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City of Fontana

8353 Sierra Avenue
Fontana, CA 92335

Minutes

Tuesday, October 10, 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

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WORKSHOP:

A. 5:30 P.M. City Council Workshop

The Workshop of the Fontana City Council was held on Tuesday, October 10, 2023, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335. Mayor Warren called the meeting to order at 5:30 p.m. with all members of the City Council present except for Mayor Pro Tem Garcia who arrived at 5:34 p.m.

City Clerk Germaine Key and City Treasurer Janet Koehler-Brooks were also in attendance.

City Attorney Ruben Duran presented the staff report on Spanish Translation Services and discussed translation services as it related to State law, the Brown Act and the Dymally-Alatorre Bilingual Services Act. Stated that Government Code Section 7293; 7295 gives local agencies discretion on enforcing the act and provided an overview on what translation services the City currently provides.

Council Member Cothran asked if notices affecting property were provided in Spanish.

A recommendation was made to translate in Spanish any notices for General Plan amendments, zoning amendments and any other items significantly affecting one's property.

Deputy City Manager Phillip Burum stated that all public notices have a disclaimer in Spanish to contact the City for any questions or assistance.

Mayor Warren asked if public notices were also published in a Spanish newspaper.

Council Member Cothran suggested data tracking to determine what frequently used forms should be translated in Spanish.

Mayor Warren recommended translating in other languages based on community demographics.

Council Member Sandoval discussed concerns with time sensitive notices and many Spanish speaking residents waiting on family members to translate them.

City Manager Matthew Ballantyne stated that staff would research the analytics on frequently used
forms and report back to the Council.

PUBLIC COMMUNICATION - CLOSED SESSION:

There were no public communications received for the following items:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1) Case: Anderson/Moore Sr. et al. v. City of Fontana Claim Number(s): CIVDS 1610471

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1) Case: Robert King v. City of Fontana Claim

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Number(s): CIVDS 2016703

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1) Case: John B. Stark v. City of Fontana Claim Number(s): CIVSB2124569

CLOSED SESSION:

A. 6:00 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 10, 2023.

Mayor Warren called the meeting to order at 6:00 p.m., with all members of the City Council present.

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, October 10, 2023. Mayor Warren called the meeting to order at 7:04 p.m.

ROLL CALL:

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

ABSENT: None

City Clerk Key and City Treasurer Koehler-Brooks were also in attendance.

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 Mayor Pro Tem Garcia.

PROCLAMATIONS:

A. Proclamations

Mayor Warren and City Council proclaimed October 7-15, 2023, as Water Professionals Appreciation Week. West Valley Water District Director Garcia accepted.

Mayor Warren and City Council proclaimed the Month of October 2023 as National Community

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Planning Month. Planning Commission Chair Cathline Fort and Director of Planning Patty Nevins accepted.

Mayor Warren and City Council proclaimed the 2nd Week of October 2023 as Code Compliance Officer Appreciation Week. Community Improvement Program Manager Sandra Pelayo accepted.

Mayor Warren and City Council proclaimed the month of October 2023 as Cyber Security Awareness Month. Information Technology Manager Chris Beck accepted.

Mayor Warren and City Council proclaimed October as National Manufacturing Month. Cynthia Amador Diaz of California Manufacturing Technology Consulting accepted.

SPECIAL PRESENTATIONS:

Mayor Warren and City Council recognized the 2023 Planning Department Employee of the Year Maria Torres.

Mayor Warren and City Council recognized Code Compliance Officer of the Year Peggy Fonseca.

Mayor Warren and City Council recognized Department of Innovation and Technology's Employee of the Year Steven Pendleton.

PUBLIC COMMUNICATIONS:

A. Public Communications

Diane Smyers spoke about services offered by San Bernardino County CASA and asked the Mayor and Council to help foster youth living in Fontana.

Sergeant First Class (SFC) Espinoza, a recruiter with the US Army, introduced himself to the Council, staff and community. SFC Espinoza also introduced one of their recruits, Manual Enrique Medina-Rivera and asked the Council for letters of recommendation for Mr. Medina-Rivera.

Julionna Redondo discussed concerns with the lack of traffic signals and crossing guards around local high schools.

Lynda Dykes asked for information on how the Safe Routes to School funding would be spent. Also discussed concerns with historical buildings being demolished and with the construction and zoning of warehouses.

Oskar Zambrano discussed concerns with the lack of Spanish translation services and asked the City to hire certified language interpreters to help serve Spanish-speaking residents.

Paul Basay asked if the City provided financial assistance with septic to sewer conversions for

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Accessory Dwelling Units (ADU's).

CONSENT CALENDAR:

Council Member Sandoval requested that consent calendar item "I" be pulled and have a separate motion following the discussion.

Prior to the motion being made, Council Member Cothran recused himself from items "C," "D," and "J" on the Consent Calendar due to real estate holdings within the project areas.

ACTION: Motion was made by Council Member Sandoval, seconded by Mayor Pro Tem Garcia, and passed unanimously by a vote of 5-0 to approve the Consent Calendar items "A-H," and "J" with Council Member Cothran abstaining from items "C," "D," and "J." The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts and Sandoval; NOES: None; ABSTAIN: None ABSENT: None

Approve Consent Calendar Items as recommended by staff.

A.	Approval of Minutes	**21-2528**
B.	Authorize the purchase of a CNG Freightliner SD114 10-Wheel	**21-2435**
C.	Award a Design-Build Contract for the City Hall Renovation Project - Phase I (Fire Annex)	**21-2437**
D.	Award a Construction Contract for the North Heritage Phase 1 Fiber Optic Project (Bid No. SB-147-DE-23).	**21-2468**
E.	California Department of General Service (DGS) MOU Agreement- Small Business Certification Program.	**21-2483**
F.	Approve a Professional Services Agreement for Construction and Project Management Services for the Courtplace Housing Development Project (Infrastructure Improvements)	**21-2493**
G.	2024 Selective Traffic Enforcement Program Grant Award	**21-2497**
H.	Donation of Surplus Vehicle Ford E-450 Bus Unit # 3115	**21-2498**
I.	Award a Contract for the Cypress Center Roof Project.	**21-2504**
J.	Award a Construction Contract for the San Sevaine Trail Phase 1, Segment 2 Project	**21-2514**

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Public Works Support Services Manager Armando Martinez presented the staff report for item "I."

Council Member Sandoval discussed concerns with the price differences between bids and potential change orders.

Public Works Support Services Manager Armando Martinez stated that scope of work was very detailed and lead and asbestos tests were negative. Also noted the contract included a 10% contingency and the proposed vendor was highly recommended with very few change orders done on prior construction projects they had worked on.

PUBLIC HEARINGS:

A. Adoption of **Ordinance No. 1925**, of the City Council of the City of Fontana, California adopting an impoundment policy supplementing the sidewalk vending ordinance to help protect the City's community by more effectively regulating sale of food, goods, and merchandise creating a health and safety danger. **21-2515**

Deputy City Manager Phillip Burum introduced the staff report.

Code Compliance Inspector Jason Barber provided the staff report and discussed the proposed ordinance.

The City Clerk's Department received one (1) written correspondence in opposition of this item.

Mayor Warren opened the public hearing.

Mayor Warren closed the public hearing.

Mayor Warren re-opened the public hearing.

The following individuals spoke in opposition of the item:

1. Oscar Zambrano.

The following individuals spoke in favor of the item:

1. Amanda Morales, Fontana Chamber of Commerce

Mayor Warren closed the public hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Garcia, and passed unanimously by a vote of 5-0 to approve Public Hearing Item "A" as follows:

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Waive further reading of and introduce **Ordinance No. 1925** an Ordinance of the City of Fontana adding Fontana Municipal Code sections 1-14 (Enforcement Obstruction Consequences) and 15-829 (Impoundment) relating to Sidewalk Vending; and that the reading of the title constitutes the first reading thereof.

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

CONTINUED BUSINESS:

A. Continued Business

A. Award of contract for additional contracted Code Compliance Inspectors to address Non-permitted Street Vendors. **21-2513**

Deputy City Manager Phillip Burum, stated that the contractor was asked to provide a proposal for use of their own vehicles instead of City vehicles due to risk management issues with contractors using City vehicles.

Code Compliance Inspector Jason Barber provided the staff report.

Mayor Warren discussed the importance of supporting local businesses who comply with all local regulations and requirements.

Discussion ensued regarding City employees or Police Department volunteers driving contractors in City vehicles.

Mayor Pro Tem Garcia expressed support for enforcement of non-permitted street vendors and protecting local and small family businesses who operate legally.

Council Member Cothran asked if any street vendors took advantage of the City's small business assistance program.

Deputy City Manager Phillip Burum explained the protocol and stated there was not much interest from street vendors.

City Manager Matthew Ballantyne requested that the Council consider amending the motion to include a 10% contingency for use of the contractor's vehicles.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to adopt Continue Business Item "A" as follows:

1. Award proposal and authorize the City Manager to execute a contract with 4Leaf Inc. in the amount of $598,224 for the period of six (6) months;

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2. Authorize the City Manager to execute any and all contract amendments on behalf of the City of Fontana for Non-permitted Street Vendor Inspections;

3. Authorize a 10% contingency for use of the contractor's vehicles.

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

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Matthew Ballantyne did not have any comments.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Clerk Key had no comments.

City Treasurer Koehler-Brooks had no comments.

Mayor Pro Tem Garcia congratulated all who were recognized this evening and expressed support for small businesses and looked forward to continuing to work on the downtown revitalization.

Council Member Cothran congratulated all staff who were recognized this evening.

Council Member Sandoval thanked Sergeant First Class Espinoza for his service, encouraged local students to participate in the Veteran's Day Essay Contest, thanked staff for recognizing Breast Cancer Awareness Month, asked about pink name placards for the dais and encouraged all to be screened for cancer.

Council Member Roberts discussed concerns with illegal street vendors and the importance of protecting and supporting local businesses.

Mayor Warren congratulated all staff that were recognized tonight, encouraged all to attend the Fontana Let's Move event on October 14th, discussed the Mayor's Youth Coalition, the Future Shapers Academy and Breast Cancer Awareness Month. She also encouraged all to pray for Israel and thanked Assembly Member Reyes for the $3 million donation towards the downtown revitalization arts district.

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ADJOURNMENT:

A. Adjournment

Mayor Warren adjourned the meeting in memory of the victims of Hamas' terrorist attacks in Israel. The meeting adjourned at 8:38 p.m. to the next Regular City Council Meeting on October 24, 2023, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Christina Rudsell

Christina Rudsell
Deputy City Clerk

THE FOREGOING MINUTES WERE ADOPTED AND APPROVED BY THE FONTANA CITY COUNCIL ON OCTOBER 24TH, 2023.

Germaine Key

Germaine Key
City Clerk

DocuSign

Certificate Of Completion

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Subject: Please DocuSign: Meeting Minutes - 10-10-.23.pdf
Source Envelope:
Document Pages: 9
Certificate Pages: 5
AutoNav: Enabled
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Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Signatures: 2
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Signer Events	Signature	Timestamp
Christina Rudsell crudsell@fontanaca.gov Security Level: Email, Account Authentication (None)	Christina Rudsell Signature Adoption: Pre-selected Style Using IP Address: 192.146.186.96	Sent: 10/30/2023 | 05:24 PM Viewed: 10/30/2023 | 05:52 PM Signed: 10/30/2023 | 05:52 PM
Electronic Record and Signature Disclosure: Accepted: 10/30/2023 | 05:52 PM ID: 9b139cf3-6629-4bbc-9a77-298eacf4d791		
Germaine Key gkey@fontana.org Security Level: Email, Account Authentication (None)	Germaine key Signature Adoption: Pre-selected Style Using IP Address: 174.195.135.227 Signed using mobile	Sent: 10/30/2023 | 05:52 PM Viewed: 10/30/2023 | 08:33 PM Signed: 10/30/2023 | 08:33 PM
Electronic Record and Signature Disclosure: Accepted: 10/30/2023 | 08:33 PM ID: bcf1b37d-e1c8-43d9-ac57-0b465c6265cd		

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Kathy Kasinger kkasinger@fontana.org Records Coordinator Security Level: Email, Account Authentication (None)	COPIED	Sent: 10/30/2023 | 08:33 PM Viewed: 10/31/2023 | 03:31 PM
Electronic Record and Signature Disclosure: Accepted: 6/26/2023 | 12:01 PM ID: 313ff663-c622-41d0-ac8d-292f7d782a66		

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	10/30/2023 | 05:24 PM
Certified Delivered	Security Checked	10/30/2023 | 08:33 PM
Signing Complete	Security Checked	10/30/2023 | 08:33 PM
Completed	Security Checked	10/30/2023 | 08:33 PM

Payment Events	Status	Timestamps

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To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..
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Required hardware and software

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:	•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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