

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, September 12, 2023

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 Key - City Clerk
Janet Koehler-Brooks, City Treasurer

WORKSHOP:

A. 4:30 P.M. City Council Workshop

The Workshop of the Fontana City Council was held on Tuesday, September 12, 2023, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335. Mayor Warren called the meeting to order at 4:35 p.m. with all members of the City Council present.

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

- A. Chief Financial Officer Jessica Brown provided a presentation on the CalPERS pension plan and pre-funding plans.

City Manager to bring back a policy on UALs.

No public communications were received.

The Council directed staff to pursue a pre-funding scenario, develop a funding strategy policy and return to Council for consideration.

- B. Supervising Code Enforcement Inspector Jason Barber also provided a presentation on non-permitted street vending.

Council Member Cothran expressed concern with Code Compliance, Police and Public Works all enforcing at the same time.

Mayor Pro Tem Garcia expressed support for more enforcement for small business owners operating in the City.

The following individuals spoke under public communications:

Miguel Suarez, discussed concerns with multiple street vendors and the importance of the City protecting and supporting small businesses.

Gilberto Diaz, thanked the City for addressing the street vendor issue and discussed concerns with the County of San Bernardino Environmental Health Services Department.

Eliseo Haro, stated that illegal street vendors have negatively impacted his business.

Raul Hernandez, asked how other cities such as Rancho Cucamonga and Upland are controlling the street vendor issue.

Marina Brinkman, discussed an incident involving a transient at Village Park on September 9, 2023.

Direction was provided to staff to present a proposal to the Council for the option of staffing five days per week, addressing property owner responsibility, confiscation of equipment and suspending grant opportunities.

The Council directed staff to return for consideration an urgency ordinance making it a misdemeanor to follow, threaten or interfere with Code Enforcement and Public Safety Officers while on duty, along with a resolution expanding legal authority to confiscate equipment and food from non-permitted street vendors.

The Workshop adjourned at 6:00 p.m.

PUBLIC COMMUNICATION - CLOSED SESSION:

There were no public communications received for the following items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d) (1) Case: Robert King v. City of Fontana, et al. Superior Court of the State of California- for the County of San Bernardino Case No. CIVDS2016703

2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one (1) potential case)

A. Public Communications - Closed Session

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

The Closed Session meeting of the Fontana City Council was held in the Executive Conference Room, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, September 12, 2023.

Mayor Warren called the meeting to order at 6:01 p.m., with all members of the City Council present.

CALL TO ORDER/ROLL CALL:

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

A Regular Meeting of the Fontana City Council was held in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, September 12, 2023. Mayor Warren called the meeting to order at 7:04 p.m.

ROLL CALL:

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

ABSENT: None

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

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

The invocation was given by Council Member Roberts, followed by the pledge of allegiance led by Council Member Cothran.

CLOSED SESSION ANNOUNCEMENT:

A. Closed Session Announcement:

Assistant City Attorney Michelina Hassell reported that the City Council met in Closed Session on the items listed on the agenda, but took no reportable action.

PROCLAMATION:

A. Proclamation

1. Mayor Warren and City Council to proclaim September 22, 2023, as Native American Day (District Director, Vanessa Brierty, to present).

Mayor Warren and City Council proclaimed September 22, 2023, as Native American Day, Vanessa Brierty accepted.

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

Mayor Warren and City Council proclaimed the month of September as Senior Center Month, Community Services Supervisor Douglas Johnson accepted the proclamation.

3. Mayor Warren and City Council to proclaim September 24, 2023, as National Public Lands Day (Community Services Coordinator Jordan Gionet to present).

Mayor Warren and City Council proclaimed September 24, 2023, as National Public Lands Day, Community Services Coordinator Jordan Gionet accepted the proclamation.

SPECIAL PRESENTATIONS:

Mayor Warren and City Council recognized Scripps National Spelling Bee participant Jup Singh.

Mayor Warren and City Council recognized District 71 Fontana Little League Championship Teams from Fontana American Little League, Fontana Community Little League, Fontana Elks Little League, and Southridge Little League.

Mayor Warren and City Council recognized Fontana Police Department's July 2023 Employees of the Month Corporal Christopher Gonzales, Officers Joshua Carreon, Mark Ruff, and Community Policing Technician Heather Howard.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

Rebecca Gonzalez expressed support for Fontana Little League and discussed concerns with Council Member Sandoval.

Mark Richini spoke in opposition of Planned Parenthood.

Michael Townsend, on behalf of Assemblyman Reyes, commended the Council on the downtown revitalization and for all the special recognitions given to staff and the community at tonight's meeting.

CONSENT CALENDAR:

ACTION: Motion was made by Council Member Cothran, seconded by Mayor Pro Tem Garcia, and passed unanimously by a vote of 5-0 to approve the Consent Calendar. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None ABSENT: None

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|----|--|---------|
| A. | Approval of Minutes | 21-2395 |
| B. | Adoption of Ordinance No. 1923 (Second Reading) | 21-2394 |
| C. | Adopt a Resolution Adopting a New Job Description and Salary Range for the Emergency Services Coordinator Classification
Adopt a Resolution Adopting a New Job Description and Salary Range for the Emergency Services Coordinator Classification | 21-2382 |
| D. | Final Acceptance of Street and Sewer Improvements on Banana Avenue for Tract No. 18135 | 21-2392 |
| E. | Business License Compliance Program | 21-2406 |
| F. | Acceptance of Final Map for Parcel Map No. 20585 and Abandonment of a Certain Portion of Right of Way of Banana Avenue
Acceptance of Final Map for Parcel Map No. 20585 and Abandonment of a Certain Portion of Right of Way of Banana Avenue
Attachments: Parcel Map 20585.pdf
Land Improvement Agreement.pdf
Vicinity Map.pdf | 21-2409 |
| G. | Award a Construction Contract for the Blanchard Avenue Sidewalk Gap Project
Award a Construction Contract for the Blanchard Avenue Sidewalk Gap Project | 21-2417 |

Attachments: [Vicinity Map](#)
[Bid Results](#)
[Bid Detail](#)

- H.** Approve a Contract with TA Mentoring Services LLC for the Noble Youth Program to be delivered at Fontana Expanded Learning Program school sites. **21-2419**
Approve a Contract with TA Mentoring Services LLC for the Noble Youth Program to be delivered at Fontana Expanded Learning Program school sites.
Attachments: [TA Mentoring Services FELP 23-24.pdf](#)
[FELP TA Mentoring Services Agreement 23-24.pdf](#)
- I.** Approve a Contract EBK & Company LLC to provide and deliver the US Engineering League for the Fontana Expanded Learning Program. **21-2420**
Approve a Contract EBK & Company LLC to provide and deliver the US Engineering League for the Fontana Expanded Learning Program.
Attachments: [USEL FELP Quote 2023 24.pdf](#)
[FELP EBK Agreement 23-24.pdf](#)
- J.** Approve the purchase of Sandy Spin Inc. Skillastics Speed Stacks curriculum to be delivered at Fontana Expanded Learning Program's school sites. **21-2421**
Approve the purchase of Sandy Spin Inc. Skillastics Speed Stacks curriculum to be delivered at Fontana Expanded Learning Program's school sites.
Attachments: [Skillastics Quote.pdf](#)
- K.** Approve the purchase ZTag curriculum to be delivered at Fontana Expanded Learning Program's school sites. **21-2422**
Approve the purchase ZTag curriculum to be delivered at Fontana Expanded Learning Program's school sites.
Attachments: [ZTAGQuote-001083.pdf](#)
- L.** Approve an Encroachment Agreement to Construct and Maintain Improvements Beneath the Etiwanda Avenue Overpass **21-2423**
Approve an Encroachment Agreement to Construct and Maintain Improvements Beneath the Etiwanda Avenue Overpass
Attachments: [Encroachment Agreement.pdf](#)
[Vicinity Map.pdf](#)
- M.** Award bid for the Active Transportation Program (ATP) Safe Routes to School (SRTS) Pedestrian Improvements Project on **21-2424**

Ramona, Alder, Locust Avenue Project [Federal ID No. ATPSB1L-5307(027)] (Bid No. SB-67-DE-23).

Award bid for the Active Transportation Program (ATP) Safe Routes to School (SRTS) Pedestrian Improvements Project on Ramona, Alder, Locust Avenue Project [Federal ID No. ATPSB1L-5307(027)] (Bid No. SB-67-DE-23).

Attachments: [Vicinity Map.pdf](#)
[Bid Results.pdf](#)
[Bid Detail.pdf](#)

N. Award a Contract for the Demolition of Slovene Hall. **21-2425**

Award a Contract for the Demolition of Slovene Hall.

Attachments: [Vendor Notification PW-24-SB-04.pdf](#)
[Interior Demolition Bid - PW-24-SB-04.pdf](#)

[Demolition.pdf](#)

O. Award a Construction Contract for the Arrow Boulevard at Cypress Avenue Traffic Signal Project (Bid No. SB-162-DE-23). **21-2426**

Award a Construction Contract for the Arrow Boulevard at Cypress Avenue Traffic Signal Project (Bid No. SB-162-DE-23).

Attachments: [Vicinity Map](#)
[Bid Results](#)
[Bid Detail](#)

P. Award bid (SB-112-CS23) to Carreras Tours LLC., to provide bussing transportation for the Fontana Expanded Learning Program. **21-2427**

Award bid (SB-112-CS23) to Carreras Tours LLC., to provide bussing transportation for the Fontana Expanded Learning Program.

Attachments: [Carreras Rates.pdf](#)

Q. Approve a Task Order for Engineering Design Services for the Courtplace Housing Development Project (Infrastructure Improvements) **21-2430**

Approve a Task Order for Engineering Design Services for the Courtplace Housing Development Project (Infrastructure Improvements)

Attachments: [Vicinity Map \(Courtplace Housing Development Project\).pdf](#)
[TKE Proposal & Fee Schedule \(SQ-87-DE-19-58\).pdf](#)
[Evaluation Form Tabulation \(SQ-87-DE-19-58\).pdf](#)

R. Police Department Monthly Information Update **21-2432**
Police Department Monthly Information Update

Attachments: [July 2023 Report for City Council Rev.pptx](#)

- S.** Authorize the Purchase of a 570N EP Skip Loader from **21-2433**
Sonsray Machinery.
Authorize the Purchase of a 570N EP Skip Loader from Sonsray Machinery.

Attachments: [8-23 Unit 14497 Case Skiploader Quote.pdf](#)
[Case Sourcewell.pdf](#)

- T.** Authorize the Purchase of a Altec AT37G Aerial Truck. **21-2434**
Authorize the Purchase of a Altec AT37G Aerial Truck.

Attachments: [8-23 Unit 11435 Altec Quote.pdf](#)
[Sourcewell Altec #110421.pdf](#)

- U.** Approve Crossing Guard Service Agreement between Fontana **21-2439**
Unified School District, Etiwanda School District, and the City of
Fontana
Approve Crossing Guard Service Agreement between Fontana Unified
School District, Etiwanda School District, and the City of Fontana

Attachments: [FUSD Xing Guard exp 2024.pdf](#)

- V.** Award a Construction Contract for the S. Highland Avenue at **21-2441**
Mango Avenue Traffic Signal Project (Bid No. SB-97-DE-23).
Award a Construction Contract for the S. Highland Avenue at Mango Avenue
Traffic Signal Project (Bid No. SB-97-DE-23).

Attachments: [Vicinity Map](#)
[Bid Results](#)
[Bid Detail](#)

- W.** Award a Construction Contract for the Active Transportation **21-2442**
Program (ATP) Fontana Safe Routes to School (SRTS) Gap
Closure Project [Federal ID No. ATPSB1L-5307(029)] (Bid No.
DE-24-SB-01).
Award a Construction Contract for the Active Transportation Program (ATP)
Fontana Safe Routes to School (SRTS) Gap Closure Project [Federal ID No.
ATPSB1L-5307(029)] (Bid No. DE-24-SB-01).

Attachments: [Vicinity Map](#)
[Bid Results](#)
[Bid Detail](#)

- X.** Award a Construction Contract for the Alder Middle School Safe **21-2443**
Routes to School (SRTS) Project on (Bid No. SB-146-DE-23).
Award a Construction Contract for the Alder Middle School Safe Routes to
School (SRTS) Project on (Bid No. SB-146-DE-23).

Attachments: [Vicinity Map](#)
[Bid Results](#)
[Bid Detail](#)

- Y.** Declaring Surplus Land - Property located at 14355 Foothill Boulevard **21-2450**
Declaring Surplus Land - Property located at 14355 Foothill Boulevard
Attachments: [Attachment No. 1 - SLA Resolution Foothill Blvd](#)
[Attachment No. 2 - Notice of Availability Surplus Land Foothill Blvd](#)
- Z.** Award a Contract for the interior renovation for Stage RED **21-2452**
Award a Contract for the interior renovation for Stage RED
Attachments: [Attachment No. 1 - Notice Invitiing Sealed Bids](#)
- AA.** Award of Contracts for Plan Review and Inspection Services **21-2453**
For The Building & Safety Department.
Award of Contracts for Plan Review and Inspection Services For The Building & Safety Department.
Attachments: [Evaluation Summary BS-24-05-SP.pdf](#)
[4 Leaf Proposal.pdf](#)
[BPR Proposal \(1\).pdf](#)
[Interwest Proposal \(3\).pdf](#)
[Willdan Proposal \(4\).pdf](#)
[Bureau Veritas Proposal \(2\).pdf](#)

PUBLIC HEARINGS:

- A.** Public Hearing for Consolidated Annual Performance Evaluation Report (CAPER). **21-2396**

Mayor Warren opened the Public Hearing.

There was no written correspondences received.

Project Specialist, Mary Aguilar, 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. 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 2022-2023; and
2. Authorize the City Manager to execute and transmit any documents necessary to submit the Consolidated Annual Performance, along with any comments received during the public hearing and public comment period, to the Department of Housing & Urban Development.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Cothran and passed unanimously by a vote of 5-0 to approve staff recommendation on Public Hearing Item “A”. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None ABSENT: None

- B.** First Amendment to Disposition and Development Agreement **21-2472**
(Arrow & Nuevo) with New Legacy Development Corp.

Attachments: [FIRST AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT draft 08.29.2023.pdf](#)

Mayor Warren opened the Public Hearing.

The were no written correspondences received.

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

City Council and staff discussed the current phase of the construction project.

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

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Mayor Council Member Roberts, and passed by a vote of 3-2 to approve staff recommendation on Public Hearing Item “B”. The motion carried by the following vote: AYES: Warren, Garcia, and Roberts; NOES: Cothran and Sandoval; ABSTAIN: None ABSENT: None

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Ballantyne welcomed Deputy City Clerk Christina Rudsell and recognized Specialist to the Deputy City Clerk Susana Gallardo.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks thanked the Community Services Department for their Above the Limits special needs program.

City Clerk Key discussed a recent 9/11 event and commended local business owners who succeeded in keeping their businesses open during the pandemic.

Mayor Pro Tem Garcia commended Fontana’s young student athletes and recognized small business owners for expressing their concerns with illegal street vendors.

Council Member Cothran stated that the City should be proud of all the various items on tonight’s Consent Calendar.

Council Member Sandoval commended Community Services staff for providing event flyers in Spanish and wished his grandsons Christian and Francisco a happy birthday.

Council Member Roberts also recognized Fontana’s young student athletes and discussed concerns with illegal street vendor stating he looked forward to positive results with addressing the issue.

Mayor Warren congratulated the Council on the downtown revitalization effort, thanked staff for addressing the illegal street vendor issue, thanked Commissioner Armando Valles for the Church of Latter-Day Saint’s efforts with providing hygiene products for the homeless population.

ADJOURNMENT:

A. Adjournment

Mayor Warren adjourned the meeting in memory of former San Bernardino County Administrative Officer Mark Herbert Uffer. The meeting adjourned at 8:25 p.m. to the next Regular City Council Meeting on September 26, 2023, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Christina Rudsell
Deputy City Clerk

THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA CITY COUNCIL ON SEPTEMBER 26, 2023.

Germaine Key
City Clerk