

**ONTARIO CITY COUNCIL/  
ONTARIO HOUSING AUTHORITY  
MINUTES  
November 20, 2018**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, November 20, 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., with all members present except Council Member Bowman (an excused absence); 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 6:03 p.m. for discussion of the following:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN 1049-054-06; 201 – 215 S. Fern Avenue; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Fern Avenue Rentals, LLC (Mark Lesondak and Joyce Zimmerman); Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Donastorg v. City of Ontario, et al., U.S. District Court, Central District of California, Case No. 5:18-cv-00992 JGB (SPx)*
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Doe v. City of Ontario, et al., Superior Court of the State of California, County of San Bernardino, Case No. CIVDS 1509159*

**CALL TO ORDER – OPEN SESSION**

Mayor Leon called the City Council and Housing Authority meetings to order at 6:30 p.m.

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

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

The Pledge of Allegiance was led by long-time Ontario resident *Rob Branson*.

The Invocation was provided by *Pastor Roberto Flores*, representing Our Lady of Guadalupe.

## **CLOSED SESSION REPORT**

City Attorney Brown reported that the matters listed on the agenda was discussed; however, there was no reportable action.

## **PUBLIC COMMENTS**

*Rob Branson* congratulated the City Council on their recent reelections and noted that he liked seeing the new four-way stops in the downtown residential area. He then expressed concern about the portion of West Vesta Street, where he lives. He explained that there is a large dip that crosses Vesta, and several cars have gone out of control recently as they speed down the street and hit the dip. He requested assistance in addressing this issue.

*Denise Villanueva* congratulated the City Council on the election and further discussed concerns about Vesta Street, noting that many people use Vesta as an alternative to Holt. She stressed the danger to children, noting that the speed limit is 15 mph through the dip, and yet some people travel at an estimated 50 to 60 mph. She presented to the Council photos of damage done by a speeding vehicle that recently landing in her yard. City Manager Ochoa requested that these residents speak with Assistant City Manager Boling for assistance.

*Rudolph (the Red Nosed Reindeer)*, with the assistance of *Recreation/Community Services Manager Kathy Hickey*, invited the community to participate in the annual 5K Reindeer Run to be held on Saturday, December 8, 2018 at Citizens Business Bank Arena. She noted that proceeds from the event will benefit the Ontario-Montclair Promise Scholars Program and the City Recreation Department's Youth Empowerment Scholarship (YES) Program.

*Tom Burciaga* spoke on Veterans' issues and stressed his concerns about PTSD and increases in suicide rates during the holiday season. He encouraged the community to help those in need, bring awareness to the matter; and he wished everyone a Happy Thanksgiving.

## **AGENDA REVIEW/ANNOUNCEMENTS**

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

City Council approved Minutes for the regular meeting of the City Council and Housing Authority of October 16, 2018, as on file in the Records Management Department.

**2. BILLS/PAYROLL**

City Council approved **Bills** for the period September 23, 2018 through October 6, 2018, in the amount of \$16,615,663.94 and **Payroll** for the period September 23, 2018 through October 6, 2018, in the amount of \$3,471,925.24, when audited by the Finance Committee.

**3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19302 LOCATED AT THE SOUTHEAST CORNER OF HOLT BOULEVARD AND VINE AVENUE**

City Council adopted a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19302 located at the southeast corner of Holt Boulevard and Vine Avenue.

**RESOLUTION NO. 2018-153** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19302 LOCATED AT THE SOUTHEAST CORNER OF HOLT BOULEVARD AND VINE AVENUE.

**4. A PROFESSIONAL SERVICES AGREEMENT FOR THE PREPARATION OF AN ACTIVE TRANSPORTATION MASTER PLAN/KOA CORPORATION**

City Council approved a Professional Services Agreement with KOA Corporation of Monterey Park, California, to prepare an Active Transportation Master Plan for \$440,824 plus a 2.5% contingency of \$11,000 for a total authorized expenditure of \$451,824; and authorized the City Manager to execute said agreement and all future amendments.

**5. FISCAL YEAR 2018-19 FIRST QUARTER BUDGET UPDATE REPORT**

City Council approved the budget adjustments and recommendations as listed in the Fiscal Year 2018-19 First Quarter Budget Update Report. In addition, approved the updated and expanded 5-Year Capital Improvement Program for Fiscal Year 2018-19.

**6. RESOLUTIONS UPDATING AUTHORIZED DEPUTY CITY TREASURERS**

City Council adopted resolutions amending the list of Deputy City Treasurers authorized to invest City funds in the Local Agency Investment Fund (LAIF) and in other eligible investment securities.

**RESOLUTION NO. 2018-154** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROVIDING FOR THE INVESTMENT OF INACTIVE FUNDS IN THE LOCAL AGENCY INVESTMENT FUND OF THE CALIFORNIA STATE TREASURY AND HEREBY RESCINDING RESOLUTION NO. 2004-011.

**RESOLUTION NO. 2018-155** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE INVESTMENT OF CITY FUNDS AND HEREBY RESCINDING RESOLUTION NO. 2004-012.

**7. UPDATED INVESTMENT POLICY**

City Council considered and approved an update to the City of Ontario's Investment Policy.

**8. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CERTAIN TERRITORY ANNEXED TO CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES)**

City Council considered and adopted an ordinance levying special taxes within certain territory annexed to City of Ontario Community Facilities District No. 27 (New Haven Services). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on November 6, 2018.

**ORDINANCE NO. 3119** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN CERTAIN TERRITORY ANNEXED TO CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES).

**9. AN ORDINANCE AMENDING CHAPTER 6, TITLE 2, OF THE ONTARIO MUNICIPAL CODE CONCERNING THE PROCUREMENT OF PUBLIC PROJECTS**

City Council considered and adopted an ordinance amending Chapter 6 of Title 2 of the Ontario Municipal Code to amend the formal and informal bidding thresholds. Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on November 6, 2018.

**ORDINANCE NO. 3120** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO AMEND CHAPTER 6 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE CONCERNING THE PROCUREMENT OF PUBLIC PROJECTS.

**10. A DEVELOPMENT IMPACT FEE CREDIT AGREEMENT WITH LENNAR HOMES OF CALIFORNIA**

City Council authorized the City Manager to execute a Development Impact Fee Credit Agreement with Lennar Homes of California for the construction of public infrastructure in the Esperanza East and Esperanza West Projects.

**11. AUTHORIZE THE PURCHASE AND INSTALLATION OF FURNITURE FOR THE PUBLIC WORKS ADMINISTRATION RELOCATION PROJECT/KIRKSEY & CO.**

City Council took the following actions:

- (A) Authorized a cooperative purchase agreement D&C18-005-PW Admin Move – Furniture Purchase and Installation in the amount of \$179,964 for the relocation, acquisition and installation services of furniture and workstations for Public Works Administration from Kirksey & Co., Inc. of Irvine, California, consistent with the terms and conditions of the National IPA 2017 Contract R142208;
- (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 the agreement, and the addition of future acquisitions or services that are consistent with the City Council approved budgets.

**12. PROFESSIONAL SERVICES AGREEMENT FOR UT1018 - NORTH VINEYARD SANITARY SEWER MAIN PROJECT FEASIBILITY STUDY/STANTEC CONSULTING SERVICES, INC.**

City Council approved and authorized the City Manager to execute a Professional Services Agreement with Stantec Consulting Services, Inc. of Irvine, California, for UT1018 - North Vineyard Sanitary Sewer Main Project Feasibility Study in the amount of \$148,500, plus a 15% contingency of \$22,275, for a total authorized amount of \$170,775.

**13. CONSTRUCTION CONTRACT FOR WATER MAIN IMPROVEMENTS IN EUCLID AVENUE AND HOLT BLVD/C.P. CONSTRUCTION CO.**

City Council approved the plans and specifications and award Contract No. UT 1617-08 to C.P. Construction Co., Inc. of Ontario, CA, for Water Main Improvements in Euclid Avenue and Holt Blvd., OMUC Contract No. UT 1617-08, in the amount of \$4,495,662 plus a 15% contingency of \$674,350, for a total amount of \$5,170,012; and authorized the City Manager to execute said contract

and file a Notice of Completion at the conclusion of all construction activities related to the project.

**14. A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN THE BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM FOR FISCAL YEAR 2018-19 FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVER (CALRECYCLE)**

City Council adopted a resolution approving the submittal of an application for approximately \$44,000 through the Beverage Container Recycling City/County Payment Program for Fiscal Year 2018-19, and authorized the City Manager or his designee to execute all necessary documents to participate in the program.

**RESOLUTION NO. 2018-156** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION TO PARTICIPATE IN THE BEVERAGE CONTAINER RECYCLING CITY/COUNTY PAYMENT PROGRAM FOR FISCAL YEAR 2018-19 FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

**15. PURCHASE OF ROLL-OFF CONTAINERS**

City Council awarded Bid No. 1009 for the purchase of roll-off containers in an amount not to exceed \$200,000 from Consolidated Fabricators, Corp. of Van Nuys, California.

**MOTION UNANIMOUSLY CARRIED:** Mayor Leon declared Resolution Nos. 2018-153, 2018-154, 2018-155 and 2018-156 and Ordinance Nos. 3119 and 3120 unanimously adopted by those present, with Council Member Bowman absent.

**PUBLIC HEARINGS**

**16. A RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF A FEE INTEREST IN A WELL SITE SITUATED ON REAL PROPERTY LOCATED ON THE NORTH SIDE OF CHINO AVENUE WEST OF ARCHIBALD AVENUE**

City Council adopted a Resolution of Necessity for a fee interest in a well site situated on real property located on the north side of Chino Avenue, west of Archibald Avenue for public health and safety reasons and the removal of blight.

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

There were two 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 Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote of those present with Council Member Bowman absent, to adopt Resolution No. 2018-157.

**RESOLUTION NO. 2018-157** A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF A FEE INTEREST IN CERTAIN REAL PROPERTY LOCATED ON THE NORTH SIDE OF CHINO AVENUE, WEST OF ARCHIBALD AVENUE.

**17. A PUBLIC HEARING TO CONSIDER FILE NO. PHP18-027, A HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A DESIGNATED HISTORIC PROPERTY, LOCATED AT 122 EAST EL MORADO COURT**

City Council considered and adopted a resolution approving and authorizing the City Manager to enter into a Historic Preservation Agreement (Mills Act contract) for File No. PHP18-027, 122 East El Morado Court (APN: 1048-242-02).

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

There were no written communications.

Council Member Dorst-Porada requested a presentation on this item. City Manager Ochoa explained the Mills Act process for preservation of historic properties. Executive Director, Development Murphy provided details on the Glenn D. Smith house located in the El Morado Court Historic District. He explained that the applicant plans to make about \$55,800 in improvements to the home including windows, roof, stucco repair, electrical upgrades and insulation. He noted that this will be the City's 73rd Mills Act property and detailed the cost breakdown which results in the City receiving \$13 worth of improvement for every dollar in tax break. He clarified that this was not a program that gave the property owner money up front, but rather it was a reduction in property taxes.

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 Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote of those present with Council Member Bowman absent, to adopt Resolution No. 2018-158.



**RESOLUTION NO. 2018-158** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP18-027, AND AUTHORIZING THE CITY OF ONTARIO TO ENTER INTO A HISTORIC PROPERTY PRESERVATION AGREEMENT WITH TARA MARIE JESSUP, FOR THE PROPERTY LOCATED AT 122 EAST EL MORADO COURT (APN: 1048-242-02).

**18. A PUBLIC HEARING TO CONSIDER A CITY INITIATED GENERAL PLAN AMENDMENT (FILE NO. PGPA18-006) TO ADD TEXT TO THE ONTARIO PLAN (TOP) EXHIBIT LU-01 - LAND USE PLAN, REGARDING PARKLAND IN THE ONTARIO RANCH AREA**

City Council adopted a resolution approving a General Plan Amendment (File No. PGPA18-006), proposing the addition of a note to Exhibit LU-01- Land Use Plan of The Ontario Plan clarifying that the locations of park facilities in Ontario Ranch are conceptual and referring to Figure PR-1 Park Facilities Map for the locations of existing and proposed parks.

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 Valencia, seconded by Council Member Wapner and carried by unanimous vote of those present with Council Member Bowman absent, to adopt Resolution No. 2018-159.

**RESOLUTION NO. 2018-159** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA18-006, A GENERAL PLAN AMENDMENT TO ADD TEXT TO THE ONTARIO PLAN (TOP) EXHIBIT LU-01 - LAND USE PLAN REGARDING PARKLAND IN THE ONTARIO RANCH AREA, AND MAKING FINDINGS IN SUPPORT THEREOF—APN: N/A. (LAND USE ELEMENT CYCLE 3 FOR THE 2018 CALENDAR YEAR).

**19. APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA18-004 TO INCREASE THE ALLOWABLE BUILDING/STRUCTURE HEIGHT FROM 55 FEET TO 80 FEET WITHIN THE IH (HEAVY INDUSTRIAL) ZONING DISTRICT**

City Council considered and:

- (A) Adopted a resolution approving an addendum to The Ontario Plan Environmental Impact Report certified, by City Council on January 27, 2010; and



- (B) Introduced and waived further reading of an ordinance approving File No. PDCA18-004.

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 Wapner inquired if 80 feet was the highest possible allowance and if it was high enough. Development Director Murphy indicated that it was sufficient for a two story, and it could go higher, but staff does not see that as being necessary. He clarified the request, noting that there are already existing structures that exceed the current limit.

**MOTION:** Moved by Mayor pro Tem Wapner, seconded by Council Member Dorst-Porada and carried by unanimous vote of those present with Council Member Bowman absent, to adopt Resolution No. 2018-160; and Introduce and waive further reading of Ordinance No. 3121.

**RESOLUTION NO. 2018-160** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, FOR FILE NO. PDCA18-004.

**ORDINANCE NO. 3121** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-004, A DEVELOPMENT CODE AMENDMENT TO INCREASE THE ALLOWABLE BUILDING/STRUCTURE HEIGHT FROM 55 FEET TO 80 FEET WITHIN THE IH (HEAVY INDUSTRIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF.

## **STAFF MATTERS**

City Manager Ochoa commented that since it was November 20, it was officially his one year anniversary with the City, and thanked the City Council and management team for the opportunity.

He further recognized Executive Director of Public Works Mark Chase for his 32 years of service to the City, and noted his upcoming retirement. He thanked Chase for his exceptional career both as an employee and as a resident of the City.

## COUNCIL MATTERS

Council Member Valencia congratulated his fellow Council Members on their victories in the recent election. He noted recent events in the news involving fires and a military individual and encouraged everyone to look after neighbors and family members. He stressed that many are in need of a friend and encouraged everyone to notify appropriate authorities. He also recognized the Ontario Lowe's for donating \$8,000 in materials and labor to replace the stands at Jay Littleton Ball Park. He wished everyone a Happy Thanksgiving.

Mayor pro Tem Wapner noted the presence of City Treasurer Jim Milhiser at the meeting. He congratulated City Manager Ochoa on passing his probation and Mark Chase on his retirement. He noted Mark Chase's high level of involvement in the community and the thousands of trees he had planted over the years. Wapner stressed the incredible imprint Mark had made on the community and thanked him for his commitment to public service.

Council Member Dorst-Porada thanked Mark Chase for his assistance with the Museum and specifically the accreditation process. She announced upcoming events in the community including the Christmas Tree Lighting at Town Square on November 30, 2018, and the Holiday Sing to celebrate the Nativity Scenes at the Jack Mercer bandstand on December 15, 2018. She requested that with regard to Item 13 of this agenda, that it be timed so it does not conflict with the car show on July 4<sup>th</sup>. She thanked City Manager Ochoa for his contributions to the community so far and looked forward to his future efforts.

Mayor Leon commented on the issues Veterans face with PTSD when returning from battle and noted that after Korea and WWII it was referred to as battle fatigue. He stressed the need to recognize when someone is suffering and noted that his eldest brother was never the same after returning home from Vietnam. Mayor Leon then commented on his love for music and noted that the Southland Symphony Orchestra in Ontario is spectacular. He thanked Dr. Sylvia Lee Mann for leading that orchestra and encouraged everyone to experience them. He noted the many dimensions of the arts in the community and suggested bringing them all together to display them for the community. He noted the upcoming band "Noise of Rumors" and projected their future success. He commended City Manager Ochoa on his first year and noted he is happy to have him here. He wished everyone a Happy Thanksgiving and cheered the success of the Los Angeles Rams.

**ADJOURNMENT**

Mayor Leon adjourned the meetings of the Joint Agencies at 7:07 p.m. and announced the next regular meetings to be held on Tuesday, December 4, 2018.

Respectfully submitted,



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SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



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PAUL S. LEON, MAYOR/CHAIRMAN