

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
CITY COUNCIL MEETING
NOVEMBER 27, 2012**

WORKSHOP:

A. 5:30 P.M.

A Workshop Meeting of the Fontana City Council was held on Tuesday, November 27, 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 and Council Members Tahan, Slowik and Wibert present. 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.

CLOSED SESSION:

A. 6:00 P.M.

Closed Session was held at 6:01 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 item.

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

Case: Laurie & Nicole Ruiz v. City of Fontana SBSC

Case Number: CIVDS 1006829

A. 7:00 P.M. Call the Meeting to Order

The Regular Meeting of the City of Fontana City Council was held on Tuesday, November 27, 2012, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Warren called the meeting to order at 7:06 p.m.

ROLL CALL:

Present: Mayor Warren, Mayor Pro Tem Roberts, Council Members 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 Jeff Ballinger announced that there was no reportable action taken on the Closed Session item held earlier this evening.

SPECIAL PRESENTATIONS:

A. Retirement Recognition for Purchasing Supervisor Doris Titus

Mayor Warren and City Council presented a proclamation to the City of Fontana Purchasing Supervisor Doris Titus, congratulated her on her retirement and thanked her for her hard work, commitment and exceptional service to the City of Fontana and the community.

B. Police Department Employee of the Month

Mayor Warren and the City Council recognized Officer Edward Stewart as the August 2012 Police Department Employee of the Month, and presented a Plaque of Recognition to him for his great commitment to the safety of the Fontana Community.

PUBLIC COMMUNICATIONS:

A. Public Communications

Danny Marquez, President of the Veterans Partnering With Communities, Inc. recognized Mayor Warren and City Council, City staff, community, contributors and sponsors and thanked them for their support in the Grand Opening of the Fontana Veterans Resource Center held November 11, 2012.

Joanne Thoring, Chairperson of the Fontana Unified School District After School Education and Safety Program ("ASES") Advisory Committee, provided a quarterly report update on the Fontana ASES Program.

Melba Kirby, a resident of Fontana congratulated Mayor Warren on a phenomenal job on the Fontana Senior Housing projects.

Rafael Garcia, a resident of Fontana and a former Fontana City Council Candidate in the November 2012 General Municipal Election commented on: 1) 2010 City Council appointment process to fill the two vacated council positions; 2) Commission appointments; and 3) upcoming proposed Walmart projects.

Fran Givens, Senior Assembly Member of the California Senior Legislature spoke regarding: 1) the "Rewards of Life" and stated that the greatest reward of life is the ability to have five minutes of freedom of speech; 2) Youth Empowerment Motivation Program; and 3) the rewards of volunteerism.

Mike Espinoza, commented on the 2010 City Council appointment process; diversity on the City Council; and the former Fontana Redevelopment Agency Debt.

Pastor Emory James of Ephesians New Testament Church, announced the upcoming 2013 Martin Luther King Jr. City-wide Celebration to be held January 18-19, 2013.

CONSENT CALENDAR:

ACTION: Motion was made by Council Member Tahan, seconded by Mayor Pro Tem Roberts, and passed unanimously by a vote of 5-0, to approve Consent Calendar Items "A-F" with the exception of items "D" and "E". Items "D" and "E" were pulled and will be brought back at a later Council Meeting.

A. Approval of Minutes

Approve the Minutes of the November 13, 2012, Regular City Council Meeting.

B. Approve Amendment No. 1 to the Right of Way Cooperative Agreement for the I-10/Cherry Avenue Interchange

Adopt **Resolution 2012-102** approving Amendment No. 1 to the Right of Way Cooperative Agreement C10191 between the County of San Bernardino, San Bernardino Associated Governments, and the City of Fontana extending the expiration deadline for completion of the I-10/Cherry Avenue Interchange right of way work to December 31, 2018.

C. Accept the Safe Routes to School (SR2S) Grant Cycle 10 for the Randall Avenue and Palmetto Avenue Traffic Signal Project

1. Authorize the City Manager to accept the Safe Routes to School (SR2S) Grant Cycle 10 in the amount of \$254,200.00 for the Randall Avenue and Palmetto Avenue Traffic Signal Project.
2. Approve funds for the required 10 percent local fund match in the amount of \$25,420.00 from the Measure I 2010-2040 Local Program, Fund 246.
3. Authorize staff to request reimbursement upon receipt of Construction progress payment receipt.
4. Authorize staff to increase revenue \$254,200.00 and appropriate \$254,200.00 in Grant Fund 301.

D. Final Acceptance of Subdivision Improvements for Tract No. 16566

1. Accept as complete the Subdivision Improvements for Tract No.16566 located north of Walnut Avenue and west of Oleander Avenue.

2. Adopt **Resolution No. 2012-103**, accepting sewers in Tract No. 16566 as part of the City sewer system.

E. Final Acceptance of Subdivision Improvements for Tract No. 17388

1. Accept as complete the Subdivision Improvements for Tract No. 17388 located north of Walnut Avenue and west of Oleander Avenue.
2. Adopt **Resolution No. 2012-104**, accepting sewers in Tract No. 17388 as part of the City sewer system.

F. Approve an Agreement for Acquisition of Off-Site Property for Tract Map No. 18820

1. Adopt the Addendum to the approved Mitigated Negative Declaration for Tract Map No. 18820 and direct staff to file a Notice of Determination.
2. Authorize the City Manager to execute an agreement between the City of Fontana and LCD Sierra Crest, LLC, a Delaware limited liability company, for the acquisition of off-site property, pursuant to Government Code Section 66462.5.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

The following Elected Officials Communications were received:

A. Discussion Regarding Updating the City Code in Reference to the Planning Commission

Discussion was held amongst Mayor Warren and City Council regarding the Planning and Parks and Community Services Commission appointment process and current ordinance. Mayor Warren suggested any new appointment should require that finger printing and background check be done.

Council Member Tahan suggested a term limit for commissioners and expanding commissioner responsibilities.

Council Member Wibert suggested developing another commission due to increased city activities.

B. Elected Officials Communications/Reports

Council Member Wibert announced her attendance at the Pancho Villa's Restaurant 25th Anniversary celebration held on November 15, 2012; Apple Bees Fund Raising Event on Black Friday November 23, 2012; and the Rain Maker play at Jurupa Hills High School.

Council Member Wibert thanked Fontana Unified School District ASES Chairperson Joanne Thoring on a fabulous quarterly update on the ASES

Program.

Council Member Wibert announced the upcoming: Fontana Leadership Intervention Program (FLIP) graduation to be held on December 18, 2012; free admission to Knott's Berry Farm for police and fire starting November 23, 2012 through January 31, 2013; and the Annual Toy Party to be held at the Women's Club on December 10, 2012.

Council Member Wibert wished her husband David a Happy Birthday.

Council Member Wibert asked the community to remember to support our troops and their families.

Council Member Wibert bid farewell to Council Member Slowik and wished him all the best in his future endeavors.

Council Member Tahan thanked everyone that brought love and joy to the hearts of the community families in need during the Thanksgiving Holiday.

Council Member Tahan announced the upcoming Tree Lighting Ceremony to be held on December 5, 2012.

Council Member Tahan requested an update on the Development Process.

Deputy City Manager Debbie Brazill provided an update on the Development Process.

Relative to the Development Process, Mayor Pro Tem Roberts thanked Director of Community Development Don Williams for the effort made on improving the process.

Mayor Pro Tem Roberts thanked Community Services Director Garth Nelson and Community Services Manager Frances Hernandez on a fabulous Thanksgiving Dinner event held on November 21, 2012 at Seville Park.

Relative to the Public Comment regarding City Manager being allowed to make comments during the council meeting, Council Member Slowik commented on the Brown Act open meeting laws.

Council Member Slowik thanked Mayor Warren, City Council, City staff and the community for giving him the opportunity to serve as Fontana City Council Member for the last two years.

Council Member Slowik wished everyone a Happy Holiday Season.

Council Member Slowik extended get well wishes to Francis Rock.

Council Member Slowik congratulated San Bernardino County Fifth District Supervisor Josie Gonzales on her being re-elected to the Board of Supervisors.

Mayor Warren wished Council Member Wibert a Happy Birthday.

Mayor Warren announced her attendance at the: Police Department Realignment Program; and the Eat-Well Program sponsored by several community churches.

Mayor Warren thanked Fontana Water Company for providing several turkeys to the community during Thanksgiving.

Mayor Warren encouraged the community to continue to support the Fontana Farmers Market. Fontana's Farmers' Market is held downtown, every Saturday from 8:00 a.m. – 12:00 p.m. in the Center Stage parking lot, south of the Lewis Library.

Mayor Warren announced the upcoming Tree Lighting Ceremony to be held on December 5, 2012.

Mayor Warren commented on "Fontana Open for Business" program and stated the aim is to embrace our local business community and promote local jobs.

Mayor Warren bid farewell to outgoing Assembly Member Wilmer Carter and wished her the best in her future endeavors.

Mayor Warren congratulated San Bernardino County Fifth District Supervisor Josie Gonzales on her being re-elected to the Board of Supervisors.

Relative to the Public Comment regarding lack of diversity on the Fontana City Council, Mayor Warren commented and addressed the issue of diversity on the City Council.

CITY MANAGER COMMUNICATIONS:

A. There were no City Manager Communications

ADJOURNMENT:

A moment of silence was held for Fontana resident Abe Rothstein.

The City Council meeting adjourned in memory of Fontana resident Abe Rothstein at 8:57 p.m. to the next Regular City Council Meeting on Tuesday, December 11, 2012, 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 Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Evelyne C. Ssenkoloto

Administrative Analyst

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON
THE 8TH DAY OF JANUARY, 2013.**

Tonia Lewis
Tonia Lewis
City Clerk