

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
DECEMBER 15, 2015**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, December 15, 2015 at the Ontario Convention Center, 2000 E. Convention Center Way, Ontario, California.

CLOSED SESSION

Council Member Wapner called the City Council/Housing Authority meetings to order at 6:06 p.m., and inquired whether persons were present who wished to speak to a Closed Session item. Hearing none, the City Council with all members, Mayor Leon and Mayor pro Tem Dorst-Porada arriving at 6:09 p.m., present thereupon recessed to Closed Session at 6:06 p.m. for discussion as follows:

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498.*

CALL TO ORDER – OPEN SESSION

The Mayor called the City Council/Housing Authority meetings to order at 6:35 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 Members:	Alan D. Wapner, Jim W. Bowman, and Paul Vincent Avila

ABSENT: None

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

The Pledge of Allegiance was led by Mayor pro Tem Dorst-Porada.

The Invocation was offered by *Pastor Mike Urciuoli*, Calvary Chapel Ontario.

CLOSED SESSION REPORT

City Attorney Brown reported that one item was discussed with no reportable action.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling indicated there were no announcements.

PUBLIC COMMENT

Don Tisor, expressed his desires to have the Edison towers adjacent to Archibald Ranch underground and discussed the possible dangers with the Edison towers.

Stephen Rogers, stated he is doing research on the Edison towers adjacent to Archibald Ranch and noted he was seeking the final EIR document for the New Model Colony and added that he would be working with City Attorney Brown to resolve his issues.

CONSENT CALENDAR

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman to approve the Consent Calendar items as recommended.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council/Housing Authority of November 17, 2015, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved Bills for the period from October 18, 2015 through October 31, 2015, in the amount of \$18,760,722.87 and Payroll for the period from October 18, 2015 through October 31, 2015, in the amount of \$2,841,651.68, when audited by the Finance Committee.

3. A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC SEWER EASEMENT

City Council adopted a resolution ordering the summary vacation of a 66-foot wide public sewer easement located within the property at 320 East D Street.

RESOLUTION NO. 2015-144 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC SEWER EASEMENT.

4. A RESOLUTION AUTHORIZING SUBMITTAL OF GRANT APPLICATIONS TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) RUBBERIZED PAVEMENT GRANT PROGRAM PURSUANT TO SECTIONS 42872 AND 42873 OF THE PUBLIC RESOURCES CODE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID APPLICATIONS

City Council approved a resolution authorizing submittal of Grant Applications to the Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Program pursuant to Sections 42872 and 42873 of the Public Resources Code; and authorized the City Manager to execute said applications.

RESOLUTION NO. 2015-145 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A \$250,000 GRANT APPLICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY RUBBERIZED PAVEMENT GRANT PROGRAM PURSUANT TO SECTIONS 42872 AND 42873 OF THE PUBLIC RESOURCES CODE.

5. AWARD OF BIDS FOR THE PURCHASE OF REPLACEMENT FLEET VEHICLES/LOS ANGELES TRUCK CENTER, LLC

City Council took the following actions:

- (A) Award Bid No. 595 for the purchase and delivery of three (3) CNG Front Loading Refuse Trucks for the Solid Waste Department to Los Angeles Truck Centers, LLC of Whittier, CA in the amount of \$831,751 and rescind Bid No. 577 Item C10; and
- (B) Award Bid No. 596 for the purchase and delivery of two (2) 4000 Gallon CNG Water Trucks for the Parks and Maintenance Department to Los Angeles Truck Centers, LLC of Whittier, CA in the amount of \$403,597.

6. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES)

City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 34 (Countryside Phase 1 North - Facilities). Introduction and first reading took place at a regular meeting of the City Council on December 1, 2015.

ORDINANCE NO. 3036 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 34 (COUNTRYSIDE PHASE 1 NORTH - FACILITIES).

7. ACCEPT WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES

City Council:

- (A) Accepted a written petition from Ontario Edison Holdings, LLC (the "Landowner"), to create a community facilities district ("CFD"), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 37 (Park & Turner NE Services); authorized the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting scheduled for Tuesday, February 2, 2016.

RESOLUTION NO. 2015-146 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 37 (PARK & TURNER NE SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution Nos. 2015-144, 2015-145, and 2015-146, and Ordinance No. 3036 unanimously adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

8. PUBLIC HEARINGS REGARDING ECONOMIC DEVELOPMENT SUBSIDY REPORTS AND OPERATING COVENANT AGREEMENTS BETWEEN THE CITY OF ONTARIO AND (A) HENRY SCHEIN, INC., (B) STAPLES CONTRACT & COMMERCIAL, INC., AND (C) SIGMANET INTERNET, INC., PURSUANT TO GOVERNMENT CODE SECTION 53083; AND CONSIDERATION OF RESOLUTIONS ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORTS, APPROVING THE OPERATING COVENANT AGREEMENTS AND MAKING RELATED FINDINGS

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

The Mayor opened the public hearing at 6:49 p.m., seeing no one requesting to be heard, the public hearing was closed at 6:50 p.m.

City Council took the following actions with regard to:

(A) **Operating Covenant Agreement between the City of Ontario and Henry Schein, Inc.**

- (1) Held the public hearing;
- (2) Adopted a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding an Operating Covenant Agreement by and between the City of Ontario and Henry Schein, Inc., a Delaware Corporation;

RESOLUTION NO. 2015-147 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 DEVELOPMENT OF A REGIONAL SALES OFFICE BY HENRY SCHEIN, INC. IN THE CITY OF ONTARIO.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to adopt Resolution No. 2015-147.

- (3) Adopted a resolution approving the Operating Covenant Agreement for no less than twenty years, with the option to exercise the unilateral right to extend the term of the Agreement for an additional twenty years, authorizing the City Manager to execute the Operating Covenant Agreement, and making related findings; and

RESOLUTION NO. 2015-148 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND HENRY SCHEIN, INC. AND MAKING RELATED FINDINGS.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to adopt Resolution No. 2015-148.

- (4) Directed City staff to file a Notice of Determination based upon the City Council's finding that the impacts for this existing facility were previously analyzed in the Ontario Center Specific Plan Final Environmental Impact Report (SCH #89041009) that was certified by the City Council in March 1991.

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to direct staff to file a Notice of Determination.

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

The Mayor opened the public hearing at 6:52 p.m., seeing no one requesting to be heard, the public hearing was closed at 6:52 p.m.

(B) Operating Covenant Agreement between the City of Ontario and Staples Contract & Commercial, Inc.

- (1) Held the public hearing;
- (2) Adopted a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding an Operating Covenant by and between the City of Ontario and Staples Contract & Commercial, Inc. ("Staples"), a Delaware Corporation;

RESOLUTION NO. 2015-149 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 AN OPERATING COVENANT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND STAPLES CONTRACT AND COMMERCIAL, INC.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to adopt Resolution No. 2015-149.

- (3) Adopted a resolution approving the Operating Covenant Agreement, authorizing the City Manager to execute the Operating Covenant Agreement, and making related findings; and

RESOLUTION NO. 2015-150 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND STAPLES CONTRACT AND COMMERCIAL, INC. AND MAKING RELATED FINDINGS.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to adopt Resolution No. 2015-150.

- (4) Directed City staff to file a Notice of Determination based upon the City Council's finding that the impacts for this existing facility were previously analyzed in the California Commerce Center Final Environmental Impact Report (SCH #85061007) that was certified by the City Council in January 1983.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to direct staff to file a Notice of Determination.

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

The Mayor opened the public hearing at 6:55 p.m., seeing no one requesting to be heard, the public hearing was closed at 6:55 p.m.

(C) Operating Covenant Agreement between the City of Ontario and SIGMAnet Internet, Inc.

- (1) Held the public hearing;
- (2) Adopted a resolution accepting the Economic Development Subsidy Report prepared pursuant to Government Code Section 53083 regarding an Operating Covenant Agreement by and between the City of Ontario and SIGMAnet Internet, Inc. ("SIGMAnet"), a California Corporation;

RESOLUTION NO. 2015-151 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 AN OPERATING COVENANT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND SIGMANET INTERNET, INC.

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to adopt Resolution No. 2015-151.

- (3) Adopted a resolution approving the Operating Covenant Agreement, authorizing the City Manager to execute the Operating Covenant Agreement, and making related findings; and

RESOLUTION NO. 2015-152 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE OPERATING COVENANT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SIGMANET INTERNET, INC. AND MAKING RELATED FINDINGS.

MOTION: Moved by Council Member Bowman, seconded by Council Member Wapner and carried by unanimous vote to adopt Resolution No. 2015-152.

- (4) Directed City staff to file a Notice of Determination based upon the City Council's finding that the impacts for this existing facility were previously analyzed in the California Commerce Center Final Environmental Impact Report (SCH #85061007) that was certified by the City Council in January 1983.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Wapner and carried by unanimous vote to direct staff to file a Notice of Determination.

9. **A PUBLIC HEARING TO CONSIDER A DEVELOPMENT CODE AMENDMENT TO REVISE SECTION 9-1.3176, BILLBOARD RELOCATION AGREEMENTS, TO INCLUDE AN "INTERAGENCY RELOCATION EXCEPTION" TO PERMIT THE RELOCATION OF BILLBOARDS WITHIN THE CITY OF ONTARIO, PROVIDED THE BILLBOARDS MEET CERTAIN LOCATIONAL CRITERIA AND FINDINGS AND INCLUDE THE ELIMINATION OF OTHER BILLBOARDS WITHIN THE CITY**

City Council introduce and waive further reading of an ordinance approving File No. PDCA15-002, amending Section 9-1.3176, Billboard Relocation Agreements, to include an "Interagency Relocation Exception" to permit the relocation of billboards within the City of Ontario, provided the billboards meet certain locational criteria and findings and include the elimination of other billboards within the City.

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

The Mayor opened the public hearing at 6:58 p.m., seeing no one requesting to be heard, the public hearing was closed at 6:58 p.m.

ORDINANCE NO. 3037 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA15-002, A REQUEST TO AMEND SECTION 9-1.3176 (SECTION 4.02.010 OF THE DEVELOPMENT CODE UPDATE), BILLBOARD RELOCATION AGREEMENTS, TO INCLUDE AN "INTERAGENCY RELOCATION EXCEPTION" TO RELOCATE BILLBOARDS TO THE CITY OF ONTARIO, PROVIDED THE BILLBOARDS MEET CERTAIN LOCATIONAL CRITERIA AND FINDINGS AND INCLUDE THE ELIMINATION OF OTHER BILLBOARDS WITHIN THE CITY.

MOTION: Moved by Council Member Wapner, seconded by Council Member Bowman and carried by unanimous vote to introduce Ordinance No. 3037.

STAFF MATTERS

City Manager Boling announced that City Clerk, Mary E. Wirtes is voluntarily leaving office to retire effective December 31, 2015. He added that the item will be brought back on a future agenda for City Council direction. He also noted that during the time of vacancy, City staff will perform the necessary duties of the City Clerk's Office.

Council Member Wapner suggested the City solicit applications to fill the vacancy.

COUNCIL MATTERS

Mayor pro Tem Dorst-Porada thanked the Ontario Convention and Visitors Bureau and others that assisted with the great work on the Christmas on Euclid Experience. Ms. Dorst-Porada encouraged residents to participate with the non-profit Noel Committee fundraising event to be held on December 19, 2015 from 5:00 p.m. to 9:00 p.m. at the Jack Mercer Bandstand.

Council Member Wapner wished all a Merry Christmas and Happy New Year.

Mayor Leon made no comments.

Council Member Bowman made no comments.

Council Member Avila thanked City staff for the fine work at the Ontario Town Square and wished the community a Merry Christmas. He also stated he hoped the community would participate in naming parks in the area.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:11 p.m. He announced the next regular meetings on Tuesday, January 19, 2016.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR, CHAIRMAN