

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR CITY COUNCIL MEETING
February 14, 2017**

WORKSHOP:

A. 5:30 P.M. Joint City Council and Planning Commission Workshop

A Joint Fontana City Council and Planning Commission Workshop was held on Tuesday, February 14, 2017 in the Fontana City Hall Executive Conference Room, 8353 Sierra Avenue, Fontana, California. The Workshop was called to order by Mayor Warren at 5:30 p.m., with Mayor Pro Tem Sandoval, Council Members Roberts, Tahan and Armendarez present.

Planning Commissioners Meyer, Quiroga, Sanchez, Fort and Vasquez were present.

Associate Planner Dawn Rowe provided a presentation on the City of Fontana General Plan Land Use/Transportation Alternatives. Discussion ensued on the Land Use/Transportation Alternatives.

PUBLIC COMMUNICATIONS:

Resident Karina Nelson stated that she is a GPAC member and that there is a great need for small commercial and industrial in South Fontana.

Resident Judie Brown stated that there are advantages to having industrial buildings.

Resident Annette Cano stated that the value of her property is going down and wants industrial in her area.

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

A Closed Session was held at 6:35 p.m. in the City Hall Executive Conference Room with Mayor Warren, Mayor Pro Tem Sandoval, Council Members Roberts, Tahan and Armendarez present.

PUBLIC COMMUNICATIONS:

There were no public communications received on the following closed session item:

CONFERENCE WITH LABOR NEGOTIATORS:

Agency designated representatives: Kenneth R. Hunt, City Manager and Annette Henckel, Director of Human Resources and Risk Management

Employee organization: Police Management, Management/Confidential, Teamsters Yard and City Hall Groups and Police Benefit Association.

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, February 14, 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, and Council Members Roberts, Tahan and Sandoval.

INVOCATION/PLEDGE OF ALLEGIANCE:

Following the Invocation by Pastor Danny Vasquez, the Pledge of Allegiance was led by Council Member Roberts.

CLOSED SESSION ANNOUNCEMENT:

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

PUBLIC COMMUNICATIONS:

A. Public Communications

Ms. Cathy Ritchey announced that the Annual Hen Derby started and tickets are on sale until April 30th.

Mr. Kerry Morgan stated that he's representing Cal State students that conducted a survey about Police and lack of communication between the Police and community. Mr. Morgan would like to arrange a meeting with the Police Department to discuss the results of the survey.

Mr. Mark Martinez spoke in opposition of the two proposed Walmart projects. Mr. Martinez stated that he had concerns with traffic congestion and environmental issues.

Ms. Cynthia Sanchez stated she's a student at Cal State and would like to clean a city park for a school project.

Ms. Darlene Scalf stated she drove to South Fontana and was amazed to see all the warehouses. Ms. Scalf spoke about her opposition to more warehouses due to noise,

road damage and health issues and that she would rather have chicken ranches than warehouses.

Mr. Merlin Rossow spoke about his property in Jurupa Hills and the issues he is having with illegal dumping, dead animals and graffiti.

Ms. Deborah Hall Lindsey announced the Annual Black History Month Expo will be held on February 25th from 11:00 a.m. to 4:00 p.m. at the Home Depot in North Fontana.

Pastor Danny Vasquez announced that Calvary Chapel Summit Church is here to serve the community. Pastor Vasquez stated that services are held on Sunday's at 10:00 a.m. at Summit High School.

Kayla Vanhorne stated she's a student at Cal State and has chosen to clean a park for a school project. Ms. Vanhorne invited the City Council to participate in a clean-up project at Veteran's Park on Saturday, February 25th from 9:00 a.m. to 12:00 p.m.

Ms. Donna Mae stated that she grew up in South Fontana and anyone that lives in that area would never want chicken ranches and flies over warehouses. Ms. Mae stated that warehouses bring jobs and that they are good for the community.

Mr. Phil Cothran introduced Ms. Gloria Martinez as the new Executive Director for the Fontana Chamber of Commerce.

Ms. Gloria Martinez stated that she is a Fontana resident and has lived in the city for 19 years and is proud to call Fontana home. Ms. Martinez invited businesses to reach out to the chamber and share their concerns.

Ms. Heather Gourlay stated that she has lived in Fontana for 22 years and is a member and secretary of the Fontana Woman's Club. Ms. Gourlay stated that the Fontana Woman's Club is a private social club that helps others and improves the community. Ms. Gourlay expressed the hurt she felt when hearing bad information about money given to the Fontana Woman's Club from the City of Fontana.

Ms. Gourlay thanked Mayor Warren for her support and also thanked Mayor Pro Tem Sandoval for his donation.

CONSENT CALENDAR:

City Manager Kenneth Hunt announced two corrections to Consent Calendar Item "A" Approval of Minutes, page 6 should read Ordinance 1757, and page 9 should read Ordinance 1758.

Mayor Pro Tem Sandoval announced that he will abstain from approving the minutes from the December 15, 2016 meeting because he was not in attendance.

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

follows:

A. Approval of Minutes

Approve the Minutes of the December 15, 2016 Adjourned City Council Meeting and the January 10, 2017 Regular City Council Meeting.

B. Adopt a Resolution to Summarily Vacate a Public Easement Located East of Catawba Avenue and South of Santa Ana Avenue

1. 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 there is no possibility of significant effects upon the environment and direct staff to file a Notice of Exemption.

2. Adopt **Resolution No. 2017-06** to summarily vacate thirty (30) feet of easement located east of Catawba Avenue and south of Santa Ana Avenue, pursuant to Section 8330, et. seq. of the Streets and Highway Code.

C. Adopt a Resolution Summarily Vacating a Public Easement Located on the South Side of Foothill Boulevard between Oleander Avenue and Date Street

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

2. Adopt **Resolution No. 2017-07** to summarily vacate five feet (5') of excess road right of way located on the south side of Foothill Boulevard between Oleander Avenue and Date Street, pursuant to Section 8330, et. seq. of the Streets and Highways Code.

D. Amendment No.1 to the Active Transportation Plan

1. Approve and authorize the City Manager or designee to execute Amendment No. 1 to the Active Transportation Plan consulting contract with Alta Planning and Design for \$163,000.00.

2. Appropriate \$163,000.00 from Local Measure I Fund 246 to Active Transportation Plan Project No. 3337.

E. Approval of Agreement for Acquisition of Off-Site Property Located in the Arboretum Specific Plan

Approve and Authorize the City Manager to execute an agreement between the City of Fontana and North Fontana Investment Company, LLC, a Delaware Limited Liability Company, for the acquisition of off-site property located in the Arboretum Specific Plan, pursuant to Government Code Section 66462.5.

F. Award a Construction Contract for the Banana Avenue Storm Drain Project

1. Approve and authorize the City Manager to execute a construction contract with Downing Construction Inc. for the construction of the Banana Avenue Storm Drain Project in the amount of \$3,358,583.00 and authorize a 10% contingency in the amount of \$335,858.30 (Bid No. SB-41-DE-17).

2. Approve and authorize the City Manager to execute any future amendments to County Contract No. 10-870 for the construction of the Banana Avenue Storm Drain Project.

3. Approve and authorize the City Manager to execute any and all utility agreements, utility easements, and subsequent agreements on behalf of the City of Fontana for the Banana Avenue Storm Drain Project.

4. Appropriate \$1,200,000.00 from Storm Drain Fund 622 to the Banana Avenue Storm Drain Project No. 3317.

G. Award of Contract for Vehicle Parts, Maintenance and Repair Services

Approve and authorize the City Manager to enter into a single source contract with Haaker Equipment Company to provide the City with OEM parts, factory authorized repairs and warranty services for a period of two (2) years, renewable for three (3) one (1) year increments at the City's sole discretion.

H. Award Bid for Miller Amphitheater Construction Project SB-24-PW-17

Approve and authorize the City Manager to execute a construction contract with R.C. Graves Construction in the amount of \$3,829,000.00 and authorize a 10% contingency amount of \$382,900.00 for the Miller Amphitheater Project SB-24-PW-17.

I. Request to Waive Fees for Facility Use for Employee Memorial Service

Authorize the waiving of fees for the Jessie Turner Community Center for memorial service for city employee.

J. Approve a Cooperative Purchase in Conjunction with the County of San Bernardino for Aerial Color Orthorectified Imagery Acquisition and Digital Photography

Authorize the City Manager to piggy-back the County of San Bernardino's contract with Aero-Graphics to provide color orthorectified aerial photography.

PUBLIC HEARINGS:

A. Final Environmental Impact Report (State Clearing House No. 1995052002), General Plan Amendment No. 09-001; General Plan Amendment No. 15-001, Zone Change No. 009-001, and Specific Plan No. 09-001 all for the Westgate Specific Plan

Mayor Warren opened Public Hearing Item PH-A.

Senior Planner DiTanyon Johnson provided the staff report.

Mayor Warren announced that the city received correspondence dated January 31, 2017 from the County of San Bernardino opposing the Westgate plan amendment.

Council Member Roberts stated that it made more sense for Fire Station No. 80 to be in the Westgate area.

Community Development Director AbuBakar stated that the Developer is supportive of the Fire Station in Westgate.

Mayor Pro Tem Sandoval asked if the units were market rate.

Senior Planner Johnson stated that they are all market rate.

Council Member Tahan asked about the cost of the Fire Station.

City Manager Hunt stated the cost is about \$800,000 and that it is a wise to move the fire station to Westgate.

Council Member Tahan stated he has concerns with the cost and it should be looked at carefully.

Council Member Tahan asked for more information on the environmental impact, with regards to exceeding the mitigation element.

EIR Consultant David Crook clarified that this is a policy document and because they don't have the specifics they are taking the conservative route. Consultant Crook stated that this project will be on going for 20 to 25 years and each project will be looked at as it's brought forward.

Council Member Tahan asked about the project impact on the community.

Senior Planner Johnson stated that each project will be required to have their own Environmental Impact Report.

Consultant Crook stated that each project will be subject to further review.

Council Member Tahan asked about the transportation impact.

Senior Planner Johnson stated there are specific mitigation measures that address Cherry Avenue, Victoria Avenue and Walnut Avenue.

Council Member Tahan asked if the School District was aware of the project, and if the pedestrian bridge is still part of the project.

Senior Planner Johnson replied that the School District is aware of the project and that the pedestrian bridge has been removed from the project.

Resident Kareem Gongora stated he does not support the Westgate project and has concerns with air quality. Mr. Gongora asked the Council to reconsider because this project is not good for Fontana or our children.

Resident Carlos Bravo stated he has concerns with air quality and that we already have poor air quality according to the Southern California Air Quality Management.

Resident Kathy Ponce stated that this project is a push to build warehouses and that this project is not good for Fontana. Ms. Ponce asked why the opposition letter from the County of San Bernardino is just being brought forward. Ms. Ponce urged the Council not to move forward with this plan.

Resident Matt Slowik spoke on environmental issues.

Resident Fran Givens stated that she is disappointed that the senior housing units in Westgate were reduced and that the city has the need for more senior housing.

Mayor Warren stated that the city will work with the county on their concerns and does not support making any changes now.

Council Member Tahan stated this is not the best plan and has concerns with the Fire Station.

Fire Chief Birchfield stated that the current response time to Westgate is 6 minutes and building a Fire Station in Westgate would reduce response time to 4 minutes.

Council Member Tahan asked City Manager Hunt if he felt comfortable that the fire station can be done.

City Manager Hunt stated that the Fire District could fund the Fire Station.

Council Member Armendarez stated that the senior housing units in Westgate have actually been increased.

Mayor Pro Tem Sandoval stated that the original plan submitted did not include any houses and that it was just warehouses. Mayor Pro Tem Sandoval stated that the new plan includes residential and senior housing.

Mayor Warren stated that the original plan was brought forward without any residential and that staff was asked to bring the plan back with residential.

Mayor Warren stated that the city has not stopped fighting for senior housing.

Mayor Warren thanked staff, the Ad Hoc Committee and the developer for all the time and effort put into this project.

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 approve Public Hearing Item "PH-A" (AYES: Warren, Sandoval, Roberts, Tahan and Armendarez; NOES: None) as follows:

1. Adopt **Resolution No. 2017-08**, a resolution of the City Council of the City of Fontana, California, certifying the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 1995052002) has been completed in compliance with CEQA and the State

Guidelines; that the City Council has reviewed and analyzed the FEIR before approving the project; and the FEIR reflects the independent judgment of the City; adopting the Statement of Overriding Considerations proposed for the FEIR, adopting the Mitigation Monitoring and Reporting Program, adopting the statement of Facts and Findings, and direct staff to file a Notice of Determination;

2. Waive further reading of and introduce **Ordinance No. 1759** an Ordinance of the City Council of the City of Fontana, approve an Ordinance rescinding the old Westgate Specific Plan (SPL No. 90-2/Ordinance No. 1204) and adopt the new Westgate Specific Plan (SPL No. 09-01/Ordinance No. 1759) to allow 3,277 residential units, with an option to build an additional 474 units with minimum 10,000 square foot lots as one project for a maximum of 3,751 residential dwelling units, on single-family detached lots ranging in size from minimum 3,000 square foot lots to minimum 10,000 square foot lots, and multi-family units ranging from 5.1 to 50.0 dwelling units per acre, multiple amenities that include approximately 33.1 acres of public/private parks including clubhouses, two (2) elementary school sites and one (1) high school site on approximately 964 acres and that the reading of the title constitutes the first reading thereof.

3. Adopt **Resolution No. 2017-09**, a resolution of the City Council of the City of Fontana, California, approving General Plan Amendment No. 09-001, amending the General Land Use Map to change the General Plan land use designation on approximately 964 gross acres to reflect the new General Plan Land Use Designation within the Westgate Specific Plan boundaries.

4. Adopt **Resolution No. 2017-10**, a resolution of the City Council of the City of Fontana, amending the City of Fontana General Plan Circulation element to change street classifications and identify new alignments and reclassify certain streets within the Westgate Specific Plan boundaries.

5. Waive further reading of and introduce **Ordinance NO. 1760**, an Ordinance of the City Council of the City of Fontana, approving Zone Change No. 09-001, a zone change to amend the Zoning District Map to reflect the boundary change of the Westgate Specific Plan and that the reading of the title constitutes the first reading thereof.

UNFINISHED BUSINESS:

A. Adoption of Ordinance No.1757

Deputy City Manager Debbie Brazill provided the staff report.

Mayor Pro Tem Sandoval thanked staff for including the fee schedule.

ACTION: Motion was made by Mayor Pro Tem Sandoval, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to approve Unfinished Business Item "A" (AYES: Warren, Sandoval, Roberts, Tahan and Armendarez; NOES: None) as follows:

Second Reading/ Adopt **Ordinance No. 1757**, an ordinance of the City of Fontana amending various Chapters of the Fontana Municipal Code relating to City Administrative

Appeal Procedures.

B. Adoption of Ordinance No.1758

Community Development Director Zai AbuBakar provided the staff report.

Council Member Tahan stated he still cannot support this item and that more restrictions should be imposed.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Armendarez, and passed by a vote of 3-2 to approve Unfinished Business Item "A" (AYES: Warren, Roberts, and Armendarez; NOES: Sandoval and Tahan) as follows:

Second Reading/ Adopt **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.

NEW BUSINESS:

A. District-Based Elections National Demographics Corporation Proposal

Deputy City Manager David Edgar provided the staff report.

Mayor Pro Tem Sandoval asked how it was determined that the city have a Mayor at large.

Council Member Roberts stated that it was voted on in 1952 to have an elected Mayor.

Council Member Tahan stated he supports going to districts.

Mayor Warren stated that people are unhappy that we are going to districts.

Mayor Warren stated that this is just to get the process started and that there will be community outreach.

Mayor Pro Tem Sandoval stated that he would like to get the community's input first.

Council Member Roberts stated that hiring a consultant keeps the city from being sued.

Council Member Armendarez stated that this not a choice of voters and that this was handed down to the city and that more districts create more problems.

Council Member Tahan stated that he does not have an issue spending money on the consultant but he thinks the public should have input first.

Resident Kareem Gongora stated he supports going to districts but urges the council to bring it to the community first.

Resident Carlos Bravo stated that moving to districts is long overdue and we should let the people decide how it is done.

Resident Matt Slowik stated that a vote was taken by the people of Fontana years ago to have an elected Mayor and that going to districts will create more animosity.

Resident Victor Quiroz stated that he can see both sides of the issue but encourages the council to bring it to the community and let the people decide the process.

Mayor Warren stated that the city is going to have 5 public hearings.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Armendarez, and passed by a vote of 4-1 to approve New Business Item "NB-A" (AYES: Warren, Roberts, Tahan and Armendarez; NOES: Sandoval) as follows:

1. Approve a proposal with National Demographics Corporation (NDC) to facilitate the establishment of Voting Districts for the City of Fontana in compliance with the California Voting Rights Act (CVRA), and;
2. Adopt a **Resolution No. 2017-11** of Intention to create four City Council Voting Districts with the election of the Mayor On An "At-Large" City-Wide Basis, and;
3. Authorize the City Manager to execute any documents necessary or appropriate to implement said approvals.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Committee Reports

Mayor Pro Tem Sandoval wished his wife a Happy Valentine's Day.

Council Member Roberts wished everyone a Happy Valentine's Day and also to Mary Sanodval.

Council Member Tahan wished his wife a Happy Valentine's Day.

Council Member Armendarez wished his wife a Happy Valentine's Day and also thanked his wife for her continued support.

City Treasurer Janet Koehler-Brooks wished everyone a Happy Valentine's Day.

City Clerk Tonia Lewis wished her husband a Happy Valentine's Day.

Mayor Warren thanked the Fontana Chamber of Commerce and city staff and the businesses in Fontana for a successful State of the City.

Mayor Warren wished everyone a Happy Valentine's Day.

Mayor Warren invited everyone to attend the Mayors Advisory Council Teen Summit on Saturday, February 18, 2017 from 9:00 a.m. to 2:00 p.m. at the Jessie Turner Center.

CITY MANAGER COMMUNICATIONS:

A. Report Back on Crime Statistics

City Manager Hunt reported that in 2013 the Business Insider named the City of Fontana the 15th Safest City in the Country and that the business Insider has not done another study.

B. City Manager Communications

City Manager Kenneth Hunt reported that he attended the League of California Cities Annual City Manager Meeting, the topic of the meeting was how to be a more effective City Manager.

ADJOURNMENT:

A moment of silence was held for longtime resident and hairdresser Marcie Martinez.

The City Council Meeting adjourned at 10:10 p.m. in memory of Marcie Martinez and then to the next Regular City Council Meeting to be held on Tuesday, February 28, 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 28TH OF FEBRUARY 2017.**



Tonia Lewis
City Clerk