

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
CITY COUNCIL MEETING  
JUNE 28, 2011**

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**WORKSHOP:**

A Workshop Meeting of the Fontana City Council was held on Tuesday, June 28, 2011, in the Fontana City Hall Executive Conference Room located at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the Workshop Meeting to order at 5:32 p.m. with Mayor Pro Tem Roberts, and Council Members Slowik, Tahan, and Wibert all present. Deputy City Manager David Edgar and Economic Development Manager Elisa Grey provided a presentation on the Western Division International Council of Shopping Centers (ICSC) Focus. The Fontana City Council Regular Meeting Agenda was reviewed and City Manager Comments were heard. The Workshop Meeting adjourned at 6:12 p.m.

**A. 7:00 P.M. Call the meeting to order**

The Regular Meeting of the City of Fontana City Council was held on Tuesday, June 28, 2011, in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 7:06 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.

**PROCLAMATIONS:**

**A. Parks and Recreation Month**

Community Services Manager Rob Bock presented a brief update on the Community Services Department Programs, Special Events, and Healthy Fontana activities.

Mayor Warren and the City Council Proclaimed the month of July at Parks and Recreation Month in the City of Fontana. Mayor Warren presented the

Proclamation to Parks and Recreation Commission Chair Janie Burgo and Community Services Department Director Garth Nelson.

## **SPECIAL PRESENTATIONS:**

### **A. PASS Program Recognition**

Mayor Warren and the City Council recognized Rotolo Chevrolet for their donation of a 2011 Chevy Cruze for Fontana Unified School District's Perfect Attendance Spells Success (PASS) Program. Mayor Warren presented a Certificate of Recognition to Bill and Marie Waddingham.

Bill and Marie Waddingham thanked Mayor Warren and the City Council and commented on their great pleasure to give back to the youth of the community and encourage education.

### **B. Empire Karate Team Recognition**

Mayor Warren and the City Council recognized the Empire Karate Team on a successful competition in the International Junior Olympics and Ozawa Cup Internationals held from April 22-23, 2011. Mayor Warren introduced Empire Karate Team and Coach Stan Money and presented Certificates of Recognition for their outstanding athletic performance.

Coach Money recognized Council Member Slowik, Wibert, Tahan, and Roberts, City Clerk Lewis, and Mayor Warren, as Honorary Black Belts in thanks for their generous support of the Empire Karate Team.

Coach Money also announced that the Empire Karate Team fundraising efforts include a Fireworks Booths at 16814 Foothill Blvd.

Mayor Warren reminded everyone to use only safe and sane fireworks in the City of Fontana.

## **PUBLIC COMMUNICATIONS:**

The following Public Communications were received:

### **A. Public Communications**

Brandy Segal spoke regarding the Fontana Leadership Intervention Program (FLIP) and benefits that include improve youth behavior and our community. Those with questions and/or who would like to donate to the FLIP Program can contact Beth Davidson at 909-357-5000 ext. 7030 or [www.fontanapd.org](http://www.fontanapd.org).

Barbara Williams spoke regarding the senior living complex Plaza at Sierra and concerns in regards to social security check distribution and its relation to

untimely rent payment, late fees, and eviction notices.

Mayor Warren referred Ms. Williams to Deputy City Manager David Edgar for assistance.

Christian Nelson, representing Southern California Edison, presented a 2011 State of the Utility handout to the Mayor and City Council.

**ACTION:** Motion was made by Council Member Tahan, seconded by Council Member Slowik, and passed unanimously by a vote of 5-0, to approve Consent Calendar Items "A-P," with minor typographical corrections to Item A submitted by Council Member Slowik.

## **CONSENT CALENDAR:**

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

Approve the Minutes of the June 8, 2011, Adjourned Regular Joint City Council/Parks and Recreation Commission Meeting, the June 14, 2011, Regular City Council Meeting, and the June 20, 2011, Adjourned Regular Meeting, with typographical corrections submitted by Council Member Slowik.

### **B. Adoption of Ordinance Nos. 1631 and 1632**

(1) Waive further reading of and adopt **Ordinance No. 1631** of the City of Fontana approving Zone Change No. 11-001, changing the Zoning District Map to change approximately 7.2 acres of property (APNs: 0251-061-07, -08, -12, -15, -18, -20, -22, -25, -28 through -30, and -35) from General Commercial (C-2) to Medium Density Residential (R-2).

(2) Waive further reading of and adopt **Ordinance No. 1632** of the City Council of the City of Fontana, amending Article VII of Chapter 15 of the Fontana Municipal Code regarding Traditional and Remote Caller Bingo to add Section 15-279 related to Remote Caller Bingo.

### **C. Award of SQ-49-HD-11 Grant Consulting Services to Blais & Associates, Inc.**

(1) Accept proposal from Blais & Associates, Inc. for grant consulting services.  
(2) Authorize the City Manager to execute a Master Agreement with Blais & Associates to provide professional grant consulting services for a period of one year, extendable for up to four additional one year terms at the sole discretion of the City.

### **D. Cypress Improvement Project Mitigated Negative Declaration**

Continue the item to a date uncertain.

### **E. Fontana After School Program - ASES Proposition 49**

Approve the renewal agreement between the Fontana Unified School District and the City of Fontana to operate twenty-eight elementary school and five middle school grant-funded after school programs. The total grant funding for these programs is \$3,268,125; and authorize the City Manager or his designee to sign the agreement, all related documents, and any amendments for the term of the agreement.

**F. Community Service Brochure Printing**

Award a multi-year bid with Freedom Communications, Inc. for the production of the City of Fontana Community Services Brochure and authorize the City Manager or his designee to execute any documents necessary to effectuate said agreement.

**G. Co-Sponsorship for Fiscal Year 2011-2012**

Review and approve thirteen (13) recommended Co-Sponsorship requests received from various organizations for Fiscal Year July 1, 2011 through June 30, 2012.

**H. Award Bid to Sysco for produce, product supplies and delivery service for the Fontana Community Senior Center**

Award a multi-year Bid (SB-39-CS-11) for annual food purchases, product supplies, and delivery services for the Fontana Community Senior Center Nutrition Program to Sysco Food Service of Los Angeles on an as-needed basis.

**I. Final Acceptance of the Extension of Auto Center Drive**

Accept as complete the work performed by Lee & Stires, Inc. for the extension of Auto Center Drive; approve the final construction amount of \$207,581.01; and authorize the City Engineer to execute and file the Notice of completion. (Bid No. SB-45-DE-10)

**J. Approve a Satisfaction of Circulation and Storm Drain Development Impact Fees Credit Agreement for Tract No.'s 16723,18676, 17885**

Authorize the City Manager to execute a Satisfaction of Circulation and Storm Drain Development Impact Fees Credit Agreement with Young Homes (DBA YH Walnut LLC, and PJRJ Lime Investment) for Tract No.'s. 16723, 18676, and 17885.

**K. Resolution for Employer Paid Member Contributions - Miscellaneous Group**

Adopt **Resolution 2011-051** of the City Council of the City of Fontana, California, adopting the employer paid member contributions represented Miscellaneous

Employees to authorize a City contribution of 5 percent of the member contribution to CalPERS for all Miscellaneous Group employees hired prior to July 1, 2011.

**L. Resolution for Employer Paid Member Contributions - Non-represented Miscellaneous Group**

Adopt **Resolution 2011-052** of the City Council of the City of Fontana, California, adopting the employer paid contribution for non-represented Miscellaneous Employees to authorize a City contribution of 0 percent of the member contribution to CalPERS for all non-represented (part-time, unclassified) employees.

**M. Resolution to Tax Defer Member Paid Contributions - IRC 414 (h)(2)**

Adopt **Resolution 2011-053** of the City Council of the City of Fontana, California, adopting the employer pick-up of Internal Revenue Code 414(h)(2) to authorize all employee contributions to CalPERS to be pre tax payroll deductions per Internal Revenue Code 414(h)(2).

**N. Fiscal Year 2010/2011 Fourth Quarter Budget Status Report**

Approve the recommended Fiscal Year 2010-2011 Fourth Quarter budget adjustments.

**O. Annual Placement of Rubbish Charges on the Property Tax Rolls**

Adopt **Resolution No. 2011-054** of the City Council of the City of Fontana, California, directing the placement of rubbish charges on the property tax bills for collection.

**P. Annual Placement of Sewer Charges on the Property Tax Rolls**

Adopt **Resolution No. 2011-055** of the City Council of the City of Fontana, California, directing the placement of sewer charges on the property tax bills for collection.

**Q. Annual Placement of Weed Abatement Charges on the Property Tax Rolls**

Adopt **Resolution No. 2011-056** of the City Council of the City of Fontana, California, directing the placement of weed abatement charges on the property tax bills for collection.

**R. Award of Contract for Lighting and Electrical Supplies, SB-54-PW-11**

Award bid for two year period with Main Electrical Supply, with three one-year extensions at the sole discretion of the City, for the purchase of lighting and electrical supplies.

## **PUBLIC HEARINGS:**

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

Budget Manager Faby Barrita provided the staff report.

No written communications were received.

No one spoke in favor or opposition.

**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) 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. 2011-057** 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.

### **B. Hearing was opened for the consideration of a proposed Resolution of Necessity to acquire a fee interest in certain real property located at 6391 Knox Avenue (APN 0226-182-11), for the development of a sports park facility and ancillary street improvement**

Real Property Analyst Supervisor Delia Mejia provided the staff report.

One written communication was received from Property Owner Jerry Hsiau requesting to speak.

Property Owner Jerry Hsiau spoke in opposition of the proposed project and of staff negotiations.

No one else spoke in favor or opposition.

Mayor Warren requested clarification on Mr. Hsiau's comments.

Real Property Analyst Supervisor Mejia commented that the original offer was presented to Mr. Hsiau in 2008, he responded with a counter offer, and the counter offer was not accepted at that time.

City Attorney Monae Nemat clarified further in regards to property tax, fair market value, and City ownership of a majority of the surrounding area for the proposed project.

Mayor Warren commented that the City's General Plan identifies a need for parks, discussed the different uses of current parks, and clarified on the need for a sports park for youth and adult sports programs.

Council Member Tahan commented on the Resolution of Necessity process, the outweighing of overall benefits to the community that will improve resident quality of life, and the great City impacts that will be achieved by the proposed sports park.

Council Member Slowik commented on the balance of interests that need to be achieved in the Resolution of Necessity process and the determination of the greatest public good with the least private injury.

Mayor Warren requested clarification on whether negotiations will continue with the property owner.

City Attorney Nemat clarified that negotiations will continue with Mr. Hsiau.

Council Member Wibert commented on the need for a sports park for adult softball leagues in the community that will provide a local place to play for our residents.

**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) Make the following findings as hereinafter described in this report:

(I) The public interest and necessity require the proposed project.

(II) The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

(III) The real property to be acquired is necessary for the project.

(IV) The offers of just compensation have been made to the property owners.

(2) Adopt Resolution No. 2011-058 a Resolution of Necessity by the City Council of the City of Fontana, declaring the acquisition of a fee interest in certain real property located at 6391 Knox Avenue in the City of Fontana, San Bernardino County, California, more particularly described as Assessor Parcel Number 0226-182-11, by eminent domain, is necessary for the development of a sports park facility and ancillary street improvements.

## **NEW BUSINESS:**

### **A. Introduction of 2010 Fire Code and Chapter 11 Municipal Code Amendments - Continued to July 26, 2011**

Mayor Warren commented that staff requested continuance of the introduction of 2010 Fire Code and Chapter 11 Municipal Code Amendments.

City Manager Hunt commented that this item has been pulled off the agenda and staff will bring this item back at the July 26, 2011, Regular City Council Meeting.

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

The following Elected Officials Communications were received:

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

Council Member Slowik thanked Bill and Marie Waddingham for their kind donation to the PASS Program.

Council Member Slowik announced his attendance at a June 23rd Gathering of Friends Breakfast in which Judge Tim Philpot, an elected judge of the Circuit Family Court in Lexington Kentucky and former two-time State Senator, was a great inspirational and motivational speaker.

Council Member Slowik encouraged residents to attend the Red, White, and Cruise Event at the Auto Club Speedway this 4th of July or a similar fireworks display event to celebrate the holiday safely.

Council Member Slowik encouraged residents to use only safe and sane fireworks and to educate themselves with the many pamphlets and flyers.

Council Member Slowik wished everyone a Happy 4th of July and his nephew Tyler a Happy Birthday.

Mayor Pro Tem Roberts commented on the numerous fireworks citations last holiday season and discussed the posting of fine penalties throughout the City. Illegal fireworks are those that explode or leave the ground.

Mayor Pro Tem Roberts encouraged residents to use safe and sane fireworks and wished everyone a Happy 4th of July.

Mayor Pro Tem Roberts congratulated Coach Stan Money and the Empire Karate Team on their success at the International Junior Olympics and Ozawa Cup Internationals.

Mayor Pro Tem Roberts commented on the great sports teams in the City and their excellent levels of athletic performance.

Mayor Pro Tem Roberts congratulated all the FLIP Program graduates and thanked all the staff in making the program a testimonial success.

Council Member Tahan encouraged residents to use only safe and sane fireworks.

Council Member Tahan announced his attendance at last Thursday evening's Chamber Installation Event at Center Stage and commented on the great partnership between the Chamber and City.



Council Member Tahan commented on the concerns regarding senior housing heard earlier this evening and discussed the hardships that will be caused to redevelopment funds that provide senior housing opportunities, should the State vote to remove redevelopment agencies. Council Member Tahan also commented that the State will be considering a budget vote this evening and residents should stay informed.

Council Member Tahan wished everyone a Happy 4th of July and reminded residents that the Police Department will be enforcing safe and sane fireworks.

Council Member Wibert thanked the audience present and at home for viewing tonight's City Council Meeting.

Council Member Wibert thanked Public Works Director Chuck Hays for his recent assistance to her family.

Council Member Wibert thanked the Chamber of Commerce for their support of local business and announced her attendance at last Thursday evening's Chamber Installation Event at Center Stage.

Council Member Wibert thanked City Clerk's Office Administrative Analyst II Valerie Herrera for her quick assistance with a request from a local Deputy District Attorney.

Council Member Wibert thanked Daryl Codad, a scrollsaw participant, and his family for inviting her into their home to receive autographed toy donations for youths.

Council Member Wibert expressed her condolences to Police Corporal Shawn Hare on the recent passing of his father.

Council Member Wibert thanked Community Services and Public Works Department staff for the City's great parks and the wonderful comments she has received on the fields and lighting for the recent league games.

Council Member Wibert requested residents to keep our troops and their families in their prayers.

Council Member Wibert commented on the wonderful FLIP Program in which she taught parenting classes and encouraged those interested to contact Beth Davidson.

Mayor Warren commented on the process for public comments, the individuals directed to speak with staff present, and the resolutions provided by staff to the Mayor and City Council to ensure that the outcomes are sufficient.

Mayor Warren commented on her great pride in the City.

Mayor Warren announced her attendance at the U.S. Conference of Mayors and the wonderful grant and recognition opportunities available for the City.

Mayor Warren commented on the State budget, need for local cities to network to encourage public support against the State, and discussed the overall goals to stop the State from taking local funds and removing redevelopment agencies.

Mayor Warren announced a partnership between local San Bernardino and Riverside County Mayors to save redevelopment agencies and issue a press release to the State legislators and local representatives.

Mayor Warren encourages residents to view the State budget proceedings this evening and to email and call their legislators in the morning.

Mayor Warren commented on our great Chamber of Commerce that works with local businesses to encourage local spending and local jobs.

Mayor Warren announced her attendance at a recent Inland Valleys Association of Realtors Meeting and the great marketing value in Fontana that was discussed.

Mayor Warren wished everyone a Happy 4th of July and our wonderful United States a Happy Birthday. Mayor Warren reminded residents to exercise their citizen rights not only on this day, but everyday.

Mayor Warren encouraged residents to attend the Red, White, and Cruise Event at the Auto Club Speedway to celebrate a safe 4th of July. Mayor Warren reminded residents to use safe and sane fireworks and to protect their homes from illegal fireworks use.

## **CITY MANAGER COMMUNICATIONS:**

### **A. City Manager Communications**

City Manager Hunt wished everyone a Happy 4th of July. City Manager Hunt also reminded residents that the Police Department will be enforcing safe and sane fireworks use and fines and citations will be issued for illegal fireworks use. City Manager Hunt also commented on the fines issued last holiday season and the extreme caution residents should use to prevent illegal fireworks usages on their property.

City Manager Hunt encouraged residents to attend the Red, White, and Cruise Event at the Auto Club Speedway on the 4th of July and introduced Community Services Director Garth Nelson to provide a brief update.

Community Services Director Nelson commented on this year's event partnership

with Stater Bros. Market, K-Frog, and Coca-Cola to bring a spectacular 3-D fireworks display, special events, booths, and a kid zone. Tickets will be sold at the resident discount rate of \$7 for ages 7 and up through this Saturday at the Community Services Administrative Office, Don Day Neighborhood Center, and the Jessie Turner Center. Tickets are also available online through the Speedway for \$10 and at the event for \$15.

Mayor Warren commented that she will be there to celebrate safely with her colleagues and family.

Mayor Warren also commented on the property owner responsibility to protect their homes from illegal fireworks use.

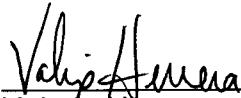
City Manager Hunt wished Council Roberts a Happy Birthday.

City Manager Hunt congratulated Community Development Director Don Williams on his wedding.

City Manager Hunt thanked Deputy City Clerk Sandra Medina for a job well done, especially with recent election document filings.

## **ADJOURNMENT:**

The City Council meeting adjourned by consensus at 8:46 p.m. to the Regular City Council Meeting on Tuesday, July 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.



Valerie Herrera  
Administrative Analyst II

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



Tonia Lewis  
City Clerk