

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
July 2, 2019**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, July 2, 2019, 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 6:00 p.m., with all members present.

Mayor Leon announced the matter of real property negotiations for discussion, as listed on the agenda, and 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 6:01 p.m. for discussion of the following:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Chino Basin Non-Agricultural Pool Water rights; City/Authority
Negotiator: Scott Ochoa or his designee; Negotiating parties:
Jonathan A. Sacks; 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 6:30 p.m.

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

ABSENT: Council/Authority Members: None

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

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

The Invocation was provided by *Pastor Ernest Benion Jr.*, representing The Church of God.

CLOSED SESSION REPORT

City Attorney Huber reported that the matter of real property negotiations as listed on the agenda, was discussed, with no reportable action.

PUBLIC COMMENTS

Gina Vella expressed concern with illegal immigration, particularly with regard to the spread of disease and the provision of free medical coverage.

Raul Rodriguez, Jr. noted speakers at the previous City Council meeting who wanted the City Council to uphold SB 54 limiting the sharing of information with ICE agents. He stated that the bill is being challenged in court, and he believes it will be deemed unconstitutional. He reminded the City Council that when they were elected they each took an oath to uphold the Constitutions of both the state and federal governments, and it is important that they obey the law. He commented also on the upcoming 2020 elections.

Robin Hvdtsen commented on the Remembrance Project, and indicated that she is very disturbed to learn that the police agencies were called upon to uphold the “sanctuary state” laws. She noted existing law for partnership of local law enforcement with federal enforcement officers and expressed support for law enforcement.

Loree Masonis expressed support for ICE agents and other first responders. She commented on the lessons learned from 9/11 and indicated that the various departments did not work well together. She also noted the discussion of street vendors from the previous City Council meeting and suggested that this type of business is not helpful to the community and has a negative impact on existing businesses.

John Willis addressed SB 54 and reiterated that it is being challenged in court. He stressed that if someone has a deportation order or an ICE hold, the police should be able to call ICE. He stressed the illegality of crossing the border without documentation and encouraged the City Council to support and uphold existing laws.

Anthony Pace requested assistance in dealing with Frontier Communications to restore phone service which has been out to his father’s home for two weeks. He also expressed concern over the future operations of the U.S. Post Office located at Mountain Avenue and Fourth Street because closure of the facility will leave residents in that portion of Ontario with no post office service.

Edgar Romero, asked through an interpreter, for protection for his family, noting that he has received menacing calls and damage to his vehicle. He indicated that he has a 7,000-pound commercial vehicle and would like to see more street signs to designate where he can legally park it. He indicated that he lives on the Benson Avenue, on the

border of Montclair; and Montclair has several signs. City Manager Ochoa referred him to Police and Public Works staff representatives.

Kevin Harkey, Business Manager for Iron Works, spoke on behalf of the Greater Ontario Business Council, noting that they are a 110-year old organization. He detailed their goals and noted some of the needs of the business community. He congratulated the City Council on the recent announcement of a \$5 million state grant received for affordable housing. He also expressed support for the Downtown Community Benefit District. He invited everyone to the next Good Morning Ontario event with will feature as a speaker County Supervisor Curt Hagman on Wednesday, July 3, 2019.

Jesse Fonseca played examples of airplane noise over his home, noting that this occurs both day and night. He questioned regulations limiting flight hours and its enforcement. He reiterated his plans to possibly file a class action suit.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa requested that the Public Hearing listed as Item 18 on this agenda be opened and continued to July 16, 2019.

CONSENT CALENDAR

Mayor Leon noted requests to speak on Item No. 3 of the Consent Calendar.

William Rojas indicated that his family has done business in the City of Ontario for over 40 years, and they have looked forward to change and improvements in the downtown area. He indicated that their original building has since been knocked down and they were given high hopes that the area would be revitalized when that occurred, but there has been little to nothing done for the downtown businesses. He stressed that his family believes in Ontario and has four businesses downtown, but opposed the proposed new community benefit district and tax.

David Puscizna, property owner and owner of a loan and jewelry business downtown, stated that the City previously purchased the building he operated out of, but it is still standing. He addressed the proposed new community benefit tax and suggested that the implementation is too soon, as business infrastructure is needed first. He also suggested that the proposed tax was going to address things that are already provided such as street cleaning and security. He further suggested that the City not approve the proposed tax.

Marco Li Mandri, consultant for New City America, offered to answer questions about the Resolution of Intention or the process to form the district.

Council Member Wapner commented that the City has told the community for many years that the downtown was a priority, and many plans for revitalization remained on the shelves for years. He noted that 300 to 400 new housing units are coming to the

downtown area and there is now activity in the evening hours. He indicated that he is very proud of the direction the City Council has taken with the downtown in recent years. He explained that the community benefit district will help to maintain and enhance those efforts. He commented that there was a community benefit district in the past; and there were irresponsible business owners who caused issues, so it did not function properly.

Mayor Leon concurred that there was a district in the past until the early 2000s. He addressed Mr. Rojas' issues and noted that over the years he has seen a lot of change as the City had a plan and was assembling properties in the downtown. Leon clarified that some of the properties purchased could not be retrofitted and had to be removed, and that during that process the State eliminated Redevelopment Agencies and their funds; otherwise there would have been more progress. He addressed Mr. Puscizna and noted when his move was in motion, everything came to a grinding halt and projects succumbed to the downturn of the economy and the State take-aways of redevelopment funding. He stressed that the proposed projects of the last 20 years are finally going to come to fruition with the help of this action.

Council Member Dorst-Porada stressed that the City is trying to make things happen, noting positive additions to the downtown such as Gloria's Mexican Restaurant and Yeast 'n Flour Pizza. She also noted the proposed Chaffey College campus facility proposed for the downtown. She stressed that the economy is back on track, and the energy is back to move forward with downtown development.

Mayor Leon further added that there will be new residents; and what creates a dynamic downtown is people. He encouraged everyone to attend the concerts and movies in the park at Ontario Town Square this summer.

Mayor pro Tem Valencia thanked everyone for coming out, and he noted that businesses who have been here a long time have weathered the storm. He stressed that Euclid Avenue is a State highway and that brings with it concerns about upkeep and other issues. He noted the annual Route 66 car show event and other efforts to bring people downtown to support businesses; and he commented that movies are even filmed downtown. He stressed that staff and the City Council now have the momentum to make things happen. He also noted that the State was recognizing the City's potential to get the job done by awarding grants to assist the City.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman 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 May 21, 2019, as on file in the Records Management Department.

2. **BILLS/PAYROLL**

City Council approved **Bills** for the period May 31, 2019 through June 13, 2019, in the amount of \$11,752,824.92 and **Payroll** for the period May 26, 2019 through June 8, 2019, in the amount of, \$4,065,118.61, when audited by the Finance Committee.

3. **A RESOLUTION OF INTENTION TO ESTABLISH THE DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT**

City Council considered and adopted a Resolution of Intention to establish the Downtown Ontario Community Benefit District and to levy and collect assessments within such District pursuant to California Streets and Highways Code 36600; and directed the City Clerk to mail ballots to all affected property owners within the proposed district boundaries.

RESOLUTION NO. 2019-088 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, STATING ITS INTENTION TO ESTABLISH THE DOWNTOWN ONTARIO COMMUNITY BENEFIT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO THE ESTABLISHMENT OF PROPERTY BUSINESS IMPROVEMENT DISTRICTS – SECTION 36600 OF THE CALIFORNIA STREETS AND HIGHWAY CODE - AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO.

4. **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CALTRANS FOR THE PREPARATION OF THE ONTARIO MULTIMODAL TRANSPORTATION CENTER NEEDS ASSESSMENT AND SITING CRITERIA**

City Council adopted a resolution authorizing the City Manager to execute an agreement with the California Department of Transportation (Caltrans) for the City to accept grant funds for the preparation of the Ontario Multimodal Transportation Center Needs Assessment and Siting Criteria.

RESOLUTION NO. 2019-089 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE ONTARIO MULTIMODAL TRANSPORTATION CENTER NEEDS ASSESSMENT AND SITING CRITERIA.

5. A CONSTRUCTION CONTRACT FOR THE 2019 FALL PAVEMENT REHABILITATION PROJECT/HARDY & HARPER INC.

City Council approved the plans and specifications and awarded a construction contract to Hardy & Harper Inc. of Lake Forest, California, for the 2019 Fall Pavement Rehabilitation Project for the bid amount of \$4,261,000 plus a 15% contingency of \$639,150 for a total authorized amount of \$4,900,150; and authorized the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction related activities.

6. A DESIGN SERVICES AGREEMENT FOR ATP CYCLE 4 PEDESTRIAN IMPROVEMENTS AROUND RICHARD HAYNES ELEMENTARY, VISTA GRANDE ELEMENTARY AND OAKS MIDDLE SCHOOL/HERNANDEZ, KROONE & ASSOCIATES

City Council approved a Design Services Agreement with Hernandez, Kroone & Associates of San Bernardino, California, to provide engineering design services for pedestrian improvements around three local schools prepared as part of Active Transportation Program (ATP) Cycle 4 for \$399,600 plus a 12% contingency of \$47,952 for a total authorized expenditure of \$447,552; and authorized the City Manager to execute said agreement and future amendments within the authorization limits.

7. RESOLUTIONS UPDATING AUTHORIZED DEPUTY CITY TREASURERS

City Council adopted resolutions rescinding previous resolutions and amending the list of Deputy City Treasurers authorized to invest City funds in the Local Agency Investment Fund (LAIF) and other eligible investment securities.

RESOLUTION NO. 2019-090 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROVIDING FOR THE INVESTMENT OF INACTIVE FUNDS IN THE LOCAL AGENCY INVESTMENT FUND OF THE CALIFORNIA STATE TREASURY AND HEREBY RESCINDING RESOLUTION NO. 2019-008.

RESOLUTION NO. 2019-091 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE INVESTMENT OF CITY FUNDS AND HEREBY RESCINDING RESOLUTION NO. 2019-009.

8. A PROFESSIONAL SERVICES AGREEMENT FOR THIRD PARTY LIABILITY CLAIMS ADMINISTRATOR SERVICES/CARL WARREN & COMPANY

City Council authorized the City Manager to execute a three-year Professional Services Agreement with Carl Warren & Company of Riverside, California, for third party liability claims administration services for an annual amount of \$72,235 for the first year and escalation not to exceed 3.2% for each subsequent year.

9. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA19-001, REVISING PORTIONS OF ONTARIO DEVELOPMENT CODE CHAPTERS 2 (ADMINISTRATION AND PROCEDURES), 4 (PERMITS ACTIONS AND DECISIONS), 5 (ZONING AND LAND USE), AND 9 (DEFINITIONS AND GLOSSARY), AS THEY APPLY TO WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND FACILITIES QUALIFYING AS ELIGIBLE FACILITIES REQUESTS

City Council considered and adopted an ordinance approving File No. PDCA19-001, a Development Code Amendment revising portions of Ontario Development Code Chapters 2 (Administration and Procedures), 4 (Permits Actions and Decisions), 5 (Zoning and Land Use), and 9 (Definitions and Glossary), as they apply to Wireless Telecommunications Facilities in the public right-of-way and facilities qualifying as Eligible Facilities Requests. Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on June 18, 2019.

ORDINANCE NO. 3129 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA19-001, A DEVELOPMENT CODE AMENDMENT REVISING PORTIONS OF ONTARIO DEVELOPMENT CODE CHAPTERS 2 (ADMINISTRATION AND PROCEDURES), 4 (PERMITS ACTIONS AND DECISIONS), 5 (ZONING AND LAND USE), AND 9 (DEFINITIONS AND GLOSSARY), AS THEY APPLY TO WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY AND FACILITIES QUALIFYING AS ELIGIBLE FACILITIES REQUESTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

10. A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF ONTARIO LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

City Council considered and adopted a resolution approving the 2019 amendment to the “City of Ontario Local Guidelines for Implementing the California Environmental Quality Act”.

RESOLUTION NO. 2019-092 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.).

11. APPROVAL OF PRE-AUTHORIZED VENDORS TO PROVIDE SERVICES AND PARTS FOR SPECIALIZED FLEET AND EQUIPMENT

City Council approved pre-authorized vendors to provide parts and maintenance services for the following specialized fleet and equipment: Cummins engines, police motorcycles, vector trucks, Case forklifts, Bobcat equipment, paving equipment, Integrated Waste vehicles, and Toro mowers.

12. AN AMENDMENT TO THE AGREEMENT WITH STEELBRIDGE SOLUTIONS FOR CHANGE MANAGEMENT SUPPORT ON THE CIS INFINITY UTILITY BILLING IMPLEMENTATION PROJECT

City Council authorized the City Manager to execute an amendment to the existing agreement with SteelBridge Solutions, Inc, of Atlanta, Georgia for Change Management Support on the CIS Infinity Utility Billing Implementation Project adding \$169,750 plus a 25% project contingency of \$42,437, for a revised authorized contract total of \$302,187.

13. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WESTIN TECHNOLOGY SOLUTIONS FOR PROJECT MANAGEMENT SUPPORT ON CIS INFINITY UTILITY BILLING IMPLEMENTATION

City Council authorized the City Manager to execute an amendment to the existing agreement with Westin Technology Solutions, of Milwaukee, Wisconsin, for project management support on the CIS Infinity Utility Billing Implementation adding \$97,240 to their existing contract raising the not to exceed limit to \$195,380.

14. AWARD OF DESIGN SERVICE AGREEMENTS FOR ON-CALL LANDSCAPE ARCHITECTURAL SERVICES/COMMUNITY WORKS DESIGN GROUP/DAVID VOLZ DESIGN/RJM DESIGN GROUP, INC./WITHERS & SANDGREN

City Council and Housing Authority approved and authorized the City Manager to execute three-year Design Service Agreements with: Community Works Design Group of Riverside, California; David Volz Design of Costa Mesa, California; RJM Design Group, Inc. of San Juan Capistrano, California; and Withers & Sandgren, Ltd. of Chatsworth, California; and authorized the City Manager to extend the agreements for up to two additional years consistent with City Council approved budgets.

15. A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 10 (FISCAL YEAR 2019-20) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

City Council adopted a resolution approving a grant application for an estimated \$49,000 from the Used Oil Payment Program Cycle 10 (Fiscal Year 2019-20) through the State of California Department of Resources Recycling and Recovery (CalRecycle); and authorized the City Manager or his designee to execute all necessary documents to participate in the program.

RESOLUTION NO. 2019-093 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE USED OIL PAYMENT PROGRAM CYCLE 10 (FISCAL YEAR 2019-20) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

16. A PROFESSIONAL SERVICES AGREEMENT FOR LEGAL AND TECHNICAL SERVICES PERTAINING TO WATER AND WASTEWATER MATTERS/NOSSAMAN LLP

City Council approved and authorized the City Manager to execute an agreement with Nossaman LLP of Los Angeles, California, for legal and technical services with respect to matters relating to sewer disposal, water supply and water rights; and authorized up to four one-year extensions consistent with City Council approved budgets.

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared Resolution No. 2019-088 through Resolution No. 2019-093 and Ordinance No. 3128 unanimously adopted.

PUBLIC HEARING

17. A PUBLIC HEARING TO RECEIVE AND RESPOND TO PUBLIC COMMENT ON THE REPORT OF THE CITY'S WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS

That the City Council receive and respond to public comment on the Report of the City's Water Quality Relative to Public Health Goals.

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 receive and order filed the City's Water Quality Report.

18. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF ONTARIO MUNICIPAL CODE, REVISING SECTION 4-6.1009 TO ADD PROVISIONS PROHIBITING THE OVERNIGHT PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONING DISTRICTS

Mayor Leon noted that staff had requested that this item be continued to the City Council Meeting of July 16, 2019, at 6:30 p.m.

Mayor Leon opened the public hearing and continued it as requested.

STAFF MATTERS

City Manager Ochoa noted the upcoming Independence Day Holiday and reminded the community that fireworks are illegal in Ontario, with potential fines of up to \$1,000. He also noted that 60 citations were issued last year.

COUNCIL MATTERS

Mayor Leon invited Deputy Police Chief Lorenz to talk about the latest confiscation of fireworks. Deputy Chief Lorenz advised that over the weekend police department staff uncovered 450 pounds of fireworks in the garage of a home and the owner was charged with felony possession and went to jail.

Council Member Dorst-Porada thanked everyone for their participation in this meeting.

Council Member Wapner wished everyone a Happy Independence Day, noting that he would be missing his first parade in 25 years due to surgery for a torn Achilles tendon.

Mayor pro Tem Valencia wished everyone a Happy and Safe Fourth of July. He noted that veterans suffer as a result of hearing illegal fireworks, as well as dogs who get loose and end up in the pound. He stressed the importance of making appropriate arrangements for them. He also noted that he and his neighbors were the victims of mail theft and encouraged everyone to use a locking mailbox and collect their mail daily.

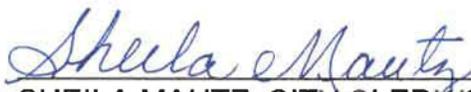
Mayor Leon announced the next concert in the park on Wednesday, July 3, 2019. He also reported on the passing of two longtime friends. First, Floyd Ross a WWII Veteran and longtime friend; and second retired Fire Chief Rob Elwell. He requested that this meeting be adjourned in honor of both of them.

Council Member Bowman commented on Rob Elwell, noting that Mr. Elwell had served as a Battalion Chief under him which he was Fire Chief. He recounted that Elwell was a well-respected, dedicated individual with 30 years in fire service.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:34 p.m. in honor of Floyd Ross and Fire Chief Rob Elwell, to the next regular meetings to be held on Tuesday, July 16, 2019.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN