

**MINUTES OF THE CITY COUNCIL  
OF THE CITY OF FONTANA  
REGULAR CITY COUNCIL MEETING  
October 13, 2020**

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**CLOSED SESSION:**

**A. 5:30 P.M. CLOSED SESSION**

A Closed Session was held remotely at 5:30 p.m. with Mayor Warren, Mayor Pro Tem Armendarez, Council Members Roberts, Sandoval and Cothran present.

**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: (one potential case)

**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

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957**

Title of Position: City Attorney

**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, October 13, 2020. Mayor Warren called the meeting to order at 7:01 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 Roberts, the Pledge of Allegiance was led by Council Member Cothran.

**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:

Carlos Bravo commented on his support of Council Member Sandoval.

Angela Jimenez commented on the need for a homeless shelter in the City of Fontana.

Timothy Dershowitz commented on his displeasure with Council Member Sandoval.

Voicemail comments were received from the following:

Mildred commented in opposition of more warehouses.

**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; ABSTAIN: None) as follows:

**A. Approval of Minutes**

Approve the Minutes of the September 22, 2020 Regular City Council Meeting.

**B. Award a Construction Contract for the Landscape Improvements along the East Side of Sierra Avenue from Terra Vista Drive to Segovia Lane (Sierra Crest) Project**

1. Approve and authorize the City Manager to execute a construction contract with Kasa Construction, Inc. for the construction of the landscape improvements along the east side of Sierra Avenue from Terra Vista Drive to Segovia Lane (Sierra Crest) Project in the amount of \$506,092.00 and authorize a 10% contingency in the amount of \$50,609.20 (Bid No. SB-99-DE-20).

2. Approve additional work (Change Order No. 1) along the northside of Terra Vista Drive in the amount of \$94,982.50 and increase the contingency amount by an additional \$9,498.25.

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 landscape improvements along the east side of Sierra Avenue from Terra Vista Drive to Segovia Lane (Sierra Crest) Project.

4. Appropriate \$250,000.00 from Landscape Fund 633 for the East Side Sierra Avenue

Landscape Project (PN36000004)

**C. Final Acceptance of the South Highland Avenue at Cypress Avenue Traffic Signal Project**

Accept as complete the work performed by Dynalectric for the construction of the South Highland Avenue at Cypress Avenue Traffic Signal Project and approve the final construction amount of \$410,908.21. (SB-105-DE-19)

**D. Fontana Art Association Bi-Annual Report: January - June 2020**

Accept and file the Fontana Art Association (FAA) January through June 2020 Bi-Annual Report.

**E. Mobile Rugged Computers**

Approve and authorize the Purchasing Office to "piggy-back" off the National Cooperative Purchasing Alliance (NCPA) 01-97 Advanced Technology Solutions Aggregator for the purchase of Getac mobile rugged computers for various City departments on an as-needed basis.

**F. Resolution of Intent to Form Community Facilities District No. 100 (Victoria)**

1. Adopt **Resolution No. 2020-129** of the City Council of the City of Fontana of Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes.

2. Adopt **Resolution No. 2020-130** of the City Council of the City of Fontana to Incur Bonded Indebtedness of the Proposed City of Fontana Community Facilities District No. 100 (Victoria).

**G. Resolution of Intent to Form Community Facilities District No. 104M (Tract 19997)**

1. Adopt **Resolution No. 2020-131** of Intent of the City Council of the City of Fontana with Respect to Establishment of Proposed Community Facilities District No. 104M of the City of Fontana, County of San Bernardino, State of California.

2. Set the Public Hearing for December 8, 2020, for the Formation of the District and call for the Special Election for December 8, 2020.

**PUBLIC HEARINGS:**

**A. Phase II Energy Services Contract and Finding of Exemption from the California Environmental Quality Act.**

Mayor Warren opened Public Hearing Item PH-A.

Deputy City Manager Chuck Hays provided the staff report.

No one spoke in favor or opposition.

The Public Hearing was closed.

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

1. Adopt **Resolution No. 2020-132** a Resolution of the City Council of the City Of Fontana, making a determination for a categorical exemption under the California Environmental Quality Act and findings on energy savings under California Government Code 4217.10 et. seq. and approving and determining other matters in connection with an energy services project.
2. Approve and Authorize the City Manager or his designee to execute an Energy Services Agreement with Alliance Building Solutions. Inc. in the amount of \$1,515,582.00 and authorizing a 5% contingency in the amount of \$75,779.00
3. Authorize the City Manager or his designee to execute the First Amended and Restated Maintenance and Verification Agreement.

## **NEW BUSINESS:**

### **A. COVID-19 Reopening Principles**

Mayor Warren provided the report.

No one spoke in favor or opposition.

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

Adopt **Resolution No. 2020-133** a Resolution of the City Council of the City Of Fontana requesting Governor Newsom to make the process Cities must follow to reopen business more stable and predictable; testing metric be attached to a fixed number rather than the median testing number of 58 counties; and allow communities that have experienced historically low rates of infection be permitted to reopen.

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

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

Mayor Warren and Council Member Cothran agreed to work with the Police Department, Fire Department, Community Services Department and the residents in the area of Jack Bulik Park, to address safety concerns in and around the park.

Council Member Roberts encouraged everyone to get out and vote.

Council Member Roberts wished City Clerk Lewis well and that she's in his prayers.

Council Member Cothran announced that he and wife are expecting another baby in March of 2021, he thanked everyone for the well wishes.

Council Member Cothran stated that the Mayor and Council are continuing to work on the truck traffic issues in South Fontana.

Council Member Cothran wished everyone the best in the upcoming election.

Council Member Sandoval thanked City Manager Denny for assisting a resident with an issue related to Southern California Edison.

Council Member Sandoval mentioned that seniors in the community are having issues with Omnitrans scheduling and asked if someone can look into it.

Council Member Sandoval requested City Manager Denny have someone look into illegal dumping in alleys throughout the City.

Council Member Sandoval thanked family members and teachers for their efforts in teaching students through virtual learning.

Mayor Pro Tem Armendarez asked for prayers for City Clerk Lewis.

Mayor Pro Tem Armendarez congratulated Council Member Cothran and his wife on the news that they are expecting a baby.

Mayor Pro Tem Armendarez encouraged everyone to exercise their right to vote.

Mayor Warren offered prayers to City Clerk Lewis.

Mayor Warren stated that the Mayor and Council are still working towards a solution to the truck issues with Amazon.

Mayor Warren encouraged everyone to use the Fontana App to report issues they may have.

Mayor Warren encouraged everyone to exercise their right to vote.

Mayor Warren thanked the Mayor's Youth Advisory Committee on their efforts to encourage the community to get out and vote.

Mayor Warren encouraged everyone to join in on the discussion of racism and is committed to bringing people together.

Mayor Warren reminded the community that they can still get tested for COVID-19 at the Jessie Turner Center.

Mayor Warren offered prayers to everyone impacted by the COVID-19 virus.

## **CITY MANAGER COMMUNICATIONS:**

## **A. City Manager Communications**

City Manager Mark Denny provided an update on calls for service at Jack Bulik Park. City Manager Denny noted that calls for service and police reports were down in 2020 from 2019.

### **ADJOURNMENT:**

The meeting adjourned at 7:41 p.m. to the next Regular City Council Meeting on Tuesday, October 27, 2020, at 7:00 p.m. that will be available remotely.

DocuSigned by:

*Karen Porlas*

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Karen Porlas  
Deputy City Clerk

**THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 27TH DAY OF OCTOBER 2020.**

DocuSigned by:

*Tonia Lewis*

EBCDCFDA17754F5...

Tonia Lewis  
City Clerk

## Certificate Of Completion

Envelope Id: DA47C7D6F0634771B9659FDA2F289BB3	Status: Completed
Subject: Please DocuSign: 10-13-2020 City Council Meeting Minutes - DRAFT.pdf	
Source Envelope:	
Document Pages: 6	Signatures: 2
Certificate Pages: 5	Initials: 0
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Time Zone: (UTC-08:00) Pacific Time (US & Canada)	8353 Sierra Avenue
	Fontana, CA 92335
	clerks@fontana.org
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## Record Tracking

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10/28/2020 8:58:37 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: 67.40.126.140  
Signed using mobile

## Timestamp

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Viewed: 10/28/2020 12:02:35 PM  
Signed: 10/28/2020 12:03:29 PM

**Electronic Record and Signature Disclosure:**  
Accepted: 10/28/2020 12:02:35 PM  
ID: 47385e55-a4b3-4f9f-8b15-8e678572481e

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  
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Viewed: 10/28/2020 2:24:40 PM  
Signed: 10/28/2020 2:25:11 PM

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## In Person Signer Events

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## Status

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## Status

## Timestamp

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## Timestamp

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## Timestamp

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

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Carbon Copy Events	Status	Timestamp
Evelyne Ssenkoloto essenkol@fontana.org Security Level: Email, Account Authentication (None)	COPIED	Sent: 10/28/2020 2:25:12 PM Viewed: 10/28/2020 3:35:02 PM
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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	10/28/2020 8:58:42 AM
Certified Delivered	Security Checked	10/28/2020 2:24:40 PM
Signing Complete	Security Checked	10/28/2020 2:25:11 PM
Completed	Security Checked	10/28/2020 2:25:12 PM

Payment Events	Status	Timestamps
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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>

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