

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

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

WORKSHOP:

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

The Joint City Council and Planning Commission Workshop on Tuesday, September 28, 2021, convened at 5:02 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order with all members of the City Council present. Planning Commission Chair Fort and Commissioner Thrasher were present. Vice-Chair Sangha, Commissioners Sanchez and Gordon were absent.

City Treasurer Koehler-Brooks was also in attendance.

The City Council Regular meeting agenda was reviewed and Mayor Warren noted for the record that Consent Calendar Item 'H' was removed from the agenda by staff and will not be motioned for approval at tonight's meeting. In addition, Fire Protection District Consent Calendar Item 'B' was also removed from the agenda by staff and will not be motioned for approval at tonight's meeting.

City Manager's comments were heard.

There were no public communications received.

Principal Planner DiTanyon Johnson introduced DeNovo Planning Group Senior Planner, Kelly Hickler, to present on the SB 2 Grant (Downtown) Update.

There were no comments on the presentation from the Planning Commission.

Mayor Warren thanked staff and the presenters.

Pavement Management Item 'B' was tabled to a future date due to lack of sufficient time.

The Workshop adjourned at 6:00 p.m.

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

A Closed Session was held in the City Hall Executive Conference Room at 6:00 p.m. with Mayor Warren, Mayor Pro Tem Cothran, Council Members Garcia, Roberts and Sandoval present.

PUBLIC COMMUNICATION - CLOSED SESSION:

A. Public Communications - Closed Session

There were no public communications received on the following closed session items:

**CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54957.6**

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:

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 28, 2021. Mayor Warren called the meeting to order at 7:05 p.m.

ROLL CALL:

Present: Mayor Warren, Mayor Pro Tem Cothran, Council Members Garcia, Roberts, and Sandoval. City Treasurer Koehler-Brooks was also present.

Absent: None.

INVOCATION/PLEDGE OF ALLEGIANCE:

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

Following the invocation by Fontana Police Chaplain Jason Torres, the Pledge of Allegiance was led by Mayor Pro Tem Cothran.

CLOSED SESSION ANNOUNCEMENT

PROCLAMATION:

21-693

A. Mayor Warren and City Council to proclaim October as Community Planning Month (Principal Planner DiTanyon Johnson to present).

The Mayor and City Council proclaimed October 2021 as Community Planning Month with the assistance of Principal Planner DiTanyon Johnson.

SPECIAL PRESENTATIONS:

21-892

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).

The Mayor and City Council recognized Management Services Director and Deputy City Treasurer Lisa Strong for her 32 years of service to the City of Fontana and congratulated her on her retirement. City Manager Mark Denny thanked Lisa for her service to the organization and wished her a peaceful retirement.

B. Mayor Warren and City Council to recognize Corporal Christopher Romo, Officer Taylor Hart, 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).

Captain Burton recognized Corporal Christopher Romo, Officer Taylor Hart, Officer Chad Ebli, and Officer Mark Ruff as the Police Department's August 2021 Employees of the Month. Lieutenant Kraut recognized Records Specialist Curran Mitchell as the Police Department's August 2021 Employee of the Month.

PUBLIC COMMUNICATIONS:**A. Public Communications**

The following individuals spoke under public communications:

Heather Parsons, representing Chaffey College, introduced the Fontana Chaffey College Campus incoming Dean Amy Nevarez, to the City Council and Fontana Community.

Joe Armendarez spoke on air quality within Fontana and highlighted the upcoming Mayor Education Coalition meeting and events.

Bill Blankenship spoke on behalf of a recent meeting with City staff regarding the City's efforts to codify a new development ordinance related to warehouse uses.

CONSENT CALENDAR:

No public communications were received.

ACTION: Motion was made by Mayor Pro Tem Cothran, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to adopt Consent Calendar Items 'A-G' . Consent Calendar Item "H" was removed from the agenda by City staff and was not apart of the motion. The motion carried by the following vote: (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN: None)

- | | | |
|-----------|---|----------------------|
| A. | Approval of Minutes | <u>21-907</u> |
| | Approve the minutes of the September 14, 2021, City Council Meeting. | |
| B. | Approve Crossing Guard Service Agreement between Fontana Unified School District, Etiwanda School District, and the City of Fontana | <u>21-894</u> |
| | <p>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;</p> <p>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.</p> | |
| C. | Approve replacement of securities for Tract No. 17039 within the Citrus Heights North Specific Plan (Shady Trails). | <u>21-875</u> |
| | 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. | |
| D. | Apply and Accept Reimbursement from Transportation Development Act (TDA) Funding. | <u>21-866</u> |

- 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.
- F.** Police Department Monthly Information Update **21-887**
Accept the Police Department monthly information update for August 2021.
- G.** Resolution approving Amendment to Five-Year Permanent Local Housing Allocation Plan **21-880**
Adopt **Resolution No. 2021-099**, 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).
- H.** Resolution Ratifying the Memorandum of Understanding Between the City of Fontana and the Fontana Police Benefit Association **21-901**

This item was pulled from the agenda by staff and was not included in the Consent Calendar motion.

NEW BUSINESS:

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

Management Services Director Lisa Strong provided the staff report.

There were no public communications received.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Garcia, and passed unanimously by a vote of 5-0 to adopt Resolution No. 2021-100 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. The motion carried by the following vote: (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN: None)

B. Interim City Manager Employment Agreement 21-922

City Attorney Duran provided the staff report.

No public communications were received.

ACTION: Motion was made by Mayor Pro Tem Cothran, seconded by Council Member Roberts, and passed by a vote of 4-1 to approve the Interim City Manager Employment Agreement and adopt Resolution No. 2021-102. This motion carried by the following vote: (AYES: Warren, Cothran, Garica and Roberts; NOES: Sandoval; ABSTAIN: None)

PUBLIC HEARINGS:

A. Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts 21-885

Mayor Warren opened the Public Hearing.

Accountant II Lisa Conlon provided the staff report.

The following individual spoke in opposition of this item: Mr. Sabala.

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 adopt staff recommendations for Public Hearing Item "A" as follows:

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. 2021-101, 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.

The motion carried by the following vote: (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN: None)

- 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

Mayor Warren opened the public hearing for Public Hearing Item 'B'. Deputy City Clerk Gout noted for the record that staff received 1 letter in support and 75 letters in opposition of this item. Such letters will be entered into the official record.

Senior Planner Paul Gonzales provided the staff report.

The following individuals spoke in support of this item:

Bill Quisenberry
Andrea De Leon
Angel Guterrez
Thomas Ruiz
Jacob Collins
Lauren Flynn
Vick Cook
Jeff Benavidez
David Fuentes
Abigail Pendleton
Payton Cooke
Hayden Yantha
Jonathan Brahim
Joshua Britel
Ryan Marsden
Alyssa Elias
Donnie Petsche
Victor Hernandez
Ivan Castro
Alex Artiaga
Marin Ruiz

The following individuals spoke in opposition of this item:

Danille Luna Pinedo
Karen Daniel
Mary Sandoval
Janet Meza
Elizabeth Sena
Arianna Beltran
Claudia Enriquez
Andrea Meza
Robert Gonzalez
Joaquin Castillegos
Janet Bernabe
Ana Gonzalez
Amina Drayef
Gabriela Mendez
Elisa Rodriguez
Najayra Valdovarios Soto
Maribel Nunez

Esmeralda Segura
Ara Silva
Gabrielle Scott-Thetford
Jayson Baiz

Mayor Warren closed the public hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Garcia, and passed by a vote of 4-1 to deny Appeal No. 21-003, and uphold the Planning Commission's decision on July 6, 2021, approving Master Case No. 21-034 for Design Review No. 21-003 pursuant to 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 92,43 square feet located on the northwest corner of Valley Boulevard and Catawba Avenue at 15894 Valley Boulevard (APN: 0235-141-04). The motion carried by the following vote: (AYES: Warren, Cothran, Garcia, and Roberts; NOES: Sandoval; ABSTAIN: None)

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

No City Manager Communications were received.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks congratulated the Police Department Employees of the Month; congratulated retiring Management Services Director Lisa Strong and thanked her for her 32 years of service; and expressed her condolences to the Sanchez family for the recent loss of Amelia Sanchez.

Council Member Sandoval asked City Attorney Duran to clarify the procedure of voting 'No' on an Item of the Consent Calendar; and announced that September is NICU Awareness Month and shared his reasoning of wearing green.

Council Member Roberts congratulated retiring Management Services Director Lisa Strong for her 32 years of service and closed with his condolences to the Sanchez family for their recent loss of Amelia Sanchez.

Council Member Garcia thanked the public for participating in tonight's meeting; commented on his recent attendance at the League of CAL Cities 2021 Annual Conference in Sacramento, CA; and closed with his condolences to the Sanchez family for their recent loss of Amelia Sanchez.

Mayor Pro Tem Cothran started with expressing his condolences to the Sanchez family for their recent loss of Amelia Sanchez; congratulated retiring Management Services Director Lisa Strong and thanked her for her 32 years of service; recognized the Police Department Employees of the Month; thanked his colleagues for their attendance at the League of CAL Cities 2021 Annual Conference in Sacramento, CA; and closed with ensuring that staff provide the procedure for maintaining safe sidewalks during construction.

Mayor Warren thanked the public for participating in tonight's meeting; reminded the public to respect one another's comments and opinions; commented on recent attendance at the League of CAL Cities 2021 Annual Conference in Sacramento, CA; announced upcoming attendance at the U.S. Conference of Mayors; spoke on upcoming events within the community and closed with her condolences to the Sanchez family for their recent loss of Amelia Sanchez.

ADJOURNMENT:

A. Adjournment

City Council Meeting

Minutes

September 28, 2021

Mayor Warren adjourned the meeting in memory of Amelia Sanchez, wife of Planning Commissioner Sanchez. The meeting adjourned at 9:29 p.m. 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.

Ashton Gout

8B1D2C1ECD65462

Ashton R. Gout, CMC
Deputy City Clerk

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 12TH DAY OF OCTOBER 2021.

Toni Lewis

C790743318624ED...

Toni Lewis
City Clerk

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tlewis@fontana.org
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Evelyne Ssenkoloto
essenkol@fontana.org
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(None)

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Kathy Kasinger

kkasinger@fontana.org

Records Coordinator

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

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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">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

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