

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
February 4, 2020**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday February 4, 2020, 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 5:32 p.m., with all members present.

Mayor Leon announced the 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 recessed to Closed Session at 5:33 p.m. for discussion of the following:

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Krechmery v. City of Ontario, et al., U.S. District Court, Central District of California, Case No. 5:19-cv-00015-JGB-SPx*
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1048-551-10 through 1048-551-13; 308 North Euclid Avenue, 334 North Euclid Avenue, 116 East D Street, 127 East C Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: Kendrew Development, LLC, a Limited Liability Corporation; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1048-562-01; 215 West C Street; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: United Christian Church of Hacienda Heights; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1048-562-02; 235 North Laurel Avenue; City/Authority Negotiator: Scott Ochoa or his designee; Negotiating parties: RMEICH, LLC; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One case.*
- GC 54957, PUBLIC EMPLOYEE PERFORMANCE EVALUATION: *City Attorney*

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Housing Authority meetings to order at 6:43 p.m.

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

ABSENT: Council/Authority Members: None

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

REPORT ON CLOSED SESSION

City Manager Ochoa advised that there were no reportable actions from the Closed Session discussions, except that regarding the last item listed, the City Council directed staff to conduct a request for proposals for City Attorney services.

The Pledge of Allegiance was led by Council Member Bowman.

The Invocation was provided by *Pastor Mike Schrieb*, representing Bible Baptist Church International.

PUBLIC COMMENTS

Hope Bilderein, as Team Captain for the City of Ontario Relay for Life campaign, provided information on the number of new cancer cases reported on an annual basis and noted that today is National Cancer Day. She announced a Fundraiser being presented by Wendy's Restaurant on Tuesday, February 11th from 11:30 a.m. to 2:30 p.m. and encouraged everyone to eat at Wendy's in support of the fundraiser.

Dan LeBouf, Board Member for the Greater Ontario Business Council, discussed the availability of aviation jobs in the area. He noted a recent O.I.A.A. event for students and stressed the potential for the airport to be a great career launch pad. He thanked the City Council for their work and support of the airport.

Karen Haughey, representing Supervisor Curt Hagman wished everyone a Happy New Year and invited the City Council and the Community to two events this month including a Community Information Meeting for residents of the unincorporated areas of the County on February 10, 2020 from 6:00 p.m. to 7:30 p.m. at Chino Police Department. She also announced a Shredding event at Montclair City Hall on February 29, 2020 from 9:00 a.m. to Noon. She noted that residents are limited to five boxes of materials to shred per vehicle. She also noted that they will provide information on preventing identity theft.

AGENDA REVIEW/ANNOUNCEMENTS

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

CONSENT CALENDAR

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote 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 January 7, 2020, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period January 3, 2020 through January 16, 2020, in the amount of \$35,694,338.10 and **Payroll** for the period December 22, 2019 through January 4, 2020, in the amount of \$3,799,992.72, when audited by the Finance Committee.

3. A SECOND AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH ONTARIO MILLS LIMITED PARTNERSHIP TO ALLOW FOR THE CONTINUED PROVISION OF POLICE AND PUBLIC SAFETY SERVICES AT THE ONTARIO MILLS MALL

City Council:

- (A) Authorized the City Manager to execute a second amendment extending for three years certain terms of the Disposition and Development Agreement (“DDA”) with Ontario Mills Limited Partnership, as successor in interest to The Mills Corporation, allowing for the City’s continued provision of police and public safety services after the expiration of the original DDA dated December 21, 1994 and first amendment which expired December 31, 2019; and
- (B) Consistent with certain terms and conditions of the DDA, authorized the billing of fees in the amount of \$75,000 for each six-month period that such police and public safety services are rendered at the Ontario Mills Mall.

- 4. AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA15-003) BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC, MODIFYING REQUIREMENTS FOR THE COMMENCEMENT AND COMPLETION OF THE DEFERRED FRONTAGE IMPROVEMENTS ASSOCIATED WITH TRACT MAP 18937 (FILE NO. PMTT17-002), LOCATED AT THE NORTHEAST CORNER OF ARCHIBALD AVENUE AND ONTARIO RANCH ROAD, WITHIN PLANNING AREA 7 OF THE AVENUE SPECIFIC PLAN (APNS: 0218-972-01 THROUGH 81; 0218-973-01 THROUGH 16; 0218-974-01 THROUGH 93; AND 0218-975-01 THROUGH 52)**

City Council considered and adopted an ordinance approving the First Amendment to the Development Agreement (File No. PDA15-003) between the City of Ontario and BrookCal Ontario, LLC, modifying requirements for the commencement and completion of the deferred frontage improvements associated with Tract Map 18937 (File No. PMTT17-002). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on January 21, 2020.

ORDINANCE NO. 3154 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA15-003) BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC, MODIFYING REQUIREMENTS FOR THE COMMENCEMENT AND COMPLETION OF THE DEFERRED FRONTAGE IMPROVEMENTS ASSOCIATED WITH TRACT MAP 18937 (FILE NO. PMTT17-002), LOCATED AT THE NORTHEAST CORNER OF ARCHIBALD AVENUE AND ONTARIO RANCH ROAD, WITHIN PLANNING AREA 7 OF THE AVENUE SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: AS SHOWN IN EXHIBIT A (ATTACHED).

- 5. ACCEPTANCE OF WRITTEN PETITIONS TO CREATE A COMMUNITY FACILITIES DISTRICT; A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES; AND A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

City Council considered and:

- (A) Accepted written petitions from LS ONTARIO LLC, a Delaware limited liability company and ARROYO CAP VII, LLC, a Delaware limited liability company, to create a Community Facilities District, and to waive certain procedural matters under the Mello-Roos Community Facilities Act of 1982;

- (B) Adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 53 (Tevelde Facilities) (the “CFD”) and authorized the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, March 17, 2020; and
- (C) Adopted a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 53 (Tevelde Facilities).

RESOLUTION NO. 2020-011 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. 2020-012 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES).

6. CONSTRUCTION CONTRACT FOR THE REPLACEMENT AND INSTALLATION OF TREMCO ROOF SYSTEMS AT VARIOUS CITY FACILITIES/SAN MARINO ROOF CO., INC.

City Council awarded Bid No. 1217 and approved a Construction Contract with San Marino Roof Co., Inc. of Fullerton, California, for the replacement and installation of new Tremco Roof Systems at Fire Station No. 6 (\$230,483), Integrated Waste (\$87,465), and Creekside Park Restroom (\$30,432), in the amount of \$348,380 plus a 10% contingency of \$34,838 for a total amount of \$383,218; authorized the City Manager to execute said contract and authorized the filing of the notice of completion at the conclusion of all construction activities related to the project.

7. A CONSTRUCTION CONTRACT FOR RECYCLED WATER IMPROVEMENTS FOR THE CREEKSIDE COMMUNITIES AND HAVEN AVENUE IN ONTARIO RANCH/NORSTAR PLUMBING AND ENGINEERING, INC.

City Council approved the plans and specifications and award Contract No. UT 1035 to Norstar Plumbing and Engineering, Inc. of Alta Loma, California, for the construction of Recycled Water Improvements for the Creekside Communities and Haven Avenue in Ontario Ranch in the amount of \$3,027,726 plus a 15% contingency of \$454,159, for a total contract amount of \$3,481,885; 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.

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared Ordinance No. 3154 and Resolution Nos. 2020-011 and 2020-012 adopted.

PUBLIC HEARINGS

8. A PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING THE DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM

City Council introduced and waived further reading of an ordinance establishing the Development Impact Fee Deferral Program.

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 Valencia and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3156

ORDINANCE NO. 3156 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING THE DEVELOPMENT IMPACT FEE (“DIF”) DEFERRAL PROGRAM.

9. PURCHASE AND IMPLEMENTATION OF AUTOMATED LICENSE PLATE RECOGNITION SYSTEM

City Council received public comment prior to the purchase and implementation of an automated license plate recognition (ALPR) system and authorized the City Manager to execute an agreement with The Flock Group of Dallas, Texas in the amount of \$48,000 for the purchase, installation, and recurring subscription services.

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.

At the request of Mayor Leon, City Manager Ochoa explained that this action would provide cameras that read license plates at 24 high traffic locations in the City. He further noted that although this is a minimal cost item, State law requires a public hearing prior to the use of the cameras.

MOTION: Moved by Council Member Wapner, seconded by Council Member Valencia and carried by unanimous vote to authorize the City Manager to execute an agreement with The Flock Group of Dallas, Texas in the amount of \$48,000 for the purchase, installation and recurring subscription services.

STAFF MATTERS

No comments.

COUNCIL MATTERS

Council Member Valencia reminded the community that the coming weekend would be Yard Sale Weekend, and noted that for unsold items, February 15, 2020 would be Community Clean up Day and noted that information was available on the City's website. He noted an Ontario Youth Activities League (OYAL) soccer clinic in collaboration with the Ontario Fury for about 80 kids to participate with professional soccer players. He noted that he is pleased with the work that staff is doing and noted that he would be presenting a certificate received from Senator Connie Leyva.

Council Member Bowman commented on the Super Bowl.

Council Member Wapner had no comments.

Mayor pro Tem Dorst-Porada thanked the City and Chaffey museums for the Art of Sam Maloof Exhibit. She stressed the number of positive responses she received to the event. She also noted an upcoming opening at the museum and encouraged people to apply. She announced the upcoming Ontario Heritage potluck on Sunday, February 9, 2020. Regarding the yard sale weekend, she noted that leftover books and DVD's could be donated to the library.

Mayor Leon commented on the Esperanza Scholarship program and their joint efforts with the Promise Scholars program. He noted that this year they were challenged to find funds for 130 qualified students and expressed pride the programs available in the City.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:00 p.m. to the next regular meetings to be held on Tuesday, February 18, 2020.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN