

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY AND
ONTARIO PUBLIC FINANCING AUTHORITY
MINUTES
OCTOBER 1, 2013**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Public Financing Authority were held on Tuesday, October 1, 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 6:00 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 54957 (b), PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT: City Manager
- 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 – OPEN SESSION

The Mayor called the City Council/Housing Authority/Public Financing Authority meetings to order at 6:34 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 Avila.

The Invocation was offered by *Bishop Reid Halterman*, Church of Jesus Christ of Latter Day Saints.

CLOSED SESSION REPORT

Mayor Leon indicated the Report would be made later in the meeting.

PUBLIC COMMENT

Ryan Lewis, Ontario Firefighters Association, announced the upcoming Open House on October 5, 2013, at Fire Station 3 with fire demonstrations from 9:00 a.m. to 2:00 p.m.; the observance of National Firefighters' Memorial Day on October 6, 2013, when the American flag will be lowered to half-staff in recognition of firefighters who have died in the line of duty; and the sale of pink breast cancer awareness tee shirts available beginning Monday, October 7, 2013, for \$20 each, honoring cancer victims including Richard "Chip" Smith, Battalion Chief.

AGENDA REVIEW AND ANNOUNCEMENTS

City Manager Hughes advised that updated materials had been distributed to Council regarding Agenda Item #10 – Zone Change Requests, which removes, as requested by staff, the zone changes initially proposed in areas G1, G8 and H1.

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, Housing Authority and Ontario Public Finance Authority dated September 3, 2013; as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$10,857,266.78, for the period from August 25 through September 7, 2013; and Payroll in the amount of \$2,404,066.11, for the period from August 25 through September 7, 2013, when audited by the Finance Committee.

3. RESOLUTIONS MODIFYING PAYMENT OF EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR EMPLOYEES IN MISCELLANEOUS BARGAINING UNITS AND UNREPRESENTED EMPLOYEE GROUPS.

City Council adopted Resolutions modifying the Employer Paid Member Contributions (EPMC) to the California Public Employees Retirement System (CalPERS) consistent with the terms and conditions of existing labor agreements and pursuant to California Government Code Section 20691.

RESOLUTION NO. 2013-109 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR EMPLOYER PAID MEMBER CONTRIBUTIONS EFFECTIVE JANUARY 12, 2014 FOR MISCELLANEOUS MEMBERS IN THE MISCELLANEOUS SERVICES, TECHNICAL/PROFESSIONAL, MANAGEMENT, CONFIDENTIAL, DEPARTMENT HEAD, AND EXECUTIVE MANAGEMENT UNITS AND FOR SAFETY MEMBERS IN THE EXECUTIVE MANAGEMENT UNIT

RESOLUTION NO. 2013-110 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR EMPLOYER PAID MEMBER CONTRIBUTIONS EFFECTIVE JULY 13, 2014 FOR MISCELLANEOUS MEMBERS IN THE MISCELLANEOUS SERVICES, TECHNICAL/PROFESSIONAL, MANAGEMENT, CONFIDENTIAL, DEPARTMENT HEAD, AND EXECUTIVE MANAGEMENT UNITS AND FOR SAFETY MEMBERS IN THE EXECUTIVE MANAGEMENT UNIT

RESOLUTION NO. 2013-111 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR EMPLOYER PAID MEMBER CONTRIBUTIONS EFFECTIVE JULY 12, 2015 FOR MISCELLANEOUS MEMBERS IN THE MISCELLANEOUS SERVICES, TECHNICAL/PROFESSIONAL, MANAGEMENT, CONFIDENTIAL, DEPARTMENT HEAD, AND EXECUTIVE MANAGEMENT UNITS AND FOR SAFETY MEMBERS IN THE EXECUTIVE MANAGEMENT UNIT

RESOLUTION NO. 2013-112 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR EMPLOYER PAID MEMBER CONTRIBUTIONS FOR MEMBERS IN THE POLICE, POLICE MANAGEMENT, FIRE, AND FIRE MANAGEMENT UNITS

RESOLUTION NO. 2013-113 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR EMPLOYER PAID MEMBER CONTRIBUTIONS FOR ELECTED OFFICIAL

4. AGREEMENT BETWEEN THE CITY OF EASTVALE AND THE CITY OF ONTARIO FOR THE MAINTENANCE AND OPERATIONS OF JOINTLY OWNED TRAFFIC SIGNALS.

City Council approved an agreement between the City of Eastvale and the City of Ontario for the maintenance and operation of jointly- owned traffic signals, and authorized the City Manager to execute said agreement and related documents.

5. AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE SOUTH MILLIKEN AVENUE AND NORTH VINEYARD AVENUE RAIL-HIGHWAY GRADE SEPARATION PROJECTS/ DANKEN CONSTRUCTION ENGINEERING GROUP

City Council approved a Professional Services Agreement with Danken Construction Engineering Group, of Ladera Ranch, CA, to provide construction management, soils and materials testing, and public outreach services for the construction of the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects for \$9,500,000 plus a 5% contingency of \$500,000 for a total authorized expenditure of \$10,000,000; and authorized the City Manager to execute said agreement and all future amendments.

6. *RECOGNITION OF OCTOBER 6-12, 2013 AS “NATIONAL FIRE PREVENTION WEEK”*

City Council recognized the week of October 6-12, 2013 as “Fire Prevention Week” in the City of Ontario and invited the public to attend the Ontario Fire Department Open House 2013 to be held on October 5, 2013.

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

City Council took the following actions:

- A. Awarded Bid No. 369 to Fairview Ford of San Bernardino, CA, in the amount of \$571,736 for the purchase and delivery of one (1) police interceptor K-9 vehicle and twenty (20) police interceptor vehicles;
- B. Awarded Bid No. 374 to Los Angeles Truck Centers, LLC of Whittier, CA, in the amount of \$779,720 for the purchase and delivery of three (3) automated side loader solid waste trucks;
- C. Awarded Bid No. 375 to E-W Truck & Equipment Co., Inc. of San Diego, CA, in the amount of \$266,569 for the purchase and delivery of one (1)

front loading solid waste truck; and

- D. Authorized the cooperative purchase and delivery of one (1) John Deere 410K Backhoe-Loader from John Deere Construction Retail Sales of Moline, IL, in the amount of \$111,949 consistent with the terms and condition of the National Joint Powers Alliance Contract (NJPA) Invitation for Bids (IFB) No. 060311-JDC.

8. 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 adopted 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 Phased Tract Map No. 18913-1. A public hearing and introduction of the Ordinance took place at the regular meeting on September 17, 2013.

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)

9. 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 adopted 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. A public hearing and introduction of the Ordinance took place at a regular meeting on September 17, 2013

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 UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2013-109, 2013-110, 2013-111, 2013-112 and 2013-113, as well as Ordinances No. 2967 and 2968 were duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARING

10. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A ZONE CHANGE REQUEST AMENDING THE ZONING DESIGNATIONS ON CERTAIN PROPERTIES LOCATED THROUGHOUT THE CITY TO PROVIDE ZONING CONSISTENCY WITH THE LAND USE DESIGNATIONS OF THE POLICY PLAN (GENERAL PLAN) OF THE ONTARIO PLAN

City Council adopted a Resolution approving an addendum to The Ontario Plan Environmental Impact Report analyzing the environmental effects of the Project pursuant to State California Environmental Quality Act (CEQA) Guidelines, Section 15164; and introduction and waiver of further reading of an Ordinance approving Zone Change File No. PZC13-002 to change the zoning designations on certain properties located throughout the City with the exception of zone changes G1, G8 and H1 to provide consistency with the land use designations of the Policy Plan (General Plan) of The Ontario Plan.

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. 2013-114 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. PZC13-002, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF

ORDINANCE NO. 2969 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC13-002, A CHANGE IN THE ZONING DESIGNATIONS FOR CERTAIN PROPERTIES IN THE CITY OF ONTARIO TO CONSISTENCY WITH THE ONTARIO PLAN LAND USE DESIGNATIONS OF THE PROPERTIES, AND MAKING FINDINGS IN SUPPORT THEREOF - APNS: VARIOUS (SEE EXHIBIT A)

MOTION: Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Bowman, and unanimously carried to adopt Resolution No. 2013-114 and to accept Ordinance No. 2969 for introduction and first reading.

CLOSED SESSION REPORT AND COUNCIL/STAFF COMMENT

Mayor Leon reported that on his motion, seconded by Council Member Wapner, Al Boling was appointed to replace City Manager Chris Hughes upon his retirement in December, 2013. The Mayor said the motion carried unanimously in support of Council's decision to hire from within. He said this same process occurred when former City Manager Devereaux resigned and Fire Chief Hughes was appointed. The Mayor advised that hiring from within provides stability and continuity so that the City can keep moving forward. Mayor Leon said staff has many great qualities and Council plans to continue promoting existing staff indefinitely within this premise. The Mayor advised that Council has the utmost confidence and respect for Al Boling. He cautioned Council Members not to heap accolades on Hughes at this meeting as the City Manager will not be retiring until the end of the year.

Council Member Dorst-Porada welcomed Mr. Boling into the new position. She also reported that Christmas on Euclid's website will go live this week for the event on December 7th. She hopes they raise a lot of money for Kiwanis and the Rotary Club.

Council Member Wapner introduced Mr. Boling to the community. Mr. Wapner briefly reviewed Mr. Boling's job history with Ontario which began as an Internal Auditor 17 years ago. He also recognized City Manager Hughes' courtesy in giving early notice of his retirement plans to permit a good transition period and noting he has been an excellent City Manager. Council Member Wapner said Mr. Boling will continue to be

part of the airport team and is up on current conditions. Mr. Wapner recounted that the airport was once known as Ontario International Airport rather than Los Angeles-Ontario Airport and now Los Angeles has been dropped again in the name. He also discussed the City's succession plan and the importance of team work to be successful.

Mayor pro Tem Bowman also welcomed Mr. Boling into the new position saying he has had a fine mentor and has a strong hand to carry on and provide stability; he thanked and congratulated him for stepping up to the plate. Mr. Bowman also congratulated Michael Krouse for the very successful Route 66 Cruisin Reunion event that generated positive numbers for the City. He added he anticipates that next year will be even larger and better.

Council Member Avila said he will postpone his remarks regarding the City Manager's retirement until an appropriate time. Mr. Avila said he is pleased to be part of the Council congratulating Mr. Boling and added he admires his professionalism and is happy to have him aboard. Council Member Avila then recognized Ruben Valencia, from the audience. Mr. Avila said he appreciates his relationship with the Mayor and enjoys the Chapel of Hope who goes to great lengths for those in need. He continued by discussing his pleasure in touring City departments and acknowledged audience members who regularly attend.

Mayor Leon spoke to a number of things about Mr. Boling including his service with the Department of Defense, his efficiency and professionalism; he is fair, competent and assured; and the Mayor knows he will be very good. The Mayor also commended Michael Krouse for the good job he did for the Route 66 Cruisin Reunion at which 120,000 people attended over the three-day period. The Mayor added the quality was second to none with close to 800 cars, and he appreciated the quality of the classic cars. He added he expects next year will also be great and the downtown park will be completed by then. He thanked Mr. Krouse for everything that was done.

Mayor Leon also addressed the community saying he is honored to represent this region and discussed the recent election. He congratulated Mr. Freddie Rodriguez on his successful campaign. The Mayor said he is grateful that Ontario is his home and there is no better place. The Mayor added the City of Ontario has a wonderful team to work with and a high quality Council providing a good place to be in government, and he thanked the community for welcoming him back saying he will do the best job he can.

City Manager Hughes said staff has been given direction to use any and all means to gain local control of the airport, and expressed appreciation to Council for allowing him to take the gloves off. Mr. Hughes also said the City is fortunate with Al Boling stepping up and into this new role.

ADJOURNMENT

With no further business to come before Council, the Mayor adjourned the meeting at 7:04 p.m. and announced the next regular meeting will be held on October 15, 2013.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK / SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN