

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, April 23, 2024

2:00 PM

Grover W. Taylor Council Chambers

City Council Meeting

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

CALL TO ORDER/ROLL CALL:

A. 2:00 P.M. Call To Order/Roll Call:

The Regular Meeting of the Fontana City Council was held in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, April 23, 2024.

Mayor Pro Tem Garcia called the Regular City Council Meeting to order at 2:00 p.m.

ROLL CALL:

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

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

ABSENT: Mayor Warren

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 Council Member Sandoval.

SPECIAL PRESENTATIONS:

A. Special Presentations

Mayor Pro Tem Garcia and City Council recognized Officers Matthew Sherwood and Steve Solis, Dispatch Supervisor Justine Mojarro and Dispatchers Angelica Padilla and Courtney Francis as Fontana Police Department's January 2024 Employees of the Month.

PUBLIC COMMUNICATIONS:

A. Public Communications

Congressional candidate Mark Cargile introduced himself to the Council and discussed concerns with federal funding being allocated to Ukraine instead of to each congressional district.

Mark Richichi spoke in opposition of Planned Parenthood.

Maria Valadez spoke in opposition of Planned Parenthood.

Steve Caprio discussed concerns with Entrepreneur High School.

Susana Morales spoke against abortion.

Chad Gaskin discussed concerns with a Code Enforcement Notice of Violation that he received.

James Pester discussed concerns with the Burrtec Waste Industries tax roll billing implementation and not being able to file a police report regarding recent identity theft incidents.

Rebecca P. spoke in opposition of Planned Parenthood.

Maria P. spoke in opposition of Planned Parenthood.

Jesus Crist Organization spoke in opposition of Planned Parenthood.

CONSENT CALENDAR:

Mayor Pro Tem Garcia stated that Consent Calendar Item "O" would be pulled from the Consent Calendar and discussed separately under New Business Item "A."

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed by a vote of 4-0 to approve Consent Calendar Items "A-N" and "P-Q," with Council Member Sandoval abstaining on Item "A" and voting No on Items "D,E,F,G and H." The motion carried by the following vote: AYES: Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None; ABSENT: Warren

- A. Approval of Minutes 21-2939**
Approve the minutes of the April 9, 2024, Regular City Council Meeting.
- B. Proclamation Declaring May as "National Cities, Towns, and Villages Month" 21-2962**
The City Council is asked to approve a proclamation declaring May as "National Cities, Towns, and Villages Month" and to support efforts to promote community engagement and celebration throughout the month.
- C. Adoption of Ordinance No. 1943 (Second Reading), update the zoning map from Single-Family Residential (R-1) to Medium Density Residential (R-2). 21-2972**
Second Reading / Adoption of **Ordinance No. 1943**, approving, pursuant to a Mitigated Negative Declaration, Zoning District Map Amendment No. 20-015 to update the zoning map from Single-Family Residential (R-1) to Medium Density Residential (R-2) for four (4) parcels APNs: 0233-122-28, -29, -60 and -63.
- D. Adoption of Ordinance No. 1944 (Second Reading), a change of zoning designation from Residential Planned Community 21-2973**

(R-PC) to Southwest Industrial Park (SWIP) Specific Plan, Slover East Industrial District.

Second Reading / Adoption of **Ordinance No. 1944**, approving, pursuant to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Fontana Business Center 3 project, Zoning District Map Amendment No. 23-002 to change the zoning designation for APNs: 0255-101-24 and -30 from Residential Planned Community (R-PC) to Southwest Industrial Park (SWIP) Specific Plan, Slover East Industrial District for approximately 1.6 acres located on the east side of Juniper Avenue, south of Santa Ana Avenue.

E. Adoption of Ordinance No. 1945 (Second Reading), a Specific Plan Amendment to the Southwest Industrial Park (SWIP) 21-2975

Second Reading / Adoption of **Ordinance No. 1945**, approving, pursuant to the project Mitigated Negative Declaration and Mitigation Monitoring and Report Program, Specific Plan Amendment No. 23-001, an amendment to the Southwest Industrial Park (SWIP) Specific Plan to include 1.6 acres in the Slover East Industrial District on the east side of Juniper Avenue, south of Santa Ana Avenue.

F. Adoption of Ordinance No. 1946 (Second Reading), a Development Agreement between the City of Fontana and Chase Partners. 21-2974

Second Reading / Adoption of **Ordinance No. 1946**, Approving, pursuant to an adopted Mitigated Negative Declaration, a Development Agreement No. 23-001 between the City of Fontana and Chase Partners, which provides a public benefit fee in the amount of \$150,896.25.

G. Adoption of Ordinance No. 1947 (Second Reading), a zoning change from Community Commercial (C-1) to Light Industrial (M-1) 21-2976

Second Reading / Adoption of **Ordinance No. 1947**, Approving, pursuant to an adopted Mitigated Negative Declaration and approved Mitigation Monitoring and Reporting Program for the Citrus and Boyle Project, Zoning District Map Amendment No. 22-009 to change the zoning designation for APN: 0251-151-10 from Community Commercial (C-1) to Light Industrial (M-1) for approximately 0.9 acres located on the north side of Slover Avenue, east of Citrus Avenue.

H. Adoption of Ordinance No. 1948 (Second Reading), a Development Agreement between the City of Fontana and Chipt Fontana Citrus Avenue, L.P. 21-2977

Second Reading / Adoption of **Ordinance No. 1948**, Approving, pursuant to an adopted Mitigated Negative Declaration, a Development Agreement No. 23-096 between the City of Fontana and Chipt Fontana Citrus Avenue, L.P., which provides a public benefit fee in the amount of \$49,722.00.

- I. Contractor Substitution Due to Job Abandonment and Bankruptcy from Previously Awarded Construction Contract for Public Works Concrete Maintenance Project (SB-107-PW-23) 21-2888**

Approve and authorize the City Manager to execute a construction contract with Gentry General Engineering, Inc for the remaining work required to complete the construction of Public Works Concrete Maintenance Project in the amount of \$168,840.00 (Bid No. SB-107-PW-23).
- J. Approve an Agreement with the Inland Empire Utilities Agency, Speedway SBC Development, LLC, and San Bernardino County for Wastewater Services for Speedway SBC Development, LLC 21-2971**

Approve and authorize the City Manager to execute an agreement with the Inland Empire Utilities Agency ("IEUA"), Speedway SBC Development, LLC, and San Bernardino County ("County") for wastewater services for Speedway SBC Development, LLC.
- K. Fontana Community Senior Center Beauty Salon Lease Agreement 21-2935**

 1. To authorize the Community Services Department to enter into a lease agreement with Boss Hair Studios to offer hair styling, nail and retail services at the Fontana Community Senior Center.
 2. Authorize the City Manager or his designee to execute any documents necessary to effectuate said agreement.
- L. Acceptance of Parcel Map No. 19712 and Abandonment of a Certain Portion of Right of Way of Coyote Canyon Road and Lytle Creek Road 21-2938**

Accept Parcel Map No. 19712 located northwest of Interstate 15 (I-15) and west of Sierra Avenue, along the south side of Lytle Creek Road, accept as public dedicated streets and easements, and authorize the Mayor and City Clerk to certify the abandonment of a certain portion of right of way of Coyote Canyon Road and Lytle Creek Road.
- M. Approve a Bond Reduction for Tract No. 17041 - Lot 2 (In-tract Improvements) located within the Citrus Heights North Specific Plan (Shady Trails) 21-2940**

Approve a reduction of the Faithful Performance Bond, Labor and Material Bond, and the Warranty Bond posted by Taylor Morrison of California, LLC. for Tract 17041 - Lot 2, for the in-tract improvements consisting of street, street light, storm drain, and sewer, located within the Citrus Heights North Specific Plan (Shady Trails).
- N. Fontana Auto Center - Pylon Sign Refurbishment 21-2941**

 1. Authorize City Manager to complete upgrades to the Fontana Auto Center

pylon signage in the amount of \$127,710.

O. Issuance of Special Tax Bonds for CFD #111 (Monterado) 21-2946

Adopt **Resolution No. 2024-018**, of the City Council of the City of Fontana authorizing the issuance of City of Fontana Community Facilities District No. 111 (Monterado) Special Tax Bonds, Series 2024, in an aggregate principal amount of not to exceed \$8,000,000, authorizing the execution and delivery of an Indenture, a Bond Purchase Agreement and a Continuing Disclosure Agreement, authorizing the distribution of an Official Statement in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

P. Fontana Expanded Learning Program Services Agreement 21-2949

Approve the Fontana Expanded Learning Program Services Agreement.

Q. Approve the Sale of Real Property by the Successor Agency to the City of Fontana 21-2954

Approve the Purchase of Real Property Identified as APN 0228-301-51 - Located at Citrus And South Highland Avenues - by The City of Fontana and Authorizing the City Manager To Negotiate and Execute a Purchase and Sale Agreement with the Successor Agency to the Fontana Redevelopment Agency

New Business Item A- Issuance of Special Tax Bond for CFD #111 (Monterado). **21-2996**

NEW BUSINESS:

A. Issuance of Special Tax Bonds for CFD #111 (Monterado) 21-2946

Adopt **Resolution No. 2024-018**, of the City Council of the City of Fontana authorizing the issuance of City of Fontana Community Facilities District No. 111 (Monterado) Special Tax Bonds, Series 2024, in an aggregate principal amount of not to exceed \$8,000,000, authorizing the execution and delivery of an Indenture, a Bond Purchase Agreement and a Continuing Disclosure Agreement, authorizing the distribution of an Official Statement in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

Accountant II Justin Marietta provided the staff report.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, and passed by a vote of 4-0 to approve New Business Item "A." The motion carried by the following vote: AYES: Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None; ABSENT: Warren

PUBLIC HEARINGS:

A. Ordinance No. 2024-1949: An Ordinance of the City Council of 21-2842 the City of Fontana, California, Pursuant to an Exemption from the California Environmental Quality Act, Approving a Development Agreement with HS Fontana Retail, LLC, concerning a retail cannabis business and Direct Staff to File a Notice of Exemption.

Based on the information in the staff report and subject to the findings, conclusions, and information in the staff report, resolution and presented in the public hearing, staff recommends that the City Council adopt Ordinance No. 2024-1949; and

1. Find, after review of the whole of the Project, including this Development Agreement, that the project is EXEMPT from the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines Section 15301 (Existing Facilities) and direct staff to file a Notice of Exemption; and
2. Approve a Development Agreement with HS Fontana Retail, LLC, based upon the findings in the staff report and ordinance, pending adoption of an Operating Agreement with HS Fontana Retail, LLC.
3. Approve an Operating Agreement with HS Fontana Retail, LLC, as required by FMC 33-21.

Mayor Pro Tem Garcia opened the public hearing.

City Clerk Key stated that there was no written correspondence received.

Deputy City Manager Phillip Burum provided the staff report.

Council Member Sandoval asked if the proposed amendment to Section D of the development agreement, as presented in a memo to the Council in advance of the meeting, would be included in the motion.

Deputy City Manager Burum stated that Section D was modified to correct a typo that implied the owner would be a part of the development agreement when the agreement would be with the property owner or leasehold interest owner.

Council Member Sandoval asked if Community Benefit Funds could be used for other projects in the Southridge area such as a dog park instead of the proposed children's museum.

Deputy City Manager Burum stated that a dog park was in development in the Southridge area and that a children's museum would benefit the entire city and region. Also noted that the Community Benefit Fee was increased because the applicant would like to see a children's museum developed in the downtown area. Stated that the development agreement could be amended at the Council's direction, but the Community Benefit Fee would be lower with a

projected loss of \$100,000 - \$125,000 in revenue per year.

Discussion ensued regarding earmarking funds for specific purposes and the negotiation process of the Community Benefit Fee amount.

With no one interested to speak in favor or opposition of this item Mayor Pro Tem Garcia closed the Public Hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed by a vote of 4-0 to approve Public Hearing Item “A” to include an amendment to Ordinance 1949, Page 7, Section D as follows:

D. Permittee currently owns legal or equitable interest or leasehold in real property considered in this Agreement, located at 11275 Sierra Avenue, Suite 3-E, City of Fontana, County of San Bernardino, State of California (the “Site”). The Site includes Assessor’s Parcel Numbers: 0194-381-46 as is more fully described in Exhibit A and shown on the map in Exhibit B, both exhibits being attached hereto and incorporated herein by this reference.

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

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

City Treasurer Koehler-Brooks thanked the Fontana Chamber of Commerce for the recent dinner honoring police and fire personnel.

City Clerk Key congratulated the Fontana Police Department Employees of the Month.

Council Member Cothran discussed a recent ride-a-long with the Police Department and thanked public safety personnel.

Council Member Sandoval also thanked the police officers along with the captains and police chief, fire staff and school public safety staff. Also discussed the League of California Cities Leadership Summit he attended and wished happy birthday to his daughter Cecilia, son Jesse, his dad and grandson Tommy.

Council Member Roberts congratulated police and fire staff for an outstanding job at keeping Fontana one of the safest cities.

Mayor Pro Tem Garcia discussed the League of California Cities Leadership Summit he attended and the recent Fontana Chamber of Commerce dinner honoring police and fire personnel. Also discussed the recent Safewise report ranking Fontana as one of the safest cities in California and congratulated city staff and public safety staff.

ADJOURNMENT:

A. Adjournment

Mayor Pro Tem Garcia and the City Council led a moment of silence in memory of the following individual:

1. Gil Navarro

Mayor Pro Tem Garcia adjourned the meeting at 3:13 p.m. to the next Regular City Council Meeting on Tuesday, May 14, 2024, at 2:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Christina Rudsell

Christina Rudsell, CMC
Deputy City Clerk

THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA CITY COUNCIL ON MAY 14, 2024.

Germaine Key

Germaine Key
City Clerk

Certificate Of Completion

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Christina Rudsell

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gkey@fontanaca.gov
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ID: 74039465-23df-4a3b-8cae-73eec406f07f

In Person Signer Events

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Status

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Status

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Status

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Kathy Kasinger
kkasinger@fontana.org
Records Coordinator
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ID: 110b28a7-9576-4058-ac79-3dd5ee7f7b8c

Witness Events

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Notary Events

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Envelope Summary Events

Status

Timestamps

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Security Checked

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Security Checked

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Security Checked

10/23/2024 | 03:06 PM

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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:

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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 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.

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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 and in the body of such request you must state your e-mail, full name, IS 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">•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.

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.

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