

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
December 18, 2018**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, December 18, 2018, at the Ontario City Hall, 303 East B Street, Ontario, California.

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council/Housing Authority meetings to order at 6:30 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 John Brown and City Clerk/Secretary Sheila Mautz.

The Pledge of Allegiance was led by *Council Member Dorst-Porada*.

The Invocation was provided by *Pastor Don Rucker*, representing First Church of the Nazarene.

PUBLIC COMMENTS

Rudy Favila congratulated Mayor Leon on his reelection. He then expressed his concern that the City had not chosen to divide into voting districts. He also expressed concern with a recent police incident at Waba Grill suggesting racial motivations for the crime.

Peggi Hazlett provided an update on the Inland Empire Business Council and Chamber of Commerce accomplishments for 2018. She noted the annual holiday lunch tomorrow with installation of new officers and keynote speaker Tony Rose.

Karen Haughey, representing San Bernardino County Supervisor Curt Hagman, wished the Council a Merry Christmas and congratulated them on their reelection.

AGENDA REVIEW/ANNOUNCEMENTS

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

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

1. CANVASS OF GENERAL MUNICIPAL ELECTION ON NOVEMBER 6, 2018.

City Council adopted a resolution certifying the results of the General Municipal Election which was consolidated with the Statewide Election on November 6, 2018.

The whole number of votes including absentee votes cast for Mayor were as follows:

Samuel (Sam) Crowe	8,511
Paul S. Leon	18,469
Rodolfo G. Favila	4,614
Richard Thomas William Reyes Galvez	2,018

The whole number of votes including absentee votes cast for Member of the City Council were as follows:

Norberto Corona	9,628
Josef Morales Nikyar	4,805
Alan Wapner	17,234
Paul C. Mim Mack	3,989
Jim W. Bowman	12,632

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia, and carried by unanimous vote to adopt Resolution No. 2018-164.

RESOLUTION NO. 2018-164 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

By said adoption the City Council declared that:

Paul S. Leon was elected as Mayor of the City of Ontario for a full term of four years to expire upon certification of the election of November 8, 2022.

Alan D. Wapner was elected as a Member of the City Council of the City of Ontario for a full term of four years to expire upon certification of the election of November 8, 2022.

Jim W. Bowman was elected as Member of the City Council of the City of Ontario for a full term of four years to expire upon certification of the election of November 8, 2022.

SPECIAL CEREMONIES

OATHS OF OFFICE OF NEWLY ELECTED OFFICIALS

City Clerk Mautz administered oaths of office to Mayor Leon, Mayor pro Tem Wapner and Council Member Bowman.

RECOGNITION OF FIRE CHIEF RETIREMENT

City Manager Ochoa commented on the service of Fire Chief Elwell and noted that he stepped into the role of Chief when the department needed him the most. He commended his sense of humor and ability to stay grounded, while serving with those he loved. He noted that the City family will be sad to see him retire, but happy for him personally as he makes a smooth transition to private life.

Chief Elwell thanked the City Manager, City Council, Fire Department and City family for his career in the City of Ontario. He expressed excitement with the direction of the department under the leadership of Chief Gayk. He thanked his family for their love and support over his career.

The Mayor and City Council thanked Chief Elwell for his service to the Community.

SWEARING IN OF FIRE CHIEF

City Manager Ochoa introduced Chief Ray Gayk, and detailed his background and career in Ontario which began in 1997.

City Clerk Mautz administered the oath of office to Chief Gayk, and his wife pinned him with the Fire Chief's badge.

Chief Gayk thanked the City Council for this opportunity and indicated that he was honored and humbled to serve as the City's next fire chief. He thanked Chief Elwell for his dedication to the department and wished him a great retirement. Chief Gayk thanked his family, the department, other agency partners and particularly his wife for their support in taking things to the next level.

THE MEETING WAS RECESSED AT 7:07 P.M.

THE MEETING RECONVENED AT 7:15 P.M.

CONSENT CALENDAR

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

2. APPROVAL OF MINUTES

City Council approved Minutes for the regular meeting of the City Council and Housing Authority of November 20, 2018, as on file in the Records Management Department.

3. **BILLS/PAYROLL**

City Council approved **Bills** for the period October 21, 2018 through November 3, 2018, in the amount of \$3,617,396 and **Payroll** for the period October 21, 2018 through November 3, 2018, in the amount of \$12,800,649.89, when audited by the Finance Committee.

4. **A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19643, LOCATED AT THE NORTHEAST CORNER OF CARPENTER AVENUE AND REMINGTON AVENUE**

City Council adopted a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19643, located at the northeast corner of Carpenter Avenue and Remington Avenue.

RESOLUTION NO. 2018-165 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19643, LOCATED AT THE NORTHEAST CORNER OF CARPENTER AVENUE AND REMINGTON AVENUE

5. **A RESOLUTION PERTAINING TO DECLARED PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY**

City Council adopted a resolution rescinding Resolution 2017-098 and declaring prima facie speed limits on certain streets within the City.

RESOLUTION NO. 2018-166 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION 2017-098 AND DECLARING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY.

6. **COOPERATIVE AGREEMENT WITH THE CITY OF FONTANA FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE INTERSECTION OF ETIWANDA AVENUE AND AIRPORT DRIVE/SLOVER AVENUE**

City Council approved and authorized the City Manager to execute a Cooperative Agreement with the City of Fontana for the construction of improvements at the intersection of Etiwanda Avenue and Airport Drive/Slover Avenue.

7. **COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2018**

City Council accepted the City of Ontario's Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2018.

8. **A ZONE CHANGE (FILE NO. PZC18-002) TO ESTABLISH A ZONING DESIGNATION OF IG (GENERAL INDUSTRIAL) FOR 2.4 ACRES OF LAND LOCATED WITHIN NORTH LOOP DRIVE, GENERALLY WEST OF ETIWANDA AVENUE AND SOUTH OF THE INTERSTATE 10 FREEWAY**

City Council considered and adopted a City-initiated ordinance approving File No. PZC18-002. Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on December 4, 2018.

ORDINANCE NO. 3122 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCZ18-002, A ZONE CHANGE TO ESTABLISH A ZONE OF IG (GENERAL INDUSTRIAL) ON A LOT TOTALING 2.4 ACRES OF LAND THAT CURRENTLY DOES NOT HAVE A ZONING DESIGNATION OR AN APN, TO BRING PROPERTY ZONING INTO CONSISTENCY WITH THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN, AFFECTING PROPERTY LOCATED WITHIN NORTH LOOP DRIVE, GENERALLY WEST OF ETIWANDA AVENUE AND SOUTH OF THE INTERSTATE 10 FREEWAY, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: N/A. (SEE ATTACHMENT A) (PART OF CYCLE 4 FOR THE 2018 CALENDAR YEAR).

9. **CONSTRUCTION CONTRACT FOR THE POLICE PARKING LOT PROJECT/ONYX PAVING COMPANY, INC.**

City Council awarded Construction Contract No. 1033 to Onyx Paving Company, Inc. of Anaheim California, for the Police Parking Lot Project in the amount of \$404,000 plus a 10% contingency (\$40,400) for a total amount of \$444,400; authorized the City Manager to execute said contract, authorized additional appropriations of \$100,775 from the General Fund, and authorized the filing of the notice of completion at the conclusion of all construction activities related to the project.

10. **A PROFESSIONAL SERVICES AGREEMENT FOR PRESORTING AND MAILING SERVICES/INLAND PRESORT & MAILING SERVICES**

City Council approved and authorized the City Manager to execute a one-year professional services agreement with Inland Presort & Mailing Services, of Redlands, California, with an estimated annual expenditure of \$275,000; and authorized the City Manager to extend the agreement for one additional year with the same terms and conditions.

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared City Council Resolution Nos. 2018-165 and 2018-166, and Ordinance No. 3122 unanimously adopted.

PUBLIC HEARINGS

11. **A PUBLIC HEARING TO CONSIDER AN URGENCY ORDINANCE AMENDING SECTION 3-1.701 OF ARTICLE 7 OF CHAPTER 1 OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE AND ADDING CHAPTER 31 TO TITLE 5 OF THE ONTARIO MUNICIPAL CODE, IMPOSING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946**

City Council read by title only, waive further reading, and adopt an urgency ordinance amending Ontario Municipal Code Section 3-1.701 and adding Chapter 31 to Title 5 of the Ontario Municipal Code, imposing regulations upon sidewalk vending in compliance with Senate Bill 946.

Notice of public hearing was duly 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. Hearing no one, Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3123.

ORDINANCE NO. 3123 AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 3-1.701 OF ARTICLE 7 OF CHAPTER 1 OF TITLE 3 OF THE ONTARIO MUNICIPAL CODE AND ADDING CHAPTER 31 TO TITLE 5 OF THE ONTARIO MUNICIPAL CODE, IMPOSING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946.

12. **A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND DISSOLUTION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 11 (ESPERANZA I)**

City Council:

- (A) Adopted a resolution establishing Community Facilities District No. 44 (Esperanza Services), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopted a resolution calling a special election for City of Ontario Community Facilities District No. 44 (Esperanza Services);

- (C) Adopted a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (D) Introduced and waived further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 44 (Esperanza Services); and
- (E) Introduced and waived further reading of an ordinance dissolving City of Ontario Community Facilities District No. 11 (Esperanza I).

Notice of public hearing was duly 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. Hearing no one, Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to adopt Resolution Nos. 2018-167 and 2018-168.

RESOLUTION NO. 2018-167 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. 2018-168 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES).

Assistant City Clerk Kasad opened the four property owner ballots relating to this matter and found them all to be in favor of the proposed district.

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia and carried by unanimous vote to adopt Resolution No. 2018-169.

RESOLUTION NO. 2018-169 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3124.

ORDINANCE NO. 3124 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 44 (ESPERANZA SERVICES).

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3125.

ORDINANCE NO. 3125 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DISSOLVING CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 11 (ESPERANZA I).

13. **A PUBLIC HEARING REGARDING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT AND OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CONCRETE HOLDING COMPANY OF CALIFORNIA, INC., PURSUANT TO GOVERNMENT CODE SECTION 53083; AND CONSIDERATION OF A RESOLUTION ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT, APPROVING THE OPERATING COVENANT AGREEMENT AND MAKING RELATED FINDINGS**

City Council took the following actions:

- (A) Held the public hearing;
- (B) Adopted a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding an Operating Covenant Agreement by and between the City of Ontario and Concrete Holding Company of California, Inc., a Delaware Corporation, hereinafter referred to as "Concrete Holding";
- (C) Adopted a resolution approving the Operating Covenant Agreement for no less than forty years, authorizing the City Manager to execute the Operating Covenant Agreement, and making related findings; and
- (D) Directed City staff to file a Notice of Exemption based upon the City Council's finding that the impacts for this existing facility is not a project and subject to environmental review and that there is no possibility that the activity in question may have a significant effect on the environment.

Notice of public hearing was duly 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. Hearing no one, Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia and carried by unanimous vote to adopt Resolution No. 2018-170.

RESOLUTION NO. 2018-170 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083 REGARDING THE DEVELOPMENT OF A REGIONAL SALES OFFICE BY CONCRETE HOLDING COMPANY OF CALIFORNIA, INC. IN THE CITY OF ONTARIO AND APPROVING AN OPERATING COVENANT AGREEMENT.

14. **A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II)**

City Council adopted a resolution authorizing the issuance of special tax bonds for Community Facilities District No. 25 (Park Place Facilities Phase II). The resolution:

- (A) Authorizes the issuance of special tax bonds for public improvements required to facilitate the development of the Park Place Facilities Phase II project;
- (B) Approves the forms of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;
- (C) Authorizes a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and
- (D) Authorizes the execution of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement by the City Manager, or his designee.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to adopt Resolution No. 2018-171.

RESOLUTION NO. 2018-171 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 25 (PARK PLACE FACILITIES PHASE II) SPECIAL TAX BONDS, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

STAFF MATTERS

City Manager Ochoa noted the upcoming retirement of City Engineer Louis Abi-Younes and noted that Khoi Do would be appointed to fill his seat.

COUNCIL MATTERS

Council Member Dorst-Porada expressed thanks to everyone doing charity work in the community providing toys and meals. She noted that the Salvation Army was doing events this Thursday and Friday, with ROTC kids assisting. She wished everyone a Happy Hanukah and a Merry Christmas.

Mayor pro Tem Wapner commended Chief Elwell for his years of service to the City and encouraged him to enjoy his retirement. Wapner spoke about his re-election and thanked his wife Judi for her support and for always being there, noting that he would not be sitting where he was without her. He wished everyone a Merry Christmas and a Happy New Year.

Council Member Bowman commended Chief Elwell on his service to the City and wished him a great retirement. He thanked the community and Regina for their support during the election.

Council Member Valencia congratulated his fellow Council Members on their re-election. He thanked Chief Elwell for his service and congratulated Chief Gayk. He expressed pride about the charitable efforts of Police, Fire and the City family. He wished everyone a Merry Christmas.

Mayor Leon thanked his wife for her support over the last 36 years and noted that this was a tough election. He noted that public comments at the podium are not always correct and encouraged the public to hold speakers accountable for their comments. He wished all a Merry Christmas and Happy Hanukah. He noted that he is thankful for to be able to serve another four years as Mayor; and he requested and received concurrence from the majority of Council to address the Mayor pro Tem position and committee appointments at the next meeting.

ADJOURNMENT

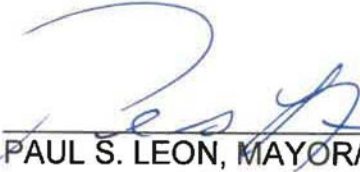
Mayor Leon adjourned the meetings of the Joint Agencies at 7:36 p.m. and announced the next regular meetings on January 1, 2019 would not be held due to the holiday, so the next regular meeting will be held on Tuesday, January 15, 2019.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN