

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, December 14, 2021

7:00 PM

Grover W. Taylor Council Chambers

City Council Meeting

Acquanetta Warren - Mayor
Peter A. Garcia- Mayor Pro Tem
Phillip W. Cothran - Council Member
John B. Roberts - Council Member
Jesus "Jesse" Sandoval - Council Member
Tonia Lewis - City Clerk
Janet Koehler-Brooks - City Treasurer

WORKSHOP:

A. 5:00 P.M. City Council Workshop

The City Council Workshop was held on Tuesday, December 14, 2021, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 5:01 p.m. with all members of the City Council present.

The City Council Regular meeting agenda was received and there were no City Manager comments.

There were no public communications received.

Housing Development Manager Valerie Gonzales and Deputy City Manager Phil Burum provided the Mayor and City Council with a brief overview of Housing Solutions available to the community.

Mayor Warren asked for clarification from staff if there is a cap on how long an individual can partake in the housing program through the City and what the certification process entails. Housing Development Manager Gonzalez confirmed that there is no cap for such benefits and there is an annual recertification process to confirm qualifications are still met.

Public Works Director Keith Kramer and Infrastructure Management Services (IMS) Vice-President of Engineering, Kurt Keifer, provided the Mayor and City Council with an overview on pavement management throughout the City.

Council Member Roberts added that the new Infrastructure Bill passed by President Biden should provide some funding for maintenance of our current pavement infrastructure and stated that it is cheaper to maintain than to replace.

Due to the remaining time allotted for the workshop, Mayor Warren asked Interim City Manager Shannon Yauchzee to introduce newly hired Chief Financial Officer Jessica Brown to the Council and community.

The Workshop adjourned at 5:53 p.m.

CLOSED SESSION:

A. 6:00 P.M. CLOSED SESSION

A Closed Session was held in the Executive Conference Room at 6:00 p.m. located at 8353 Sierra Avenue, Fontana, California, with all members of the City Council present.

PUBLIC COMMUNICATION - CLOSED SESSION:

A. Public Communications - Closed Session

There were no public communications received on the following Closed Session Items:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54957.6

City Negotiator: Shannon Yauchzee, Interim 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 Officers Association; Police Benefits
Association; and Management/Confidential Employees

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO
GOVERNMENT CODE SECTION 54956.9 (d) (1)

Case: Glenn Thomas v. City of Fontana
Court: United States District Court-Central District of California Court Case No.
5:21cv-00452 JGB KK

CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO
GOVERNMENT CODE SECTION 54956.8

Property: Vacant Land on Arrow Blvd (APN 0191-162-05)
City Negotiator: Phillip Burum, Deputy City Manager
Negotiating Party: Cieba Inc.
Under negotiation: Price and terms of payment

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
(Paragraph (1) of subdivision (d) of Section 54956.9)

Name of case: 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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8)

Property: APN's 1108-072-01 thru -16 and 1108-074-01 thru -16
City Negotiator: Shannon Yauchzee, Interim City Manager
Negotiating Parties: Diversified Pacific Communities
Under Negotiation: Price and terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8)

Property: APN's 0191-116-239 and 0191-162-08
City Negotiator: Shannon Yauchzee, Interim City Manager
Negotiating Parties: Labra Investments, LLC
Under Negotiation: Price and terms of payment

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code section 54956.8)

Property: APN 0237-411-13
City Negotiator: Shannon Yauchzee, Interim City Manager
Negotiating Parties: Newbridge Homes
Under Negotiation: Price and terms of payment

CALL TO ORDER/ROLL CALL:**A. 7:00 P.M. Call To Order/Roll Call:**

The Regular meeting of the Fontana City Council was held concurrently with the Fontana Successor Agency, Fontana Public Financing Authority, Fontana Industrial Development Authority, Fontana Community Foundation, Fontana Fire Protection District, and Fontana Housing Authority meeting.

The meetings took place in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California on Tuesday, December 14, 2021. Mayor Warren called the meeting to order at 7:08 p.m.

ROLL CALL:

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

Absent: None

INVOCATION/PLEDGE OF ALLEGIANCE:**A. Fontana Police Department Chaplain Valerie Torres/ Pledge of Allegiance:**

Following the invocation led by Fontana Police Department Chaplain Valerie Torres, the pledge of allegiance was led by Mayor Pro Tem Cothran.

CLOSED SESSION ANNOUNCEMENT

City Attorney Duran noted that the Mayor and City Council met in closed session on the seven items listed on the agenda and took no reportable action.

SPECIAL PRESENTATIONS:**A. Special Presentations**

A. Mayor Warren and City Council to recognize Veterans Day Writing and Art Contest Winners Essay Winner

Council Member Sandoval introduced Special Events Coordinator Salena Zapata to recognize the following winners: Canaan Mejia - 2nd Place (Poetry); Aria Shah - 2nd Place (Art); and Julianne Ramiterre - 2nd Place (Writing).

B. Mayor Warren and City Council to introduce Chief Financial Officer Jessica Brown

Interim City Manager Shannon Yauchzee introduced Chief Financial Officer Jessica Brown to the Fontana team and community.

C. Mayor Warren and City Council to recognize retiring Human Resources Analyst, Terri Truitt, and Human Resources Analyst, Nora Haynes

Human Resource Department Director Rakesha Thomas recognized her two retiring employees and thanked them for their exceptional years of service to the Fontana team. In lieu of attendance, Human Resources Department Director Thomas accepted the awards on behalf of her employees.

D. Mayor Warren and City Council to recognize Sergeant Jon VanTuinen, Corporal Buddy Porch, Officers Aaron Alcala, Johnsull Doakes, Brandon Gossert, Dustin Hodgins, Christine Tomicic and Reserve Officer Ryan Starling as the Police Department's October 2021 Employees of the Month

Fontana Police Captain Dorsey recognized the following as the Police Department October 2021 Employees of the Month: Sergeant Jon VanTuinen, Corporal Buddy Porch, Officers Aaron Alcala, Johnsull Doakes, Dustin Hodgins, Christine Tomicic and Reserve Officer Ryan Starling. Officer Brandon Gossert was absent.

E. Mayor Warren and City Council to recognize Officer Christopher Drayer and Dispatch Shift Supervisor Mary Jo Grincerri as the Police Department's November 2021 Employees of the Month

Fontana Police Captain Dorsey recognized the following as the Police Department November 2021 Employee of the Month: Officer Christopher Drayer. Dispatch Shift Supervisor Mary Jo Grincerri was absent.

[21-1050](#)

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

Lauren Ensbera, Representative of Chaffey College, provided a brief report on upcoming events hosted by Chaffey College - Fontana Campus.

Bishop Emory James, announced the upcoming 34th Annual Martin Luther King event and other upcoming events in the community.

Elizabeth Sena voiced concerns of public health due to warehouse developments within the community.

Amparo Munoz voiced concerns of public health due to warehouse developments within the community.

Ana Gonzalez voiced concerns of public health due to warehouse developments within the community.

Gabriela Mendez voiced concerns of public health due to warehouse developments within the community.

Matt provided a review of current data on the air quality of Fontana.

Selene voiced concerns of public health due to warehouse developments within the community.

After public communications, Mayor Warren asked Fire Chief Jeff Birchfield to provide the Council and Community on an update of the recent weather conditions and call for evacuations in the Lytle Creek area.

CONSENT CALENDAR:

The following individuals spoke under public communications:

Elizabeth Sena, Consent Calendar Item 'C', commented on the plan including South Fontana and urged the Mayor, City Council and City staff not to forget this when developing; and concluded with concerns of truck routes that pass schools during school hours.

Andrea De Leon, Consent Calendar Item 'H'.

Interim City Manager Yauchzee provided a brief update on the addition of an application from 'Ronald McDonald - House Walk for Kids', under Consent Calendar Item 'K'. City Attorney Duran confirmed with Deputy City Clerk Gout that the additional application will be included in the record and has been made available for the public review during tonight's meeting.

Council Member Garcia noted for the record that he must abstain from Consent Calendar Items 'G, I' under the Political Reform Act of owning property near the project site. Deputy City Clerk Gout will note this abstention for the record.

ACTION: Motion was made by Council Member Sandoval, seconded by Mayor Pro Tem

Cothran, and passed unanimously by a vote of 5-0 to adopt Consent Calendar Items 'A-L'. The motion carried by the following vote: (AYES: Warren, Cothran, Garcia, Roberts, and Sandoval; NOES: None; ABSTAIN; Garcia (Items G, I); ABSENT: None)

- A.** Approval of Minutes [21-1046](#)
Approve the minutes of the October 26, 2021, and November 9, 2021, Regular City Council Meetings.
- B.** 2022 City Hall Holiday and City Council Meeting Calendar [21-986](#)
Approve the attached proposed Calendar of City Holidays and City Council Meetings for the year 2022.
- C.** Accept the 2021 TDA Article 3 Grant Award for the Kathy Binks Safe Routes to School Project [21-1052](#)
1. Accept the 2021 Transportation Development Act (TDA) Article 3 Grant Award approved by San Bernardino County Transportation Authority (SBCTA) for the Kathy Binks Safe Routes to School Project in the amount of \$160,000.00.
 2. Accept the 2021 Transportation Development Act (TDA) Article 3 Grant Award approved by San Bernardino County Transportation Authority (SBCTA) for the Transit Stop Access Improvement Program in the amount of \$37,580.00.
 3. Approve Resolution Authorizing the submittal of Claim Forms, submission of Reimbursement Request Forms, and designate the City Engineer to certify project completions for the Kathy Binks Safe Routes to School Project and the Transit Stop Improvement Project related to TDA Article 3 Grant Awards.
- D.** Adopt the Part Time and City Hall Salary Tables to Comply with Minimum Wage Increases [21-1071](#)
Adopt the non-classified, part time salary table and the City Hall Unit salary table to comply with minimum wage increases, effective January 1, 2022.
- E.** Annual Report on Development Impact Fees [21-1048](#)
Adopt **Resolution No. 2021-119** of the City Council of the City of Fontana, approving the Annual Report on Development Impact Fees and making findings as to unexpended funds.
- F.** Approval of the Declaration of Dedication Flood Regulation Replacement Basin Agreement for Tract Map No. 18820 and 18944 [21-974](#)
Authorize the City Manager to execute the Second Declaration of Dedication Flood Regulation Basin Agreement with LCD Sierra Crest, LLC. For Tract Map No. 18820 and 18944
- G.** Approve Amendment No. 1 to Professional Services Agreement with WLC Architects, Inc. for Fire Station No. 81 [21-1078](#)
Approve and authorize the City Manager to execute Amendment No. 1 to Professional Services Agreement with WLC Architects, Inc. for Construction Phase Services in the additional amount of \$90,000 for Fire Station No. 81 (SQ-97-DE-20).

- H.** Approval of the 2022 Fontana Legislative Platform [21-1089](#)
Staff recommends the City Council approve the Legislative Platform and bring back updates from time to time.
- I.** Award a Construction Contract for Fire Station No. 81 [21-1035](#)
1. Award bid and authorize the City Manager to execute a Construction Contract with TELACU Construction Management, Inc. for the construction of the Fire Station No. 81 project in the amount of \$8,205,000.00, authorize a 10% contingency in the amount of \$820,500.00 (Bid No. SB-06-DE-22) and ratify determination that the protest and appeal filed in connection therewith are without merit and any deficiencies asserted in connection with the protest and appeal are insubstantial and waived by the City on such basis as not affecting the amount of the bid or otherwise providing a competitive advantage.
 2. 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 Fire Station No. 81.
- J.** Award a Bid for the Valley Boulevard/Kaiser Sewer Project. [21-1058](#)
SB-19-PW-22
Award bid and authorize the City Manager to execute a contract with GRBCON Inc., for the Valley Boulevard/Kaiser Sewer Project in the amount of \$706,746.00 and a 10% contingency of \$70,674.60.
- K.** Co-Sponsorship Applications Cycle (2) FY 2021/2022 [21-1055](#)
Review and approve the four (4) Co-Sponsorships recommended for the second half of 2021/2022 fiscal year (January 2022 through June 2022 totaling an amount of \$10,546 as recommended by Parks, Community, and Human Services Commission).
- L.** Consider Opting Into Settlement Agreements With Distributors Of Opioids, Amerisource Bergan, Cardinal Health, And Mckesson, And Opioid Manufacturer Janssen (Owned By Johnson & Johnson) [21-1065](#)
It is recommended that the City Council adopt **Resolution No. 2021-120**, authorizing the Interim City Manager to:
1. Opt into settlement agreement with opioid distributors, Amerisource Bergen, Cardinal Health, and McKesson, and direct the Interim City Manager to execute any documents necessary to implement the action.
 2. Opt into settlement agreement with opioid manufacturer, Janssen (owned by Johnson & Johnson), and direct the Interim City Manager to execute any documents necessary to implement the action.

PUBLIC HEARINGS:

- A.** Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts [21-1070](#)

ACTION: Motion was made by Council Member Sandoval, seconded by Council Member Garcia, and passed unanimously by a vote of 5-0 to adopt Public Hearing 'A' as follows:

- 1. Authorize staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the 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. 2021-121 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.**

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

- B.** Municipal Code Amendment (MCA) No. 21-002 - Amendments to Municipal Code Chapter 11 - Fire Prevention [21-1069](#)

Mayor Warren opened the public hearing.

Deputy City Manager Phillip Burum provided the staff report and answered questions of the City Council.

There were no public communications received for this item.

Mayor Warren closed the public hearing.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed unanimously by a vote of 5-0 to approve Public Hearing 'B' as follows:

Read by title only and waive further reading of and introduce Ordinance No. 1876, an Ordinance of the City Council of the City of Fontana, California approving Municipal Code Amendment (MCA) No. 21-002 to amend Chapter 11 – Fire Prevention of the Municipal Code to (1) increase the minimum building square footage exception for requiring fire sprinklers, (2) require the installation of fire sprinklers or other appropriate fire suppression system as approved by the Fire Marshall for all buildings housing vehicles, and (3) allow installation of residential 13R or 13D fire sprinkler systems in place of commercial 13 systems for commercial buildings under 5,000

square feet, and the reading of the title constitutes the first thereof.

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

- C. Zoning Code Amendment No. 21-009: A request for the adoption of an Urgency Ordinance amending Chapter 30, Article II, Division 21 to add Subdivision IV to the City Municipal Code and amending Chapter 30, Article V, Division 4 to add Section 30-434.1 to regulate urban lot splits and two-unit projects under SB 9; and finding the action to be exempt from CEQA [21-1081](#)

Mayor Warren opened the public hearing.

Associate Planner, Cecily Session-Goins, provided the staff report and answered questions of the City Council.

There were no public communications received for this item.

Mayor Warren closed the public hearing.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to adopt this Public Hearing as follows:

1. Determine that the project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act (CEQA) and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA and direct staff to file the Notice of Exemption; and,
2. Read by title only and waive further reading of and introduce Ordinance No. 1877, an Ordinance of the City Council of the City of Fontana, approving amendments to Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code, and that the reading of the title constitutes the first reading thereof.

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

NEW BUSINESS:

- A. Appointment of Mayor Pro Tem [21-1039](#)

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

- B.** Amendment to Chapter 7 of the Fontana Municipal Code adding Article III. Related to Mandate Electronic and Paperless Filing of Campaign Finance Disclosure Statements by Elected Officials, Candidates, or Committees: Introduction and First Reading of Ordinance [21-1060](#)

Ashton R. Gout, CMC, Deputy City Clerk, provided the staff report and answered questions of the City Council.

No public communications were received on this item.

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

Read by title only and waive further reading of and introduce Ordinance No.1878, adding Article III to Chapter 7 of the Fontana Municipal Code, regarding mandate of electronic and paperless filing of Campaign Finance Disclosure Statements.

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

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

Interim City Manager Shannon Yauchzee wished the community a safe and happy holiday season.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks welcomed Jessica Brown, Chief Financial Officer, to the Fontana team and closed with wishing the community a safe and healthy holiday season.

Mayor Pro Tem Garcia thanked those who came out to the recent Christmas parade; announced ribbon cutting for Sierra Fountains and commended those involved for implementing such a great project; and closed with wishing the community a safe and healthy holiday season.

Council Member Cothran thanked his colleagues for the re-appointment as President of the Fire Protection District and wished the community a safe and healthy holiday season.

Mayor Pro Tem Garcia thanked his colleagues for his appointment as Mayor Pro Tem and looks forward to serving in this role.

Council Member Sandoval provided a brief update on his recent attendance at the ICSC Conference in Las Vegas, NV; thanked those who came out to the recent Christmas parade; thanked those involved in creating this year's parade route as it was most convenient for those to attend; and closed with wishing the community and staff a safe and healthy holiday season.

Council Member Roberts thanked those who came out to the recent Christmas parade; commented on the Sierra Fountains ribbon cutting ceremony; and closed with wishing the community and staff a safe and healthy holiday season.

Mayor Warren commented on the recent Christmas parade and thanked those who attended; commented on the Sierra Fountains ribbon cutting ceremony; discussed the current climate due to the pandemic and announced opportunities for the public to be vaccinated; provided comments on how Fontana is moving forward; announced the upcoming development of adding a Chaffey College campus in South Fontana; announced the City involvement in the television series, Undercover Boss, which will be aired in April 2022; announced upcoming community events; and closed with wishing the community and staff a safe and healthy holiday season.

ADJOURNMENT:

A. Adjournment

The meeting was adjourned in memory of the following: Ollie Ruth Bond; First Lady Blacksher Owens; Socorro Garcia; James "Jimmy" Reyes; and Claudia "Micki" Wright-Hall.

Mayor Warren adjourned the meeting at 9:00 p.m. to the next Regular City Council Meeting on January 25, 2022, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

DocuSigned by:

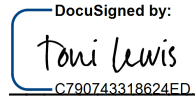


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Ashton R. Arocho, MMC
Deputy City Clerk

THE FOREGOING MINUTES WERE APPROVED AND ADOPTED BY THE FONTANA CITY COUNCIL ON THE 25TH DAY OF JANUARY 2022.

DocuSigned by:



C790743318624ED

Tonia Lewis
City Clerk

Certificate Of Completion

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Document Pages: 13	Signatures: 2
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Record Tracking

Status: Original	Holder: City Clerk	Location: DocuSign
1/26/2022 10:07 AM	clerks@fontana.org	

Signer Events

Ashton Gout
 agout@fontana.org
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Signature

DocuSigned by:

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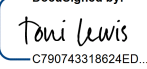
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 Signed: 1/27/2022 | 08:34 AM

Electronic Record and Signature Disclosure:

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Toni Lewis
 tlewis@fontana.org
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 Signed: 1/27/2022 | 10:59 AM

Electronic Record and Signature Disclosure:

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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**

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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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Certified Delivered	Security Checked	1/27/2022 10:59 AM
Signing Complete	Security Checked	1/27/2022 10:59 AM
Completed	Security Checked	1/27/2022 10:59 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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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:	<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

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

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