

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
MARCH 5, 2013**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, March 5, 2013, 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 and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0211-321-10 and 1083-352-02; 2202 South Milliken Avenue;
City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties:
Joseph Davies, National Metal & Steel Corp.; Under negotiation: Price and
terms of payment.
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED
LITIGATION: One (1) Case
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING
LITIGATION: Frederick Ortega v. Hopley, et al, USDC CD Case No.
EDCV 12-00397 GAF (OPx) and H.Z. v. Hopley, et al, USDC CD Case No.
EDCV 12-1315 GAF (OPx).
- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED
LITIGATION: One (1) 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 6:30 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 and indicated that two agreements were considered that may be reportable at a later date.

The Pledge of Allegiance was led by Council Member Wapner.

The Invocation was offered by *Reverend Frank Hamilton*, First Christian Church of Ontario.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised Council Members there were no announcements.

PUBLIC COMMENT

Ruben Valencia, resident of Ontario, reported on a fundraiser he attended last Friday benefitting the Chaffey High School baseball program where the Ontario Fire Department and Ontario Police Department competed. Mr. Valencia commended both teams. He also noted a Graham Scholarship was available through First Christian Church of Ontario, with an application deadline of April 15, 2013 and advised local high school seniors should contact Pastor Hamilton to apply.

Ryan Lewis, President of the Ontario Firefighters Association, indicated a fundraiser will be conducted on March 9th, Hoops for Hope, at Los Osos High School in honor of Battalion Chief “Chip” Smith who passed away due to colon cancer. The funds will benefit the City of Hope and San Antonio Hospital’s Cancer Center. The Association will also host a fundraiser at the Ontario El Torito Restaurant on March 16 and 17, 2013, to benefit “Megan’s Wings.”

SPECIAL CEREMONIES

RECOGNITION OF COMMISSIONERS

Mayor Leon announced that Council is recognizing retiring Commissioners *Ron Newton*, Recreation and Parks; *Ruby Leavitt*, Library Board of Trustees; and *Barbara Hartley*, Planning Commission and thanked them for the time they have contributed to the community.

Mayor pro Tem Bowman expressed his deepest appreciation for each Commissioner’s long-tenured service to the community noting they have helped Ontario greatly.

Council Member Dorst-Porada said that Board Member Leavitt has been a long-time volunteer on the Library Board going above and beyond the call of duty and will be dearly missed. She advised that she knows Commissioner Hartley as a long-time

Kiwanis member, and member of the Planning Commission, and thanked her for her time and talent. Council Member Dorst-Porada thanked Commissioner Newton for his time on the Recreation and Parks Commission and for his dedication to young people in the community through service on the School Board.

Council Member Wapner indicated these Commissioners are what is right about Ontario. He added their service as Commissioners is the tip of the iceberg of what they do for the community indicating Commissioner Hartley retired after 40 years as a City employee; Board Member Leavitt has worked on many projects on the Library Board for between 20-25 years; and Commissioner Newton served 20 years on the Mountain View School Board, coached high school football and, including his time on the Parks Commission, their service totals well over 100 years given to the community. He noted volunteers are what make our City great, adding folks are needed who have a proven record of commitment.

Council Member Avila said he is amazed at the quality and experience of the Commissioners who go on to carry tasks after retirement. He noted that Commissioner Hartley lived in the same geographical area as his late wife who came from Cleveland, Ohio. He added that Commissioner Newton's service on the school board for 20 years was a great feat and expressed his great respect for his involvement in the community and indicated he will look to him as a guide. Council Member Avila said he appreciates the contributions Board Member Leavitt has made to the Library Board.

Mayor Leon commented that on behalf of the City, he thanks each of them for their years of service and thereupon Council Members presented each with a plaque honoring their contributions.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem 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 February 5, 2013, as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$8,518,545.89, from January 27 through February 9, 2013; and Payroll in the amount of \$2,298,497.44, from January 27 through February 9, 2013, when audited by the Finance Committee.

3. A RESOLUTION APPROVING AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES

City Council adopted a Resolution approving an application for financial assistance for the Francis Street Storm Drain and Ely Basin Flood Control and Aquifer Recharge Project; and authorized the City Manager to execute said application for Proposition 84 grant funds from the California Department of Water Resources.

RESOLUTION NO. 2013-024 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE FRANCIS STREET STORM DRAIN AND ELY BASIN FLOOD CONTROL AND AQUIFER RECHARGE PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN AND FILE, FOR AND ON BEHALF OF THE CITY OF ONTARIO, FOR A GRANT FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.

4. A RESOLUTION AMENDING THE RESOLUTION OF NECESSITY FOR THE ACQUISITION OF FEE, EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY (APN 156-020-044)

City Council adopted a Resolution amending Resolution of Necessity No. 2012-094, originally adopted on December 4, 2012, for the purpose of amending the access easement and temporary construction easement areas of the portions to be acquired pursuant to the request of the property owner with regard to Assessor Parcel No. 156-020-044 (located in Riverside County) for public right-of-way and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements.

RESOLUTION NO. 2013-025 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING RESOLUTION NO. 2012-094, A RESOLUTION OF NECESSITY 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.

5. CONSTRUCTION CONTRACT FOR SOUND INSULATION OF 98 CONDOMINIUM UNITS UNDER THE ONTARIO QUIET HOME PROGRAM/S&L SPECIALTY CONTRACTING, INC.

City Council:

- (A) Awarded Contract No. P150-1213-01 to S&L Specialty Contracting, Inc. of Syracuse, NY in the amount of \$2,554,000, plus 15% contingency of \$383,100 for a total not-to-exceed amount of \$2,937,100 to sound insulate 98 condominium units;
- (B) Rejected all other bids for this project;
- (C) Directed the City Manager, or his designee, not to pursue the bid bond submitted by Harry H. Joh Construction, Inc; and
- (D) Authorized the City Manager, or his designee, to execute the contract, other related documents necessary to implement said contract, and file a Notice of Completion at the conclusion of all construction activities related to this contract.

6. A RESOLUTION APPROVING 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 City's application for State of California Department of Public Health (CDPH) grant funds under the Proposition 50 Funding Program for a groundwater recovery and treatment system; and authorized the City Manager or his designee to execute said application.

RESOLUTION NO. 2013-026 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.

7. PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL MATERIAL TESTING AND GEOTECHNICAL ENGINEERING CONSULTING SERVICES/CONVERSE CONSULTANTS/NINYO & MOORE/CHJ CONSULTANTS

City Council authorized the City Manager to execute two-year Professional Services Agreements with Converse Consultants of Redlands, CA; Ninyo & Moore of Rancho Cucamonga, CA; and CHJ Consultants of Colton, CA for on-call material testing and geotechnical engineering consulting services; and

authorized the City Manager to extend the agreements for up to three additional consecutive one-year periods consistent with City Council-approved budgets.

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

City Council took the following actions:

- (A) Bid No. 297
Awarded bid to E-W Truck of San Diego, CA, in the amount of \$526,760 for the purchase and delivery of two (2) front-loading solid waste trucks;
- (B) Bid No. 299
Awarded bid to Fritts Ford of Riverside, CA, in the amount of \$587,663 for the purchase and delivery of two (2) all-wheel drive police interceptor vehicles and twenty (20) patrol all-wheel drive police interceptor vehicles;
- (C) Bid No. 301
Awarded bid to Rotolo Chevrolet of Fontana, CA, in the amount of \$31,136 for the purchase and delivery of one (1) Chevrolet Tahoe truck; to Wondries Fleet Group of Alhambra, CA, in the amount of \$24,802 for the purchase and delivery of one (1) ½ ton crew cab truck; and to Redlands Ford of Redlands, CA, in the amount of \$20,751 for the purchase and delivery of one (1) ½ ton extended cab truck.
- (D) Bid No. 302
Awarded Bid to Theodore Robins Ford of Costa Mesa, CA, in the amount of \$30,284 for the purchase and delivery of one (1) 15,000 gross vehicle weight rating (GVWR) truck cab and chassis; and
- (E) Authorized the purchase and delivery of one (1) TORO GroundMaster 360, 2-wheel drive, 72-inch quad-steer mower to Turf Star of Brea, CA, in the amount of \$23,695 consistent with the terms and condition of the National-Intergovernmental Purchasing Alliance (IPA) Contract No. 120535; and
- (F) Authorized the purchase and delivery of two (2) 2013 BMW R1200RT-P motorcycles to Long Beach BMW of Long Beach, CA, in the amount of \$53,714 consistent with the terms and conditions of the Los Angeles Sheriff's Department Purchase Order No. PO-SH-12321526-1.

9. A RESOLUTION APPROVING AN APPLICATION FOR FISCAL YEAR 2012-13 HOUSEHOLD HAZARDOUS WASTE GRANT (HD20) FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

City Council adopted a Resolution approving the City's application for the Fiscal Year 2012-13 Household Hazardous Waste Grant (HD20) pursuant to Sections 40000 et seq. of the Public Resources Code; and authorized the City Manager to execute said application.

RESOLUTION NO. 2013-027 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A GRANT APPLICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY HOUSEHOLD HAZARDOUS WASTE (HHW) GRANT PROGRAM TO FUND PUBLIC EDUCATION AND OUTREACH AND MINOR IMPROVEMENTS TO THE HOUSEHOLD HAZARDOUS WASTE FACILITY.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2013-024, 2013-025, 2013-026 and 2013-027 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARING

10. CONSIDERATION OF AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPLICATIONS

City Council approved introduction and waived further reading of an Ordinance granting a one-year time extension to approved Development Plan, Conditional Use Permit and Variance Applications that are due to expire on or before March 1, 2014.

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 speak, the Mayor closed the public hearing.

ORDINANCE NO. 2960 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A ONE-YEAR TIME EXTENSION TO ANY APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT OR VARIANCE APPLICATION THAT IS ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2014, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION: Moved by Mayor pro Tem Bowman, seconded by Council Member Avila and unanimously carried to approve introduction and first reading of the Ordinance.

ADMINISTRATIVE REVIEW/DISCUSSION

ESTABLISH AD HOC SUBCOMMITTEE ON DEVELOPMENT CODE UPDATE AND APPOINT MAYOR PRO TEM BOWMAN AND COUNCIL MEMBER DORST-PORADA

MOTION: Moved by Mayor Leon, seconded by Council Member Dorst-Porada, and unanimously carried to approve the recommendation.

COUNCIL/ STAFF COMMENT

Council Member Avila expressed his congratulations to former Senator Jim Brulte having been elected as leader of the California Republican Party. He also commended the newly elected Executive Board of the Ontario Police Officers Association including President Mike Chavez, Vice President Jim Mikkelsen, Secretary Gabe Gutierrez, Treasurer Bill Maxson, Sergeant at Arms Steve Hurst, and Members at Large Tony Bolanos, Robb McCandlish, Davey Reed and Jeff Zeen. Mr. Avila announced the appointment of *Ruben Valencia* as President of the Latino Police Officer's Association for Riverside and San Bernardino Counties stating his involvement will benefit the group's members. Council Member Avila then referred to the pending race for California State Senator for which he endorsed Mayor Leon because of his ability to make independent decisions based on his values and faith in God. He noted the value of a State Senator from San Bernardino County with respect to such things as regaining control of Ontario International Airport. Council Member Avila described a recent tour of the Utilities Department overseen by Scott Burton and his staff who explained to Mr. Avila the functions of the water system and natural gas capabilities of the City; and said he looks forward to visiting other departments to better understand their functions adding he is here to support staff in a great City.

Mayor pro Tem Bowman said the March 16 and 17, 2013 fundraiser by the Fire Department will benefit everyone who attends owing to its value as a family day. He said all City employees are very dedicated, and he has even seen Solid Waste employees clean up after an accidental spill while retrieving trash containers which shows their personal pride in their jobs.

Council Member Wapner introduced *Sylvia Orozco*, Board Member from the Chino Valley Unified School District, who was present in the Chambers. Mr. Wapner then introduced the new Police Union President, Mike Chavez. Mr. Chavez said the Union enjoys a good partnership with the City and employees and he would like to continue it. Council Member Wapner commented briefly on the forthcoming Senate race; the need to support Mayor Leon's candidacy as someone who represents Ontario and its interests; and stated that Assembly Member Torres has and will continue to do good things for Ontario in the Assembly.

Council Member Dorst-Porada announced Chaffey Union High School's fourth year as the winner of the San Bernardino County Academic Decathlon including 2009, 2010, 2012 and 2013. She said we have an awesome school district and she is very excited for them. Council Member Dorst-Porada also commended the Ontario Police Explorers for their work in support of the community and noted they are always respectful and committed. Council Member Dorst-Porada announced the Art Community's Art Walk on March 16, 2013, and Ontario Heritage's Walking Home Tour March 23, 2013. She also noted the Ontario Museum of History and Art will conduct an open art exhibit and urged residents to check their website in order to take advantage of the opportunity.

Mayor Leon agreed with earlier comments that the Public Works Agency is amazing and viewing the technology used to monitor and control the City's water feels like entering Game Works. He expressed his pride that Carrie Underwood performed to a sold out crowd last week at the Citizens Business Bank Arena (CBBA) bringing first class entertainment to our "back yard". The Mayor added that the Arena also sold out a week prior for the Rock and Road Show. He said he is proud at the influx of visitors and happy to keep people local. Mayor Leon announced that Chaffey High School will be presenting the "Wizard of Oz" in May and noted the renovations promised with adoption of Measure P on the November ballot will soon benefit Gardiner Spring Auditorium. He concluded his remarks by urging people to get out and vote on March 12th.

Mayor pro Tem Bowman commented on the vision of the Ontario City Council in the 1990's when ideas for the development of an arena began; and now having been constructed, the CBBA is an asset to the community generating economic benefits.

Council Member Avila indicated he will support Ruben Valencia for City Council in the next election.

ADJOURNMENT

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN