

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
CITY COUNCIL MEETING  
JULY 12, 2011**

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**WORKSHOP:**

A Workshop Meeting of the Fontana City Council was held on Tuesday, July 12, 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 5:36 p.m. with Mayor Warren (arrived at 5:38 p.m.), and Council Members Slowik, Tahan, and Wibert all present. Police Chief Rod Jones provided a Police Department presentation. The Fontana City Council Regular Meeting Agenda was reviewed and City Manager Comments were heard. The Workshop Meeting adjourned at 6:05 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.

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

Case: Oscar Navarro v. City of Fontana

U.S. District Court/Riverside Court Case No. EDCV09-01525VAP(DTBx)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)

Number of Cases: Two

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

The Regular Meeting of the City of Fontana City Council was held on Tuesday, July 12, 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 Boy Scout Troop 556.

**CLOSED SESSION ANNOUNCEMENT:**

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

**SPECIAL PRESENTATIONS:**

**A. Recognition of Vista Metals Corporation**

Mayor Warren introduced Police Chief Rod Jones and Vista Metal Corporation Executive Assistant Joyce Cabalu.

City Manager Hunt commented that County Second District Supervisor Janice Rutherford could not be present this evening but sends her support.

Police Chief Jones commented on County Second District Supervisor Janice Rutherford 's recommendation to Vista Metals Corporation to fund the Fontana Leadership Intervention Program (FLIP).

Vista Metal Corporation Executive Assistant Joyce Cabalu thanked Mayor Warren, the City Council, and the Police Department for the great partnership opportunity and commented on hopes to continue support and funding of the FLIP Program.

Mayor Warren presented a Plaque and Certificate of Recognition to Vista Metal Corp. Executive Assistant Joyce Cabalu for the great and generous donation made by Vista Metal Corp. to the FLIP Program.

**B. FUSD Police Chief Recognition**

Mayor Warren introduced Police Chief Rod Jones and Fontana Unified School District Superintendent Cali Olsen-Binks.

Superintendent Olsen-Binks thanked the City and Police Chief Jones for the great collaboration to improve both school and City safety.

Council Member Wibert thanked Lieutenant Robert Ratcliff for his great work as Fontana Unified School District Police Chief and commented on the great honor it was to work with him.

Mayor Warren presented a Certificate of Recognition to Lieutenant Robert Ratcliff for his outstanding service as Fontana Unified School District Police Chief from January 2008 to June 2011 and great efforts to improve the safety of the City and

Fontana Unified School District.

### **C. Center Stage Theater**

City Manager Hunt commented on the great Center Stage Theater Performance Calendar presentation from the June 8, 2011, Joint Adjourned Regular Meeting of the City Council and Parks and Recreation Commission and the recommendation to present this update again during a regular Council Meeting.

Mayor Warren introduced Community Services Manager Jennifer Hunt and Supervisor Tina Howard who presented a Center Stage Theater 2011-12 Master Performance Calendar Update. For more information, please view [www.centerstagefontana.com](http://www.centerstagefontana.com) or call 909-429-7469.

Mayor Warren thanked the Community Services Department for their great efforts in delivering a wonderful line of upcoming performances at Center Stage and encouraged residents to enjoy and attend these great local performances.

## **PUBLIC COMMUNICATIONS:**

The following Public Communications were received:

### **A. Public Communications**

Latasha Reed spoke on behalf of National Community Renaissance, managing agents for senior citizen housing projects located on Ceres Avenue, and commented on their support to work with senior citizen residents, seek local agency support to assist seniors with rent funding, and efforts to ensure senior credit history is not affected by late payments due to social security check distribution.

Mayor Warren requested clarification to ensure that senior citizens are being properly assisted and that their credit history has not be negatively impacted by late payments due to social security check distribution.

Fran Givens spoke regarding patriotism, improving attendance at Memorial Day services at Green Acres Memorial Park, support for Veterans, and the Military Banner Program.

Melba Kirby, Fontana Senior Citizen and resident, spoke in opposition to the recall intent and redistricting initiative, in support of Mayor Warren and the City Council, and in opposition of Congress' proposed cuts of Social Security and Medicare benefits.

Joe Dean, Fontana resident, spoke in opposition to the recall intent and redistricting initiative, in support of Mayor Warren and the City Council, regarding State funding cuts for redevelopment agencies, and the economic impacts to other local cities.

Danny Marquez, Fontana resident, spoke in opposition to the recall intent and redistricting initiative, in support of Mayor Warren and the City Council, and regarding State funding cuts for redevelopment agencies which will impact the City budget.

Carlos Ramos, Fontana homeowner and owner of Fontana Karate-Do spoke in opposition to the recall intent and redistricting initiative and in support of Mayor Warren and the City Council.

Ray Medina, Fontana resident and VFW member, spoke in opposition to the recall intent and redistricting initiative and in support of Mayor Warren and the City Council.

Mark Nuaimi, former Fontana Mayor, spoke in opposition of Congress' proposed cuts of Social Security and Medicare benefits, in opposition to the recall intent and redistricting initiative, in support of Mayor Warren and the City Council, and regarding the misunderstandings of the Fontana Redevelopment Agency Statement of Indebtedness.

Veronica Money, wife of Stan Money and Fontana resident, spoke in opposition to the recall intent and redistricting initiative, in support of Mayor Warren and the City Council, in appreciation of the City's partnerships with local businesses, support of youths, and expedient services, and in regards to the noise ordinance and its relation to train and metrolink horns.

Gregory Peck, Fontana resident, spoke in opposition to the recall intent and redistricting initiative, in support of Mayor Warren and the City Council, and regarding local cities that lack the cohesiveness of Fontana.

Daniel Quiroga, Fontana resident, spoke in opposition to the recall intent and redistricting initiative, in support of Mayor Warren and the City Council, regarding the progress that has occurred in Fontana over the last several years, and in regards to the noise ordinance and its relation to train and metrolink horns.

Mayor Warren commented on the Fontana Military Banner Program which is actively hanging banners, in support of former Mayor Mark Nuaimi's comments, in opposition of Congress' proposed cuts of Social Security and Medicare benefits, regarding the U.S. Conference of Mayor's actions to write to President Obama to oppose Congress' actions, and the need for residents to get the word out about the Memorial Day services at Green Acres Memorial Park and to never forget our Veterans.

## **CONSENT CALENDAR:**

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

**A. Approval of Minutes**

Approve the Minutes of the June 28, 2011, Regular City Council Meeting.

**B. CalPERS Contract Amendments for New Employees**

Adopt **Resolution 2011-059** of the City Council of the City of Fontana to approve an amendment to the contract with the California Public Employees' Retirement System.

**C. Resolutions Adopting Employer Paid Member Contributions (EPMC) for Safety and Miscellaneous Employees**

(1) Adopt **Resolution 2011-060** of the City Council of the City of Fontana, California authorizing a City contribution of 0% of the member contribution to CalPERS for all new Safety employees.

(2) Adopt **Resolution 2011-061** of the City Council of the City of Fontana, California authorizing a City contribution of 0% of the member contribution to CalPERS for all new represented Miscellaneous employees.

**D. Extension of Tolling Agreement re: Property Tax Administration Fees**

Approve Amendment No. 1 to Tolling Agreement between the City of Fontana and the County of San Bernardino County regarding Property Tax Administration Fees and authorize the City Manager to execute same.

**E. Data Ticket Contract**

Approve contract with Data Ticket, Inc. for the processing of bails, fines and forfeiture, in connection with the issuance of citations.

**F. 2011 Edward Byrne Memorial Justice Assistance Grant (JAG)**

(1) Approve the Interlocal Agreement with the Town of Apple Valley, Cities of Adelanto, Barstow, Chino, Colton, Hesperia, Highland, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Twentynine Palms, Upland, Victorville, and County of San Bernardino, concerning distribution of the 2011 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$75,370. (2) Authorize the City Manager to sign the Interlocal Agreement on behalf of the City of Fontana for the Justice Assistance Grant. (3) Approve the expenditure plan for use of the funds to help offset the cost of three police officers and two sergeant positions within the Police Department.

**G. Award Bid and Contract for ARAM Pavement Rehabilitation Project SB-52-PW-11**

(1) Award Bid and authorize the City Manager to enter into a Contract with All American Asphalt for the construction of the Asphalt Rubber Aggregate

Membrane (ARAM) Pavement Rehabilitation Project SB-52-PW-11 in the amount of \$3,046,231 and authorize a 10 percent contingency in the amount of \$304,623.(2) Authorize the Public Works Director to administratively approve and implement short term street closures and detours during construction.

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

The following Elected Officials Communications were received:

### **A. Designation of Voting Delegate and Alternate - League of California Cities Annual Conference September 21-23, 2011, San Francisco**

**ACTION:** Motion was made by Council Member Tahan, seconded by Council Member Slowik, and passed unanimously by a vote of 5-0, to appoint Mayor Warren as the voting delegate and Mayor Pro Tem Roberts as the alternate voting delegate at League of California Cities Annual Conference, in San Francisco from September 21-23, 2011.

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

Mayor Pro Tem Roberts commented on the hard economic decisions that many local cities are facing and encouraged residents to be aware of these issues and State budget issues.

Mayor Pro Tem Roberts commented on proposals for local cities to succeed from the State of California to prevent the State from robbing local funds to balance their budget. Mayor Pro Tem Roberts asked residents for their support in this effort as more information comes forth.

Council Member Tahan commented on the need to prevent the State and U.S. Congress from taking both local funds and the Social Security and Medicare benefits that many residents benefit from.

Council Member Tahan commented on the great activities and turnout at the July 4th Red, White, and Cruise Event at the Auto Club Speedway.

Council Member Tahan announced his attendance at the Chamber of Commerce New Members Reception held at Rotolo Chevrolet and thanked the Chamber for their support of local business and job creation.

Council Member Tahan thanked his colleagues for their leadership and commented on the tough decisions to be made due to State budget impacts on the City.

Council Member Wibert thanked everyone for their presence at tonight's meeting and those viewers watching at home.

Council Member Wibert thanked Boy Scout Troop 556 for leading the Pledge of

Allegiance at tonight's meeting.

Council Member Wibert thanked Community Services Director Garth Nelson and staff for their diligent assistance with park lighting issues.

Council Member Wibert thanked all volunteers and parents for their great assistance with the recent Little League tournaments and congratulated the teams on both their participation and wins. Council Member Wibert thanked Allen Watson and Sue and Jim Gardner for their leadership and guidance in the Little League tournaments and play.

Council Member Wibert thanked the Chamber of Commerce and Rotolo's Chevrolet's Bill and Marie Waddingham for the wonderful Chamber of Commerce New Members Reception held at Rotolo Chevrolet.

Council Member Wibert encouraged residents to help support the City budget by shopping locally in Fontana.

Council Member Wibert expressed her condolences and prayers for the Lizarraga Family on the recent and tragic passing of Ricardo "Ricky" Gilberto Lizarraga.

Council Member Wibert thanked the public comment speakers who spoke with kind words in support of Mayor Warren and the City Council.

Council Member Wibert reminded residents to pray for and support our troops.

Council Member Slowik expressed his condolences and prayers for the Lizarraga Family on the recent and tragic passing of Ricardo "Ricky" Gilberto Lizarraga.

Council Member Slowik thanked the public comment speakers who spoke relative to the recent issues over the past few weeks.

Council Member Slowik commented on the State budget impacts on the City budget and resident services. The State budget situation that has continued to occur will not stop until the State's structural deficit and spending stops.

Council Member Slowik commented on an email he received from a friend entitled "Any wonder why the State of California's Broke."

Council Member Slowik encouraged residents to join the City and other local agency's fight against the State and to continue to contact Mayor Warren, the City Council, and City Manager Hunt with their questions and concerns.

Mayor Warren thanked all those public comment speakers that stood up tonight for the City and those who have contacted her expressing their support for the City.

Mayor Warren commented that the City will continue to work to stop the State from taking local funds and that she and the City Council will continue to work hard for the City and do better.

Mayor Warren commented that she and City Council will not stop doing their job due to a group's effort to recall and redistrict. Mayor Warren commented at the quality of life of the City which will be impacted by this group. Uninformed groups will continue to try and destroy this community and Mayor Warren encouraged residents to contact herself and the City Council with their questions and concerns.

Mayor Warren commented on the State budget impacts on the City and redevelopment agency funding cuts and also the U.S. Congress' proposed cuts of Social Security and Medicare benefits.

Mayor Warren stated that the City will continue to join the efforts to sue the State, is working with local communities to ban together, and will hold a Press Conference on Thursday. Residents are encouraged to email their legislators and join the City to protect the future for our children and community.

Mayor Warren expressed her condolences and prayers for the Lizarraga Family on the recent and tragic passing of 15 year-old Ricardo "Ricky" Gilberto Lizarraga in a train incident and requested a moment of silence in his memory. Residents that would like to donate to the Lizarraga Family may contact herself and Council Member Wibert.

## **CITY MANAGER COMMUNICATIONS:**

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

City Manager Hunt thanked those public comment speakers who were present this evening, that spoke in support of the City, and who thanked Mayor Warren and the City Council for their efforts.

City Manager Hunt commented on the elected positions of the Mayor and City Council and the great accomplishments over the years because of the great leadership of the committed residents in these positions, the support of citizens, and the talent of City employees.

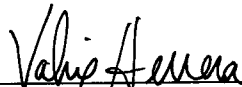
City Manager Hunt commented on the City's commitment to live within its means to balance its budget which is completely different from the State's philosophy to take local funds. City Manager Hunt also commented on the unconscionable actions at both the State and Federal levels.

## **ADJOURNMENT:**

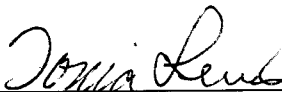
The City Council Meeting adjourned by consensus at 8:23 p.m. in memory of Ricardo "Ricky" Gilberto Lizarraga to an Adjourned Regular Joint City Council



and Planning Commission Meeting on Tuesday, July 19, 2011, at 6:00 p.m. in the Development Services Building-Development Advisory Board (DAB) Conference Room, located at 8353 Sierra Ave, Fontana, California and then to the next Regular City Council Meeting on Tuesday, July 26, 2011, with an Artist Showcase at 5:30 p.m. and the Regular Meeting at 7:00 p.m. in the Council Chambers at 8353 Sierra Ave, Fontana, California.

  
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Valerie Herrera  
Administrative Analyst II

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON  
THE 26TH DAY OF JULY, 2011.**

  
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Tonia Lewis  
City Clerk