

**ONTARIO CITY COUNCIL/  
ONTARIO HOUSING AUTHORITY  
MINUTES  
March 20, 2018**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, March 20, 2018, 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 6:32 p.m., and requested the City Clerk call the roll.

**PRESENT:** Mayor/Chairman Paul S. Leon  
Council/Authority Members: Jim W. Bowman, Debra Dorst-Porada and Ruben Valencia

**ABSENT:** Mayor pro Tem/Vice Chairman Alan D. Wapner

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel John Brown and City Clerk/Secretary Sheila Mautz.

The Pledge of Allegiance was led by Council Member Bowman.

*Immam Said Seddouk, Al-Nur Islamic Center*, provided the Invocation.

**PUBLIC COMMENTS**

*Ly Kou*, expressed concern for rezoning of properties to higher densities to accommodate future development, in contrast to the goals of climate change policies and sustainable development.

*Loree Masonis*, commented that she is generally opposed to rezoning and presented a document detailing her concerns. She specifically expressed concern for the potential use of eminent domain. Mayor Leon clarified that eminent domain was not under consideration.

*D'Andre Lampkin* commented on his foundation and detailed the planting of trees to help the City maintain its status as a "Tree City".

Brennan Sizemore, Financial Educator, commented on Financial Literacy Month, encouraged the public's participation, and offered assistance to those who are interested.

## AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa reported no updates or announcements.

## CONSENT CALENDAR

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

### 1. APPROVAL OF MINUTES

Approved the Minutes for the regular meeting of the City Council and Housing Authority of February 20, 2018, as on file in the Records Management Department.

### 2. BILLS/PAYROLL

Approved **Bills** for the period January 28, 2018 through February 10, 2018, in the amount of \$9,894,042.62 and **Payroll** for the period January 28, 2018 through February 10, 2018, in the amount of \$3,204,350.74, when audited by the Finance Committee.

### 3. A RESOLUTION PROHIBITING PARKING ON EUCLID AVENUE (STATE ROUTE 83) BETWEEN HOLT BOULEVARD AND I STREET

City Council adopted a resolution prohibiting parking from 2:00 a.m. to 6:00 a.m. on all portions of Euclid Avenue (State Route 83) between Holt Boulevard and I Street.

**RESOLUTION NO. 2018-025** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PROHIBITING PARKING ON EUCLID AVENUE (STATE ROUTE 83) BETWEEN HOLT BOULEVARD AND I STREET.

### 4. REGIONAL STREET IMPROVEMENT REIMBURSEMENT AGREEMENT WITH THE CITY OF EASTVALE

City Council approved and authorized the City Manager to execute a Regional Street Improvement Reimbursement Agreement with the City of Eastvale.

### 5. AN ORDINANCE REAUTHORIZING AND AMENDING ORDINANCE NO. 3035 INCLUDING THE FEE PAID TO THE CITY BY STATE VIDEO FRANCHISE HOLDERS FOR PUBLIC EDUCATIONAL AND GOVERNMENT ACCESS (PEG) PURPOSES

City Council considered and adopted an ordinance reauthorizing City of Ontario Ordinance No. 3035 and amending Title 4, Chapter 20A so that as each state video

franchise ordinance expires and is renewed by the California Public Utilities Commission (“CPUC”) now and in future years. State video franchise holders continue to pay to the City of Ontario such fees in support of public, educational, and government access (“PEG”) purposes. Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on March 6, 2018.

**ORDINANCE NO. 3091** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REAUTHORIZING AND AMENDING ORDINANCE NO. 3035 INCLUDING THE FEE PAID TO THE CITY BY STATE VIDEO FRANCHISE HOLDERS FOR PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS PURPOSES.

6. **AN ORDINANCE TO CHANGE THE ZONING DESIGNATION (FILE NO. PZC16-003) ON A PORTION OF A LOT TOTALING 2.8 ACRES FROM IG (GENERAL INDUSTRIAL) TO IL (LIGHT INDUSTRIAL) FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND MISSION BOULEVARD, AT 1192 EAST CALIFORNIA STREET, TO BRING PROPERTY ZONING INTO CONSISTENCY WITH THE ONTARIO PLAN (TOP) LAND USE DESIGNATIONS (APNS: 1049-382-05 AND 1049-172-01)**

City Council considered and adopted an ordinance approving a Zone Change (File No. PZC16-003) to create consistency between the zoning and the General Plan land use designations for a portion of a 2.8-acre parcel located at the northwest corner of Mission Boulevard and Grove Avenue. Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on March 6, 2018.

**ORDINANCE NO. 3092** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC16-003, A ZONE CHANGE ON A PORTION OF A LOT TOTALING 2.8 ACRES, FROM IG (GENERAL INDUSTRIAL) TO IL (LIGHT INDUSTRIAL), TO BRING PROPERTY ZONING INTO CONSISTENCY WITH THE POLICY PLAN (GENERAL PLAN) LAND USE PLAN (EXHIBIT LU-01), ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF GROVE AVENUE AND MISSION BOULEVARD, AT 1192 EAST CALIFORNIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1049-382-05 AND 1049-172-01.

7. **HOUSING ELEMENT ANNUAL PROGRESS REPORT FOR CALENDAR YEAR 2017 (FILE NO. PADV18-001)**

City Council approved a resolution authorizing staff to transmit the 2017 Housing Element Annual Progress Report to the California Department of Housing and Community Development and the Office of Planning and Research.

**RESOLUTION NO. 2018-026** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE 2017 HOUSING ELEMENT ANNUAL PROGRESS REPORT AND AUTHORIZING STAFF TO SUBMIT THE REPORT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE OFFICE OF PLANNING AND RESEARCH.

8. **AN ORDINANCE TO CHANGE THE ZONING DESIGNATIONS (FILE NO. PZC17-001) ON APPROXIMATELY 800 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND UTILITY CORRIDORS LOCATED MOSTLY ON THE EAST AND SOUTH SIDES OF THE CITY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY, IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN (TOP) LAND USE DESIGNATIONS OF THE PROPERTIES**

City Council considered and adopted an ordinance approving a Zone Change (File No. PZC17-001) to create consistency between the zoning and the General Plan land use designations of the subject properties. Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on March 6, 2018.

**ORDINANCE NO. 3093** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC17-001, A CITY INITIATED REQUEST TO CHANGE THE ZONING DESIGNATIONS ON APPROXIMATELY 800 PROPERTIES, GENERALLY CONCENTRATED IN THE DOWNTOWN AREA, AND THE RESIDENTIAL AREA NORTH OF THE I-10 FREEWAY, AND UTILITY CORRIDORS LOCATED MOSTLY ON THE EAST AND SOUTH SIDES OF THE CITY, AND ADDITIONAL AREAS LOCATED THROUGHOUT THE CITY, IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN (TOP) LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: AS SHOWN IN EXHIBIT A.

9. **UPDATE OF THE CITYWIDE RECORDS RETENTION SCHEDULE**

City Council adopted a resolution approving revisions, updates and future updates to the Citywide Records Retention Schedule to comply with State Code, legislative actions and industry best practices.

**RESOLUTION NO. 2018-027** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING REVISIONS AND UPDATING CITY RECORDS RETENTION SCHEDULES AND AMENDING RESOLUTION NOS. 2010-048, 2011-070 AND 2016-113.

**MOTION UNANIMOUSLY CARRIED:** Mayor Leon declared City Council Resolution Nos. 2018-025, 2018-026 and 2018-027 and Ordinance Nos. 3091, 3092 and 3093 unanimously adopted.

## **PUBLIC HEARINGS**

**10. A PUBLIC HEARING REGARDING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT AND A RETENTION AND OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CARDINAL HEALTH, 200, LLC AND RGH ENTERPRISES, INC. PURSUANT TO GOVERNMENT CODE SECTION 53083; CONSIDERATION OF RESOLUTIONS ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT, APPROVING THE RETENTION AND 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 a Retention and Operating Covenant Agreement by and between the City of Ontario and Cardinal Health, 200, LLC, a Delaware Limited Liability Company (“Cardinal Health”) and RGH Enterprises, Inc., an Ohio Corporation (“RGH Enterprises”);
- (C) Adopted a resolution approving the Retention and Operating Covenant Agreement, authorizing the City Manager to execute the Retention and Operating Covenant Agreement, and making related findings; and
- (D) Directed City staff to file a categorical exemption based upon the City Council’s finding that the impacts for this existing facility 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 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 Council Member Valencia and carried by unanimous vote of those present with Mayor pro Tem Wapner absent to adopt Resolution Nos. 2018-028 and 2018-029.

**RESOLUTION NO. 2018-028** 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 RETENTION AND OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CARDINAL HEALTH, 200, LLC AND RGH ENTERPRISES, INC.

**RESOLUTION NO. 2018-029** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE RETENTION AND OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CARDINAL HEALTH, 200, LLC AND RGH ENTERPRISES, INC. AND MAKING RELATED FINDINGS.

11. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT – FILE NO PDA05-001) BETWEEN THE CITY OF ONTARIO AND EDENGLLEN ONTARIO LLC, TO CLARIFY AND UPDATE THE TIMING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE, THE DEVELOPMENT IMPACT FEE PROVISIONS, AND THE EXTENSION OF THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, AND 18791, GENERALLY LOCATED NORTH OF CHINO AVENUE, SOUTH OF RIVERSIDE DRIVE, EAST OF MILL CREEK AVENUE, AND WEST OF THE SCE UTILITY CORRIDOR, WITHIN PLANNING AREAS 1 THROUGH 8 OF THE EDENGLLEN SPECIFIC PLAN (APN: 0218-171-15; 0218-921-07, 08, 16, 19, 22, AND 30; 0218-931-01 THROUGH 25; 218-931-75 THROUGH 89; 0218-932-01 THROUGH 21; 0218-933-01 THROUGH 17; 0218-934-01 THROUGH 24; 0218-935-01-THROUGH 04; 0218-935-12 THROUGH 19; 0218-935-22 THROUGH 38; 0218-941-01 THROUGH 39; 0218-941-55 THROUGH 93; 0218-951-01 THROUGH 70; 0218-952-19 THROUGH 82; 0218-954-01 THROUGH 42; 0218-955-01 THROUGH 42; 0218-956-01 THROUGH 58; AND, 0218-961-07 THROUGH 88)**

City Council introduced and waived further reading of an ordinance approving the Second Amendment (File PDA05-001) to the Development Agreement between the City of Ontario and Edenglen Ontario LLC, a Delaware Limited Liability Company, to clarify and update the phasing of the construction of public infrastructure to serve Tract Map No's 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, and 18791 and extend the term of the Development Agreement.

Notice of public hearing was 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 Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote of those present with Mayor pro Tem Wapner absent to introduce and waive further reading of Ordinance No. 3094.

**ORDINANCE NO. 3094** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA05-001, BETWEEN THE CITY OF ONTARIO AND EDENGLLEN ONTARIO, LLC, TO CLARIFY AND UPDATE THE TIMING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE, THE DEVELOPMENT IMPACT FEE PROVISIONS, AND THE EXTENSION OF THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S 17392, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 18789, 18790, 18791, AND 17564, GENERALLY LOCATED NORTH OF CHINO AVENUE, SOUTH OF RIVERSIDE DRIVE, EAST OF MILL CREEK AVENUE, AND WEST OF THE SCE UTILITY CORRIDOR, WITHIN PLANNING AREAS 1 THROUGH 8 OF THE EDENGLLEN SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APNS: 0218-171-15; 0218-921-07, 08, 16, 19, 22, AND 30; 0218-931-01 THROUGH 25; 218-931-75 THROUGH 89; 0218-932-01 THROUGH 21; 0218-933-01 THROUGH 17; 0218-934-01 THROUGH 24; 0218-935-01 THROUGH 04; 0218-935-12 THROUGH 19; 0218-935-22 THROUGH 38; 0218-941-01 THROUGH 39; 0218-941-55 THROUGH 93; 0218-951-01 THROUGH 70; 0218-952-19 THROUGH 82; 0218-954-01 THROUGH 42; 0218-955-01 THROUGH 42; 0218-956-01 THROUGH 58; 0218-961-07 THROUGH 88.

12. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA16-002) BETWEEN THE CITY OF ONTARIO AND CVRC ONTARIO INVESTMENTS, LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 480 RESIDENTIAL UNITS (FILE NO. PMTT16-004/TT 19966) ON 111.10 ACRES OF LAND WITHIN THE RESIDENTIAL SINGLE FAMILY DISTRICT OF PLANNING AREAS 2, 3, 4 AND 5 OF THE ARMSTRONG RANCH SPECIFIC PLAN, LOCATED ON THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND ONTARIO AVENUE (APNs: 0218-101-01, 0218-101-02, 0218-101-07, 0218-101-08, 0218-102-10, AND 0218-102-11)**

City Council introduced and waived further reading of an ordinance approving A Development Agreement (File No. PDA16-002) between the City of Ontario and CVRC Ontario Investments, LLC, for the potential development of up to 480 residential units (File No. PMTT16-004/TT 19966) on 111.10 acres of land within the Residential Single Family district of Planning Areas 2, 3, 4 and 5 of the Armstrong Ranch Specific Plan, located on the southwest corner of Riverside Drive and Ontario Avenue.

Notice of public hearing was 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 Council Member Dorst-Porada and carried by unanimous vote of those present with Mayor pro Tem Wapner absent to introduce and waive further reading of Ordinance No. 3095.

**ORDINANCE NO. 3095** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA16-002) BETWEEN THE CITY OF ONTARIO AND CVRC ONTARIO INVESTMENTS, LLC, FOR THE POTENTIAL DEVELOPMENT OF UP TO 480 RESIDENTIAL UNITS (FILE NO. PMTT16-004/TT 19966) ON 111.10 ACRES OF LAND WITHIN THE RESIDENTIAL SINGLE FAMILY DISTRICT OF PLANNING AREAS 2, 3, 4 AND 5 OF THE ARMSTRONG RANCH SPECIFIC PLAN, LOCATED ON THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND ONTARIO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-101-01, 0218-101-02, 0218-101-07, 0218-101-08, 0218-102-10, AND 0218-102-11.

## **STAFF MATTERS**

City Manager Ochoa noted the potential for significant rain on Thursday and reminded the public that the City offers up to 15 sandbags per household, and he noted the locations to obtain sand and bags.

City Manager Ochoa then announced the loss of two members of the City family. Fire Captain Bill Summit who served from 1956 to 1985 and current Development Director Hassan Haghani. He requested that the meeting be adjourned in their honor.

## **COUNCIL MATTERS**

Council Member Dorst-Porada commented on her appreciation for Development Director Haghani. She also expressed condolences for the loss of Officer Casillas in Pomona and thanked Ontario Police Department for their support to Pomona.

Council Member Bowman reiterated concerns for the upcoming rain storm and the need to be prepared. He also stressed the dangers of swift moving water.

Council Member Valencia noted that the service for Pomona Officer Casillas would be on Thursday and requested prayers for the family. He commented on mutual aid operations and the support given and received by public safety agencies in their time of need.

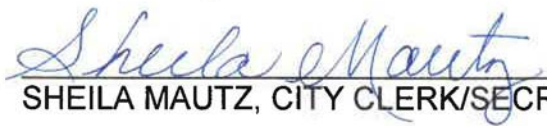


City Manager Ochoa noted that March 21<sup>st</sup> will mark the 125<sup>th</sup> Anniversary of the Ontario Fire Department.

#### ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:00 p.m. in memory of Fire Captain Bill Summit and Development Director Hassan Haghani; and announced the next regular meetings to be held on Tuesday, April 3, 2018.

Respectfully submitted,



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SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



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PAUL S. LEON, MAYOR/CHAIRMAN