

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

WORKSHOP 5:30 PM
CLOSED SESSION 6:00 PM
REGULAR MEETING 7:00 PM
Tuesday, March 28, 2023
7:00 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 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.

WORKSHOP:**A. 5:30 P.M. City Council Workshop**

- A. (A) Presentation from San Felipe Fire Department (Fire Chief Jeff Birchfield to present); [21-2073](#)**
(B) Public Communications;
(C) Agenda Review

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**

CONFERENCE WITH LEGAL COUNSEL – EXISTING [21-2081](#)
LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)
(1)
Case: Lucien Leyes, et. al v. City of Fontana
Claim Number: 2020-066 (a-C)

CALL TO ORDER/ROLL CALL:

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

INVOCATION/PLEDGE OF ALLEGIANCE:

- A. Invocation/Pledge of Allegiance

CLOSED SESSION ANNOUNCEMENT

- A. Closed Session Announcement

PROCLAMATION:

1. Mayor Warren and City Council to proclaim March 29, 2023, [21-2074](#)
as Vietnam War Veterans Day (Mayor Warren to present).

SPECIAL PRESENTATIONS:

1. Mayor Warren and City Council to recognize the Etiwanda [21-2075](#)
High School Girls Basketball Team for recent State
Championship Win (Mayor Warren to present).
2. Mayor Warren and City Council to recognize Retiring Police
Chief William Green (Mayor Warren 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 [21-2076](#)

Approve the minutes of the March 14, 2023, Regular City Council Meeting.

Attachments: [March 14, 2023 - City Council Meeting.pdf](#)

B. Acceptance of Final Map for Parcel Map No. 20508 and Abandonment of a Certain Portion of Right of Way of Banana Avenue [21-2015](#)

Accept Parcel Map No. 20508 located at the northwest and northeast corner of Slover Avenue and Banana Avenue; 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 Banana Avenue.

Attachments: [Parcel Map No. 20508.pdf](#)
[Vicinity Map.pdf](#)
[Vicinity Map - Abandonment.pdf](#)
[Location Map - Sale of Surplus Property.pdf](#)

C. Sale of Surplus Property located North of Slover Avenue and West of Banana Avenue [21-2016](#)

1. Adopt **Resolution No. 2023-019**, approving a sale of City-owned exempt surplus property located north of Slover Avenue and west of Banana Avenue to CPL Slover LLC, a Delaware limited liability company ("Developer") and make the requisite declarations and findings contained therein.
2. Approve and authorize the City Manager and City Attorney to execute the Purchase and Sale Agreement with Developer.

Attachments: [Resolution 2023-019- Sale of Property - NWC Slover Ave and Banana Ave.docx](#)
[Purchase and Sale Agreement - NWC Slover Ave and Banana Ave.docx](#)
[Opinion of Value Letter.pdf](#)
[Vicinity and Location Map.pdf](#)

D. Final Acceptance of the Valley Boulevard at Almond Avenue Traffic Signal Project [21-2059](#)

Accept as complete the work performed by All American Asphalt for the construction of the Valley Boulevard at Almond Avenue Traffic Signal Project (# 36003307) and approve the final construction amount of \$1,092,802.38 (SB-81-DE-20).

Attachments: [Vicinity Map](#)

E. Establishing Updated Rules and Regulations Relating to Employer-Employee Relations [21-2071](#)

Adopt **Resolution No. 2023-020**, Repealing Resolution No. 90-273 and Establishing Updated Rules and Regulations Relating to Employer-Employee Relations.

Attachments: [CC Resolution Updating Rules and Regulations re Employer-Employee Relations-c1.doc](#)
[Exhibit A - Resolution for Employer-Employee Relations-c1.pdf](#)
[Exhibit B - Resolution for Employer Employee Relations REDLINED.pdf](#)

F. Police Department Monthly Information Update [21-2050](#)

Accept the Police Department monthly information update for February 2023.

Attachments: [February 2023 Report for City Council Rev.pptx](#)

G. Award a Construction Contract for the Cherry Avenue and South Highland Avenue Interim Traffic Signal Project [21-2083](#)

1. Approve and authorize the City Manager to award and execute a construction contract that includes a 10% Contingency with the lowest responsible/responsive bidder for the Cherry Avenue and South Highland Avenue Interim Traffic Signal Project (Bid No. SB-110-DE-23)
2. Authorize the City Manager to execute any and all utility agreements, utility easements, and any related items on behalf of the City of Fontana for the Cherry Avenue and South Highland Avenue Interim Traffic Signal Project.

Attachments: [Vicinity Map](#)

- H. **Authorize the Purchase of three Vactor, Freightliner SD114 CNG Chassis Combination Trucks from Haaker Equipment** [21-2079](#)
End

RECOMMENDATION:

1. Authorize the Purchasing Division to use Sourcewell Cooperative Purchasing Agreement Contract No. 101221-VTR to purchase three (3) Vactor Combination Trucks in the amount of \$1,725,633.83 from Haaker Equipment Company of La Verne, California.
2. Authorize the trade in of two (2) Vactor Combination Trucks Unit 8251 and 8673.
3. Authorize the City Manager to Appropriate \$382,880.00 from Sewer Fund 701, fund balance to Fund 751 Fleet Operations (75138306 - Fleet replacement).
- 1.

Attachments: [Quote.pdf](#)

- I. **Declaring Surplus Land - Property located at 8443 Nuevo Avenue** [21-2096](#)

1. Approve **Resolution No. 2023-021**, declaring that the City-owned property on the SEC of Spring Street and Nuevo Avenue (Assessor's Parcel Number 0191-163-27) is "Surplus Land" pursuant to the Surplus Land Act, Government Code Section 54220 Et Seq.; and approving the form of Notice of Availability.
2. Authorize the City Manager and/or his designee(s) to take all actions necessary or appropriate to comply with the Surplus Land Act.

Attachments: [SLA Resolution 8443 Nuevo Avenue](#)
[Notice of Availability Surplus Land 8443 Nuevo Avenue](#)

J. Declaring Surplus Land - Property located at 16879 Spring Street [21-2097](#)

1. Approve **Resolution No. 2023-022**, declaring that the City-owned property on the SWC of Spring Street and Sierra Avenue (Assessor's Parcel Number 0191-163-11) is "Surplus Land" pursuant to the Surplus Land Act, Government Code Section 54220 Et Seq.; and approving the form of Notice of Availability.
2. Authorize the City Manager and/or his designee(s) to take all actions necessary or appropriate to comply with the Surplus Land Act.

Attachments: [SLA Resolution 16879 Spring Street](#)
[Notice of Availability Surplus Land 16879 Spring Street](#)

K. Declaring Surplus Land - Properties located at the NWC of Arrow and Sierra [21-2098](#)

1. Approve **Resolution No. 2023-023**, declaring that three City-owned properties on the NWC of Arrow Boulevard and Sierra Avenue (Assessor's Parcel Numbers 0191-163-16, 0191-163-17, and 0191-163-26) are "Surplus Land" pursuant to the Surplus Land Act, Government Code Section 54220 Et Seq.; and approving the form of Notice of Availability.
2. Authorize the City Manager and/or his designee(s) to take all actions necessary or appropriate to comply with the Surplus Land Act.

Attachments: [SLA Resolution B of A Parking Lot](#)
[Notice of Availability Surplus Land BofA Parking Lot](#)

L. Declaring Surplus Land - Properties located at 8440 Nuevo Avenue [21-2099](#)

1. Approve **Resolution No. 2023-024**, declaring that three City-owned properties on the SWC of Spring Street and Nuevo Avenue (Assessor's Parcel Numbers 0191-162-30, 0191-162-31, and 0191-162-32) are "Surplus Land" pursuant to the Surplus Land Act, Government Code Section 54220 Et Seq.; and approving the form of Notice of Availability.
2. Authorize the City Manager and/or his designee(s) to take all actions necessary or appropriate to comply with the Surplus Land Act.

Attachments: [SLA Resolution 8443 Nuevo Avenue.docx](#)
[Notice of Availability Surplus Land 8440 Nuevo Ave](#)

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
- (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. Quarterly Lien Action for Delinquent Sewer, Rubbish and [Weed Abatement Accounts 21-2080](#)

1. Authorize staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in Certified Lien List and direct staff to forward recorded liens to the County for collection.
2. Authorize staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the Certified Lien List and direct staff to forward recorded liens to the County for collection.
3. . Adopt **Resolution No. 2023-025**, of the City Council of the City of Fontana adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.

Attachments: [Public Hearing Notice - Rubbish](#)
[Public Hearing Notice - Sewer](#)
[Public Hearing Notice - Weed Abatement](#)
[Weed Abatement Resolution March 2023](#)

- B. Continuance of Appeal No. 23-001: A request to overturn the Planning Commission's decision on January 17, 2023, approving Master Case No. 20-083 for Tentative Parcel Map No. 20464 (TPM No. 20-021), Variance No. 22-001, Conditional Use Permit No. 20-025, Conditional Use Permit No. 22-019, Conditional Use Permit No. 22-028, and Design Review No. 20-031 along with the adoption of an Initial Study, Mitigated Negative Declaration, and Mitigation, Monitoring, and Reporting Program for the development of commercial retail center to include a banquet hall, dual branded hotel, restaurant/retail building, and a drive-through restaurant (In-n-out) on an approximately 8.9 adjusted gross acre site on the northwest corner of South Highland Avenue and Citrus Avenue (APNs: 0228-301-01 through -08, 0228-310-20, -21, -22, -23, 0228-310-33 through -49, -51, and 52).** [21-2017](#)
1. Open the public hearing and accept public comments.
 2. Continue Appeal No. 23-001 to the April 25, 2023 City Council meeting).

Attachments: [Attachment No. 1 - Appeal Letter](#)
[Attachment No. 2 - Vicinity Map](#)
[Attachment No. 3 - Project Plans](#)
[Attachment No. 4 - Planning Commission Staff Report and Resolution](#)
[Attachment No. 5 - Planning Commission Minutes for January 17, 2023 Meeting](#)
[Attachment No. 6 - City Attorney Response Letter dated January 17, 2023 to the Appellant](#)
[Attachment No. 7 - Response Letter to the Appeal](#)
[Attachment No. 8 - Public Hearing Notice](#)

- C. **1st Cycle General Plan Amendment; Master Case Number (MCN) 22-052: General Plan Amendment (GPA) No. 22-003, Zoning Code (District Map) Amendment (ZCA) No. 22-004, Zoning Code Amendment (ZCA) No. 22-012 and Design Review (DRP) No. 22-028 - A request to adopt the Mitigated Negative Declaration pursuant to Section 15070 of the California Environmental Quality Act (CEQA) and Section 6.04 of the 2019 Local Guidelines for Implementing CEQA, amend the general plan land use designation and zoning designation from Multi-Family Residential and Multi-Family High Density Residential to Multi-Family Medium/High Density Residential and amend the required setback for buildings on parcels zoned Multi-Family Medium/High Density Residential (R-4) from parcels zoned Multi-Family Residential (R-3), in order to construct a multi-family residential development comprised of 88 units and five accessory dwelling units, on-site amenities, parking, landscaping and other on-site and off-site improvements on a 3.64 acre site located on the west side of Sierra Avenue between Ramona Avenue and San Jacinto Avenue.** [21-2010](#)
1. Adopt **Resolution No. 2023-026**, a Resolution of the City Council of the City of Fontana, adopting the Mitigated Negative Declaration pursuant to Section 15070 of the California Environmental Quality Act (CEQA) and Section 6.04 of the 2019 Local Guidelines for Implementing CEQA, approving General Plan Amendment No. 22-003 amending the General Plan Land Use designation on approximately 3.64 acres from Multi-Family Residential (R-MF) and Multi-Family High Density Residential (R-MFH) to Multi-Family Medium/High Density Residential and approving Design Review No. 22-028 for the construction of a multi-family residential development comprised of 88 units and five accessory dwelling units, on-site amenities, parking, landscaping and improvements; and
 2. Read by title only and waive further reading of and introduce **Ordinance No. 1919**, an Ordinance of the City of Fontana, approving an amendment to the Zoning Map changing the zoning designation for APN 0241-071-41 from Multi-Family Residential (R-3) to Multi-Family Medium/High Density Residential (R-4) and changing the zoning designation for APN 0241-071-42 from Multi-Family High Density Residential (R-5) to Multi-Family Medium/High Density Residential (R-4), and that the reading of the title constitutes the first reading thereof; and
 3. Read by title only and waive further reading of and introduce **Ordinance No. 1920**, an Ordinance of the City Council of the City of Fontana approving an amendment to Section 30-454 of the Fontana

Municipal Code (Zoning and Development Code) to change the minimum setback between buildings on a parcel zoned Multi-Family Medium/High Density Residential (R-4) and parcels zoned Multi-Family Residential (R-3), and that the read of the title constitutes the first reading thereof.

Attachments: [Attachment No. 1 - City Council Resolution](#)

[Attachment No. 2 - City Council Ordinance for Zoning Code \(District Map\) Amendment No. 22-004](#)

[Attachment No. 3 - City Council Ordinance for Zoning Code Amendment No. 22-012](#)

[Attachment No. 4 - Planning Commission Agenda Packet](#)

[Attachment No. 5 - Planning Commission Minutes - January 17, 2023](#)

[Attachment No. 6 - Notice of Public Hearing](#)

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 Tuesday, April 11, 2023, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.