

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, July 13, 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. City Council Workshop

A City Council Workshop was held on Tuesday, July 13, 2021. Mayor Warren called the workshop to order at 5:07 p.m. with Mayor Pro Tem Cothran, Council Members Garcia, Roberts, and Sandoval present.

The City Council Regular Meeting Agenda was reviewed and Mayor Warren requested to pull Items I, J, and K from the Consent Calendar for a staff presentation.

City Manager comments were heard.

There were no public communications received.

Finance Manager George Pirsko provided a brief presentation on the American Rescue Plan and answered questions from City Council.

City Manager Denny and Deputy City Clerk Gout provided the Council with a brief review on the new agenda management software, Granicus.

Council Member Roberts announced the arrival of Omni Trans Zero Emission Electric Bus in the City Hall parking lot on display.

The Workshop adjourned at 5:40 p.m.

[21-678](#)

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.

[21-681](#)

A. Public Communications - Closed Session

There were no public communications received on the following closed session items:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8:

Property: APN #023220113 & APN #023220112

Property Owner: Rosemead Properties, Inc.

Negotiating Parties: Mark Denny, City Manager & Rosemead Properties

Under Negotiation: Price and Terms of Payment

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 (One Potential Case)

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

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 7:06 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 Sandoval.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Duran announced that the Mayor and City Council met in Closed Session and took no reportable action.

CONSENT CALENDAR:

The following public communications were heard:

Ana Gonzalez spoke in favor of Item G.

ACTION: Motion was made by Mayor Pro Tem Cothran, seconded by Council Member Sandoval, and passed unanimously by a roll call vote of 5-0 to approve Consent Calendar Items "A-K", with the removal of Items I, J, and K for staff presentation and the abstention of Council Member Garcia from Item B (AYES: Warren, Cothran, Garica, Roberts, and Sandoval; NOES: None; ABSTAIN: None) as follows:

- A.** Approval of Minutes [21-653](#)
Approve the minutes of the June 22, 2021 City Council Meeting.
- B.** Adoption of Ordinances Nos.1870 and 1871. [21-670](#)

Council Member Garcia abstained from this item due to his residence being within close proximity to the project.

ACTION: Motion was made by Mayor Pro Tem Cothran, seconded by Council Member Sandoval, and passed by a roll call vote of 4-0-1 to approve Consent Calendar Item B (AYES: Warren, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: Garcia) as follows:

Second Reading/Adopt Ordinance No. 1870, an Ordinance of the City Council of the City of Fontana, approving an amendment to Arboretum Specific Plan, the Gardens Village Planning Area, a request to introduce two new product types in Planning Area G5, G6, and G7, and to and to modify the density of 7.7 dwelling units per acre to 8.2 dwelling units per acre, within the Gardens Village Planning Area of the Arboretum Specific Plan.

Second Reading/Adopt Ordinance No. 1871, an Ordinance of the City Council of the City of Fontana approving Development Agreement Amendment No. 20-003, between the City of Fontana a California Municipal Corporation and North Fontana Development Company LLC, which updates changes to the circulation fees and development impact fees for Arboretum Specific Plan.

- C.** Acceptance of Final Map for Parcel Map No. 20213 [21-695](#)
Accept Final Parcel Map No. 20213 located north of Slover Avenue and east of Catawba Avenue; accept as public dedicated streets and easements; and authorize the Mayor and City Clerk to certify the abandonment of certain portions of street right of way as shown on said map.

- D.** Acceptance of Final Map for Parcel Map No. 20283 [21-700](#)
Accept Final Parcel Map No. 20283 located south of South Highland Avenue and west of Oleander Avenue; accept as public dedicated streets and easements; and authorize the Mayor and City Clerk to certify the abandonment of certain portions of street right of way.
- E.** Final Acceptance of the Central City Park Project (SB-61-PW-19) [21-689](#)
1. Accept as complete the work performed by ACT 1 Construction, Inc. for the construction of the Central City Park Project (SB-61-PW-19), and approve the final construction cost of \$9,585,915.98;
2. Authorize the Public Works Director to file a Notice of Completion and release the 5% retention.
- F.** Adopt a Resolution to Apply and Accept Reimbursement for CalRecycle Payment Program-Beverage Recycling [21-699](#)
Adopt **Resolution No. 2021-056**, Authorizing the submittal of any and all payment program applications offered by CalRecycle.
- G.** Amendment to the Measure I Five Year Local Street Capital Improvement Program [21-704](#)
Adopt **Resolution No. 2021-056**, approving an amendment to the Fiscal Years 2020/2021 - 2024/2025 Measure I Five Year Local Street Capital Improvement Program.
- H.** Approve Donations of Dog “Miller” and Present and Future Accompanying K-9 Dog Equipment from Fontana Police K-9 Pals, a California Nonprofit Corporation. [21-682](#)
1. Approve the donation of the dog “Miller” from Fontana Police K-9 Pals, a California nonprofit corporation, to the City of Fontana in order for “Miller” 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.
- I.** Approve Release of K-9 Unit Dog “Ozzy” and Accompanying K-9 Equipment to his Handler Louis Rios [21-703](#)
Approve contract No #MS-10-PD-22 between the City of Fontana and Louis Rios to release K-9 dog “Ozzy” and accompanying K-9 dog equipment, including a kennel, transportation, custom fit muzzle, Dogloo, and two leashes, to him.
This item was pulled by Mayor Warren for a staff presentation.

Police Chief Billy Green provided the staff report.

The Mayor and City Council recognized Office Rios and K-9 dog "Ozzy", as well as the Fontana Police K-9 Pals.

- J.** Approve Agreement with the County of Riverside for Animal Shelter Services [21-709](#)

Approve an Agreement with the City of Fontana and the County of Riverside to renew animal sheltering services and outreach activities (public education, spay/neuter clinics and shot clinics) for a period of one (1) year beginning July 1, 2021.

This item was pulled by Mayor Warren for a staff presentation.

Police Chief Billy Green provided the staff report.

- K.** Fontana Police Helicopter Service Contract [21-706](#)

1. Approve a Service Agreement between HeliSafe, LLC, a Limited Liability Corporation, and the Fontana Police Department;

2. Authorize the City Manager (or his designee) to sign the Service Agreement, all related documentation, and any amendments to continue this cooperative agreement as long as it is in the best interest of the City of Fontana.

This item was pulled by Mayor Warren for a staff presentation.

Police Chief Billy Green provided the staff report and answered questions from the City Council.

PUBLIC HEARINGS:

- A.** User Fee Policy [21-697](#)

Mayor Warren opened Public Hearing Item A.

Finance Manager George Pirsko provided the staff report.

Mayor Warren closed the Public Hearing as there was no one who wished to speak for or against this item.

ACTION: Motion was made by Council Member Garcia, seconded by Council Member Roberts, and passed unanimously by a roll call vote of 5-0 to approve the Public Hearing Item "A" (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN: None) as follows:

Adopt Resolution No. 2021-058 of the City Council of the City of Fontana amending Fontana City Administrative Procedure 20-22 "User Fees."

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- B.** Public Hearing on Formation of Community Facilities District No. 106 (Mountainview) **21-698**

Mayor Warren opened Public Hearing Item B.

Management Services Director Lisa Strong provided the staff report.

Mayor Warren closed the Public Hearing as there was no one who wished to speak for or against this item.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Sandoval, and passed unanimously by a roll call vote of 5-0 (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN: None) to:

1. Adopt Resolution No. 2021-059 of the City Council of the City of Fontana of formation of the City of Fontana Community Facilities District No.106 (Mountainview), authorizing the levy of a special tax within the community facilities district and establishing an appropriations limit for the community facilities district.

2. Adopt Resolution No. 2021-060 of the City Council of the City of Fontana deeming it necessary to incur bonded indebtedness within the City of Fontana Community Facilities District No.106 (Mountainview).

3. Adopt Resolution No. 2021-061 of the City Council of the City of Fontana calling special election for City of Fontana Community Facilities District No. 106 (Mountainview).

Deputy City Clerk Ashton Gout opened the two received ballots and announced that both were in favor.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Cothran, and passed unanimously by a roll call vote of 5-0 (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN: None) to:

4. Adopt Resolution No. 2021-062 of the City Council of the City of Fontana declaring results of special election and directing the recording of notice of special tax lien.

5. Read by title only and waive further reading of and introduce Ordinance No. 1872 levying special taxes within the City of Fontana Community Facilities District No. 106 (Mountainview); and that the reading of the title constitutes the first reading thereof.

6. Adopt Resolution No. 2021-063 of the City Council of the City of Fontana authorizing the execution and delivery of a Letter of Credit Agreement and an Acquisition and Funding Agreement.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke during public communications:

Dina Lopez introduced herself to the Council and Community as the new field representative of Assembly Majority Leader Eloise Gomez-Reyes.

Elizabeth Sena spoke in opposition of continued warehouse developments and commented on the recent published news articles regarding the former City Manager.

Ben commented on the recent published news articles regarding the former City Manager and voiced concern of the air quality within Fontana.

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

There were no City Manager Communications received.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

- A.** Designation of Voting Delegate and Alternate for the League of California Cities Annual Conference, September 22 - 24, 2021, Sacramento, California **21-694**

Appoint a voting delegate and an alternate voting delegate for the League of California Cities Annual Conference, in Sacramento, California, on September 22 - 24, 2021.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Cothran, and passed unanimously by a roll call vote of 5-0 to appoint Mayor Warren as the Voting Delegate and Council Member Garcia as the Voting Alternate. (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN: None)

B. Elected Officials Communications/Reports

Mayor Pro Tem Cothran commented on a project with the City Manager's Office related to a new Business Application process for the Industrial occupants for South Fontana.

Council Member Garcia commented on the User Fees remaining the same for the upcoming year and thanked staff for ensuring that these services to the community would remain after a hard year; commented on the Fourth of July and thanked both Police and Fire for all their assistance in making sure the community was able to celebrate safely.

Council Member Sandoval requested that staff look into holding an upcoming Workshop on Drive - Thru's in the City and wished his daughter Theresa a Happy Birthday.

City Manager Denny informed the Council that staff is in the process of updating the Rules and Procedures for both the Planning Commission and Parks, Community, and Human Services Commission, and will bring forward to Council during a Workshop at a future date.

Council Member Roberts thanked Omni Trans for their tour of the new Zero Emission Electric Bus.

Mayor Warren announced that Council Member Roberts is the City's representative with Omni Trans and thanked him for bringing the tour of the Zero Emission Electric Bus to City Hall; commented on the approved funding for the Southridge Dog Park; and thanked the community for participating in Fontana Walks.

Mayor Warren asked City Manager Denny to introduce newly hired Public Affairs Manager Robert Torres.

Mayor Warren closed with the announcement of her new granddaughter, Nairobi.

ADJOURNMENT:

A. Adjournment

A moment of silence was held for Fontana resident, Anna Mae Watts.

The meeting adjourned at 7:46 p.m. in memory of Anna Mae Watts, to the next Regular City Council Meeting on Tuesday, July 27, 2021, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Ave, Fontana, California.

DocuSigned by:
Ashton Gout
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Ashton R. Gout, CMC

Deputy City Clerk

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 27TH DAY OF JULY 2021.

DocuSigned by:
Toni Lewis
C790743318624ED

Tonia Lewis

City Clerk

Certificate Of Completion

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Source Envelope:	
Document Pages: 10	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
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Time Zone: (UTC-08:00) Pacific Time (US & Canada)	8353 Sierra Avenue
	Fontana, CA 92335
	clerks@fontana.org
	IP Address: 192.146.186.96

Record Tracking

Status: Original 8/9/2021 10:02:44 AM	Holder: City Clerk clerks@fontana.org	Location: DocuSign
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Signer Events

Ashton Gout
agout@fontana.org
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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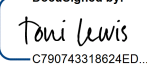
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Timestamp

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Electronic Record and Signature Disclosure:
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Toni Lewis
tlewis@fontana.org
Security Level: Email, Account Authentication (None)

DocuSigned by:

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Signature Adoption: Pre-selected Style
Using IP Address: 76.218.56.24
Signed using mobile

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Signed: 8/9/2021 5:18:02 PM

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In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Evelyne Ssenkoloto
essenkol@fontana.org
Security Level: Email, Account Authentication (None)

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Sent: 8/9/2021 5:18:03 PM
Viewed: 8/10/2021 7:56:00 AM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Carbon Copy Events	Status	Timestamp
Kathy Kasinger kkasinger@fontana.org Records Coordinator Security Level: Email, Account Authentication (None)	COPIED	Sent: 8/9/2021 5:18:03 PM Viewed: 8/10/2021 8:21:32 AM
Electronic Record and Signature Disclosure: Accepted: 5/20/2021 8:09:42 AM ID: 607ac5a5-80e4-4ddd-a907-623974f63792		

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	8/9/2021 5:18:02 PM
Completed	Security Checked	8/9/2021 5:18:03 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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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:	<ul style="list-style-type: none"> •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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