

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Ord. No. 1906 Reso. No. 2022-126

Tuesday, October 11, 2022

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.

Traducción en Español disponible a petición. Favor de notificar al Departamento "City Clerk". Para mayor información, favor de marcar el número (909) 350-7602.

CLOSED SESSION:**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**6:00 P.M. CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING [21-1744](#)**LITIGATION****(Government Code section 54956.9(d)(1))****Frank Copetillo v. City of Fontana, USDC Case No. 5:19-cv-01959 MEMF (SHKx)****CONFERENCE WITH REAL PROPERTY NEGOTIATORS****(Gov. Code section 54956.8)****Property: APN # 0232-091-18 and 0232-091-19****City Negotiator: Ray Ebert, Deputy City Manager****Negotiating Party: Gerardo Herrera****Under Negotiating: Price and Terms of payment****CONFERENCE WITH REAL PROPERTY NEGOTIATORS****(Gov. Code section 54956.8)****Property: APN # 0232-201-12 and 0232-201-13****City Negotiator: Ray Ebert, Deputy City Manager****Negotiating Party: Mark Nuaimi****Under Negotiating: 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. Proclamation**

- A. Mayor Warren and City Council proclaim the 2nd Week of October 2022 as Code Compliance Officer Appreciation Week (Sandra Pelayo, Community Improvement Program Manager, to accept). [21-1746](#)**

SPECIAL PRESENTATIONS:

- A. Special Presentations**

- A. 2022 Mayor's Youth Advisory Council Board Introduction (Community Services Coordinator Andrew Solares to present). [21-1767](#)**

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 [21-1745](#)

Approval of Minutes

Approve the minutes of the September 27, 2022, Regular City Council Meeting.

Attachments: [City Council Meeting - September 27.pdf](#)

B. Award a Bid for BMW Motorcycle Purchase, Parts and Repair Services SB-93-PW-22. [21-1689](#)

Award a Bid for BMW Motorcycle Purchase, Parts and Repair Services SB-93-PW-22.

1. Award a bid with Ride-On Powersports for the purchase of BMW Police Motorcycles, parts and repair services on an as-needed basis.
2. Authorize the Purchasing Office to issue a purchase order to Ride on Powersports for a period of two (2) Years, renewable with three (3) additional one-year increments at the City's sole discretion for an approximate amount of \$60,000 per year for an aggregate amount not to exceed \$300,000 for the term of the purchase order.
3. Authorize the Purchasing Office to issue purchase orders to Ride on Powersports for the purchase of new and replacement motorcycles for five (5) years.

Attachments: [Notified Vendors SB-93-PW-22.pdf](#)

C. Authorize the purchase of an ADA compliant restroom trailer from Comforts of Home Services, Inc. [21-1695](#)

Authorize the purchase of an ADA compliant restroom trailer from Comforts of Home Services, Inc.

Authorize the Purchasing Office to “Piggy-Back” on the General Services Administration (GSA) Purchasing Program (Contract No. GS-07F-0236V) for the purchase of one (1) new ADA compliant restroom trailer from Comforts of Home Services, Inc. in the amount of \$117,671.88 plus sales tax (7.75%) for a total of \$126,266.58.

Attachments: [Quote 8-30-22.pdf](#)

D. Authorize to purchase Fuel for City Vehicles and Equipment. [21-1701](#)

Authorize to purchase Fuel for City Vehicles and Equipment.

Approve and authorize the Purchasing Office to “Piggy-Back” from San Bernardino County’s gasoline and diesel fuel contract (Agency 22-PURC-4372) for the purchase of fuel for the City vehicles and equipment through June 14, 2027.

Attachments: [County of San Bernardino Fuel 2022.pdf](#)
[City of Fontana Fuel Bid \(Fuel Pricing\).pdf](#)

E. Approve a Development Impact Fees Credit Agreement Related to Parcel Map No. 20183 (TPM No. 19-021) and Parcel Map No. 20184 (TPM No. 19-022) [21-1735](#)

Approve a Development Impact Fees Credit Agreement Related to Parcel Map No. 20183 (TPM No. 19-021) and Parcel Map No. 20184 (TPM No. 19-022)

Approve and authorize the City Manager to execute a Development Impact Fees Credit Agreement with TDC Boyle Partners, LLC, related to Parcel Map No. 20183 (TPM No. 19-021) and Parcel Map No. 20184 (TPM No. 19-022).

Attachments: [Fee Credit Agreement.pdf](#)
[Vicinity Map.pdf](#)

F. Naming Rights Agreement - Center Stage Theater [21-1758](#)

Naming Rights Agreement - Center Stage Theater

1. Approve Naming Rights Agreement for the Center Stage Theater
2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said agreement and/or associated approvals.

Attachments: [Attachment 1 - Fontana - Naming Rights Agreement- Red Head Inc.](#)

**G. Purchase and Sale Agreement for 16766 Arrow Blvd. - [21-1760](#)
Downtown Fontana Property**

Purchase and Sale Agreement for 16766 Arrow Blvd. - Downtown Fontana Property

1. Approve a Purchase & Sale Agreement for the purchase of a building and associated land located on the north side of Arrow Blvd, east of Juniper in Downtown Fontana, more specifically described as APN #0191-162-09.
2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.

Attachments: [Attachment No. 1 - 16766 Arrow Blvd P and S Agreement](#)
[Attachment No. 2 - 16766 Arrow Blvd Counter](#)

**H. Purchase and Sale Agreement for 8443 Nuevo Avenue - [21-1761](#)
Downtown Fontana Property**

Purchase and Sale Agreement for 8443 Nuevo Avenue - Downtown Fontana Property

1. Approve a Purchase & Sale Agreement for the purchase of a building and associated land located on the southeast corner of Nuevo Avenue and Spring Street in Downtown Fontana, more specifically described as APN #0191-163-27.
2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.

Attachments: [Attachment No. 1 - 8443 Nuevo Ave P and S Agreement](#)
[Attachment No. 2 - 8443 Nuevo Ave Counter](#)

**I. Purchase and Sale Agreement for 16762 Spring St. - [21-1762](#)
Downtown Fontana Property**

Purchase and Sale Agreement for 16762 Spring St. - Downtown Fontana Property

1. Approve a Purchase & Sale Agreement for the purchase of a building and associated land located on the north side of Spring Street, east of Juniper in Downtown Fontana, more specifically described as APN #0191-161-29.
2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.

Attachments: [Attachment 1 16762 Springs St P&SA.pdf](#)
[16762 Spring St Addendum 2.pdf](#)

**J. Purchase and Sale Agreement for 16717 Spring St. - [21-1763](#)
Downtown Fontana Property**

Purchase and Sale Agreement for 16717 Spring St. - Downtown Fontana Property

1. Approve a Purchase & Sale Agreement for the purchase of a building and associated land located on the south side of Spring Street, just east of Juniper in Downtown Fontana, more specifically described as APN #0191-162-18.
2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.

Attachments: [Attachment No. 1 - 16717 Springs Street](#)

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. **Master Case No. 22-110 and Municipal Code Amendment No. 22-007 - Fontana Municipal Code amendment to Chapter 2 (Administration), (Chapters 9 (Environmental Protection and Resource Extraction) Chapter 25 (Streets, Sidewalk, and Other Public Ways), Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code), and Chapter 33 (Cannabis Businesses and Activities)).** [21-1743](#)

Master Case No. 22-110 and Municipal Code Amendment No. 22-007 - Fontana Municipal Code amendment to Chapter 2 (Administration), (Chapters 9 (Environmental Protection and Resource Extraction) Chapter 25 (Streets, Sidewalk, and Other Public Ways), Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code), and Chapter 33 (Cannabis Businesses and Activities).

(a) Determine that the project is Categorically Exempt pursuant to Sections 15060(c), Section No. 15061 (B)(3) (the “common sense” exemption), Section 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for implementing the CEQA, and direct staff to file a Notice of Exemption; and

(b) Read by title only and waive further reading of and introduce **Ordinance No. 1906**, an Ordinance of the City Council of the City of Fontana approving Master Case No. 22-110 and Municipal Code Amendment No. 22-007 amending Sections of Chapter 2, Chapter 25, Chapter 26, and Chapter 30 to remove the Development Advisory Board (DAB); amending Chapter 9 to revise the definition of “sensitive receptors”; amending Chapter 30 to exempt the City from certain zoning regulations for City owned, controlled, or leased properties or facilities; amending Chapter 30 to allow development projects over two acres to develop common open space; adding Article XV to Chapter 30 creating a No Net Loss density bonus/replacement program; and amending Section 30-489 and Table Nos. 30-489 and 30-453 to rename commercial cannabis to cannabis retail stores and reference special regulations for same; and making minor modifications to Chapter 33 related to phasing and authorization letters for permit applications; and the reading of the title constitutes the first thereof.

Attachments: [Attachment No. 1 - Ordinance 1906](#)
[Attachment No. 2 - Planning Commission Report](#)
[Attachment No. 3 - Place Holder for Planning Commission Minutes](#)
[Attachment No. 4 - Notice of Exemption](#)
[Attachment No. 5 - Public Hearing Notice](#)

NEW BUSINESS:

A. New Business

A. First Reading and Set Public Hearing for the Adoption of [21-1753](#) the 2022 Edition of the California Building Standards Code and Corresponding Base Model Codes

First Reading and Set Public Hearing for the Adoption of the 2022 Edition of the California Building Standards Code and Corresponding Base Model Codes

- (1) Determine that the adoption of the ordinance of the City of Fontana adding, amending and deleting certain articles, sections and subsections of Chapter 5 of the Code of the City of Fontana, California pertaining to the construction and maintenance of buildings, and adopting the 2022 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, consisting of the California Building Code, Volumes 1 & 2, based on the 2021 International Building Code; the California Plumbing Code, based on the 2021 Uniform Plumbing Code; the California Electrical Code, based on the 2020 National Electrical Code; the California Mechanical Code, based on the 2021 Uniform Mechanical Code; the California Existing Building Code, based on the 2021 International Existing Building Code; the California Green Building Standards Code; the California Residential Code, based on the 2021 International Residential Code; and the 2021 Edition of the International Property Maintenance Code is exempt from further environmental review under Section 15061(b)(3) of the State CEQA guidelines, projects with no possibility of significant effects upon the environment, and direct staff to file a notice of exemption.
- (2) Waive further reading of and introduce **Ordinance No. 1907**, an ordinance of the City of Fontana adding, amending and deleting certain articles, sections and subsections of Chapter 5 of the Code of the City of Fontana, California pertaining to the construction and maintenance of buildings, and the 2022 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, consisting of the California Building Code, Volumes 1 & 2, based on the 2021 International Building Code; the California Plumbing Code, based on the 2021 Uniform Plumbing Code; the California Electrical Code, based on the 2020 National Electrical Code; the California Mechanical Code, based on the 2021 Uniform Mechanical Code; the California Existing Building Code, based on the 2021 International Existing Building Code; the California Green Building Standards Code; the California Residential Code, based on the 2021 International Residential Code; and the 2021 Edition of the International Property Maintenance Code; and that the reading of the title constitute the first reading thereof.
- (3) Set Public Hearing for October 25, 2022 and deem the Notice of Hearing sufficient to give interested persons notice of the purpose of the ordinance and subject matter thereof.

Attachments: [Fontana - Ordinance No. 1907 Code Adoption](#)

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 October 25, 2022, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.