

# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335



## Special Meeting

Ord. No. 1924 Reso. No. 2023-087

Tuesday, September 5, 2023

2:00 PM

Grover W. Taylor Council Chambers

## **Special 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 McClellan 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. A complete agenda packet is located in the binder on the table in the lobby of 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 Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335 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 a modification or accommodation in order 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 in the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335.

Traduccion en Español disponible a peticion. Favor de notificar al Departamento "City Clerk". Para mayor informacion, favor de marcar el numero (909) 350-7602.

**CALL TO ORDER/ROLL CALL:****A. Call To Order/Roll Call:****INVOCATION/PLEDGE OF ALLEGIANCE:****A. Invocation/Pledge of Allegiance:****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.

**A. Establish a decorum policy for City meetings and City facilities to create a safe and effective environment in which members of the public can participate and recreate** [21-2463](#)

- Adopt the Policy for the Use of City Facilities and Other Public Property
- Adopt the City Council Meeting Policy

**Attachments:** [Facility Decorum Policy-c1.pdf](#)  
[Decorum Policy-c1.pdf](#)

**B. Contract amendments between the County of San Bernardino and the City of Fontana to make improvements to Veterans Park and Jack Bulik Park.** [21-2456](#)

1. Approve Amendment No. 1 to contract 22-837 between the County of San Bernardino and the City of Fontana increasing the contract by \$130,000, for a total contract amount to \$660,000 to make improvements to Veterans Park.
2. Approve Amendment No. 1 to contract 22-834 between the County of San Bernardino and the City of Fontana decreasing the contract by \$130,000, for a total contract amount of \$1,415,000 to make improvements to Jack Bulik Park.

**Attachments:** [ARPA Subrecipient Contract-Veterans Park.pdf](#)  
[EXHIBIT A - Scope of Expenditures Jack Bulik Park.pdf](#)  
[ARPA Subrecipient Contract-Jack Bulik Park.pdf](#)  
[EXHIBIT A - Scope of Expenditure Veteran's Park.pdf](#)

**Approve Consent Calendar Items as recommended by staff.**

**PUBLIC HEARINGS:**

To speak on Public Hearing Items, submit comments via e-mail at [publiccomments@fontanaca.gov](mailto: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 5:00 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. AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858 EXTENDING THE MORATORIUM ON THE APPROVAL OF ANY BUILDING PERMIT, OCCUPANCY PERMIT, CONDITIONAL USE PERMIT, VARIANCE, SUBDIVISION MAP, DESIGN REVIEW, ADMINISTRATIVE SITE PLAN 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 FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS** [21-2413](#)

Waive the reading of the text in its entirety, read by title only, and adopt **Ordinance No.1924**, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858 EXTENDING A MORATORIUM ON THE APPROVAL OF ANY BUILDING PERMIT, OCCUPANCY PERMIT, CONDITIONAL USE PERMIT, VARIANCE, SUBDIVISION MAP, DESIGN REVIEW, ADMINISTRATIVE SITE PLAN 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 FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS"

**Attachments:** [Attachment No. 1 - Proposed Ordinance Moratorium Extension](#)  
[Attachment No. 2 - 1922 Urgency Ordinance](#)  
[Attachment No. 3 - 10 Day 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 September 12, 2023 at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### City Council Meeting

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**File #:** 21-2463

**Agenda #:** A.

**Agenda Date:** 9/5/2023

**Category:** Consent Calendar

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**FROM:**

Administrative Services

**SUBJECT:**

Establish a decorum policy for City meetings and City facilities to create a safe and effective environment in which members of the public can participate and recreate

**RECOMMENDATION:**

- Adopt the Policy for the Use of City Facilities and Other Public Property
- Adopt the City Council Meeting Policy

**COUNCIL GOALS:**

- Operate in a businesslike manner by creating a memorable customer experience with every interaction.
- Increase citizen involvement by seeking community input

**DISCUSSION:**

Staff recommends adopting a formal Decorum Policy. This policy aims to ensure productive, respectful, and efficient proceedings during council meetings, fostering an environment conducive to open dialogue and effective decision-making. City Council meetings serve as a vital platform for community engagement, where matters of public interest are discussed, and decisions are made. City Facilities are provided for the use by all residents of Fontana and we seek to ensure these facilities remain safe places where residents can recreate.

The adoption of a Decorum Policy for City Council Meetings and City Facilities is essential to maintain the integrity of proceedings and uphold the values of respectful discourse, inclusivity, and effective governance. By establishing a formal framework, the City Council can ensure that meetings remain focused on the matters at hand and that all participants can engage in a productive and respectful manner.

**FISCAL IMPACT:**

These policies have no fiscal impact

**MOTION:**

A motion to adopt staff's recommendation

# **POLICY FOR THE USE OF CITY FACILITIES AND OTHER PUBLIC PROPERTY**

## **1. PURPOSE:**

The City of Fontana ("City") wishes to establish a decorum policy to regulate certain conduct in City parks, public rights-of-way, streets, sidewalks and all public buildings owned or leased by the City of Fontana and in order to provide a safe place where members of the public may recreate.

## **2. LOCATIONS AFFECTED:**

- City parks, public rights-of-way, streets and sidewalks.
- City Buildings or other City-owned or controlled property (referred to herein as "City Facilities").

## **3. POLICY:**

### **3.1 City Facilities and Prohibited Conduct.**

City Facilities are nonpublic forums utilized for the purposes of conducting City business. It is expected that members of the public frequent such facilities for the purposes of engaging in the same.

No person shall engage in conduct that disrupts, disturbs, interferes or impedes the legitimate use, function, nature or purpose of any City Facility.

No person shall engage in conduct that disrupts, disturbs or interferes or impedes the ordinary course of business or operations performed within any City Facility.

No person shall linger, stall or loiter within or upon the premises of any City Facility as to block, obstruct or impede free access to such building or to any activities occurring therein.

Notwithstanding any space within a City Facility that is opened to the public for public meetings purposes during a respective time period; no person shall distribute flyers, pamphlets or other printed materials within the City Facility or otherwise engage or solicit members of the public to endorse or engage in activity of the like.

### **3.2. City Parks, Public Rights-of-Way, Streets and Sidewalks.**

City parks, public rights-of-way, streets and sidewalks are public forums utilized for the purposes of public gathering and assembly. To protect the public's peace, health and safety, and to successfully manage

and maintain public property to support such gathering and assemblies, the City and members of the public shall observe and comply with the provisions concerning the aforementioned forums as set forth in Chapters 17 and 19 of the Fontana Municipal Code.



# CITY COUNCIL MEETING POLICY

## **1. PURPOSE:**

The City of Fontana ("City") wishes to establish a decorum policy for City meetings to create a safe and controlled environment for members of the public.

## **2. ORGANIZATIONS AFFECTED:**

- City Council meetings
- Commissions and Committees\*

*\*Note: This Policy shall also apply to the City's Commissions and Committees. In applying this Policy to City Commissions and Committees, the term "Council" shall be interpreted to mean the name of the City Commission or Committee, the term "Mayor" shall be interpreted to mean "Chairperson", and the term "City Clerk" shall be interpreted to mean the staff member responsible for providing support to the Commission/Committee.*

## **3. POLICY:**

### **3.1. Roberts Rules of Order.**

The proceedings of the City Council ("Council") shall be guided under the latest revised edition of "Roberts Rules of Order," on all matters pertaining to parliamentary procedure, but no ordinance, resolution, proceeding or other action of the Council shall be invalidated nor the legality thereof otherwise affected by the failure or omission to observe or follow such rules. In the event of a discrepancy between Robert's Rules of Order and this Policy and Procedure, this Policy and Procedure shall prevail.

### **3.2. Manner of Addressing City Council.**

Each person who desires to address Council is requested to submit a speaker card to the City Clerk. After being called upon, only the speaker recognized may proceed to the lectern to address Council. The speaker may state for the record his/her name and city of residence, but shall not be required to do so.

### **3.3. Time Limitation.**

Members of the public may speak for three (3) minutes. Notwithstanding, if the speaker utilizes the services of a translator to address Council, the speaker shall have six (6) minutes to speak. At Council's request, where Council is acting in a fact-finding or hearing capacity, the Mayor may grant additional time (unless overruled by a majority of Councilmembers present) to speakers on agenda items.

Speakers on non-agenda items may speak for three (3) minutes during the public communications portion of the meeting.

The time that a speaker devotes to responding to Council inquiries shall not be deducted from their allotted speaker time. The Mayor or Council reserves the right to adjust the aforementioned time limits based on the number of speakers who wish to address the Mayor and City Council.

**3.4. Assignment of Speaker Time—Prohibited.**

Members of the public may not assign their speaker time to another person.

**3.5. Addressing City Council.**

The purpose of addressing the Council is to communicate formally with the Council regarding matters that relate to Council business or citizen concerns within the subject matter jurisdiction of the Council. Persons addressing the Council on an agenda item shall confine their remarks to the matter under consideration. Speakers may be asked to clarify how their comments relate to the matter at hand. Speakers may address the entire Council or individual Councilmembers, and, if allowed by the Mayor, chair, or City staff.

**3.6. Decorum and Enforcement.**

Once recognized, members of the public shall not be interrupted when speaking unless to be called to order by the Mayor to: (i) curtail extraordinary repetition, (ii) curtail speech that is irrelevant to the City Council's subject matter jurisdiction, (iii) explain how his or her speech relates to the City's subject matter jurisdiction, or (iv) address some other point of order. If a speaker is interrupted to be called to order, the speaker shall cease speaking until the question of order is determined, and if in order, he or she shall be permitted to proceed, with additional time allotted for the time taken to determine the question of order.

Members of the public shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the City Council meeting. Any person who so disrupts the meeting is subject to removal from the meeting.

Prior to removing anyone from a City meeting, the Mayor (or other designated chair) shall issue a warning to the person found in violation of this Section specifying the behavior giving rise to the warning and explaining the grounds for which such conduct subjects the person to expulsion. The person receiving such notification shall be asked if he or she understands such warning, but shall not be required to accept it.

If at any time during the same meeting, the person is found to have violated this Section a second time, the City Council meeting will go into recess. Following such recess, the person will receive a subsequent warning by the Chief of Police (or his or her designee) and a final reminder that his/her conduct subjects the person to expulsion. The person receiving such notification shall be asked if he/she understands the warning, but shall not be required to accept it.

If at any time during the same meeting, the person is found to have violated this Section a third time, the City Council meeting will go into a second

recess and the person will be removed from the respective City Council Meeting.

Members of the public receiving notice of disruption pursuant to this Section shall have the right, prior to being removed from the meeting, to ask the Mayor to consult with the City Attorney on the grounds for expulsion, and to submit a point of order on the grounds for expulsion. The City Council may override this decision with a majority vote. Motions must be seconded in order to proceed to a vote.



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### City Council Meeting

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**File #:** 21-2456

**Agenda #:** B.

**Agenda Date:** 9/5/2023

**Category:** Consent Calendar

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**FROM:**

City Manager's Office

**SUBJECT:**

Contract amendments between the County of San Bernardino and the City of Fontana to make improvements to Veterans Park and Jack Bulik Park.

**RECOMMENDATION:**

1. Approve Amendment No. 1 to contract 22-837 between the County of San Bernardino and the City of Fontana increasing the contract by \$130,000, for a total contract amount to \$660,000 to make improvements to Veterans Park.
2. Approve Amendment No. 1 to contract 22-834 between the County of San Bernardino and the City of Fontana decreasing the contract by \$130,000, for a total contract amount of \$1,415,000 to make improvements to Jack Bulik Park.

**COUNCIL GOALS:**

- Improve public safety by increasing operational efficiency, visibility, and availability.
- Improve public safety by emphasizing community-oriented policing, community involvement, and youth programs.
- Improve public safety by utilizing other city programs to help reduce crime.

**DISCUSSION:**

In August of 2022, the City of Fontana and the County of San Bernardino entered into an agreement to make improvements to Veterans Park and Jack Bulik Park utilizing county American Rescue Plan Act funds. The city has completed these improvements on-time and under budget. The city and county now desire to make additional improvements listed below:

- Jack Bulik Park
  - Amend scope of work to include:
    - Striping work: \$20,000
    - Security cameras: \$120,000
    - Fiber install: \$150,000
- Veterans Park
  - Amend scope of work to include:
    - Security cameras: \$80,000
    - Fiber install: \$70,000

Projects for Jack Bulik and Veterans Parks are being funded with American Rescue Plan Act (ARPA) funds as permitted per the Treasury Final Rule. As stated in the Final Rule, investments in parks, public plazas, and other outdoor recreation spaces are allowable as they are designed to build stronger neighborhoods and communities and to address health disparities and the social determinants of health for families and individuals living in qualified census tract (QCT) and other disproportionately impacted communities. All proposed parks are either within a QCT or directly adjacent and serving a disadvantaged population.

**FISCAL IMPACT:**

There is no fiscal impact associated with the approval of this item. Approval of this item increases contract No. 22-837 and decreases contract No. 22-834 in the amount of \$130,000. Funds are available in the FY 2023/24 capital budget in Fund 304, projects 37200006-304-A and 37200007-304-A. There is no General Fund impact as a result of this item.

**MOTION:**

Approve staff recommendation



**Contract Number**

22-837 A1

**SAP Number**

ARPA21-PRJC-014-FON A-1

**County Administrative Office**

<b>Department Contract Representative</b>	Matthew Erickson, County Chief Financial Officer
<b>Telephone Number</b>	(909) 387-5423
<b>Contractor</b>	City of Fontana UEI No. WLF8LH1TH3P8
<b>Contractor Representative</b>	Matt Ballantyne, City Manager
<b>Telephone Number</b>	(909) 350-7653
<b>Contract Term</b>	7/1/2022 through 12/31/2026
<b>Original Contract Amount</b>	Based on actual project costs not to exceed \$530,000
<b>Amendment Amount</b>	\$130,000
<b>Total Contract Amount</b>	Based on actual project costs not to exceed \$660,000
<b>Cost Center</b>	1100951078
<b>Internal Order (If Applicable)</b>	1012342

**IT IS HEREBY AGREED AS FOLLOWS:**

**WHEREAS**, on August 23, 2022, San Bernardino County (County) desired to transfer and City of Fontana (City or Contractor) desired to accept a transfer from American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Fund (CLFRF), Assistance Listing Number: 21.027/Federal Assistance Identification Number: SLT-0628, in the not-to-exceed amount of \$530,000 for expenditures identified in Exhibit "A" related to Veteran's Park Improvements Project via Contract 22-837; and

**WHEREAS**, on September 13, 2022 (Item No. 23), the Board of Supervisor (Board) approved to ratify Contract No. 22-837 with the City to fund the projected expenditures identified in Exhibit "A" of the Contract to provide a safe, high quality, and modern park for the youth and attract more users to the playground and baseball fields; and

**WHEREAS**, County and City desire to increase a total not-to-exceed contract amount from \$530,000 to \$660,000 and amend the scope of expenditures originally identified in Exhibit "A"; and

**WHEREAS**, County and City agree to amend Contract No. 22-837, including the terms and conditions included in Exhibit "A".

## **OPERATIVE PROVISIONS OF AMENDMENT NO. 1**

**NOW, THEREFORE**, County and City mutually agree as follows:

Effective August 28, 2023, Contract No. 22-837 is hereby amended as follows:

1. Replace Section 1.A of the Contract in its entirety with the following:

### **1. THE ARPA CLFRF**

- A.** This Contract applies to the following ARPA CLFRF transfers:

The transfer by the County of an amount not to exceed \$660,000 to Contractor on a reimbursement basis for expenditures identified in Exhibit "A-1". Exhibit "A-1" is attached hereto and incorporated herein by this reference. County acknowledges and agrees that Contractor will be administering the transfer of funds for the expenditures identified in Exhibit "A-1" by separate contracts. Contractor shall provide the County quarterly reports of actual cash expenditures to date under this Contract, and estimated cash expenditures through December 31<sup>st</sup> of each year. County, through its Chief Executive Officer (CEO), in the CEO's sole discretion, reserves the right to reduce the transfer amount identified in this Contract with fifteen (15) days advance written notice provided to Contractor. The reduction would be based: A) on Contractor's estimated cash expenditures through December 31<sup>st</sup> of each year; B) a later determination by the United States Department of the Treasury, or County, that the costs identified in this Contract are ineligible for ARPA CLFRF; or C) a determination by CEO the funds should be utilized in a different manner.

2. Replace Exhibit "A" with Exhibit "A-1" that includes the not-to-exceed contract amount of \$660,000 as well as the list of projected expenditures.
3. This Amendment No. 1 (Amendment) to Contract No. 22-837 may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Amendment. The parties shall be entitled to sign and transmit an electronic signature of this Amendment (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Amendment upon request.
4. All other terms and conditions of the Contract, as amended, shall remain in full force and effect as written.

SAN BERNARDINO COUNTY



\_\_\_\_\_  
Luther Snoke, Acting Chief Executive Officer

Dated: \_\_\_\_\_

City of Fontana

\_\_\_\_\_  
(Print or type name of corporation, company, contractor, etc.)

By 

\_\_\_\_\_  
(Authorized signature - sign in blue ink)

Name

\_\_\_\_\_  
(Print or type name of person signing contract)

Title

\_\_\_\_\_  
(Print or Type)

Dated:

Address

**FOR COUNTY USE ONLY**

Approved as to Legal Form



\_\_\_\_\_  
Julie Surber, Principal Asst. County Counsel

Date \_\_\_\_\_

Reviewed for Contract Compliance



\_\_\_\_\_  
Date \_\_\_\_\_

Reviewed/Approved by Department



\_\_\_\_\_  
Date \_\_\_\_\_



## EXHIBIT A-1 – SCOPE OF EXPENDITURES

### APPLIES TO AGREEMENT ARPA21-PRJC-016-FON (CONTRACT NO. 22-784) BETWEEN SAN BERNARDINO COUNTY AND CITY OF FONTANA RELATED TO THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR LOCAL GOVERNMENTS

1. The following is the mutually agreed upon scope of expenditures to be funded by the American Rescue Plan Act of 2021 (ARPA) Coronavirus Local Fiscal Recovery Fund (CLFRF) received by San Bernardino County:

In the current health landscape the community is more eager than ever to take part in recreation opportunities. Coupled with capital improvements, Jack Bulik Park, could see as much as a 35% increase in registration for the youth baseball organization and a 25% increase in foot traffic to the park annually. The purpose of this project is to increase park usage by Fontana residents and enhance user experience. The improvements will encourage outdoor recreational activities and encourage a healthy living environment.

2. Not-to-exceed amount of expenditures described in 1, above, obligated during the period of **7/1/2022** and **11/30/2024** and expanded on or before December 31, 2026, is \$1,415,000.
3. The following is the list of projected expenditures that will be funded by the CLFRF for the scope identified in 1, above:

Expenditure Type (e.g., Payroll)	Projected Expenditures*
Installation of 12 Baseball Dugout Shade Structures	\$57,360
Installation of 7 Baseball Scoreboards	\$34,700
Installation of 14 Baseball Spectator Area Shade Structures	\$560,000
Installation of new ADA Inclusive Playground Structures and Rubber Playground Safety Surfacing	\$445,940
Paint Pickleball Striping	\$20,000
Install Security Cameras	\$147,000
Install Fiber Optic Lines	\$150,000
<b>Total Expenditure</b>	<b>\$1,415,000</b>

\*Note: Projected expenditures may differ from the actual costs but a total amount of expenditure shall not exceed the amount as specified in Section 2, above.

4. The Contractor is responsible for ensuring that any procurement using CLFRF funds, or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at Title 2 C.F.R. Sections 200.317 - 200.327, as applicable. The Uniform Guidance establishes in Title 2 C.F.R.

Section 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in Title 2 C.F.R. Section 200.320. If the full and open procurement is not applicable, provide a reason for its exemption:

Confirmed – No exemption identified.



**Contract Number**

22-784 A1

**SAP Number**

ARPA21-PRJC-016-FON A-1

**County Administrative Office**

<b>Department Contract Representative</b>	Matthew Erickson, County Chief Financial Officer
<b>Telephone Number</b>	(909) 387-5423
<b>Contractor</b>	City of Fontana UEI No. WLF8LH1TH3P8
<b>Contractor Representative</b>	Matt Ballantyne, City Manager
<b>Telephone Number</b>	(909) 350-7653
<b>Contract Term</b>	7/1/2022 through 12/31/2026
<b>Original Contract Amount</b>	Based on actual project costs not to exceed \$1,545,000
<b>Amendment Amount</b>	\$(130,000)
<b>Total Contract Amount</b>	Based on actual project costs not to exceed \$1,415,000
<b>Cost Center</b>	1100921078
<b>Internal Order (If Applicable)</b>	1012320

**IT IS HEREBY AGREED AS FOLLOWS:**

**WHEREAS**, on July 28, 2022, San Bernardino County (County) desired to transfer and City of Fontana (City or Contractor) desired to accept a transfer from American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Fund (CLFRF), Assistance Listing Number: 21.027/Federal Assistance Identification Number: SLT-0628, in the not-to-exceed amount of \$1,545,000 for expenditures identified in Exhibit "A" related to Jack Bulik Park Improvement Project via Contract No. 22-784; and

**WHEREAS**, on August 23, 2022 (Item No. 21), the Board of Supervisor (Board) approved to ratify Contract No. 22-784 with the City to fund the projected expenditures identified in Exhibit "A" of the Contract to increase park usages by the City residents and enhance user experience as well as encourage outdoor recreational activities and a health living environment; and

**WHEREAS**, County and City desire to decrease a total not-to-exceed contract amount from \$1,545,000 to \$1,415,000 and amend the scope of expenditures originally identified in Exhibit "A"; and

**WHEREAS**, County and City agree to amend Contract No. 22-784, including the terms and conditions included in Exhibit "A".

## **OPERATIVE PROVISIONS OF AMENDMENT NO. 1**

**NOW, THEREFORE**, County and City mutually agree as follows:

Effective August 28, 2023, Contract No. 22-784 is hereby amended as follows:

1. Replace Section 1.A of the Contract in its entirety with the following:

### **1. THE ARPA CLFRF**

**A.** This Contract applies to the following ARPA CLFRF transfers:

The transfer by the County of an amount not to exceed \$1,415,000 to Contractor on a reimbursement basis for expenditures identified in Exhibit "A-1". Exhibit "A-1" is attached hereto and incorporated herein by this reference. County acknowledges and agrees that Contractor will be administering the transfer of funds for the expenditures identified in Exhibit "A-1" by separate contracts. Contractor shall provide the County quarterly reports of actual cash expenditures to date under this Contract, and estimated cash expenditures through December 31<sup>st</sup> of each year. County, through its Chief Executive Officer (CEO), in the CEO's sole discretion, reserves the right to reduce the transfer amount identified in this Contract with fifteen (15) days advance written notice provided to Contractor. The reduction would be based: A) on Contractor's estimated cash expenditures through December 31<sup>st</sup> of each year; B) a later determination by the United States Department of the Treasury, or County, that the costs identified in this Contract are ineligible for ARPA CLFRF; or C) a determination by CEO the funds should be utilized in a different manner.

2. Replace Exhibit "A" with Exhibit "A-1" that includes the not-to-exceed contract amount of \$1,415,000 as well as the list of projected expenditures.

3. This Amendment No. 1 (Amendment) to Contract No. 22-784 may be executed in any number of counterparts, each of which so executed shall be deemed to be an original, and such counterparts shall together constitute one and the same Amendment. The parties shall be entitled to sign and transmit an electronic signature of this Amendment (whether by facsimile, PDF or other email transmission), which signature shall be binding on the party whose name is contained therein. Each party providing an electronic signature agrees to promptly execute and deliver to the other party an original signed Amendment upon request.

4. All other terms and conditions of the Contract, as amended, shall remain in full force and effect as written.

SAN BERNARDINO COUNTY



\_\_\_\_\_  
Luther Snoke, Acting Chief Executive Officer

Dated: \_\_\_\_\_

City of Fontana

\_\_\_\_\_  
(Print or type name of corporation, company, contractor, etc.)

By 

\_\_\_\_\_  
(Authorized signature - sign in blue ink)

Name \_\_\_\_\_

\_\_\_\_\_  
(Print or type name of person signing contract)

Title \_\_\_\_\_

\_\_\_\_\_  
(Print or Type)

Dated: \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

**FOR COUNTY USE ONLY**

Approved as to Legal Form



\_\_\_\_\_  
Julie Surber, Principal Asst. County Counsel

Date \_\_\_\_\_

Reviewed for Contract Compliance



\_\_\_\_\_  
Date \_\_\_\_\_

Reviewed/Approved by Department



\_\_\_\_\_  
Date \_\_\_\_\_

## EXHIBIT A-1 – SCOPE OF EXPENDITURES

### APPLIES TO AGREEMENT ARPA21-PRJC-014-FON (CONTRACT NO. 22-837) BETWEEN SAN BERNARDINO COUNTY AND CITY OF FONTANA RELATED TO THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND FOR LOCAL GOVERNMENTS

1. The following is the mutually agreed upon scope of expenditures to be funded by the American Rescue Plan Act of 2021 (ARPA) Coronavirus Local Fiscal Recovery Fund (CLFRF) received by San Bernardino County:

**Veteran's Park Improvements.** The extent of the improvements to Veteran's Park currently includes the complete replacement of the existing playground footprint as well as a shade covering for the new playground features. Additional improvements include the replacement of the seven existing electronic scoreboards for each of the respective baseball/softball fields. The playground improvements will consist of new slides, climbing features, educational components, and ADA components to accommodate the individual abilities of all children. The current electronic scoreboards are weathered and unreliable and are in dire need for replacement. The project will also include security cameras and fiber optic lines. The goal of this project is to provide a safe, high-quality and modern park for the youth and attract more users to the playground and baseball fields.

2. Not-to-exceed amount of expenditures described in 1, above, obligated during the period of July 1, 2022 and December 31, 2024 and expended on or before December 31, 2026 is \$660,000.
3. The following is the list of projected expenditures that will be funded by the CLFRF for the scope identified in 1, above:

Expenditure Type (e.g., Payroll)	Projected Expenditures*
New playground installation to include:	\$468,998.54
ADA inclusive structures and equipment,	
rubber safety surfacing,	
and shade features.	
New ballfield scoreboards	\$34,709.50
Install Security Cameras	\$86,291.96
Install Fiber Optic Lines	\$70,000
<b>Total Expenditure</b>	<b>\$660,000</b>

\*Note: Projected expenditures may differ from the actual costs but a total amount of expenditure shall not exceed the amount as specified in Section 2, above.

4. The Contractor is responsible for ensuring that any procurement using CLFRF funds, or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at Title 2 C.F.R. Sections 200.317 - 200.327, as applicable. The Uniform Guidance establishes in Title 2 C.F.R. Section 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards

outlined in Title 2 C.F.R. Section 200.320. If the full and open procurement is not applicable, provide a reason for its exemption:

Confirmed – No exemption identified.



# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335

## Action Report

### Special City Council Meeting

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**File #:** 21-2413

**Agenda #:** A.

**Agenda Date:** 9/5/2023

**Category:** Public Hearing

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**FROM:**

Development Services

**SUBJECT:**

***AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858 EXTENDING THE MORATORIUM ON THE APPROVAL OF ANY BUILDING PERMIT, OCCUPANCY PERMIT, CONDITIONAL USE PERMIT, VARIANCE, SUBDIVISION MAP, DESIGN REVIEW, ADMINISTRATIVE SITE PLAN 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 FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS.***

**RECOMMENDATION:**

Waive the reading of the text in its entirety, read by title only, and adopt **Ordinance No.1924**, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FONTANA IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858 EXTENDING A MORATORIUM ON THE APPROVAL OF ANY BUILDING PERMIT, OCCUPANCY PERMIT, CONDITIONAL USE PERMIT, VARIANCE, SUBDIVISION MAP, DESIGN REVIEW, ADMINISTRATIVE SITE PLAN 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 FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS"

**COUNCIL GOALS:**

- Promote economic development by pursuing business attraction, retention, and expansion.
- Promote economic development by establishing a quick, consistent development process.
- Preserve the local environment for generations to come and to create a healthy economic and environmental future by creating communities and neighborhoods that are attractive, safe, and convenient for walkers and bicyclists.
- Preserve To preserve the local environment for generations to come and to create a healthy economic and environmental future by adopting policies that promote compact and efficient development in new and existing communities.

**DISCUSSION:**

The City Council will consider a ten (10) month and fifteen (15) day extension of Urgency Ordinance No. 1922, which placed a moratorium on issues and approvals of any building permit, occupancy



permit, conditional use permit, variance, subdivision map or other land use entitlement or permit; regulatory license or permit required to comply with the provisions of the City's Municipal Code or a Specific Plan for "Service based, Non Entertainment Uses" in the primary corridors of Sierra Avenue (from I-10 Freeway and Arrow Boulevard, and between Foothill Boulevard and the I-210 Freeway), and Foothill Boulevard (from Cherry Avenue to Maple Avenue), to allow the City to study its General Plan, Municipal Code or other amendments to local regulations. Additionally, this extension will modify Ordinance No. 1922 by reducing the moratorium boundary from four hundred (400) feet to three hundred (300) feet from the center line of Sierra Avenue between the I-10 Freeway and Arrow Boulevard, and between Foothill Boulevard and the I-210 Freeway (Sierra Avenue corridor), and on any property within three hundred (300) feet from the center line of Foothill Boulevard between Cherry Avenue and Maple Avenue (Foothill Boulevard corridor). Furthermore, the extension will modify Ordinance No. 1922 to exempt, (a) any lawful use that existed at the time of the adoption of Ordinance No. 1922 or thereafter which has ceased operation for no longer than the period set forth in sections 30-357 and 30-351 of the Fontana Municipal Code, or (b) any use set forth in Section 3 herein, which is not the primary use within any business (i.e., a use that constitutes less than fifty (50) percent of floor area and gross sales receipt).

On November 13, 2018, the City adopted its most recent General Plan which detailed the goals and objectives for the City over the next twenty (20) years. In Chapter 14 -Downtown- the City set forth its intention to create a regional hub of the downtown area for dining, shopping and entertainment purposes to attract local and regional visitors. As the main thoroughfares to downtown, Sierra Avenue corridor and Foothill Boulevard corridor, funnel these visitors to the area and promote economic growth to the downtown area, and the City in general.

Pursuant to Government Code section 65858, the extension of this moratorium ordinance, Urgency Ordinance No. 1922, continues the 45-day moratorium placed on service based, non-entertainment uses for the two economic corridors by a period of ten (10) months and fifteen (15) days. If adopted, this moratorium extension will continue the pause on approval of service based, non-entertainment uses for the two corridors to allow the City time to study and consider potential amendments to the General Plan or Municipal Code to address the standards, process, and potential impacts of such uses.

During the moratorium extension, the City will not authorize or issue any use permit, variance, building permit, business license, or other applicable entitlement or approach for the service based, non-entertainment uses and activity.

The moratorium extension requires a four-fifths vote of the City Council to pass. If adopted, the moratorium will take effect on September 8, 2023 and extend to July 23, 2024. Subsequent to this extension, the City may extend the moratorium by adoption of one additional extension ordinance, for a total moratorium life of 24 months.

During the ten (10) month and fifteen (15) day extension of the moratorium, the City will study potential amendments to the General Plan, any specific plan, the Fontana Municipal Code and/or any other governing document(s) or policy(ies) related to service-based, non-entertainment uses and activity.

Pursuant to the Urgency Ordinance, a 10-day report has been prepared and made available for

public inspection.

**ENVIRONMENTAL ANALYSIS**

An extension of the Urgency Ordinance qualifies for a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and it prevents changes in the environment pending the completion of zoning code revisions and related impact studies.

**FISCAL IMPACT:**

Speculative loss of land use application, and permit and license issuance, fees and revenues by the City; and speculative loss of sales and property tax revenue due to any delay in development or improvement in property related to the moratorium.

**MOTION:**

Approve staff's recommendation.

**ATTACHMENTS:**

1. Proposed Ordinance Extending the Moratorium
2. Ordinance 1922
3. 10 Day Report

URGENCY ORDINANCE NO. \_\_\_\_\_

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF FONTANA IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 65858 EXTENDING A  
MORATORIUM ON THE APPROVAL OF ANY BUILDING  
PERMIT, OCCUPANCY PERMIT, CONDITIONAL USE  
PERMIT, VARIANCE, SUBDIVISION MAP, DESIGN  
REVIEW, ADMINISTRATIVE SITE PLAN 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 FOR AN ADDITIONAL TEN (10)  
MONTHS AND FIFTEEN (15) DAYS**

WHEREAS, the City of Fontana, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, Government Code section 65300, et seq., allows a city to adopt a General Plan to designate its long-term goals and policies related to its respective community and future development of the city; and

WHEREAS, on November 13, 2018, the City adopted its most recent General Plan, detailing the City’s goals and objectives over the next 20 years; and

WHEREAS, Chapter 14 of the General Plan establishes the City’s intent to make its downtown a local and regional destination hub for dining, shopping and entertainment; and

WHEREAS, the City has identified Foothill Boulevard and Sierra Avenue to be primary corridors that funnel local and regional visitors to its downtown, thereby promoting the economic growth of the City; and

WHEREAS, the City observes that the Sierra Avenue corridor extends from the 10 Freeway to the 210 Freeway, and the Foothill Boulevard corridor extends from Cherry Avenue to Maple Avenue; and

WHEREAS, the City desires to create a balanced environment within its corridors to foster a similar vision to that of the downtown area; and

WHEREAS, to the extent that the land in the Sierra Avenue and Fontana Boulevard corridors is underutilized, underperforming, or inconsistent with the City’s General Plan, the City

has a responsibility to move forward with studies necessary to implement General Plan policies related to the economic corridors in order to maintain the City's vibrancy; and

WHEREAS, without the enactment of this Ordinance, multiple applicants could quickly receive entitlements that would allow for uses contrary to the City's General Plan, subjecting the City to the potential effects and impacts of uncoordinated and conflicting uses, impacts on parking availability in the downtown area of the City, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods and effectively creating a current and immediate threat to the public health, safety, and welfare; and

WHEREAS, the City intends to study zone changes prohibiting certain service-related uses along two of its main thoroughfares (Sierra Avenue and Foothill Boulevard) in an effort to maximize economic development, sales tax generation, and encourage entertainment-related development along those corridors; and

WHEREAS, Government Code section 65858 authorizes the City to adopt an interim Urgency Ordinance to protect the public safety, health and welfare and to prohibit uses which may be in conflict with a contemplated General Plan or zoning proposal which the City is considering, studying or intends to study within a reasonable time; and

WHEREAS, on July 25, 2023, the City Council of City of Fontana adopted Ordinance No. 1922 establishing a moratorium on the approval of any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan 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; and

WHEREAS, the moratorium would have expired on September 8, 2023, unless extended pursuant to Government Code Section 65858, which authorizes the City Council, after notice pursuant to Government Code Section 65090 and a public hearing, to adopt an ordinance extending the moratorium for 10 months and 15 days, upon approval by a four-fifths vote, and upon making the same findings required for initial adoption of the moratorium; and

WHEREAS, Government Code Section 65858(d) requires the City Council, ten days prior to expiration of the moratorium or any extension thereof, to issue a written report describing the measures taken to alleviate the condition which led to the adoption of the moratorium; and

WHEREAS, in accordance with Government Code Section 65858(d), the City Council has issued the ten-day report, describing the measures being taken to alleviate the conditions which led to the adoption of the moratorium; and

WHEREAS, City staff have begun researching the issues related to the zone change prohibiting certain service-related uses along two of its main thoroughfares on any property within three hundred (300) feet from the center line of the location of Sierra Avenue between the I-10 Freeway and Arrow Boulevard, and between Foothill Boulevard and the I-210 Freeway (Sierra Avenue Corridor), and on any property within three hundred (300) feet from the center line of the location of Foothill Boulevard between Cherry Avenue and Maple Avenue (Foothill Boulevard corridor), as shown on Exhibit A attached hereto and incorporated herein by this reference in an effort to maximize economic development, sales tax generation, and encourage entertainment-related development along those corridors; and

WHEREAS, City Council wishes to extend the moratorium for a period of ten (10) months and fifteen (15) days, or until the City Council adopts an ordinance addressing the issues raised, whichever occurs first; and

WHEREAS, at a duly noticed public hearing on September 5, 2023, testimony and evidence were heard and received from all persons interested in the proposal to extend the moratorium, and the City Council has reviewed, analyzed, and considered all testimony and evidence presented at such public hearing, including staff reports and presentations by City Staff.

NOW, THEREFORE, the City Council of the City of Fontana does ordain as follows:

**Section 1.** Findings. The recitals above are each incorporated by reference and adopted as findings by the City Council.

**Section 2.** Moratorium. The City shall not issue or approve any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan review or other land use entitlement or permit; or regulatory license or permit required to comply with the provisions of the City's Municipal Code or a Specific Plan for any "Service Based, Non-Entertainment Uses" as defined herein in Section 3 on any property within three hundred (300) feet from the center line of the location of Sierra Avenue between the I-10 Freeway and Arrow Boulevard, and between Foothill Boulevard and the I-210 Freeway (Sierra Avenue corridor), and on any property within three hundred (300) feet from the center line of the location of Foothill Boulevard between Cherry Avenue and Maple Avenue (Foothill Boulevard corridor), as shown on Exhibit A attached hereto and incorporated herein by this reference. Notwithstanding any provision in this Ordinance to the contrary, the foregoing prohibition shall not apply to (a) any lawful use that existed at the time of the adoption of this Ordinance or thereafter which has ceased operation for no longer than the period set forth in sections 30-357 and 30-351 of the Fontana Municipal Code, or (b) any use set forth in Section 3 herein, which is not the primary use within any business (i.e., a use that constitutes less than fifty (50) percent of floor area and gross sales receipts).

**Section 3.** Definitions. “Service Based, Non-Entertainment Uses” shall mean the following uses as these uses are defined in Chapter 30:

- Acute care/walk-in medical services (urgent care)
- Adult vocational classes, trade schools, computer training
- Animal Kennel
- Animal Training, keeping or raising
- Antique restoration
- Ambulance services
- Animal hospital
- Auto body painting and repair
- Auto car alarm and stereo installation (within an enclosed building only)
- Auto car washes
- Auto driving schools
- Auto rental
- Auto rental agencies with parking for vehicle rentals
- Auto stereo, alarm, and upholstery installation or repair
- Auto storage
- Auto upholstery
- Barber, hair/nail/skincare/tanning salon, as a primary use
- Barber, hair/nail/skincare/tanning salon and day spa
- Bed and Breakfast
- Blueprinting, printing, copying, packing, mailing services as a primary use
- Body Art – tattooing body piercing and / or permanent cosmetics
- Car and Truck washes
- Cemeteries, crematory, mortuary and mausoleums
- Chemical substance abuse facility
- Check cashing/deferred deposit or payday advance uses with or without ancillary services
- Children tutorial classes
- Cleaners / laundry
- Clinic – medical, dental or cosmetic
- Clothing and costume rental
- Community Care Facility
- Convalescent Hospital
- Commercial day care
- Dress maker or millinery shop
- Dry cleaners/laundry—non-commercial
- Equipment Rental
- Equipment and Appliance Repair

- Fortunetelling
- Funeral parlors
- Furniture refinishing
- Furniture upholstery
- Homeless Shelters
- Hospitals
- Hotels / Motels (less than 50 rooms)
- Jewelry repair, as a primary use
- Laundromat
- Locksmith
- Locksmith/key shops
- Machine Shop
- Massage / Acupressure as a primary use
- Massage as ancillary use to primary permitted use—less than 40% of gross floor area of business
- Medical/dental/counseling/psychology/hearing aids/acupuncture/homeopathy/physical therapy/sports therapy
- Medical services
- Mortuary
- Nail salon
- Nursing Home
- Pet boarding
- Pet boarding and kennels
- Pet grooming
- Photography Studios
- Photocopying and photo developing (retail)
- Postal services/mail box rentals
- Private Schools (pre-K-12)
- Publishing establishments
- Self-storage facility
- Shoe Repair
- Tailor and alterations
- Traffic and automobile driving schools
- Traffic schools
- Trailer rental
- Trailer repair
- Trailer custom repair
- Truck Driving Schools
- Truck Fueling

- Truck rental
- Truck body painting and repair
- Truck repair including customization
- Truck stereo, alarm, and upholstery installation or repair
- Truck Storage
- Veterinarian clinic and hospitals (with incidental boarding)

**Section 4.** Extension. The Ordinance was adopted on July 25, 2023 and is hereby extended for an additional ten (10) months and fifteen (15) days beyond its original expiration date to July 23, 2024. Thereafter, this moratorium extension shall be of no further force and effect unless, after a duly noticed public hearing, the City Council further extends the moratorium for an additional period of time pursuant to Government Code Section 65858.

**Section 5.** Compliance with California Environmental Quality Act. The City finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of zoning code revisions and related impact studies.

**Section 6.** Effective Date. This Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to Government Code section 65858, shall take effect on September 8, 2023, and shall remain in effect until July 23, 2024.

**Section 7.** Written Report. At least ten (10) days before this Ordinance or any extension expires, the City Council shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of this Ordinance.

**Section 8.** Publishing. The City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation, printed and published in San Bernardino, California.

**Section 9.** Term. This Ordinance is an Urgency Ordinance, enacted pursuant to Government Code section 65858. The term of this Ordinance shall be for ten (10) months and fifteen (15) days and shall expire and be of no further force or effect, unless and until extended in accordance with Government Code section 65858.

**Section 10.** The Custodian of Records for this Ordinance is the City Clerk and the records comprising the administrative record for this Ordinance are located at 8353 Sierra Avenue, Fontana, California 92335.



**Section 11.** Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

**PASSED, APPROVED AND ADOPTED** by the City Council of the Fontana California, at a special meeting of the City Council held on the 5<sup>th</sup> day of September, 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**City of Fontana**

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Acquanetta Warren, Mayor

**ATTEST:**

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Germaine McClellan Key, City Clerk

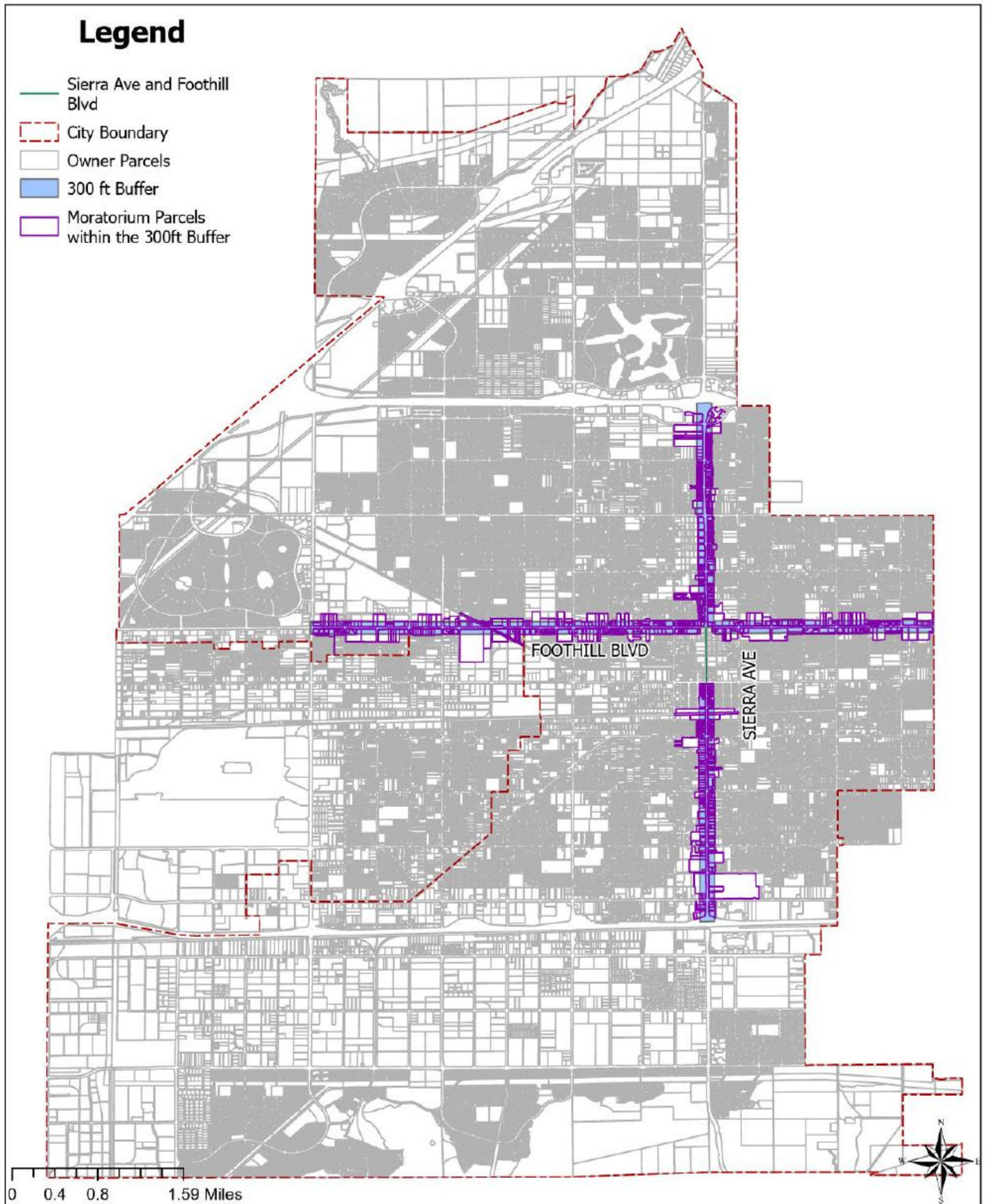
**APPROVED AS TO FORM:**

**BEST BEST & KRIEGER LLP**

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Ruben Duran, City Attorney

Ordinance 1022 Exhibit A  
Sierra Ave and Foothill Blvd  
Moratorium Parcels Within 300 Feet of Center Line



## **URGENCY 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, ADMINISTRATIVE SITE PLAN 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.**

**WHEREAS**, the City of Fontana, California ("City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, Government Code section 65300, et seq. allows a city to adopt a General Plan to designate its long-term goals and policies related to its respective community and future development of the city; and

**WHEREAS**, on November 13, 2018, the City adopted its most recent General Plan, detailing the City's goals and objectives over the next 20 years; and

**WHEREAS**, Chapter 14 of the General Plan establishes the City's intent to make its downtown a local and regional destination hub for dining, shopping, and entertainment; and

**WHEREAS**, the City has identified Foothill Boulevard and Sierra Avenue to be primary corridors that funnel local and regional visitors to its downtown, thereby promoting the economic growth of the City; and

**WHEREAS**, the City observes that the Sierra Avenue corridor generally extends from the 10 Freeway to the 210 Freeway, and the Foothill Boulevard corridor extends from Cherry Avenue to Maple Avenue; and

**WHEREAS**, the City desires to create a balanced environment within its corridors to foster a similar vision to that of the downtown area; and

**WHEREAS**, to the extent that the land in the Sierra Avenue and Fontana Boulevard corridors are underutilized, underperforming, or inconsistent with the City's General Plan, the City has a responsibility to move forward with studies necessary to implement General Plan policies related to the economic corridors in order to maintain the City's vibrancy; and

**WHEREAS**, without the enactment of this Ordinance, multiple applicants could quickly receive entitlements that would allow for uses contrary to the City's General Plan, subjecting the City to the potential effects and impacts of uncoordinated and conflicting

## Urgency Ordinance No. 1922

uses, impacts on parking availability in the downtown area of the City, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods and effectively creating a current and immediate threat to the public health, safety, and welfare; and

**WHEREAS**, the City intends to study zone change prohibiting certain service-related uses along certain portions of two of its main thoroughfares (Sierra Avenue and Foothill Boulevards) in an effort to maximize economic development, sales tax generation, and encourage entertainment-related development along those corridors; and

**WHEREAS**, Government Code section 65858 authorizes the City to adopt an interim Urgency Ordinance to protect the public safety, health, and welfare and to prohibit uses which may be in conflict with a contemplated General Plan or zoning proposal which the City is considering, studying or intends to study within a reasonable time.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Findings.** The recitals above are each incorporated by reference and adopted as findings by the City Council.

**Section 2. Moratorium.** The City shall not issue or approve any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan review or other land use entitlement or permit; or regulatory license or permit required to comply with the provisions of the City's Municipal Code or a Specific Plan for any "Service Based, Non-Entertainment Uses" as defined herein in Section 3 on any property within four hundred (400) feet from the center line of the location of Sierra Avenue between the I-10 Freeway and Arrow Boulevard, and between Foothill Boulevard and the I-210 Freeway (Sierra Avenue corridor), and on any property within four hundred (400) feet from the center line of the location of Foothill Boulevard between Cherry Avenue and Maple Avenue (Foothill Boulevard corridor), as shown on Exhibit A attached hereto and incorporated herein by this reference.

**Section 3.** "Service Based, Non-Entertainment Uses" shall mean the following uses as these uses are defined in Chapter 30:

- Adult vocational classes, trade schools, computer training
- Animal Kennel
- Animal Training, keeping, or raising
- Antique restoration
- Ambulance services
- Animal hospital
- Auto body painting and repair
- Auto car alarm and stereo installation (within an enclosed building only)
- Auto car washes
- Auto driving schools

## Urgency Ordinance No. 1922

- Auto rental
- Auto rental agencies with parking for vehicle rentals
- Auto stereo, alarm, and upholstery installation or repair
- Auto Storage
- Barber, hair/nail/skincare/tanning salon, as a primary use
- Barber, hair/nail/skincare/tanning salon and day spa
- Bed and Breakfast
- Blueprinting, printing, copying, packing, mailing services as a primary use
- Body Art – tattooing body piercing and / or permanent cosmetics
- Car and Truck washes
- Cemeteries, crematory, mortuary, and mausoleums
- Chemical substance abuse facility
- Check cashing/deferred deposit or payday advance uses with or without ancillary services
- Cleaners / laundry
- Clinic – medical, dental, or cosmetic
- Clothing and costume rental
- Community Care Facility
- Convalescent Hospital
- Commercial day care
- Dress maker or millinery shop
- Dry cleaners/laundry—non-commercial
- Equipment Rental
- Equipment and Appliance Repair
- Fortunetelling
- Funeral parlors
- Furniture refinishing
- Furniture upholstery
- Homeless Shelters
- Hospitals
- Hotels / Motels (less than 50 rooms)
- Jewelry repair, as a primary use
- Laundromat
- Locksmith
- Locksmith/key shops
- Machine Shop
- Massage / Acupressure as a primary use
- Massage as ancillary use to primary permitted use—less than 40% of gross floor area of business
- Medical/dental/counseling/psychology/hearing aids/acupuncture/homeopathy/physical therapy/sports therapy
- Medical services-All
- Mortuary
- Nail salon

## Urgency Ordinance No. 1922

- Nursing Home
- Pet boarding
- Pet boarding and kennels
- Pet grooming
- Photography Studios
- Photocopying and photo developing (retail)
- Postal services/mailbox rentals
- Private Schools (pre-K-12)
- Publishing establishments
- Self-storage facility
- Shoe Repair
- Tailor and alterations
- Traffic and automobile driving schools
- Traffic schools
- Trailer rental
- Trailer repair
- Trailer custom repair
- Truck Driving Schools
- Truck Fueling
- Truck rental
- Truck body painting and repair
- Truck repair including customization
- Truck stereo, alarm, and upholstery installation or repair
- Truck Storage
- Veterinarian clinic and hospitals (with incidental boarding)

**Section 4. Compliance with California Environmental Quality Act.** The City finds that this Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of zoning code revisions and related impact studies.

**Section 5. Effective Date.** This Urgency Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to Government Code section 65858 and shall take effect immediately upon its adoption.

**Section 6. Written Report.** At least ten (10) days before this Urgency Ordinance or any extension expires, the City Manager shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of this Urgency Ordinance.

**Section 7. Publishing.** The City Clerk shall certify to the passage of this Urgency Ordinance and cause the same or a summary thereof to be published within fifteen (15)

## Urgency Ordinance No. 1922

days after adoption in a newspaper of general circulation, printed and published in San Bernardino, California.

**Section 8. Term.** This Ordinance is an Urgency Ordinance, enacted pursuant to Government Code section 65858. The term of this Urgency Ordinance shall be for forty-five (45) days from the date of adoption and shall expire and be of no further force or effect, unless and until extended in accordance with Government Code section 65858.

**Section 9.** The Custodian of Records for this Ordinance is the City Clerk and the records compromising the administrative record for this Ordinance are located at 8353 Sierra Avenue, Fontana, California 92335.

**Section 10. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

**APPROVED AND ADOPTED** this 25<sup>th</sup> day of July, 2023.

### READ AND APPROVED AS TO LEGAL FORM:

Ruben Duran  
City Attorney

I, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing Ordinance is the actual Ordinance adopted by the City Council and was introduced at a regular meeting on the 25<sup>th</sup> day of July 2023, by the following vote to wit:

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

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

Germaine Key  
City Clerk of the City of Fontana

Acquanetta Warren  
Mayor of the City of Fontana

Urgency Ordinance No. 1922

**ATTEST:**

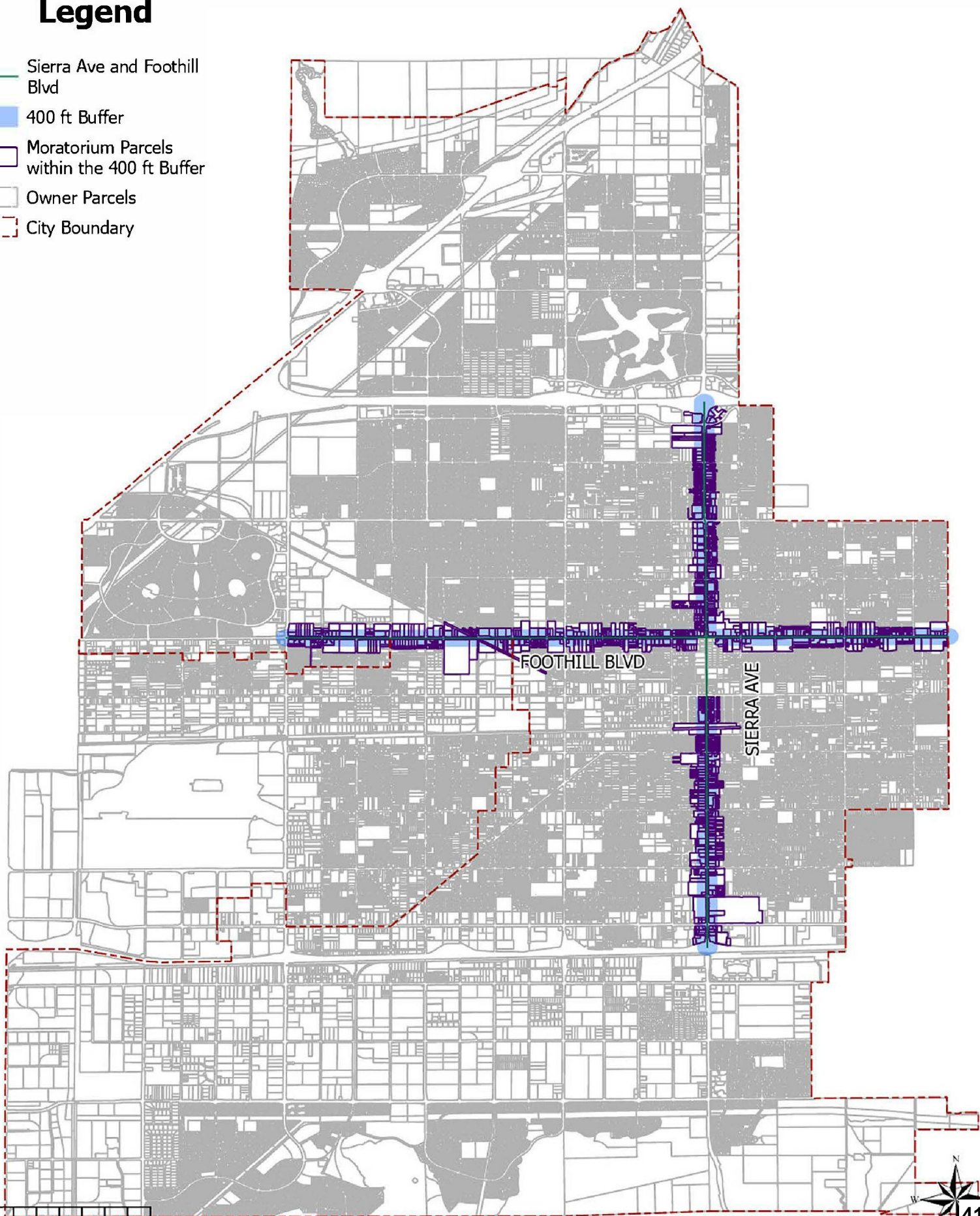
Germaine Key  
City Clerk



Sierra Ave and Foothill Blvd  
Moratorium Parcels Within 400 Feet of Center Line

## Legend

- Sierra Ave and Foothill Blvd
- 400 ft Buffer
- Moratorium Parcels within the 400 ft Buffer
- Owner Parcels
- City Boundary



**Certificate Of Completion**

Envelope Id: BD2A886B783142EEAE3C0E9740D30893

Subject: Please DocuSign: Urgency Ordinance 1922

Source Envelope:

Document Pages: 7

Signatures: 4

Certificate Pages: 5

Initials: 0

AutoNav: Enabled

Envelope Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US &amp; Canada)

Status: Completed

Envelope Originator:

City Clerk

8353 Sierra Avenue

Fontana, CA 92335

clerks@fontana.org

IP Address: 192.146.186.96

**Record Tracking**

Status: Original

7/27/2023 | 05:27 PM

Holder: City Clerk

clerks@fontana.org

Location: DocuSign

**Signer Events**

Ruben Duran

ruben.duran@bbklaw.com

Security Level: Email, Account Authentication  
(None)**Signature***Ruben Duran*

Signature Adoption: Pre-selected Style

Using IP Address: 108.185.61.125

Signed using mobile

**Timestamp**

Sent: 7/27/2023 | 05:28 PM

Viewed: 7/27/2023 | 05:53 PM

Signed: 7/27/2023 | 05:59 PM

**Electronic Record and Signature Disclosure:**

Accepted: 7/27/2023 | 05:53 PM

ID: 88ef1cae-2f1a-4359-b125-9f738f4c857e

Acquanetta Warren

awarren@fontana.org

Security Level: Email, Account Authentication  
(None)*Acquanetta Warren*

Signature Adoption: Pre-selected Style

Using IP Address: 108.184.102.134

Signed using mobile

Sent: 7/27/2023 | 05:59 PM

Viewed: 7/27/2023 | 06:04 PM

Signed: 7/27/2023 | 06:04 PM

**Electronic Record and Signature Disclosure:**

Accepted: 7/27/2023 | 06:04 PM

ID: da31b00c-c50f-4882-a73e-c81adc53b181

Germaine Key

gkey@fontana.org

Security Level: Email, Account Authentication  
(None)*Germaine Key*

Signature Adoption: Pre-selected Style

Using IP Address: 107.201.246.59

Signed using mobile

Sent: 7/27/2023 | 06:04 PM

Viewed: 7/27/2023 | 07:26 PM

Signed: 7/27/2023 | 07:27 PM

**Electronic Record and Signature Disclosure:**

Accepted: 7/27/2023 | 07:26 PM

ID: 61c1968c-0f37-49af-99f2-ae2bc2d8d422

**In Person Signer Events****Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp**

**Carbon Copy Events**

Kathy Kasinger

kkasinger@fontana.org

Records Coordinator

Security Level: Email, Account Authentication  
(None)**Electronic Record and Signature Disclosure:**

Accepted: 6/26/2023 | 12:01 PM

ID: 313ff663-c622-41d0-ac8d-292f7d782a66

**Status****COPIED****Timestamp**

Sent: 7/27/2023 | 07:27 PM

Viewed: 7/31/2023 | 08:19 AM

**Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

7/27/2023 | 05:28 PM

Certified Delivered

Security Checked

7/27/2023 | 07:26 PM

Signing Complete

Security Checked

7/27/2023 | 07:27 PM

Completed

Security Checked

7/27/2023 | 07:27 PM

**Payment Events****Status****Timestamps****Electronic Record and Signature Disclosure**

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact City of Fontana:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [cteveda@fontana.org](mailto:cteveda@fontana.org)

**To advise City of Fontana of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at [cteveda@fontana.org](mailto:cteveda@fontana.org) and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

**To request paper copies from City of Fontana**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to [cteveda@fontana.org](mailto:cteveda@fontana.org) and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

**To withdraw your consent with City of Fontana**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to [cteveda@fontana.org](mailto:cteveda@fontana.org) and in the body of such request you must state your e-mail, full name, US Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**Required hardware and software**

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

\*\* 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.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.

TO: HERALD NEWS  
EMAIL: LEGALS@FONTANAHERALDNEWS.COM  
FROM: FONTANA CITY CLERK'S DEPARTMENT  
DATE: July 31, 2023

PUBLICATION OF SUMMARY OF ADOPTED URGENCY ORDINANCE NO 1922.

PUBLISH ONE TIME ONLY ON OR BEFORE **August 4, 2023.** ONE AFFIDAVIT PUBLICATION REQUESTED.

SUMMARY OF ADOPTED URGENCY ORDINANCE NO 1922.

NOTICE IS HEREBY GIVEN that the City Council of the City of Fontana, at a Regular Meeting held on **July 25, 2023**, at City Hall, 8353 Sierra Avenue, Fontana, California, adopted the following ordinance:

Adopt **Urgency Ordinance No. 1922**, an ordinance of the City of Fontana, California, 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, Administrative Site Plan 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.

A certified copy of the full text of the ordinance is available in the office of the City Clerk of the City of Fontana, 8353 Sierra Avenue, Fontana, California 92335.

CITY COUNCIL OF THE CITY OF FONTANA  
Acquanetta Warren, Mayor

Susana Gallardo  
Specialist to the Deputy City Clerk

P.O. #800496

**REPORT OF THE CITY COUNCIL OF THE CITY OF FONTANA ON URGENCY ORDINANCE NO. 1922 PROHIBITING THE APPROVAL OF ANY BUILDING PERMIT, OCCUPANCY PERMIT, CONDITIONAL USE PERMIT, VARIANCE, SUBDIVISION MAP, DESIGN REVIEW, ADMINISTRATIVE SITE PLAN 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**

**I. Introduction**

On July 25, 2023, the City Council of the City of Fontana enacted Ordinance No. 1922, an Ordinance temporarily prohibiting the issuance or approval of any building permit, occupancy permit, conditional use permit, variance, subdivision map, design review, administrative site plan 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”. Pursuant to Government Code Section 65858, the Ordinance remains in effect for forty-five (45) days, and may be extended by the City Council for an additional ten (10) months and fifteen (15) days.

Ten (10) days prior to the expiration of the Ordinance, the City Council must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

**II. Background on the Adoption of the Ordinance**

In support of the Ordinance, the City Council made the following findings:

1. The City of Fontana, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California.
2. Government Code Section 65300, et seq. allows a city to adopt a General Plan to designate its long-term goals and policies related to its respective community and future development of the city.
3. On November 13, 2018, the City adopted its most recent General Plan, detailing the City’s goals and objectives over the next twenty (20) years.
4. Chapter 14 of the General Plan establishes the City’s intent to make its downtown a local and regional destination hub for dining, shopping and entertainment.
5. The City has identified Foothill Boulevard and Sierra Avenue to be primary corridors that funnel local and regional visitors to its downtown, thereby promoting the economic growth of the City.
6. The City observes that the Sierra Avenue corridor extends from the I-10 Freeway to the I-210 Freeway, and the Foothill Boulevard corridor extends from the Cherry Avenue to Maple Avenue.



7. The City desires to create a balanced environment within its corridors to foster a similar vision to that of the downtown area.
8. To the extent that the land in the Sierra Avenue and Fontana Boulevard corridors are underutilized, underperforming, or inconsistent with the City's General Plan, has a responsibility to move forward with studies necessary to implement General Plan policies related to the economic corridors in order to maintain the City's vibrancy.
9. Without the enactment of the Ordinance, multiple applicants could quickly receive entitlements that would allow for uses contrary to the City's General Plan, subjecting the City to the potential effects and impacts of uncoordinated and conflicting uses, impacts on parking availability in the downtown area of the City, the aesthetic impacts to the City, and other similar or related effects on property values and the quality of life in the City's neighborhoods and effectively creating a current and immediate threat to the public health, safety, and welfare.
10. The City intends to study zone changes prohibiting certain service-related uses along two of its main thoroughfares in an effort to maximize economic development, sales tax generation and encourage entertainment-related development along those corridors.
11. Government Code Section 65858 authorizes the City to adopt an interim urgency ordinance to protect the public safety, health and welfare and to prohibit uses which may be in conflict with a contemplated General Plan or zoning proposal which the City is considering, studying or intends to study within a reasonable time.

### **III. Measures Taken Since the Adoption of the Ordinance**

As the City Council's findings demonstrate, the Ordinance was enacted in response to the City's desire to create an environment within the Sierra Avenue and Foothill Boulevard corridors that is balanced with the City's downtown area plan to make the downtown a local and regional destination hub for dining, shopping and entertainment.

To alleviate the condition that led to the adoption of the Ordinance, the City has begun to take the following steps:

1. City staff have begun conducting research into comprehensive zoning regulations for the Sierra Avenue and Foothill Boulevard corridors that align with the City's downtown area plan. For example, City staff are researching examples of compatible dining, shopping and entertainment land uses found elsewhere in California in order to prepare zoning code amendments to meet the City's General Plan goals and other land use objectives.

2. City staff have begun conducting research in particular into zoning regulations regarding service based, non-entertainment uses.

City staff have not concluded their research and, thus, have not yet made any final recommendations to the City Council regarding the zoning and regulatory standards for the Sierra Avenue and Foothill Boulevard corridors as related to the City's downtown plan. For this reason, it is reasonable and appropriate for the City Council to extend the Ordinance for the additional period of ten (10) months and fifteen (15) days authorized by Government Code Section 65858, to permit City staff to complete their research, make recommendations and allow the City Council to consider and adopt such regulations as it deems appropriate.