

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, September 24, 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, September 24, 2024.

Mayor Warren called the meeting to order at 1:00 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: City of Fontana v. Robert Constant. Case #: CIVSB2127040.

2. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Negotiator: Ray Ebert, Deputy City Manager and Rakesha Voss, Director of Human Resources and Risk Management.

Employee Organization(s): Teamsters Local 1932 City Hall Bargaining Unit; Teamsters Local 1932 Yard Bargaining Unit; Police Management Association; Police Benefits Association; Police Officers Association and Management/Confidential Employees.

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Government Code section 54956.9(b))

One Potential Case: Confidential per court order. U.S. District Court Central District of California

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, September 24, 2024.

Mayor Warren called the Regular City Council Meeting to order at 2:04 p.m.

ROLL CALL:

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

City Treasurer Janet Koehler-Brooks was also present.

ABSENT: City Clerk Germaine Key

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

1. Mayor Warren and the City Council swore in new Fontana Police Officers Jeneva Cenicerros, Rosendo Chavez, Anthony Martinez, Andrew O'Brien, Shane Ogle, Daniel Oliver, Gavin Rivers, Ryan Ruff, Anthony Simpson and Holden Sparrow.
2. Mayor Warren and the City Council recognized Officers Steve Reed, Danny Romero and Sal Valencia and Community Policing Technicians Jackie Ayala and Heather Howard, as July 2024 Employees of the Month.
3. Mayor Warren and City Council honored Staff Sergeant, Joseph F. Rodriguez for his service in the United States Marine Corps. Grandparents Roy and Therese Rodriguez accepted a certificate of recognition and retired military banner on his behalf.
4. Hillary Wolfe, of the Fontana Unified School District (FUSD), Ryan Rainbolt, of Enchanted Education, Danielle Jeffers, of Tomorrow's Talent, Deputy City Manager Phillip Burum and Future Shapers Academy students presented models of downtown Fontana's revitalization. Mayor Warren and City Council also presented a proclamation and certificates recognizing the students for their contributions.

PROCLAMATIONS:

A. Proclamations

1. Mayor Warren and the City Council proclaimed September as Emergency

Preparedness Month, presenting a proclamation to Emergency Services Coordinator Eva Terekhova. CERT and LISTOS instructors and participants were also recognized.

Mayor Warren addressed recent comments regarding Fontana in the media and stated that the city would be issuing a response.

RECESS:

Mayor Warren called for a recess at 2:56 p.m.

The meeting resumes at 3:04 p.m. with all members present except Mayor Warren.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

Deborah Hall Lindsey invited the Council and community to attend the upcoming Chill N' Grill BBQ Competition on September 28th.

Bill Freeman discussed concerns about disparaging comments made about Fontana in a recent episode of the ABC series High Potential.

Frank Atry discussed concerns with the Fontana Police Department.

Susan Farmer discussed concerns with transients camping along the Pacific Electric Trail and with debris and lack of maintenance on the trail. Also provided photos of the trail which were forwarded to the Council.

Bishop James of Ephesian New Testament Church discussed concerns about disparaging comments made about Fontana recently.

CONSENT CALENDAR:

Mayor Pro Tem Garcia asked that the feasibility study for Item P. be brought back to Council for review at a future meeting.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed by a vote of 4-0 to approve Consent Calendar Items "A-P." The motion carried by the following vote: AYES: Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None; ABSENT: Warren

A. Approval of Minutes

21-3297

Approve the minutes of the September 10, 2024, Regular City Council Meeting.

- B. Approve Donations of Dog “Dax” and Present and Future Accompanying K-9 Dog Equipment from Fontana Police K-9 Pals, a California Nonprofit Corporation 21-3192**
1. Approve the donation of the dog “Dax” from Fontana Police K-9 Pals, a California nonprofit corporation, to the City of Fontana in order for “Dax” to become part of the Fontana Police Department’s K-9 Unit.
 2. Authorize the donation of current and future K-9 dog equipment from Fontana Police K-9 Pals to support the operations of the Fontana Police Department’s K-9 Unit
- C. Approve Donations of Dog “Crash” and Present and Future Accompanying K-9 Dog Equipment from Fontana Police K-9 Pals, a California Nonprofit Corporation 21-3193**
1. Approve the donation of the dog “Crash” from Fontana Police K-9 Pals, a California nonprofit corporation, to the City of Fontana in order for “Crash” to become part of the Fontana Police Department’s K-9 Unit
 2. Approve present and future accompanying K-9 dog equipment from Fontana Police K-9 Pals to support the Fontana Police Department’s K-9 Unit Operations
- D. Establish a partnership with GRID ALTERNATIVES, a solar affordable housing program, for low-income properties. 21-3210**
- Request City Council to Adopt **Resolution No. 2024-108**, to collaborate with GRID Alternatives to conduct a solar installation project for low-income homeowners in Fontana.
- E. Final Acceptance of Tract No. 20018 In-Tract Improvements: Street, Sewer, Storm Drain, Landscape, and Signing & Striping 21-3233**
1. Accept as complete the In-Tract Improvements: Street, Sewer, Storm Drain, Landscape, and Signing & Striping for Tract No. 20018, located on the east side of Lytle Creek Road, north of Summit Avenue.
 2. Adopt **Resolution No. 2024-064**, accepting the In-Tract sewer system for Tract No. 20018 as part of the City sewer system.
- F. Amend previously approved Cooperative Agreement between the City of Fontana and the San Bernardino County Public Works Department for annual routine maintenance and emergency response projects. 21-3246**
- Authorize the City Manager to enter into the updated Cooperative Agreement with the San Bernardino County Public Works Department for annual routine maintenance and emergency response projects.

G. 2023 Permanent Local Housing Allocation (PLHA) Award and Revised Plan 21-3252

1. Approve the proposed revised Permanent Local Housing Allocation (PLHA) plan;
2. Adopt **Resolution No. 2024-109**, authorizing the City Manager to submit an application for the projects utilizing Permanent Local Housing Allocation (PLHA) Funds from the California Department of Housing and Community Development (HCD).
3. Authorize the City Manager, or City Manager's designee, to enter into 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 Permanent Local Housing Allocation (PLHA) programs;
4. Authorize the City Manager, or City Manager's designee, to enter into 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 Permanent Local Housing Allocation (PLHA) Acquisition, Rehabilitation, and Rental Program including but not limited to property purchase agreements;
5. Authorize the City Manager, or City Manager's designee, to award and enter into any construction contracts up to \$200,000 to facilitate the timely administration of the Permanent Local Housing Allocation (PLHA) Acquisition, Rehabilitation, and Rental Program.

H. Award a Construction Contract for Public Works Concrete Maintenance Project Map Grid 19 (PW-24-133-SB) 21-3270

1. Adopt **Resolution No. 2024-110**, a resolution of the City Council of the City of Fontana to award a contract.
2. Approve and authorize the City Manager to execute a construction contract with MAJ Engineering from Chino Hills, CA for the construction of the Public Works Concrete Maintenance Project in the amount of \$210,527.00 and authorize a 10% contingency in the amount of \$21,052.70

I. Purchase & Sale Agreement - Downtown Fontana Property 21-3277

1. Approve a Purchase & Sale Agreement for the building and associated land located at 16736 Arrow Boulevard, more specifically described as APN 0191-162-13 and APN 0191-162-40 in the amount of \$871,000

2. Authorize the City Manager to execute any documents necessary or appropriate to effectuate said approvals and/or agreement.

J. Acceptance of Final Map for Tract No. 20511 21-3281

Approve the Final Map for Tract No. 20511, located on the south side of Sierra Lakes Parkway between Lytle Creek Road and Maloof Avenue.

K. Conflict-of-Interest Code 2024 Local Agency Biennial Notice Pursuant to the Political Reform Act 21-3286

1. Receive and File the 2024 Local Agency Biennial Notice Pursuant to the Political Reform Act
2. Direct staff to promulgate the necessary amendments and return to the City Council prior to December 30, 2024 for adoption pursuant to the Political Reform Act.

L. Approve Final Change Order with California Professional Engineering and Final Acceptance for the Construction of the Citrus Avenue at Chase Road Traffic Signal Project (Bid No. SB-08-DE-22) 21-3287

1. Authorize the City Manager to approve Change Order No. 3 with California Professional Engineering in the amount of \$58,856.82 for the construction of the Citrus Avenue at Chase Road Traffic Signal Project (Bid No. SB-08-DE-22).
2. Accept as complete the work performed by California Professional Engineering for the Construction of the Citrus Avenue at Chase Road Traffic Signal Project (SB-08-DE-22).

M. Accept Donation from Kaiser Permanente (From Garden to Table: Fontana Flavor Academy) 21-3289

Accept donation from Kaiser Permanente in the amount of \$10,000 for use towards "From Garden to Table: Fontana Flavor Academy."

N. Final Acceptance of the Sierra Lakes Pavement Rehabilitation Project 21-3291

Accept as complete the work performed by Matich Corporation for the Sierra Lakes Pavement Rehabilitation Project (#37604130).

O. Police Department Monthly Information Update 21-3296

Accept the Police Department monthly information update for July 2024.

P. Feasibility Study and Cost/Benefit analysis of the formation of a 21-3300 Community Choice Aggregation.

Approve staff recommendation to engage with GDS Associates Inc. to perform a feasibility study and a cost/benefit analysis for the formation of a Community Choice Aggregation for the City of Fontana.

PUBLIC HEARINGS:

A. Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed 21-3228 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. 2024-111**, 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.

Revenue Operations Manager Lisa Conlon provided the staff report.

Mayor Pro Tem Garcia opened the public hearing.

Deputy City Clerk Christina Rudsell stated that no written communications were received.

With no one interested to speak in favor or opposition of this item Mayor Pro Tem Garcia closed the Public Hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts and passed by a vote of 4-0 to approve staff recommendation on Public Hearing Item "A." The motion carried by the following vote: AYES: Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None; ABSENT: Warren

B. Public Hearing for Consolidated Annual Performance Evaluation Report (CAPER) Fiscal Year 2023-2024 21-3198

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 2023-2024; and

2. Authorize the City Manager to enter into and/or 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.

Project Specialist Mary Aguilar provided the staff report.

Mayor Pro Tem Garcia opened the public hearing.

Deputy City Clerk Rudsell stated that no written communications were received.

With no one interested to speak in favor or opposition of this item Mayor Pro Tem Garcia closed the Public Hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran and passed by a vote of 4-0 to approve staff recommendation on Public Hearing Item "B." The motion carried by the following vote: AYES: Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None; ABSENT: Warren

**C. First Public Hearing for the Five-Year Consolidated Plan 21-3222
(2025-2029)**

Conduct a first public hearing to receive comments from members of the public concerning housing and community development needs, program performance, and strategies for affirmatively furthering fair housing.

Project Specialist Mary Aguilar provided the staff report.

Mayor Pro Tem Garcia opened the public hearing.

Deputy City Clerk Rudsell stated that no written communications were received.

With no one interested to speak in favor or opposition of this item Mayor Pro Tem Garcia closed the Public Hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran and passed by a vote of 4-0 to approve staff recommendation on Public Hearing Item "C." The motion carried by the following vote: AYES: Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None; ABSENT: Warren

NEW BUSINESS:

A. New Business

A. Issuance of Special Tax Bonds for CFD #109 (Narra Hills) 21-3299

Adopt **Resolution No. 2024-112** of the City Council of the City of Fontana authorizing the issuance of City of Fontana Community Facilities District No.

109 (Narra Hills) Special Tax Bonds, Series 2024, in an aggregate principal amount of not to exceed \$37,000,000, 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.

Council Member Cothran recused himself from this item as he owns property within the area being discussed.

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 3-0-1 to approve staff recommendation on New Business Item "A." The motion carried by the following vote: AYES: Garcia, Roberts and Sandoval; NOES: None; ABSTAIN: Cothran; ABSENT: Warren

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

Deputy City Manager Ray Ebert thanked Staff Sergeant Rodriguez for his service. Deputy City Manager Ebert also wished his daughter a happy 16th birthday.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks wished City Clerk Key a happy birthday.

Council Member Sandoval congratulated the CERT/LISTOS graduates and reminded the community that September is NICU Awareness Month. Also thanked Community Services Department staff for all their hard work organizing the volunteer recognition and La Gran Fiesta events and the Police Department for organizing the recent special needs event.

Council Member Roberts congratulated the newly sworn police officers and commended the Police Department.

Council Member Cothran discussed the recent volunteer recognition event and expressed appreciation to all volunteers. Also stated he was looking forward to the upcoming Chill N' Grill BBQ Competition on September 28th.

Mayor Pro Tem Garcia encouraged all to donate towards The Path clothing drive. Also addressed disparaging comments recently made about Fontana in the media and stated that the city would be issuing an appropriate response. Also recognized the Police Department for their efforts.

ADJOURNMENT:

A. Adjournment

Mayor Pro Tem Garcia adjourned the meeting at 3:42 p.m. to the Special City Council Meeting on Thursday, September 26th, at 7:00 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 OCTOBER 8, 2024.

Germaine Key
City Clerk