

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR CITY COUNCIL MEETING
May 11, 2021**

CLOSED SESSION:

A. 5:30 P.M. CLOSED SESSION

A Closed Session was held remotely at 5:37 p.m. with Mayor Warren, Mayor Pro Tem Cothran, Council Members Garcia, Roberts, and Sandoval present.

PUBLIC COMMUNICATIONS:

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

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 City Hall Bargaining Unit; Teamsters Local 1932 Yard Bargaining Unit; Police Management Association; Police Benefits Association; 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, May 11, 2021. Mayor Warren called the meeting to order at 7:02 p.m.

ROLL CALL:

Present: Mayor Warren, Mayor Pro Tem Cothran, Council Members Garcia, Roberts, and Sandoval. City Treasurer Koehler-Brooks was also present.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE:

Following the Invocation by Council Member Roberts, the Pledge of Allegiance was led by Council Member Garcia.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Duran announced that the Mayor and City Council met in Closed Session and took no reportable action.

SPECIAL PRESENTATIONS:

A. Community Risk Reduction Applications

Deputy Fire Marshal Panos, Assistant Fire Marshal Strong, and Assistant Fire Marshal Headley provided the Mayor and City Council with a presentation on Community Risk Reduction Applications.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals commented during live call-in:

Ivan-Nicholas Cisneros spoke in opposition of warehouse development and encouraged the public to participate in meetings.

Andre Cisneros spoke in opposition of warehouse developments near high schools.

Jennifer Garcia spoke in opposition of warehouse developments.

Claudia Moreno spoke in opposition of warehouse developments.

Elizabeth Sena spoke in opposition of warehouse developments.

CONSENT CALENDAR:

ACTION: Motion was made by Council Member Sandoval, seconded by Council Member Garcia, and passed by a vote of 5-0 to approve Consent Calendar Items "A-I" (Council Member Sandoval voted no on item "B" only). (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval NOES: None) as follows:

A. Approval of Minutes

Approve the Minutes of the February 25, 2021 Adjourned Regular City Council Meeting (Goal Setting) and the April 27, 2021 Regular City Council Meeting.

B. Adoption of Ordinances Nos. 1866 and 1867

1. Second Reading/Adopt **Ordinance No. 1866**, an Ordinance of the City Council of the City of Fontana, approving Zone Change No. 20-014 to change the zoning map on approximately 8.8 adjusted gross acres from General Commercial (C-2) to Light Industrial (M-1) APNs: 0255-011-02 and 0255-011-03.

2. Second Reading/Adopt **Ordinance No. 1867**, an Ordinance of the City Council of the City of Fontana approving Development Agreement No. 21-001, between the City of Fontana a California Municipal Corporation and Citrus and Slover LLC, a California Limited Liability Company, which provides a public benefit fee in the amount of \$825,401.00 dollars.

C. Fiscal Year 2020/21 Third Quarter Budget Status Report

1. Approve the recommended Third Quarter Budget adjustments.

2. Adopt **Resolution No. 2021 - 024** of the City Council of the City of Fontana adopting the new and updated job description and salary range for the classifications of Director of Planning, Management Analyst Trainee, Management Analyst I/II and Senior Management Analyst.

D. Agreement for Acquisition of Off-Site Property as needed for Public Road Construction within the Gardens Village of the Arboretum Specific Plan

Approve and authorize the City Manager to execute an agreement between the City of Fontana and North Fontana Investment Company, LLC, a Delaware Limited Liability Company, for the acquisition of off-site property in the Gardens Village of the Arboretum Specific Plan.

E. Authorize the Purchase of a Haaker Equipment H.D. Industries Pro-patch TCM-500-100-DHER Pothole Repairing Patch Truck

Authorize the Purchasing Office to "Piggy-Back" on the Houston-Galveston Area Council (H-GAC) purchasing program (Contract No. SM10-20) for the purchase of one new H.D. Industries TCM-500-100-DHER patch truck from Haaker Equipment Company.

PUBLIC HEARINGS:

A. Sign Code Update

Mayor Warren opened Public Hearing Item PH-A.

Senior Planner Paul Gonzalez provided a staff report.

No one spoke in favor or opposition.

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

1. 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; and

2. Read by title only and waive further reading of and introduce **Ordinance No. 1868**, an Ordinance of the City Council of the City of Fontana, approving amendments to the Municipal Code for Advertising and Signs (Chapter 3, Article IV) and Zoning Development Code (Chapter 30) of the City of Fontana Municipal Code. Amendments include a comprehensive update to the Sign Code and amendments to add the Sign Code section as Article XII of the Zoning and Development Code, and that the reading of the title constitutes the first reading thereof.

B. Public Hearing and First Reading of Ordinance for Adjustment to Sewer Service Rates

Prior to the open of the Public Hearing, City Attorney Duran provided a brief explanation on the requirements of Proposition 218, governing this Public Hearing and the proposed adoption of the rates and charges.

Mayor Warren opened Public Hearing Item PH-B.

Public Works Director Keith Kramer provided a staff report, with the assistance of Inland Empire Utilities Agency Representatives Shivaji Deshmukh and Christina Valencia.

Deputy City Clerk Gout received two written correspondences on this item and read the protests out loud.

Eugene Cruz
Silvia Galvan

Deputy City Clerk Gout noted for the record that a letter that appeared to be in opposition of the item was received, however, the letter does not meet the requirements for written protests as there was no name or location of the identified parcel provided. This letter will be entered into the record as written public communication.

City Attorney Duran advised the Mayor and Council Members to adjourn to a 5 minute recess to allow the public to register to speak on this item. Council adjourned to recess at 8:05 p.m. and re-convened at 8:11 p.m.

The following individuals commented during the live call-in:

Elizabeth Sena spoke in opposition to the sewer rate adjustments.
Ana Hernandez spoke in opposition to the sewer rate adjustments.

Mayor Warren closed the public hearing.

Deputy City Clerk Gout received a total of 2 written protest letters regarding the rates. A majority of the owners of the identified parcels or tenants directly liable for such charges would equal 20,260. A majority protest does not exist to the proposed rates.

Mayor Warren asked staff to clarify past due fees.

Mayor Pro Tem Cothran reiterated to staff that if the Council chose not to move forward with these proposed rate adjustments, that these fees would still accumulate and the City would be liable to pay for such difference. In addition, asked staff to clarify on the amount increase per household.

Council Member Sandoval asked staff to clarify the reoccurrence of the increase. Inland Empire Utility Agency representatives Deshmukh and Valencia assisted staff in providing clarification. In addition, City Manager Denny and City Attorney Duran provided the Mayor and Council additional clarification on what staff is proposing.

Mayor Pro Tem Cothran addressed Inland Empire Utility Agency representative Valencia regarding the Northern Fontana residents who have not yet been drawn into the borders within the Agency and requested that item be addressed as those residents currently pay service fees without representation.

Mayor Warren suggested a Workshop for discussion with all sewer providers; Inland Empire Utility Agency, City of Rialto and City of Fontana.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Cothran, and passed by a vote of 4-1 to approve Public Hearing Item "A" (AYES: Warren, Cothran, Garcia, and Roberts; NOES: Sandoval; ABSTAIN: None) as follows:

Read by title only and waive further reading and introduce **Ordinance No.1869** of the City Council of the City of Fontana adopting rate increases to the City of Fontana sewer service charges imposed on properties served by the Inland Empire Utility Agency and City of Rialto and that the reading of the title constitutes the first reading thereof. If introduced, the Ordinance will be brought back to the Council for adoption on May 25, 2021.

Before moving forward with the agenda, Mayor Warren addressed a comment that was made during public communications about a Council Member.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler - Brooks expressed her condolences to the Eshleman and Nunn family.

Mayor Warren announced that the Council will be adjourning the meeting in honor of former City of Fontana Mayor David Eshleman; James O. Nunn, Jr, Brother of former Deputy City Clerk Linda Nunn; and Robert A. Correa, Brother-in-Law of Deputy City Clerk Ashton Gout.

Mayor Pro Tem Cothran expressed his condolences to the Eshleman family, wished a happy belated Mother's Day to the mom's, and thanked the Fire Department and Fire Marshals for a wonderful presentation.

Council Member Garcia expressed his condolences to the Eshleman family; thanked City staff for a great report on the Sign Code update; and addressed the comment made to him this evening, reiterating that his door is always open for discussion and conversation.

Council Member Roberts thanked the Fire Marshal for the presentation and expressed his condolences to the Eshleman family.

Council Member Sandoval commented on public remarks made to him in the past; asked

City Manager Denny to speak with the Superintendent on possibly donating a facility for a Senior Prom; wished a happy belated Mother's Day to his mom; and expressed his condolences to the Eshleman family.

Mayor Warren thanked residents for making Mayor Monday so successful with their participation and questions; spoke on her relationship with former Mayor Eshleman and expressed her condolences to the Eshleman family.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Denny recognized Fire Marshal and his staff for bringing new technology to help residents report on items, such as fireworks as we approach the upcoming holiday season. In addition, announced Recreation Programs will be re-opening in June in accordance with the Governor's expectation for the State to re-open on June 15. Information will be going out to the community.

ADJOURNMENT:

A moment of silence was held for former City of Fontana Mayor David Eshleman; James O. Nunn, Jr, Brother of former Deputy City Clerk, Linda Nunn; and Robert A. Correa, Brother-in-law of Deputy City Clerk Ashton R. Gout.

The meeting adjourned at 8:43 p.m. in memory of David Eshleman, James O. Nunn, Jr, and Robert A. Correa, to the next Regular City Council Meeting on Tuesday, May 25, 2021, at 7:00 p.m. that will be available remotely.

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Ashton R. Gout, CMC
Deputy City Clerk

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 25TH DAY OF MAY 2021.

DocuSigned by:



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Tonia Lewis
City Clerk

Certificate Of Completion

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Source Envelope:	
Document Pages: 6	Signatures: 2
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AutoNav: Enabled	Envelope Originator:
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Time Zone: (UTC-08:00) Pacific Time (US & Canada)	8353 Sierra Avenue
	Fontana, CA 92335
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Record Tracking

Status: Original	Holder: City Clerk	Location: DocuSign
5/26/2021 10:09:16 AM	clerks@fontana.org	

Signer Events

Ashton Gout
 agout@fontana.org
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

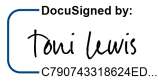
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 Signed: 5/26/2021 10:56:26 AM

Electronic Record and Signature Disclosure:
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Toni Lewis
 tlewis@fontana.org
 Security Level: Email, Account Authentication (None)

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 Using IP Address: 76.218.56.24
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In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Evelyne Ssenkoloto
 essenkol@fontana.org
 Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

Carbon Copy Events	Status	Timestamp
Kathy Kasinger kkasinger@fontana.org Records Coordinator Security Level: Email, Account Authentication (None)	COPIED	Sent: 5/26/2021 10:58:28 AM
Electronic Record and Signature Disclosure: Accepted: 5/20/2021 8:09:42 AM ID: 607ac5a5-80e4-4ddd-a907-623974f63792		

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	5/26/2021 10:58:27 AM
Completed	Security Checked	5/26/2021 10:58:28 AM

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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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