

**ONTARIO CITY COUNCIL/  
ONTARIO HOUSING AUTHORITY  
MINUTES  
February 6, 2018**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, February 6, 2018, 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 6:02 p.m., 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 6:02 p.m. for discussion of the following:

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. Haliburton International Foods, Inc.*; Case No. CIVDS1613099
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *John Doe, v. City of Ontario*; USDC Case No. 5:17-cv-00682-JGB (SPx)
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. Gastelluberry et al.*; San Bernardino Superior Court, Case No. CIVDS1618853.
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. the Lanting Family LLC et al.*; San Bernardino Superior Court, Case No. CIVDS1618637
- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION - INITIATION OF LITIGATION: One (1) or more cases.
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Donna McKnight v. City of Ontario, et al*; Case No. CIVDS1617594
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Teamsters Local 1932 v. City of Ontario*; Case No. LA-CE-1123-M
- GC 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Scott Ochoa regarding Ontario Police Officers Association (OPOA) and Ontario Police Management Group (OPMG).

## CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Housing Authority meetings to order at 6:36 p.m., and requested the City Clerk call the roll.

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

**ABSENT:** Council/Authority Member: None

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Richard Egger and City Clerk/Secretary Sheila Mautz.

## CLOSED SESSION REPORT

Mayor Leon advised that the Council would be returning to Closed Session following the public portion of the meeting.

City Attorney Egger reported that all but the last Closed Session item listed were discussed, however there were no reportable actions.

The Pledge of Allegiance was led by Council Member Bowman.

*Pastor Mike Urciuoli, Calvary Chapel Ontario*, provided the Invocation.

## PUBLIC COMMENTS

*Peggi Hazlett*, representing the Chamber of Commerce stated that members of their Board of Directors would be making announcements on behalf of the Chamber, and she subsequently introduced Kristine Scott.

*Kristine Scott*, Public Affairs Director for the Gas Company and Chamber Board Secretary, provided an update on Chamber events. She thanked City Manager Ochoa for his presentation at the Chamber event "Vision 2018". She announced Good Morning Ontario to be held on February 7, 2018 at 7:30 a.m. at the Ontario Airport Hotel. She also announced free training for small business owners at the Chamber offices on February 14, 2018, entitled "Marketing your Small Business with Facebook". Finally, she encouraged everyone to save the date for the annual Police Recognition Luncheon on May 8, 2018.

*Helen McAlary and Shawn Thrasher*, representing the Library, shared a new library program entitled "Project Lightspeed at Ontario Library". Library Director McAlary explained that the project was funded with a \$30,000 grant and a donation from the Friends of the Library. She further explained that the intent was to develop a "maker

space” and presented examples of the types of projects that would be developed with 3-D printers, laser cutters, coding opportunities and crickets.

*Elizabeth Stewart* requested assistance with a code enforcement issue involving her property and questioned the City’s policy related to property liens. She explained that she has been doing an extreme makeover of her front yard for two years and was issued a notice of violation. She indicated that she received a citation dated January 11, 2018 for lack of progress on her yard and on January 16, 2018 a lien was placed on her property. She indicated that she has since laid sod and is trying to improve her yard, with the only areas left to do are the parkway areas. She stated that she had already spoken with Code staff and they indicated that they could waive the fine, but she would still need to pay for release of the lien once the property was in compliance. She requested consideration with regard to removing the lien, since she has been making progress. Ms. Stewart was directed to Assistant City Manager Boling for assistance.

## **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Ochoa reported no updates or announcements.

## **CONSENT CALENDAR**

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote to approve the Consent Calendar as presented.

### **1. APPROVAL OF MINUTES**

Approved Minutes for the regular meeting of the City Council and Housing Authority of January 2, 2018, approving same as on file in the Records Management Department.

### **2. BILLS/PAYROLL**

Approved **Bills** for the period December 3, 2017 through December 30, 2017, in the amount of \$24,292,278.94 and **Payroll** for the period December 3, 2017 through December 30, 2017, in the amount of \$6,739,787.33, when audited by the Finance Committee.

### **3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18074 LOCATED SOUTH OF PARKVIEW STREET APPROXIMATELY 780 FEET EAST OF CELEBRATION AVENUE**

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18074 located south of Parkview

Street approximately 780 feet east of Celebration Avenue within the Subarea 29 Specific Plan area.

**RESOLUTION NO. 2018-010** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18074 LOCATED SOUTH OF PARKVIEW STREET APPROXIMATELY 780 FEET EAST OF CELEBRATION AVENUE.

**4. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III)**

City Council adopted an ordinance levying special taxes within City of Ontario Community Facilities District No. 26 (Park Place Facilities Phase III). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on January 16, 2018.

**ORDINANCE NO. 3088** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 26 (PARK PLACE FACILITIES PHASE III).

**MOTION UNANIMOUSLY CARRIED:** Mayor Leon declared City Council Resolution No. 2018-010 and Ordinance No. 3088 unanimously adopted.

**ADMINISTRATIVE REPORTS/DISCUSSION/ACTION**

**5. CONSIDERATION OF REQUEST TO TRANSFER TOWING CARRIER PERMIT OF UNITED ROAD TOWING INC., DBA BILL & WAG'S TOWING, INC.**

City Council consider and make a determination whether to approve a request to transfer a towing carrier permit held by United Road Towing, Inc., dba Bill & Wag's Towing, Inc. to Fleet Sales & Consulting, Inc., dba Bill and Wag's Towing.

City Manager Ochoa highlighted the existing rotational towing program and the current request for transfer of permit.

Mayor Leon noted that the City had contracted with four tow companies for many years, but a while back went to five. He advised that he has had an opportunity to meet Casey Kirk, proprietor of Fleet Sales and has no issue with her; but recalls the prior discussion before Council decided on the need for a fifth company when the airport was taken over. He explained that the towing permits say they are not transferable; but the companies can request a transfer, and it is up to the City Council to decide. He indicated that it was his personal opinion that the City should have at the time remained with four companies, and stressed that he does not

have any knowledge or history of the new company to reflect on. He commented that the City has high standards with regard to service. He expressed that he would like to see this matter come back for consideration after the City sees how the new company operates in the community. He suggested foregoing approval of the transfer at this time.

Council Member Dorst-Porada indicated that she requested statistics from the City Manager to assist her in considering this matter. She indicated that the existing tow companies had about 4,800 vehicle calls in 2016 and about 5,100 in 2017. She further indicated that Bill and Wags dropped off in May, so they have not been towing for over nine months; and she has heard no complaints about the other four companies not being able to pick up the slack.

Mayor pro Tem Wapner asked the City Attorney if the ordinance on this matter limits the consideration to examination of qualifications. City Attorney Egger confirmed that the ordinance on the transfer of existing permits is focused on the qualifications, and does not discuss the additional issues raised this evening. He indicated that it is the Council's prerogative to approve or disapprove the staff recommendation based on the company's qualifications.

Council Member Bowman commented on the discussion that took place when the fifth company was added with regard to oversaturation and competition. He also stressed that Bill and Wags had not performed any services since April of last year.

Mayor pro Tem Wapner inquired if hypothetically we wanted only two or three licenses could we pull other licenses at this time. City Attorney Egger indicated that it was not appropriate at this time. Mayor pro Tem Wapner inquired if it was possible to deny a transfer based on having too many licenses.

City Attorney Egger stressed that this discussion is focused on a request to transfer an existing authorization, not the addition of a new company. He also clarified that the discussion should be focused on the qualifications of the potential transferee. He indicated that the policy issues related to the number of companies would be more properly raised at time of new RFPs, when the existing franchises expire.

Mayor Leon noted that qualifications like the yard and equipment are the simple things, but stressed his issue is the lack of company history. He wants to see time in service and assure the job will be done well.

Mayor pro Tem Wapner concurred with colleagues, but requested assurance from the City attorney that lack of history was a defensible reason for denial. Egger believes it is defensible based on history and qualifications. Other issues are not the basis for a decision.

**MOTION:** Moved by Mayor pro Tem Wapner, seconded Council Member Bowman and carried by unanimous vote to deny the request for transfer, based on the lack of operating history based on the evaluation done by staff.

## **STAFF MATTERS**

City Manager Ochoa had no comments.

## **COUNCIL MATTERS**

Council Member Dorst-Porada announced and Ontario Heritage golf tournament on March 16, 2018 to raise funds for their programs. She also noted that she and Council Member Valencia had participated in an experimental trip to Taiwan in connection with the new Air China flights. She thanked her colleagues on the Council for their overall wisdom and agreeing to disagree.

Mayor pro Tem Wapner noted long-time residents of Ontario who had lost two sons recently Jim and Stewart Otto and expressed appreciation for their family's long term contributions to the community.

Council Member Bowman noted that there has been a proliferation of truck parking on Euclid Avenue from Holt Boulevard to G Street causing a traffic hazard and unintended trimming of trees as the trucks drive under.

Council Member Valencia commented on the recent trip to Taiwan and noted his new found knowledge of the number of local businesses to do business in Asia and stressed the amount of cargo that is and will be transported. He also noted a concern with used mattresses and furniture being dumped along stretches of State Street. He encouraged residents who see something to report it, either via the MyOntario smart phone app or by calling the City. He also encouraged residents to take advantage of the community clean up days which are free of charge at the City's public works facility.

Mayor Leon noted that the City had received the \$35 million TCC Grant, and commended staff member David Sheasby and other staff members' efforts who worked on this grant. He noted that the funds will be used for housing, bike paths, trails and the other improvements in the downtown area. He addressed the issue raised by Elizabeth Stewart and suggested the City consider a yearly contest between neighborhoods to improve the way they look. He suggested recognition of people who have made significant improvements to their homes.

## RETURN TO CLOSED SESSION

The City Council again recessed to Closed Session at 7:22 p.m. for discussion of the following:

- GC 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Scott Ochoa regarding Ontario Police Officers Association (OPOA) and Ontario Police Management Group (OPMG).

The City Council reconvened at 7:45 p.m.

## CLOSED SESSION REPORT

City Attorney Egger reported that the last Closed Session item listed was discussed, however there was no reportable action.

## ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:46 p.m. and announced the next regular meetings to be held on Tuesday, February 20, 2018.

Respectfully submitted,



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SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



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PAUL S. LEON, MAYOR/CHAIRMAN