

# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335



## Minutes

**Tuesday, July 25, 2023**

**7:00 PM**

**Grover W. Taylor Council Chambers**

## **City Council Meeting**

*Acquanetta Warren - Mayor*  
*Peter A. Garcia - Mayor Pro Tem*  
*John B. Roberts - Council Member*  
*Jesus "Jesse" Sandoval - Council Member*  
*Phillip Cothran - Council Member*  
*Germaine Key - City Clerk*  
*Janet Koehler-Brooks, City Treasurer*

## **WORKSHOP:**

### **A. 5:30 P.M. City Council Workshop**

The Workshop of the Fontana City Council was held on Tuesday, July 25, 2023, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335. Mayor Warren called the meeting to order at 5:32 p.m. with all members of the City Council present.

City Clerk Germaine Key and City Treasurer Janet Koehler-Brooks were also in attendance.

The Regular City Council meeting agenda was reviewed, and Mayor Warren requested to pull Consent Calendar Items 'H and AO" for staff presentation.

City Manager Ballantyne had no City Manager comments.

No public communications were received.

Jonathan Foster Davis & Farr and Chief Financial Officer, Jessica Brown provided a report on the Annual Comprehensive Financial and Single Audit.

Chief Financial Officer Brown also provided a report on the Fourth Quarter Budget Status.

The Workshop adjourned at 5:56 p.m.

## **CALL TO ORDER/ROLL CALL:**

### **A. 7:00 P.M. Call To Order/Roll Call:**

A Regular Meeting of the Fontana City Council was held in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, July 25<sup>th</sup>, 2023. Mayor Warren called the meeting to order at 7:06 p.m.

### **ROLL CALL:**

**PRESENT:** Mayor Warren, Mayor Pro Tem Garcia, Council Members Roberts, Sandoval and Cothran.

**ABSENT:** None

City Clerk Key and City Treasurer Koehler-Brooks were also in attendance.

## **INVOCATION/PLEDGE OF ALLEGIANCE:**

### **A. Invocation/Pledge of Allegiance:**

The invocation was given by Council Member Roberts, followed by the pledge of allegiance led by Mayor Pro Tem Garcia.

## **PROCLAMATION:**

- A.** Mayor Warren and City Council to proclaim August as Sickie Cell Trait Prevention Month (Sickie Cell Trait Prevention Founder and Executive Director, Farron Dozier, to accept).

Mayor Warren and City Council presented a proclamation to Sickie Cell Trait Prevention Founder and Executive Director Dozier.

- B.** Mayor Warren and City Council to proclaim August 1, 2023, as National Night Out (Chief Dorsey, to accept).

Mayor Warren and City Council proclaimed August 1, 2023, as National Night Out, Chief Dorsey accepted the proclamation.

## **SPECIAL PRESENTATIONS:**

Mayor Warren and City Council to recognize Officers Mario Mancha, Bradley Terwilliger, and Dispatcher II Lindsay Ernes as the Fontana Police Department's June 2023 Employees of the Month. Captain Stover to present (to Officers Mancha & Terwilliger) and Captain Binks (to present to Dispatcher II Lindsay Ernes).

Mayor Warren and City Council recognized the Fontana Police Department's June 2023 Employees of the Month.

Captain Stover shared a small clip of the body worn camera footage showing the Officers restrain and professionalism.

## **PUBLIC COMMUNICATIONS:**

### **A. Public Communications**

The following individuals spoke under public communications:

1. Kristen Malaby commented on warehouse related injuries and expressed her opposition against building more warehouse in the city.
2. Mark Richichi spoke on concerns regarding planned parenthood and commented on an article in "Life Sight News".
3. Joaquin Castillejos spoke in opposition to building warehouses in the city, and commented on concerns such as air quality, ozone pollution, truck traffic and truck trips.
4. Margarita Alducin spoke in opposition to the building of a planned parenthood clinic in the city.
5. Bobbi Jo Chavarria, Chair of the San Geronio Chapter of the Sierra Club, commented

on her review/response to a specific project and items listed on the 7-25-2023 City Council Agenda. Bobbi Jo noted that she made the 43-page response available to Mayor and City Council.

6. Ben commented on Consent Calendar Items “D” and “AK” and expressed his opinion regarding planned parenthood.
7. Gayle Hampton addressed City Council to consider and permit short term rentals.
8. Elizbeth Sena spoke in opposition of building more warehouse developments in the city and commented on the Sustainability Ordinance that was passed by City Council.

## **CONSENT CALENDAR:**

Mayor Warren requested that consent calendar items “H and AO” be pulled and have a separate motion following the discussion.

Prior to the motion being made, Mayor Warren and Council Member Cothran recused themselves from item “K” on the Consent Calendar.

**ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran and passed unanimously by a vote of 5-0 to approve the Consent Calendar items “A-G, I-AN and AP”, with Mayor Pro Tem Garcia and Council Member Sandoval voting NO on Consent Calendar Items “B” and “C”. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None ABSENT: None**

- |           |   |                |
|-----------|---|----------------|
| <b>A.</b> | Approval of Minutes<br>Approve the minutes of the July 11, 2023, City Council Meeting.  | <b>21-2325</b> |
| <b>B.</b> | Adoption of Ordinance No. 1916 (Second Reading)<br>Second Reading / <b>Ordinance No. 1916</b> , an Ordinance of the City Council of the City of Fontana, approving Zoning District Map Amendment (Zone Change) No. 21-007, to amend the Zoning District Map changing the Zoning Designation for APNs: 0239-151-19, -25, -26, and -36 from General Commercial (C-2) and Multi Family High Residential (R-5) to Light Industrial (M-1) for approximately 19.0 acres located south of Duncan Canyon Road and east of Sierra Avenue, and that the reading of the title constitutes the first reading thereof. | <b>21-2317</b> |
| <b>C.</b> | Adoption of Ordinance No. 1917 (Second Reading)<br>Second Reading of <b>Ordinance No. 1917</b> , an Ordinance of the City Council of the City of Fontana, approving Development Agreement No. 22-007 (Acacia Real Estate Group, Inc.)   | <b>21-2318</b> |
| <b>D.</b> | Approve the purchase of Three (3) Sewer Pumps for the future<br>Tamarind Lift Station Reconstruction Project.<br>1. Authorize the Sole Source purchase of the Flygt Sewer Pumps and accessories from Xylem Water Solutions USA, Inc. in the amount of \$137,775 plus applicable sales tax for the Tamarind Lift Station.  | <b>21-2308</b> |

2. Approve Public Works Department to continue standardizing the Flygt Pumps for the City's Sewer Lift Stations.
- E.** Police Department Donations Jan-June 2023 **21-2312**  
Accept monetary and gift donations from multiple donors including community programs, businesses, and citizens.
- F.** Measure I Five Year Local Street Capital Improvement Program **21-2313**  
Amendment and Annual Adoption  
Adopt **Resolution No. 2023-056**, approving an amendment to the Fiscal Years 2022/2023 - 2026/2027 Measure I Five Year Local Street Capital Improvement Program (CIP) and adopting the Measure I Five Year Local Street Capital Improvement for Fiscal Years 2023/2024 - 2027/2028.
- G.** Police Department Monthly Information Update **21-2321**  
Accept the Police Department monthly information update for June 2023.
- H.** Fontana Art Association General Cooperative Operating **21-2327**  
Agreement
1. Approve a one-year extension of the Art Association General Cooperative Operating Agreement between the Fontana Art Association (FAA) and the City of Fontana to operate the Koehler Gallery and provide cultural arts opportunities.
  2. Authorize the City Manager or designee to sign the agreement, all related documents, and any amendments for the term of the agreement.
- I.** Levy of a Special Tax in Community Facilities Districts **21-2324**  
(Maintenance) for Fiscal Year 2023-2024.  
Adopt **Resolution No. 2023-057**, Authorizing the Levy of a Special Tax within Community Facilities Districts (Maintenance) for Fiscal Year 2023-2024.
- J.** Levy of a Special Tax in Community Facilities District No. 7 **21-2328**  
(Country Club Estates) for Fiscal Year 2023-2024.  
Adopt **Resolution No. 2023-058**, of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 7 (Country Club Estates) for Fiscal Year 2023-2024.
- K.** Levy of a Special Tax in Community Facilities District No. 11 **21-2329**  
(Heritage West End) for Fiscal Year 2023-2024.  
Adopt **Resolution No. 2023-059**, of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 11 (Heritage West End) for Fiscal Year 2023-2024.
- L.** Levy of a Special Tax in Community Facilities District No. 12 **21-2330**  
(Sierra Lakes) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-060**, of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 12 (Sierra Lakes) for Fiscal Year 2023-2024.

- M.** Levy of a Special Tax in Community Facilities District No. 22 **21-2331**  
(Sierra Hills South) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-061**, of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 22 (Sierra Hills South) for Fiscal Year 2023-2024.

- N.** Levy of a Special Tax in Community Facilities District No. 31 **21-2332**  
(Citrus Heights North) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-062**, of the City Council of the City of Fontana, California, authorizing the Levy of a Special Tax in Community Facilities District No. 31 (Citrus Heights North) for Fiscal Year 2023-2024.

- O.** Levy of a Special Tax in Community Facilities District No. 37 **21-2333**  
(Montelago) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-063**, of the City Council of the City of Fontana, California, authorizing the Levy of Special Tax in Community Facilities District No. 37 (Montelago) for Fiscal Year 2023-2024.

- P.** Levy of a Special Tax in Community Facilities District No. 70 **21-2334**  
(Avellino) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-064**, of the City Council of the City of Fontana, California, authorizing the Levy of Special Tax in Community Facilities District No. 70 (Avellino) for Fiscal Year 2023-2024.

- Q.** Levy of a Special Tax in Community Facilities District No. 71 **21-2335**  
(Sierra Crest) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-065**, Authorizing the Levy of Special Tax in Community Facilities District No. 71 (Sierra Crest) for Fiscal Year 2023-2024.

- R.** Levy of a Special Tax in Community Facilities District No. 74B **21-2336**  
and 74M (Citrus/Summit) for Fiscal Year 2023-2024.

1. Adopt **Resolution No. 2023-066**, Authorizing the Levy of a Special Tax in Community Facilities District No. 74B (Citrus/Summit) for Fiscal Year 2023-2024.

2. Adopt **Resolution No. 2023-067**, Authorizing the Levy of a Special Tax in Community Facilities District No. 74M (Citrus/Summit) for Fiscal Year 2023-2024.

- S.** Levy of a Special Tax in Community Facilities District No. 80 **21-2337**  
(Bella Strada) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-068**, Authorizing the Levy of Special Tax in Community Facilities District No. 80 (Bella Strada) for Fiscal Year 2023-2024.

- T.** Levy of a Special Tax in Community Facilities District No. 81 (Gabriella) for Fiscal Year 2023-2024. **21-2338**  
Adopt **Resolution No. 2023-069**, Authorizing the Levy of Special Tax in Community Facilities District No. 81 (Gabriella) for Fiscal Year 2023-2024.
- U.** Levy of a Special Tax in Community Facilities District No. 85 (The Meadows) for Fiscal Year 2023-2024. **21-2339**  
Adopt **Resolution No. 2023-070**, Authorizing the Levy of Special Tax in Community Facilities District No. 85 (The Meadows) for Fiscal Year 2023-2024.  
Facilities District No. 86 **21-2340** (Etiwanda Ridge) for Fiscal Year 2023-2024.  
Adopt **Resolution No. 2023-071**, Authorizing the Levy of Special Tax in Community Facilities District No. 86 (Etiwanda Ridge) for Fiscal Year 2023-2024.
- W.** Levy of a Special Tax in Community Facilities District No. 87 (El Paseo) for Fiscal Year 2023-2024. **21-2341**  
Adopt **Resolution No. 2023-072**, Authorizing the Levy of Special Tax in Community Facilities District No. 87 (El Paseo) for Fiscal Year 2023-2024.
- X.** Levy of a Special Tax in Community Facilities District No. 88 (Sierra Crest II) for Fiscal Year 2023-2024. **21-2342**  
Adopt **Resolution No. 2023-073**, Authorizing the Levy of Special Tax in Community Facilities District No. 88 (Sierra Crest II) for Fiscal Year 2023-2024.
- Y.** Levy of a Special Tax in Community Facilities District No. 89 (Belrose) for Fiscal Year 2023-2024. **21-2343**  
Adopt **Resolution No. 2023-074**, Authorizing the Levy of Special Tax in Community Facilities District No. 89 (Belrose) for Fiscal Year 2023-2024.
- Z.** Levy of a Special Tax in Community Facilities District No. 90 (Summit @ Rosena Phase 1) for Fiscal Year 2023-2024. **21-2344**  
Adopt **Resolution No. 2023-075**, Authorizing the Levy of Special Tax in Community Facilities District No. 90 (Summit @ Rosena Phase 1) for Fiscal Year 2023-2024.
- AA.** Levy of a Special Tax in Community Facilities District No. 95 (Summit @ Rosena Phase 2) for Fiscal Year 2023-2024. **21-2345**  
Adopt **Resolution No. 2023-076**, Authorizing the Levy of Special Tax in Community Facilities District No. 95 (Summit @ Rosena Phase 2) for Fiscal Year 2023-2024.
- AB.** Levy of a Special Tax in Community Facilities District No. 100 (Victoria) for Fiscal Year 2023-2024. **21-2346**

Adopt **Resolution No. 2023-077**, Authorizing the Levy of Special Tax in Community Facilities District No. 100 (Victoria) for Fiscal Year 2023-2024.

- AC.** Levy of a Special Tax in Community Facilities District No. 106 **21-2347**  
(Mountainview) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-078**, Authorizing the Levy of Special Tax in Community Facilities District No.106 (Mountainview) for Fiscal Year 2023-2024.

- AD.** Levy of a Special Tax in Community Facilities District No. 1 **21-2349**  
(Southridge Village) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-079**, Authorizing the Levy of a Special Tax in Community Facilities District No. 1 (Southridge) for Fiscal Year 2023-2024.

- AE.** Levy of a Special Tax in Community Facilities District No. 99 **21-2350**  
(The Retreat) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-080**, Authorizing the Levy of Special Tax in Community Facilities District No. 99 (The Retreat) for Fiscal Year 2023-2024.

- AF.** Levy of a Special Tax in Community Facilities District No. 107 **21-2351**  
(Highland) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-081**, Authorizing the Levy of Special Tax in Community Facilities District No.107 (Highland) for Fiscal Year 2023-2024.

- AG.** Levy of a Special Tax in Community Facilities District No. 109 **21-2352**  
(Narra Hills) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-082**, Authorizing the Levy of Special Tax in Community Facilities District No. 109 (Narra Hills) for Fiscal Year 2023-2024.

- AH.** Levy of a Special Tax in Community Facilities District No. 111 **21-2353**  
(Monterado) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-083**, Authorizing the Levy of Special Tax in Community Facilities District No. 111 (Monterado) for Fiscal Year 2023-2024.

- AI.** Levy of a Special Tax in Community Facilities District No. 112 **21-2354**  
(The Gardens Phase One) for Fiscal Year 2023-2024.

Adopt **Resolution No. 2023-084**, Authorizing the Levy of Special Tax in Community Facilities District No. 112 (The Gardens Phase One) for Fiscal Year 2023-2024.

- AJ.** 2023-2024 Statement of Investment Policy **21-2348**  
Adopt the City of Fontana Statement of Investment Policy for Fiscal Year 2023-2024.

- AK.** Approve lease agreement, supportive service agreement and **21-2357**



property management agreements for Homekey and Family Homelessness Challenge Grant properties.

1. Approve and authorize the City Manager to execute the lease agreements with Water of Life Community Church for Homekey and Family Homelessness Challenge Grant properties.
2. Approve and authorize the City Manager to execute the supportive services agreements with Water of Life Community Church for Homekey and Family Homelessness Challenge Grant properties.
3. Approve and authorize the City Manager to execute the property management agreements with Quality Management Group for Homekey and Family Homelessness Challenge Grant properties.
4. Approve and Authorize the City Manager and/or his designee(s) to make non-material changes to these agreements and execute any future amendments to these agreements.

**AL.** Annual Comprehensive Financial Report for Fiscal Year Ended **21-2356**  
June 30, 2022 and Single Audit Report Fiscal Year Ended June 30, 2022.

1. Receive and File the City of Fontana's Annual Comprehensive Financial Report (ACFR) for Fiscal Year ended June 30, 2022.
2. Receive and File the City of Fontana's Single Audit Report (SAR) for Fiscal Year ended June 30, 2022.Recomm

**AM.** Fiscal Year 2022-23 Fourth Quarter Budget Status Report **21-2363**  
Approve Fourth Quarter Budget Status Report

**AN.** Approve contract adjustment for federal lobbying services with **21-2372**  
Smith, Dawson & Andrews (SDA).

Authorize the city manager to execute a contract agreement between the City of Fontana and Smith, Dawson & Andrews to continue services in support of the city's Washington, DC legislative initiatives in an amount not to exceed \$6,500 per month.

**AO.** Approve Amendment No. 2 to the Professional Services **21-2377**  
Agreement (MS-78-DS-23) for Branding, Marketing and Photography Services (Stage Red).

**AP.** Award a Contract for the acquisition and installation of **21-2378**  
furnishings and fixtures for Stage RED

1. Approve and authorize the City Manager to award and execute a contract with the lowest responsible/responsive bidder for the furnishings and fixtures related to the renovation of Stage RED (Bid No. DS-24-07-SP) in an amount not to exceed \$675,000.
2. Authorize the City Manager to execute any and all contract amendments on behalf of the City of Fontana for the furnishings and fixtures related to

the renovation of Stage RED.

3. Authorize the City Manager or his designee the authority to surplus and/or dispose of existing furnishings, fixtures, and audio-visual equipment that is not being reused as part of the renovation.

City Manager Matt Ballantyne provided City Council a staff report for consent calendar item “H”.

Council Member Sandoval requested clarification on the expiration date of the operating agreement.

Deputy City Manager Phil Burum provided City Council a staff report for consent calendar item “AO”, and answered questions of the City Council.

**ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran to adopt Consent Calendar Items H and AO, by an oral vote of 5-0. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None ABSENT: None**

## **PUBLIC HEARINGS:**

- A.** Third Combined General Plan Amendments and Projects for the **21-2227**  
3rd General Plan Cycle of 2023; Part No. 1 - Downtown Core Project and associated Environmental Impact Report, and Part No. 2 - The Heights at Southridge Project and associated Addendum to the Southridge Village Specific Plan Environmental Impact Report, and Part No. 3 - Citrus/Oleander Industrial Commerce Center Project and associated Environmental Impact Report.

### **Part No. 1 - Downtown Core Project**

Master Case No. 22-118: General Plan Amendment (GPA) No. 22-010 and Zoning Code Amendment (ZCA) No. 22-010 - General Plan Amendments and Zoning Code update to implement the new Downtown Core, bordered by Foothill Blvd. to the north, Randall Avenue to the south, Juniper Avenue to the west, and Mango Avenue to the east, to allow higher density residential and mixed-use development along with the ultimate creation of a pedestrian plaza in the Downtown area. The proposed General Plan and Zoning and Development Code amendments include new land use districts and associated development standards promoting housing density and a vibrant Downtown with added residential development, amenities, attractive architecture and commercial development. An Environmental Impact Report (EIR) was prepared for the project.

1a) Adopt **Resolution No. 2023-086**, (Part No. 1 of General Plan Amendment cycle No. 3 of 2023,) a Resolution of the City Council of the City of Fontana certifying the Final Environmental Impact Report (FEIR), (State

Clearinghouse No. 2022110624), adopting a Statement of Overriding Consideration and a Mitigation Monitoring and Reporting Program and a Statement of Facts and Findings and directing staff to file a Notice of

Determination; approving General Plan Amendment No. 22-010 (Part No. 1 of General Plan Amendment cycle No. 3 of 2023) amending the General Plan Land Use designation on approximately 478 acres from Walkable Mixed Use Corridor & Downtown (WMXU-1) and Residential Single Family (R-SF) to Walkable Mixed Use Downtown Core (WMXU-3) and modifying the text of Chapter 9 (Community Mobility and Circulation) to reflect implementation of a pedestrian plaza on Sierra Avenue, Chapter 14 (Downtown Area Plan) to establish the goals and actions for the Downtown area and 15 (Land Use, Zoning, and Urban Design) to establish the Walkable Mixed Use Downtown Core (WMXU-3); and,

1b) Read by title only and waive further reading of and introduce **Ordinance No. 1923**, an Ordinance of the City Council of the City of Fontana, approving a Zoning Code Amendment (ZCA No. 22-010) establishing new zoning districts within the Downtown Core and amending the text of the Zoning and Development Code to set development standards for the Downtown Core area.

Prior to city staff providing the staff report, Council Member Cothran recused himself due to proximity of his property lease in the Downtown Area.

Associate Planner, Alejandro Rico, provided the staff report and answered questions of the City Council.

City Council and staff discussed the types of community outreach that were offered to city residents.

The City Clerk's Department received two (2) written correspondences in opposition of this item and one (1) in support.

Mayor Warren opened the public hearing.

The following individuals spoke in opposition of the item:

1. Joaquin Castillegos
2. Ben
3. Bobbi Jo Chavarria

The following individuals spoke in favor of the item:

1. Karen Daniel

Mayor Warren closed the public hearing.

Mayor Warren briefly commented on how long the survey was available to the community, the number of residents that have been part of the committee meetings, ongoing discussions, and resident requests to have a destination site in the city.

Mayor Pro Tem Garcia requested that Deputy City Manager, Phillip Burum speak in regards to the Parking Garage project, the new plan and how its foundation will be key to a successful Downtown Development.

**ACTION: Mayor Warren called for the vote to approve staff recommendation for Public Hearing Item “A”, Part No. 1 - Downtown Core Project, and passed by an oral vote of 3-1 as follows: AYES: Warren, Garcia, and Roberts; NOES Sandoval ; ABSTAIN: None**

## **Part No. 2 - The Heights at Southridge Project**

Master Case No. 22-084: General Plan Amendment No. 22-008, Specific Plan Amendment No. 22-004, Tentative Parcel Map No. 20565 (TPM No. 22-018), Tentative Tract Map No. 20568 (TTM No. 22-007), Design Review No. 22-043, and Administrative Site Plan No. 23-014 - Amendment of the subject site's land use designation for approximately 37.32 adjusted gross acres which includes five parcels; Site No. 1 from Recreational Facilities (P-R) to Medium Residential (R-M), Site No. 2 from Open Space (OS) to Medium Density Residential (R-M), Site No. 3 from OS to General Commercial (C-G), Site No. 4 from C-G to Public Facilities (P-PF), and Site No. 5 from OS to Residential Planned Community (R-PC) and proposed development of 255 condominium units (147 detached Cluster Homes units and 108 detached Stub Drive units), with various amenities and a public park within a 54 acre project area (37.32 acre development site), and associated Addendum to the Southridge Village Specific Plan Environmental Impact Report.

2a) Adopt **Resolution No. 2023-085**, (Part No.2 of General Plan Amendment Cycle No. 3 of 2023,) a Resolution of the City Council of the City of Fontana approving an Addendum to the Southridge Village Specific Plan Environmental Impact Report No. 81-3 (State Clearinghouse [SCH] No. 81052210) for The Heights at Southridge Project pursuant to Sections 15162 and 15164 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.06 of the City of Fontana's 2019 Local CEQA Guidelines and directing staff to file a Notice of Determination; approving General Plan Amendment No. 22-008 (Part No. 2 of General Plan Amendment cycle No. 3 of 2023) amending the General Plan Land Use designation on approximately 58 adjusted gross acres (APNs: 0237-411-13, -14, and -27, 0237-201-27, 0237-441-01 through -19) including Site No. 1 from Recreational Facilities (P-R) to Medium Residential (R-M), Site No. 2 from Open Space (OS) to Medium Density Residential (R-M), Site No. 3 from OS to General Commercial (C-G), Site No. 4 from C-G to Public Facilities (P-PF), and Site No. 5 from OS to Residential Planned Community (R-PC); approving Specific

Plan Amendment No. 22-004 to amend Planning Area 56 from Bird Farm (BF). Planning Area 66A from Quarry (Q) to Entry Estates/Duplex, which is a Medium Density Residential land use category with a maximum density of 8 dwelling units per acre for approximately 37.32 acres, and modifying the development standards within the Medium Density Residential Zoning District, located south of Village Drive and east of Live Oak Avenue; approving Tentative Parcel Map No. 20565 (TPM No. 22-018) to subdivide two existing parcels into four parcels; approving Tentative Tract Map No. 20568 (TTM No. 22-007) to divide one existing lot into 255 lots for condominium purposes; and approving Design Review No. 22-043 and Administrative Site Plan No. 23-014 for site and architectural review for the development of 255 condominium units (147 detached Cluster Homes units and 108 detached Stub Drive units) and associated amenities and the development of a park site within a 37.32-acre site and associated improvements, respectively and subject to the Conditions of Approval; and,

Senior Planner, Salvador Quintanilla, provided the staff report and answered questions of the City Council.

City Council and staff briefly discussed the number of condominiums that are included as part of the project and the number of parking per garage.

Mayor Warren opened the public hearing.

The City Clerk's Department received three (3) written correspondences in opposition of this item and one (1) in support.

The following individuals spoke in opposition of the item:

1. Edgar Roldan
2. Damien Mejia
3. Elizabeth Sena
4. Jennifer Cardenas
5. Esther Roa
6. Noemi Harnea
7. Ben
8. Joaquin Castellejos
9. Bobbi Jo Chavarria
10. Marissa Martinez
11. Rafael Rios

The following individuals spoke in favor of the item:

1. Maritza Torres
2. Sharon Wu
3. Paul Herrera
4. Xavier Rodriguez

5. Steven Nava

Mayor Warren closed the public hearing.

**ACTION: Mayor Warren called for the vote to approve staff recommendation for Public Hearing Item “A”, Part No. 2”– The Heights at Southridge Park, and passed by an oral vote of 4-1 as follows: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None**

**Part No. 3 - Citrus/Oleander Industrial Commerce Center Project**

Master Case No. 21-053, Master Case No. 22-053: General Plan Amendment (GPA) No. 22-004, Zoning District Map Amendment (Zone Change) No. 22-005, Specific Plan Amendment (SPA) No. 22-002, Development Agreement (DA) No. 23-005, Tentative Parcel Map No. 20709 (TPM No. 22-009) (Building No. 1), Design Review (DRP) No. 22-029 (Building No. 1), Tentative Parcel Map 20708 (TPM No. 22-030) (Building No. 2), Design Review No. 22-061 (Building No. 2), Tentative Parcel Map 20707 (TPM No. 22-031) (Building No. 3), Design Review No. 22-062 (Building No. 3) - Amendment of the subject site's land use designation for approximately 29.4 adjusted gross acres (inclusive of a five-acre parcel that does not include development) from Residential Planned Community (R-PC) and Multiple-Family Medium/High Residential (R-MFMH) to General Industrial (I-G) and proposed site and architectural design for the development of three (3) industrial commerce center buildings totaling approximately 540,849 square feet, and associated Final Environmental Impact Report (EIR).

3a) Adopt **Resolution No. 2023-087**, (Part No. 3 of General Plan Amendment cycle No. 3 of 2023,) a Resolution of the City Council of the City of Fontana certifying the Final Environmental Impact Report (FEIR), (State Clearinghouse No. 2022110389), adopting a Statement of Overriding Consideration, a Mitigation Monitoring and Reporting Program, and a Statement of Facts and Findings, and directing staff to file a Notice of Determination; approving General Plan Amendment No. 22-004 (Part No. 3 of General Plan Amendment cycle No. 3 of 2023) amending the General Plan Land Use designation on approximately 29.4 adjusted gross acres (APNs 0255-011-13, -14, -15, -18, -19, -25, -26, -27, -28, -29, -30, -31, and -32, and 0255-021-17, -18, -22, -23, and -24 (inclusive of a five-acre parcel that does not include development) from Residential Planned Community (R-PC) and Multiple-Family Medium/High Residential (R-MFMH) to General Industrial (I-G) and approving Tentative Parcel Map No. 20709 (TPM No. 22-009) (Building No. 1), Tentative Parcel Map No. 20708 (TPM No. 22-030) (Building No. 2), and Tentative Parcel Map No. 20707 (TPM No. 22-031) (Building No. 3) to process three parcel maps to consolidate six (6) parcels into one parcel, to develop project sites for Building No. 1 and Building No. 2, and to consolidate five (5) parcels into one for the development of the project site for Building No. 3 respectively subject to conditions of approval, and approving

Design Review No. 22-029 (Building No. 1), Design Review No. 22-061 (Building No. 2), and Design Review No. 22-062 (Building No. 3) for the site and architecture review for three buildings totaling approximately 540,849 square feet and associated on-site and off-site improvements subject to the Conditions of Approval; and,

3b) Read by title only and waive further reading of and introduce **Ordinance No. 1924**, an Ordinance of the City Council of the City of Fontana, approving a Zoning District Map Amendment (Zone Change) No. 22-005 changing the zoning designation from Residential Planned Community (R-PC) and Multiple-Family Medium/High Density Residential (R-4) to Southwest Industrial Park (SWIP) Specific Plan, Slover East Industrial District for approximately 29.4 acres located west of Citrus Avenue, east and west of Oleander Avenue and north of Santa Ana Avenue, and that the reading of the title constitutes the first reading thereof; and,

3c) Read by title only and waive further reading of and introduce **Ordinance No. 1925**, an Ordinance of the City Council of the City of Fontana, approving a Specific Plan Amendment No. 22-002, to amend the Southwest Industrial Park (SWIP) Specific Plan Land Use Plan to expand the SWIP boundary to include the entire 29.4 acres located west of Citrus Avenue, east and west of Oleander Avenue and north of Santa Ana Avenue, and that the reading of the title constitutes the first reading thereof; and,

3d) Read by title only and waive further reading of and introduce **Ordinance No. 1926**, an Ordinance of the City Council of the City of Fontana, approving Development Agreement No. 23-005 for a public benefit fee.

Senior Planner, Salvador Quintanilla, provided the staff report and answered questions of the City Council. Senior Planner Quintanilla noted for the record a modification to the resolution for this project which was made available at the dais to City Council.

City Attorney, Ruben Duran, commented about late breaking developments and significant modifications that were made to the project that were not included in the items that were posted for public review. City Attorney Duran suggested that Senior Planner Quintanilla go over the items once more for clarity to the public.

City Attorney Duran also commented on the number of written correspondences that were received and assured the public that all items that were emailed were made available to City Council prior to the start of the meeting, and that all received items would be made part of the official record.

City Council and staff discussed the 45-foot buffer for the three (3) proposed projects, and Council Member Cothran recommended that the truck route be moved onto Santa Ana Avenue.

City Council requested clarification on building three (3) and the reasoning behind placing the loading docks facing Oleander Avenue. Council Member Cothran suggested placing the loading docks along Santa Ana Avenue.

Another discussion took place between City Council and the Project Engineer regarding converting Santa Ana Avenue to a truck route.

Lastly, City Council and staff discussed the undeveloped parcel and the possibility of it being developed a later time, details on the landscaping buffer, and pedestrian safety.

Senior Planner Quintanilla and City Attorney Duran explained the process of designating a certain portion of Santa Ana Avenue as a truck route. City Attorney Duran advised City Council that their approval be conditioned upon a subsequent General Plan Amendment.

Mayor Warren opened the public hearing.

The City Clerk's Department received four (4) written correspondences in opposition of this item and three (3) in support.

The following individuals spoke in opposition of the item:

1. Michael Townsend
2. Maha Rizvi
3. Oscar Gonzalez
4. Joaquin Castellejos
5. Elizabeth Sena
6. Jennifer Cardenas
7. Bobbi Jo Chavarria
8. Damian Mejia
9. Rafael Rios

The following individuals spoke in favor of the item:

1. Jose Radilla
2. Bill Quisenberry
3. Josh Hayes- Mc Keinman
4. John Carlo
5. Amanda Morales
6. Beatriz Mora
7. Nathaniel Noriega
8. Danielle Holley
9. Luis Echeverria
10. Matt Slowik
11. Daniel Reid
12. Jim Tusko



Mayor Warren closed the public hearing.

Mayor Warren addressed several public comments and provided a brief response to the public.

City Attorney Duran noted that, with the direction of the City Council he would work with city staff to amend documents related to this project.

City Attorney Duran also directed City Council to confirm with project developers to assure they are in agreeance to the mentioned changes.

**ACTION: Mayor Warren called the vote to approve staff recommendation for Public Hearing Item “A”, Part No. 3 - Citrus/Oleander Industrial Commerce Center Project, and failed to pass by an oral vote of 2-3 as follows: AYES: Warren, Cothran; NOES: Sandoval, Roberts, and Garcia; ABSTAIN: None**

**B. Public Hearing to Establish Fiscal Year 2023-2024 Assessment Rates for Landscape and Lighting Maintenance Districts. 21-2355**

Mayor Warren opened the public hearing.

City Clerk Key noted for the record that the City Clerk’s Department received (1) written correspondence in opposition of this item.

Accountant II, Justin Marietta, provided the staff report.

Prior to the motion being taken, Mayor Warren and Council Member Cothran recused themselves from taking action on Public Hearing Item “B” due to residing within “LMD #2”.

The following individuals spoke in opposition of the item:

1. Bobbi Jo Chavarria

Mayor Pro Tem Garcia closed the public hearing.

Council and staff discussed the possibility of future public notices being sent out both in English and in Spanish.

**ACTION: Motion was made by Council Member Roberts, seconded by Council Member Sandoval, and passed by a vote of 3-0 to approve staff recommendation for Public Hearing Item “B” as follows:**

1. Adopt **Resolution No. 2023-090**, of the City Council of the City of

Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Landscape Maintenance District No. 1 (“LMD #1” throughout the City) for Fiscal Year 2023-2024.

2. Adopt **Resolution No. 2023-091**, of the City Council of the City of Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Landscape Maintenance District No. 2 (“LMD #2” Village of Heritage) for Fiscal Year 2023-2024.

3. Adopt **Resolution No. 2023-092**, of the City Council of the City of Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Landscape Maintenance District No. 3 (“LMD #3” Hunter’s Ridge) for Fiscal Year 2023-2024.

4. Adopt **Resolution No. 2023-093**, of the City Council of the City of Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Landscape Maintenance District No. 3-1 (“LMD #3-1” Empire Center) for Fiscal Year 2023-2024.

5. Adopt **Resolution No. 2023-094**, of the City Council of the City of Fontana, California, Confirming a Diagram and Assessment, and Levying the Assessment for Local Lighting Maintenance District No. 3 (“LLMD #3” Hunter’s Ridge) for Fiscal Year 2023-2024.

**The motion carried by the following vote: AYES: Garcia, Roberts, and Sandoval: NOES: None; ABSTAIN: None**

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| <b>C.</b> | An Urgency Ordinance of the City Council of the City of Fontana in Accordance with Government Code Section 65858 Enacting for a Period of Forty-Five (45) Days a Moratorium on the Approval of any Building Permit, Occupancy Permit, Conditional Use Permit, Variance, Subdivision Map, Design Review or other Land Use Entitlement or Permit, or Regulatory License or Permit Required to Comply with the Provisions of the Municipal Code or Specific Plan for Service Based, Non-Entertainment Uses. | <b>21-2371</b> |
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Mayor Warren opened the public hearing.

City Clerk Key noted for the record that the City Clerk’s Department received one (1) written correspondence in opposition of this item.

Deputy City Manager, Phillip Burum, provided the staff report.

The following individuals spoke in opposition of the item:

1. Bobbi Jo Chavarria

Mayor Warren closed the public hearing.

Deputy City Manager Burum provided an explanation on the proposed moratorium and the city's opportunity to conduct a study.

**ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and unanimously passed by a vote of 5-0 to approve staff's recommendation as amended with the modified boundaries to Public Hearing Item "C" as follows:**

Waive the reading of the text in its entirety, read by title only, and adopt **Ordinance No. 1922**, "An Urgency Ordinance of the City Council of the City of Fontana in Accordance with Government Code Section 65858 Enacting for a Period of Forty-Five (45) Days a Moratorium on the Approval of any Building Permit, Occupancy Permit, Conditional Use Permit, Variance, Subdivision Map, Design Review or other Land Use Entitlement or Permit, or Regulatory License or Permit Required to Comply with the Provisions of the Municipal Code or Specific Plan for Service Based, Non-Entertainment Uses.

**The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval: NOES: None; ABSTAIN: None**

- D.** Third Amendment to Fontana Woman's Club Operating Covenant Agreement. **21-2373**

Prior to Mayor Warren opening the public hearing, Council Member Cothran recused himself due to proximity of his property lease to the Downtown Area.

Mayor Warren opened the public hearing.

City Clerk Key noted for the record that the City Clerk's Department received one (1) written correspondence in opposition of this item.

Deputy City Manager, Philip Burum, provided the staff report and answered questions of the City Council.

The following individuals spoke in opposition of the item:

1. Bobbi Jo Chavarria

Mayor Warren closed the public hearing.

City Attorney Duran clarified that the restaurant that is being proposed is not intended to be a membership only restaurant and will be open to the public.

**ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Roberts, and passed by a vote of 3-1 to approve staff recommendation for Public Hearing Item “D” as follows:**

1. Adopt **Resolution No. 2023-095**, of the City Council of the City of Fontana Approving the Third Amendment to the Operating Covenant Agreement Between the City and Fontana Woman’s Club, a California Domestic Nonprofit, to Bring Current the Installment Schedule as Set Forth in the Second Amended Operating Covenant and to Effectuate Conditions for Repayment Forgiveness Thereof.
2. Find that the amendment to the Operating Covenant Agreement is exempt from the California Environmental Quality Act Review (CEQA) under Sections 15301, 15331, and 15332 of the State CEQA Guidelines and direct staff to file the Notice of Exemption within five da

**The motion carried by the following vote: AYES: Warren, Garcia, and Roberts : NOES: Sandoval; ABSTAIN: None**

## **CITY MANAGER COMMUNICATIONS:**

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

No City Manager Communications were received.

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

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

City Treasurer Koehler-Brooks wished Mayor Warren a happy birthday.

City Clerk Key wished Mayor Warren a happy birthday and acknowledged the Community Service Department staff for putting on the recent Market Night Event, and shared her experience at the event with the public.

Council Member Cothran wished Mayor Warren a happy birthday and reminded the public of the upcoming National Night Out event.

Mayor Pro Tem Garcia wished Mayor Warren a happy birthday and thanked her for her service to the community; addressed public comments related to the Downtown area and expressed his confidence in moving in the right direction by approving steps in the process to make the Revitalization of Downtown a reality.

Council Member Roberts wished Mayor Warren a happy birthday and wished the public a good night.

Council Member Sandoval wished his wife Mary a happy birthday; commented on his decision not to support the Downtown Core, the Heights at Southridge and the Citrus/Oleander Industrial Commerce Center Projects and closed his comments by thanking the Fire and Police Departments for their actions and safety of the community during recent fires.

Mayor Warren commented on the availability of diverse housing and the grand opening of the Ventana homes; spoke about information that is made available to the community regarding projects and opportunities to develop small business in the downtown area.

Mayor Warren also spoke on her recent trip to Washington, D.C. where she requested city assistance for mental health clinicians; commented on her attendance to the Street Market Night event and thanked the public for attending the event. Lastly, she urged parents to speak to their children about the dangers of Fentanyl.

## **ADJOURNMENT:**

### **A. Adjournment**

Mayor Warren adjourned the meeting at 10:37 p.m. to the next City Council Meeting on Tuesday, September 12<sup>th</sup>, 2023, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

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Susana Gallardo  
Specialist to the Deputy City Clerk

**THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA CITY COUNCIL ON SEPTEMBER 12<sup>TH</sup>, 2023.**

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Germaine Key  
City Clerk