

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, June 28, 2022

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

WORKSHOP:

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

The Workshop for the Fontana City Council was held on Tuesday, June 28, 2022, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, CA, 92335. Mayor Warren called the meeting to order at 5:08 p.m, with all members of the City Council were present.

City Clerk Germaine McClellan Key and City Treasurer Janet Koehler-Brooks were also present.

The agenda was reviewed and no items were requested to be pulled by the City Council. Additionally, City Manager Matt Ballantyne had no City Manager comments to share.

City Clerk McClellan Key noted for the record that there were no public communications received on the item.

City Attorney Ruben Duran presented the item as follows:

1. Comprehensive Municipal Code Update

City Attorney Duran presented the presentation and asked for City Council direction to staff.

Mayor Warren expressed her desire to ensure that the most outdated Chapters and Ordinances are addressed first and to ensure that staff review any State mandates that have since been implemented to ensure that we are consistent.

Mayor Pro Tem Garcia agreed with Mayor Warren and is concerned on moving forward with Option 3 and identifying the areas of most need as a priority.

City Attorney Duran provided a cost estimate to the Mayor and City Council based off a different City who has done such a project but outlining that this project will cost up-to \$200,000.

Mayor Pro Tem Garcia asked for clarification on the time frame for completion based on the different options provided in the presentation.

Mayor Warren asked staff to look into the chapters that were approved in the early part of incorporation as things have changed.

City Manager Ballantyne clarified to the City Council that based off this discussion, City staff will do a proper analysis on the current Code and dates of approval to show the Council the extent of the project prior to moving forward.

The direction of the City Council is to move forward with Option 2, pending staff's analysis and understanding that the project will begin in the 2023 calendar year.

The Workshop adjourned at 5:32 p.m.

CLOSED SESSION:**A. 6:00 P.M. CLOSED SESSION**

The Closed Session meeting of the Fontana City Council was held on Tuesday, June 28, 2022, in the Executive Conference Room at 8353 Sierra Avenue, Fontana, CA, 92335. Mayor Warren called the meeting to order at 6:00 p.m., 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 LEGAL COUNSEL-EXISTING LITIGATION

(Gov. Code section 54956.9(d)(1).)

Name of Case: Garcia-Medina v. City of Fontana, et al.

Case No. USDC CV21-01422 JGB (KK)

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

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Negotiator: Matt Ballantyne, City Manager

Employee Organization(s): Non-Represented Executive Group

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 on Tuesday, June 28, 2022, in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, CA, 92335.

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

INVOCATION/PLEDGE OF ALLEGIANCE:

- A. The invocation was led by Fontana Police Department Chaplain Victor Nolen, followed by the Pledge of Allegiance led by Mayor Pro Tem Garcia.**

CLOSED SESSION ANNOUNCEMENT

City Attorney Duran stated that the Mayor and City Council met in Closed Session on the items listed on the agenda.

The following item discussed during Closed Session received direction from the Mayor and City Council to produce a stipulated settlement of \$75,000:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Gov. Code section 54956.9(d)(1).)

Name of Case: Garcia-Medina v. City of Fontana, et al.

Case No. USDC CV21-01422 JGB (KK)

The following item(s) discussed during Closed Session took no reportable action:

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

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Negotiator: Matt Ballantyne, City Manager

Employee Organization(s): Non-Represented Executive Group

SPECIAL PRESENTATIONS:

A.

[21-1483](#)

Mayor Warren announced that San Bernardino County District 5 Supervisor Joe Baca was here to provide a brief presentation regarding a recent opportunity for the City of Fontana Veteran's Park Improvements. Supervisor Baca presented a check in the amount of \$530,000 from the County of San Bernardino Fifth District.

This presentation is apart of Consent Calendar Item 'I'.

Mayor Warren called for a recess at 7:11 p.m. due to technical difficulties within the Council Chambers.

Mayor Warren reconvened the meeting at 7:20 p.m.

1. Mayor Warren and City Council to recognize Officers Jon Gearhart and Toni Lozano as the Police Department's May 2022 Employees of the Month (Captain Stover to present).

Mayor Warren and City Council, with the assistance of Police Captain Angela Stover, recognized Officers Gearhart and Lozano as the Police Department's May 2022 Employees of the Month.

2. Mayor Warren to introduce and recognize Miss Fontana Giselle Aparicio and Teen Fontana Ava Trejo (Representative of the Miss Fontana Organization to present).

Miss Fontana Organization Executive Director Cesilee Arana provided Mayor Warren and City Council with a brief summary of the Organization, as well as announced the recently crowned Miss Fontana and Teen Fontana. The entire 2022 Court was in attendance.

3. Mayor Warren and City Council to recognize Council Member John Roberts' Birthday (Mayor Warren to present).

Mayor Warren and City Council sung Happy Birthday to Council Member Robert's.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individuals spoke under public communications:

1. Marcopolo Anzora, representative of 31st Congressional District Pete Aguilar, introduced himself to the Mayor and City Council as a new point of contact to the City and Community.

2. Ray Lopez, asked the Mayor and City Council to review an Edison easement on Cherry Avenue near his neighborhood for improvements.

CONSENT CALENDAR:

ACTION: Motion was moved by Council Member Cothran, seconded by Council Member Roberts, to approve the Consent Calendar Items 'A-N' as follows: AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

- A.** Approval of Minutes [21-1480](#)
Approve the minutes of the June 14, 2022, Regular City Council Meeting.
- B.** Adoption of Ordinance No. 1893 (Second Reading) [21-1462](#)
Second Reading/Adopt **Ordinance No. 1893** levying special taxes within the City of Fontana Community Facilities District No. 109 (Narra Hills).
- C.** Adoption of Ordinance No. 1894 (Second Reading) [21-1463](#)
Second Reading/Adopt **Ordinance No. 1894**, amending Chapter 2, Section 2-42, of the Fontana Municipal Code, regarding City Council electoral system.
- D.** Adopt a Resolution Approving the Updated Salary Tables for the Fontana Police Management Association (PMA) Bargaining Unit and the Executive Group [21-1386](#)
Adopt **Resolution No. 2022-053**, a resolution of the City Council of the City of Fontana adopting the updated salary table for the Fontana Police Management Association Bargaining Unit and the Executive Group.
- E.** Annual Placement of Sewer Charges on the Property Tax Rolls [21-1400](#)
Adopt **Resolution No. 2022-054** of the City Council of the City of Fontana, California, directing the placement of sewer charges on the property tax bills for collection.
- F.** Annual Placement of Rubbish Charges on the Property Tax Rolls [21-1453](#)
Adopt **Resolution No. 2022-055** of the City Council of the City of Fontana, California, directing the placement of rubbish charges on the property tax bills for collection.
- G.** Annual Placement of Weed Abatement Charges on the Property Tax Rolls [21-1452](#)
Adopt **Resolution No. 2022-056** of the City Council of the City of Fontana, California, directing the placement of weed abatement charges on the property tax bills for collection.
- H.** Approve Task Orders for Inspection Services and Construction Management Services for the Sierra Avenue Widening Project between Foothill Boulevard and Baseline Avenue [21-1446](#)
1. Approve and authorize the City Manager to execute a Task Order in a not to exceed amount of \$304,400.00 with Albert Webb and Associates for Inspection Services and any amendments for the Sierra Avenue Widening Project between Foothill Boulevard and Baseline Avenue;
 2. Approve and authorize the City Manager to execute a Task Order in a not to exceed amount of \$492,548.00 with TKE Engineering Inc. and any amendments

- for Construction Management Services for the Sierra Avenue Widening Project between Foothill Boulevard and Baseline Avenue.
- I.** Approval of a Contract Agreement with the County of San Bernardino to accept American Rescue Plan Act (ARPA) Funds in the amount of \$3,125,000 for Improvements to Veterans Park, Jack Bulik Park, Cypress-Knopf Community Center, and Center Stage Theater [21-1478](#)
- It is recommended that the Mayor and City Council ratify and approve the agreements and accept funding from the County of San Bernardino in the amount of \$3,125,000.
- J.** Authorize the Purchase of Varonis DatAdvantage Data Audit and Protection Software Solution [21-1378](#)
1. Authorize the Purchasing Office to “Piggy-Back” on the National Association of State Procurement Officials (NASPO) Software VAR contract ADSPO16-130651 for the purchase of Varonis DatAdvantage Data Audit and Protection Software cybersecurity solution from SHI International;
2. Approve appropriation and allocate the amount of \$157,926.68 from fund 302 as part of the City’s American Rescue Plan Act Expenditure Plan.
- K.** 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) [21-1445](#)
1. Approve the Interlocal Agreement with the Town of Apple Valley, the Cities of Adelanto, Barstow, Chino, Colton, Fontana, Hesperia, Highland, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, Victorville, and the County of San Bernardino, concerning distribution of the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$57,226;
2. Authorize the City Manager to sign the Interlocal Agreement on behalf of the City of Fontana for the 2017 Justice Assistance Grant and any other documents and/or amendments required to comply with this grant award;
3. Approve allocation of funds to purchase law enforcement equipment to assist in responding to or investigate crimes.
- L.** Police Department Monthly Information Update [21-1459](#)
Accept the Police Department monthly information update for April 2022.
- M.** Police Department Monthly Information Update [21-1460](#)
Accept the Police Department monthly information update for May 2022.
- N.** Adopt a Resolution Approving Updated Salary Tables for the Executive Group, Fontana Police Management Association, Fontana Police Benefit Association, Teamsters Local 1932 City Hall Unit, Teamsters Local 1932 Public Works Unit, and the Management/Confidential Group as Outlined in Current Labor [21-1475](#)

Agreements or Contracts.

Adopt **Resolution No. 2022-057**, a resolution of the City Council of the City of Fontana adopting the updated salary tables for the Executive Group, Fontana Police Management Association, Fontana Police Benefit Association, Teamsters Local 1932 City Hall Unit, Teamsters Local 1932 Public Works Unit, and the Management/Confidential Group for the Fiscal Year 2022/2023.

PUBLIC HEARINGS:

- A.** Quarterly Lien Action for Delinquent Sewer, Rubbish and Weed Abatement Accounts [21-1399](#)

Mayor Warren opened the Public Hearing.

Accountant Lisa Conlon presented the staff report and answered questions of the City Council.

Mayor Warren closed the public hearing as there was no one who wished to speak on the item.

ACTION: Motion was made by Council Member Cothran, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to approve Public Hearing Item '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 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. 2022-058 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, Garcia, Cothran, Roberts, and Sandoval; NOES: None; ABSTAIN: None

- B.** New User Fees for City Services [21-1424](#)

Mayor Warren opened the Public Hearing.

Accountant Justin Marietta provided the staff report and answered questions of the City Council.

Mayor Warren closed the Public Hearing as there was no one who wished to speak on the item.

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

Adopt Resolution No. 2022-059 a resolution adopting new planning and engineering fees.

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

- C. Zoning Code Amendment (ZCA) No. 22-003 for an amendment to Chapter 30, Article X, General Landscape Standards, of the Municipal Code to establish general landscape standards to improve water efficiency and other environmental quality citywide developments [21-1451](#)

Mayor Warren opened the Public Hearing.

Senior Engineer Shannon Casey provided the staff report and answered questions of the City Council.

Mayor Warren asked staff to confirm whether or not American Sweetgum Trees were included in this report. Staff confirmed that it was not.

Council Member Cothran asked for clarification on the attachment included in the staff report (page 11) regarding the residential district and different types of approved landscapes.

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

Prior to the motion being taken, City Attorney Duran announced to the City Council and the public that there was a memorandum placed on the dais by City staff amending the motion to be presented as follows:

1. On Page 46, "Olive Tree", add language to clarify that the tree be the fruitless variety of *Olea Europaea*.
2. On Page 72, "Index", remove Chinese Elm and Date Palm from the list of trees. These trees are not included in the proposed palette.

A copy of the memo will be included in the final record for the staff report, as well as available in the City Clerk's Office for public review.

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

Read by title only and waive further reading of and introduce Ordinance No. 1895, an ordinance of the City of Fontana, California amending chapter 30, Article X, General Landscape Standards for the Fontana Municipal Code to establish water efficiency and other environmental standards for the regulation of environmental quality for citywide development, 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

NEW BUSINESS:

- A.** Annual Comprehensive Financial Report for Fiscal Year Ended
June
30, 2021

[21-1476](#)

Chief Financial Officer Jessica Brown and Jonathan Foster, Partner with Davis Farr, provided the staff report and answered questions of the City Council.

Mayor Warren inquired regarding one of the identified assets in the presentation. Chief Financial Officer Brown commented that this item was apart of the Redevelopment Agency and the City acquired such property following the closure of the Agency.

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

Approve the City of Fontana's Annual Comprehensive Financial Report (ACFR) for Fiscal Year ended June 30, 2021.

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

- B.** Adopt Resolution to update Mission Statement, Vision, and Goals for the City of Fontana [21-1481](#)

Interim Deputy City Manager Ray Ebert 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 unanimously by a vote of 5-0 to approve New Business Item 'B' as follows:

Adopt Resolution No. 2022-060, updating the Mission Statement, Vision, and Goals for the City of Fontana.

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

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

City Manager Ballantyne wished the community a safe Fourth of July and provided further clarification on the comments made under New Business Item A.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks wished Council Member Roberts a Happy Birthday; commented on recent community events; and thanked Chief Financial Officer Brown and the Management Services Department for all their hard work on the Comprehensive Financial Report.

City Clerk McClellan Key commented on recently attended community events; and provided a brief update on her 100-day plan that was submitted as a part of her appointment as City Clerk.

Mayor Pro Tem Garcia thanked District 5 County Supervisor Baca for his generous funding for the Veteran's Park Improvements; and wished the community a Happy Fourth of July.

Council Member Cothran spoke on recently attended community events; and wished the community a Happy Fourth of July.

Council Member Sandoval discussed the Veteran's Memorial Wall celebration that was done virtually due to the pandemic and inquired about the bricks laid at the memorial wall.

Mayor Warren interjected asking City Manager Ballantyne to see what the cost associated with the bricks laid at the memorial wall would entail and advised that dependant on the health state of the upcoming Veteran's Day, maybe staff can plan a in-person celebration at the wall.

Council Member Sandoval commented on his grandson's recent graduation in Texas and baseball game; asked staff to review the fireworks Ordinance to assist with providing the City Public Safety with additional support when dealing with illegal fireworks; and closed with wishing his wife, Mary, a Happy 40th Wedding Anniversary.

Council Member Roberts thanked everyone for the Happy Birthday wishes; announced the recent birth of grandson, Hudson James Roberts; wished Council Member Sandoval and his wife a Happy wedding anniversary; and wished the community a Happy Fourth of July.

Mayor Warren thanked District 5 County Supervisor Baca for his generous funding for the Veteran's Park Improvements, as well as District 2 County Supervisor Rutherford; talked about fireworks within Fontana; asked the community to report illegal fireworks to the Police Department this holiday; talked about recent discussion with restaurant owners and street vendors; commented on upcoming community events; and closed with congratulation Legislative Affairs Manager Robert Torres on the recent birth of his son.

ADJOURNMENT:

A. Adjournment

Mayor Warren adjourned the meeting at 8:41 p.m. to the next Regular City Council Meeting on July 12, 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 JULY 12, 2022.

Germaine McClellan Key

Germaine McClellan Key
City Clerk

Certificate Of Completion

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Record Tracking

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7/21/2022 10:18 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)	<i>Ashton Arocho</i> Signature Adoption: Pre-selected Style Using IP Address: 192.146.186.96	Sent: 7/21/2022 10:18 AM Viewed: 7/21/2022 10:24 AM Signed: 7/21/2022 10:24 AM

Electronic Record and Signature Disclosure:
Accepted: 7/21/2022 | 10:24 AM
ID: 7177c263-853b-4ed8-ba14-0a418293ac65

Germaine McClellan Key gkey@fontana.org Security Level: Email, Account Authentication (None)	<i>Germaine McClellan Key</i> Signature Adoption: Pre-selected Style Using IP Address: 107.201.246.59	Sent: 7/21/2022 10:24 AM Viewed: 7/21/2022 10:27 AM Signed: 7/21/2022 10:27 AM
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Accepted: 7/21/2022 | 10:27 AM
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In Person Signer Events **Signature** **Timestamp**

Editor Delivery Events **Status** **Timestamp**

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Susana Gallardo sgallardo@fontana.org Security Level: Email, Account Authentication (None)	COPIED	Sent: 7/21/2022 10:27 AM
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Carbon Copy Events	Status	Timestamp
Kathy Kasinger kkasinger@fontana.org Records Coordinator Security Level: Email, Account Authentication (None)	COPIED	Sent: 7/21/2022 10:27 AM
Electronic Record and Signature Disclosure: Accepted: 7/12/2022 11:19 AM ID: 0ca29638-8601-41c0-9a3e-5ea674f4180d		

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	7/21/2022 10:18 AM
Certified Delivered	Security Checked	7/21/2022 10:27 AM
Signing Complete	Security Checked	7/21/2022 10:27 AM
Completed	Security Checked	7/21/2022 10:27 AM

Payment Events	Status	Timestamps
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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

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