

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
October 16, 2018**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, October 16, 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 6:31 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 Dorst-Porada*.

The Invocation was provided by *Minister Frank Hamilton*, representing First Christian Church of Ontario.

PUBLIC COMMENTS

Dale Robinson, expressed his ongoing concerns with airplane noise over his home in the middle of the night. He also commented on the addition of China Airlines to Ontario Airport, but expressed concern that LAX offered fares to China for \$800, while he believed ONT fares were \$2,200. He further expressed his overall concerns with the operation of the airport.

Jesse Fonseca, expressed his ongoing concerns with airplane noise, commented on a political campaign flyer regarding the Mayor, and questioned monies to be spent by the City on a traffic safety study of Euclid Avenue.

Rudy Favila, commented about a previous City Council meeting wherein the City Council reportedly approved \$5 million for fire trucks and new public safety radio equipment, while 750 properties were listed as having liens placed against them for code violations. He opined that this was unfair and disrespectful of the residents, their properties and due

process. He also addressed campaign information being sent out by candidates and encouraged residents to express their opinions by voting.

Charles Carelli, noted that he appeared before the Council about a year ago concerning his Code Enforcement issue and although the court case is now over, the City is demanding payment of \$45,000 in attorney fees. He suggested that the City Council should be looking into these legal fees.

Nancy Bumstead, announced the 57th Annual Tournament of the Bands at Chaffey High School to be held this weekend. She provided event information and invited the public to attend.

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 Dorst-Porada 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 September 18, 2018, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period August 26, 2018 through September 8, 2018 in the amount of \$15,114,401.29 and **Payroll** for the period August 26, 2018 through September 8, 2018 in the amount of \$3,388,527.45, when audited by the Finance Committee.

3. A RESOLUTION OF INTENT TO VACATE TRANSIT STREET FROM FERN AVENUE TO VINE AVENUE

City Council adopted a resolution declaring the intent to vacate Transit Street from Fern Avenue to Vine Avenue; and to set the date, time and place for a public hearing to consider the matter.

RESOLUTION NO. 2018-143 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PERTAINING TO THE VACATION OF TRANSIT STREET FROM FERN AVENUE TO VINE AVENUE AND TO SET THE DATE, TIME AND PLACE FOR A PUBLIC HEARING.

4. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20012 LOCATED ON THE NORTH SIDE OF ONTARIO RANCH ROAD 350 FEET WEST OF TURNER AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 20012 located on the north side of Ontario Ranch Road, 350 feet west of Turner Avenue, within The Avenue Specific Plan.

RESOLUTION NO. 2018-144 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 20012, LOCATED ON THE NORTH SIDE OF ONTARIO RANCH ROAD 350 FEET WEST OF TURNER AVENUE.

5. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18066 LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AND CELEBRATION AVENUES

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18066 located on the southwest corner of Eucalyptus and Celebration Avenues within the Subarea 29 Specific Plan.

RESOLUTION NO. 2018-145 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18066 LOCATED AT THE SOUTHWEST CORNER OF EUCALYPTUS AND CELEBRATION AVENUES.

6. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18081 LOCATED ON THE NORTHEAST CORNER OF PARKVIEW STREET AND PARKPLACE AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18081 located on the northeast corner of Parkview Street and Parkplace Avenue within the Subarea 29 Specific Plan.

RESOLUTION NO. 2018-146 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18081 LOCATED AT THE NORTHEAST CORNER OF PARKVIEW STREET AND PARKPLACE AVENUE.

7. AUTHORIZE THE PURCHASE AND IMPLEMENTATION OF A SOFTWARE UPGRADE FOR THE CURRENT POLICE RECORDS MANAGEMENT SYSTEM FROM TRITECH SOFTWARE SYSTEMS

City Council authorized the City Manager to execute an annual agreement with TriTech Software Systems of San Diego, California, for police records management software, in the amount of \$437,135; and authorized a 25% project contingency of \$109,284 for a combined project total amount not to exceed \$546,419; and authorized extension of the support agreement annually subject to City Council approved budgets.

8. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES)

City Council considered and adopted an ordinance levying special taxes within City of Ontario Community Facilities District No. 33 (Archibald/Schaefer - Facilities). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on October 2, 2018.

ORDINANCE NO. 3118 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 33 (ARCHIBALD/SCHAEFER - FACILITIES).

9. CONSTRUCTION CONTRACT FOR THE PARK RESTROOM RENOVATION AT DE ANZA PARK

City Council awarded Contract No. MS 17182 to Senitica Construction, Inc., of Mira Loma, California, for the demolition of the old park restroom and installation of a new prefabricated restroom at De Anza Park in the bid amount of \$377,000, plus a project contingency of \$25,000, for a total authorized amount of \$402,000; and authorized the City Manager to execute said contract and related documents, and the filing of the notice of completion at the conclusion of all construction activities related to the project.

10. AUTHORIZE THE PURCHASE OF REPLACEMENT FLEET VEHICLES

City Council took the following actions:

- (A) Awarded Bid No. 1022 and authorized the purchase and delivery of one CNG Crane Truck in the amount of \$341,655 for the Fleet Services Department from Los Angeles Freightliner of Whittier, California;
- (B) Awarded Bid No. 1023 and authorized the purchase and delivery of two F350 Bin Delivery Trucks in the amount of \$128,380 for the Integrated Waste Department from Transwest Truck Center of Fontana, California;

- (C) Authorized the cooperative purchase and delivery of two Ford Explorers in the amount of \$84,825 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF;
- (D) Authorized the cooperative purchase and delivery of three 5000lb Mitsubishi Forklifts in the amount of \$84,217 (two for the Fleet Services Department and one for the Integrated Waste Department) from Naumann Hobbs Material Handling of Fontana, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 101816-MFC;
- (E) Authorized the cooperative purchase and delivery of one 6000lb Case Forklift in the amount of \$82,144 for the Integrated Waste Department from Sonsray Machinery of Fontana, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 032515-CNH;
- (F) Authorized the cooperative purchase and delivery of two Kenworth Vactor Trucks in the amount of \$1,028,878 (one for the Utilities Department and one for the Parks and Maintenance Department) from Haaker of La Verne, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 122017-FSC; and
- (G) Authorized the cooperative purchase and delivery of one CNG Three Axle Dump Truck in the amount of \$233,368 for the Utilities Department from Los Angeles Freightliner of Whittier, California, consistent with the terms and conditions of the County of Orange order number PO - 012-17010353.

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared City Council Resolution Nos. 2018-143, 2018-144, 2018-145 and 2018-146, and Ordinance No. 3118 unanimously adopted.

PUBLIC HEARING

11. **A PUBLIC HEARING TO CONSIDER THE SALE OF CITY-OWNED PROPERTY; IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37420 ET. SEQ., MAKING CERTAIN FINDINGS; AND ADOPTION OF A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF ONTARIO AND BRAND PACIFIC CONSTRUCTION INCORPORATED, FOR THE ADAPTIVE REUSE OF THE FORMER BANK OF ITALY AND BUMSTEAD BUILDING**

Mayor Leon opened the public hearing and the item was continued to the November 6, 2018 City Council meeting at 6:30 p.m.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

12. CONFIRMATION OF APPOINTMENT OF SENIOR DEPUTY CHIEF RAY GAYK TO FIRE CHIEF

City Council confirmed the City Manager's appointment of Ray Gayk to the position of Fire Chief.

City Manager Ochoa stated that he had received and accepted the retirement papers of current Fire Chief Rob Elwell effective December 25, 2018; and he was requesting City Council confirmation of his recommendation of Ray Gayk as the successor in the position of Fire Chief beginning December 26, 2018. Ochoa noted that Chief Elwell would be recognized for his service at the December 18, 2018 City Council meeting.

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote to confirm the appointment of Ray Gayk as Fire Chief effective December 26, 2018.

STAFF MATTERS

City Manager Ochoa noted that in addition to the appointment of the new Fire Chief, Julie Bjork has been appointed as the new Executive Director of Housing and Neighborhood Preservation.

COUNCIL MATTERS

Mayor pro Tem Wapner addressed City Attorney Egger with regard to Brown Act restrictions on responding or commenting to issues brought up by the public and suggested that Egger's opinion was inconsistent with that previously given by his firm. Mayor pro Tem Wapner then responded to Mr. Favila with regard to his comments about residents supposedly losing their properties. Wapner responded to Mr. Robinson's claim that airline fares were \$2,200 from Ontario to China, and indicated that he just searched and found a last minute fare for tomorrow from Ontario to Taipei for \$771. Wapner also pointed out that the number of passengers travelling through Ontario has doubled. Referencing the public speakers' statements, he reminded the public that it is campaign season.

Mayor Leon noted that the City Council has no ability to govern flight paths or airplane noise, as the FAA is ultimately in control. He reminded the public that discussions with the FAA have occurred to try to address the new flight patterns, but the FAA does not always listen. Mayor Leon also noted that when information is being distributed during campaigns, it does not have to be true and everything is seems to be fair game. He clarified the City's lien process with respect to the code enforcement program.

Council Member Dorst-Porada requested clarification from the City Manager with regard to the \$250,000 the City accepted from the State of California for the safety study, noting that about 90% of the costs come from State money, not the City. City Manager Ochoa clarified that grant dollars were received for the study, and the City is obliged to follow the grant guidelines which include a public bidding process and contract award.

Council Member Bowman addressed meeting decorum. He noted that the first speaker had already left the room with none of the answers he requested, and that City Council meetings are not a forum for vulgarity. He stressed that reasonable people should be able to talk to each other in a civil manner.

Council Member Valencia reminded the community of the Great Shakeout on October 18, 2018, and noted that the public might see emergency vehicles and staff participating in drills. He commended City staff and contractors on their quick actions during the wind event of the last few days. He noted that there were over 75 calls for service and the team was out there into the night to provide excellent service.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:04 p.m. and announced the next regular meetings to be held on Tuesday, November 6, 2018.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN