

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
July 21, 2020**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, July 21, 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) and the Governor's Stay at Home Order (Executive Order N-33-20), 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.

ROLL CALL

PRESENT:	Mayor/Chairman Mayor pro Tem/Vice Chairman Council/Authority Members:	Paul S. Leon Debra Dorst-Porada Alan D. Wapner, Jim W. Bowman, and Ruben Valencia (All participating via teleconference)
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ABSENT:	Council/Authority Members:	None
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Also present were City Manager/Executive Director Scott Ochoa (via teleconference), City Attorney/Legal Counsel Steven Graham (via teleconference) and City Clerk/Secretary Sheila Mautz.

CLOSED SESSION

Mayor Leon called the joint meeting to order at 5:39 p.m.

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.

Assistant City Clerk Kasad advised that there were no requests, and the City Council recessed to Closed Session at 5:41 p.m. for discussion of the following:

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Donastorg v. City of Ontario, et al., U.S. District Court, Central District of California, Case No. 5:18-cv-00992 JGB (SPx)*
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One case.*

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council and Housing Authority meetings to order at 6:31 p.m.

REPORT ON CLOSED SESSION

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

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

City Clerk Mautz reported that three e-mailed public comments had been received and distributed to the City Council Members; and there were no call-in public comments waiting.

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 Valencia and carried by unanimous roll call 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 June 16, 2020, and the special meeting of the City Council and Housing Authority of June 23, 2020, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved Bills for the period June 19, 2020 through July 2, 2020, in the amount of \$16,817,294.97 and Payroll for the period June 7, 2020 through June 20, 2020, in the amount of \$3,602,137.84, when audited by the Finance Committee.

3. A RESOLUTION RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY WHICH SHALL CONTINUE FOR THE 2020 CORONAVIRUS PANDEMIC WHILE INCLUDING ADDITIONAL REQUIREMENTS, GUIDELINES, AND PROCEDURES

City Council adopted Resolution No. 2020-124 ratifying a Proclamation of Local Emergency for the 2020 Coronavirus Pandemic.

RESOLUTION NO. 2020-124 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY SHALL CONTINUE FOR THE 2020 CORONAVIRUS PANDEMIC WHILE INCLUDING ADDITIONAL REQUIREMENTS, GUIDELINES, AND PROCEDURES.

4. DESIGNATION OF VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

City Council designated Alan D. Wapner as the City's voting delegate and Debra Dorst-Porada as an alternate for the League of California Cities Annual Business Meeting scheduled for October 9, 2020.

5. A CONSTRUCTION CONTRACT FOR THE 2020 FALL PAVEMENT REHABILITATION PROJECT AND FOURTH STREET IMPROVEMENT REIMBURSEMENT AGREEMENT WITH THE CITY OF RANCHO CUCAMONGA/ALL AMERICAN ASPHALT

City Council approved the plans and specifications and awarded a construction contract with All American Asphalt of Corona, California, for the 2020 Fall Pavement Rehabilitation Project in the bid amount of \$2,499,333 plus a fifteen percent (15%) contingency of \$374,900, for a total authorized expenditure of \$2,874,233; 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; and approved and authorized the City Manager to execute the Fourth Street Improvement Reimbursement Agreement with the City of Rancho Cucamonga estimated to be \$889,765.

6. A CONSTRUCTION CONTRACT FOR THE 2020 LOCAL STREET MAINTENANCE - SLURRY SEAL AND CDBG PAVEMENT MANAGEMENT REHABILITATION/AMERICAN ASPHALT SOUTH, INC.

City Council approved the plans and specifications and awarded a construction contract with American Asphalt South, Inc. of Fontana, California, for the 2020 Local Street Maintenance - Slurry Seal and CDBG Pavement Management Rehabilitation Project in the bid amount of \$812,908 plus a fifteen percent (15%) contingency of \$121,937, for a total authorized expenditure of \$934,845; 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.

7. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19907 LOCATED AT THE SOUTHWEST CORNER OF PARKVIEW STREET AND HAVEN AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 19907 located at the southwest corner of Parkview Street and Haven Avenue within the Subarea 29 Specific Plan.

RESOLUTION NO. 2020-125 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19907 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND HAVEN AVENUE.

8. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19909 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND HAVEN AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 19909 located at the northwest corner of Merrill Avenue and Haven Avenue within the Subarea 29 Specific Plan.

RESOLUTION NO. 2020-126 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 19909 LOCATED AT THE NORTHWEST CORNER OF MERRILL AVENUE AND HAVEN AVENUE.

9. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19978 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19978 located at the southwest

corner of Ontario Ranch Road and Haven Avenue within The Avenue Specific Plan area.

RESOLUTION NO. 2020-127 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19978 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE.

10. RESOLUTIONS UPDATING AUTHORIZED DEPUTY CITY TREASURERS

City Council adopted resolutions rescinding Resolution Nos. 2019-090 and 2019-091; and amending the list of Deputy City Treasurers authorized to invest City funds in the Local Agency Investment Fund (LAIF) and other eligible investment securities.

RESOLUTION NO. 2020-128 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROVIDING FOR THE INVESTMENT OF INACTIVE FUNDS IN THE LOCAL AGENCY INVESTMENT FUND OF THE CALIFORNIA STATE TREASURY AND HEREBY RESCINDING RESOLUTION NO. 2019-090.

RESOLUTION NO. 2020-129 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE INVESTMENT OF CITY FUNDS AND HEREBY RESCINDING RESOLUTION NO. 2019-091.

11. PROFESSIONAL SERVICES AGREEMENT FOR SALES TAX CONSULTING AND REVENUE RECOVERY/HINDERLITER DE LLAMAS ASSOCIATES (HDL)

City Council awarded a professional services agreement for sales tax consulting and revenue recovery with Hinderliter de Llamas & Associates (HdL), of Brea, California, for a five-year term for an amount not to exceed \$59,326 with the option to extend the agreement for two additional one-year terms at \$25,425 and approved a the resolution designating and authorizing certain City Representatives and Sales Tax Consultant to examine sales and use tax records; and authorized the City Manager to execute the agreement.

RESOLUTION NO. 2020-143 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NOS. 96-050 AND 2009-001 AND AUTHORIZING EXAMINATION OF SALES AND USE TAX RECORDS BY CERTAIN CITY OFFICIALS AND AN INDEPENDENT CONTACTOR.

12. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH WESTIN TECHNOLOGY SOLUTIONS FOR PROJECT MANAGEMENT SUPPORT ON CIS INFINITY UTILITY BILLING IMPLEMENTATION

City Council authorized the City Manager to execute Amendment No. 4 adding \$38,500 to the existing agreement with Westin Technology Solutions, of Milwaukee, Wisconsin, for project management support on the CIS Infinity Utility Billing Implementation for a revised not-to-exceed limit of \$448,980.

13. A GOODS AND SERVICES AGREEMENT FOR LIBRARY MATERIALS INCLUDING CATALOGING AND PROCESSING SERVICES/BAKER AND TAYLOR

City Council approved and authorized the City Manager to execute a one-year agreement with Baker and Taylor of Charlotte, North Carolina, with an estimated amount of \$367,000, for the purchase of library materials including cataloging and processing services; and authorize the extension of the agreement for up to three additional one-year periods consistent with City Council approved budgets.

14. EXTENSION OF TOWING SERVICE AGREEMENTS/CERTIFIED TOWING, INC./DIETZ TOWING, INC./FOGELSONG TOWING AND STORAGE, INC./UNITED ROAD SERVICE DBA BILL AND WAGS, INC./PEPE'S TOWING

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 from July 1, 2020 to the sooner of December 31, 2020 or until the City Council authorizes new towing services agreements with companies identified through the procurement process.

15. AWARD OF AN ARCHITECTURAL DESIGN SERVICES AGREEMENT FOR THE REHABILITATION OF FIRE STATION NO. 1/WLC ARCHITECTS, INC.

City Council took the following actions:

- (A) Authorized the City Manager to execute an Architectural Design Services Agreement with WLC Architects, Inc. of Rancho Cucamonga, California, to provide architectural design and construction administration services for the Rehabilitation of Fire Station No. 1 in the amount of \$629,000.
- (B) Authorized a project reserve in the amount of \$85,000 to cover additional project specific services, if required, to include topographical survey, as-builts drawings of original building, structural evaluation and hazardous material survey; \$20,000 for estimated reimbursable expenses; and a 15% contingency of \$110,100; and

- (C) Authorized the City Manager or his designee to execute any and all documents necessary or desirable to implement this project, including but not limited to, contracts and contract amendments within the authorization limits.

16. AUTHORIZE THE PURCHASE OF FLEET VEHICLES/NATIONAL AUTO FLEET GROUP

City Council authorized the cooperative purchase and delivery of eleven Ford Police Interceptor SUVs in the amount of \$409,885 for the Police Department, from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the Sourcewell (formerly known as NJPA) Cooperative Contract 120716-NAF.

17. AWARD A CONSTRUCTION CONTRACT FOR THE GROVE TRAIL PROJECT/SENITICA CONSTRUCTION INC.

City Council authorized the City Manager to execute Construction Contract No. PM 1920-8 with Senitica Construction Inc., of Mira Loma, California, for the construction of the Grove Avenue Trail in the amount of \$478,200 plus a project contingency of \$41,300 for a total authorized amount of \$519,500; and authorized the City Manager to execute said contract; and authorize the filing of a Notice of Completion at the conclusion of all construction activities related to the project.

18. AWARD OF BID FOR PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS/ALL AMERICAN ASPHALT/VULCAN/CEMEX/ULTIMATE RECYCLE, LLC

City Council authorized the City Manager to approve the procurement of concrete, asphalt and aggregate materials for a period of one year at set pricing per Bid Invitation #1316 with All American Asphalt of Corona, California; Vulcan of Irwindale, California; CEMEX of Ontario, California; and Ultimate Recycle, LLC of Monrovia in total amounts consistent with City Council approved budgets; and authorize the option to execute any necessary agreements and related documents for delivery services.

19. AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT FOR AS NEEDED CONTRACT PROFESSIONAL ENGINEERING STAFFING SERVICES/PROJECT PARTNERS, INC.

City Council authorized the City Manager to execute Amendment No. 5 to a professional services agreement with Project Partners, Inc. of Laguna Hills, California, in the amount of \$170,000; and extend the contract term to June 30, 2021.

20. ON-CALL SERVICES FOR WATER DISTRIBUTION AND SEWAGE COLLECTIONS SYSTEM REPAIRS/T.E. ROBERTS, INC.

City Council awarded an on-call Maintenance Services Contract to T.E. Roberts, Inc. of Orange, California, for water distribution and sewage collections system repairs in the amount of \$1,200,000 for Fiscal Year 2020-21; authorized the option to extend the agreement for up to four additional one-year periods consistent with City Council approved budgets; and authorized the City Manager to execute said contract.

21. A RESOLUTION DIRECTING FURTHER CONSIDERATION OF THE PLANNING COMMISSION DECISION TO APPROVE A DEVELOPMENT PLAN (FILE NO. PDEV18-022) TO CONSTRUCT A 6,870 SQUARE-FOOT INDUSTRIAL BUILDING AND A CONDITIONAL USE PERMIT (FILE NO. PCUP18-021) TO ESTABLISH AND OPERATE A TOWING SERVICE BUSINESS ON 3.1 ACRES OF LAND LOCATED AT 580 EAST BELMONT STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02, AND 1049-491-03)

City Council adopted a resolution directing File Nos. PDEV18-022 and PCUP18-021 to the Planning Commission for further review and consideration.

RESOLUTION NO. 2020-130 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DIRECTING FURTHER CONSIDERATION OF THE PLANNING COMMISSION DECISION TO APPROVE A DEVELOPMENT PLAN (FILE NO. PDEV18-022) TO CONSTRUCT A 6,870 SQUARE-FOOT INDUSTRIAL BUILDING AND A CONDITIONAL USE PERMIT (FILE NO. PCUP18-021) TO ESTABLISH AND OPERATE A TOWING SERVICE BUSINESS ON 3.1 ACRES OF LAND LOCATED AT 580 EAST BELMONT STREET WITHIN THE IL (LIGHT INDUSTRIAL) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02, AND 1049-491-03).

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared Resolution Nos. 2020-124 through 2020-130 adopted upon unanimous roll call vote.

PUBLIC HEARINGS

22. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NOS. 1, 2, 3 AND 4 FOR FISCAL YEAR 2020-21

City Council conducted a combined public hearing for the districts and took the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) Nos. 1, 2, 3 and 4 and:

Ontario City Council/Ontario Housing
Regular Meeting Minutes – July 21, 2020
Page 9 of 15

- (A) Adopted resolution approving the Engineer's Reports relating to the levy of assessments for each district.
- (B) Adopted a resolution confirming the diagrams and assessments and providing for the assessment levy within Ontario Parkway Maintenance Assessment Districts Nos. 1, 2, & 3; and
- (C) Adopted a resolution confirming the diagram and assessment and providing for the assessment levy within Ontario Parkway Maintenance Assessment District No. 4.

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. The City Clerk reported no comments and Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Bowman, seconded by Council Member Wapner and carried by unanimous roll call vote to adopt Resolution Nos. 2020-131, 2020-132 and 2020-133.

RESOLUTION NO. 2020-131 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2020-21.

RESOLUTION NO. 2020-132 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAMS AND ASSESSMENTS, AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3 FOR FISCAL YEAR 2020-21.

RESOLUTION NO. 2020-133 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4 FOR FISCAL YEAR 2020-21.

23. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2020-21

City Council conducted a combined public hearing for the districts and took the following actions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) Nos. 1 and 2 and:

- (A) Adopted a resolution approving the Engineer's Reports relating to the levy of assessments for each district.
- (B) Adopted a resolution confirming the diagram and assessment and providing for the assessment levy within Street Lighting Maintenance District 1; and
- (C) Adopted a resolution confirming the diagram and assessment and providing for the assessment levy within Street Lighting Maintenance District 2.

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. The City Clerk reported no comments and Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia and carried by unanimous roll call vote to adopt Resolution Nos. 2020-134, 2020-135 and 2020-136.

RESOLUTION NO. 2020-134 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2020-21.

RESOLUTION NO. 2020-135 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2020-2021.

RESOLUTION NO. 2020-136 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2020-21.

24. A PUBLIC HEARING TO CONSIDER RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES

City Council:

- (A) Adopted a resolution establishing City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district.
- (B) Adopted a resolution calling a special election for City of Ontario Community Facilities District No. 58 (Colony Commerce Center East Services).
- (C) Adopted a resolution declaring the results of the special election and directing the recording of the Notice of Special Tax Lien; and
- (D) Introduced and waived further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 58 (Colony Commerce Center East 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. The City Clerk reported no comments and Mayor Leon closed the public hearing.

MOTION: Moved by Council member Bowman, seconded by Council Member Valencia and carried by unanimous roll call vote to adopt Resolution Nos. 2020-137 and 2020-138.

RESOLUTION NO. 2020-137 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. 2020-138 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES).

Mayor Leon requested that the City Clerk open the ballots.

Assistant City Clerk Kasad announced that there was one ballot in favor of formation of the District.

MOTION: Moved by Council Member Bowman, seconded by Mayor Leon and carried by unanimous roll call vote to Adopt Resolution No. 2020-139.

RESOLUTION NO. 2020-139 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 Mayor Leon and carried by unanimous roll call vote to introduce and waive further reading of Ordinance No. 3165.

ORDINANCE NO. 3165 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 58 (COLONY COMMERCE CENTER EAST SERVICES).

25. **A PUBLIC HEARING TO CONSIDER FILE NO. PCUP19-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 265-ROOM LIMITED SERVICE DUAL BRANDED HOTEL TOTALING 157,370 SQUARE FEET ON 4.94 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF INLAND EMPIRE BOULEVARD AND ARCHIBALD AVENUE, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT (APNS: 1049-491-01, 1049-491-02 AND 1049-491-03)**

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. The City Clerk reported no comments and Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Bowman, seconded by Mayor Leon and carried by unanimous roll call vote to adopt Resolution No. 2020-140.

RESOLUTION NO. 2020-140 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PCUP19-028, A CONDITIONAL USE PERMIT TO ESTABLISH A 5-STORY, 265-ROOM LIMITED SERVICE DUAL BRANDED HOTEL (HYATT PLACE AND HYATT HOUSE) TOTALING 157,370 SQUARE FEET AND TO CONDUCT ALCOHOLIC BEVERAGE SALES FOR CONSUMPTION ON THE PREMISES, INCLUDING BEER, WINE, AND DISTILLED SPIRITS (TYPE 70 ABC LICENSE), ON 4.94 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF INLAND EMPIRE BOULEVARD AND ARCHIBALD AVENUE, WITHIN THE OH (HIGH INTENSITY OFFICE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF-APNS: 0210-191-29, 0210-191-30, 0210-191-31, 0210-191-32.

26. A PUBLIC HEARING TO CONSIDER APPROVAL OF AN ENERGY SERVICES CONTRACT WITH CLIMATEC, LLC FOR THE IMPLEMENTATION OF CERTAIN ENERGY RELATED IMPROVEMENTS TO CITY FACILITIES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 4217.10 TO 4217.18

City Council held a public hearing to consider adoption of a resolution approving an Energy Service Agreement with Climatec, LLC of Phoenix, AZ, for the implementation of certain energy related improvements to the City facilities in accordance with California Government Code Section 4217.10 to 4217.18; adopt findings that the cost to the City to implement the energy related improvements are less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City absent of purchasing the energy improvements; and incorporate said findings in the provisions of the subject contract.

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. The City Clerk reported no comments and Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Bowman, seconded by Mayor Leon and carried by unanimous roll call vote to adopt Resolution No. 2020-141.

RESOLUTION NO. 2020-141 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING ENERGY SERVICES CONTRACTS WITH CLIMATEC, LLC FOR THE IMPLEMENTATION OF CERTAIN ENERGY RELATED IMPROVEMENTS TO CITY FACILITIES IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 4217.10 TO 4217.18.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

27. A RESOLUTION AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000 AND RELATED MATTERS

City Council considered and adopted a resolution authorizing the issuance of City of Ontario Community Facilities District No. 40 (Emerald Park Facilities) Special Tax Bonds, Series 2020, and:

- (A) Authorizing the issuance of special tax bonds for public improvements required to facilitate the development of the Emerald Park Facilities project and the Ontario Ranch development.
- (B) Approving the forms of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement.
- (C) Authorizing a negotiated sale of the special tax bonds to Stifel, Nicolaus & Company, Incorporated (the "Underwriter") in accordance with the terms of the Bond Purchase Agreement; and,
- (D) Authorizing the execution of the Indenture, the Bond Purchase Agreement, the Continuing Disclosure Agreement, a deemed final certification in connection with the Preliminary Official Statement, a final Official Statement and other documents in connection with the issuance of the bonds by the City Manager or the other specified authorized officers.

MOTION: Moved by Council Member Bowman, seconded by Mayor Leon and carried by unanimous roll call vote to adopt Resolution No. 2020-142.

RESOLUTION NO. 2020-142 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 40 (EMERALD PARK FACILITIES) SPECIAL TAX BONDS, SERIES 2020, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$8,000,000, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS.

STAFF MATTERS

City Manager Ochoa had no comments.

COUNCIL MATTERS

Mayor pro Tem Dorst-Porada noted that the D'Andre Lampkin Foundation had groceries available for distribution to assist those in the community who need food or other items.

Council Member Wapner had no comments.

Council Member Bowman had no comments.

Council Member Valencia had no comments.

Mayor Leon had no comments.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 6:53 p.m. to the next regular meetings to be held on Tuesday, August 4, 2020.

Respectfully submitted,


SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:


PAUL S. LEON, MAYOR/CHAIRMAN