

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, September 14, 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 14, 2021, convened at 5:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 5:00 p.m. with all members of the City Council present. Planning Commission Vice-Chair Sangha, Commissioners Gordon and Thrasher were also in attendance. Chair Fort and Secretary Sanchez were absent.

City Treasurer Koehler-Brooks was also in attendance.

The City Council Regular meeting agenda was reviewed and Council Member Sandoval stated for the record that Consent Calendar Item 'B', he will be voting 'No'. No item was pulled from the agenda.

City Manager comments were heard.

There were no public communications received.

Deputy City Manager Burum introduced Ramboll representatives, Dr. Lakshmi Jayaram, Joseph Hower, and Dr. Julia Lester, to provide a thorough presentation and overview of the City of Fontana's current air quality statistics.

Following this presentation, City Manager Burum provided a brief review of staff recommendations for further implementation and regulations to exceed Federal and State requirements for Warehouse Developments.

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

Council Member Garcia thanked staff for taking the time to make this presentation a priority and thanked the presenters for their knowledge on the current issue at hand.

Mayor Warren thanked staff and the presenters.

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 LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (a)

Case: Misty Solberg vs. City of Fontana Workers' Compensation (Compromise and Release)

Claim Number: 08100003

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; Police Management Association; Police Benefits Association; and Management/Confidential Employees

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

PUBLIC EMPLOYEE APPOINTMENT pursuant to Government Code section 54957:

Interim City Manager

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. Mayor Warren called the meeting to order at 7:11 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 Valerie Torres/ Pledge of Allegiance

Following the invocation by Fontana Police Chaplain Valerie Torres, the Pledge of Allegiance was led by Council Member Garcia.

PROCLAMATION:

A. Mayor Warren and City Council to Proclaim September as National Preparedness Month (Emergency Services Officer Aminah Mears to present).

The Mayor and City Council proclaimed September 2021 as National Preparedness Month with the assistance of Emergency Officer Aminah Mears.

B. Mayor Warren and City Council to Proclaim September 28, 2021 as National Voter Registration Day (Deputy City Clerk Ashton Gout to present).

They Mayor and City Council proclaimed September 28, 2021, as National Voter Registration Day with the assistance of Deputy City Clerk Ashton R. Gout, CMC.

SPECIAL PRESENTATIONS:

Mayor Warren and City Council to recognize Officer Ryan Windell and Records Specialist Ruby Landin as the Police Department's July 2021 Employees of the Month (Captain Stover and Captain Burton to present).

They Mayor and City Council assisted Captain Stover in recognizing Officer Windell and Records Specialist Landin as the Police Department's July 2021 Employees of the Month.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under Public Communications:

Ben commented on public meetings; mentioned the Nature Center maintenance; spoke on Safe School routes; commented on warehouse development; brought up concerns regarding the homeless; and commented on recent officer involved shootings.

Lynda Dykes commented on recent attendance of a Planning Commission meeting voicing concerns of warehouse development near her residence due to her property housing a horse, leading to the passing of her horse; recognized Code Enforcement Officers who assisted her case for their compassion.

Daniel Vasquez thanked those who serve the community during these tough times and announced upcoming events being hosted by their faith based organization.

Octavio Martinez spoke on behalf of a coalition to support all jobs associated with the recycling industry.

CONSENT CALENDAR:

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-Q'. The motion carried by the following vote:

- A. Approval of Minutes [21-822](#)
Approve the minutes of the July 27, 2021 Regular City Council Meeting, July 28, 2021 and August 26, 2021 Special City Council Meetings.
- B. Adoption of Ordinance No.1873 [21-823](#)

ACTION: Motion was made by Mayor Pro Tem Cothran, seconded by Council Member Roberts, and passed by a vote of 4-1 to adopt Ordinance No. 1873. The motion carried by the following vote: (AYES: Warren, Cothran, Garcia, and Roberts; NOES: Sandoval; ABSTAIN: None)

Second Reading/Adopt Ordinance No. 1873, an Ordinance of the City Council of the City of Fontana, approving Specific Plan Amendment No. 21-004, to amend development standards within Planning Area 6 of the Ventana Specific Plan that include modifications to site layout, increased building height, monumentation unit size, and parking standards within the 11.6 acre site.

- C. Adoption of Ordinance No.1874 [21-824](#)
Second Reading/Adopt **Ordinance No. 1874**, an Ordinance of the City Council of the City of Fontana, approving an amendment to Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code to include flexibility in the application of the Zoning and Development Code standards in order to remove housing constraints for individuals with disabilities.
- D. Accept Donations for the National Night Out Event [21-865](#)
Accept monetary and gift donations from multiple donors for the 2021 National Night Out Event with a total value of \$2,900.00 and cash amount in \$600.00.
- E. Approval of Final Map for Tract No. 20224 [21-815](#)
Approve the Final Map for Tract No. 20224 located north of Duncan Canyon Road and east of Citrus Avenue; accept as public dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.
- F. Final Acceptance of Landscape Improvements along the East side of Sierra Avenue from Terra Vista Drive to Segovia Lane (Sierra Crest) Project [21-778](#)
Accept as Complete the Work Performed by Kasa Construction, Inc. for the Construction of the Landscape Improvements along the east side of Sierra Avenue from Terra Vista Drive to Segovia Lane (Sierra Crest) Project and approve the final construction amount of \$617,150.49. (SB-99-DE-20)
- G. Final Acceptance of the Redwood Avenue Sewer Project [21-821](#)
1. Accept as complete the work performed by Kana Pipeline for the construction of the Redwood Sewer Project.

2. Adopt **Resolution No. 2021-093**, accepting the sewer in Redwood Avenue from Washington Avenue to Slover Avenue as part of the City's Sewer System.
- H. Approve Amendment No. 1 to a Professional Services Agreement [21-793](#)
for the Foothill Boulevard from Hemlock Avenue to Almeria Avenue
Street Improvement (Malaga Bridge) Project
1. Approve and authorize the City Manager to execute Amendment No. 1 to a Professional Services Agreement with T.Y. Lin International for Engineering Services for the Foothill Boulevard from Hemlock Avenue to Almeria Avenue Street Improvement (Malaga Bridge) Project (SQ-04-DE-19) in the amount of \$129,375.00 for a total contract amount of \$1,847,198.00.
2. Appropriate \$88,270.00 from Measure I Arterial Program Fund No. 245 with the required match of \$41,730.00 from Circulation Mitigation Fund No. 630.
- I. Approve a Resolution Adjusting the Development Impact Fees [21-799](#)
Approve **Resolution No. 2021-094**, Adjusting the Development Impact Fees
- J. Approve Amendment No. 2 to the Common Use Agreement for the [21-813](#)
Monarch Hills Project
- Approve and authorize the City Manager to execute Amendment No. 2 to the Common Use Agreement (CUA) 03-299 with San Bernardino County Flood Control District for the Monarch Hills Project.
- K. Approve the Measure I Five Year Local Street Capital Project [21-855](#)
Needs Analysis for Fiscal Years 2022/2023 - 2026/2027
- Adopt **Resolution No. 2021-095**, adopting the Measure I Five Year Local Street Capital Project Needs Analysis (CPNA) for Fiscal Years 2022/2023 - 2026/2027.
- L. Authorize the purchase of a Haaker Equipment H.D. Industries [21-826](#)
Pro-Patch TCM-500-100-DHER
- Authorize the Purchasing Office to "Piggy-Back" on the Houston-Galveston Area Council (H-GAC) purchasing program (Contract No.SM 10-20) for the purchase of one (1) new H.D. Industries TCM-500-100-DER Patch Truck.
- M. [21-862](#)
Award of contract to Safeway Sign Company and Main Street Signs & Supplies for the purchase of various signs and supplies. The term shall be for two (2) years with three (3) one-year extensions at the City's sole discretion.
- N. Award a Construction Contract for the Foothill Boulevard at Alder [21-853](#)
Avenue Curb Ramp Project
1. Award and authorize the City Manager to execute a construction contract with Gentry General Engineering, Inc. for the construction of the Foothill Boulevard at Alder Avenue Curb Ramp Project in the amount of \$233,440.68 and authorize a 10% contingency in the amount of \$23,344.07 (Bid No. SB-01-DE-22).
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 Foothill Boulevard at Alder Avenue Curb Ramp Project.

3. Appropriate \$230,000.00 from Local Measure I Fund No. 246 to the Foothill Boulevard at Alder Avenue Curb Ramp Project No. 3370.
- O. Department of Alcoholic Beverage Control (ABC) 21-22 Multi - [21-734](#)
Program Mini Grant
 1. Approve an ABC Grant in the amount of \$26,545 to increase the department's proactive efforts of ABC education and enforcement. The funding will be used for the current employee's salary, operation, and equipment;
 2. Authorize the Chief of Police to sign the agreement between the Department of Alcoholic Beverage Control and the Fontana Police Department for the total amount of \$26,545; and
 3. Approve the expenditure plan for the use of the funds to help offset the cost of Personnel within the Police Department.
 4. Increase expenditures and revenues in the amount of \$26,545 in the Grant Fund #301 - ABC Grant Budget Unit #30140340.
- P. Resolution of Intent to form Community Facilities District No. 107 [21-854](#)
(Highland)
 1. Adopt **Resolution No. 2021-096** of the City Council of the City of Fontana of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes.
 2. Adopt **Resolution No. 2021-097** of the City Council of the City of Fontana to Incur Bonded Indebtedness of the Proposed City of Fontana Community Facilities District No. 107 (Highland).
- Q. 2021 Police Department Donations [21-733](#)
Accept monetary and gift donations from multiple donors including community programs, businesses, and citizens.

Approve Consent Calendar Item as recommended by staff.

PUBLIC HEARINGS:

To speak on Public Hearing Items, submit comments via e-mail at publiccomments@fontana.org. 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.

- A. **Fontana Hyundai - Operating Covenant Agreement** [21-846](#)

ACTION: Motion was made by Council Member Sandoval, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to approve Public Hearing Item 'A'. The motion carried by the following vote: (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN: None)

1. Approve Resolution No. 2021-098 of the City Council of the City of Fontana, California, accepting the economic development subsidy report prepared pursuant to government code section 53083 regarding an operating covenant agreement by and between the City of Fontana and Fontana Automotive Services East, Inc.

2. Approve the operating covenant agreement between the City of Fontana and Fontana Automotive Service East, Inc.

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

B. Consolidated Annual Performance Evaluation Report (CAPER) [21-867](#)

ACTION: Motion was made by Council Member Garcia, seconded by Mayor Pro Tem Cothran, and passed unanimously by a vote of 5-0 to approve Public Hearing Item 'B'. The motion carried by the following vote: (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN: None)

1. Conduct a public hearing for the Consolidated Annual Performance and Evaluation Report (CAPER) 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 2020-2021; and

2. Authorize the City Manager to execute any documents necessary to submit the CAPER, along with any comments received during the public hearing and public comment period, to the Department of Housing & Urban Development.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

Prior to City Manager Denny's comments, Mayor Warren announced the recent resignation of City Manager Denny, stating that his last day with the City of Fontana is October 15, 2021. Mayor Warren spoke on behalf of the entire City Council when she stated that it has been a pleasure to work with City Manager Denny and thanked him for all his service to community.

City Manager Denny thanked the Mayor and City Council for the opportunity to serve them and the Fontana community.

There were no additional comments received.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks had no comments.

Council Member Garcia commented on his recent attendance at the 9-11 ceremony hosted by the City; and requested the public to send prayers and positive thoughts to the Sanchez family.

Mayor Pro Tem Cothran reminded the public to get out and vote before the closing of polling locations at 8:00 P.M.; commented on recent attendance at the 9-11 ceremony hosted by the City; and requested the public to send prayers and positive thoughts to the Sanchez family.

Council Member Sandoval suggested that staff review the possible integration of splash pads at City parks for the youth; and spoke on the recent passing of Commissioner McGinnis, his aunt Eleanor and the loss of the 13 Service Members in Kabul.

Council Member Roberts thanked the entire Community Services staff for the recent 9-11 event; reminded the public to get out and vote before the closing of the polling locations at 8:00 p.m.; and closed in honor of the recent passing of Commissioner McGinnis.

Mayor Warren spoke on recent attendance of the 9-11 ceremony hosted by the City; commented on upcoming community events; spoke on recent tour of Malaga Bridge with Representative Norma Torres and Chairman of the House Transportation, Housing and Urban Development Appropriations Sub Committee.

ADJOURNMENT:

A. Adjournment

Prior to the adjournment, a moment of silence was held for the recent passing of Michael McGinnis, Eleanor Sandoval and the 13 Service Members killed in Kabul.

City staff played a short video in memory of Parks, Community and Human Services Commissioner Michael McGinnis.

The meeting adjourned at 8:13 p.m. in memory of Parks, Community and Human Services Commissioner Michael McGinnis; Eleanor Sandoval, Aunt of Council Member Sandoval; and the 13 Service Members killed in Kabul, Afghanistan, to the 2021 League of California Cities Annual Conference in Sacramento, California from September 22-24, 2021, then to the next Regular City Council Meeting on Tuesday, September 28, 2021, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.