

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
June 2, 2020**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, June 2, 2020, at Ontario City Hall, 303 East B Street, Ontario, California.

CLOSED SESSION

Mayor Leon called the City Council/Housing Authority meetings to order at 5:33 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

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 ZOOM)

ABSENT: Council/Authority Members: None

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 matter for discussion, as listed on the agenda, and inquired whether persons were present who wished to speak to the Closed Session item.

Assistant City Clerk Kasad reported no requests to speak and the City Council recessed to Closed Session at 5:35 p.m. for discussion of the following:

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
- *Chino Basin Municipal Water District vs. City of Chino, Case No. RCV51010*

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Housing Authority meetings to order at 6:37 p.m.

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 ZOOM)

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 discussion.

The Pledge of Allegiance was led by Council Member Bowman.

Mayor Leon led a moment of silent reflection for the tragic events surrounding the death of George Floyd in lieu of the Invocation.

PUBLIC COMMENTS

Assistant City Clerk Kasad reported 16 emailed public comments previously provided to the City Council and one telephonic public comment, which she played from an unidentified caller regarding concerns about traffic flows in south Ontario.

The e-mailed public comments were from the following individuals:

Ivan Cervantes, Antonio Noel Olivas, Cynthia Grimm, Mayra Gonzalez, Juana Gamez, Daniela Ortega, Paul Herrera, Diana Knabe, Steven Knabe, Pablo Gaona, D'Andre Lampkin, Estela Gaona, Celina Lopez, Nadya Bahena Del Angel, Daniela Ortega, Martha Lopez

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa advised he had two updates for this agenda. The first being an urgency item related to the proclamation of a local emergency that initiated a citywide curfew that began at 6:00 p.m. on June 1, 2020 and continued until June 2, 2020 at 6:00 a.m. He explained that the City Council was required to ratify that administrative action. He noted that Police Chief Williams was available via ZOOM to provide an overview of what led to this proclamation, the Ontario Police Department tactical response and how the community came together in support of each other resulting in a relatively peaceful evening in the City.

Police Chief Williams provided an overview of the activity over the weekend and stressed that the community came together to support one another. He detailed the curfew and the tactical alert status of the Department in light of the violence occurring throughout the nation. He indicated that the Police Department has investigated planned events in the City and felt the curfew was in the best interest to maintain the safety of the community. He thanked the business owners for their cooperation and noted that the result was a quiet night. He stressed the importance of the community's cooperation in allowing the community to come together peacefully.

Council Member Valencia inquired about mutual aid agreements and reimbursements from federal money. Police Chief Williams indicated that the agreements allow aid with all area cities to assist one another and reimbursements will be sought where available and allowable.

Council Member Wapner asked the City Manager if it would be possible and appropriate to ratify this action and give the City Manager the authority to call for further curfews if necessary. City Attorney Huber indicated that flexibility for future curfews had been included in the resolution language.

Mayor pro Tem Dorst-Porada thanked Ontario Police Department officers and Chief Williams for a job well done and commended the community for staying safe.

Mayor Leon commented on the culture of the Ontario Police Department which allows it to act as community members and join in with the community. He indicated that people support the Department which shows that they have done a good job of making sure there is a relationship between the community members and the police.

MOTION: Moved by Council Member Wapner, seconded by Council Member Valencia and carried by unanimous roll call vote to add this item to the Consent Calendar as Item 12.A.

City Manager Ochoa advised that the second update related to Item No. 15 of this agenda. He indicated that the Resolution requires correction of a typographical error regarding the ending date for the qualification period, correcting it from September 20, 2020 to September 30, 2020. He also noted that it reflects the inclusion of all Financial Services Agency positions as being eligible to participate in the two-years additional service credit offering.

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 May 5, 2020, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period May 1, 2020 through May 14, 2020, in the amount of \$22,243,015.24 and **Payroll** for the period April 26, 2020 through May 9, 2020, in the amount of \$6,834,128.76 when audited by the Finance Committee.

3. BIENNIAL CONFLICT OF INTEREST CODE REVIEW

City Council received the 2020 Local Agency Biennial Notice of the Political Reform Act requirement and directed staff to review the Conflict of Interest Code.

4. RESOLUTIONS TO CALL AND GIVE NOTICE, CONSOLIDATE AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS FOR THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 3, 2020.

City Council adopted resolutions to call and set the date of the General Municipal Election as November 3, 2020; request the San Bernardino County Registrar of Voters to consolidate the election with the Presidential General Election; and adopt regulations for candidate statements.

RESOLUTION NO. 2020-057 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

RESOLUTION NO. 2020-058 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, PURSUANT TO §10403 OF THE ELECTIONS CODE.

RESOLUTION NO. 2020-059 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENT SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020.

5. A RESOLUTION ORDERING THE SUMMARY VACATION OF AN EASEMENT GENERALLY LOCATED AT THE NORTHEAST CORNER OF PHILADELPHIA STREET AND GROVE AVENUE

City Council adopted a resolution ordering the summary vacation of a 5-foot wide public water easement generally located at the northeast corner of Philadelphia Street and Grove Avenue.

RESOLUTION NO. 2020-060 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC WATER EASEMENT GENERALLY LOCATED AT THE NORTHEAST CORNER OF PHILADELPHIA STREET AND GROVE AVENUE.

6. FISCAL YEAR 2019-20 THIRD QUARTER BUDGET UPDATE REPORT

City Council approved the budget adjustments and recommendations as listed in the Fiscal Year 2019-20 Third Quarter Budget Update Report.

7. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES)

City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 41 (Canvas Park Facilities).

ORDINANCE NO. 3161 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 41 (CANVAS PARK FACILITIES).

8. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES)

City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 54 (Esperanza Facilities).

ORDINANCE NO. 3162 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 54 (ESPERANZA FACILITIES).

9. ACCEPTANCE OF A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT AND A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO 58 (COLONY COMMERCE CENTER EAST SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES

City Council considered and:

- (A) Accepted a written petition (on file in the Records Management Department) from Colony Commerce Ontario East LP (“Landowner”), to create a Community Facilities District (“CFD”), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), authorize 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, July 21, 2020.

RESOLUTION NO. 2020-061 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. 58 (COLONY COMMERCE CENTER EAST SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

10. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

City Council continued the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the June 16, 2020 City Council Meeting, unless cancelled sooner.

RESOLUTION NO. 2020-062 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECTING 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.

11. PROFESSIONAL SERVICES AGREEMENT FOR FIRE CODE PLAN REVIEW SERVICES/JSB FIRE PROTECTION, LLC

City Council authorized the City Manager or his designee to execute a professional services agreement with JSB Fire Protection, LLC of Downey, California, for fire prevention services at hourly rates as specified in the agreement.

12. AN AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING DESIGN SERVICES FOR THE COMPRESSED NATURAL GAS COMPRESSOR REPLACEMENT AND UPGRADE PROJECT

City Council authorized the City Manager to execute Amendment No. 2 to the Professional Service Agreement with STV Energy Services, Inc. of Douglassville, Pennsylvania for engineering services for the City's Compressed Natural Gas (CNG) Compressor Replacement and Upgrade Project, adding \$65,300 for a revised total contract authorization of \$153,630.

12.A. RESOLUTIONS RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY AND DIRECTING THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH, AND SAFETY IN THE CITY OF ONTARIO REGARDING CIVIL UNREST AND SETTING A CITYWIDE CURFEW

City Council considered and adopted resolutions ratifying the Proclamation of Local Emergency and directed the emergency organization of the City of Ontario to take necessary steps for the protection of life, health, and safety in the City of Ontario regarding civil unrest and setting a citywide curfew.

RESOLUTION NO. 2020-067 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND DIRECTING 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 REGARDING CIVIL UNREST.

RESOLUTION NO. 2020-068 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING EXECUTIVE ORDER NO 2-2020 ISSUED PURSUANT TO A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF ONTARIO, CALIFORNIA, ACTING AS THE DIRECTOR OF EMERGENCY SERVICES, SETTING A CITYWIDE CURFEW.

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared Resolution Nos. 2020-057 through 2020-062, 2020-067, 2020-068 and Ordinance Nos. 3161 and 3162 adopted upon unanimous roll call vote.

PUBLIC HEARINGS

- 13. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TOYOTA/ONTARIO BUSINESS PARK SPECIFIC PLAN, REVISING THE CURRENT LAND USE DISTRICT COVERING PLANNING AREA 1 FROM “OFFICE/R&D” TO “INDUSTRIAL MIXED USE” AND UPDATING THE SPECIFIC PLAN’S LANDSCAPE PALETTE TO CONFORM TO CURRENT CALIFORNIA FRIENDLY LANDSCAPE PRACTICES AFFECTING 95.35 ACRES OF LAND GENERALLY LOCATED SOUTH OF JURUPA STREET, EAST OF MILLIKEN AVNEUE, NORTH OF FRANCIS STREET AND WEST OF THE I-15 FREEWAY (APN:0238-121-75)**

City Council considered and adopted: (1) a resolution approving the use of an Addendum to The Ontario Plan Environmental Impact Report, and (2) a resolution approving an Amendment to the Toyota/Ontario Business Park

Specific Plan, File No. PSPA19-004, revising the current land use district covering Planning Area 1 from “Office/R&D” to “Industrial Mixed Use” and updating the Specific Plan’s landscape palette to conform to current California friendly landscape practices.

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

There were three written communications provided to the City Council from Pamela Steele – MIG, Inc., Clint McMorris, and Brian B. Flynn – Lozeau/Drury LLP.

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 Nos. 2020-063 and 2020-064.

RESOLUTION NO. 2020-063 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT, PURSUANT TO THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO. PSPA19-004.

RESOLUTION NO. 2020-064 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA19-004, AN AMENDMENT TO THE TOYOTA ONTARIO BUSINESS PARK SPECIFIC PLAN, GENERALLY LOCATED SOUTH OF JURUPA STREET, EAST OF MILLIKEN AVENUE, NORTH OF FRANCIS STREET, AND WEST OF THE I-15 FREEWAY, REVISING THE LAND USE DESIGNATION FOR PLANNING AREA 1 FROM OFFICE/RESEARCH AND DEVELOPMENT TO INDUSTRIAL MIXED USE, AND UPDATING THE LANDSCAPE PALETTE TO CONFORM TO CURRENT CALIFORNIA FRIENDLY LANDSCAPE PRACTICES, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0238-121-75.

14. **A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN, FILE NO. PSPA19-009, TO MODIFY THE MINIMUM PARKING REQUIREMENTS (SECTION 3.3.5.1) FOR RESIDENTIAL USES TO ALLOW TANDEM PARKING FOR UP TO A MAXIMUM OF 50 PERCENT OF THE REQUIRED PARKING FOR DWELLING UNITS, THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN ENCOMPASSES 84.43 ACRES OF LAND AND IS GENERALLY LOCATED NORTH OF CONCOURS STREET, SOUTH OF FOURTH STREET, WEST OF VIA ALBA AND EAST OF HAVEN AVENUE (APNS:0210-204-26, 0210-204-37, 0210-204-40, 0210-531-15, 0210-531-16**

City Council considered and adopted a resolution approving an Amendment to The Piemonte Overlay of the Ontario Center Specific Plan (File No. PSPA19-009) to modify the Minimum Parking Requirements (Section 3.3.5.1) for residential uses to allow tandem parking for up to a maximum of 50 percent of the required parking for dwelling units.

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 stated her concerns with tandem parking for the record.

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia and carried by unanimous roll call vote to adopt Resolution No. 2020-065.

RESOLUTION NO. 2020-065 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA19-009, AN AMENDMENT TO THE PIEMONTE OVERLAY OF THE ONTARIO CENTER SPECIFIC PLAN TO MODIFY THE MINIMUM PARKING REQUIREMENTS (SECTION 3.3.5.1) TO ALLOW TANDEM PARKING FOR UP TO A MAXIMUM OF 50 PERCENT OF THE REQUIRED DWELLING UNIT OFF-STREET PARKING REQUIREMENT FOR PROPERTIES LOCATED WITHIN THE RESIDENTIAL DISTRICT. THE PIEMONTE OVERLAY ENCOMPASSES 84.43 ACRES OF LAND AND IS GENERALLY LOCATED NORTH OF CONCOURS STREET, SOUTH OF FOURTH STREET, WEST OF VIA ALBA AND EAST OF HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF— APNS: 0210-204-26, 0210-204-37, 0210-204-40, 0210-531-15 AND 0210-531-16.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

15. IMPLEMENTATION OF CALIFORNIA PUBLIC EMPLOYEE RETIREMENT SYSTEM (CALPERS) TWO-YEARS ADITIONAL SERVICE CREDIT FOR DESIGNATED CLASSIFICATIONS, DEPARTMENTS OR ORGANIZATIONAL UNITS.

City Council, by motion, adopted a resolution authorizing the City Manager to provide for the designation of a period for two-years additional service credit in accordance with California Government Code section 20903 for designated classifications, departments or organizational units.

City Manager Ochoa noted that this was the City Council's second consideration of this item as required for adoption of the two-year service credit option. He noted that there were 321 eligible employees and if all of them were to take the option, the cost would be \$28 million, but the annual savings would be \$51.6 million. He indicated that this strategic move will help address the financial impacts caused by the COVID-19 pandemic. He reiterated the previously mentioned typographical error in the resolution regarding the September 30, 2020 ending date for the qualification date and the correction to include all of the Financial Services Agency as eligible positions. He noted that the intent was to achieve a Citywide reduction in force by October 1, 2020.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous roll call vote to adopt Resolution No. 2020-066.

RESOLUTION NO. 2020-066 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT.

STAFF MATTERS

City Manager Ochoa had no comments.

COUNCIL MATTERS

Council Member Valencia thanked Ontario residents for not acting out in an unsafe manner like other communities had experienced. He commented that this said a lot about the community, the residents and their children. He noted comments about the use of Youth Activity Leagues and thanked his colleagues for their support in already having implemented such a group. He also commended the Police and Fire Departments on taking the time to talk to and connect with people in the community.

Council Member Bowman had no comments.

Council Member Wapner acknowledged that the community is being tested with two crises at once, and he suggested that the solution was through prayer.

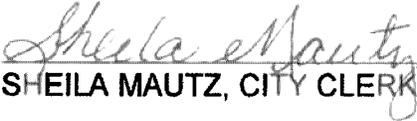
Mayor pro Tem Dorst-Porada thanked Ontario residents for finding unique ways to keep communications with each other. She noted that local boards and organizations were using ZOOM meetings, Facebook and other ways to keep engaged, and being selective about what they post on social media.

Mayor Leon thanked the unidentified community members that are doing everything they can to make sure the City is stable and remains safe. He noted the nationwide outrage regarding race issues and expressed pride in the City of Ontario and how it has handled the situation.

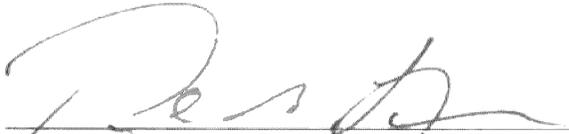
ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:06 p.m. to the next regular meetings to be held on Tuesday, June 16, 2020.

Respectfully submitted,


SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:


PAUL S. LEON, MAYOR/CHAIRMAN