

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
March 17, 2020**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday March 17, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

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
Mayor pro Tem/Vice Chairman: Debra Dorst-Porada
Council/Authority Members: Alan D. Wapner and
Ruben Valencia

ABSENT: Council/Authority Members: Jim W. Bowman

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 Mayor pro Tem Dorst-Porada.

Pastor Mike Urciuoli, representing Calvary Chapel Ontario provided the Invocation.

PUBLIC COMMENTS

City Manager Ochoa noted that a public comment had been received through the City's website from Miriam L. Carrillo regarding the topic of COVID-19 and noted that issue would be addressed later in the meeting.

D'Andre Lampkin discussed the 2020 Census and stressed the importance of an accurate count to ensure the proper allocation of federal funding to the City. He reminded the community that the information could be provided by mail, phone or on-line and ultimately provides a voice for the residents.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa indicated that he had declared a State of Emergency on Saturday, March 14, 2020, after the posting of the agenda for this meeting. He explained that his action required ratification by the City Council and requested that the City Council add this as an urgency matter to this agenda.

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote of those present, with Council Member Bowman absent, to add the following item to the agenda:

A RESOLUTION RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY FOR THE 2020 CORONAVIRUS PANDEMIC

Fire Chief Gayk and Fire Administrative Manager Villwock provided an overview of the COVID-19 pandemic and the City's preparations to date. Chief Gayk explained that the City has a three-tier plan for response as follows:

Phase 1 – Confirmed Community spread in United States

Phase 2 – Confirmed case in San Bernardino County and/or Local Emergency proclaimed.

Phase 3 – Confirmed community spread in Ontario or contiguous city; or confirmed City employee case.

He detailed the proposed responses for each phase including issues such as the City's sick leave policies, travel policies, telecommuting policies, as well as considerations for public gatherings and meetings, continuity of services and potential activation of the Emergency Operations Center.

Chief Gayk requested that the City Council adopt the resolution confirming the Emergency Proclamation and explained that it would enhance the City's ability to mobilize local resources, coordinate interagency responses, accelerate procurement of vital supplies and potentially seek reimbursements if emergency funds are made available.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote of those present, with Council Member Bowman absent, to adopt Resolution No. 2020-027.

RESOLUTION NO. 2020-027 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY AND DIRECT THE EMERGENCY ORGANIZATION OF THE CITY OF ONTARIO TO TAKE THE NECESSARY STEPS FOR THE PROTECTION OF LIFE, HEALTH AND SAFETY IN THE CITY OF ONTARIO.

CONSENT CALENDAR

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

1. APPROVAL OF MINUTES

City Council approved Minutes for the regular meeting of the City Council and Housing Authority of February 18, 2020, and the special meeting of the City Council and Housing Authority of February 22, 2020, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period February 14, 2020 through February 27, 2020 in the amount of \$10,490,396.52 and for the period **Payroll** February 2, 2020 through February 15, 2020 in the amount of \$3,731,839.24, when audited by the Finance Committee.

3. DOWNTOWN ONTARIO RESTAURANT/BREWERY EQUIPMENT REBATE PROGRAM GUIDELINES AND APPLICATION

City Council:

- (A) Considered and approved the adoption of the Downtown Ontario Restaurant/Brewery Equipment Rebate Program Guidelines; and
- (B) Authorized the City Manager to make any necessary program adjustments and execute all necessary documents to implement the Downtown Ontario Restaurant/Brewery Equipment Rebate Program.

4. A CONSTRUCTION CONTRACT FOR THE ATP CYCLE III SAFE ROUTES TO SCHOOL PEDESTRIAN IMPROVEMENTS PROJECT

City Council approved the plans and specifications and awarded a construction contract with Epsilon Engineering of Moreno Valley, California, for the ATP Cycle III Safe Routes to School Pedestrian Improvements Project (ST1717) in the amount of \$697,921 plus a fifteen percent (15%) contingency of \$104,689, for a total authorized expenditure of \$802,610 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. A CONSTRUCTION CONTRACT FOR THE BRIDGE PREVENTATIVE MAINTENANCE PROGRAM

City Council approved the plans and specifications and awarded a construction contract with Truesdell Corporation of California, Inc. of Tempe, Arizona, for the Bridge Preventative Maintenance Program (BPMP) in the amount of \$897,897 plus a fifteen percent (15%) contingency of \$134,685, for a total authorized expenditure of \$1,032,582; 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.

6. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GOODWIN CONSULTING GROUP FOR ANNUAL TAX ADMINISTRATION OF THE CITY'S COMMUNITY FACILITIES DISTRICTS

City Council authorized the City Manager to execute an amendment to the professional services agreement with Goodwin Consulting Group of Sacramento, California, in the amount of \$395,000 for annual tax administration of the City's Community Facilities Districts (CFDs).

7. PROFESSIONAL SERVICES AGREEMENT FOR HAZARDOUS MATERIALS COLLECTION AND DISPOSAL SERVICES

City Council awarded Contract No. 1242 to Environmental Logistics, Inc. of Bloomington, California, and authorized the City Manager to execute a one-year agreement for hazardous materials collection and disposal services with the option to extend for up to three additional one-year periods.

8. AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR EMPLOYEE SUPPORT SERVICES AND COUNSELING SERVICES

City Council authorized the City Manager to execute Amendment No. 3 adding \$100,000 to the existing Professional Services Agreement with The Counseling Team International (TCTI) for employee support services, for a revised contract authority of \$200,000 and extending the contract term to June 30, 2021.

9. AUTHORIZED THE PURCHASE OF COMPUTER NETWORK EQUIPMENT

City Council took the following actions:

- (A) Awarded Bid No. 1264 and authorized the purchase of server room network equipment from Dell Inc. of Round Rock, Texas, in the amount of \$309,923, and
- (B) Awarded Bid No. 1255 and authorized the purchase of access network equipment from Computacenter Fusionstorm of Westwood, Massachusetts, in the amount of \$115,108.

10. 2019 HOUSING ELEMENT ANNUAL PROGRESS REPORT

City Council considered and adopted a resolution authorizing staff to transmit the 2019 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

RESOLUTION NO. 2020-017 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE 2019 HOUSING ELEMENT ANNUAL PROGRESS REPORT (FILE NO. PADV20-001) AND AUTHORIZING STAFF TO SUBMIT THE REPORT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE OFFICE OF PLANNING AND RESEARCH.

11. AWARD OF A CONSTRUCTION CONTRACT FOR THE DEMOLITION AND RENOVATION OF THE ANTHONY MUNOZ COMMUNITY CENTER

City Council took the following actions:

- (A) Rejected AMG's protest against Hamel Contracting, Inc for D&C18-004 Anthony Munoz Community Center Renovation.
- (B) Authorized the City Manager to execute Construction Contract No. D&C18-004 Anthony Munoz Community Center Renovation with Hamel Contracting, Inc. of Murrieta, California, for the demolition and renovation of the Anthony Munoz Community Center in the amount of \$11,442,004.
- (C) Authorized a project reserve in the amount of \$1,105,725 for Furnishings, Fixtures and Equipment to provide items such as program relocation, material testing, additional design fees, and furnishings.
- (D) Authorized a 15% contingency of \$1,716,300 to address any unforeseen issues that may arise during construction: and
- (E) Authorized the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, assessments, easements, reduction of retention accounts, and filing of a notice of completion at the conclusion of all construction related activities.

12. A RESOLUTION APPROVING THE SUBMITTAL OF AN APPLICATION FOR A LOCAL GOVERNMENT WASTE TIRE CLEANUP GRANT (FISCAL YEAR 2020-21) 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 \$45,000 for a Local Government Waste Tire Cleanup Grant (Fiscal Year 2020-21) from CalRecycle and authorized the City Manager or his designee to execute all necessary documents to participate in the program.

RESOLUTION NO. 2020-018 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION FOR THE WASTE TIRE CLEANUP GRANT PROGRAM (FISCAL YEAR 2020-21) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

13. EXTENSION OF TOWING SERVICE AGREEMENTS

City Council authorized the City Manager to extend the existing towing services agreements with Certified Towing, Inc., Dietz Towing, Inc., Fogelsong Towing and Storage, Inc.; United Road Service, DBA Bill and Wags, Inc., and Pepe's Towing Services, Inc., through June 30, 2020.

14. RESOLUTIONS AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION AND ESTABLISHING AN ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES POLICY FOR DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) GRANT PROGRAMS

City Council took the following actions:

- (A) Adopted a resolution authorizing the submittal of an Illegal Disposal Site Abatement Grant Program application and all eligible grant programs with CalRecycle effective for five years from the date of adoption.
- (B) Adopted a resolution to establish an Environmentally Preferable Purchasing and Practices Policy as required for CalRecycle grant programs; and
- (C) Authorized the City Manager to execute any documentation necessary for the implementation and completion of the program including, but not limited to, applications, agreements, amendments, and payment requests.

RESOLUTION NO. 2020-019 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF ONTARIO IS ELIGIBLE.

RESOLUTION NO. 2020-020 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING AN ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES POLICY.

MOTION CARRIED BY A UNANIMOUS VOTE OF THOSE PRESENT WITH COUNCIL MEMBER BOWMAN ABSENT: Mayor Leon declared Resolution Nos. 2020-017 through 2020-020 adopted.

PUBLIC HEARINGS

15. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE 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. 53 (Tevelde 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. 53 (Tevelde Facilities).
- (C) Adopted a resolution calling a special election for City of Ontario Community Facilities District No. 53 (Tevelde 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. 53 (Tevelde Facilities); and
- (F) Adopted a resolution authorizing the execution and delivery of an acquisition and funding agreement with LS-Ontario LLC, a Delaware 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 Mayor pro Tem Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote of those present, with Council Member Bowman absent, to adopt Resolution Nos. 2020-021, 2020-022 and 2020-023.

RESOLUTION NO. 2020-021 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO.53 (TEVELDE 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. 2020-022 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. 53 (TEVELDE FACILITIES).

RESOLUTION NO. 2020-023 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES).

Assistant City Clerk Kasad opened the two ballots received on this matter and reported that both were in favor of formation of the proposed Community Facilities District.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote of those present, with Council Member Bowman absent, to adopt Resolution No. 2020-024.

RESOLUTION NO. 2020-024 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 Mayor pro Tem Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote of those present, with Council Member Bowman absent, to introduce and waive further reading of Ordinance No. 3158.

ORDINANCE NO. 3158 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 53 (TEVELDE FACILITIES).

MOTION: Moved by Council Member Valencia, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote of those present, with Council Member Bowman absent, to adopt Resolution No. 2020-025.

RESOLUTION NO. 2020-025 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT WITH LS-ONTARIO LLC.

16. **A PUBLIC HEARING TO CONSIDER THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY (“CMFA”), IN AN AMOUNT NOT TO EXCEED \$25,000,000, TO FINANCE AND REFINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF CERTAIN RESIDENTIAL LIVING, ASSISTED LIVING AND SKILLED NURSING COMPONENTS OF A CONTINUING CARE RETIREMENT COMMUNITY, LOCATED AT 1950 SOUTH MOUNTAIN AVENUE, AND THE PROPERTIES ADJACENT THERETO, ALL FOR THE SAME USE, OWNED AND OPERATED BY INLAND CHRISTIAN HOME, INC. (“ICH”)**

City Council:

- (A) Conducted a public hearing under the requirements of the Tax and Equity Fiscal Responsibility Act (“TEFRA”) and the Internal Revenue Code of 1986 as amended (the “Code”); and
- (B) Adopted a resolution approving the issuance of the bonds by the CMFA for the benefit of Inland Christian Home, a California nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, or a subsidiary or affiliate thereof (the “Borrower”), to provide for the financing and refinancing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following). The resolution will also authorize the City Manager or his designee to execute the Joint Exercise of Powers Agreement with CMFA.

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 Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote of those present, with Council Member Bowman absent, to adopt Resolution No. 2020-026.

RESOLUTION NO. 2020-026 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING, AUTHORIZING, AND DIRECTING THE EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY, APPROVING THE ISSUANCE OF QUALIFIED 501(C)(3) BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF CERTAIN COMPONENTS OF A CONTINUING CARE RETIREMENT COMMUNITY, AND PROPERTIES ADJACENT THERETO, ALL FOR THE SAME USE, TO BE OWNED AND OPERATED BY INLAND CHRISTIAN HOME, INC. AND LOCATED IN THE CITY OF ONTARIO AND CERTAIN OTHER MATTERS PERTAINING THERETO.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

17. PREPARATION OF A DESIGN BUILD RFP PACKAGE FOR A PARKING STRUCTURE ON C-BLOCK

City Council authorized the City Manager to direct Transtech Engineers, Inc., to prepare a design-build Request for Proposal (RFP) package for a parking structure to be located on the downtown C-Block with an estimated cost for the effort of \$105,000.

City Manager Ochoa explained that this was related to the construction of a 350-car parking garage between C and D Streets.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote of those present, with Council Member Bowman absent, to authorize the City Manager to direct Transtech Engineers, Inc. to prepare a design-build Request for Proposal package.

STAFF MATTERS

City Manager Ochoa asked residents to regularly tune in to the City's website at www.ontarioca.gov/coronavirus for updates regarding the Coronavirus and the City's response actions.

COUNCIL MATTERS

Council Member Valencia addressed Mr. Lampkin's comments and noted the reported undercount of Ontario residents during at the last census. He spoke of the potential impacts of the current epidemic and the importance of assuring that the population is properly counted so that funds are allocated and dispersed properly. Valencia stressed the need for the public to cooperate with the census

inquiries. Valencia also stressed that during this epidemic everyone should be checking on the well-being of neighbors and seniors.

Council Member Wapner recognized and thanked the City Manager and staff for effectively responding to the Coronavirus epidemic in an appropriate manner.

Mayor pro Tem Dorst-Porada commended City and Ontario-Montclair School District staff on their efforts to ensure the provision of meals to seniors since the senior center is closed to the public. Executive Director of Community Life and Culture McAlary responded that the City will be providing frozen meals to each senior with boxed lunches to supplement. Dorst-Porada encouraged everyone to help each other and be good to each other during these trying times.

Mayor Leon noted the closure of City facilities and the availability of information on the City's website. He spoke about residents' shopping issues at area supermarkets and indicated that Cardenas will be open from 7:00 a.m. to 8:00 a.m. for seniors, disabled and first responders. He encouraged residents to stay prepared.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:20 p.m. to the next regular meetings to be held on Tuesday, April 7, 2020.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN