

ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY

MINUTES
MAY 1, 2012

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, May 1, 2012, at the Ontario City Hall Council Chambers, 303 East B Street, Ontario, CA.

Notice of said meeting was duly given in the time and manner prescribed by law. Affidavit of compliance is on file in the Records Management Department.

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 none, he advised that all Members were present and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1049-192-01, APN 1049-192-02, 435 South Bon View;
City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Innovative Food Source Inc.; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1010-521-02-0000, 1164 West Vesta; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Federal Home Loan Mortgage Corporation; Under negotiation: Price and terms of payment.
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

CALL TO ORDER

The Mayor called the City Council / Housing Authority meetings to order at 6:32 p.m. and requested the Assistant City Clerk to call the roll.

PRESENT:

Mayor / Chairman:	Paul S. Leon
Mayor pro Tem/Vice Chairman:	Sheila Mautz
Council/Authority Members:	Alan D. Wapner, Jim W. Bowman and Debra Dorst-Porada

ABSENT: None

Also present were City Manager / Executive Director Chris Hughes; City Attorney John Brown, and Assistant City Clerk / Assistant Secretary Vicki Kasad.

The Pledge of Allegiance was led by Council Member Wapner.

The Invocation was offered by Pastor Marquedant, Sovereign Grace Baptist Church.

PUBLIC COMMENTS

There were no public comments.

AGENDA REVIEW / ANNOUNCEMENTS

City Manager Hughes had no announcements or agenda updates.

CONSENT CALENDAR

MOTION: Moved by Mayor pro Tem Mautz, seconded by Council Member Bowman, the Joint Agencies approved the following Consent Calendar items as recommended.

1. APPROVAL OF MINUTES

Minutes for the regular meeting of the City Council and Housing Authority of April 3, 2012 were approved as on file in the Records Management Department.

2. BILLS/PAYROLL

Bills March 25, 2012 through April 7, 2012 in the amount of \$9,824,100.00 and **Payroll** March 25, 2012 through April 7, 2012 in the amount of \$2,302,183.48, when audited by the Finance Committee.

3. MANAGEMENT AGREEMENT FOR THE OPERATION OF THE ONTARIO CONVENTION CENTER/SMG

The City Council approved and authorized the City Manager to execute a five-year Management Agreement with SMG, of West Conshohocken, Pennsylvania, for the management and operation of the Ontario Convention Center as well as promotion of the City through the visitors and conventions bureau; and authorized the extension of the agreement for up to two years at the City's sole discretion.

4. MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE ONTARIO POLICE OFFICERS ASSOCIATION; AND THE CITY OF ONTARIO AND THE ONTARIO POLICE MANAGEMENT GROUP FOR CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT DURING THE PERIOD OF JULY 1, 2012 THROUGH JUNE 30, 2014

The City Council approved and authorized the City Manager to execute two-year Memoranda of Understanding (MOU) regarding wages, hours, and other terms and conditions of employment for employees represented by the Ontario Police Officers Association (OPOA) and the Ontario Police Management Group (OPMG).

5. MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE ONTARIO PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 1430 IAFF; AND THE CITY OF ONTARIO AND THE ONTARIO FIRE MANAGEMENT GROUP FOR CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT DURING THE PERIOD OF JULY 1, 2012 THROUGH JUNE 30, 2014

The City Council approved and authorized the City Manager to execute two-year Memoranda of Understanding (MOU) regarding wages, hours, and other terms and conditions of employment for employees represented by the Ontario Professional Firefighters Association (OFFA) and the Ontario Fire Management Group (OFMG).

6. CONSTRUCTION CONTRACT FOR 2012 PAVEMENT REHABILITATION AND A COOPERATIVE AGREEMENT WITH THE CITY OF RANCHO CUCAMONGA/ALL AMERICAN ASPHALT

The City Council approved the plans and specifications and awarded a construction contract to All American Asphalt of Corona, California, for the 2012 Pavement Rehabilitation Program for the bid amount of \$3,042,307 plus a twenty (20%) percent contingency of \$608,462 for a total authorized expenditure of \$3,650,769; authorized the City Manager to execute said contract; approved and authorized the City Manager to execute a Cooperative Agreement with the City of Rancho Cucamonga; and authorized the City Manager, or designee, to execute related documents necessary to implement the 2012 Pavement Rehabilitation Program for the affected sites and file a notice of completion at the conclusion of all construction activities related to the project.

7. AMENDMENT TO THE COOPERATIVE AGREEMENT WITH SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG) FOR THE NORTH MILLIKEN AVENUE GRADE SEPARATION PROJECT/SAN BERNARDINO ASSOCIATED GOVERNMENTS

The City Council approved and authorized the City Manager to execute Amendment No. 2 to the Cooperative Agreement with SANBAG for the North Milliken Avenue Grade Separation Project.

8. COMMON USE AGREEMENTS WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT FOR THE OPERATION AND MAINTENANCE OF THE RIVERSIDE AND SULTANA-CYPRESS STORM DRAINS/SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

The City Council approved two Common Use Agreements with San Bernardino County Flood Control District (SBCFCD) for the operation and maintenance of the Riverside and Sultana-Cypress storm drain improvements; and authorized the City Manager to execute said agreements and future amendments to the agreements.

9. AGREEMENT FOR ALIGNMENT OF AND UNDERGROUND SUBSTRUCTURES WITHIN CHINO AVENUE WITH SOUTHERN CALIFORNIA EDISON COMPANY

The City Council approved and authorized the City Manager to execute an agreement with Southern California Edison Company (SCE) for alignment of and underground substructures within Chino Avenue.

10. APPROVAL OF THE ONE-YEAR ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”), HOME INVESTMENT PARTNERSHIP (“HOME”), THE EMERGENCY SOLUTIONS GRANT (“ESG”) PROGRAM FOR FY 2012-2013 AND THE FIRST SUBSTANTIAL AMENDMENT TO THE ONE-YEAR ANNUAL ACTION PLAN FOR FY 2011-2012

The City Council:

- (A) Approved the proposed One-Year Action Plan for FY 2012-2013 and the First Substantial Amendment to the One-Year Action Plan for FY 2011-2012 (on file in the Records Management Department);
- (B) Directed staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development (“HUD”); and
- (C) Authorized the City Manager, or his designee, to take all actions necessary or desirable to implement the One-Year Action Plan for FY 2012-2013 and the First Substantial Amendment to the One-Year Action Plan for FY 2011-2012.

11. “WATER AWARENESS MONTH” IN THE CITY OF ONTARIO

The City Council recognized the month of May 2012 as “Water Awareness Month” in the City of Ontario.

12. CONSTRUCTION CONTRACT FOR THE EUCLID AVENUE AND “J” STREET WATER MAIN IMPROVEMENTS/C.P. CONSTRUCTION CO., INC.

The City Council approved the plans and specifications; rejected the non-responsive bid submitted by Norstar Plumbing & Engineering, Inc.; awarded Contract No. UT1011-01, Euclid Avenue and “J” Street Water Main Improvements to C. P. Construction Co., Inc. of Ontario, California, for a bid amount of \$866,991 plus a 15% contingency of \$130,049 for a total amount of \$997,040; 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.

13. MAINTENANCE SERVICE AGREEMENT FOR CUSTODIAL MAINTENANCE SERVICES AT VARIOUS CITY LOCATIONS/ABLE BUILDING MAINTENANCE

The City Council authorized the City Manager to execute a three-year Maintenance Service Agreement for Contract No. MS 1112-10 with Able Building Maintenance of Santa Ana, California, for an annual cost of \$421,349 including a \$9,000 contingency; authorized the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

14. RECOGNITION OF MAY 13-19, 2012 AS “BLUE RIBBON WEEK” IN THE CITY OF ONTARIO

The City Council recognized the week of May 13 – 19, 2012 as “Blue Ribbon Week” in the City of Ontario to commemorate law enforcement personnel who have lost their lives in the line of duty and to encourage support for law enforcement throughout the nation.

15. APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE (BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR FY2012

The City Council authorized the City Manager to execute all documents necessary to participate in the BJA Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and approved the proposed \$54,506 grant spending plan.

16. MAINTENANCE SERVICE AGREEMENT FOR STREET SWEEPING SERVICES AT VARIOUS CITY LOCATIONS/CLEANSTREET, INC.

The City Council authorized the City Manager to execute a three-year Maintenance Service Agreement for Contract No. SM 11-12-03 with Cleanstreet, Inc. of Gardena, California, for an annual cost of \$890,174, plus a 5% contingency of \$44,509; authorized the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

17. MAINTENANCE SERVICE AGREEMENT FOR ASPHALT GRINDING SERVICES AT VARIOUS CITY STREETS/PAVEMENT RECYCLING INC.

The City Council authorized the City Manager to execute a three-year Maintenance Service Agreement (on file with the Records Management Department) for Contract No. SM 11-12-02 with Pavement Recycling Inc. of Mira Loma, California, for an annual cost of \$148,350; and authorized the addition of future service areas; and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

MOTION UNANIMOUSLY CARRIED. The Mayor / Chairman declared the Consent Calendar approved as presented.

PUBLIC HEARINGS

- 18. AN ORDINANCE AMENDING THE ONTARIO DEVELOPMENT CODE (FILE NO. PDCA12-001) ADDING ARTICLE 22, MULTI-MODAL TRANSIT OVERLAY DISTRICT, CREATING THE OVERLAY DISTRICT AND ESTABLISHING DEVELOPMENT STANDARDS AND PERMITTED AND CONDITIONALLY PERMITTED USES FOR APPROXIMATELY 75 ACRES OF LAND LOCATED SOUTH OF INTERSTATE 10, WEST OF ARCHIBALD AVENUE, AND NORTH AND EAST OF GUASTI ROAD (ASSESSOR'S PARCEL NUMBERS 110-322-08, 17, 18, 21, 22, 25, 27, 29, 30, 31, AND 33)**

This item, continued from the April 3 and April 17, 2012 City Council meetings, was continued to the May 15, 2012 City Council meeting beginning at 6:30 p.m.

- 19. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA09-001) TO REVISE THE HAMNER/SR-60 MIXED USE AREA TO INCLUDE A RESIDENTIAL LAND USE (20.0-30.0 DWELLING UNITS PER ACRE), A ZONE CHANGE (FILE NO. PZC09-002) TO REZONE APPROXIMATELY 20-ACRES OF LAND FROM R1 (SINGLE-FAMILY RESIDENTIAL) TO SPECIFIC PLAN, AND THE ADOPTION OF TUSCANA VILLAGE SPECIFIC PLAN (FILE NO. PSP09-001), TO MASTER PLAN APPROXIMATELY 20-ACRES OF LAND BY ESTABLISHING LAND USE DESIGNATIONS AND DESIGN GUIDELINES FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE**

This item, continued from the April 17, 2012 City Council meeting, was continued to the May 15, 2012 City Council meeting beginning at 6:30 p.m.

20. CONSIDERATION OF AN ORDINANCE RELATED TO A DEVELOPMENT AGREEMENT (FILE NO PDA11-001) BETWEEN PANAYIOTIS AND ANDRIANA KATELARIS AND THE CITY OF ONTARIO TO ESTABLISH THE TERMS AND CONDITIONS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT OF 20 ACRES WITHIN THE TUSCANA VILLAGE SPECIFIC PLAN

This item, continued from the April 17, 2012 City Council meeting, was continued to the May 15, 2012 City Council meeting beginning at 6:30 p.m.

COUNCIL MATTERS

APPOINTMENT TO THE LIBRARY BOARD OF TRUSTEES

Mayor Leon thanked Marty Binney for his service on the Library Board, and for taking his new role on the Recreation & Parks Commission. Mr. Binney indicated that he was honored to be appointed. Mayor Leon then appointed George Newberry from the Museum Board to the Library Board, noting that he is an author and screenwriter. He stressed Mr. Newberry's experience and affiliations that would be helpful to his role on the Library Commission. Mr. Newberry commented that he had enjoyed his work on the Museum Board, and that it would be an honor to serve on the Library Board. He noted that his second book is on its way to publication.

Mayor pro Tem Mautz expressed her personal thanks to the Police and Fire Unions for their approval of the two year contracts. She expressed her appreciation for their efforts and noted that the contracts allowed service levels to the community to continue with no decrease. Mayor pro Tem Mautz also commented that she attended the Volunteer Dinner on Friday and stressed the cost savings to the City based upon the work these volunteers provide. She also noted that she attended the Mormon Helping Hands event on Saturday and the kick-off of the Relay for Life Fundraiser at the bandstand. She indicated that it had been a busy and rewarding week and expressed her pride in the community.

Council Member Wapner commented on the Union contracts and called Robb McCandlish and Ryan Lewis forward noting that it was important for the community to see the leaders of the groups who were foregoing raises and had previously given up negotiated raises to benefit the community. He indicated that he was proud of the people they represent, and stressed that because of their sacrifices, the City has been able to maintain its standing. He expressed his appreciation and stressed that at some

point the economy will turn around and the Union members can trust that their sacrifices will be remembered.

Council Member Dorst-Porada expressed thanks to the Unions and Management Associations, noting that because of their generous spirit the Council was able to maintain the current level of service. She noted that others are jealous of Ontario because it has been able to maintain while others are forced to cut. She noted that unlike other organizations, Ontario's Police and Fire employees have a mutual respect, are good to each other in the field and always have each others' backs. Council Member Dorst-Porada noted that there will be a car and motorcycle show on May 6th from 10:00 to 3:00 to benefit the Ontario USO. She also noted that the Graber Olive House would be hosting an art show through May 14th. She further noted that she had attended dinners with the police, recreation, library and museum volunteers and commented that it was nice to have the community come together in that manner. She encouraged the community to explore those and other opportunities for volunteer participation such as the Rotary Club or Kiwanis Club.

Mayor Leon commented on the things that make a community, and noted the upcoming Chaffey High School production of Phantom of the Opera the next two weekends. He stressed that it was an amazing show of Broadway quality. He indicated that the City was fortunate to have a nationally recognized performing arts program under the direction of Dave Masterson. Mayor Leon also commented on the California Sports Hall of Fame induction event a few weeks ago, noting that it was a nice ceremony. He thanked Ontario Convention Center General Manager Bob Brown for his assistance in continuing to improve this event. He noted that the Hall of Fame event will make the City a destination location on an annual basis as well as on an ongoing basis for people who will come to view the display at the Convention Center. Mayor Leon then provided an overview of the upcoming Esperanza Scholarship presentation ceremony on May 19th and invited the community to attend this free event. Mayor Leon indicated that he had been on a recent trip to talk about the Healthy Ontario program, and was enlightened by what he learned from the Centers for Disease Control. He stated the CDC is pushing the message of making "healthy choices, easy choices" and indicated that Ontario is on the right track for addressing the issues through the Planning Department. Mayor Leon also thanked the Police and Fire Unions for the great relationship and their willingness to help keep the City solvent. He noted the City Manager's sense of camaraderie, understanding and trust as key components in building good relationships and reaching agreements.

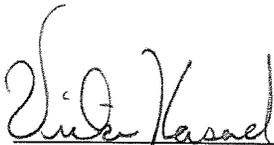
Council Member Bowman echoed the other Council Members' appreciation to the Unions, and noted the contributions of their strong trusted leadership within the Unions. He also stressed the work of the City Manager in this process and thanked him for doing a great job.

Mayor Leon noted the passing of Chief Warrant Officer Nicholas Johnson in Afghanistan on April 19, 2012. He explained that Mr. Johnson was killed when his Blackhawk helicopter crashed while escorting a Medivac helicopter responding to a suicide bombing incident. He noted that Mr. Johnson was a resident of Ontario and indicated that the meeting would be closed in honor of Nicholas Johnson who was a hero in our community.

ADJOURNMENT

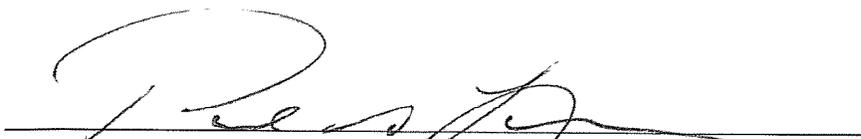
Mayor Leon adjourned the joint meetings at 6:55 p.m. in memory of Chief Warrant Officer Nicholas Johnson and announced that the next regular meetings will be held on May 15, 2012.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN