

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
MINUTES  
SEPTEMBER 17, 2013**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, September 17, 2013 at the Ontario City Hall, 303 East B St.

**CLOSED SESSION**

The Mayor called the City Council/Housing Authority meetings to order at 6:00 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: 1048-512-26, 114 North Campus Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: David Lozano; Under negotiation: Price and terms of payment.
- 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 130649*

**CALL TO ORDER – OPEN SESSION**

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/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 *Pastor David Horn*, BCC Life Changing Ministries

## **CLOSED SESSION REPORT**

City Attorney Brown advised that both matters were considered in Closed Session and no reportable action was taken.

## **AGENCY REVIEW/ ANNOUNCEMENTS**

City Manager Hughes indicated there were no announcements.

## **PUBLIC COMMENT**

*Moe Mendoza* addressed Council indicating that although she was a member of the Ontario-Montclair School District (OMSD) Board of Trustees she was not speaking on their behalf this evening but rather as a private citizen. Ms. Mendoza said the City and police provide schools with crossing guards, and the District has no power to designate or to appoint crossing guard locations alleging the City is responsible for roads and traffic. She opined there is need for a third party agency to provide guard training, and stated that most school districts have eliminated school bussing due to budget cuts in transportation or are charging parents if the district is in an upper scale area where participation in reduced or free lunches is low. OMSD does not have that option since most students qualify for free or reduced lunches. She said she previously requested crossing guards near Mariposa School and, as there is no mandate for installing a crossing guard, her request was denied. She said the City is failing to consider the parents.

Mayor Leon said that the City has provided for years funds for school crossing guards without a mandate, and it is the District who has a responsibility for keeping students safe. Mayor Leon expressed his concerns about the school board's budgetary decisions and the safety of children.

Council Member Wapner supported the Mayor's comments regarding the school's responsibility to provide crossing guards. He requested the City Manager provide information of the subsidies and programs offered by the City to OMSD on an annual basis, and also made reference the State's taking budgeted monies from cities and giving them to schools. He recounted that DARE officers were once provided to OMSD by the City, and OMSD demanded they be removed. Mr. Wapner suggested Ms. Mendoza talk to OMSD legal counsel regarding responsibilities of the District; and he stated that he cannot support adding crossing guards when the district makes budgetary decisions to cut bussing.

Mayor Leon expressed his irritation with respect to this matter.

Council Member Avila advised that three of the Council Members had previously served on the school board, and he supported the Mayor's comments with respect to advising the public that the City is not responsible for crossing guards. He recognized

Ms. Mendoza's short term on the school board and how zealous she is to protect students, and agreed there is need to clarify responsibility to the public.

Mayor Leon noted his 14 years on the dais and indicated he has never been this offended, especially in light of the number of people who question him regarding the needs of the District which are not within the City's jurisdiction.

Council Member Dorst-Porada noted the City has been happy to assist the school districts, adding the cost of services provided exceeds the cost of staffing four police officers per year. She reported that the City continues to assist even as the State has taken \$30 million dollars from the City and are considering taking another \$20 million dollars--resulting in a constant trimming of the City's budget.

*Cindy Corona*, an Ontario High School student, noted that there is an election coming up on November 5, 2014 and encouraged the public to vote. She introduced *Katie Roberts* who spoke in support of Ms. Corona. Roberts, a retired Police Captain of the Ontario Police Department, said young people must come first in the City, state and nation. She made reference to her years in law enforcement and on the Chaffey Community College Board of Trustees and their forthcoming November 5 election. She also indicated that the College will hold their report to the community on October 8. In addition, she announced a luncheon planned on October 24 to benefit the Ontario Police Museum and another lunch event on November 21 that will raise money for the Police Department to help Ontario's youth.

Council Member Wapner thanked Ms. Roberts for her community service to the residents of this area and offered his support and endorsement.

## **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. APPROVAL OF MINUTES**

City Council approved Minutes for the regular meetings of the City Council and Housing Authority of August 20, 2013, as on file in the Records Management Department.

### **2. BILLS/PAYROLL**

City Council approved **Bills** in the amount of \$3,925,522.39 for the period from August 6, 2013 through August 14, 2013; and **Payroll** in the amount of

\$2,472,621.30 for the period from August 6 through August 24, 2013, when audited by the Finance Committee.

**3. RECOGNITION OF NATIONAL PREPAREDNESS MONTH**

City Council recognized the month of September 2013 as National Preparedness Month in the City of Ontario.

**4. ADOPTION OF 401(A) GOVERNMENTAL MONEY PURCHASE PLAN**

City Council adopted a Resolution establishing a 401(a) Governmental Money Purchase Plan (Money Purchase Plan) and authorizing the City Manager to execute agreements and related plan documents with ICMA Retirement Corporation (ICMA-RC), of Washington, D.C., and ING Life Insurance and Annuity Company (ING), of Windsor, CT, necessary to implement and administer the Plans.

**RESOLUTION NO. 2013-092** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ADOPTION OF ICMA RETIREMENT CORPORATION GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST EFFECTIVE OCTOBER 1, 2013.

**5. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18913-1 LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND MERRILL AVENUE**

City Council adopted a Resolution approving an improvement agreement, improvement security and Final Tract Map No 18913-1 for property located at the southeast corner of Archibald Avenue and Merrill Avenue within Subarea-29 Specific Plan area.

**RESOLUTION NO. 2013-093** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 18913-1, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND MERRILL AVENUE.

**6. A CONSTRUCTION CONTRACT FOR THE FY 2012-13 SLURRY SEAL PROGRAM, BRIDGE APPROACH IMPROVEMENT AND CDBG-FUNDED BEGONIA AVENUE STREET LIGHTING AND SLURRY SEAL PROJECT/AMERICAN ASPHALT SOUTH**

City Council approved the plans and specifications and awarded a construction contract to American Asphalt South of Fontana, CA, for the FY 2012-13 Slurry Seal Program, Bridge Approach Improvement and Community Development Block Grant (CDBG) Funded Begonia Avenue Street Lighting and Slurry Seal

Project in the bid amount of \$805,199 plus a twenty-five (25%) percent contingency of \$201,300 for a total authorized expenditure of \$1,006,499; and authorized the City Manager to execute said contract and related documents, and file a Notice of Completion at the conclusion of all construction activities for the project.

**7. A MEMORANDUM OF UNDERSTANDING WITH UNIVERSITY OF LA VERNE FOR A SEWER RELOCATION PROJECT**

City Council adopted a Resolution adopting the Mitigated Negative Declaration for Well No. 41 Wellhead Treatment Project in compliance with State California Environmental Quality Act (CEQA) guidelines.

**8. A RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION FOR WELL NO. 41 WELLHEAD TREATMENT PROJECT IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

City Council adopted a Resolution adopting the Mitigated Negative Declaration for Well No. 41 Wellhead Treatment Project in compliance with State CEQA guidelines.

**RESOLUTION NO. 2013-094** 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 OMUC FILE NO. WA1202

**9. RESOLUTIONS APPROVING TIME EXTENSIONS FOR VARIOUS TENTATIVE TRACT MAPS WITHIN THE SUBAREA 29 SPECIFIC PLAN IN THE NEW MODEL COLONY AREA**

City Council adopted Resolutions approving a five-year time extension for:

- (A) Tentative Tract Map 18065 (File No. PMTT06-011) to subdivide 13.1 acres of land into 67 numbered lots and two lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 20 of the Subarea 29 Specific Plan. (APN No. 0218-014-01)
- (B) Tentative Tract Map 18066 (File No. PMTT06-012) to subdivide 11.4 acres of land into 47 numbered lots and one lettered lot, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 21 of the Subarea 29 Specific Plan. (APN No. 0218-014-02)

- (C) Tentative Tract Map 18067 (File No. PMTT06-009) to subdivide 21.3 acres of land into 79 numbered lots and two lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 22 of the Subarea 29 Specific Plan. (APN No. 0218-014-03 and 04)
- (D) Tentative Tract Map 18068 (File No. PMTT06-010) to subdivide 14.4 acres of land into 82 numbered lots and two lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 23 of the Subarea 29 Specific Plan. (APN No. 0218-014-06 and 07)
- (E) Tentative Tract Map 18073 (File No. PMTT06-015) to subdivide 13.7 acres of land into 61 numbered lots and three lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 24 of the Subarea 29 Specific Plan. (APN No. 0218-033-01 and 02)
- (F) Tentative Tract Map 18074 (File No. PMTT06-016) to subdivided 15.8 acres of land into 63 numbered lots and three lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 25 of the Subarea 29 Specific Plan. (APN No. 0218-033-03 and 04)
- (G) Tentative Tract Map 18075 (File No. PMTT06-017) to subdivided 10.2 acres of land into 53 numbered lots and two lettered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 12 of the Subarea 29 Specific Plan. (APN No. 0218-052-02 and 03)
- (H) Tentative Tract Map 18076 (File No. PMTT06-018) to subdivide 9.5 acres of land into 46 numbered lots and one lettered lot, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 8 of the Subarea 29 Specific Plan. (APN No. 0218-042-01)
- (I) Tentative Tract Map 18077 (File No. PMTT06-024) to subdivide 18.2 acres of land into 65 numbered lots and one lettered lot, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 7 of the Subarea 29 Specific Plan. (APN No. 0218-042-03)
- (J) Tentative Tract Map 18078 (File No. PMTT06-020) to subdivide 16.9 acres of land into 67 numbered lots and two lettered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 6 of the Subarea 29 Specific Plan. (APN No. 0218-042-02)
- (K) Tentative Tract Map 18079 (File No. PMTT06-023) to subdivided 11.9 acres of land into 69 numbered lots and nine lettered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 10 of the Subarea 29 Specific Plan. (APN No. 0218-042-05)

- (L) Tentative Tract Map 18080 (File No. PMTT06-021) to subdivided 7.8 acres of land into 57 numbered lots, located south of Merrill Avenue and east of Archibald Avenue, within Planning Area 11 of the Subarea 29 Specific Plan. (APN No. 0218-042-04)
- (M) Tentative Tract Map 18081 (File No. PMTT06-022) to subdivided 8.9 acres of land into 60 numbered lots and six lettered lots, located south of Eucalyptus Avenue and east of Archibald Avenue, within Planning Area 19 of the Subarea 29 Specific Plan. (APN No. 0218-014-05)

**RESOLUTION NO. 2013-095** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-011 (TT 18065), A REQUEST TO SUBDIVIDE 13.1 ACRES OF LAND INTO 67 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-01.

**RESOLUTION NO. 2013-096** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVES OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-012 (TT 18066), A REQUEST TO SUBDIVIDE 11.4 ACRES OF LAND INTO 47 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-02.

**RESOLUTION NO. 2013-097** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-009 (TT 18067), A REQUEST TO SUBDIVIDE 21.3 ACRES OF LAND INTO 79 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-03 AND 04.

**RESOLUTION NO. 2013-098** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-010 (TT 18068), A REQUEST TO SUBDIVIDE 14.4 ACRES OF LAND INTO 82 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-06 AND 07.

**RESOLUTION NO. 2013-099** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-015 (TT 18073), A REQUEST TO SUBDIVIDE 13.7 ACRES OF LAND INTO 61 NUMBERED LOTS AND THREE LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-033-01 AND 02.

**RESOLUTION NO. 2013-100** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-016 (TT 18074), A REQUEST TO SUBDIVIDE 15.8 ACRES OF LAND INTO 63 NUMBERED LOTS AND THREE LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-033-03 AND 04.

**RESOLUTION NO. 2013-101** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-017 (TT 18075), A REQUEST TO SUBDIVIDE 10.2 ACRES OF LAND INTO 53 NUMBERED LOTS AND TWO LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-052-02 AND 03.

**RESOLUTION NO. 2013-102** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-018 (TT 18076), A REQUEST TO SUBDIVIDE 9.5 ACRES OF LAND INTO 46 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-01.

**RESOLUTION NO. 2013-103** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-024 (TT 18077), A REQUEST TO SUBDIVIDE 18.2 ACRES OF LAND INTO 65 NUMBERED LOTS AND ONE LETTERED LOT WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-03.

**RESOLUTION NO. 2013-104** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-020 (TT 18078), A REQUEST TO SUBDIVIDE 16.9 ACRES OF LAND INTO 67 NUMBERED LOTS AND TWO

LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-02.

**RESOLUTION NO. 2013-105** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-023 (TT 18079), A REQUEST TO SUBDIVIDE 11.9 ACRES OF LAND INTO 69 NUMBERED LOTS AND NINE LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-05.

**RESOLUTION NO. 2013-106** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-021 (TT 18080), A REQUEST TO SUBDIVIDE 7.8 ACRES OF LAND INTO 57 NUMBERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF MERRILL AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-042-05.

**RESOLUTION NO. 2013-107** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A FIVE YEAR TIME EXTENSION FOR FILE NO. PMTT06-022 (TT 18081), A REQUEST TO SUBDIVIDE 8.9 ACRES OF LAND INTO 60 NUMBERED LOTS AND SIX LETTERED LOTS WITHIN THE SUBAREA 29 SPECIFIC PLAN, LOCATED SOUTH OF EUCALYPTUS AVENUE AND EAST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0218-014-05.

**MOTION UNANIMOUSLY CARRIED.** The Mayor/ Chairman declared seventeen Resolutions numbered Resolution No. 2013-092 through Resolution No. 2013-107 duly passed and adopted.

## **END OF JOINT CONSENT CALENDAR**

## **PUBLIC HEARINGS**

- 10. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING THE DESIGNATION OF THE HANSEN HOUSE, LOCATED AT 324 EAST I STREET, AS A LOCAL LANDMARK**

A public hearing to consider a Resolution to approve File No. PHP13-004 designating 324 East I Street (APN: 1048-251-15) as Local Landmark No. 93.

Notice of public hearing was duly given and affidavit of compliance is on file in the Records Management Department.

There were no written communications and no one requesting to be heard, the Mayor closed the public hearing.

**RESOLUTION NO. 2013-108** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING FILE NO. PHP13-004, THE DESIGNATION OF THE HANSEN HOUSE, LOCATED AT 324 EAST I STREET, AS LOCAL HISTORIC LANDMARK NO. 93, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1048-251-15

**MOTION:** Moved by Mayor pro Tem Bowman, seconded by Council Member Wapner, and unanimously carried to adopt said Resolution No. 2013-108.

**11. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDED DEVELOPMENT AGREEMENT BETWEEN SL ONTARIO DEVELOPMENT CORPORATION, LLC, AND THE CITY OF ONTARIO TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN THE PHASED TRACT MAP**

City Council accepted introduction and waived further reading of an Ordinance approving the second amendment (File No. PDA13-003) to the Development Agreement between SL Ontario Development Corporation, LLC, and the City of Ontario to update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure as provided in the phased Tract Map No. 18913-1.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department.

There were no written communications.

*John Snell*, Lewis Company and SL Ontario Company, thanked staff for their hard work and efforts, indicating he is available to answer questions about the project.

No further speakers, the Mayor closed the public hearing.

**ORDINANCE NO. 2967** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SL ONTARIO DEVELOPMENT CORPORATION, LLC. FILE NO. PDA13-003, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT

AGREEMENT TO CONFORM WITH THE CONSTRUCTION AGREEMENT AMENDMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN THE PHASED TRACT MAP NO. 18913-1, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-014-01 THROUGH 07; 0218-022-01 THROUGH 04 AND 10 THROUGH 12; 0218-033-01 THROUGH 06; 0218-042-01 THROUGH 05 AND 13; AND 0218-052-02 THROUGH 05)

**MOTION:** Moved by Council Member Wapner, seconded by Mayor pro Tem Bowman and unanimously carried to accept Ordinance No. 2967 for introduction and first reading.

**12. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, AMENDING VARIOUS SECTIONS OF TITLE 9 (DEVELOPMENT CODE) OF THE ONTARIO MUNICIPAL CODE RELATIVE TO MEDICAL MARIJUANA DISPENSARIES**

City Council accepted introduction and waived further reading of an Ordinance approving File No. PDCA13-004, amending various sections of Title 9 (Development Code) of the Ontario Municipal Code to expressly define and clarify the City's existing prohibition of medical marijuana dispensaries in all zoning districts, including mobile medical marijuana dispensaries.

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.

**ORDINANCE NO. 2968** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 9-1.0200 AND 9-1.1300 OF TITLE 9 OF THE ONTARIO DEVELOPMENT CODE TO CLARIFY THE DEFINITION AND EXISTING PROHIBITION OF MEDICAL MARIJUANA DISPENSARIES, INCLUDING MOBILE MEDICAL MARIJUANA DISPENSARIES, IN ANY ZONE OF THE CITY

**MOTION:** Moved by Council Member Wapner, seconded by Mayor pro Tem Bowman and unanimously carried to accept introduction and first reading of Ordinance No. 2968.

**13. A PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2012-2013 FISCAL YEAR**

City Council:

- (A) Conducted a public hearing to receive testimony on the draft Consolidated Annual Performance Evaluation Report (CAPER) for the 2012-2013 Fiscal Year;
- (B) directed staff to prepare and transmit to the U.S. Department of Housing and Urban Development (HUD) the final CAPER that will address all public comments received on the draft CAPER; and
- (C) authorized the City Manager to execute any and all documents necessary and/or desirable to transmit CAPER to HUD.

Notice of public hearing was duly given and affidavit of compliance is on file in the Records Management Department.

There were no written communications and no one requesting to be heard, the Mayor closed the public hearing.

**MOTION:** Moved by Council Member Avila, seconded by Mayor pro Tem Bowman, and unanimously carried to approve staff's recommendations.

**COUNCIL/ STAFF COMMENT**

Council Member Avila noted he is pleased to be part of the Council who jointly has over 100 years of experience. He thanked Ontario Police Chief Hopley and Montclair Police Chief deMoet who were present at the Wiltsey Middle School ribbon cutting to celebrate a new wing for sixth graders, adding he is pleased about the expansion. Mr. Avila also indicated he was pleased to have been included in the Hispanic Chamber of Commerce press conference which took place at the library, and he attended the California State University, San Bernardino September 15th celebration for Mexican Americans. He said he is looking forward to attending the League of California Cities conference which begins tomorrow. Council Member Avila said he was a victim of pandering recently while shopping at a local Stater Brothers Market and feels pandering is becoming a bigger problem. Mr. Avila concluded by stating he hopes the City will continue to have a good relationship with school districts.

Mayor pro Tem Bowman acknowledged another gem of Ontario and recounted his attendance at the opening of the Chaffey Community Museum of Art located on Lemon Avenue in what once was the old Ontario police station. He noted it will bring culture

and fine arts to the City. Mayor pro Tem Bowman asked Ontario Convention Center Director Michael Krouse to update the community on the Route 66 Cruising Reunion.

Director Krouse said it will be held on Friday, September 20 from 6-10 p.m., on Saturday from 8 a.m. to 8 p.m. and on Sunday from 8a.m to 4p.m. He noted that additional information is available on their web site <[www.route66cruisinreunion.com](http://www.route66cruisinreunion.com)> and added that 600 cars are registered for the cruise on Euclid Avenue. The event is expected to create \$11 million in economic impact to the region.

Mayor pro Tem Bowman continued by adding that the next edition of the Ontario Living Magazine is coming out in October with a listing of events for the family, and he appreciates and enjoys staff's efforts.

Council Member Wapner referenced California Education Code section 44807, in respect to previous comments about school crossing guards, which states that the schools are responsible for the safety of their students.

Council Member Dorst-Porada announced that September is National Preparedness Month and at the last meeting she gave out free first aid kits. She said she is happy to talk to residents after this meeting about preparedness tips including the need to store at least 10 days of food and water. She urged residents to take steps to care for their families in the event of emergencies. Council Member Dorst-Porada recalled comments from California Technical Institute which is concerned about the availability of water after disasters stating that they feel water not be available for over six months.

Mayor pro Tem Bowman suggested residents include a manual can opener in their emergency packs.

Mayor Leon said last Sunday he attended the Fiesta Patrias event at De Anza Park, a family event with good quality entertainment that contributed to a wonderful event. He encouraged residents to attend and enjoy future fiestas. Mayor Leon noted there is sometimes reason for righteous indignation and added this City supports its children. He stated that during the recession the City never closed any of the community centers or programs, adding that other cities were not so lucky. Public safety was not reduced in any way, no reduction in safety staff, no furloughs, and the budget was managed well. Mayor Leon added that 15 years ago the City supported Pathways to Schools, the library at Colony High School, playing fields at Kimball Park and other locations. He added ten years ago Archibald Ranch at Turner Avenue was developed adding sidewalks so children would not have to walk through mud; and School Resource Officers provided by the City were stationed at junior high schools and at Chaffey District High Schools. Mayor Leon stated that Ontario does care and continues to provide crossing guards for OMSD. He added the City lives within its means and hopes OMSD will take a closer look at their budget.

## ADJOURNMENT

No further business to come before the joint meetings, the Mayor adjourned at 7:16 p.m. stating that the next regular meeting will be held on October 1, 2013.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN