

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Ord. No.1958 Reso. No. 2024-115

Tuesday, October 22, 2024

2:00 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

Welcome to a meeting of the Fontana City Council.

Welcome to a meeting of the Fontana City Council. Meetings are held at the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335. To address the Council, please fill out a card located at the entrance to the right indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the City Clerk. Your name will be called when it is your turn to speak. In compliance with Americans with Disabilities Act of 1990 (42 USC § 12132), the Council Chambers is wheelchair accessible, and a portable microphone is available. Upon request, this agenda will be made available in appropriate alternative forms to persons with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990. Any person with a disability who requires accommodation to participate in a meeting should direct such a request to the City Clerk's Office at (909) 350-7602 at least 48 hours before the meeting, if possible. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the City Clerk's Office.

Para traducción en Español, comuníquese con la oficina, "City Clerk" al (909) 350-7602.

The City of Fontana is committed to ensuring a safe and secure environment for its residents to engage with the government. No oversized bags or backpacks (size limit of 14"x14"x6") will be allowed inside the Council Chambers. All bags are subject to search. Face masks are prohibited in the Council Chambers, but clear masks will be provided upon request to accommodate individuals with medical needs, ensuring their safety and well-being. Before entering the Council Chambers, you may be subject to a metal detector screening. The City Manager retains the discretion to grant any exemptions. Fontana aims to provide safe buildings for our community members, employees, and visitors.

PUBLIC COMMUNICATION - CLOSED SESSION:

This is an opportunity for citizens to speak to the City Council for up to 3 minutes on the following Closed Session. The Mayor and City Council reserve the right to adjust this time limit based on the number of speakers who wish to address the Mayor and City Council.

A. Public Communications - Closed Session**CLOSED SESSION:****A. 1:00 P.M. CLOSED SESSION****A. 1. CONFERENCE WITH LEGAL COUNSEL - EXISTING [21-3378](#)
LITIGATION**

(Gov. Code Section 54956.9(d)(1))

Name of Case: VANESSA HENDERSON V. CITY OF
FONTANA, CASE NO. CIVSB2405694

**2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION**

(Government Code section 54956.9(d)(4))

Initiation of litigation: One Potential Case**3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION****(Gov. Code Section 54956.9(d)(1))****Name of Case: Planned Parenthood/Orange and San Bernardino Counties, Inc. vs. City of Fontana****CALL TO ORDER/ROLL CALL:**

- A. Call To Order/Roll Call:

INVOCATION/PLEDGE OF ALLEGIANCE:

- A. Invocation/Pledge of Allegiance:

PROCLAMATION:

- A. Proclamation

- A. 1. Mayor Warren and City Council to proclaim October as [21-3353](#)
National Manufacturing Month (representative from
California Manufacturing Technology Consulting, Cynthia
Amador to accept).

SPECIAL PRESENTATIONS:

- A. Special Presentations

- A. 1. Mayor Warren and City Council to recognize, Sergeant [21-3354](#)
Tyler Burton, Corporal Katie Beebe, and Officers Samuel
Saenz, Christopher Oropesa, Hector Iniguez, Luke Gober,
and Derrick Tamanaha as September 2024 Employees of
the Month (Captain Burton to present).

PUBLIC COMMUNICATIONS:

This is an opportunity for members of the public to address the City Council for up to three (3) minutes total on items either on the Agenda or items not on the Agenda, but within the City Council's jurisdiction. Note that Public Hearing items have individual and specific public input opportunities during the public hearing and testimony on those items will only be taken during the public hearing. The Council is prohibited by law from discussing or taking immediate action on non-agendized items. The Mayor and City Council reserve the right to adjust this time limit based on the number of speakers who wish to address the Mayor and City Council.

- A. Public Communications

CONSENT CALENDAR:

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for discussion.

Approve Consent Calendar Items as recommended by staff.

A. Approval of Minutes [21-3352](#)

Approve the minutes of the October 8, 2024, Regular City Council Meeting.

Attachments: [City Council Meeting Minutes 10-08-2024.pdf](#)

B. Final Acceptance of the Jurupa Avenue Landscape Median Project [21-3310](#)

Accept as complete the work performed by KASA Construction, Inc. for the construction of the Jurupa Avenue Landscape Median Project (#37600020).

Attachments: [Vicinity Map](#)

C. Acceptance of Final Map for Tract No. 20431 [21-3330](#)

1. Approve the Final Map for Tract No. 20431, located on the west side of Cherry Avenue and south of Foothill Boulevard; accept as public dedicated street and easements; and
2. Authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

Attachments: [TRACT 20431 - VICINITY MAP.pdf](#)
[TRACT 20431 - SUBDIVISION IMPROVEMENT AGREEMENT WITH BONDS.pdf](#)
[TRACT 20431 - FINAL MAP.pdf](#)

D. Final Acceptance of Street, Storm Drain, Sewer, Landscape, and Signing & Striping Improvements on the northeast corner of Summit Avenue and Citrus Avenue for Tract No. 18825-1 [21-3332](#)

1. Accept as complete the street, storm drain, sewer, landscape, and signing & striping improvements for Tract No. 18825-1, located on the northeast corner of Summit Avenue and Citrus Avenue.
2. Adopt **Resolution No. 2024-115**, accepting sewers in Tract No. 18825-1 as part of the City sewer system.

Attachments: [TR 18825-1 VICINITY MAP.pdf](#)
[TR 18825-1 MAP.pdf](#)
[TR 18825-1 BOND AND SUBDIVISION IMPROVEMENT AGREEMENT.pdf](#)
[TR 18825-1 - SEWER ACCEPTANCE RESOLUTION.docx](#)

- E. Final Acceptance of the Randall Avenue Street Improvement Project, from Catawba Avenue to Citrus Avenue** [21-3348](#)
- Accept as complete the work performed by Matich Corporation for the Randall Avenue Street Improvement Project, from Catawba Avenue to Citrus Avenue (#37600048)
- Attachments:** [Randall Ave Proj Vicinity Map.pdf](#)
- F. Repayment of a loan issued from the City of Fontana to the Stage Red Enterprise Account** [21-3349](#)
- Approving the MOU for the repayment of a seven hundred fifty thousand dollar (\$750,000) inter-city loan from the City of Fontana General Fund to the Stage Red Enterprise Fund.
- Attachments:** [MEMORANDUM OF UNDERSTANDING CONCERNING STAGE RED LOAN.docx](#)
- G. Authorization to Share Data with California Franchise Tax Board** [21-3368](#)
- Adopt **Resolution No. 2024-116** of the City Council of the City of Fontana authorizing the City Manager to execute an agreement between the City of Fontana and the State of California Franchise Tax Board in the Local Government Sharing Program.
- Attachments:** [FTB Agreement Resolution March 2024.docx](#)
- H. Accept Donation from San Bernardino County Second District Supervisor, Jesse Armendarez (2024 Veterans Day Celebration)** [21-3371](#)
- Accept donation from San Bernardino County Second District Supervisor, Jesse Armendarez in the amount of \$1,000 for use towards the 2024 Veterans Day Celebration.
- Attachments:** [101024 SBC Second District Supervisor, Jesse Armendarez \(Veterans Day Celebration\).pdf](#)
- I. Accept Donation from Fontana Unified School Board Member, Adam Perez (2024 Veterans Day Celebration)** [21-3372](#)
- Accept donation from Fontana School Board Member, Adam Perez in the amount of \$1,000.00 for use towards the 2024 Veterans Day Celebration.
- Attachments:** [101024 Fontana School Board Member, Adam Perez \(Veterans Day Celebration\).pdf](#)
- J. Proposed Business License Fee Waiver** [21-3380](#)

Consider proposal to waive delinquency fee

K. A Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Aman Brar for Assessor Parcel Number 0236-052-47. [21-3382](#)

1. Staff recommends that the City Council approve the Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Aman Brar for Assessor Parcel Number 0236-052-47.
2. Authorize the City Manager, or his designees, to sign and approve the Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Aman Brar for Assessor Parcel Number 0236-052-47.

Attachments: [Fontana -- Aman Bar Fee in Lieu Agreement Reso.-c1.doc](#)
[Aman Brar at South. Lien for Sum in Lieu of Undergrounding Utilities Agreement \(003\)-c1.docx](#)
[Aman Brar at South- Deferral and Lien Agreement \(Undergrounding Utilities\)-c1.doc](#)

L. A Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Jadel Enterprises, LLC for Assessor Parcel Number 0236-081-48. [21-3383](#)

1. Staff recommends that the City Council approve the Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Jadel Enterprises, LLC for Assessor Parcel Number 0236-081-48.
2. Authorize the City Manager, or his designees, to sign and approve the Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Jadel Enterprises, LLC for Assessor Parcel Number 0236-081-48.

Attachments: [Jadel Enterprises Fee In Lieu Reso.-c1.docx](#)
[Jadel Enterprises LLC. Lien for Sum in Lieu of Undergrounding Utilities Agreement-c1.docx](#)
[Jadel Enterprises, LLC- Deferral and Lien Agreement \(Undergrounding Utilities\)-c1.doc](#)

PUBLIC HEARINGS:

To speak on Public Hearing Items, submit comments via e-mail at publiccomments@fontanaca.gov. In the subject of your e-mail please indicate whether you are in favor or opposition of the item. Comments must be received no later than 12:00 P.M. on the day of the meeting. Comments of no more than three (3) minutes will be read into the record at the appropriate time during the meeting. If you challenge in court any action taken

concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at, or prior to, the Public Hearing.

All Public Hearings will be conducted following this format:

- (a) hearing opened
- (b) written communication
- (c) council/staff comments
- (d) applicant comments (applicant not limited to 5 minutes)
- (e) oral - favor
- (f) oral - opposition
- (g) hearing closed

A. Request to Continue the Public Hearing, Election, and Resolutions on Formation of the City of Fontana Community Facilities District No. 115M (Parcel Map No. 19156) [21-3355](#)

Staff recommends that the City Council open and continue the public hearing on the formation of the City of Fontana Community Facilities District No. 115M, County of San Bernardino, State of California ("CFD No. 115M"), to the December 10, 2024 City Council meeting.

B. Public Hearing, Election, and Resolutions on Formation of Community Facilities District No. 116M (Tract Map No. 20511) [21-3356](#)

Immediately after conducting a Public Hearing on the formation of the City of Fontana Community Facilities District No. 116M, County of San Bernardino, State of California (the "District" or "Community Facilities District No. 116M"), staff recommends the City Council take the following actions in the following order:

1. Adopt **Resolution No. 2024-117**, Establishing the City of Fontana Community Facilities District No.116M and the Boundaries thereof (the "Resolution of Formation").
2. Adopt **Resolution No. 2024-118**, Calling a Special Election and Submitting to the Voters of Community Facilities District No. 116M a Proposition Regarding the Annual Levy of Special Taxes within Community Facilities District No. 116M to Pay the Costs of Certain Services to be Provided by Community Facilities District No. 116M and a Proposition Establishing an Appropriations Limit for Community Facilities District No. 116M (the "Resolution Calling the Election").
3. Conduct the Special Election.
4. Adopt **Resolution No. 2024-119**, Declaring the Results of the Special Election for Community Facilities District No. 116M on the Propositions with Respect to (i) the Annual Levy of Special Taxes to Pay the Costs of Certain Services to be provided by Community Facilities District No. 116M

and (ii) the Establishment of an Appropriations Limit (the “Resolution Declaring Election Results”).

5. Conduct First Reading (Read title only, and waive further reading) of **Ordinance No. 1958**, Authorizing the Levy of a Special Tax within Community Facilities District No. 116M (the “Ordinance”).

Attachments: [Resolution of Formation](#)
[Resolution Calling Election](#)
[Resolution Declaring Election Results](#)
[Ordinance](#)
[CFD Report](#)

NEW BUSINESS:

A. New Business

A. Fiscal Year 2024-25 First Quarter Budget Status Report [21-3344](#)

Approve the recommended Fiscal Year 2024-25 First Quarter Budget adjustments.

Attachments: [FY24-25 First Quarter Budget Status Report.pdf](#)

B. Issuance of Special Tax Bonds for CFD #112 (The Gardens Phase One) [21-3358](#)

Adopt **Resolution No. 2024-120**, of the City Council of the City of Fontana authorizing the issuance of City of Fontana Community Facilities District No. 112 (The Gardens Phase One) Special Tax Bonds, Series 2024, in an aggregate principal amount of not to exceed \$32,000,000, authorizing the execution and delivery of an Indenture, a Bond Purchase Agreement and a Continuing Disclosure Agreement, authorizing the distribution of an Official Statement in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

Attachments: [Resolution](#)
[Indenture](#)
[Continuing Disclosure Agreement](#)
[Bond Purchase Agreement](#)
[Official Statement](#)
[Appraisal Report](#)

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

- A. Elected Officials Communications/Reports

ADJOURNMENT:

- A. Adjournment

Adjourn to the next Regular City Council Meeting on November 12, 2024 at 2:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.