

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
CITY COUNCIL MEETING  
MARCH 22, 2011**

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**WORKSHOP:**

A Workshop Meeting of the Fontana City Council was held on Tuesday, March 22, 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 5:30 p.m. with Mayor Warren (arrived at 5:35 p.m.), and Council Members Slowik, Tahan (arrived at 5:32 p.m.), and Wibert present. Police Chief Rod Jones presented an update on remote caller bingo. The Fontana City Council Regular Meeting Agenda was reviewed and City Manager Comments were heard. The Workshop Meeting adjourned at 6:00 p.m. to closed session in the Fontana City Hall Executive Conference Room.

**CLOSED SESSION:**

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)  
Number of Cases: One

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO  
GOVERNMENT CODE SECTION 54956.8  
Property: APN 0226-182-11 (located at 6391 Knox Avenue)  
Owners: Jerry and Cindy Hsiau  
Negotiator: Debbie Brazill, Deputy City Manager  
Under Negotiation: Price and Terms

**A. Regular City Council Meeting**

The Regular Meeting of the City of Fontana City Council was held on Tuesday, March 22, 2011, in the City Council Chambers located at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 7:09 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 Fontana Police Department Chaplain Regina Lindsay, the Pledge of Allegiance was led by Mayor Pro Tem Roberts.

**CLOSED SESSION ANNOUNCEMENT:**

City Attorney Clark Alsop announced the City Council had met in closed session with no reportable action taken.

**SPECIAL PRESENTATIONS:**

**A. American Lung Association Fight for Air Walk**

Mayor Warren introduced American Lung Association Area Director Mrs. Terry Roberts who presented plaques in recognition of Healthy Fontana and the City of Fontana's support of the American Lung Association Fight for Air Walk which occurred on October 2, 2010. Mayor Warren and Community Services Supervisor Michael Wright accepted the plaques on behalf of the City of Fontana and Healthy Fontana, respectively. Mayor Warren and the City Council presented a Certificate of Recognition to Director Roberts in appreciation of the continued support of a Healthy Fontana.

**B. Community Services Department 2010 Employees of the Year**

Mayor Warren introduce Community Services Department Director Garth Nelson who recognized the 2010 Employees of the Year: Full-Time Employee Community Services Coordinator II Jason Hendrix and Part-Time Employee Community Services Assistant Sheila Lopez.

Mayor Warren and the City Council thanked Jason Hendrix and Sheila Lopez for thier hardwork and dedicated service to the City. Mayor Warren also presented Certificates of Recognition to Jason Hendriz and Sheila Lopez on behalf of Assembly Member Wilmer Amina Carter of the 62nd Assembly District.

**C. Police Department January 2011 Employee of the Month**

Mayor Warren introduced Police Chief Rod Jones who recognized Officer Richard Guerrero as the Police Department's January 2011 Employee of the Month.

Mayor Warren and the City Council thanked Officer Guerrero for his hardwork and commitment to the safety of the community. Mayor Warren also presented a Certificate of Recognition to Officer Guerrero on behalf of Assembly Member Wilmer Amina Carter of the 62nd Assembly District.

**PUBLIC COMMUNICATIONS:**

The following Public Communications were received:

**A. Public Communications**

Danny Marquez spoke regarding Veteran services, encouraged residents to visit [MyVoteCounts.org](http://MyVoteCounts.org), and to contact John Van Winkle (909-466-9096 or [johnvanwinkle@asm.ca.gov](mailto:johnvanwinkle@asm.ca.gov)) on behalf of Assembly Member Mike Morrell with

information on WWII Soldiers who asisted with internment camp liberations.

Linda Fabre spoke regarding "Da Hip Hop Wizard of Oz" play to occur on Saturday, March 26, 2011, at 7 p.m. in the Steelworker's Auditorium.

Ray Allard spoke regarding Rotary Club, in thanks to Don Williams for meeting with the Club, in support of the City's great staff, and the encouraged residents to visit [MyVoteCounts.org](http://MyVoteCounts.org).

Miguel Espinoza spoke regarding Fontana's Redevelopment Agency, City agreement with developers, and recent press articles.

## **CONSENT CALENDAR:**

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

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

Approve the Minutes of the March 8, 2011, Regular City Council Meeting.

### **B. Resolution Amending the Administrative Policy Manual**

Adopt **Resolution No. 2011-016** of the City Council of the City of Fontana, California, Amending Administrative Policy Section 20-28 (Depreciation) and Adding Sections 20-32 (Fund Balance for the General Fund) and 20-37 (Gift(s) of Tickets and/or Passes).

### **C. Resolution Amending the Administrative Policy Manual**

Adopt **Resolution No. 2011-017** of the City Council of the City of Fontana, California, Updating Fiscal Policy Section 20-31, Purchasing Policies.

### **D. Award Weed Abatement & Rubbish Removal Services**

- (1) Award contracts to A.B. Landscape, A-Absolute Tractor, and California Landscape & Design to provide Weed Abatement Services.
- (2) Authorize the City Manager to execute contracts with the selected firms for a period of one year, renewable for two additional one-year increments at the sole discretion of the City.

### **E. Fontana Art Association Quarterly Report**

Receive and order filed the Fontana Arts Association Quarterly Report.

### **F. Center Stage Theater Operating Agreement**

Authorize the City Manager to enter into a three year agreement with Stargazer Productions for management and operation of the Center Stage Theater and authorize the City Manager to execute any documents necessary to effectuate said agreement.

**G. Donation Acceptance**

Accept toy donations valued at \$600.00 total from Fontana Pony League and Fontana Southwest Little League for use in the Fontana Santa's Program.

**H. Accept Police Department's 2010 Annual Report**

Receive and order filed the 2010 Police Department's Annual Report.

**I. Award Bid for Graffiti Removal Chemicals, SB-24-PW-11**

Award Bid and authorize the City Manager to enter into a two-year contract with Envirotek Corporation, with three one-year extensions at the sole discretion of the City, for graffiti removal chemicals.

**J. Award Contract for Traffic Signs, SB-30-PW-11**

- (1) Award a contract to Safeway Signs Company for the purchase of signs and hardware.
- (2) Authorize the City Manager to enter into a contract agreement with Safeway Signs Company.

**K. Accept and Approve Sealed Proposal Results for Sanitary Sewer Pump Station Assessment**

- (1) Award a contract to Schaff & Wheeler, Consulting Civil Engineers to provide Sanitary Sewer Pump Station Assessment.
- (2) Authorize the City Manager to enter into a professional service agreement with Schaff & Wheeler, Consulting Civil Engineers in the amount of \$57,727.00.

**PUBLIC HEARINGS:**

**A. Adopt Resolution of the City of Fontana Authorizing the Sale of Surplus Property**

Real Property Analyst Supervisor Delia Mejia provided the staff report.

No written communications were received.

No one spoke in favor or opposition.

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

(1) Conduct a hearing to consider the adoption of proposed **Resolution No. 2011-018** of the City of Fontana finding that the public interest and convenience require the sale of surplus property, known as Assessor Parcel No. 0193-212-31, located at 9595 Cypress Avenue, (east side of Cypress Avenue, north of San Bernardino Avenue), and approving the sale of such property to Danilo and Patricia Martinez.

(2) Authorize the City Manager of the City of Fontana to negotiate and execute on behalf of the City Council the grant deeds and take any other actions necessary to effectuate said approval for sale of the property.

**B. Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts**

Management Services Accounting Manager Dawn Brooks provided the staff report.

No written communications were received.

Steven Beltran spoke regarding a dispute on his weed abatement bill due to lien of a previous property owner.

Mayor Warren requested Mr. Beltran to speak with an officer present.

Diana Margaza spoke on behalf of her client who is a first time home buyer that purchased a property with a clean title and current lien form a previous property owner.

Mayor Warren requested Mr. Margaza and her client to speak with an officer present.

No one else spoke in favor or opposition.

Council Member Tahan requested clarification on the lien recording process.

City Manager Hunt clarified that at times a processing time issue occurs when liens are recorded to appear on title.

Council Member Slowik mentioned the processing time for the County could also cause delay.

**ACTION:** Motion was made by Council Member Slowik, seconded by Mayor Pro Tem Roberts, 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. 2011-019** of the City Council of the City of Fontana adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.

**C. Development Impact Fee (DIF) Deferral Program**

Senior Planner Stephanie Hall provided the staff report.

No written communications were received.

No one spoke in favor or opposition.

City Manager Hunt clarified for the record that there was a typographical error in the staff report located on page 172 of agenda packet under the heading of discussion where the instances of the words ordinances should be resolutions.

Council Member Slowik commented on the time period to apply for the program and the building permit process.

Mayor Warren commented that this program assists the development community during a tough economic time.

Council Member Slowik commented that the program is indeed beneficial and applies only to residential development and City fees.

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

(1) Find that the project is exempt pursuant to Section 15061(B)(3) of the California Environmental Quality Act (CEQA), and direct staff to file the Notice of Exemption.

(2) Adopt **Resolution No. 2011-020** of the City Council of the City of Fontana, California, approving a temporary period for the deferral of the payment of certain Development Impact Fees for residential development.

**NEW BUSINESS:**

**A. First Reading of Ordinance and Set Public Hearing for the Adoption of the 2010 Edition of the California Building Standards Code and Corresponding Base Model Codes**

Building and Safety Director Andy Shipper provided the staff report.

No written communications were received.

No one spoke in favor or opposition.

Mayor Pro Tem Roberts commented on the City's proactive regulations for fire sprinklers in every residence before the requirements appeared in the State Code.

Council Member Slowik requested clarification on the Green Building Standards.

Director Shipper commented that the City was already enforcing the standards and the new State Code simply codified the standards into a single code.

**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) Determine that the adoption of the 1997 Edition of the Uniform Administrative Code and the 2010 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, consisting of the California Building Code, Volumes 1 & 2, based on the 2009 International Building Code; the California Plumbing Code, based on the 2009 Uniform Plumbing Code; the California Electrical Code, based on the 2008 National Electrical Code; the California Mechanical Code, Based on the 2009 Uniform Mechanical Code; the California Existing Building Code, Based on the 2009 International Existing Building Code; the California Green Building Standards Code; and the 2010 California Residential Code, based on the 2009 International Residential Code is exempt from further environmental review under Section 15061(b)(3) of the State CEQA guidelines and Section 3.07 of the local CEQA guidelines (2006), projects with no possibility of significant effects upon the environment, and direct staff to file a notice of exemption.

(2) Waive further reading of and introduce **Ordinance No. 1628**, an ordinance of the City of Fontana adding, amending and deleting certain articles, sections and subsections of Chapter 5 of the Code of the City of Fontana, California pertaining to the construction and maintenance of buildings, and adopting by reference the 1997 Edition of the Uniform Administrative Code and the 2010 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, consisting of the California Building Code, Volumes 1 & 2, based on the 2009 International Building Code; the California Plumbing Code, based on the 2009 Uniform Plumbing Code; the California Electrical Code, based on the 2008 National Electrical Code; the California Mechanical Code, Based on the 2009 Uniform Mechanical Code; the California Existing Building Code, Based on the 2009 International Existing Building Code; the California Green Building Standards Code; and the 2010 California Residential Code, based on the 2009 International Residential Code; and that the reading of the title constitute the first reading thereof.

(3) Set a Public Hearing for April 12, 2011, and deem the Notice of Hearing sufficient to give interested persons notice of the purpose of the ordinance and subject matter thereof.

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

The following Elected Officials Communications were received:

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

Council Member Slowik congratulated Summit High School Boys Basketball Team on their Southern California Regional Championship victory and wished them luck on their State Championship game this Friday in Sacramento.

Council Member Slowik congratulated a local resident couple that is celebrating their 50th anniversary.

Council Member Slowik announced the Ozawa Cups to be attended by the Fontana Empire Karate Team April 22nd and 23rd, and the fundraising events for a Flapjack Breakfast to occur at 9 a.m. on Saturday, March 26th at Applebee's on Sierra Lakes Parkway and pledges for a walkathon on Sunday, April 3rd with Council Member Wibert (contact Stan Money 909-549-1304 or visit the Empire Karate location at 16814 Foothill Blvd. for more information).

Council Member Slowik thanked resident Rachel Litiatco for her recycling efforts and for notifying the City Council of the Recyclebank Rewards Program.

Council Member Slowik reminded residents of the upcoming Special Olympics on April 16th , Prayer Breakfast on May 5th, and Fontana Days on June 4th (parade application deadline on the Friday, May 27th) events.

Council Member Slowik congratulated the employees recognized this evening and thanked Community Services Assistant Sheila Lopez for the great field conditions during the recent Little League Opening Ceremonies.

Council Member Slowik encouraged residents to visit [MyVoteCounts.org](http://MyVoteCounts.org).

Council Member Slowik congratulated Mayor Warren on her recent Soroptimist International Organization Annual Prism Award.

Council Member Slowik clarified on public comments heard this evening and clarified that there were no contributions received for himself. Council Member Slowik stated that he and Council Member Wibert were both appointed to the City Council.

Council Member Slowik wished everyone a good evening.

Mayor Pro Tem Roberts congratulated the Miss Fontana Pageant Contestants and the new Court and commented on the great participation and great opportunity to be involved with the event.

Mayor Pro Tem Roberts announced the Annual City County Conference to occur this Thursday and Friday in Lake Arrowhead and the opportunity to meet with local officials.



Council Member Wibert congratulated Council Member Slowik who will be honored on April 7th by the Chaffey College Foundation as an Alumni, in which she will also be attendance.

Council Member Wibert congratulated Mayor Warren on her recent Soroptimist International Organization Annual Prism Award.

Council Member Wibert commented on the great Little League Opening Ceremonies held this weekend and thanked the parents, volunteers, and players for a great turnout and support of our local youth.

Council Member Wibert thanked the Public Works and Community Services Department for the great fields our youth play on.

Council Member Wibert announced her attendance at the Chaffey Student Recognition Dinner with Mayor Pro Tem Roberts and Council Member Slowik and the great speakers, which included Mistress of Ceremonies Janice Rutherford

Council Member Wibert announced her attendance at the recent Fontana High School Godspell Performance.

Council Member Wibert announced that one of Jeff Gordon's racecar will be on display at the Ralph's Market located on Baseline Avenue on March 24th from 10:30 a.m. to 2:30 p.m. Canned donations will be accepted and photo opportunities will be available.

Council Member Wibert encouraged participation in the Empire Karate Team walkathon fundraising event and residents can contact her or Council Member Slowik for applications.

Council Member Wibert announced that she visited her son in Texas and passed along thanks from the troops for the Mayor, City Council, and resident support of their efforts. Please continue to keep our troops in your prayers.

Council Member Tahan commented on the great Little League Opening Ceremonies held this past weekend and support of our youth.

Council Member Tahan commented on the wonderful Miss Fontana event with great contestants, supportive parents, and hardworking committee.

Council Member Tahan thanked David Blair for the opportunity to speak for the black belt promotions for the Karate students

Council Member Tahan thanked all volunteers in the City and in our schools.

Mayor Warren thanked Fontana School Board Member Leticia Garcia for being present tonight.

Mayor Warren announced that she will be at the Summit High School Boys Basketball Team State Championship game this Friday in Sacramento and is optimistic of their victory. Mayor Warren announced that she will also be at the Rialto Girls Basketball Game and will continue to support our youth who are continuing to put us on the map.

Mayor Warren encouraged residents and business to donate and support these athletes and their families, along with herself, Mark Bertone, KB Homes, and Lewis Operating

Mayor Warren announced her attendance at Water of Life Church this Sunday and the great speaking of John Porter that were heard on racial reconciliation. Mayor Warren thanked Fontana School Board member Sophia Green for also attending.

Mayor Warren congratulated County Supervisor Josie Gonzales for being honored by Assembly Member Wilmer Amina Carter yesterday for her support of Women's History Month and representation throughout the 62nd District.

Mayor Warren commented on the great Arbor Day event held last Wednesday and congratulated the Public Works and Community Services Departments for the great attendance of school district children and support from vendors and businesses.

Mayor Warren announced her attendance at Ontario Mayor Paul Leon's State of City which was an incredible event and attended by many, including a panel of UPS, Kaiser Permanente, and Fletcher Jones individuals, and which spoke of the potential growth of the Inland Empire.

Mayor Warren announced her attendance at the Bill Martin Park dedication held this past Saturday and thanked the Community Services Department for a wonderful event.

Mayor Warren commented on the State Governor's adamant proposal to eliminate redevelopment agencies, the inaccuracy of public comment information heard this evening, and the her commitment, along with other local Cities, to continue to represent citizens and save redevelopment which supports jobs, development, and families.

## **CITY MANAGER COMMUNICATIONS:**

### **A. Discussion for Cancellation of Regular City Council Meeting**

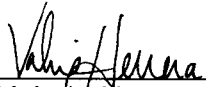
City Manager Ken Hunt discussed the need for possible cancellation of the

Tuesday, May 24, 2011, Regular City Council Meeting, due to a quorum of the City Council attending the International Council of Shopping Centers (ICSC) Conference to be held in Las Vegas, NV, from May 24-26, 2011.

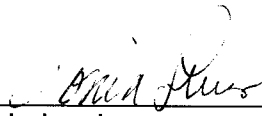
**ACTION:** Motion was made by Council member Wibert, seconded by Council Member Slowik, and passed unanimously by a vote of 5-0 to cancel the Tuesday, May 24, 2011, Regular City Council Meeting.

**ADJOURNMENT:**

The City Council meeting adjourned by consensus at 8:35 p.m. to the the next Regular City Council Meeting on Tuesday, April 12, 2011, with a workshop at 5:30 p.m. in the City Hall Executive Conference Room and the regular meeting at 7:00 p.m. in the Council Chambers at 8353 Sierra Avenue, Fontana, California. The adjournment to the 27th Annual City County Conference from March 24-25, 2011, at the Lake Arrowhead Resort, 27984 Highway 189, Lake Arrowhead, California, was later cancelled due to weather concerns.

  
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Valerie Herrera  
Administrative Analyst II

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 12TH DAY OF APRIL, 2011.**

  
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Tonia Lewis  
City Clerk