

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR CITY COUNCIL MEETING  
November 13, 2018**

---

**WORKSHOP:**

**A. 5:30 P.M. WORKSHOP**

A City Council Workshop was held on November 13, 2018 in the City Hall Executive Conference Room at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the Workshop to order at 5:36 p.m., with Mayor Pro Tem Roberts, Council Members Tahan, Sandoval and Armendarez present.

Deputy City Manager Debbie Brazill provided an overview of the General Plan.

The City Council Regular Meeting Agenda was reviewed and City Manager comments were heard.

The Workshop adjourned at 5:44 p.m.

**CLOSED SESSION:**

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

A Closed Session was held at 6:00 p.m. in the City Hall Executive Conference Room with Mayor Warren, Mayor Pro Tem Roberts, Council Members Tahan, Sandoval and Armendarez present.

**PUBLIC COMMUNICATIONS:**

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

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

Case: Amanda Crowther v. City of Fontana  
United States District Court, Central District of California  
Court Case No. EDCV 17-1457-MWF (SKx)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - PURSUANT TO  
GOVERNMENT CODE SECTION 54956.8  
Properties: Located at 8440 Nuevo Avenue, between 16725 & 16815 Spring Street,

Fontana CA  
Negotiating Parties: City of Fontana and San Gabriel Valley Water Company  
Negotiator: David Edgar, Deputy City Manager  
Under Negotiation: Price and Terms

## **CALL TO ORDER/ROLL CALL:**

### **A. 7:00 P.M. Call the Meeting to Order**

The Regular Meeting of the Fontana City Council was held on Tuesday, November 13, 2018, in the Grover W. Taylor Council Chambers at 8353 Sierra Avenue, Fontana, California. Mayor Warren called the meeting to order at 7:01 p.m.

### **ROLL CALL:**

Present: Mayor Warren, Mayor Pro Tem Roberts, Council Members Tahan, Sandoval and Armendarez.

Absent: None.

### **INVOCATION/PLEDGE OF ALLEGIANCE:**

Following the Invocation by Mayor Pro Tem Roberts, the Pledge of Allegiance was led by Girl Scout Troops No. 71204 and No. 71174.

### **CLOSED SESSION ANNOUNCEMENT:**

City Attorney Jeff Ballinger reported that there was no reportable action on the Closed Session Items.

## **SPECIAL PRESENTATIONS:**

### **A. Special Recognition of Championship Teams from Fontana Baseball Association/PONY Youth Baseball Leagues**

Mayor Warren and City Council recognized Championship Teams from Fontana Baseball Association/PONY Youth Baseball Leagues. Representatives from the Leagues introduced the teams and highlighted their accomplishments.

### **B. Retirement Recognition for Public Works Manager Rogelio Matta**

Mayor Warren and City Council recognized Public Works Manager Rogelio Matta on his retirement after 33 years of service. Director of Public Works Chuck Hays presented the recognition and highlighted Mr. Matta's accomplishments.

### **C. Retirement Recognition for Fontana Police Captain James Escarpe**

Mayor Warren and City Council recognized Fontana Police Captain James Escarpe on his retirement after 30 years of service. Police Chief Billy Green presented the recognition and highlighted Captain Escarpe's accomplishments.

### **D. Police Department Swearing In Ceremony**

Mayor Warren and City Council swore in new Fontana Police Officers Daniel Flores, Adrian Garcia and Salvador Valencia. Police Chief Green introduced the new officers and their families.

## **PUBLIC COMMUNICATIONS:**

### **A. Public Communications**

Sonja Dawkins spoke on the 2018 Fontana Christmas Parade to be held on Saturday, December 8, 2018. Ms. Dawkins also spoke on hosting the annual Service Club Toy Drive to be held on Wednesday, December 5, 2018 at 16730 Arrow Boulevard.

Danny Marquez spoke on the Old Glory Relay held on Saturday, November 10, 2018, and thanked KFON for taping the event. Mr. Marquez acknowledged and thanked the sponsors and participants of the event.

Janet Rodriguez thanked the Mayor and Council Members for attending the Chaffey College "Report to the Community" on November 1, 2018. Ms. Rodriguez thanked the City Council and the community for their support of Measure P.

Chris Suchane spoke on Project Boon and reminded the community of the 7<sup>th</sup> Annual "Eat and Be Well" event to be held on Wednesday, November 21, 2018, at Seville Park.

## **CONSENT CALENDAR:**

**ACTION:** Motion was made by Mayor Pro Tem Roberts, seconded by Council Member Armendarez, and passed unanimously by a vote of 5-0 to approve Consent Calendar Items "A-O" (AYES: Warren, Roberts, Tahan, Sandoval and Armendarez: NOES: None) as follows:

### **A. Approval of Minutes**

Approve the Minutes of the October 23, 2018 Regular City Council Meeting.

### **B. Adoption of Ordinance No. 1781**

Second Reading/ Adopt **Ordinance No. 1781**, authorizing the Levy of a Special Tax within Community Facilities District No. 91M.

### **C. Adoption of Ordinance No. 1782**

Second Reading/ Adopt **Ordinance No. 1782**, levying special taxes within the City of Fontana Community Facilities District No. 85 (The Meadows).

### **D. Accept the Final Map for Tract No. 18981 located at the northwest corner of Citrus Avenue and Curtis Avenue**

Accept the Final Map for Tract No. 18981 located on the northwest corner of Citrus Avenue and Curtis Avenue; accept as public dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

### **E. Acceptance of Final Map for Tract No. 20060 located south of Baseline**

**Avenue and east of Oleander Avenue**

Accept Final Map for Tract No. 20060 located south of Baseline Avenue and east of Oleander Avenue; accept as public dedicated streets and easements; and authorize the City Manager to enter into a Subdivision Agreement with the subdivider.

**F. Approve Replacement of Securities for Tract Map No.16800 Located at the Northeast Corner of Randall Avenue and Poplar Avenue**

Approve replacement of securities for Tract No.16800 located at the northeast corner of Randall Avenue and Poplar Avenue and authorize the City Manager to enter into a Subdivision Agreement with Ghulam R. Rajper for the construction of required public infrastructure improvements; and authorize the City Manager to execute and file any related lien release documentation related to this action.

**G. Approve Memorandum of Understanding with San Bernardino County Department of Behavioral Health**

1. Approve a Memorandum of Understanding (MOU) with the San Bernardino County Department of Behavioral Health and the City of Fontana Police Department to continue to provide office workspace, access to a desk phone, fax machine, and photocopier within the police department facility and an 800 MHZ radio, and a vehicle for transportation to assist the Police Officers in the field;

2. Authorize the Chief of Police to sign the MOU, all related documents and any amendments to continue this collaboration with the San Bernardino County Department of Behavioral Health as long as it is in the best interest of the City of Fontana.

**H. Approve Memorandum of Understanding between the Fontana Unified School District and the City of Fontana**

1. Approve a Memorandum of Understanding (MOU) between the Fontana Unified School District (FUSD) and the City of Fontana to have their respective Police Departments cooperate to the fullest extent possible within their statutory obligations and responsibilities to provide efficient police services to the citizens and students of the City of Fontana;

2. Authorize the City Manager to sign the MOU, all related documents and any amendments to continue this cooperative agreement as long as it is in the best interest of the City of Fontana.

**I. Award a Construction Contract for the Seville Avenue Miller Amphitheater Parking Expansion Project**

1. Approve and authorize the City Manager to award and execute a construction contract with the lowest responsive/responsible bidder for the Seville Avenue Miller Amphitheater Parking Expansion Project. (Bid No. SB-39-DE-19).

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 the Seville Avenue Miller Amphitheater Parking Expansion Project.

**J. Award Bid and Contract for Portable Toilet Rentals SB-23-PW-18**

Approve, award bid (SB-23-PW-18) and authorize the City Manager to enter into a two-year contract with Universal Waste Systems DBA White House Sanitation for portable toilet rentals, with three one-year extensions at the sole discretion of the city.

**K. Award a Construction Contract for the San Bernardino Avenue at Cypress Avenue Traffic Signal Project**

1. Award and authorize the City Manager to execute a construction contract with International Line Builders for the construction of the San Bernardino Avenue at Cypress Avenue Traffic Signal Project in the amount of \$364,427.00 and authorize a 10% contingency in the amount of \$36,442.70 (Bid No. SB-16-DE-19).

2. Appropriate \$75,000.00 from Local Measure I Fund #246 to the San Bernardino Avenue at Cypress Avenue Traffic Signal Project No. 3327.

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 San Bernardino Avenue at Cypress Avenue Traffic Signal Project.

**L. Award of Trade Show Exhibit Booths**

1. Award Bid (SP-22-HD-19) to Las Vegas Expo to provide Exhibit Booths at two ICSC Conferences. The contract period is for one (1) year, renewable for two (2) additional years at the City's sole discretion.

2. Authorize the City Manager to execute any documents necessary or appropriate to facilitate the award of bid or contract with Las Vegas Expo.

**M. Funds Transfer Authorization with City National Bank**

Adopt **Resolution No. 2018-094** of the City of Fontana approving the Funds Transfer Authorization with City National Bank

**N. Purchase and installation of Artificial Turf for Central City Park**

1. Approve and authorize the Purchasing Office to "Piggy-Back" from the California Multiple Award Schedule (CMAS) FieldTurf USA, Inc. in the amount of \$1,186,807.00 for the purchase and installation of artificial turf for the Central City Park project.

2. Authorize a 10% construction contingency in the amount of \$118,680.70.

**O. Sale of Property - Auto Center Drive**

Adopt **Resolution No. 2018-095** setting the date, time, and location of the public hearing to be held on Tuesday, November 27th, 2018 to consider the possible sale of City-owned property located on the South-West Corner of Auto Center Drive and Highland Avenue to MAW Properties, LLC.

**PUBLIC HEARINGS:**

**A. Master Case No. 15-003-Final Environmental Impact Report for General Plan**

**Update 2015-2035 (State Clearinghouse No. 20160221099); General Plan Amendment No. 18-005: a request to Adopt a Resolution to Certify the Environmental Impact Report for the General Plan Update; and a request to Amend and Adopt the General Plan Update 2015-2035**

Mayor Warren opened Public Hearing Item PH-A.

Senior Planner Dawn Rowe provided the staff report.

City Clerk Lewis announced that correspondence was received from the Department of Justice asking for a continuance of the Public Hearing Item.

Matt Slowik spoke on corrections that needed to be made to the General Plan Amendment.

The Public Hearing was closed.

**ACTION:** Motion was made by Council Member Tahan, seconded by Mayor Pro Tem Roberts, and passed by a vote of 4-1 to approve Public Hearing Item "A" (AYES: Warren, Roberts, Tahan, and Armendarez; NOES: Sandoval) as follows:

1. Adopt **Resolution No. 2018-096**, a Resolution of the City Council of the City of Fontana, certifying the Environmental Impact Report (State Clearinghouse [SCH] No. 2016021099) for General Plan Amendment No. 18-005 for a Comprehensive Update to the General Plan (2015-2035) and Corresponding General Plan Land Use Map, Adopting a Statement of Facts and Findings Pursuant to the Californian Environmental Quality Act (CEQA); and Adopting a Mitigation Monitoring and Reporting Program.

2. Adopt **Resolution No. 2018-097**, approving General Plan Amendment No. 18-005, a comprehensive update to the General Plan (2015-2035) and corresponding General Plan land use map.

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

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

City Treasurer Koehler-Brooks congratulated Captain Escarpe and Rogelio Matta on their retirements.

City Treasurer Koehler-Brooks congratulated the new Police Officers.

City Treasurer Koehler-Brooks spoke on how wonderful the Veterans Day program was.

City Clerk Lewis wished everyone a Happy Thanksgiving.

Council Member Sandoval congratulated Chief Green and the new officers that were sworn-In.

Council Member Sandoval thanked staff for their work on the recent softball tournament and Public Works for a good job maintaining the playing fields.

Council Member Sandoval spoke on the Veterans banner replacements.

Council Member Sandoval wished everyone a Happy Thanksgiving.

Mayor Pro Tem Roberts congratulated Captain Escarpe and Rogelio Matta on their retirements.

Mayor Pro Tem Roberts wished everyone a Happy Thanksgiving.

Mayor Pro Tem Roberts commended Ken Hunt, Debbie Brazill, and Planning staff on a great job completing the General Plan.

Council Member Tahan congratulated Mayor Warren, City Treasurer Koehler-Brooks, City Clerk Lewis, Mayor Pro Tem John Roberts and City Council Member Elect Cothran on winning the election on November 6, 2018.

Council Member Tahan wished everyone a Happy Thanksgiving.

Council Member Armendarez congratulated City Treasurer Koehler-Brooks, City Council Member Elect Cothran, Mayor Pro Tem John Roberts and Mayor Warren on winning the election.

Council Member Armendarez thanked staff for the great Veterans Day event.

Council Member Armendarez thanked staff for all of the work on the General Plan.

Council Member Armendarez announced he attended the National League of Cities.

Council Member Armendarez spoke on the life and legacy of Mr. Carmine Galasso.

Council Member Armendarez wished everyone a Happy Thanksgiving.

Mayor Warren said she was pleased with the General Plan and thanked staff and citizens for all the work and time spent on the process.

Mayor Warren thanked her colleagues that voted in favor of the General Plan.

Mayor Warren congratulated all the candidates in the recent election and spoke about working together to keep Fontana moving forward.

Mayor Warren announced she participated in the "Center for Digital Government" Conference and stated she was the only Mayor invited to participate.

Mayor Warren spoke on all she has to be thankful for and thanked the business communities that stepped up to help others in need.

Mayor Warren offered condolences to the shooting victims of the Borderline restaurant in Thousand Oaks and also praised the first responders.

Mayor Warren announced she attended the National League of Cities.

## **CITY MANAGER COMMUNICATIONS:**

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

City Manager Ken Hunt thanked staff for all their hard work on the General Plan.

## **ADJOURNMENT:**

A moment of silence was held for Mr. Carmine Galasso, the shooting victims at the Borderline restaurant in Thousand Oaks, and those affected by the fires in California.

The meeting adjourned at 8:43 p.m. in memory of Carmine Galasso, the shooting victims at the Borderline restaurant in Thousand Oaks, and those affected by the fires in California to the next Regular City Council Meeting on Tuesday, November 27, 2018, with a Workshop at 5:30 p.m. in the City Hall Executive Conference Room and the Regular Meeting at 7:00 p.m. in the Grover W. Taylor Council Chambers located at 8353 Sierra Avenue, Fontana, California.

DocuSigned by:



F522540C465D489...

Karen Porlas  
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 27th DAY OF NOVEMBER, 2018.**

DocuSigned by:



EBCDCFDA17754F5...

Tonia Lewis  
City Clerk



## Certificate Of Completion

Envelope Id: 5FA289B72E714D90A306BB32A0468493	Status: Completed
Subject: Please DocuSign: 11-13-2018 CC-Minutes-DRAFT.pdf	
Source Envelope:	
Document Pages: 8	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
11/28/2018 10:21:03 AM	clerks@fontana.org	

## Signer Events

Karen Porlas  
kporlas@fontana.org  
Security Level: Email, Account Authentication (None)

## Signature

DocuSigned by:  
  
E522540C465D4B9...

Signature Adoption: Pre-selected Style  
Using IP Address: 192.146.186.96

## Timestamp

Sent: 11/28/2018 10:21:09 AM  
Viewed: 11/28/2018 2:01:09 PM  
Signed: 11/28/2018 2:01:35 PM

**Electronic Record and Signature Disclosure:**  
Accepted: 11/28/2018 2:01:09 PM  
ID: 5aa436ca-f4a1-48c3-a84a-d528b9f86ada

Tonia Lewis  
tlewis@fontana.org  
City Clerk  
City of Fontana  
Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
EBBCDFDA17754F5...

Signature Adoption: Drawn on Device  
Using IP Address: 172.58.24.225  
Signed using mobile

Sent: 11/28/2018 2:01:37 PM  
Viewed: 11/28/2018 2:23:27 PM  
Signed: 11/28/2018 2:23:55 PM

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

## 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

Kathy Kasinger  
kkasinger@fontana.org  
Security Level: Email, Account Authentication (None)

**COPIED**

Sent: 11/28/2018 2:23:55 PM

**Electronic Record and Signature Disclosure:**  
Not Offered via DocuSign

Carbon Copy Events	Status	Timestamp
Evelyne Ssenkoloto essenkol@fontana.org Security Level: Email, Account Authentication (None)	<b>COPIED</b>	Sent: 11/28/2018 2:23:56 PM Viewed: 11/28/2018 3:28:16 PM
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		

Notary Events	Signature	Timestamp
---------------	-----------	-----------

Envelope Summary Events	Status	Timestamps
-------------------------	--------	------------

Envelope Sent	Hashed/Encrypted	11/28/2018 2:23:56 PM
Certified Delivered	Security Checked	11/28/2018 2:23:56 PM
Signing Complete	Security Checked	11/28/2018 2:23:56 PM
Completed	Security Checked	11/28/2018 2:23:56 PM

Payment Events	Status	Timestamps
----------------	--------	------------

Electronic Record and Signature Disclosure
--

## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, City of Fontana (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through your DocuSign, Inc. (DocuSign) Express user account. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to these terms and conditions, please confirm your agreement by clicking the 'I agree' button at the bottom of this document.

### **Getting paper copies**

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. For such copies, as long as you are an authorized user of the DocuSign system you will have the ability to download and print any documents we send to you through your DocuSign user account for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign 'Withdraw Consent' form on the signing page of your DocuSign account. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use your DocuSign Express user account to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through your DocuSign user account all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

**How to contact City of Fontana:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

**To advise City of Fontana of your new e-mail address**

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

In addition, you must notify DocuSign, Inc to arrange for your new email address to be reflected in your DocuSign account by following the process for changing e-mail in DocuSign.

**To request paper copies from City of Fontana**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail address, full name, US Postal address, and telephone number. We will bill you for any fees at that time, if any.

**To withdraw your consent with City of Fontana**

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

**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"> <li>•Allow per session cookies</li> <li>•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection</li> </ul>

\*\* 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.

**Acknowledging your access and consent to receive materials electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

By checking the 'I Agree' box, I confirm that:

- I can access and read this Electronic CONSENT TO ELECTRONIC RECEIPT OF ELECTRONIC RECORD AND SIGNATURE DISCLOSURES document; and
- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.