

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR CITY COUNCIL MEETING  
June 11, 2019**

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**WORKSHOP:**

**A. 5:30 P.M. WORKSHOP**

A City Council Workshop was held on June 11, 2019, in the City Hall Executive Conference Room at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the Workshop to order at 5:30 p.m., with Mayor Pro Tem Armendarez and Council Members Roberts, Sandoval and Cothran present.

Strategic Transportation Engineering Manager Kevin Ryan provided a presentation on Potential Sewer Reimbursement Program.

Discussion ensued on the sewer reimbursement program and there was a consensus to move forward with implementation of the developer repayment program.

The City Council Regular Meeting Agenda was reviewed and City Manager comments were heard.

The Workshop adjourned at 5:48 p.m.

**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 Armendarez, Council Members Roberts, Sandoval and Cothran present.

**PUBLIC COMMUNICATIONS:**

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO  
GOVERNMENT CODE SECTION 54956.8:

Property: Located at 8440 Nuevo Avenue, Fontana, CA 92335

Negotiating Parties: City of Fontana and Fontana Water Company

City Negotiator: Kenneth R. Hunt, City Manager

Under Negotiation: Price and Terms

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Negotiator: Kenneth R. Hunt, City Manager and Rakesha Thomas, Director of Human Resources and Risk Management

Employee Organization(s): Police Officers Association (POA) and Police Management Association (PMA).

**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, June 11, 2019, in the Grover W. Taylor Council Chambers at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 7:02 p.m.

**ROLL CALL:**

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

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

Following the Invocation by Linda Richardson with Lighthouse Light of the World Christian Ministries, the Pledge of Allegiance was led by Council Member Cothran.

**CLOSED SESSION ANNOUNCEMENT:**

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

**PROCLAMATIONS:**

**A. Los Angeles Dodgers Day**

Mayor Warren and City Council proclaimed June 22, 2019, as Los Angeles Dodgers Day in the City of Fontana. Daniel Schneider, Community Services Manager accepted the Proclamation.

**SPECIAL PRESENTATIONS:**

**A. 2019 Gates Scholarship FUSD Recipients**

Mayor Warren and the City Council recognized Fontana Unified School District students Kaitlyn Dodgen and Jashendeep Lobana, for receiving the 2019 Gates Scholarship. Jashendeep Lobana was present to accept.

**PUBLIC COMMUNICATIONS:**

## **A. Public Communications**

Patty Espinoza spoke on her displeasure with Mayor Warren and the City Council, with the exception of Council Member Sandoval. Ms. Espinoza also spoke against the proposed Burrtec rate increase.

Janeth Rodriguez spoke on Chaffey College's 102<sup>nd</sup> commencement ceremonies, Chaffey College fall registration, Fontana Campus expanded class offerings, and citizenship classes. Ms. Rodriguez also spoke on the Girl Talk Conference to be held on July 27, 2019.

Janice Luna spoke on the numerous earthquakes in south Fontana. Ms. Luna stated she has heard that waste water being injected into the ground is possibly causing the earthquakes and would like the City to use state and federal connections to get answers as to why this is happening.

Patricia Felix spoke on the many earthquakes in the Southridge area and would like the city to investigate to ensure residents are safe. Ms. Felix also spoke on the theory that waste water injected into the ground can cause earthquakes.

Gloria Martinez spoke on the Logistics and Transportation Workforce Labor Summit; working with Chaffey School District to create a new professional skills curriculum. Ms. Martinez announced the upcoming Chamber Installation dinner to be held on June 21, 2019, at California Speedway.

## **CONSENT CALENDAR:**

**ACTION:** Motion was made by Council Member Cothran, seconded by Council Member Armendarez, and passed unanimously by a vote of 5-0 to approve Consent Calendar Items "A-F" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None ABSTAIN: Warren and Cothran from Item F. No. 2) as follows:

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

Approve the Minutes of the May 28, 2019 Regular City Council Meeting.

### **B. Authorize Utilization of the General Services Administration (GSA) Contract for Winzer Franchise Company for the Purchase of Fleet Maintenance Supplies and Repair Products**

Authorize the Purchasing Office to purchase from Winzer Franchise Company, utilizing General Services Administration (GSA) Contract GS-06F-0089S to purchase the necessary Fleet maintenance supplies and repair products.

### **C. Sales Tax Audit Services**

Authorize a contract amendment with The HdL Companies to provide sales tax audit services for five years.

### **D. Sale of Surplus Property Located at the Southwest Corner of South Highland Avenue and Knox Avenue**

Adopt **Resolution No. 2019-066** setting the date, time and location of a public hearing to be held on Tuesday June 25, 2019 to consider the possible sale of City-owned property located on the southwest corner of South Highland Avenue and Knox Avenue to New Legacy Development Corporation.

**E. SB 2 Planning Grants Program Funds**

1. Approve and Adopt **Resolution No. 2019-067**, a Resolution of the City Council of the City of Fontana authorizing application for, and receipt of, SB 2 Planning Grants Program Funds.
2. Authorize the City Manager to execute any documents necessary or appropriate as required for receipt of the Grant.

**F. Intention to Levy Assessments for Fiscal Year 2019-2020 for Landscape and Lighting Maintenance Districts**

1. Adopt **Resolution No. 2019-068**, of the City of Fontana, California, Declaring its Intention to Levy and Collect Assessments within Landscape Maintenance District No. 1 ("LMD #1") for Fiscal Year 2019-2020 and Giving Notice of and Setting the Time and Place of the Hearing on the Levy of the Proposed Assessment.
2. Adopt **Resolution No. 2019-069**, of the City of Fontana, California, Declaring its Intention to Levy and Collect Assessments within Landscape Maintenance District No. 2 ("LMD # 2") for Fiscal Year 2019-2020 and Giving Notice of and Setting the Time and Place of the Hearing on the Levy of the Proposed Assessment.
3. Adopt **Resolution No. 2019-070**, of the City of Fontana, California, Declaring its Intention to Levy and Collect Assessments within Landscape Maintenance District No. 3 ("LMD # 3") for Fiscal Year 2019-2020 and Giving Notice of and Setting the Time and Place of the Hearing on the Levy of the Proposed Assessment.
4. Adopt **Resolution No. 2019-071**, of the City of Fontana, California, Declaring its Intention to Levy and Collect Assessments within Landscape Maintenance District No. 3-1 ("LMD # 3-1") for Fiscal Year 2019-2020 and Giving Notice of and Setting the Time and Place of the Hearing on the Levy of the Proposed Assessment.
5. Adopt **Resolution No. 2019-072**, of the City of Fontana, California, Declaring its Intention to Levy and Collect Assessments within Local Lighting Maintenance District No. 3 ("LLMD # 3") for Fiscal Year 2019-2020 and Giving Notice of and Setting the Time and Place of the Hearing on the Levy of the Proposed Assessment.

**PUBLIC HEARINGS:**

**A. BGC Brewhouse Restaurants, Inc. Operating Covenant Agreement**

Mayor Warren opened Public Hearing Item PH-A.

Project Specialist Jerry Edgett provided the staff report.

No one spoke in favor or opposition.

The Public Hearing was closed.

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

1. Adopt **Resolution No. 2019-073** accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding an Operating Covenant Agreement between the City of Fontana and BGC Brewhouse Restaurants Inc.;
2. Approve the Operating Covenant Agreement between the City of Fontana and BGC Brewhouse Restaurants Inc.;
3. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreements.

### **B. Fontana Woman's Club Operating Covenant Agreement**

Council Member Cothran recused himself due to the proximity of his business to the Woman's Club.

Mayor Warren opened Public Hearing Item PH-B.

Deputy City Manager Debbie Brazill provided the staff report.

Council Member Sandoval asked for information regarding Woman's Club records, building safety studies, and confirmation that the Woman's Club has authority to enter into this contract; and would like the Historical Society to look at the proposal.

Mayor Warren spoke on the Fontana Woman's Club having its own bylaws and governing board.

Council Member Sandoval spoke on the following: Making make sure taxpayer's money was being used properly; having sufficient information and due diligence before supporting this project; the Woman's Club losing their non-profit status if they enter into an agreement with a commercial entity. Council Member Sandoval requested this item be tabled until his concerns are addressed.

Madeline Chero spoke against the Woman's Club being turned into a restaurant and would like the Woman's Club used as a historical museum to maintain Fontana's history. Ms. Chero also spoke on the Woman's Club losing their non-profit status, bylaw changes and raised concerns that the Woman's Club and Historical Society are being represented by the same attorney, creating a conflict of interest.

Karen Coleman spoke against the Woman's Club being turned into a restaurant; the lack of membership meetings and notification of meetings, bylaws, previous agreements between the city and the Woman's Club. Ms. Coleman also spoke in opposition of the

use \$400,000 of taxpayers money that will be given to the Woman's club by the City, the lack of financial reports and no accountability or transparency.

Cathy Ritchey spoke in opposition of the Woman's Club being turned into a restaurant and lack of the Woman's Club membership meetings. Ms. Ritchey also spoke about Mayor Warren and Council Member Roberts having a conflict of interest and should not vote on the item. Ms. Ritchey stated she would like the Woman's Club turned into a museum.

Darlene Scalf spoke in opposition of the Woman's Club being turned into a restaurant. Ms. Scalf spoke on the lack of the Woman's Club membership meetings, the historical significance of the Woman's Club and that the buildings integrity would be compromised if it's remolded and turned into a restaurant. Ms. Scalf stated that the Woman's Club should be used as a museum.

Heather Gourlay, Fontana Woman's Club President, thanked the City of Fontana for its continued support of the Woman's Club and the opportunity to enter a partnership. Ms. Gourlay spoke on the 100 year old infrastructure of the building and that it is in need of improvements and upgrades in order to continue for another 100 years. Ms. Gourlay stated she has overwhelming support from the majority of the membership to move forward with the project. Ms. Gourlay stated that the Woman's Club will continue to hold regular meetings and events, and reassured the community that there are no plans to sell the building or change its history and charm.

Matthew Slowik, Fontana Historical Society President, clarified that the Fontana Historical Society has no organizational role or responsibility over the Woman's Club. Mr. Slowik also stated that the Historical Society holds monthly meetings.

Mary Sandoval spoke on the history of Woman's Club and how the club has always given back to the community. Mrs. Sandoval reminded the City Council to read the sign in front of the dais before voting "Is it good for Fontana" and also encouraged anyone that believes they have a conflict should recuse themselves and encouraged the Council to do what is right for the citizens of Fontana.

Council Member Sandoval stated for the record that he did not say that the Historical Society had control over the Woman's Club; he only requested that the Historical Society look at the proposed project.

Mayor Warren stated that the Woman's Club building is in need of repair, and that it has been designated as a social club, and not a non-profit. Mayor Warren spoke on the Woman's Club not selling the building but bringing in an operator that will open the club during the week. The Woman's Club will continue to hold their meetings and the integrity of the building will stay intact. Mayor Warren spoke on organizations throughout California creating destinations out of historical buildings. Mayor Warren stated she believes that the community deserves a 5-star restaurant and the Council's responsibility is to represent the entire city.

The Public Hearing was closed.

**ACTION:** Motion was made by Mayor Warren, seconded by Mayor Pro Tem Armendarez, and passed by a vote of 3-1-1 to approve Public Hearing Item "B" (AYES: Warren, Armendarez, Roberts; NOES: Sandoval; ABSTAIN: Cothran) as follows:

1. Adopt **Resolution No. 2019-074** of the City Council of the City of Fontana, California, accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding an Operating Covenant Agreement by and between the City of Fontana and Fontana Woman's Club, a California Domestic Nonprofit;
2. Approve the Operating Covenant Agreement between the City of Fontana and the Fontana Woman's club, a California Domestic Nonprofit;
3. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreements;
4. Find that the Operating Covenant Agreement is exempt from CEQA review under Classes 31, 32, and 1 categorical exemptions based on the reasons and findings below;
5. Find that the exceptions to the categorical exemptions are inapplicable to the Operating Covenant Agreement;
6. Direct staff to prepare, execute and file a Notice of Exemption within five (5) working days after the City Council takes action on this item.

**C. Appeal No. 19-001: A Request to Overturn the Planning Commission's Decision on April 16, 2019, Approving Design Review No. 18-022 for a 192,794 sq. ft. Warehouse Building to be located at the Southeast Corner of Slover Avenue and Elm Avenue**

Mayor Warren opened Public Hearing Item PH-C

Associate Planner Rina Leung provided the staff report.

Brian Flynn spoke on the EIR and Addendum of the project and requested the City Council not approve the addendum.

The Public Hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed by a vote of 4-1 to approve Public Hearing Item "C" (AYES: Warren, Armendarez, Roberts, and Cothran; NOES: Sandoval) as follows:

Deny Appeal No. 19-001, upholding the Planning Commission's Decision on April 16, 2019, approving Design Review No. 18-022 along with the Adoption of an Addendum and Mitigation, Monitoring, and Reporting Program, (MMRP) to the SWIP Program Final Environmental Impact Report (FEIR) (SCH NO. 2009091089) for a warehouse distribution building totaling approximately 192,794 square feet on 8.72 adjusted gross acres located at 15521 Slover Avenue (Assessor's Parcel Number: 0237-091-07).

**NEW BUSINESS:**

## **A. Co-Sponsorships for Fiscal Year 2019/2020**

Community Services Supervisor Rob Bock presented the staff report.

**ACTION:** Motion was made by Mayor Warren, seconded by Council Member Sandoval , and passed by a vote of 5-0 to approve New Business Item "A" (AYES: Warren, Armendarez, Roberts, and Cothran: NOES: Sandoval) as follows:

1. Send the item back to Parks, Community and Human Services Commission to prioritize the list, and raise the co-sponsorship amount from \$37,500 to \$50,000-\$60,000; and
2. Approve items 4 and 8 from the list now due to timing concerns.

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

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

City Treasurer Kohler-Brooks wished City Clerk Tonia Lewis a happy birthday.

City Clerk Lewis thanked her staff for decorating her office.

Council Member Cothran welcomed Parks, Community and Human Services Commissioners Key and Jones to the meeting.

Mayor Pro Tem Armendarez wished everyone a good night.

Council Member Roberts wished everyone a good night.

Council Member Sandoval wished all fathers a Happy Father's Day.

Council Member Sandoval congratulated the Fontana Senior Softball Team for placing 2<sup>nd</sup> place at a tournament at Whittier Narrows.

Council Member Sandoval wished his granddaughter a happy birthday.

Council Member Sandoval spoke on the Memorial Day event at Green Acres Memorial Park.

Mayor Warren spoke on good things happening in the community.

Mayor Warren congratulated Mayor Pro Tem Armendarez and the Fontana Exchange Club on the successful Fontana Days event.

Mayor Warren thanked Council Member Cothran and Mayor Pro Tem Armendarez for joining her in the Run/Walk event.

Mayor Warren thanked Fontana Police Officers, Community Services, and the public for working so closely to help a man who collapsed after the race and provided an update



that the individual is doing fine now. Mayor Warren stated she is proud of the community for coming together and praying for the man that collapsed.

Mayor Warren spoke on the responsibility of not having anything historical abandoned or destroyed.

Mayor Warren spoke on continuing to monitor the earthquake activity in the City of Fontana and that the Emergency Operation Center is ready if there is an emergency. Mayor Warren encouraged all residents to be prepared for an emergency/disaster.

Mayor Warren spoke on honoring fathers that are no longer with us on Father's Day.

Mayor Warren reminded everyone to stay hydrated and cool in the hot weather, to especially take care of pets and children, and to use the Cooling Centers that are available.

**CITY MANAGER COMMUNICATIONS:**

**A. Report to City Council on Progress of Homelessness Efforts**

City Consultant Eric Gavin provided a report on his efforts to date in dealing with the homeless issues within the City of Fontana.


**B. City Manager Communications**

There were no City Manager communications received.

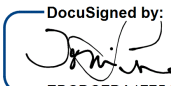
**ADJOURNMENT:**

A moment of silence was held for Gary Schneider, Charles William Fail, and Kent Taylor.

The meeting adjourned at 9:38 p.m. in memory of Gary Schneider, Charles William Fail, and Kent Taylor, to the Adjourned Regular City Council Meeting which will be held on Wednesday, June 19, 2016, at 6:00 p.m. in the Grover W. Taylor Council Chambers, located at 8353 Sierra Avenue, Fontana, California; and then to the next Regular City Council Meeting on Tuesday, June 25, 2019, 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.

DocuSigned by:  
  
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Karen Porlas  
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 25TH DAY OF JUNE, 2019.**

DocuSigned by:  
  
EBCDCFDA17754E5  
Tonia Lewis

City Clerk

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**Required hardware and software**

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> <li>•Allow per session cookies</li> <li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li> </ul>

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