

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
JULY 2, 2013**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, July 2, 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 6:04 p.m., and inquired whether persons were present who wished to speak to the Closed Session item. Hearing none, he advised that all Members were present and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.9 (d)(l), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario vs. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498*

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 Director Chris Hughes, City Attorney/Legal Counsel John Brown and City Clerk/Secretary Mary E. Wirtes.

The Pledge of Allegiance was led by Council Member Dorst-Porada.

The Invocation was offered by *Brother Donald Sanders*, Calvary Apostolic Tabernacle.

CLOSED SESSION REPORT

City Attorney Brown reported that one item as listed was considered and no reportable action taken.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised Council Members there were no announcements.

PUBLIC COMMENT

Chris Woodson, owner of Auto Life and Equipment Services, spoke regarding Project Bid 347, stating that his company submitted a bid \$4,500 lower than the second lowest bidder and yet he was not awarded the bid. He said he received no response after making several calls to staff regarding the bid award. Mr. Woodson said he then sent a protest letter stating the bid process was unfair. Staff responded by saying that the bid had been cancelled, the specifications would be revised and the project will be rebid. Mr. Woodson maintained the bid should have been awarded to his company. Council referred him to staff.

Aaron Matthiesen indicated he had spoken to Chief Hopley and staff at the Police Department regarding National Night Out to be held on August 8, 2013. He said his church has been trying for four years to participate as the City's kickoff location and has teams working with officials to organize an even greater display this year. They would like to have one of the Police helicopters land at their location to showcase its technology to the public. Mr. Matthiesen said he has spoken with Crime Prevention and air support regarding the possibility and questioned if it is possible to land a helicopter at Redeemer Lutheran Church, 921 West Sixth Street.

Steve Koffroth, Business Representative for American Federation of State, County and Municipal Employees (AFSCME), Local 3061, said he attended a League of California Cities meeting recently and spoke to a mayor who advocated that cities set aside 50% of their budget to manage the fiscal crisis. Mr. Koffroth informed that mayor about Ontario's management which saw what was coming and set aside funds quite some time ago and, through those savings, were able to weather the storm. He added that in previous contract negotiations AFSCME agreed to belt tightening measures understanding that the City would recognize their efforts when the economy improved. He indicated that today's agenda and memoranda of understanding begin that process; and he thanked Council Members and staff stating they look forward to a continued partnership in building this great City.

Mayor Leon thanked Mr. Koffroth for coming forward with that statement noting AFSCME has worked together as a team with staff during a time that he likened to Noah building his ark and no one believing it was going to rain. Ontario had the ability to do something about it and created a scenario where everybody kept their jobs. The right decisions were made at that time and Ontario is now an example of a solid city. Mayor Leon commended him on his presentation adding it is appreciated.

Rob Branson introduced many of the team members of his girls Ontario Slow Pitch Softball team present in the audience, stating that last year the 12-year olds went to

District and this year the 14-year olds are also going to District. He introduced *Alexis, Carla, Cubbie, Dee, Della, Destiny, Juliana and Marly* and their coaches *Ernie and Jake* adding their team won second place this year at a recent tournament in Beaumont. He said he is also very proud of the parents who provide great support, and he thanked the City for its support.

City Attorney John Brown introduced his firm's summer associates for this year and staff member *Thomas Rice* from Ontario, *Andres Sanchez*, Brigham Young University, *Jordan Ferguson*, University of Michigan, *Thomas Oh*, UCLA, and *Catherine Beech*, Best, Best and Krieger's Director of Attorney Development who works in all of their eight or nine offices. Council Members welcomed them.

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 June 4, 2013, as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$5,572,016.55, for the period from May 19 through June 1, 2013; and Payroll in the amount of \$2,716,075.35, for the period from May 19 through June 1, 2013, when audited by the Finance Committee.

3. DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

City Council designated Council Member Debra Dorst-Porada as the City's voting delegate and Council Member Wapner Alan Wapner as an alternate for the League of California Cities Annual Business Meeting scheduled for September 20, 2013.

4. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

City Council approved and authorized the City Manager to execute a three-year Memorandum of Understanding (MOU) regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the American Federation of State, County and Municipal

Employees (AFSCME); and authorized any non-substantive changes which may be necessary to implement the agreement.

5. **MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION**

City Council approved and authorized the City Manager to execute a three-year MOU regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the San Bernardino Public Employees Association; and authorized any non-substantive changes which may be necessary to implement the agreement.

6. **MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE ASSOCIATION OF ONTARIO MANAGEMENT EMPLOYEES**

City Council approved and authorized the City Manager to execute a three-year MOU regarding wages, hours, and other terms and conditions of employment between the City of Ontario and employees represented by the Association of Ontario Management Employees; and authorized any non-substantive changes which may be necessary to implement the agreement.

7. **COMPENSATION AND BENEFIT PROFILES FOR UNREPRESENTED EMPLOYEE GROUPS INCLUDING PART-TIME, CONFIDENTIAL, DEPARTMENT HEAD AND EXECUTIVE MANAGEMENT EMPLOYEES AND A RESOLUTION REGARDING SALARIES**

City Council approved and authorized the City Manager to execute three-year Compensation and Benefit Profiles regarding wages, hours and other terms and conditions of employment for unrepresented employees of the Part-Time, Confidential, Department Head and Executive Management groups; authorized any non-substantive changes which may be necessary to implement the profiles; and adopted a Resolution setting salaries for appointive executive positions.

RESOLUTION NO. 2013-068 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING SALARY RANGES FOR APPOINTIVE POSITIONS OF FIRE CHIEF AND POLICE CHIEF AS SET FORTH IN EXECUTIVE MANAGEMENT COMPENSATION AND BENEFITS PROFILE

8. **AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT AND A RESOLUTION REGARDING SALARY COMPENSATION**

City Council and Housing Authority Board approved an amended and restated employment agreement with Chris Hughes to serve as City Manager and Executive Director of the Housing Authority, respectively; and adopted a

Resolution in accordance with California Government Code section 36506 setting the salary for the City Manager.

RESOLUTION NO. 2013-069 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDED AND RESTATED CITY MANAGER EMPLOYMENT AGREEMENT

9. A RESOLUTION IN OPPOSITION TO CAPPING OR ELIMINATING THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS

City Council adopted a Resolution opposing the capping or elimination of tax-exempt municipal bonds as being against the interest of local government agencies, and a potential setback for infrastructure and facility projects.

RESOLUTION NO. 2013-070 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, IN OPPOSITION OF EFFORTS BY THE FEDERAL GOVERNMENT TO CAP OR ELIMINATE THE TAX-EXEMPT STATUS OF MUNICIPAL BONDS, AND AGAINST THE SHIFTING OF THE FEDERAL GOVERNMENT'S FISCAL BURDENS TO STATES AND LOCAL GOVERNMENT AGENCIES

10. A RESOLUTION OF INTENT TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE) AND AUTHORIZE THE LEVY OF SPECIAL TAXES

City Council:

- (A) Accepted the written petition from OF2010 LLC, a Delaware Limited Liability Company, KB HOME COASTAL INC., a California Corporation, and Don R. Green and Donna J. Green, Trustees of the Don R. and Donna J. Green Trust, (collectively, the "landowners") to create a Community Facilities District and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopted a Resolution of Intention to establish Community Facilities District No. 21 of the City of Ontario (Parkside); authorized the levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting scheduled for Tuesday, August 20, 2013.

RESOLUTION NO. 2013-071 A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 21 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

11. **AWARD OF A CONSTRUCTION CONTRACT AND A PROFESSIONAL SERVICES AGREEMENT IN CONNECTION WITH THE ONTARIO TOWN SQUARE PROJECT LOCATED AT EUCLID AVENUE AND B STREET/W.D. GOTT CONSTRUCTION/NINYO AND MOORE**

City Council took the following actions:

- (A) Awarded construction Contract No. PFD11-OTSP-001 to W.D. Gott Construction of Upland, CA, in the bid amount of \$4,255,813 for construction of the Ontario Town Square Project;
- (B) Awarded professional services Contract No. PFD11-OTSP-010 to Ninyo and Moore of Irvine, CA in the amount of \$74,958 for Deputy Inspection and Material Testing services;
- (C) Authorized a 15% project-wide contingency of \$649,616 plus a project reserve of \$1,229,000; and authorized their use for any construction contract or professional service agreement associated with this project; and
- (D) Authorized the City Manager or his designee to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, dedications/vacations, lot line adjustments, reduction of retention accounts, and filing a Notice of Completion at the conclusion of all construction related activities.

12. **A RESOLUTION DESIGNATING THE ONTARIO ECONOMIC DEVELOPMENT AGENCY TO ACT AS THE OFFICIAL ECONOMIC DEVELOPMENT AGENCY OF THE CITY OF ONTARIO FOR THE PURPOSES OF INTERACTING WITH THE CALIFORNIA STATE EMPLOYMENT DEVELOPMENT DEPARTMENT**

City Council adopted a Resolution granting legal authority for the Ontario Economic Development Agency to act as the designated Economic Development Agency on behalf of the City of Ontario for the purpose of interacting with the California State Employment Development Department.

RESOLUTION NO. 2013-072 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING THE ONTARIO ECONOMIC DEVELOPMENT AGENCY AS THE OFFICIAL ECONOMIC DEVELOPMENT AGENCY OF THE CITY OF ONTARIO FOR PURPOSE OF INTERACTION WITH THE CALIFORNIA STATE EMPLOYMENT DEVELOPMENT DEPARTMENT

13. PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS

City Council authorized the procurement of concrete, asphalt and aggregate materials in accordance with Bid Invitation #338 from Holliday Rock Co. of Upland, CA; All American Asphalt of Corona, CA; Matich Corporation of San Bernardino, CA; and Vulcan of Irwindale, CA to be used for citywide maintenance programs and approved projects; and authorized extension of the procurements for up to one additional year consistent with City Council-approved budgets.

14. ADOPTION OF AMENDED CITY OF ONTARIO LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

City Council adopted a Resolution approving the 2013 revisions to the City of Ontario Local Guidelines for Implementing the California Environmental Quality Act.

RESOLUTION NO. 2013-073 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND ADOPTING LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE §§ 21000 ET SEQ.)

15. AN ORDINANCE FOR A ZONE CHANGE (FILE NO. PZC12-003) TO CHANGE THE ZONING DESIGNATIONS ON CERTAIN PROPERTIES LOCATED THROUGHOUT THE CITY IN ORDER TO MAKE THE ZONING OF THE PROPERTIES CONSISTENT WITH THE LAND USE DESIGNATIONS OF THE POLICY PLAN (GENERAL PLAN) OF THE ONTARIO PLAN

City Council adopted an Ordinance approving Zone Change File No. PZC12-003 to change the zoning designations on certain properties located throughout the City making the zoning of the properties consistent with the Policy Plan (General Plan) of The Ontario Plan land use designations of the properties. Introduction and first reading of the Ordinance were given at a public hearing on June 18, 2013.

ORDINANCE NO. 2962 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC12-003, A CHANGE IN THE ZONING DESIGNATIONS FOR CERTAIN PROPERTIES IN THE CITY OF ONTARIO TO MAKE THE ZONING CONSISTENT WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: VARIOUS (SEE EXHIBIT A).

16. APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE (BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR FY2013

City Council authorized the City Manager to execute all documents necessary to participate in the BJA Edward Byrne Memorial Justice Assistance Grant Program; and approved the proposed \$44,717 grant spending plan.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2013-068, 2013-069, 2013-070, 2013-071, 2013-072, 2013-073 and Ordinance No. 2962 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

ADMINISTRATIVE REVIEW/DISCUSSION

Board And Commission Appointments

Council Member Avila introduced *Nicola Ricci*, his nominee to the Planning Commission adding he is a United States Navy veteran and his wife serves on the Recreation and Parks Commission. He commented that Mr. Ricci will be a great asset to the Commission.

Council Member Avila then recommended appointment of *Marisela Garcia* to the Library Board of Trustees who he said has served in the Parent Teachers' Association, is an active member of St. George School, and is the wife of Steve Garcia who serves on the Ontario-Montclair School District Board.

Nicola Ricci thanked Council for their trust and confidence

Without further discussion, the appointments were unanimously approved.

Mayor pro Tem Bowman said he recommended appointment of Elizabeth Ann Palicki a long-time resident, whose extensive biography includes 37 years teaching English and drama, and he read a portion of the statement on her application, "I love libraries that are open and resourceful to serve the needs of young people...."

Without further discussion, the appointment was unanimously approved.

COUNCIL/ STAFF COMMENT

Council Member Dorst-Porada said she is very happy her son is home from New Hampshire and identified him in the audience stating he is a graduate of Chaffey High School. She then advised residents that the Chaffey Art Museum will be open on the 4th of July and all are invited to preview their collection from 11:30 am to 1:00 pm after the

parade. The Museum will operate with the same hours as the Ontario Museum of History and Art to facilitate visitations.

Council Member Wapner commented on the lack of aircraft at Ontario International Airport (ONT) this evening, adding that the show "Dexter" is being filmed there today utilizing the facilities as have many movie companies in the past including the film "Argo". He said he is happy to see the election of Mayor Garcetti in Los Angeles. Council Member Wapner then spoke of the labor agreements reached at this meeting with "family" employee groups and thanked City Manager Hughes and staff for the relationships that have been developed; which he believes are the best he has seen in all his years on Council. He noted that negotiations in 2009 were difficult, and noted that negotiations with police and fire personnel will begin in the next year or so. He added that all employees have given up much for the City. Mr. Wapner then made reference to the All States Picnic, one of the longest in the country, and its mascot "Jasper, the Ant."

Mayor pro Tem Bowman said he remembered when the picnic extended from Mission Boulevard to Fourth Street adding it was considered the "longest picnic in the world." He then referred to the 19 firefighters who were killed in Arizona this week and voiced his respect for them and their families adding it is a dangerous profession citing the need of prayer for them. Mayor pro Tem Bowman reminded residents of the need to watch children who are near barbecues and pools over the holidays. He also thanked the employees and the City Manager who communicate well and show respect for each other. He said Ontario is an example of how a City should be run. He also believes Los Angeles Mayor Garcetti is like a "beautiful piece of fresh air" and stated his belief that ONT will be returned to Ontario.

Council Member Avila said he had attended the Festival in Guamuchil, Mexico, Ontario's Sister City, and how their representatives will be visiting Ontario. In Spanish he welcomed them. He also expressed condolences to the families of the firefighters who lost their lives and who are dedicated to prevent, restore and protect the public. Council Member Avila spoke briefly of the proposed Gold Line transit extension to Claremont. Further, he urged voters to consider one of the candidates from the Inland Empire's West End on July 23rd as State Assembly representative.

Mayor Leon, member of the West Valley Mosquito and Vector Control District Board, noted that the West Nile Virus has been found in Rancho Cucamonga and advised residents to use a good bug repellent when viewing fireworks in the evening when mosquitoes are most evident. He also reminded the public that there is a \$1,000 fine for illegal fireworks used in the City of Ontario. Mayor Leon said he had recently met with Xi Jinping, President of China, who was found to be very congenial. The Mayor expressed his desire to see local business growth through the Asian market, and he had asked President Jinping about initiating the process. The Mayor added that since that conversation, he has been contacted by the Chinese Consulate with respect to

creating a foreign economic connection with a city of our preference in China for which the Consulate has a list.

City Attorney Brown commented that ONT was the airport of choice for the Chinese President to arrive. Mayor Leon added that the Mayor of Los Angeles (Villaraigosa) and the Governor of California (Brown) were also present for that event. He further stated that the Ontario Airport is the right size for the 747 that President Jinping flies in as it is very heavy because it carries a lot of equipment as well as an escape craft.

Mayor Leon predicted the Gold Line extension would eventually come to Ontario, adding the Metropolitan Transit Authority did not include an extension to Claremont. The overall vision is that Los Angeles International Airport will connect to ONT via light rail reducing packed freeways, and a Gold Line with ridership far greater than ever imagined, reinforcing the need to continue pressure for officials to bring it to ONT.

City Manager Hughes thanked the bargaining units for the way they approached talks at the negotiations table and thanked Steve Koffroth from AFSCME adding he is very impressed with AFSCME's professionalism.

ADJOURNMENT

No further businesses to come before the Joint Agencies, the meetings were adjourned at 7:27 p.m.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN