

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
July 5, 2016**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, July 5, 2016 at the Ontario City Hall, 303 East B Street, Ontario, California.

CLOSED SESSION

The Mayor called the City Council/Housing Authority meetings to order at 6:00 p.m., and inquired whether persons were present who wished to speak to a Closed Session item. Hearing no one, the meeting was recessed to Closed Session at 6:00 p.m. for discussion of the following:

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *Two (2) cases.*

CALL TO ORDER – OPEN SESSION

The Mayor called the City Council/Housing Authority 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 Member:	Alan D. Wapner, Jim W. Bowman, and Paul Vincent Avila

ABSENT:	Council/Authority Member:	None
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Also present were City Manager/Executive Director Al C. Boling, City Attorney/Legal Counsel John Brown and City Clerk/Secretary Sheila Mautz.

REPORT ON CLOSED SESSION

City Attorney Brown advised that the Council conferred regarding the potential litigation as listed on the agenda with no reportable action, however it was possible that there would be resulting disclosable agreements in the future.

The Pledge of Allegiance was led by Council Member Bowman.

Pastor Mike Urciuoli, Calvary Chapel Ontario provided the Invocation.

PUBLIC COMMENTS

Aaron Matthiesen advised the Council of an increasingly dangerous situation at the intersection of J Street and Boulder Avenue, and detailed an incident that occurred on Saturday evening. Mayor Leon suggested he discuss the issue with City Manager Boling.

Jana Morrison indicated that she represents a group of residents in an apartment complex on South Bon View, who are requesting more parking on the street where it is currently marked “no parking”. Mayor Leon referred her to City Engineer Abi-Younes for assistance.

Ruben Valencia commented on the July 4th Parade and Fireworks Show and expressed his appreciation to City staff for their work, noting their personal sacrifices to provide events for the community.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling requested an amendment to the agenda with regard to Item No. 10. He indicated that in the recommendations, staff would request the removal of subsection 5 pertaining to Ontario Municipal Code Section 601.035 (Overlay Zoning Districts); with the understanding that it will come back to the City Council for consideration at a future public hearing. He advised that all other recommendations remain unchanged, and if the Council takes action to approve the Ordinance, it would be with Section 3 of that Ordinance omitted.

CONSENT CALENDAR

Council Member Avila requested that Items 2 and 4 be pulled from the Consent Calendar for separate discussion and vote.

MOTION: Moved by Council Member Bowman, seconded by Council Member Wapner 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 meeting of the City Council and Housing Authority of June 7, 2016, and the special meeting of the City Council and Housing Authority of May 20, 2016, as on file in the Records Management Department.

3. A CONSTRUCTION CONTRACT FOR THE FY 2015-16 PAVEMENT REHABILITATION PROJECT AND CDBG FUNDED ALLEY RECONSTRUCTION/ALL AMERICAN ASPHALT

City Council approved the plans and specifications and awarded a construction contract to All American Asphalt of Corona, California, for the FY 2015-16 Pavement Rehabilitation Project and CDBG Funded Alley Reconstruction for the

bid amount of \$3,383,480, plus a 15% contingency of \$507,522, for a total authorized amount of \$3,891,002; and authorized the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

5. AWARD CONSTRUCTION CONTRACT NO. IT16-FIB-001 FIBER OPTIC CABLE INSTALLATION TO PROVIDE HIGH-SPEED INTERNET (BROADBAND) CONNECTION TO THE WEST HAVEN DEVELOPMENT GENERALLY LOCATED IN THE AREA NORTHEAST OF SCHAEFER AND TURNER AVENUE/HHS CONSTRUCTION INCORPORATED

The City Council took the following actions:

- (A) Awarded Construction Contract No. IT16-FIB-001 to HHS Construction, Incorporated (HHS) of Ontario, California, in the bid amount of \$162,589 plus a 15% contingency of \$24,388 for a total of \$186,977 for the installation of fiber optic cable in the West Haven Development generally located in the area northeast of Schaefer and Turner Avenues; and
- (B) Authorized the City Manager to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, reduction of retention accounts, and the filing of Notice of Completion at the conclusion of all related work.

6. AWARD OF BID FOR PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS/HOLLIDAY ROCK CO./CALPORTLAND/ALL AMERICAN ASPHALT/DAN COPP CRUSHING/VULCAN

City Council authorized the City Manager to approve the procurement of concrete, asphalt and aggregate materials for a period of six months at set pricing per Bid Invitation #642 with: Holliday Rock Co. of Upland, California; CalPortland of Ontario, California; All American Asphalt of Corona, California; Dan Copp Crushing of Yorba Linda, California; and Vulcan of Irwindale, California; and authorized the City Manager to extend the agreements for an additional six months through the end of the fiscal year consistent with City Council approved budgets.

7. PURCHASE OF HAND-HELD POLICE RADIOS FROM MOTOROLA SOLUTIONS

City Council authorized the City Manager to execute a sole source purchase contract with Motorola Solutions, formerly known as Motorola, Inc., of Schaumburg, IL in the amount of \$218,500 for the purchase of thirty-eight (38) hand-held 800 MHz police radios and related accessories.

8. PROFESSIONAL SERVICES AGREEMENT FOR RECYCLED WATER CROSS-CONNECTION AND OVERSPRAY TESTING/AEGIS ENGINEERING MANAGEMENT

City Council approved and authorized the City Manager to execute a three-year Professional Services Agreement with Aegis Engineering Management of San Diego, California, for recycled water cross-connection and overspray testing in an amount not to exceed \$300,000 consistent with City Council approved work plans and budgets.

ITEMS PULLED FROM THE CONSENT CALENDAR

2. BILLS/PAYROLL

Bills May 1, 2016 through May 14, 2016 and **Payroll** May 1, 2016 through May 14, 2016, when audited by the Finance Committee.

Council Member Avila questioned payment to Hughes LLC in the amount of \$7,000, noting that previous payments had been in the amount of \$5,000. City Manager Boling indicated that the contract had been amended and the payment was now \$7,000 per month.

MOTION: Moved by Council Member Avila, seconded by Mayor Leon and carried by unanimous vote to approve the Bills for the period of May 1, 2016 through May 14, 2016, in the amount of \$14,530,113.08 and Payroll for the period of May 1, 2016 through May 14, 2016 in the amount of \$2,646,013.13, when audited by the Finance Committee.

4. A CONSTRUCTION CONTRACT FOR THE FY 2015-16 / FY 2016-17 COLLECTOR / ARTERIAL, LOCAL STREET MAINTENANCE - SLURRY SEAL AND CDBG PAVEMENT AND ALLEY PAVEMENT MANAGEMENT REHABILITATION/AMERICAN ASPHALT SOUTH, INC.

The City Council approved the plans and specifications and awarded a construction contract to American Asphalt South, Inc., of Fontana, California for the City of Ontario FY 2015-16 / FY 2016-17 Collector/Arterial, Local Street Maintenance Slurry Seal and CDBG Pavement and Alley Pavement Management Rehabilitation in the bid amount of \$1,883,430 plus a fifteen (15%) percent contingency of \$282,515 for a total authorized expenditure of \$2,165,945; and authorize the City Manager to execute said contract and related documents, and file a notice of completion at the conclusion of all construction activities for the project.

Council Member Avila questioned the final bid amounts, noting that when he was briefed on this project the bid had not yet closed. City Manager Boling advised that the appropriations for this project included \$967,223 from Measure I Funds, \$150,000 from CDBG funds and \$205,000 from Gas Tax Funds for a total of \$1,322,223 in the 2015-2016 budget. He further advised that the 2016-2017 budget included \$650,000 from Measure I Funds, \$301,072 from CDBG funds and

\$412,000 from Gas Tax Funds. He indicated that the total recommended expenditure authorization would be \$2,165,945 consisting of the bid amount of \$1.9 million plus a 15% contingency. He noted that this information was included in the publicly posted agenda. Council Member Avila concurred that this was the information provided in the agenda he had collected this afternoon.

MOTION: Moved by Council Member Avila, seconded by Mayor Leon and carried by unanimous vote to approve the plans and specifications and award a construction contract to American Asphalt South, Inc. of Fontana California as recommended.

PUBLIC HEARINGS

9. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 30 (NEW HAVEN FACILITIES – AREA B); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

This item was continued to the July 19, 2016, meeting.

10. A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA16-003, PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE, INCLUDING MODIFICATIONS TO CERTAIN PROVISIONS OF DIVISION 2.03 (PUBLIC HEARINGS), DIVISION 5.02 (LAND USE), DIVISION 5.03 (STANDARDS FOR CERTAIN LAND USES, ACTIVITIES AND FACILITIES), DIVISION 6.01 (DISTRICT STANDARDS AND GUIDELINES), DIVISION 8.01 (SIGN REGULATIONS), AND DIVISION 9.01 (DEFINITIONS)

The City Council introduced and waived further reading of an ordinance approving File No. PDCA16-003, a Development Code Amendment proposing several clarifications to the Ontario Development Code (Ontario Municipal Code Title 9) including:

- (1) Modified the Notification Matrix (Table 2.03-1) to clarify that public hearing notification is not required for a Development Advisory Board recommendation to the Planning Commission;
- (2) Modified the Land Use Matrix (Table 5.02-1) to prohibit “Used Car Sales” in the CC (Community Commercial) zone, and in ICC (Interim Community Commercial) Overlay district, allow “Fitness and Recreation Sport Centers” that are 10,000 square feet or more in area, as a conditionally permitted use in the CN (Neighborhood Commercial) zone, and require Conditional Use Permit approval “Wireless Telecommunications Facilities” in the AG (Agriculture) Overlay district;
- (3) Prohibited drive-thru facilities in the MU-1 (Downtown Mixed-Use) zone (Section 5.03.150);

- (4) Allowed a maximum wireless telecommunications facility antenna height of 75 feet for collocated facilities in the IL (Light Industrial), IG (General Industrial), and IH (Heavy Industrial) zones (Section 5.03.420);
- (5) ITEM REMOVED FROM CONSIDERATION AT THIS MEETING.
- (6) Clarified that signs cannot encroach into the public right-of-way (Section 8.01.020);
- (7) Clarified that monument signs should be designed with a 12- to 18-inch high base (Section 8.1.025);
- (8) Defined the term “Density,” and include rules for rounding minimum and maximum density calculations (Section 9.01.010); and
- (9) Revised the allowable exterior noise level for the “Residential Portion of Mixed Use Projects,” to match the “Multiple-Family and Mobilehome Park” noise standard (Municipal Code Section 5-29.04).

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 at 6:48 p.m. Hearing no requests to speak, he closed the public hearing at 6:48 p.m.

MOTION: Moved by Council Member Bowman, Seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3055 as amended.

ORDINANCE NO. 3055 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-003, A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE: [1] AMEND TABLE 5.02-1 (LAND USE MATRIX) TO PROHIBIT “USED CAR SALES” WITHIN THE CC (COMMUNITY COMMERCIAL) ZONE AND ICC (INTERIM COMMUNITY COMMERCIAL) OVERLAY DISTRICT, ALLOW “FITNESS AND RECREATION SPORT CENTERS”, 10,000 SQUARE FEET OR MORE IN AREA, AS A CONDITIONALLY PERMITTED LAND USE WITHIN THE CN (NEIGHBORHOOD COMMERCIAL) ZONE, AND ALLOW “WIRELESS TELECOMMUNICATIONS FACILITIES” AS A CONDITIONALLY PERMITTED LAND USE IN THE AG (AGRICULTURE) OVERLAY DISTRICT; [2] AMEND SECTION 5.03.150 (DRIVE-THRU FACILITIES) TO PROHIBIT DRIVE-THRU FACILITIES WITHIN THE MU-1 (DOWNTOWN MIXED-USE) ZONING DISTRICT; [3] AMEND SECTION 5.03.420 (WIRELESS TELECOMMUNICATIONS FACILITIES) TO ALLOW A MAXIMUM HEIGHT OF 75 FEET FOR COLLOCATED ANTENNAS WITHIN THE IL (LIGHT INDUSTRIAL), IG (GENERAL INDUSTRIAL), AND IH (HEAVY INDUSTRIAL) ZONES; [4] AMEND SECTION 6.01.035 (OVERLAY ZONING DISTRICTS) TO CLARIFY THAT MEDICAL OFFICES ARE ALLOWED ON THE FIRST FLOOR OF BUILDINGS LOCATED WITHIN THE EA (EUCLID AVENUE) OVERLAY DISTRICT, EXCEPT WITHIN THE MU-1 (DOWNTOWN MIXED-USE) ZONE; [5] AMEND TABLE 2.02-1 (REVIEW MATRIX) TO CLARIFY THAT PUBLIC NOTIFICATION IS NOT REQUIRED FOR A DEVELOPMENT ADVISORY BOARD RECOMMENDATION TO THE PLANNING COMMISSION; [6]

AMEND SECTION 8.01.020 (SIGN STANDARDS) TO CLARIFY THAT FREESTANDING SIGNS CANNOT ENCROACH WITHIN THE PUBLIC RIGHT-OF-WAY, AND MUST BE WHOLLY LOCATED BEHIND THE RIGHT-OF-WAY LINE; [7] AMEND SECTION 8.1.025 (DESIGN GUIDELINES) TO CLARIFY THAT MONUMENT SIGNS SHOULD BE PROVIDED WITH A 12- TO 18-INCH HIGH BASE; [8] REVISE SECTION 9.01.010 (TERMS AND PHRASES) TO CLARIFY THE DEFINITION FOR “DENSITY,” INCLUDING RULES FOR ROUNDING DENSITY CALCULATIONS; AND [9] AMEND MUNICIPAL CODE SECTION 5-29.04 (EXTERIOR NOISE STANDARDS) TO CORRECT THE ALLOWED EQUIVALENT NOISE LEVEL FOR NOISE ZONE IV (RESIDENTIAL PORTION OF MIXED USE) TO BE CONSISTENT WITH NOISE ZONE II (MULTI-FAMILY RESIDENTIAL AND MOBILE HOME PARKS), AND MAKING FINDINGS IN SUPPORT THEREOF.

STAFF MATTERS

None.

COUNCIL MATTERS

Mayor pro Tem Dorst-Porada commented on the significance of the 4th of July and the accumulation of knowledge that lead up to the signing of the Declaration of Independence. She stressed the strife that was endured to create that document and allow the freedoms we enjoy today.

Council Member Wapner added to Ms. Dorst-Porada’s comments the significance of the Revolutionary War and the Veterans who have protected us. He commended the volunteers and staff who have given up their own time with family to participate in providing flawless events for the community. Council Member Wapner then introduced the delegation from our Sister City in Guamúchil, Sinaloa, Mexico. President Liliana Cardenas Valenzuela from Guamúchil thanked the Council for the invitation to the community and the opportunity for continued relationships between the cities.

Mayor Leon commented on the magnitude of the City’s 4th of July event, and thanked staff for operating like a well-oiled machine. He noted that the same goes for the concerts in the park, which bring life to the downtown while keeping a small town feel. He announced the birth of his grandson, Jameson, on July 4th and congratulated his daughter and son-in-law.

Council Member Bowman commented on his excitement with the July 4th events and commended City staff. He noted that the introduction to the parade with the police helicopter fly over was fantastic, and stressed the home town feel of the events.

Council Member Avila acknowledged the Veterans of Ontario and the Nation for their contributions. He also acknowledged the delegation from Guamúchil and addressed them in Spanish.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 6:59 p.m. and announced the next regular meetings on Tuesday, July 19, 2016.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN