

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Ord. No. 1879 Reso. No 2022-001

Tuesday, January 25, 2022

7:00 PM

WORKSHOP 5:00 P.M.
CLOSED SESSION 6:00 P.M.
REGULAR MEETING 7:00 P.M.

Grover W. Taylor Council Chambers

City Council Meeting

Acquanetta Warren - Mayor
Peter A. Garcia- Mayor Pro Tem
Phillip W. Cothran - Council Member
John B. Roberts - Council Member
Jesus "Jesse" Sandoval - Council Member
Tonia Lewis - 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.

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

- (A) Police Department 2021 Annual Report (Chief Billy Green, to present) [21-1128](#)
- (B) Fire Annex Construction Concept (Deputy City Manager Phil Burum, to present);
- (C) Fontana Honor Roll Organizing Committee: Veteran's Memorial (Interim City Manager Shannon Yauchzee, to present);
- (D) Public Communications;
- (E) Agenda Review; and
- (F) City Manager Comments

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 LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6[21-1132](#)

City Negotiator: Shannon Yauchzee, Interim City Manager and Rakesha Thomas,
Director of Human Resources and Risk Management
Employee Organization(s): Teamsters Local 1932 City Hall Bargaining Unit;
Teamsters Local 1932 Yard Bargaining Unit; Police Officers Association; and Management/Confidential Employees

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

Case: Anthony Ricci vs. City of Fontana Workers' Compensation
Claim Numbers: 201000006; 180900036

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Government Code section 54956.9(d)(4))
Initiation of litigation: One Potential Case

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code Section 54956.8)

Property: APN 01911-16-218
Agency Negotiator: Phillip Burum, Deputy City Manager
Negotiating parties: Carlos Sandoval
Under Negotiation: Price and terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code Section 54956.8)

Property: APN 01911-16-242
Agency Negotiator: Phillip Burum, Deputy City Manager
Negotiating parties: Yolanda Geivett
Under Negotiation: Price and terms of payment

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Sierra Club v. City of Fontana, et al. San Bernardino Superior Court
Case No. CIVSB2121605; and People of the State of California v. City of Fontana, et al. San Bernardino Superior Court Case No. CIVSB2121829

CALL TO ORDER/ROLL CALL:

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

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Fontana Police Department Chaplain Greg Peck/Pledge of Allegiance:

Redistricting - Public Hearing #3

- A. (A) Redistricting Draft Maps (National Demographic Corporation, Todd Tatum to present); 21-1131
- (B) Public Communications:
- (C) Mayor and City Council Comments

Attachments: Public Hearing Presentation
 Fontana Redistricting Public Hearing Notice #3
 Fontana-NDC Map 101
 Fontana-Map 101-Demographics
 Fontana-NDC Map 102
 Fontana-Map 102 -Demographics
 Fontana-NDC Map 103
 Fontana-Map 103-Demographics
 Fontana-Public Map 401
 Fontana-Public 401-Demographics
 Fontana-Public 601-Map.pdf
 Fontana-Public 601 (1)-Demographics.pdf

PROCLAMATION:

- A. Mayor Warren and City Council to proclaim January as National Mentoring Month (Manager of Site Based Programs Megan Ramos,to accept). [21-1041](#)

SPECIAL PRESENTATIONS:

- A. Mayor Warren and City Council to recognize retiring Public Works Director Keith Kramer (Deputy City Manager Phillip Burum to present). [21-1121](#)
- B. Mayor Warren and City Council to recognize retiring Community Services Director Garth Nelson (Interim Deputy City Manager Ray Ebert to present).
- C. Mayor Warren and City Council to recognize Officer Adrian Garcia as the Police Department’s 2021 Employee of the Year (Chief Green to present).

D. Mayor Warren and City Council to recognize Corporal Valerie Gutierrez, Dispatch Supervisor Amy Blessinger, and Dispatchers Diana Zick and Melodi Mundrick as the Police Department's December 2021 Employees of the Month (Captain Burton and Captain Stover to present).

E. Mayor Warren and City Council to recognize Armando Martinez, Benjamin Parra, Ivan Torres and William Byrne as Public Works Department 2021 Employees of the Year (Public Works Manager Dan West to present).

F. Mayor Warren and City Council to swear in new Fontana Police Officers Cody Chick, Edward Lopez, Brandon McCaulley, Sean Olson, and Jorge Trujillo (Chief Green to present).

G. Mayor Warren and City Council to recognize Deputy City Clerk Ashton R. Arocho on recent Master Municipal Clerk (MMC) designation (Interim Deputy City Manager Ray Ebert to present).

H. Special Recognition of Council Members Phillip Cothran and Jesse Sandoval's Birthdays (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

21-1139

Approve the minutes of the December 14, 2021, Regular City Council Meeting.

Attachments: Minutes - City Council Regular City Council Minutes 12.14.21

- B. Adoption of Ordinance No.1876** [21-1134](#)
- Second Reading/Adopt **Ordinance No. 1876**, an Ordinance of the City Council of the City of Fontana, California approving Municipal Code Amendment (MCA) No. 21-002 to amend Chapter 11 - Fire Prevention of the Municipal Code to (1) increase the minimum building square footage exception for requiring fire sprinklers, (2) require the installation of fire sprinklers or other appropriate fire suppression system as approved by the Fire Marshall for all buildings housing vehicles, and (3) allow installation of residential 13R or 13D fire sprinkler systems in place of commercial 13 systems for commercial buildings under 5,000 square feet.
- Attachments:** [Ordinance No. 1876 - Fontana Fire Code Amendment](#)
- C. Adoption of Ordinance No.1878** [21-1122](#)
- Second Reading/Adopt **Ordinance No. 1878** adding Article III to Chapter 7 of the Fontana Municipal Code, regarding mandate of electronic and paperless filing of Campaign Finance Disclosure Statements.
- Attachments:** [Ordinance No.1878](#)
- D. Accept Donation From Fontana Foundation of Hope** [21-1074](#)
- Accept donation from Fontana Foundation of Hope in the amount of \$5,000 for use towards the 2021 Festival of Winter.
- Attachments:** [Fontana Foundation of Hope \(Festival of Winter\)](#)
- E. Accept Donation From Options for Youth** [21-1075](#)
- Accept donation from Options for Youth in the amount of \$2,500 for use towards the 2021 Festival of Winter.
- Attachments:** [Options for Youth \(Festival of Winter\)](#)
- F. Accept Donation From Kaiser Permanente** [21-1076](#)
- Accept donation from Kaiser Permanente in the amount of \$1,000 for use towards the 2021 Let's Move on the Trail.
- Attachments:** [Kaiser Permanente \(Let's Move on the Trail\).pdf](#)
- G. Accept Grant Award from Kaiser Permanente** [21-1095](#)
- Accept grant award from Kaiser Permanente in the amount of \$14,000 for use towards Healthy Fontana's "The Awareness Project."
- Attachments:** [Kaiser Permanente \(The Awareness Project\)](#)
- H. Approve a Bond Reduction for Tract No.'s 18825 and 18915** [21-1126](#)

Approve a reduction of the Faithful Performance and Labor and Materials bonds posted by RSI Communities-California, LLC for Tract No.'s 18825 and 18915 located at the northeast corner of Summit Avenue and Citrus Avenue.

Attachments: [Vicinity Map](#)

[Tract Map - 18825](#)

[Tract Map - 18915](#)

I. 311 Customer Relationship Management System (CRM) [21-1111](#)

1. Authorize the Purchasing Office to utilize the State of California Master Service Agreement (MSA) for IT Management and Consulting Services (MSA 5167010).

2. Approve and authorize the City Manager to execute a contract with 120VC for Project Management (MSA 5167010-330) for implementation of the 311 CRM System.

3. Authorize the purchase of the subscription service platform Customer Community from Salesforce.com, Inc. for (5) years.

Attachments: [Salesforce City of Fontana 311 Quote](#)

[211210 120VC SOW - City of Fontana 311 SalesforceFullTime](#)

J. 2021 Police Department Donations [21-1117](#)

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

Attachments: [21-1117 PD Donations](#)

K. 2022 Statement of Investment Policy [21-1125](#)

1. Adopt the City of Fontana Statement of Investment Policy for 2022.

2. Adopt **Resolution No. 2022-___** designating City officers who are authorized to invest funds for the City of Fontana and repealing Resolution No. 2021-004.

Attachments: [Resolution-nvestment Authorization](#)

[2022 Investment Policy](#)

L. Homekey2 Project and Application Resolution [21-1124](#)

1. Approve an affordable housing project containing 10 to 14 units of interim housing for chronically homeless, homeless households, or households at risk of homelessness and up to seven units of market rate housing to be sited at most two Fontana Housing Authority and City of Fontana owned properties located at 8996 Olive Street and 8344 Bennett Avenue.

2. Adopt **Resolution No. 2022-_____**, a resolution of the City Council of the

City of Fontana authorizing application to and participation in the California Department of Housing and Community Development Homekey program.

3. Authorize the City Manager to execute and transmit any documents necessary or appropriate to ensure the City's timely submission of the Homekey application, inclusive of an Funding Commitment letter demonstrating the City's intent to commit Permanent Local Housing Allocation (PLHA) funds not to exceed \$1,312,326 to support project operating expenses for up to 4-years, and the City's intent to commit up to \$992,936 in development costs for non-assisted units from either PLHA or Housing Trust funds.

Attachments: [City of Fontana Homekey Resolution.2 Unit Distribution by Target Population.docx](#)

M. Purchase & Sale Agreement - Downtown Fontana Properties [21-1079](#)

1. Approve a Purchase & Sale Agreement for the sale of 16756 Arrow Blvd. and APN #019116208, two properties located on Arrow Blvd. in Downtown Fontana.

2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.

Attachments: [Pina Furniture & Vacant Lot P&S Agreement.pdf](#)

N. Resolution Ratifying the 2021-2023 Confirmation of [21-1061](#) Understanding for Management Confidential Employees

Adopt **Resolution No. 2022-_____** a Resolution of the City Council of the City of Fontana ratifying the Confirmation of Understanding (COU) between the City of Fontana and Management Confidential Employees.

Attachments: [Resolution Ratifying MC COU MC COU 2021 - 2023](#)

O. A Resolution Supporting the Our Neighborhood Voices [21-1144](#) (Brand-Huang-Mendoza Tripartisan Land Use) Initiative

Adopt **Resolution No. 2022-_____**, to support the Our Neighborhood Voices Initiative.

Attachments: [Resolution - Brand-Huangmendoza Tripartisan Land Use Initiative](#)

Approve Consent Calendar Item 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. Municipal Code Amendment (MCA) No. 21-001 for an amendment to Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and other environmental quality for warehouse (industrial commercial center) developments throughout the city** [21-1096](#)

Read by title only and waive further reading of and introduce **Ordinance No. ___**, an Ordinance of the City Council of the City of Fontana, approving Municipal Code Amendment (MCA) No. 21-001 for an amendment to Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and other environmental quality for warehouse (industrial commercial center) developments throughout the city, and the reading of the title constitutes the first thereof.

Attachments: [Attachment No. 1 - City Council Ordinance](#)
[Attachment No. 2 - Planning Commission Staff Report and attachments](#)
[Attachment No. 3 - Planning Commission Minutes from December 21, 2021](#)
[Attachment No. 4 - Exemption Memorandum](#)
[Attachment No. 5 - Notice of Exemption](#)
[Attachment No. 6 - Public Hearing Notice](#)

- B. MCN. No. 21-032, ZCA No. 21-001, DA No. 21-003, TPM No. 20370 (TPM No. 21-006) CUP No. 21-004, CUP No. 21-005, CUP 21-006, DRP No. 21-010, DRS No. 21-018 for the Proposed Development of a New Commercial Shopping Center with an Anchor Grocery Store consisting of an Anchor Building and Various Outlying Building Pads Totaling Approximately 53,740 Square Feet of Building(s)** [21-1113](#)

1. Read by title only and waive further reading of and introduce **Ordinance No. ____**, an Ordinance of the City Council of the City of Fontana, approving Zone Change No. 21-001 for text and figure changes that include changing Planning Area 1 to Planning Area 3 within the Auto Overlay of the Zoning and Development Code on approximately 6.20 adjusted gross acres (APN: 0240-011-03, -05, -06, -35, -38, -41, -42, and -44), and amending Section 6403(a) to allow for a grocery store use, and the reading of the title constitutes the first thereof.

2. Read by title only and waive further reading of and introduce **Ordinance No. ____**, an Ordinance of the City Council of the City of Fontana approving Development Agreement No. 21-003, between the City of Fontana and Sage Citrus Fontana, LLC which provides a public benefit fee in the amount of \$376,180.00 dollars and the reading of the title constitutes the first reading thereof.

2. Adopt **Resolution No. 2022-____** a Resolution of the City Council of the City of Fontana, adopting the initial study and Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) pursuant to Section 15070 of the California Environmental Quality Act (CEQA) and Section 6.16 of the 2019 Local Guidelines for Implementing CEQA, approving Tentative Parcel Map No. 20370 (TPM No. 21-006) for consolidation of eight (8) parcels into five (5) parcels, approving Conditional Use Permit No. 21-004 for a Type 21 ABC license, approving Conditional Use Permit No. 21-005 and CUP No. 21-006 for drive-thru establishments, approving Design Review No. 21-010 for site and architectural review of a commercial shopping center with a grocery store and five (5) additional pads for a total building square footage of approximately 53,740 square feet and approving Design Review Sign No. 21-018 for a sign program to the Auto Center Overlay District on a 6.20 adjusted gross acre project site (APN: 0240-011-38, -41, -03, -05, -42, -06, -35 and -44) subject to the findings and conditions of approval.

Attachments: [Attachment No. 1 - Vicinity Map](#)

[Attachment No. 2 - Site Plan](#)

[Attachment No. 3 - Planning Commission Staff Report from Dec. 7, 2021 and Minutes](#)

[Attachment No. 4 - City Council Ordinance for ZCA No. 21-001](#)

[Attachment No. 5 - City Council Ordinance for DA No. 21-003](#)

[Attachment No. 6 - City Council Resolution for TPM, CUPs, and DRs](#)

[Attachment No. 7 - Public Hearing Notice](#)

C. **Resolution of Necessity Public Hearing: Assessor Parcel Nos. 0232-201-12 and 0232-201-13** [21-1116](#)

1. That the Mayor and City Council conduct a Public Hearing to consider adoption of a proposed Resolution of Necessity, making the following findings:

- (a) The public interest and necessity require the proposed project;
- (b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- (c) Acquisition of the two vacant parcels (APNs 0232-201-12 and 0232-201-13) is necessary for the proposed project;
- (d) The offers required by section 7267.2 of the California Government Code were made; and
- (e) The public use for this property is a more necessary use than the use for which the property is appropriated.

2. Adopt **Resolution No. 2022-___**, a Resolution of Necessity by the Fontana City Council, declaring that acquisition of a fee interest in certain real property located in the City of Fontana, San Bernardino County, California, more particularly described as Assessor Parcel Numbers 0232-201-12 and 0232-201-13, by eminent domain, is necessary for the installation of infrastructure improvements within the City of Fontana.

Attachments: [Rosemead Properties Exhibit A Legal Description and Assessor Parcel Map](#)
[Resolution of Necessity - Rosemead Properties - Citrus Arrow](#)
[Rosemead Properties - Notice of Hearing to Property Owner - Resolution of Necessity](#)

D. Municipal Code Amendment (MCA) No. 22-01 - Adoption of an Urgency Ordinance of the City Council of the City of Fontana, Amending Sections 13-27 and 13-30 of the Fontana Municipal Code, Amending the Enforcement Authority regarding the City's Environmental Health Code, and Adoption of a Regular Ordinance for Long-Term Implementation of same [21-1135](#)

1. Approve Municipal Code Amendment (MCA) No. 22-01 - Adopt **Urgency Ordinance No. _____**, of the City Council of the City of Fontana, amending sections 13-27 and 13-30 of the Fontana Municipal Code, amending the enforcement authority regarding the City's environmental health code.

2. Read by title only and waive further reading of and introduce **Ordinance No. ___**, an Ordinance of the City Council of the City of Fontana, approving Municipal Code Amendment (MCA) No. 22-01 amending sections 13-27 and

13-30 of the Fontana Municipal Code, amending the enforcement authority regarding the City's environmental health code and the reading of the title constitutes the first thereof.

Attachments: [Attachment No. 1 - Urgency Ordinance](#)
[Attachment No. 2 - Ordinance](#)
[Attachment No. 3 - Notice of Exemption](#)
[Attachment No. 4 - Public Hearing Notice](#)

NEW BUSINESS:

- A. **Amending Fontana Municipal Code Section 2-39 to Increase the Salary for Members of the City Council and Mayor; Introduction and First Reading of Ordinance** [21-1093](#)

Read by title only and waive further reading of and introduce **Ordinance No. _____**, Amending Section 2-39 Of The Fontana Municipal Code, Regarding The Salary For Members Of The City Council And Mayor

Attachments: [Fontana Ordinance Amending Mayor and City Councilmembers Compensation](#)

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 to fill an unscheduled vacancy** [21-1119](#)

- B. **Elected Officials Communications/Reports**

ADJOURNMENT:

- A. **Adjournment**

Adjourn to the State of the City Address to be held on Thursday, January 27, 2022, at 5:00 p.m. at the Water of Life Church located at 7625 East Avenue, Fontana, California; and to the next Regular City Council Meeting on February 8, 2022, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.