

**ONTARIO CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR
AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY
MINUTES**

February 21, 2017

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority/ Successor Agency were held on Tuesday, February 21, 2017 at the Ontario City Hall, 303 East B Street, Ontario, California.

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council/Housing Authority/Successor Agency meetings to order at 6:30 p.m., and requested the City Clerk call the roll.

PRESENT:	Mayor/Chairman:	Paul S. Leon
	Mayor pro Tem/Vice Chairman:	Debra Dorst-Porada
	Council/Authority/Agency Member:	Jim W. Bowman and Ruben Valencia

ABSENT:	Council/Authority Member/Agency:	Alan D. Wapner
----------------	----------------------------------	----------------

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

The Pledge of Allegiance was led by Council Member Bowman.

Rabbi David Mattis, Temple Sholom of Ontario provided the Invocation.

PUBLIC COMMENTS

Dale Robinson commented on the flags and banners on Milliken Avenue and Airport Drive that he believes are owned by the Convention Center and asked to have them removed as required by the City's Municipal Code.

Grace Williams provided an update regarding the expansion of the Promise Scholars Program at Mountain View School District. She spoke about the importance of having an educational pipeline such as the Promise Scholars Program and noted that she presented the proposal to the Board Members in the Mountain View School District. Since then, the School Board Members have decided to not support a Promise Scholars Program at their District and added that they will be creating a better program for their students. She requested Council's support as she works on mobilizing the community to help motivate the School Board Members to support the Promise Scholars Program for their district.

Judy Briggs, commented on the importance of transparency regarding the Board and Commission Appointments. She spoke about her concerns regarding the selection process and asked that backup material be provided regarding the applicants applying

for a seat. She asked Council to include a public comments section before ratifying the Board and Commission Appointments.

Marci Garcia spoke about the Board and Commission Appointment procedures and shared the comments she received regarding comments she made during a previous meeting.

Paul Mim Mack spoke about Board and Commission Appointments. He spoke about his concerns regarding the lack of transparency and double standards. He asked Council to change the procedure for Board and Commission Appointments and require all seated Commissioners to reapply and justify their qualifications for their respective positions.

Peggi Hazlett, President/CEO of Ontario Chamber of Commerce, announced upcoming events; March 1, 2017 Good Morning Ontario will take place at 7:30 a.m. - 8:30 a.m. at the Airport Hotel and Convention Center, the keynote speaker is Mathew Holton who is the Superintendent from Chaffey Joint Union High School District, and March 4, 2017 at 8:00 a.m. the Chamber of Commerce will be hosting Coffee with Supervisor Curt Hagman at 3200 Inland Empire Boulevard, Suite 130 at 8:00 a.m. She spoke about Daniel Adamus, Marketing Officer for Ontario International Airport being the keynote speaker in the month of April. She congratulated two members of the Chamber of Commerce for receiving a true inspiration award and a Chick-Fil-A presentation of \$100,000 for the work they have done, for use in the community's after school programs. She also spoke about the Chamber of Commerce military banner program and urged residents to contact the Chamber of Commerce for any repairs or replacement needed due to damage caused by the recent storm. She announced the Ontario Police Recognition Luncheon that is scheduled to take place May 9, 2017 at the Ontario Convention Center.

Yvette Miranda spoke about Eddy Martinez Sierra who attended Hawthorne Elementary School who was diagnosed with cancer recently passed away. She asked for the community's support and asked for donations for the family's burial expenses.

AGENDA REVIEW/ANNOUNCEMENTS

None.

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Council Member Valencia to approve the remainder of the Consent Calendar as presented.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council and Housing Authority of January 17, 2017, approving same as on file in the Records Management Department.

2. **BILLS/PAYROLL**

Approved **Bills** for the period of January 8, 2017 through January 21, 2017, in the amount of \$25,663,273.01 and **Payroll** for the period of January 8, 2017 through January 21, 2017, in the amount of \$2,880,318.34, when audited by the Finance Committee.

3. **RESOLUTIONS APPROVING PARTIAL ASSIGNMENT AND ASSUMPTION AGREEMENTS BETWEEN TNHYIF REIV INDIA, LLC, DB GRAND, LLC, LAMBERT BREA, LLC, AND STAFFORD, LLC (2007 OWNER PARTICIPATION AGREEMENT-ONTARIO AIRPORT TOWERS)**

Successor Agency to the Ontario Redevelopment Agency and City Council took the following actions:

- (A) City Council adopted Resolution No. 2017-008 approving a Partial Assignment and Assumption of the 2007 Owner Participation Agreement (“OPA”) between TNHYIF REIV India, LLC and DB Grand, LLC (Ontario Airport Towers Vacant Land); and
- (B) Successor Agency to the Ontario Redevelopment Agency adopted Resolution No. SA-010 approving a Partial Assignment and Assumption of the 2007 Owner Participation Agreement (“OPA”) between TNHYIF REIV India, LLC and Lambert Brea, LLC (Ontario Airport Towers - Phase 1); and
- (C) Successor Agency to the Ontario Redevelopment Agency adopted Resolution No. SA-011 approving a Partial Assignment and Assumption of the 2007 Owner Participation Agreement (“OPA”) between TNHYIF REIV India, LLC and Stafford, LLC (Ontario Airport Tower - Phase 2 and 3); and
- (D) Successor Agency to the Ontario Redevelopment Agency adopted Resolution No. SA-009 approving a Partial Assignment and Assumption of the 2007 Owner Participation Agreement (“OPA”) between TNHYIF REIV India, LLC and DB Grand, LLC (Ontario Airport Tower Vacant Land).

RESOLUTION NO. 2017-008 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A PARTIAL ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT (ONTARIO AIRPORT TOWERS VACANT LAND) FOR PARCELS 6, 7, 8 AND 9.

RESOLUTION NO. SA-009 A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A PARTIAL ASSIGNMENT AND ASSUMPTION OF 2007 OWNER PARTICIPATION AGREEMENT (ONTARIO AIRPORT TOWERS VACANT LAND) FOR PARCELS 6, 7, 8 AND 9.

RESOLUTION NO. SA-010 A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A PARTIAL ASSIGNMENT AND ASSUMPTION OF YEARLY TAX INCREMENT PAYMENTS UNDER 2007 OWNER PARTICIPATION AGREEMENT (ONTARIO AIRPORT TOWERS) (PHASE 1).

RESOLUTION NO. SA-011 A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A PARTIAL ASSIGNMENT AND ASSUMPTION OF YEARLY TAX INCREMENT PAYMENTS UNDER 2007 OWNER PARTICIPATION AGREEMENT (ONTARIO AIRPORT TOWERS) (PHASES 2 AND 3).

4. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION ENGINEERING SUPPORT SERVICES FOR THE FRANCIS STREET STORM DRAIN PROJECT/DANKEN CONSTRUCTION ENGINEERING GROUP

City Council approved an amendment to the Professional Services Agreement with Danken Construction Engineering Group of Ontario, California, for additional engineering construction support services for the Francis Street Storm Drain Project, in the amount of \$131,208 for a revised contract amount of \$314,383; and authorized the City Manager to execute said amendment and future amendments.

5. RESOLUTION DEDICATING A RIGHT-OF-WAY EASEMENT OVER PORTIONS OF SEVEN CITY-OWNED PARCELS ALONG GROVE AVENUE BETWEEN FOURTH AND G STREETS

City Council adopted Resolution No. 2017-009 dedicating a right-of-way easement (for public road and utility purposes) over the segment of Grove Avenue between Fourth and G streets; and authorized the City Manager to execute the easement deed.

RESOLUTION NO. 2017-009 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEDICATING A RIGHT-OF-WAY EASEMENT OVER PORTIONS OF SEVEN CITY-OWNED PARCELS ALONG GROVE AVENUE BETWEEN FOURTH AND G STREETS.

6. A FIRE MUTUAL AID & AUTOMATIC AID AGREEMENT WITH RANCHO CUCAMONGA FIRE PROTECTION DISTRICT

City Council authorized the City Manager to execute an agreement with Rancho Cucamonga Fire Protection District for Fire Mutual Aid & Automatic Aid related to tactical incident response.

7. FISCAL YEAR 2016-17 SECOND BUDGET UPDATE REPORT

City Council approved the budget adjustments and recommendations as listed in the Fiscal Year 2016-17 Second Budget Update Report.

8. ESTABLISHMENT OF A DEBT MANAGEMENT POLICY

City Council approved a debt management policy for the City.

9. MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR ONTARIO RANCH MEDIANS AND PARKWAYS/MERCHANTS LANDSCAPE SERVICES, INC.

City Council approved and authorized the City Manager to execute a three-year Maintenance Service Agreement for Contract No. PM 1617-1 with Merchants Landscape Services, Inc., located in Rancho Cucamonga, California, for an annual estimated cost of \$192,000 plus a 5% contingency of \$9,600; authorized addition of future services; and authorized the option to extend the agreement for up to two additional years consistent with the City Council approved budgets.

10. ACCEPTANCE OF GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES PROVIDED THROUGH THE FY 2016 URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM

City Council authorized the City Manager to execute all documents necessary to accept a three-year sub-grant award in the amount of \$600,000 from the U.S. Department of Homeland Security and the California Office of Emergency Services provided through the FY 2016 UASI Grant Program. The equipment is defined as controlled equipment according to Executive Order 13688.

MOTION UNANIMOUSLY CARRIED. Mayor Leon declared City Council Resolution Nos. 2017-008, 2017-009, and Successor Agency Resolution Nos. SA-009, SA-010, SA-011 unanimously adopted by those present, with Council Member Wapner absent.

	Yes	No	Abstain	Absent
Mayor/Chairman Leon	X			
Mayor pro Tem/Vice Chairman Dorst-Porada	X			
Council/Agency Member Wapner				X
Council/Agency Member Bowman	X			
Council/Agency Member Valencia	X			

PUBLIC HEARINGS

11. AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3002 LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES PHASE I)

City Council introduced and waived further reading of Ordinance No. 3068 amending and restating Ordinance No. 3002 levying special taxes within City of Ontario Community Facilities District No. 24 (Park Place Facilities Phase I).

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, hearing no requests to speak, he closed the public hearing.

ORDINANCE NO. 3068 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND RESTATING ORDINANCE NO. 3002, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES PHASE I).

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote of those present to introduce and waive further reading of Ordinance No. 3068.

	Yes	No	Abstain	Absent
Mayor Leon	X			
Mayor pro Tem Dorst-Porada	X			
Council Member Wapner				X
Council Member Bowman	X			
Council Member Valencia	X			

12. **A CITY INITIATED REQUEST TO CHANGE THE ZONING DESIGNATIONS (FILE NO. PZC16-005) ON 51 PROPERTIES AS FOLLOWS: 1) 34 PROPERTIES FROM MDR-18 (MEDIUM DENSITY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL), 2) 16 PROPERTIES FROM MDR-25 (MEDIUM-HIGH DENSITY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL), AND 3) ONE PROPERTY FROM CN (NEIGHBORHOOD COMMERCIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL WITH ICC (INTERIM COMMUNITY COMMERCIAL OVERLAY), FOR PROPERTIES GENERALLY LOCATED SOUTH OF D STREET, WEST OF VINE AVENUE, NORTH OF VESTA STREET AND EAST OF SAN ANTONIO AVENUE, IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES**

City Council conducted a public hearing and introduced and waived further reading of Ordinance No. 3069 approving a Zone Change (File No. PZC16-005) to create consistency between the zoning and the General Plan land use designations of the subject properties.

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, hearing no requests to speak, he closed the public hearing.

Mayor Leon stated he is not in favor of high density in single family residential areas. He commented that the neighborhood that will be effected by the zone change has the characteristics of a high density area and the approval of the zone change would make it consistent with that’s already in place.

Mayor pro Tem Dorst-Porada commented on the importance of planning for additional parking to alleviate the congestion on the streets.

ORDINANCE NO. 3069 (FIRST READING) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC16-005, A CITY INITIATED REQUEST TO CHANGE THE ZONING DESIGNATIONS (FILE NO. PZC16-005) ON 51 PROPERTIES AS FOLLOWS: 1) 34 PROPERTIES FROM MDR-18 (MEDIUM DENSITY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL), 2) 16 PROPERTIES FROM MDR-25 (MEDIUM-HIGH DENSITY RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL), AND 3) ONE PROPERTY FROM CN (NEIGHBORHOOD COMMERCIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL) WITH ICC (INTERIM COMMUNITY COMMERCIAL OVERLAY), FOR PROPERTIES GENERALLY LOCATED SOUTH OF D STREET, WEST OF VINE AVENUE, NORTH OF VESTA STREET AND EAST OF SAN ANTONIO AVENUE, IN ORDER TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: AS SHOWN IN EXHIBIT A (ATTACHED).

MOTION: Moved by Council Member Valencia, seconded by Council Member Bowman and carried by unanimous vote of those present to introduce and waive further reading of Ordinance No. 3069.

	Yes	No	Abstain	Absent
Mayor Leon	X			
Mayor pro Tem Dorst-Porada	X			
Council Member Wapner				X
Council Member Bowman	X			
Council Member Valencia	X			

ADMINISTRATIVE REPORT/DISCUSSION/ACTION

13. A RESOLUTION AUTHORIZING THE ISSUANCE OF SPECIAL TAX BONDS FOR COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)

City Council adopted Resolution No. 2017-010 authorizing the issuance of special tax bonds for Community Facilities District No. 28 (New Haven Facilities – Area A). The resolution:

- (A) Authorized the issuance of special tax bonds for public improvements required to facilitate the development of the New Haven Facilities – Area A project;
- (B) Approved the forms of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement;

- (C) Authorized a negotiated sale of the special tax bonds to Stern Brothers & Co. (the “Underwriter”) in accordance with the terms of the Bond Purchase Agreement;
- (D) Authorized the execution of the Indenture of Trust, the Bond Purchase Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement by the City Manager, or his designee;
- (E) Authorized the execution of the special tax bonds by the Mayor; and
- (F) Authorized the appointment by the City Manager of a trustee for the District.

RESOLUTION NO. 2017-010 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A) SPECIAL TAX BONDS, SERIES 2017, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,000,000, 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.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote of those present to adopt Resolution No. 2017-010, authorizing the issuance of special tax bonds for Community Facilities District No. 28 (New Haven Facilities – Area A).

	Yes	No	Abstain	Absent
Mayor Leon	X			
Mayor pro Tem Dorst-Porada	X			
Council Member Wapner				X
Council Member Bowman	X			
Council Member Valencia	X			

STAFF MATTERS

None.

COUNCIL MATTERS

CITY COUNCIL COMMITTEE APPOINTMENTS

Judy Briggs commented on the administrative procedure for appointing Commissioners. She suggested bringing the item back with backup materials during the next meeting. She stated she would like to know who is being considered for the Board and Commission vacancies.

Mayor Leon clarified the procedure for appointing Commissioners and stated that it will be ratified by Council.

Judy Briggs stated that she would like the public to receive information pertaining to the Commissioners they have selected. She stated that the public has the right to review the applications for Boards and Commission.

Mayor pro Tem Dorst-Porada asked Ms. Briggs if publicly stating who is being considered would be enough to satisfy her request.

Judy Briggs stated that she would like the public to have the information ahead of time.

City Attorney Brown asked Council to read the names of the Board Member and Commissioners Mayor pro Tem Dorst-Porada and Council Member Valencia would like to appoint, then asked Mayor Leon to open public comments and provide an opportunity for the public to provide their feedback regarding the proposed appointments.

Mayor pro Tem Dorst-Porada's proposed appointments:

Library Board – Irene Chisholm
 Parks and Recreation – Rita Nelsen
 Museum – Chris Kueng
 Planning Commission – Rick Gage

Council Member Valencia proposed appointments:

Planning Commission – Fausto Reyes
 Parks and Recreation – Danney Saucedo
 Library Board – Rachael Camona
 Museum – Sarah Galvez

Mayor Leon opened the public comments, hearing no requests to speak, he closed public comments.

MOTION TO RATIFY APPOINTMENTS: Moved by Mayor Leon, seconded by Council Member Bowman and carried by unanimous vote of those present to ratify the City Council Board and Commission Appointments made by Mayor pro Tem Dorst-Porada and Council Member Valencia.

	Yes	No	Abstain	Absent
Mayor Leon	X			
Mayor pro Tem Dorst-Porada	X			
Council Member Wapner				X
Council Member Bowman	X			
Council Member Valencia	X			

COUNCIL MATTERS

Mayor pro Tem Dorst-Porada thanked City Staff, Museum Staff, Chaffey Museum Members, Ontario Museum Associates, Ontario Heritage Members, and all others who contributed to the renovation of the Museum. She invited the public to visit the exhibits at

the museum by Sheets, Sheets and Caughman entitled Art for Living and Living for Art on display until March 26, 2017, it is open Tuesday – Friday from 12 p.m. – 4 p.m. She spoke about the Museum re-opening that took place Friday, February 17, 2017 and the opening that took place on Sunday, February 19, 2017. She stated she was pleased with all the hard work and positive comments she received.

Council Member Bowman thanked the Public Works Department, Police Department and Fire Department for all the work they did during the rainstorm.


Council Member Valencia offered a moment of silence for Whittier Police Officer Keith Boyer. He thanked the Ontario Police Officers for their work during the rainstorm. He also thanked the Streets Department for the work they have done. He stated that the potholes are being addressed as soon as the weather permits. He spoke about the importance of looking at the big picture and making sure the decisions he is making are for the greater good. He reminded the public about the ability to donate Girl Scout Cookies to our troops overseas.

Mayor Leon commented on the comments made by Mr. Mim Mack during Public Comments. He stated that he does his best to be as ethical as possible at all times and stated that he avoids even the appearance of a conflict of interest. He commented regarding Ms. Williams comments about the Promise Scholars Program and the Mountain View School District. He thanked Chick-Fil-A for the \$100,000 donation to the community's after school programs and for the public's attendance at the Council meeting.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:28 p.m. and announced the next regular meetings on Tuesday, March 7, 2017.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK

APPROVED:



PAUL LEON, MAYOR