

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, October 11, 2022

7:00 PM

Grover W. Taylor Council Chambers

City Council Meeting

Acquanetta Warren - Mayor
Peter A. Garcia - Mayor Pro Tem
John B. Roberts - Council Member
Jesus "Jesse" Sandoval - Council Member
Phillip Cothran - Council Member
Germaine McClellan Key - City Clerk
Janet Koehler-Brooks, City Treasurer

CLOSED SESSION:

6:00 P.M. CLOSED SESSION

The Closed Session meeting of the Fontana City Council was held on Tuesday, October 11, 2022, in the Executive Conference Room at 8353 Sierra Avenue, Fontana, CA 92335. Mayor Warren called the meeting to order at 6:02 p.m. with the following roll call:

ROLL CALL:

Present: Mayor Warren, Council Members Cothran, Roberts and Sandoval

Absent: Mayor Pro Tem Garcia

PUBLIC COMMUNICATION - CLOSED SESSION:

A. Public Communications - Closed Session

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Government Code section 54956.9(d)(1))

Frank Copetillo v. City of Fontana, USDC Case No. 5:19-cv-01959 MEMF (SHKx)

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0232-091-18 and 0232-091-19

City Negotiator: Ray Ebert, Deputy City Manager

Negotiating Party: Gerardo Herrera

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0232-201-12 and 0232-201-13

City Negotiator: Ray Ebert, Deputy City Manager

Negotiating Party: Mark Nuaimi

Under Negotiating: Price and Terms of payment

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 on Tuesday, October 11, 2022, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, CA, 92335.

Mayor Warren called the meeting to order at 7:03 p.m.

ROLL CALL:

PRESENT: Mayor Warren, Council Members Cothran, Roberts, and Sandoval

ABSENT: Mayor Pro Tem Garcia

City Clerk McClellan Key and City Treasurer Koehler-Brooks were also in attendance.

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

The invocation was led by Ellen Miller from Rancho Christian Center, followed by the Pledge of Allegiance led by Council Member Cothran.

CLOSED SESSION ANNOUNCEMENT

City Attorney Duran noted that the Mayor and City Council met on Closed Session items listed on the agenda, provided direction to City staff but took no reportable action.

PROCLAMATION:

A. Proclamation

A.

[21-1746](#)

Mayor Warren and City Council proclaim the 2nd Week of October 2022 as Code Compliance Officer Appreciation Week (Sandra Pelayo, Community Improvement Program Manager, to accept).

Mayor Warren and City Council recognized the Code Compliance Department and thanked the team for their hard work and service to the community.

SPECIAL PRESENTATIONS:

A. Special Presentations

A.

[21-1767](#)

2022 Mayor's Youth Advisory Council Board Introduction (Community Services Coordinator Andrew Solares to present).

Community Services Coordinator Solares introduced the 2022 Mayor's Youth Advisory Council Board for 2022:

Seanbiron Johnson, Chairperson
Matthew Gillen, Vice Chairperson
Aleish Yzhabelle P. Cuaresma, Secretary
Varnika Shanmugam, Historian

Mayor Warren and City Council congratulated the new Board and thanked them for their service to the youth of the community in their new roles.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

1. Lamaar Daniels, representing American Cancer Society, promoted the upcoming Relay for Life event.
2. Donny Jackson, spoke on current bike race hindering's due to not having access onto specific private properties.
3. Bobbi Jo Chavarria spoke on indigenous people's day; and spoke on warehouse developments and health concerns.
4. Betty Sandoval, promoted upcoming community event at the Fontana Senior Center. Robert, representative of the Senior Center, provided Spanish translations.

Mayor Warren announced that staff is available for Spanish translation services for future comment translation needs.

5. Elizabeth Sena, commented on Closed Session items; commented on recent housing project grant from Assembly Majority Leader Reyes; inquired on monies for Safe Route to School grant; and candidate campaign contribution limits.

6. Antonio Avina commented on air quality in Fontana due to warehouse and industrial properties.

Prior to the next speaker, City Attorney Duran interjected noting for the record that the materials that the next speaker, Ben, gave to Deputy City Clerk Arocho, will not be distributed to the dais due to campaign material being present.

7. Ben commented on candidate campaign contribution limits.

Mayor Warren called a recess at 7:37 p.m. due to disturbance in the Chambers.

Mayor Warren reconvened the meeting at 7:50 p.m.

The following individual requested Spanish translation for his comments. Executive Assistant Tanya Ruiz was the translator.

8. Oskar Zambrano commented on the change in the community throughout the years; spoke on warehouse development and affects in South Fontana; and commented on Closed Session items.

City Attorney Duran interjected on the public comment requesting that the speaker does not campaign from the podium.

8. Oskar Zambrano concluded his comments asking the community to participate and attend public meetings.

CONSENT CALENDAR:

ACTION: Motion was moved by Council Member Roberts, seconded by Council Member Cothran to approve the Consent Calendar Items 'A-J'. The motion was moved by a unanimous vote of 4-0-1, with the exception of Council Member Sandoval voting NO for Consent Calendar Item 'F'. The motion carried as follows: AYES: Warren, Cothran, Roberts, and Sandoval; NOES: None (exception of Item 'F';Sandoval); ABSENT: Garcia

- A.** Approval of Minutes [21-1745](#)
Approve the minutes of the September 27, 2022, Regular City Council Meeting.
- B.** Award a Bid for BMW Motorcycle Purchase, Parts and Repair Services SB-93-PW-22. [21-1689](#)
1. Award a bid with Ride-On Powersports for the purchase of BMW Police Motorcycles, parts and repair services on an as-needed basis.
 2. Authorize the Purchasing Office to issue a purchase order to Ride on Powersports for a period of two (2) Years, renewable with three (3) additional one-year increments at the City's sole discretion for an approximate amount of \$60,000 per year for an aggregate amount not to exceed \$300,000 for the term of the purchase order.
 3. Authorize the Purchasing Office to issue purchase orders to Ride on Powersports for the purchase of new and replacement motorcycles for five (5) years.
- C.** Authorize the purchase of an ADA compliant restroom trailer from Comforts of Home Services, Inc. [21-1695](#)
Authorize the Purchasing Office to "Piggy-Back" on the General Services Administration (GSA) Purchasing Program (Contract No. GS-07F-0236V) for the purchase of one (1) new ADA compliant restroom trailer from Comforts of Home Services, Inc. in the amount of \$117,671.88 plus sales tax (7.75%) for a total of \$126,266.58.
- D.** Authorize to purchase Fuel for City Vehicles and Equipment. [21-1701](#)
Approve and authorize the Purchasing Office to "Piggy-Back" from San Bernardino County's gasoline and diesel fuel contract (Agency 22-PURC-4372) for the purchase of fuel for the City vehicles and equipment through June 14, 2027.
- E.** Approve a Development Impact Fees Credit Agreement Related to Parcel Map No. 20183 (TPM No. 19-021) and Parcel Map No. 20184 (TPM No. 19-022) [21-1735](#)
Approve and authorize the City Manager to execute a Development Impact Fees Credit Agreement with TDC Boyle Partners, LLC, related to Parcel Map No. 20183 (TPM No. 19-021) and Parcel Map No. 20184 (TPM No. 19-022).
- F.** Naming Rights Agreement - Center Stage Theater [21-1758](#)
1. Approve Naming Rights Agreement for the Center Stage Theater
 2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said agreement and/or associated approvals.

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- G.** Purchase and Sale Agreement for 16766 Arrow Blvd. - Downtown Fontana Property [21-1760](#)
1. Approve a Purchase & Sale Agreement for the purchase of a building and associated land located on the north side of Arrow Blvd, east of Juniper in Downtown Fontana, more specifically described as APN #0191-162-09.
 2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.
- H.** Purchase and Sale Agreement for 8443 Nuevo Avenue - Downtown Fontana Property [21-1761](#)
1. Approve a Purchase & Sale Agreement for the purchase of a building and associated land located on the southeast corner of Nuevo Avenue and Spring Street in Downtown Fontana, more specifically described as APN #0191-163-27.
 2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.
- I.** Purchase and Sale Agreement for 16762 Spring St. - Downtown Fontana Property [21-1762](#)
1. Approve a Purchase & Sale Agreement for the purchase of a building and associated land located on the north side of Spring Street, east of Juniper in Downtown Fontana, more specifically described as APN #0191-161-29.
 2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.
- J.** Purchase and Sale Agreement for 16717 Spring St. - Downtown Fontana Property [21-1763](#)
1. Approve a Purchase & Sale Agreement for the purchase of a building and associated land located on the south side of Spring Street, just east of Juniper in Downtown Fontana, more specifically described as APN #0191-162-18.
 2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.

PUBLIC HEARINGS:

- A.** Master Case No. 22-110 and Municipal Code Amendment No. 22-007 - Fontana Municipal Code amendment to Chapter 2 (Administration), (Chapters 9 (Environmental Protection and Resource Extraction) Chapter 25 (Streets, Sidewalk, and Other Public Ways), Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code), and Chapter 33 (Cannabis Businesses and Activities). [21-1743](#)

Mayor Warren opened the public hearing.

City Clerk McClellan Key noted for the record that the City Clerk's Department received a total of four (4) written correspondences in opposition of the item and such correspondences have been emailed to the City Council prior to the meeting, as well as provided at the dais for their review and reference.

Senior Planner Sal Quintanilla provided the staff report.

Deputy City Manager Phil Burum stated for the record that staff reviewed the four (4) received correspondences and does not agree with the arguments from the public.

Council Member Cothran asked for further clarification on the deletion of the Design Advisory Board.

Council Member Sandoval asked for further clarification on the reasoning for the deletion of the Design Advisory Board and the relevance of SB 330 within the changes.

The following individuals spoke in opposition of this item:

1. Bobbi Jo Chavarria
2. Elizabeth Sena
3. Ana Gonzales
4. Jasmine Cunningham
5. Joaquin Castellejos
6. Angel Ramirez
7. Ben
8. Oskar Zambrano (Received Spanish Translation services from Executive Assistant Tanya Ruiz)

Following public comment, Mayor Warren asked for clarification on some of the comments made by the members of the public. Deputy City Manager Burum assisted with such request.

Mayor Warren closed the public hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, and passed by a vote of 3-1-1 to approve staff's recommendation for Public Hearing Item 'A'. The motion carried by the following vote: AYES: Warren, Cothran and Roberts; NOES: Sandoval; ABSENT: Garcia

NEW BUSINESS:

- A.** First Reading and Set Public Hearing for the Adoption of the 2022 Edition of the California Building Standards Code and [21-1753](#)

Corresponding Base Model Codes

Building Official Jeffrey Baughman provided the staff report and answered questions of the City Council.

Mayor Warren asked for a motion and a second.

City Attorney Duran interjected asking for Mayor Warren to confirm that there is no public comment for this item.

Deputy City Clerk Arocho identified that the public comment portion for this item was taken at the beginning of the meeting.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed unanimously by a vote of 3-1-1 to approve New Business Item 'A' as follows:

(1) Determine that the adoption of the ordinance of the City of Fontana adding, amending and deleting certain articles, sections and subsections of Chapter 5 of the Code of the City of Fontana, California pertaining to the construction and maintenance of buildings, and adopting the 2022 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, consisting of the California Building Code, Volumes 1 & 2, based on the 2021 International Building Code; the California Plumbing Code, based on the 2021 Uniform Plumbing Code; the California Electrical Code, based on the 2020 National Electrical Code; the California Mechanical Code, based on the 2021 Uniform Mechanical Code; the California Existing Building Code, based on the 2021 International Existing Building Code; the California Green Building Standards Code; the California Residential Code, based on the 2021 International Residential Code; and the 2021 Edition of the International Property Maintenance Code is exempt from further environmental review under Section 15061(b) (3) of the State CEQA guidelines, projects with no possibility of significant effects upon the environment, and direct staff to file a notice of exemption.

(2) Waive further reading of and introduce Ordinance No. 1907, an ordinance of the City of Fontana adding, amending and deleting certain articles, sections and subsections of Chapter 5 of the Code of the City of Fontana, California pertaining to the construction and maintenance of buildings, and the 2022 Edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, consisting of the California Building Code, Volumes 1 & 2, based on the 2021 International Building Code; the California Plumbing Code, based on the 2021 Uniform Plumbing Code; the California Electrical Code, based on the 2020 National Electrical Code; the California Mechanical Code, based on the 2021 Uniform Mechanical Code; the California Existing Building Code, based on

the 2021 International Existing Building Code; the California Green Building Standards Code; the California Residential Code, based on the 2021 International Residential Code; and the 2021 Edition of the International Property Maintenance Code; and that the reading of the title constitute the first reading thereof.

(3) Set Public Hearing for October 25, 2022 and deem the Notice of Hearing sufficient to give interested persons notice of the purpose of the ordinance and subject matter thereof.

The motion carried by the following vote: AYES: Warren, Cothran, and Roberts; NOES: Sandoval; ABSENT: Garcia

City Attorney Duran interjected announcing that the reading of the title of Ordinance No. 1906 was inadvertently missed prior to the motion for Public Hearing 'A' and as such, requests that the Mayor and City Council motion and vote to reconsider Public Hearing Item A.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, to open and reconsider Public Hearing Item A to read the title of Ordinance No. 1906 into the record. The motion carried by a roll call vote of 4-0-1 as follows: AYES: Warren, Cothran, Roberts and Sandoval; NOES: None; ABSENT: Garcia

PUBLIC HEARINGS:

- A.** Master Case No. 22-110 and Municipal Code Amendment No. [21-1743](#)
22-007 - Fontana Municipal Code amendment to Chapter 2 (Administration), (Chapters 9 (Environmental Protection and Resource Extraction) Chapter 25 (Streets, Sidewalk, and Other Public Ways), Chapter 26 (Subdivisions), Chapter 30 (Zoning and Development Code), and Chapter 33 (Cannabis Businesses and Activities).

ACTION: Motion was moved by Council Member Roberts, seconded by Council Member Cothran, to approve staff's recommendation of Public Hearing Item A as follows:

(a) Determine that the project is Categorically Exempt pursuant to Sections 15060(c), Section No. 15061 (B)(3) (the "common sense" exemption), Section 15378 and Sections No. 3.01, 3.22, and 10.59 of the 2019 Local Guidelines for implementing the CEQA, and direct staff to file a Notice of Exemption; and

(b) Read by title only and waive further reading of and introduce Ordinance No. 1906, an Ordinance of the City Council of the City of Fontana approving

Master Case No. 22-110 and Municipal Code Amendment No. 22-007 amending Sections of Chapter 2, Chapter 25, Chapter 26, and Chapter 30 to remove the Development Advisory Board (DAB); amending Chapter 9 to revise the definition of “sensitive receptors”; amending Chapter 30 to exempt the City from certain zoning regulations for City owned, controlled, or leased properties or facilities; amending Chapter 30 to allow development projects over two acres to develop common open space; adding Article XV to Chapter 30 creating a No Net Loss density bonus/replacement program; and amending Section 30-489 and Table Nos. 30-489 and 30-453 to rename commercial cannabis to cannabis retail stores and reference special regulations for same; and making minor modifications to Chapter 33 related to phasing and authorization letters for permit applications; and the reading of the title constitutes the first thereof.

The motion was carried by a roll call vote of 4-0-1 as follows: (AYES: Warren, Cothran, Roberts, and Sandoval; NOES: None; ABSENT: Garcia)

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

No communications were received.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks commented on recent community events and thanked staff for their hard work putting community events on.

City Clerk McClellan Key commented on the introduction of the Mayor's Youth Advisory Board; congratulated the Code Compliance Officers for their recognition; and commented on recently attended community events.

Council Member Cothran commented on recently attended community events and upcoming events.

Council Member Sandoval proposed that the City take a stance on proclaiming the second Tuesday of October as Indigenous People's Day and provided a draft Resolution to the City Manager, City Attorney and City Clerk; proposed a second Resolution that the City take action on a 90 day moratorium on warehouses and provided a draft Ordinance to the City Manager, City Attorney and City Clerk; discussed traffic concerns near warehouse developments and throughout the City; inquired on traffic officer recruitment.

Mayor Warren asked for a second from the Council to set a 90 day moratorium on warehouses. There was no second received. Motion failed.

Council Member Sandoval requested for a left-turn signal on Juniper and Foothill; requested involvement of the City C.O.A.S.T team to be included in activities at the Senior Center for resource and education; and commented on candidate forums at public facilities.

Mayor Warren commented on some of the items presented by Council Member Sandoval.

Council Member Roberts commented on recently attended community events; and thanked the Fire Protection District for presenting an 'Open House'.

Mayor Warren thanked the City staff; commented on upcoming community events and community projects; promoted recruitment for bus drivers; spoke on police response and community assistance for the homeless population; and concluded with comments regarding resident mailboxes that have been vandalized and urging residents to contact the City.

ADJOURNMENT:

A. Adjournment

Mayor Warren adjourned the meeting at 9:40 p.m. to the next Regular City Council meeting on Tuesday, October 25, 2022, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Ashton Arocho

Ashton R. Arocho, MMC
Deputy City Clerk

THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA CITY COUNCIL ON OCTOBER 25, 2022.

Germaine Key

Germaine McClellan Key
City Clerk