

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, November 14, 2023

7:00 PM

Grover W. Taylor Council Chambers

City Council and Fontana Housing Authority Meeting

Acquanetta Warren – Mayor/Authority Member

Peter A. Garcia - Mayor Pro Tem/Chairperson

John B. Roberts - Council Member/Vice-Chairperson

Jesus "Jesse" Sandoval - Council Member/Authority Member

Phillip Cothran - Council Member/Authority Member

Germaine Key - City Clerk/Authority Secretary

Janet Koehler-Brooks, City Treasurer

PUBLIC COMMUNICATION - CLOSED SESSION:

There were no public communications received for the following items:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: 16860 Arrow Blvd. APN 0191163240000

City Negotiator: Matt Ballantyne, City Manager

Negotiating Party: SA Golden Investments

Under Negotiation: Terms of Sale and Payment

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

The Closed Session meeting of the Fontana City Council was held in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, November 14, 2023.

Mayor Warren called the meeting to order at 6:01 p.m., with all members of the City Council present.

CALL TO ORDER/ROLL CALL:

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

The Regular Meeting of the Fontana City Council and Fontana Housing Authority was held in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, November 14, 2023.

Mayor Warren called the Regular City Council Meeting to order at 7:05 p.m.

Chairperson Garcia called the Fontana Housing Authority Meeting to order at 7:05 p.m.

ROLL CALL:

PRESENT: Mayor/Authority Member Warren, Mayor Pro Tem/Chair Garcia, Council Member/Vice-Chair Roberts, Council Members/Authority Members Sandoval and Cothran.

ABSENT: None

City Treasurer Janet Koehler-Brooks and City Clerk/Authority Secretary Germaine Key were absent.

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.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

1. Daniel Vasquez spoke in support of street vendor enforcement.
2. Danielle Holley of the Fontana Chamber of Commerce spoke in support of Latino small businesses who operated legally.
3. A representative from the Latino Small Business Alliance spoke in support of Latino small businesses who operated legally.
4. Stacy Ramos spoke in opposition of Consent Calendar Item L.
5. Lorraine Enriquez spoke in opposition of Consent Calendar Item L.
6. Edin Enamorado spoke in support of street vendors.
7. Jessica Alocer spoke in opposition of Consent Calendar Item L.
8. Ana Gonzalez spoke in opposition of Consent Calendar Item L.
9. Alma Trejo of the Inland Empire Immigrant Youth Collective spoke in opposition of Consent Calendar Item L.
10. Rene Curiel spoke in opposition of Consent Calendar Item L.
11. Eliza Kirk of the Inland Coalition for Immigrant Justice spoke in opposition of Consent Calendar Item L.
12. Husam Suleiman of the Arkahmon Islamic Center spoke in opposition of Consent Calendar Item L.
13. Alfonso Martinez spoke in opposition of Consent Calendar Item L.
14. Elizabeth Sena spoke in opposition of Consent Calendar Item L.
15. Andrea Ortega spoke in opposition of Consent Calendar Item L.
16. Alex Mendez spoke in support of street vendors.
17. Joaquin Castillegos spoke in opposition of Consent Calendar Item L.
18. Sheila Briano spoke in support of street vendors.
19. Michael Townsend on behalf of Assembly Member Eloise Gomez Reyes spoke in opposition of Consent Calendar Item L.

20. Estie spoke in support of street vendors.
21. Rudy Castro of the Civil Review Board discussed concerns with homelessness and in support of street vendors.
22. Abby Amesquita spoke in support of street vendors.
23. David Escamilla spoke in opposition of Consent Calendar Item L.
24. Crystal Calvillo spoke in opposition of Consent Calendar Item L.
25. Veronica Ferias spoke in opposition of Consent Calendar Item L.
26. Aquanett Palpelo spoke in support of street vendors.

RECESS:

Mayor Warren called for a recess at 7:58 p.m.

The meeting reconvened at 8:00 p.m. with all members present.

PUBLIC COMMUNICATIONS - CONTINUED:

27. JoJo spoke in support of street vendors.
28. Jason Garcia spoke opposition of Consent Calendar Item L.
29. Xipe spoke in support of street vendors.
30. Oskar Zambrano discussed concerns with warehouses being located near local schools.
31. Angelina Matias spoke in opposition of Consent Calendar Item L.
32. Librado Castillo spoke in opposition of Consent Calendar Item L.
33. Manuel Tadeo spoke in opposition of Consent Calendar Item L.
34. Junior Alfaro spoke in support of street vendors.
35. Yeni Linares spoke in support of street vendors.

RECESS:

Mayor Warren called for a recess at 8:19 p.m.

The meeting reconvened at 8:55 p.m. with all members present. Mayor Warren also stated that only the Council, staff and the members of the media were present.

CLOSED SESSION ANNOUNCEMENT:

A. Closed Session Announcement:

City Attorney Ruben Duran reported that the City Council met in Closed Session on the items listed on the agenda, provided direction to staff, and took no reportable action.

CONSENT CALENDAR:

Prior to the motion being made, Council Member Sandoval stated that he would be voting No on Consent Calendar Items "L" and "M."

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Garcia, and passed by a vote of 5-0 to approve the Consent Calendar Items "A-M" with Council Member Sandoval voting No on items "L" and "M." The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None ABSENT: None

A. Approval of Minutes 21-2597

Approve the minutes of the October 24, 2023, Regular City Council Meeting, and the October 30, 2023, Special City Council Meeting.

B. Approve Purchase of Motorola Portable Radios 21-2500

Approve the Sole Source of the APX6000 Motorola radios and accessories from Motorola Solutions in the amount of \$1,252,050 to be utilized on the County of San Bernardino's 800 MHz system. Radios to be utilized by Police Department Personnel.

Authorize the City Manager or his assigned designee to approve the purchase.

Authorize the Purchasing Division to issue purchase orders to the County of San Bernardino's vendor; Motorola Solutions to purchase the APX6000 Motorola radios with Asset Seizure Fund #223.

C. Award a Contract for the Tamarind and Industry Pump Station Improvement Project - Bid No. SB-148-PW-23. 21-2579

Award bid (SB-148-PW-23) and authorize the City Manager to enter into a contract with SCW Contracting Corporation for the Tamarind and Industry Pump Station Improvement Project in the amount of \$4,609,361.00 and authorize a 10% contingency in the amount of \$460,936.10.

Authorize an increase in expenditures of \$460,936.10 in the Sewer Fund 703 to be included in the Mid-Year Budget Status Report.

**D. Accept three (3) Community Project Funding Grants from The U.S. 21-2581
Department of Housing and Urban Development**

Accept the following Community Project Funding grant awards in the total amount of \$8,750,000:

Homeless Prevention Resource Center Grant in the amount of \$4,000,000
Pacific Electric Trail Improvement Project Grant in the amount of \$750,000
Courtplace Housing Development Grant in the amount of \$4,000,000

Authorize the City Manager to execute documents necessary to ensure the City's timely receipt of Community Project Funding grants.

**E. Accept Lead Hazard Reduction Grant Program from U.S. 21-2582
Department of Housing and Urban Development Office of Lead
Hazard Control and Healthy Homes**

Accept grant awards in the total amount of \$4,400,000, including Lead Hazard Reduction Grant in the amount of \$4,000,000 and Healthy Homes Supplemental Grant in the amount of \$400,000.

Authorize the City Manager to execute and transmit any documents necessary to ensure the City's timely receipt of Lead Hazard Reduction Grant and Healthy Homes Supplemental Grant.

**F. Final Acceptance of Street, Storm Drain, and Sewer Improvements 21-2592
on Lytle Creek Road for Tract No. 20018**

Accept as complete the street, storm drain, and sewer improvements on Lytle Creek Road for Tract No. 20018 located on the east side of Lytle Creek Road, north of Summit Avenue.

Adopt Resolution No. 2023-103, accepting sewer in Lytle Creek Road for Tract No. 20018 as part of the City sewer system.

**G. Award a Contract for the Cypress Center and Knopf Center Tenant 21-2595
Improvements Project.**

Award bid (PW-24-20-PW) and authorize the City Manager to execute a contract with Fidelity Builders of Glendale, CA in the amount of \$427,092.00 and authorize a 10% contingency in the amount of \$42,709.00.

**H. Final Acceptance of the Cherry at South Highland Interim Traffic 21-2596
Signal Project**

Accept as complete the work performed by Elecnor Belco Electric for the construction of the Cherry at South Highland Interim Traffic Signal Project (Project

37600030) and approve the final construction amount of \$290,433.01 (SB-110-DE-23).

I. Approve Joint Use Agreement with Southern California Edison 21-2607 Company.

Approve and authorize the City Manager to execute the Joint Use Agreement with Southern California Edison Company.

J. A Wastewater Agreement with the City of Rialto and Orangewood 21-2610 Mobile Home Park Asset Partners, LLP for the property located at 8787 Locust Avenue, Fontana, CA. APN 0246-191-30

Approve an Extraterritorial Wastewater Service Agreement with the City of Rialto and Orangewood Mobile Home Park Asset Partners, LLP for the property located at 8787 Locust Avenue, Fontana CA. APN 0246-191-30

Authorize the City Manager to execute all documents.

K. Co-Sponsorship Application Cycle (2) 2023/2024 21-2611

Review and approve (10) Co-Sponsorship recommendations for the second half of 2023/2024 fiscal year (January 2024 through June 2024) totaling an amount of \$26,740.00 as recommended by Parks, Community, and Human Services Commission.

L. Approve Resolution No. 2023-104, establishing an Impoundment 21-2612 Fee for Ordinance No. 1925

Approve the Resolution that establishes a fee to recoup costs of impounding and storage of confiscated items from unlicensed street vendors

M. Declaring Surplus Land - Property located at 8425 Cypress Avenue 21-2614

Approve Resolution No. 2023- 105, declaring that the City-owned property on Cypress Avenue, north of Arrow Boulevard (Assessor's Parcel Number 0191-121-40) is "Surplus Land" pursuant to the Surplus Land Act, Government Code Section 54220 Et Seq.; and approving the form of Notice of Availability.

Authorize the City Manager and/or his designee(s) to take all actions necessary or appropriate to comply with the Surplus Land Act.

NEW BUSINESS:

Mayor Warren called for rearranging the agenda stating that New Business Item "A" would be considered, and Public Hearing Items "A-D" would be adjourned to the following morning due to the disturbance that occurred.

A. New Business**A. Council Meeting Start Time****21-2619**

City Manager Matthew Ballantyne provided the staff report and stated that an earlier start time was being proposed due to disturbances at recent meetings along with safety concerns. Also noted that an earlier start time was not uncommon for larger agencies and provided a sample list of other agencies with earlier start times.

Mayor Warren stated that business needed to be conducted and safety concerns addressed. Mayor Warren also discussed other options for recognizing the youth and requested that the Council consider trying an earlier time.

Council Member Sandoval discussed concerns with recognizing the youth with an earlier meeting start time. Also noted that the City should not back down by changing the meeting time.

Mayor Pro Tem Garcia expressed support for an earlier meeting start time and appreciated Council Member Sandoval's concerns regarding recognizing the youth.

Council Member Cothran expressed support for trying an earlier start time and allowing staff to have a work-life balance and being home with their families during the evening. He also noted that he was always available to meet with constituents.

Council Member Roberts also supported trying an earlier meeting start time.

ACTION: Motion was made by Mayor Warren seconded by Council Member Roberts, and passed by a vote of 4-1 to approve New Business Item "A." The motion carried by the following vote: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None ABSENT: None

PUBLIC HEARINGS:

City Attorney Ruben Duran stated that due to a disturbance at tonight's meeting, the Council was unable to proceed with Public Hearing Items "A-D" as originally noticed. City Attorney Duran stated that Public Hearing Items "A-D" needed to be opened and then adjourned to a date and time established by the Council.

Public Hearing Item A:

Mayor Warren opened the Public Hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed unanimously by a vote of 5-0 to adjourn Public Hearing Item "A" to November 15, 2023, at 7:30 a.m. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None ABSENT: None

- A. Fourth Combined General Plan Amendments and Projects for the 4th General Plan Cycle of 2023; Part No. 1 - Merrill Land Use Redesignation and associated Mitigated Negative Declaration, Part No. 2 - Banana North Multi-Family Project and associated Mitigated Negative Declaration, Part No. 3 - Poplar South Distribution Center Project and associated Environmental Impact Report, Part No. 4 Arrow and Tokay Land Use Redesignation and associated Mitigated Negative Declaration, and Part No. 5 - Citrus/Oleander Industrial Commerce Center and associated Environmental Impact Report. 21-2440**

Part No. 1 - Merrill Land Use Redesignation

Master Case No. (MCN) 22-040, General Plan Amendment (GPA) 22-001, and Zoning District Map Amendment (ZCA) No. 22-001 to amend the General Plan land use designation of the project site of approximately 6.4 acres of land located north of Merrill Avenue between Alder Avenue and Laurel Avenue from Single-Family Residential (R-SF) to Multi-Family Medium/High Density Residential (R-MFMH) and Zoning District Map (ZCA) 22-001 to change the zoning from Single-Family Residential (R-1) to Multi-Family Medium/High Density Residential (R-4), pursuant to a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. No development is proposed as part of this project.

1a) Adopt Resolution No. 2023-106, (Part No. 1 of General Plan Amendment cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana adopting a Mitigated Negative Declaration, approving Mitigation Monitoring and Reporting Program and directing staff to file a Notice of Determination; approving General Plan Amendment No. 22-001 (Part No. 1 of General Plan Amendment cycle No. 4 of 2023) amending General Plan Exhibit 15.8 Chapter 15 (land Use, Zoning and Urban Design) of the General Plan Land Use Designation for APNs: 0246-151-50, -51, -52, -56, -71, and -77 on approximately 6.4 acres of land located north of Merrill Avenue between Alder Avenue and Laurel Avenue, from Single-Family Residential (R-SF) to Multi-Family Medium/High Density Residential (R-MFMH) and,

1b) 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 a Zoning District Map Amendment (ZCA No. 22-001) changing the zoning designation from Single-Family Residential (R-1) to Multi-Family Medium/High Density Residential (R-4) on approximately 6.4 acres located on the north side of Merrill, between Alder Avenue and Laurel Avenue; and that the reading of the title constitutes the first reading thereof.

Part No. 2 - Banana North Apartments

Master Case No. 22-037: General Plan Amendment (GPA) No. 22-005, Zoning District Map Amendment (ZCA) No. 22-006, Development Code Amendment (ZCA) No. 22-007, and Design Review Project (DRP) 22-020 - to change the

General Plan land use map, Exhibit No. 15.8 and Exhibit No. 15.9 from Single-Family Residential (R-SF), to Walkable Mixed Used Corridor and Downtown (WMXU-1), a Zoning District Map Amendment (ZCA) 22-006 to update the Zoning District Map from Single-Family Residential (R-1) to Form-Based Code (FBC), and a Zoning and Development Code Amendment (ZCA) 22-007 to change the Form-Based Code Map, Section No. 30-406, to identify the subject properties as Route 66 Gateway sub-district on APNs: 0230-041-33, -44, -52, -60, and -61 totaling approximately 2.4 adjusted gross acres, and Design Review Project (DRP) 22-020 to develop a new 24-unit apartment project on two (2) parcels, APNs 0230-041-52 and -60, totaling approximately 0.9 gross acres, pursuant to a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

2a) Adopt Resolution No. 2023-107, (Part No. 2 of General Plan Amendment Cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana approving the Mitigated Negative Declaration (MND) and with Mitigation Monitoring and Reporting Program (MMRP) pursuant to Section No. 15070 of the California Environmental Quality Act (CEQA) and Section No. 6.04 of the 2019 Local Guidelines for implementing CEQA, and approving a General Plan Amendment (GPA) 22-005 to change the General Plan land use map, Exhibit No. 15.8 and Exhibit No. 15.9, from Single-Family Residential (R-SF) to Walkable Mixed Used Corridor and Downtown (WMXU-1), for approximately 2.4 adjusted gross acres, and Design Review Project (DRP) 22-020 to develop a new 24-unit apartment project on two (2) parcels, APNs 0230-041-52 and -60, totaling approximately 0.9 adjusted gross acres and associated improvements, respectively, and subject to the Conditions of Approval; and,

2b) Read by title only and waive further reading of and introduce **Ordinance No. 1927**, an Ordinance of the City Council of the City of Fontana, approving a Zoning District Map Amendment (ZCA) No. 22-006 to update the Zoning District Map from Single-Family Residential (R-1) to Form-Based Code (FBC) for the project site that is comprised of five (5) existing parcels (APNs: 0230-041-33, -44, -52, -60, AND -61) located on the east side of Banana Avenue approximately 270 feet south of the southeast corner of the intersection of Foothill Boulevard and Banana Avenue, and that the reading of the title constitutes the first reading thereof; and,

2c) Read by title only and waive further reading of and introduce **Ordinance No. 1928**, an Ordinance of the City Council of the City of Fontana, approving a Development Code Amendment (ZCA) No. 22-007 to change the Form-Based Code Map, Section No. 30-406, to identify the subject properties as Route 66 Gateway sub-district for the project site that is comprised of five (5) existing parcels (APNs: 0230-041-33, -44, -52, -60, AND -61) located on the east side of Banana Avenue approximately 270 feet south of the southeast corner of the intersection of Foothill Boulevard and Banana Avenue; and that the reading of the title constitutes the first reading thereof.

Part No. 3 - Poplar South Distribution Center Project

Master Case No. 22-079: General Plan Amendment (GPA) No. 22-007, Specific Plan Amendment (SPA) No. 22-003, Development Agreement (AGR) No. 22-003, Tentative Parcel Map (TPM No. 20638) No. 22-016, Design Review (DRP) No. 22-040 - Amendment of the subject site's land use designations for approximately 18.8 adjusted gross acres from Residential Trucking (R-T) to General Industrial (I-G) and proposed site and architectural design for the development of an industrial commerce center building totaling approximately 490,565 square feet, and associated Final Environmental Impact Report (EIR).

3a) Adopt Resolution No. 2023-108, a Resolution of the City Council of the City of Fontana certifying the Final Environmental Impact Report (FEIR), (State Clearinghouse No. 2022090611), 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;

3b) Adopt Resolution No. 2023-109, (Part No. 3 of General Plan Amendment cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana approving General Plan Amendment No. 22-007 (Part No. 4 of General Plan Amendment cycle No. 4 of 2023) amending General Plan Exhibit 15.8 to change the General Plan Land Use designation on approximately 18.8 adjusted gross acres (APNs 0237-171-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -13, -14, -15, -6, -17, -18, -19, and 0237-172-01, -02, -03, -04, -05, -06, -07, -08, -09, -10, -11, -12, -19, -22, -23, -26, -27, -28, -30, -31, -32, 33) from Residential Trucking (R-T) to General Industrial (I-G) and approving Tentative Parcel Map No. 20638 (TPM No. 22-016) to process a parcel map to consolidate forty-one (41) parcels into one parcel to develop a project site and approving Design Review No. 22-040 for the site and architecture review for a building totaling approximately 490,565 square feet and associated on-site and off-site improvements subject to the Conditions of Approval; and,

3c) Read by title only and waive further reading of and introduce **Ordinance No. 1929**, an Ordinance of the City Council of the City of Fontana, approving a Specific Plan Amendment No. 22-003, to amend the Southwest Industrial Park (SWIP) Specific Plan Land Use Plan to change 18.8 acres located west of Catawba Avenue, east of Poplar Avenue and north and south of Rose Avenue from Residential Trucking District (RTD) to Slover East Industrial District (SED), 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. 1930**, an Ordinance of the City Council of the City of Fontana, approving Development Agreement No. 23-003 to include payment of a public benefit fee.

Part 4 - Arrow and Tokay Land Use Redesignation

Master Case No. (MCN) MCN23-092: General Plan Amendment (GPA) No. 23-003, Zoning District Map Amendment (ZCA) No. 23-004, and Development

Code Amendment (ZCA) No. 23-005 to amend the land use designation of the project site of approximately 25 acres of land located on the southwest corner of Arrow Boulevard and Tokay Avenue (which is divided into Sites A and B, consisting of four (4) parcels each) from Open Space (OS) to Light Industrial (I-L) and to include an Emergency Shelter Overlay District designation for Site A of the project; change the zoning from Open Space - Resource (OS-R) to Light Industrial (M-1) for the project site; and to add an Emergency Shelter Overlay District designation for Site A that is comprised of four (4) parcels, pursuant to a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. No development is proposed as part of this project.

4a) Adopt Resolution No. 2023-110, (Part No. 4 of General Plan Amendment cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and directing staff to file a Notice of Determination; approving General Plan Amendment No. 23-003 (Part No. 4 of General Plan Amendment cycle No. 4 of 2023) amending General Plan Exhibit 15.8 (Future Land Use Map) in Chapter 15 (Land Use, Zoning and Urban Design) of the General Plan to change the General Plan Land Use for the entire project site (Sites A and B - APNS: 0232-171-05, -06, -07, -08, -09, -12, -13, AND -14) comprised of approximately 25 acres from Open Space (OS) to Light Industrial (I-L) and to add an Emergency Shelter Overlay District designation on a portion of the project site comprised of four (4) parcels (Site A - APNS: 0232-171-05, -06, -07, AND -08) that includes approximately 7 acres; and,

4b) Read by title only and waive further reading of and introduce **Ordinance No. 1931**, an Ordinance of the City Council of the City of Fontana, approving a Zoning District Map Amendment (ZCA) No. 23 004 to change the zoning designation of the entire project site (Sites A and B APNS: 0232 171 05, 06, 07, 08, 09, 12, 13, AND 14) from Open Space Resource (OS R) to Light Industrial (M 1) comprised of approximately 25 acres and that the reading of the title constitutes the first reading thereof; and,

4c) Read by title only and waive further reading of and introduce Ordinance No. 1932, an Ordinance of the City Council of the City of Fontana, approving a Development Code Amendment (ZCA) No. 23 005 to amend Section 30 651(A), Figure 1 of the Zoning and Development Code to add an Emergency Shelter Overlay District designation to Site A comprised of four (4) parcels (APNs: 0232 171 05, 06, 07, and 08) that includes approximately 7 acres and that the reading of the title constitutes the first reading thereof.

Part No. 5 - Citrus/Oleander Industrial Commerce Center Project

**Master Case No. 23-100: Master Case No. 23-100:
Citrus/Oleander Industrial Commerce Center Environmental Impact Report (State Clearinghouse No. 2022110389), General Plan Amendment (GPA) No. 23-004, Zoning District Map Amendment (Zone Change) No. 23-006, Specific Plan Amendment (SPA) No. 23-004, Tentative Parcel Map No. 22-009R1 (TPM**

No. 20709) (Building No. 1), Design Review (DRP) No. 22-029R1 (Building No. 1), Tentative Parcel Map No. 22-030R1 (TPM No. 20708) (Building No. 2), Design Review No. 22-061R1 (Building No. 2), Tentative Parcel Map No. 22-031R1 (TPM No. 20707) (Building No. 3), Design Review No. 22-062R1 (Building No. 3), and Development Agreement (DA) No. 23-085, - Amendment of the subject site's General Plan 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 Density Residential (R-MFMH) to General Industrial (I-G), amendment of the Zoning District Map to change the project area zoning designation from Residential Planned Community and Multiple-Family Medium/High Density Residential (R-4) to Southwest Industrial Park (SWIP) Specific Plan for approximately 29.4 adjusted gross acres, amendment of the Southwest Industrial Park Specific Plan (SWIP) to expand the specific plan boundaries to include the project area and designate it as Slover East Industrial District (SED) for approximately 29.4 adjusted gross acres, tentative parcel maps for the consolidation of parcels, and proposed site and architectural design for the development of three (3) industrial commerce center buildings totaling approximately 532,104 square feet, Development Agreement for a public benefit fee, and associated Final Environmental Impact Report (EIR).

5a) Adopt Resolution No. 2023-111, a Resolution of the City Council of the City of Fontana certifying the Citrus/Oleander Industrial Commerce Center 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;

5b) Adopt Resolution No. 2023-112, (Part No. 5 of General Plan Amendment cycle No. 4 of 2023,) a Resolution of the City Council of the City of Fontana approving General Plan Amendment No. 23-004 (Part No. 5 of General Plan Amendment cycle No. 4 of 2023) amending General Plan Exhibit 15.8 to change 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. 22-009R1 (TPM No. 20709) to consolidate six (6) parcels into one parcel to develop the project site for Building No. 1; Tentative Parcel Map No. 22-030R1 (TPM No. 20708) to consolidate six (6) parcels into one parcel to develop the project site for Building No. 2; Tentative Parcel Map No. 22-031R1 (TPM No. 20707) to consolidate five (5) parcels into one to develop the project site for Building No. 3; Design Review No. 22-029R1 for the design of Building No. 1; Design Review No. 22-061R1 for the design of Building No. 2; and Design Review No. 22-062R1 for the design of Building No. 3, all totaling approximately 532,104 square feet and including associated on-site and off-site improvements subject to the Conditions of Approval; and,

5c) Read by title only and waive further reading of and introduce **Ordinance No.**

1933, an Ordinance of the City Council of the City of Fontana, approving, pursuant to the certified Environmental Impact Report for the Citrus/Oleander Industrial Commerce Center (State Clearinghouse No. 2022110389), Zoning District Map Amendment No. 23-006 to change the zoning designation for 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, including a five-acre parcel where no development is currently proposed, from Residential Planned Community (R-PC) and Multi-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,

5d) Read by title only and waive further reading of and introduce **Ordinance No. 1934**, an Ordinance of the City Council of the City of Fontana, approving a Specific Plan Amendment No. 23-004, 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,

5e) Read by title only and waive further reading of and introduce **Ordinance No. 1935**, an Ordinance of the City Council of the City of Fontana, approving Development Agreement No. 23-085 to include payment of public benefit fee in the amount of \$3,192,624.00 and payment of an additional \$1,500,000.00 to fund design and construction of an Action Sports Park at Martin Tudor Regional Park; and that the reading of the title constitutes the first reading thereof.

Public Hearing Item B:

Mayor Warren opened the Public Hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Sandoval, and passed unanimously by a vote of 5-0 to adjourn Public Hearing Item “B” to November 15, 2023, at 7:30 a.m. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None ABSENT: None

- B. Master Case No. 23-090 and Municipal Code Amendment No. 21-2539 23-003 - Fontana Municipal Code amendments to Chapter 30 (Zoning and Development Code), pursuant to a categorical exemption in accordance with CEQA Guidelines section 15060(c) and 15061(B)(3).**

1. Determine that this project is Categorically Exempt pursuant Sections 15060(c), 15061(B)(3) (the “common-sense” exemption), and 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; and,

2. Read by title only and waive further reading of and introduce **Ordinance No. 1936**, an Ordinance of the City Council of the City of Fontana approving Master Case No. 23-090 and Municipal Code Amendment No. 23-003 amending Chapter 30 that will modify multiple sections, including modification of appeal hearing timeframes, addition of language to provide for minor and major planned unit developments (PUDs), modification of language related to open space requirements, modification of garage door design requirements; inclusion of language to reduce landscape setback requirements to accommodate bus turn outs and deceleration lanes, addition of language to streamline development standards within Medium Density Residential (R-2) and Multiple Family (R-3) zoning districts, and additional recreational facilities options within the Multi-Family Medium/High Density (R-4) and Multi-Family High Density Residential (R-5) zoning districts; and the reading of the title constitutes the first thereof.

Public Hearing Item C:

Mayor Warren opened the Public Hearing.

ACTION: Motion was made by Council Member Sandoval, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to adjourn Public Hearing Item “C” to November 15, 2023, at 7:30 a.m. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None ABSENT: None

C. Master Case No. 23-098 and Municipal Code Amendment No. 21-2590 23-001 - Amendment to Fontana Municipal Code Chapter 9 to modify Article V (Industrial Commerce Centers Sustainability Standards), Section 9-71(f), pursuant to a categorical exemption in accordance with CEQA Guidelines section 15060(c), 15061(b)(3), 15307 and 15308.

Determine that this Ordinance is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c), 15061(b)(3) (the common-sense exemption), and Section No. 3.22 of the 2019 Local Guidelines for Implementing CEQA, in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment where it can be with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA and, alternatively, pursuant to CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), and Section No. 3.22 of the 2019 Local Guidelines for Implementing of CEQA, as implementation of this ordinance is to improve the environment; and,

Read by title only and waive further reading of and introduce **Ordinance No. 1937**, an Ordinance of the City Council of the City of Fontana approving Master Case No. 23-098 and Municipal Code Amendment No. 22-001 to amend Chapter 9 of the Municipal Code to modify Article V (Industrial Commerce Centers Sustainability Standards), Section 9-71(f) to prohibit loading docks, truck entries,

and truck drive aisles from abutting adjacent sensitive receptors to; and the reading of the title constitutes the first thereof.

Public Hearing Item D:

Mayor Warren opened the Public Hearing.

ACTION: Motion was made by Council Member/Authority Member Sandoval, seconded by Council Member/Authority Member Cothran, and passed unanimously by a vote of 5-0 to adjourn Public Hearing Item “D” to November 15, 2023, at 7:30 a.m. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None ABSENT: None

- D. Public Hearing and consideration of a Disposition and Development Agreement (“DDA”) between the City of Fontana, the Fontana Housing Authority and Fontana Courtplace I Housing Partners, L.P., for development of 1.94 acres of unimproved land located on Sierra Avenue, between Santa Ana Avenue to the north and Jurupa Avenue to the south (a portion of assessor parcel numbers 0255-101-22-0-000 and 0255-101-23-0-000)(“Property”) pursuant to California Environmental Quality Act findings concerning the adequacy of the previously adopted Mitigated Negative Declaration, and Mitigation, Monitoring, and Reporting Program. 21-2598**
1. Acting as the City Council, conduct a public hearing to consider protests to the conveyance of 1.94 acres of unimproved land located on Sierra Avenue, between Santa Ana Avenue to the north and Jurupa Avenue to the south (a portion of assessor parcel numbers 0255-101-22-0-000 and 0255-101-23-0-000) (“Property”); determine public interest and convenience require the sale of the Property;
 2. Acting as the City Council and Housing Authority Board of Directors, jointly adopt the Resolution Approving the Disposition and Development Agreement among the Fontana Housing Authority, City of Fontana and Fontana Courtplace I Housing Partners, L.P. for the sale of Property for the construction of a 50 unit affordable family-apartment housing project and adopt California Environmental Quality Act findings concerning the adequacy of the previously adopted Mitigated Negative Declaration, and Mitigation, Monitoring, and Reporting Program and direct staff to file a Notice of Determination.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Matthew Ballantyne did not have any comments.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

Council Member Cothran had no comments.

Mayor Pro Tem Garcia had no comments.

Council Member Roberts had no comments.

Council Member Sandoval had no comments.

Mayor Warren thanked City staff, the Fontana Police Department, the Fontana Chamber of Commerce, and all who spoke this evening. Also discussed the importance of supporting Latino small businesses and all businesses operating legally.

ADJOURNMENT:

A. Adjournment

The meeting adjourned at 9:15 p.m. to the Regular Meeting of the Fontana City Council and Fontana Housing Authority on November 15, 2023, at 7:30 a.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Christina Rudsell

Christina Rudsell
Deputy City Clerk

THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA CITY COUNCIL ON DECEMBER 12TH, 2023.

Germaine Key

Germaine Key
City Clerk

Certificate Of Completion

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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">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

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