

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
June 7, 2016**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, June 7, 2016 at the Ontario City Hall, 303 East B Street, Ontario, California.

CALL TO ORDER – OPEN SESSION

The Mayor called the City Council/Housing Authority meetings to order at 6:31 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 Member:	Jim W. Bowman, Paul Vincent Avila and Alan D. Wapner

ABSENT: Council/Authority Member: None

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 Mayor pro Tem Dorst-Porada.

Pastor George Kelley, Grace Missionary Baptist Church provided the Invocation.

PUBLIC COMMENTS

Dale Robinson, commented regarding the unpleasant conditions of the properties in his neighborhood.

Nancy Bumstead, Committee Representative for Relay for Life, invited the public to attend Ontario Relay for Life at Westwind Park, June 11, 2016, 10:00 a.m. – 10:00 p.m.; with a 9:00 p.m. Luminaria event; and reminded the public to donate to Relay for Life.

Peggy Hazlett, CEO of the Ontario Chamber of Commerce, introduced the newest Chamber of Commerce member Cream, an ice cream shop near the Ontario Mills. Cream introduced a new flavor called Ontario Fury Ice Cream Sandwich; and is donating \$1.00 to the Ontario Fury Foundation with every purchase of Ontario Fury Ice Cream Sandwich. She invited the public to attend a Small Business Tax Expo on June 21, at 3200 Inland Empire Boulevard, Suite 130, Ontario Chamber of Commerce Offices.

Chad Schnitger, field representative for County Supervisor Curt Hagman, invited the public to attend an Active Shooter Awareness Training organized by Supervisor Curt Hagman, at the City of Chino on July 21 from 7:00 p.m. - 10:00 p.m. Spaces are limited and reservations must be received by July 14.

Linda Johnson, commented on the creation of district based elections and suggested a November ballot Measure. She also commented regarding transparency and the need for representation of all residents in the City.

Ruben Valencia, commented about scavengers digging through residents' trash provided information trash/recyclables/green waste diverted from the landfill and the correlation with the credit gained by the City which offsets homeowner's costs. He also commended the Rotary Club and Kiwanis Club for the successful Pancake Breakfast and Car Show.

Stephen Rogers, spoke about the difficulties he's had with attaining employment with various public agencies.

Michael Krouse, President and CEO of the Visitors Bureau Ontario Convention Center, invited the public to attend the 40th Annual Huck Finn Jubilee at Cucamonga Guasti Regional Park, Friday, June 10 - 12, and reminded the public to visit the new California Welcome Center located inside the Ontario Mills Mall.

Lonnie Marion, spoke about the concerns he had with the increase of crime, specifically burglaries and the lack of police presence in Archibald Ranch.

Mayor Leon requested that the City Manager arrange for the Police Chief to speak with Mr. Marion regarding his concerns and commented regarding the need for an active Neighborhood Watch.

City Manager Boling directed Deputy Police Chief Williams to speak with Mr. Marion.

Don Tisor, spoke regarding the residents' request to remove the SCE towers and the location of SCE cables underground at Archibald Ranch. He expressed his concern with excessive speeding on Turner Avenue. He commented regarding students crossing at unmarked crosswalks and drivers speeding through the stop signs at the intersection of Turner Avenue and Golden Trails Street. He also requested additional police presence in the neighborhood due to the increase of crime, specifically burglaries.

Hearing no further requests to speak, Mayor Leon closed public comments.

CONSENT CALENDAR

Mayor Leon noted a request to comment on Item No. 6.

Stephen Rogers, commented regarding his concerns with the delegation of authority regarding the determination of the retirement disability to the City Manager.

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

1. **APPROVAL OF MINUTES**

Approved the Minutes for the regular meetings of the City Council and Housing Authority of May 3, 2016, approving same as on file in the Records Management Department.

2. **BILLS/PAYROLL**

Approved **Bills** April 3, 2016 through April 16, 2016, in the amount of \$8,603,895.52 and **Payroll** April 3, 2016 through April 16, 2016, in the amount of \$2,602,438.15 when audited by the Finance Committee.

3. **RESOLUTIONS TO CALL AND GIVE NOTICE, CONSOLIDATE AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS FOR THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 8, 2016**

City Council adopted resolutions to call and set the date of the General Municipal Election as November 8, 2016; request the San Bernardino County Registrar of Voters to consolidate the election with the Statewide General Election; and adopted regulations for candidate statements.

RESOLUTION NO. 2016-037 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA, RELATING TO GENERAL LAW CITIES.

RESOLUTION NO. 2016-038 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE.

RESOLUTION NO. 2016-039 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION (TO BE HELD ON TUESDAY, NOVEMBER 8, 2016.)

4. **BIENNIAL CONFLICT OF INTEREST CODE REVIEW**

City Council received the 2014 Local Agency Biennial Notice of the Political Reform Act requirement and directed staff to review the Conflict of Interest Code.

5. A RESOLUTION DELEGATING AMENDMENT AUTHORITY TO THE CITY MANAGER OVER THE CITY'S DEFERRED COMPENSATION PLAN AND FLEXIBLE BENEFITS PLAN

City Council adopted a resolution authorizing the City Manager to execute any and all plan documents, contracts, and amendments necessary for the ongoing administration of the City's deferred compensation plan and flexible benefits plan.

RESOLUTION NO. 2016-040 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DELEGATING AMENDMENT AUTHORITY TO THE CITY MANAGER OVER THE CITY'S DEFERRED COMPENSATION PLAN AND FLEXIBLE BENEFITS PLAN.

6. RESOLUTIONS MODIFYING THE PROCEDURES GOVERNING INDUSTRIAL DISABILITY RETIREMENT AND DELEGATING APPLICATION AND DETERMINATION AUTHORITY TO THE CITY MANAGER

City Council took the following actions:

- (A) Adopted a resolution consistent with Section 21156 of the Government Code of the State of California, rescinding Resolution No. 8966 and setting the procedures governing the making of determinations and findings required of an agency by the Public Employees' Retirement Law relative to the disability retirement of local safety members; and
- (B) Adopted a resolution rescinding Resolution No. 8967 and delegating to the City Manager, under Section 21173 of the Government Code of the State of California, the authority to make determinations of disability retirement.

RESOLUTION NO. 2016-041 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DELEGATING TO THE CITY MANAGER, UNDER SECTION 21173 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA, THE AUTHORITY TO MAKE DETERMINATIONS OF DISABILITY RETIREMENT.

RESOLUTION NO. 2016-042 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AND SETTING FORTH PROCEDURES GOVERNING THE DETERMINATIONS REQUIRED OF EMPLOYERS OF LOCAL SAFETY MEMBERS RELATIVE TO DISABILITY RETIREMENT BY SECTION 21156 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AND NOT OTHERWISE ESTABLISHED THEREIN.

7. MANAGEMENT AGREEMENTS WITH SMG WORLDWIDE FOR OPERATION AND MANAGEMENT SERVICES COVERING THE CITIZENS BUSINESS BANK ARENA AND THE ONTARIO CONVENTION CENTER

City Council authorized the City Manager to negotiate and execute (1) a management agreement with SMG Worldwide, a Pennsylvania General Partnership, for the

management and operation of the Citizens Business Bank Arena for twelve years with the mutual option to extend for up to two five-year periods; (2) an extension of the existing management and operations agreement for the Ontario Convention Center in order to have coterminous performance periods and expirations for the two City-owned facilities; and (3) amended the existing management agreement Anschultz Entertainment Group to effectuate the transfer of facility operators.

8. APPROVE UPDATED INVESTMENT POLICY

City Council approved an update to the City's Investment Policy.

9. REJECTION OF ALL BIDS RECEIVED FOR THE FY 2015-16 / FY 2016-17 COLLECTOR / ARTERIAL, LOCAL STREET MAINTENANCE – SLURRY SEAL AND CDBG PAVEMENT AND ALLEY PAVEMENT MANAGEMENT REHABILITATION

City Council rejected all bids received to date in connection with the FY 2015-16 / FY 2016-17 Collector / Arterial, Local Street Maintenance – Slurry Seal and CDBG Pavement and Alley Pavement Management Rehabilitation in accordance with Ontario Municipal Code Title 2, Chapter 6, Section 2-6.13(g).

10. A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC EASEMENT IN A PORTION OF SUNKIST STREET WEST OF CYPRESS AVENUE

City Council adopted a resolution ordering the summary vacation of a public easement for street and other municipal purposes in a portion of Sunkist Street west of Cypress Avenue.

RESOLUTION NO. 2016-043 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC EASEMENT IN A PORTION OF SUNKIST STREET WEST OF CYPRESS AVENUE.

11. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA15-005) BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC, FOR THE DEVELOPMENT OF UP TO 108 RESIDENTIAL UNITS (TT19907) ON 27.09 GROSS ACRES OF LAND WITHIN THE CONVENTIONAL MEDIUM LOT RESIDENTIAL DISTRICT (PLANNING AREA 29) OF THE SUBAREA 29 SPECIFIC PLAN, LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND PARK VIEW STREET

City Council considered and adopted an ordinance approving a Development Agreement (File No. PDA15-005) between the City of Ontario and Brookcal Ontario, LLC, for the development of up to 108 residential units (TT19907) on 27.09 gross acres of land within the Conventional Medium Lot Residential district (Planning Area 29) of the Subarea 29 Specific Plan, located at the southwest corner of Haven Avenue and Park View Street (APN: 0218-321-17).

ORDINANCE NO. 3051 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC., FILE NO. PDA15-005, TO ESTABLISH THE TERMS AND CONDITIONS FOR DEVELOPMENT OF UP TO 108 RESIDENTIAL UNITS (TT 19907) ON 27.09 ACRES WITHIN PLANNING AREA 29 OF THE SUBAREA 29 SPECIFIC PLAN, LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND PARK VIEW STREET, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-321-17).

12. ***AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA15-006) BETWEEN THE CITY OF ONTARIO AND ROSEVILLE NMC, LLC, ONTARIO, FOR THE DEVELOPMENT OF UP TO 118 RESIDENTIAL UNITS (TT19909) ON 26.81 GROSS ACRES OF LAND WITHIN THE CONVENTIONAL MEDIUM LOT RESIDENTIAL DISTRICT (PLANNING AREA 28) OF THE SUBAREA 29 SPECIFIC PLAN, LOCATED AT THE NORTHWEST CORNER OF HAVEN AVENUE AND PARK VIEW STREET***

City Council considered and adopted an ordinance approving a Development Agreement (File No. PDA15-006) between the City of Ontario and Roseville NMC, LLC, Ontario, for the development of up to 118 residential units (TT19909) on 26.81 gross acres of land within the Conventional Medium Lot Residential district (Planning Area 28) of the Subarea 29 Specific Plan, located at the northwest corner of Haven Avenue and Park View Street (APN: 0218-321-30).

ORDINANCE NO. 3052 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND ROSEVILLE NMC, LLC, FILE NO. PDA15-006, TO ESTABLISH THE TERMS AND CONDITIONS FOR DEVELOPMENT OF UP TO 118 RESIDENTIAL UNITS (TT 19909) ON 26.81 ACRES WITHIN PLANNING AREA 28 OF THE SUBAREA 29 SPECIFIC PLAN, LOCATED ON THE AT THE NORTHWEST CORNER OF HAVEN AVENUE AND PARK VIEW STREET, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-321-30).

13. ***A LEASE AMENDMENT FOR A FIVE-YEAR TERM EXTENSION FOR OFFICE AND WAREHOUSE SPACE FOR THE POLICE DEPARTMENT***

City Council authorized the City Manager to execute the Fourth Amendment to the Lease with Safari Industrial Corporation for a five-year term extension for office and warehouse space for the Police Department.

14. ***AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT FOR LEGAL AND TECHNICAL SERVICES PERTAINING TO WATER RESOURCES AND WASTEWATER MATTERS/NOSSAMAN LLP***

City Council authorized the City Manager to execute a three-year extension and amendment to the existing Professional Services Agreement with Nossaman LLP of

Los Angeles, California for on-going legal and technical services on an as-needed basis with respect to matters relating to sewer disposal, water supply, water rights and water quality, consistent with City Council approved work plans and budgets.

15. CONSTRUCTION CONTRACT FOR WATER MAIN IMPROVEMENTS IN SULTANA AVENUE AND “F” STREET/T.E. ROBERTS, INC.

City Council approved the plans and specifications, and awarded Contract No. UT 1516-07 to T.E. Roberts, Inc. of Orange, California for the construction of Water Main Improvements in Sultana Avenue and “F” Street in the amount of \$2,338,077 plus a 15% contingency of \$350,712, for a total amount of \$2,688,789 and authorized the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities related to the project.

PUBLIC HEARINGS

16. A PUBLIC HEARING TO CONSIDER AN URGENCY ORDINANCE PROHIBITING THE ISSUANCE OF NEW BUSINESS LICENSES OR NEW ENTITLEMENTS FOR COMPOSTING (GREEN WASTE AND MANURE) FACILITIES IN THE CITY OF ONTARIO

City Council adopted an interim urgency ordinance placing a temporary moratorium on the issuance of new business licenses or new entitlements for composting facilities.

Notice of public hearing has been duly given and affidavits of compliance are on file in the Records Management Department.

There was one written communication on file in support of the interim urgency ordinance.

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

MOTION: Moved by Mayor pro Tem Dorst-Porada seconded by Council Member Bowman, and carried by unanimous vote.

ORDINANCE NO. 3053 AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TEMPORARILY PROHIBITING THE ISSUANCE OF NEW BUSINESS LICENSES OR NEW ENTITLEMENTS FOR COMPOSTING (GREEN WASTE AND MANURE) FACILITIES IN THE CITY OF ONTARIO.

STAFF MATTERS

None.

COUNCIL MATTERS

Mayor Leon reminded the public to be mindful of the voting decisions to be made during the election season. He commented regarding a call he received about the qualifications of those running for office and expressed the importance of due diligence when voting. He commented regarding a meeting of the Vector Control Board and reminded the public to stay protected when doing outdoor activities and to wear long sleeved clothes and pants. He spoke about the protective wipes that are handed out to the public during Concerts in the Park. He also requested residents support in shopping at the local farmers market to keep it thriving and he reminded the public of the importance in supporting the City's local businesses.

Mayor pro Tem Dorst-Porada invited the public to dispose of any bulky unwanted items on Saturday, June 11, at City Yard on Bon View Avenue. She encouraged the public to support the City's Farmers Market every Wednesday and invited the public to attend the Friday movie nights, both at the Town Square Park.

Council Member Wapner spoke about the Annual Shopping Center Convention he and his Council colleagues attended and the interest received from companies wanting to relocate to the City. He commented on the League of California Cities Public Safety Commission discussions about the legalization marijuana for recreational purposes, the release of criminals with lesser offenses. He also commented regarding the Public Safety Committee Meeting for League of California Cities which adopted a recommendation of "No" on supporting the following: Legalization of the use of Marijuana for Recreational purposes; an initiative allowing good-time credit for criminals; and an initiative that would regulate the purchase of ammunition requiring the person buying ammunition to obtain a permit, pay \$50.00, and register their ammunition. This bill affects police officers and members of the military; it also allows the confiscation of the guns by any police agency if they have probable cause without due-process.

Council Member Bowman introduced Kelly Fredericks, CEO Director of the Ontario International Airport Authority and commended him for the work he has done. He invited the public to attend the 40th Annual Huck Finn Jubilee at Cucamonga Guasti Regional Park, June 10 - 12. He commented on the Rotary Car Show and Kiwanis Pancake Breakfast, the success of the events in Town Square and requested the public's support for the upcoming Cruisin Route 66 Reunion in September. He also commented regarding the Ontario Library's new Veterans Resource Center available for veterans of all ages to provide them access to much resources. The hours of operation are Monday, Thursday, Friday, Saturday, from 10:00 a.m. - 1:00 p.m., appointments may also be made at (909) 395-2359. He also requested to adjourn the Council meeting in memory of Gene Koopman, Inland Empire Utilities Agency Board Member who represented Ontario and recently passed away.

Council Member Avila commented regarding the attendance of the Archibald residents, and asked that the residents to continue to keep him updated regarding crime in the area. He commented regarding the impoverished children within the local school district and commended the district for the programs they provide. He also commented regarding

previous speakers statements comments made regarding industrial disabilities retirements.

Councilmember Bowman left the meeting at 7:25 p.m.

Councilmember Wapner left the meeting 7:25 p.m.

Mayor pro Tem Dorst-Porada left the meeting 7:26 p.m.

The meeting was adjourned at 7:27 p.m. due to a lack of quorum.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:27 p.m. in honor of Gene Koopman, Inland Empire Utilities Agency Board Member He announced the next regular meetings on Tuesday, June 21, 2016.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN