

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR CITY COUNCIL MEETING  
May 25, 2021**

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**WORKSHOP:**

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

A City Council Workshop was held remotely on Tuesday May 25, 2021. Mayor Warren called the Workshop to order at 5:04 p.m. with Mayor Pro Tem Cothran, Council Members Garcia, Roberts, and Sandoval present.

Management Services Director Lisa Strong provided a presentation on the Proposed Budget Overview for Fiscal Years 2021/22 and 2022/23.

The City Council Regular Meeting Agenda was reviewed and Council Member Sandoval announced that he is voting No on Item C of the Consent Calendar and would like to pull Item N from the Consent Calendar for a staff presentation.

City Manager comments were heard.

The Workshop adjourned at 5:22 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 Cothran, Council Members Garcia, Roberts, and Sandoval 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:

Property:8539 Nuevo Avenue

Property Owner: Randall Swedlove & Morris Automotive

Negotiating Parties: City of Fontana and Randall Swedlove & Morris Automotive

Negotiator: Mark Denny, City Manager

Under Negotiation: Price and Terms of Payment

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 25, 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.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

The following individuals commented during live call-in:

Robert Gonzalez spoke in opposition of warehouse development.

Julia A. spoke in favor of healthy food options for the community.

Amy L. spoke in opposition of the draft Environmental Impact Report for the Fontana Sierra Business Center.

Cynthia Gonzalez spoke in opposition of the draft Environmental Impact Report for the Fontana Sierra Business Center.

Ben Vasquez spoke in favor of having Planning Commissioner Sanchez provide a public apology for a past comment made during a public meeting and in opposition of the Fontana Sierra Business Center project.

Ivan-Nicholas Cisneros spoke in opposition of the draft Environmental Impact Report for

the Fontana Sierra Business Center and in opposition of warehouse development.

Gabriela Mendez spoke in opposition of warehouse development.

Jasmine Causor spoke in opposition of warehouse development.

Elizabeth Sena spoke on concerns of the Housing Element Update advertisement for the recent public meeting; in favor of re-opening Council Chambers to allow public participation; and concerns of truck routes throughout the City.

Angie Enriquez spoke on concerns of advertisement for public meetings and community outreach.

## **CONSENT CALENDAR:**

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Garcia, and passed by a vote of 5-0 to approve Consent Calendar Items "A-M", with the removal of Item N for discussion. (Council Member Sandoval voted No on Item "C") (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval NOES: None) as follows:

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

Approve the Minutes of the May 11, 2021, Regular City Council Meeting.

### **B. Adoption of Ordinance No.1868**

Second Reading/ Adopt **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.

### **C. Adoption of Ordinance No.1869**

**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 Item "C" (AYES: Warren, Cothran, Garcia, and Roberts NOES: Sandoval; ABSTAIN: None) as follows:

Second Reading/ Adopt **Ordinance No. 1869** 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.

### **D. Acceptance of Final Map for Tract No. 20229 within the Westgate Specific Plan**

Mayor Pro Tem Cothran announced his abstention of this item due to living within the area of the project.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Garcia, and passed by a vote of 4-0 to approve Consent Calendar Items "D" (AYES: Warren, Garcia, Roberts, and Sandoval NOES: None; ABSTAIN: Cothran) as follows:

Accept the Final Map for Tract No. 20229 located east of the San Bernardino County Flood Control Channel, west of North Heritage Circle, north of the Pacific Electric Trail, and south of Victoria Street within the Westgate Specific Plan; accept as public dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

**E. Adopt Resolution for Projects Funded by the Road Repair and Accountability Act SB-1**

Adopt **Resolution No. 2021-025**, 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 2021/2022.

**F. Approve a Development Impact Fee Credit Agreement related to Parcel Map No. 20302 (TPM No. 19-015) and Design Review No. 19-030**

Approve and authorize the City Manager to execute a Development Impact Fee Credit Agreement with Cherry and Santa Ana Realty Partners, LLC, related to Parcel Map No. 20302 (TPM No. 19-015) and Design Review No. 19-030 located at the northwest corner of Cherry Avenue and Santa Ana Avenue.

**G. Amendment to the Settlement Agreement between the City of Fontana and Prime Point Property Corporation**

Amend the Settlement Agreement between the City of Fontana and Prime Point Property Corporation to include a seven (7) month extension for the completion of Phase 1.

**H. Award Contract for Architectural Design Services SP-21-PW-21**

1. Award Contract to Holt Architecture, Borders Architecture and Westgroup Designs for on call architecture design services.

2. Authorize the City Manager to enter into a two-year contract with three (3) year one-year extension at the City's sole discretion.

**I. Approve a Development Impact Fee Credit Agreement related to Parcel Map No. 20119/Design Review No. 19-000023**

Approve and authorize the City Manager to execute a Development Impact Fee Credit Agreement with Nuveen Real Estate on behalf of Trea Almond Avenue Industrial, LLC, a Delaware Limited Liability Company, for the construction of a storm drain related to Parcel Map No. 20119/Design Review No. 19-000023, located on the east side of Almond Avenue and north of Jurupa Avenue.

**J. Approve the First Amendment to the Memorandum of Understanding with the City of Rancho Cucamonga for the San Sevaine Trail Phase I Segment 2 Project**

Mayor Pro Tem Cothran announced his abstention of this item due to living within the area of the project.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member

Garcia, and passed by a vote of 4-0 to approve Consent Calendar Items "J" (AYES: Warren, Garcia, Roberts, and Sandoval NOES: None; ABSTAIN: Cothran) as follows:

Approve and authorize the City Manager to execute the First Amendment to the Memorandum of Understanding (MOU) with the City of Rancho Cucamonga for the San Sevaine Trail Phase 1, Segment 2 Project.

**K. Contract Professional Services for Project Management of Upcoming Permitting System Replacement Project**

1. Authorize the Purchasing Office to "Piggy-Back" on the State of California Master Service Agreement (MSA) for IT Management and Consulting Service #5167010.
2. Approve and authorize the City Manager to enter into contract with 120VC for Project Management to lead staff in creating an RFP, selection of a software product and eventually leading the the Permitting System Replacement Project.

**L. Investment Advisory/Management**

1. Authorize the City Manager to execute an Investment Advisory Agreement with Shuster Advisory Group, LLC in connection with selecting one or more investment managers to manage the City's investment portfolio.
2. Authorize the City Manager to execute an Investment Management Agreement with BlackRock for the City's investment portfolio.
3. Approve Revised Statement of Investment Policy for 2021.

**M. Police Department Monthly Information Update**

Accept the Police Department monthly information update for April 2021.

**N. Second Amendment to Operating Covenant Agreement with the Fontana Woman's Club**

The following individual commented during live call-in:

Elizabeth Sean spoke in opposition of this item.

City Attorney Duran noted for the record recusal of Mayor Pro Tem Cothran, under the Political Reform Act, due to having a real estate within 1,000 feet of the property.

Mayor Pro Tem Cothran exited Council Chambers.

Deputy City Manager Phil Burum presented the staff report.

Council Member Sandoval spoke of concerns related to the additional funding of the project and requested a list of the Fontana Woman's Club Board of Directors.

Council Member Garcia spoke in favor of investment as it will generate a positive shift for a more lively downtown for the community.

Council Member Roberts spoke in favor of the investment and preservation of a historical

building.

Mayor Warren spoke in favor of this project, as this investment will substantially benefit the community.

**ACTION:** Motion was made by Council Member Garcia, seconded by Council Member Roberts, and passed by a vote of 3-1 to approve Consent Calendar Item "N". (AYES: Warren, Garcia, and Roberts. NOES: Sandoval. ABSTAIN: Cothran) as follows:

1. Adopt **Resolution No. 2021-026** of the City Council of the City of Fontana approving the Second Amendment to Operating Covenant Agreement (OCA) with the Fontana Woman's Club and authorize the City Manager to execute the OCA amendment and any necessary supporting documents.

2. Find that the second amendment to the Operating Covenant Agreement is exempt from the California Environmental Quality Act Review (CEQA) under Sections 15301, 15331, and 15332 of the State CEQA Guidelines and Section 3.22 (Class I, Class 31, and Class 32) of the 2019 Local Guidelines for Implementing CEQA and direct staff to file the Notice of Exemption within five days.

Mayor Pro Tem Cothran returned to Chambers.

## **NEW BUSINESS:**

### **A. CFD Bond Refinancing**

Management Services Director Lisa Strong provided the staff report.

The following individual spoke during the live call-in:

Elizabeth Sena spoke in regards to the maturity of the bond.

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

1. Adopt **Resolution No. 2021-027** authorizing the issuance of City of Fontana Community Facilities District No. 7 (Country Club Estates) Special Tax Bonds, Series A, in an aggregate principal amount of not to exceed \$2,000,000, authorizing the execution and delivery of an Indenture, an Escrow Agreement, a Bond Purchase Agreement and a Representation Letter, authorizing the inclusion of certain information with respect to City of Fontana Community Facilities District No. 7 (Country Club Estates) in an Official Statement of the Fontana Public Facilities Financing Authority to be distributed in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

2. Adopt **Resolution No. 2021-028** authorizing the issuance of City of Fontana Community Facilities District No. 11 (Heritage West End) Special Tax Bonds, Series A, in an aggregate principal amount of not to exceed \$5,000,000, authorizing the execution and delivery of an Indenture, an Escrow Agreement, a Bond Purchase Agreement and a

Representation Letter, authorizing the inclusion of certain information with respect to City of Fontana Community Facilities District No. 11 (Heritage West End) in an Official Statement of the Fontana Public Facilities Financing Authority to be distributed in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

3. Adopt **Resolution No. 2021-029** authorizing the issuance of City of Fontana Community Facilities District No. 12 (Sierra Lakes) Special Tax Bonds, Series A, in an aggregate principal amount of not to exceed \$14,000,000, authorizing the execution and delivery of an Indenture, an Escrow Agreement, a Bond Purchase Agreement and a Representation Letter, authorizing the inclusion of certain information with respect to City of Fontana Community Facilities District No. 12 (Sierra Lakes) in an Official Statement of the Fontana Public Facilities Financing Authority to be distributed in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

4. Adopt **Resolution No. 2021-030** authorizing the issuance of City of Fontana Community Facilities District No. 37 (Montelago) Special Tax Bonds, Series A, in an aggregate principal amount of not to exceed \$3,500,000, authorizing the execution and delivery of an Indenture, an Escrow Agreement, a Bond Purchase Agreement and a Representation Letter, authorizing the inclusion of certain information with respect to City of Fontana Community Facilities District No. 37 (Montelago) in an Official Statement of the Fontana Public Facilities Financing Authority to be distributed in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

5. Adopt **Resolution No. 2021-031** authorizing the issuance of City of Fontana Community Facilities District No. 70 (Avellino) Special Tax Bonds, Series A, in an aggregate principal amount of not to exceed \$3,000,000, authorizing the execution and delivery of an Indenture, an Escrow Agreement, a Bond Purchase Agreement and a Representation Letter, authorizing the inclusion of certain information with respect to City of Fontana Community Facilities District No. 70 (Avellino) in an Official Statement of the Fontana Public Facilities Financing Authority to be distributed in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

**B. Issuance of Special Tax Bonds for CFD 90 (Summit at Rosena Phase One)**

Councilmember Garcia recused himself from this item due to ownership of property within the district.

Councilmember Garcia exited Chambers.

Management Services Director Lisa Strong provided the staff report.

Elizabeth Sena spoke on the matter of Community Benefit funding through this District.

**ACTION:** Motion was made by Councilmember Roberts, seconded by Mayor Pro Tem Cothran, and passed by a vote of 4-0 (AYES: Warren, Cothran, Roberts and Sandoval. NOES: None ABSTAIN: Garcia) to approve:

Adopt **Resolution No. 2021-032** of the City Council of the City of Fontana authorizing the issuance of City of Fontana Community Facilities District No. 90 (Summit at Rosena Phase One) Special Tax Bonds, Series 2021, in an aggregate principal amount of not to exceed \$25,000,000, authorizing the execution and delivery of an Indenture, a Bond Purchase Agreement and a Continuing Disclosure Agreement, authorizing the distribution of an Official Statement in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

Councilmember Garcia returned to Chambers.

**C. Resolution of the City Council of the City of Fontana, California Appointing Dawn Rowe as a Retiree Annuitant**

Human Resources Director Rakesha Thomas provided the staff report.

The following individual spoke during the live call-in:

Elizabeth Sena spoke in high regards of retired employee Dawn Rowe.

**ACTION:** Motion was made by Councilmember Sandoval, seconded by Councilmember Roberts, and passed by a vote of 5-0 to adopt **Resolution 2021 - 033** and authorize the City Manager to appoint Dawn Rowe as a retired annuitant.

**ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

**A. Elected Officials Communications/Reports**

Treasurer Janet Kholer-Brooks thanked Management Services Director Lisa Strong and her staff on all their hardwork for the budget presentation and items tonight.

Councilmember Garcia thanked Management Services Director Lisa Strong and her staff on all their hardwork on this years budget. In addition, voiced his excitement for the community on the future opening of the five star restaurant at the Fontana Woman's Club.

Mayor Pro Tem Cothran wished his brother-in-law, Shane, a happy 40th birthday. Congratulated City Manager Denny and his family on his daughter's recent college acceptance, as well as Deputy City Manager Phil Burum for his daughter's recent high school graduation. Spoke on a collaboration with Mayor Warren and District 1.

Councilmember Roberts thanked the Public Works Department for their utilization of excess material and thanked City Manager Denny for his clarification on the funding for the parks. In conclusion, extended his sincere condolences to the Altman family for the recent loss of Helene Kay Altman, wife of former Fire Chief James W. Altman.

Councilmember Sandoval spoke on concerns of the Housing Element Update and the advertising of the public meetings. In addition, spoke on concerns of the semi trucks that continue to drive down Cypress Avenue avoiding traffic laws and creating a public safety concern.



Mayor Warren requested Police Chief Green to be in attendance at the next Council meeting to provide Council with a report on their enforcement efforts for the area of Cypress Avenue.

Councilmember Sandoval announced that his grandson Francisco will be graduating from Kindergarten.

Councilmember Roberts requested that in addition to the Police Chief, if staff could also include Traffic Engineering into the report for the area of Cypress Avenue.

Mayor Warren spoke on the comments made by Councilmember Sandoval and reiterated that the entire City Council is also highly concerned of public safety in the noted area of Cypress Avenue. In addition, thanked the public for reaching out regarding their concerns of the I-210 Beach Avenue off-ramp. Reminded the community to watch how they drive throughout the City of Fontana as the summer months move in. Extended condolences to the Altman family for their recent loss and announced the recent birthday celebrations for her granddaughter. Discussed recent meeting with Deputy Secretary of Commerce from Washington D.C.

Mayor Warren announced the one year anniversary of the death of George Floyd and that Fontana was the first City within San Bernardino County to pass a Resolution recognizing that racism is a public health crisis. Spoke on the continued movement that the community is doing to move towards a stronger community by embracing the uncomfortable conversations. In closing, Mayor Warren extended her condolences to the Floyd family.

## **CITY MANAGER COMMUNICATIONS:**

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

Prior to City Manager Communications, Mayor Warren requested that City Manager Denny clarify the funding for the South Sports Fontana Park and the measures the City underwent to ensure the public was notified.

City Manager Denny provided Council with an overview on the budget process for the implementation of the Southridge Dog park and South Sports Park.

In addition, City Manager Denny informed the Council that City staff is closely watching the Governor's announcement for the State reopening on June 15 and how to best move forward with reopening Council Chambers and recreational programs. Staff is actively working on plans to bring back summer recreational programs such as concerts in the park and car shows.

## **ADJOURNMENT:**

A moment of silence was held for Helene Kay Altman, wife of former Fire Chief James W. Altman.

The meeting adjourned at 8:42 p.m. in memory of Helene Kay Altman, to the next Regular

City Council Meeting on Tuesday, June 8, 2021, at 7:00 p.m. that will be available remotely.

DocuSigned by:

*Ashton Gout*

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Ashton R. Gout, CMC  
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 8TH DAY OF JUNE 2021.**

DocuSigned by:

*Tonia Lewis*

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Tonia Lewis  
City Clerk

**Certificate Of Completion**

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Subject: Please DocuSign: 5-25-2021 City Council Meeting Minutes - DRAFT.pdf	
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**Signer Events**

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 agout@fontana.org  
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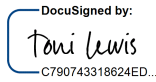
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Toni Lewis  
 tlewis@fontana.org  
 Security Level: Email, Account Authentication (None)

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**Electronic Record and Signature Disclosure:**  
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In Person Signer Events	Signature	Timestamp
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Editor 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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 essenkol@fontana.org  
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Carbon Copy Events	Status	Timestamp
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<b>Electronic Record and Signature Disclosure:</b> 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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Certified Delivered	Security Checked	6/9/2021 1:54:28 PM
Signing Complete	Security Checked	6/10/2021 8:48:57 AM
Completed	Security Checked	6/10/2021 8:48:58 AM

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"> <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>

\*\* 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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