

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Ord. No. 1912 Reso. No. 2023-001

Tuesday, January 24, 2023

7:00 PM

Grover W. Taylor Council Chambers

City Council Meeting

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.

WORKSHOP:**A. 5:00 P.M. City Council Workshop**

- A. (a) NPDES MS4 Permit Overview (Public Works Director Gia Kim to present);**
- (b) Municipal Code Strategic Plan Review (Deputy City Manager Ray Ebert to present);**
- (c) Agenda Review;**
- (d) City Manager Comments;**
- (e) Public Communications**

[21-1954](#)**PUBLIC COMMUNICATION - CLOSED SESSION:**

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

A. Public Communications - Closed Session**CLOSED SESSION:****A. 6:00 P.M. CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING [21-1949](#)
LITIGATION

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

Name of Case: City of Fontana vs. Jonathan Cory

Claim #: 190600049

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-162-35 and 0191-162-34

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Michael D Gay

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-151-08

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Wilen Family Trust

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN's 1108-072-01 thru -16 and 1108-074-01 thru -16

City Negotiator: Ray Ebert, Deputy City Manager

Negotiating Parties: Diversified Pacific Communities

Under Negotiation: Price and terms of payment

CALL TO ORDER/ROLL CALL:

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

INVOCATION/PLEDGE OF ALLEGIANCE:

- A. Invocation/Pledge of Allegiance:**

PROCLAMATION:

- A. 1. Mayor Warren and City Council to proclaim the month of [21-1934](#)
January 2023 as National Mentoring Month (Marina Uriarte,
Senior Regional Director of Big Brother, Big Sister to present).**

SPECIAL PRESENTATIONS:

- A. 1. Mayor Warren and City Council to recognize Scarlett Harrod for community clean up efforts (Mayor Warren to present). [21-1935](#)
2. Mayor Warren and City Council to recognize Officer Gus Moreno, Administrative Analyst I Justice Montgomery, and Administrative Technician's Cassandra Pimentel and Taryn Sanford as the Fontana Police Department December 2022 Employees of the Month (Captain Michael Dorsey and Administrative Support Services Manager Michelle Blank to present).

PUBLIC COMMUNICATIONS:

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

A. Public Communications

CONSENT CALENDAR:

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

A. **Approval of Minutes** [21-1961](#)

Approve the minutes of the December 12, 2022, Special City Council Meeting and the December 13, 2022, Regular City Council Meeting.

Attachments: [December 12, 2022 - Special City Council Meeting.pdf](#)
[December 13, 2022 - Regular City Council Minutes.pdf](#)

B. Acceptance of Final Map for Parcel Map No. 20250 and Abandonment of a Certain Portion of Right of Way of Boyle Avenue [21-1892](#)

Accept Parcel Map No. 20250 located north of Slover Avenue, west of Juniper Avenue, east of Cypress Avenue, and south of the I-10 Freeway; 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 Boyle Avenue.

Attachments: [Parcel Map 20250.pdf](#)
[Vicinity Map](#)

C. Resolutions Establishing Cannabis Hours of Operation and Permit Integrity Process Standards [21-1900](#)

1. Adopt **Resolution 2023-002**, Establishing Cannabis Hours of Operation; and,
2. Adopt **Resolution 2023-003**, Establishing Cannabis Permit Integrity Process Standards
3. Find that these actions are not a project subject to the California Environmental Quality Act (CEQA)

Attachments: [Resolution 2023-002 - Cannabis Hours of Operation](#)
[Resolution 2023-003 - Cannabis Permit Process Integrity](#)

D. Police Department Donations July - December 2022 [21-1940](#)

Accept monetary and gift donations from multiple donors including community programs, businesses, and citizens.

Attachments: [July-Dec 2022 DONATION LIST.pdf](#)

E. Authorize the purchase of a CNG Freightliner M2 Dump Body Claw Truck. [21-1941](#)

Authorize the Purchasing Office to use the Sourcewell Cooperative Purchasing Agreement (Contract #40621-PII) for the purchase of one (1) 2024 Freightliner 114SD from Municipal Maintenance Equipment in the amount of \$315,156.58, plus sales tax \$24,424.63 and CA tire fee \$10.50 for a total of \$339,591.71.

Attachments: [Quote.pdf](#)

F. Officer Wellness and Mental Health Grant Award [21-1943](#)

- Accept the Officer Wellness and Mental Health Grant Award in the amount of \$136,204.04 from BSCC (Board of State and Community Corrections).
- Increase revenues in the amount of \$136,204.04; and appropriate \$136,204.04 in Grant Fund #301, Project #40100002-301-A.

Attachments: [BSCC Officer Wellness Grant 12-21-2022.pdf](#)
[BSCC Distribution Officer Wellness 2022 post.pdf](#)

G. Award Center Stage Audio Visual System Update [21-1945](#)

Award bid and authorize the City Manager to execute a contract with Matrix Audio Visual Designs to provide equipment and services to upgrade the audio and video technology located in the Center Stage Theater in the amount of \$935,183.87 and a 6.5% Contingency in the amount of \$60,786.96.

Attachments: [Scoring Matrix.pdf](#)
[CoF Center Stage Theater - P001029 - R1.pdf](#)

H. Temporary Reduction of Development Impact Fees [21-1946](#)

Adopt **Resolution No. 2023-004**, a resolution of the City Council of the City of Fontana temporarily reducing existing development impact fees for residential construction within the City.

Attachments: [Attachment 1 - Resolution 2023-004, Temporary DIF Reduction for Residential Development](#)
[Attachment 2 - Agreement](#)

I. 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) [21-1952](#)

1. Approve the Interlocal Agreement with the Town of Apple Valley, the Cities of Adelanto, Apple Valley, Barstow, Chino, Colton, Fontana, Hesperia, Highland, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, Victorville, and the County of San Bernardino, concerning distribution of the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$54,155;
2. Authorize the City Manager to sign the Interlocal Agreement on behalf of the City of Fontana for the 2021 Justice Assistance Grant and any other documents and/or amendments required to comply with this grant award;
3. Approve allocation of funds to purchase law enforcement equipment to assist in responding to or investigate crimes.
4. Increase revenues in the amount of \$51,447; and appropriate \$51,447 in Grant Fund #301, Project #40200004-301-A.

Attachments: [2021 JAG Subaward Contract.pdf](#)
[2021 JAG Interlocal Agreement.pdf](#)
[2021 JAG Appendix 1.pdf](#)

J. 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) [21-1953](#)

1. Approve the Interlocal Agreement with the Town of Apple Valley, the Cities of Adelanto, Apple Valley, Barstow, Chino, Colton, Fontana, Hesperia, Highland, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, Victorville, and the County of San Bernardino, concerning distribution of the 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$54,036;
2. Authorize the City Manager to sign the Interlocal Agreement on behalf of the City of Fontana for the 2022 Justice Assistance Grant and any other documents and/or amendments required to comply with this grant award;
3. Approve allocation of funds to purchase law enforcement equipment to assist in responding to or investigate crimes.
4. Increase revenues in the amount of \$51,334 and appropriate \$51,334 in Grant Fund #301, Project #40300007-301-A.

Attachments: [2022 JAG Sub Award Contract.pdf](#)
[2022 JAG Inerlocal Agreement.pdf](#)
[2022 JAG Appendix 1.pdf](#)

K. Approve Resolution Authorizing the City of Fontana to pick-up certain Employee Contributions to the City's PTS-OBRA Plan pursuant to IRS Code Section 414(h)(2) [21-1955](#)

1. Adopt **Resolution No. 2023-005**, for the employer pick-up of certain employee contributions to the City's PTS-OBRA Plan pursuant to Internal Revenue Code section 414(h)(2).
2. Authorize the City Manager and appropriate members of City staff to execute any and all plan documents, subsequent agreements and any other related items, and to take all reasonable and necessary actions, on behalf of the City to carry out and implement the resolution

Attachments: [Resolution for pick-up of contributions to PTS-OBRA Plan 01.24.2023-c1.pdf](#)

L. City of Fontana's Single Audit Report (SAR) for Fiscal Year ended June 30, 2021. [21-1958](#)

Receive and File the City of Fontana's Single Audit Financial Report for Fiscal Year ended June 30, 2021.

Attachments: [Single Audit Report 2021.pdf](#)

M. Pre-Paid Card Marketing and Processing Agreement - FiCentive, Inc. [21-1960](#)

To approve the card processing vendor agreement for the Fontana Eats resident grant program and assign delegation authority to the City Manager and appointee for program implementation.

Attachments: [Fontana - Pre-Paid Card Marketing and Processing Agreement City of Fontana final.pdf](#)

N. Adding Eligible Capital Improvement Project to Development Impact Fee Project List [21-1965](#)

Adopt **Resolution No. 2023-006**, a resolution of the City Council of the City of Fontana delegating authority to the City Manager or their designee to add eligible Capital Improvement Projects (CIP) to the Development Impact Fee Project List (DIF LIST) and taking other actions relating thereto.

Attachments: [Attachment No 1 - Resolution adding projects to CIP](#)

O. Purchase and Sale agreement for Parcels 0232-201-012 and 0232-201-013 [21-1964](#)

1. Approve a Purchase & Sale Agreement for the purchase of vacant land located South of Arrow Blvd between Tokay Avenue and Citrus Avenue in the city of Fontana, more specifically described as APNs #0232-201-012, 0232-201-013 in the amount of \$3,040,000 plus interest.
2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or Purchase & Sale Agreement.
3. Authorize the City Manager, in coordination with the City Attorney, to make non-material, clarifying and conforming changes as needed to complete signing.

Attachments: [REDLINE Purchase and Sale Agreement-- Fontana to Water of Life \(CITY DRAFT 1-19-23\) CLEAN-c1.pdf](#)

Approve Consent Calendar Items as recommended by staff.

PUBLIC HEARINGS:

To speak on Public Hearing Items, submit comments via e-mail at publiccomments@fontana.org. 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 (e) oral - favor
- (b) written communication (f) oral - opposition
- (c) council/staff comments (g) hearing closed
- (d) applicant comments (applicant not limited to 5 minutes)

A. Resolution Establishing Cannabis Fees**[21-1899](#)**

Adopt **Resolution No. 2023-001**, Establishing Cannabis Fees; and

Find that the activity is not a project subject to the California Environmental Quality Act (CEQA).

Attachments: [Resolution 2023-001 Cannabis Fees 011023.docx](#)

- B. **Adoption of a Resolution of the City Council of the City of Fontana Discontinuing and Abandoning Certain Parkland to Allow for the Conveyance of Park Property in Exchange for Privately Owned Property (Government Code Section 38440 et seq.) -OR- Adoption of a Resolution of the City Council of the City of Fontana Terminating Proceedings to Discontinue and Abandon Certain Parkland (Government Code Section 38440 et seq.)** [21-1924](#)

Determination that the City Council's actions are exempt from CEQA.

Conduct Public Hearing, Hear and Pass on Protests, Determine Whether to Discontinue and Abandon Certain Parkland or to Terminate Discontinuance Proceedings

Attachments: [Attachment No. 1 - City Council Staff Report and Attachment of 12-12-2022](#)
[Attachment No. 2 - Property Map](#)
[Attachment No. 3 - Signed Resolutions 2022-141 and 2022-142](#)
[Attachment No. 4 - Park Sign Location and Public Hearing Notice](#)
[Attachment No. 5 - Resolution Approving Discontinuance and Abandonment of Parkland with Exhibit](#)
[Attachment No. 6 - Resolution Terminating Proceedings with Exhibit](#)
[Attachment No. 7 - Public Hearing Notice](#)

NEW BUSINESS:

- A. **Appointment of Mayor Pro Tem** [21-1831](#)
- Consider an appointment of a Council Member to the position of Mayor Pro Tem for a one-year term.

CITY MANAGER COMMUNICATIONS:

- A. **City Manager Communications**

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

- A. **Discussion and Possible Action Regarding Appointment to the Parks, Community, and Human Services Commission and Planning Commission for a two-year term** [21-1982](#)

- B. Discussion and Possible Action Regarding Appointing Regular and Alternate Members to Local Agencies / Regional Boards** [21-1939](#)

ADJOURNMENT:

A. Adjournment

Adjourn to the next Regular City Council Meeting on Tuesday, February 14, 2023, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.