

**ONTARIO CITY COUNCIL/  
ONTARIO HOUSING AUTHORITY  
MINUTES  
April 7, 2020**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, April 7, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

**CLOSED SESSION**

Mayor Leon called the City Council/Housing Authority meetings to order at 6:01 p.m. and made the following announcement:

This is a Special and Urgent Notice eliminating in-person public participation at City of Ontario City Council and Housing Authority Meetings. Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the City of Ontario City Council and Housing Authority is required to limit in-person attendance at the Regular Meeting of the City of Ontario City Council and Housing Authority. Members of the public may utilize alternative measures established by the City of Ontario to participate in the meetings, and/or communicate your opinions to the City Council.

**ROLL CALL**

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| <b>PRESENT:</b> | Mayor/Chairman<br>Council/Authority Members: | Paul S. Leon<br>Alan D. Wapner<br>(participating via teleconference),<br>Jim W. Bowman, and Ruben Valencia |
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| <b>ABSENT:</b> | Mayor pro Tem/Vice Chairman | Debra Dorst-Porada<br>(arrived at 6:05 p.m.) |
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Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Scott Huber and City Clerk/Secretary Sheila Mautz.

**CLOSED SESSION**

Mayor Leon announced the matters for discussion, as listed on the agenda, and inquired whether persons were present who wished to speak to the Closed Session items. Hearing no one, the City Council recessed to Closed Session at 6:03 p.m. for discussion of the following:

- GC 54957.6, LABOR NEGOTIATIONS: City Negotiator: City Manager or his designees; Bargaining Units: American Federation of State, County and Municipal Employees (AFSCME); Association of Ontario Management Employees (AOME); and Teamsters Local 1932.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
 Property: APN: 0110-321-38; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Unknown at this time; Under negotiation: Price and terms of payment.

### CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Housing Authority meetings to order at 6:35 p.m.

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

**ABSENT:** None

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

### REPORT ON CLOSED SESSION

City Attorney Huber advised that there were no reportable actions from the Closed Session discussions.

The Pledge of Allegiance was led by Council Member Bowman.

Mayor Leon led a moment of silent reflection in lieu of the Invocation.

### TELEPHONIC PUBLIC COMMENTS

Omar Becerra, representing the U.S. Census Bureau, provided an update on the progress made with the 2020 Census. He indicated that field operations had been discontinued but the Census is continuing to reach out to as many people as possible through alternate means. He explained that the Census has a tracking website which shows that 44.4% of Ontario residents have completed the count.

Curt Hagman, San Bernardino County Supervisor, updated the City Council and public on the current COVID-19 statistics for the County including 547 reported cases, 17 deaths and 6,500 persons tested. He noted that the County had now issued a stay-at-home order; and if people have to leave their homes, they are required to wear a face covering. He also commented on the establishment of a Joint Incident Management Team and noted that additional information on COVID-19 was available on the County website.

## **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Ochoa requested that Item No. 4 of this agenda be pulled to allow staff time to refine some of the language related to hotels and motels.

## **CONSENT CALENDAR**

**MOTION:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous roll call vote to approve the Consent Calendar as presented with the exception of Item No. 4 which was pulled.

### **1. APPROVAL OF MINUTES**

City Council approved Minutes for the regular meeting of the City Council and Housing Authority of March 3, 2020, and the special meeting of the City Council and Housing Authority of February 27, 2020, as on file in the Records Management Department.

### **2. BILLS/PAYROLL**

City Council approved **Bills** for the period February 28, 2020 through March 19, 2020 in the amount of \$44,579,946.34 and **Payroll** for the period February 16, 2020 through March 14, 2020 in the amount of \$7,350,449.28, when audited by the Finance Committee.

### **3. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC**

City Council adopted a Resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the May 5, 2020 City Council Meeting, unless cancelled sooner.

**RESOLUTION NO. 2020-028** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE THE NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

### **4. A RESOLUTION DECLARING CONDITIONS RELATED TO THE COVID-19 QUARANTINE AND HOUSING OF INDIVIDUALS AT HOTELS AND MOTELS WITHIN THE CITY OF ONTARIO**

Item Pulled.

**5. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18929 LOCATED ON THE SOUTH SIDE OF EUCALYPTUS AVENUE AND THE WEST SIDE OF ARCHIBALD AVENUE**

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18929 located on the south side of Eucalyptus Avenue and the west side Archibald Avenue within the Subarea 29 Specific Plan area.

**RESOLUTION NO. 2020-030** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18929 LOCATED ON THE SOUTH SIDE OF EUCALYPTUS AVENUE AND WEST SIDE OF ARCHIBALD AVENUE.

**6. A RESOLUTION APPROVING THE 2020-21 LIST OF PROJECTS FUNDED BY THE ROAD MAINTENANCE AND REHABILITATION**

City Council adopted a resolution approving the 2020-21 Project List for the Road Repair and Accountability Act – Senate Bill 1 (“SB1”).

**RESOLUTION NO. 2020-031** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO APPROVE THE LIST OF PROJECTS TO BE FUNDED BY SENATE BILL 1, THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017.

**7. A CONSTRUCTION CONTRACT FOR THE BON VIEW AVENUE STORM DRAIN PROJECT/CHRISTENSEN BROTHERS GENERAL ENGINEERING, INC.**

City Council approved the plans and specifications and awarded a construction contract with Christensen Brothers General Engineering, Inc., of Apple Valley, California, for the Bon View Avenue Storm Drain Project (SM1701) in the bid amount of \$2,367,966 plus a 15% contingency of \$355,195, for a total authorized expenditure of \$2,723,161; and authorize the City Manager to execute said contract and all related documents, and file a notice of completion at the conclusion of all construction activities.

**8. ACCEPTANCE OF WRITTEN PETITIONS TO CREATE A COMMUNITY FACILITIES DISTRICT; A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

City Council considered and:

- (A) Accepted written petitions from Brookcal Ontario LLC, a Delaware limited liability company, 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. 41 (Canvas Park Facilities) (the “CFD”) and 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, May 19, 2020; and
- (C) Adopted a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 41 (Canvas Park Facilities).

**RESOLUTION NO. 2020-032** 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. 41 (CANVAS PARK FACILITIES), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

**RESOLUTION NO. 2020-033** 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. 41 (CANVAS PARK FACILITIES).

**9. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES)**

City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 53 (Tevelde Facilities).

**ORDINANCE NO. 3158** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES).

**10. ACCEPTANCE OF A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

City Council considered and:

- (A) Accepted written petitions from GDC/CDG Esperanza PA 4 Venture, L.P., a Delaware limited liability partnership and GDC/CDG Esperanza PA 10 Venture, L.P., a Delaware limited liability partnership, 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. 54 (Esperanza Facilities) (the “CFD”) and 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, May 19, 2020; and
- (C) Adopted a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 54 (Esperanza Facilities).

**RESOLUTION NO. 2020-034** 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. 54 (ESPERANZA FACILITIES), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

**RESOLUTION NO. 2020-035** 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. 54 (ESPERANZA FACILITIES).

**11. PRE-AUTHORIZED LIST OF VENDORS TO PROVIDE SERVICES AND PARTS FOR CITY FACILITIES AND INFRASTRUCTURE**

City Council approved the following list of pre-authorized vendors to provide parts and maintenance services for City facilities and infrastructure.

Sole Source Vendors

Service/Maintenance Performed

Mijac Alarms  
 9339 Charles Smith Avenue, #100  
 Rancho Cucamonga, CA 91730

Burglar/Fire Alarms, Access Controls

Tremco Roofing and Building Maint.  
 3735 Green Road  
 Beachwood, Ohio 44122

Roof Systems and Warranties

Non-Sole Source Vendors

Service/Maintenance Performed

Direct Lighting  
 1656 S. Bon View Avenue  
 Ontario, CA 91761

Specialized Interior/Exterior Lighting

Slim's Key Shop  
 5989 Trotters Lane  
 Rancho Cucamonga, CA 91701

Door Locks and Keys

**12. AN AMENDMENT TO THE CONSTRUCTION CONTRACT FOR ON-CALL REMEDIATION AND RESTORATION SERVICES/BELFOR USA GROUP, INC.**

City Council approved and authorized the City Manager to execute Amendment No. 1 to the Construction Contract with Belfor USA Group, Inc., of Riverside, CA for on-call remediation and restoration services, adding \$365,000 for a revised not-to-exceed contract limit of \$375,000 over a term of three years.

**MOTION UNANIMOUSLY CARRIED:** Mayor Leon declared Resolution Nos. 2020-028 through 2020-035 (with the exception of No. 2020-029) and Ordinance No. 3158 adopted upon unanimous roll call vote.

**PUBLIC HEARINGS**

**13. A PUBLIC HEARING TO CONSIDER AN URGENCY ORDINANCE RELATING TO THE EVICTION OF RESIDENTIAL TENANTS, COMMERCIAL TENANTS, AND STORAGE UNIT PATRONS EXPERIENCING LOSS OF INCOME DURING THE STATE OF LOCAL EMERGENCY CAUSED BY THE COVID-19 PANDEMIC**

City Council read by title only, waived further reading, and adopted an urgency ordinance imposing regulations on the eviction of residential tenants, commercial tenants, and storage unit patrons experiencing a loss of income due to the COVID-19 pandemic.

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.

Council Member Wapner indicated that he could support the ordinance as presented but expressed concern that it was disjointed. He noted that if the renter does not pay rent, the property owner is still responsible for the mortgage payment. He stressed the need for property owner protections to assure that they are not foreclosed upon by the bank or mortgage holder. City Manager Ochoa indicated that he believes the State guidelines cover that aspect. Council Member Wapner requested that the City Manager investigate that further and, if necessary, bring back amendments to the City's ordinance.

Mayor Leon indicated that his understanding that under the State's guidelines it is covered as he feels that the State has been very thorough, but cautioned that affected people must apply for any rent waivers and the property owners must engage in dialogue with their banks as it goes up the chain. He noted that rents are not forgiven, they are just deferred. He also made clear that there is no clear discussion on whether or not interest is or can be applied to the deferred rents. He stated his belief that anything you pay rent for, including storage, would be covered. Mayor Leon stated that his real concern was that the State was giving only 90 days to cure the amounts in arrears, and that since we do not know how long the crisis will last it needs to be a longer time for repayment after the crisis is over.

Mayor pro Tem Dorst-Porada expressed her concerns for the people who cannot pay rent right now and the need for tenants to give their landlords notice that they are experiencing financial hardships due to COVID-19. She stated that a clarifying document should be developed by staff and brought back to City Council once State guidelines are better understood. She also indicated that she would like to see six months or longer as the repayment period.

Council Member Bowman commented that if people cannot make their rent payments now, then a short repayment period will not fix the problem.

Mayor Leon commented that there were several unanswered questions.

Council Member Valencia commented that people are stressed right now and cannot make rent payments. He suggested that the ordinance has enough details for now, and City Council can always adopt amendments later if needed. He noted that people are struggling, especially with their storage units that can be sold for non-payment, which particularly impacts the homeless community.

Mayor Leon reiterated that the State is already covering most of the topics discussed, and it is a matter of contacting their lenders to put them on notice that the tenants are applying for deferral.



City Attorney Huber confirmed that people must contact their landlords and the rent deferrals must be caused by a financial hardship related to the COVID-19 outbreak. He indicated that the Governor's order did not specify commercial or storage units. City Manager Ochoa agreed that there was a more blanket statement about "rentals". He also noted that the City's proposed ordinance does specially address those types of rentals and allows for up to six months to cure.

Mayor Leon stressed the importance of making everything very clear for tenants to understand and follow.

Council Member Wapner expressed his concern with further financial hardships that would result if this matter is continued for two weeks until the next Council meeting. He inquired if the Governor's order or guidelines would provide sufficient protections in the meantime. City Attorney Huber indicated that the executive order was in place, but there were also some later guidance documents that referenced rentals. Council Member Wapner commented that the Governor's order for the State may not address a mortgage holder's non-payment to the bank due to loss of rental income and suggested that at some point, someone would lose out. City Attorney Huber indicated that this fine point was not addressed, but that the Governor had reportedly met with the four largest mortgage holders in the State and they all agreed to forebear the impacted mortgage payments. Council Member Wapner indicated he would like something like this implemented if not now, perhaps the ordinance could be expanded upon later.

Mayor pro Tem Dorst-Porada stated that she liked Council Member Valencia's suggestion of adopting the ordinance as is and amending it in the future if refinements are deemed necessary.

**MOTION:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous roll call vote to waive further reading and adopt urgency Ordinance No. 3159.

**ORDINANCE NO. 3159** AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING TEMPORARY REGULATIONS PROHIBITING THE EVICTION OF RESIDENTIAL TENANTS, COMMERCIAL TENANTS, AND STORAGE UNIT PATRONS EXPERIENCING LOSS OF INCOME DURING THE STATE OF LOCAL EMERGENCY CAUSED BY THE COVID-19 PANDEMIC.

**14. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA20-001) TO AMEND ONTARIO DEVELOPMENT CODE SECTION 4.02.010.D.2.F, BILLBOARD RELOCATION AGREEMENTS, INTERAGENCY RELOCATION EXCEPTION, TO REVISE THE LOCATIONAL CRITERIA AND THE NUMBER OF BILLBOARDS TO BE ELIMINATED WITHIN THE CITY**

City Council introduced an ordinance approving a Development Code Amendment (PDCA20-001) amending Ontario Development Code Section 4.02.010.D.2.f, Billboard Relocation Agreements, Interagency Relocation Exception, to revise the locational criteria and the number of billboards to be eliminated within the City.

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 continued this public hearing to April 21, 2020.

**STAFF MATTERS**

City Manager Ochoa provided an overview of the impact of COVID-19 on the City of Ontario. He praised the City Council for forcing the issue with the County of knowing the number of cases in each city, making it possible to know where the infection is and provide the ability to arrest its growth. He noted that staff is waiting for more testing to be completed in order to know the true conditions within our community. He reminded the community that City Hall is open by appointment only, after screening questions, and with personal protective equipment being worn. He stressed that all utility department and public safety employees are in full operation and that first responders are being tested as-needed based on possible exposure incidents. He indicated that the Emergency Operations Center was active on a 24/7 basis and costs incurred are being tracked regarding the COVID-19 event. He estimated that the City's costs would be about \$2 million, and the City will be seeking reimbursements from FEMA and CalOES.

City Manager Ochoa noted that the City is working to reduce stress on the community, so there would be no utility shut offs or fines for late utility bill payments. He also noted the earlier action on this agenda to defer rent evictions and allow a six-month grace period for payments. He advised that senior meals have been a high-profile service serving 2,521 free meals to the low-income population. He indicated that information distributed via the internet and social media has had over 71,000 views and the online appointment setting for City Hall departments is a function that will continue even after the crisis is over. Through social media the City is getting the word out and providing accurate information such as a non-essential business hotline for people to call about businesses that should not be operating, and the virtual Community Life and Culture Agency's

Resource Center has done a great job of providing video content for programming. There have been 74 essential businesses have received letters from the City concerning their continued operations. The business community has also stepped up to provide N-95 masks, face coverings, and gowns. Ochoa announced that Fire Chief Gayk now serves as the Branch One Director for the Countywide Incident Management Team, and information is being shared and monitored on infections locally. The Ontario Convention Center is under an MOU with the County to serve as a surge hospital location if needed. Ochoa stated that Mayor Leon has been recording weekly videos providing updates to the community, and the economic impacts on the City are being analyzed by staff. He noted that overall the community is resilient, crime and calls for service are down, and people all seem to want to lend a hand. Ochoa concluded his report stating that staff is all safe and very satisfied with contributing to the well-being of the community.

## **COUNCIL MATTERS**

Council Member Valencia gave kudos to City staff, noting that many are doing jobs other than their own, stepping up and taking on new tasks. He expressed appreciation for their resiliency and pride in their efforts to retool where necessary. He noted a local business, Gold Crest Industries, that normally manufactures patio furniture and had now shifted to making masks and were exploring the opportunity to make much-needed gowns. He commended their efforts and noted there many similar stories of other businesses retooling to meet the demands of essential workers and first responders.

Council Member Bowman commended the team effort by everyone including the City Council, City Manager and staff. He indicated that everyone is doing a wonderful job and appreciates the significance of their effort. He expressed pride in the City of Ontario leadership.

Mayor pro Tem Dorst-Porada commented on the use of social media for information and difficulty in filtering what is accurate; and she suggested that the public adhere to calls for social distancing and compliance with health precautions as they change. She noted that she received an email within the last few hours from the County establishing the need to wear face coverings when going out in public, and she encouraged the public to comply. She expressed concern about the number of available ICU beds in the County and suggested the City Manager communicate to the County CAO about the need for regular updates on beds available. Mayor pro Tem Dorst-Porada noted that she and Council Member Bowman both celebrated birthdays over the weekend, and she announced the birth of her granddaughter on Sunday.

Council Member Wapner clarified for the public that the City Council sets policy direction for the organization and the City Manager is charged with providing day-to-day leadership to implement policy. He expressed his support of the City staff who knows exactly where they are going; and he said he is proud of them for taking care of the community. He thanked the City Manager and staff for their efforts.

Mayor Leon commented on the COVID-19 crisis and noted the worldwide reactions. He reminded the community to take the situation seriously and wear face coverings while out in public. He compared this crisis to the Spanish flu in history and indicated that a strong defense is isolation. He commended the good acts of local businesses and thanked them for their efforts. He reminded everyone that online shopping was an option to comply with social distancing guidelines. He thanked City Manager Ochoa for his thorough report on the City's response to COVID-19 and stressed the City's efforts to keep the public informed.

### ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:38 p.m. to the next regular meetings to be held on Tuesday, April 21, 2020.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN