

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
DECEMBER 1, 2020**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, December 1, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

SPECIAL AND URGENT ANNOUNCEMENT

In accordance with the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20), the Ontario City Council Meetings are being conducted via teleconference to limit in-person attendance at meetings of the City of Ontario City Council and Housing Authority.

Members of the public were advised to utilize alternative measures to view the City Council meetings and/or to address the Mayor and City Council Members.

The meeting was live broadcast on local cable Channel 3, as well as internet live streamed at www.ontarioca.gov/Agendas/CityCouncil.

CALL TO ORDER - CLOSED SESSION

Mayor Leon called the City Council/Housing Authority meetings to order at 5:33 p.m.

ROLL CALL

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

ABSENT:	Council/Authority Members	None
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Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran, and City Clerk/Secretary Sheila Mautz (all participating via teleconference).

CLOSED SESSION

Mayor Leon inquired whether persons were present who wished to speak to the Closed Session items. Hearing no one, City Attorney Duran announced the matters for discussion, as listed on the agenda and the City Council recessed to Closed Session at 5:33 p.m. for discussion of the following:

- GC 54957, PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
Employee: Gricelda Perez
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 0210-204-12 through 0210-204-15, 0210-204-20 through 0210-204-23, 0210-204-38 and 0210-204-39; City Negotiator: Scott Ochoa or his designee; Negotiating parties: American General Design, Inc. (d/b/a Adept Development); Under negotiation: Price and terms of payment.

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Ontario Housing Authority meetings to order at 6:34 p.m.

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

ABSENT: Council/Authority Members: None

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Ruben Duran and City Clerk/Secretary Sheila M. Mautz (all participating via teleconference).

REPORT ON CLOSED SESSION

City Attorney Duran announced Council considered the first item for Closed Session, GC 54957, PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE regarding employee: Gricelda Perez and on a vote of 4-1, with Council Member Valencia opposed, Council took action to grant the City's appeal of the hearing officer's decision and upheld the employee termination. There were no further reportable actions.

The Pledge of Allegiance was led by Council Member Bowman.

Mayor Leon led a moment of silent reflection in lieu of the Invocation.

PUBLIC COMMENTS

Assistant City Clerk Isbell reported that there were no written comments presented. There was one web submission as follows:

Anthony Pace, regarding AIDS awareness and a request for flashing streetlights one block east and west of Fourth Street and Mountain Avenue.

Assistant City Clerk Isbell further reported that there was one caller as follows:

D'Andre Lampkin, thanked residents for continual support of his food pantry and announced how people can donate to his holiday toy drive.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa announced the need to report salaries and compensations regarding Item No. 10. City Manager Ochoa noted the recognition of the City Treasurer, Director of Finance and the respective team that works on the City's investments and trust funds.

CONSENT CALENDAR

Mayor Leon called on City Attorney Duran regarding Item No. 10. City Attorney Duran noted this was an announcement in accordance with GC 54953§(C)(3); Economic Development Director base salary range \$13,029 – \$15,837 per month, Assistant General Manager Administration and Customer Service and Assistant General Manager Integrated Waste \$10,804 - \$15,837 per month, Innovation Performance and Audit Director \$10,804 - \$15,084 per month, Budget Director salary range \$10,804 – \$13,130 per month. He further announced salary modifications for the Assistant City Clerk/Director of Records Management and the Communication and Community Relations Director with a new base salary of \$10,804 - \$15,084 per month, and a salary modification for Housing Director with a base salary of \$10,478 – \$12,733 per month. For each of these positions, the benefits packet equates to approximately \$3,000 per month.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous roll call vote of those present, to approve the Consent Calendar as presented.

1. APPROVAL OF MINUTES

City Council approved Minutes for the special meeting of the City Council and Housing Authority of November 2, 2020 and the regular meeting of the City Council and Housing Authority of November 3, 2020.

2. BILLS/PAYROLL

City Council approved **Bills** for the period October 30, 2020 through November 12, 2020 in the amount of \$18,232,951.54 and **Payroll** for the period October 25, 2020 through November 7, 2020 in the amount of \$3,458,399.99 when audited by the Finance Committee.

3. AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT (FILE NO. PDA20-001) BETWEEN THE CITY OF ONTARIO AND ONTARIO SCHAEFER HOLDINGS, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20298 (FILE NO. PMTT19-015), A 10.49-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF LA AVENIDA DRIVE AND MANITOBA PLACE, WITHIN THE PROPOSED LOW-MEDIUM DENSITY RESIDENTIAL LAND USE DISTRICT OF THE AVENUE SPECIFIC PLAN (APN: 0218-652-27)

The City Council considered and adopted an ordinance approving the Development Agreement (File No. PDA20-001) between the City of Ontario and Ontario Schaefer Holdings, LLC., to establish the terms and conditions for the development of Tentative Tract Map 20298 (File No. PMTT19-015), a 10.49 - acre property located at the northeast corner of La Avenida Drive and Manitoba Place, within the proposed Low-Medium Density Residential land use district of The Avenue Specific Plan (APN: 0218-652-27). First introduced at a regular meeting Council Meeting on November 17, 2020.

ORDINANCE NO. 3171 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA20-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO SCHAEFER HOLDINGS, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE TRACT MAP 20298 (FILE NO. PMTT19-015), A 10.49 ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF LA AVENIDA DRIVE AND MANITOBA PLACE, WITHIN THE PROPOSED LOW-MEDIUM DENSITY RESIDENTIAL LAND USE DISTRICT OF THE AVENUE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-652-27.

4. A ZONE CHANGE (FILE NO. PZC19-002) ON 41.35 ACRES OF LAND, FROM LDR-5 (LOW DENSITY RESIDENTIAL (2.1 TO 5.0 DU/AC)), CC (COMMUNITY COMMERCIAL), AND SP (SPECIFIC PLAN), TO 33.75 ACRES OF IL (LIGHT INDUSTRIAL) AND 7.6 ACRES OF CC (COMMUNITY COMMERCIAL) ZONED LAND AND A SPECIFIC PLAN AMENDMENT (FILE NO. PSPA19-010) RESCINDING THE TUSCANA VILLAGE SPECIFIC PLAN. THE PROJECT SITE IS LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE (APNS: 1083-361-01, 1083-361-04 AND 1083-361-07)

The City Council considered and adopted an ordinance approving a Zone Change (File No. PZC19-002) on 41.35 acres of land from LDR-5 (Low Density Residential – 2.1 to 5.0 dwelling units per acre), CC (Community Commercial), and SP (Specific Plan) to 33.75 acres of IL (Light Industrial) and 7.6 acres of CC (Community Commercial) zoned land and a Specific Plan Amendment (File No. PSPA19-010) rescinding the Tuscana Village Specific Plan. First introduced at a regular meeting Council Meeting on November 17, 2020.

ORDINANCE NO. 3172 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NOS. PZC19-002 AND PSPA19-010, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION ON 41.35 ACRES OF LAND FROM LDR-5 (LOW DENSITY RESIDENTIAL - 2.1 TO 5.0 DU/AC), CC (COMMUNITY COMMERCIAL), AND SP (SPECIFIC PLAN) TO 33.75 ACRES OF IL (LIGHT INDUSTRIAL) AND 7.6 ACRES OF CC (COMMUNITY COMMERCIAL) ZONED LAND AND A SPECIFIC PLAN AMENDMENT RESCINDING THE TUSCANA VILLAGE SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 1083-361-01, 1083-361-04 AND 1083-361-07.

5. **AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT (FILE NO. PDA19-001) BETWEEN THE CITY OF ONTARIO AND EUCLID LAND VENTURE, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20016 (FILE NO. PMTT18-011), AN 85.6-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF MERRILL AVENUE AND EUCLID AVENUE, WITHIN THE INDUSTRIAL AND BUSINESS PARK LAND USE DISTRICTS OF THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN (APNS: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 AND 1054-281-03**

The City Council considered and adopted an ordinance approving the Development Agreement (File No. PDA19-001) between the City of Ontario and Euclid Land Venture, LLC., to establish the terms and conditions for the development of Tentative Parcel Map 20016 (File No. PMTT18-011), an 85.6-acre property located at the northeast corner of Merrill Avenue and Euclid Avenue, within the Industrial and Business Park land use districts of the Ontario Ranch Business Park Specific Plan (APNs: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 and 1054-281-03. First introduced at a regular meeting Council Meeting on November 17, 2020.

ORDINANCE NO. 3173 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA19-001, A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND EUCLID LAND VENTURE, LLC., TO ESTABLISH THE TERMS AND CONDITIONS FOR THE DEVELOPMENT OF TENTATIVE PARCEL MAP 20016 (FILE NO. PMTT18-011), A 85.6-ACRE PROPERTY LOCATED AT THE NORTHEAST CORNER OF MERRILL AVENUE AND EUCLID AVENUE, WITHIN THE INDUSTRIAL AND BUSINESS PARK LAND USE DISTRICTS OF THE ONTARIO RANCH BUSINESS PARK SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: 1054-011-01, 1054-011-02, 1054-011-04, 1054-021-01, 1054-021-02, 1054-271-01, 1054-271-02, 1054-271-03, 1054-281-01, 1054-281-02 AND 1054-281-03.

6. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE)

The City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 57 (Neuhouse). First introduced at a regular meeting Council Meeting on November 17, 2020.

ORDINANCE NO. 3174 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 57 (NEUHOUSE).

7. A DEVELOPMENT CODE AMENDMENT PROPOSING TO: [1] REVISE CURRENT PROVISIONS REGARDING THE REGULATION OF ACCESSORY DWELLING UNITS AND RESCIND AN URGENCY ORDINANCE PREVIOUSLY APPROVED BY THE CITY COUNCIL ON JANUARY 21, 2020; [2] REVISE CURRENT MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT PROVISIONS TO FACILITATE THE ESTABLISHMENT OF THE DOWNTOWN DISTRICT PLAN; [3] ESTABLISH PROVISIONS REGULATING THE DEVELOPMENT OF SMALL LOT INFILL SUBDIVISIONS; [4] REVISE PROVISIONS REGULATING MASSAGE SERVICES AND MASSAGE ESTABLISHMENTS, AND ESTABLISHING AN ADMINISTRATIVE APPROVAL PROCEDURE FOR MASSAGE ESTABLISHMENTS; AND [5] ADJUST AND CLARIFY CERTAIN DEVELOPMENT CODE PROVISIONS WITHIN CHAPTER 2.0 (ADMINISTRATION AND PROCEDURES), CHAPTER 3.0 (NONCONFORMING LOTS, LAND USES, STRUCTURES, AND SIGNS), CHAPTER 5.0 (ZONING AND LAND USE), CHAPTER 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), CHAPTER 7.0 (HISTORIC PRESERVATION), CHAPTER 8.0 (SIGN REGULATIONS), AND CHAPTER 9.0 (DEFINITIONS AND GLOSSARY)

The City Council considered and adopted an ordinance (first introduced at a regular meeting Council Meeting on November 17, 2020), approving File No. PDCA18-003, a Development Code Amendment proposing to:

- A. Revise current provisions regarding the regulation of accessory dwelling units and rescind an urgency ordinance previously approved by the City Council on January 21, 2020;
- B. Revise current MU-1 (Downtown Mixed Use) zoning district provisions to facilitate the establishment of the Downtown District Plan;
- C. Establish provisions regulating the development of small lot infill subdivisions;
- D. Revise provisions regulating massage services and massage establishments, and establishing an administrative approval procedure for massage establishments; and
- E. Adjust and clarify certain Development Code provisions within Chapter 2.0 (Administration and Procedures), Chapter 3.0 (Nonconforming Lots, Land Uses, Structures, and Signs), Chapter 5.0 (Zoning and Land Use), Chapter 6.0 (Development and Subdivision Regulations), Chapter 7.0 (Historic Preservation), Chapter 8.0 (Sign Regulations), and Chapter 9.0 (Definitions and Glossary).

ORDINANCE NO. 3175 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA18-003, A DEVELOPMENT CODE AMENDMENT PROPOSING TO: [1] REVISE CURRENT PROVISIONS REGARDING THE REGULATION OF ACCESSORY DWELLING UNITS AND RESCIND AN URGENCY ORDINANCE PREVIOUSLY APPROVED BY THE CITY COUNCIL ON JANUARY 21, 2020; [2] REVISE CURRENT MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT PROVISIONS TO FACILITATE THE ESTABLISHMENT OF THE DOWNTOWN DISTRICT PLAN; [3] ESTABLISH PROVISIONS REGULATING THE DEVELOPMENT OF SMALL LOT INFILL SUBDIVISIONS; [4] REVISE PROVISIONS REGULATING MASSAGE SERVICES AND MASSAGE ESTABLISHMENTS, AND ESTABLISHING AN ADMINISTRATIVE APPROVAL PROCEDURE FOR MASSAGE ESTABLISHMENTS; AND [5] MODIFY, ADJUST, AND CLARIFY CERTAIN DEVELOPMENT CODE PROVISIONS WITHIN CHAPTER 2.0 (ADMINISTRATION AND PROCEDURES), CHAPTER 3.0 (NONCONFORMING LOTS, LAND USES, STRUCTURES, AND SIGNS), CHAPTER 5.0 (ZONING AND LAND USE), CHAPTER 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), CHAPTER 7.0 (HISTORIC PRESERVATION), CHAPTER 8.0 (SIGN REGULATIONS), AND CHAPTER 9.0 (DEFINITIONS AND GLOSSARY), AND MAKING FINDINGS IN SUPPORT THEREOF.

8. STORMWATER PERMIT PARTICIPATION AND JOINT DEFENSE AGREEMENT

The City Council approved and authorized the City Manager to execute the Municipal Separate Storm Sewer System (MS4) Stormwater Permit Participation and Joint Defense Agreement between San Bernardino County, City of Ontario, the County Flood Control District, and fifteen co-permittee agencies.

9. APPROVAL OF THE UPDATED INVESTMENT POLICY (2020)

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

10. FISCAL YEAR 2020-21 FIRST QUARTER BUDGET UPDATE REPORT

The City Council approved the budget adjustments and recommendations as listed in the Fiscal Year 2020-21 First Quarter Budget Update Report.

11. A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

The City Council adopted a resolution continuing the Proclamation of Local Emergency for the 2020 Coronavirus Pandemic until further notice with an update scheduled for the December 15, 2020 City Council Meeting, unless canceled sooner.

RESOLUTION NO. 2020-202 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE CONTINUED EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE ALL NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

12. AWARD OF A CONSTRUCTION CONTRACT TO CP CONSTRUCTION, INC., FOR THE SAN ANTONIO AVENUE WATER TRANSMISSION MAIN, PHASE 1

The City Council approved the plans and specifications and award Contract No. UT 1013 to CP Construction, Inc. of Ontario, California, for the construction of the San Antonio Avenue Water Transmission Main, Phase 1, in the amount of \$1,900,210 plus a 15% contingency of \$285,032, for a total amount of \$2,185,242; and authorize the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.

13. AWARD OF A CONSTRUCTION CONTRACT TO E.L. ENGINEERING CORP., FOR ON-CALL PLUMBING SERVICES

The City Council authorized the City Manager to execute a three-year Construction Contract with E.L. Engineering Corp., of La Verne, California, for on-call plumbing services in the amount of \$450,000; and authorize the option to extend the agreements for up to two additional years.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

14. INTRODUCTION OF AN ORDINANCE ADDING SECTION 2-10.09, "ELECTRONIC FILING OF CAMPAIGN DISCLOSURE STATEMENTS AND STATEMENTS OF ECONOMIC INTEREST," TO THE CITY OF ONTARIO MUNICIPAL CODE

The City Council introduced and waived further reading of an Ordinance adding Section 2-10.09 to the Ontario Municipal Code – Electronic Filing of Campaign Disclosure Statements and Statements of Economic Interest.

ORDINANCE NO. 3176 (First Reading) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 10 OF TITLE 2, ADDING NEW SECTION 2-10.09 TO THE ONTARIO MUNICIPAL CODE, RELATING TO ELECTRONIC FILING OF CAMPAIGN STATEMENTS AND STATEMENTS OF ECONOMIC INTERESTS AND FINDING THE ACTION EXEMPT FROM CEQA.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous roll call vote of those present to introduce Ordinance No. 3176.

STAFF MATTERS

City Manager Ochoa made no announcements.

COUNCIL MATTERS

Council Member Valencia extended his condolences for the Leon family.

Council Member Bowman thanked staff for a successful Tree Lighting ceremony.

Mayor pro Tem Dorst-Porada thanked staff for the expedient debris removal after high winds knocked tree branches down and announced several local charities seeking donations for the holidays.

Council Member Wapner extended his condolences for the Leon family.

Mayor Leon spoke of his mother's health and her current state. He also made request for Board and Commission applications from residents who are interested in serving the community.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 6:58 p.m. to the next regular meetings to be held on Tuesday, December 15, 2020.

Respectfully submitted,


SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:


PAUL S. LEON, MAYOR/CHAIRMAN