

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

WORKSHOP:

A Workshop Meeting of the Fontana City Council was held on Tuesday, January 10, 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 5:38 p.m. with Mayor Pro Tem Roberts, Council Members Slowik, Tahan, and Wibert all present. Community Development Director Don Williams and Associate Planner DiTanyon Johnson presented an update on the Summit at Rosena Specific Plan. The Fontana City Council Regular Meeting Agenda was reviewed and City Manager Comments were heard. The Workshop Meeting adjourned at 6:18 p.m. to Closed Session.

CLOSED SESSION:

Closed Session was held at 6:18 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 session.

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Case: In the matter of the application of San Gabriel Valley Water Company before the California Public Utilities Commission-Application No. 11-07-005

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 10, 2012, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Warren called the meeting to order at 7:08 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 Tahan.

CLOSED SESSION ANNOUNCEMENT:

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

SPECIAL PRESENTATIONS:

A. Police Department Employee of the Month

Mayor Warren introduced Police Chief Rod Jones to introduce the November 2011 Police Department Employee of the Month.

Mayor Warren and City Council recognized Officer Dave Campa as the Police Department's November Employee of the Month and presented a Plaque of Recognition for his great commitment to the safety of the Fontana Community.

PUBLIC COMMUNICATIONS:

A. Public Communications

Cameron Wessel, representing Assemblyman Mike Morrell, spoke regarding AB1437, a Budget Transparency Bill being introduced. This bill will give the public an opportunity to review the proposed Budget bill for three days prior to the legislature holding a vote. He requested the support of Mayor Warren and the City Council.

Omar Gonzalez, Fontana Community Coalition spoke on the 3rd Annual Policy Conference. The event is June 12 & 13, 2012, and Responsible Beverage Service Training (RBS) will be available at this event. Mayor Warren requested more flyers.

Brian Arrington, Fontana Fighting Lancers Football thanked Mayor Warren and the City Council for their support of the program and presented the Mayor and City Council with awards.

Beverly Guido, Children's Network announced "The Lisa Project" which highlights the prevention of child abuse. The purpose of this audio tour is to raise awareness and educate the community. The tour will be located at Arrowhead Regional Medical Center in January, Victor Valley Mall in February, and Victoria Gardens in March.

Jeane Ensley-Rossirer, resident, thanked Police Chief Jones for standing up for the constitution and the City Council for the Ordinance on assembly. Ms. Jeane Ensley-Rossirer also stated that Fontana is a great City for families.

Melba Kirby, Fontana Senior Center Volunteer and resident, commented on the new Advisory Board at the Fontana Community Senior Center.

Danny Marquez, Fontana resident and VFW member, spoke regarding increasing military resources for returning serviceman, and also stated he will be continuing the military banner program. Mr. Marquez is coordinating a Veterans Health and Resource Fair on April 7, 2012 at the Fontana Community Senior Center. Mr. Marquez also spoke in opposition of SB659 regarding the dissolution of Redevelopment Agencies.

Fran Givens, California Senior Legislature Assembly Member, welcomed the new City Attorney, and commemorated Senator Ruben Ayala who passed away, also requested that the meeting be adjourned in honor of him.

Pastor James announced the Martin Luther King, Jr./Malcolm X Play "The Meetings" which will be held on Friday, January 13, 2012, at the Steelworkers Auditorium. Annual worship service will also be held on Saturday, January 14, 2012, at 3:00 p.m. at the Ephesians New Testament Church. Tickets for the play are now available. Pastor James also thanked Mayor Warren for attending the dedication of Bethel AME Church.

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-E."

A. Approval of Minutes

Approve the Minutes of the December 13, 2011, Regular City Council Meeting.

B. Adoption of Ordinance Nos. 1649-1651

(1) Waive further reading of and adopt **Ordinance No. 1649** adding Article IV to Chapter 14 (Housing) of the Fontana Municipal Code (FMC) relating to Inclusionary Housing and Impact Fee Requirements.

(2) Waive further reading of and adopt **Ordinance No. 1650** amending Chapter 15, Article XIII, Sections 15-901, 15-902 and 15-918 of the Fontana Municipal Code relating to the regulation of adult oriented businesses.

(3) Waive further reading of and adopt **Ordinance No. 1651** adding Section 30-93.2 to Chapter 30, Article II, Division 15 of the Fontana Municipal Code relating to administrative approval of incremental improvements to legal nonconforming buildings, structures and sites.

C. Approve a Joint Use Agreement with Southern California Edison for the Paseo Verde Apartments

Authorize the City Manager to execute a Joint Use Agreement with Southern California Edison (Service Order 800620376) which provides the undergrounding conversion of Southern California Edison overhead facilities required for the Paseo Verde Apartment project located on the north side of Valley Boulevard between Cypress Avenue and Juniper Avenue.

D. Final Acceptance of the Beech, Summit, Citrus, and Sierra Lakes Parkway Fiber Optic Network 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-36-DE-11) with Crosstown Electrical & Data, Inc. for the Beech, Summit, Citrus, and Sierra Lakes Parkway Fiber Optic Network Project in the amount of \$24,033.83.
- (2) Accept as complete the work performed by Crosstown Electrical & Data, Inc. for the Beech, Summit, Citrus, and Sierra Lakes Parkway Fiber Optic Network Project; approve the final construction amount of \$215,539.65; and authorize the City Engineer to execute and file the Notice of Completion. (Bid No. SB-36-DE-11)

E. Cell Tower Lease Amendment #1 for the Jurupa Hills site located in the Open Space area south of Jurupa Avenue and east of Cypress Avenue

- (1) Approve Lease Amendment #1 with Towerco allow the installation of additional wireless telecommunications equipment at the Jurupa Hills site.(2) Authorize the City Manager to execute the necessary documents.

NEW BUSINESS:

A. Shell Gas Station Director's Report

Community Development Director Don Williams and Assistant Planner Shawnika Johnson presented the staff report.

No one was present wishing to speak and no written communications were received.

ACTION: Motion was made by Mayor Pro Tem Roberts, seconded by Council Member Slowik, and passed by a vote of 4-0-1(Tahan), with Council Member Tahan abstaining from voting, to:

Uphold the Planning Commission's recommendation and direct staff to continue with the current City Council policy regarding service station aesthetics.

B. Proposed Ordinance Amending Various Municipal Code Relating To The Parks And Recreation Commission

Community Services Director Garth Nelson presented the staff report.

Council Member Tahan requested clarification on how many meetings Commissioners can be absent from.

City Manager Hunt clarified that portion of the Municipal Code has not changed and it is three meetings per year.

Council Member Tahan commented on that currently the Fontana Unified School District is represented on the Commission, which is one of five school districts in the community.

Director Nelson commented that the school districts are interested in positive feedback and support of their joint use agreements.

Mayor Warren commented that the Municipal Code for this Commission was developed during a different time and as the community changes, the Municipal Code should be updated to reflect these changes. Additional opportunities for Senior Citizen and other school district representation can now be made with the new proposed changes.

Council Member Tahan commented that he would like the Veterans Community to also be represented and requested clarification on term limits.

City Manager Hunt commented that there are no current term limits for commissioners, as that was removed in the past. A future agenda item could be brought back to the City Council to reflect that change if recommended.

Mayor Warren requested clarification on commissioner attendance at local and community events.

Mayor Pro Tem Roberts commented that there were two and four years terms for commissioners in the past.

Council Member Slowik commented on qualification language in the proposed Ordinance.

City Manager Hunt clarified that the only two qualifications are 18 years of age and a City resident. One other restriction includes the inability to be the spouse of a current Council Member, but that it ultimately a decision for the City Council.

Council Member Tahan commented that each Council Member is able to recommend an individual for appointment to a commission.

Council Member Slowik commented on if each Council Member should make more than one recommendation for each commission.

Mayor Warren clarified that both are correct.

No one was present wishing to speak and no written communications were received.

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

Waive further reading of and introduce **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, and that the reading of the title constitutes the first reading thereof.

C. Adopt a Resolution electing to to have the City of Fontana become the Successor Agency to the Fontana Redevelopment Agency

Deputy City Manager Debbie Brazill and Administrative Analyst Evelyne Ssenkoloto presented the staff report.

Council Member Roberts requested clarification from the City Attorney regarding any liability to the General Fund or the City that could be incurred.

City Attorney Ballinger clarified that there are no liabilities to the General Fund or other funds of the City. The statute states that any liability it would accrue to the successor agency would be limited to the tax increment it would be getting if it were the Redevelopment Agency.

Council Member Slowik requested clarification from the City Attorney of which properties would be removed from Redevelopment Agency ownership.

City Manager Hunt commented that there is a list of those properties an oversight committee will handle the disposition.

Council Member Slowik requested clarification on the February 1st deadline's impact.

City Attorney Ballinger commented on the legislation impacts and challenges for the City.

Mayor Warren commented on the impacts to all California Cities and the need to work together with legislator and the public to be creative in a solution. Mayor Warren expressed her confidence in the City Council and the means to redefine the success of the community. Mayor Warren commented that the City will continue to be professional and move forward.

No one was present wishing to speak and no written communications were received.

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

Adopt **Resolution No. 2012-01** a City Council resolution electing to have the City of Fontana become the successor agency to the Fontana Redevelopment Agency pursuant to Part 1.85 of Division 24 of the California Health and Safety Code.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

The following Elected Officials Communications were received:

A. Elected Officials Communications/Reports

Council Member Tahan wished everyone a Happy New Year and commented on his hopes for a good economy and successful year.

Council Member Tahan commented on a recent I-10 interchange opening which could bring further economic development to Fontana.

Council Member Tahan expressed prayers to get through tough economic challenges.

Council Member Wibert wished everyone a Happy New Year.

Council Member Wibert expressed her interest in special events fee discussion at the Goal Setting Meeting.

Council Member Wibert commented a resident's recent satisfaction with hazardous waste drop-off and City staff's helpfulness.

Council Member Wibert commented on a great job by Officer Moreno at Costco.

Council Member Wibert thanked all those involved with the Fontana Santas Program for making it a success.

Council Member Wibert announced upcoming anger management classes to be held at the Teen Center as well as salsa dancing and other classes that are available in the Fontana Activities Book.

Council Member Wibert reminded residents to continue to support our troops.

Council Member Slowik wished everyone a Happy New Year and expressed thankfulness for making the Fontana Community a safe place to live.

Council Member Slowik commented on the many projects in the last year that highlight the City's fiscal responsibility and also improve the community. Council Member Slowik thanked City staff for a job well done and commented on his hopes for a successful new year with the City Council and City Manager Hunt.

Council Member Slowik thanked Bethel AME Church for the invitation to attend

the grand re-opening this past weekend.

Council Member Slowik requested tonight's meeting to be adjourned in memory of Evelyne Elizabeth Minicucci, a long-time resident and prior Kaiser employee.

Council Member Slowik thanked the City of fund savings and also discussed the current redevelopment challenges.

Council Member Slowik thanked Senior Assembly Member Givens for remembering Senator Ruben Ayala, who was a true visionary in the realm of water and great County Supervisor for the south end of Fontana.

Council Member Slowik commented on the cooperative agreement with the City of Colton which allows for great cost-savings and service enhancements.

Council Member Slowik thanked Police Chief Jones and City staff for a great job.

Mayor Warren wished everyone a Happy New Year.

Mayor Warren commented on the need to work together and help each other with current challenges. Mayor Warren invited residents to attend the State of the City on January 26, 2012, at the Jessie Turner Center and be part of the process.

Mayor Warren commented on her attendance at the Bethel AME Church grand re-opening this past weekend.

Mayor Warren announced that City Hall will be closed on Monday, January 16, 2012, to honor the birthday of the great Martin Luther King, Jr., and wished everyone a Happy Martin Luther King, Jr. Day.

Mayor Warren commented on the current openings on the Planning and Parks and Recreation Commissions and the fair and equitable application process that is currently underway. Those interested in applying can contact the City Clerk's Office.

Mayor Warren commented on the passing of Senator Ayala and recent comments she heard that he made, on the pride he had in Fontana's recent activity.

CITY MANAGER COMMUNICATIONS:

A. Sister City Program Oral Presentation

Deputy City Manager David Edgar presented an update on the Sister City Program.

Deputy City Manager Edgar states that the City is listed as a Sister City but is not currently paying the fees associated with the Program.

Council Member Tahan commented on the diverse community in Fontana and his interest to see the City take the steps necessary to become a Sister City.

Mayor Warren commented on the needs of the community, current projects underway, and further discussion to be heard during the Goal Setting Meeting.

Further discussion was held on the establishment on the program and funding. A consensus was made to hold further discussion at the Goal Setting Meeting on January 21, 2012.

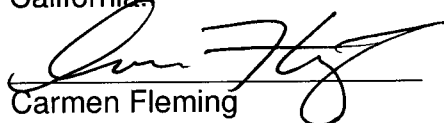
ACTION: The City Council unanimously and without formal motion directed further discussion of the Sister City Program to be heard at the Adjourned Regular City Council Meeting for Goal Setting on January 21, 2012.

B. There were no further City Manager Communications.


ADJOURNMENT:

A moment of silence was held for Senator Ruben Ayala and Evelyn Elizabeth Minicucci.

The City Council meeting adjourned in memory of Senator Ruben Ayala and Evelyn Elizabeth Minicucci at 9:31 p.m. to an Adjourned Regular City Council Meeting which will be held on Saturday, January 21, 2012, at 8:30 a.m. in the Development Services Building DAB Conference Room located at 8353 Sierra Ave, Fontana, California, and then to the next Regular City Council Meeting on Tuesday, January 24, 2012, with a Workshop at 5:30 p.m. 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 24TH DAY OF JANUARY, 2012.**


Tonia Lewis
City Clerk