

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
MINUTES  
June 5, 2012**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, June 5, 2012, at the Ontario City Hall, 303 East B Street, Ontario, CA.

**CALL TO ORDER**

The Mayor called the City Council/ Housing Authority meetings to order at 6:32 p.m., and requested the 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, Assistant City Attorney Jamie Richardson and City Clerk/ Secretary Mary E. Wirtes.

The Pledge of Allegiance was led by Council Member Bowman.

The Invocation was offered by *Pastor David Horn*, BCC Life Changing Ministries.

**AGENCY REVIEW/ ANNOUNCEMENTS**

City Manager Hughes advised Council Members there were no announcements.

**PUBLIC COMMENT**

*Ruthee Goldkorn* of Moreno Valley alleged that there are serious compliance issues with disability accommodations at the Ontario Mills Mall noting she had filed another complaint with them and they have declined to respond. Ms. Goldkorn said she has also filed a complaint with Mr. Shear in the Ontario Building Department and indicated SB1186 is a hot topic of conversation in Sacramento. Mayor Leon referred her to Kevin Shear, Building Official.

*Alondra Velazquez*, said she is a student and resident of Ontario; and plays soccer at Ontario High School. Representing her soccer team, she asked about availability of Ontario fields saying they have been requesting them for over two years. Mayor Leon indicated the fields are heavily used and recently hosted Relay for Life. Mayor Leon

stated there may be opportunities for the team to use the fields. Ms. Velazquez was referred to Mark Chase, Community and Public Services Director.

## **JOINT AGENCIES 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**

City Council approved Minutes for the regular meetings of the City Council and Housing Authority dated May 1, 2012, as on file in the Records Management Department.

### **2. BILLS/ PAYROLL**

City Council approved Bills in the amount of \$7,881,124.27, from April 22 through May 5, 2012; and Payroll in the amount of \$2,322,643.63, from April 22 through May 5, 2012, when audited by the Finance Committee.

### **3. BIENNIAL CONFLICT OF INTEREST CODE REVIEW**

City Council received the 2012 Local Agency Biennial Notice of the Political Reform Act requirement and directed staff to review the Conflict of Interest Code.

### **4. CONSTRUCTION CONTRACT FOR THE 2012 SLURRY SEAL PROGRAM AND CITYWIDE BRIDGE REPAIRS/AMERICAN ASPHALT SOUTH, INC.**

City Council approved the plans and specifications and awarded a construction contract to American Asphalt South, Inc. of Fontana, CA, for the 2012 Slurry Seal Program and Citywide Bridge Repairs for the bid amount of \$1,023,992 plus a contingency (9.8%) of \$101,008 for a total authorized expenditure of \$1,125,000; and authorized the City Manager to execute said contract, related documents, and to file a Notice of Completion for all construction activities at the conclusion of the project.

### **5. MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES AT THE VARIOUS CITY LANDSCAPE ASSESSMENT MAINTENANCE DISTRICTS/MERCHANTS LANDSCAPE MAINTENANCE**

City Council authorized the City Manager to execute a three-year Maintenance Service Agreement for Contract No. PM 11-12-05 with Merchants Landscape Maintenance, of Rancho Cucamonga, CA, for an annual cost of \$293,940, plus a 5% contingency of \$14,697; 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.

**6. CONSTRUCTION CONTRACT FOR THE CNG FUELING FACILITIES UPGRADES PHASE I PROJECT/MANSFIELD GAS EQUIPMENT SYSTEMS CORPORATION**

City Council approved the plans and specifications and awarded the CNG Fueling Facilities Upgrades Phase I Project to Mansfield Gas Equipment Systems Corporation (Mansfield) of Ontario, CA, in the amount of \$274,621 plus a 15% contingency of \$41,193, for a total amount of \$315,814; authorized the City Manager to execute said contract; and to file a Notice of Completion at the conclusion of all construction activities related to the project.

**7. MAINTENANCE SERVICE AGREEMENT FOR STREETLIGHT MAINTENANCE AND REPAIR SERVICES AT VARIOUS CITY LOCATIONS/REPUBLIC ITS**

City Council authorized the City Manager to execute a three-year Maintenance Service Agreement for Contract No. MS 1112-12 with Republic ITS of Anaheim, CA, for the annual cost of \$137,316 plus a contingency of \$20,598 (15%) for a total amount of \$157,914; 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.

**8. OPERATION OF THE HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY/COUNTY OF SAN BERNARDINO**

City Council approved and authorized the City Manager to execute an agreement with the County of San Bernardino for the Operation of a Household Hazardous Waste Collection Facility.

**9. RESOLUTION APPROVING APPLICATION FOR THE 2012-2013 USED OIL PAYMENT PROGRAM FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)**

City Council adopted a Resolution approving an application for the 2012-2013 Used Oil Payment Program from the State of California Department of Resources Recycling and Recovery (CalRecycle), and authorized the City Manager or his designee to execute all necessary documents to participate in the program.

**RESOLUTION NO. 2012-029** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE 2012-2013 USED OIL PAYMENT PROGRAM FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

**10. RESOLUTION APPROVING THE FILING OF AN APPLICATION WITH THE STATE OF CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR GRANT FUNDS UNDER THE PROPOSITION 50 FUNDING PROGRAM**

City Council adopted a Resolution approving the filing of an application with the State of California Department of Public Health for grant funds under the Proposition 50 Funding Program for a wellhead treatment system.

**RESOLUTION NO. 2012-030** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FILING OF AN APPLICATION WITH THE STATE OF CALIFORNIA DEPARTMENT OF PUBLIC HEALTH FOR GRANT FUNDS UNDER THE PROPOSITION 50 FUNDING PROGRAM.

**11. ACQUISITION OF AVIATION HIGH DEFINITION CAMERA SYSTEMS UNDER THE URBAN AREA SECURITY INITIATIVE GRANT**

City Council authorized the City Manager to negotiate and execute a professional services agreement with L3/Wescam of Santa Rosa, CA, for the acquisition of two High Definition (HD) Camera Systems in an amount not-to-exceed the Urban Area Security Initiative (UASI) grant allocation of \$510,000; and authorized future amendments to the agreement up to the approved grant award.

**12. 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)**

City Council adopted an Ordinance approving Development Code Amendment File No. PDCA12-001, adding Development Code Article 22.

**ORDINANCE NO. 2950** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA12-001, A DEVELOPMENT CODE AMENDMENT 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, NORTH OF THE RAILROAD TRACKS, AND EAST OF GUASTI ROAD MAKING FINDINGS IN SUPPORT THEREOF (APN: 110-322-08, 17, 18, 21, 22, 25, 27, 29, 30, 31, AND 33).

13. **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**

City Council adopted Ordinances approving a Zone Change (File No. PZC09-002) and approving the Tuscana Village Specific Plan (File No. PSP09-001).

**ORDINANCE NO. 2951** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC09-002, A ZONE CHANGE TO REZONE APPROXIMATELY 20 ACRES OF LAND FROM R1 (SINGLE-FAMILY RESIDENTIAL) TO SPECIFIC PLAN (TUSCANA VILLAGE), LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1083-361-01.

**ORDINANCE NO. 2952** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSP09-001, A SPECIFIC PLAN (TUSCANA VILLAGE) TO MASTER PLAN APPROXIMATELY 20-ACRES OF LAND BY ESTABLISHING LAND USE DESIGNATIONS AND DESIGN GUIDELINES FOR THE PROPERTIES LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1083-361-01.

14. **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**

City Council adopted an Ordinance approving a Development Agreement (PDA11-001) between Panayiotis and Andriana Katelaris and the City of Ontario regarding the development of 20 acres within the Tuscana Village Specific Plan located at the northwest corner of Milliken Avenue and Riverside Drive (APN: 218-091-09).

**ORDINANCE NO. 2953** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND PANAYIOTIS AND ANDRIANA KATELARIS, FILE NO. PDA11-001, TO ESTABLISH THE TERMS AND CONDITIONS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENT OF 20 ACRES WITHIN THE TUSCANA VILLAGE SPECIFIC PLAN, GENERALLY LOCATED AT THE NORTHWEST CORNER OF MILLIKEN

AVENUE AND RIVERSIDE DRIVE, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 218-091-09).

**MOTION UNANIMOUSLY CARRIED.** The Mayor/ Chairman declared Resolutions Nos. 2012-029 and 2012-030 duly passed and adopted, and Ordinances No. 2950, 2951, 2952 and 2953 adopted unanimously.

## **END OF JOINT CONSENT CALENDAR**

## **PUBLIC HEARINGS**

**15. A SPECIFIC PLAN AMENDMENT (FILE NO. PSPA12-002) TO THE ONTARIO GATEWAY SPECIFIC PLAN TO ALLOW A 45 FOOT TALL, 745 SQUARE FOOT, FREEWAY ORIENTED PYLON DIGITAL SIGN**

City Council adopted a Resolution approving an Addendum to the Ontario Gateway Specific Plan Environmental Impact Report to analyze the environmental effects of the Project pursuant to State CEQA Guidelines Section 15164; and adopted a Resolution approving File No. PSPA12-002 amending the Ontario Gateway Specific Plan to allow a 45-foot tall, 745-square foot, freeway-oriented pylon digital sign for Fletcher Jones of Ontario located along the southeast corner of Haven Avenue and the I-10 Freeway.

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

There were no written communications, and no one wishing to be heard, The Mayor closed the public hearing.

**RESOLUTION NO. 2012-031** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO GATEWAY SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PSPA12-002, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 210-212-55, 56, 57, 58, 59, 60).

**RESOLUTION NO. 2012-032** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA12-002, AN AMENDMENT TO THE ONTARIO GATEWAY SPECIFIC PLAN TO ALLOW A SECOND FREEWAY ORIENTED PYLON SIGN (DIGITAL SIGN), 45 FOOT TALL AND 745 SQUARE FEET IN AREA, FOR FLETCHER JONES OF ONTARIO FOR PROPERTY LOCATED ALONG THE SOUTHEAST CORNER OF HAVEN AVENUE AND THE I-10 FREEWAY, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 210-212-55, 56, 57, 58, 59, 60).

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman, Resolutions No. 2012-031 and 2012-032 were adopted unanimously

**16. AN ORDINANCE REPEALING AND RESERVING SECTION 4-15.03 AND AMENDING SECTION 4-15.05 OF THE ONTARIO MUNICIPAL CODE**

City Council approved introduction and waived further reading of an Ordinance repealing and reserving Section 4-15.03 of the Ontario Municipal Code regarding the solicitation of employment in public rights-of-way, and amending Section 4-15.05 of the Ontario Municipal Code regarding penalties for violations of Section 4-15.03 and 4-15.04.

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

There were no written communications and no one wishing to be heard, the Mayor closed the public hearing.

**ORDINANCE NO. 2954** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REPEALING AND RESERVING ONTARIO MUNICIPAL CODE SECTION 4-15.03 PROHIBITING SOLICITATION OF EMPLOYMENT IN PUBLIC RIGHTS-OF-WAY AND AMENDING SECTION 4-15.05 REGARDING THE PENALTIES FOR VIOLATIONS OF SECTIONS 4-15.03 AND 4-15.04

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Mautz, and unanimously carried to accept Ordinance 2954 for introduction and first reading.

**ADMINISTRATIVE REPORTS**

**17. AN ORDINANCE AMENDING THE CONTRACT WITH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) FOR LOCAL POLICE AND FIRE MEMBERS**

City Council adopted an Ordinance amending the City's contract with the California Public Employees' Retirement System (CalPERS) to provide a second tier 3% at age 55 retirement formula for police and fire safety members entering membership for the first time in a safety classification after the effective date of the contract amendment.

**ORDINANCE NO. 2949** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF ONTARIO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

**MOTION:** Moved by Council Member Wapner, seconded by Council Member Bowman, and unanimously carried to adopt said Ordinance No. 2949.

**COUNCIL/ STAFF COMMENT**

Council Member Bowman said he was disturbed about an article in the local paper regarding the treatment of animals at the Ontario Livestock Sales. He said he applauds animal rights' advocates who have followed the matter closely. Mr. Bowman noted the business owner may define the reported actions as acceptable; however, his business is no longer in an unincorporated area and is now within the City limits. Council Member Bowman requested Council direct the City Manager to review the Ontario Municipal Code with respect to this issue and identify ways to allow the City to join forces with the Humane Society to pursue prosecution to the fullest extent and end this type of conduct within Ontario.

Mayor Leon indicated support of this action. The remaining members of the City Council also concurred.

Mayor pro Tem Mautz made reference to the ribbon cutting for the new Last Call by Neiman Marcus at the Ontario Mills Mall, and congratulated the Police Explorer Scouts who graduated a few weeks ago.

Council Member Dorst-Porada also commended Fire Explorer and Police Explorer Scouts for their help with the Kiwanis Pancake Breakfast and Rotary Car Show, noting the groups could not do their events without the help of the Explorer Scouts. She also thanked the Chaffey High School ROTC and KIWIN'S for their help as well. Council Member Dorst-Porada noted the attendance of Ontario Christian High School students in the Chambers for this meeting. She also reminded the community that a walking group meets on Sunday mornings at 8:00 a.m. and walks up Euclid Avenue; and she invited all to join her.

Mayor Leon reminded the viewing audience they still have an hour to vote before the polls close in the primary election. He reported that the Esperanza Foundation awarded \$100,000 in scholarships to 65 students at their annual event held recently.

**ADJOURNMENT**

No further business to come before the joint meetings, they were adjourned at 6:50 p.m.

Respectfully submitted,



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MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



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PAUL S. LEON, MAYOR/ CHAIRMAN