

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, September 13, 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:

A. 6:00 P.M. CLOSED SESSION

The Closed Session meeting of the Fontana City Council was held on Tuesday, September 13, 2022, in the Executive Conference Room at 8353 Sierra Avenue, Fontana, CA 92335. Mayor Warren called the meeting to order at 6:00 p.m. with the following roll call:

ROLL CALL:

Present: Mayor Warren, Mayor Pro Tem Garcia, and Council Member Roberts

Absent: Council Members Cothran and Sandoval

Council Members Cothran and Sandoval entered into Closed Session at 6:03 pm.

PUBLIC COMMUNICATION - CLOSED SESSION:

A. Public Communications - Closed Session

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

CONFERENCE WITH LEGAL COUNSEL: Pending Litigation

Government Code Section 54956.9(d)(1)

Name of Case: Marroush v. Goodland, et al.

Case Number: CIVDS2011421

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54957.6

City Negotiator: Matt Ballantyne, City Manager and Rakesha

Thomas, Director of Human Resources and Risk Management

Employee Organization(s): Executive Management Team (Non-Represented);

Management/Confidential (COU); Police Benefits Associations (PBA);

Teamsters 1932; City Hall; Public Works

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-161-02

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Mike Hoch

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-161-29

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Van Blarcom Family Trust

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0228-301-50 and 0228-021-46

City Negotiator: Phil Burum, Deputy City Manager

Negotiating Parties: Lamar Central Outdoor, LLC

Under Negotiation: Price and terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-161-17 and 0191-161-28

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Jose Torres and Beatriz Reyes

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-162-09

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Vincent Hall

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-162-18

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Eva Sandoval

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-163-27

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Doris Purola and Carole Peacock

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-162-21

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: American Legion Steele Towne Post 77

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-162-13 & 0191-162-40

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Kim Family Trust

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-162-07

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Luisa A Antigua

Under Negotiating: Price and Terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov. Code section 54956.8)

Property: APN # 0191-162-06

City Negotiator: Phillip Burum, Deputy City Manager

Negotiating Party: Lancet Contracting Inc.

Under Negotiating: Price and Terms of payment

CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation

(Gov. Code section 54956.9(d)(2).)

Potential Case: One matter

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, September 13, 2022, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, CA 92335.0

Mayor Warren called the meeting to order at 7:05 p.m.

ROLL CALL:

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

ABSENT: None

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

INVOCATION/PLEDGE OF ALLEGIANCE:**A. Invocation/Pledge of Allegiance**

The invocation was led by Fontana Police Department Chaplain Derek Smith, followed by the Pledge of Allegiance led by Council Member Sandoval.

PROCLAMATION:**A. Proclamation**

A. [21-1659](#)

A. Mayor Warren and City Council to proclaim the month of September as National Preparedness Month (Emergency Manager Aminah Mears to present).

Emergency Services Officer with the San Bernardino County Office of Emergency Services, Klashay Ray, accepted the proclamation and informed the community of ways to remain prepared in case of an emergency.

B. Mayor Warren and City Council to proclaim the month of September as Senior Center Month (Community Services Supervisor Douglas Johnson to present).

Community Services Supervisor Jonhson accepted the proclamation and shared ways that the community is taking part in Senior Center Month.

C. Mayor Warren and City Council to proclaim September 24, 2022, as National Public Lands Day (Community Services Coordinator Jordan Gionet to present).

Community Services Coordinator Gionet accepted the proclamation and shared what National Public Lands Day is and how to get involved.

D. Mayor Warren and City Council to proclaim September 26, 2022, as Human Resources Professional Day (Director of Human Resources and Risk Management Rakesha Thomas to present).

Director of Human Resources and Risk Management Thomas accepted the proclamation and shared a short video highlighting the department.

SPECIAL PRESENTATIONS:

A. Special Presentations

A.

[21-1661](#)

A. Mayor Warren and City Council to recognize Department of Innovation and Technology's Employees of the Year: Allen Fincher, Infrastructure Team; Angel Gonzales, Development Team; Dylan Mansfield, Service Desk Team; Elias Rex, GIS Team; and Stephen Pendleton, Business Analyst Team (Director of Innovation and Technology Jennifer Barcenas to present).

Director of Innovation and Technology Barcenas recognized the department Employees of the Year.

B. Mayor Warren and City Council to recognize Human Resources and Risk Management Department Employee of the Year: Taylor Starling, Human Resources Specialist / Police Department Liaison (Human Resources and Risk Management Director Rakesha Thomas to present).

Director of Human Resources and Risk Management Thomas recognized the department Employee of the Year.

C. Mayor Warren and City Council to swear in new Fontana Police Officer John Isaacs (Chief Green to present).

Mayor Warren swore in new Fontana Police Officer Isaacs with the assistance of his son.

Following Special Presentations, Mayor Warren asked Pastor Dan Carrol with Water of Life Church to come up and provide the Council and public with a quick presentation on the recently printed and released booklet on Citylink.

CLOSED SESSION ANNOUNCEMENT

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

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

1. Nasima Kazimi, spoke on concerns of a recent property violation received due to vandalism.
2. Julia Flores, spoke on concerns with housing.
3. Ariana Gallindo, spoke on concerns with housing.
4. Kristen Malaby, spoke on an upcoming event for National Public Lands Day; public assistant programs; and funding allocations for the unhoused.
5. Jasmine Cunningham, spoke on the current State of the City and funding allocations for the unhoused.
6. Angel Ramirez, spoke in support of prior speaker comments (Cunningham).
7. Gabriela Mendez, spoke in support of prior speaker comments (Cunningham) and in support of prior speakers with concerns of housing.
8. Ben, inquired on the opening of Spagi's restaurant; commented on current elections; social media activity; opposition of warehouse development; concerns with lack of affordable housing.
9. Lorena Espinoza asked for assistance with current transportation concerns with the Fontana Unified School District.

Following public comment, Mayor Warren commented on the speakers regarding affordable housing within Fontana and recent funding received.

CONSENT CALENDAR:

Prior to Mayor Warren asking for a motion, the following items were noted for the record:

City staff provided a memo for the Council amending attachment 1 for Consent Calendar Item 'U'. Such amendment was asked to be included in the final motion for the item.

Additionally, City staff asked Council to pull Consent Calendar Item 'Y' from the agenda and motion as the item will be brought back to Council at a future date.

Such items were read out loud for the Council and public's knowledge. There were no oppositions to these changes.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Roberts, to approve the Consent Calendar Items "A-AB" with the removal of Consent Calendar Item 'Y' from the motion. The motion carried by a roll call vote of 5-0 as follows: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

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- A.** Approval of Minutes [21-1662](#)
Approve the minutes of the July 26, 2022, Regular City Council Meeting and the August 25, 2022, Special City Council Meeting.
- B.** Approve Task Order for the Fontana Sewer Master Plan Update [21-1598](#)
Project.
1. Approve and authorize the City Manager to execute a Task Order in the amount of \$478,502 with Albert A. Webb Associates, Inc. for Engineering services for the Fontana Sewer Master Plan Update Project, request for proposal SQ- 87-DE-19-32.
 2. Approve and authorize the use of funds in the amount of \$424,870 from Fund 302 as part of the City's American Rescue Plan Act Expenditure Plan (ARPA).
 3. Approve and authorize the City Manager to execute any future amendments to the Task Order.
- C.** Approve Task Order for the Fontana Storm Drain Master Plan Update Project [21-1603](#)
1. Approve and authorize the City Manager to execute a Task Order in the amount of \$375,130 with David Evans and Associates, Inc. for engineering services for the Fontana Storm Drain Master Plan Update Project, request for proposal SQ- 87-DE-19-33.
 2. Approve and authorize the use of funds in the amount of \$375,130 in Fund 302, Org 3023600 as part of the City's American Rescue Plan Act Expenditure Plan (ARPA).
 3. Approve and authorize the City Manager to execute any future amendments to the Task Order.
- D.** Adoption of Ordinance No. 1897 (Second Reading) [21-1667](#)
Second Reading/Adopt **Ordinance No. 1897**, Approving Zone Change No. 21-002, To Amend The Zoning District Map Designation From General Commercial (C-2) To Light Industrial (M-1) For Approximately 4.49 Acres Located At The Northeast Corner Of Sierra Avenue And Summit Avenue (APN 1118-041-06).
- E.** Adoption of Ordinance No. 1900 (Second Reading) [21-1668](#)
Second Reading/Adoption of **Ordinance No. 1900**, an Ordinance of the City Council of the City of Fontana, approving Development Agreement No. 22-001 for a public benefit fee.
- F.** Adoption of Ordinance No. 1901 (Second Reading) [21-1610](#)
Second Reading / Adopt **Ordinance No. 1901**, an Ordinance of the City Council of the City of Fontana, approving a Zoning District Map amendment to change the zoning on one parcel from Community Commercial (C-1) to Medium Density Residential (R-2).
- G.** Adoption of Ordinance No. 1902 (Second Reading) [21-1665](#)
Second Reading / Adoption of **Ordinance No. 1902**, An Ordinance of the City
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- Council of the City of Fontana Approving Specific Plan Amendment No. 21-001, An Amendment to the Ventana at Duncan Canyon Specific Plan to Modify and Update the Overall Specific Plan by Establishing New Planning Areas and Updating Specific Plan Development Standards. The Proposed Specific Plan Amendment Will Establish Six (6) New Planning Areas (Labeled as Pa1, Pa2, Pa3, Pa4, Pa5, And Pa6) With Four Different Zoning Classifications Which Include Medium Density Residential, High Density Residential, Mixed-Use, And Commercial.
- H. Adoption of Ordinance No. 1903 (Second Reading) [21-1666](#)
Second Reading/Adoption of **Ordinance No. 1903**, An Ordinance of The City Council of City of Fontana, Approving Specific Plan Amendment 21-007 To Amend Planning Area 12 Comprising Approximately 9 Gross Acres of The Citrus Heights North Specific Plan (APN 1107-262-37) To Allow Development of Single-Family Residential Units.
- I. Facility Use Agreement with Citrus Development [21-1617](#)
Authorize City Manager to sign a facility use agreement with Citrus Development for use of a 28,000 square foot banquet hall at the northwest corner of Citrus Avenue and South Highland Avenue.
- J. Adopt a Resolution Summarily Vacating Portions of Lytle Creek Road North of Duncan Canyon Road and South Highland Avenue West of Oleander Avenue [21-1621](#)
Adopt **Resolution No. 2022-112**, Summarily Vacating a portion of real property located north of Duncan Canyon Road, along what is commonly referred to as Lytle Creek Avenue; and a portion of real property located west of Oleander Avenue, along what is commonly referred to as South Highland Avenue, pursuant to the Streets and Highways Code, finding that adequate consideration exists for the transfer of property, once vacated, to the landowner of both parcels adjacent to the property.
- K. Declaring Surplus Land - A Portion of Lytle Creek Road North of Duncan Canyon Road [21-1656](#)
Approve **Resolution No. 2022-114**, declaring that a portion of Lytle Creek Road North of Duncan Canyon Road as "Exempt Surplus Land" pursuant to the Surplus Land Act, Government Code Section 54221 Et Seq.
- L. Police Department Monthly Information Update [21-1627](#)
Accept the Police Department monthly information update for July 2022.
- M. Approve the Measure I Five-Year Capital Project Needs Analysis for Fiscal Years 2023/2024 - 2027/2028 [21-1645](#)
Adopt **Resolution No. 2022-113**, adopting the Measure I Five Year Capital Project Needs Analysis (CPNA) for Fiscal Years 2023/2024 - 2027/2028.
- N. Approval of Final Map for Tract No. 20382 [21-1646](#)
Approve the Final Map for Tract No. 20382 located south of Foothill Boulevard and west of Banana Avenue; accept easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

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- O.** Award a Construction Contract for the Citrus Avenue at Chase Road Traffic Signal Project SB-08-DE-22 [21-1653](#)
1. Award and authorize the City Manager to execute a construction contract with California Professional Engineering for the construction of the Citrus Avenue at Chase Road Traffic Signal Project in the amount of \$713,980 and authorize a 10% contingency in the amount of \$71,398 (Bid No. SB-08-DE-22).
2. Approve and authorize the City Manager to execute any and all utility agreements, utility easements, and subsequent agreements on behalf of the City of Fontana for the Citrus Avenue at Chase Road Traffic Signal Project.
- P.** Approve Federal Bureau of Investigation Inland Violent Crime Suppression Task Force Cost Reimbursement Agreement [21-1669](#)
1. Approve and authorize the Chief of Police to execute a State and Local Task Force Agreement between the Federal Bureau of Investigation (FBI) Inland Violent Crime Suppression Task Force (IVCSTF) and the Fontana Police Department.
2. Approve and authorize the Chief of Police to renew said contract annually as long as it remains in the best interest of the City of Fontana.
3. Increase revenue and expenditure budgets (10140231) in the amount of \$3,229.
- Q.** Approve San Bernardino County District Attorney Victim Advocacy Services Agreement [21-1670](#)
1. Approve the Contract/Agreement between the San Bernardino County District Attorney's Office (Bureau of Victim Services) and the Fontana Police Department to provide Victim Advocacy Services to improve the health, welfare, and quality of life of victims of crime including children.
2. Authorize the City Manager and the Chief of Police or his assigned designee to sign the Agreement, all related documents, and any amendments to continue this cooperative agreement as long as it is in the best interest of the City of Fontana.
- R.** Approve Crossing Guard Service Agreement between Fontana Unified School District, Etiwanda School District, and the City of Fontana [21-1671](#)
1. Approve Amendment No. 1 of the Crossing Guard Services Agreement with Fontana Unified School District (FUSD), Etiwanda School District (ESD), and the City of Fontana (COF) for a one-year (1) term renewing year two (2) of the contract at the new rate of \$27.35.
2. Approve a recurring appropriation from General Fund #101 to 10140352.8130 to provide for the annual contract increase over the prior year in the amount of \$150,260.00.
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3. Approve a one-time appropriation in the amount of \$6,293.70 which is 50% of the cost for one additional site serviced during the 2021/2022 school year (540 hours at \$23.31 per hour = \$12,587.40).
- S.** Purchase and Sale Agreement - 8436 Sierra Avenue [21-1673](#)
1. Approve a Purchase & Sale Agreement for the sale of 8436 Sierra Avenue, APN # 01911311, located at the southwest corner of Sierra Avenue and Spring Street in Downtown Fontana.
 2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.
- T.** Approve the Fontana Unified School District Police (FUSP) and the City of Fontana - Concurrent Jurisdiction [21-1674](#)
1. Approve a Memorandum of Understanding (MOU) between the Fontana Unified School District (FUSD) and the City of Fontana to have their respective Police Departments cooperate to the fullest extent possible within their statutory obligations and responsibilities to provide efficient police services to the citizens and students of the City of Fontana.
 2. Authorize the City Manager and the Chief of Police or his assigned designee to sign the MOU, all related documents, and any amendments to continue this cooperative agreement as long as it is in the best interest of the City of Fontana.
- U.** Amendment of the Conflict-of-Interest Code for the City of Fontana, Pursuant to the Political Reform Act of 1974 [21-1663](#)
- Adopt **Resolution No. 2022-115**, of the City Council of the City of Fontana, California, adopting and approving the amended Conflict-of-Interest Code for the City of Fontana, Pursuant to the Political Reform Act of 1974.
- V.** Award a Professional Services Agreement for Geotechnical Engineering and Materials Testing Services for the Downtown Parking Structure Project SQ-07-DE-23. [21-1648](#)
1. Award and authorize the City Manager to execute a Professional Services Agreement in a not to exceed amount of \$271,518 with Ninyo & Moore Geotechnical and Environmental Sciences Consultants, Inc. for Geotechnical Engineering and Materials Testing Services for the Downtown Parking Structure Project, Request for Proposals SQ-07-DE-23.
 2. Approve and authorize the City Manager to execute any future amendments to the Professional Services Agreement.
 3. Approve and authorize the use of funds in the amount of \$271,518 from Fund 302 as part of the City's American Rescue Plan Act Expenditure Plan (ARPA) revenue loss category.
- W.** Memorandum of Understanding between the Federal Bureau of Investigation (FBI) and the Fontana Police Department [21-1682](#)
1. Approve a Memorandum of Understanding (MOU) between the Federal Bureau of Investigation (FBI) and the Fontana Police Department.

2. Authorize the Chief of Police (or his designee) to sign the MOU, all related documents, and any amendments to continue this cooperative agreement as long as it remains in the best interest of the City of Fontana.
- X.** Approve the Agreement For Use of Range Facilities [21-1683](#)
1. Approve and authorize the Chief of Police to execute the Operational Agreement and any amendments between San Bernardino County Sheriff's Department and the Fontana Police Department for use of range facilities for the period of August 1, 2022, through June 30, 2027, on a fee for service basis.
 2. Approve and authorize the Chief of Police to continue said services as long as they remain in the best interest of the City of Fontana.
- Y.** Final Acceptance of the Village of Heritage Pool Deck Repair Project (MS-106-PW-22). [21-1686](#)
1. Accept as complete the work performed by Masterseal Corporation for the Village of Heritage Pool Deck Repair project and approve the final construction cost of \$223,200.
 2. Authorize the City Engineer/Director of Public Works to file a notice of completion and release the 5% retention.
- Z.** Final acceptance of Walnut Village Iron Fencing Removal and Installation Project (SB-56-PW-22) [21-1687](#)
1. Accept as complete the work performed by J & A Engineering Corporation for the Walnut Village Iron Fencing Removal and Installation Project and approve the final construction cost of \$494,461.
 2. Authorize the City Engineer/Director of Public Works to file a Notice of Completion and release the 5% retention.
- AA.** Fiscal Year 2022-23 Gann Spending Limit [21-1680](#)
- Adopt **Resolution No. 2022 - 116** , establishing an Appropriations Limit of \$337,778,231 pursuant to Article XIII(B) of the California Constitution for Fiscal Year 2022-23
- AB.** Award Bid for Pool Chemicals (SB-10-PW-22). [21-1637](#)
- Award bid and authorize the Purchasing Office to issue purchase orders for Pool Chemicals, SB-10-PW-22 for a period of two (2) years, renewable for three (3) one-year extensions at the City's sole discretion, for a total of \$152,420 per year for an aggregate amount not to exceed \$609,600 for the five (5) years.
1. SCP Distributors LLC dba Lincoln Aquatics, and
 2. Waterline Technologies, Inc.,

PUBLIC HEARINGS:

- A.** Public Hearing and adoption of the Draft HOME-ARP Allocation Plan [21-1681](#)

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Garcia, to approve staff recommendation as follows:

- 1. Open a public hearing to receive public comments on the Draft HOME-ARP Allocation Plan and the proposed expenditure of HOME-ARP funds in compliance with the requirements of the U.S. Department of Housing and Urban Development (HUD) and the City's Citizen Participation Plan;**
- 2. Direct staff to incorporate the public comments into the HOME-ARP Allocation Plan;**
- 3. Review and approve the HOME-ARP Allocation Plan in the amount of \$2,633,658; and**
- 4. Authorize the City Manager or his designee to make necessary changes and submit the HOME-ARP Allocation Plan, execute documents related to the submission of the HOME-ARP Allocation Plan.**
- 5. Authorize the City Manager, or City Manager's designee, to execute and transmit any documents necessary or desirable, including but not limited to purchase agreements that may include acquisitions costs up to the full amount of the allocated funds, to facilitate the timely administration of the HOME ARP Acquisition, Rehabilitation, and Rental Program including but not limited to property purchase agreements.**

The motion was moved by a roll call vote of 5-0 as follows: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

- B.** Public Hearing for Consolidated Annual Performance Evaluation Report (CAPER) and Adoption of the Community Development Block Grant-CARES Act (CDBG-CV) Substantial Amendment [21-1625](#)

Mayor Warren opened the public hearing.

City Clerk McClellan Key noted for the record that no written correspondence were received on this item.

Project Specialist Mary Aguilar provided the staff report.

The following individuals spoke in opposition of this item:

1. Jasmine Cunningham
2. Angel Ramirez
3. Gabriel Mendez
4. Ben
5. Ana Gonzalez
6. Cris Smith

Mayor Warren closed the public hearing.

Following public comment, Mayor Warren asked Deputy City Manager Phil Burum and Project Specialist Aguilar to provide clarification on some of the public comment received.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Cothran, to approve staff recommendation as follows:

- 1. Conduct a public hearing for the Consolidated Annual Performance and Evaluation Report prepared for the U.S. Department of Housing & Urban Development to report on specific Federal housing assistance and community development activities undertaken by the City of Fontana during Fiscal Year 2021-2022; and**
- 2. Conduct a public hearing for the adoption of the Community Development Block Grant-CARES Act (CDBG-CV) funding Action Plan Substantial Amendment prepared for the U.S. Department of Housing & Urban Development; and**
- 3. Authorize the City Manager to execute and transmit any documents necessary to submit the Consolidated Annual Performance and Evaluation Report and Community Development Block Grant-CARES Act (CDBG-CV) Substantial Amendment, along with any comments received during the public hearing and public comment period, to the Department of Housing & Urban Development.**

The motion was approved by a roll call vote of 5-0 as follows: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

- C.** Public Hearing on Formation of Community Facilities District No. [21-1692](#)
111 (Monterado)

Mayor Warren asked prior to opening the hearing, if there were any interested persons who wished to file a written protest on this item with the City Clerk. No such protest was presented.

Mayor Warren opened the public hearing.

City Clerk McClellan Key noted for the record that no written correspondence were received on this item.

Accountant Justin Marietta provided the staff report.

With no one interested to speak in favor or opposition of this item, Mayor Warren closed the public hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, to approve the following:

1. Adopt Resolution No. 2022-117, of the City Council of the City of Fontana of formation of the City of Fontana Community Facilities District No. 111 (Monterado), authorizing the levy of a special tax within the community facilities district and establishing an appropriations limit for the community facilities district.

2. Adopt Resolution No. 2022-118, of the City Council of the City of Fontana deeming it necessary to incur bonded indebtedness within the City of Fontana Community Facilities District No. 111 (Monterado).

3. Adopt Resolution No. 2022-119, of the City Council of the City of Fontana calling special election for City of Fontana Community Facilities District No. 111 (Monterado).

The following motion was moved by a roll call vote of 5-0 as follows: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

City Clerk McClellan Key opened the ballot and read the results of the election. The results were all in favor.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, to approve the following:

4. Adopt Resolution No. 2022-120, of the City Council of the City of Fontana declaring results of special election and directing the recording of notice of special tax lien.

5. Read by title only and waive further reading of and introduce Ordinance No. 1904 levying special taxes within the City of Fontana Community Facilities District No. 111 (Monterado); and that the reading of the title constitutes the first reading thereof.

6. Adopt Resolution No. 2022- 121, of the City Council of the City of Fontana authorizing the execution and delivery of a Letter of Credit Agreement and an Acquisition and Funding Agreement.

The following motion was moved by a roll call vote of 5-0 as follows: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

- D.** Public Hearing on Formation of Community Facilities District No. [21-1693](#)
110M (Tract 16897)

Mayor Warren asked prior to opening the hearing, if there were any interested persons who wished to file a written protest on this item with the City Clerk. No such protest was presented.

Mayor Warren opened the public hearing.

City Clerk McClellan Key noted for the record that no written correspondence were received on this item.

Accountant Justin Marietta provided the staff report.

With no one interested to speak in favor or opposition of this item, Mayor Warren closed the public hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, to approve the following:

1. Adopt Resolution No. 2022-122, of the City Council of the City of Fontana Establishing Community Facilities District No. 110M of the City of Fontana, County of San Bernardino, State of California, and Establishing the Boundaries Thereof.
2. Adopt Resolution No. 2022-123, of the City Council of the City of Fontana Calling a Special Election and Submitting to the Voters of Community Facilities District No. 110M of the City of Fontana, County of San Bernardino, State of California, a Proposition with Respect to the Annual Levy of Special Taxes within said Community Facilities District to Pay the Costs of Certain Services to be provided by the Community Facilities District and a Proposition with Respect to the Establishment of an Appropriations Limit for said Community Facilities District.

The following motion was moved by a roll call vote of 5-0 as follows: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

City Clerk McClellan Key opened the ballot and read the results of the election. The results for Proposition 'A' were in favor; results for Proposition 'B' were in opposition.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, to approve the following:

3. Adopt Resolution No. 2022-124, of the City Council of the City of Fontana Declaring the Results of the Special Election for Community Facilities District No. 110M of the City of Fontana, County of San Bernardino, State of California, on the Propositions with Respect to (I) The Annual Levy of Special Taxes to Pay the Costs of Certain Services to be provided by the Community Facilities District and (II) The Establishment of an Appropriations Limit.

4. Read by title only, and waive further reading of and introduce Ordinance No. 1905 Authorizing the Levy of a Special Tax within Community Facilities District No. 110M, that the reading of the Title constitutes the first reading thereof.

The following motion was moved by a roll call vote of 5-0 as follows: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

NEW BUSINESS:

A. American Rescue Plan Act Update [21-1688](#)

Approve revisions to the American Rescue Plan Act (ARPA) Expenditure Plan, including the leveraged projects, and authorize staff to move forward with projects.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Roberts, to approve revisions to the American Rescue Plan Act (ARPA) Expenditure Plan, including the leveraged projects, and authorize staff to move forward with projects. The motion was passed by a 5-0 roll call vote as follows: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Ballantyne clarified that staff will bring reports and updates back to Council in respect to ARPA funds as updates are warranted.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks thanked Chief Financial Officer Brown on her presentation and commented on recently attended community events.

City Clerk McClellan Key commented on recently attended community events; recent attendance at the 2022 Annual Conference of the League of Cal Cities, Long Beach, CA; and congratulated Deputy City Clerk Arocho on recent installment as City Clerks Association of California (CCAC) 2nd Vice President.

Council Member Cothran commented on recently attended community events.

Mayor Pro Tem Garcia commented on recently attended community events; spoke on recent helicopter purchase for the Police Department; and highlighted recent press release with dignitary Secretary of Transportation, Pete Buttigieg.

Council Member Sandoval commented on recently attended community events; sent condolences to the families that have recently loss a loved one; and wished grandson Francisco a happy eighth birthday.

Council Member Roberts echoed Councilmen Sandoval; and highlighted recent press release with dignitary Secretary of Transportation, Pete Buttigieg.

Mayor Warren commented on recent attendance at the 2022 Annual Conference of the League of Cal Cities, Long Beach, CA; discussion of Raise Grant; highlighted recent press release with dignitary Secretary of Transportation, Pete Buttigieg; and finished with a discussion on housing and the un-housed.

ADJOURNMENT:

A. Adjournment

Mayor Warren adjourned the meeting with a moment of silence to honor the following individuals who recently passed away:

Former City Clerk Tonia "Toni" Lewis; Carolayne Swedlove, Morris Automotive; Jack Long, Founder of the Fontana Foundation of Hope; Barbara Chavez, Rialto Planning Commissioner and former Fontana School Board Member; Wilma Callen, Mother of Pam Anderson; Darren Gilbert; and Grace Vargas, Former Mayor of Rialto.

Mayor Warren adjourned the meeting at 10:03 p.m. to the next Regular City Council Meeting on Tuesday, September 27, 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 SEPTEMBER 27, 2022.

Germaine McClellan Key
City Clerk