City of Fontana

8353 Sierra Avenue Fontana, CA 92335



Regular Agenda

WORKSHOP - 4:30 P.M. CLOSED SESSION- 6:00 P.M. REGULAR MEETING - 7:00 P.M. Tuesday, September 12, 2023 7:00 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

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 of 1990 (42 USC § 12132), the Grover W. Taylor Council Chambers 8353 Sierra Avenue Fontana, CA 92335 is wheelchair accessible, and a portable microphone is available. Upon request, this agenda will be made available in appropriate alternative forms to persons with disabilities, as required by Section 12132 of the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such a request to the City Clerk's Office at (909) 350-7602 at least 48 hours before the meeting, if possible. 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.

Traduccion en Español disponible a peticion. Favor de notificar al Departamento "City Clerk". Para mayor informacion, favor de marcar el numero (909) 350-7602.

WORKSHOP:

A. City Council Workshop

4:30 P.M. City Council Workshop

 A. 1. Unfunded Accrued Liability (UAL) Presentation (Chief <u>21-2470</u> Financial Officer Jessica Brown to present);
 2. Street Vendor Presentation (Supervising Code Enforcement Inspector to present).

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

 A. 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d) (1) Case: Robert King v. City of Fontana, et al. Superior Court of the State of California- for the County of San Bernardino Case No. CIVDS2016703
 2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED

LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (one (1) potential case)

CALL TO ORDER/ROLL CALL:

A. Call To Order/Roll Call:

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Invocation/Pledge of Allegiance:

PROCLAMATION:

- A. Proclamation
 - A. 1. Mayor Warren and City Council to proclaim September <u>21-2460</u>
 22, 2023, as Native American Day (District Director, Vanessa Brierty, to present).

2. Mayor Warren and City Council to proclaim the month of September as Senior Center Month, (Community Services Supervisor Douglas Johnson to present).

3. Mayor Warren and City Council to proclaim September 24, 2023, as National Public Lands Day (Community Services Coordinator Jordan Gionet to present).

SPECIAL PRESENTATIONS:

A. Special Presentations

A. 1. Mayor and City Council to recognize Scripps National <u>21-2461</u> Spelling Bee participant Jup, Singh.

2. Special Recognition of District 71 Fontana Little League Championship Teams from Fontana American Little League, Fontana Community Little League, Fontana Elks Little League, and Southridge Little League, (League Presidents to accept).

3. Mayor Warren and City Council to recognize Corporal Christopher Gonzales, Officers Joshua Carreon, Mark Ruff, and Community Policing Technicians Jacqueline Ayala and Heather HowardI as the Fontana Police Department July 2023 Employees of the Month. (Captain Binks to present).

PUBLIC COMMUNICATIONS:

This is an opportunity for members of the public to address the City Council for up to three (3) minutes total on items either on the Agenda or items not on the Agenda, but within the City Council's jurisdiction. Note that Public Hearing items have individual and specific public input opportunities during the public hearing and testimony on those items will only be taken during the public hearing. The Council is prohibited by law from discussing or taking immediate action on non-agendized items. 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

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.

Approve Consent Calendar Items as recommended by staff.

A. Approval of Minutes

<u>21-2395</u>

Approve the minutes of the July 25, 2023, Regular City Council Meeting, and the September 5, 2023, Special City Council Meeting.

Attachments: City Council Meeting Minutes 7-25-2023.pdf Special City Council Meeting 9-5-23.pdf

B. Adoption of Ordinance No. 1923 (Second Reading)

21-2394

Second Reading / **Ordinance No. 1923**, an Ordinance of the City Council of the City of Fontana, approving a Zoning Code Amendment (ZCA No. 22-010) establishing new zoning districts within the Downtown Core and amending the text of the Zoning and Development Code to set development standards for the Downtown Core area.

Attachments: Ordinance No. 1923.docx Exhibit A.pdf

C. Adopt a Resolution Adopting a New Job Description and <u>21-2382</u> Salary Range for the Emergency Services Coordinator Classification

Adopt **Resolution No. 2023-087**, a resolution of the City Council of the City of Fontana adopting a new job description and salary range for the Emergency Services Coordinator classification.

Attachments: Resolution Adopting the Emergency Services Coordinator Job Description and Salary Range

D. Final Acceptance of Street and Sewer Improvements on <u>21-2392</u> Banana Avenue for Tract No. 18135

- 1. Accept as complete the street and sewer improvements on Banana Avenue for Tract No. 18135 located south of Foothill Boulevard and east of Banana Avenue.
- 2. Adopt **Resolution No. 2023-089**, accepting sewer in Banana Avenue for Tract No. 18135 as part of the City sewer system.

Attachments: VICINITY MAP - 18135 TRACT MAP - 18135 RESOLUTION - 18135 BOND AND AGREEMENT - 18135

E. Business License Compliance Program

21-2406

Authorize the one-time waiver of penalties for businesses or individuals who are brought into compliance with City Code Chapter 15-36 through the Business License Compliance Program.

F. Acceptance of Final Map for Parcel Map No. 20585 and <u>21-2409</u> Abandonment of a Certain Portion of Right of Way of Banana Avenue

Accept Parcel Map No. 20585 located at the northeast corner of Banana Avenue and Durian Avenue; accept as public dedicated streets and easements; and authorize the Mayor and City Clerk to certify the abandonment of a certain portion of right of way of Banana Avenue.

Attachments: Parcel Map 20585.pdf Land Improvement Agreement.pdf Vicinity Map.pdf

G. Award a Construction Contract for the Blanchard Avenue <u>21-2417</u> Sidewalk Gap Project

- Award bid and authorize the City Manager to execute a construction contract with SNZ Contractors, Inc. for the construction of the Blanchard Ave Sidewalk Gap Project in the amount of \$115,095.00 and authorize a 10% contingency in the amount of \$11,509.50 (Bid No. SB-126-DE-23).
- 2. Appropriate \$102,000 of Air Quality Management District (AQMD) Fund 241 to the Blanchard Avenue Sidewalk Gap Project No. 3115.
- 3. 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 Blanchard Ave Sidewalk Gap Project.

Attachments: Vicinity Map

Bid Results Bid Detail

H. Approve a Contract with TA Mentoring Services LLC for the <u>21-2419</u> Noble Youth Program to be delivered at Fontana Expanded Learning Program school sites.

- 1. Approve a contract with TA Mentoring Services LLC to provide and deliver the Noble Youth Leadership Program at the Fontana Expanded Learning Program's twenty-eight (28) Elementary School sites and the five (5) Middle School sites.
- 2. Approve the Non-Competitive Proposal purchase under the Purchasing Policies 3.1.5 for Single Source/Sole Source method.

3. Authorize the City Manager or designee to sign the agreement, all related documents, and any amendments for the term of the agreement.

Attachments: TA Mentoring Services FELP 23-24.pdf FELP TA Mentoring Services Agreement 23-24.pdf

I. Approve a Contract EBK & Company LLC to provide and <u>21-2420</u> deliver the US Engineering League for the Fontana Expanded Learning Program.

- 1. Approve a contract with EBK & Company LLC to provide and deliver the US Engineering League, Mechanical Engineering/Robotics Club for the Fontana Expanded Learning Program at ten (10) Elementary School sites and the five (5) Middle School sites.
- 2. Approve the Non-Competitive Proposal purchase under the Purchasing Policies 3.1.5 for Single Source/Sole Source method.
- 3. Authorize the City Manager or designee to sign the agreement, all related documents, and any amendments for the term of the agreement.

Attachments: USEL FELP Quote 2023 24.pdf FELP EBK Agreement 23-24.pdf

J.	Approve the purchase of Sandy Spin Inc. Skillastics Speed21-2421Stacks curriculum to be delivered at Fontana ExpandedLearning Program's school sites.
	 Approve purchase of Sandy Spin Inc. Skillastics Speed Stacks Curriculum, an additional component to the current physical education curriculum at all sites of the Fontana Expanded Learning Program.
	 Approve the Non-Competitive Proposal purchase under the Purchasing Policies 3.1.5 for Single Source/Sole Source method.
	3. Authorize the Purchasing Division to issue a purchase order for the Speed Stack Skillastics Custom Package curriculum from Sandy Spin Slade. <u>Attachments</u> : <u>Skillastics Quote.pdf</u>
K.	Approve the purchase ZTag curriculum to be delivered at <u>21-2422</u> Fontana Expanded Learning Program's school sites.

- 1. Approve purchase of ZTag, an additional component to support academic and physical education development of participants at all sites of the Fontana Expanded Learning Program.
- 2. Approve the Non-Competitive Proposal purchase under the Purchasing Policies 3.1.5 for Single Source/Sole Source method.

3. Authorize the Purchasing Division is issue a purchase order for the ZUES v2 curriculum from ZTag.

Attachments: ZTAGQuote-001083.pdf

L. Approve an Encroachment Agreement to Construct and <u>21-2423</u> Maintain Improvements Beneath the Etiwanda Avenue Overpass

Approve and authorize the City Manager to execute an Encroachment Agreement between the City of Fontana and Union Pacific Railroad Company to construct and maintain improvements located beneath the Etiwanda Avenue overpass at the intersection of Etiwanda Avenue and North Loop Road

Attachments: Encroachment Agreement.pdf Vicinity Map.pdf

- M. Award bid for the Active Transportation Program (ATP) <u>21-2424</u> Safe Routes to School (SRTS) Pedestrian Improvements Project on Ramona, Alder, Locust Avenue Project [Federal ID No. ATPSB1L-5307(027)] (Bid No. SB-67-DE-23).
 - Award bid and authorize the City Manager to execute a construction contract with Riverside Construction Company, Inc. for the construction of the Active Transportation Program (ATP) Safe Routes to School (SRTS) Pedestrian Improvements Project along Ramona, Alder, Locust Avenue, Federal ID No. ATPSB1L-5307(027), in the amount of \$4,218,475.00 and authorize a 10% contingency in the amount of \$421,847.50 (Bid No. SB-67-DE-23).
 - 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 Active Transportation Program (ATP) Safe Routes to School (SRTS) Pedestrian Improvements Project on Ramona, Alder, Locust Avenue Project Federal ID No. ATPSB1L-5307(027) (Bid No. SB-67-DE-23).
 - 3. Appropriate \$645,000.00 from Local Measure I Fund No. 246 to the Safe Routes to School Pedestrian Improvements Project along Ramona, Alder, Locust Avenues Project No. 3339.

Attachments: Vicinity Map.pdf

Bid Results.pdf Bid Detail.pdf

N. Award a Contract for the Demolition of Slovene Hall.

<u>21-2425</u>

Award bid and Authorize the City Manager to execute a contract with Interior Demolition in the amount of \$128,168.00 for the Demolition of Slovene Hall and authorize a 10% contingency in the amount of \$12,816.00.

Attachments: Vendor Notification PW-24-SB-04.pdf

Interior Demolition Bid - PW-24-SB-04.pdf Summary Bid Results PW-24-SB-04 Slovene Hall Building Demolition.pdf

O. Award a Construction Contract for the Arrow Boulevard at <u>21-2426</u> Cypress Avenue Traffic Signal Project (Bid No. SB-162-DE-23).

- Award bid and authorize the City Manager to execute a construction contract with DBX, Inc. for the construction of the Arrow Boulevard at Cypress Avenue Traffic Signal Project (Bid No. SB-162-DE-23) in the amount of \$1,628,816.00 and authorize a 10% contingency in the amount of \$162,881.60 (Bid No. SB-67-DE-23).
- 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 Arrow Boulevard at Cypress Avenue Traffic Signal Project (Bid No. SB-162-DE-23).
- 3. Appropriate \$945,000.00 from Local Measure I Fund No. 246 to the Arrow Boulevard at Cypress Avenue Traffic Signal Project No. 3386.

Attachments: Vicinity Map Bid Results Bid Detail

- P. Award bid (SB-112-CS23) to Carreras Tours LLC., to <u>21-2427</u> provide bussing transportation for the Fontana Expanded Learning Program.
 - 1. Award bid (SB-112-CS-23) to Carreras Tours LLC. for Transportation Services for the Fontana Expanded Learning Program (FELP) for the Fiscal Year 2023-24.
 - 2. Authorize the Purchasing Division to issue a purchase order to Carreras Tours for the FELP transportation service for Fiscal Year 2023-24.

Attachments: Carreras Rates.pdf

Q. Approve a Task Order for Engineering Design Services for <u>21-2430</u> the Courtplace Housing Development Project (Infrastructure Improvements)

- Approve and authorize the City Manager to execute Task Order No. 18 in a not-to-exceed amount of \$266,446.00 with TKE Engineering, Inc. for Engineering Design Services for the Courtplace Housing Development Project (Infrastructure Improvements) Request for Proposals SQ-87-DE-19-58.
- 2. Approve and authorize the City Manager to execute any future amendments to the Task Order.
- 3. Authorize the City Manager to execute any and all utility agreements, utility easements, and any related items on behalf of the City of Fontana for the Courtplace Housing Development Project (Infrastructure Improvements).

Attachments: Vicinity Map (Courtplace Housing Development Project).pdf <u>TKE Proposal & Fee Schedule (SQ-87-DE-19-58).pdf</u> <u>Evaluation Form Tabulation (SQ-87-DE-19-58).pdf</u>

R.Police Department Monthly Information Update21-2432Accept the Police Department monthly information update for July 2023.Attachments: July 2023 Report for City Council Rev.pptx

S. Authorize the Purchase of a 570N EP Skip Loader from <u>21-2433</u> Sonsray Machinery.

Attachments: 8-23 Unit 14497 Case Skiploader Quote.pdf Case Sourcewell.pdf

T. Authorize the Purchase of a Altec AT37G Aerial Truck. <u>21-2434</u>

Authorize the Purchasing Division to use the Sourcewell Cooperative Purchasing Agreement (Contract #110421-ALT) for the purchase of one (1) 2024 Ford F-550 AT37G aerial truck for \$152,203.00, plus sales tax (7.75%) \$11,796.00, CA tire fee \$136.00, and a delivery fee of \$7,102.00 for a total of \$171,237.00.

Attachments: 8-23 Unit 11435 Altec Quote.pdf Sourcewell Altec #110421.pdf

U. Approve Crossing Guard Service Agreement between <u>21-2439</u> Fontana Unified School District, Etiwanda School District, and the City of Fontana

- 1. Approve Amendment No. 2 of 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 renewing year three (3) of the contract at the new hourly rate of \$29.50.
- 2. Approve a recurring appropriation from General Fund #101 to 10140114.8130 to provide for the annual contract increase over the prior year in the amount of \$10,440.00.

Attachments: FUSD Xing Guard exp 2024.pdf

V. Award a Construction Contract for the S. Highland Avenue <u>21-2441</u> at Mango Avenue Traffic Signal Project (Bid No. SB-97-DE-23).

- 1. Award bid and authorize the City Manager to execute a construction contract with Alfaro Communications Construction, Inc. for the construction of S. Highland Avenue at Mango Avenue Traffic Signal Project in the amount of \$823,929.64 and authorize a 10% contingency in the amount of \$82,392.96 (Bid No. SB-97-DE-23).
- 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 S. Highland Avenue at Mango Avenue Traffic Signal Project.

Attachments: Vicinity Map

Bid Results Bid Detail

- W. Award a Construction Contract for the Active <u>21-2442</u> Transportation Program (ATP) Fontana Safe Routes to School (SRTS) Gap Closure Project [Federal ID No. ATPSB1L-5307(029)] (Bid No. DE-24-SB-01).
 - Award bid and authorize the City Manager to execute a construction contract with CT&T Concrete Paving, Inc. for the construction of the Active Transportation Program (ATP) Fontana Safe Routes to School (SRTS) Gap Closure Project Federal ID No. ATPSB1L-5307(029), in the amount of \$3,615,087.50 and authorize a 10% contingency in the amount of \$361,508.75 (Bid No. DE-24-SB-01).
 - 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 Active Transportation Program (ATP) Fontana Safe Routes to School (SRTS) Gap Closure Project, Federal ID No. ATPSB1L-5307(029), (Bid No. DE-24-SB-01).

3. Appropriate \$735,000.00 from Local Measure I Fund No. 246 to the Fontana Safe Routes to School (SRTS) Gap Closure Project No. 0003.

Attachments: Vicinity Map Bid Results

<u>Bid Detail</u>

- X. Award a Construction Contract for the Alder Middle School <u>21-2443</u> Safe Routes to School (SRTS) Project on (Bid No. SB-146-DE-23).
 - Award bid and authorize the City Manager to execute a construction contract with All American Asphalt for the construction of the Alder Middle School Safe Routes to School (SRTS) Project in the amount of \$2,639,021.00 and authorize a 10% contingency in the amount of \$263,902.10 (Bid No. SB-146-DE-23).
 - 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 Alder Middle School Safe Routes to School (SRTS) Project (Bid No. SB-146-DE-23).
 - 3. Appropriate \$1,875,783.00 from Local Measure I Fund No. 246 to the Alder Middle School Safe Routes to School (SRTS) Project No. 3367.

Attachments: Vicinity Map

Bid Results Bid Detail

Y. Declaring Surplus Land - Property located at 14355 Foothill <u>21-2450</u> Boulevard

- 1. Approve **Resolution No. 2023-096**, declaring that the City-owned property on Foothill Blvd, east of Almond Avenue (Assessor's Parcel Number 0230-051-03) is "Surplus Land" pursuant to the Surplus Land Act, Government Code Section 54220 Et Seq.; and approving the form of Notice of Availability.
- 2. Authorize the City Manager and/or his designee(s) to take all actions necessary or appropriate to comply with the Surplus Land Act.

Attachments: Attachment No. 1 - SLA Resolution Foothill Blvd Attachment No. 2 - Notice of Availability Surplus Land Foothill Blvd

Z. Award a Contract for the interior renovation for Stage RED <u>21-2452</u>

- 1. Approve and authorize the City Manager to award and execute a contract with the lowest responsible/responsive bidder for the renovation of Stage RED (Bid No. DE-24-25-SB) in an amount not to exceed \$825,000.
- 2. Authorize the City Manager to execute any and all contract amendments on behalf of the City of Fontana for the renovation of Stage RED.

Attachments: Attachment No. 1 - Notice Invitiing Sealed Bids

AA. Award of Contracts for Plan Review and Inspection <u>21-2453</u> Services For The Building & Safety Department.

- 1. Award bid (BS-24-05-SP) and authorize the City Manager to execute a contract with the top five rated Plan Check/Inspection Consultants for the period of five (5) years.
- 2. Authorize the City Manager to execute any and all contract amendments on behalf of the City of Fontana for Plan Check/Inspection Services.

Attachments: Evaluation Summary BS-24-05-SP.pdf

<u>4 Leaf Proposal.pdf</u> <u>BPR Proposal (1).pdf</u> <u>Interwest Proposal (3).pdf</u> <u>Willdan Proposal (4).pdf</u> <u>Bureau Veritas Proposal (2).pdf</u>

PUBLIC HEARINGS:

Hearing comments То speak on Public Items, submit via e-mail at publiccomments@fontanaca.gov. 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 (e) oral favor
- (b) written communication (f) oral opposition
- (c) council/staff comments (g) hearing closed

(d) applicant comments (applicant not limited to 5 minutes)

A. Public Hearing for Consolidated Annual Performance <u>21-2396</u> Evaluation Report (CAPER)

 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 2022-2023; and

2. Authorize the City Manager to execute and 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.

Attachments: FY2022-2023 CAPER DRAFT.pdf

B. First Amendment to Disposition and Development <u>21-2472</u> Agreement (Arrow & Nuevo) with New Legacy Development Corp.

Attachments: FIRST AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT draft 08.29.2023.pdf

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

ADJOURNMENT:

A. Adjournment

Adjourn to the next Regular City Council Meeting on September 26, 2023 at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.