

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
August 18, 2020**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday August 18, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Housing Authority meetings to order at 6:36 p.m.

SPECIAL AND URGENT ANNOUNCEMENT

In accordance with 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 Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at meetings of the City of Ontario City Council and Housing Authority.

Members of the public were advised to utilize alternative measures to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting was live broadcast on local cable Channel 3 as well as internet live streamed at www.ontarioca.gov/Agendas/CityCouncil.

ROLL CALL

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

ABSENT:	Council/Authority Members:	None
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Also present were City Manager/Executive Director Scott Ochoa (via teleconference), City Attorney/Legal Counsel Ruben Duran (via teleconference) and City Clerk/Secretary Sheila Mautz (via teleconference).

The Pledge of Allegiance was led by Council Member Bowman.

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

PUBLIC COMMENTS

Assistant City Clerk Kasad reported seventeen e-mailed written comments, eight of which were from City residents, received by the deadline all regarding systemic racism. Sixteen of those asked for the City Council to consider declaring system racism a public health crisis. Copies of those comments had been provided to each City Council Member and were from the following: *Roseanna Grello, Stephanie Rodriguez, Ayanna Balogun, Carly Cabral, Alexis Johnson, Kendall Green, Blake Westerberg, Chauncey L. Mann III, Natalia, Noel Wiggins, Peter Bandele, Vanessa Martinez, Joshua Jauregui, Jovielle Ortiz, Gerardo Hurtado, Maria Angel and Eric Angel.*

Athena Tan (via telephone) called upon the City Council to declare racism a public health crisis. She noted the number of children of color living in poverty and suggested budget reallocations be made from the law enforcement budget to address the health issues, because she suggested that police create and aggravate violence.

Nancy Bumstead (via telephone) thanked the City Council and City staff for being diligent and strong during the current nationwide unrest. She particularly commended the Library staff but noted that everyone is still working and stressed that the conditions for everyone are just a little bit different right now. She encouraged everyone to keep up the good work, stay strong and stay brave.

D'Andre Lampkin (via telephone), representing the Complete Count Committee, noted that the deadline for completion of the Census count had been moved up to September 30, 2020 and stressed the importance of a complete count to ensure proper funding allocations to the City. He detailed the fundraising and Census awareness events presented by the D'Andre Lampkin Foundation and advised that there would be one last push on Friday, August 21, 2020 to be combined with a food giveaway. He thanked his committee and all participants.

David Angel (via telephone) indicated that he is a lifelong resident and voter in Ontario. He addressed a recent County resolution declaring racism as a public health crisis and suggested it was time to invest in services to address the inequalities.

Dana Haywood (via telephone) commented on his previous correspondence concerning construction related traffic in the Ontario Ranch area and expressed concern with new businesses opening while roads are still closed.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa indicated that there were updated materials regarding Agenda Item #4 reflecting payments received from property owners from the time the agenda was publicly posted up to and including 9:00 a.m. today. The updated materials reflect a revised and reduced amount for assessments now totaling \$163,871.64 related to 560 parcels, which means \$434,647.24 for 265 parcels was collected since the public agenda was prepared. He noted that the updated materials provided would be incorporated into the public record as the Consent Calendar was taken up by the City Council.

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.

1. APPROVAL OF MINUTES

City Council approved the Minutes for the regular meeting of the City Council and Housing Authority of July 21, 2020, and the special meeting of the City Council and Housing Authority of July 23, 2020, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period July 17, 2020 through July 30, 2020, in the amount of \$21,507,030.45 and **Payroll** for the period July 5, 2020 through July 18, 2020, in the amount of \$4,247,066.43, 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 September 15, 2020, City Council Meeting, unless canceled sooner.

RESOLUTION NO. 2020-146 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 ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

4. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE SAN BERNARDINO COUNTY TAX ROLLS

City Council adopted a resolution for recovery of fees and costs incurred in abating property and dangerous building violations, as well as administrative citations and civil penalties associated with property maintenance violations and placing assessments on the San Bernardino County Tax Rolls.

RESOLUTION NO. 2020-147 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

5. **A DEVELOPMENT IMPACT FEE CREDIT AND REIMBURSEMENT AGREEMENT (FILE NO. PDIF20-006) BETWEEN THE CITY OF ONTARIO AND FEDERAL EXPRESS CORPORATION FOR FACILITY CONSTRUCTION ASSOCIATED WITH THE PRELIMINARY REVIEW APPLICATION (FILE NO. PPRE18-002), LOCATED AT 1800 EAST AIRPORT DRIVE, WITHIN THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY (OIAA) PROPERTY**

City Council approved the Development Impact Fee Credit and Reimbursement Agreement (File No. PDIF20-006) between the City of Ontario and Federal Express Corporation for the facility construction associated with the Preliminary Review Application (File No. PPRE18-002), located at 1800 East Airport Drive, within the Ontario International Airport Authority (OIAA) property; and authorized the City Manager to execute the agreement.

6. **A CONSTRUCTION CONTRACT FOR THE MOUNTAIN AVENUE AND HOLT BOULEVARD INTERSECTION WIDENING PROJECT/MAMCO, INC.**

City Council approved the plans and specifications and award a construction contract with Mamco, Inc. of Perris, California, for the Mountain Avenue and Holt Boulevard Intersection Widening Project in the bid amount of \$9,333,333 plus a fifteen percent (15%) contingency of \$1,400,000 for a total authorized expenditure of \$10,733,333; and authorized the City Manager to execute said contract and all related documents, and file a notice of completion at the conclusion of all construction activities.

7. **A RESOLUTION ORDERING THE SUMMARY VACATION OF AN EASEMENT LOCATED AT 2380 SOUTH ARCHIBALD AVENUE (APN: 1083-011-01)**

City Council adopted a resolution ordering the summary vacation of a 15-foot wide public easement for sewer and incidental purposes located at 2380 South Archibald Avenue.

RESOLUTION NO. 2020-148 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC SEWER EASEMENT LOCATED AT 2380 SOUTH ARCHIBALD AVENUE (APN: 1083-011-01).

8. SECOND AMENDMENT TO THE CONSOLIDATED PLAN ANNUAL ACTION PLAN FOR THE 2019-20 PROGRAM YEAR

That the City Council took the following actions:

- (A) Approved the Second Amendment to the Consolidated Plan Annual Action Plan (on file in the Records Management Department) for the Program Year 2019-20 ("Substantial Amendment"); and
- (B) Authorized the City Manager to take all actions necessary or desirable to implement the Substantial Amendment.

9. AMENDMENTS TO THE GOODS AND SERVICES AGREEMENTS FOR FORD, GMC, AND CHEVROLET PARTS AND REPAIRS/CITRUS FORD/FORD OF UPLAND/MARK CHRISTOPHER AUTO CENTER

City Council took the following actions:

- (A) Authorized the City Manager to execute Amendment No. 1 to the existing Goods and Services Agreements, exercising the first of four option years with Citrus Ford of Ontario, California, adding \$95,000, for a revised contract authority of \$190,000; and with Ford of Upland of Upland, California, adding \$60,000, for a revised contract authority of \$120,000 for Ford original equipment manufacturer (OEM) parts and repairs; and authorized the option to extend the agreement for up to three additional years consistent with City Council approved budgets; and
- (B) Authorized the City Manager to execute Amendment No. 1 to the existing Goods and Services Agreement, exercising the first of four option years with Mark Christopher Auto Center of Ontario, California, adding \$60,000 for a revised contract authority of \$120,000 for GMC and Chevrolet OEM parts and repairs; and authorized the option to extend the agreement for up to three additional years consistent with City Council approved budgets.

10. AN AMENDMENT TO THE GOODS AND SERVICES AGREEMENT FOR PERSONAL PROTECTIVE EQUIPMENT/KNIGHT INDUSTRIAL, INC.

City Council authorized the City Manager to execute an amendment to the existing Goods and Services Agreement with Knight Industrial, Inc. of Ontario, California for Personal Protective Equipment (PPE), adding \$38,000 for a revised contract authority of \$128,000 for Fiscal Years 2019-20 through 2020-21; and authorized the option to extend the agreement for up to three additional years consistent with City Council approved budgets.

11. AWARD A CONSTRUCTION CONTRACT FOR INSTALLATION OR RECONSTRUCTION OF WHEELCHAIR RAMP SERVICES/CT&T CONCRETE PAVING, INC.

City Council authorized the City Manager to execute a one-year Short Form Construction Contract (on file in the Records Management Department) for Contract No. SM1920-7 with CT&T Concrete Paving, Inc. located in Diamond Bar, California, for an estimated cost of \$145,100; and authorized the addition of future service area consistent with the City Council approved budgets.

12. GOODS AND SERVICES AGREEMENTS FOR MEDIUM AND HEAVY-DUTY TRUCK PARTS AND REPAIRS/TEC EQUIPMENT/LOS ANGELES TRUCK CENTER/SOUTHERN CALIFORNIA FLEET SERVICES

City Council authorized the City Manager to execute three-year Goods and Services Agreements with TEC Equipment of Fontana, California, Los Angeles Truck Center of Whittier, California, and Southern California Fleet Services of Corona, California for medium and heavy-duty truck parts and repairs with an estimated total of \$410,000; and authorized the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

13. MAINTENANCE SERVICES AGREEMENTS FOR ON-CALL ELECTRICAL AND DOOR AND GATE MAINTENANCE AND REPAIR SERVICES/RYMAX ELECTRIC, INC./CALIFORNIA AND DOOR TECH

City Council authorized the City Manager to execute three-year Maintenance Services Agreements with Rymax Electric, Inc. of Upland, California and Door Tech of Pomona, California; and authorized the option to extend the agreements for up to two additional years consistent with City Council approved budgets.

14. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND VARIOUS AGENCIES WITHIN THE INLAND EMPIRE UTILITIES AGENCY SERVICE AREA FOR THE EVALUATION OF ROLES AND RESPONSIBILITIES ON REGIONAL WATER POLICY MATTERS AND IMPLEMENTATION EFFORTS

City Council approved and authorized the City Manager to execute a Memorandum of Understanding, subject to non-substantive changes, by and between the City of Ontario and various Inland Empire Utilities Agency parties.

MOTION CARRIED BY A UNANIMOUS VOTE. Mayor Leon declared Resolution Nos. 2020-146 through 2020-148 unanimously adopted.

PUBLIC HEARINGS

15. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3131 LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES)

City Council introduced and waived further reading of an ordinance amending and restating Ordinance No. 3131 levying special taxes within City of Ontario Community Facilities District No. 40 (Emerald Park Facilities).

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department.

There were no written communications.

Mayor Leon opened the public hearing asking those persons interested in this item to speak. Hearing no one, Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous roll call vote to introduce and waive full reading of Ordinance No. 3166.

ORDINANCE NO. 3166 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND RESTATING ORDINANCE NO. 3131, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES).

16. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING THE DESIGNATION OF THE MR. AND MRS. DURFEE HOUSE, LOCATED AT 535 EAST D STREET, AS A LOCAL LANDMARK

City Council considered and adopted a resolution approving File No. PHP20-002, designating 535 East D Street (APN: 1048-393-18) as Local Landmark No. 98.

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.

Mayor pro Tem Dorst-Porada thanked the applicant for their hard work to maintain this home as a landmark.

MOTION: Moved by Council Member Valencia, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous roll call vote to adopt Resolution No. 2020-149.

RESOLUTION NO. 2020-149 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP20-002, THE DESIGNATION OF THE MR. AND MRS. DURFEE HOUSE, LOCATED AT 535 EAST D STREET, AS A LOCAL HISTORIC LANDMARK AND MAKING FINDINGS IN SUPPORT THEREOF—APN: 1048-393-18.

17. **A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE GROVE AVENUE SPECIFIC PLAN (FILE NO. PSPA20-004) TO: [1] ESTABLISH CONSISTENCY WITH THE ONTARIO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN; [2] CHANGE THE SPECIFIC PLAN DESIGNATION ON 11.1 ACRES OF LAND LOCATED AT 1935 SOUTH GROVE AVENUE, FROM OFFICE/COMMERCIAL TO BUSINESS PARK, TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN POLICY PLAN (EXHIBIT LU-01, LAND USE PLAN); AND [3] AMEND THE SPECIFIC PLAN'S BUSINESS PARK DEVELOPMENT STANDARDS TO BE CONSISTENT WITH THE ONTARIO DEVELOPMENT CODE DEVELOPMENT STANDARDS FOR THE BUSINESS PARK ZONING DISTRICT (APN: 0113-451-14)**

City Council considered and adopted a resolution approving an Amendment to the Grove Avenue Specific Plan (File No. PSPA20-004) to:

- (A) Establish consistency with the Ontario International Airport Land Use Compatibility Plan;
- (B) Change the Specific Plan designation on 11.1 acres of land, located at 1935 South Grove Avenue, from Office/Commercial to Business Park, to establish consistency with The Ontario Plan Policy Plan (Exhibit LU-01, Land Use Plan); and
- (C) Amend the Specific Plan's Business Park development standards to be consistent with the Ontario Development Code development standards for the Business Park zoning district.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department.

There were no written communications.

Mayor Leon opened the public hearing asking those persons interested in this item to speak. Hearing no one, Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous roll call vote to adopt Resolution No. 2020-150.

RESOLUTION NO. 2020-150 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA20-004, AN AMENDMENT TO THE GROVE AVENUE SPECIFIC PLAN TO: (1) ESTABLISH CONSISTENCY WITH THE ONTARIO INTERNATIONAL AIRPORT LAND USE COMPATIBILITY PLAN; (2) CHANGE THE SPECIFIC PLAN DESIGNATION ON 11.1 ACRES OF LAND LOCATED AT 1935 SOUTH GROVE AVENUE, FROM OFFICE/COMMERCIAL TO BUSINESS PARK, TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN POLICY PLAN (EXHIBIT LU-01, LAND USE PLAN); AND 3) AMEND THE SPECIFIC PLAN'S BUSINESS PARK DEVELOPMENT STANDARDS TO BE CONSISTENT WITH THE ONTARIO DEVELOPMENT CODE DEVELOPMENT STANDARDS FOR THE BUSINESS PARK ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF-APN: 113-451-14.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

18. **AN ORDINANCE REPEALING URGENCY ORDINANCE NO. 3163, ADOPTING TEMPORARY REGULATIONS PROHIBITING THE EVICTION OF RESIDENTIAL AND COMMERCIAL TENANTS, AND ENACTING A MORATORIUM ON RESIDENTIAL FORECLOSURES DUE TO LOSS OF INCOME DURING THE STATE OF LOCAL EMERGENCY CAUSED BY THE COVID-19 PANDEMIC**

City Council introduced and waived further reading of an ordinance amending City of Ontario Ordinance No. 3163 to repeal the City's existing temporary regulations on the eviction of storage unit patrons experiencing a loss of income due to the COVID-19 pandemic and to amend the City's moratorium on eviction of residential and commercial tenants as well as residential foreclosures.

Mayor Leon clarified that this had previously included storage facilities, but that portion was being rescinded. He explained that business and residential concessions would remain the same, as would the protections for residential foreclosures. City Manager Ochoa clarified that with regard to storage facilities, businesses were now open and the need for that protection was no longer seen as necessary.

MOTION: Moved by Council Member Bowman, seconded by Mayor Leon and carried by unanimous roll call vote to introduce and waive further reading of Ordinance No. 3167.

ORDINANCE NO. 3167 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REPEALING URGENCY ORDINANCE NO. 3163, ADOPTING TEMPORARY REGULATIONS PROHIBITING THE EVICTION OF RESIDENTIAL AND COMMERCIAL TENANTS, AND ENACTING A MORATORIUM ON RESIDENTIAL FORECLOSURES DUE TO LOSS OF INCOME DURING THE STATE OF LOCAL EMERGENCY CAUSED BY THE COVID-19 PANDEMIC.

STAFF MATTERS

City Manager Ochoa had no comments.

COUNCIL MATTERS

Mayor Leon addressed the comments relating to the County's resolution on racism as a public health crisis and indicated that we need to shape it for the situation in the City of Ontario. He did not support defunding the Police Department, but agreed that there were areas for discussion.

City Attorney Duran indicated that members of the community raised this issue and there seemed to be an interest in a robust discussion on the topic. He cautioned that this matter should be agendaized for further discussion.

Mayor pro Tem Dorst-Porada agreed that she was open for discussion on the matter in the future.

City Manager Ochoa suggested that staff first look at the County resolution before bringing anything back. He stressed the need to understand fully what was being requested by the requestors and commenters.

Council Member Valencia concurred with City Manager Ochoa and City Attorney Duran on the need to bring the matter back for discussion.

Mayor Leon reiterated that he had reviewed the County resolution and some things do not fit for the City.

Mayor Leon thanked D'Andre Lampkin for his work in the City and agreed that people need to understand the importance of participating in the Census.

Council Member Wapner had no comments.

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Council Member Bowman noted that in the month of August there is a friendly nationwide challenge amongst cities, called the Mayor's Challenge, to see how many residents will pledge to do their part to conserve water. He indicated that last year, Ontario residents pledged to conserve 1,700,392 gallons of water. He suggested if the Mayor was willing to make the challenge again he thought more water could be saved.

Mayor Leon agreed to the Mayor's Challenge for water conservation and noted that pledges only take a minute and can be made throughout the month of August at www.mywaterpledge.com.

Mayor pro Tem Dorst-Porada noted the beginning of the school year and the availability of the Ontario Promise Scholar's program. She stressed the availability of tuition for up to two years of tuition at community colleges and encouraged participation.

Mayor Leon noted his 36th Wedding Anniversary and wished his wife, Cheryl, a Happy Anniversary.

Council Member Valencia sent kudos to parents and teachers struggling with the new normal. He sent encouragement and noted that the Council supports them and the community is doing its best. He encouraged everyone to wear masks, wash hands and sanitize so we can return to a more normal environment. He offered congratulations to two unopposed School Board Members being Randall Cenicerros on the Mountain View School District Board and Sarah Galvez on the Ontario-Montclair School District Board.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:19 p.m. to the next regular meetings to be held on Tuesday, September 1, 2020.

Respectfully submitted,


SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:


PAUL S. LEON, MAYOR/CHAIRMAN