

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR CITY COUNCIL MEETING  
April 14, 2020**

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**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 Armendarez, Council Members Roberts, Sandoval present. Council Member Cothran participated remotely.

Council Member Roberts recused himself during discussion on Closed Session Item (1) County of San Bernardino v. City of Fontana, et al., due to the proximity of his residence to the subject matter.

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)  
County of San Bernardino v. City of Fontana, et al.  
San Bernardino County Superior Court  
Case No. CIV DS 1911476

THREAT TO PUBLIC SERVICES OR FACILITIES (Gov't Code § 54957)  
Consultation with Police Department Chief William Green

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Gov't Code § 54956.9(b): (One case)

**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 remotely on Tuesday, April 14, 2020. Mayor Warren called the meeting to order at 7:15 p.m.

**ROLL CALL:**

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

Absent: None.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

Following the Invocation by Council Member Cothran, the Pledge of Allegiance was led by Council Member Roberts.

**CLOSED SESSION ANNOUNCEMENT:**

City Attorney Ruben Duran reported that Council Member Roberts did not participate in Closed Session Item No. 1 (County of San Bernardino vs. City of Fontana) and that there was no reportable action on the Closed Session Items.

**PUBLIC COMMUNICATIONS:**

**A. Public Communications**

Council Meeting was available remotely and all public communications were received via e-mail.

Deputy City Clerk Karen Porlas read into the record the following e-mails:

Emmanuel Gonzalez - Mr. Gonzalez would like a curfew in order to decrease the number of COVID-19 cases.

Karen Shoup - Ms. Shoup would like all businesses and parks that were closed due to the COVID1-19 virus to reopen.

Ralph Bocchetti - Mr. Bocchetti is displeased with the amount of warehouses and the negative effects they have on the community. Mr. Bochetti also had concerns for warehouse workers safety during the COVID-19 crisis.

Jodi Damon - Ms. Damon asked how nursing homes are being impacted by the COVID-19 virus and asked what she could do to assist.

Gloria Martinez - Ms. Martinez wanted the community to know that the Fontana Chamber of Commerce staff is working remotely but is fully operational and is ready to help businesses and support the community.

**CONSENT CALENDAR:**

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

**A. Approval of Minutes**

Approve the Minutes of the March 24, 2020 Regular City Council Meeting.

**B. Accept Donation from Fontana Foundation of Hope**

Accept donation from Fontana Foundation of Hope in the amount of \$2,000.00 for use towards the 2020 Fontana Summer Concert Series.

**C. Acceptance of Final Map for Parcel Map No. 20099**

Accept Final Parcel Map No. 20099 located East of Banana Avenue and South of Santa Ana Avenue; accept as public dedicated streets and easements; and authorize the Mayor and City Clerk to certify the abandonment of certain portions of street right of way.

**D. Final Acceptance of Subdivision Improvements for Tract 17885**

1. Accept as complete the Subdivision Improvements for Tract No. 17885 located east of Sultana Avenue and north of the Pacific Electric Trail.

2. Adopt **Resolution No. 2020-025**, accepting sewers in Tract No. 17885, as part of the City sewer system.

**E. Adopt a Resolution to Set a Public Hearing for the Sale of Surplus Property located North of Boyle Avenue and West of Sierra Avenue**

Adopt **Resolution No. 2020-026** setting the date, time, and location of a public hearing to be held on Tuesday, April 28, 2020 to consider the possible sale of City-owned property located north of Boyle Avenue and west of Sierra Avenue to TDC Acquisitions, LLC, a Delaware limited liability company.

**F. Approval of Contract Services Agreements for On-Call Environmental & Planning Consulting Services**

1. Approve Selection of fourteen (14) Qualified Firms to provide On-Call Environmental & Planning Consulting Services; and

2. Authorize the City Manager to Execute a Master Agreement with the fourteen (14) Firms to Provide On-Call Environmental & Planning Consulting Services for a three (3) year contract to be reviewed on an annual basis at the sole discretion of the City.

**G. Designation of Applicant's Agent Resolution For Non-State Agencies (Cal OES 130) for Public Assistance Program**

Adopt **Resolution No. 2020-027**, designating City of Fontana's agents to execute for and on behalf of the City the "Designation of Applicant's Resolution for Non-State Agency" application for the purpose of obtaining certain federal financial assistance under the California Disaster Assistance Act.

**PUBLIC HEARINGS:**

**A. Sale of Surplus Property located South of Boyle Avenue and East of Cypress Avenue**

Mayor Warren opened Public Hearing Item PH-A.

City Engineer Ricardo Sandoval provided the staff report.

No communication was received in favor or opposition.

The Public Hearing was closed.

**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 "A" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None) as follows:

1. The proposed sale of the property is exempt from environmental review pursuant to the California Environmental Quality Act (Pub. Resources Code, §§21000 et seq.) (CEQA) and the State CEQA Guidelines (Cal. Code Regs. tit. 14, §§15000 et seq.) Specifically, the proposed project qualifies for the Class 12 Categorical Exemption (State CEQA Guidelines, § 15312), which applies to surplus government property.
2. Adopt **Resolution No. 2020-028** approving a sale of City-owned exempt surplus property located south of Boyle Avenue and east of Cypress Avenue to PDC OC/IE LPV, LLC, a Delaware limited liability company ("Developer") and make the requisite findings contained therein following public hearing.
3. Approve and authorize the City Manager and City Attorney to execute the Purchase and Sale Agreement with Developer.

**B. Master Case No. 19-036; Specific Plan Amendment No. 19-004; Conditional Use Permit No. 19-015; Administrative Site Plan No. 19-024; Specific Plan Amendment is a Request to Amend the Southwest Industrial Park Specific Plan to Allow for Slag, Gravel, or Other Similar Dustproof Surfacing Material for Outdoor Storage of Large-Scale Concrete Finished Products Within the Speedway Industrial District (SID); the Conditional Use Permit is a Request to Operate the Outdoor Storage of Finished Concrete Products; and, the Administrative Site Plan is a Request for the Site and Architectural Review for a New Office Building of Approximately 597 Square Feet Located on Approximately 9.5 Adjusted Gross Acres.**

Mayor Warren opened Public Hearing Item PH-B.

Community Development Director Zai AbuBakar provided the staff report.

No communication was received in favor or opposition.

The Public Hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Mayor Pro Tem Armendarez, and passed unanimously by a vote of 5-0 to approve Public Hearing Item "B" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None) as follows:

1. Adopt the Initial Study/Negative Declaration pursuant to Section 15070 of the California Environmental Quality Act and per Section 6.04 of the City of Fontana Local Guidelines for Implementing the California Environmental Quality Act and direct staff to file a Notice of Determination;
2. Read by title only and waive further reading of and introduce **Ordinance No. 1826**, an

Ordinance of the City Council of the City of Fontana, approving an amendment to the Southwest Industrial Park Specific Plan, a request to allow for slag, gravel, or other similar dust proof surfacing material for outdoor storage of large-scale concrete finished products within the Speedway Industrial District (SID), and that the reading of the title constitutes the first reading thereof;

3. Adopt **Resolution No. 2020-029**, a Resolution of the City Council of the City of Fontana, California, approving Conditional Use Permit No. 19-015 and Administrative Site Plan No. 19-024 subject to the attached findings and conditions of approval.

## **NEW BUSINESS:**

### **A. Amending the Director of Emergency Services' Proclamation of Existence of a Local Emergency.**

Mayor Warren opened New Business Item A.

City Manager Mark Denny provided the staff report.

No communication was received in favor or opposition.

**ACTION:** Motion was made by Council Member Sandoval, seconded by Council Member Roberts, and passed unanimously by a vote of 5-0 to approve New Business Item "A" (AYES: Warren, Armendarez, Roberts, Sandoval and Cothran: NOES: None) as follows:

1. Ratify **Proclamation 2020-02**, Addendum No.1 to Proclamation No. 2020-01. Proclaiming the existence of a local emergency by the Director of Emergency Services
2. Adopt **Resolution No. 2020-030**, a Resolution of the City Council of the City of Fontana, California, ratifying Proclamation No. 2020-02, Addendum No. 1 And Proclaiming the continued Existence Of Local Emergency.

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

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

Council Member Sandoval welcomed City Manager Mark Denny to the City of Fontana.

Council Member Sandoval thanked City staff and everyone in the community for working together to get through the pandemic.

Council Member Sandoval requested literature be provided in different languages to ensure everyone is getting accurate information on the pandemic.

Council Member Roberts congratulated City Manager Mark Denny for hitting the ground running and dealing with issues facing the City.

Council Member Roberts expressed get well wishes to Deputy City Manager Chuck Hays.

Council Member Roberts asked for prayers for all levels of government and people on

the frontline during this unprecedented time.

Mayor Pro Tem Armendarez welcomed City Manager Mark Denny and stated he is looking forward to working with him.

Mayor Pro Tem Armendarez expressed prayers to Deputy City Manager Chuck Hays for a speedy recovery.

Mayor Pro Tem Armendarez thanked first responders, Public Works, and all other City employees that continue to keep Fontana moving forward.

Mayor Pro Tem Armendarez asked the citizens of Fontana to have patience and grace as everything is being done to keep the community safe.

Mayor Pro Tem Armendarez thanked all essential workers.

Mayor Pro Tem Armendarez encouraged everyone to support local restaurants by ordering take out.

Council Member Cothran spoke on his daughter being excited that he has been working from home.

Council Member Cothran thanked his colleagues, city staff, first responders and essential workers for putting their lives at risk and keeping the city running.

Council Member Cothran welcomed City Manager Mark Denny to the team.

Council Member Cothran spoke on the great things coming to Fontana and that staff is continuing to work to keep Fontana moving forward.

Council Member Cothran spoke on supporting local businesses.

Council Member Cothran encouraged everyone to reach out to their families and friends and to stay positive.

Mayor Warren welcomed City Manager Mark Denny.

Mayor Warren praised City staff for stepping up during the crisis.

Mayor Warren expressed get well wishes to Deputy City Manager Chuck Hays.

Mayor Warren thanked all the pastors and churches for their Easter services.

Mayor Warren thanked community members and the Police Officers Association for collecting donations and facemasks; and seamstresses for making cloth masks to be given to the most vulnerable.

Mayor Warren spoke on the County's Health Officer's order that came out last week requiring everyone to wear masks when out in public.

Mayor Warren spoke on updated information being available on the City's Facebook page, Instagram, Next Door, Fontana.org, articles in the Fontana Herald, and that elected officials and city staff were available via e-mail.

Mayor Warren spoke on the future of Fontana in regards to warehouses keeping neighbors and families working, and that warehouse jobs will help the local economy recover.

Mayor Warren spoke on availability of unemployment funds during the COVID-19 crisis.

Mayor Warren thanked everyone on the front line – doctors, nurses, support staff, truck drivers, plumbers, construction workers, crossing guards, and the volunteers that are feeding children in the community.

Mayor Warren asked for prayers for everyone's safety.

## **CITY MANAGER COMMUNICATIONS:**

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


City Manager Mark Denny noted that City Clerk Lewis and City Treasurer Koehler-Brooks were participating in the meeting from home.

City Manager Denny thanked Mayor Warren and the City Council for the opportunity to work in Fontana and looks forward to better times ahead.

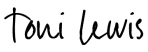
## **ADJOURNMENT:**

A moment of silence was held for the victims of the COVID-19 Virus.

The meeting adjourned at 8:00 p.m. in memory of the victims of the COVID-19 Virus to the next Regular City Council Meeting on Tuesday, April 28, 2020, at 7:00 p.m. that will be available to the public remotely.

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Karen Porlas  
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 28<sup>TH</sup> DAY OF APRIL, 2020.**

DocuSigned by:  
  
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\_\_\_\_\_  
Tonia Lewis  
City Clerk

## Certificate Of Completion

Envelope Id: 0B043DFCA88A49E4A7DAC42D8F0B35A4	Status: Completed
Subject: Please DocuSign: 3-10-2020 City Council Meeting Minutes - DRAFT.pdf	
Source Envelope:	
Document Pages: 7	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
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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
4/29/2020 10:36:42 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: 70.56.22.180  
Signed using mobile

## Timestamp

Sent: 4/29/2020 10:36:47 AM  
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**Electronic Record and Signature Disclosure:**  
Accepted: 4/29/2020 11:10:37 AM  
ID: 324c5456-a39a-4bc5-8e82-fbdc9c2a164d

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

DocuSigned by:  
  
EBBCDFDA17754F5...  
Signature Adoption: Pre-selected Style  
Using IP Address: 76.218.56.24

Sent: 4/29/2020 11:11:41 AM  
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Signed: 4/29/2020 5:07:25 PM

**Electronic Record and Signature Disclosure:**  
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## In Person Signer Events

## Signature

## Timestamp

## Editor Delivery Events

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## Timestamp

## Agent Delivery Events

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## 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**

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Carbon Copy Events	Status	Timestamp
Evelyne Ssenkoloto essenkol@fontana.org Security Level: Email, Account Authentication (None)	<b>COPIED</b>	Sent: 4/29/2020 5:07:27 PM
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	4/29/2020 5:07:27 PM
Certified Delivered	Security Checked	4/29/2020 5:07:27 PM
Signing Complete	Security Checked	4/29/2020 5:07:27 PM
Completed	Security Checked	4/29/2020 5:07:27 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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To contact us by email send messages to: ctejeda@fontana.org

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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..

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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"> <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.

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- 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.