

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
NOVEMBER 5, 2013**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, November 5, 2013 at the Ontario City Hall, 303 East B St.

CLOSED SESSION

The Mayor called the City Council/ Housing Authority meetings to order at 6:01 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 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *1 or more cases*
- GC 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Chris Hughes regarding Ontario Professional Firefighters Association, Ontario Fire Management, Ontario Police Officers Association and Ontario Police Management Group
- 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 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 Wapner.

The Invocation was offered by *Pastor Richard Bargas*, First Fundamental Bible Church.

CLOSED SESSION REPORT

City Attorney Brown advised that three items were considered in Closed Session but no reportable action was taken.

AGENDA REVIEW/ ANNOUNCEMENTS

City Manager Hughes reported there were no modifications or announcements recommended for tonight's agenda.

PUBLIC COMMENT

Jordan Wright, representative for Assemblyman Freddie Rodriguez, introduced himself and invited Council Members to the Assemblyman's swearing in ceremony on November 23, 2013 at the District Office, and encouraged them to feel free to call with any concerns.

Victor Sanchez, owner of a commercial brokerage firm and representing Kiwanis, reported that Christmas on Euclid is seeking help and support for the event that will be held December 7th from 9:00 a.m. to 3:00 p.m. with a rain date scheduled on December 14th. He advised information is available at www.ChristmasonEuclid.com noting they anticipate approximately 100-265 vendors and up to double the attendance from previous years. Mr. Sanchez thanked *Elvia Rivas* and Council Member Dorst-Porada for their help and support.

Erna Noble reported on the activities and dedication of members of the CalRTA, Retired Teachers Association, Division 61, advising their 46,000 members nationally are dedicated to the concerns of retired teachers, and have contributed \$640,000 for scholarships and grants to worthy students.

Barbara Hartley thanked Scott Burton, Utilities General Manager, for his prompt resolution of excessive garbage and waste in the south part of Ontario.

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

Approved Minutes for the regular meetings of the City Council and Housing Authority dated October 1, 2013, as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$10,390,359.83, for the period from September 22, 2013 through October 5, 2013; and Payroll in the amount of \$2,336,842.58, for the period from September 22, 2013 through October 5, 2013, when audited by the Finance Committee.

3. CITY MANAGER EMPLOYMENT AGREEMENT

City Council and the Housing Authority Board approved an Employment Agreement with Al C. Boling 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. 2013-122 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A CITY MANAGER EMPLOYMENT AGREEMENT.

4. RESOLUTION APPROVING THE MEASURE I 2014/2015 THROUGH 2018/2019 FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS

City Council adopted a Resolution approving the 2014/2015 through 2018/2019 Measure I Five-Year Capital Projects Needs Analysis (CPNA) and authorized the City Manager to approve minor changes to the plan as may be required by the City and San Bernardino Associated Governments (SANBAG).

RESOLUTION NO. 2013-123 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE MEASURE I, 2014/2015 THROUGH 2018/2019, FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS.

5. COOPERATIVE FUNDING AGREEMENT FOR THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT/ SAN BERNARDINO ASSOCIATED GOVERNMENTS (SANBAG)

City Council approved a Cooperative Funding Agreement totaling \$585,000 with SANBAG for funding the plans, specifications and estimates phase of the South Milliken Avenue Grade Separation Project; and authorized the City Manager to execute said Agreement and future amendments to the Agreement.

**6. A PURCHASE AGREEMENT FOR EQUIPPING POLICE FLEET VEHICLES/
WEST COAST LIGHTS AND SIRENS INC.**

City Council authorized the City Manager to execute a sole source Purchase Agreement/Order in the amount of \$380,000 for Fiscal Year 2013-14 with West Coast Lights and Sirens, Inc. of Riverside, CA, for the purchase and installation of emergency lighting and equipment in the police patrol vehicles; and authorized the company as a vendor for future purchases.

**7. ACQUISITION OF AVIATION MOBILE VIDEO RECEIVERS UNDER THE
URBAN AREA SECURITY INITIATIVE GRANT/ HELINET, INC.**

City Council authorized the City Manager to negotiate and execute a purchase agreement with Helinet, Inc. of Van Nuys, CA, for the acquisition of Mobile Commander Video Receivers up to the grant award amount of \$519,041; and authorized any future amendments to the agreement consistent with the grant award and approved spending plan.

**8. A RESOLUTION APPOINTING REPRESENTATIVES OF THE CITY OF
ONTARIO TO THE ONTARIO INTERNATIONAL AIRPORT – INTER AGENCY
COLLABORATIVE (ONT-IAC) MEDIATION BOARD**

City Council adopted a Resolution appointing the Council Airport Liaison Subcommittee as the two City Officials to represent the City of Ontario on the ONT-IAC Mediation Board. Staff will return at a future Council Meeting to present the recommendations for the appointments.

RESOLUTION NO. 2013-124 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPOINTING TWO CITY OFFICIALS TO REPRESENT THE CITY OF ONTARIO ON THE ONTARIO INTERNATIONAL AIRPORT – INTER AGENCY COLLABORATIVE (ONT-IAC) MEDIATION BOARD.

**9. PURCHASE OF WATER METERS AND REPAIR PARTS/ HD SUPPLY
WATERWORKS**

City Council authorized the sole source purchase of new and replacement water meters and repair parts for a total not-to-exceed amount of \$425,000 from HD Supply Waterworks of Perris, CA.

10. CONSTRUCTION CONTRACT FOR THE FOURTH STREET WATER MAIN IMPROVEMENTS/ NORSTAR PLUMBING AND ENGINEERING, INC./ ALBERT A. WEBB AND ASSOCIATES, INC.

City Council:

- (A) Approved the plans and specifications;
- (B) Awarded Contract No. UT 1314-02 to Norstar Plumbing and Engineering, Inc. of Alta Loma, CA, in the bid amount of \$1,298,828 plus a 15% contingency of \$194,825 for a total of \$1,493,653 for the construction of the Fourth 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; and
- (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 \$139,400 plus a 15% contingency of \$20,910 for a total of \$160,310 for construction management and inspection services.

11. AGREEMENT FOR TEMPORARY WATER SERVICE STRATHAM-LEWIS ONTARIO DEVELOPMENT COMPANY, LLC (SL ONTARIO)

City Council authorized the City Manager or his designee to execute a Temporary Water Service Agreement with Stratham-Lewis Ontario Development Company, LLC of Upland, CA, for temporary water service from agricultural wells subject to non-substantive changes; and authorized the City Manager or his designee to execute future agreements subject to non-substantive changes.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2013-122, 2013-123 and 2013-124 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

12. INTRODUCTION OF ORDINANCES AMENDING CHAPTERS 3, 7 AND 8B OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO SOLID WASTE, SEWER AND WATER SERVICES AND FEES

City Council conducted a public hearing to:

- (A) Consider all written protests against the proposed increases in the rates for solid waste, sewer and water services in accordance with the California Constitution, Article XIII D, Section 6(a); and

- (B) Introduce and waive further reading of Ordinances amending Chapter 3, of Title 6 of the Ontario Municipal Code related to solid waste services and authorizing increases to the rates for solid waste service charges and fees; and
- (C) Introduce and waive further reading of Ordinances amending Chapter 7, of Title 6 of the Ontario Municipal Code related to sewer services, and authorizing increases to the rates for sewer service charges and fees; and
- (D) Introduce and waive further reading of Ordinances amending Chapter 8B, of Title 6 of the Ontario Municipal Code relating to water services, and authorizing increases to the rates for water service charges and fees.

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

Assistant City Clerk Kasad advised that on September 19, 2013, 48,945 Proposition 218 Notices were mailed to all property owners and utility customers in Ontario, and affidavits of compliance are on file in the Records Management Department. She indicated a total of 6 valid written protests out of 39,359 parcels and 1 protest that did not meet the criteria to be counted were received which did not constitute a majority.

No written protests were presented at the public hearing.

Pat Mallette objected to the utility increases noting that upon reviewing the matter, she found that the 2012 budget was sound and in 2013 the list of expenditures was not available as yet. She made reference to budgetary figures that she felt did not support an increase in rates using balances from last year. Ms. Mallette made note of the assets and liability figures in the report and said she sees no reason for an increase and objected to it.

John Mills a consumer in Ontario and member of the Inland Empire Utility Agency (IEUA) said there are four new I.E.U.A. salaried positions, and as pensions and salaries are in the public eye he asked why are they asking for rate increase stating he is concerned about the need for one.

Mayor Leon indicated more information is needed and Scott Burton, Utilities General Manager, gave a video presentation noting the Agency is a separate business within the City's Municipal Utility Enterprise Fund. Mayor Leon noted the agency is only looking to pay its own costs. Mr. Burton added it is necessary to collect revenue to cover costs that are separate from the General Fund. Mayor Leon added that Ms. Mallette raised questions that people ask, advising it is necessary to look at the overall cost to the City financially as this money is specific to this use.

General Manager Burton said the Enterprise Fund is separate from the General Fund and it is not possible to co-mingle funds adding the basis for setting rates is subject to customers carrying the cost of the service. Mayor Leon noted fees include the cost of operating water treatment plants owned by the IEUA adding their direct costs are passed on to the consumer.

Council Member Dorst-Porada indicated that Gene Koopman is the Ontario representative elected to the Inland Empire Utilities Agency whose meetings are held during the day, with City staff acting in an advisory capacity. She said the community needs to hold the IEUA accountable for the way they do business as water usage is a direct pass-through and usage has increased over the years. General Manager Burton said the average residential home's monthly service increase averages 2.1% for FY 2014-2015 and rates have been the same for the past five years. Council Member Dorst-Porada said that her water bill has increased and she is considering alternative landscaping. Ms. Dorst-Porada noted the public does not hear about water line breakages like those that occur in other cities, because there is an ongoing effort to make capital improvements and maintain the lines to prevent breakages. Mayor Leon added the City does not operate on a "if it's not broken don't fix it" mentality and is proactive in caring for older infrastructure. He gave an example of his mother's experience who lives in Ojai and whose residents fight the private utility company tooth and nail. The Mayor added that he hopes tonight's presentation helps the community to see the problems in maintaining a 125-year old infrastructure and thanked the residents who came forward.

Council Member Avila acknowledged the comments Council Member Dorst-Porada made and noted the community has a large block of senior citizens who live on fixed incomes adding the City's infrastructure is 125 years old and has to be renewed and restored. Mr. Avila said \$5 per person is not excessive and assured he is aware and concerned for the difficulty to those on fixed income.

No one else requesting to be heard, the Mayor closed the public hearing.

ORDINANCE NO. 2970 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 6-3.101, 6-3.104, 6-3.105, 6-3.106, 6-3.107, 6-3.209, 6-3.301, 6-3.302, 6-3.304, 6-3.305, 6-3.307, 6-3.308, 6-3.309, 6-3.310, 6-3.312, 6-3.313, 6-3.314, 6-3.401, 6-3.406, 6-3.502, 6-3.503, 6-3.504, 6-3.505, 6-3.510, 6-3.601, 6-3.602, AND 6-3.603 OF CHAPTER 3, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, SECTIONS RELATED TO INTEGRATED SOLID WASTE MANAGEMENT.

ORDINANCE NO. 2971 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING INCREASES TO THE RATES FOR ITS SOLID WASTE SERVICE FEES AND OTHER MISCELLANEOUS ONE-TIME SERVICE FEES.

ORDINANCE NO. 2972 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 6-7.706 AND 6-7.708 OF CHAPTER 7, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO THE PUBLIC SEWER SYSTEM.

ORDINANCE NO. 2973 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING INCREASES TO THE RATES FOR ITS SEWER SERVICE CHARGES.

ORDINANCE NO. 2974 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 6-8.51, 6-8.52, AND 6-8.57 OF CHAPTER 8B, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO WATER SERVICES.

ORDINANCE NO. 2975 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING INCREASES TO THE RATES FOR ITS WATER SERVICE FEES AND CHARGES, NEW METER CHARGES AND OTHER MISCELLANEOUS ONE-TIME WATER SERVICE FEES.

MOTION: Moved by Mayor pro Tem Bowman, seconded by Council Member Dorst-Porada, and unanimously carried to accept said Ordinances for introduction and first reading.

13. INTRODUCTION OF ORDINANCES TO ADOPT THE 2012 INTERNATIONAL FIRE CODE, AND 2013 CALIFORNIA STATE FIRE AND BUILDING CODES

City Council:

- (A) Accepted Introduction and waived further reading of an Ordinance amending Chapter 4, Title 4 of the Ontario Municipal Code entitled "Fire Code" adopting by reference, with certain amendments, additions, deletions, and exceptions, the 2012 International Fire Code and the 2013 California Fire Code (California Code of Regulations, Title 24, Part 9); and
- (B) Accepted Introduction and waived further reading of Ordinances amending Chapters 1, 2, 3, 4, 5, 6, 7, 11 and 12 of Title 8 of the Ontario Municipal Code to adopt the California Building Standards Code.

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 requesting to be heard, the Mayor closed the public hearing.

Council Member Wapner asked whether the building trades have had an opportunity to review this item to which staff responded local organizations have approved them and it is currently at the state level for approval.

ORDINANCE NO. 2976 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 4 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE; ADOPTING BY REFERENCE WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND CHANGES THERETO, THE 2013 CALIFORNIA FIRE CODE AND THE 2012 INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING, AND USE OF HAZARDOUS SUBSTANCES, MATERIALS, AND DEVICES AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 2927 OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA.

ORDINANCE NO. 2977 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTERS 1, 2, 3, 4, 5, 6, 7, 11 AND 12 OF TITLE 8 OF THE ONTARIO MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCORPORATING THE 2013 CALIFORNIA BUILDING CODE, THE 2013 CALIFORNIA MECHANICAL CODE, THE 2013 CALIFORNIA ELECTRICAL CODE, THE 2013 CALIFORNIA RESIDENTIAL CODE, THE 2013 CALIFORNIA PLUMBING CODE, THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 1997 EDITION OF THE UNIFORM HOUSING CODE, AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS; TOGETHER WITH CERTAIN AMENDMENTS THERETO.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Avila, and unanimously carried to accept said Ordinances for introduction and first reading.

COUNCIL/ STAFF COMMENT

Council Member Avila indicated he enjoyed several events this week including the Cardenas Fiesta, the grand opening of the WalMart Super Store that provided generous donations to many local organizations. Mr. Avila added that WalMart has generated 350-400 jobs in the community and added the public seemed happy to have

a store of that size locally. He said he also attended the opening ceremony for the Milliken Avenue grade separation and the opening of Jersey Mike's, a submarine sandwich shop in southeast Ontario to which at least 500 people attended. He added these grand openings mean increased revenue for the City noting other cities in this region have not been so successful. Council Member Avila requested a copy of the resume and contract for Al Boling, City Manager designee.

Mayor pro Tem Bowman indicated he also attended the Cardenas Fiesta, a great company, and thanked the family for a beautiful success story. He said the grand opening for WalMart affords seniors reasonable opportunity for groceries. Mayor pro Tem Bowman said he also enjoyed celebrating completion of the Milliken Grade Separation and complimented the Inland Valley Daily Bulletin for its coverage of the event. He requested Police Chief Hopley announce other upcoming fundraising events.

Police Chief Hopley said a barbecue is planned from 11:00 a.m. to 2:00 p.m. on November 13th to raise money for the family of Police Officer Robb McCandlish who was critically injured while on duty, noting donations to help his family can be made at the police station south of SR 60 at 2500 Archibald Avenue. Chief Hopley added the Police Officers' Association held a blood drive on Monday that saw standing room only for donors and thanked the many City employees who participated. Robb's wife and family have sent their thanks for the overwhelming assistance.

Council Member Wapner commented on the unanimous appointment of Mr. Boling at a previous meeting when his credentials were submitted as well as his contract addressed on tonight's agenda.

Council Member Dorst-Porada described an episode on Halloween that involved a costumed young child with a very realistic plastic copy of a 9mm gun as part of his Ninja outfit. She encouraged parents to seriously monitor such costuming and referenced the accidental death of a 13-year old boy who was killed recently in similar circumstances.

Mayor Leon described the outpouring of the community in support of the McCandlish family noting the waiting line to donate blood was hours long, and his appreciation of the good will demonstrated by staff and members of the community for a long-standing police officer in Ontario. The Mayor said another fundraiser will take place at Game Works in the Ontario Mills on November 20th in support of fighting childhood cancer. Mayor Leon announced that Val Kilmer will be performing at Gardiner Spring Auditorium when he appears in *Citizen Twain* on November 8, 9 and 10 adding tickets may be purchased on line for the appearance of this world class actor in Ontario.

ADJOURNMENT

Mayor Leon adjourned the joint meetings at 7:30 p.m.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN