

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR CITY COUNCIL MEETING
April 28, 2020**

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 and Sandoval present. Council Member Cothran participated remotely.

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)

County of San Bernardino v. City of Fontana, et al.

San Bernardino County Superior Court

Case No. CIV DS 1911476

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Gov't Code § 54956.9(b): (One 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 remotely on Tuesday, April 28, 2020. Mayor Warren called the meeting to order at 7:08 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 Council Member Roberts, the Pledge of Allegiance was led by Council Member Sandoval.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Ruben Duran reported that Council met in closed session and only considered Closed Session Item 2:(CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Gov't Code § 54956.9(b): (One case)); and that there was no reportable action on the Closed Session Items.

PUBLIC COMMUNICATIONS:

A. Public Communications

There were no public communications received.

CONSENT CALENDAR:

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

A. Approval of Minutes

Approve the Minutes of the March 14, 2020 Emergency City Council Meeting and the April 14, 2020 Regular City Council Meeting.

B. Adoption of Ordinance No. 1826

1. Second Reading/ Adopt **Ordinance No. 1826**, an Ordinance of the City Council of the City of Fontana, approving an amendment to the Southwest Industrial Park Specific Plan, a request to allow for slag, gravel, or other similar dust proof surfacing material for outdoor storage of large-scale concrete finished products within the Speedway Industrial District (SID).

2. Adopt the Initial Study/Negative Declaration pursuant to Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana Local Guidelines for Implementing the California Environmental Quality Act and direct staff to file a Notice of Determination;

C. Acceptance of Final Map for Tract No. 18974 Located North of Sierra Lakes Parkway and East of Knox Avenue

Accept Final Map for Tract No. 18974 located north of Sierra Lakes Parkway and east of Knox Avenue; accept as public dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

D. Approve Amendment No. 4 to a Professional Services Agreement for the San Sevaine Trail Phase 1, Segment 2 Project

Approve and authorize the City Manager to execute Amendment No. 4 to a Professional Services Agreement with David Evans and Associates for Engineering Services for the San Sevaine Trail Phase 1, Segment 2 Project (SQ-12-DE-17) in the amount of \$199,453.00 for a total contract amount of \$776,642.32.

E. Approve San Bernardino County CAL-ID Contract

Approve and authorize the Mayor to execute the CAL-ID contract with the County of San Bernardino and the City of Fontana for use of the County Biometric Identification Systems to provide services in latent fingerprint, ten-print identification, mobile identification, DNA and other related identification services.

F. Authorization for a Consultant Services Agreement for Water Engineering and Consultant Services

Award contract and authorize the City Manager to enter into a contract with TKE Engineering for Water Engineering and Consulting Services for a period of two (2) years with three (3) one year extensions at the sole discretion of the City.

G. Authorizing Resolution to Incorporate Projects Funded by the Road Repair and Accountability Act SB 1 for Fiscal Year 2020/2021

Adopt **Resolution No. 2020-031**, of the City Council of the City of Fontana to incorporate projects funded by SB 1, the Road Repair and Accountability Act for Fiscal Year 2020/2021.

PUBLIC HEARINGS:

A. Public Hearing on Formation of Community Facilities District No. 103M

Mayor Warren opened Public Hearing Item PH-A.

Management Services Director Lisa Strong provided the staff report.

No communication was received in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Armendarez, and passed unanimously by a vote of 5-0 to approve Public Hearing Item "A" items 1 and 2 (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None) as follows:

1. Adopt **Resolution No. 2020-032** of the City Council of the City of Fontana Establishing Community Facilities District No. 103M of the City of Fontana, County of San Bernardino, State of California, and Establishing the Boundaries Thereof.

2. Adopt **Resolution No. 2020-033** of the City Council of the City of Fontana Calling a Special Election and Submitting to the Voters of Community Facilities District No. 103M of the City of Fontana, County of San Bernardino, State of California, a Proposition with Respect to the Annual Levy of Special Taxes within said Community Facilities District to Pay the Costs of Certain Services to be provided by the Community Facilities District and a Proposition with Respect to the Establishment of an Appropriations Limit for said Community Facilities District.

Senior Administrative Analyst/ Acting Deputy City Clerk Evelyne Ssenkoloto announced that the ballot was in favor.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed unanimously by a vote of 5-0 to approve Public Hearing Item “A” items 3 and 4 (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None) as follows:

3. Adopt **Resolution No. 2020-034** of the City Council of the City of Fontana Declaring the Results of the Special Election for Community Facilities District No. 103M of the City of Fontana, County of San Bernardino, State of California, on the Propositions with Respect to (I) The Annual Levy of Special Taxes to Pay the Costs of Certain Services to be provided by the Community Facilities District and (II) The Establishment of an Appropriations Limit.

4. Read by title only, and waive further reading of and introduce **Ordinance No. 1827** Authorizing the Levy of a Special Tax within Community Facilities District No. 103M, that the reading of the Title constitutes the first reading thereof.

B. Sale of Surplus Property located North of Boyle Avenue and West of Sierra Avenue

Mayor Warren opened Public Hearing Item PH-B.

City Engineer Ricardo Sandoval provided the staff report.

No communication was received in favor or opposition.

The Public Hearing was closed.

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

1. The proposed sale of the property is exempt from environmental review pursuant to the California Environmental Quality Act (Pub. Resources Code, §§21000 et seq.) (CEQA) and the State CEQA Guidelines (Cal. Code Regs. tit. 14, §§15000 et seq.) Specifically, the proposed project qualifies for the Class 12 Categorical Exemption (State CEQA Guidelines, § 15312), which applies to surplus government property.

2. Adopt **Resolution No. 2020-035** approving a sale of City-owned exempt surplus property located north of Boyle Avenue and west of Sierra Avenue to TDC Aquisitions, LLC, a Delaware limited liability company (“Developer”) and make the requisite findings contained therein following public hearing.

3. Approve and authorize the City Manager to execute the Purchase and Sale Agreement with Developer.

C. Zoning Code Amendment (AMD) No. 20-003 – A Request for Approval of a Zoning and Development Code Amendment to Allow Schools to Establish in

the Retail District of the Form Based Code with Approval of a Conditional Use Permit and to Allow Truck Repair in the Light Industrial (M-1) District with the Approval of a Conditional Use Permit

Mayor Warren opened Public Hearing Item PH-C.

Community Development Director Zai AbuBakar provided the staff report.

No communication was received in favor or opposition.

Council Member Sandoval requested clarification on what zoning area truck repair is permitted. Director AbuBakar stated that with the proposed code amendment, truck repair will be permitted in the light industrial zone and would not be permitted in the Downtown Area.

The Public Hearing was closed.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Sandoval, and passed unanimously by a vote of 5-0 to approve Public Hearing Item "C" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None) as follows:

1. Determine that the project has been reviewed under a previous Final Environmental Impact Report (State Clearinghouse No. 2016021099), pursuant to Sections 15162 through 15164, and Section 15183 of the California Environmental Quality Act (CEQA) Guidelines and Section 8.10 of the City of Fontana's 2019 Local Guidelines for Implementing CEQA and direct staff to file the Notice of Determination; and
2. Read by title only and waive further reading of and introduce **Ordinance No. 1828**, an Ordinance of the City Council of the City of Fontana, approving amendments to Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code and that the reading of the title constitutes the first reading thereof.

D. Automatic Twelve (12) Month Extension of Time for Building and Engineering Permits, Administrative Site Plan (ASP), Design Review (DR), Minor Use Permit (MUP), and Conditional Use Permit (CUP) Approvals and Associated Implementing Approvals that Would Have Expired On or After March 3, 2020 and Before December 31, 2020

Mayor Warren opened Public Hearing Item PH-D.

Community Development Director Zai AbuBakar provided the staff report.

No communication was received in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Council Member Sandoval, seconded by Mayor Pro Tem Armendarez, and passed unanimously by a vote of 5-0 to approve Public Hearing Item

"D" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None) as follows:

1. That the City Council determine that this action is not subject to environmental review under the California Environmental Quality Act (CEQA) per Section 15378(b)(2) and (b)(5) of CEQA because the continued administrative activities and organization activities that will not result in a direct or indirect physical change in the environment, are not CEQA projects. The proposed time extensions are simply granting a limited number of previously approved entitlements a limited extension of time due to the COVID-19 Pandemic, which caused and will cause delays in completion of development projects. Additionally, pursuant to CEQA Guidelines Section 15061(b)(3), CEQA does not apply to this granting of a time extension because there is no potential for causing a significant effect on the environment. Therefore, no further environmental review is necessary and direct staff to file the Notice of Exemption.

2. Read by title only and waive further reading of and introduce **Ordinance No. 1829**, an Ordinance of the City Council of the City of Fontana granting an automatic twelve (12) month extension of time for Building and Engineering Permits, Administrative Site Plan (ASP), Design Review (DR), Minor Use Permit (MUP), and Conditional Use Permit (CUP) approvals and associated implementing approvals that would have expired on or after March 3, 2020 and before December 31, 2020. This automatic extension does not apply to any tentative subdivision map, parcel map or any vesting map, nor to any entitlement affecting property that is the subject of any code enforcement action or proceeding.

NEW BUSINESS:

A. Fiscal Year 2019/20 Third Quarter Budget Status Report

Mayor Warren opened New Business Item NB-A.

Mayor Warren announced the formation of a Fontana Economic Recovery Task Force.

Management Services Director Lisa Strong provided the staff report.

No communication was received in favor or opposition.

The Public Hearing was closed.

ACTION: Motion was made by Council Member Sandoval, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to approve New Business Item "A" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None; ABSTAIN: None) as follows:

1. Approve the recommended Third Quarter Budget adjustments.
2. Adopt **Resolution No. 2020-036** of the City Council of the City of Fontana adopting the new job description and salary range for the classification of Management Analyst, eliminating the classification of Assistant to the City Manager, and Adopting the

updated Executive Salary Table.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

Council Member Cothran spoke on the loss of former Planning Commissioner Jeanette Allard and expressed his condolences to the Allard family.

Council Member Sandoval expressed his condolences on the loss of Jeanette Allard.

Council Member Sandoval encouraged everyone to stay home and to contact any of the City Council Members if they need assistance.

Council Member Sandoval wished his daughter Cecilia, his son Jesse Jr., and grandson Tommy, a happy birthday.

Council Member Sandoval wished City Attorney Duran a happy birthday.

Mayor Pro Tem Armendarez expressed his condolences to the Allard family on the loss of Jeanette Allard.

Mayor Pro Tem Armendarez asked the community to stay safe during the COVID-19 pandemic.

Council Member Roberts expressed his condolences to Ray Allard and the Allard family on the loss of Jeanette Allard.

Mayor Warren provided a brief update on the COVID-19 pandemic and its impact on the city, community, businesses and resources.

Mayor Warren expressed her gratitude for the great relationship between the City of Fontana and the Chamber of Commerce.

Mayor Warren congratulated the Class of 2020 graduates.

Mayor Warren spoke on the loss of Jeanette Allard and her contributions to the City of Fontana, and expressed her condolences to the Allard family.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Mark Denny noted that City Clerk Lewis and City Treasurer Koehler-Brooks were participating in the meeting from home.

City Manager Denny wished City Attorney Ruben Duran a happy birthday.

ADJOURNMENT:

A moment of silence was held for City of Fontana's former Planning Commissioner Jeanette Allard and all the victims of the COVID-19 virus.

The meeting adjourned at 7:52 p.m. in memory of Jeanette Allard and all the victims of the COVID-19 virus to the next Regular City Council Meeting on Tuesday, May 12, 2020, at 7:00 p.m. that will be available to the public remotely.

DocuSigned by:

Evelyne Ssenkoloto

26697A809EE542D

Evelyne C. Ssenkoloto
Senior Administrative Analyst/
Acting Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE
12TH DAY OF MAY, 2020.**

Tonia Lewis

EBDCFCDA17754F5...

Tonia Lewis
City Clerk

Certificate Of Completion

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Subject: Please DocuSign: 3-10-2020 City Council Meeting Minutes - DRAFT.pdf	
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Signer Events

Evelyne Ssenkoloto
 essenkol@fontana.org
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In Person Signer Events

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Kathy Kasinger
 kkasinger@fontana.org
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	5/13/2020 1:40:38 PM
Certified Delivered	Security Checked	5/13/2020 1:40:38 PM
Signing Complete	Security Checked	5/13/2020 1:40:38 PM
Completed	Security Checked	5/13/2020 1:40:38 PM

Payment Events	Status	Timestamps
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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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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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