COUNCIL MEETING  
JANUARY 24, 2012**

**WORKSHOP:**

A Workshop Meeting of the Fontana City Council was held on Tuesday, January 24, 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 5:34 p.m. with Mayor Pro Tem Roberts, Council Members Slowik, Tahan, and Wibert all present. The Fontana City Council Regular Meeting Agenda was reviewed and City Manager Comments were heard. The Workshop Meeting adjourned at 6:01 p.m. to Closed Session.

**CLOSED SESSION:**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: APN 0251-121-13 (Located at 10177 Citrus Avenue)

Owner: Top Star Investments

Negotiator: Debbie Brazill, Deputy City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6  
City Negotiator: Kenneth R. Hunt, City Manager  
Employee Organization(s): All

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION

54956.8  
Property: APN 0251-121-30 and 0251-121-32 (Located at 16111 Valley Boulevard)

Owner: Calabasas Property, Inc.  
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, January 24, 2012, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Warren called the meeting to order at 7:10 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 Ballinger announced that there were no reportable acts taken on the closed sessions held earlier this evening.

**CLOSED SESSION PUBLIC COMMUNICATIONS:**

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

**PROCLAMATIONS:**

**A. Lt. Chris Tronaas Retirement**

Council Member Wibert presented a Certificate to Lt. Tronaas on behalf of 43rd District Congressman Joe Baca.

Council Member Tahan presented Lt. Tronaas with a Resolution on behalf of the County Board of Supervisors signed by Supervisors Rutherford and Gonzales.

Mayor Pro Tem Roberts presented Lt. Tronaas with a letter on behalf of the Office of Governor Jerry Brown

Council Member Slowik presented Lt. Tronaas with a Proclamation on behalf of City of Fontana Mayor Warren and the Council.

Mayor Warren also commended Lt. Tronaas' family present.

Lt. Tronaas thanked Mayor Warren, the City Council, and the City for the wonderful recognition of his past 28 years of service.

**SPECIAL PRESENTATIONS:**

**A. Police Department Officers - Swearing In Ceremony**

Mayor Warren asked Police Chief Jones and Officers David Moore Jr. and Officer John Parsons to come forward to be sworn in.

**B. Public Works Department Employees of the Year Awards**

Mayor Warren and City Council recognized the following Public Works Department Employees of the Year, which were presented by Public Works Director Chuck Hays: Ken Coney, Chief Equipment Mechanic under Support Services Division; Servando Hernandez, Maintenance Work II under Utilities and Street and Sonya Montgomery, Landscape Technician under Parks and Landscape Division.

**C. Artist Recognition for Black History Month**

Mayor Warren and City Council recognized Joyce Adams for her artistic contributions to Black History Month.

Community Services Department Coordinator Courtney Hodnick announced the showing of the movie, *Against the Odds*, a documentary on the Harlem Renaissance. Ms. Adams art will be on display until February 24, 2012.

Ms. Adams presented Mayor Warren with a certificate honoring her as the first black Mayor.

#### **D. CIF Championship Team Recognition**

Mayor Warren and the City Council recognized the Summit High School SkyHawks Football Team on their 2011 CIF Championship.

### **PUBLIC COMMUNICATIONS:**

#### **A. Public Communications**

Rebecca Pusateri and the Fontana Middle School Travel Club announced their 6th Annual Burger Eating Challenge which will be held on Wednesday, February 8, 2012, at 6:30 p.m. at the McDonald's located on the corner of Foothill Boulevard and Citrus Avenue. This years challengers include Council Members Slowik and Tahan.

Mayor Warren commented on the great assistance that Council Members Slowik and Tahan provide to the Travel Club.

Council Member Slowik encouraged residents to stop by McDonald's from 4:00 p.m. to 7:00 p.m., as a portion of the proceeds will be given to the Travel Club.

Todd Vigiletti spoke regarding the wonderful local magazine recognition awards which have recognized Center Stage Theater and commented on the past and present show line-up. This Friday and Saturday Grammy Award winner Melissa Manchester will be here at Center Stage and residents interested can contact Center Stage.

Chamber of Commerce Member Teresa Pegorari spoke regarding the Chamber's midyear update, including membership payment plans, website progress, and affiliation with the Hispanic Chamber of Commerce.

Michael Townsend, representing Congressman Joe Baca's Office, congratulated the recipients of tonight's Special Presentations and Proclamation, thanked the Chamber of Commerce for their local partnership, commented on Martin Luther King, Jr. Day activities, the Youth Education Motivation Program events, and Congressman Baca's recent Birthday.

Mayor Pro Tem Roberts suggested re-kindling the Youth Education Motivation

Program with the Chamber of Commerce and wished a Happy Birthday to Congressman Baca.

Victor Sanchez and Danny Marquez thanked Mayor Warren and the City Council for their hard work and commented on their vision for the Veterans Program in a tough economy. Current sponsors listed on their website are City of Fontana, Kumbrea Insurance, and The Wellness Center, with hope for more to come. The 1st Veterans Health and Veterans Fair will be held on April 7, 2010 from 10:00 a.m.-4:00 p.m. at the Fontana Senior Community Center. More activities and partnership are being reviewed to continue to assist the Veterans Community.

Dianna Lee, represented County Supervisor Janice Rutherford's Office, re-introduced herself as the new District Representative for the City. She can be reached at 909-387-4833.

Ray Allard thanked City staff members Jennifer Hunt, Debbie Brazill, Don Williams, Ricardo Sandoval, and Dan Chadwick for their recent hard work and assistance.

Council Member Slowik request clarification on the upcoming event.

Ray Allard announced the Steelmen's Challenge on February 19, 2012 at the Fontana Aquatics Center. Residents can visit [www.steelmenchallenge.com](http://www.steelmenchallenge.com) or [www.active.com](http://www.active.com) for registration.

Barbara Williams spoke regarding housing issues at the Plaza at Sierra Senior housing complex and requested Mayor Warren and the City Council's assistance.

Mayor Warren notified Ms. Williams that she may contact herself, the Council, and City staff at any time and commented that she would like to setup a meeting with herself, City staff, and the Plaza Management.

Council Member Tahan also requested to be present at this meeting.

Fran Givens, California Senior Legislature Assembly Member, commented on improvements needed for senior housing complex management and her membership on the chorus line dancing cast which made it into the Guinness Book of Records for the longest tap/course line.

Zafar Inam, representing Senator Gloria McLeod's Office, introduced himself at the representative for the City of Fontana.

## **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-J."

**A. Approval of Minutes**

Approve Minutes of the January 10, 2012, Regular City Council Meeting.

**B. Adoption of Ordinance No. 1652**

Waive further reading of and adopt **Ordinance No. 1652** of the City of Fontana amending various provisions of the Fontana Municipal Code relation to the title, duties, appointment term, and composition of the Parks and Recreation Commission.

**C. Approve the Transfer of Deeds to the State of California for the I-10/Cypress Avenue Overcrossing Project**

Authorize the City Manager to execute easement deeds, grant deeds and other related documents which will convey ownership/easements rights to the State of California for areas of the I-10/Cypress Overcrossing Project that will be within Caltrans ownership and jurisdiction.

**D. Authorize a Service Agreement with the State of California Department of Highway Patrol for the I-15/Duncan Canyon Interchange Project**

Adopt **Resolution No. 2012-02** authorizing the City Manager to execute a Service Agreement with the State of California Department of Highway Patrol (CHP) to provide Construction Zone Enhanced Enforcement Program (COZEEP) services for the I-15/Duncan Canyon Interchange Project in the amount of \$141,000.00.

**E. Final Acceptance of the Civic Center Campus Parking Project**

(1) Authorize an increase in the construction contingency in order to provide payment for extra work related to the construction contract (Bid No. SB-18-DE-11) with Mamco Inc. for the Civic Center Campus Parking Project in the amount of \$61,916.07.

(2) Accept as complete the work performed by Mamco Inc. for the construction of the Civic Center Campus Parking Project; approve the final construction amount of \$2,458,263.32; and authorize the City Engineer to execute and file a Notice of Completion.(Bid No. SB-18-DE-11)

**F. 2012 Statement of Investment Policy**

Adopt the City of Fontana Statement of Investment Policy for 2012.

**G. Annual Report on Development Impact Fees**

Adopt **Resolution No. 2012-03** of the City Council of the City of Fontana, approving the Annual Report on Development Impact Fees and making findings

as to unexpended funds.

**H. Adopt a Resolution selecting the Fontana Housing Authority as the entity to assume the housing assets and functions previously performed by the Fontana Redevelopment Agency**

Adopt **Resolution No. 2012-04** electing not to retain the housing assets and functions previously performed by the Fontana Redevelopment Agency pursuant to part 1.85 of division 24 of the California Health and Safety Code and selecting the Fontana Housing Authority as the entity to assume such housing assets and functions.

**I. Accept Donations for Police Department Christmas Programs**

Accept donations from multiple donors totaling \$23,724 for use in the Fontana Santas, Shop with a Cop, Bicycle Give Away, and PD Volunteers' Christmas Party.

**J. Award Bid and Contract for the San Bernardino Avenue Median and Traffic Signal Improvement Project, SB-16-PW-11**

Award bid and authorize the City Manager to enter into a contract with All American Asphalt for the San Bernardino Avenue Median and Traffic Signal Improvements Project at Prologis Drive, SB-61-PW-11 in the amount of \$241,000, and authorize a 10 percent contingency in the amount of \$24,100.

**PUBLIC HEARINGS:**

**A. Hearing was opened to consider a Substantial Amendment to the Fiscal Year 2010-11 One-Year Action Plan.**

Deputy City Manager David Edgar presented the staff report.

Council Member Tahan requested clarification on the additional parking to be added to the Fontana Community Senior Center.

Deputy City Manager Edgar commented that approximately 140 more parking spots would be added to the Center.

Mayor Warren requested clarification on the use of Redevelopment funding.

Deputy City Manager Edgar commented that the project was originally dependent upon Redevelopment funding, however the action before the Mayor and Council this evening will utilize CDBG funds and other funding revisions to allow for the completion of the project.

Mayor Warren highlighted the importance of Redevelopment funding for such community projects.

Council Member Slowik commented on re-allocation of funding for this project,

which was previously funded by Redevelopment.

No written communications were received.

No one spoke in favor or opposition.

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:

Approve the Substantial Amendment to the Fiscal Year 2010 and 2011 One-Year Action Plans.

## **NEW BUSINESS:**

### **A. Yard Sale Ordinance Proposed Revision**

John De Sousa thanked Mayor Warren and the City Council for hearing the current item, expressed his past and current concerns for yard/garage sales held in the City, and commented on his preference for Version 1 (four designated yard/garage sale weekends per year) of Staff's Recommendation.

No written communications were received.

No one spoke in favor or opposition.

Police Chief Rod Jones and Captain Bob Ramsey presented the staff report.

Council Member Tahan clarification of dates expanded to Friday through Sunday.

Council Member Slowik asked if we have had correspondence with local Cities with similar ordinances.

Council Member Tahan commented on his preference for Version 1, as it reduces staff time for yard sale permit enforcement and processing.

Mayor Warren expressed concern with the public concern for yard sale misuse and signage.

Chief Jones explained that the items presented at a yard sale must be personal property of resident at location and stated that a court-ordered Estate Sale, Probate, Non-profit group rummage sale will not be inclusive to the Ordinance.

Council Member Slowik thanked Mr. DeSousa for his concerns and commented on the signage issue with the current yard sale process.

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

Member Slowik, and passed unanimously by a vote of 5-0, to:

(1) Waive further reading of and introduce **Ordinance No. 1653** of the City Council of the City of Fontana, California, Repealing Chapter 15, Article I, Section 15-2 relating to yard sale permits and adding a new Section 15-2 relating to yard/garage sales to allow four yard/garage sales at specific dates per calendar year, and that the reading of the title constitutes the first reading thereof.

(a) Adopt **Resolution No. 2012-005** declaring four city yard/garage sale weekends per calendar year, as the third weekend of the first month in each quarter.

(b) Adopt **Resolution No. 2012-006** establishing Graduated Infraction Penalties for violations of Section 15-2 of the Fontana Municipal Code relating to yard/garage sales.

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

The following Elected Officials Communications were received:

### **A. Discussion of Commission Appointments**

Discussion of appointment of Planning Commission and Parks and Recreation Commissioners.

Mayor Warren commented on the one vacancy which currently exists on the Parks and Recreation Commission. This evening's action could appoint an individual to fill the current vacancy on the Parks and Recreation Commission.

Mayor Warren recommended appointment of Daniel Quiroga to fill the current vacancy on the Parks and Recreation Commission and commented on Mr. Quiroga's passion for this community and his continued success with assisting the children on our community, especially the students on the Travel Club.

**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 Daniel Quiroga to fill the current vacancy on the Parks and Recreation Commission.

Mayor Warren announced that she and the City Council will continue to review applications to fill the current vacancy on the Planning Commission.

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

Council Member Slowik announced his participation on the League of California Cities Transportation-Public Works Committee meeting which included funding challenges in Public Works budget regarding regional water quality control board storm water permits. He stated that Fiscal Year 2011-2012 had an increase of 38% for permits and fees, and the State is controlling their costs by shifting the increases to taxpayers from the Water Boards.



Council Member Slowik also requested Chief Jones to update the community on the realignment concerns with Assemblymember Torrez in Sacramento and congratulate Director of Community Services Garth Nelson and staff for the award Great City to Live In Award delivered at a recent Clippers Game.

Mayor Pro Tem Roberts commented on the great goal setting Council Meeting last Saturday and acknowledged the significant challenges in Redevelopment which causes reduction in local revenues and stated that Fontana had been blessed over the years.

Mayor Pro Tem Roberts attended a Dr. King event in San Bernardino which showed a great slide show delivered by an eye witness to Civil Rights Movement events and showcased the great American values of Dr. King that contributed to his accomplishments.

Council Member Wibert congratulated Pastor Emory James on presenting the play "The Meeting" and Dr. King Church event and also congratulated the Police Officers and CIF Champion Skyhawks.

Council Member Wibert also thanked Mayor and Council for Veteran Center support and thanked City Manger Hunt and Deputy City Manager Edgar for their work on the project. She thanked Danny Marquez and Victor Sanchez and the volunteers for their many hours of dedicated services. Council Member Wibert gave a special thanks to the Police Department, Chief Jones, Fontana Unified School District Chief and Fire Chief Johnstone for the continued safety of the community. She stated to support our Veterens and their families.

Council Member Tahan commented on the Dr. King events and the great slideshow that was presented and appreciated the message and Dream of Dr. King.

Council Member Tahan congratulated Pastor Emory James on the coordination of the Dr. King play.

Council Member Tahan commented on the Goal Setting Workshop being very productive with different views but as a Council, moving in the right direction to deliver great service and projects without Redevelopment.

Council Member Tahan updated on the location of the past Fontana Ralph's Store closing and announced the new lease signing for the new store Rio Rancho Market to be located in the previous Ralph's store located in South Fontana. A press release will be in the local newspaper tomorrow.

Mayor Warren commented on the Fontana's Open for Business interview with New York Pizza located at 15035 Foothill Boulevard and encouraged residents to order 28 inch pizza for Superbowl. The interview will air soon.

Mayor Warren stated that the Dr. King, "The Meeting" play was a great show and thanked Pastor Emory James for a job well done.

Mayor Warren commented she attended the Inland Empire African American Clergy's Breakfast last Monday and the City of Fontana was recognized for their unity by other local officials and their was a standing ovation for the City at the end of the program

Mayor Warren commented on the great City staff that implemented Council policy under the great leadership of City Manager Ken Hunt.

Mayor Warren congratulated the Community Services staff regarding the Staples Center presentation of the Golden Shield Award which will be a forthcoming presentation at a future Council meeting.

Mayor Warren thanked the Southern Christian Leadership-Victorville Chapter for the Freedom Spirit Award that she was presented with at their Dr. King event for the City of Fontana's commitment to great spirit.

Mayor Warren stated she met with the Fontana Herald News and their staff and vowed to work more closely to communicate to our community

Mayor Warren commented that at the Goal Setting Workshop the goals made were to continue to support the community even with the loss of Redevelopment.

Mayor Warren announced the State of the City event will be held on Thursday, January 26, 2012 with session at 7:30 a.m. and 11:30 a.m. at the Jessie Turner Center. The cost of \$35 per person. KFON will be taping and airing the event as well as the printing speech being present in the Fontana Herald Newspaper.

Mayor Warren stated that the residents should interact with the State and Federal Government to let know their needs and expectations be known.

Mayor Warren requested to continue two issues, and directed to City Manager to bring the issues back at an upcoming City Council Meeting:

1. Shell Gas Station Issue:

Mayor Warren and Council by consensus directed City Manager Hunt to bring back for further discussion for clarification regarding City policy for gas station aesthetics prior to moving forward.

Council Member Tahan excused himself from consensus.

Mayor Pro Tem Roberts commented on current standards being better for residents of the community.

2. Inclusionary Housing Ordinance:

Mayor Warren stated she was contacted by business partners regarding the City role and implementation date extension to allow additional processing time and the impact of the newly created fee on industrial distribution centers. Mayor Warren and Council by consensus directed City Manager Hunt to bring back for further discussion regarding alternative implementation dates and fee calculations.

Council Member Tahan would like to look at all fees.

Mayor suggested that all considerations on issues on fees be directed to City Manager Hunt to be considered in the report.

## **CITY MANAGER COMMUNICATIONS:**

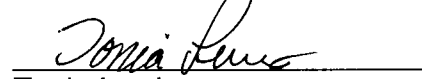
### **A. City Manager Communications**

## **ADJOURNMENT:**

The City Council meeting adjourned at 9:43 p.m. to the next Regular City Council Meeting on Tuesday, February 14, 2012, with an Artist Showcase at 5:30 p.m. in the City Council Chamber and Foyer and the Regular Meeting at 7:00 p.m. in the Council Chambers at 8353 Sierra Ave, Fontana, California.

  
Carmen Fleming  
Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON  
THE 28TH DAY OF FEBRUARY, 2012.**

  
Tonia Lewis  
City Clerk