

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Regular Agenda

Next: Ord. No. 1875 Reso. No. 2021-099

Tuesday, September 28, 2021

7:00 PM

Grover W. Taylor Council Chambers

City Council Meeting

Acquanetta Warren - Mayor
Phillip W. Cothran - Mayor Pro Tem
John B. Roberts - Council Member
Jesus "Jesse" Sandoval - Council Member
Peter A. Garcia - Council Member
Tonia Lewis - City Clerk
Janet Koehler-Brooks - City Treasurer

Welcome to a meeting of the Fontana City Council.

Welcome to a meeting of the Fontana City Council. A complete agenda packet is located in the binder on the table in the lobby of the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335. To address the Council, please fill out a card located at the entrance to the right indicating your desire to speak on either a specific agenda item or under Public Communications and give it to the City Clerk. Your name will be called when it is your turn to speak. In compliance with Americans with Disabilities Act, the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335 is wheelchair accessible, and a portable microphone is available. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335.

Traducción en Español disponible a petición. Favor de notificar al Departamento "City Clerk". Para mayor información, favor de marcar el número (909) 350-7602.

WORKSHOP:

A. 5:00 P.M. Joint City Council and Planning Commission Workshop

- (A) SB 2 Grant (Downtown) Update (Principal Planner [21-847](tel:9093507602) DiTanyon Johnson to present);
- (B) Pavement Management (Director of Public Works Keith Kramer to present);
- (C) Public Comments;
- (D) Agenda Review; and
- (E) City Manager Comments

PUBLIC COMMUNICATION - CLOSED SESSION:

This is an opportunity for citizens to speak to the City Council for up to 3 minutes on the following Closed Session. The Mayor and City Council reserve the right to adjust this time limit based on the number of speakers who wish to address the Mayor and City Council.

A. Public Communications - Closed Session

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

- CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6** **21-848**
- City Negotiator: Mark Denny, City Manager and Rakesha Thomas,**
- Director of Human Resources and Risk Management**
- Employee Organization(s): Teamsters Local 1932 City Hall Bargaining Unit;**
- Teamsters Local 1932 Yard Bargaining Unit; and**

Management/Confidential Employees

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR
PURSUANT TO GOVERNMENT CODE SECTION 54956.8:**

Property: APN #025510122 & #025510123

Property Owner: City of Fontana

Negotiating: Price & Terms

**Negotiating Parties: Mark Denny, City Manager & The
Related Companies**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED
LITIGATION - INITIATION OF LITIGATION pursuant to
Paragraph (4) subdivision (d) of Section 54956.9: one
potential case.**

**PUBLIC EMPLOYEE APPOINTMENT pursuant to
Government Code Section 54957: Interim City Manager**

**CONFERENCE WITH LEGAL COUNSEL— SIGNIFICANT
EXPOSURE TO LITIGATION, pursuant to Government Code
section 54956.9(d)(2)) - One (1) potential case.**

**CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION**

(Paragraph (1) of subdivision (d) of Section 54956.9)

**Name of case: Sierra Club v. City of Fontana, et al. San
Bernardino**

Superior Court Case No. CIVSB2121605; and

People of the State of California v. City of Fontana, et al.

San Bernardino Superior Court Case No. CIVSB2121829

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Gov. Code section 54956.8)**

**Property: Various locations including: Baseline/15 Fwy,
Citrus and Sierra Lakes Pkwy, Citrus and South Highland
Avenue, Cherry and San Bernardino Avenue, and Jessie
Turner Center.**

City Negotiator: Mark Denny, City Manager

Negotiating Parties: Lamar Central Outdoor, LLC

Under Negotiation: Price and terms of payment

CALL TO ORDER/ROLL CALL:

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

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Fontana Police Department Chaplain Jason Torres/ Pledge of Allegiance**PROCLAMATION:**

- A. Mayor Warren and City Council to proclaim October as Community Planning Month (Principal Planner DiTanyon Johnson to present).** [21-693](#)

SPECIAL PRESENTATIONS:

- A. Mayor Warren and City Council to recognize Management Services Director/ Deputy City Treasurer Lisa Strong on her retirement (Mayor Warren, City Council and City Manager Mark Denny to present).** [21-892](#)
- B. Mayor Warren and City Council to recognize Corporal Christopher Romo, Officer Taylor Hart, Officer Chad Ebli, Officer Mark Ruff and Records Specialist Curran Mitchell as the Police Department's August 2021 Employees of the Month (Captain Burton and Captain Stover to present).**

PUBLIC COMMUNICATIONS:

This is an opportunity for citizens to speak to the City Council for up to 3 minutes on items not on the Agenda, but within the City Council's jurisdiction. The Mayor and City Council reserve the right to adjust this time limit based on the number of speakers who wish to address the Mayor and City Council. The Council is prohibited by law from discussing or taking immediate action on non-agendized items.

A. Public Communications**CONSENT CALENDAR:**

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for discussion. Does any member of the public wish to address the City Council regarding any item on the Consent Calendar before the vote is taken?

- A. Approval of Minutes** [21-907](#)
Approve the minutes of the September 14, 2021, City Council Meeting.
Attachments: [Minutes - 09.14.2021](#)
- B. Approve Crossing Guard Service Agreement between Fontana Unified School District, Etiwanda School District, and the City of Fontana** [21-894](#)
1. Approve 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 and up to a maximum of five (5) additional one-year terms. The contract rate is \$23.31 per hour for the first term of the contract;

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 \$30,420.00.

Attachments: [Fontana USD Crossing Guard Services Agreement](#)

C. Approve Replacement of Securities for Tract No. 17039 [21-875](#)

Approve replacement of securities for infrastructure improvements of Tract No. 17039 and authorize the City Manager to enter into a Subdivision Agreement with Richmond American Homes of Maryland, Inc. for construction of infrastructure improvements.

Attachments: [Tract 17039 Vicinity Map](#)
[Subdivision Improvement Agreement Tract Map No. 17039](#)

D. Apply and Accept Reimbursement from Transportation Development Act (TDA) Funding. [21-866](#)

Authorize the Public Works Department to apply and accept reimbursement funding from the Transportation Development Act (TDA) funding for Bike and Pedestrian Route Maintenance.

E. Approve Agreements between City of Fontana and the Enterprise Fleet Management Inc. [21-889](#)

1. Approve the City Manager or his assigned designee to sign the Master Equity Lease Agreement, Maintenance Agreement and a Maintenance Management and Fleet Rental Agreement with Enterprise Fleet Management, Inc., for five test vehicles.

2. Authorize an approved list of Authorized Signers to allow designated staff to execute Enterprise Schedules to the Master Lease Agreement for individual motor vehicles together with any other necessary documents in connection with those Schedules.

Attachments: [Master Equity Lease Contract](#)
[Enterprise Full Maintenance Contract](#)
[Sourcewell Enterprise Acceptance and Award](#)
[Copy of Lease Pricing Sheet Sept 16th](#)

F. Police Department Monthly Information Update [21-887](#)

Accept the Police Department monthly information update for August 2021.

Attachments: [August 2021 Report for City Council](#)

G. Resolution approving Amendment to Five-Year Permanent Local Housing Allocation Plan [21-880](#)

Adopt **Resolution No. 2021-_____**, approving the amendment to the five-year Permanent Local Housing Allocation (PLHA) Plan that will be submitted to the California Department of Housing and Community Development (HCD).

Attachments: [Resoultion PHLA Amendment 082221 \(002\)](#)

H. Resolution Ratifying the Memorandum of Understanding Between the City of Fontana and the Fontana Police Benefit Association [21-901](#)

Adopt **Resolution No. 2021-_____** a Resolution of the City Council of the City of Fontana ratifying the Memorandum of Understanding between the City of Fontana and the Fontana Police Benefit Association.

Attachments: [PBA MOU](#)
[Resolution Ratifying PBA MOU 10/26/21](#)

Approve Consent Calendar Item as recommended by staff.

PUBLIC HEARINGS:

To speak on Public Hearing Items, submit comments via e-mail at publiccomments@fontana.org. In the subject of your e-mail please indicate whether you are in favor or opposition of the item. Comments must be received no later than 5:00 P.M. on the day of the meeting. Comments of no more than three (3) minutes will be read into the record at the appropriate time during the meeting. If you challenge in court any action taken concerning a Public Hearing item, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City at, or prior to, the Public Hearing.

All Public Hearings will be conducted following this format:

- (a) hearing opened
- (b) written communication
- (c) council/staff comments
- (d) applicant comments (applicant not limited to 5 minutes)
- (e) oral - favor
- (f) oral - opposition
- (g) hearing closed

A. Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts [21-885](#)

1. Authorize staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the

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. 2021-___**, 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.

Attachments: [Public Hearing Notice - Rubbish Liens](#)
[Public Hearing Notice - Sewer Liens](#)
[Public Hearing Notice - Weed Liens](#)
[Weed Abatement Resolution September 2021](#)

- B. Appeal No. 21-003: A request to overturn the Planning Commission's decision on July 6, 2021, approving Master Case No. 21-034 for Design Review No. 21-003 pursuant to a CEQA Guidelines Section 15332 Categorical Exemption for the development of an approximately 4.07 acre site with a proposed warehouse building totaling approximately 92,433 square feet located on the northwest corner of Valley Boulevard and Catawba Avenue at 15894 Valley Boulevard (APN: 0235-141-04)** [21-886](#)

Deny Appeal No. 21-003, and uphold the Planning Commission's decision on July 6th, 2021, approving Master Case No. 21-034 for Design Review No. 21-003 pursuant to a California Environmental Quality Act ("CEQA") Guidelines Section 15332 Categorical Exemption for the development of an approximately 4.07 acre site with a proposed warehouse building totaling approximately 92,433 square feet located on the northwest corner of Valley Boulevard and Catawba Avenue at 15894 Valley Boulevard (APN: 0235-141-04).

Attachments: [Attachment 1 Appeal Letter](#)
[Attachment 2 - Vicinity Map](#)
[Attachment 3 - Site Plan](#)
[Attachment 4 - Elevations and Rendering](#)
[Attachment 5 PC Report July 6, 2021](#)
[Attachment 6 -PC Meeting Minutes](#)
[Attachment 7 Response to Appeal 9 8 21\[1\]](#)
[Attachment 8 Additional Conditions of Approval\[1\]](#)
[Attachment 9 Public Notice](#)
[Attachment No. 10 Categorical Exemption Report](#)

NEW BUSINESS:**A. Issuance of Special Tax Bonds for CFD #31 (Citrus Heights North) [21-751](#)**

Adopt **Resolution No. 2021-_____** of the City Council of the City of Fontana authorizing the issuance of City of Fontana Community Facilities District No. 31 (Citrus Heights North) Special Tax Bonds, Series 2021, in an aggregate principal amount of not to exceed \$9,500,000, authorizing the execution and delivery of a First Supplemental Indenture, a Bond Purchase Agreement and a Continuing Disclosure Agreement, authorizing the distribution of an Official Statement in connection therewith and authorizing the execution of necessary documents and certificates and related actions.

Attachments: [First Supplemental Indenture](#)
[Continuing Disclosure Agreement](#)
[Bond Purchase Agreement](#)
[Preliminary Official Statement](#)
[Third Amendment to Acquisition and Funding Agreement](#)
[Final Appraisal Report](#)

B. Interim City Manager Employment Agreement [21-922](#)

Approve the Interim City Manager Employment Agreement (Attachment A)

Attachments: [Yauchzee, S Interim City Manager Contract](#)
[Resolution Approving the Interim City Manager Employment Agreement](#)

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**A. Elected Officials Communications/Reports****CITY MANAGER COMMUNICATIONS:****A. City Manager Communications****ADJOURNMENT:****A. Adjournment**

To the next Regular City Council Meeting on Tuesday, October 12, 2021 at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Ave, Fontana, California.