

# City of Fontana

8353 Sierra Avenue  
Fontana, CA 92335



## Minutes

Tuesday, October 26, 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 on Tuesday, October 26, 2021, convened at 5:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order with Council Members Garcia, Roberts and Sandoval present.

Mayor Pro Tem Cothran was absent.

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

The following individuals spoke under public communications:

Ana Gonzalez spoke on concerns of scheduled timing of public hearings and concerns of the redistricting process within Fontana.

Elizabeth Sena spoke on concerns of remaining with four districts for the community and ensuring that fair representation is shown during this current redistricting process.

Amparo Munoz spoke on concerns of the current redistricting process and requests that the Council reconsider expanding the districts into seven, rather than remaining with the current four districts.

Senior Administrative Analyst Evelyne Ssenkoloto noted for the record that the City Clerk's Office received four written correspondences related to this workshop and such correspondences will be forwarded to the Mayor and City Council as well as kept with the final record.

City Attorney Ruben Duran provided a brief presentation of the redistricting process after the public communications were received. City Attorney Duran went over the redistricting process, project timeline and next steps and hearings; noting that this is the second Public Hearing of the required four hearings. This public hearing allowed the public the opportunity to provide comments regarding the districts and their neighborhoods and communities of interest. The final map must be approved by the Council and submitted to the San Bernardino County Registrar of Voters no later than April 17, 2022.

Council Member Sandoval asked if the future public hearing meetings regarding redistricting are to be held at a later time to allow members of the public to attend after their work hours.

Mayor Warren noted that the future two public hearings should be taken during our public hearing items on our regular agendas so that it allots for additional public to attend the meeting that begins at 7:00 p.m. In addition, made note that the entire City Council is available for conversation with the public at any time in regards to this redistricting process, if they are unable to attend a public hearing.

Council Member Garcia inquired about the mapping tool logistics. City Attorney Duran clarified that the mapping tool will be very user friendly once launched. In addition, noted that the City Clerk's Office will be sure to make a public announcement once the mapping

tool is available for public access.

Due to the remaining time allotted for the workshop, Mayor Warren asked Interim City Manager Shannon Yauchzee to provide a quick overview of his first week on the job.

The Workshop adjourned at 5:40 p.m.

[21-830](#)

## **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 Mayor Warren, Council Members Garcia, Roberts, and Sandoval present.

Mayor Pro Tem Cothran was absent.

## **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 Management Association;  
Police Benefits Association; and Management/Confidential Employees

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

Case: Jorge Velasquez vs. City of Fontana Workers' Compensation  
Claim Numbers: 170800089; 191100050 and 200200061 Cumulative Trauma

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section  
54956.9: One potential case

[21-850](#)

## **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 Housing Authority and the Fontana Fire Protection District meeting. The meetings took place in the Grover W. Taylor Council Chambers, 8353 Sierra Avenue, Fontana, California on Tuesday, October 26, 2021. Mayor Warren called the meeting to order at 7:03 p.m.

**ROLL CALL:**

Present: Mayor Warren, Council Members Garcia, Roberts, and Sandoval

Absent: Mayor Pro Tem Cothran

**INVOCATION/PLEDGE OF ALLEGIANCE:**

**A. Invocation led by 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 Council Member Roberts.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Duran announced that the City Clerk's Office received two additional written correspondences for the redistricting workshop and both correspondences have been provided to the Mayor and Council, as well as included in the final record.

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

**PROCLAMATION:**

**A. Proclamation**

[21-881](#)

A. Mayor Warren and City Council to Proclaim the Month of October as Breast Cancer Awareness Month (Mayor Warren to present).

Mayor Warren and the City Council presented the Breast Cancer Awareness proclamation to Matthew Hernandez, representative of Relay for Life.

**SPECIAL PRESENTATIONS:**

**A. Special Presentations**

Police Department September 2021 Employees of the Month

[21-963](#)

Mayor Warren and City Council to recognize Corporal Edward Stewart, Officers Paul Beltran, Michael Bernath, Andrew Hackett, Joshua Nassar, Samuel Saenz, Justin Summers and Community Service Officers Brianna Chairez, Autumn Hubbard, Marcela Javier, Adrianna Manning and Bethany Martinez as the Police Department's September 2021 Employees of the Month (Captain Burton to present).

Fontana Police Chief Billy Green recognized Corporal Edward Stewart, Officers Paul Beltran, Michael Bernath, Andrew Hackett, Joshua Nassar, Samuel Saenz, Justin Summers and Community Service Officers Brianna Chairez, Autumn Hubbard, Marcela Javier, Adrianna Manning, and Bethany Martinez as the Police Department September 2021 Employees of the Month.

## **PUBLIC COMMUNICATIONS:**

### **A. Public Communications**

The following individual spoke under public communications:

Elizabeth Sena thanked the Fontana Police Department for going to Kaiser High School to discuss traffic concerns; announced her recent interviews and tours of her neighborhoods and the effects that traffic; encourages the Council to have a more forward thinking model; and voiced concerns of having public participation at public meetings being required to be in-person, hoping that the Mayor and City Council will allow a virtual option in the near future.

## **CONSENT CALENDAR:**

**ACTION: Motion was made by Council Member Roberts, seconded by Council Member Garcia, and passed by a vote of 4-0 to adopt Consent Calendar Items "A-K". The motion carried by the following vote: AYES: Warren, Garcia, Roberts, and Sandoval; NOES: None; ABSENT: Cothran.**

- A.** Approval of Minutes [21-973](#)  
Approve the minutes of the October 12, 2021, Regular City Council Meeting.
- B.** Approve Encroachment Agreement with Crown Castle Fiber, LLC [21-858](#)  
Approve and authorize the City Manager to execute the Encroachment Agreement with Crown Castle Fiber, LLC
- C.** Purchase and installation of Artificial Turf, Restroom/Concession and Storage Buildings, Playground Equipment and Shade Structures and purchase of material only of Fitness Equipment and Musco Lighting for South Fontana Park Project [21-917](#)
  - 1. Approve and authorize the Purchasing Office to "Piggy-Back" from the California Multiple Award Schedule (CMAS) for the purchase of the following for South Fontana Park project:
    - a. FieldTurf USA, Inc. in the amount of \$1,707,212.00 for the purchase and installation of artificial turf and authorize a 10% construction contingency in the amount of \$170,721.20
    - b. Landscape Structures, Inc. in the amount of \$433,172.61 for the purchase and installation of playground equipment and authorize a 10% construction contingency in the amount of \$43,317.26
    - c. Romtec, Inc. in the amount of \$1,298,414.52 for the purchase and installation of a new restroom/concession and storage buildings and authorize a construction contingency in the amount of

- \$129,841.45.
- d. Greenfields Outdoor Fitness in the amount of \$92,417.43 for the purchase of exercise/fitness equipment and authorize a 10% construction contingency in the amount of \$9,241.74
2. Approve and authorize the Purchasing Office to “Piggy-Back” from the Sourcewell contract for the purchase of the following for South Fontana Park project:
    - a. USA Shade & Fabric Structures in the amount of \$948,440.00 for the purchase and installation of shade structures and authorize a 10% construction contingency in the amount of \$94,844.00
    - b. Musco Lighting in the amount of \$717,000 for the purchase of sports field lighting and authorize a 10% construction contingency in the amount of \$71,700.00
- D.** Final Acceptance of Subdivision Improvements for Tract No.'s 18894 and 20132 [21-936](#)
1. Accept as complete the Subdivision Improvements for Tract No.'s 18894 and 20132 located north of Arrow Boulevard and east of Tamarind Avenue.
  2. Adopt **Resolution No. 2021-107**, accepting sewers in Tract No.'s 18894 and 20132 as part of the City sewer system.
- E.** Final Acceptance of Subdivision Improvements for Tract Map No. 17317 [21-937](#)
1. Accept as complete the Subdivision Improvements for Tract No. 17317 located on the southeast corner of Citrus Avenue and Walnut Street.
  2. Adopt **Resolution No. 2021-108**, accepting sewers in Tract No. 17317, as part of the City sewer system.
- F.** New Athletic Field Tiered Fee Proposal [21-949](#)  
Review, Discuss and Approve the Proposed Athletic Field Permit Process and User Fees.
- G.** Police Department Monthly Information Update [21-962](#)  
Accept the Police Department monthly information update for September 2021.
- H.** CalHome Program Notice of Available Funding and Application Resolution [21-964](#)
1. Adopt **Resolution No. 2021-109** authorizing the submittal of a \$500,000 application to the California State Department of Housing and Community Development (HCD) for funding provided under the CalHome Program Notice of Available Funding (NOFA).
  2. Authorize the City Manager to execute any documents necessary or appropriate to complete said application.
- I.** [21-967](#)
- J.** OPEB/Pension 115 Trust Funding [21-989](#)  
Authorize the Deputy City Manager to execute agreements with Shuster

Advisory Group LLC, Charles Schwab Trust Bank, and Alta Trust Company to create 115 trust accounts for the funding of Future OPEB Liabilities and Pension Funding for Future Obligations and have Shuster provide professional investment advisory services for the investment portfolios.

- K.** Fiscal Year 2021/22 First Quarter Budget Status Report [21-983](#)
1. Approve the recommended Fiscal Year 2021/2022 First Quarter Budget adjustments
  2. Adopt **Resolution No. 2021- 110** of the City Council of the City of Fontana adopting revised job descriptions for specific classifications throughout the City
  3. Adopt **Resolution No. 2021 -111** of the City Council of the City of Fontana adopting the updated job description and salary range for the classification of Police Communications Supervisor and the updated Management Confidential Salary Table

## **PUBLIC HEARINGS:**

- A.** Public Hearing and adoption of HUD ESG-CV Substantial Amendment [21-884](#)

**Mayor Warren opened the public hearing.**

**Housing Department Project Specialist Mary Aguilar provided the staff report.**

**There were no public communications received on this item.**

**Mayor Warren closed the public hearing.**

**ACTION: Motion was made by Council Member Garcia, seconded by Council Member Roberts, and passed by a vote of 4-0 to adopt this Public Hearing Item "A" as follows:**

1. **Adopt the draft Substantial Amendment to the CDBG-CV and ESG-CV Action Plan;**
2. **Authorize the City Manager to execute and transmit any documents necessary or desirable to ensure the City's timely receipt of Community Development Block Grant-CARES Act (CDBG-CV) and Emergency Solutions Grant-CARES Act (ESG-CV) funding.**

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

- B.** Appeal No. 21-004: A request for an appeal to overturn the Planning Commission's decision on August 17, 2021, approving Tentative Parcel Map No. 20235 (TPM No. 20-014) and Design [21-943](#)



Review No. 20-019 for a new warehouse building totaling approximately 247,786 square foot including a maximum of two potential office/mezzanine space of approximately 4,000 square foot each, 34 warehouse dock doors, two ground level loading doors, 117 automobile parking spaces, and 50 trailer parking spaces. The building will have a maximum height of 42-foot. The site is located on the northeast corner of the intersection of Washington Drive and Redwood Avenue the Light Industrial (M-1) Zoning District within the City of Fontana.

**Mayor Warren opened the public hearing.**

**John Dile, Project Planner and DiTanyon Johnson, Principal Planner provided the staff report.**

**Council Member Garcia thanked city staff for comparing the analysis for this appeal and identify the issues that were brought up with an accurate response to each concern.**

**The following individuals spoke in favor of this item:**

**Ana Gonzalez; Elizabeth Sena; Gabriela Mendez; Janet Bernabe; and Ben.**

**The following individuals spoke in opposition of this item:**

**Joel Velazquez; Ralph Velador; Joseph Quezada; Cesar Victorio; Doug McGilurm; Jayson Baiz; Jose Garcia; and Matt Slowik.**

**Mayor Warren closed the public hearing.**

**ACTION: Motion was made by Council Member Garcia, seconded by Council Member Roberts, and passed by a vote of 3-1 to adopt this Public Hearing Item "B" as follows:**

**Deny Appeal No. 21-004, and uphold the Planning Commission's decision on August 17, 2021, approving Tentative Parcel Map No. 20235 (TPM No. 20-014), and Design Review No. 20-019 to construct a new proposed warehouse building totaling approximately 247,786 square foot including a maximum of two potential office/mezzanine space of approximately 4,000 square foot each, 34 warehouse dock doors, two ground level loading doors, 117 automobile parking spaces, and 50 trailer parking spaces, and add additional voluntary Conditions of Approval.**

**The motion carried by the following vote: (AYES: Warren, Garcia, and Roberts; NOES: Sandoval; ABSENT: Cothran).**

- C. Public Hearing on Formation of Community Facilities District No. 107 (Highland) [21-969](#)

**Mayor Warren opened the public hearing.**

**Accounting Manager George Pirsko provided the staff report.**

**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 Roberts, seconded by Council Member Sandoval, and passed by a vote of 4-0 to adopt this Public Hearing Item "C" as follows:**

**1. Adopt Resolution No. 2021-112 of the City Council of the City of Fontana of formation of the City of Fontana Community Facilities District No.107 (Highland), 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. 2021-113 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.107 (Highland).**

**3. Adopt Resolution No. 2021-114 of the City Council of the City of Fontana calling special election for City of Fontana Community Facilities District No. 107 (Highland).**

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

**Senior Administrative Analyst Evelyne Ssenkoloto opened the one received ballot and announced that it was in favor.**

**ACTION: Motion was made by Council Member Roberts, seconded by Council Member Sandoval, and passed by a 4-0 vote to adopt as follows:**

**4. Adopt Resolution No. 2021-115 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. 1875 levying special taxes within the City of Fontana Community Facilities District No. 107 (Highland); and that the reading of the title constitutes the first reading thereof.**

**6. Adopt Resolution No. 2021-116 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.**

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

- D.** Hearing for the Consideration of a Resolution of Necessity to Acquire Permanent Street Easement and Temporary Construction Easement Interests in Certain Real Property Located in the City of Fontana, San Bernardino County, California, More Particularly Described as Assessor Parcel Nos. 0239-081-23, 0239-081-24, and 0239-151-18, by Eminent Domain, for the Duncan Canyon Road Project [21-979](#)

**Mayor Warren opened the public hearing.**

**Senior Engineer Ricardo Garay provided the staff report.**

**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 Roberts, seconded by Council Member Garcia, and passed by a vote of 4-0 to adopt this Public Hearing Item "D" as follows:**

**1. Conduct a public hearing to consider the adoption of a proposed Resolution of Necessity, including providing all interested parties of the affected property, their attorneys or their representatives an opportunity to be heard on the issues relevant to the resolution of necessity.**

**2. Make the following findings as hereinafter described in this report:**

- (a) The public interest and necessity require the proposed project;**
- (b) The proposed project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;**
- (c) The real property described in Exhibits A and B are necessary for the proposed project;**
- (d) The offers required by section 7267.2 of the California Government Code were made; and**
- (e) The public use for which the property sought to be acquired and described in the Resolution of Necessity is a more necessary public use than the use to which the property is appropriated.**

**3. Adopt Resolution No. 2021-117 Resolution of Necessity by the City Council of the City of Fontana, declaring that the acquisition permanent**

**street easements and temporary construction easement interests in certain real property located in the City of Fontana, San Bernardino County, California, more particularly described as Assessor Parcel Nos. 0239-081-23, 0239-081-24, and 0239-151-18, by eminent domain, are necessary for street widening and related public infrastructure improvements to Duncan Canyon Road (intersection of Sierra Avenue and Duncan Canyon Road) for the Duncan Canyon Road Widening Project, in the City of Fontana, San Bernardino County, California.**

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

#### **CITY MANAGER COMMUNICATIONS:**

##### **A. City Manager Communications**

Interim City Manager Shannon Yauchtzee announced the next public hearing for the redistricting process will take place on January 25, 2022.

#### **ELECTED OFFICIALS COMMUNICATIONS/REPORTS:**

##### **A. Elected Officials Communications/Reports**

Council Member Roberts addressed some of the public comments made in relation to District Four and encouraged residents to contact him directly on any concerns or questions they may have so that he can best address those issues both on and off the dais.

Council Member Sandoval inquired about past discussion on sidewalk maintenance with San Bernardino County; advised staff that some of the softball fields throughout the City are in need of maintenance and asked Interim City Manager Yauchzee to ensure that once the fields are ready for renovations, that we alert the leagues and public ahead of time as to not conflict with sport seasons; and asked staff for clarification on when the public speaker will be shown on the screen verses not.

Council Member Sandoval raised concern of the Mayor's script that is read prior to public comment, stating that the wording in the passage feels discriminatory against the public based off the allowance of public applause; raised concern of inclusivity for those in the American Sign Language (ASL) community; and requested staff to clarify the legality of such requirements.

Council Member Garcia congratulated the September 2021 Employees of the Month from the Police Department; and recognized one of the Fontana Police Department Officers who went above and beyond the call of duty when recently delivering a Uber Eats order that was delayed due to an arrest.

Mayor Warren responded to a comment made by Council Member Sandoval; clarified that as Mayor there is a duty to ensure that the meeting runs smoothly and respectfully; announced recent acceptance in the Southern California Water Coalition; talked about surge in delivery delays; reminded the public to continue to practice safety as we lead into the holidays; discussed recent visit at the Dolores Huerta International Academy; and recognized City staff for all their hard work and caring for the community.

Mayor Warren closed in thanking the public for being patient and understanding with both the City Council and the City staff.

## **ADJOURNMENT:**

### **A. Adjournment**

The meeting adjourned at 9:04 p.m. to the next Regular City Council Meeting on Tuesday, November 9, 2021, at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.