

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
MINUTES  
NOVEMBER 19, 2013**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, November 19, 2013 at the Ontario City Hall, 303 East B Street, Ontario, California.

**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 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 1008-431-04, 1305 North Mountain Avenue; City/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Palm Springs Oil Company; 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 1306498*

**CALL TO ORDER – OPEN SESSION**

The Mayor called the City Council/Housing Authority meetings to order at 6:33 p.m., and requested the City Clerk to call the roll.

<b>PRESENT:</b>	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 Assistant City Clerk/Secretary Vicki Kasad.

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

The Invocation was offered by *Reverend Frank Hamilton, First Christian Church of Ontario*.

## **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**

Ruben Valencia, expressed appreciation to the Ontario Fire Department and the Chief, noting the medical assistance Station 2 provided to one of his daughters on Saturday. Mr. Valencia also thanked Council Member Avila for his endorsement of Mr. Valencia's City Council campaign.

## **AGENDA REVIEW/ ANNOUNCEMENTS**

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

## **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**

City Council approved Minutes for the regular meeting of the City Council and Housing Authority of October 15, 2013, and approving same as on file in the Records Management Department.

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

City Council approved **Bills** in the amount of \$9,391,762.07 for the period from October 6, 2013 through October 19, 2013 and **Payroll** in the amount of \$2,368,448.68 for the period from October 6, 2013 through October 19, 2013, when audited by the Finance Committee.

**3. CONSTRUCTION CONTRACT FOR THE NORTH VINEYARD AVENUE GRADE SEPARATION PROJECT/ORTIZ ENTERPRISES INCORPORATED**

The City Council approved the plans and specifications, and awarded a construction contract to Ortiz Enterprises Incorporated, of Irvine, California, for the North Vineyard Avenue Grade Separation Project (ST0711) for the bid amount of \$26,440,772 plus a ten (10%) contingency in the amount of \$2,644,077 for a total authorized expenditure of \$29,084,849; authorized the City Manager to execute said contract and related documents and file a Notice of Completion at the conclusion of construction activities.

**4. 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**

The City Council adopted:

- (A) 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
- (B) 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
- (C) 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.

**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.

**5. FISCAL YEAR 2013-14 FIRST QUARTER BUDGET REPORT**

The City Council approved the budget adjustments and recommendations as listed in the Fiscal Year 2013-14 First Quarter Budget Report.

**6. ORDINANCES TO ADOPT THE 2012 INTERNATIONAL FIRE CODE, AND 2013 CALIFORNIA STATE FIRE AND BUILDING CODES**

The City Council:

- (A) Adopted 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) Adopted an Ordinance 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.

**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.

**7. CONSTRUCTION CONTRACT FOR SOUND INSULATION OF 67 HOUSES UNDER THE ONTARIO QUIET HOME PROGRAM/SPEC CONSTRUCTION CO., INC.**

The City Council:

- (A) Rejected any and all non-responsive bids;
- (B) Awarded Contract No. P150-1314-01 to Spec Construction Co., Inc. of Rancho Cucamonga, California, in the bid amount of \$1,667,713, plus a 15% contingency of \$250,157 for a total not-to-exceed amount of \$1,917,870 to sound insulate 67 houses; and
- (C) Authorized the City Manager, or his designee, to execute the contract, other related documents necessary to implement said contract, and file a Notice of Completion at the conclusion of all construction activities related to this contract.

**8. EVERY 15 MINUTES GRANT PROGRAM FROM THE DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

The City Council authorized the acceptance of grant funds in the amount up to \$10,000 for the Every 15 Minutes Grant Program from the Department of California Highway Patrol.

**MOTION UNANIMOUSLY CARRIED.** The Mayor declared Ordinance Nos. 2970 through 2977 duly passed and adopted by unanimous vote.

**END OF JOINT CONSENT CALENDAR**

## PUBLIC HEARINGS

### 9. **CONSIDERATION OF A SPENDING PLAN FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND/CITIZEN'S OPTION FOR PUBLIC SAFETY GRANT PROGRAM**

The City Council held a public hearing to receive public comment on the proposed *spending plan for the Fiscal Year 2013-14 Supplemental Law Enforcement Services Fund (SLESF)/Citizen's Option for Public Safety (COPS) Grant; and approve the proposed spending plan.*

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

The Mayor opened the public hearing, no one requesting to be heard; the public hearing was closed. There were no written communications.

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Bowman and carried by unanimous vote to approve the proposed spending plan.

### 10. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN WARM SPRINGS NMC, LLC, AND THE CITY OF ONTARIO TO PROVIDE FOR THE CONSTRUCTION OF UP TO 190 RESIDENTIAL UNITS AND REQUIRED INFRASTRUCTURE ON 40 ACRES OF LAND WITHIN PLANNING AREA 3 OF THE SUBAREA 29 SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AND EUCALYPTUS AVENUES**

The City Council introduced and waived further reading of an ordinance approving the Development Agreement (File No. PDA13-001) between Warm Springs NMC, LLC, and the City of Ontario to provide for the construction of up to 190 residential units on 40 acres within the Subarea 29 Specific Plan, located at the southwest corner of Archibald and Eucalyptus Avenues (APNs: 0218-281-15 and 16).

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

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

**MOTION:** Moved by Council Member Avila, seconded by Council Member Dorst-Porada and carried by unanimous vote to adopt Resolution No. 2013-125 adopting an Addendum to the Subarea 29 Specific Plan Environmental Impact

Report for File No. PSP03-003 and introduce and waive further reading of Ordinance No. 2978 approving the Development Agreement between Warm Springs NMC, LLC and the City of Ontario.

**RESOLUTION NO. 2013-125** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE SUBAREA 29 SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH#200411009) ADOPTED FOR FILE NO. PSP03-003, PREPARED FOR FILE NO. PDA13-001, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-281-15 AND 16).

**ORDINANCE NO. 2978** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND WARM SPRINGS NMC, LLC., FILE NO. PDA13-001, TO PROVIDE FOR THE CONSTRUCTION OF UP TO 190 RESIDENTIAL UNITS ON 40 ACRES WITHIN PLANNING AREA 3 OF THE SUBAREA 29 SPECIFIC PLAN, LOCATED AT THE SOUTHWEST CORNER OF ARCHIBALD AND EUCALYPTUS AVENUES (APNS: 0218-281-15 AND 16).

#### **COUNCIL/ STAFF COMMENT**

Council Member Dorst-Porada commented on the Chaffey Art Association Museum Grand Opening, noting that it is becoming a regional destination drawing artists from five counties. She expressed appreciation for the Association's efforts. She also noted that Thanksgiving is coming, and both the Salvation Army and the First Lutheran Church will be offering meals.

Council Member Wapner wished everyone a happy and healthy Thanksgiving and a happy Hanukkah.

Mayor pro Tem Bowman commented on the Ontario Police Officers Association fundraiser for Officer Robb McCandlish, noting that it raised about \$26,000. He also commented on the USO Plane Pull at which the Police Officer's Association team "American Hoggs" took first place. He noted that he attended the Advisory Board meeting for the Ontario Police Museum and encouraged the public to visit that venue. He wished everyone a Happy Thanksgiving. Mayor pro Tem Bowman also noted that he had attended meetings of the Chino Desalter Authority and the Advisory Board of IEUA.

Council Member Avila commented that he had attended: the Library Board meeting where Walmart provided a \$1,000 donation to the library; the Officer McCandlish fundraiser where he presented a \$250 check from him and Mr. Valencia; and a Chamber of Commerce luncheon. He noted that he also attended a Promise Scholars event and a League of California Cities event, where he met the new League Area Representative named Laura Morales. Council Member Avila then commented on his questions at the previous Council meeting regarding the City Manager's contract and indicated that while the contract was approved, he had concerns about the terms contained in the contract related to compensation, duration and evaluations. He expressed respect for his Council colleagues and the new City Manager, but explained that he sees himself as an extension of the community and had to raise the questions he did. Council Member Avila then addressed City Manager Hughes' hard work and stressed that the person behind the City's progress is City Manager Hughes. Avila commented that he was blessed to have Hughes as a mentor along with Mayor Leon. Council Member Avila then indicated that he believes that Ruben Valencia will be on the next City Council with his help.

#### ADJOURNMENT

The Joint Meetings adjourned at 6:53 p.m., and Mayor Leon announced the next regularly scheduled meeting will be held on December 2, 2013.

Respectfully submitted,



---

VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



---

PAUL S. LEON, MAYOR/ CHAIRMAN