

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
CITY COUNCIL MEETING
AUGUST 9, 2011**

WORKSHOP:

A Workshop Meeting of the Fontana City Council was held on Tuesday, August 9, 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 absent and Council Members Slowik, Tahan, and Wibert present. Deputy City Manager David Edgar and RSG Consultants John Leonard and Felicia Costa provided a presentation on the Inclusionary Housing Ordinance. The Fontana City Council Regular Meeting Agenda was reviewed and City Manager Comments were heard. The Workshop Meeting adjourned at 5:56 p.m.

CLOSED SESSION:

Closed Session was held at 6:00 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.

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO
GOVERNMENT CODE SECTION 54957**

Title of Position: City Manager

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54956.8**

Property: APN: 256-141-36 (18195 Jurupa Avenue located on the southeast corner of Jurupa and Locust Avenues)

Owner: UST-CB Partners, LP

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, August 9, 2011, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 7:11 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 Boy Scouts Troop 535.

CLOSED SESSION ANNOUNCEMENT:

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

PROCLAMATIONS:

A. Retirement of Sergeant Rich Altheide and March 2011 Employee of the Month Recognition

Mayor Warren introduced Police Chief Rod Jones and Sergeant Rich Altheide.

Chief Jones recognized Sergeant Altheide as the March 2011 Employee of the Month.

Mayor Warren presented a Proclamation to congratulate Sergeant Altheide on his retirement after 21 years of service.

Ms. Claudia Goytia from Senator Gloria Negrete McLeod's Office presented Sergeant Altheide with a Certificate.

Mayor Warren and the City Council also presented Sergeant Altheide with a Resolution prepared by the County Board of Supervisors and a Letter of Congratulations from Governor Brown's Office.

SPECIAL PRESENTATIONS:

A. Good Samaritan Recognition

Mayor Warren introduced Police Chief Jones, Lorenzo Aguayo, and Gary Hinckley.

Mayor Warren presented a Certificate to Good Samaritan Lorenzo Aguayo for his life-saving efforts in the malicious dog attack on Victim Gary Hinckley and thanked Mr. Aguayo on behalf of the City for his brave and self-less life-saving efforts in the malicious dog attack on Mr. Hinckley.

PUBLIC COMMUNICATIONS:

A. Public Communications

Sylvia Munoz, Summit High School Aquatics Booster Club Member, announced the upcoming fundraiser activities to fund both the boys and girls water polo teams and the coed swim team. A car wash will be held on Saturday, August 27th from 8 a.m. to 3 p.m. at Summit High School. Those interested in assisting fundraising efforts can email summitaquatics@gmail.com.

Janis Zimmermann spoke regarding an ordinance to allow street vending in the City and requested the support of Mayor Warren and the City Council.

Mayor Warren referred Ms. Zimmermann to Community Development Director Don Williams for further discussion.

CONSENT CALENDAR:

ACTION: Motion was made by Council Member Slowik, seconded by Council Member Wibert, and passed unanimously by a vote of 5-0, to approve Consent Calendar Items "A-N," with Council Member Tahan abstaining from voting on Item CC-D.

A. Approval of Minutes

Approve the Minutes of the July 26, 2011, Regular City Council Meeting.

B. Adoption of Ordinance No. 1634

Adopt **Ordinance No. 1634** of the City Council of the City of Fontana, California, electing to participate in the Alternative Voluntary Redevelopment Program pursuant to California Health and Safety Code Sections 34192, et seq., subject to certain conditions and reservations.

C. Adopt Resolution to Establish Filing Fee for Notice of Intent to Circulate Initiative Petition

Adopt **Resolution No. 2011-079** of the City Council of the City of Fontana, California, establishing a Filing Fee for Initiative Petitions.

Council Member Tahan abstained from voting on Consent Calendar Item D.

D. Adopt a Resolution to Summarily Vacate an Easement for Ingress and Egress over Assessor Parcel Numbers 0238-051-16 and 0238-051-17, in Ontario, California

(1) Adopt **Resolution No. 2011-080** of the City Council of the City of Fontana, California, Summarily Vacating an Easement for ingress and egress over

Assessor Parcel Numbers 0238-051-16 and 0238-051-17, located on the southwest corner of Ontario Mills Parkway and Etiwanda Avenue, and north of the I-10 Freeway in Ontario, California, pursuant to Section 8333(a) et seq. and Section 8333(c) et seq of Chapter 4, Part 3, Division 9, California Streets and Highways Code;

(2) Find that the project is exempt from further environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality act where it can be seen with certainty that there is no possibility of significant effects upon the environment, and direct staff to file a Notice of Exemption; and

(3) Authorize the City Manager to execute a Quitclaim Deed.

E. Approve Amendments to the Cooperative Agreements for the I-10/Citrus Avenue Interchange

(1) Adopt **Resolution 2011-081** of the City Council of the City of Fontana, approving Amendment No. 1 to Right of Way Cooperative Agreement No. C10192 between the City of Fontana, the County of San Bernardino, and the San Bernardino Associated Governments for the I-10/Citrus Avenue Interchange right of way capital and support costs, increasing the original agreement amount by \$2,500,000.

(2) Adopt **Resolution 2011-082** of the City Council of the City of Fontana approving Amendment No. 2 to Design Cooperative Agreement No. C08053 between the City of Fontana, the County of San Bernardino, and the San Bernardino Associated Governments for the I-10/Citrus Avenue Interchange, increasing the original agreement amount by \$735,000.

F. Approve an Amendment to the Cooperative Agreement for the I-10/Cherry Avenue Interchange

Adopt **Resolution No. 2011-083** of the City Council of the City of Fontana, approving Amendment No. 2 to Design Cooperative Agreement No. C08053 between the City of Fontana, the County of San Bernardino, and the San Bernardino Associated Governments for the I-10/Cherry Avenue Interchange, increasing the original agreement amount by \$765,000.

G. Approve Utility Agreements for the I-10/Citrus Avenue Interchange Project

(1) Authorize the City Manager to execute Utility Agreement No. 22352 with Southern California Edison (SCE) for the I-10/Citrus Avenue Interchange Project in the amount of \$169,750.30.(2) Authorize the City Manager to execute Utility Agreement No. 22350 with AT&T for the I-10/Citrus Avenue Interchange Project in the amount of \$40,500.00.(3) Authorize the City Manager to execute any and all utility agreements associated with the I-10/Citrus Avenue Interchange Project.

H. Final Acceptance of Subdivision Improvements for Tract No. 14245

(1) Accept as complete the subdivision improvements for Tract No. 14245 located within Southridge Village Specific Plan.

(2) Adopt **Resolution No. 2011-084** of the City Council of the City of Fontana,

accepting sewers in Tract No. 14245 as part of the City sewer system.

I. Final Acceptance of Subdivision Improvements for Tract No. 16869

(1) Accept as complete the subdivision improvements for Tract No. 16869 located within Citrus Heights North Specific Plan.

(2) Adopt **Resolution No. 2011-085** of the City Council of the City of Fontana, accepting sewers in Tract No. 16869 as part of the City sewer system.

J. Final Acceptance of Subdivision Improvements for Tract No. 16871

(1) Accept as complete the subdivision improvements for Tract No. 16871 located within Citrus Heights North Specific Plan.

(2) Adopt **Resolution No. 2011-086** of the City Council of the City of Fontana, accepting sewers in Tract No. 16871 as part of the City sewer system.

K. Final Acceptance of Subdivision Improvements for Tract No. 16877

(1) Accept as complete the subdivision improvements for Tract No. 16877 located within Citrus Heights North Specific Plan.

(2) Adopt **Resolution No. 2011-087** of the City Council of the City of Fontana, accepting sewers in Tract No. 16877 as part of the City sewer system.

L. Final Acceptance of Subdivision Improvements for Tract No. 17824

(1) Accept as complete the subdivision improvements for Tract No. 17824 located south of South Highland Avenue between San Sevaine Road and Hemlock Avenue.

(2) Adopt **Resolution No. 2011-088** of the City Council of the City of Fontana, accepting sewers in Tract No. 17824 as part of the City sewer system.

M. Introduce and Adopt Urgency Ordinance to Amend the Contract between the City of Fontana and the California Public Employees Retirement System (CalPERS)

Waive further reading of and introduce and adopt **Urgency Ordinance No. 1635** of the City Council of the City of Fontana, California, amending the Contract between the City of Fontana and the Board of Administration of the California Public Employees' Retirement System.

N. Approve a contract for Annual Public Works Repairs and Improvements

Authorize the City Manager to approve a contract with Sully Miller Contracting Company for two years with three one-year extensions at the City's sole discretion for Public Works Repairs and Improvements using a cooperative purchase with the City of Long Beach.

PUBLIC HEARINGS:

A. Hearing was opened to consider adoption of 2010 Fire Code and Chapter 11 Municipal Code Amendments.

Fire Marshall Adam Panos 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 Council Member Wibert, and passed unanimously by a vote of 5-0 to:

Waive further reading of and adopt **Ordinance No. 1633** of the City of Fontana Amending Article XV of Chapter 5 of the Code of the City of Fontana, California pertaining to the California Fire Code and Adopting the 2010 Edition of the California Fire Code, known as the California Code of Regulations, Title 24, Part 9, based on the 2009 International Fire Code, with appendices and amendments thereto and Amending Chapter 11 of the Code of the City of Fontana, California pertaining to Fire Prevention.

NEW BUSINESS:

A. Introduce Spay and Neuter Ordinance Adding Section 4-69 to the Fontana Municipal Code Chapter 4, Animals, Article III

Police Chief Rod Jones and Captain Robert Ramsey provided the staff report.

No written communications were received.

John De Sousa spoke in favor of the Ordinance and commented on dangerous leashed dogs on the Pacific Electric Trail.

Mayor Warren requested Captain Ramsey to comment on leashed and unleashed dog concerns.

Captain Ramsey commented that residents can contact the Police Department to report unlashd dogs and also dangerous leashed dogs.

No one else spoke in favor or opposition.

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. 1636** of the City Council of the City of Fontana, adding Section 4-69 of the Fontana Municipal Code Chapter 4, Animals, Article III requiring all owners of Pit Bulls and Pit Bull mixed breed dogs to spay or neuter their dog before the dog reaches the age of four months.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

The following Elected Officials Communications were received:

A. Elected Officials Communications/Reports

Council Member Slowik commented on the County's adoption and Ordinance for spay and neuter requirements on pit bull breeds which affects the unincorporated areas of the City and clarified that now the City has adopted a similar Ordinance for City residents.

Council Member Slowik announced hit attendance at National Night Out on August 2nd and also thanked all those that came out for the event and expressed their non-tolerance for crime with their presence.

Council Member Slowik thanked the Boys and Girls Club and Terrie Schneider for a successful Golf Tournament held on August 5th and also thanked all those individuals that participated, contributed to, and supported the event. A record was made when a player hit a hole in one; the first ever for this event.

Council Member Slowik commented on The Community Foundation's San Bernardino County 2011 Community Indicators Report he received and the importance of the document for decision and policy makers in both the County and local cities.

Mayor Pro Tem Roberts thanked City staff and the community for a great National Night Out Event and commented that he did not attend due to his youngest son being home on leave and the many events they had planned.

Mayor Pro Tem Roberts requested that this evening's meeting be adjourned in memory of the tragic passing of U.S. Military Personnel and members of SEAL Team 6 who were killed in a helicopter crash in Afghanistan this past Saturday, August 6th.

Council Member Wibert thanked everyone for their presence at tonight's meeting and those viewers watching at home. Council Member Wibert also thanked Boy Scout Troop 535 for their participation in this evening's meeting.

Council Member Wibert congratulated City Manager Ken Hunt's son Daniel on his recent passing of a doctor-related exam and wished him well on his future endeavors as a doctor.

Council Member Wibert thanked Fontana Police Chief Rod Jones, Fontana Unified School District Police Chief Bill Megenney, and the Community Services and Public Works Department staff for a wonderful National Night Out Event. Council Member Wibert also thanked Mayor Warren and her neighborhood for their support and participation in the event and their own great block event.

Council Member Wibert commented that her son is also home on leave and that he had a wonderful time enjoying a Center Stage Theater Concert, attending National Night Out and serving snow cones and popcorn to residents, and Salsa Dancing at Center Stage Theater. Council Member Wibert encouraged residents to attend City events and to bring their neighbors and friends.

Council Member Wibert said hello to her Son, his wife, and her husband David.

Council Member Wibert expressed her condolences to Community Services Director Garth Nelson and his family on the recent passing of his niece.

Council Member Wibert expressed her condolences for their families of the U.S. soldiers and personnel who were killed in the helicopter crash in Afghanistan and also requested prayers for all our troops.

Council Member Wibert reminded residents to support our City by shopping in Fontana.

Council Member Tahan announced hit attendance at National Night Out on August 2nd, and thanked City staff and the Police and Fire Departments for the wonderful activities.

Council Member Tahan wished the Fontana Unified School District administrators, teachers, students, and parents a great new school year.

Council Member Tahan announced his attendance at the Area 4 Southridge Community Meeting held a few weeks ago and commented on the opportunity to listen to and address community issues.

Council Member Tahan commented on the upcoming construction of the I-10 Citrus and I-10 Cherry Interchanges, which are major City projects and partnerships with the County and SANBAG.

Council Member Tahan reminded residents that Fontana is open for business and that the City will continue to work to create new opportunities and jobs.

Council Member Tahan announced the Sierra Lakes Elementary School PTA Sharks Shootout Golf Tournament to be held at Sierra Lakes Golf Club on Saturday, August 27, 2011. Those interested can visit www.sharksshootout.net for more information.

Mayor Warren thanked Boy Scout Troop 535 for their attendance this evening and for leading the Pledge of Allegiance.

Mayor Warren thanked all City staff and residents for their support of National Night Out and also thanked her neighborhood for their great participation. Residents are encouraged to bring five guests with them next year to make a bigger difference in this community. Mayor Warren reminded residents of the importance of neighborhood watch groups and encouraged them to contact the Fontana Police Department to organize their own and deliver the message

that Fontana is not the place for crime.

Mayor Warren announced her attendance at the Chaffey College Management Retreat which was a wonderful event held at the campus and commented on the City's commitment to Chaffey's growth and success.

Mayor Warren announced the First Annual Mayor's Jazz Jam to be held at the Fontana Community Senior Center on October 8, 2011 from 6-11 p.m. All proceeds will directly benefit the Fontana Boys and Girls Club of Fontana and tickets are \$50.00 per person. For information about being a sponsor or for tickets, please contact Mayor Warren or the Boys and Girls Club.

Mayor Warren congratulated County Supervisor Rutherford on her role as Vice President of SANBAG and also Council Member Tahan as Vice Chair of the SANBAG Major Projects Committee.

Mayor Warren expressed her condolences to Community Services Director Garth Nelson and his family on the recent passing of his niece.

Mayor Warren expressed her condolences for the U.S. soldiers and personnel who were lost in the helicopter crash in Afghanistan and reminded residents to keep them and their families in their prayers. Mayor Warren also commented that tonight's meeting will be adjourned in memory of the lost soldiers in the crash and that the City flags have also been placed at half mast in remembrance of these brave solders.

Mayor Warren reminded residents to watch for school children as the new school year begins and to keep them safe on our roads.

Mayor Warren requested community prayers as she takes her daughter back to school on Saturday.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Hunt introduced new Fire Chief James Johnstone who brings over 27 years of experience to the City.

Fire Chief Johnstone introduced himself and commented on his great experience with the City of Fontana in the past and hopes for a continued and great working relationship with the Mayor and City Council, City staff, and the Police Department.

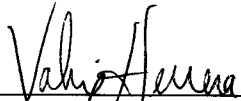
Fire Chief Johnstone presented a Letter and Certificate of Appreciation to Mayor Pro Tem Roberts for his assistance in a recent fire that extinguished an uphill portion of the spreading fire.

Mayor Warren and the City Council welcomed Fire Chief Johnstone to the City.

ADJOURNMENT:


A moment of silence was held due to the tragic passing of the 30 U.S. Military Soldiers who were killed in a helicopter crash in Afghanistan this past Saturday, August 6th.

The City Council meeting adjourned in memory of the 30 U.S. Military Men at 8:17 p.m. to the next Regular City Council Meeting on Tuesday, August 23, 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.



Valerie Herrera
Administrative Analyst II

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 23RD DAY OF AUGUST, 2011.



Tonia Lewis
City Clerk