

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR CITY COUNCIL MEETING
March 12, 2019**

WORKSHOP:

A. 5:30 P.M. WORKSHOP

A City Council Workshop was held on March 12, 2019 in the City Hall Executive Conference Room at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the Workshop to order at 5:36 p.m., with Mayor Pro Tem Armendarez, Council Members Roberts, Sandoval and Cothran present.

Arturo Hernandez with the U.S. Census Bureau provided a presentation on the upcoming 2020 Census.

The City Council Regular Meeting Agenda was reviewed and City Manager comments were heard.

The Workshop adjourned at 6:00 p.m.

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

A Closed Session was held at 6:00 p.m. in the City Hall Executive Conference Room with Mayor Warren, Mayor Pro Tem Armendarez, Council Members Roberts, Sandoval and Cothran present.

PUBLIC COMMUNICATIONS:

There were no public communications received on the following closed session items:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d) (1) Case: Daniel Gomez vs. City of Fontana No Court Name and No Court Case Number (This is due to early resolution of the claim #2018-51)

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one (1) potential case)

CONFERENCE WITH LEGAL COUNSEL - Significant exposure to litigation pursuant to Gov Code 54956.9(d)(2). One (1) case based on facts and circumstances surrounding Teamsters Local 1932's Appeal of Revised Affirmative Determination of Recognition Petition Submitted by Fontana Public Works Association)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of section 54956.9 (one (1) potential case)

CALL TO ORDER/ROLL CALL:

A. 7:00 P.M. Call the Meeting to Order

The Regular Meeting of the Fontana City Council was held on Tuesday, March 12, 2019, in the Grover W. Taylor Council Chambers at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 7:02 p.m.

ROLL CALL:

Present: Mayor Warren, Mayor Pro Tem Armendarez, Council Members Roberts, Sandoval and Cothran.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE:

Following the Invocation by Minister Anthony Pumphrey with Westside Baptist Church, the Pledge of Allegiance was led by Council Member Roberts.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Jeff Ballinger reported that there was no reportable action on the Closed Session Items.

SPECIAL PRESENTATIONS:

A. Gold Award for Energy Leader Partnership (SB County & SCE)

Nicole Soto, San Bernardino Council of Governments, and Jennifer Shaw, Southern California Edison, presented a Gold Award for Energy Partnership between San Bernardino County and Southern California Edison to Mayor Warren and City Council.

B. Special Recognition of UPS Driver Andrew Arroyo

Mayor Warren and City Council recognized UPS Driver Andrew Arroyo's heroic act on February 25, 2019 where he demonstrated tremendous courage and a selfless spirit in coming to the aid of a Fontana citizen in need. Captain Dorsey presented the recognition.

PUBLIC COMMUNICATIONS:

A. Public Communications

Anna Jaiswal, Omnitrans, spoke on the Adopt a Stop program.

Karen Hooper, Inland Empire Ronald McDonald House, spoke on the Annual Walk for Kids Fundraiser to be held on April 7, 2019, at Fontana Park.

Mercy Campos, American Cancer Society, spoke on the Relay for Life being held on May 18, 2019, at Summit High School.

Danny Marquez spoke on the Veterans Health and Wellness Resource Fair to be held on April 13, 2019; a veteran car donation event; a Home Depot grant to help veterans; and an upcoming water conservation project.

CONSENT CALENDAR:

ACTION: Motion was made by Mayor Pro Tem Armendarez, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to approve Consent Calendar Items "A-L" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None) as follows:

A. Approval of Minutes

Approve the Minutes of the February 26, 2019 Regular City Council Meeting.

B. Adoption of Ordinance No. 1793

Second Reading/Adopt **Ordinance No. 1793** Authorizing the Levy of a Special Tax within Community Facilities District No. 93M.

C. Adoption of Ordinance No. 1794

Second Reading/Adopt **Ordinance No. 1794** amending Sections 30-7(B)(c) and 30-7(B)(f) of the Fontana Municipal Code relating to residential indoor marijuana cultivation permits.

D. Adoption of Ordinances Nos. 1795, 1796, 1797, 1798, and 1799

Part No. 1

Second Reading/Adopt introduce **Ordinance No. 1795** an Ordinance of the City Council of the City of Fontana approving Zone Change No. 18-002, amending the Zoning District Map to change the zoning on approximately 23,400 square feet (APN: 0191-162-36 through -38) from Community Commercial (C-1) to Multi-Family High Residential (R-5);

Part No. 2

2a. Second Reading/Adopt **Ordinance No. 1796**, an Ordinance of the City Council of the City of Fontana approving Specific Plan Amendment No. 18-001, to change the Southwest Industrial Park Specific Plan (SWIP) Zoning District designation from Jurupa North Research and Development District (JND) to Slover Central Manufacturing District (SCD) at the project site and three (3) parcels directly to the east of the project site (APN: 0237-131-25, -26 & -27);

2b. Second Reading/Adopt **Ordinance No. 1797**, an Ordinance of the City Council of the City of Fontana approving Development Agreement No. 18-003, which includes a financial contribution towards improvement of a new public park in the amount of \$300,000, paid by the applicant within ninety (90) days following the effective date of the agreement. The financial contribution will be used towards the construction of the South Fontana park to be located at the southeast corner of Santa Ana Avenue and Cypress Avenue.

Part No. 3

3a. Second Reading/Adopt **Ordinance No. 1798** an Ordinance of the City Council of the City of Fontana approving Zone Change No. 16-001, a zone change to the Zoning District Map to existing zoning districts from the current zoning of Residential Planned Community (R-PC), Residential Estates (R-E), Open Space – Resource (OS-R), and Public Utility Corridors (P-UC) to a proposed 80.7 acres of Residential Planned Community (R-PC), 34.4 acres of Medium Density Residential (R-2), 10.9 acres of Multi-Family Residential (R-3), 13.9 acres of Open Space – Resource (OS-R), and 2.9 acres of Recreational Facilities (P-R) to combine 13 parcels (APN: 0226-075-10, -13, -15, -16, -17, -18, -26, -27, -28, -29, -39, -40, and -41);

3b. Second Reading/Adopt **Ordinance No. 1799** an Ordinance of the City Council of the City of Fontana approving Development Agreement No. 16-003 (Monarch Hills).

E. Accept Donation From Seidner's Collision Center

Accept donation from Seidner's Collision Center in the amount of \$2,000.00 for use towards the 2019 Fontana Car Show.

F. Acceptance of Final Map for Tract No. 15697 located south of Elaine Drive and east of Palmetto Avenue

Accept Final Map for Tract No. 15697 located south of Elaine Drive and east of Palmetto Avenue; accept as public dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

G. Approve a Project Specific Maintenance Agreement for Drainage with the California State Department of Transportation (Caltrans) located on the north side of the I-10 Freeway at Poplar Avenue

Approve and authorize the Mayor to execute the Project Specific Maintenance Agreement for Drainage (08-SBd-10-PM 14.9) between the City of Fontana and the California State Department of Transportation (Caltrans).

H. Approve a New License Agreement with San Bernardino County Transportation Authority (SBCTA) for the Pacific Electric Inland Empire Trail

Approve a new License Agreement between the City of Fontana and San Bernardino County Transportation Authority (SBCTA) for the Pacific Electric Inland Empire Trail.

I. Resolution of Intent to Form Community Facilities District No. 90 (Summit at Rosena Phase One)

1. Adopt **Resolution No. 2019-34** of the City Council of the City of Fontana of Intention

to Establish a Community Facilities District and to Authorize the Levy of Special Taxes.

2. Adopt **Resolution No. 2019-35** of the City Council of the City of Fontana to Incur Bonded Indebtedness of the Proposed City of Fontana Community Facilities District No. 90 (Summit at Rosena Phase One).

J. Resolution of Intent to form Community Facilities District No. 95 (Summit at Rosena Phase Two)

1. Adopt **Resolution No. 2019-36** of the City Council of the City of Fontana of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes.

2. Adopt **Resolution No. 2019-37** of the City Council of the City of Fontana to Incur Bonded Indebtedness of the Proposed City of Fontana Community Facilities District No. 95 (Summit at Rosena Phase Two).

K. City of Fontana Community Facilities District No. 22 (Sierra Hills South)

Adopt **Resolution No. 2019-38** of the City Council of the City of Fontana Acting as the Legislative Body of Community Facilities District No. 22 (Sierra Hills South) Ordering Judicial Foreclosure Pursuant to the Mello-Roos Community Facilities Act of 1982 of Certain Properties for Which the Payment of Special Taxes is Delinquent, Approving and Ratifying Certain Actions of the City Attorney, and Ordering that the Tax Collector be Credited with those Special Taxes.

L. Fontana Art Association Bi-Annual Report July – December 2018

Accept and file the July through December 2018 Fontana Art Association (FAA) Bi-Annual Report.

PUBLIC HEARINGS:

A. West Valley Logistics Center Specific Plan Project Bounded on the North by a Southern California Edison (SCE) Utility Corridor, on the West by the Jurupa Hills, on the South by Residential Properties Located within the City of Jurupa Valley, and on the East by Residential Uses Located in the San Bernardino County Community of Bloomington.

Mayor Warren opened Public Hearing Item "A".

Council Member Roberts recused himself from the Dias due to the proximity of property he owns near the project.

Planning Manager Orlando Hernandez provided the staff report.

City Clerk Lewis announced that seven letters of opposition were received.

The applicant provided a report on the proposed project.

Council Member Sandoval spoke on and discussion ensued on the following: length of construction jobs; Colton School District funding calculations; students that will

be misplaced due to project; designated truck routes and monitoring efforts.

Council Member Cothran spoke on and discussion ensued on the following: Jobs related to the trucking industry and noise mitigating factors.

Mayor Warren spoke on following: Tenants for project not known at this time and developments approved by the County.

The following Public Communications were received:

Tomas Manlove spoke in opposition to the project and the amount of warehouses that already in the area.

Shiraz Tangri, Counsel for San Bernardino County, spoke in opposition to the project and summarized concerns from the letter submitted by the County of San Bernardino.

Marlo Vasquez, Teamsters Local 1932, spoke on the work that was done to ensure jobs in the logistics center will be good jobs.

Erica Flores, Center for Community Action and Environmental Justice, spoke in opposition to the project and the impact to the community.

Diana DeAnda spoke in opposition to the project and staff's original recommendation to oppose this project.

Gary Grossich, Planning Commissioner, City of Colton and Vice Chair of Bloomington Municipal Advisory Council spoke in opposition to the project and traffic concerns with neighboring jurisdictions.

Elisandro Aguilar spoke in favor of the project and the jobs that will be created by the project.

Rafael Mejia spoke in favor of the project and being able to work close to home.

Alex Le spoke in opposition to the project and health concerns.

Tom Merrell, Planning Director, City of Jurupa Valley, spoke on the Jurupa Valley City Council, adopting a resolution in opposition to the project and offered suggestions to the project.

Karen Coleman spoke in opposition to the project and the negative impact to the community.

Andrea Viadaurre, Center for Community Action and Environmental Justice, spoke in opposition to the project.

Thomas Rocha spoke in opposition to the project and the impact it will have on the community.

Maha Rivzi spoke in opposition to the project on behalf of Assembly Member Eloise Gomez Reyes, Senator Connie Leyva and Assembly Member Freddie Rodriguez and the impact to the community.

Jim Hosmanek spoke in opposition to the project and the dangers to children in the area due to traffic.

Jose Ramirez spoke in favor of the project and working close to home.

Kareem Gongora spoke in opposition to the project and the holistic impact to the community.

Jayson Diaz spoke in favor of the project and the good things the project will bring to the community.

Alex Arteaga spoke in favor of the project and the construction jobs the project will bring to the community.

Glenda Barillas spoke in opposition to the project and the cumulative environmental effects on the community.

The Public Hearing was closed.

Council Member Sandoval addressed comments by a public speaker regarding unions and working together.

Council Member Armendarez spoke on listening to speakers and making decisions based on community benefit.

Council Member Cothran spoke on development projects he witnessed while growing up in South Fontana.

Mayor Warren spoke on livable wages and affordable housing and issues the community is facing.

ACTION: Motion was made by Mayor Warren, seconded by Mayor Pro Tem Armendarez, and passed by a vote of 3-1-1 to approve Public Hearing Item "A" (AYES: Warren, Armendarez, and Cothran; NOES: Sandoval; ABSTENTION: Roberts) as follows:

1. Adopt **Resolution No. 2019-39**, a Resolution of the City Council of the City of Fontana certifying the Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2012071058), adopt a Statement of Overriding Consideration, a Mitigation Monitoring and Reporting Program, and a Statement of Facts and Findings, and direct staff to file a Notice of Determination; and,
2. Adopt **Resolution No. 2019-40**, a Resolution of the City Council of the City of Fontana approving General Plan Amendment No. 11-026 to change the General Plan land use designation from Residential Planned Community (R-PC), Medium Density Residential (R-M), Multi-Family Residential (R-MF), Recreational Facilities (P-R) to Light

Industrial (I-L) and a request to change the Circulation element of the General Plan by eliminating a segment of Alder Avenue; and,

3. Waive further reading of and introduce **Ordinance No. 1800** an Ordinance of the City Council of the City of Fontana approving Zone Change No. 11-016, to change the Zoning District Map from Valley Trails Specific Plan to West Valley Logistics Specific Plan; and, that the reading of the title constitutes the first reading thereof; and,

4. Waive further reading of and introduce **Ordinance No. 1801** an Ordinance of the City Council of the City of Fontana approving Specific Plan Amendment No. 11-003, a change for new land use designations as part of the West Valley Logistics Specific Plan; and, that the reading of the title constitutes the first reading thereof; and,

5. Waive further reading of and introduce **Ordinance No. 1802** an Ordinance of the City Council of the City of Fontana approving Development Agreement No.11-002 that requires the applicant to compensate the City for loss of park land; and that the reading of the title constitutes the first reading thereof; and,

6. Adopt **Resolution No. 2019-41**, a Resolution approving Tentative Parcel Map No. 19156 (TPM No. 13-005) subject to the attached Findings and Conditions of Approval.

NEW BUSINESS:

A. Teamsters Local 1932's Appeal of Revised Affirmative Determination of Recognition Petition Submitted by Fontana Public Works Association

City Attorney Joseph Ortiz provided the staff report.

City Clerk Lewis announced that there was one letter of support received by staff.

Stephanie Kierig, Attorney for Teamsters Local 1932, spoke in support of Local 1932's appeal of the revised affirmative termination of the Fontana Public Works Association recognition petition.

The New Business Item was closed.

ACTION: Motion was made by Mayor Pro Tem Armendarez, seconded by Council Member Cothran, and passed by a vote of 4-1-0 to return this item to an independent arbitrator (AYES: Warren, Armendarez, Sandoval and Cothran: NOES: Roberts).

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Appointments to Local Agency/Regional Boards

ACTION: Motion was made by Mayor Warren, seconded by Mayor Pro Tem Armendarez, and passed unanimously by a vote of 5-0 to appoint Council Member Cothran as an Alternate Member to the Inland Empire Utility Agency (IEUA) , and appoint Council Member Roberts as an Alternate Member to the San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG) (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None).

B. Elected Officials Communications/Reports

Council Member Sandoval requested information regarding applicants that applied to be on City of Fontana Commissions. Council Member Sandoval stated two applicants indicated on the application that they do not live in the City of Fontana. City Manager Ken Hunt stated he will look into it.

Mayor Pro Tem Armendarez welcomed Colton Unified School District Board Member Israel Fuentes.

Mayor Pro Tem Armendarez welcomed Gary Grossich, Bloomington Municipal Advisory Council.

Mayor Pro Tem Armendarez announced he attended the Dodgers Town Hall meeting.

Council Member Cothran commended Planning Department staff for helping him understand all the projects coming before them.

Council Member Cothran spoke on the Auto Club Speedway event that will be held this coming weekend.

Mayor Warren spoke on the baseball season openings and thanked the Pony League.

Mayor Warren reported that she is still working on putting together the education attainment.

Mayor Warren spoke on meeting with the Secretary of Labor in Washington, DC.

Mayor Warren spoke on the Dodger Dream Field ground breaking to be held on April 2, 2019.

Mayor Warren thanked Planning Staff and the attorney for their work on the public hearing project and stated she thinks it is good that people come and express their thoughts and concerns.

Mayor Warren spoke on the amazing things happening in the City and thanked those that stop her in the community to express their thoughts.

Mayor Warren spoke on living in a great city and commended staff for doing a great job.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

There were no City Manager Communications received.

ADJOURNMENT:

The meeting adjourned at 10:10 p.m. to the next Regular City Council Meeting to be held

on Tuesday, March 26, 2019, with a Workshop at 5:30 p.m. in the City Hall Executive Conference Room and the Regular Meeting at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

DocuSigned by:
Karen Porlas

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Karen Porlas
Deputy City Clerk

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 26th DAY OF MARCH, 2019.

DocuSigned by:

Tonia Lewis

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Tonia Lewis
City Clerk

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City of Fontana
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kkasinger@fontana.org
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Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERS):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none"> •Allow per session cookies •Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

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