

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, March 26, 2024

2:00 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

CLOSED SESSION:

A. 1:00 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, March 26, 2024.

Mayor Warren called the meeting to order at 1:02 p.m., with all members of the City Council present.

PUBLIC COMMUNICATION - CLOSED SESSION:

There were no public communications received for the following items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Gov. Code Section 54956.9(d)(1))

Name of Case: Thomas Anthony Perez v. City of Fontana

Case no. 5:19-cv-01623-DMG (KKx)

CALL TO ORDER/ROLL CALL:

A. 2:00 P.M. Call To Order/Roll Call:

The Regular Meeting of the Fontana City Council was held in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335, on Tuesday, March 26, 2024.

Mayor Warren called the Regular City Council Meeting to order at 2:05 p.m.

ROLL CALL:

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

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

ABSENT: None

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:

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

SPECIAL PRESENTATIONS:

A. Special Presentations

Mayor Warren and City Council recognized Officers Steven Gomez and David Martinez and Dispatcher II Genevieve Blanco as Fontana Police Department's November 2023 Employees of the Month.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

Tarik A. spoke in support of Planned Parenthood.

Micah Rose spoke in support of Planned Parenthood.

Andrea Schmidt spoke in support of Planned Parenthood.

Alexis Claiborne spoke in support of Planned Parenthood.

Susana Morales spoke in opposition of Planned Parenthood.

Ulysses M. spoke in support of Planned Parenthood.

Mark Richicci spoke in opposition of Planned Parenthood.

Rebecca P. spoke in opposition of Planned Parenthood.

Maria P. spoke in opposition of Planned Parenthood.

Mary Kay W. of Life Choice spoke in opposition of Planned Parenthood.

Paul Padilla spoke in opposition of Planned Parenthood.

Margo Alducin spoke in opposition of Planned Parenthood.

Robert Aguirre asked if sidewalks and curbs would be included in the Jurupa and Cherry Avenue project. Also asked about low-income programs for local families.

CONSENT CALENDAR:

Mayor Warren requested that Consent Calendar Item “G” be pulled for discussion.

Prior to the motion being made, Council Member Cothran recused himself from Consent Calendar Item “E” on the Consent Calendar due to real estate holdings within the project area.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Roberts, and passed by a vote of 5-0 to approve Consent Calendar Items “A-H” with Council Member Cothran abstaining on Item “E.” The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None; ABSENT: None

- A. Approval of Minutes 21-2903**
Approve the minutes of the March 12, 2024, Regular City Council Meeting.
- B. Approve Amendment No. 2 to Task Order No. 3 with David Evans and Associates, Inc. for Landscape Plan Check and Inspection Review Services 21-2867**
1. Approve and authorize the City Manager to execute an Amendment No. 2 to Task Order No. 3 with David Evans and Associates, Inc. in the amount of \$47,000 and an amended task order total of \$140,000 for additional landscape plan check and inspection services.
 2. Approve and authorize the City Manager to execute any future amendments to Task Order No. 3 with David Evans and Associates, Inc.
- C. Accept a Grant and Approve and Authorize City Manager to Execute the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Agreement in the amount of \$15,000,000 for the Building a Better Connected Inland Empire Project at Cherry Avenue and Victoria Avenue within the Westgate Specific Plan Area 21-2883**
1. Authorize and approve the City Manager to execute the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant agreement for the Building a Better Connected Inland Empire project at Cherry Avenue and Victoria Avenue within the Westgate Specific Plan area.
 2. Accept \$15,000,000 Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant from Federal Highway Administration (FHWA) for the Building a Better Connected Inland Empire project at Cherry Avenue and Victoria Avenue within the Westgate Specific Plan area.

- D. Final Acceptance of Street, Storm Drain, Sewer, Landscape, and Signing & Striping Improvements on the northeast corner of Sierra Avenue and Segovia Lane for Tract No. 18944** **21-2891**
1. Accept as complete the street, storm drain, sewer, landscape, and signing & striping improvements for Tract No. 18944, located on the northeast corner of Sierra Avenue and Segovia Lane.
 2. Adopt **Resolution No. 2024-010**, accepting sewers in Tract No. 18944 as part of the City sewer system.
- E. Award a Construction Bid for the Village of Heritage North, South, and West Pavement Rehabilitation Project** **21-2896**
1. Award bid and authorize the City Manager to execute a construction contract with LCR Earthwork & Engineering, Corp. for the construction of the Village of Heritage North, South, and West Pavement Rehabilitation Project, in the amount of \$1,290,941.00 and authorize a 10% contingency in the amount of \$129,094.10 (Bid No. DE-153-23-SB)
 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 Village of Heritage North, South, and West Pavement Rehabilitation Project.
- F. County Second District Supervisor Senior Scholarship Program Memorandum of Understanding** **21-2902**
- Authorize the Community Services Department to enter into a Memorandum of Understanding with San Bernardino County, Second District Supervisor, Jesse Armendarez.
- G. Small Business Revolving Loan Program** **21-2906**
1. Authorize the City Manager to establish and implement a Revolving Loan Fund Program in the amount of \$530,000.
 2. Authorize the City Manager to enter into agreement with AmPac to administer the loan program.

Economic Development Analyst Rhonesia Perry provided the staff report.

Mayor Warren stated that she looked forward to implementing the program in Fontana.

Council Member Cothran thanked staff for their hard work and stated that he is excited for the mentorship and expansion the program would bring to local businesses. Asked the Council for their support to make the program a reality.

**H. Out-Of-Area Sewer Service Agreement (ANX No. 23-001), 21-2920
between the City of Fontana and Maria Lourdes Burciaga, for
the sewer service provided by the City of Fontana to 14775
Carmel Street (APN: 0231-251-37).**

1. Find that the project is Exempt pursuant to Section No. 15268(b)(4) (Ministerial Project, Utility Connection) of the California Environmental Quality Act (CEQA) and, direct staff to file a Notice of Exemption; and,
2. Approve and authorize the City Manager to execute an Out-Of- Area Sewer Service Agreement (ANX No. 23-001) with Maria Lourdes Burciaga, for the provision of sewer service to an existing single-family residence located at 14775 Carmel Street, within the western sphere of influence of the City of Fontana.

PUBLIC HEARINGS:

**A. Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed 21-2890
Abatement Accounts**

1. Authorize staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in Certified Lien List and direct staff to forward recorded liens to the County for collection.
2. Authorize staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the Certified Lien List and direct staff to forward recorded liens to the County for collection.
3. Adopt **Resolution No. 2024-011**, of the City Council of the City of Fontana adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof.

Mayor Warren opened the public hearing.

City Clerk Key stated there were no written communications received for this item.

Revenue Operations Manager Lisa Conlon 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 Sandoval, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to approve 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. Public Hearing and Adoption of HUD Community Development 21-2897 Block Grant, HOME Investment Partnerships Program, and Emergency Solutions Grant 2024 Annual Action Plan

1. Adopt the draft FY2024-25 Annual Action Plan for Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) programming;
2. 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 ensure the City's timely receipt and execution of Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), and Emergency Solutions Grant (ESG) programs;
3. 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 Community Development Block Grant (CDBG) Acquisition, Rehabilitation, and Rental Program including but not limited to property purchase agreements.

Mayor Warren opened the public hearing.

City Clerk Key stated there were no written communications received for this item.

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 Cothran, seconded by Mayor Pro Tem Garcia, and passed unanimously by a vote of 5-0 to approve Public Hearing Item "B." The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None; ABSENT: None

C. Proposal for Mandating Electronic Filing of Campaign Finance 21-2857 Disclosure Statements and Statements of Economic Interests and Implementation of a Campaign Sign Deposit

1. Read by title only and waive further reading of and introduce **Ordinance No. 1942** amending Chapter 7, Article III of the Fontana Municipal Code, regarding mandating electronic and paperless filing of Campaign Finance Disclosure Statements and Statements of Economic Interests.
2. Adopt **Resolution No. 2024-012**, adopting a refundable campaign sign deposit.

Mayor Warren opened the public hearing.

City Clerk Key stated there was one (1) written communication received in opposition for this item.

Deputy City Manager Ray Ebert provided the staff report.

Council Member Sandoval asked how the fee was determined and asked if a deposit would be charged per sign. Also expressed concerns with only charging local candidates the sign deposit.

City Manager Matthew Ballantyne stated the City would attempt to collect from candidates for outside office and not just local municipal election candidates.

The following individuals spoke in opposition of the item:

1. Bobbi Jo Chavarria
2. Jennifer Cardenas

Mayor Warren explained that the City Clerk meets individually with each potential candidate and explains the process for running for municipal office.

Mayor Warren asked if staff could research other options to the campaign sign deposit requirement such as hardship exemptions, campaign expenditure limitations, etc.

Council Member Cothran suggested implementing a waiver that candidates could sign if they did not intend on putting up campaign signs.

Mayor Warren closed the public hearing.

ACTION: Motion was made by Mayor Warren, seconded by Council Member Roberts, and passed by a vote of 4-1 to approve Public Hearing Item “C-1” and provide direction to staff on Public Hearing Item “C-2.” The motion carried by the following vote: AYES: Warren, Garcia, Cothran and Roberts; NOES: Sandoval; ABSTAIN: None; ABSENT: None

PUBLIC COMMUNICATIONS - CONTINUED:

Werlinda Carrillo spoke in opposition of Planned Parenthood.

Eugenio Torres spoke in opposition of Planned Parenthood.

Robert Garcia spoke in support of Planned Parenthood.

A representative with the Western State Carpenters Local 909 discussed concerns with construction industry tax fraud.

Bobbi Jo Chavarria spoke in support of Planned Parenthood.

Jennifer Cardenas spoke in support of Planned Parenthood.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Matthew Ballantyne mentioned that the campaign sign deposit item was brought to the Council for consideration due to the amount of sign complaints staff had responded to.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks announced the birth of her grandson Matteo Richard.

City Clerk Key congratulated City Treasurer Koehler-Brooks on her first grandchild and offered condolences to the Cruz family.

Council Member Cothran thanked the Council for their support of the Small Business Revolving Loan Program. Also discussed the recent Civic Well conference he attended.

Mayor Pro Tem Garcia did not have any comments.

Council Member Roberts expressed condolences to the Cruz family and to the family of local resident James Harley.

Council Member Sandoval congratulated City Treasurer Koehler-Brooks on her first grandchild and thanked Public Works staff for the recent sidewalk repairs. Asked Fire Chief Birchfield if badges could be provided for his grandson's upcoming open house. Also expressed condolences to the family of James Harley.

Mayor Warren discussed a recent visit to China, the Wuxi International Celebration and a possible sister city adoption that would be brought to the Council for consideration. Also thanked the public for their feedback on the recent Spectrum interview and wished all a happy Easter.

ADJOURNMENT:

A. Adjournment

Mayor Warren and the City Council led a moment of silence in memory of the following individuals:

1. James Harley

Mayor Warren adjourned the meeting at 4:01 p.m. to the next Regular City Council Meeting on Tuesday, April 9, 2024, at 2:00 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 APRIL 9, 2024.

Germaine Key
City Clerk