

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
October 1, 2019**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, October 1, 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 6:03 p.m., with all members present except Council Member Dorst-Porada.

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 item. Hearing no one, the City Council recessed to Closed Session at 6:04 p.m. for discussion of the following:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0210-204-12 through 0210-204-15; 0210-204-20 through 0210-204-23; and 0210-204-39; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: PPP Brickyard, LLC; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One case.*

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Housing Authority meetings to order at 6:32 p.m.

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

ABSENT: Council/Authority Members: Debra Dorst-Porada

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Scott E. 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 Wapner

The Invocation was provided by *Pastor Sylvia Lee Mann*, representing Bethel Congregational Church.

PUBLIC COMMENTS

Karen Haughey, representing County Supervisor Curt Hagman, invited the City Council and the community to two upcoming events hosted by Supervisor Hagman's Office. First, a paper shredding event on October 26, 2019 from 9:00 a.m. to noon at the Chino Police Department with each person being allowed to drop off up to five boxes of paper. She noted that this was in recognition of National Crime Prevention Month. Ms. Haughey further announced a Veteran's Claim event on November 14, 2019 from 10:00 a.m. to 2:00 p.m. at the Supervisor's District Office in Chino, at which claims assistance will be available from Veteran's Affairs and other offices.

Ahmed Mohammad, representing the Greater Ontario Business Council, noted that he is the Chief Operating Officer for Kaiser Permanente. He addressed the increasing numbers of homeless in the Inland Empire and stressed the importance of finding a solution. He indicated that the Business Council's November Pancakes and Politics event will focus on exploring possible solutions.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa indicated that there were no additions or announcements to the agenda.

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Valencia and carried by unanimous vote of those present with Council Member Dorst-Porada absent 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 3, 2019, as on file in the Records Management Department.

2. **BILLS/PAYROLL**

City Council approved Bills for the period August 30, 2019 through September 12, 2019, in the amount of \$13,566,699.36 and Payroll for the period August 18, 2019 through August 31, 2019, in the amount of \$3,522,561.35, when audited by the Finance Committee.

3. **AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA19-002) BETWEEN THE CITY OF ONTARIO AND SLV LC CENTER, LLC; HCW LC CENTER, LLC; STRACK FARMS LAND, LLC; RHV EDISON AVENUE, LLC; MV EDISON AVENUE, LLC; AND EPC HOLDINGS 938, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20157 (FILE NO. PMTT18-002), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MILL CREEK AVENUE AND OLD EDISON ROAD WITHIN PLANNING AREAS 1 THROUGH 4 (RD-4, RD-6, RD-7, AND RD-8) OF THE ESPERANZA SPECIFIC PLAN (APNS: 0218-252-07, 0218-252-08, 0218-252-09, AND 0218-252-10)**

City Council considered and adopted an ordinance approving the Development Agreement (File No. PDA19-002) between the City of Ontario and SLV LC Center, LLC; HCW LC Center, LLC; Strack Farms Land, LLC; RHV Edison Avenue, LLC; MV Edison Avenue, LLC; and EPC Holdings 938, LLC, to establish the terms and conditions for the development of Tentative Tract Map 20157 (File No. PMTT18-002).

ORDINANCE NO. 3143 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA19-002, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SLV LC CENTER, LLC; HCW LC CENTER, LLC; STRACK FARMS LAND, LLC; RHV EDISON AVENUE, LLC; MV EDISON AVENUE, LLC; AND EPC HOLDINGS 938, LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20157 (FILE NO. PMTT18-002), FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF MILL CREEK AVENUE AND OLD EDISON ROAD WITHIN PLANNING AREAS 1 THROUGH 4 (RD-4, RD-6, RD-7, AND RD-8) OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 0218-252-07, 0218-252-08, 0218-252-09 AND 0218-252-10.

4. **IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR FINAL TRACT MAP NO. 16486, LOCATED ON OLIVE STREET, APPROXIMATELY 655 FEET EAST OF BAKER AVENUE**

City Council approved and authorized the City Manager to execute an improvement agreement and improvement security for Final Tract Map No. 16486, located on Olive Street, approximately 655 feet east of Baker Avenue.

5. AUTHORIZE THE PURCHASE OF FLEET VEHICLES AND EQUIPMENT

City Council took the following actions:

- (A) Authorized the cooperative purchase and delivery of one CNG Kenworth/Vactor combination sewer jetter in the amount of \$387,441 for the Utilities Department from Haaker Equipment Company of La Verne, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 122017-FSC; and
- (B) Authorized the cooperative purchase and delivery of one Ford F650SD Aerial Service Truck in the amount of \$169,361 for the Municipal Services Department from Terex Utilities Inc. of Watertown, South Dakota, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 012418-TER; and
- (C) Authorized the cooperative purchase and delivery of one CNG Three Axle Dump Truck in the amount of \$233,368 for the Parks and Maintenance Department from Los Angeles Freightliner of Whittier, California, consistent with the terms and conditions of the County of Orange order number PO-012-17010353; and
- (D) Authorized the cooperative purchase and delivery of eight trucks for a total amount of \$1,085,351 (one F750 Service Body Truck in the amount of \$226,349 and one F450 Traffic Control Truck in the amount of \$119,321 for the Utilities Department, and two F650 Stake Bed Trucks in the amount of \$265,834, one F350 Traffic Control Truck in the amount of \$121,245, two Ford F350 Sign Trucks in the amount of \$262,995, and one F350 Dump Truck in the amount of \$89,607 for the Parks and Maintenance Department) from PB Loader Corporation of Fresno, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 052417-PBL.

6. A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND A RESOLUTION TO INCUR BONDED INDEBTEDNESS

City Council considered and:

- (A) Accepted a written petition from Lennar Homes of California, Inc. a California corporation, 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. 46 (Avenue 176 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, November 5, 2019; and
- (C) Adopted a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 46 (Avenue 176 Facilities).

RESOLUTION NO. 2019-139 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. 46 (AVENUE 176 FACILITIES), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. 2019-140 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. 46 (AVENUE 176 FACILITIES).

7. DECLARATION AND DISPOSITION OF SURPLUS IMPROVEMENT FUNDS AND/OR REDEMPTION FUNDS IN ASSESSMENT DISTRICTS 94, 97B, 100A, 100C, 103, 104, 105, 106, 107, 108 AND REASSESSMENT DISTRICTS 97B, 100B, AND 105

City Council considered and adopted resolutions declaring surplus amounts remaining in and from the improvement funds and/or redemption funds in Assessment Districts 94, 97B, 100A, 100C, 103, 104, 105, 106, 107, 108 and Reassessment Districts 97B, 100B, and 105; and further resolve that the surplus funds for these districts, as well as previously declared surplus funds, be used for maintenance (capital replacement) of the public improvements funded by the districts.

RESOLUTION NO. 2019-141 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE REDEMPTION FUND OF ASSESSMENT DISTRICT NO. 94, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE IMPROVEMENT FUND OF ASSESSMENT DISTRICT NO. 97B, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-143 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE IMPROVEMENT FUND OF ASSESSMENT DISTRICT NO. 100A, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-144 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE IMPROVEMENT FUND AND REDEMPTION FUND OF ASSESSMENT DISTRICT NO. 100C, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-145 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE REDEMPTION FUND OF ASSESSMENT DISTRICT NO. 103, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-146 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE REDEMPTION FUND OF ASSESSMENT DISTRICT NO. 104, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-147 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE IMPROVEMENT FUND OF ASSESSMENT DISTRICT NO. 105, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-148 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE IMPROVEMENT FUND AND REDEMPTION FUND OF ASSESSMENT DISTRICT NO. 107, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-149 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE IMPROVEMENT FUND OF ASSESSMENT DISTRICT NO. 108, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-150 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE REDEMPTION FUND OF REASSESSMENT DISTRICT NO. 97B, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-151 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE REDEMPTION FUND OF REASSESSMENT DISTRICT NO. 100B, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

RESOLUTION NO. 2019-152 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING A DETERMINATION REGARDING SURPLUS AMOUNTS REMAINING IN AND FROM THE REDEMPTION FUND OF REASSESSMENT DISTRICT NO. 105, AND DIRECTING THE DISPOSITION OF SUCH SURPLUS AMOUNTS.

8. A MAINTENANCE SERVICE AGREEMENT FOR GARAGE AND FUEL SITE MAINTENANCE AND ON-CALL REPAIR SERVICES

City Council authorized the City Manager to execute a two-year Maintenance Service Agreement with Fuel Serv, Inc. of Montclair, California, for an annual estimated amount of \$62,682 plus a contingency of \$27,318 for unforeseen required repairs; authorized the addition of future services and repairs; and authorized the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

9. PROFESSIONAL SERVICES AGREEMENTS FOR CITYWIDE ON-CALL PROJECT MANAGEMENT SERVICES

City Council and the Board of the Ontario Housing Authority approved and authorized the City Manager to execute three-year Project Management Professional Service Agreements with: HR Green Pacific of Corona, California; Cumming Construction of Murrieta, California; PPM Group, Inc. of Fontana, California; Wallace & Associates of Murrieta, California; AKM Consulting of Irvine, California; Project Management Advisors of Norco, California; CAPO Projects Group of San Juan Capistrano, California; and Transtech Engineers of Chino, California; and authorize the City Manager to extend the agreements for up to two additional years consistent with City Council approved budgets.

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared Resolution Nos. 2019-139 through 2019-152 and Ordinance No. 3143 adopted.

PUBLIC HEARING

10. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF ONTARIO MUNICIPAL CODE, REVISING SECTIONS 3-1.113 AND 3-1.117, REGARDING BUSINESS LICENSE REGISTRATION TERMS

City Council introduced and waived further reading of an ordinance approving an amendment to the City of Ontario Municipal Code, revising sections 3-1.113 and 3-1.117 to change the annual license renewal to expire at midnight on the anniversary of the date of the business start date rather than December 31 of each year.

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 Valencia and carried by unanimous vote of those present with Council Member Dorst-Porada absent to waive further reading and adopt Ordinance No. 3144.

ORDINANCE NO. 3144 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 3-1.113 AND 3-1.117 OF THE ONTARIO MUNICIPAL CODE REGARDING BUSINESS LICENSE REGISTRATION TERMS.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO AUTHORIZING THE ISSUANCE OF BONDS TO REFUND CERTAIN PENSION OBLIGATIONS OF THE CITY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT AND PURCHASE CONTRACT, AUTHORIZING JUDICIAL VALIDATION PROCEEDINGS RELATING TO THE ISSUANCE OF SUCH BONDS, AND APPROVING ADDITIONAL ACTIONS RELATED THERETO

City Council adopted a resolution authorizing the issuance of bonds to refund certain pension obligations of the City, and authorizing judicial validation proceedings related to the issuance. The resolution:

- (A) Authorizes the issuance of pension obligation bonds to refund certain pension obligations of the City; and
- (B) Approves the forms of the Trust Agreement, the Bond Purchase Contract, and the authorization of judicial validation proceedings related to the issuance of such bonds; and
- (C) Authorizes a negotiated sale of the pension obligation bonds to Hilltop Securities, Inc. (the "Underwriter") within certain parameters; and
- (D) Authorizes the execution of the Trust Agreement and the Bond Purchase Contract by the City Manager, or his designee; and
- (E) Authorizes the City Manager to execute contracts for services of Bond Counsel and Municipal Advisor.

MOTION: Moved by Council Member Bowman, seconded by Council Member Wapner and carried by unanimous vote of those present with Council Member Dorst-Porada absent to adopt Resolution No. 2019-153.

RESOLUTION NO. 2019-153 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF BONDS TO REFUND CERTAIN PENSION OBLIGATIONS OF THE CITY, APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT AND PURCHASE CONTRACT, AUTHORIZING JUDICIAL VALIDATION PROCEEDINGS RELATING TO THE ISSUANCE OF SUCH BONDS AND APPROVING ADDITIONAL ACTIONS RELATED THERETO .

STAFF MATTERS

No comments.

COUNCIL MATTERS

BOARD/COMMISSION APPOINTMENTS

Mayor Leon noted that Library Board Trustee George Newberry had indicated that he would be voluntarily stepping down from the Board, which prompted a reevaluation of all the City's board members whose terms were set to expire after the last election. He noted that each City Council Member was provided copies of the applications on file for review; and consistent with past practice, a slate of names was being presented for consideration. He read the following slate of appointments for ratification:

Library Board

Daisy Ocegueda recommended by Mayor Leon
Nancy Bumstead recommended by Council Member Wapner
Elizabeth A. Palicki recommended by Council Member Bowman

Museum Board

Randolph Del Turco recommended by Mayor Leon
Luis “Rick” Caughman recommended by Council Member Wapner
Joe Caskey recommended by Council Member Bowman

Planning Commission

Jimmy Willoughby recommended by Mayor Leon
James B. Downs recommended by Council Member Wapner
Nancy L. DeDiemar recommended by Council Member Bowman

Recreation & Parks Commission

Larry S. Trinidad recommended by Mayor Leon
Marty Binney recommended by Council Member Wapner
Kenneth Dean recommended by Council Member Bowman
Gary Ovitt recommended At-Large Member

He noted that the terms of these appointments would expire following the certification of the November 2022 General Election.

MOTION: Moved by Council Member Wapner, seconded by Council Member Bowman and carried by unanimous vote of those present with Council member Dorst-Porada absent to confirm the recommendations for appointment as listed by Mayor Leon.

He noted that there were plaques to be presented to the former Board Members and introduced Daisy Ocegueda who was present in the audience. He thanked Board Members Erina Higa and George Newberry for their service on the Museum and Library Boards, respectively.

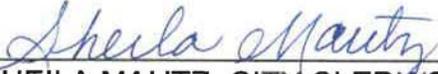
Council Member Wapner wished everyone a happy and prosperous Jewish New Year.

Council Member Bowman congratulated City staff on a successful Cruisin' Reunion event.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 6:52 p.m. to the next regular meetings to be held on Tuesday, October 15, 2019.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN