

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR CITY COUNCIL MEETING  
June 9, 2020**

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**WORKSHOP:**

**A. 5:00 P.M. WORKSHOP**

A City Council Workshop was held remotely on June 9, 2020. Mayor Warren called the Workshop to order at 5:00 p.m., with Mayor Pro Tem Armendarez, Council Members Roberts, Sandoval and Cothran present.

Lisa Strong, Director of Management Services, provided a presentation on the Proposed Fiscal Year 2020/2021 Budget Overview.

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

The Workshop adjourned at 5:15 p.m.

**CLOSED SESSION:**

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

A Closed Session was held remotely at 6:00 p.m. 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 REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code section 54956.8

Property: APN 0190-153-10

Agency Negotiators: Jeffrey Kim, Engineering Manager, and Gregory Snarr, Best Best & Krieger LLP

Negotiating Parties: Cindy Huynh

Under Negotiation: Price and Terms

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code section 54956.8

Property: APN 0190-132-07

Agency Negotiators: City Engineer, Jeffrey Kim, Engineering Manager, and Gregory

Snarr, Best Best & Krieger LLP  
Negotiating Parties: Enrique & Ana Macias  
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8:  
Properties: Ventana at Duncan Canyon Specific Plan (I-15 Freeway/Duncan Canyon Road/Citrus Avenue)  
Negotiating Parties: City of Fontana and HDO4, LLC  
Negotiator: Mark Denny, City Manager,  
Under Negotiation: Price and Terms of Payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code section 54956.8  
Property: APN 0190-153-10  
Agency Negotiators: Jeffrey Kim, Engineering Manager, and Gregory Snarr, Best Best & Krieger LLP  
Negotiating Parties: Cindy Huynh  
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Pursuant to Government Code section 54956.8  
Property: APN 0191-162-14 & 19  
Agency Negotiators: City Manager Mark Denny  
Negotiating Parties: Real Journey Academies, Inc.  
Under Negotiation: Price and Terms of Lease Agreement

## **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, June 9, 2020. Mayor Warren called the meeting to order at 7:00 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 Mayor Warren, the Pledge of Allegiance was led by Council Member Roberts.

A moment of silence for eight minutes and 40 seconds was held to honor George Floyd.

### **CLOSED SESSION ANNOUNCEMENT:**

City Attorney Ruben Duran reported that there was no reportable action on the Closed Session Items. City Attorney Duran also noted that a Closed Session Item was listed

twice (No.'s 1 and 4 were duplicate items).

## **PUBLIC COMMUNICATIONS:**

### **A. Public Communications**

The following individuals commented in support of defunding the Police Department:

Winnie Huang, Elizabeth Pedroza, Maritza Martinez, Mariana Pedroza, Martin Ramero, Victoria Sazo, Valeria Velasco, Melody Garcia, Fidel Burciaga, Brandon Pham, Sonia Heyer, Angela Martin, Titiana Avila, Mattie Lemons, Nancy Olivares, Marco Garcia, Brandon Perez, Joanna Rosas, Aman Heyer, Frida Flores, Britney Cisneros, Jasmine Jiminez, Saul Gomez, Melissa, Gina Carrillo, David Aguilar, Alice Sazo, Alyssa Zepeda, Maritza Guerrero Aguilar, Lauren Dove, Clyde Dove, Jeanette Dove, Leslie Dove, Geraldine Dayrit, Ashley Abalos, Lizbeth Acosta, Austin Gomez.

The following individuals commented on issues related to illegal fireworks and Safe and Sane fireworks:

Linda, Sherry Ochoa-Rounkles, Sommer Allen, Daniela Ferrari, Claire Crue, Elizabeth Ferrari, Amada Meyer, Miguel F. Del Rio, Diana, Kat, Mario Cuevas, Celina Francisco, Melania Veliz, Linda Olin, Sandy Salcido, Pattie Benavides, Natalie Delzell, Jackie Anderson, Robin Jackson, Matt Garcia, Jeremiah Tampoya.

The following individuals commented on their support of Safe and Sane Fireworks:

Viola, Vanessa Leyva.

Citlalik Ibarra commented on the Police budget.

Jasmine Dana Cunningham commented on peaceful protest and racial inequality.

Christopher Larese commented on the need for customers to wear masks.

Maria Cecilia Bolanos commented in opposition to Master Case # 19-093.

Janeth Rodriguez with Chaffey College commented on registration for Summer Courses.

Voicemails were received by the following:

Cindy Bouma spoke in support of Safe and Sane Fireworks.

Greg Nelson spoke in opposition to the recent curfew placed on the City of Fontana.

Kareem Gongora spoke in opposition of the recent curfew placed on the City of Fontana.

Hector Solorzano Castillo spoke in opposition of the police budget.

Roberto Bena spoke in opposition of the police budget.

Karen spoke about issues related to illegal fireworks.

## **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-H" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran; NOES: None; ABSTAIN: None) as follows:

### **A. Approval of Minutes**

Approve the Minutes of the May 26, 2020 Regular City Council Meeting.

### **B. Adoption of Ordinance No. 1830**

1. Second Reading/ Adopt **Ordinance No. 1830**, an Ordinance of the City Council of the City of Fontana, approving amendments to Chapter 25 and Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code;

2. Determine that the project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act (CEQA) and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA and direct staff to file the Notice of Exemption.

### **C. Final Acceptance of the Banana Avenue Storm Drain Project**

1. Accept as complete the work performed by Downing Construction, Inc. for the construction of the Banana Avenue Storm Drain Project, and approve the final construction amount of \$3,602,260.66. (SB-41-DE-17);

2. Adopt **Resolution No. 2020-039**, accepting sewer in Banana Avenue as part of the City sewer system.

### **D. Approve a Cooperative Agreement with the County of San Bernardino for the Beech Avenue at Foothill Boulevard Project**

1. Approve and authorize the City Manager to execute a Cooperative Agreement with the County of San Bernardino for the Beech Avenue at Foothill Boulevard Project;

2. Approve and authorize the City Manager to execute any future utility agreements, license agreements and other related agreements to this project.

### **E. Calling of the November 3, 2020, General Municipal Election**

1. Adopt **Resolution No. 2020-040**, a Resolution of the City Council of the City of Fontana, California, calling and giving notice of a General Municipal Election to be held in the City of Fontana on Tuesday, November 3, 2020, for the election of certain officers of the City as required by the provisions of the Laws of the State of California relating to General Law Cities, and requesting consolidation of said election with the Statewide General Election to be held on said date;

2. Adopt **Resolution No. 2020-041**, a Resolution of the City Council of the City of Fontana, California, adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at a General Municipal Election to be held on Tuesday, November 3, 2020.

**F. Local Early Action Program (LEAP) Planning Grant**

1. Adopt **Resolution No. 2020-042**, a Resolution of the City Council of the City of Fontana authorizing application for, and receipt of, LEAP Planning Grant Funds in the amount of \$500,000.

2. Authorize the City Manager or Deputy City Manager to execute any documents necessary or appropriate as required for receipt of this Grant.

**G. Resolution of Intent to Form Community Facilities District No. 99 (The Retreat)**

1. Adopt **Resolution No. 2020-043**, 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. 2020-044**, of the City Council of the City of Fontana to Incur Bonded Indebtedness of the Proposed City of Fontana Community Facilities District No. 99 (The Retreat).

**H. Resolution Granting the City Manager Authority to Issue Special Temporary Outdoor Operating Permits to Businesses Reopening under COVID-19 County and State Guidelines**

1. Determine that this action/ resolution qualifies for a categorical exemption from the California Environmental Quality Act (CEQA) under Section 15301, Class 1 (Existing Facilities), of the CEQA Guidelines. and direct staff to file a Notice of Exemption;

2. Adopt **Resolution No. 2020-045**, a Resolution of the City Council of the City Of Fontana, California granting the City Manager authority to issue Special Temporary Outdoor Operating Permits to businesses reopening under Covid-19 County and State Guidelines; and finding such action Exempt from the California Environmental Quality Act.

**PUBLIC HEARINGS:**

**A. Master Case No. 19-093 for Specific Plan Amendment No. 19-010, Tentative Parcel Map No. 20156 (TPM19-014), Conditional Use Permit No. 19-035, and Administrative Site Plan No. 19-060 for a Specific Plan Amendment to the Southwest Industrial Park Specific Plan (SWP) Specific Plan to Conditionally Allow Motor Vehicle Lease Use along with a Proposed Trailer Leasing Use at 10686 and 10730 Banana Avenues**

Mayor Warren opened Public Hearing Item PH-A.

Associate Planner Rina Leung provided the staff report.

Discussion ensued regarding paving improvements to an unpaved portion of the property.

The Applicant stated that paving improvements were not planned.

The Public Hearing was closed.

**ACTION:** Motion was made by Council Member Armendarez, seconded by Council Member Roberts, and passed by a vote of 4-1-0 **to continue this item to the June 23, 2020, City Council Meeting.** (AYES: Armendarez, Roberts, Sandoval and Cothran; NOES Warren; ABSTAIN: None).

**B. Master Case No. 19-063; Specific Plan Amendment No. 19-007; Development Agreement No. 003; Tentative Parcel Map No. 20130; Conditional Use Permit No. 19-022; Conditional Use Permit No. 19-023; and Administrative Site Plan No. 19-039 - Establishment of a Registered Vehicle Storage Yard with a 15,000 Square Foot Office and Maintenance Building on approximately a 9.6 acre Property**

Mayor Warren opened Public Hearing Item PH-B.

Associate Planner Brett Hamilton provided the staff report.

Discussion ensued on exits in and out of the project and also on walls surrounding the project.

No communication was received in favor or opposition.

The Public Hearing 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 approve Public Hearing Item "B" (AYES: Warren, Armendarez, Roberts, and Cothran; NOES: Sandoval; ABSENT: None) as follows:

1. Adopt the Addendum to the Southwest Industrial Park Specific Plan Program Environmental Impact Report (SCH No. 2009091089), pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines and 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. 1831**, an Ordinance of the City Council of the City of Fontana approving Specific Plan Amendment No. 19-007, to add "Registered Vehicle Storage," and accompanying special use regulations, "Logistics and Distribution Facility," and "Truck/Trailer Storage: as allowable uses in the Speedway Industrial District and remove the lot size requirements for registered vehicle storage in the Southwest Industrial Park Specific Plan and that the reading of the title constitutes the first reading thereof; and,

3. Read by title only and waive further reading of and introduce **Ordinance No. 1832**, an Ordinance of the City Council of the City of Fontana approving Development Agreement No. 19-003, which outlines infrastructure improvements (public sewer line) including a city reimbursement of up to \$300,000 towards the infrastructure improvements and that the reading of the title constitutes the first reading thereof; and,

4 Adopt **Resolution No. 2020-046**, a Resolution of the City Council of the City of Fontana approving Tentative Parcel Map No. 20130, Conditional Use Permit No. 19-022, Conditional Use Permit No. 19-023 and Administrative Site Plan No. 19-039 to consolidate six (6) parcels totaling approximately 9.67 gross acres into one (1) parcel for the purpose of establishing a registered vehicle storage yard with 330 trailer spaces, a 15,000 square foot maintenance and office building, and all site improvements.

## **NEW BUSINESS:**

### **A. Conflict of Interest Code Review**

City Attorney Ruben Duran provided the staff report.

No communication was received in favor or opposition.

**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:

Direct the City Manager to review the City of Fontana Conflict of Interest Code according to Government Code Section 857306.

### **B. Resolutions Adopting Vehicle Miles Traveled Thresholds and Requesting a Delay of the implementation of Title 14 of the California Code Of Regulations, Section 15064.3**

Senior Traffic Engineer Mahmoud Khodr provided the staff report.

No communication was received in favor or opposition.

**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 New Business Item "B" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None; ABSTAIN: None) as follows:

1. Adopt **Resolution No. 2020-047**, a Resolution of the City Council of the City of Fontana, adopting Vehicle Miles Traveled thresholds of significance for purposes of analyzing transportation impacts under the California Environmental Quality Act.

2. Adopt **Resolution No. 2020-048**, a Resolution of the City Council of the City of Fontana requesting the delay of the implementation of Title 14 of the California Code Of Regulations, Section 15064.3.

**C. Consideration of Lease with Real Journey Academies for a Portion of a City-Owned Building and Parking Lot Located at 16730 Arrow Boulevard and 16725 Spring Street**

Steve Dukette, TKE Engineering, Inc., provided the staff report.

No communication was received in favor or opposition.

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

1. Determine that the approval of the a commercial lease agreement with Real Journey Academies, Inc. is exempt from the California Environmental Quality Act (the “CEQA”) Guidelines pursuant to Section 15060(c) (i.e., California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387) because the actions described therein will not result in a direct or reasonable foreseeable indirect physical change in the environment and the actions described therein are not a “Project”, as defined within § 15378 of the CEQA Guidelines and authorize the City Manager, or designee, to file a Notice of Exemption, as described within the Resolution.

2. Adopt **Resolution No. 2020-049**, a resolution of the City Council of the City of Fontana, California, approving a commercial lease agreement effecting portions of a City-owned building and parking lot located at 16730 Arrow Boulevard and 16725 Spring Street, respectively, with Real Journey Academies, Inc. for the purpose of operating a charter high school and approving certain related actions.

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

**A. Elected Officials Communications/Reports**

Council Member Cothran spoke on efforts in dealing with illegal fireworks in his neighborhood and the City, and that he understands how the fireworks are very stressful for pets.

Council Member Sandoval requested adjourning tonight’s meeting in memory of Jessica Villanueva and expressed condolences to her family.

Council Member Sandoval expressed condolences to the family of George Floyd.

Council Member Sandoval thanked the Auto Club Speedway for hosting high school graduations.

Council Member Sandoval congratulated Kim Lewis, daughter of Tonia and Don Lewis, on her retirement from the Fontana Unified School District.

Council Member Sandoval spoke on reviewing and possibly increasing the fines for those caught using illegal fireworks.



Council Member Roberts spoke on fireworks being prohibited in San Bernardino County and getting the community involved by reporting those using illegal fireworks.

Council Member Roberts spoke on the loss of Roger Birdsall and expressed condolences to the Birdsall family.

Mayor Pro Tem Armendarez congratulated the graduating classes of 2020.

Mayor Pro Tem Armendarez spoke on the City of Fontana hosting a fireworks show for a minimal cost.

Mayor Pro Tem Armendarez spoke on needing the public's help in reporting those using illegal fireworks.

Mayor Warren spoke on illegal fireworks and asked the community to report those that are using or selling illegal fireworks.

Mayor Warren spoke on retail businesses and the requirement of wearing masks.

Mayor Warren spoke on School District funds not being controlled by the City.

Mayor Warren spoke on the City Council not looking at disbanding, defunding, or transferring any funds from the Police Department.

Mayor Warren spoke on the Police Department building trust and communication with the community.

Mayor Warren spoke on the County receiving funding to provide medical services, services for homeless and social services.

Mayor Warren spoke on the goal and priority to keep everyone safe in the City of Fontana.

Mayor Warren spoke on Community Services providing programs and activities to the community and that the department is a funding priority.

Mayor Warren spoke on working on solutions to address illegal fireworks.

Mayor Warren spoke on bringing the youth together to address issues the City is facing.

Mayor Warren spoke on racism being a national issue.

Mayor Warren spoke on receiving communication from residents asking not to defund the Police Department.

Mayor Warren spoke on the need for the recent curfew.

Mayor Warren spoke on the damage caused by rioters and the mutual aid received from

other local agencies.

Mayor Warren thanked the community for their patience, and the City Council, City staff, Police and Fire departments for standing strong for the community.

Mayor Warren spoke on looking into increasing fines for illegal fireworks and possibly providing rewards for those reporting someone using illegal fireworks.

Mayor Warren spoke on staff staying busy working from home during the COVID-19 pandemic.

Mayor Warren spoke on efforts to keep everyone safe during the COVID-19 pandemic.

Mayor Warren commended Vanessa for the peaceful protest she organized in Southridge; Christian for the protest at Jessie Turner Center; and Black Lives Matter's protest on Summit and the need for conversations on racism.

## **CITY MANAGER COMMUNICATIONS:**

### **A. City Manager Communications**

City Manager Denny encouraged residents to report illegal fireworks by calling 909-350-7700 or the WeTip Hotline at 800-47ARSON.

## **ADJOURNMENT:**

A moment of silence was held for George Floyd, David Dorn, Patrick Underwood, Damon Gutzwiller, and the African Americans that have been killed by police brutality, Jessica Villanueva, Roger Birdsall and the victims of Covid-19.

The meeting adjourned at 9:35 p.m. in memory of George Floyd, David Dorn, Patrick Underwood, Damon Gutzwiller, and the African Americans that have been killed by police brutality, Jessica Villanueva, Roger Birdsall and the victims of Covid-19, to the Adjourned Regular City Council Meeting which will be held on Tuesday, June 23, 2020, at 10:00 a.m; and then to the next Regular City Council Meeting on Tuesday, June 23, 2020, at 7:00 p.m. that will be available remotely.

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Karen Porlas  
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 23RD DAY OF JUNE 2020.**

DocuSigned by:



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Tonia Lewis

City Clerk

## Certificate Of Completion

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In Person Signer Events	Signature	Timestamp
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Evelyne Ssenkoloto essenkol@fontana.org Security Level: Email, Account Authentication (None)	COPIED	Sent: 6/24/2020 9:16:54 AM Viewed: 6/24/2020 9:24:45 AM
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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	6/24/2020 9:16:55 AM
Certified Delivered	Security Checked	6/24/2020 9:16:55 AM
Signing Complete	Security Checked	6/24/2020 9:16:55 AM
Completed	Security Checked	6/24/2020 9:16:55 AM

Payment Events	Status	Timestamps
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To contact us by email send messages to: ctejeda@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"> <li>•Allow per session cookies</li> <li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li> </ul>

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