

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
April 21, 2020**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday April 21, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

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 were 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 established by the City of Ontario 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

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: Debra Dorst-Porada
Council/Authority Members: Alan D. Wapner and Ruben Valencia
(All participating telephonically)

ABSENT: Council/Authority Members: Jim W. Bowman

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

The Pledge of Allegiance was led by Council Member Wapner.

Mayor Leon asked that in lieu of the Invocation and in recognition of those in our community and nation who have died as a result of the Coronavirus, that everyone take a moment of silent reflection.

PUBLIC COMMENTS

Assistant City Clerk Kasad reported no mailed written communications and no voicemails, but one e-mailed communication was received from Robert Evans of NAIOP Commercial Real Estate Development Association regarding Item No. 3 of this agenda. She noted that it had been distributed earlier to the members of the City Council.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa indicated there were no announcements or updated materials.

CONSENT CALENDAR

Council Member Wapner requested that Item No. 3 be pulled for separate discussion.

MOTION: Moved by Council Member Valencia, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote of those present, with Council Member Bowman absent to approve the balance of 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 March 17, 2020, and the special meeting of the City Council and Housing Authority of March 31, 2020, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period March 20, 2020 through April 2, 2020 in the amount of \$4,046,894.23 and **Payroll** for the period March 15, 2020 through March 28, 2020 in the amount of \$3,429,911.35, when audited by the Finance Committee.

4. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT (FILE NO. PDIF20-003) BETWEEN THE CITY OF ONTARIO AND KB HOME CALIFORNIA LLC, FOR FACILITY CONSTRUCTION ASSOCIATED WITH TRACT MAP 18400 (FILE NO. PMTT12-013), LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND EUCALYPTUS AVENUE WITHIN THE SUBAREA 29 SPECIFIC PLAN, AND TRACT MAP 18810 (FILE NO. PMTT13-003), LOCATED AT THE NORTHWEST CORNER OF ARCHIBALD AVENUE AND CHINO AVENUE WITHIN THE COUNTRYSIDE SPECIFIC PLAN

City Council approved the Development Impact Fee Credit Agreement (File No. PDIF20-003) between the City of Ontario and KB Home California LLC, for facility construction associated with Tract Map 18400 (File No. PMTT12-013), located at the southeast corner of Archibald Avenue and Eucalyptus Avenue within

the Subarea 29 Specific Plan, and Tract Map 18810 (File No. PMTT13-003), located at the northwest corner of Archibald Avenue and Chino Avenue within the Countryside Specific Plan; and authorize the City Manager to execute the agreement.

5. A RESOLUTION REQUESTING MITIGATION FOR FINANCIAL IMPACTS CAUSED BY FEDERAL AND STATE MEASURES TO COMBAT THE COVID-19 PANDEMIC

City Council considered and adopted a resolution requesting mitigation for financial impacts caused by Federal and State measures to combat the COVID-19 pandemic.

RESOLUTION NO. 2020-036 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING MITIGATION FOR FINANCIAL IMPACTS CAUSED BY FEDERAL AND STATE MEASURES TO COMBAT THE COVID-19 PANDEMIC.

6. AUTHORIZE THE PURCHASE OF TABLET COMPUTERS FROM CDCE INCORPORATED

City Council authorized the purchase of 80 Panasonic "Toughbook" tablet computers at a cost of \$270,038 from CDCE Incorporated of Yorba Linda, California; for the Utility Billing System Project and authorize a project contingency of \$27,000 for any necessary hardware, updates or accessories required for project deployment.

7. A PROFESSIONAL SERVICES AGREEMENT WITH PM AM CORPORATION FOR SECURITY ALARM MANAGEMENT SERVICES

City Council approved and authorized the City Manager to execute a five-year Professional Services Agreement with PM AM Corporation of Dallas, Texas, for third-party management services of security alarms permitted and installed in residential and business properties throughout the City; and authorize the City Manager to extend the agreement for up to two additional years.

8. AWARD A CONSTRUCTION AGREEMENT FOR CRACK SEALING SERVICES/SAFE USA INC.

City Council authorized the City Manager to execute a three-year Construction Agreement for Contract No. SM1920-5 with Safe USA Inc., located in Ontario, California, for an annual estimated cost of \$102,000 plus an annual contingency of \$5,100; authorize the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with the City Council approved budgets.

9. AUTHORIZE THE PURCHASE AND INSTALLATION REPLACEMENT HEAVY TRUCK LIFT EQUIPMENT/SOUTHWEST LIFT AND EQUIPMENT, INC.

City Council took the following actions:

- (A) Authorized a cooperative purchase agreement in the amount of \$384,348 for the acquisition, relocation and installation services for heavy truck lift equipment for Fleet Services from Southwest Lift and Equipment, Inc. of San Bernardino, California, consistent with the terms and conditions of the of the Sourcewell (formerly NJPA) Contract # 061015-SKI;
- (B) Authorized the City Manager to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, reduction of retention accounts, and filing of a notice of completion at the conclusion of all construction related activities; and
- (C) Authorized the City Manager to execute a Construction Contract (on file in the Records Management Department), and the addition of future acquisitions or services to complete this project, as consistent with the City Council approved budgets.

10. AWARD OF A CONSTRUCTION CONTRACT FOR THE RENOVATION OF RESTROOMS LOCATED AT THE ONTARIO MUNICIPAL UTILITIES COMPANY (OMUC)/NEW DIMENSIONS GENERAL CONSTRUCTION

City Council took the following actions:

- (A) Rejected H2M and New Millennium protests against New Dimensions General Construction for D&C19-004 OMUC Restrooms;
- (B) Authorized the City Manager to execute Construction Contract No. D&C19-004 OMUC Restrooms with New Dimensions General Construction of Anaheim Hills, California, for the renovation of the OMUC Employee Restrooms in the amount of \$353,400;
- (C) Authorized a project reserve in the amount of \$72,785 to cover additional services identified after bid closing for plumbing, electrical, heating/ventilation and air conditioning systems services, temporary locker set-up and disposal and an additional temporary restroom unit for Fleet Services;
- (D) Authorized a 15% contingency of \$63,928 to address any unforeseen issues that may arise during construction; and
- (E) Authorized the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, reduction of retention accounts and filing a notice of completion at the conclusion of all construction related activities.

11. A RESOLUTION OF THE ONTARIO CITY COUNCIL FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY

City Council adopted a resolution finding the public interest and convenience require the sale of certain real property located at 116 East D Street and declaring its intent to sell a portion of such property.

RESOLUTION NO. 2020-037 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY.

MOTION CARRIED BY A UNANIMOUS VOTE OF THOSE PRESENT, WITH COUNCIL MEMBER BOWMAN ABSENT. Mayor Leon declared Resolution Nos. 2020-036 and 2020-037 adopted.

ITEM PULLED FROM THE CONSENT CALENDAR

3. A REPORT ON STATE AND FEDERAL REGULATIONS RELATING TO THE EVICTION OF INDIVIDUALS AND BUSINESSES EXPERIENCING LOSS OF INCOME DURING THE STATE OF EMERGENCY CAUSED BY THE COVID-19 PANDEMIC

City Council received a report on state and federal regulations relating to the eviction of individuals and businesses experiencing loss of income during the state of emergency caused by the COVID-19 pandemic.

Mayor Leon noted that a letter had been received from NAIOP regarding this item requesting an adjustment to current regulations.

Council Member Wapner expressed concerns at the last City Council meeting regarding this matter and the lack of protections for property owners if tenants were granted the ability to defer rent payments. He indicated that he was still concerned about that and worried that if someone owns a single family-home and tenants do not pay their rent, it will be difficult for the property owner to pay the mortgage. He indicated his desire to provide protections for the property owners. He acknowledged the City Manager's explanation that the Governor had gotten most of the mortgage companies and banks to voluntarily agree to working with property owners. Wapner suggested that the best option at this point would be to monitor the situation and adjust the ordinance later, if necessary.

Mayor pro Tem Dorst-Porada concurred.

Mayor Leon suggested passing this item and asking staff to bring back revisions at a later date for clean-up, noting that there were concerns from businesses that have properties they rent out. City Attorney Huber clarified that the original

Ordinance had already been adopted and this item was merely a report on the status.

MOTION: Moved by Council Member Wapner, seconded by Mayor Leon and carried by unanimous vote of those present, with Council Member Bowman absent to reaffirm the approval of the Ordinance and request that the City Manager bring the matter back to the next City Council meeting for potential modifications.

PUBLIC HEARINGS

12. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA20-001) TO AMEND ONTARIO DEVELOPMENT CODE SECTION 4.02.010.D.2.F, BILLBOARD RELOCATION AGREEMENTS, INTERAGENCY RELOCATION EXCEPTION, TO REVISE THE LOCATIONAL CRITERIA AND THE NUMBER OF BILLBOARDS TO BE ELIMINATED WITHIN THE CITY (ITEM CONTINUED FROM APRIL 7, 2020)**

City Council introduced and waived further reading of an ordinance approving a Development Code Amendment (PDCA20-001) amending Ontario Development Code Section 4.02.010.D.2.f, Billboard Relocation Agreements, Interagency Relocation Exception, to revise the locational criteria and the number of billboards to be eliminated within the City.

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.

Council Member Wapner requested clarification that if someone wanted to exercise the right to enter into an agreement under provisions of this ordinance, the agreement would be required to come before the City Council for approval. City Manager Ochoa confirmed.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote of those present, with Council Member Bowman absent to introduce and waive further reading of Ordinance No. 3160.

ORDINANCE NO. 3160 AN ORDINANCE OF CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA20-001, A REQUEST TO AMEND ONTARIO DEVELOPMENT CODE SECTION 4.02.010.D.2.F, BILLBOARD RELOCATION AGREEMENTS, INTERAGENCY RELOCATION EXCEPTION, TO REVISE THE LOCATIONAL CRITERIA AND THE NUMBER OF BILLBOARDS TO BE ELIMINATED WITHIN THE CITY.

STAFF MATTERS

None.

COUNCIL MATTERS

Mayor pro Tem Dorst-Porada encouraged everyone to take stock of everything happening relative to COVID-19 and make note of the lessons learned, so that we can come back stronger and be better prepared for crises in the future.

Council Member Wapner thanked City Manager Ochoa and his staff for the work being done during the unprecedented COVID-19 crisis. He noted that they have already started to evaluate the new normal, cut expenses, and adjust City operations to accommodate budget impacts.

Council Member Valencia warned residents to be aware of mail bandits and to collect mail regularly out of mailboxes. He also encouraged people to report suspicious activity to the Police Department.

Mayor Leon reminded the community that it is Census time, and stressed the importance of those counts to the City as federal funding is based on the Census outcome. He noted that the current City participation rate was 51.4%, that the questionnaire form was very easy to complete online, and encouraged everyone to do so. Mayor Leon also thanked City staff for the great work they are doing during COVID-19 pandemic and expressed concern with the substantial impacts of reduced sales taxes being collected. He stressed the City's efforts to be fiscally responsible for many years and noted that this has allowed the City to continue operations and pursuing projects such as the Munoz Community Center expansion.

City Manager Ochoa expressed appreciation to the Council for their comments and noted that City staff could only proceed as they do with the support and clear direction provided by the City Council. He noted a video circulating on social media today of a City staff member from the Integrated Waste Department singing Happy Birthday to a young resident and stressed the staff's commitment to the community. He thanked the City Council and community for their continued support on behalf of the 1,250 City staff members.

Mayor pro Tem Dorst-Porada noted that COVID-19 testing would be offered at the Toyota Arena on May 4 from 10 a.m. to 2 p.m. and advised that if someone has symptoms, they should make an appointment through the County website at SBCOVID19.com.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 6:53 p.m. to the next regular meetings to be held on Tuesday, May 5, 2020.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN