

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Ord. No. 1949 Reso. No. 2024-018

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

Welcome to a meeting of the Fontana City Council.

Welcome to a meeting of the Fontana City Council. Meetings are held at 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 Council Chambers 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 accommodation 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 at the City Clerk's Office.

Para traducción en Español, comuníquese con la oficina, "City Clerk" al (909) 350-7602.

The City of Fontana is committed to ensuring a safe and secure environment for its residents to engage with the government. No oversized bags or backpacks (size limit of 14"x14"x6") will be allowed inside the Council Chambers. All bags are subject to search. Face masks are prohibited in the Council Chambers, but clear masks will be provided upon request to accommodate individuals with medical needs, ensuring their safety and well-being. Before entering the Council Chambers, you may be subject to a metal detector screening. The City Manager retains the discretion to grant any exemptions. Fontana aims to provide safe buildings for our community members, employees, and visitors.

CALL TO ORDER/ROLL CALL:

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

INVOCATION/PLEDGE OF ALLEGIANCE:

- A. Invocation/Pledge of Allegiance:

SPECIAL PRESENTATIONS:

- A. Special Presentations

- A. Mayor Pro Tem Garcia and City Council to recognize [21-2961](#)
Officers Matthew Sherwood and Steve Solis, Dispatch
Supervisor Justine Mojarro and Dispatchers Angelica
Padilla and Courtney Francis as Fontana Police
Department January 2024 Employees of the Month (Captain
Binks 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.

Approve Consent Calendar Items as recommended by staff.

- A. Approval of Minutes** [21-2939](#)
Approve the minutes of the April 9, 2024, Regular City Council Meeting.
Attachments: [City Council Meeting Minutes 04-09-2024.pdf](#)
- 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.
Attachments: [Proclamation - National Cities Towns and Villages Month.pdf](#)
- 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.
Attachments: [Ord. 1943.docx](#)
- D. Adoption of Ordinance No. 1944 (Second Reading), a change of zoning designation from Residential Planned Community (R-PC) to Southwest Industrial Park (SWIP)** [21-2973](#)

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.

Attachments: [Ord. 1944.docx](#)

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

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.

Attachments: [Ord. 1945.docx](#)

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

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.

Attachments: [Ord. 1946.docx](#)

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

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.

Attachments: [Ord. 1947.docx](#)

- 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.

Attachments: [Ord. 1948.docx](#)

- 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).

Attachments: [Gentry General Engineering, Inc Cost Proposal](#)

- 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.

Attachments: [Final Sewer Agreement with IEUA County Speedway \(3-1-24\).pdf](#)
[Wastewater Connection Location.pdf](#)
[Project Location.pdf](#)

- 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.

Attachments: [Beauty Salon Lease Agreement 2024-Boss Hair Studio Final.doc](#)

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.

Attachments: [Parcel Map 19712.pdf](#)
[Vicinity Map.pdf](#)

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).

Attachments: [Bonds - Tract 17041-Lot 2.pdf](#)
[Tract 17041.pdf](#)
[Vicinity Map.pdf](#)

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.

Attachments: [10-3-23 Revised 12 brands per face ART R2 OPY-58333 - Fontana Auto Center.pdf](#)
[Est 849 from ElectraMedia Inc. 7076.pdf](#)

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.

Attachments: [Resolution Authorizing Issuance](#)
[Preliminary Official Statement](#)
[Indenture](#)
[District Continuing Disclosure Agreement](#)
[Bond Purchase Agreement](#)
[Appraisal Report](#)

P. Fontana Expanded Learning Program Services Agreement [21-2949](#)

Approve the Fontana Expanded Learning Program Services Agreement.

Attachments: [City of Fontana FUSD FELP Contract 2024-2027 - final.pdf](#)

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

Attachments: [Purchase and Sale Agreement SA Draft-c1.Highland.doc](#)

PUBLIC HEARINGS:

To speak on Public Hearing Items, submit comments via e-mail at 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 12:00 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. Ordinance No. 2024-1949: An Ordinance of the City Council of the City of Fontana, California, Pursuant to an Exemption from the California Environmental Quality Act, Approving a Development Agreement with HS Fontana Retail, LLC, [21-2842](#)

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.

Attachments: [Attachment No. 1 Vicinity Map.docx](#)
[Attachment No. 2 Ordinance.docx](#)
[Attachment No. 3 Notice of Exemption.docx](#)
[Attachment No. 4 Public Hearing Notice for City Council.docx](#)

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 May 14, 2024 at 2:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.