

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR CITY COUNCIL MEETING  
August 22, 2017**

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**ARTIST SHOWCASE:**

**A. 5:30 P.M. Artist Showcase**

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

**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, August 22, 2017 in the Grover W. Taylor Council Chambers at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 7:04 p.m.

**ROLL CALL:**

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

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

Following the Invocation by Council Member Armendarez, the Pledge of Allegiance was led by Mayor Pro Tem Sandoval.

**SPECIAL PRESENTATIONS:**

**A. Artist Recognition**

Mayor Warren and the City Council recognized Stuart Fingerhut as the artist in the Artist Showcase. Community Services Coordinator Ana Casillas presented the recognition. Mr. Fingerhut was present to accept.

**B. Fontana Days Run Sponsors**

Mayor Warren and City Council recognized sponsors of the 2017 Annual Fontana Days Run: Community Services Coordinator Bianca Morales presented the recognition. Fontana Water Company and the United States Army representatives were present to

accept.

### **C. Police Department May 2017 Employee of the Month**

Mayor Warren and the City Council recognized Officer Bradley Carlson as the Police Department's May 2017 Employee of the Month. Chief Ramsey highlighted his accomplishments. Officer Carlson was present to accept.

## **PUBLIC COMMUNICATIONS:**

### **A. Public Communications**

Deborah Hall Lindsey invited the City Council and the Community to the Unity in Community Day, September 16, 2017, 11:00 a.m. to 3:00 p.m. Ms. Lindsey thanked the City Council for being supportive of the event.

Mana Rizvi announced that Assembly Member Eloise Gomez-Reyes had a press conference on AB523, Equity in Clean Energy Investment Bill scheduled on Friday, August 25, 2017, from 12:00 p.m. to 1:30 p.m. at the Mary Vagle Nature Center.

Amparo Miramontes thanked the City Council for welcoming a Girl Scout Member of Troop #1801 to speak at a previous meeting. Ms. Maramontes stated that Girl Scouts are looking for a location to host Girl Scout Founder, Juliet Gordon Low's birthday on October 31, 2017.

Fran Givens spoke on the side walk construction by the railroad tracks. Ms. Givens also spoke on changes to Social Security numbers.

Kareem Gongora announced his candidacy to fill a vacant seat on the Fontana Unified School District Board of Education in a special election.

Glenda Barillas requested information on events planned for September 11, 2017. Ms. Barillas announced a Lunch and Learn Event, to be held on August 23, 2017, 12:30 p.m. to 2:30 p.m. at the Joslyn Senior Center in Redlands.

Danny Marquez spoke on the National Day of Service event honoring 9/11 to be held on September 9, 2017, from 10:00 a.m. to 2:00 p.m. at the Fontana Senior Center. Mr. Marquez spoke on preparing care packages and thanked all those that donated.

## **CONSENT CALENDAR:**

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

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

Approve the Minutes of the July 10, 2017 Adjourned Regular City Council Meeting and the August 8, 2017 Regular City Council Meeting.

**B. Adoption of Proposed Resolution Ratifying the Fontana Fire Protection District's Fire Code**

Adopt **Resolution No. 2017-061**, ratifying and accepting the Fontana Fire Protection District's ("District") Ordinance No. FFD-003, which amends and adopts the 2016 Edition of the California Fire Code, known as the California Code of Regulations, Title 24, Part 9, based on the 2015 Edition of the International Fire Code.

**C. Award of Contract for Providing Fuel for City-Owned Vehicles and Equipment**

Approve and authorize the Purchasing Office award of contract to Nuckles Oil Company DBA Merit Oil Company for fuel for City-owned vehicles and equipment based upon a "piggyback" on San Bernardino County's Gasoline and Diesel Fuel Contract. The term of the contract will be for two years with three one-year extensions at the City's sole discretion.

**D. Resolution Ratifying 2017-2020 Memorandum of Understanding for the Teamsters Local 1932 Yard Bargaining Unit and the Associated Salary Table**

Adopt **Resolution No. 2017-062**, of the City Council of the City of Fontana, ratifying the 2017 – 2020 Memorandum of Understanding between the City and the Teamsters Local 1932 Yard Bargaining Unit, and the associated Salary Table.

**PUBLIC HEARINGS:**

**A. Third Amendment to the Citrus Heights North Development Agreement (Agreement No. 17-001)**

Mayor Warren opened Public Hearing Item PH-A.

Community Development Director Zai AbuBakar and Planning Manager Orlando Hernandez provided the staff report.

No one spoke in favor or opposition.

The Public Hearing was closed.

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

1. Determine that the proposed Ordinance and the proposed Agreement have been determined not to have a significant effect on the environment pursuant to the California Environmental Quality Act (CEQA) 15061(b)(3) (Review of Exemption) and qualifies for an Exemption; and,
2. Waive further reading of and introduce **Ordinance No. 1766**, an Ordinance of the City of Fontana approving the Third Amendment to the Citrus Heights North Development Agreement between the City of Fontana and SC Fontana Development Company, LLC; and that the reading of the title constitutes the first reading thereof.

## **B. Council Election Districts Ordinance**

Mayor Warren opened Public Hearing Item PH-B.

Deputy City Manager David Edgar provided the staff report.

Mayor Pro Tem Sandoval asked if the company that prepared the district maps were available to answer questions as to why the City was split in half down Sierra Avenue in Draft No. 6. Mayor Pro Tem Sandoval stated he requested they be present, and needed that question answered before the vote tonight.

Staff stated they will ask National Demographics for the answer and the information will be provided at the second reading.

Council Member Tahan asked if the recommendations for the draft map options were prepared by the consultant.

City Attorney Ballinger stated that the consultant prepared different drafts and presented them to the City Council in Workshops and Public Hearings and recommended all of the drafts.

Council Member Tahan asked if the recommendations for which election and which districts was done by the consultant.

Mayor Pro Tem Sandoval asked how the consultant came up with the criteria on the three drafts and options.

City Manager Hunt stated that the City Council approved a resolution in February which outlined the criteria to use for the drafting of the maps, and based on the criteria and public meetings, the consultant came up with the maps.

Mayor Pro Tem Sandoval asked how the consultant came up with the options and when the elections should be held.

City Manager Hunt stated that the consultant came up with these options for the elections based on how the law works.

Mayor Pro Tem Sandoval quoted criteria on elections as follows: "District's borders would respect previous choices of city voters by avoiding creating a head to head contest between Council members previously elected by voters of the city". Mayor Pro Tem Sandoval stated that Draft 3 includes a head to head contest between Sandoval and Armendarez..

Mayor Warren asked if there were any more questions.

Mayor Pro Tem Sandoval stated he was still waiting for an answer.

Mayor Warren stated that he will not be getting an answer tonight.

Mayor Warren stated that Draft 6 was voted on at the last meeting and the ordinance is moving forward.

Mayor Pro Tem Sandoval stated that all draft maps that were drawn were supposed to follow the criteria by the City Council, and that draft map No. 3 should never have been submitted for consideration.

Mayor Warren made note of the question and asked staff to get back to the City Council.

Amparo Miramontes spoke on being disappointed that her group's public comments were not taken into consideration. Ms. Miramontes requested the City Council table the item until all of the data was reviewed.

Kareem Gongora spoke on being disappointed that National Demographic, a company that works with other municipalities and school districts, did not have a representative available to answer questions.

Glenda Barillas spoke on being disappointed with the results of the last meeting and feeling shut down and unheard. Ms. Barillas spoke on the hours taken to draw up alternative maps that were not considered.

The Public Hearing was closed.

Council Member Tahan asked Mayor Warren, Council Member Armendarez and Council Member Roberts if they were comfortable with the map as drawn, and stated he was trying to understand the logic behind the motion.

Mayor Pro Tem Sandoval spoke on the minor changes between the drafts and the head to head contest in the maps; this is not good for Fontana. All three maps should be thrown out and the maps redrawn to avoid one person controlling the City.

Mayor Warren spoke on everyone not being happy and this issue being forced upon the City of Fontana; the law was followed and it is what is best for this community.

Council Member Tahan asked City Attorney Ballinger, if based on the report and the A through G elements, item F states "not to have head to head contest between Council Members" if the City was in compliance.

City Attorney Ballinger stated that those items are listed as factors, they are not hard and fast items that absolutely have to be met. Those are things the council should consider. It is ultimately up to the Council to determine how to weigh those various factors.

Council Member Tahan asked City Attorney Ballinger if there were any legal issues with the process, the maps, and how they were drawn.

City Attorney Ballinger stated that there were no legal issues.

Mayor Pro Tem Sandoval stated he is not against districts but is against the way the maps were drawn as they do not represent the people.

Council Member Armendarez stated he was against districts and believes full representation and accountability was dealt with in the selection of these districts.

Mayor Warren spoke on everyone in the Council Chambers being respectful of others.

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

That the Mayor and City Council;

1. Conduct a Public Hearing;
2. Waive further reading and introduce **Ordinance No. 1767** of the City Council of the City of Fontana, California, adding a new Section 2-42 to Article II, Chapter 2 of the Fontana Municipal Code to change the City's Electoral System from at-large to by-district elections with respect to electing City Council members and maintaining an elective Mayor, establishing District boundaries, scheduling elections within the Districts, and that the reading of the title constitutes the first reading thereof; and
3. Find that pursuant to Section 15320 of the Guidelines for the Implementation of the California Environmental Quality Act ("CEQA"), further review under CEQA is not required because this ordinance establishing district-based elections consists of a change in the organization or reorganization of a local governmental agency where the change does not change the geographical area in which previously existing powers are exercised. Therefore, a Notice of Exemption will be filed with the County Clerk of the County of San Bernardino.

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

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

City Treasurer Janet Koehler-Brooks wished City Manager Ken Hunt a happy birthday.

City Clerk Tonia Lewis invited everyone to a fundraiser on August 23, 2017, 11:00 a.m. to 11:00 p.m. at Chili's restaurant to benefit the Jr. FLIP program.

City Clerk Tonia Lewis sent well wishes to Ken Hunt's son who survived a traffic accident; and spoke on her grandson recently being in a traffic accident and stated that he is also doing fine.

City Clerk Tonia Lewis sent condolences to the Boyles family.

City Clerk Tonia Lewis wished City Manager Ken Hunt a happy birthday.

Council Member Armendarez announced he attended the SBC Water Conference on

August 11, 2017.

Council Member Tahan reminded everyone to be patient while driving with the start of the new school year.

Council Member Roberts expressed his condolences to former Mayor Gary Boyles on the passing of his wife.

Mayor Pro Tem Sandoval announced he attended the annual Water Conference in Ontario on August 11, 2017.

Mayor Pro Tem Sandoval asked why the city is not having a 9/11 ceremony this year.

City Manager Hunt stated that the City remembrance of 9/11 will be held every five years.

Mayor Pro Tem Sandoval asked about the status of the sidewalk at the railroad crossing at Juniper Avenue and Cypress Avenue.

City Manager Hunt replied that preparation work for the intersection was done and the project will be completed by the end of the year.

Mayor Pro Tem Sandoval requested an update on the Miller Amphitheater.

City Manager Hunt stated that construction will be completed in January and a grand opening in May 2018.

Mayor Pro Tem Sandoval requested an update on the Emergency Operations Center.

City Manager Hunt stated that it will be completed in December.

Mayor Warren thanked the public for supporting the City Council's efforts.

Mayor Warren announced she attended the United States Conference of Mayors Leadership Conference.

Mayor Warren spoke on the city coming a long way and is working on ways to better communicate those great efforts.

Mayor Warren spoke on the success of Fontana Walks and commended staff for their work.

Mayor Warren spoke on the auditions for the Fontana Youth Theater.

## **CITY MANAGER COMMUNICATIONS:**

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

City Manager Hunt stated that tonight's meeting will be adjourned to the Global City Teams Challenge Expo from August 28-29, 2017, in Washington, D.C.

City Manager Hunt congratulated Senior Planner Orlando Hernandez on his promotion to Planning Manager

**ADJOURNMENT:**

A moment of silence was held for Jolene Boyles and Joyce Fairman.

The City Council meeting adjourned in memory of Jolene Boyles and Joyce Fairman at 8:38 p.m. to the Global City Teams Challenge Expo from August 28-29, 2017, in Washington D.C.; and to the next Regular City Council Meeting which will be held on Tuesday, September 12, 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.

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*Ysela Aguirre*  
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Ysela Aguirre  
Recording Secretary

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 12TH DAY OF SEPTEMBER 2017**

DocuSigned by:  
*Tonia Lewis*  
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Tonia Lewis  
City Clerk