

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, January 25, 2022

7:00 PM

Grover W. Taylor Council Chambers

City Council Meeting

Acquanetta Warren - Mayor
Peter A. Garcia- Mayor Pro Tem
Phillip W. Cothran - Council Member
John B. Roberts - Council Member
Jesus "Jesse" Sandoval - Council Member
Tonia Lewis - City Clerk
Janet Koehler-Brooks - City Treasurer

WORKSHOP:

- A. 5:00 P.M. City Council Workshop**

The City Council Workshop was held on Tuesday, January 25, 2022, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 5:02 p.m. with all members of the City Council present.

The City Council Regular meeting agenda was received and there were no City Manager comments.

City Attorney Ruben Duran asked the Mayor and City Council to take an action to add the following item to the upcoming Closed Session meeting scheduled for January 25, 2022, at 6:00 p.m.

Lejins v. City of Long Beach

Essentially, the City Council will be asked if they are willing to sign a letter of support that will go to the California Supreme Court on behalf of the City of Long Beach and League of California Cities. This subsequent item requires a 4/5 vote to take immediate action and add this to the Closed Session meeting. This item does require immediate action of the Council, due to the appeal potentially being heard by the Supreme Court by end of week or early next.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Sandoval, to add the following item to the Closed Session agenda for January 25, 2022, at 6:00 p.m:

CONFERENCE WITH LEGAL COUNSEL: Pending Litigation

Government Code Section 54956.9(d)(1)

Name of Case: Lejins v. City of Long Beach

Case Number: S272594, California Supreme Court

Consideration whether to join multiple cities requesting Supreme Court review.

There were no public communications received for the Workshop.

Police Chief Billy Green provided the Mayor and City Council with a thorough 2021 Annual Report, with no City Council comments received.

Deputy City Manager Phil Burum provided the Mayor and City Council with a brief update on the proposed Fire Annex Construction and asked for input from the City Council. Council Member Cothran requested that City staff further review the proposed designs and ensure that the history of Fontana remain displayed within the new layout of the Civic Center, i.e., steel beams and fruit trees. Council Member Sandoval also agreed with Council Member Cothran that the design should resemble the history of Fontana and proposed that staff connect with community partners for their inputs on design. Mayor Warren asked that City staff ensure to include the expansion of staff in the designs to allot for internal growth.

Fontana Honor Roll Organizing Committee Founder, Bill Freeman, presented a through presentation on behalf of the Fontana Honor Roll Organizing Committee regarding desires

of implementing a Veteran's Memorial within the Community for those service men and women, residents of Fontana, who served our Country. After the presentation, Mayor Warren informed Mr. Freeman that the concept of such memorial has been reviewed by the City Council, however, due to current plans of expansion and changes coming down the pipeline on City funded projects, the Council would like the Committee to hold off on location determination until further noticed by City staff.

The workshop adjourned at 5:52 p.m.

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

A Closed Session was held in the Executive Conference Room at 6:00 p.m. located at 8353 Sierra Avenue, Fontana, California, with all members of the City Council present.

PUBLIC COMMUNICATION - CLOSED SESSION:

A. Public Communications - Closed Session

There were no public communications received on the following Closed Session items:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54957.6

City Negotiator: Shannon Yauchzee, Interim 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 Officers Association; and
Management/Confidential Employees

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO
GOVERNMENT CODE SECTION 54956.9(d)(1)

Case: Anthony Ricci vs. City of Fontana Workers' Compensation
Claim Numbers: 201000006; 180900036

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Government Code section 54956.9(d)(4))

Initiation of litigation: One Potential Case

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code Section 54956.8)

Property: APN 01911-16-218

Agency Negotiator: Phillip Burum, Deputy City Manager

Negotiating parties: Carlos Sandoval

Under Negotiation: Price and terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code Section 54956.8)

Property: APN 01911-16-242

Agency Negotiator: Phillip Burum, Deputy City Manager

Negotiating parties: Yolanda Geivett

Under Negotiation: Price and terms of payment

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: Sierra Club v. City of Fontana, et al. San Bernardino Superior Court

Case No. CIVSB2121605; and People of the State of California v. City of Fontana, et al.

San Bernardino Superior

Court Case No. CIVSB2121829

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN's 1108-072-01 thru -16 and 1108-074-01 thru
-16

City Negotiator: Shannon Yauchzee, Interim City Manager

Negotiating Parties: Diversified Pacific Communities

Under Negotiation: Price and terms of payment

The following item was motioned and approved by the City Council during the 5:00 p.m. workshop to add this subsequent item on behalf of the request of the City Attorney's Office:

CONFERENCE WITH LEGAL COUNSEL: Pending Litigation

Government Code Section 54956.9(d)(1)

Name of Case: Lejins v. City of Long Beach

Case Number: S272594, California Supreme Court

Consideration whether to join multiple cities requesting Supreme Court review.

CALL TO ORDER/ROLL CALL:

A. 7:00 P.M. Call To Order/Roll Call:

The Regular meeting of the Fontana City Council was held concurrently with the Fontana Public Facilities Financing Authority meeting. The meetings took place in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California on Tuesday, January 25, 2022. Mayor Warren called the meeting to order at 7:10 p.m.

ROLL CALL:

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

Absent: None

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Fontana Police Department Chaplain Greg Peck/Pledge of Allegiance:

Following the invocation led by Fontana Police Department Chaplain Greg Peck, the pledge of allegiance was led by Council Member Roberts.

Redistricting - Public Hearing #3

Mayor Warren opened the public hearing.

Deputy City Clerk Ashton R. Arocho, MMC, announced that the City Clerk's Office received a total of 42 letters in support of Map 401 and 1 additional written correspondence.

Todd Tatum, Representing National Demographics Corporation, provided the staff report and reviewed the five (5) draft maps that are being presented for consideration. Three (3) of the draft maps (NDC 101, NDC 102, and NDC 103) were created by National Demographics Corporation and the City received a total of two (2) draft maps (Public Map 401 and Public Map 601) drawn by the public, which were also reviewed.

The following individuals spoke in support of Public Map 401:

1. Armando Martinez Jr.
2. Ben

3. Joaquin Castillejos

4. Ana Gonzalez

5. Elizabeth Sena

6. Samantha Herrera

7. Bertha Ramirez

There were no City Council comments.

Mayor Warren closed the public hearing.

PROCLAMATION:

[21-1041](#)

A. Mayor Warren and City Council to proclaim January as National Mentoring Month (Manager of Site Based Programs Megan Ramos, to accept).

Manager of Site Based Programs, Megan Ramos, accepted the proclamation on behalf of the Big Brothers, Big Sisters - Inland Empire.

SPECIAL PRESENTATIONS:

[21-1121](#)

A. Mayor Warren and City Council to recognize National Epilepsy Awareness Month (Mayor to present).

Executive Director of Legacy Bridges Foundation, Inc., Melanee Stovall, accepted the certificate.

B. Mayor Warren and City Council to recognize retiring Public Works Director Keith Kramer (Deputy City Manager Phillip Burum to present).

Deputy City Manager Phillip Burum recognized retired Public Works Director Keith Kramer for his exceptional years of service to the Fontana team and community.

C. Mayor Warren and City Council to recognize retiring Community Services Director Garth Nelson (Interim Deputy City Manager Ray Ebert to present).

Interim Deputy City Manager Ray Ebert recognized retiring Community Services Director Garth Nelson for his exceptional years of service to the Fontana team and community.

D. Mayor Warren and City Council to recognize Officer Adrian Garcia as the Police Department's 2021 Employee of the Year (Captain Burton to present).

On behalf of the entire Fontana Police Department, Captain Burton, recognized Officer Adrian Garcia as the Police Department's 2021 Employee of the Year.

E. Mayor Warren and City Council to recognize Corporal Valerie Gutierrez, Dispatch Supervisor Amy Blessinger, and Dispatchers Diana Zick and Melodi Mundrick as the Police Department's December 2021 Employees of the Month (Captain Burton and Captain Stover to present).

Captain's Burton and Stover recognized Corporal Valerie Gutierrez, Dispatch Supervisor Amy Blessinger, and Dispatchers Diana Zick and Melodi Mundrick as the Police Department's December 2021 Employees of the Month.

F. Mayor Warren and City Council to recognize Armando Martinez, Benjamin Parra, Ivan Torres and William Byrne as Public Works Department 2021 Employees of the Year (Public Works Manager Dan West to present).

Public Works Manager Dan West recognized Armando Martinez, Benjamin Parra, Ivan Torres and William Byrne as Public Works Department 2021 Employees of the Year.

G. Mayor Warren and City Council to swear in new Fontana Police Officers Cody Chick, Edward Lopez, Brandon McCaulley, Sean Olson, and Jorge Trujillo (Captain Burton to present).

Mayor Warren sworn in the following new Officers, with the assistance of their loved ones: Officers Cody Chick, Edward Lopez, Brandon McCaulley, Sean Olson, and Jorge Trujillo. The entire City Council welcomed these new Officers to the Fontana team and thanked them for stepping up to serve the Fontana community.

H. Mayor Warren and City Council to recognize Deputy City Clerk Ashton R. Arocho on recent Master Municipal Clerk (MMC) designation (Interim Deputy City Manager Ray Ebert to present).

Interim Deputy City Manager Ebert recognized Deputy City Clerk, Ashton R. Arocho, on her recent achievement as a Master Municipal Clerk (MMC).

I. Special Recognition of Council Members Phillip Cothran and Jesse Sandoval's Birthdays (Mayor Warren to present).

Mayor Warren and the entire City Council wished Council Members Cothran and Sandoval a Happy Birthday.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

1. Deborah Hall Lindsey announced upcoming community events; and thanked the Mayor and City Council for their recent adjournment in honor of her mother, Claudia "Micki" Wright-Hall.
2. Ben commented on the lack of public outreach and notification of the redistricting meeting; commented on the location for the upcoming State of the City; asked for update on the opening of Spaggi's Restaurant; and closed with comments on the former City Manager Ken Hunt.
3. Ana Gonzalez commented and quoted on a recent article identifying the pollution that is affecting the Fontana community.
4. Elizabeth Sena addressed the small allotment of time for public communications; thanked the community for speaking on the redistricting hearing; commented on the Mayor's announcement prior to public communications; suggested a moratorium on either warehouses or trucking; and closed with suggestions to move public meetings into virtual settings. In addition, quoted a recent article released by the Orange County Registrar on Pollution.
5. Kareem Gongora recognized retiring Community Services Director Garth Nelson.

Although the Redistricting public hearing public comment portion was since closed, Mayor Warren allowed the following communications from the public:

Kareem Gongora stated that there was additional outreach alerting the public on the redistricting hearing; mentioned a potential broken link for an email address; and suggested that City staff do a distribution of draft maps throughout the community to ensure public input is received.

6. Anna Nibbari, thanked the Mayor and City Council on their hardwork and dedication on assisting those experiencing homelessness.

CONSENT CALENDAR:

Mayor Warren requested that item 'C' be removed from the Consent Calendar and not be taken as part of the motion. The request is that this item be taken back to City staff and modified to be written as an opt in/opt out rather than a mandate of e-filing.

ACTION: Motion was made by Mayor Warren, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to adopt Consent Calendar Items "A-B, D-O", with the removal of Consent Calendar Item 'C'. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

- A.** Approval of Minutes **21-1139**
Approve the minutes of the December 14, 2021, Regular City Council Meeting.

- B.** Adoption of Ordinance No.1876 [21-1134](#)
Second Reading/Adopt **Ordinance No. 1876**, an Ordinance of the City Council of the City of Fontana, California approving Municipal Code Amendment (MCA) No. 21-002 to amend Chapter 11 - Fire Prevention of the Municipal Code to (1) increase the minimum building square footage exception for requiring fire sprinklers, (2) require the installation of fire sprinklers or other appropriate fire suppression system as approved by the Fire Marshall for all buildings housing vehicles, and (3) allow installation of residential 13R or 13D fire sprinkler systems in place of commercial 13 systems for commercial buildings under 5,000 square feet.
- C.** Adoption of Ordinance No.1878 [21-1122](#)

This item was pulled from the Consent Calendar and was not taken as part of the motion.
- D.** Accept Donation From Fontana Foundation of Hope [21-1074](#)
Accept donation from Fontana Foundation of Hope in the amount of \$5,000 for use towards the 2021 Festival of Winter.
- E.** Accept Donation From Options for Youth [21-1075](#)
Accept donation from Options for Youth in the amount of \$2,500 for use towards the 2021 Festival of Winter.
- F.** Accept Donation From Kaiser Permanente [21-1076](#)
Accept donation from Kaiser Permanente in the amount of \$1,000 for use towards the 2021 Let's Move on the Trail.
- G.** Accept Grant Award from Kaiser Permanente [21-1095](#)
Accept grant award from Kaiser Permanente in the amount of \$14,000 for use towards Healthy Fontana's "The Awareness Project."
- H.** Approve a Bond Reduction for Tract No.'s 18825 and 18915 [21-1126](#)
Approve a reduction of the Faithful Performance and Labor and Materials bonds posted by RSI Communities-California, LLC for Tract No.'s 18825 and 18915 located at the northeast corner of Summit Avenue and Citrus Avenue.
- I.** 311 Customer Relationship Management System (CRM) [21-1111](#)
1. Authorize the Purchasing Office to utilize the State of California Master Service Agreement (MSA) for IT Management and Consulting Services (MSA 5167010).
 2. Approve and authorize the City Manager to execute a contract with 120VC for Project Management (MSA 5167010-330) for implementation of the 311 CRM System.
 3. Authorize the purchase of the subscription service platform Customer Community from Salesforce.com, Inc. for (5) years.

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- J.** 2021 Police Department Donations [21-1117](#)
Accept monetary and gift donations from multiple donors including community programs, businesses, and citizens.
- K.** 2022 Statement of Investment Policy [21-1125](#)
1. Adopt the City of Fontana Statement of Investment Policy for 2022.
2. Adopt **Resolution No. 2022-001** designating City officers who are authorized to invest funds for the City of Fontana and repealing Resolution No. 2021-004.
- L.** Homekey2 Project and Application Resolution [21-1124](#)
1. Approve an affordable housing project containing 10 to 14 units of interim housing for chronically homeless, homeless households, or households at risk of homelessness and up to seven units of market rate housing to be sited at most two Fontana Housing Authority and City of Fontana owned properties located at 8996 Olive Street and 8344 Bennett Avenue.
2. Adopt **Resolution No. 2022-002**, a resolution of the City Council of the City of Fontana authorizing application to and participation in the California Department of Housing and Community Development Homekey program.
3. Authorize the City Manager to execute and transmit any documents necessary or appropriate to ensure the City's timely submission of the Homekey application, inclusive of an Funding Commitment letter demonstrating the City's intent to commit Permanent Local Housing Allocation (PLHA) funds not to exceed \$1,312,326 to support project operating expenses for up to 4-years, and the City's intent to commit up to \$992,936 in development costs for non-assisted units from either PLHA or Housing Trust funds.
- M.** **Purchase & Sale Agreement - Downtown Fontana Properties** [21-1079](#)
1. Approve a Purchase & Sale Agreement for the sale of 16756 Arrow Blvd. and APN #019116208, two properties located on Arrow Blvd. in Downtown Fontana.
2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.
- N.** Resolution Ratifying the 2021-2023 Confirmation of Understanding for Management Confidential Employees [21-1061](#)
Adopt **Resolution No. 2022-003** a Resolution of the City Council of the City of Fontana ratifying the Confirmation of Understanding (COU) between the City of Fontana and Management Confidential Employees.
- O.** A Resolution supporting the Our Neighborhood Voices (Brand-Huang-Mendoza Tripartisan Land Use) Initiative [21-1144](#)
Adopt **Resolution No. 2022-004**, to support the Our Neighborhood Voices Initiative.

PUBLIC HEARINGS:

- A. Municipal Code Amendment (MCA) No. 21-001 for an amendment to Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and other environmental quality for warehouse (industrial commercial center) developments throughout the city. [21-1096](#)

Mayor Warren opened the public hearing.

Deputy City Manager Burum and Senior Planner Rina Leung provided the staff report and answered questions of the City Council.

The following individuals spoke on this item:

- 1. Miguel Aldana spoke on concerns of increased warehouse development within the community and thanked staff for implementing some environmental health safety for residents.**
- 2. Ana Gonzalez thanked the City and staff on bringing forward an Ordinance around the environmental impacts warehouse developments have on residents, however, feels that the City failed to obtain public input in assisting with the Ordinance development to better benefit the residents.**
- 3. Elizabeth Sena spoke on concerns of increased warehouse development within the community and feels that the Ordinance is misleading to the public on it's current language.**
- 4. Kareem Gongora, member of the Environmental Justice Group of the South Coast Air Quality Management District, representing the Fontana region, spoke on concerns of the Ordinance language presented and outlined further concerns with the warehouse development effects on residents health.**
- 5. Joaquin Castillejos thanked the City and staff on bringing forward an Ordinance addressing resident concerns with environmental impacts of warehouse developments, however, feels that the Ordinance is misleading and not sustainable.**
- 6. Jon Shardlow thanked the City and staff for maintaining a high standard throughout development and was taken back by some public comments received this evening.**
- 7. Matt Slowik outlined that the Ordinance proposed to the Council is one of many that have been gathered over decades of work on environmental**

and air quality studies and projects throughout the City.

8. Andrea DeLeon, Executive Director of the Fontana Chamber of Commerce, spoke in support of the item before the Council and thanked City staff for proposing such an Ordinance to assist with the public concerns.

Mayor Warren closed the public hearing.

Mayor Warren addressed some of the public comments received regarding the process, identifying that the public has received multiple opportunities to provide input on this Ordinance at Planning Commission meetings, as well as by sending written correspondence to both Commissioner, Council members and City Staff.

Mayor Pro Tem Garcia clarified with the assistance of Deputy City Manager Burum that all the development projects throughout the City must follow all the rules, standards, and regulations presented by the South Coast Air Quality Management District and the California Resources Board. In addition, identified that this particular Ordinance enhances additional protection measures not required by either the South Coast Air Quality Management District or the California Resources Board.

Council Member Sandoval asked Deputy Manager Burum if staff have connected appropriately with businesses regarding this Ordinance, to ensure that City staff has done their due diligence on informing the public of these changes and impacts that it may have on their businesses.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to adopt Public Hearing Item 'A' as follows:

Read by title only and waive further reading of and introduce Ordinance No.1879, an Ordinance of the City Council of the City of Fontana, approving Municipal Code Amendment (MCA) No. 21-001 for an amendment to Chapter 9 of the Municipal Code to add Article V to establish sustainability standards to improve air and other environmental quality for warehouse (industrial commercial center) developments throughout the city, and the reading of the title constitutes the first thereof.

The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

B.

[21-1113](#)

Mayor Warren opened the public hearing.

Senior Planner Paul Gonzalez provided the staff report and answered questions of the City Council.

Council Member Cothran confirmed with staff that the sign that will be added onto the corner will assist with blocking view of any vehicles potentially behind it.

Council Member Sandoval asked how many charging stations will be on-site for the property. Interim City Manager Shannon Yauchzee has announced that they look to put 2-3 Tesla charging stations on the property, voluntarily, but they will add the infrastructure for the potential addition of charging stations.

The following individuals spoke under public comment:

1. Ralph Deppisch, Director of Development with Sage Investco, Applicant, came forward and addressed some questions and concerns that the Council shared.
2. Kareem Gongora, thanked the applicant for coming to Fontana, also for Council Member Sandoval for requesting diverse charging stations, and closed with concerns on traffic flow located near the project site and encouraged City staff to be sure to take that into account.

Mayor Warren closed the public hearing.

Mayor Warren asked Senior Planner Gonzalez to comment on the concerns of traffic flow at the project location announcing that there was a traffic impact analysis on this project and all accounts will be fine.

ACTION: Motion was made by Council Member Sandoval, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to adopt Public Hearing Item "B" as follows:

1. Read by title only and waive further reading of and introduce Ordinance No. 1880, an Ordinance of the City Council of the City of Fontana, approving Zone Change No. 21-001 for text and figure changes that include changing Planning Area 1 to Planning Area 3 within the Auto Overlay of the Zoning and Development Code on approximately 6.20 adjusted gross acres (APN: 0240-011-03, -05, -06, -35, -38, -41, -42, and -44), and amending Section 6403(a) to allow for a grocery store use, and the reading of the title constitutes the first thereof.
2. Read by title only and waive further reading of and introduce Ordinance No. 1881, an Ordinance of the City Council of the City of Fontana approving

Development Agreement No. 21-003, between the City of Fontana and Sage Citrus Fontana, LLC which provides a public benefit fee in the amount of \$376,180.00 dollars and the reading of the title constitutes the first reading thereof.

2. Adopt Resolution No. 2022-005 a Resolution of the City Council of the City of Fontana, adopting the initial study and Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) pursuant to Section 15070 of the California Environmental Quality Act (CEQA) and Section 6.16 of the 2019 Local Guidelines for Implementing CEQA, approving Tentative Parcel Map No. 20370 (TPM No. 21-006) for consolidation of eight (8) parcels into five (5) parcels, approving Conditional Use Permit No. 21-004 for a Type 21 ABC license, approving Conditional Use Permit No. 21-005 and CUP No. 21-006 for drive-thru establishments, approving Design Review No. 21-010 for site and architectural review of a commercial shopping center with a grocery store and five (5) additional pads for a total building square footage of approximately 53,740 square feet and approving Design Review Sign No. 21-018 for a sign program to the Auto Center Overlay District on a 6.20 adjusted gross acre project site (APN: 0240-011-38, -41, -03, -05, -42, -06, -35 and -44) subject to the findings and conditions of approval.

The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None.

- C. Resolution of Necessity Public Hearing: Assessor Parcel Nos. [21-1116](#)
0232-201-12 and 0232-201-13

Mayor Warren opened the public hearing.

Engineering Manager Jeffrey Kim provided the staff report and answered questions of the City Council.

There were no public communications received on this item.

Mayor Warren closed the public hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to adopt Public Hearing Item 'C' as follows:

1. That the Mayor and City Council conduct a Public Hearing to consider adoption of a proposed Resolution of Necessity, making the following findings:

(a) The public interest and necessity require the proposed project;

(b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
(c) Acquisition of the two vacant parcels (APNs 0232-201-12 and 0232-201-13) is necessary for the proposed project;

(d) The offers required by section 7267.2 of the California Government Code were made; and

(e) The public use for this property is a more necessary use than the use for which the property is appropriated.

2. Adopt Resolution No. 2022-006, a Resolution of Necessity by the Fontana City Council, declaring that acquisition of a fee interest in certain real property located in the City of Fontana, San Bernardino County, California, more particularly described as Assessor Parcel Numbers 0232-201-12 and 0232-201-13, by eminent domain, is necessary for the installation of infrastructure improvements within the City of Fontana.

The motion carried by the following vote: **AYES: Warren, Garica, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None.**

- D. Municipal Code Amendment (MCA) No. 22-01 - Adoption of an [21-1135](#) Urgency Ordinance of the City Council of the City of Fontana, Amending Sections 13-27 and 13-30 of the Fontana Municipal Code, Amending the Enforcement Authority regarding the City's Environmental Health Code, and Adoption of a Regular Ordinance for Long-Term Implementation of same

Mayor Warren opened the public hearing.

Deputy City Manager Burum provided the staff report and answered questions of the City Council.

The following individuals spoke on in opposition of this item:

- 1. Jessica Alcocer, Economic Justice Organizer for the Inland Collation for Immigrant Justice**
- 2. Joaquin Castillejos**
- 3. Lyzzeth Mendoza**
- 4. James Lee**
- 5. Kareem Gongora**

6. Miguel Aldana

7. Ana Gonzalez

8. Elizabeth Sena

The following individuals requested Spanish translations, provided by Executive Assistant Tanya Ruiz.

9. Olga Flores

10. Sergio Ruiz

11. Alberto Ruiz

The following individual spoke in support of this item:

1. Matt Slowick

Mayor Warren closed the public hearing.

Mayor Warren commented on some of the public communications received this evening.

City Attorney Duran interjected and clarified that the Ordinance before the City Council is very narrow in scope, due to recent passing of State law. What is proposed to be changed in this Ordinance is not the provisions around the passed law, but the enforcement from County level to be transferred in-house to City level while still maintaining compliance with State law.

Interim City Manager Yauchzee also provided comments from local businesses that are complaining of such businesses occurring within their parking lots and property, as their businesses are also struggling after the pandemic.

Mayor Pro Tem Garcia also commented on some of the public communications received this evening, clarifying that the Ordinance intent is not to criminalize any individual but to ensure that business is being operated legally.

Council Member Cothran commented on a recent conversation he had with City staff to better incorporate food truck vendors into City events to better include such businesses to be a part of the community with the safety in mind.

Council Member Sandoval commented on how the Ordinance does not identify educating the community and requested that the education needs to be presented to the public in dual languages and urges City staff to do more public outreach to the community.

Due to the provisions written in Resolution No. 89-172, the Council was asked to make a motion to extend the meeting past 11:00 p.m.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Garcia, to extend the meeting past 11:00 p.m. The motion carried unanimously by a 5-0 roll call vote. (AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None).

Deputy City Manager Burum responded to comments made by both the public and City Council.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Garcia, and passed unanimously by a vote of 4-1 to adopt Public Hearing Item 'D' as follows:

1. Approve Municipal Code Amendment (MCA) No. 22-01 - Adopt Urgency Ordinance No. 1882, of the City Council of the City of Fontana, amending sections 13-27 and 13-30 of the Fontana Municipal Code, amending the enforcement authority regarding the City's environmental health code.
2. Read by title only and waive further reading of and introduce Ordinance No. 1883, an Ordinance of the City Council of the City of Fontana, approving Municipal Code Amendment (MCA) No. 22-01 amending sections 13-27 and 13-30 of the Fontana Municipal Code, amending the enforcement authority regarding the City's environmental health code and the reading of the title constitutes the first thereof.

The motion carried by the following vote: AYES: Warren, Garcia, Cothran, and Roberts; NOES: Sandoval; ABSTAIN: None.

NEW BUSINESS:

- A. Amending Fontana Municipal Code Section 2-39 to Increase the Salary for Members of the City Council and Mayor; Introduction and First Reading of Ordinance

[21-1093](#)

City Attorney Duran provided the staff report and answered questions of the City Council.

No public communications were received on this item.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Garcia, and passed unanimously by a vote of 3-2 to adopt New Business Item 'A' as follows:

Read by title only and waive further reading of and introduce Ordinance No. 1884, Amending Section 2-39 Of The Fontana Municipal Code, Regarding The Salary For Members Of The City Council And Mayor.

The motion carried by the following vote: **AYES:** Warren, Garcia, and Roberts; **NOES:** Cothran and Sandoval; **ABSTAIN:** None.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

Interim City Manager Yauchzee commented on the construction of the South Fontana Park with a completion date of end of 2022; groundbreaking for Monarch Hills Project North Gate Market; and groundbreaking of Fire Station 81.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A.

[21-1119](#)

Mayor Warren asked the City Council to appoint Armando Valles to the Parks, Community, and Human Services Commission.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, to appoint Armando Valles to the unscheduled vacancy with a term ending December 31, 2022. The motion carried by a 4-1 vote as follows: **AYES:** Warren, Garcia, Cothran and Roberts; **NOES:** Sandoval; **ABSTAIN:** None.

B. Elected Officials Communications/Reports

Mayor Pro Tem Garcia thanked City staff for putting forward with the Code Amendment to establish sustainability standards to improve air and other environmental quality for warehouse developments throughout the City.

Council Member Cothran congratulated newly appointed Parks, Community and Human Services Commissioner Armando Valles.

Council Member Sandoval thanked Chief Green on an excellent Annual report; recognized the COAST team on their recent dedication to the community in finding housing for a displaced family; requested that the Chief's Roundtable be brought to City Council for a proper introduction; and requested that management look into the current COVID increases and potentially modifying public meetings to virtual.

Interim City Manager Yauchzee informed the Mayor and City Council that staff has been maintaining coverage on the current COVID increases and does not anticipate transitioning public meetings to a virtual setting, unless directed by the County.

Council Member Sandoval also requested that staff look at the upcoming Redistricting Public Hearing scheduled for March and be sure to have deadline for map submittals be on a working day.

Council Member Roberts congratulated Keith Kramer and Garth Nelson on a well-deserved and earned retirement, thanking both of them for all their commitment to the community and staff.

City Treasurer Koehler-Brooks congratulated Deputy City Clerk Ashton R. Arocho on her recent achievement as a Master Municipal Clerk (MMC); congratulated the employees that were recognized this evening; congratulated Keith Kramer and Garth Nelson on their retirements; and closed with welcoming the new Police Officers.

Mayor Warren congratulated Keith Kramer and Garth Nelson on their recent retirements; recognized recent introduction of Ordinance for the salary increase of City Council members; commented on recent Washington D.C. trip; discussed ways to move into a post-COVID lifestyle; discussed grants being funded by the recent Presidential infrastructure bill; and closed with highlights of how Fontana will continue to move forward this year.

ADJOURNMENT:

A. Adjournment

The meeting was adjourned in memory of Ms. Mariesha Collins, Los Angeles County Juvenile Probation Officer; Mrs. Jennifer Vaughn-Blakely, First Black Assistant City Manager for the City of Fontana; Retired San Bernardino County Sgt. Mario Salazar; and Douglas Potts.

Mayor Warren adjourned the meeting at 11:35 p.m. to the State of the City Address to be held on Thursday, January 27, 2022, at 5:00 p.m. at the Water of Life Church located at 7625 East Avenue, Fontana, California; and to the next Regular City Council Meeting on February 8, 2022, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Ashton R. Arocho, MMC
Deputy City Clerk

THE FOREGOING MINUTES WERE APPROVED AND ADOPTED BY THE FONTANA CITY COUNCIL ON THE 8TH DAY OF FEBRUARY 2022.

City Clerk