

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR CITY COUNCIL MEETING
January 26, 2021**

WORKSHOP:

A. 5:00 P.M. Joint City Council and Planning Commission Workshop

A City Council Workshop was held remotely on Tuesday January 26, 2021. Mayor Warren called the Workshop to order at 5:01 p.m. with Mayor Pro Tem Cothran, Council Members Roberts, Sandoval and Garcia present.

Also present were Planning Commissioners Daniel Quiroga, Idilio Sanchez, Cathline Fort and Raj Sangha.

Robert Davis and Michael Dirden with Hillard Heintze provided an overview of their Assessment Report of the Fontana Police Department (FPD).

Some of the key findings are highlighted below:

- FPD is a well-performing department with high morale, respect and transparency.
- FPD Internal Affairs unit is thorough and accurate, but the process could use some improvement.
- FPD has a strong pre-academy program that prepares recruits well for their careers.
- FPD has improved efforts to hire more candidates of color but some processes disproportionately inhibit minority candidates.

Genevieve Sharrow with MIG presented recommendations of the Fontana Sign Code Update.

The following suggestions and discussion ensued on the following:

- Develop business friendly signs.
- Development themes for certain areas of the city.
- Provide community/stakeholder outreach.

- Next steps in the process.

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

One public communication was received from Phil Cothran commenting on the Fontana Chamber of Commerce desire for a good sign code.

The Workshop adjourned at 6:12 p.m.

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

A Closed Session was held remotely at 6:11 p.m. with Mayor Warren, Mayor Pro Tem Cothran, Council Members Roberts, Sandoval and Garcia present.

PUBLIC COMMUNICATIONS:

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Properties: APN: 0194-01-18, 0194-01-21 & 0194-01-23

Negotiating Parties: City of Fontana and Shalabi Enterprises & Shalabi Brothers Partners

Negotiator: Mark Denny, City Manager & Mike Shalabi

Under Negotiation: Price and Terms of Payment

CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION, Gov't Code § 54959.6(d)(1)

Case: Moore, et al. v. City of Fontana; SBSC Case #CIVDS1610471

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Negotiator: Mark Denny, City Manager and Rakesha Thomas, Director of Human Resources and Risk Management

Employee Organization(s): Teamsters Local 1932 Yard Bargaining Unit; and Management/Confidential Employees

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, January 26, 2021. Mayor Warren called the meeting to order at 7:01 p.m.

ROLL CALL:

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

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 there was no reportable action on the Closed Session Items.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals commented during live call-In:

CA Taxpayer spoke on issues related to Fontana Unified School District.

Maria Arias and Samuel Arias spoke on issues related to Fontana Unified School District.

Elizabeth Sena spoke in opposition to warehouses.

Eddie spoke on his displeasure with the current city leadership.

Voicemails were received from the following:

Marianne Grosner commented on issues related to Fontana Unified School District.

Another voicemail was received (no name) commenting on issues related to Fontana Unified School District.

CONSENT CALENDAR:

Police Chief Green provided a staff report on Consent Calendar Item "I" - Police Department Annual Report for 2020.

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

A. Approval of Minutes

Approve the Minutes of the June 19, 2019 Adjourned City Council Meeting and the January 12, 2021 Regular City Council Meeting.

B. Adoption of Ordinance No. 1860

Second Reading/Adopt **Ordinance No. 1860**, Authorizing the Levy of a Special Tax within Community Facilities District No. 104M.

C. Adoption of Ordinance No. 1861

Second Reading/Adopt **Ordinance No. 1861**, an Ordinance of the City Council of the City of Fontana, approving Specific Plan Amendment No. 20-003 to revise the nonconforming provisions and definition of Industrial Equipment, Materials along with the following changes to the land use tables in Southwest Industrial Park Specific Plan (SWIP) Specific Plan (SWIP): allow Truck and/or Trailer Storage only as an ancillary use; add Registered Vehicle Storage use in the Jurupa South Research and Development District with approval of a Conditional Use Permit; and require that cellular communication antennas comply to standards/procedures set forth in the Municipal Code Chapters 25 and 32.

D. Adoption of Ordinance No. 1862

Second Reading/Adopt **Ordinance No. 1862**, an Ordinance of the City Council of the City of Fontana, California, approving Municipal Code Amendment (AMD) No. 20-001 to amend Chapter 25 of the Municipal Code to add Article VII to establish regulations, standards, and processing procedures for wireless telecommunications facilities in the public right-of-way throughout the city.

E. Approve a Quitclaim Deed for the Dedication of Right of Way for Parcel Map No. 20056

Approve and authorize the City Manager to execute a Quitclaim Deed related to the dedication of right of way to Parcel Map No. 20056.

F. Approve an Agreement for Acquisition of Real Property for the Sierra Avenue Roadway Widening Project

1. Approve and authorize the City Manager to execute an Agreement for Real Property Acquisition between the City of Fontana and Enrique C. Macias and Ana M. Macias, for Assessor Parcel Number 0190-132-07, located on the southwest corner of Sierra Avenue and Fairfax Avenue related to the Sierra Avenue Roadway Widening Project.

2. Approve and Authorize the City Manager to execute any other documents necessary or appropriate to complete the proposed transaction.

G. Final Acceptance of Subdivision Improvements for Tract 17161

1. Accept as complete the Subdivision Improvements for Tract No. 17161 located on the southeast corner of Citrus Avenue and Mallory Drive.

2. Adopt **Resolution No. 2021-011**, accepting sewers in Tract No. 17161, as part of the City sewer system.

H. Memorandum of Understanding for Turf Removal Project

Authorize the City Manager to sign a Memorandum of Understanding between Fontana Water Company, the City of Fontana, and EcoTech Services, Inc. for landscape median turf removal on Arrow Boulevard.

I. Police Department Annual Report 2020

Receive and file the Police Department 2020 Annual Report.

J. Purchase and Installation of Restroom Building for Shadow Park

1. Approve and authorize the Purchasing Office to "Piggy-Back" from the California Multiple Award Schedule (CMAS) for Romtec, Inc. in the amount of \$148,569.97 for the purchase and installation of a new restroom building for Shadow Park.
2. Authorize a 10% construction contingency in the amount of \$14,857.00.

K. Purchase, Sale and Disposition Agreement - North West Corner of Citrus Avenue and South Highland Avenue

Approve a Purchase, Sale and Disposition Agreement (PSDA) between the City of Fontana and Citrus Development LLC to effectuate development of the property located on the North West Corner of Citrus and South Highland Avenues and authorize the City Manager to execute any documents necessary or appropriate to effectuate said approval.

L. Resolution of Intent to Form Community Facilities District No. 105M (Tract 20346)

1. Adopt **Resolution No. 2021-012** of Intent of the City Council of the City of Fontana with Respect to Establishment of Proposed Community Facilities District No. 105M of the City of Fontana, County of San Bernardino, State of California.
2. Set the Public Hearing for March 9, 2021, for the Formation of the District and call for the Special Election for March 9, 2021.

NEW BUSINESS:

A. Adopt an Ordinance to Reduce the Number of Parks, Community, and Human Service Commissioners From Seven (7) to Five (5) Members

City Manager Mark Denny provided the staff report.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Garcia, and passed by a vote of 4-1 to approve Consent Calendar Items "A-L" (AYES: Warren, Cothran, Roberts and Garcia; NOES: Sandoval) as follows:

Read by title only, and waive further reading of and introduce **Ordinance No. 1863**, an Ordinance of the City Council of the City of Fontana, California, amending Section 2-341 of Chapter 2 of the Fontana Municipal Code reducing the number of members of the Parks, Community, and Human Services Commission from seven (7) to five (5) members; and that the reading of the title constitute the first reading thereof.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Discussion and Possible Action Regarding Appointment of Planning Commission and Parks, Community and Human Services Commissioners

ACTION: Motion was made by Mayor Pro Tem Cothran, seconded by Council Member Garcia, and passed by a vote of 4-1 to approve Election Officials Communications/Report Items "A" (AYES: Warren, Cothran, Roberts and Garcia; NOES: Sandoval) as follows:

Appoint the following individuals to the Planning Commission:

Cathline Fort
Matthew Gordon
Idilio Sanchez
Raj Sangha
Ralph Thrasher

ACTION: Motion was made by Council Member Garcia, seconded by Mayor Pro Tem Cothran, and passed by a vote of 4-1 to approve Election Officials Communications/Report Items "A" (AYES: Warren, Cothran, Roberts and Garcia: NOES: Sandoval) as follows:

Appoint the following individuals to the Parks, Community and Human Services Commission:

Anahi Ahumada
Germaine McClennan Key (will serve as Senior representative)
Fay Glass
Michael McGinnis
Ricardo Quintana

B. Appointments to Local Agency/Regional Boards

ACTION: Motion was made by Mayor Pro Tem Cothran, seconded by Council Member Sandoval, and passed by a vote of 5-0 to approve Election Officials Communications/Report Item "B" IEUA Regular Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Council Member Sandoval as the Regular Member to Inland Empire Utilities Agency (IEUA).

ACTION: Motion was made by Mayor Warren, seconded by Mayor Pro Tem Cothran, and passed by a vote of 5-0 to approve Election Officials Communications/Report Item "B" IEUA Alternate Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Council Member Garcia as the Alternate Member to Inland Empire Utilities Agency (IEUA).

ACTION: Motion was made by Mayor Pro Tem Cothran, seconded by Council Member Sandoval, and passed by a vote of 5-0 to approve Election Officials Communications/Report Item "B" (SBCTA) & (SBCOG) Regular Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Mayor Warren as the Regular Member to San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG).

ACTION: Motion was made by Mayor Pro Tem Cothran, seconded by Council Member Roberts, and passed by a vote of 5-0 to approve Election Officials

Communications/Report Item "B" (SBCTA)& (SBCOG) Alternate Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Council Member Garcia as the Alternate Member to San Bernardino County Transportation Authority (SBCTA) and San Bernardino Council of Governments (SBCOG).

ACTION: Motion was made by Mayor Warren, seconded by Mayor Pro Tem Cothran, and passed by a vote of 5-0 to approve Election Officials Communications/Report Item "B" Omnitrans Regular Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Council Member Roberts as the Regular Member to Omnitrans.

ACTION: Motion was made by Mayor Warren, seconded by Council Member Roberts, and passed by a vote of 5-0 to approve Election Officials Communications/Report Item "B" Omnitrans Alternate Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Council Member Sandoval as Alternate Member to Omnitrans.

ACTION: Motion was made by Mayor Warren, seconded by Council Member Sandoval, and passed by a vote of 5-0 to approve Election Officials Communications/Report Item "B" SWAT Regular Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Council Member Sandoval as the Regular Member to the San Bernardino County Solid Waste Advisory Task Force (SWAT).

ACTION: Motion was made by Mayor Warren, seconded by Mayor Pro Tem Cothran, and passed by a vote of 5-0 to approve Election Officials Communications/Report Item "B" SWAT Alternate Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Council Member Garcia as the Alternate Member to the San Bernardino County Solid Waste Advisory Task Force (SWAT).

ACTION: Motion was made by Mayor Warren, seconded by Council Member Sandoval, and passed by a vote of 5-0 to approve Election Officials Communications/Report Item "B" SCAG Regular Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Council Member Roberts as the Regular Member to the Southern California Association of Governments (SCAG).

ACTION: Motion was made by Mayor Warren, seconded by Council Member Sandoval, and passed by a vote of 5-0 to approve Election Officials Communications/Report Item "B" SCAG Alternate Member (AYES: Warren, Cothran, Roberts, Sandoval and Garcia: NOES: None) as follows:

Appoint Mayor Pro Tem Cothran as the Alternate Member to the Southern California Association of Governments (SCAG).

C. Elected Officials Communications/Reports

Mayor Pro Tem Cothran spoke on separating the current Parks, Community and Human Services Commission into two commissions.

Mayor Pro Tem Cothran thanked Deputy City Manager Chuck Hays for his service and wished him a happy retirement.

Mayor Pro Tem Cothran thanked everyone for the birthday wishes.

Council Member Garcia congratulated the newly appointed Commissioners.

Council Member Garcia commended the Police Department for their work.

Council Member Roberts thanked Deputy City Manager Hays for his service and wished him a happy retirement.

Council Member Roberts congratulated the newly appointed Commissioners.

Council Member Sandoval congratulated Deputy City Manager Hays on his retirement and thanked him for his service.

Council Member Sandoval wished Mayor Pro Tem Cothran a happy birthday.

Council Member Sandoval expressed his desire to vote for commissioners on an individual basis, not a slate of names.

Mayor Warren wished Mayor Pro Tem Cothran and Council Member Sandoval a happy birthday.

Mayor Warren expressed her desire for all Council Members to come together when appointing commissioners.

Mayor Warren thanked Deputy City Manager Hays for his service and wished him a happy retirement.

Mayor Warren spoke on general plan updates.

Mayor Warren stated she would relay the comments received during public communications to the Fontana United School District.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

No City Manager communications received.

ADJOURNMENT:

The meeting adjourned at 8:20 p.m. to the next Regular City Council Meeting on Tuesday, February 9, 2021 7:00 p.m. that will be available remotely.

DocuSigned by:

Karen Porlas

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Karen Porlas
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON
THE 9th DAY OF FEBRUARY 2021.**

DocuSigned by:

Tonia Lewis

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Tonia Lewis
City Clerk

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Signer Events

Karen Porlas
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 City Clerk's Department
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Signature


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Toni Lewis
 tlewis@fontana.org
 City Clerk
 City of Fontana
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In Person Signer Events

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Agent Delivery Events

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Intermediary Delivery Events

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Certified Delivery Events

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Carbon Copy Events

Status

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Evelyne Ssenkoloto
 essenkol@fontana.org
 Security Level: Email, Account Authentication (None)

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Carbon Copy Events	Status	Timestamp
Kathy Kasinger kkasinger@fontana.org Records Coordinator Security Level: Email, Account Authentication (None)	COPIED	Sent: 2/10/2021 9:56:25 AM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Certified Delivered	Security Checked	2/10/2021 9:56:04 AM
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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

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