

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
DECEMBER 18, 2012**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, December 18, 2012, at the Ontario City Hall, 303 East B Street, Ontario, CA.

CLOSED SESSION

The Mayor called the City Council/ Housing Authority meetings to order at 6:01 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 with the exception of Mayor pro Tem Bowman (arrived at 6:11 p.m.) and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Inland Oversight Committee vs. City of Ontario, Case No. EDCV 12-00178-PA(OPx).*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Inland Oversight Committee vs. City of Ontario, Case No. CIVRS 1208559.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Inland Oversight Committee, et al vs. City of Ontario; Palm Springs Oil Co. as Real Party in Interest, Case No. CIVRS 120789.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Ontario Mountain Village Association v. City of Ontario, Case No. CIVRS 1110506.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Philip J. Meza vs. City of Ontario; Wal-Mart Stores, Inc., and Wal-Mart Real Estate Business Trust as Real Parties in Interest, Case No. CIVRS 1108028.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Ontario Mountain Village Association, et al vs. City of Ontario, Case No. CIVRS 1200998.*
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Ontario Mountain Village Association vs. City of Ontario, et al.; EN Engineering and Wal-Mart Real Estate Business trust as Real Parties in Interest, Case No. CIVRS 707723.*

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One or more cases: City of Los Angeles/Los Angeles World Airports.*

CALL TO ORDER

The Mayor called the City Council/ Housing Authority meetings to order at 6:31 p.m., and requested the City Clerk to call the roll.

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

ABSENT: None

Also present were City Manager/Executive Director Chris Hughes, City Attorney John Brown and City Clerk/ Secretary Mary E. Wirtes.

CLOSED SESSION REPORT

City Attorney Brown advised that no reportable action was taken in Closed Session.

The Pledge of Allegiance was led by Council Member Wapner.

Mayor Leon extended condolences to the people in Connecticut and to those in our country affected by the recent violence and suggested those viewing these proceedings devote a moment of silence to them.

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

PUBLIC COMMENT

Fausto Reyes thanked Mayor pro Tem Bowman for the opportunity to serve on the Planning Commission saying he learned much about the community. He also thanked Planning Director Jerry Blum and Assistant Director Scott Murphy and staff for guiding him through it. Mr. Reyes said he has learned much professionally and personally about what it means to be involved in a City organization and feels honored and privileged to have done so. He added that he was the youngest person and only Latino on the Commission and hopes the City will continue to recognize diversity in the work place. He also thanked his wife and children for dealing with his absences away from home in order to participate.

Mayor pro Tem Bowman thanked Mr. Reyes for his involvement, noting his heart is with the City.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised Council Members there were no announcements.

JOINT AGENCIES CONSENT CALENDAR

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

1. BILLS/ PAYROLL

Approved Bills in the amount of \$17,643,262.61, from November 4, 2012 through December 1, 2012; and Payroll in the amount of \$6,219,591.22, from November 4, 2012 through December 1, 2012, when audited by the Finance Committee.

2. MAINTENANCE SERVICE AGREEMENT FOR EMERGENCY RESTORATION SERVICES AT THE ONTARIO CONVENTION CENTER/AMERICAN TECHNOLOGIES, INC

City Council approved a maintenance service agreement with American Technologies, Inc. (ATI), of Orange, CA for emergency restoration services and surface water remediation; and authorized the City Manager to execute the agreement and any amendments necessary to complete facility restoration.

3. A RESOLUTION ESTABLISHING AD HOC PROCEDURES FOR APPOINTING MEMBERS TO THE BUILDING APPEALS BOARD

City Council adopted a Resolution establishing ad hoc procedures for appointing members to the City's Building Appeals Board; and approved the City Manager's recommendations for appointment of five members to serve on the Building Appeals Board.

RESOLUTION NO. 2012-105 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION NO. 98-015 AND ADOPTING AD HOC PROCEDURES FOR APPOINTING MEMBERS TO THE BUILDING APPEALS BOARD

4. A RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING TO PARTICIPATE IN SAN BERNARDINO ASSOCIATED GOVERNMENTS' PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM

City Council adopted a Resolution authorizing the City Manager or his designee to enter into Contract No. C13066, a Memorandum of Understanding with San

Bernardino Associated Governments (SANBAG) to allow Ontario residents to participate in the Property Assessed Clean Energy (PACE) Program.

RESOLUTION NO. 2012-106 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE MEMORANDUM OF UNDERSTANDING (CONTRACT NO. C13066) TO PARTICIPATE IN SAN BERNARDINO ASSOCIATED GOVERNMENTS' PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY, ENERGY EFFICIENCY, AND WATER EFFICIENCY IMPROVEMENTS

5. PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING AND ENVIRONMENTAL SERVICES FOR THE I-10 FREEWAY AT GROVE AVENUE AND FOURTH STREET INTERCHANGE AND GROVE AVENUE CORRIDOR PROJECT – PHASE 2/PARSONS CORPORATION

City Council approved a professional services agreement with Parsons Corporation of Ontario, CA to provide engineering and environmental services for Project Approval and Environmental Documentation (PA&ED), Phase 2 of the I-10 Freeway at Grove Avenue and Fourth Street Interchange and Grove Avenue Corridor Project; and authorized the City Manager to execute said agreement and future extensions or amendments to the Agreement up to a total authorized amount of \$3,450,601.

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

City Council adopted an Ordinance amending Chapter 6 of Title 4 of the Ontario Municipal Code (OMC) related to the placement of official traffic control devices. A public hearing and first reading of the Ordinance occurred at the regular meeting on December 4, 2012.

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.

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

City Council:

- (A) Approved the proposed first substantial amendment to the One-Year Action Plan for FY 2012-2013;
- (B) Directed staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development; and
- (C) Authorized the City Manager, or his designee, to take all actions necessary or desirable to implement the first substantial amendment to the One-Year Action Plan for FY 2012-2013.

8. APPLICATIONS FOR GRANTS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2014 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), “AVOID THE 25” DUI CAMPAIGN AND AWARENESS, AND THE SOBRIETY CHECKPOINT PROGRAM

City Council authorized the City Manager to execute all documents necessary to apply for and accept 12-month grants in the amount of \$950,000 from OTS for participation in the FY2014 STEP, “Avoid the 25” Driving Under The Influence Campaign and Awareness, and Sobriety Checkpoint Grant Program.

9. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH SECURITAS SECURITY SERVICES USA, INC., FOR UNARMED SECURITY GUARD SERVICES/SECURITAS SECURITY SERVICES USA INC.

City Council authorized the City Manager to execute an amendment to the existing professional services agreement with Securitas Security Services USA, Inc., of Ontario, CA extending the agreement for three years, with the option to extend for an additional two years, at an estimated annual cost of \$133,463; and authorized the City Manager to execute future amendments to modify service locations on an as-needed basis up to the budgeted amount.

10. A PURCHASE AGREEMENT FOR THE ACQUISITION AND INSTALLATION OF A CITYWIDE FUEL MANAGEMENT SYSTEM/ R.Y. RODRIGUEZ, INC.

City Council authorized the City Manager, or designee, to execute a purchase agreement with R.Y. Rodriguez, Inc., of Ontario, CA, in the amount of \$336,362 plus a 15% contingency (\$50,455), for a total of \$386,817, for the acquisition and installation of a FuelMaster fuel management system.

11. AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR TITLE 22 RECYCLED WATER CROSS CONNECTION/ OVERSPRAY TESTING/ LEE & RO, INC.

City Council approved and authorized the City Manager to execute Amendment No. 1 to the professional services agreement for a not-to-exceed amount of \$90,000 and a revised total of \$180,000 for Fiscal Year 2012-13 with Lee & Ro, Inc., of Industry, CA for the Title 22 Recycled Water Cross Connection/ Overspray Testing; and authorized the option to extend the agreement for up to two additional years consistent with City Council-approved budgets.

12. CONSTRUCTION CONTRACT FOR THE CNG FUELING FACILITIES UPGRADES PHASE II PROJECT/MANSFIELD GAS EQUIPMENT SYSTEMS CORPORATION

City Council approved the plans and specifications and awarded the CNG Fueling Facilities Upgrades, Phase II Project, to Mansfield Gas Equipment Systems Corporation of Ontario, CA for the bid amount of \$359,323 plus a 15% contingency of \$53,899 for a total of \$413,222; 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.

13. MEMORANDUM OF UNDERSTANDING WITH WESTERN MUNICIPAL WATER DISTRICT, JURUPA COMMUNITY SERVICES DISTRICT AND CHINO BASIN DESALTER AUTHORITY

City Council approved a Memorandum of Understanding (MOU) with Western Municipal Water District, Jurupa Community Services District and Chino Basin Desalter Authority to provide for the allocation of Capital Facilities Grant Funding for the Chino Desalter Phase 3 Expansion Project subject to non-substantive changes; and authorized the City Manager to execute the MOU.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2012-105 and 2012-106, and Ordinance No. 2957 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

14. AN AMENDMENT TO THE LAND USE ELEMENT OF THE POLICY PLAN (GENERAL PLAN) COMPONENT OF THE ONTARIO PLAN (FILE NO. PGPA12-001) TO CHANGE APPROXIMATELY 18,000 SQUARE FEET OF LAND FROM OPEN SPACE (PARKLAND) TO INDUSTRIAL, A ZONE CHANGE (FILE NO. PZC12-002) TO REZONE APPROXIMATELY 18,000 SQUARE FEET OF LAND FROM OPEN SPACE (OS) TO INDUSTRIAL PARK

(M2), AND A GROUND LEASE AGREEMENT BETWEEN THE CITY AND SAN DIEGO OUTDOOR ADVERTISING, INC. TO ERECT A 64 FOOT-HIGH PYLON BILLBOARD SIGN WITH AN ELECTRONIC LED MESSAGE DISPLAY TO BE PLACED ON APPROXIMATELY 18,000 SQUARE FEET OF LAND LOCATED AT THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX, LOCATED NORTH OF SR 60, BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, SOUTH OF PHILADELPHIA STREET

City Council:

- (A) Adopted a Mitigated Negative Declaration for the project, pursuant to California Environmental Act Guidelines (CEQA);
- (B) Adopted a Resolution approving File No. PGPA12-001 to change approximately 18,000 square feet of land from Open Space (Parkland) to Industrial;
- (C) Adopted a Resolution approving File No. PZC12-002 to rezone approximately 18,000 square feet of land from Open Space (OS) to Industrial Park (M2); and
- (D) Approved a ground lease agreement to allow a 64-foot-high pylon billboard sign with an electronic LED message display; and authorized the City Manager to execute said agreement with San Diego Outdoor Advertising, Inc. a California Corporation doing business as General Outdoor Advertising.

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.

RESOLUTION NO. 2012-107 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 FILE NOS. PGPA12-001 AND PZC12-002

RESOLUTION NO. 2012-108 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA12-001, A GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FROM OPEN SPACE (PARKLAND) TO INDUSTRIAL ON APPROXIMATELY 18,000 SQUARE FEET OF LAND AT THE SOUTHEAST CORNER OF THE

ONTARIO SOCCER COMPLEX LOCATED NORTH OF STATE ROUTE 60 BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, SOUTH OF PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0113-281-13 (2200 EAST PHILADELPHIA STREET)

RESOLUTION NO. 2012-109 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC12-002, A CHANGE IN THE ZONING DESIGNATION FROM OPEN SPACE (OS) TO INDUSTRIAL PARK (M2) ON APPROXIMATELY 18,000 SQUARE FEET OF LAND LOCATED WITHIN THE SOUTHEAST CORNER OF THE ONTARIO SOCCER COMPLEX LOCATED JUST NORTH OF STATE ROUTE 60 BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE ON PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 113-281-13 (2200 EAST PHILADELPHIA STREET).

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Bowman and unanimously carried to adopt said Resolutions Nos. 2012-107, 2012-108 and 2012-109.

15. **A SPECIFIC PLAN AMENDMENT (FILE NO. PSPA12-003) TO THE WAGNER PROPERTIES SPECIFIC PLAN TO 1) INCREASE THE MAXIMUM DENSITY WITHIN THE URBAN RESIDENTIAL LAND USE DESIGNATION FROM 25 DWELLING UNITS PER ACRE TO 45 DWELLING UNITS PER ACRE; 2) REDUCE THE BUILDING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 30' MINIMUM; 3) REDUCE THE PARKING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 15' MINIMUM; AND 4) REDUCE THE BUILDING AND PARKING SETBACK ALONG CENTER AVENUE FROM 30' TO 20'; FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND FOURTH STREET**

City Council:

- (A) Adopted an Addendum to the Certified Environmental Impact Report for The Ontario Plan, pursuant to State CEQA Guidelines; and
- (B) Adopted a Resolution approving File No. PSPA12-003, a Specific Plan Amendment to the Wagner Properties Specific Plan, pursuant to the facts and reasons contained in this report and the attached Resolution, and subject to the conditions of approval contained in the attached department reports.

RESOLUTION NO. 2012-110 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PSPA12-003, 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: 210-182-09

RESOLUTION NO. 2012-111 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA12-003, AN AMENDMENT TO THE WAGNER PROPERTIES SPECIFIC PLAN TO 1) INCREASE THE MAXIMUM DENSITY WITHIN THE URBAN RESIDENTIAL LAND USE DESIGNATION FROM 25 DWELLING UNITS PER ACRE TO 45 DWELLING UNITS PER ACRE; 2) REDUCE THE BUILDING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 30' MINIMUM; 3) REDUCE THE PARKING SETBACK ALONG FOURTH STREET FROM 40' AVERAGE TO 15' MINIMUM; AND 4) REDUCE THE BUILDING AND PARKING SETBACK ALONG CENTER AVENUE FROM 30' TO 20' FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HAVEN AVENUE AND FOURTH STREET AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 210-182-09

There were no written communications.

Diane Perozzia said she is concerned about the increased density from 25 to 45 units stating they are now surrounded by apartments and density increases will add to crime in the area. She added that apartments are now on both sides of their property.

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

Mayor Leon responded that high density development does not create problems; poor management does and added the City has been very involved in enforcement of good management.

Council Member Wapner added that, for the record, density was already increased and changed during the General Plan process adding this is a specific plan amendment. Mr. Wapner said we will be seeing more and more density because of the growth of housing and jobs.

Council Member Dorst-Porada said she is concerned as well that density be kept at low numbers adding it is appropriate when a developer brings it up and seeks parking and other amenities.

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Bowman and unanimously carried to adopt said Resolutions Nos. 2012-112 and 2012-113.

COUNCIL/ STAFF COMMENT

Council Member Dorst-Porada wished all Happy Holidays, Merry Christmas and Happy Hanukkah. She spoke of the contributions of *Joe Bartholomew* who contributed so much to his country and to the annual Christmas scenes on Euclid Avenue for many years. She expressed heartfelt condolences upon his passing at age 52 years.

Council Member Wapner, Council's representative to the San Bernardino Association of Governments (SANBAG), reported on the Metrolink Board's action in some important areas. First, he noted they have added positive train control, technology that automatically stops a train in an emergency, addition of Tier 4 locomotive technology for reducing emissions loss at 83% that is well below others who are now following their lead; and added that SANBAG is beginning a study to bring a rail link to the airport pending completion of the Gold Line. He said they plan to create a spur between Rancho Cucamonga and the airport noting Metrolink is taking the lead on this as well as SANBAG.

Mayor pro Tem Bowman wished all Happy Holidays and Happy New Year.

Council Member Avila wished all Happy Holidays and a Merry Christmas. He said he has been affected by what takes place in the community, and the security for children across the nation. He especially hopes to communicate that to leaders of school districts and is sorry to have witnessed something that should never have happened and must not happen in the future. Council Member Avila added that he was recently involved in the Ontario 5K Reindeer Run with Council Member Dorst-Porada and Mayor Leon, and was challenged by the Mayor in the 5K run noting the Mayor is very fit. He estimated there were 1,000 people who attended and realized later there was also a 1K. He discussed elements in the race finding he was really out of shape and said he looks forward to participating again next year, and promises the Mayor and Council Members he will be better prepared. Council Member Avila commended Parks and Recreation staff members who participated in their awards program and said 17 won safety awards, 3 for keeping pace, 21 for public service, 7 for going the extra mile and 1 who was acknowledged for working smarter, not harder. Council Member Avila said he is impressed with City Manager Hughes and honored and pleased to be working with him. He added he is receiving a lot of help and is planning to visit department heads. He added he plans to give the Fire and Police Department his support and noted they are worthy of the accolades they receive.

Mayor Leon confirmed that he also participated in the 5K adding the City of Ontario wrote the plan for Healthy Cities. He advised that Planning Director Jerry Blum visited the City of Jurupa Valley to give them help in creating a "Healthy Jurupa Valley". Mayor Leon said another 5K and 10K run will be held on January 19th at Ontario Mills attended by Christian Okoye who will be Master of Ceremonies.

City Manager Hughes wished all Happy Holidays.

ADJOURNMENT

Mayor Leon thereupon adjourned the joint meetings at 7:01 p.m. and said the next regular meeting on January 1, 2013 will not be held because of the holiday thereby causing the next regular meetings to be scheduled on January 15, 2013.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN