

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
December 3, 2019**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday December 3, 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 6:04 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 6:04 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*
- GC 54956.95 CONFERENCE WITH LEGAL COUNSEL, *San Bernardino Workers' Compensation Appeals Board, EAMS Case No. ADJ11152576*

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Housing Authority meetings to order at 6:44 p.m.

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

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 Attorney Huber advised that there were no reportable actions from the Closed Session discussions.

The Pledge of Allegiance was led by Council Member Wapner

The Invocation was provided by *Pastor Ernest Benion Jr.*, representing The Church of God.

PUBLIC COMMENTS

Jason Gladden, representing the Greater Ontario Business Council, discussed Giving Tuesday and the needs and contributions of non-profit organizations to the community.

AGENDA REVIEW/ANNOUNCEMENTS

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

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Valencia 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 November 5, 2019, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period November 1, 2019 through November 14, 2019, in the amount of \$126,660.39 and **Payroll** for the period October 27, 2019 through November 9, 2019, in the amount of \$3,810,664.89, when audited by the Finance Committee.

3. A MEMORANDUM OF ACKNOWLEDGEMENT OF EXPIRATION OF A WILLIAMSON ACT CONTRACT FOR CERTAIN PROPERTIES LOCATED ON THE NORTH SIDE OF MERRILL AVENUE, BETWEEN VINEYARD AND CARPENTER AVENUES (APNS: 0218-261-29 AND 0218-261-37)

City Council approved a Memorandum of Acknowledgement of Expiration; authorized the City Manager to execute the document; and direct recordation of said document.

4. FISCAL YEAR 2019-20 FIRST QUARTER BUDGET UPDATE REPORT

City Council approved the budget adjustments and recommendations as listed in the Fiscal Year 2019-20 First Quarter Budget Update Report.

5. A RESOLUTION AUTHORIZING A FIRST AMENDMENT TO ACQUISITION AND FUNDING AGREEMENT WITH STG COMMUNITIES II, LLC

City Council considered and adopted a resolution to authorize the execution of a First Amendment to Acquisition and Funding Agreement between the City and STG Communities II, LLC to provide for the acquisition of completed public facilities constructed by STG Communities II, LLC with the proceeds of Community Facilities District No. 42 (CFD No. 42 – West Haven) special tax bonds.

RESOLUTION NO. 2019-164 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO ACQUISITION AND FUNDING AGREEMENT WITH STG COMMUNITIES II, LLC.

6. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 46 (AVENUE 176 FACILITIES)

City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 46 (Avenue 176 Facilities). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on November 19, 2019.

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 UNANIMOUSLY CARRIED: Mayor Leon declared Resolution No. 2019-164 and Ordinance No. 3149 adopted.

PUBLIC HEARINGS

7. A PUBLIC HEARING REGARDING AN ECONOMIC DEVELOPMENT SUBSIDY REPORT AND OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND VF OUTDOOR, LLC PURSUANT TO GOVERNMENT CODE SECTION 53083; AND CONSIDERATION OF A RESOLUTION ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT, APPROVING THE OPERATING COVENANT AGREEMENT AND MAKING RELATED FINDINGS

City Council took the following actions:

- (A) Held the public hearing;
- (B) Adopted a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding an Operating Covenant Agreement (on file in the Records Management Department) by and between the City of Ontario and VF Outdoor, LLC., hereinafter referred to as “VF Outdoor”;
- (C) Adopted a resolution approving the Operating Covenant Agreement and authorizing the City Manager to execute the Agreement, and making related findings; and
- (D) Directed City staff to file a Notice of Exemption based upon the City Council’s finding that the impacts for this agreement is not a project and subject to environmental review and that there is no possibility that the activity in question may have a significant effect on the environment.

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 Mayor pro Tem Valencia and carried by unanimous vote to adopt Resolution No. 2019-165.

RESOLUTION NO. 2019-165 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083 REGARDING THE DEVELOPMENT OF A WAREHOUSE AND DISTRIBUTION CENTER BY VF OUTDOOR, LLC IN THE CITY OF ONTARIO AND APPROVING AN OPERATING COVENANT AGREEMENT.

8. A PUBLIC HEARING TO CONSIDER FOUR HISTORIC PROPERTY PRESERVATION AGREEMENTS (FILE NOS. PHP19-004, PHP19-007, PHP19-008 AND PHP19-010) FOR FOUR DESIGNATED HISTORIC PROPERTIES

Council Member Bowman indicated that he could not participate in this discussion due to property ownership in the subject area and excused himself from the Council Chambers.

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City Council considered and adopted resolutions approving and authorizing the City Manager to enter into Historic Preservation Agreements (Mills Act contract) for the following properties:

- File No. PHP19-004, 205 East Sixth Street (APN: 1047-241-03), Darius Long
- File No. PHP19-007, 408 West Armsley Square (APN: 1047-341-09), Jason and Maria Lawliss
- File No. PHP19-008, 130 East J Street (APN: 1048-071-05), Peter Bugbee
- File No. PHP19-010, 907 North Euclid Avenue (APN: 1048-043-13), John Aylng and Dianne Fife

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

There were no written communications.

Executive Director of Development Murphy provided an overview of the proposed properties as follow:

The Robert N. Williams House, 205 East Sixth Street, is Local Landmark No. 82, with improvement value of \$57,350, potential savings of \$19,950 and reduction in City Revenue over 10 years of \$3,350.

The Stephen A. Craig House, 408 West Armsley Square, in the Armsley Square Historic District, with improvement value of \$78,497, potential savings of \$30,060 and reduction in City revenue over 10 years of \$5,050.

The C.E. Pratt House, 130 East J Street, in the Rosewood Court Historic District, with improvement value of \$53,400, potential savings of \$29,800 and reduction in City revenue over 10 years of \$5,006.

The Captain John P. Robertson House, 907 North Euclid Avenue, Local Landmark No. 40. With improvement value of \$141,200, potential savings of \$20,870 and reduction in City revenue over 10 years of \$3,506.

He indicated that this will bring the total Mills Act contracts to 77, at an estimated 10-year total cost to the City of \$230,560 for an estimated \$3,162,975 in investments and improvements.

Mayor Leon opened the public hearing asking those persons interested in this item to speak. Hearing no one, Mayor Leon closed the public hearing.

Council Member Wapner inquired about the reported property owners' tax savings and whether they represented only the City's portion, and not the County and State portion. Staff confirmed. He further questioned the age requirement of properties

to qualify for the Mills Act. Staff indicated that the property would generally need to be at least 50 years old and also subject to specific criteria.

MOTION: Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Valencia and carried by a vote to 4 to 0 with Council Member Bowman abstaining to adopt Resolution Nos. 2019-166 through 2019-169.

RESOLUTION NO. 2019-166 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP19-004, AND AUTHORIZING THE CITY OF ONTARIO TO ENTER INTO A HISTORIC PROPERTY PRESERVATION AGREEMENT WITH DARIUS LONG, FOR THE PROPERTY LOCATED AT 205 EAST SIXTH STREET (APN: 1047-241-03).

RESOLUTION NO. 2019-167 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP19-007, AND AUTHORIZING THE CITY OF ONTARIO TO ENTER INTO A HISTORIC PROPERTY PRESERVATION AGREEMENT WITH JASON AND MARIA LAWLISS, FOR THE PROPERTY LOCATED AT 408 WEST ARMSLEY SQUARE (APN: 1047-341-09).

RESOLUTION NO. 2019-168 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP19-008, AND AUTHORIZING THE CITY OF ONTARIO TO ENTER INTO A HISTORIC PROPERTY PRESERVATION AGREEMENT WITH PETER BUGBEE, FOR THE PROPERTY LOCATED AT 130 EAST J STREET (APN: 1048-071-05).

RESOLUTION NO. 2019-169 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PHP19-010, AND AUTHORIZING THE CITY OF ONTARIO TO ENTER INTO A HISTORIC PROPERTY PRESERVATION AGREEMENT WITH JOHN AYLYNG AND DIANNE FIFE, FOR THE PROPERTY LOCATED AT 907 NORTH EUCLID AVENUE (APN: 1048-043-13).

9. CONSIDERATION OF A SPENDING PLAN FOR CITIZEN'S OPTION FOR PUBLIC SAFETY / ENHANCING LAW ENFORCEMENT ACTIVITIES SUBACCOUNT GRANT PROGRAM

City Council received public comment for the Fiscal Year 2019-20 Citizen's Option for Public Safety (COPS) / Enhancing Law Enforcement Activities Subaccount (ELEAS) Grant; and approved the proposed spending plan.

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 Mayor pro Tem Valencia, seconded by Council Member Bowman and carried by unanimous vote to approve the proposed spending plan for Citizen's Option for Public Safety/Enhancing Law Enforcement Activities Subaccount Grant Program.

STAFF MATTERS

No comments.

COUNCIL MATTERS

Mayor pro Tem Valencia reminded everyone to exercise safety during the holiday season and noted he observed people shopping at the Ontario Mills mall and leaving their purchases in plain view in the back seats of their cars. He stressed that there are opportunists who will take advantage of that situation and encouraged everyone to not be a victim.

Council Member Bowman invited everyone to participate in the annual Stuff a Bus Toy Drive to be held at Mathis Bros. Furniture on Friday, December 6, 2019 from 4:00 a.m. to 6:00 p.m. He also congratulated staff for overseeing a beautiful project on Euclid Avenue which included installation of a recycled water line with a street overlay afterward.

Council Member Dorst-Porada reminded the community of the annual 5k Reindeer Run, Christmas on Euclid Experience, and the Kiwanis Pancake Breakfast all to be held on December 14, 2019 in downtown.

Council Member Bowman commented on the incoming rains and inquired where residents could obtain sandbags. City Manager Ochoa responded that sandbags were available at all fire stations and sand was available at any of three designated parks: John Galvin Park, De Anza Park and Anthony Munoz Park.

Mayor Leon noted that Niagara Water is a local business that assisted the City in rehabilitating Creekside Park a few years ago. He further noted that after some vandalism to park equipment, Niagara paid approximately \$35,000 for new, replacement playground equipment for kids in the area.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:05 p.m. to the next regular meetings to be held on Tuesday, December 17, 2019.

Respectfully submitted,


SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:


PAUL S. LEON, MAYOR/CHAIRMAN