

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
APRIL 16, 2013**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, April 16, 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 6:05 p.m., and inquired whether persons were present who wished to speak to a Closed Session item. Hearing none, he announced that Members were present and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: One (1) or more cases.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 156-020-049 and 156-020-048, 12450 East Philadelphia Street;
City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Dan Webb; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 156-020-044, 3100 South Milliken Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Tony Rigdon; Under negotiation: Price and terms of payment.
- 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 6:35 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 Chris Hughes, Assistant City Attorney Rich Egger and City Clerk/ Secretary Mary E. Wirtes.

The Pledge of Allegiance was led by Council Member Wapner.

The Invocation was offered by *Pastor Carlos Gonzales*, Inland Valley Church of Christ.

CLOSED SESSION REPORT

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

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes indicated there were no announcements.

PUBLIC COMMENT

Ryan Lewis, President of the Ontario Firefighters Association, gave an update on their fundraising activities indicating their St. Patrick's Day fundraiser earned \$25,000 for Megan's Wings; USO Ontario was given a check for \$26,900; \$24,000 was donated from the Hoops For Hope event to San Antonio Community Hospital Cancer Awareness and the City of Hope; and \$4,000 was earned for San Antonio Community Hospital Cancer Awareness from the sale of pink-colored duty shirts.

Ruben Valencia expressed condolences for the victims injured at the Boston Marathon and thanked the military and first responders for their assistance. He announced that Marinello's Beauty School is providing free "Men's Clipper Cut" haircuts on April 19th from 3:00 p.m. to 7:30 p.m. for over 230 young adults from the local area and he hopes Council Members will attend. Mr. Valencia also advised that the Ontario Relay for Life will be held on May 18, 2013.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Mayor pro Tem Bowman, seconded by Council Member Avila, 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 March 19, 2013, as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$5,668,850.61, from March 10 through March 23, 2013; and Payroll in the amount of \$2,430,968.70, from March 10 through March 23, 2013, when audited by the Finance Committee.

3. A RESOLUTION OF INTENT TO ESTABLISH THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

City Council adopted a Resolution declaring its intention to establish the Greater Ontario Tourism Marketing District (GOTMD); and fixing the time, place and notice for a public meeting and a public hearing thereon.

RESOLUTION NO. 2013-030 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH THE GREATER ONTARIO TOURISM MARKETING DISTRICT (GOTMD) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF.

4. A RESOLUTION SUPPORTING EFFORTS TO PROVIDE ADEQUATE, EQUITABLE, AND ONGOING STATE FUNDING FOR SAN BERNARDINO COUNTY SUPERIOR COURTS

City Council adopted a Resolution in support of efforts to provide adequate, equitable, and ongoing State funding to ensure that residents of San Bernardino County and Ontario residents in particular, continue to have access to justice through the San Bernardino County Superior Court system.

RESOLUTION NO. 2013-031 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, IN SUPPORT OF EFFORTS TO PROVIDE ADEQUATE, EQUITABLE, AND ONGOING STATE FUNDING TO ENSURE THAT RESIDENTS OF SAN BERNARDINO COUNTY, AND ONTARIO RESIDENTS IN PARTICULAR, CONTINUE TO HAVE ACCESS TO JUSTICE THROUGH THE SAN BERNARDINO SUPERIOR COURT SYSTEM.

5. VARIOUS CONSTRUCTION AGREEMENTS FOR RAIL-HIGHWAY GRADE SEPARATION PROJECTS

City Council:

- (A) Approved two Cooperative Funding Agreements with San Bernardino Associated Governments (SANBAG) for funding the construction phase of the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects; and authorized the City Manager to execute said agreements and future amendments within the City Council-approved budget; and
- (B) Approved a Reimbursement Agreement with Jurupa Community Services District for construction of the South Milliken Avenue Rail-Highway Grade Separation Project; and authorized the City Manager to execute said agreement and future amendments within the City Council-approved budget; and

- (C) Approved two Construction and Maintenance Agreements with Union Pacific Railroad for the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects; a Memorandum of Understanding with Southern California Edison for the construction of the South Milliken Avenue Rail-Highway Grade Separation Project; a Memorandum of Understanding with Los Angeles World Airports; a Pipeline Relocation Agreement with SFPP; a Utility Relocation Reimbursement Agreement with Level 3 Communications; and a Relocation Agreement with AT&T for the construction of the North Vineyard Avenue Rail-Highway Grade Separation Project; and authorized the City Manager and City Attorney to finalize and execute said agreements (with non-substantial changes and within current appropriation limits); and
- (D) Authorized the City Manager to execute other documents as may be necessary to receive Right of Way certification associated and related to the construction of the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects within the City Council-approved budget.

6. CONSTRUCTION CONTRACT FOR FY 2012/2013 PAVEMENT REHABILITATION PROGRAM/SILVIA CONSTRUCTION, INC.

City Council approved the plans and specifications and awarded the construction contract to Silvia Construction, Inc. of Rancho Cucamonga, California, for FY 2012/2013 Pavement Rehabilitation Program for the bid amount of \$3,733,743 plus a twenty (20%) percent contingency of \$746,748 for a total authorized expenditure of \$4,480,491; authorized the City Manager to execute related documents necessary and file a notice of completion at the conclusion of construction activities.

7. A RESOLUTION AUTHORIZING AN APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT (TDA), ARTICLE 3 FUNDING FOR BICYCLE AND PEDESTRIAN FACILITIES

City Council adopted a Resolution authorizing staff to submit an application through the SANBAG for Transportation Development Act Article 3 Bicycle and Pedestrian Facilities grant program funds for the installation of Class II and III bicycle improvements on G Street, Inland Empire Boulevard and Ontario Mills Parkway; and authorized the City Manager to execute all required SANBAG grant and funding agreements.

RESOLUTION NO. 2013-032 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING APPLICATION FOR TRANSPORTATION DEVELOPMENT ACT (TDA), ARTICLE 3 FUNDING FOR BICYCLE AND PEDESTRIAN FACILITIES THROUGH THE SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG) FOR CLASS II AND CLASS III BICYCLE IMPROVEMENTS ON G STREET, INLAND EMPIRE BOULEVARD AND ONTARIO MILLS PARKWAY.

8. A CONSTRUCTION CONTRACT FOR THE HOMELESS OUTREACH SERVICE CENTER PROJECT/ 4-ACE

City Council:

- (A) Rejected the bid protest submitted by Braughton Construction, Inc, of Rancho Cucamonga, CA as without merit; and
- (B) Authorized the City Manager, or his designee, to execute a construction contract with 4-Ace Construction, Inc., of Rancho Cucamonga, CA, in the amount of \$904,126, plus a 15% contingency of \$135,619 for a total authorized amount of \$1,039,745 for both the site improvements and accessory parking lot to create the Homeless Outreach Service Center. The Center will be located at 435 South Bon View Avenue and the parking lot at 914 East Washington Street.

9. AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 9, CHAPTER 1, OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3, ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4, ARTICLE 14 (RESIDENTIAL DISTRICTS)

City Council adopted an Ordinance approving File No. PDCA13-001, a Development Code Amendment revising Title 9 , Chapter 1, of the Ontario Municipal Code, including Part 3, Article 13 and Part 4, Article 14 adding the HDR-45 Residential (25.1 to 45.0 du/acre) Zoning District, and related land use and development standards. First reading of the Ordinance was given at a public hearing on April 2, 2013.

ORDINANCE NO. 2961 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-001, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3 (ZONING DISTRICTS AND LAND USE), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4 (BASE DISTRICT REGULATIONS), ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICT, AND RELATED LAND USE AND DEVELOPMENT STANDARDS, AND MAKING FINDINGS IN SUPPORT THEREOF.

10. CONSTRUCTION CONTRACT FOR THE SAN ANTONIO AVENUE, ROSEWOOD COURT AND “J” STREET WATER MAIN IMPROVEMENTS

City Council:

- (A) Approved the project plans and specifications;

- (B) Awarded Contract No. UT 1112-03 to Norstar Plumbing and Engineering, Inc. of Alta Loma, CA, in the amount of \$2,563,124 plus a 15% contingency in the amount of \$384,469 for a total of \$2,947,593, for the construction of the San Antonio Avenue, Rosewood Court and “J” Street Water Main Improvements Project; authorized the City Manager to execute said contract and file a Notice of Completion at the conclusion of all construction activities related to the project;
- (C) Authorized the City Manager to execute a Professional Services Agreement with Albert A. Webb and Associates, Inc. of Riverside, CA, in the amount of \$207,500 plus a 15% contingency in the amount of \$31,125 for a total of \$238,625 for construction management and inspection services; and
- (D) Authorized the City Manager to execute a Purchase and Sale Agreement in the amount of \$50,000 with San Antonio Water Company located in Upland, CA for water infrastructure.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2013-030, 2013-031 and 2013-032 and Ordinance No. 2961 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

COUNCIL/ STAFF COMMENT

Council Member Avila discussed his attendance at a special meeting on Omnitrans; a Library Board of Trustees meeting, noting upcoming author events one featuring J. R. Martinez, as well as another author with fifteen different authors—all to benefit the Library. Council Member Avila informed the public that that Student Government Day will be held this week at City Hall. He expressed his pleasure with the Fire Department’s fundraising activities and noted the good turnout at a campaign reception at the Ovitt residence. Council Member Avila recognized the public relations efforts of Police Chief Hopley. Council Member Avila concluded by stating he is pleased to be part of the City and would like to see more residents attend the Council Meetings.

Council Member Dorst-Porada invited citizens to the Ontario Bandstand at 8:00 a.m. on Sunday mornings where she walks with a group and is available to hear their concerns.

She reminded the community that the first week in May is garage sale weekend. Council Member Dorst-Porada called attention to Agenda Item #8 which will provide for a permanent location for the provision of homeless services. She also stated that staff outdid themselves in putting on the recent State of the City event.

Mayor pro Tem Bowman recognized the Fire and Police departments for their performance in giving back to the community, and requested support for the families affected by the tragedy at the recent Boston Marathon.

Mayor Leon thanked City Manager Hughes and all the staff for the accolades received at the State of the City event and for the quality of the program. He said staff at the Ontario Convention Center outdid themselves and the three presenters who spoke were exceptional, creating the event of the year.

ADJOURNMENT

The Mayor adjourned the Joint Meetings at 6:52 p.m. and indicated the next regular meeting will be held on Tuesday, May 7th.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN