

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
ONTARIO PUBLIC FINANCING AUTHORITY  
MINUTES  
AUGUST 20, 2013**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Public Financing Authority were held on Tuesday, August 20, 2013, at the Ontario City Hall, 303 East B Street, Ontario, California.

**CLOSED SESSION**

The Mayor called the City Council/Housing Authority/Public Financing 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, other than Council Member Avila, all were present and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 1010-521-28, 221 North Mountain Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: National Bank of California; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: 1 or more cases.
- GC 54956.9 (d)(1), 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/Public Financing Authority meetings to order at 6:32 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

**ABSENT:** Council/Authority Member Paul Vincent Avila (excused)

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 Mayor pro Tem Bowman.

The Invocation was offered by *Sr. Pastor Brian E. Kennedy*, Mt. Zion Baptist Church.

## **CLOSED SESSION REPORT**

City Attorney Brown indicated that all items to be considered in Closed Session were discussed and no reportable action was taken.

## **PUBLIC COMMENT**

Congresswoman *Gloria Negrete-McLeod* addressed Council Members indicating she has been visiting cities within her district during the legislative recess. She reported that during the appropriations process she sent letters of support on behalf of Ontario for Community Development Block Grant Programs, Community-Oriented Policing Services, Regional Information Sharing Systems, Federal Emergency Management Association (FEMA), assistance to firefighters, Passenger Rail and Improvement Act, and the need for a high speed rail corridor, adding that an Ontario station does qualify.

Congresswoman Negrete-McLeod indicated that when legislators reconvene, they will be considering immigration reform, the annual budget and debt ceiling, and sequestration among other topics; and she described the differences between working at the state level as opposed to the federal level. She added that while in District, she has conducted hearings for veterans, an education grants workshop and, on Saturday, August 24, 2013, there will be a workshop on the Affordable Health Care Act at her offices in Montclair.

Mayor Leon acknowledged her efforts and invited Congresswoman Negrete-McLeod back to future meetings.

## **AGENCY REVIEW/ ANNOUNCEMENTS**

City Manager Hughes advised Council Members there were two Resolutions requested to be added to the Consent Calendar as Agenda Item No. 7.A. which will amend previously adopted Resolutions. He indicated that consideration this evening will necessitate a 4/5ths vote of Council to add the Resolutions to the agenda.

**MOTION:** Moved by Mayor pro Tem Bowman, seconded by Council Member Wapner and unanimously carried to add the proposed items with Council Member Avila absent.

## **JOINT AGENCIES CONSENT CALENDAR**

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Bowman, and carried by unanimous vote of those present, 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 July 2, 2013; and the City Council, Housing Authority and Public Financing Authority on July 16, 2013, as on file in the Records Management Department.

**2. BILLS/ PAYROLL**

Approved Bills in the amount of \$43,158,880.61, for the period from June 16 through July 27, 2013; and Payroll in the amount of \$7,378,131.80, for the period from June 16 through July 27, 2013, when audited by the Finance Committee.

**3. AWARD OF A CONSTRUCTION CONTRACT AND A FURNITURE PURCHASE AND INSTALLATION AGREEMENT IN CONNECTION WITH THE EMERGENCY OPERATIONS CENTER PROJECT LOCATED AT 200 NORTH CHERRY AVENUE/ R.C. CONSTRUCTION/SYSTEMS SOURCE INC.**

City Council approved the following actions:

- (A) Awarded bid and agreement PFD11-CHA-002 for General Contractor, to R.C. Construction, of Rialto, CA, in the amount of \$2,637,800 for construction of the Emergency Operations Center Project; and authorized the City Manager to execute the contract; and
- (B) Awarded a cooperative purchase agreement PFD11-CHA-030 for Furniture Purchase and Installation, to Systems Source Inc., of Irvine CA, in the amount of \$1,139,705 for the relocation, acquisition, and installation services of furniture and workstations; and authorized the City Manager to execute the contract ; and
- (C) Established a 15% project-wide contingency of \$1,005,782 and authorized its use for any construction contract or professional service agreement associated with this project; and
- (D) Authorized the City Manager to execute all documents required for the completion of the project including, but not limited to, contracts, agreements, easements, reduction of retention accounts, and filing of a Notice of Completion at the conclusion of all construction related activities.

**4. A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC EASEMENT FOR RAILROAD PURPOSES**

City Council adopted a Resolution ordering the summary vacation of a 15-foot wide public easement for railroad purposes over that portion of Parcel 4 of Parcel Map No. 7338 located approximately 660 feet north of Francis Street and 536 feet west of Parco Avenue.

**RESOLUTION NO. 2013-086** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A 15-FOOT WIDE PUBLIC EASEMENT FOR RAILROAD PURPOSES LOCATED APPROXIMATELY 660 FEET NORTH OF FRANCIS STREET AND 536 FEET WEST OF PARCO AVENUE.

**5. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 20 OF THE CITY OF ONTARIO**

City Council approved final action on the formation of Community Facilities District No. 20 in the City of Ontario by adopting an Ordinance authorizing the levy of special taxes within the District. Introduction and first reading of the Ordinance was approved at a regular meeting on July 16, 2013.

**ORDINANCE NO. 2963** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT NO. 20 OF THE CITY OF ONTARIO.

**6. STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2013/14 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE FOR THE YEAR SERVED 2012/13**

City Council confirmed *Consuelo Guzman*, Ontario High School, as the Student Representative; and *Michael Hernandez*, Ontario High School, as the Student Alternate to the Recreation and Parks Commission for terms to expire June 30, 2014; and recognized *Devina Gonzalez*, Chaffey High School, for serving as the Student Representative and *Fernando Michel*, Ontario High School, for serving as the Student Alternate for the past year.

**7. AN ORDINANCE AMENDING THE ONTARIO DEVELOPMENT CODE, ARTICLE 13 (FILE NO. PDCA13-002), ADDING VARIETY STORES AS A PERMITTED USE WITHIN THE C1, (SHOPPING CENTER COMMERCIAL) ZONING DISTRICT AND A CONDITIONALLY PERMITTED USE IN THE C1 ZONE WITHIN THE EUCLID AVENUE OVERLAY DISTRICT, AND ALLOWING GROCERY STORES WITHIN THE EUCLID AVENUE OVERLAY DISTRICT, CONSISTENT WITH THE UNDERLYING ZONING DESIGNATION**

City Council considered and adopted an Ordinance approving Development Code Amendment File No. PDCA13-002 adding variety stores as a permitted use within the C1, Shopping Center Commercial Zoning District, and a conditionally-permitted use in the C1 zone within the Euclid Avenue Overlay District; and allowing grocery stores within the Euclid Avenue Overlay District, consistent with the underlying zoning designation. First reading and introduction took place at a public hearing on July 16, 2013.

**ORDINANCE NO. 2964** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-002, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), ARTICLE 13, TABLE 13-1 (PERMITTED, CONDITIONAL AND ANCILLARY LAND USES – ALL ZONING DISTRICTS) TO ALLOW VARIETY STORES AS A PERMITTED USE WITHIN THE C1 (SHOPPING CENTER COMMERCIAL) ZONING DESIGNATION AND A CONDITIONALLY PERMITTED USE IN THE C1 ZONE WITHIN THE EUCLID AVENUE OVERLAY DISTRICT AND TO ALLOW GROCERY STORES WITHIN THE EUCLID AVENUE OVERLAY DISTRICT CONSISTENT WITH THE UNDERLYING ZONING DESIGNATION, AND MAKING FINDINGS IN SUPPORT THEREOF

**7.A. ADOPTION OF AMENDED RESOLUTIONS REGARDING ISSUANCE OF LEASE REVENUE BONDS FOR THE PURPOSE OF FINANCING FUTURE CITY PUBLIC FACILITIES**

As approved by a 4/5ths vote of the Council, the following Resolutions were added for consideration this evening.

**RESOLUTION 2013-091** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A GROUND LEASE, LEASE AGREEMENT, INDENTURE AND CONTINUING DISCLOSURE CERTIFICATE IN CONNECTION WITH THE ISSUANCE OF ONTARIO PUBLIC FINANCING AUTHORITY 2013 LEASE REVENUE BONDS (CAPITAL PROJECTS), APPROVING THE ISSUANCE OF SUCH BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$37,500,000, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF SUCH BONDS AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS

**RESOLUTION NO. OPFA-003** A RESOLUTION OF THE ONTARIO PUBLIC FINANCING AUTHORITY AUTHORIZING THE EXECUTION AND DELIVERY BY THE AUTHORITY OF A GROUND LEASE, LEASE AGREEMENT, INDENTURE AND ASSIGNMENT AGREEMENT IN CONNECTION WITH THE ISSUANCE OF ONTARIO PUBLIC FINANCING AUTHORITY 2013 LEASE REVENUE BONDS (CAPITAL PROJECTS), AUTHORIZING THE ISSUANCE OF SUCH BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$37,500,000, AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF SUCH BONDS AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS

**MOTION UNANIMOUSLY CARRIED.** The Mayor/ Chairman declared Resolutions No. 2013-086, 2013-091, and OPFA-003; and Ordinances Nos. 2963 and 2964 duly passed and adopted.

## END OF JOINT CONSENT CALENDAR

### PUBLIC HEARINGS

8. **AN ORDINANCE APPROVING FILE NO. PDCA13-003, A DEVELOPMENT CODE AMENDMENT PREPARED PURSUANT TO THE STATE HOUSING ACCOUNTABILITY ACT AND SENATE BILL NO. 2, WHICH REVISES CERTAIN PROVISIONS OF TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING REVISIONS TO ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), ESTABLISHING PROVISIONS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, EMERGENCY SHELTERS, AND FARMWORKER HOUSING, AND THE ESTABLISHMENT OF ARTICLE 29 (EMERGENCY SHELTER OVERLAY DISTRICT), CREATING THE EMERGENCY SHELTER OVERLAY DISTRICT, AFFECTING APPROXIMATELY 36.05 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF MISSION BOULEVARD, BETWEEN BENSON AND MAGNOLIA AVENUES, WITHIN THE M3 (GENERAL INDUSTRIAL) AND C3 (COMMERCIAL SERVICE) ZONING DISTRICTS**

City Council considered adoption of a Resolution approving an Addendum to The Ontario Plan Environmental Impact Report analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164; and introduced and waived further reading of an Ordinance amending certain provisions of Title 9, Chapter 1, of the Ontario Municipal Code, including revisions to Article 13 (Land Use and Special Requirements) and the establishment of Article 29 (Emergency Shelter Overlay District).

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. 2013-087** 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. PDCA13-003, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF (APNs: 1011-211-02, 03, 05, 06, 07, 09, 10 & 12 THROUGH 21; AND 1011-221-00 THROUGH 06, 08 THROUGH 13, 15, 16, 18, 19 & 20)

**ORDINANCE NO. 2965** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO.PDCA13-003, A DEVELOPMENT CODE AMENDMENT PREPARED PURSUANT TO THE STATE HOUSING ACCOUNTABILITY ACT AND SENATE BILL NO. 2, WHICH REVISES CERTAIN PROVISIONS OF TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, INCLUDING REVISIONS TO ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), ESTABLISHING PROVISIONS FOR SUPPORTIVE HOUSING, TRANSITIONAL HOUSING, EMERGENCY SHELTERS, AND FARMWORKER HOUSING, AND THE ESTABLISHMENT OF ARTICLE 29 (EMERGENCY SHELTER OVERLAY DISTRICT), CREATING THE EMERGENCY SHELTER OVERLAY DISTRICT, AFFECTING APPROXIMATELY 36.05 ACRES OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF MISSION BOULEVARD, BETWEEN BENSON AND MAGNOLIA AVENUES, WITHIN THE M3 (GENERAL INDUSTRIAL) AND C3 (COMMERCIAL SERVICE) ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 1011-211-02, 03, 05, 06, 07, 09, 10 & 12 THROUGH 21; AND 1011-221-00 THROUGH 06, 08 THROUGH 13, 15, 16, 18, 19 & 20

**MOTION:** Moved by Mayor pro Tem Bowman, seconded by Council Member Wapner and, with the absence of Council Member Avila, unanimously carried to adopt Resolution No. 2013-087, and accept Ordinance No. 2965 for introduction and first reading.

**9. RESOLUTIONS REGARDING THE FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE)**

City Council approved the following action:

Adopted a Resolution establishing Community Facilities District No. 21 of the City of Ontario (Parkside), authorized the levy of a special tax within the Community Facilities District, and established an appropriations limit for the District;

Adopted a Resolution calling a special election for Community Facilities District No. 21 of the City of Ontario (Parkside);

Adopted a Resolution declaring the results of the special election and directed the recording of a Notice of Special Tax Lien; and

Introduced and waived further reading of an Ordinance levying special taxes within Community Facilities District No. 21 of the City of Ontario (Parkside).

Notice of public hearing was published at least 7 days prior to the hearing as required by the Mello-Roos Community Facilities Act. Assistant City Clerk Kasad

added that since there are fewer than 12 persons registered to vote within the territory of the District, the vote was conducted by the landowners in the district and each waived the notice and election requirements in connection with the Act.

There were no written protests received and no one was present with oral protests, the Mayor closed the public hearing.

Assistant City Clerk Kasad opened the ballots and announced the results of the election as being 22 in favor and 2 opposed to formation of the District, thereby incurring the levy of special taxes and establishment of the appropriations limit.

**RESOLUTION NO. 2013-088** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT

**RESOLUTION NO. 2013-089** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE)

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Bowman and, with the absence of Council Member Avila, unanimously carried to adopt said Resolutions Nos. 2013-088 and 2013-089.

**RESOLUTION NO. 2013-090** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN

**ORDINANCE NO. 2966** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE)

Responding to an inquiry by Council Member Wapner, City Attorney Brown advised the required votes (in excess of a two-thirds vote) were received.

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Bowman and, with the absence of Council Member Avila, unanimously carried to adopt said Resolution No. 2013-090 and approve introduction and first reading of the Ordinance No. 2966.

## ADMINISTRATIVE REVIEW/DISCUSSION

### CERTIFICATES OF APPRECIATION

Council Member Wapner introduced *Fernando Michel*, outgoing student representative to the Recreation and Parks Commission noting that *Devina Gonzalez*, formerly of Chaffey High School, could not be present due to this being her first day of college. Mr. Wapner reflected on their success as voices of youth that, with staff's cooperation, resulted in effective leadership. He added that Fernando has gone on to college at California Polytechnic University at Pomona, and was presented a Certificate of Appreciation. He added the Commission has recommended a new representative and alternate and introduced *Consuelo Guzman* and *Michael Hernandez*, both Ontario High School students.

### COUNCIL/ STAFF COMMENTS

Council Member Dorst-Porada introduced *Michael Krouse*, Director of the Ontario Convention Center, who reported on the upcoming Route 66 Cruising Reunion on the weekend of September 20, 2013 with over 500 cars participating. Mr. Krouse said he hopes it will become an annual event that will always be held on the third weekend in September. He reported that to date they have 70 volunteers and anticipate a \$11,000,000 economic impact from the event.

Mr. Krouse said they will fill up Euclid from Holt Boulevard to G Street and staff from Police, Fire and Community Development in the City have been very helpful. He added that they expect up to 200,000 people to attend the Route 66 Cruising Reunion.

Council Member Dorst-Porada noted that another Art Walk will be held on September 15 for the grand opening of the Chaffey Community Art Museum which will be open from 2:00 p.m. to 4:00 p.m. bringing a total of three museums to Ontario including the Chaffey Community Art Museum, Ontario Museum of History and Art and the Ontario Police Museum.

Council Member Dorst-Porada announced that her representative on the Library Board of Trustees resigned creating an opening on the Board. She said applications will be accepted during a two-week period and invited those who would like to participate to apply.

Mayor pro Tem Bowman said the Police Museum lobbied for him to be part of their Advisory Committee, and he is proud to serve. He thanked the Ontario Police Department and Parks Department for a very successful National Night Out that resulted in a great family event. He added that our employees are the real heroes of the City noting upgrades and improvements to facilities and infrastructure take place all over the City. Mr. Bowman indicated every employee understands the need for quality of service and he applauded them for that.

Mayor Leon, representative to West Valley Vector Control, reminded residents that West Nile Virus is occurring in various parts of Ontario and recommended the use of Deet to control mosquitoes. He added that West Nile Virus is very dangerous and seriously affects children and seniors. Mayor Leon also reminded residents of Ontario's Smart Phone app called MyOntario for taking pictures of graffiti, noting the need for storm drain and street light maintenance, adding that the public can assist staff in identifying where services are needed.

Mayor Leon said that there are many businesses in Ontario, but we need to recognize *Niagara Water*. He said this 50-year old business located in Ontario is the #1 private label bottling company in the country. He offered a "shout out" to Niagara, adding they came to Jay Littleton Ballpark and helped with community needs by providing water for volunteers performing maintenance at the park.

### ADJOURNMENT

No further business to come before the joint agencies, the meetings were adjourned at 7:11 p.m., and Mayor Leon announced the next regular meeting will be held on September 3, 2013.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN