

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, October 22, 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 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, October 22, 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: VANESSA HENDERSON V. CITY OF FONTANA, CASE NO. CIVSB2405694

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Government Code section 54956.9(d)(4))

Initiation of litigation: One Potential Case

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Planned Parenthood/Orange and San Bernardino Counties, Inc. vs. City of Fontana

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, October 22, 2024.

Mayor Warren called the Regular City Council Meeting to order at 2:08 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.

PROCLAMATIONS:

A. Proclamations

1. Mayor Warren and the City Council proclaimed October 2024 as National Manufacturing Month, presenting a proclamation to Cynthia Amador of California Manufacturing Technology Consulting.

SPECIAL PRESENTATIONS:

A. Special Presentations

1. Mayor Warren and the City Council recognized Sergeant Tyler Burton, Corporal Katie Beebe, and Officers Samuel Saenz, Christopher Oropesa, Hector Iniguez, Luke Gober, and Derrick Tamanaha as September 2024 Police Department Employees of the Month.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

Frank Atry discussed concerns with the public comment process.

Andrea Boone of the Fontana Police Department discussed concerns with labor negotiations and compensation for public safety personnel compared to other agencies.

Danielle Holley, of the Fontana Chamber of Commerce provided the Chamber Quarterly Update.

Michael Gayles commended the Fontana Police Department. Also thanked the Mayor, Council and staff for their service.

Andrew of the Police Benefit Association, discussed concerns with labor negotiations.

CONSENT CALENDAR:

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

- A. Approval of Minutes 21-3352**
Approve the minutes of the October 8, 2024, Regular City Council Meeting.
- B. Final Acceptance of the Jurupa Avenue Landscape Median Project 21-3310**
Accept as complete the work performed by KASA Construction, Inc. for the construction of the Jurupa Avenue Landscape Median Project (#37600020).
- C. Acceptance of Final Map for Tract No. 20431 21-3330**
1. Approve the Final Map for Tract No. 20431, located on the west side of Cherry Avenue and south of Foothill Boulevard; accept as public dedicated street and easements; and
 2. Authorize the City Manager to enter into a Subdivision Agreement with the subdivider.
- D. Final Acceptance of Street, Storm Drain, Sewer, Landscape, and Signing & Striping Improvements on the northeast corner of Summit Avenue and Citrus Avenue for Tract No. 18825-1 21-3332**
1. Accept as complete the street, storm drain, sewer, landscape, and signing & striping improvements for Tract No. 18825-1, located on the northeast corner of Summit Avenue and Citrus Avenue.
 2. Adopt **Resolution No. 2024-115**, accepting sewers in Tract No. 18825-1 as part of the City sewer system.
- E. Final Acceptance of the Randall Avenue Street Improvement Project, from Catawba Avenue to Citrus Avenue 21-3348**
Accept as complete the work performed by Matich Corporation for the Randall Avenue Street Improvement Project, from Catawba Avenue to Citrus Avenue (#37600048)

- F. Repayment of loan issued from City of Fontana to Stage Red Enterprise 21-3349**
Enterprise
 Approving the MOU for the repayment of a seven hundred fifty thousand dollar (\$750,000) inter-city loan from the City of Fontana General Fund to the Stage Red Enterprise Fund.
- G. Authorization to Share Data with California Franchise Tax Board 21-3368**
 Adopt **Resolution No. 2024-116** of the City Council of the City of Fontana authorizing the City Manager to execute an agreement between the City of Fontana and the State of California Franchise Tax Board in the Local Government Sharing Program.
- H. Accept Donation from San Bernardino County Second District Supervisor, Jesse Armendarez (2024 Veterans Day Celebration) 21-3371**
 Accept donation from San Bernardino County Second District Supervisor, Jesse Armendarez in the amount of \$1,000 for use towards the 2024 Veterans Day Celebration.
- I. Accept Donation from Fontana Unified School Board Member, Adam Perez (2024 Veterans Day Celebration) 21-3372**
 Accept donation from Fontana School Board Member, Adam Perez in the amount of \$1,000.00 for use towards the 2024 Veterans Day Celebration.
- J. Proposed Business License Penalty Fee Waiver for Crown Cedar Inc. 21-3380**
 Consider proposal to waive delinquency fee
- K. A Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Aman Brar for Assessor Parcel Number 0236-052-47. 21-3382**
 1. Staff recommends that the City Council approve the Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Aman Brar for Assessor Parcel Number 0236-052-47.
 2. Authorize the City Manager, or his designees, to sign and approve the Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Aman Brar for Assessor Parcel Number 0236-052-47.
- L. A Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Jadel Enterprises, LLC for Assessor Parcel Number 0236-081-48. 21-3383**

1. Staff recommends that the City Council approve the Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Jadel Enterprises, LLC for Assessor Parcel Number 0236-081-48.
2. Authorize the City Manager, or his designees, to sign and approve the Sum in Lieu of Utility Undergrounding Deferral and Lien Agreement and Sum in Lieu of Utility Undergrounding Lien with Jadel Enterprises, LLC for Assessor Parcel Number 0236-081-48.

PUBLIC HEARINGS:

A. Request to Continue the Public Hearing, Election, and Resolutions on Formation of the City of Fontana Community Facilities District No. 115M (Parcel Map No. 19156) 21-3355

Staff recommends that the City Council open and continue the public hearing on the formation of the City of Fontana Community Facilities District No. 115M, County of San Bernardino, State of California (“CFD No. 115M”), to the December 10, 2024 City Council meeting.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts and passed 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. Public Hearing, Election, and Resolutions on Formation of Community Facilities District No. 116M (Tract Map No. 20511) 21-3356
Immediately after conducting a Public Hearing on the formation of the City of Fontana Community Facilities District No. 116M, County of San Bernardino, State of California (the “District” or “Community Facilities District No. 116M”)

Mayor Warren asked for any members of the public who wish to file a written protest prior to the opening of the public hearing for the Formation of Community Facilities District No. 116M.

There was no one who wished to file a protest.

Mayor Warren opened the public hearing.

City Clerk Key announced that there were no written correspondences received for this item.

Accountant II 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 Mayor Pro Tem Garcia, seconded by Council Member Cothran and passed by a vote of 5-0 to adopt the following:

1. Adopt **Resolution No. 2024-117**, Establishing the City of Fontana Community Facilities District No. 116M and the Boundaries thereof (the “Resolution of Formation”).
2. Adopt **Resolution No. 2024-118**, Calling a Special Election and Submitting to the Voters of Community Facilities District No. 116M a Proposition Regarding the Annual Levy of Special Taxes within Community Facilities District No. 116M to Pay the Costs of Certain Services to be Provided by Community Facilities District No. 116M and a Proposition Establishing an Appropriations Limit for Community Facilities District No. 116M (the “Resolution Calling the Election”).
3. Conduct the Special Election.

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

Following the motion, Mayor Warren asked City Clerk Key to open the ballots and announce the results of the election.

City Clerk Key announced that the City received one ballot in favor of Proposition A and Proposition B.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Sandoval to move the following by a vote of 5-0 as follows:

4. Adopt **Resolution No. 2024-119**, Declaring the Results of the Special Election for Community Facilities District No. 116M on the Propositions with Respect to (i) the Annual Levy of Special Taxes to Pay the Costs of Certain Services to be provided by Community Facilities District No. 116M and (ii) the Establishment of an Appropriations Limit (the “Resolution Declaring Election Results”).
5. Conduct First Reading (Read title only, and waive further reading) of **Ordinance No. 1958**, Authorizing the Levy of a Special Tax within Community Facilities District No. 116M (the “Ordinance”).

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

NEW BUSINESS:

A. New Business

- A. Fiscal Year 2024-25 First Quarter Budget Status Report 21-3344**
Approve the recommended Fiscal Year 2024-25 First Quarter Budget adjustments.

Chief Financial Officer Jessica Brown provided the staff report.

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

- B. Issuance of Special Tax Bonds for CFD #112 (The Gardens Phase One) 21-3358**

Adopt **Resolution No. 2024-120**, of the City Council of the City of Fontana authorizing the issuance of City of Fontana Community Facilities District No. 112 (The Gardens Phase One) Special Tax Bonds, Series 2024, in an aggregate principal amount of not to exceed \$32,000,000, authorizing the execution and delivery of an 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.

Accountant II Justin Marietta provided the staff report.

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

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Matt Ballantyne did not have any comments.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Clerk Key did not have any comments.

City Treasurer Koehler-Brooks did not have any comments.

Council Member Roberts congratulated members of the Police Gang Unit who were recognized at today's meeting.

Council Member Cothran congratulated all local, county, state and federal candidates running in the November 5, 2024, election.

Mayor Pro Tem Garcia provided an update on the recent ribbon cutting ceremonies for the Forge District downtown parking structure and the new fencing at Miller Park.

Mayor Warren expressed her gratitude to the students at Tokay Elementary School for participating in a recent meet-and-greet event. She also shared highlights from the 2024 AARP Livable Communities Conference, where she spoke on behalf of Fontana, one of only three U.S. cities selected to participate. Additionally, Mayor Warren extended her thanks to community members, city staff, and vendors who contributed to the Fresh, Fit, and Fun event, as well as to Kevin Moore from the West Valley Water District for attending today's meeting. She concluded by announcing that today's meeting would be adjourned in memory of Noelle Wiggins from Loveland Church and Narciso Idilio Sanchez, father of Planning Commissioner Idilio Sanchez.

ADJOURNMENT:

A. Adjournment

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

- 1.Noelle Wiggins
- 2.Narciso Idilio Sanchez

Mayor Warren adjourned the meeting at 3:06 p.m. to the Regular City Council Meeting on Tuesday, November 12, 2024, at 2:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Christina Rudsell, CMC
Deputy City Clerk

THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA CITY COUNCIL ON NOVEMBER 12, 2024.

Germaine Key
City Clerk