

City of Fontana

8353 Sierra Avenue
Fontana, CA 92335



Minutes

Tuesday, March 8, 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
Vacant - City Clerk
Janet Koehler-Brooks - City Treasurer*

WORKSHOP:

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

The Workshop of the Fontana City Council was held on Tuesday, March 8, 2022, in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, CA 92335. Mayor Warren called the meeting to order at 5:01 p.m. with all members of the City Council present. City Treasurer Janet Koehler-Brooks was also in attendance.

The Regular City Council meeting agenda was reviewed.

Council Member Cothran requested that Consent Calendar Item 'F' be removed for questions of staff.

City Manager comments were heard and received. Interim City Manager Yauchzee commented on upcoming deadline for applications for appointment to fill the unscheduled vacancy of the Elected City Clerk.

Public Communications were received following presentation, as the item before the Council was a Public Hearing.

National Demographic Corporation (NDC), Todd Tatum, presented the fourth of the four required public hearings on the Redistricting process for Fontana, identifying the eight total received draft maps provided by both NDC, as the City's consultant, and the public.

The following individuals spoke in support of draft map 401:

1. Manuel Rendon
2. Pastor Samuel Casey
3. Janet Bernabe
4. Ana Gonzalez
5. Elizabeth Sena
6. Ben
7. Kareem Gongora
8. Yasmin Ramirez
9. Lupe Camacho
10. Mary Sandoval
11. Amparo Munoz Miramontes
12. Joaquin Castellejos
13. Gaby Mendez

Immediately after public comment, City Attorney Ruben Duran and Deputy City Clerk Ashton Arocho, provided clarification around some of the comments received.

Following the presentation and public comment, Mayor Warren requested an amendment to be made by NDC for draft map 104, to re-draw the boarder line of District 3 and District 4 between Juniper and Cypress Ave.

By a vote of 4-1, Sandoval voting no, draft maps 103, 104 and 402 were directed for staff to bring back for Council's final consideration at the March 22, 2022, Council meeting.

The workshop adjourned at 6:12 p.m.

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

A Closed Session was held in the Executive Conference Room at 6:12 p.m. located at 8353 Sierra Avenue, Fontana, California, with all members of the City Council present. Meeting went into Recess

Meeting Reconvened

PUBLIC COMMUNICATION - CLOSED SESSION:**A. Public Communications - Closed Session**

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

PUBLIC EMPLOYEE APPOINTMENT
(Government Code section 54957(b)(1))
Title: City Manager

CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6
City Negotiator: Ruben Duran, City Attorney
Unrepresented Employee: City Manager

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
(Gov. Code section 54956.8)
Property: APN 019116305, APN 019116324, APN 019116316,
APN 019116317 & APN 019116326
City Negotiator: Shannon Yauchzee, Interim City Manager
Negotiating Parties: Bank of America
Under Negotiation: Price and terms of payment

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 Unit; Teamsters Local 1932
Yard Unit; Police Officers' Association; Police Management Association; Police Benefit
Association; Management/Confidential

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)
Case: Timothy Frydendall vs. City of Fontana Workers' Compensation
Claim Number: 210200060

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)
Case: Lucien Leyes, et. al v. City of Fontana
Claim Number: 2020-066 (a-C)

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

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, 8353 Sierra Avenue, Fontana, California 92335, on Tuesday, March 8, 2022. Mayor Warren called the meeting to order at 7:06 p.m.

ROLL CALL:

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

Absent: None

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

Following the invocation led by Fontana Police Department Chaplain Victor Nolen, the pledge of allegiance was led by Mayor Pro Tem Garcia.

CLOSED SESSION ANNOUNCEMENT

City Attorney Ruben Duran reported that there was no reportable action on five of the seven Closed Session items presented to City Council. The Closed Session items listed below had the following reportable action:

PUBLIC EMPLOYEE APPOINTMENT
(Government Code section 54957(b)(1))
Title: City Manager

**CONFERENCE WITH LABOR NEGOTIATORS PURSUANT
TO GOVERNMENT CODE SECTION 54957.6**
City Negotiator: Ruben Duran, City Attorney
Unrepresented Employee: City Manager

ACTION: Passed by an unanimous vote of 5-0 to appoint Matt Ballantyne as City Manager.
(AYES: Warren, Garcia, Cothran, Roberts, and Sandoval; NOES: None)

Mayor Warren requested that New Business Item 'A' taken out of order on the agenda.

The following item was taken out of order:

NEW BUSINESS:**A. New Business****A. Orally Report Compensation and Approve City Manager
Employment Agreement**

[21-1246](#)

Orally Report a Summary of Compensation and Approve Employment Agreement Appointing City Manager, effective April 18, 2022, and Setting Compensation and Other Terms of Employment.

City Attorney Duran presented the staff report.

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

Aye: Warren, Garcia, Sandoval, Cothran, and Roberts

Mayor Warren and the City Council formally welcomed and introduced incoming City Manager Matt Ballantyne and thanked Interim City Manager Shannon Yauchzee for his dedication in his interim role.

PROCLAMATION:

A. Proclamation

A. Mayor Warren and City Council to proclaim March 10, 2022 as Arbor Day (Public Works Manager, Dan West to accept).

[21-1220](#)

A. Mayor Warren and City Council to proclaim March 10, 2022 as Arbor Day (Public Works Manager, Dan West to accept).

Mayor Warren and City Council proclaimed March 10, 2022, as Arbor Day, presenting a proclamation to Public Works Manager Dan West.

SPECIAL PRESENTATIONS:

A. Special Presentations

A. Mayor Warren and City Council to recognize Management Services Department for the receipt of the California Society of Municipal Finance Officers (CSMFO) Operating Budget Meritorious and the Capital Budget Excellence Award and the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award. (Interim Deputy City Manager Ray Ebert to present).

[21-1236](#)

A. Mayor Warren and City Council to recognize Management Services Department for the receipt of the California Society of Municipal Finance Officers (CSMFO) Operating Budget Meritorious and the Capital Budget Excellence Award and the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award. (Interim Deputy City Manager Ray Ebert to present).

Mayor Warren and City Council recognized Management Services Department for their recent awards.

PUBLIC COMMUNICATIONS:

A. Public Communications

The following individual spoke under public communications:

1. Deborah Hall Lindsey spoke on past community events.

CONSENT CALENDAR:

Council Member Cothran requested that Item 'F' be pulled for questions to staff.

Interim City Manager Yauchzee and Chief Financial Officer Jessica Brown provided a quick overview on Consent Calendar Item 'F' and answered questions of the City Council.

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 Consent Calendar Items "A-F", with Mayor Pro Tem Garcia abstaining from Consent Calendar Item 'B' due to his residence being within close proximity to the project.

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

Aye: Warren, Garcia, Sandoval, Cothran, and Roberts

A. Approval of Minutes [21-1237](#)

Approve the minutes of the February 22, 2022, Regular City Council Meeting.

B. Approval of Final Map for Tract No. 20362 within the Arboretum Specific Plan [21-1179](#)

Approve the Final Map for Tract No. 20362 located north of Casa Grande Avenue, west of Sierra Avenue, south of Duncan Canyon Road, and east of Cypress Avenue within the Arboretum Specific Plan; accept as public dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

C. Approve replacement of securities for Tract No. 20018. [21-1182](#)

Approve replacement of securities for infrastructure improvements of Tract No. 20018 and authorize the City Manager to enter into a Subdivision Agreement with D.R. Horton Los Angeles Holding Company, Inc. for construction of infrastructure improvements.

D. Resolution Ratifying the 2021-2024 Memorandum of Understanding for the Teamsters Local 1932, City Hall Bargaining Unit [21-1193](#)

Adopt **Resolution No. 2022-014**, a resolution of the City Council of the City of Fontana ratifying the Memorandum of Understanding between the City of Fontana and the Teamsters Local 1932, City Hall Bargaining Unit.

E. Resolution Ratifying the 2020-2024 Memorandum of Understanding for the Teamsters Local 1932, Public Works Bargaining Unit [21-1194](#)

Adopt **Resolution No. 2022-015**, a resolution of the City Council of the City of

Fontana ratifying the Memorandum of Understanding between the City of Fontana and the Teamsters Local 1932, Public Works Bargaining Unit

F. American Rescue Plan Act Recommended Expenditure Plan [21-1233](#)

Approve the American Rescue Plan Act Recommended Expenditure Plan in the amount of \$50,257,113 and associated budget adjustments.

NEW BUSINESS (CONTINUED):

B. Miscellaneous Project No. 22 - 001- Review of 2021 General Plan Annual Progress Report [21-1213](#)

Direct staff to submit the 2021 General Plan Annual Progress Report to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD).

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

Aye: Warren, Garcia, Sandoval, Cothran, and Roberts

CITY MANAGER COMMUNICATIONS:

A. City Manager Communications

Interim City Manager Yauchzee spoke on upcoming community events.

ELECTED OFFICIALS COMMUNICATIONS/REPORTS:

A. Elected Officials Communications/Reports

City Treasurer Koehler-Brooks recognized Management Services on their recent awards.

Council Member Sandoval spoke on recent community events; congratulated Fontana High School for their recent CIF Title for Basketball; and welcomed newly appointed City Manager Matt Ballantyne.

Council Member Roberts thanked everyone for their prayers and well wishes in his recovery from a recent surgery.

Council Member Cothran spoke on recent community events; wished his son a Happy First Birthday; and discussed an upcoming ride-along with the COAST Team.

Council Member Garcia welcomed Councilmen Roberts back; thanked Interim City Manager Shannon Yauchzee for all his time and dedication to the organization and community within his interim appointment; and closed with welcoming newly appointed City Manager Matt Ballantyne.

Mayor Warren recognized International Women's Day; commented on the pandemic effects of children and families; discussed inclusion and diversity; spoke on recent community events; and outlined upcoming Job Fair for the Community Services Department.

ADJOURNMENT:

A. Adjournment

Mayor Warren adjourned the meeting at 8:07 p.m. in memory of Former Upland City Councilmember Tom Thomas and held a moment of silence for those in Ukraine.

The next Regular City Council Meeting on March 22, 2022, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

Ashton R. Arocho, MMC
Deputy City Clerk

THE FOREGOING MINUTES WERE APPROVED AND ADOPTED BY THE CITY COUNCIL ON THE 22ND DAY OF MARCH 2022.

City Clerk