

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
CITY COUNCIL MEETING
DECEMBER 13, 2011**

WORKSHOP:

A Workshop Meeting of the Fontana City Council was held on Tuesday, December 13, 2011, 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 5:35 p.m. with Mayor Warren (arrived at 5:54 p.m.), 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 6:08 p.m.

CLOSED SESSION:

Closed Session was held at 6:08 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 - ANTICIPATED LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)
Number of Cases: One

A. 7:00 P.M. MEETING CALLED TO ORDER

The Regular Meeting of the City of Fontana City Council was held on Tuesday, December 13, 2011, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Warren called the meeting to order at 7:16 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 Victoria Community Church Pastor Erick Sorensen, the Pledge of Allegiance was led by Council Member Slowik.

CHRISTMAS CAROLS

Mayor Warren introduced the Water of Life Church Summit's Youth Choir to sing Christmas Carols.

CLOSED SESSION ANNOUNCEMENT:

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

PROCLAMATIONS:

A. Retirement Proclamation

Mayor Warren, the City Council, and City Manager Ken Hunt thanked City Attorney Clark Alsop for his time serving as City Attorney and commented on his integrity, hard work, and knowledge.

Former Mayor Frank Scialdone was also present and thanked City Attorney Alsop for his great work as the City Attorney.

City Manager Hunt, on behalf of Mayor Warren and the City Council, presented a Proclamation to City Attorney Clark Alsop on his retirement from the City of Fontana.

City Attorney Clark Alsop thanked the City for the opportunity to serve 23 years as City Attorney and also commented on the great work of Mayor Warren, the City Council, City Manager Hunt, and City staff.

SPECIAL PRESENTATIONS:

A. Police Department October Employees of the Month

Mayor Warren introduced Police Chief Rod Jones to introduce the October 2011 Police Department Employees of the Month.

Council Member Wibert, on behalf of Mayor Warren and the City Council, presented Plaques of Recognition to Officers Jason Delair, Marcia Pineda, and Jay Sayegh for their great commitment to the safety of the Fontana Community.

B. Veterans Day American Flag Presentation

Mayor Warren introduced American Legion Post 772 Members Joe Dean and Danny Marques. Mr. Marques could not be present this evening.

Joe Dean presented Mayor Warren and the City Council with an American Flag which was presented at the Veterans Day Celebration on November 11, 2011.

Mayor Warren thanked Joe Dean and Post 772.

Council Member Tahan thanked Joe Dean and Post 772 for continuing to provide

resources for the Veterans in our community.

PUBLIC COMMUNICATIONS:

A. Public Communications

Pastor Emory James commented on the Presentation held for City Attorney Alsop and announced that he will miss him. Pastor James also 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.

Greg Gunderson commented on his residence at the John Piazza Senior Apartments, his plaque for the highest Wii bowling average of 300, and his dedication as a volunteer at Kaiser Hospital for the past 12 years. Mr. Gunderson wished everyone a Merry Christmas and Happy New Year.

Fran Givens, California Senior Legislature Assembly Member, wished everyone a Merry Christmas, commented on the great Tree Lighting Ceremony and Christmas Parade with improved attendance needed, stated that she will miss City Attorney Alsop, and commented on membership for the CA Senior Legislature. The 45th Annual Kwanzaa Feast Celebration will be held in coordination with Assemblymember Wilmer Amina Carter's Office on Monday, December 26, 2011, at 4:30 p.m. at the Wilmer Amina Carter High School Theater in Rialto. Those Seniors interested can contact 951-235-5123 for information and to arrange for transportation. Ms. Givens wished everyone a Merry Christmas.

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," with Item F removed from the agenda.

A. Approval of Minutes

Approve the Minutes of the November 19, 2011, Adjourned Regular City Council Meeting, the November 22, 2011, Regular City Council Meeting, and the December 5, 2011, Adjourned Regular Joint City Council and Planning Commission Meeting.

B. Adoption of Resolution for Countywide Vision Statement

Adopt **Resolution 2011-104** adopting a Countywide Vision Statement for our future.

C. Fontana Art Association Quarterly Report

Receive and order filed the Fontana Art Association Quarterly Report.

D. Approval of a Resolution of Support of the SCAG Fiscal Year 2010-2011 Compass Blueprint Planning Demonstration Program and Grant Acceptance

(1) Adopt **Resolution No. 2011-105** supporting the Southern California Associated Governments (SCAG) Compass Blueprint Planning Demonstration Program and indicating support for participating in the Fiscal Year 2010-2011 Compass Blueprint Program.

(2) Accept the SCAG Fiscal Year 2010-2011 Compass Blueprint Grant.

(3) Approve and authorize the City Manager or his designee to be the designated signature authority for the grant contract on behalf of the City of Fontana.

E. Approval of Preannexation Agreement No. 11-002, a High Cube Warehouse Distribution Facility located South of Foothill Blvd. between Sultana Avenue and Lime Avenue

(1) Find that the project is exempt from further environmental review pursuant to Section No. 15268(b) (4) (Ministerial Project, Utility Connection) of the California Environmental Quality Act (2011) Guidelines, and direct staff to file a Notice of Exemption;

(2) Approve and authorize the City Manager to execute a Preannexation Agreement (No. 11-002) for the provision of sewer service to a 647,244 square-foot high-cube warehouse distribution facility;

(3) Approval of the Preannexation agreement is contingent upon the close of escrow for the parcels identified in the Preannexation Agreement (Assessor Parcel Nos. 0232-051-02, -03, -11, -12, -26, -27, -35 and -38) but no later than May 31, 2012.

F. Construction Management Contract with Caltrop Corporation (Bid No. SP-10-DE-12) for the Interstate-15/Duncan Canyon Interchange - Removed from Agenda

G. Final Acceptance of Subdivision Improvements for Tract No. 16399

(1) Accept as complete the Subdivision Improvements for Tract No. 16399 located south of Miller Avenue and west of Maple Avenue.

(2) Adopt **Resolution No. 2011-106** accepting sewers in Tract No. 16399 as part of the City sewer system.

H. Final Acceptance of the Foothill Boulevard at Cypress Avenue Traffic Signal Project and the Randall Avenue at Pepper Avenue Pedestrian Flashing Beacon Project

Accept as complete the work performed by Competitive Edge Electric Incorporated for the Foothill Boulevard at Cypress Avenue Traffic Signal Project and the Randall Avenue at Pepper Avenue Pedestrian Flashing Beacon Project; approve the final construction amount of \$398,784.20; and authorize the City Engineer to execute and file the Notice of Completion. (Bid No. SB-11-DE-11)

I. Renew Time Warner Cable Internet Agreement

Authorize the City Manager to renew the City's 45MB Internet service agreement for 3 years at the continuing rate of \$2800/month.

J. Comprehensive Annual Financial Report for FY ended June 30, 2011

Approve the City of Fontana's Comprehensive Annual Financial Report (CAFR) for Fiscal Year (FY) ended June 30, 2011.

K. Accept Donations for Police Department Programs

Accept multiple donations totaling \$6,307.90 for use in the Safety Fair, Fontana Police Department Volunteer Appreciation, and Red Ribbon Breakfast.

L. Accept Housing Related Parks (HRP) Program Grant

(1) Accept the Housing Related Parks (HRP) Program Grant in the amount of \$443,950 for use in the redesign of Martin Tudor Park.

(2) Increase projected revenues in Fund 301 by \$443,950 and appropriate \$443,950 from Fund 301 to Project No. 9421400301.

PUBLIC HEARINGS:

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

Management Services Department Director Lisa Strong and Accounting Manager Dawn Brooks provided the staff report.

No written communications were received.

Mary Fry spoke in opposition of the weed warrant she received on her property.

No one else spoke in favor or opposition.

Mayor Warren commented on the weed abatement process and referred Ms. Fry to the Police Department Officer present for further comments.

Mayor Pro Tem Roberts commented on the weed abatement process and its removal of fire hazards. Mayor Pro Tem Roberts also requested that the current speaker's weed abatement issue be placed on hold from lien filling.

Mayor Warren commented on the City's best interest in resolving issues and improving community safety with City staff's assistance.

Council Member Slowik requested a City Council Workshop to further explain the weed abatement process.

Mayor Warren directed staff to explain the weed abatement process during a Council Workshop and then further direction would possibly be given.

Management Services Accounting Manager Brooks stated that there are 187 delinquent weed abatement accounts, with no communications received other than the speaker heard tonight.

Council Member Tahan also clarified that many of the delinquent accounts are for vacant or bank-owned properties.

The hearing was closed.

ACTION: Motion was made by Mayor Pro Tem Roberts, seconded by Council Member Slowik, 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. 2011-107** 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 User Fees for City Services

Management Services Department Director Lisa Strong and Accounting Manager Dawn Brooks provided the staff report.

No written communications were received.

No one spoke in favor or opposition.

Council Member Tahan requested clarification on the which City Commissions had reviewed the proposed fees.

Manager Brooks clarified that the Community Services Department fees were reviewed in October by the Parks and Recreation Commission and the Community Development Department fees were reviewed by the Planning Commission earlier this month.

Council Member Slowik requested clarification on an Engineering Fee, and specifically how the fee was determined.

City Manager Hunt commented that the fee, as well as similar fees, was based upon an analysis process that included an averaging of the previous year's cost

which then becomes the basis for the fee.

The hearing was closed.

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

Adopt **Resolution No. 2011-108** adopting certain new fees and increasing, decreasing or deleting certain existing fees for various City services.

C. Hearing was opened to consider AMD No. 11-009 for an Inclusionary Housing Ordinance.

Community Development Director Don Williams and Senior Planner Shannon Casey provided the staff report.

Written communications were received from Lewis Operating Corporation and the Building Industry Association.

Senior Planner Casey noted that revised language for the proposed Ordinance and Resolution has been provided and staff is recommending they be entered into the record.

Director Williams noted that additional clarification and revised language has also been provided and staff is recommending they be entered into the record.

City Attorney Alsop stated that the revisions have been provided on the dais, are available to the public, and may be adopted by the City Council as recommended by staff.

Leon Swails, representing Lewis Operating Corporation, spoke in favor of the fee and commented on the Corporation's positive experiences in working with the City.

Mayor Pro Tem Roberts clarified that Mr. Swails commented that the City of Fontana is a business friendly City.

Carlos Rodriguez, CEO of Business Industry Association (BIA), commented that the City of Fontana is a business friendly City and spoke regarding the BIA's request for continued dialogue with City staff on the proposed changes.

Council Member Tahan requested clarification on whether the proposed changes are required by State law.

Director Williams commented that the proposed changes were part of the City's Housing Element, but that they are being strongly imposed rather than specially required by State law.

Council Member Tahan clarified that the City has the flexibility to revisit or revise the proposed changes in the future.

Council Member Slowik thanked City staff for the revised language presented in Section 14-84 of the proposed Ordinance.

Mayor Warren thanked BIA and Lewis Operating Corporation for their comments this evening, commented on the City's flexibility, and thanked City staff for their professionalism and openness during the process.

Mayor Pro Tem Roberts requested clarification on the City's commercial fees in comparison to neighboring Cities.

Director Williams did not have the information available at this time and commented that the City's development fees are similar to neighboring Cities.

No one else spoke in favor or opposition.

The hearing was closed.

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

- (1) Determine that the Ordinance will have no significant impact on the environment and direct staff to file the Negative Declaration pursuant to Section 15070 of the California Environmental Quality Act;
- (2) Waive further reading of and introduce **Ordinance No. 1649** adding Article IV to Chapter 14 (Housing) of the Fontana Municipal Code (FMC) relating to Inclusionary Housing and Impact Fee Requirements, and that the reading of the title constitutes the first reading thereof, with the proposed revisions as provided by Staff; and
- (3) Adopt **Resolution No. 2011-109** setting impact and in-lieu fees in connection with **Ordinance No. 1649** "Inclusionary Zoning Ordinance" with the proposed revisions as provided by Staff.

D. Hearing was opened to consider Municipal Code Amendment (AMD) No. 11-024 and adoption of an Ordinance amending Chapter 15, Article XIII, Sections 15-901, 15-902, and 15-918 (Adult Oriented Business Regulations of the Fontana Municipal Code).

Community Development Director Don Williams and Senior Planner Stephanie Hall 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 Mayor Pro Tem Roberts, seconded by Council Member Wibert, and passed unanimously by a vote of 5-0, to:

- (1) Find that the project has been reviewed pursuant to the Local Guidelines for Implementing the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption.
- (2) Waive further reading of and introduce **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 and that the reading of the title constitutes the first reading thereof.

E. Hearing was opened to consider adoption of an Ordinance adding Code Section 30-93.2 for administrative approval of incremental improvements to legal nonconforming buildings, structures and sites and a Resolution to set an Administrative Review Fee.

Deputy City Manager Debbie Brazill and Community Development Director Don Williams provided the staff report.

No written communications were received.

No one spoke in favor or opposition.

Mayor Pro Tem Roberts thanked staff for their outstanding work on the proposed changes which support the City's business friendliness.

Council Member Slowik commented on the proposed revision which also allows for a relieved burden of administrative cost processing which highlight's the City's business friendliness. Council Member Slowik also requested clarification on Section 30-93.2 (a) (1) of the Ordinance (page 737 of the agenda packet) which refers to additions that do not exceed 10 percent of the existing building/structure square footage.

Director Williams stated that the addition can either be attached to the existing structure/building or constructed as a separate building/structure on the parcel.

Council Member Tahan thanked City staff for their work and Mayor Pro Tem Roberts for his lead efforts on this process. Council Member Tahan also requested clarification on the City's flexibility with the 10 percent addition.

Deputy City Manager Brazill and Director Williams stated that staff determines what makes the best sense in rounding the 10 percent addition.

Mayor Warren thanked City staff for their work and flexibility and also Mayor Pro Tem Roberts for his efforts.

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

(2) Adopt **Resolution No. 2011-110** amending the City's development related fee schedule to adjust the application fee for Administrative Site Plan review of incremental improvements requested under Municipal Code Section 30-93.2.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

The following Elected Officials Communications were received:

A. Appointment of Mayor Pro Tem

ACTION: Motion was made by Council Member Tahan and seconded by Council Member Wibert, and passed unanimously by a vote of 5-0, to appoint Council Member John Roberts as Mayor Pro Tem for 2012.

B. Elected Officials Communications/Reports

Council Member Tahan commented on the great Tree Lighting Ceremony held last week which reminds us of the Christmas Season, commented on the many Senior community events he has enjoyed since Thanksgiving and thanked all staff involved, and also thanked City Clerk Lewis for a great Christmas Parade.

Council Member Tahan also requested City Manager Hunt to bring back a Sister City Update at an upcoming City Council Meeting or Workshop, such as the January 10, 2012, Meeting, to allow for evaluation, a presentation, and further discussion.

Mayor Warren suggested that the Goal Setting Workshop Council Meeting in January 2012 would be best to determine the City Council priorities, City costs and impacts, along with exploration of other options.

Council Member Wibert requested clarification that the City does not currently have a Sister City, which it does not.

Mayor Warren directed staff to bring a Sister City Update to an upcoming City Council Workshop with further direction to occur after.

Council Member Slowik commented that the last Sister City was Kamloops, Canada.

City Manager Hunt clarified that he will bring back a report under City Manager Communications at an upcoming City Council Meeting.

Council Member Tahan stated that he would like the costs and the process to be included.

Council Member Wibert thanked staff for a wonderful Tree Lighting Ceremony and City Clerk Lewis for a great Christmas Parade.

Council Member Wibert wished her Husband David a Happy 61st Birthday.

Council Member Wibert thanked Police Chief Jones, Fontana School District Police Chief Megenney, and Fire Chief Johnstone and their staff for their commitment to the safety of the community.

Council Member Wibert thanked staff for the great and well-attended events held in the City, thanked City Manager Hunt and City Attorney Alsop for their guidance, and Mayor Warren and the Council for their great leadership, guidance, and representation. Council Member Wibert also expressed her great pride in the City and commented on the caring and loving community that is Fontana.

Council Member Wibert reminded residents that Fontana Santas will deliver toy donations on Saturday to continue to support our troops and their families.

Council Member Slowik commented on the year that has passed so quickly and thanked Mayor Warren, the Council, City Manager Hunt, City Attorney Alsop, Police Chief Jones, Fire Chief Johnstone, and staff for making Fontana a great place to live, work, and play. Fontana is blessed to have a team that supports a business friendly, responsive, and efficient operation for the community.

Council Member Slowik congratulated the Summit High School Skyhawks Football Team for their recent CIF Championship, which is a great accomplishment for the school, staff, players, and parents.

Council Member Slowik thanked City Clerk Lewis and City Treasurer Koehler-Brooks for their hardwork this year.

Council Member Slowik wished everyone a Merry Christmas and Happy New Year.

Mayor Pro Tem Roberts commented on the great Fontana team, the discussions on the dais that are made in the best interest of the Fontana community, and the Council's continued attention to the needs of the community.

Mayor Pro Tem Roberts thanked Community Services Director Garth Nelson and his staff for a great and cost-effective Festival of Winter.

Mayor Pro Tem Roberts thanked the Chamber of Commerce staff for a great Las Posada event and City Clerk Lewis for a great Christmas Parade

Mayor Pro Tem Roberts congratulated the Summit High School Skyhawks Football Team for their recent CIF Championship.

Mayor Pro Tem Roberts wished everyone a Merry Christmas.

Mayor Warren echoed the comments of her colleagues and also commented on the City's blessing of a great team that puts hardwork and their hearts into all City events.

Mayor Warren reminded residents to look out for the Fontana Activities, Services, and Programs Book and to spread the word using the Community Connection and other blogging tools out there, such as the City's Facebook and Twitter. Residents can help discuss the great events and encourage more attendance.

Mayor Warren thanked City Clerk Lewis for a great Christmas Parade and commented that more marketing of the event will be done next year. Mayor Warren also thanked her brother for driving her in the Parade.

Mayor Warren thanked staff for the recent Healthy Fontana Meeting which was outstanding.

Mayor Warren encouraged residents to visit the Steelworkers Auditorium on Thursday, December 15th from 5-7 p.m. as Author Dr. Mike Moreno will be present. The first 100 visitors will receive a free book. Mayor Warren commented on a diet pledge to be made that evening that will begin Friday morning.

Mayor Warren also commented on the great Tree Lighting Ceremony and Festival of Winter held last week. Mayor Warren reminded residents that Kwanzaa is also an interesting celebration and encouraged them to share the celebration with their children.

Mayor Warren thanked Council Member Wibert for her help with the Fontana Santas Program and commented that she will be participating on Saturday.

Mayor Warren encouraged residents to share smiles and hugs with their neighbors and community this holiday season.

Mayor Warren commented that tonight's meeting would be adjourned in memory of Angel Morales, a Fontana High School graduate that recently passed in a car accident, and Marshall McKinley, her much appreciated next-door neighbor that recently passed away.

Mayor Warren wished everyone a Merry Christmas and Happy New Year.

Mayor Warren thanked all City staff members and former Mayors and Councilmembers and their families. Mayor Warren also encouraged the Fontana team to continue to proudly serve the needs of the community.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Hunt again congratulated City Attorney Alsop on his retirement.

City Manager Hunt recognized Public Works Manager Dan Chadwick and the GET Team on the Housing Related Parks Program Grant award of \$443,950 to the City which will assist with the re-construction and re-opening of Martin Tudor Park next year.

City Manager Hunt commented that the December 27, 2011, City Council Meeting was cancelled and that the next Regular City Council Meeting will be held on January 10, 2012.

City Manager Hunt recognized City Clerk's Office Administrative Clerk II Kathy Kasinger for a job well done and for her great customer service.


ADJOURNMENT:

A moment of silence was held for Angel Morales and Marshall McKinley.

The City Council meeting adjourned in memory of Angel Morales and Marshall McKinley at 9:41 p.m. to the next Regular City Council Meeting on Tuesday, January 10, 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 10TH DAY OF JANUARY, 2012.**



Tonia Lewis
City Clerk