

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, May 10, 2022

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
Germaine McClellan Key - City Clerk
Janet Koehler-Brooks - City Treasurer

CLOSED SESSION:

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 for the following Closed Session items:

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54957.6

City Negotiator: Matt Ballantyne, City Manager and Rakesha Thomas, Director of Human Resources and Risk Management

Employee Organization(s): Police Officers Association; Police Management Association

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

Case: Kapena Kamakawiwoole vs. City of Fontana

Case No. CIVDS 1708327

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 in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California, 92335, on Tuesday, May 10, 2022. Mayor Warren called the meeting to order at 7:03 p.m.

ROLL CALL:

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

ABSENT: None

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

INVOCATION/PLEDGE OF ALLEGIANCE:

A. Fontana Police Department Chaplain / Pledge of Allegiance:

Following the invocation led by Fontana Police Department Chaplain Victor Nolen, the pledge of allegiance was led by Council Member Roberts.

PROCLAMATION:

1. Mayor Warren and City Council to proclaim May 15-21, 2022, as National Public Works Week (Public Works Manager Dan West to present).

Public Works Manager West provided a brief overview of National Public Works Week and accepted a proclamation on behalf of the Fontana Public Works Department.

2. Mayor Warren and City Council to proclaim May as Older Americans Month (Community Services Supervisor Douglas Johnson to present).

Community Services Supervisor Johnson provided a brief overview of Older Americans Month and accepted a proclamation from the Mayor and City Council.

3. Mayor Warren and the City Council to proclaim May as National Water Safety Month (Acting Community Services Director Daniel Schneider to present).

Community Services Manager Geneo Farrar provided a brief overview of Water Safety Month, identifying ways that residents can ensure a safe summer and accepted a proclamation from the Mayor and City Council.

SPECIAL PRESENTATIONS:

Items 1 and 2 were taken together, as they were both presented on behalf of California Parks and Recreation Society.

1. Mayor Warren and the City Council to recognize the award received from California Parks and Recreation Society, Aquatics Section in March 2022 for the 2021 Innovative Aquatics Programming for the Fontana Special Olympics Aquatics (California Parks and Recreation Society, Past President Lydie Gutfeld to present).

2. Mayor Warren and the City Council to recognize the award received from California Parks and Recreation Society, Facility Design Section in March 2022 for the 2021 Central City Park Project (California Parks and Recreation Society, Past President Lydie Gutfeld to present).

California Parks and Recreation Society, Past President Lydie Gutfeld, presented the awards to the Mayor and City Council. While the awards were received, staff from the Fontana Aquatics department, as well as the Community Services Department, Public Works Department and Engineering Department took part in accepting these awards.

3. Mayor Warren and City Council to recognize Administrative Assistant Susana Gallardo as City Clerk's Department Employee of the Year (Deputy City Clerk Ashton R. Arocho, MMC, to present).

Deputy City Clerk Arocho presented the 2022 City Clerk's Department Employee of the Year award to Administrative Assistant Gallardo.

PUBLIC COMMUNICATIONS:

A. Public Communications

Prior to taking public communications, Mayor Warren announced that the City Council will be adjourning their meeting in honor of Glaudia Alice Williams-Bell, who recently passed.

The following individuals spoke under public communications:

1. Karen Hooper, representative from the Ronald McDonald Foundation, thanked the Mayor and City Council for their recent attendance at the Walk for Kids event and presented the Mayor with an award.
2. Bulldog Jessie, temporary closure of Center: Veteran's Partnering with the Community of Fontana and would like to re-open the center.

Mayor Warren asked Interim Deputy City Manager Ray Ebert to discuss further with the speaker on this matter.

3. Daniel Vasquez invited the entire City Council, staff and community to come out to an upcoming community event: Love Fontana.

CONSENT CALENDAR:

Prior to the motion of the Consent Calendar, City Attorney Duran commented on the following items:

1. Consent Calendar Item 'F'

City Attorney Duran stated that California Government Code requires that anytime the City Council take an action to approve or change an executive's compensation, that the announcement be made orally for public transparency.

The item before the City Council is asking for approval of Ricardo Sandoval as the Interim Director of Public Works, as a retiree annuitant, of a total compensation of \$88.44/hour, with no additional benefits.

2. Consent Calendar Item 'D'

City Attorney Duran also stated that in approving the Executive Annual Pay Schedule, there is one change, which is the creation of a new position: Director of Public Works/City Engineer, for a compensation salary range is \$165,000 - \$206,001 annually.

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed unanimously by a vote of 5-0 to adopt the Consent Calendar Items "A-G" as follows. The motion carried by the following vote: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

- A. Approval of Minutes [21-1362](#)
Approve the minutes of the April 26, 2022, Regular City Council Meeting.
- B. Adoption of Ordinance No. 1892 [21-1361](#)
Second Reading/Adopt **Ordinance No. 1892**, an Ordinance of the City of

- Fontana Adopting a Military Equipment Policy Pursuant to AB 481.
- C.** Accept an Active Transportation Program (ATP) Grant for the Date Elementary School Street Improvements Project and Adopt a Resolution for a Master Agreement with Caltrans for Reimbursement of State Funded Projects [21-1342](#)
1. Approve and authorize the City Manager to accept the Active Transportation Program (ATP) Grant in the amount of \$1,808,000.00 for the Date Elementary School Street Improvements Project and authorize staff to request reimbursements to grant requirements.
 2. Authorize staff to increase revenues up to \$1,808,000.00 and appropriate budget up to \$1,808,000.00 in Grant Fund 301 according to the grant allocation schedule.
 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 Date Elementary School Street Improvements Project.
 4. Adopt **Resolution No. 2022-031** authorizing the City Manager to execute the Master Agreement No. 08-5307S21 with the California Department of Transportation (Caltrans)
- D.** Adopt the New Job Description and Corresponding Salary Range for the Classification of Director of Public Works/City Engineer and the Updated Job Description and Corresponding Salary Range for the Classification of Budget Manager [21-1364](#)
- Adopt **Resolution No. 2022-032**, a resolution of the City Council of the City of Fontana adopting new and updated job descriptions for specific classifications throughout the City.
- E.** Approve the purchase of Sandy Spin Inc. Skillastics curriculum for the Fontana Expanded Learning Program's school sites [21-1327](#)
- Authorize the Community Services to utilize Article V. PURCHASING Sec. 10-152(3). - Exceptions from bid procedures of the Fontana City Code to acquisition the proprietary Skillastics curriculum from Sandy Spin Inc. for the Fontana Expanded Learning Program (FELP).
- F.** Adopt a Resolution Appointing Ricardo Sandoval as Interim Director of Public Works/City Engineer and Approving Employment Agreement [21-1375](#)
- Adopt **Resolution No. 2022-033**, A Resolution of the City Council of the City of Fontana appointing Ricardo Sandoval as Interim Director of Public Works/City Engineer and Approving Employment Agreement.
- G.** Approve Amendment No. 1 to Professional Services Agreement with De Novo Planning Group for SB 2 Planning Grant Implementation [21-1385](#)
1. Approve and authorize the City Manager to execute Amendment No. 1 to

Professional Services Agreement with De Novo Planning Group in the additional amount of \$76,000 for SB 2 Planning Grant Implementation (SP-101-DS-20).

2. Approve and authorize the City Manager to execute any future amendments to the Professional Services Agreement.

PUBLIC HEARINGS:

- A. Appeal No. 22-001: A request for an appeal to overturn the Planning Commission's March 15, 2022 decision approving Tentative Parcel Map No. 20447 (TPM No. 21-017) and Design Review No. 21-030 for a new industrial commerce center building totaling approximately 137,000 square feet. The building includes two potential office spaces totaling approximately 10,000 square feet, 26 warehouse dock doors, and one (1) ground level door; the site plan includes 37 trailer parking spaces, and 50 passenger car parking spaces. The building will have a maximum height of 40-feet. The site is located on the northeast corner of the intersection of Santa Ana Avenue and Calabash Avenue within the Slover West Industrial District (SWD) of the Southwest Industrial Park (SWIP) Specific Plan of the City of Fontana. [21-1341](#)

Mayor Warren closed the public hearing.

Council Member Sandoval asked the Applicant on how they are going to ensure traffic flow near the site of the project, as well as trucks idling, disposal of human waste, and other concerns in this area without the additional warehouse development.

Deputy City Manager Phil Burum interjected on the question posed to the Applicant, identifying that these concerns were apart of the Environmental Studies and the Addendum to the Environmental Impact Report, included in the staff report. Traffic studies were included in the Addendum. A Health Risk Assessment, although not required for a warehouse of this size, was also completed under the request of the Applicant for cautionary reasons due to the residential properties near the project site. All the items are appropriate for this project to move forward.

Council Member Sandoval commented on the high level of traffic in this area of the proposed project site and identified that he knows the level of traffic as he commonly drives this area of the community and deals with the concerns that are found near the project site. Additionally, noted that staff incorrectly sited that another warehouse is to the West of the project site, as it is not a warehouse but a truck parking lot.

Deputy City Manager Burum commented on the property zoning for industrial use for over 40 years.

Council Member Sandoval closed asking staff to accommodate the residents that live in the area and their health concerns due to project site locations.

City Attorney Duran advised Mayor Warren to re-open the Public Hearing and to let the record reflect the conversation between Council Member Sandoval and staff, as a part of the Public Hearing.

Mayor Warren re-opened the Public Hearing and asked Deputy City Clerk Arocho to add such recent correspondence that occurred following the close of the Public Hearing be included into the final record.

Mayor Warren commented on the assumption made by Council Member Sandoval that the rest of the Council and/or Staff do not frequently visit or drive near the project site. Additionally, identified the role of the Council to review and reflect on the facts of the hearing, thanking public for their comments this evening.

Mayor Warren closed the Public Hearing.

ACTION: Motion was made by Mayor Pro Tem Garcia, seconded by Council Members Roberts, and passed unanimously by a vote of 4-1 to approve Public Hearing Item 'A' as follows:

Deny Appeal No. 22-001 and uphold the Planning Commission's March 15, 2022 decision approving Tentative Parcel Map No. 20447 (TPM No. 21-017) and Design Review No. 21-030 for a new industrial commerce center building totaling approximately 137,000 square feet including two potential office spaces totaling approximately 10,000 square feet, including 26 warehouse dock doors, one (1) ground level door, 37 trailer parking spaces, and 50 passenger car parking spaces.

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

NEW BUSINESS:

A. User Fees for City Services

[21-1363](#)

Chief Financial Officer Jessica Brown provided the staff report and answered questions of the City Council.

ACTION: Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Garcia, and passed by a vote of 4-1 to approve New Business Item 'A' as follows:

Adopt Resolution No. 2022-034, a resolution of the City of Fontana adjusting existing user fees for various services provided by the City.

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

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Ballantyne mentioned his recent attendance at the Fontana Day Parade.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks congratulated Administrative Assistant Susana Gallardo on receiving Employee of the Year.

City Clerk McClellan Key congratulated Administrative Assistant Susana Gallardo on receiving Employee of the Year and commented on recently attended community events. In closing, City Clerk McClellan Key announced that May is Mental Health Awareness Month and encouraged residents to seek assistance.

Council Member Cothran commented on recently attended community events; wished those who are Mother's a belated Mother's day; and congratulated both Police and Fire Department on their recent award ceremony.

Mayor Pro Tem Garcia commented on recently attended community events and his upcoming attendance at the League of CAL Cities Leaders Summit in Sacramento, CA, on May 11-13, 2022.

Council Member Sandoval congratulated both Police and Fire Department on their recent award ceremony; wished his grandson a Happy Birthday; commented on recently attended community events; and wished all those who celebrate Mother's Day on May 10, Happy Mother's Day.

Council Member Roberts wished a speedy recovery to Grand Danny Mark; commented on recently attended community events; congratulated Administrative Assistant Susana Gallardo on receiving Employee of the Year; and congratulated both Police and Fire Department on their recent award ceremony.

Mayor Warren commented on recent attendance at the Care Court Conference in Sacramento, CA, on April 25; recent attendance for Cherish Program to support women and children affected by domestic violence; recent attendance at the Southern California Association of Government's Regional Conference in Indian Wells, CA; discussed the City's Housing Element; congratulated former Kaiser High School football star, Tyler Allegier, for NFL draft by the Atlanta Falcons; congratulated daughter, Aajee, for upcoming graduation from Cal State San Bernardino with a Master's Degree in Rehabilitation Counseling; and closed with thanking City staff for all their hard work and dedication to ensure that Fontana continues to move forward.

ADJOURNMENT:

A. Adjournment

Mayor Warren adjourned in memory of Glaudia Alice Williams-Bell and to the League of CAL Cities 2022 City Leaders Summit in Sacramento, CA, from May 11-13, 2022, and to the 2022 Innovating Commerce Serving Communities Conference in Las Vegas, NV, from may 22-24, 2022, and to the next Regular City Council Meeting on June 14, 2022 at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Ashton Arocho

Ashton R. Arocho, MMC
Deputy City Clerk

THE FOREGOING MINUTES WERE APPROVED AND ADOPTED BY THE FONTANA CITY COUNCIL ON THE 14TH DAY OF JUNE 2022.

Germaine McClellan Key

Germaine McClellan Key
City Clerk

Certificate Of Completion

Envelope Id: 82E4557E3F1046A994CA471ABF1E05DC	Status: Completed
Subject: Please DocuSign: Minutes - 05.10.22.pdf	
Source Envelope:	
Document Pages: 10	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	City Clerk
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	Holder: City Clerk	Location: DocuSign
6/15/2022 08:54 AM	clerks@fontana.org	

Signer Events

Signer Events	Signature	Timestamp
Ashton Arocho aarocho@fontana.org City Clerk's Office Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Signed by link sent to aarocho@fontana.org Using IP Address: 192.146.186.96	Sent: 6/15/2022 08:54 AM Viewed: 6/15/2022 09:15 AM Signed: 6/15/2022 09:15 AM

Electronic Record and Signature Disclosure:
Accepted: 6/15/2022 | 09:15 AM
ID: 3c812ad1-e649-4bd5-812c-8ec6114726be

Germaine McClellan Key gkey@fontana.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Signed by link sent to gkey@fontana.org Using IP Address: 107.201.246.59	Sent: 6/15/2022 09:15 AM Viewed: 6/15/2022 09:20 AM Signed: 6/15/2022 09:21 AM
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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

Evelyne Ssenkoloto essenkol@fontana.org Security Level: Email, Account Authentication (None)	<div style="border: 2px solid blue; padding: 5px; display: inline-block;">COPIED</div>	Sent: 6/15/2022 09:21 AM Viewed: 6/15/2022 09:36 AM
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Electronic Record and Signature Disclosure:
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ID: e7145250-7347-428b-af51-3066469cc29f

Carbon Copy Events	Status	Timestamp
Kathy Kasinger kkasinger@fontana.org Records Coordinator Security Level: Email, Account Authentication (None)	COPIED	Sent: 6/15/2022 09:21 AM
Electronic Record and Signature Disclosure: Accepted: 6/10/2022 09:50 AM ID: 65a4bc50-270f-4857-98bf-1f3fec446c11		

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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Envelope Sent	Hashed/Encrypted	6/15/2022 08:54 AM
Certified Delivered	Security Checked	6/15/2022 09:20 AM
Signing Complete	Security Checked	6/15/2022 09:21 AM
Completed	Security Checked	6/15/2022 09:21 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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