

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
May 15, 2018**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, May 15, 2018, at the Ontario City Hall, 303 East B Street, Ontario, California.

CLOSED SESSION

Mayor Leon called the City Council and Housing Authority meetings to order at 6:03 p.m.

Mayor Leon inquired whether persons were present who wished to speak to the Closed Session item. Hearing no one, the City Council recessed to Closed Session at 6:04 p.m. for discussion of the following:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1049-382-01 and 1049-382-02; 1108 East California Street and 1120 East California Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Phelan Development Company, LLC; Under negotiation: Price and terms of payment.

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council/Housing Authority meetings to order at 6:31 p.m., and requested the City Clerk call the roll.

PRESENT:	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chairman	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman, Debra Dorst-Porada and Ruben Valencia

ABSENT: Council/Authority Member: None

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Richard Egger and City Clerk/Secretary Sheila Mautz.

The Pledge of Allegiance was led by *Council Member Valencia*.

The Invocation was provided by *Rabbi Zari Sussman, representing Temple Sholom Ontario*.

CLOSED SESSION REPORT

City Attorney Egger indicated that the matter listed on the agenda was discussed and direction was given to the real property negotiator; however, there was no reportable action.

PUBLIC COMMENTS

D'Andre Lampkin, on behalf of the Lampkin Foundation, invited residents to a *Gardening for Healthy Communities Event* on May 26, 2018 from 9:00 a.m. to 1:00 p.m. He detailed the event which educates the community on the benefits of fresh organic produce.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa indicated there were no updates or additions to the agenda.

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia and carried by unanimous vote to approve the Consent Calendar as presented.

1. APPROVAL OF MINUTES

City Council approved the Minutes for the regular meeting of the City Council and Housing Authority of April 17, 2018, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period March 25, 2018 through April 7, 2018, in the amount of \$6,668,935.27 and **Payroll** for the period March 25, 2018 through April 7, 2018, in the amount of \$3,313,135.46, when audited by the Finance Committee.

3. AN EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE CITY OF ONTARIO AND BRAND PACIFIC CONSTRUCTION INCORPORATED (200 NORTH EUCLID AVENUE – FORMER BANK OF ITALY/BUMSTEAD BICYCLES BUILDINGS)

City Council approved an Exclusive Negotiation Agreement between the City of Ontario and Brand Pacific Construction Incorporated of Glendale, California, and authorized the City Manager to execute the Agreement and all other documents required for implementation of the Agreement.

4. A CONSTRUCTION CONTRACT FOR THE FRANCIS/TURNER STREET IMPROVEMENT PROJECT/LEE & STIRES, INCORPORATED

City Council approved the plans and specifications and awarded a construction contract to Lee & Stires, Incorporated of Ontario, California for the Francis/Turner Street Improvement Project (ST1309) in the bid amount of \$944,432 plus a 20% contingency of \$188,886, for a total authorized amount of \$1,133,318; and authorized the City Manager to execute said contract and related documents and file a Notice of Completion at the conclusion of the construction activities.

5. CONSTRUCTION CONTRACT FOR TRAFFIC SIGNAL MODIFICATIONS AT ARCHIBALD AVENUE AND MISSION BOULEVARD/INTERNATIONAL LINE BUILDERS, INC.

City Council approved the plans and specifications, and awarded a construction contract to International Line Builders, Inc. of Riverside, California, for the traffic signal modifications at Archibald Avenue and Mission Boulevard in the bid amount of \$228,046 plus a nine percent (9%) contingency of \$20,524 for a total authorized expenditure of \$248,570; and authorized the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities.

6. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18068 LOCATED AT THE NORTHEAST CORNER OF PARKVIEW STREET AND CELEBRATION AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18068 located at the northeast corner of Parkview Street and Celebration Avenue within the Subarea 29 Specific Plan area.

RESOLUTION NO. 2018-038 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18068, LOCATED AT THE NORTHEAST CORNER OF PARKVIEW STREET AND CELEBRATION AVENUE.

7. AUTHORIZE THE PURCHASE OF A FLEET VEHICLE – FIRE WATER TENDER/KME

City Council authorized the sole source purchase and delivery of one KME Tandem Axle Water Tender in the amount of \$571,650 from KME of Jurupa Valley, CA.

8. FISCAL YEAR 2017-18 THIRD QUARTER BUDGET UPDATE

City Council approved the budget adjustments and recommendations as listed in the Fiscal Year 2017-18 Third Quarter Budget Update Report.

9. A RESOLUTION OF INDUCEMENT TO ISSUE TAX-EXEMPT BONDS FOR ONTARIO TOWNHOUSES, LOCATED AT 1360 EAST D STREET

City Council approved a Resolution of Inducement to issue tax-exempt bonds for Ontario Townhouses, located at 1360 East D Street, Ontario.

RESOLUTION NO. 2018-039 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS OFFICIAL INTENTION TO ISSUE TAX-EXEMPT REVENUE BONDS FOR THE PURPOSE OF FINANCING AN AFFORDABLE RENTAL HOUSING FACILITY IN THE CITY, AND TO REIMBURSE CERTAIN EXPENDITURES RELATING TO THE DEVELOPMENT OF SUCH FACILITY FROM PROCEEDS OF SAID BONDS; AND AUTHORIZING AN APPLICATION TO THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE TO PERMIT THE ISSUANCE OF SAID BONDS.

10. A RESOLUTION OF INDUCEMENT TO ISSUE TAX-EXEMPT BONDS FOR VIRGINIA/HOLT MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENT, LOCATED ON 4.18 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE SOUTH, RESIDENTIALLY DEVELOPED PROPERTIES ON THE EAST, NOCTA STREET ON THE NORTH, AND VIRGINIA AVENUE ON THE WEST

City Council approved a Resolution of Inducement to issue tax-exempt bonds for Virginia/Holt Multifamily Affordable Housing Development, located on 4.18 acres of land bordered by Holt Boulevard on the south, residentially developed properties on the east, Nocta Street on the north, and Virginia Avenue on the west.

RESOLUTION NO. 2018-040 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS OFFICIAL INTENTION TO ISSUE TAX-EXEMPT REVENUE BONDS FOR THE PURPOSE OF FINANCING AN AFFORDABLE RENTAL HOUSING FACILITY IN THE CITY, AND TO REIMBURSE CERTAIN EXPENDITURES RELATING TO THE DEVELOPMENT OF SUCH FACILITY FROM PROCEEDS OF SAID BONDS; AND AUTHORIZING AN APPLICATION TO THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE TO PERMIT THE ISSUANCE OF SAID BONDS.

11. A ONE-YEAR ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”), HOME INVESTMENT PARTNERSHIPS (“HOME”), AND EMERGENCY SOLUTIONS GRANT (“ESG”) PROGRAMS FOR FISCAL YEAR 2018-19

City Council:

- (A) Approved the One-Year Action Plan for Fiscal Year 2018-19 for the Community Development Block Grant (“CDBG”), HOME Investment Partnerships (“HOME”), and Emergency Solutions Grant (“ESG”) Programs;
- (B) Directed staff to prepare and transmit the final documents to U.S. Department of Housing and Urban Development (“HUD”); and

- (C) Authorized the City Manager, or his designee, to take all actions necessary or desirable to implement the One-Year Action Plan for Fiscal Year 2018-19 and Subrecipient Agreements.
- (D) Approved the One-Year Action Plan for Fiscal Year 2018-19 for the Community Development Block Grant (“CDBG”), HOME Investment Partnerships (“HOME”), and Emergency Solutions Grant (“ESG”) Programs;
- (E) Directed staff to prepare and transmit the final documents to U.S. Department of Housing and Urban Development (“HUD”); and
- (F) Authorized the City Manager, or his designee, to take all actions necessary or desirable to implement the One-Year Action Plan for Fiscal Year 2018-19 and Subrecipient Agreements.

12. ACCEPT WRITTEN PETITIONS TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

City Council:

- (A) Accepted written petitions from KB Home California LLC and KB HOME Coastal Inc., located in Wildomar, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- (B) Adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 45 (Northpark and Countryside) (the “CFD”), authorized the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, June 19, 2018; and
- (C) Adopted a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 45 (Northpark and Countryside).

RESOLUTION NO. 2018-041 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. 2018-042 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

13. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES

City Council:

- (A) Accepted a written petition from CLDFI Remington, LLC (the “Landowner”), to create a community facilities district (“CFD”), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services), authorized the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, June 19, 2018.

RESOLUTION NO. 2018-043 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

14. FINAL WRITTEN REPORT ISSUED TEN DAYS PRIOR TO THE EXPIRATION OF INTERIM URGENCY ORDINANCE NO. 3056, A MORATORIUM ON THE ISSUANCE OF NEW BUSINESS LICENSES OR NEW ENTITLEMENTS FOR COMPOSTING (GREEN WASTE AND MANURE) FACILITIES, DESCRIBING THE MEASURES TAKEN TO ALLEVIATE THE CONDITIONS WHICH LED TO THE ADOPTION OF THE MORATORIUM IN COMPLIANCE WITH GOVERNMENT CODE SECTION 65858 (d)

City Council received and filed the Final 10-Day Report for Interim Urgency Ordinance No. 3056.

15. COST SHARING AGREEMENT WITH CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

City Council approved and authorized the City Manager to execute a two-year cost sharing agreement with the Chaffey Joint Union High School District for three school resource officers in the amount of \$450,000.

16. AMENDMENT TO THE CITY OF ONTARIO LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

City Council adopted a resolution approving the 2018 amendment to the “City of Ontario Local Guidelines for Implementing the California Environmental Quality Act”.

RESOLUTION NO. 2018-044 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE §§ 21000 ET SEQ.)

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared City Council Resolution Nos. 2018-038, 2018-039, 2018-040, 2018-041, 2018-042, 2018-043 and 2018-044 unanimously adopted.

PUBLIC HEARINGS

17. AN APPEAL OF THE PLANNING COMMISSION’S DECISION TO APPROVE A DEVELOPMENT PLAN (FILE NO. PDEV17-046) TO CONSTRUCT A 4,500 SQUARE-FOOT SELF-SERVICE CARWASH (FAST 5 XPRESS) IN CONJUNCTION WITH A CONDITIONAL USE PERMIT (FILE NO. PCUP17-021) TO ESTABLISH AND OPERATE THE DRIVE-THRU CARWASH, ON 0.93 ACRES OF LAND, WITHIN THE COMMERCIAL LAND USE DESIGNATION OF THE GROVE AVENUE SPECIFIC PLAN; LOCATED AT 2345 S. GROVE AVENUE. (APN: 0216-081-25)

Staff recommended that the City Council uphold the Planning Commission’s approval of File Nos. PDEV17-046 and PCUP17-021, a Development Plan to construct a 4,500 square-foot self-service carwash in conjunction with a Conditional Use Permit to establish and operate the drive-thru carwash, within the Commercial land use designation of the Grove Avenue Specific Plan, located at 2345 S. Grove Avenue; and take further actions necessary and consistent with the City Council’s final determination and decision on the matter.

Notice of public hearing was given and affidavits of compliance are on file in the Records Management Department.

There were no written communications.

Mayor Leon opened the public hearing asking those persons interested in this item to speak.

Tom Utman, Owner of Fast 5 Express, detailed his project and application process that began in September 2017. He noted that he had met with the adjacent mobile home park and shared his efforts to address the concerns of the appellant.

Sylvia DeVries, Appellant, detailed her concerns with noise pollution, air pollution and the impact of this project on their overall quality of life, noting that most of the mobile home park residents are seniors with health issues. She stressed the continuous daily noise the project will generate from 6:45 a.m. to 8:00 p.m. and the volume of cars that will be washed.

David Walthall, presented a petition opposing the proposed project and stressed the age of the mobile homes in the park and noted that most have thin walls and single pane windows that will be particularly impacted by the car wash noise. He expressed concerns with overall noise and the petitioners' interests in minimizing the impacts on their daily lives.

Marlund Hale, Acoustical Engineer, indicated that he has spent 30 years fighting noise pollution. He advised that he has been hired by Fast 5 Express on several of their projects to address and abate noise concerns. He detailed his work to monitor noise at this location during various high volume times and advised that the results of his testing were presented in his reports; and neither exterior nor interior noise restrictions would be violated by this proposed project.

Hearing no additional requests to speak, Mayor Leon closed the public hearing.

City Attorney Egger clarified the City Council's role as the appellate body in the decision making process.

Mayor pro Tem Wapner thanked the residents for exercising their right to appeal. He commented that in spite of that he has heard, a clear message from the attorney that the Council cannot overturn the Planning Commission decision because the testimony and evidence supports the record and recommendation. He stressed that he could not support the appeal based on legal advice.

Council Member Dorst-Porada noted that the testing indicated that the noise would not exceed the noise restrictions, but questioned what the recourse would be if it did. City Manager Ochoa stated that if noise became a nuisance, it would fall under Code Enforcement protocols and they would stand ready to pursue bringing the business into compliance.

MOTION: Moved by Mayor pro Tem Wapner, seconded by Council Member Valencia and carried by unanimous vote to adopt Resolution Nos. 2018-045 and 2018-046, denying the appeal and approving the project, Conditional Use Permit and Development Plan.

RESOLUTION NO. 2018-045 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE FILE NO. PCUP17-021, CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE A DRIVE-THRU CARWASH, ON 0.93 ACRES OF LAND, WITHIN THE COMMERCIAL LAND USE DESIGNATION OF THE GROVE AVENUE SPECIFIC PLAN, LOCATED AT 2345 S. GROVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF-APN: 0216-081-25.

RESOLUTION NO. 2018-046 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE FILE NO. PDEV17-046, A DEVELOPMENT PLAN (FILE NO. PDEV17-046) TO CONSTRUCT A 4,500 SQUARE-FOOT SELF-SERVICE CARWASH (FAST 5 XPRESS), ON 0.93 ACRES OF LAND, WITHIN THE COMMERCIAL LAND USE DESIGNATION OF THE GROVE AVENUE SPECIFIC PLAN, LOCATED AT 2345 S. GROVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF-APN: 0216-081-25.

STAFF MATTERS

No comments.

COUNCIL MATTERS

Council Member Dorst-Porada had no comments.

Mayor pro Tem Wapner noted item number 15 of this agenda and explained that there are School Resource Officers at each high school in the City. He expressed appreciation for the partnership with Chaffey Joint Union High School District and stressed that everyone recognizes and is helping to address the potential dangers in our schools.

Council Member Bowman had no comments.

Council Member Valencia reported that on April 18, 2018, he and the City Manager attended the League of California Cities' Legislative Action Day in Sacramento, meeting with State Senator Leyva and Assemblyman Rodriguez to discuss local issues. Valencia also reported that during the week of April 30, 2018, he attended the National Police Activities League Conference in Florida where mental health issues, drugs and mentorship programs were discussed. Valencia recalled that about 15 years ago there was a boxing program in the community that promoted mentorship and offered kids an opportunity to get involved with community members who cared. He stressed the importance of this type of program to help prevent the kind of tragedies we see in the news. Council Member Valencia also noted that the City's summer concerts and movies in the park start May 30, 2018.

Mayor Leon announced that on May 30, 2018, his favorite band "Britain's Finest", a Beatles tribute band, would be performing at the first summer concert. Leon reported that there would be a series of concerts on Wednesdays throughout the summer, with local talent performing before each. He also commented on the movies scheduled each Friday night at Ontario Town Square. Mayor Leon talked about the downtown Cinco de Mayo event, coordinated by Unidos por la Musica, noting that it was an event for the entire community, with the money raised to benefit people in the City during the upcoming Christmas and Thanksgiving holidays.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:05 p.m. and announced the next regular meetings to be held on Tuesday, June 5, 2018.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN