

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR CITY COUNCIL MEETING
January 24, 2017**

ARTIST SHOWCASE:

A. 5:30 P.M. Artist Showcase

The work of Artist Virginia Vilchis was presented at 5:30 p.m. in the Grover W. Taylor Council Chambers and Foyer.

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

A Closed Session was held at 6:00 p.m. in the City Hall Executive Conference Room with Mayor Warren, Mayor Pro Tem Sandoval, Council Members Roberts, Tahan and Armendarez present.

PUBLIC COMMUNICATION:

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(d)(1)
Case: M.A.L., a minor, et al v. City of Fontana, et al
Name of Court: United States District Court, Central District of California
Court Case No. 5.15-CV-00940-VAP-SP

CALL TO ORDER/ROLL CALL:

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

The Regular Meeting of the Fontana City Council was held on Tuesday, January 24, 2017 in the Grover W. Taylor Council Chambers at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 7:00 p.m.

ROLL CALL:

Present: Mayor Warren, Mayor Pro Tem Sandoval, Council Members Roberts, Tahan and Armendarez.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE:

Following the Invocation by Dr. D.C. Thomas, the Pledge of Allegiance was led by Council Member Armendarez.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Jeff Ballinger reported that there was no reportable action on the Closed Session Item.

SPECIAL PRESENTATIONS:

A. Artist Recognition

Mayor Warren and the City Council recognized Artist Virginia Vilchis as the artist in the Artist Showcase. Artist Virginia Vilchis was present to accept.

B. Special Recognition of Veterans Day Writing and Art Contest Winners

Mayor Warren and City Council congratulated the Veterans Day Writing Club Winners. The students read their winning essays and displayed their winning artwork.

C. Special Recognition of the Fontana Aquatics Club Swim Meet

Mayor Warren and City Council thanked the Fontana Park Aquatics Club for successfully hosting a Swim Meet at the Fontana Park Aquatic Center. Fontana Aquatics President Tracy Garcia was present to accept.

Mayor Warren and City Council handed out city pins to all the participants of the Fontana Aquatics Club.

D. Police Department 2016 Employee of the Year

Mayor Warren and City Council recognized Officer Frank Losch as the Police Department's 2016 Employee of the Year. Chief Robert Ramsey stated that Officer Losch was selected for facilitating the Active Shooter Training provided to all officers in the Police Department. Chief Ramsey stated that the training was outstanding and beneficial to all that participated. Officer Losch was present to accept.

E. Public Works Department 2016 Employees of the Year Awards

Mayor Warren and City Council recognized the Public Works Department 2016 Employees of the Year. Public Works Director Chuck Hays praised the following individuals for their great work and dedication to their jobs and to the City of Fontana:

Thomas Brant, Equipment Operator II - Operations Division
Aaron Wildman, Welder - Parks & Landscape Division
John Leya, Maintenance Services Crew Chief, Support Services Division

Thomas Brant and Aaron Wildman were present to accept. John Leyva was not present.

PUBLIC COMMUNICATIONS:

A. Public Communications

The Fontana Middle School Travel Club Coordinator Daniel Quiroga spoke about the need for donations from the community to fund their upcoming trip.

Students from the Fontana Middle School Travel Club introduced themselves.

Matt Slowik reminded everyone of the upcoming "McNugget Challenge" on Thursday, February 2, 2017, at McDonald's. Mr. Slowik thanked the community for their support.

Ms. Karen Coleman spoke about the agreement between the Fontana Woman's Club and the City of Fontana. Ms. Coleman raised concerns about expenses paid out by the Woman's Club to Phil Cothran and family. Ms. Coleman vowed to find a connection between Mayor Warren and the Fontana Woman's Club deal.

Ms. Darlene Scalf asked Mayor Warren if she was going to appoint Phil Cothran to the City Commission, she stated she's still waiting for an answer.

Ms. Scalf raised concerns about parking at the proposed Amphitheater.

Mr. Daniel Vasquez from Calvary Chapel announced services are at Summit Church at 10:00 a.m. on Sundays, and invited all to attend.

Ms. Patty Espinoza asked when the annual Goal Setting was going to be held. A staff member from the audience stated that it's scheduled for March 4, 2017.

Mr. Jeff Olivares stated that the venue for the "Coffee with Cops" is not a good place to hold the event due to traffic issues on Foothill.

Ms. Cathy Ritchey spoke about the upcoming Annual Fontana Kiwanis Hen Derby. Ms. Ritchey stated that the tickets for the Hen Derby are on sale now through the last day in April.

Mr. D.C. Thomas spoke about the recent released police shooting video of James Hall. Mr. Thomas stated that the incident happened over a year ago and wanted to know why the community didn't know about this sooner. Mr. Thomas stated that the lines of communication between the Police Department and the community need be open to ensure that the public stays informed.

Mr. Randall Cenicerros spoke on the recent mailbox theft in his neighborhood and praised the Police Department for responding so quickly. Mr. Cenicerros also thanked the Police Department on the recent police raid and stated that Police Department is doing a great job.

Ms. Donna May spoke about the recall attempt of Mayor Warren. Ms. May praised the

Mayor on the City recently being named the 2nd most fiscally sound City in the Nation and of the continued job growth in the City. Ms. May stated that the City of Fontana is open for business and the attempted recall of Mayor Warren was a waste of time.

CONSENT CALENDAR:

City Manager Kenneth Hunt gave a report on Item "H".

Mayor Pro Tem Sandoval commented on Consent Calendar Item "G" and thanked the City Manager for facilitating the MOU for Crossing guard Services with Rialto Unified School District.

ACTION: Motion was made by Mayor Pro Tem Sandoval, seconded by Council Member Tahan, and passed unanimously by a vote of 5-0 to approve Consent Calendar Items "CC-A" through "CC-I". (AYES: Warren, Sandoval, Roberts, Tahan and Armendarez: NOES: None) as follows:

A. Approval of Minutes

Approve the Minutes of the January 10, 2017 Regular City Council Meeting.

B. Accept Donation From Vida Life Ministries

Accept donations of water, snacks and food items with an estimated value of \$730.00 from Vida Life Ministries for participants, volunteers and vendors at the Let's Move on the Trail event held October 8, 2016.

C. Accept Donation From Thompson Building Materials

Accept donation from Thompson Building Materials in the amount of \$2,500.00 for use towards the 2016 Festival of Winter.

D. Acceptance of the Final Map for Tract No. 17760

Accept the Final Map for Tract No. 17760 located south of Walnut Village Parkway and west of Mango Avenue; accept as public dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

E. Approve a Cooperative Agreement between the City of Fontana and San Bernardino County Public Works Department

Approve and authorize the City Manager to approve and execute a Cooperative Agreement with San Bernardino County Public Works Department for annual routine maintenance and emergency response projects.

F. Approve a Memorandum of Understanding with the City of Rancho Cucamonga for the San Sevaine Trail Phase 1, Segment 2 Project

Approve and authorize the City Manager to execute a Memorandum of Understanding (MOU) with the City of Rancho Cucamonga for the San Sevaine Trail Phase 1, Segment 2 Project.

G. Approve MOU for Crossing Guard Services with Rialto Unified School

District

1. Approve a Memorandum of Understanding (MOU) between Rialto Unified School District (RUSD) and the City of Fontana for crossing guard services provided by RUSD for eighteen (18) months with up to four (4) additional one (1) year terms
2. Approve a recurring appropriation from General Fund #101 to 40403101.8130 to allow the City to fund 50% of the cost of crossing guard services for the one (1) RUSD elementary school that falls within the City of Fontana.

H. Approve Employment Agreement for the Position of Director of Community Development

Approve and authorize the City Manager to sign the Employment Agreement for the position of Director of Community Development.

I. 2017 Statement of Investment Policy

Adopt the City of Fontana Statement of Investment Policy for 2017.

PUBLIC HEARINGS:

A. Amendments to the Municipal Code Regarding City Administrative Appeal Procedures

Mayor Warren opened Public Hearing Item PH-A.

Deputy City Manager Debbie Brazill presented the staff report.

Council Member Tahan stated that some items, Industrial waste, Occupancy tax and Taxi Cab issues should still come to the City Council for appeal.

Mayor Pro Tem Sandoval asked what the fee is for appeals.

Deputy City Manager Brazill stated she didn't recall what the fee was.

City Attorney Jeff Ballinger stated that fees are not changing.

Mayor Pro Tem Sandoval stated that the fees should be attached to the staff report.

City Attorney Ballinger stated the purpose of the code amendment is to clean up the code and bring it up to date, the existing fee will not change.

Mayor Warren stated that the fees are not changing.

City Manager Kenneth Hunt clarified that the issues related to taxis in this code is different than the taxi cab franchises that usually go to Council, the Council will still hear items related to awarding new franchises.

City Manager Hunt stated that the Council asked staff to look into why the Council was hearing code compliance and weed abatement appeals, this is why the item is being brought to Council.

Council Member Tahan asked for clarification on what the changes were. .

City Attorney Ballinger stated that this item was being brought back for a second reading and staff can bring back any changes in the second reading.

No one spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Council Member Roberts, and seconded by Council Member Armendarez, with the stipulation that the fee schedule be included, and passed by a 4-1 vote to adopt Public Hearing Item "PH-A" (AYES: Warren, Roberts, Tahan and Armendarez; NOES: Sandoval) as follows:

1. Find that this ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (CEQA) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly, and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, a Notice of Exemption will be filed with the County Clerk of the County of San Bernardino.

2. Waive further reading of and introduce **Ordinance No. 1757**, an ordinance of the City of Fontana amending various Chapters of the Fontana Municipal Code relating to City Administrative Appeal Procedures, and that the reading of the title constitutes the first reading thereof.

B. Public Hearing to Establish an Underground Utility District for Rule 20A

Mayor Warren opened Public Hearing Item PH-B.

Engineering Manager Noel Castillo presented staff report.

Council Member Tahan asked if the money will be used for local projects.

Engineering Manager Castillo stated that the funds are set aside by Southern California Edison and each city receives an allocation and the allocated funds will be used in Fontana.

Council Member Tahan asked how we decide to use funds and can small developments take advantage of the funds.

Engineering Manager Castillo stated that there are certain requirements the city must follow, the project must be on a major coordinator.

Mayor Pro Tem Sandoval asked how the city determines where the funds are allocated.

Engineering Manager Castillo stated that staff looks at what area makes sense and

establishes districts and from there Southern California Edison will move the project forward,

Mayor Warren asked if developers are required to participate.

Engineering Manager Castillo stated that the city does not put any funds into this program.

Council Member Tahan stated that this is unfair to small businesses because the large developments will benefit from this program.

Mayor Warren stated that the requirements are set by the California Public Utilities Commission to engage Southern California Edison to get rid of overhead lines.

No one spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Armendarez, and passed unanimously by a vote of 5-0 to adopt Public Hearing Item "PH-B" (AYES: Warren, Sandoval, Roberts, Tahan and Armendarez; NOES: None) as follows:

Adopt **Resolution No. 2017-04** establishing Underground District No. 12 on Sierra Avenue between Baseline Avenue and Miller Avenue and District No. 13 on Sierra Avenue between Miller Avenue and Paine Street.

C. Zoning Code Amendment No. 2016-015 – Amendment to Section 30-7 of the Zoning and Development Code by Renumbering the Existing Section 30-7 to 30-7(A) and Adding a New Section 30-7(B) Entitled “Residential Indoor Cultivation” to Regulate Indoor Cultivation of Marijuana in the City of Fontana.

Mayor Warren opened Public Hearing Item PH-C.

Community Development Director Zai AbuBaker and Police Captian Billy Green presented the staff report.

Mayor Warren asked if this Code was comparable to other cites.

Community Development Director AbuBaker stated the City of Fontana is one of the first to implement the permit process.

Mayor Warren stated that this is new law in California.

Council Member Tahan stated that its concerning that all houses can have six marijuana plants.

City Attorney Jeff Ballinger stated that this is an initiative passed by the people of California and the City can't prohibit the plants but can regulate them.

Council Member Armendarez stated that the city has done what it can to make this as stringent as possible, we can't stop this but we can regulate it.

Council Member Tahan stated he cannot support the ordinance.

Council Member Sandoval asked whether the police department has enough staff to regulate and enforce the law when people smoke marijuana outside of the home.

Police Captain Billy Green responded that the Police Department does have officers actively patrolling and enforcing current laws. Captain Green stated that this ordinance will not generate any more work for the Police Department.

Council Member Tahan asked if the city can schedule regular inspections.

Captain Green responded that there is an annual renewal process that requires inspections.

Council Member Tahan asked if the city can increase the fee amount and do more inspections.

City Manager Kenneth Hunt stated that the City can look into additional fees and inspections.

Mayor Warren stated that the State has approved and we are trying to control it with this ordinance. Mayor Warren stated that if we don't do anything it will be out of control.

Mr Peter Garcia spoke about being involved with the ordinance when he was a Planning Commissioner. Mr. Garcia stated that the intent of this ordinance was to be as restrictive as possible.

Ms. Gem Montes asked the Mayor and Council not to pass the ordinance. Ms. Montes stated that there are cities in litigation due to ordinances like this one.

Mr. Thomas Abouriali asked the Mayor and Council to give the new law more time before they adopt this ordinance. Mr. Abouriali stated that few people will abuse the law and the city should wait and see before they make a decision.

Mr. David Crickon stated that he supports the ordinance.

No one else spoke in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Council Member Roberts to review in one year, seconded by Council Member Armendarez, and passed by a 3-2 vote to adopt Public Hearing Item "PH-C" (AYES: Warren, Roberts and Armendarez; NOES: Sandoval and Tahan) as follows:

1. Determine that this Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act ("CEQA") Guidelines and direct staff to file a Notice of Exemption because it has no potential for resulting in physical change in the environment, directly or indirectly. Under Title 14 of the California Code of Regulations, Section 15061(b)(3), this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

2. Waive further reading and introduce **Ordinance No. 1758** amending Section 30-7 of the Zoning and Development Code by renumbering the existing Section 30-7 to 30-7(A) and adding a new Section 30-7(B) entitled "Residential Indoor Marijuana Cultivation" to regulate indoor cultivation of marijuana in the City of Fontana and adopt a Resolution establishing fees for Residential Indoor Marijuana Cultivation Permit and fees for Annual Renewal Permit and that the reading of the title constitutes the first reading thereof.

3. Adopt **Resolution No. 2017-05** a Resolution of the City Council of the City of Fontana, California establishing fees for Residential Indoor Marijuana Cultivation Permit and fee for annual renewal of the permit.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Discussion and Possible Action Regarding Appointment of Planning Commission and Parks and Community Services Commissioners

Mayor Warren announced the slate for the appointment of the Parks and Community Service Commission for a two year term as follows:

Germaine Key, Luis Vaquera, Anahi Ahumada, Ricardo Quintana, Raj Sangha, Felix Jones, Janie Rowland.

City Manager Kenneth Hunt announced that the Parks & Community Service Commission meeting scheduled for January 26, 2017, will be cancelled and the requirement that all Commission Members attend a meeting before they can participate at a Parks & Community Services meeting would need to be waived.

ACTION: Motion made by Council Member Roberts, seconded by Council Armendarez, and passed by a 3-2 vote to appoint members to the Parks & Community Service Commission (AYES: Warren, Roberts and Armendarez; NOES: Sandoval and Tahan)

Mayor Warren announced the slate for the appointment of the Planning Commission as follows:

Daniel Quiroga, Larry Meyer, Cathline Fort, Laura Vasquez and Idillo Sanchez.

Council Member Tahan stated that Larry Meyer has been on the Planning Commission longer than the eight year limit. Council Tahan voiced concerns about not following the rules in regards to term limits.

Mayor Pro Tem Sandoval voiced concerns about not following the term limits. Mayor Pro Tem Sandoval stated that the same people keep being appointed and that he thought things had changed and if you're not with the Mayor you don't get appointed.

ACTION: Motion made by Council Member Roberts, seconded by Council Armendarez, and passed by a 3-2 vote to appoint members to the Planning Commission (AYES: Warren, Roberts and Armendarez; NOES: Sandoval and Tahan)

B. Discussion and Possible Action Regarding Appointments to the General Plan Advisory Commission

Mayor Warren announced the following changes to the General Plan Advisory Commission:

Remove Patty Espinoza because she is no longer on the Parks & Community Service Commission, and replace when a new chair from the Parks & Community Service Commission is appointed.

Remove the former Fontana Chamber representative, Jerry Edgett and replace with Phil Cothran, the current Fontana Chamber president.

Replace former Fontana Unified School District Superintendent Leslie Boozer with current Fontana Unified School District Superintendent Randy Bassett.

Add Issac Lowe as Council Member Armendarez appointment.

ACTION: Motion made by Council Member Roberts, seconded by Council Armendarez, and passed by a 3-2 vote to appoint members to the Parks & Community Service Commission (AYES: Warren, Roberts and Armendarez; NOES: Sandoval and Tahan)

C. Discussion and Possible Action Regarding Appointments to City Council Ad-hoc Committees

Mayor Warren made the recommendation to eliminate all Ad Hoc Committees and appoint on an as needed basis.

ACTION: Motion made by Council Member Roberts, seconded by Council Armendarez, and passed by a 3-2 vote to appoint members to the Parks & Community Service Commission (AYES: Warren, Roberts and Armendarez; NOES: Sandoval and Tahan)

D. Elected Officials Communications/Committee Reports

Council Member John Roberts had no comments.

Mayor Pro Tem Jesse Sandoval stated that he wants the community to know that if you support a certain person you get to be on a Commission, is this good for Fontana or good for a certain group.

Mayor Pro tem Sandoval stated that its about representing the people and we should do what's right for the community and should move forward.

Council Member Michael Tahan congratulated the Police Department on the arrest of 67 gang members. Council Member Tahan stated that he was very disappointed that the Council and City Manager were not aware of the press conference until an hour before it happened, and wants answers how this happened.

Mayor Warren stated that the city did not hold the press conference, it was the Department of Justice that coordinated the press conference. Mayor Warren stated that the issue of communication can be placed on the agenda for the upcoming goal setting meeting and be discussed at that time.

Police Chief Robert Ramsey explained that there was no scheduled press conference and that the Department of Justice provided all the resources for the undercover operation.

Council Member Tahan stated that the city was rated the 15th safest city in the nation in 2012, and would like to know where the city is ranked now. Council Member Tahan stated that he has asked this question several times and has not received an answer as to the current crime statistics.

Mayor Warren stated that staff can get back to the Council and provide the information.

Chief Ramsey stated he would be happy to provide the information.

Council Member Tahan asked the City Manager to report back to the council on the current crime statistics.

Mayor Warren congratulated the Police Department on a great job taking 67 criminals off the street and thanked the Police Department for keeping us safe.

Mayor Warren congratulated all the new commissioners and stated that the city does need to move forward.

Mayor Warren reported that she attended the US Mayors Conference. Mayor Warren met with other Mayor's to bring forward to the federal government the need for funding for infrastructure.

Mayor Warren stated that we should continue to work together and we can strive to do better, our city is in good shape and it's a pleasure to serve the community.

Mayor Pro Tem Sandoval reported he attended the League of California Cities Community Services Board Meeting on January 19, 2017.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Kenneth Hunt congratulated Community Development Director Zai AbuBaker on her promotion.

ADJOURNMENT:


A moment of silence was held for Pastor Mannie Brodie from Principals of Faith Church.

The City Council meeting adjourned in memory of Pastor Mannie Brodie of Principals of Faith Church at 10:26 p.m. to The State of the City Address on January 26, 2017 at the Jesse Turner Center, and then to the regular City Council Meeting on Tuesday, February 14, 2017, 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.



Karen Porlas
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON
THE 14TH OF FEBRUARY 2017.**



Tonia Lewis
City Clerk