



CITY OF ONTARIO

Regular City Council/Housing Authority Meeting NOVEMBER 19, 2024

City Hall

303 East B Street, Ontario, CA 91764

MAYOR PAUL S. LEON • MAYOR PRO TEM DEBRA PORADA
COUNCIL MEMBERS ALAN D. WAPNER, JIM W. BOWMAN AND RUBEN VALENCIA

CITY CLERK SHEILA MAUTZ • TREASURER JAMES R. MILHISER
CITY MANAGER SCOTT OCHOA • CITY ATTORNEY RUBEN DURAN

WELCOME TO A MEETING OF THE ONTARIO CITY COUNCIL

All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.

Anyone wishing to speak in person during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time. To comment by email, submit your comments no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comments to publiccomments@ontarioca.gov. All comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and will be entered into the record.

Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.

In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.

Remarks from those seated or standing in the back of the chamber will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ACCOMODATIONS

If you need special assistance or accommodations to participate in this meeting, please contact the City Clerk's office at 909-395-2009. Notification of 48 hours prior to the meeting will help the City make reasonable arrangements. Equipment for the hearing impaired is available in the Records Management Office.

ORDER OF BUSINESS

The regular City Council and Housing Authority meeting begins with Public Comment at 6:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

CALL TO ORDER (OPEN SESSION)

ROLL CALL

Porada, Wapner, Bowman, Valencia, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Wapner

INVOCATION

Senior Pastor Thomas, Ontario Seventh-Day Adventist Church

PUBLIC COMMENTS

6:30 P.M.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

To comment by email, submit your comments by email no later than 4:00 p.m. on the day of the meeting by emailing your name, agenda item you are commenting on and your comment to publiccomments@ontarioca.gov. All Comments received by the deadline will be forwarded to the City Council for consideration before action is taken on the matter and entered into the record. As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

AGENDA REVIEW/ANNOUNCEMENTS

The City Manager will go over all updated materials and correspondence received after the

Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

INFORMATION RELATIVE TO POSSIBLE CONFLICT OF INTEREST

Agenda item contractors, subcontractors and agents may require member abstentions due to conflict of interests and financial interests. Council Member abstentions shall be stated under this item for recordation on the appropriate item.

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR will be enacted by one motion in the form listed below – there will be no separate discussion on these items prior to the time Council votes on them, unless a member of the Council requests a specific item be removed from the Consent Calendar for a separate vote.

1. APPROVAL OF MINUTES

Minutes for the regular meetings of the City Council, Housing Authority and Industrial Development Authority of October 15, 2024, and approving same as on file in the Records Management Department.

ATTACHMENT: [20241015 Meeting Minutes \(Not Official Until Approved\)](#)

2. BILLS & PAYROLL

Bills October 25, 2024 through October 31, 2024, and Payroll October 6, 2024 through October 19, 2024.

3. A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT REGARDING COMMUNITY FACILITIES DISTRICT NO. 52 (SUNDANCE PARK) FOR ASSESSOR PARCEL NUMBER (LD PARCEL 1) 0218-211-01-0000 AND FEE IN-LIEU BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC.

That the City Council:

- A. Adopt a Resolution approving an Agreement regarding Community Facilities District No. 52 (Sundance Park) for Assessor Parcel Number (LD Parcel 1) 0218-211-01-0000 and Fee In-Lieu (the "Agreement") between the City of Ontario and BrookCal Ontario, LLC (the "Developer"); and
 - B. Authorize the City Manager, or his designee, to finalize, execute, and record said Agreement.
-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT REGARDING ASSESSOR PARCEL NUMBER (LD PARCEL 1) 0218-211-01-0000 AND FEE IN-LIEU BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC.

ATTACHMENT: [Resolution Approving Fee In-Lieu Agreement 01^RESO^RM](#)

ATTACHMENT: [CFD 52 Sundance Park Fee In-Lieu Agreement^02 Signed by developer_only.pdf](#)

ATTACHMENT: [CFD 52 Request for Budget Change_20241113 for granicus.pdf](#)

4. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING A SPECIAL TAX WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 72 \(LOMA CREEK LOGISTICS CENTER SERVICES\)](#)

That the City Council consider and adopt an Ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 72 (Loma Creek Logistics Center Services).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING A SPECIAL TAX WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 72 (LOMA CREEK LOGISTICS CENTER SERVICES).

ATTACHMENT: [CFD 72 Loma Creek Logistics Center Services 01^ORD^RM](#)

5. [PURCHASE OF FLEET VEHICLES](#)

That the City Council take the following actions:

- A. Authorize the sole source purchase and delivery of three (3) Ford F150 XLT pick-up trucks in the amount of \$183,630 plus a 10% contingency of \$18,363 to mitigate any unforeseen issues with supply chain surcharges and manufacturers price increases, for a total not-to-exceed amount of \$201,993 from Citrus Motors, of Ontario, California, and
- B. Authorize the sole source purchase and delivery of two (2) Ford F150 Lariat pick-up trucks in the amount of \$147,519 plus a 10% contingency of \$14,752 to mitigate any unforeseen issues with supply chain surcharges and manufacturers price increases, for a total not-to-exceed amount of \$162,271 from Citrus Motors, of Ontario, California; and
- C. Authorize the sole source purchase and delivery of one (1) Kovatch Mobile Equipment (KME) Custom Tractor Drawn Rescue in the amount of \$2,757,113, plus a 10% contingency of \$275,711 to mitigate any unforeseen issues with supply chain surcharges and manufacturers price increases, for a total not-to-exceed amount of \$3,032,824 from Fire Apparatus Solutions, of Rialto, California.

6. [AUTHORIZE THE PURCHASE OF PLAYGROUND EQUIPMENT AND PICNIC SHELTERS WITH INNOVATIVE PLAYGROUNDS COMPANY FOR THE DE ANZA PARK IMPROVEMENTS PROJECT](#)

That the City Council take the following actions:

- A. Authorize the cooperative purchase of playground equipment for the De Anza Park Improvements Project in the amount of \$913,554 plus a 10% contingency of \$91,355 to mitigate any unforeseen issues with supply chain surcharges and manufactory price increases for a total not-to-exceed amount of \$1,004,909 from Innovative Playgrounds Company, of Whittier, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 010521- BUR; and
- B. Authorize the cooperative purchase of picnic shelters for the De Anza Park Improvements Project in the amount of \$659,061 plus a 10% contingency of \$65,906 to mitigate any unforeseen issues with supply chain surcharges and manufactory price increases for a total not-to-exceed amount of \$724,967 from Innovative Playgrounds Company, of Whittier, California, consistent with the terms and conditions of the Sourcewell Cooperative Contract No. 010521- BUR.

ATTACHMENT: [BCI Burke- Sourcewell Contract 010521.pdf](#)

ATTACHMENT: [Playground Quote.pdf](#)

ATTACHMENT: [Shelter Quote.pdf](#)

7. DESIGN SERVICES AGREEMENTS FOR ON-CALL ARCHITECTURAL SPACE PLANNING AND ENGINEERING DESIGN SERVICES

That the City Council authorize the City Manager, or his designee, to execute the following three-year Design Services Agreements for on-call Architectural, Space Planning, and Engineering Design Services for a total compensation amount of \$1,000,000 over three (3) years and extend the agreements for up to two (2) additional one-year periods:

- a. HMC Architects, of Ontario, California, for a total contract amount not-to-exceed \$200,000;
- b. Holt Architecture, of Palm Desert, California, for a total contract amount not-to-exceed \$200,000;
- c. IDS Group, Inc., of Irvine, California, for a total contract amount not-to-exceed \$200,000;
- d. Hammel, Green and Abrahamson, Inc., of Santa Monica, California, for a total contract amount not-to-exceed \$200,000; and
- e. Robert Borders & Associates, of Costa Mesa, California, for a total contract amount not-to-exceed \$200,000.

ATTACHMENT: [HMC Group- Design Services Agreement.pdf](#)

ATTACHMENT: [Holt Architects- Design Services Agreement.pdf](#)

ATTACHMENT: [IDS Group, Inc.- Design Services Agreement.pdf](#)

ATTACHMENT: [Hammel, Green and Abrahamson, Inc.- Design Services Agreement.pdf](#)

ATTACHMENT: [Robert Borders & Associates- Design Services Agreement.pdf](#)

8. CONSTRUCTION CONTRACTS FOR THE SPORTS COMPLEX OFFSITE UTILITIES PROJECT AND THE SEWER IMPROVEMENT AT VINEYARD PROJECT IN CONNECTION WITH THE CONSTRUCTION OF THE ONTARIO PROFESSIONAL BASEBALL STADIUM

That the City Council take the following actions:

- A. Authorize the City Manager or his designee to award Contract No. D&C23-025 Sports Complex Offsite Utilities Project to Griffith Company, of Brea, California, for the

construction of the Offsite Utilities for the Sports Complex, in the amount of \$90,584,000 plus a 15% contingency of \$13,587,600, for a total not-to-exceed contract amount of \$104,171,600, and

- B. Authorize the City Manager or his designee to award Contract No. D&C23-025 Sports Complex Sewer Improvement at Vineyard Avenue Project to Weka, Inc., of San Bernardino, California, for the construction of the Offsite Vineyard Sewer for the Sports Complex, in the amount of \$27,972,383 plus a 15% contingency of \$4,195,857, for a total not-to-exceed contract amount of \$32,168,240, and
- C. Authorize the City Manager or his designee to execute Amendment No. 2 to the on-call Professional Services Agreement with Ardurra Group, Inc., of Newport Beach, California, to provide on-call Design Services for the Ontario Sports Complex Project in the amount of \$72,780 for a total not-to-exceed contract amount of \$2,457,212; and
- D. Authorize 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 a notice of completion at the conclusion of all construction related activities.

ATTACHMENT: [Weka, Inc.- Construction Contract.pdf](#)

ATTACHMENT: [Ardurra Group, Inc.- Amendment No. 2.pdf](#)

ATTACHMENT: [Griffith Company- Construction Contract.pdf](#)

9. A GOODS AND EQUIPMENT PURCHASE AGREEMENT WITH MCLAUGHLIN WASTE EQUIPMENT, INC. FOR ROLL-OFF CONTAINERS AND PARTS

That the City Council authorize the City Manager, or his designee, to execute a Goods and Equipment Purchase Agreement with McLaughlin Waste Equipment, Inc., of Lockeford, California, for the purchase of roll-off containers and parts for a total contract amount not-to-exceed \$2,000,000 for up to five (5) years.

ATTACHMENT: [McLaughlin Waste Equipment, Inc.- Goods and Equipment Purchase Agreement.pdf](#)

PUBLIC HEARINGS

Pursuant to Government Code Section 65009, if you challenge the City's zoning, planning or any other decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the public hearing. Affidavits of posting compliance, for all items below, are on file with the Records Management Department.

10. AN APPEAL OF THE PLANNING COMMISSION DECISION APPROVING FILE NO. PDEV22-017

That the City Council conduct a public hearing on the appeal and after receiving public testimony, uphold the Planning Commission decision to approve the Development Plan (File No. PDEV22-017) and deny the appeal.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO CERTIFY THE 5355

EAST AIRPORT DRIVE FINAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2022090006) FOR A DEVELOPMENT PLAN TO CONSTRUCT A 270,337 SQUARE FOOT INDUSTRIAL BUILDING ON 13.08 ACRES OF LAND FOR PROPERTY LOCATED AT 5355 EAST AIRPORT DRIVE, WITHIN THE IH (HEAVY INDUSTRIAL) ZONING DISTRICT, AND ADOPT ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0238-052-29 AND 0238-052-20.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE FILE NO. PDEV22-017, A DEVELOPMENT PLAN TO CONSTRUCT A 270,337 SQUARE FOOT INDUSTRIAL BUILDING ON 13.08 ACRES OF LAND FOR PROPERTY LOCATED AT 5355 EAST AIRPORT DRIVE, WITHIN THE IH (HEAVY INDUSTRIAL) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0238-052-29 AND 0238-052-20.

ATTACHMENT: [20241119 File No. PDEV22-017 Appeal ^01 PC Back-up.pdf](#)
ATTACHMENT: [20241119 File No. PDEV22-017 CC^02 Appeal Letter Exhibit A.pdf](#)
ATTACHMENT: [20241119 File No. PDEV22-017 CC^03 Applicant Response.pdf](#)
ATTACHMENT: [20241119 File No. PDEV22-017 CC^07 HRA Memo.pdf](#)
ATTACHMENT: [20241119 File No. PDEV22-017 CC FEIR 04^RESO^RM](#)
ATTACHMENT: [20241119 File No. PDEV22-017 CC PDEV 05^RESO^RM](#)
ATTACHMENT: [20241119 File No. PDEV22-017 CC^06 Dept COA.pdf](#)

11. [A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT \(FILE NO. PDCA24-003\) REVISING AND CLARIFYING CERTAIN PROVISIONS OF THE CITY OF ONTARIO DEVELOPMENT CODE](#)

That the City Council introduce and waive further reading of an Ordinance Approving File No. PDCA24-003, a Development Code Amendment revising and clarifying certain provisions of Chapters 2.0 (Administration and Procedures), 4.0 (Permits, Actions, and Decisions), 5.0 (Zoning and Land Use), 6.0 (Development and Subdivision Regulations), 8.0 (Sign Regulations), and 9.0 (Definitions and Glossary) of the City of Ontario Development Code.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA24-003, A DEVELOPMENT CODE AMENDMENT REVISING AND CLARIFYING CERTAIN PROVISIONS OF CHAPTERS 2.0 (ADMINISTRATION AND PROCEDURES), 4.0 (PERMITS, ACTIONS, AND DECISIONS), 5.0 (ZONING AND LAND USE), 6.0 (DEVELOPMENT AND SUBDIVISION REGULATIONS), 8.0 (SIGN REGULATIONS), AND 9.0 (DEFINITIONS AND GLOSSARY) OF THE CITY OF ONTARIO DEVELOPMENT CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

ATTACHMENT: [20241119 PDCA24-003 ^01 PC Back-up.pdf](#)
ATTACHMENT: [20241119 PDCA24-003 DCA 1 02^ORD^RM](#)
ATTACHMENT: [20241119 PDCA24-003 DCA #1^03 ORD Attachment A.pdf](#)

12. [A RESOLUTION REGARDING A LOAN AGREEMENT BETWEEN THE CITY OF ONTARIO AND](#)

OTC LOT A OWNER, LLC AND AN ECONOMIC SUBSIDY REPORT PURSUANT TO GOVERNMENT CODE SECTION 53083

That the City Council consider and adopt a Resolution authorizing the execution of a Loan Agreement and other related documents in connection with providing a loan to OTC Lot A Owner, LLC and accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE LOAN AGREEMENT BETWEEN THE CITY OF ONTARIO AND OTC LOT A OWNER, LLC AND EXECUTION THEREOF; ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083; FINDING THAT SUCH LOAN AGREEMENT APPROVAL IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15061(B)(3) AND 15378(B)(4) AND DIRECTING STAFF TO ISSUE A NOTICE OF EXEMPTION

ATTACHMENT: [OTC LOT A Owner LLC Loan Agmt 01^RESO^RM](#)
ATTACHMENT: [OTC Lot A Owner LLC Loan Subsidy Report 11-19-2024.doc](#)
ATTACHMENT: [OTC Lot A Owner Loan Agreement 11-19-2024.doc](#)
ATTACHMENT: [OTC Lot A Owner Leasehold Deed of Trust 11-19-2024.docx](#)

13. A PUBLIC HEARING TO CONSIDER THE SALE OF CITY OF ONTARIO OWNED PROPERTY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 52201; MAKING CERTAIN FINDINGS; AND ADOPTION OF A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF ONTARIO AND RICHARD FERNANDO BARBA

That the City of Ontario conduct a public hearing to consider the sale of City-owned property; and adopt a Resolution approving a Purchase and Sale Agreement ("Agreement") between the City of Ontario ("City") and Richard Fernando Barba ("Developer") (on file in the Records Management Department); and authorize the City Manager to execute the Agreement and all other documents required for implementation of the Agreement.

A RESOLUTION OF THE CITY OF ONTARIO, OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF ONTARIO AND RICHARD FERNANDO BARBA FOR THE PURCHASE AND SALE OF CERTAIN REAL PROPERTY LOCATED AT 910 EAST CALIFORNIA STREET AND 808 SOUTH GREENWOOD AVENUE, ONTARIO.

ATTACHMENT: [Barba Purchase and Sale Staff Report Exhibit A^01.pdf](#)
ATTACHMENT: [Barba Purchase and Sale 02^RESO^RM](#)
ATTACHMENT: [Barba 52201 Summary Report ED Opp 03.docx](#)
ATTACHMENT: [Barba Purchase and Sale Agmt 04.doc](#)

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

14. INTRODUCTION OF AN ORDINANCE ANNUALLY ADOPTING A MILITARY EQUIPMENT USE POLICY PURSUANT TO GOVERNMENT CODE SECTIONS 7070, ET. SEQ.

That the City Council introduce and waive further reading of an Ordinance annually adopting the Military Equipment Use Policy and approving the itemized military grade equipment currently in possession of the Ontario Police Department.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MILITARY EQUIPMENT USE POLICY PURSUANT TO GOVERNMENT CODE §§ 7070, ET. SEQ.

ATTACHMENT: [AB 481 Ordinance 01^ORD^RM](#)
ATTACHMENT: [Policy 708 Military Equipment^02](#)
ATTACHMENT: [OPD 481 DRAFT 2024^03](#)

15. [AN ORDINANCE AMENDING SECTION 3-1.112 TO TITLE 3 OF THE MUNICIPAL CODE RELATING TO LICENSE REQUIREMENTS OF CONTRACTORS AND SUBCONTRACTORS TO ENHANCE COMPLIANCE WITH LOCAL LABOR STANDARDS](#)

That the City Council introduce an Ordinance amending Section 3-1.112 to Title 3 of the Ontario Municipal Code relating to requirements of contractors and subcontractors to enhance compliance with local labor standards.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 3-1.112 TO TITLE 3 OF THE MUNICIPAL CODE RELATING TO LICENSE REQUIREMENTS OF CONTRACTORS AND SUBCONTRACTORS TO ENHANCE COMPLIANCE WITH LOCAL LABOR STANDARDS.

ATTACHMENT: [Contractor Transparency ORD^RM](#)

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

Mayor Leon
Mayor pro Tem Porada
Council Member Wapner
Council Member Bowman
Council Member Valencia

ADJOURNMENT
