

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR CITY COUNCIL MEETING  
May 26, 2020**

---

**WORKSHOP:**

**A. 5:00 P.M. WORKSHOP**

A City Council Workshop was held remotely on May 26, 2020. Mayor Warren called the Workshop to order at 5:05 p.m., with Council Members Roberts, Sandoval and Cothran present. Mayor Pro Tem Armendarez was absent.

Deputy City Manager Chuck Hays and Managing Director TKE Engineering Inc. Steven Dukett provided a presentation on Statewide Community Infrastructure Program (SCIP).

Engineering Manager Jeffrey Kim and Senior Transportation Engineer Delia Votsch with Fehr and Peers provided a presentation on Vehicle Miles Traveled Thresholds Under the California Environmental Quality Act.

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

The Workshop adjourned at 5:39 p.m.

**CLOSED SESSION:**

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

A Closed Session was held remotely at 6:00 p.m. with Mayor Warren, Council Members Roberts, Sandoval and Cothran present. Mayor Pro Tem Armendarez was absent.

**PUBLIC COMMUNICATIONS:**

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Five potential cases)

CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Negotiator: Mark Denny, 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; and Management/Confidential Employees.

## **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, May 26, 2020. Mayor Warren called the meeting to order at 7:03 p.m.

### **ROLL CALL:**

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

Absent: Mayor Pro Tem Armendarez

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

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

### **CLOSED SESSION ANNOUNCEMENT:**

City Attorney Ruben Duran reported that there was no reportable action on the Closed Session Items.

## **PUBLIC COMMUNICATIONS:**

### **A. Public Communications**

E-mail comments were received from the following:

Ralph Bocchetti commented that he opposes mega warehouses.

Elizabeth Ferrari commented on illegal fireworks and COVID-19.

Daniela Ferrari commented on illegal fireworks and the air quality in Fontana.

Gloria Martinez provided an update on the Fontana Chamber of Commerce efforts to assist businesses during the COVID-19 pandemic.

Voicemail comments were received from the following:

Katie commented on wanting the playgrounds at the parks opened.

Jasmine commented on the benefits of wearing masks versus not wearing masks.

## **CONSENT CALENDAR:**

**ACTION:** Motion was made by Council Member Sandoval, seconded by Council Member

Roberts and passed unanimously by a vote of 4-0-1 to approve Consent Calendar Items "A-D" (AYES: Warren, Roberts, Sandoval and Cothran; NOES: None; ABSENT: Armendarez) as follows:

**A. Approval of Minutes**

Approve the Minutes of the May 12, 2020 Regular City Council Meeting.

**B. Accept Revisions to the Records Retention Schedule**

Approve **Resolution No. 2020-037**, adopting a revised Records Retention Schedule for the retention and destruction of obsolete records.

**C. Approve a Cooperative Agreement with San Bernardino County Transportation Authority for Phase II of the Metrolink Accessibility Improvements Improvement Project**

Approve and authorize the City Manager to execute a Cooperative Agreement with San Bernardino County Transportation Authority (SBCTA) for Phase II of the Metrolink Accessibility Improvements Improvement Project, Agreement No. 20-1002317.

**D. Naming of Development Services Organization Building**

Name the building that houses the Development Services Organization the "David Wiener Development Services Center" in accordance with Administrative Policy 20-35

**PUBLIC HEARINGS:**

**A. Hearing for the Consideration of a Resolution of Necessity to Acquire Roadway Easements by Eminent Domain for the Etiwanda Avenue and Slover Avenue Intersection Widening Project**

Mayor Warren opened Public Hearing Item PH-A.

Senior Planner Kimberly Young provided the staff report.

Staff received one letter in opposition to the project.

The Public Hearing was closed.

**ACTION:** Motion was made by Council Member Sandoval, seconded by Council Member Roberts, and passed by a vote of 4-0-1 to approve Public Hearing Item "A" (AYES: Warren, Roberts, Sandoval and Cothran; NOES: None; ABSENT: Armendarez) 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 & B are necessary for the proposed project;
  - (d) The offers required by section 7267.2 of the California Government Code was made; and
3. The public use for which the property sought to be acquired and described in the Resolutions of Necessity is a more necessary public use than the use to which the property is appropriated.

4. Adopt **Resolution No. 2020-038** Resolution of Necessity by the City Council of the City of Fontana, declaring that the acquisition of permanent roadway easements and temporary construction easement interests in portions of certain real property located in the City of Fontana and the City of Ontario, San Bernardino County, California, more particularly described as Assessor Parcel Numbers 0238-052-07; 0238-062-33; 0238-091-15 and 0238-091-16 by eminent domain, are necessary for street widening and related public infrastructure improvements to Etiwanda Avenue and Slover Avenue for the Etiwanda and Slover Intersection Widening Project, in the City of Fontana and City Ontario, San Bernardino County, California.

**B. Appeal of a Type 21 ABC License**

Mayor Warren opened Public Hearing Item PH-B.

Planning Technician Alexia De La Torre provided the staff report.

Discussion ensued on violations of the current CUP.

The applicant spoke in support of the appeal.

The Public Hearing was closed.

**ACTION:** Motion was made by Mayor Warren, seconded by Council Member Cothran, and passed by a vote of 4-0-1 to approve Public Hearing Item "B" (AYES: Warren, Roberts, Sandoval and Cothran; NOES: None; ABSENT: Armendarez) as follows:

- 1. Determine that the project is categorically exempt pursuant to Section No. 15301 (Class No. 1, Existing Facilities), and Section No. 3.21 of the Local 2019 Guidelines for Implementing CEQA, and direct staff to file a Notice of Exemption; and,
- 2. Deny Appeal No. 20-001 and uphold the Planning Commission's decision on March 17th, 2020, denying the request to amend an existing CUP for an existing convenience store currently operating with a Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale, Beer and Wine) license to operate with a Type 21 (Off-Sale, General) license.

**C. MCN No. 20-037 & ZCA 20-006 Zoning Code Amendment related to**

## **Accessory Dwelling Units, Trailer Parking Requirements for Industrial Development, and Clarification on Public Improvement for Residential and Non-Residential Development**

Mayor Warren opened Public Hearing Item PH-C.

Planning Manager Orlando Hernandez provided the staff report.

Staff received a letter of support for the project from Christine Saunders, Sagecrest Planning and Environmental.

Discussion ensued on the proposed amendments as it relates to residential and commercial properties.

The Public Hearing was closed.

**ACTION:** Motion was made by Council Member Roberts, seconded by Council Member Cothran, and passed by a vote of 4-0-1 to approve Public Hearing Item "C" (AYES: Warren, Roberts, Sandoval and Cothran; NOES: None; ABSENT: Armendarez) as follows:

The proposed ordinance will be amended for the second reading to only apply to residential properties.

1. Determine that the project is exempt pursuant to Section 15061 (b) (3) (General Rule Exemption), of the California Environmental Quality Act (CEQA) and Section No. 3.07 of the 2019 Local Guidelines for Implementing CEQA and direct staff to file the Notice of Exemption; and,
2. Read by title only and waive further reading of and introduce **Ordinance No. 1830**, an Ordinance of the City Council of the City of Fontana, approving amendments to Chapter 25 and Chapter 30 (Zoning and Development Code) of the Fontana Municipal Code, and that the reading of the title constitutes the first reading thereof.

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

#### **A. Appointment of Delegate and Alternate City Representatives to Southern California Association of Governments (SCAG) General Assembly**

Appoint a Voting Delegate and an Alternate Voting Delegate to represent the City at the Southern California Association of Government's (SCAG) General Assembly Virtual Meeting which will be held on June 4, 2020.

**ACTION:** Motion was made by Council Member Cothran, seconded by Council Member Roberts, and passed by a vote of 4-0-1 to appoint Mayor Warren as a Voting Delegate to represent the City of Fontana at the Southern California Association of Government's (SCAG) General Assembly Virtual Meeting which will be held June 4, 2020. (AYES: Warren, Roberts, Sandoval and Cothran; NOES: None; ABSENT: Armendarez).

**ACTION:** Motion was made by Mayor Warren, seconded by Council Member Cothran,

and passed by a vote of 4-0-1 to appoint Council Member Sandoval as an Alternate Voting Delegate to represent the City of Fontana at the Southern California Association of Government's (SCAG) General Assembly Virtual Meeting which will be held June 4, 2020. (AYES: Warren, Roberts, Sandoval and Cothran; NOES: None; ABSENT: Armendarez).

**B. Elected Officials Communications/Reports**

Council Member Sandoval wished his granddaughter a happy 15<sup>th</sup> birthday.

Council Member Cothran asked to keep in memory all those in the military that have lost their lives.

Council Member Roberts asked if the Police Department Area Commander could coordinate with the residents in South Fontana to address their concerns of illegal fireworks.

Mayor Warren spoke on the illegal fireworks issue and asked people to turn in those using them.

Mayor Warren thanked the City Manager and staff for their work related to COVID-19 pandemic.

Mayor Warren asked everyone to stop what they are doing at noon on June 1, 2020, for a moment of silence and remembrance of all those lost during the COVID-19 pandemic.

Mayor Warren announced that City Clerk Lewis and City Treasurer Koehler-Brooks were participating in the meeting from home.

**CITY MANAGER COMMUNICATIONS:**

**A. City Manager Communications**

There were no City Manager communications received.

**ADJOURNMENT:**

The meeting adjourned at 8:10 p.m. in memory of all those that have lost their lives due to the COVID-19 virus to the next Regular City Council Meeting on Tuesday, June 9, 2020, at 7:00 p.m. that will be available to the public remotely.

DocuSigned by:  
  
E522540C465D4B9...  
Karen Porlas  
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 9TH DAY OF JUNE 2020.**

DocuSigned by:

*Toni Lewis*

EBCDCFDA17754F5...

Tonia Lewis  
City Clerk

## Certificate Of Completion

Envelope Id: 417A2C76AE0E420491E329843E70A7E2	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:
Enveloped 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 6/10/2020 3:17:22 PM	Holder: City Clerk clerks@fontana.org	Location: DocuSign
--	--	--------------------

## 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: 6/10/2020 3:17:31 PM  
Viewed: 6/10/2020 3:17:56 PM  
Signed: 6/10/2020 3:18:09 PM

**Electronic Record and Signature Disclosure:**  
Accepted: 6/10/2020 3:17:56 PM  
ID: 19884708-bce3-4c9d-94b5-15dc7ffe3cc2

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: 6/10/2020 3:18:10 PM  
Viewed: 6/10/2020 4:43:02 PM  
Signed: 6/10/2020 4:43:24 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: 6/10/2020 4:43:25 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)	COPIED	Sent: 6/10/2020 4:43:25 PM Viewed: 6/10/2020 5:24:45 PM
<b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign		

Witness Events	Signature	Timestamp
----------------	-----------	-----------

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

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	6/10/2020 4:43:25 PM
Certified Delivered	Security Checked	6/10/2020 4:43:25 PM
Signing Complete	Security Checked	6/10/2020 4:43:25 PM
Completed	Security Checked	6/10/2020 4:43:25 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.