

**CITY OF ONTARIO
SPECIAL MEETING
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
NOVEMBER 2, 2020 AT 9:00 A.M.**

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

Ruben Duran
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to provide public comment or to address the City Council have been provided alternative measures including U.S. mail, email, a website comment form, and the ability to call in and speak to the City Council. All public comments received by the established deadline for this meeting will be included as part of the official meeting record.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.

SPECIAL AND URGENT NOTICE

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at the upcoming 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 view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting will be live broadcast on local cable Channel 3 as well as live streamed at: www.ontarioca.gov/Agendas/CityCouncil, [YouTube.com/CityofOntario](https://www.youtube.com/CityofOntario); or Zoom.

TO PROVIDE PUBLIC COMMENT: Those wishing to speak during the “Public Comment” portion of the meeting or any item on “Consent Calendar” must call 909-395-2900 between 8:30 a.m. and 9:00 a.m. the day of the meeting.

TO COMMENT BY E-MAIL: Submit your comments by email no later than 8:00 a.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comments to publiccomments@ontarioca.gov. All comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter.

TO COMMENT BY MAIL: To submit your comments by mail, provide your name, agenda item you are commenting on, and your comments by mailing to Records Management, Ontario City Hall, 303 East “B” Street, Ontario, CA 91764. Comments by mail must be received in the Records Management Department no later than 8:00 a.m. on the day of the meeting. Postmarks are not accepted. All comments received by the deadline will be provided to the City Council for consideration before action is taken on the matter.

We appreciate your understanding during this unprecedented time of social distancing under the Emergency Declaration Order. These procedures may be modified in the future as social and public gathering protocols change.

ORDER OF BUSINESS The Special City Council and Housing Authority meeting begins with Public Comment at 9:00 a.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (*OPEN SESSION*)

9:00 a.m.

ROLL CALL

Dorst-Porada, Dorst-Porada, Wapner, Bowman, Valencia, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Bowman

PUBLIC COMMENTS

Members of the public who wish to provide a general comment or address a specific agenda item may do so by mailing comments to the City Clerk's Office, or by calling (909) 395-2900 between 8:30 a.m.–9:00 a.m. for "Administrative Reports/Discussion/Action" items or by emailing PublicComments@ontarioca.gov no later than 8:30 a.m. on the day of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

AGENDA REVIEW/ANNOUNCEMENTS The City Manager will go over all updated materials and correspondence received after the Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

- 1. A RESOLUTION 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 A SANTA ANA WINDSTORM.***

That the City Council ratify the Proclamation of 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 a Santa Ana windstorm.

RESOLUTION NO. _____

THAT THE CITY COUNCIL RATIFY THE PROCLAMATION OF 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 A SANTA ANA WINDSTORM.

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

That the City Council, by motion, adopt the resolution to ensure timely implementation of the two-years additional service credit in accordance with California Government Code section 20903 for designated classifications, departments or organizational units.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NO. 2020-066 AND APPROVING AN AMENDED AND RESTATED RESOLUTION AUTHORIZING A DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS


Mayor Leon
Mayor pro Tem Dorst-Porada
Council Member Wapner
Council Member Bowman
Council Member Valencia

ADJOURNMENT

CITY OF ONTARIO

Agenda Report

SECTION:

Department: Fire Department
Prepared By: Jordan T Villwock
Staff Member Presenting:
Darlene M. Sanchez, Assistant City Manager
Reviewed By: Nubia Roman
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 01

SUBJECT: A RESOLUTION 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 A SANTA ANA WINDSTORM.

RECOMMENDATION: That the City Council ratify the Proclamation of 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 a Santa Ana windstorm.

THE FOLLOWING COUNCIL GOAL(S) ARE BEING ACHIEVED:
Maintain the Current High Level of Public Safety

FISCAL IMPACT: This resolution maintains the City's compliance with State and Federal requirements for emergency response. Furthermore, this action allows eligibility for State and Federal reimbursement if a state-wide disaster is declared for this windstorm event.

BACKGROUND & ANALYSIS:

Cities around the Southern California region were hit by a Santa Ana windstorm which caused significant damage, vegetation fires, and power outages. The City of Ontario had over 3,000 trees downed, hundreds of residents without power, downed powerlines, property damage and vegetation fires ignite within the city.

Through Ontario Ordinance No. 2990, the City Manager, as the Director of Emergency Services, can proclaim a local emergency in order to enhance the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek potential reimbursement by the State and Federal governments.

Per California Government Code § 8630, a proclamation of local emergency must be ratified by the governing body within 7 days of issuance and reviewed and continued every 30 days thereafter until termination of the local emergency as conditions warrant.

RESOLUTION NO. _____

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 A SANTA ANA WINDSTORM.

WHEREAS, City of Ontario Ordinance No. 2990 empowers the City Manager as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely affected by a public calamity and the City Council is not in session, and

WHEREAS, Government Code Section 8550 *et seq.*, including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, on October 26, 2020, the City Manager, acting as the Director of Emergency Services, did proclaim the existence of a local emergency pursuant to City of Ontario Ordinance 2990; and

WHEREAS, the City of Ontario was impacted by a significant Santa Ana windstorm event that caused hundreds of calls for service for downed trees, powerlines, vegetation fires, public service requests, property damage, halted flights at Ontario International Airport for several hours; and

WHEREAS, several large vegetation fires in the Southern California region are drawing down fire resources in the area; and

WHEREAS, more significant Santa Ana wind events were still unfolding; and

WHEREAS, these conditions warrant and necessitate that the City of Ontario declare the existence of a local emergency.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Ontario, California, hereby proclaims the existence of a local emergency and directs 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.

IT IS FURTHER ORDERED AND RESOLVED, that during the existence of said local emergency the powers, functions, and duties of the Emergency Organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City; and

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Proclamation of Local Emergency shall take effect immediately and that widespread publicity and notice shall be given said Declaration through the most feasible and adequate means of disseminating such notice throughout the City.

THE ONTARIO CITY COUNCIL FURTHER DIRECTS, that a copy of this Resolution be forwarded to the San Bernardino County Office of Emergency Services to be forwarded to the Director of the California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor of California pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in San Bernardino County; that the Governor waive regulations that may hinder response and recovery efforts; that response and recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 2nd day of November 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER, LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at a special meeting held November 2, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at a special meeting held November 2, 2020.


SHEILA MAUTZ, CITY CLERK

(SEAL)

CITY OF ONTARIO

Agenda Report
November 2, 2020

SECTION: ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

Department: Human Resources
Prepared By: Angela Lopez
Staff Member Presenting:
Angela Lopez, Executive Director Human
Resources
Approved By: 

Submitted To: Council/OHA
Approved: _____
Continued To: _____
Denied: _____
Item No: 02

SUBJECT: FURTHER IMPLEMENTATION OF CALIFORNIA PUBLIC EMPLOYEE RETIREMENT SYSTEM (CALPERS) TWO-YEARS ADDITIONAL SERVICE CREDIT FOR DESIGNATED CLASSIFICATIONS, DEPARTMENTS OR ORGANIZATIONAL UNITS

RECOMMENDATION: That the City Council, by motion, adopt the resolution to ensure timely implementation of the two-years additional service credit in accordance with California Government Code section 20903 for designated classifications, departments or organizational units.

THE FOLLOWING COUNCIL GOAL(S) ARE BEING ACHIEVED:
Operate in a Businesslike Manner

FISCAL IMPACT: Pursuant to the disclosures made during the City Council meeting on May 19, 2020, the present value of the program cost was estimated at \$28,309,000, or if amortized over five (5) years, \$6,376,000 per year based on 321 regular full-time employees that were determined to be eligible to participate and retire during the designated "window" period. The corresponding savings for the same eligible employees was estimated to be \$51,600,000 through future and ongoing personnel cost reductions to be attained through attrition and realignment of the workforce.

Consistent with the City's intent, and pursuant to the City Council's approval on June 2, 2020, the retirement election window closed on October 1, 2020. Of the 321 eligible employees, 181 elected to participate under the program. The total savings of salaries and benefits for those 181 employees is estimated at \$30,584,696 for a twelve-month period. The twelve-month savings to the general fund based on 130.15 employees is \$24,699,547 and for other funds based on 50.85 employees is \$5,885,149. The cost of the retirement separation for the 181 employees citywide is estimated at \$17,372,603 or if amortized over five (5) years, \$3,912,748 per year. General Fund's 130.15 FTE retirement cost is estimated at \$14,492,168, or \$3,286,524 per year if amortized over five years and the Other Funds of 50.85 FTE cost is estimated at \$2,780,435, \$626,224 per year if amortized over five years.

This action did or will result in freezing many of the vacated positions authorized in the FY 2020-21 adopted budget, and carry forward to the budgets for FY 2021-22 and future years.

BACKGROUND & ANALYSIS: California Government Code Section 20903 allows the City, as part of a budget reduction process, to offer a retirement incentive of two years additional service credit

to eligible employees that elect to retire during a designated window.

The City Council adopted Resolution No. 2020-066 to identify the positions eligible for the two years of additional service credit, and to designate the window period from June 3, 2020 through September 30, 2020. It was the understanding of staff, as communicated to all eligible employees and the City Council, that any eligible employee that terminated their employment with the City between June 4, 2020 (Section 20903 requires that an eligible employee be employed for at least one day within the designated window period) and September 30, 2020, with a retirement effective date no later than October 1, 2020, would receive two years of additional service credit pursuant to Section 20903. It was later determined, through communication with CalPERS, that the foregoing understanding did not conform to Section 20903 in that an eligible employee had to retire, not just separate from employment, between June 4, 2020 and September 30, 2020.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NO. 2020-066 AND APPROVING AN AMENDED AND RESTATED RESOLUTION AUTHORIZING A DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT.

WHEREAS, the City of Ontario is a contracting Public Agency of the California Public Employees' Retirement System (CalPERS); and

WHEREAS, the City of Ontario desires to provide a designated period for Two Years Additional Service Credit, pursuant to California Government Code Section 20903 (Section 20903), based on the contract amendment included in City's contract with CalPERS which provided for Section 20903, Two Years Additional Service Credit, for eligible members as set forth below; and

WHEREAS, on June 2, 2020, the City Council adopted Resolution No. 2020-066 to identify the positions eligible for the two years of additional service credit, and to designate the window period from June 3, 2020 through September 30, 2020; and

WHEREAS, it was the understanding of staff, as communicated to all eligible employees and the City Council, that any eligible employee that terminated their employment with the City between June 4, 2020 (Section 20903 requires that an eligible employee be employed for at least one day within the designated window period) and September 30, 2020, with a retirement effective date no later than October 1, 2020, would receive two years of additional service credit pursuant to Section 20903; and

WHEREAS, it was later determined, through communication with CalPERS, that the foregoing understanding did not conform to Section 20903 in that an eligible employee had to *retire*, not just separate from employment, between June 4, 2020 and September 30, 2020; and

WHEREAS, in consultation with CalPERS and legal counsel, it was determined that in order to conform staff's understanding with the requirements of Section 20903 it is necessary that the City Council rescind Resolution No. 2020-066 and adopt this Resolution in its place to specify the intended designated window period from June 3, 2020 to October 1, 2020 pursuant to Section 20903.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ONTARIO DOES HEREBY RESOLVE AND DECLARE AS FOLLOWS:

SECTION 1. The City Council hereby rescinds, repeals, vacates and sets aside Resolution No. 2020-066 in its entirety.

SECTION 2. Pursuant to Government Code section 20903, the City Council hereby designates the period from June 3, 2020 through October 1, 2020, for eligible members in the following positions:

All classifications in the following Departments (Agencies):

DEPARTMENT (AGENCY)

Community Life and Culture
 Development
 Economic Development
 Financial Services
 Fire Department
 Housing & Neighborhood Preservation
 Human Resources
 Information Technology
 Police Department

All classifications in the following Organizational Unit (Division):

DEPARTMENT(AGENCY)

UNIT (DIVISION)

Management Services:

Office of the City Manager
 Management Services

Ontario Municipal Utilities Company: Utilities Operations*

**(Classifications within Utilities Operations Unit: Utilities Operation Division Manager, Utilities Operation Assistant Division Manager, Utilities Supervisor, Utilities Services Representative, Senior Utilities Technician, Utilities Technician, Utilities Maintenance Worker, Cross Connection Control Specialist)*

Public Works:

Public Works Administration
 Parks & Street Maintenance
 Fleet Services

Classifications in the following Department (Agency) & Organizational Unit (Division):

DEPARTMENT (AGENCY)

ORGANIZATIONAL UNIT(DIVISION)

CLASSIFICATION

Ontario Municipal Utilities Company:

All

Office Specialist

Integrated Waste

Integrated Waste Division Manager
 Integrated Waste Assistant Division Manager
 Integrated Waste Supervisor
 Integrated Waste Lead Collector
 Senior Integrated Waste Lead Collector
 Integrated Waste Collector
 Integrated Waste Welder
 Integrated Waste Maintenance Worker

Public Works: Various

Custodian
Design & Construction Director
Facilities Maintenance Technician
Municipal Services Manager
Public Facilities Maintenance Manager
Senior Facilities Maintenance
Technician

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 2nd day of November 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020-_____ was duly passed and adopted by the City Council of the City of Ontario at a special meeting held November 2, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020-_____ duly passed and adopted by the Ontario City Council at a special meeting held November 2, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)