

**CITY OF ONTARIO
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
FEBRUARY 6, 2018**

Paul S. Leon
Mayor

Alan D. Wapner
Mayor pro Tem

Jim W. Bowman
Council Member

Debra Dorst-Porada
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

John E. Brown
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ORDER OF BUSINESS The regular City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 6:00 p.m., Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (OPEN SESSION)

6:00 p.m.

ROLL CALL

Wapner, Bowman, Dorst-Porada, Valencia, Mayor/Chairman Leon

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. Haliburton International Foods, Inc.; Case No. CIVDS1613099*
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *John Doe, v. City of Ontario; USDC Case No. 5:17-cv-00682-JGB (SPx)*
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. Gastelluberry et al.; San Bernardino Superior Court, Case No. CIVDS1618853.*
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. the Lanting Family LLC et al.; San Bernardino Superior Court, Case No. CIVDS1618637*
- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION - INITIATION OF LITIGATION: One (1) or more cases.

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Donna McKnight v. City of Ontario, et al; Case No. CIVDS1617594*
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Teamsters Local 1932 v. City of Ontario; Case No. LA-CE-1123-M*
- GC 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Scott Ochoa regarding Ontario Police Officers Association (OPOA) and Ontario Police Management Group (OPMG).

In attendance: Wapner, Bowman, Dorst-Porada, Valencia, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Bowman

INVOCATION

Pastor Mike Urciuoli, Calvary Chapel Ontario

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

6:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

AGENDA REVIEW/ANNOUNCEMENTS The City Manager will go over all updated materials and correspondence received after the Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

CONSENT CALENDAR

All matters listed under **CONSENT CALENDAR** will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

Each member of the public wishing to address the City Council on items listed on the Consent Calendar will be given a total of 3 minutes.

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of January 2, 2018, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills December 3, 2017 through December 30, 2017 and **Payroll** December 3, 2017 through December 30, 2017, when audited by the Finance Committee.

3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18074 LOCATED SOUTH OF PARKVIEW STREET APPROXIMATELY 780 FEET EAST OF CELEBRATION AVENUE

That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18074 located south of Parkview Street approximately 780 feet east of Celebration Avenue within the Subarea 29 Specific Plan area.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18074 LOCATED SOUTH OF PARKVIEW STREET APPROXIMATELY 780 FEET EAST OF CELEBRATION AVENUE.

4. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III)

That the City Council adopt an ordinance levying special taxes within City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III).

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III).

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

5. CONSIDERATION OF REQUEST TO TRANSFER TOWING CARRIER PERMIT OF UNITED ROAD TOWING INC., DBA BILL & WAG'S TOWING, INC.

That the City Council consider and make a determination whether to approve a request to transfer a towing carrier permit held by United Road Towing, Inc., dba Bill & Wag's Towing, Inc. to Fleet Sales & Consulting, Inc., dba Bill and Wag's Towing.

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

Mayor Leon
Mayor pro Tem Wapner
Council Member Bowman
Council Member Dorst-Porada
Council Member Valencia

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
February 6, 2018

ROLL CALL: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __.

STAFF: City Manager / Executive Director __, City Attorney __

In attendance: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
City of Ontario v. Haliburton International Foods, Inc.; Case No. CIVDS1613099

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

In attendance: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
John Doe, v. City of Ontario; USDC Case No. 5:17-cv-00682-JGB (SPx)

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
February 6, 2018
(continued)

In attendance: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
City of Ontario v. Gastelluberry et al.; San Bernardino Superior Court, Case No. CIVDS1618853.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

In attendance: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
City of Ontario v. the Lanting Family LLC et al.; San Bernardino Superior Court, Case No. CIVDS1618637.

No Reportable Action Continue Approved

/ / / / / /

Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
February 6, 2018
(continued)

In attendance: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __

- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION - INITIATION OF LITIGATION: One (1) or more cases.

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

In attendance: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: Donna McKnight v. City of Ontario, et al; Case No. CIVDS1617594

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
February 6, 2018
(continued)

In attendance: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Teamsters Local 1932 v. City of Ontario; Case No. LA-CE-1123-M

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

In attendance: Wapner __, Bowman __, Dorst-Porada __, Valencia __, Mayor / Chairman Leon __

- GC 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Scott Ochoa regarding Ontario Police Officers Association (OPOA) and Ontario Police Management Group (OPMG).

No Reportable Action	Continue	Approved
/ /	/ /	/ /

Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
February 6, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18074 LOCATED SOUTH OF PARKVIEW STREET APPROXIMATELY 780 FEET EAST OF CELEBRATION AVENUE

RECOMMENDATION: That the City Council adopt a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18074 located south of Parkview Street approximately 780 feet east of Celebration Avenue within the Subarea 29 Specific Plan area.

COUNCIL GOALS: Invest in the Growth and Evolution of the City's Economy
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

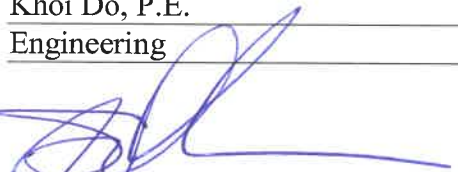
FISCAL IMPACT: None. All public infrastructure improvements required for this subdivision will be constructed by the developer at its sole cost.

BACKGROUND: Final Tract Map No. 18074, consisting of twenty-six (26) residential lots and two (2) lettered lots on 11.97 acres as shown on Exhibit A, has been submitted by the developer, Taylor Morrison of California LLC., of Irvine, California (Mr. K. Dar Ahrens, President).

Tentative Tract Map No. 18074 was approved by the Planning Commission (6 to 0 with 1 absent) on May 26, 2015 and is consistent with the adopted Subarea 29 Specific Plan.

Improvements will include AC pavement, curb, gutter, sidewalk, landscaped parkways, neighborhood edges, fiber optic conduits, fire hydrants, sewer, water, recycled water mains, storm drain, and street lights. The improvements in parkway landscaping will be consistent with current City approved drought measures.

STAFF MEMBER PRESENTING: Louis Abi-Younes, P.E., City Engineer

Prepared by: Khoi Do, P.E.
Department: Engineering
City Manager Approval: 

Submitted to Council/O.H.A. 02/06/2018
Approved: _____
Continued to: _____
Denied: _____

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The developer has entered into an improvement agreement with the City for Final Tract Map No. 18074 and has posted adequate security to ensure construction of the required public improvements.

This map meets all conditions of the Subdivision Map Act and the Ontario Municipal Code and has been reviewed and approved by the City Engineer.

EXHIBIT A



PROJECT SITE



VICINITY MAP
NTS



<p>CITY OF ONTARIO ENGINEERING DEPARTMENT</p>	<p>APPLICANT: TAYLOR MORRISON OF CALIFORNIA PROJECT: (TR 18074) 26 MFR LOTS, 2 LETTERED LOTS</p>
<p>FILE NO. TR. 18074</p>	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18074 LOCATED SOUTH OF PARKVIEW STREET APPROXIMATELY 780 FEET EAST OF CELEBRATION AVENUE.

WHEREAS, Tentative Tract Map No. 18074, submitted for approval by the developer, Taylor Morrison of California LLC., of Irvine, California (Mr. K Dar Ahrens, President) was approved by the Planning Commission of the City of Ontario on May 26, 2015; and

WHEREAS, Tentative Tract Map No. 18074 consists of twenty-six (26) numbered lots and two (2) lettered lots, being a subdivision of lot 3 of Tract 18913-4, as per map recorded in book 347, pages 53 through 58, inclusive, of maps, in the Office of the Recorder of San Bernardino County; and

WHEREAS, to meet the requirements established as prerequisite to final approval of Final Tract Map No. 18074, said developer has offered an improvement agreement, together with good and sufficient security, in conformance with the City Attorney's approved format, for approval and execution by the City; and

WHEREAS, the subdivider of the underlying Tract No. 18913-4, has previously prepared and recorded Covenants, Conditions and Restrictions (CC&Rs), and they have been reviewed and approved by the City Attorney's office, to ensure the right to mutual ingress and egress and continued maintenance of common facilities by the commonly affected property owners.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, as follow:

1. That said Improvement Agreement be, and the same is, approved and the City Manager is authorized to execute same on behalf of said City, and the City Clerk is authorized to attest thereto; and
2. That said Improvement Security is accepted as good and sufficient, subject to approval as to form and content thereof by the City Attorney; and
3. That Final Tract Map No. 18074 be approved and that the City Clerk be authorized to execute the statement thereon on behalf of said City.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 6th day of February 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO LEGAL FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2018- was duly passed and adopted by the City Council of the City of Ontario at their regular meeting held February 6, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2018- duly passed and adopted by the Ontario City Council at their regular meeting held February 6, 2018.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 6, 2018

SECTION:
CONSENT CALENDAR

SUBJECT: AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III)

RECOMMENDATION: That the City Council adopt an ordinance levying special taxes within City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III).


COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods
Invest in the City's Infrastructure (Water, Streets, Sewers, Parks, Storm Drains and Public Facilities)
Ensure the Development of a Well Planned, Balanced, and Self-Sustaining Community in Ontario Ranch

FISCAL IMPACT: The use of Mello-Roos financing for facilities in the residential development of the Park Place Facilities Phase III project is estimated to generate approximately \$8 million, which will be used to help fund a portion of the public infrastructure improvements that will serve the project. Since Mello-Roos bonds are not a direct obligation of the City, and are paid from special taxes levied on each taxable parcel in the district, there is no General Fund impact from the issuance of Mello-Roos bonds.

BACKGROUND: At a public hearing conducted by the City Council on January 16, 2018, the City Council adopted the resolutions of formation for Community Facilities District No. 26 (Park Place Facilities Phase III) and introduced and waived further reading of an ordinance levying special taxes within the district. Adoption of the ordinance will conclude the formation process for City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III).

The Mello-Roos Community Facilities Act of 1982 provides local government, with the consent from a majority of the property owners, the authority to establish community facilities districts for the purpose of levying special taxes to fund governmental services and to finance various kinds of public infrastructure facilities. Under the Mello-Roos Act, the initial steps in the formation of a community facilities district to finance public improvements are adopting resolutions declaring the City's intention

STAFF MEMBER PRESENTING: Grant D. Yee, Administrative Services/Finance Director

Prepared by: Bob Chandler
Department: Management Services
City Manager Approval: 

Submitted to Council/O.H.A. 02/06/2018
Approved: _____
Continued to: _____
Denied: _____

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to establish a community facilities district and levy special taxes, and to issue bonds. On December 5, 2017, the City Council approved Resolution No. 2017-145, a Resolution of Intention to establish City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) and authorize the levy of special taxes; and Adopted Resolution No. 2017-146, declaring its intention to issue bonds for the district. The Resolution of Intention set a public hearing date for the regularly scheduled City Council meeting of January 16, 2018 to consider formation matters. On January 16, 2018, the City Council adopted the Resolution of Formation and associated resolutions, establishing Community Facilities District No. 26 (Park Place Facilities Phase III).

The Park Place Facilities Phase III project addresses the development of approximately 17 taxable acres located east Celebration Avenue, generally west of Haven Avenue, south of Parkview Street and north of Merrill Avenue. At build out, the development is projected to include 279 detached single-family units. The Community Facilities District is being formed pursuant to the provisions of the SL Ontario Development Company LLC Development Agreement, and the First Amended and Restated Construction Agreement between the City and NMC Builders.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III).

WHEREAS, on December 5, 2017, the City Council (the "City Council") of the City of Ontario (the "City"), pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), adopted a resolution entitled "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. 26 (Park Place Facilities Phase III), and to Authorize the Levy of Special Taxes" stating its intention to establish City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III) (the "Community Facilities District") and to finance certain public facilities (the "Facilities") and services (the "Services"); and

WHEREAS, on January 16, 2018, the City Council held a noticed public hearing on the establishment of the Community Facilities District, as required by the Act; and

WHEREAS, subsequent to the close of said hearing, the City Council adopted resolutions entitled "A Resolution of the City Council of the City of Ontario, California, of Formation of the City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III), Authorizing the Levy of a Special Tax within the Community Facilities District and Establishing an Appropriations Limit for the Community Facilities District" (the "Resolution of Formation"), "A Resolution of the City Council of the City of Ontario, California, Deeming it Necessary to Incur Bonded Indebtedness within the City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III)" and "A Resolution of the City Council of the City of Ontario, California, Calling Special Election for City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III)", which resolutions established the Community Facilities District, authorized the levy of a special tax within the Community Facilities District and called an election within the Community Facilities District on the proposition of incurring indebtedness, levying a special tax within the Community Facilities District and establishing an appropriations limit for the Community Facilities District, respectively; and

WHEREAS, on January 16, 2018, an election was held in which the qualified electors of the Community Facilities District approved said proposition by more than the two-thirds vote required by the Act.

THE CITY COUNCIL OF THE CITY OF ONTARIO DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes and levies special taxes within the Community Facilities District pursuant to Sections 53328 and 53340 of the Act, at the rate and in accordance with the method of apportionment set forth in Exhibit B to the Resolution of Formation (the "Rate and Method of Apportionment"). The special taxes are hereby levied commencing in fiscal year 2018-19 and in each fiscal year thereafter until the last fiscal year in which such special taxes are authorized to be levied pursuant to the Rate and Method of Apportionment.

SECTION 2. The City Council may, in accordance with subdivision (b) of Section 53340 of the Act, provide, by resolution, for the levy of the special tax in future tax years at the same rate or at a lower rate than the rate provided by this Ordinance. In no event shall the special tax be levied on any parcel within the Community Facilities District in excess of the maximum tax specified therefor in the Rate and Method of Apportionment.

SECTION 3. The special tax shall be levied on all of the parcels in the Community Facilities District, unless exempted by law or by the Rate and Method of Apportionment.

SECTION 4. The proceeds of the special tax shall only be used to pay, in whole or in part, the cost of providing the Facilities and Services and incidental expenses pursuant to the Act.

SECTION 5. The special tax shall be collected in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in the case of delinquency as is provided for *ad valorem* taxes, unless another procedure is adopted by the City Council.

SECTION 6. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the Community Facilities District, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the Community Facilities District shall not be affected.

SECTION 7. The Mayor shall sign this Ordinance and the City Clerk shall certify as to the adoption and shall cause a summary thereof to be published at least once, in a newspaper of general circulation in the City of Ontario, California within fifteen (15) days of the adoption. The City Clerk shall post a certified copy of this ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 6th day of February 2018.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Ordinance No. 3088 was duly introduced at a regular meeting of the City Council of the City of Ontario held January 16, 2018 and adopted at the regular meeting held February 6, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 3088 duly passed and adopted by the Ontario City Council at their regular meeting held February 6, 2018 and that Summaries of the Ordinance were published on January 23, 2018 and February 13, 2018, in the Inland Valley Daily Bulletin newspaper.

SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
February 6, 2018

SECTION:
ADMINISTRATIVE REPORTS/
DISCUSSION/ACTION

SUBJECT: CONSIDERATION OF REQUEST TO TRANSFER TOWING CARRIER PERMIT OF UNITED ROAD TOWING INC., DBA BILL & WAG'S TOWING, INC.

RECOMMENDATION: That the City Council consider and make a determination whether to approve a request to transfer a towing carrier permit held by United Road Towing, Inc., dba Bill & Wag's Towing, Inc. to Fleet Sales & Consulting, Inc., dba Bill and Wag's Towing.

COUNCIL GOALS: Operate in a Businesslike Manner

FISCAL IMPACT: There is no fiscal impact associated with the potential transfer of the towing carrier permit.

BACKGROUND: United Road Towing, Inc., dba Bill & Wag's Towing, Inc. is the holder of a current towing carrier permit, which entitles the company to provide rotational tow service in the City of Ontario for a term running through April 6, 2020. Rotational tow service includes the non-consensual tow of any vehicles illegally parked on City streets or at City facilities, as well as transport and storage of vehicles that must be stored as evidence pursuant to state law or federal law.

In April 2017, the assets of United Road Towing Inc., including Bill & Wag's Towing, Inc. were transferred to a subsidiary corporation, URT United Road Towing, Inc., as part of a bankruptcy sale. On May 10, 2017, Bill & Wag's Towing Inc. was sold by the subsidiary corporation to Fleet Sales & Consulting, Inc.

Per Ontario Municipal Code Section 4-19.16, a towing carrier permit may not be transferred or assigned without the prior written consent of the City Council. A towing carrier that desires to transfer its permit shall make a written request for transfer of the permit, along with a deposit of \$1,000 and documentation evidencing the disposal of the tow truck business, at least 120 days prior to the transfer or assignment

STAFF MEMBER PRESENTING: Scott Ochoa, City Manager / Derek Williams, Acting Police Chief

Prepared by: David Sheasby / Scott Melendrez
Department: Citywide Administration / Police
Department

City Manager
Approval: 

Submitted to Council/O.H.A. 02/06/2018

Approved: _____

Continued to: _____

Denied: _____

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date. After these documents and payment are received, City staff are to investigate the transferee's qualifications to serve as a permitted towing carrier and make recommendation to the City Council.

On September 21, 2017, the City received a written request from United Road Towing, Inc, dba. to transfer its towing carrier permit to Fleet Sales Consulting, Inc., dba Bill and Wag's Towing, to go along with documentation evidencing the disposal of the tow truck business and a deposit of \$1,000, which had already been transmitted. This written request triggered the City's obligations to investigate the transferee's qualifications, and started the 120 day clock.

The City's Administrative Services Agency has reviewed the business qualifications of the transferee, Fleet Sales & Consulting, Inc., specifically to verify possession of a valid business license and requisite insurance coverage, and has determined that the transferee is qualified to operate a towing business in the City. The Police Department has reviewed the operational aspects of the transferee's business, specifically to determine whether the transferee meets requirements for equipment, lot, and applicable state licenses as found the Ontario Municipal Code. After review, the Police Department has determined that the transferee meets the municipal code requirements.

Based on these determinations, and the fact that the municipal code's 120 day evaluation period is complete as of January 20, 2018, the requirements of the municipal code are satisfied. Staff therefore recommends that the City Council approve United Road Towing, Inc.'s request to transfer its towing carrier permit to Fleet Sales Consulting, Inc., dba Bill and Wag's Towing.