

PUBLIC COMMENT

Henry Lopez expressed his appreciation to City staff for restriping Francis Street between Campus Avenue and Sultana Avenue saying it is now much safer. He also suggested Code Enforcement review property at 325 Grevillea where a large cactus is growing that creates a safety hazard for children; Mr. Lopez recommended a barrier of another kind and was referred to Code Enforcement Director DeVrieze.

Ruben Valencia said he is proud of the Ontario Police Department for apprehending two of three individuals for an alleged murder in Ontario within 24 hours, and congratulated Council Member Debra Dorst-Porada and Paul Vincent Avila upon their election to Council. He also thanked everyone who ran for office for conducting a respectful campaign that sets an example for others.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised that an exhibit was added to Agenda Item #3 – *Canvass of Election*.

SPECIAL CEREMONY/ RECOGNITION OF MAYOR PRO TEM SHEILA MAUTZ

Mayor Leon recognized Sheila Mautz for her seven years on the City Council and many more years prior to that for her commitment to the City.

Council Member Dorst-Porada said Mayor pro Tem Mautz had served on the Planning Commission for many years and, when a vacancy occurred on the Commission, she was able to serve with Mautz. Council Member Dorst-Porada thanked Mautz for all of her help adding she has the utmost respect for her; and that she has been a great Council Member because of her involvement in the community.

Council Member Wapner said Mayor pro Tem Mautz has been a long-time friend and agrees with the comments made by Council Member Dorst-Porada adding he does not know two other individuals who better prepared themselves before running for public office. He thanked Mayor pro Tem Mautz for all the incredible work she has done and noted she has already volunteered to serve the City in another capacity.

Council Member Bowman said that Mayor pro Tem Mautz and Council Member Dorst-Porada were the heart and soul of the Council. He added they have been a really good team and he thanked Mayor pro Tem Mautz for her contributions noting she is ready to continue serving.

City Manager Hughes said Mayor pro Tem Mautz has been a friend, a family member and a pleasure to work with adding he is looking forward to working together in the future.

Mayor Leon advised the community to look for a leader when they need someone who works hard. He said they work because they feel it's important for the community to be a better place for everyone. Mayor Leon noted that the City Council is a team and Mayor pro Tem Mautz has been the mother of the City, she watches with concern and they have had many occasions to work together. He advised that many services have come to residents because of her thoughts. The Mayor thanked her for her service on the Council and in other capacities.

Mayor Leon presented Sheila Mautz with a key to the City.

Mayor pro Tem Mautz thanked everyone who has supported her for the honor of serving on this Council. She said she is getting used to seeing their faces adding these faces are now friends and she will keep these friendships the rest of her life as the community has touched her heart in so many ways. She commended the outstanding City staff, Fire and Police Departments and thanked the community for a "heck of a ride."

JOINT AGENCIES CONSENT CALENDAR

Mayor Leon announced that prior to considering the Consent Calendar, he would entertain a motion from the Council to pull agenda Item #3, for separate action.

MOTION: Moved by Council Member Bowman, seconded by Council Member Porada to pull Item #3 for separate action.

3. CANVASS OF GENERAL MUNICIPAL ELECTION ON NOVEMBER 6, 2012

City Clerk Wirtes introduced the resolution for consideration, and Announced that the whole number of votes including absentee votes cast for Member of the City Council were as follows:

Paul Vincent Avila	9,876
Robert Tippin	2,272
Ruben Valencia	7,654
Paul C. MimMack	3,230
Sheila Mautz	7,148
C. Muhammad	2,256
John B. Lira	2,044
Josie S. Estrada	5,651
Debra Porada	12,042

The whole number of votes including absentee votes cast for City Clerk were as follows:

Mary Wirtes	18,469
Yolanda Garcia	12,732

The whole number of votes including absentee votes cast for City Treasurer were as follows:

James R. Milhiser **27,778**

The City Council does declare and determine that:

Paul Vincent Avila was elected as Member of the City Council of the City of Ontario for a full term of four years to expire upon certification of the election of November 1, 2016;

Debra Porada was elected as Member of the City Council of the City of Ontario for a full term of four years to expire upon certification of the election of November 1, 2016;

Mary Wirtes was elected as City Clerk of the City of Ontario for a full term of four years to expire upon certification of the election of November 1, 2016; and

James R. Milhiser was elected as City Treasurer of the City of Ontario for a full term of four years to expire upon certification of the election of November 1, 2016;

MOTION: Moved by Council Member Wapner, seconded by Council Member Bowman and carried by unanimous vote to adopt Resolution No. 2012-085 Certifying the results of the General Municipal Election which was consolidated with the Statewide Election on November 6, 2012.

RESOLUTION NO. 2012-085 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote to adjourn sine die.

RECESS Mayor Leon called for a recess at 6:50 p.m. after which Council reconvened at 7:06 p.m.

Mayor Leon issued the Oath of Office to City Clerk Wirtes and City Treasurer Milhiser, and presented each with a Certificate of Election.

City Clerk Wirtes issued the Oath of Office to Council Member Dorst-Porada, and presented her with a Certificate of Election.

City Clerk Wirtes issued the Oath of Office to Council Member Avila, and presented him with a Certificate of Election.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman, the Joint Agencies approved the following Consent Calendar items as recommended.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meetings of the City Council and Housing Authority dated October 16, November 6, and November 20, 2012; and the Special Meeting of the City Council and Housing Authority on November 13, 2012, as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$21,550,479.34, from October 7, 2012 through November 3, 2012; and Payroll in the amount of \$4,933,165.01, from October 7, 2012 through November 3, 2012, when audited by the Finance Committee.

4. AGREEMENT FOR OUTSIDE PERSONNEL CONSULTING SERVICES/NORMAN A. TRAUB ASSOCIATES

City Council authorized the City Manager to execute a letter of agreement with Norman A. Traub Associates, of Yorba Linda, CA for on-going consulting services on an as-needed basis related to personnel matters for an initial term of three years; and authorized, at the City's discretion, an extension of the agreement for up to two one-year periods.

5. AMENDMENT NUMBER 3 TO THE JOINT EXERCISE OF POWERS AGREEMENT WITH METRO GOLD LINE PHASE II JOINT POWERS AUTHORITY

City Council approved and authorized the execution of the Metro Gold Line Phase II Joint Powers Authority Joint Exercise of Powers Agreement, Amendment Number 3, endorsing the City of Montclair's membership request.

6. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND SOUTHERN CALIFORNIA EDISON REGARDING THE TEHACHAPI RENEWABLE TRANSMISSION PROJECT

City Council approved a Memorandum of Understanding (MOU) between the City of Ontario and Southern California Edison regarding the Tehachapi Renewable Transmission Project within the New Model Colony; and authorized the City

Manager to execute said MOU, related documents and all future term extensions.

7. A RESOLUTION ORDERING THE SUMMARY VACATION OF A PORTION OF A PUBLIC SEWER EASEMENT ON THE PROPOSED WALMART SITE WITHIN THE MOUNTAIN VILLAGE SPECIFIC PLAN AREA

City Council adopted a Resolution ordering the summary vacation of a portion of a public sewer easement on the proposed Walmart site generally located at the northwest corner of Mountain Avenue and Fifth Street in the Mountain Village Specific Plan area.

RESOLUTION NO. 2012-086 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PORTION OF A PUBLIC SEWER EASEMENT ON THE PROPOSED WALMART SITE WITHIN THE MOUNTAIN VILLAGE SPECIFIC PLAN AREA.

8. A RESOLUTION EXTENDING DEVELOPMENT IMPACT FEE DEFERRAL PROGRAMS

City Council adopted a Resolution to extend the Residential and Non-Residential Development Impact Fee Deferral Programs through December 31, 2013.

RESOLUTION NO. 2012-087 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO EXTEND THE DIF DEFERRAL – ECONOMIC STIMULUS PROGRAMS FOR AN ADDITIONAL ONE YEAR PERIOD ENDING DECEMBER 31, 2013

9. FISCAL YEAR 2012-13 FIRST QUARTER BUDGET REPORT

City Council approved the budget adjustments and recommendations as listed in the Fiscal Year 2012-13 First Quarter Budget Report.

10. ACCEPTANCE OF A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY PROVIDED THROUGH THE FY2012 HOMELAND SECURITY GRANT PROGRAM

City Council authorized the City Manager to execute all documents necessary to accept a grant award in the amount of \$64,043 from the U.S. Department of Homeland Security and the California Emergency Management Agency provided through the FY2012 Homeland Security Grant Program.

11. ACQUISITION OF POLICE DEPARTMENT FRONTLINE PATROL EQUIPMENT/ PHOENIX DISTRIBUTORS

City Council authorized the purchase of new and replacement equipment, including select firearms, from Phoenix Distributors of Feasterville, PA for frontline police personnel utilizing a combination of State and Federal grant programs and narcotics asset forfeiture funds for up to \$250,000.

12. AWARD OF BIDS FOR THE PURCHASE OF REPLACEMENT FLEET VEHICLES AND EQUIPMENT

City Council approved the following actions:

A) Bid No. 276

1. Rejected the bid submitted by AA Equipment of Montclair, CA as being non- responsive;
2. Awarded bid to Jacobson West of Corona, CA in the amount of \$109,219 for the purchase and delivery of four (4) pieces of golf course maintenance equipment; and
3. Awarded the purchase and delivery of five (5) pieces of golf course maintenance equipment to Turf-Star of Brea, CA for the amount of \$141,252.

B) Bid No. 277

1. Awarded bid to Raceway Ford of Riverside, CA in the amount of \$101,946 for the purchase and delivery of one (1) Ford Explorer SUV and four (4) Ford Escape SUVs;
2. Authorized the purchase and delivery of one (1) Chevrolet Tahoe SUV from Mark Christopher of Ontario, CA in the amount of \$45,207;
3. Authorized the purchase and delivery of six (6) Compressed Natural Gas (CNG) Honda Civic Sedans from Penske Honda of Ontario, CA, in the amount of \$174,841; and
4. Authorized the purchase and delivery of four (4) Chevrolet Colorado Trucks from Mark Christopher of Ontario, CA in the amount of \$86,503; and

- C)** Authorized the purchase and delivery of one (1) John Deere 410G Backhoe-Loader from John Deere Construction Retail Sales of Moline, IL in the amount of \$113,464 consistent with the terms and conditions of the National Joint Powers Alliance Contract Invitation for Bids (IFB) No. 060311-JDC.

13. REVISED AMENDMENT NO. 1 TO THE CHINO BASIN DESALTER AUTHORITY OPERATION AND MAINTENANCE AGREEMENT

City Council approved revised Amendment No. 1 to the Chino Basin Desalter Authority Operation and Maintenance Agreement subject to non-substantive changes; and authorized the City Manager to execute the amendment.

14. A RESOLUTION APPROVING AMENDMENT NO. 5 TO THE CHINO BASIN DESALTER AUTHORITY JOINT EXERCISE OF POWERS AGREEMENT

City Council adopted a Resolution approving Amendment No. 5 to the Joint Exercise of Powers Agreement with the Chino Basin Desalter Authority (CBDA) subject to non-substantive changes and approval by all CBDA member agencies; and authorized the City Manager to execute the amendment.

RESOLUTION NO. 2012-088 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT NO. 5 TO JOINT EXERCISE OF POWERS AGREEMENT CREATING THE CHINO BASIN DESALTER AUTHORITY

15. A GRANT OF EASEMENT TO THE CHINO BASIN DESALTER AUTHORITY FOR THE MILLIKEN BOOSTER STATION

City Council authorized the City Manager to complete and execute a Grant of Easement for the construction, operation and maintenance of the CBDA Milliken Booster Station Facility located at Milliken Avenue and the I-10 Freeway.

16. RESOLUTIONS APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE MASTER PLAN OF DRAINAGE, WATER MASTER PLAN, RECYCLED WATER MASTER PLAN, AND SEWER MASTER PLAN, APPROVING AN ADDENDUM TO THE ONTARIO PLAN FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MASTER PLAN OF STREETS, AND APPROVING THE CITY-WIDE MASTER PLAN OF STREETS, SEWER MASTER PLAN, MASTER PLAN OF DRAINAGE, WATER MASTER PLAN, AND RECYCLED WATER MASTER PLAN

City Council

- (A) Adopted a Resolution approving a Mitigated Negative Declaration for the Master Plan of Drainage, Water Master Plan, Recycled Water Master Plan, and Sewer Master Plan;
- (B) Adopted a Resolution approving an Addendum to The Ontario Plan Final Environmental Impact Report for the Master Plan of Streets pursuant to California Environmental Quality Act Section 15164; and

- (C) Adopted a Resolution approving the Master Plan of Streets, Master Plan of Drainage, Water Master Plan, Recycled Water Master Plan, and Sewer Master Plan.

RESOLUTION NO. 2012-089 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR THE MASTER PLAN OF STREETS, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF

RESOLUTION NO. 2012-090 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CITY OF ONTARIO OLD MODEL COLONY AND NEW MODEL COLONY SEWER MASTER PLAN UPDATE, MASTER PLAN OF DRAINAGE, WATER MASTER PLAN, AND RECYCLED WATER MASTER PLAN

RESOLUTION NO. 2012-091 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE CITY OF ONTARIO OLD MODEL COLONY AND NEW MODEL COLONY SEWER MASTER PLAN UPDATE, MASTER PLAN OF DRAINAGE, MASTER PLAN OF STREETS, WATER MASTER PLAN, AND RECYCLED WATER MASTER PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2012-086, 2012-087, 2012-088, 2012-089, 2012-090 and 2012-091 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

17. A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION UPDATING AND MODIFYING DEVELOPMENT IMPACT FEES AND IMPLEMENTING POLICIES

City Council considered and adopted a resolution to update and modify Development Impact Fees and related implementation policies.

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

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

RESOLUTION NO. 2012-092 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, UPDATING AND MODIFYING DEVELOPMENT IMPACT FEES

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada, and unanimously carried to adopt said Resolution No. 2012-092.

18. AN ORDINANCE AMENDING CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO THE PLACEMENT OF OFFICIAL TRAFFIC CONTROL DEVICES

City Council accepted introduction and waived further reading of an ordinance amending Chapter 6 of Title 4 of the Ontario Municipal Code related to the placement of official traffic control devices.

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

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

ORDINANCE NO. 2957 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 6, OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATED TO TRAFFIC

MOTION: Moved by Council Member Wapner, seconded by Council Member Bowman, and unanimously carried to accept the ordinance for introduction and first reading.

19. CONSIDERATION OF RESOLUTIONS OF NECESSITY FOR THE ACQUISITION OF FEE AND EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY

City Council conducted a public hearing to:

- A) Consider the adoption of Resolutions of Necessity and provide all parties interested in the affected properties, their attorneys or representatives, an opportunity to be heard on the issues relevant to the Resolutions of Necessity;
- B) Make the following findings as hereinafter described in this report:
 - 1. The public interest and necessity require the proposed project;

2. The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
 3. The real property to be acquired is necessary for the project; and
 4. The offers of just compensation have been made to the property owners.
- C) Adopt Resolutions of Necessity declaring that the acquisition of fee and easement interests in certain real property, more particularly described as APNs 0238-152-33, 0238-152-34, 0211-321-10, 1083-352-02, 0211-312-04, 1083-351-05, 1083-351-06, 1083-351-07 and 1083-351-08 (all located in San Bernardino County) and 156-020-044 (located in Riverside County) by eminent domain is necessary for public right-of-way and construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements in the City of Ontario, San Bernardino County, CA.

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

Written communications were received as follows: 1) letter dated November 30, 2012, from Kim Rafferty representing Bridgestone indicating an intent to appear and speak; 2) letter dated November 26, 2012, from K. Erik Friess representing National Metal & Steel Corporation indicating an intent to appear and speak; 3) letter dated November 30, 2012, citing objections made by National Metal and Steel Corporation; and 4) letter dated November 27, 2012, from Ivor E. Samson representing Kmart Corporation and Douglas J. Evertz representing J. W. Mitchell Company objecting to the action to be considered.

Doug Evertz, J. W. Mitchell Company, described the location of their property and referenced their objections. He indicated they have provided a design alternative and staff is tentatively considering it. Mr. Evertz said he has spoken with the City Attorney's Office and will continue to work with the City in hope of resolving the issues.

Erik Friess, National Metal & Steel Corporation, objected to the Resolution of Necessity indicating they need more time and the City is moving too quickly. He also referenced problems with the appraisal process and the manner in which the resolution is written stating there are defects that need to be corrected. Mr. Friess said this process would put National Metal out of business and a solution is needed. He requested the Resolution of Necessity be delayed in order to reach a solution that works for everybody.

No one else requesting to be heard, the Mayor closed the public hearing.

Council Member Wapner said he is confident that difficulties will be addressed noting that state funding is at risk if delayed. Mr. Wapner said this does not stop

the process of negotiation and he supports the resolution knowing discussions will continue.

Council Member Bowman thanked Mr. Friess for the willingness to meet with staff. He said he feels confident all parties will come to an agreement.

Mayor Leon said the government is usually accused of running too slow, now it is the reverse. He noted their efficiency because of the safety factor and added the City is not in a hurry to see the project completed. He advised he is concerned about a loss of funding if delayed.

Council Member Wapner said they are talking about three very long-term processes in Ontario that the City does not take lightly. Council takes business very seriously and he knows staff is working with property owners.

RESOLUTION NO. 2012-093 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF FEE, EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 1083-351-08, BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

RESOLUTION NO. 2012-094 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF FEE, EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 156-020-044 BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA

RESOLUTION NO. 2012-095 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT INTEREST IN A PORTION OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0283-152-33, BY EMINENT

DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

RESOLUTION NO. 2012-096 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF FEE, EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 0211-321-10 AND 1083-352-02, BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA

RESOLUTION NO. 2012-097 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF FEE AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0238-152-34, BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

RESOLUTION NO. 2012-098 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF FEE AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0238-152-34, BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

RESOLUTION NO. 2012-099 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF FEE, EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR

NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 1083-351-07, BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA

RESOLUTION NO. 2012-100 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF AN EASEMENT INTEREST IN A PORTION OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, PHILADELPHIA STREET AND THE UNION PACIFIC RAILROAD CROSSING AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 1083-351-05 AND 0211-312-04 BY EMINENT DOMAIN, IS NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman, and unanimously carried to adopt said Resolutions Nos. 2012-093, 2012-094, 2012-095, 2012-096, 2012-097, 2012-098, 2012-099 and 2012-100..

20. CONSIDERATION OF RESOLUTIONS OF NECESSITY FOR THE ACQUISITION OF FEE AND EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY

City Council conducted a public hearing to:

- A) Consider the adoption of Resolutions of Necessity and provide all parties interested in the affected properties, their attorneys or representatives, an opportunity to be heard on the issues relevant to the Resolutions of Necessity.
- B) Make the following findings as hereinafter described in this report:
 - 1. The public interest and necessity require the proposed project; the project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury;
 - 2. The real property to be acquired is necessary for the project; and
 - 3. The offers of just compensation have been made to the property owners.
- C) Adopt Resolutions of Necessity declaring that the acquisition of fee and easement interests in certain real property, more particularly described as

APNs 0110-092-04, 0110-101-03, 0110-101-12, 0110-321-39 and 0110-321-40 by eminent domain is necessary for public right-of-way and the construction of the North Vineyard Avenue Grade Separation Project and related public infrastructure improvements in the City of Ontario, San Bernardino County, California.

Notice of public hearing was duly given and affidavits of compliance are 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.

Council Member Wapner noted these are additional grade separations and that the total value of these properties is \$66,000,000 for Milliken Avenue and \$53,000,000 for Vineyard Avenue. He added these projects create new jobs and mobility.

Mayor Leon said these are not just local economic impacts but directly affect the eastbound railroad corridor noting each artery in the City will require a grade separation due to the impact of goods movement from the ports.

Council Member Dorst-Porada indicated that Vineyard Avenue is also important because of airport access and the difficulty encountered by the Marriott Hotel due to train whistles, noting this is an important factor for increased value to the Marriott Hotel.

RESOLUTION NO. 2012-101 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF FEE, SIDEWALK AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF VINEYARD AVENUE, HOLT BOULEVARD AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0110-092-04, BY EMINENT DOMAIN, ARE NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE NORTH VINEYARD AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

RESOLUTION NO. 2012-102 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF FEE, SIDEWALK AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF VINEYARD AVENUE, HOLT BOULEVARD AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 0110-321-39

AND 0110-321-40, BY EMINENT DOMAIN, ARE NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE NORTH VINEYARD AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

RESOLUTION NO. 2012-103 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF SEWER AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF VINEYARD AVENUE, HOLT BOULEVARD AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0110-101-12, BY EMINENT DOMAIN, ARE NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE NORTH VINEYARD AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

RESOLUTION NO. 2012-104 A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION OF SEWER AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF VINEYARD AVENUE, HOLT BOULEVARD AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0110-101-03, BY EMINENT DOMAIN, ARE NECESSARY FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE NORTH VINEYARD AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada, and unanimously carried to adopt said Resolutions Nos. 2012-101, 2012-102, 2012-103, and 2012-104.

ADMINISTRATIVE REVIEW

21. AN ACTUARIAL ANALYSIS FOR THE MODIFICATION TO RETIREE MEDICAL CONTRIBUTIONS FOR SAFETY EMPLOYEE GROUPS PURSUANT TO THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT (PEMHCA) AND EXISTING LABOR AGREEMENTS

City Council received an actuarial analysis related to agreed-upon modifications to the retiree medical contributions for safety employee groups in accordance with existing labor agreements; and authorized the City Manager to take

necessary actions through California Public Employees Retirement System to implement the modifications.

Council Member Wapner noted that representatives from both the Fire and Police Department are present in the chamber and he acknowledged their forfeit of certain benefits in support of the City. At a question from Mr. Wapner, City Manager Hughes indicated there will be considerable benefit over the next 20 years.

Council Member Bowman thanked the Fire and Police Departments for helping to keep the City solvent.

Mayor Leon said it takes a lot of courage to tighten the path toward running a responsible City adding the City Manager has been able to work through negotiations with employee safety groups. He advised a different action might have caused a reduction in the level of service. He thanked both departments.

MOTION: Moved by Council Member Bowman, seconded by Council Member Avila, and carried by unanimous vote to receive the actuarial analysis, and authorize the City Manager to take necessary actions through CalPERS to implement the modifications.

COUNCIL/ STAFF COMMENT

DISCUSSION AND APPOINTMENT OF MAYOR PRO TEM

Council Member Dorst-Porada recommended that, in accordance with their annual cycling of the position, Council Member Bowman is appointed as Mayor pro Tem for the first year and Council Member Wapner as Mayor pro Tem for the second year.

Mayor Leon said the policy has been to rotate every year.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Avila, and unanimously carried as recommended.

Council Member Dorst-Porada thanked all who voted noting that their participation is what makes America so great. She said she is thankful for another four years and thanked all of those who supported her and participated in her campaign. She recounted some of the things this Council has accomplished during the past four years including the City's fiscal conservancy, marketing plan for Ontario International Airport, the new businesses that have located in Ontario and the efforts of the Economic Development staff to be of assistance to them. Council Member Dorst-Porada added her appreciation of Ontario's own full-service hospital, the improvements demonstrated at Ontario Mills, the cooperation of the employee unions in the City that prevented layoffs, updates to the City's cable channel and web site, addition of new trees on Euclid Avenue, a "Healthy Ontario" grant, two new parks, the Police Department's new firing range and plans for a new Emergency Operations Center. She expressed her

appreciation that the Chaffey Community Art Association is coming back to Ontario and hopes to see new shops and restaurants in the area. Council Member Dorst-Porada then remembered past events she would like to see return and suggested planning begin for the City's 125th anniversary in 2016.

Council Member Wapner commended the contributions Council Member Dorst-Porada has made to the Council and congratulated her, and welcomed Council Member Avila upon their election. He said he believes in the direction the City has taken and is proud of Council Member Dorst-Porada who has grown so much during her term and recognized her responsibilities. He noted that Council Member Avila is quick to learn after 16 years on the school board and his history of being a long time contributor to the community. Council Member Wapner added that he has served for 18 years because he is excited about the City's direction. He suggested advertising for all City Commissions to solicit interested parties who would like to serve, and said applications are available in the City Clerk's Department or online through the City's web site. They will be reviewed by Mayor pro Tem Bowman and himself prior to consideration by Council Members.

Council Member Bowman thanked Council Member Dorst-Porada for a good job on her campaign and welcomed Council member Avila aboard. He said he is looking forward to his input noting there are good changes coming up.

Council Member Avila said he was impressed with the Council's reception prior to the meeting where he met with departmental leaders in the City. He referred to his deceased wife, MaryAnne, and her history of support for him; and noted that he has a background in business, government and the military. Council Member Avila advised he had not commented this evening as he felt tonight was Council Member Mautz's night but he will be more responsive at the next meeting as he believes in communication. Mr. Avila noted that three current Council Members formerly served on the school board. He said he looks forward to the next few months as he progresses through the learning process and said the City Manager will create an agenda for visiting departments where he has no intention of disrupting the process. Council Member Avila thanked the Mexican-American community for their support of his election and spoke of his outlook and plans as a City Council Member.

Mayor Leon thanked Council Members Dorst-Porada and Avila and noted that Council comments should address each member with dignity and respect. The Mayor then spoke of possible entertainment ideas agreeing that the City must do things to attract people to Ontario and market Ontario as a destination. Mayor Leon encouraged the community to see Chaffey High School's presentation of The Little Mermaid this week and next weekend adding it is an excellent, world class performance.

ADJOURNMENT

No further business to come before the joint agencies, the Mayor adjourned the meeting at 8:16 p.m. and announced the next regularly scheduled meeting will be held on Tuesday, December 18th at 6:30 p.m.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN