

**RESOLUTION NO. 2020-074**

**A RESOLUTION OF THE CITY COUNCIL OF FONTANA REQUESTING THAT THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) INITIATE PROCEEDINGS FOR A SPHERE OF INFLUENCE AMENDMENT (EXPANSION) FOR THE CITY OF FONTANA, THE FONTANA FIRE PROTECTION DISTRICT AND THE WEST VALLEY WATER DISTRICT, AND A REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF FONTANA, THE FONTANA FIRE PROTECTION DISTRICT, THE WEST VALLEY WATER DISTRICT, AND THE SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT, AND DETACHMENT FROM THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT, ITS VALLEY SERVICE ZONE, AND ITS ZONE FP-5, AND COUNTY SERVICE AREA 70 GENERALLY CONSISTING OF APPROXIMATELY 152 ACRES BOUNDED BY THE I-15 FREEWAY TO THE SOUTH, LYTLE CREEK ROAD TO THE NORTH, AND SIERRA AVENUE TO THE EAST, UNDER ANNEXATION NO. 16-001 (NORTH FONTANA LYTLE CREEK ANNEXATION AREA).**

**WHEREAS**, the City of Fontana desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for the annexation of that unincorporated property that includes the North Fontana Lytle Creek Annexation Area; and

**WHEREAS**, on June 2, 2020, the Planning Commission duly conducted a noticed public hearing on Annexation No. 16-001, General Plan Amendment No. 15-005, General Plan Amendment No. 17-001, Zone Change No. 15-009, General Plan Amendment No. 20-008, Zone Change No. 20-007, Development Agreement No. 16-001, Tentative Parcel Map No. 19712 and Design Review No. 16-003, received testimony and information from any and all parties, and recommended its approval (with a 5-0 vote) to the City Council by resolution; and

**WHEREAS**, on June 23, 2020, the City Council conducted a noticed public hearing on Annexation No. 16-001, General Plan Amendment No. 15-005, General Plan Amendment No. 17-001, Zone Change No. 15-009, General Plan Amendment No. 20-008, Zone Change No. 20-007, Development Agreement No. 16-001, Tentative Parcel Map No. 19712 and Design Review No. 16-003, received testimony from any and all parties, including the staff report and attached supporting documents from the Planning Commission public hearing on June 2, 2020 as well as testimony from the project applicant and others; and

**WHEREAS**, based on the information contained in the Initial Study (Environmental Checklist) prepared for Annexation No. 16-001, General Plan Amendment No. 15-005, General Plan Amendment No. 17-001, Zone Change No. 15-

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009, General Plan Amendment No. 20-008, Zone Change No. 20-007, Development Agreement No. 16-001, Tentative Parcel Map No. 19712 and Design Review No. 16-003, a Draft and Final Environmental Impact Report has been prepared and circulated for the project and has been submitted with the inclusion of a Statement of Overriding Consideration and a Mitigation Monitoring Program with a recommendation for certification by the City Council; and

**WHEREAS**, aside from the annexation to the City of Fontana, this reorganization also includes the annexation to the Fontana Fire Protection District, the West Valley Water District, and the San Bernardino Valley Municipal Water District, and detachment from the San Bernardino County Fire Protection District, its Valley Service Zone, and its Zone FP-5, and County Service Area 70; and

**WHEREAS**, the territory proposed for reorganization is legally uninhabited and a description of the boundaries of the territory proposed to be reorganized is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

**WHEREAS**, the proposed reorganization will not conflict with any sphere of influence as the proposed change includes an amendment to the spheres of influence for the City of Fontana, the Fontana Fire Protection District, and the West Valley Water District, which will make their spheres of influence consistent; and

**WHEREAS**, it is desired to provide that the proposed reorganization be subject to the standard terms and conditions:

- a. The following services and improvements will be financed by general tax revenues of the City of Fontana: police, fire, recreation, street and street tree maintenance. The following services and improvements will be financed by on-going service charges to users of said service: sewer and solid waste disposal services. The following services and improvements will be financed and installed by the owners/subdividers: sewer lines, streets and related improvements.
- b. The City of Fontana will provide the following urban services to the subject site property as they become available upon completion of the annexation process: sewer, police, planning and building inspection services; recreation and park, street and street tree maintenance; street cleaning; and
- c. The standard terms and conditions imposed by the Local Agency Formation Commission (LAFCO) for San Bernardino County.

**WHEREAS**, the reasons for this proposed annexation is to insure the orderly long-range planning and development of the area and provide for more effective municipal services to residents.

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**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Fontana that the Local Agency Formation Commission for San Bernardino County is hereby requested to proceed and take all actions necessary to facilitate the proposed sphere amendments/reorganization as described in Exhibit "A" according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

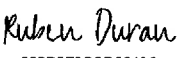
**Section 1.** The City of Fontana acknowledges and agrees to the Local Agency Formation Commission for San Bernardino County's requirement for imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual.

**Section 2.** The City Council hereby directs and authorizes the City Clerk to forward a certified copy of this resolution to the Executive Officer for LAFCO and for the City Manager to take all actions necessary to submit a complete application for the proposed sphere amendments/reorganization to LAFCO and any other such actions as may be necessary to complete LAFCO's process.

**Section 3.** Based on the foregoing, the City Council hereby adopts a resolution to certify the Final Environmental Impact Report (State Clearing House No. 2018011008), the statement of overriding consideration, the mitigation monitoring and reporting program and adopt the resolution for the statement of facts and findings and direct staff to file the Notice of Determination.

**APPROVED AND ADOPTED** this 23<sup>rd</sup> day of June, 2020

**READ AND APPROVED AS TO LEGAL FORM:**

DocuSigned by:  
  
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\_\_\_\_\_  
City Attorney

I, Tonia Lewis, City Clerk of the City of Fontana, California, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting thereof, held on the 23<sup>rd</sup> day of June, 2020 by the following vote to wit:

**AYES:** Mayor Warren, Mayor Pro Tem Armendarez, Council Members Roberts and Sandoval

**NOES:** Council Member Cothran

**ABSENT:**

**ABSTAIN:**

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DocuSigned by:  
*Toni Lewis*  
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\_\_\_\_\_  
City Clerk of the City of Fontana

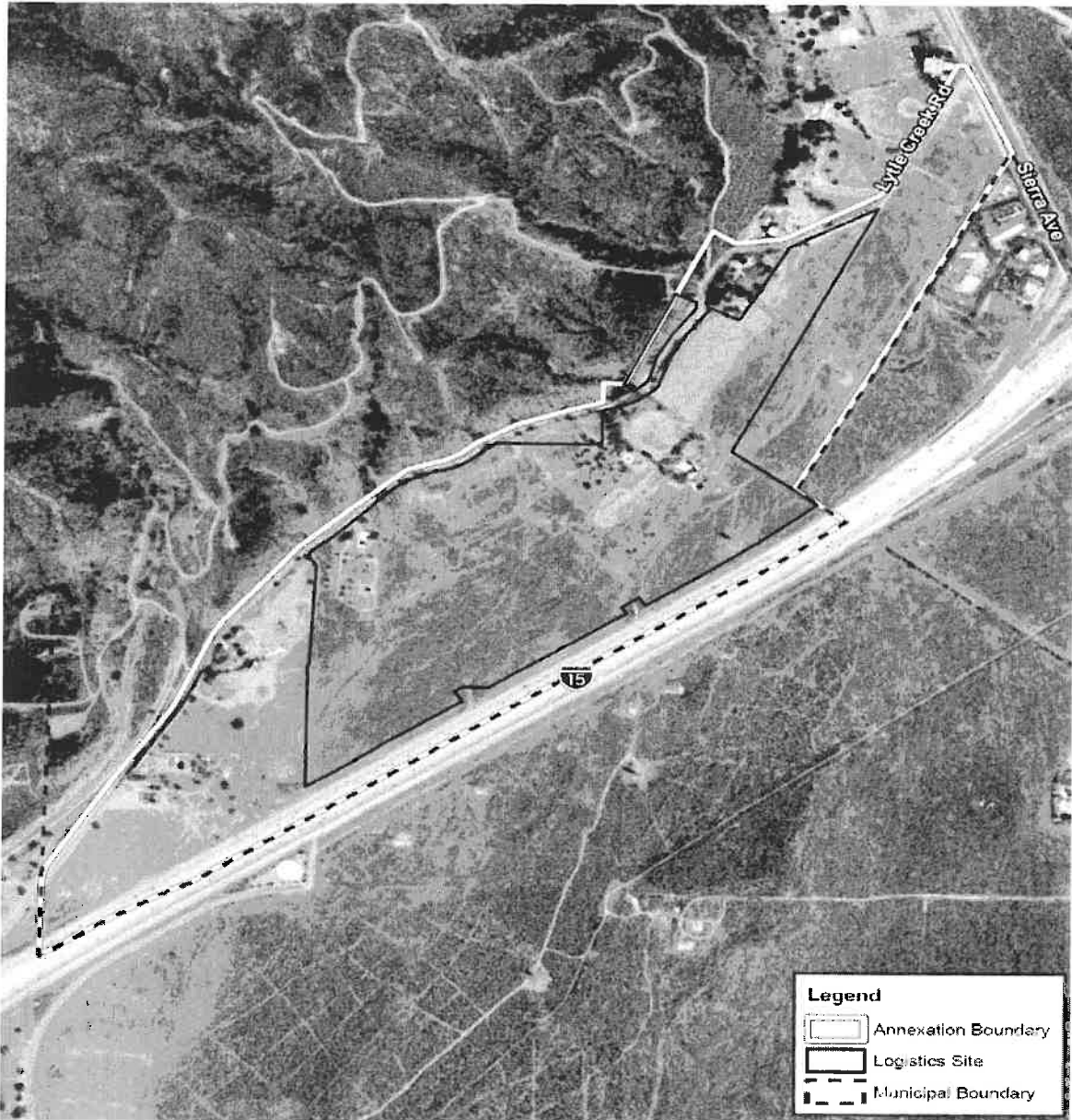
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*Dequanetta Warren*  
9B478DAD890D468  
\_\_\_\_\_  
Mayor of the City of Fontana

**ATTEST:**

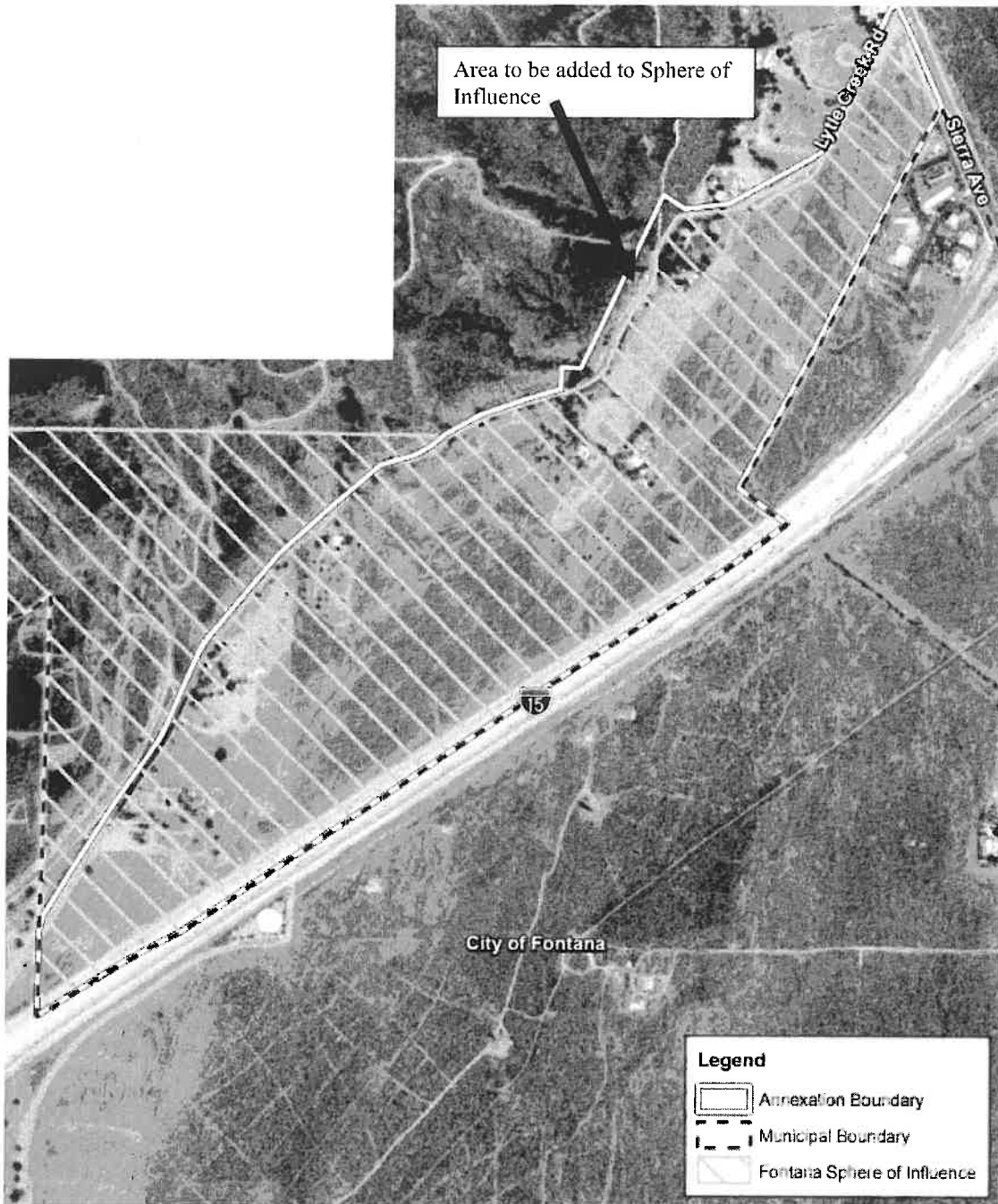
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*Toni Lewis*  
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City Clerk

Resolution No. 2020-074

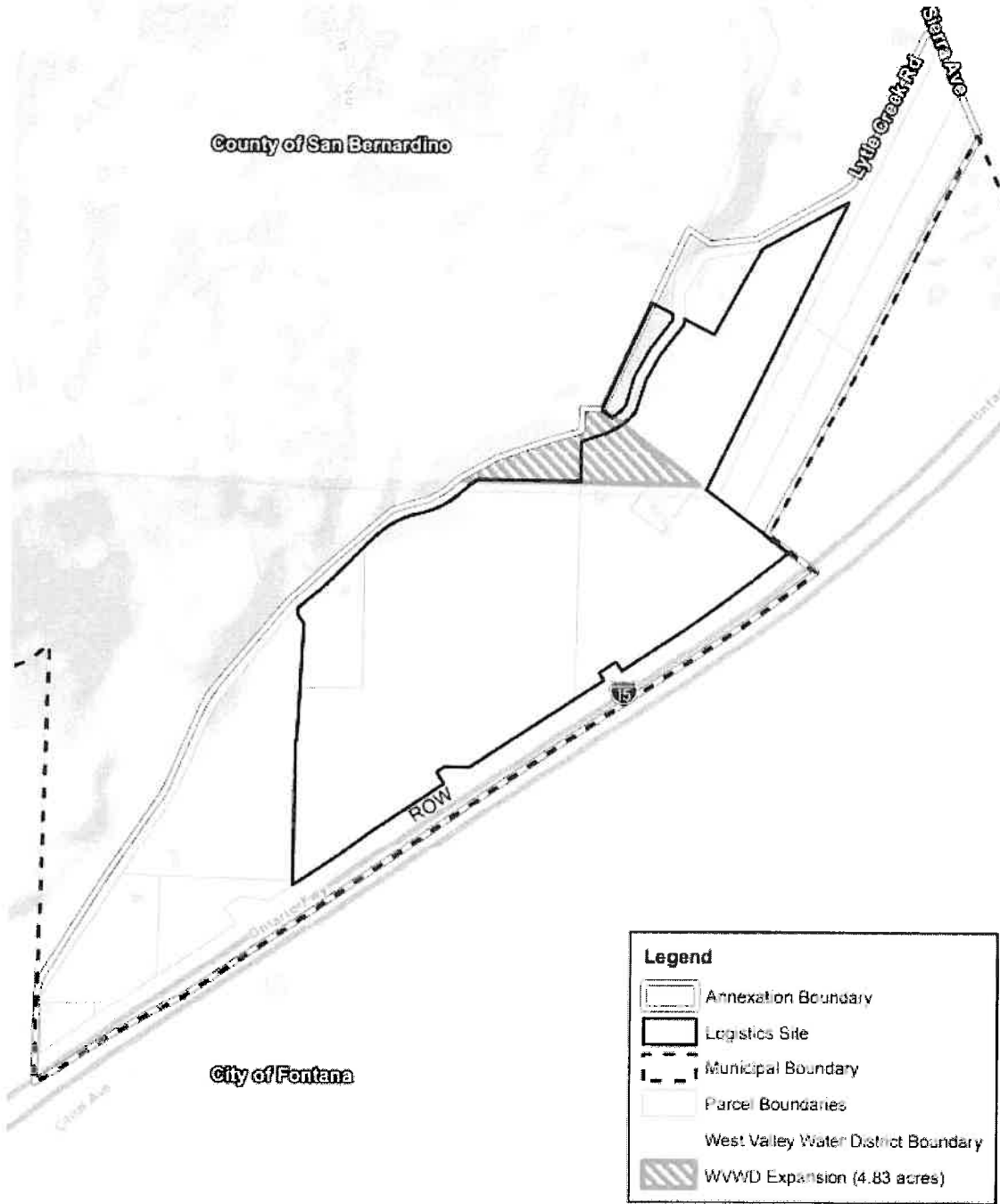
EXHIBIT A



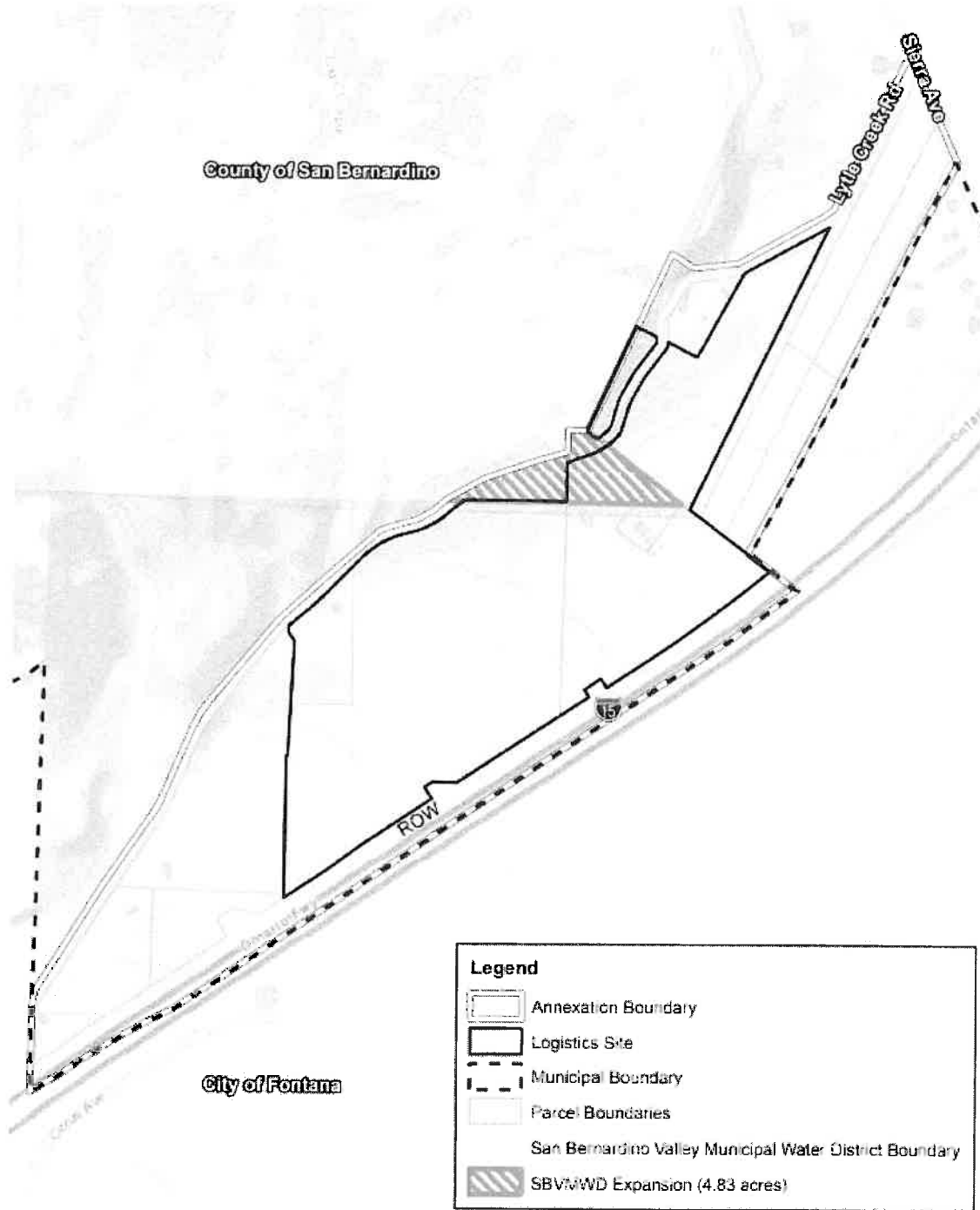
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Resolution No. 2020-074





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Ruben Duran  
ruben.duran@bbklaw.com  
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awarren@fontana.org  
Security Level: Email, Account Authentication (None)

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Toni Lewis  
tlewis@fontana.org  
City Clerk  
City of Fontana  
Security Level: Email, Account Authentication (None)

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### Signature

### Timestamp

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### Status

### Timestamp

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### Status

### Timestamp

### Intermediary Delivery Events

### Status

### Timestamp

### Certified Delivery Events

### Status

### Timestamp

**Carbon Copy Events**

Evelyne Ssenkoloto  
essenkol@fontana.org

Security Level: Email, Account Authentication  
(None)

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Susana Gallardo  
sgallardo@fontana.org

Security Level: Email, Account Authentication  
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Jesse Raymundo  
jraymundo@fontana.org

Security Level: Email, Account Authentication  
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Kathy Kasinger  
kkasinger@fontana.org

Records Coordinator  
Security Level: Email, Account Authentication  
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**Witness Events**

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**Envelope Summary Events**

**Status**

**Timestamps**

Envelope Sent  
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Completed

Hashed/Encrypted  
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**Payment Events**

**Status**

**Timestamps**

**Electronic Record and Signature Disclosure**

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**How to contact City of Fontana:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

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To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**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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- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.