

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
November 19, 2019**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, November 19, 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 6:01 p.m., with all members present, except Mayor pro Tem Valencia.

Mayor Leon announced the litigation matters for discussion, as listed on the agenda and inquired whether persons were present who wished to speak to the Closed Session items. Hearing no one, the City Council with Mayor pro Tem Valencia absent, recessed to Closed Session at 6:02 p.m. for discussion of the following:

- GC 54956.9 (d)(2) and (e)(3), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *Two cases.*
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario, et al v. The Lanting Family, LLC, et al. San Bernardino Superior Court Case No. CIVDS1618637*

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
Council/Authority Members: Alan D. Wapner, Jim W. Bowman and Debra Dorst-Porada

ABSENT: Mayor pro Tem/Vice Chairman: Ruben Valencia

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

The Pledge of Allegiance was led by *Council Member Bowman.*

The Invocation was provided by *Pastor John Heary* representing Turning Point International Ministries.

CLOSED SESSION REPORT

City Attorney Huber reported that there was no reportable action from the Closed Session discussion.

PUBLIC COMMENTS

Jason Gladden, representing the Greater Ontario Business Council, discussed the benefits and contributions of small businesses to the community. He encouraged everyone to Shop Small and Shop Local on Saturday, November 29, 2019.

Karen Haughey, representing County Supervisor Curt Hagman, invited everyone to the Supervisor's Holiday Open House on December 5, 2019 at his Chino Hills district office.

AGENDA REVIEW/ANNOUNCEMENTS

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

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Council Member Wapner and carried by unanimous vote of those present, with Mayor pro Tem Valencia 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 October 15, 2019, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** October 11, 2019 through October 31, 2019, in the amount of \$33,803,743.96 and **Payroll** September 29, 2019 through October 26, 2019, in the amount of \$7,614,814.62, when audited by the Finance Committee.

3. AN ORDINANCE AMENDING CHAPTER 31 OF TITLE 5 OF THE ONTARIO MUNICIPAL CODE RELATING TO SIDEWALK VENDING

City Council considered and adopted an ordinance amending Chapter 31 of Title 5 of the Ontario Municipal Code to establish an application process for sidewalk vendors to obtain required permits in order to conduct business.

ORDINANCE NO. 3146 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 31 OF TITLE 5 OF THE ONTARIO MUNICIPAL CODE RELATING TO SIDEWALK VENDING.

4. A CONSTRUCTION CONTRACT FOR TRAFFIC SIGNAL MODIFICATIONS ON VINEYARD AVENUE AT SIXTH STREET AND GROVE AVENUE AT FRANCIS STREET/CALIFORNIA PROFESSIONAL ENGINEERING, INC.

City Council approved the plans and specifications and awarded a construction contract with California Professional Engineering, Inc. of La Puente, California, for the modification of traffic signals on Vineyard Avenue at Sixth Street and Grove Avenue at Francis Street in the bid amount of \$140,568 plus a fifteen percent (15%) contingency of \$21,085, for a total authorized expenditure of \$161,653; and authorized the City Manager to execute said contract and all related documents, and file a notice of completion at the conclusion of all construction activities.

5. AN AMENDMENT TO THE COOPERATIVE AGREEMENT FOR THE SR-60 AT ARCHIBALD AVENUE INTERCHANGE PROJECT/SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY (SBCTA)

City Council approved Amendment No. 3 in the amount of \$755,380 to Cooperative Agreement R14138 (15-1001150) with San Bernardino County Transportation Authority (SBCTA) for funding the State Route 60 (SR-60) at Archibald Avenue Interchange Project (Project); and authorize the City Manager to execute said agreement and future amendments within the authorization limits.

6. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19904 LOCATED AT THE SOUTHWEST CORNER OF MERRILL AVENUE AND ARCHIBALD AVENUE

City Council considered and adopted a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19904 located at the southwest corner of Merrill Avenue and Archibald Avenue within the Colony Commerce Center East Specific Plan area.

RESOLUTION NO. 2019-156 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19904 LOCATED AT THE SOUTHWEST CORNER OF MERRILL AVENUE AND ARCHIBALD AVENUE.

7. A MAINTENANCE SERVICE AGREEMENT FOR CUSTODIAL SERVICES AT VARIOUS CITY LOCATIONS/MERCHANTS BUILDING MAINTENANCE

City Council authorized the City Manager to execute a three-year Maintenance Services Agreement with Merchants Building Maintenance, of Pomona, California, for an estimated cost of \$963,590; and authorized the addition of future service areas; and authorized the option to extend the agreement for up to two additional years, consistent with City Council approved budgets.

8. PRE-AUTHORIZED LIST OF VENDORS TO PROVIDE SPECIALIZED PERSONAL PROTECTIVE EQUIPMENT AND MAINTENANCE

City Council approved the following list of pre-authorized vendors to provide personal protective equipment and maintenance services for emergency equipment for the Fire Department.

Sole Source Vendors – Allstar Fire Equipment, Inc; Bauer Compressors; Safariland, LLC; LN Curtis & Sons; Med-Eng, LLC; Sunbadge Co.

Non-Sole Source Vendors - Firefighter Safety Center; Fisher Scientific Corporation; CMC Rescue Inc.; High Threat Innovations; Xeros High Performance, Inc.; Ensemble Care Maintenance; Galls Inc.; Fire Innovations; Municipal Emergency Services; Cascade Fire Equipment; Eco-Absorb Technology, Inc.; Vincent Communications; Perimeter Solutions; Tactical Medical Solutions; Gear Grid LLC; Line Gear Fire & Rescue Equipment; High Energy Sports; 3D Chemical & Equipment Inc.; Don Wolf and Associates, Inc.

9. ORDINANCES TO ADOPT THE 2018 INTERNATIONAL FIRE CODE AND 2019 CALIFORNIA STATE FIRE AND BUILDING CODES

City Council:

- (A) Adopted an ordinance amending Chapter 4, Title 4 of the Ontario Municipal Code entitled "Fire Code" adopting by reference, with certain amendments, additions, deletions, and exceptions, the 2018 International Fire Code and the 2019 California Fire Code (California Code of Regulations, Title 24, Part 9); and
- (B) Adopted an ordinance amending Chapters 1, 2, 3, 4, 5, 6, 7, 11, and 12 of Title 8 of the Ontario Municipal Code to adopt the California Building Standards Code.

ORDINANCE NO. 3147 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE; ADOPTING BY REFERENCE WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND CHANGES THERETO, THE 2019 CALIFORNIA FIRE CODE AND THE 2018 INTERNATIONAL FIRE CODE, PROVIDING FOR THE RECOVERY OF COSTS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 3062 OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA

ORDINANCE NO. 3148 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 11, AND 12 OF TITLE 8 OF THE ONTARIO MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCORPORATING THE 2019 CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA MECHANICAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA PLUMBING CODE, THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 1997 EDITION OF THE UNIFORM HOUSING CODE, AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; TOGETHER WITH CERTAIN AMENDMENTS THERETO.

10. APPROVAL OF SECOND AMENDMENT TO THE 2007 JACK GALVIN MOBILE HOME PARK ACCORD

City Council approved a five-year extension and the Second Amendment to the 2007 Jack Galvin Mobile Home Park Accord between the City of Ontario and owners of the mobile home parks within the City of Ontario and establishing maximum rent adjustments.

11. RESOLUTIONS APPROVING TIME EXTENSIONS FOR TENTATIVE TRACT MAP NOS. 18026 (FILE NO. PMTT11-003) AND 18027 (FILE NO. PMTT11-002) LOCATED WITHIN THE WEST HAVEN SPECIFIC PLAN

City Council considered and adopted resolutions approving a five-year time extension for:

- (A) Tentative Tract Map 18026 (File No. PMTT11-003) to subdivide 19.73 acres of land into 102 residential lots and 10 lettered lots, within the Planning Area 4 (3,825 Min. Sq. Ft. Lots) of the West Haven Specific Plan, located at the northwest corner of Haven Avenue and Chino Avenue (APN 0218-151-11); and

- (B) Tentative Tract Map 18027 (File No. PMTT11-002) to subdivide 29 acres of land into 94 residential lots and 5 lettered lots, within the Planning Area 8 (4,250 Min. Sq. Ft. Lots) of the West Haven Specific Plan, located at the northwest corner of Haven Avenue and Schaefer Avenue (APN 0218-151-38).

RESOLUTION NO. 2019-157 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE-YEAR TIME EXTENSION FOR FILE NO. PMTT11-002 (TT18027), SUBDIVIDING 29 ACRES OF LAND INTO 94 RESIDENTIAL LOTS AND 5 LETTERED LOTS, WITHIN PLANNING AREAS 8 (4,250 MIN. S.F. LOTS) OF THE WEST HAVEN SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND SCHAEFER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-151-38.

RESOLUTION NO. 2019-158 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIVE-YEAR TIME EXTENSION FOR FILE NO. PMTT11-003 (TT18026), SUBDIVIDING 19.73 ACRES OF LAND INTO 102 RESIDENTIAL LOTS AND 10 LETTERED LOTS, WITHIN PLANNING AREAS 4 (3,825 MIN. S.F. LOTS) OF THE WEST HAVEN SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND CHINO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-151-11.

12. A PROFESSIONAL SERVICE AGREEMENT FOR THE PREPARATION OF THE ONTARIO GREAT PARK MASTER PLAN/SWA GROUP

City Council authorized the City Manager to execute a Professional Services Agreement not to exceed \$402,500 with SWA Group, a California Corporation, of Laguna Beach, California, to prepare the Ontario Great Park Master Plan, and approved any future budget adjustments necessary to complete the Master Plan.

13. A WATER PURCHASE AGREEMENT WITH GENON CALIFORNIA SOUTH LP

City Council approved and ratified the City Manager's execution of a water purchase agreement with GenOn California South LP, a Delaware limited partnership (as successor-in-interest to NRG California South LP), for the permanent transfer of overlying groundwater rights and stored water in the amount of \$14,100,000.

14. APPROVAL OF YOUTH SPORTS LEAGUE LICENSE AGREEMENTS FOR THE USE OF CITY PARKS AND FACILITIES

City Council approved and authorized the City Manager to execute one-year License Agreements between the City of Ontario and local youth baseball, softball and soccer organizations for the use of City parks and facilities.

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared Ordinance Nos. 3146, 3147 and 3148 and Resolution Nos. 2019-156 through 2019-158 unanimously adopted by those present, with Mayor pro Tem Valencia absent.

PUBLIC HEARINGS

15. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES); ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS; AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

City Council considered and:

- (A) Adopted a resolution establishing Community Facilities District No. 46 (Avenue 176 Facilities), authorizing the levy of special taxes within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopted a resolution deeming it necessary to incur bonded indebtedness within Community Facilities District No. 46 (Avenue 176 Facilities);
- (C) Adopted a resolution calling a special election for City of Ontario Community Facilities District No. 46 (Avenue 176 Facilities);
- (D) Adopted a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien;
- (E) Introduced and waived further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 46 (Avenue 176 Facilities); and
- (F) Adopted a resolution authorizing the execution and delivery of an acquisition and funding agreement with Lennar Homes of California Inc., a California corporation.

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 Council Member Dorst-Porada and carried by unanimous vote of those present, with Mayor pro Tem Valencia absent, to adopt Resolution Nos. 2019-159 through 2019-161.

RESOLUTION NO. 2019-159 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. 2019-160 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES).

RESOLUTION NO. 2019-161 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES).

Assistant City Clerk Kasad opened the one ballot and advised that it was in support of the formation of Community Facilities District No. 46.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote of those present, with Mayor pro Tem Valencia absent, to adopt Resolution No. 2019-162.

RESOLUTION NO. 2019-162 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote of those present, with Mayor pro Tem Valencia absent, to introduce and waive further reading of Ordinance No. 3149.

ORDINANCE NO. 3149 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES).

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote of those present, with Mayor pro Tem Valencia absent, to adopt Resolution No. 2019-163.

RESOLUTION NO. 2019-163 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH LENNAR HOMES OF CALIFORNIA, INC.

STAFF MATTERS

City Manager Ochoa had no comments.

COUNCIL MATTERS

Council Member Dorst-Porada expressed hopes that everyone was enjoying the holiday decorations downtown and thanked the Convention Center non-profit for providing them. She noted that the Christmas on Euclid Experience and the 5k Reindeer Run would be held on December 14, 2019. She also commented on the success of the Ontario Heritage potluck the previous weekend.

Council Member Wapner wished everyone a good Thanksgiving.

Mayor Leon commented on the success of the Unidos Por La Musica event on Sunday, November 15, 2019, noting that the non-profit distributed 300 turkeys to needy families.

Council Member Bowman wished everyone a Happy Thanksgiving and noted the City Tree Lighting Ceremony to be held on December 6, 2019.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 6:43 p.m. to the next regular meetings to be held on Tuesday, December 3, 2019.

Respectfully submitted,


SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:


PAUL S. LEON, MAYOR/CHAIRMAN