

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
DECEMBER 3, 2013**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, December 3, 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 6:02 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)(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 Avila.

The Invocation was offered by *Pastor Reegis Richard*, The Joshua Center International.

CLOSED SESSION REPORT

City Attorney Brown reported that one matter was discussed and no reportable action was taken.

AGENDA REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised Council Members there were no announcements.

PUBLIC COMMENT

Marty Binney expressed concern about Council Member Avila's public endorsement of an individual for City Council at a previous Council meeting stating that it is illegal to do so. He said he expects higher standards and urged Council Members to advise Mr. Avila that it is improper to endorse someone for Council in the way he did.

Henry Perera said he is a property owner at 2890 Inland Empire Boulevard which is accessed from Archibald Avenue and Inland Empire Boulevard near Turner Avenue. He stated that a median has been placed on Inland Empire Boulevard that cuts off access to his property on both the right and the left and noted there are six parcels in the complex who have individual owners. Mr. Perera further noted there are 440 families on the north side of the street that add to traffic congestion. He provided a land use map to Council Members for reference and proposed allowance be made for two entrances as indicated above circle #1 on the map submitted.

At the Mayor's request, *Marc Maury* of Maury Microwave came forward to address Council. He submitted a written recommendation dated December 3, 2013, regarding his property adjacent to Mr. Perera's. Mr. Maury said he had no idea what was planned when curbs were poured in August. He added that he met with staff in the City Planning Department on October 8th at which time his concerns were reviewed, and a response received on November 12th advised that the property owners would have to do the work themselves. Mr. Maury said modification of the median island raises serious questions as the properties are individually owned and this configuration does not acknowledge the properties are contiguous with no easements to drive over their neighbor's property. He added they do not want any legal problems. Mr. Maury said he was surprised he was not given more notice and said his handout includes the notification received. He reported his is a 5-acre parcel and he employs over 100 people who are experiencing difficulty exiting the property stating it is a recipe for traffic jams. Mr. Maury requested staff take another look at the proposal and rethink what can be done. Mr. Perera added the safety factor is a concern as there is a high concentration of traffic through the center lane for both the north and south sides. The Mayor referred both property owners to Development Director Kroutil.

Paul Vincent Avila, speaking as a private citizen from the podium, said a deputy took heroic and wonderful action on November 22nd when the deputy, who is a resident of the City, saved a woman who was going to jump off a bridge, and recommended issuance of a proclamation to recognize the officer who saved a life. Mr. Avila encouraged Mr. Binney, an earlier speaker, to meet with City Attorney Brown in response to his concerns expressed earlier.

Ruben Valencia said an incident he saw on television last Friday received national coverage involving Wal-Mart. He said a group blocked the intersection on Mountain Avenue and Ontario officers were very professional and properly mitigated and prevented any use of force the media may have been seeking. Mr. Valencia commended Chief Hopley and the officers involved.

Esther Williams indicated she moved to Ontario in 1980 and was owner of a gift shop in 1988, adding she is now a student at Pepperdine University. She said she would like to open a gift shop in the Senior Center and will donate her merchandise to benefit seniors. Ms. Williams indicated she would like to return to Ontario.

JOINT AGENCIES CONSENT CALENDAR

Council Member Avila requested that Agenda Items No. 4 and 5 be removed for separate consideration.

MOTION: Moved by Mayor pro Tem Bowman, seconded by Council Member Dorst-Porada, the Joint Agencies approved the following Consent Calendar items as recommended with the exception of Items No. 4 and 5.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meetings of the City Council and Housing Authority dated November 5, 2013; and approved same as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$4,190,829.02, for the period from October 20, 2013 through November 2, 2013; and Payroll in the amount of \$2,586,691.89, for the period from October 20, 2013 through November 2, 2013, when audited by the Finance Committee.

3. UPDATED AND AMENDED INVESTMENT POLICY

City Council approved an updated and amended Investment Policy.

6. EASEMENT AGREEMENT AND BUSINESS OPERATING COVENANT RELATED TO AN ELECTRONIC LED SIGN LOCATED AT MERCEDES BENZ OF ONTARIO

City Council adopted a Resolution approving a sign easement agreement and business operating covenant with Jones Ontario Acquisition, LLC dba Mercedes Benz of Ontario and authorized the City Manager to execute said agreement granting the City an easement for the purpose of display of certain messages on the dealership sign located at 3787 East Guasti Road.

RESOLUTION NO. 2013-126 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DECLARATION OF BUSINESS OPERATION COVENANTS AND SIGN EASEMENT WITH JONES ONTARIO ACQUISITION, LLC, DBA MERCEDES-BENZ OF ONTARIO.

7. CONSTRUCTION CONTRACT FOR THE INSTALLATION OF STREET LIGHTS AT VARIOUS LOCATIONS/ CALIFORNIA PROFESSIONAL ENGINEERING, INC.

City Council approved the plans and specifications, and awarded a construction contract to California Professional Engineering, Inc. of La Puente, CA, for installation of street lights in the bid amount of \$240,110 plus a ten percent (10%) contingency of \$24,011 for a total authorized amount of \$264,121; 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 related to the project.

8. ADVANCED METER ATTACHMENT AGREEMENT WITH SOUTHERN CALIFORNIA GAS COMPANY

City Council approved the Advanced Meter Attachment Agreement with Southern California Gas Company and authorized the City Manager to execute said agreement and future amendments to the agreement.

9. CONSTRUCTION CONTRACT FOR THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT/GRIFFITH COMPANY

City Council approved the plans and specifications, and awarded a construction contract to Griffith Company for the South Milliken Avenue Grade Separation Project (ST0308) for the bid amount of \$45,396,631 plus a ten percent (10%) contingency in the amount of \$4,539,663 for a total authorized amount of

\$49,936,294; and authorized the City Manager to execute said contract and related documents and file a Notice of Completion at the conclusion of construction activities.

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

City Council approved the following actions with regard to the purchase of replacement fleet vehicles:

(A) Bid No. 394

1. Award Bid to Fritts Ford of Riverside, CA in the amount of \$244,767 for the purchase and delivery of four (4) ½ ton crew cab trucks, four (4) ½ ton extended cab trucks, two (2) ½ ton regular cab trucks, and one (1) 12 passenger van;
2. Award Bid to Wondries Fleet Group of Alhambra, CA, in the amount of \$44,706 for the purchase and delivery of one (1) Chevrolet Tahoe; and

- (B) Authorized the purchase and delivery of one (1) TORO Groundmaster 5900 mower to Turf Star of Brea, CA in the amount of \$86,373 consistent with the terms and conditions of the National-Intergovernmental Purchasing Alliance (IPA), Contract No. 120535, a cooperative purchase agreement.

11. AMENDMENT NO. 1 TO THE MUTUAL AID AGREEMENTS BETWEEN THE CITY OF ONTARIO, THE CUCAMONGA VALLEY WATER DISTRICT, THE CITIES OF FONTANA, CHINO, CHINO HILLS, MONTCLAIR, UPLAND, INLAND EMPIRE UTILITIES AGENCY AND JURUPA COMMUNITY SERVICES DISTRICT, TO PROVIDE MUTUAL AID FOR MAN-MADE OR NATURAL DISASTERS

City Council approved and authorized the City Manager to execute Amendment No. 1 to the Mutual Aid Agreements with the Cucamonga Valley Water District (CVWD), the Cities of Fontana, Chino, Chino Hills, Montclair, Upland, the Inland Empire Utilities Agency (IEUA) and Jurupa Community Services District (JCSD) to provide mutual aid for man-made and natural disasters.

12. A POLICY OF THE CITY COUNCIL OF THE CITY OF ONTARIO ESTABLISHING DISTANCE REQUIREMENTS AND CERTAIN OPERATIONAL STANDARDS FOR COMPOSTING FACILITIES WITHIN THE NEW MODEL COLONY

City Council adopted a Resolution establishing a policy regarding required buffer zones and operating standards for new composting facilities within the New Model Colony.

RESOLUTION NO. 2013-127 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A POLICY REGARDING REQUIRED BUFFER ZONES FOR NEW COMPOSTING FACILITIES WITHIN THE NEW MODEL COLONY AREA.

13. 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

City Council considered and adopted an Ordinance approving the Development Agreement (File No. PDA13-001) between Warm Springs NMC, LLC, and the City of Ontario to provide for 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). The Ordinance received introduction and first reading at a regular meeting on November 19, 2013.

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).

14. AN ACQUISITION, DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND MISSION GROVE PARTNERS, L.P.

City Council:

- (A) Adopted a Resolution approving the Acquisition, Disposition and Development Agreement between the City of Ontario and Mission Grove Partners, L.P.;
- (B) Authorized the City Manager to execute any and all documents necessary or desirable to implement the Agreement; and
- (C) Directed staff to file a Notice of Determination under the California Environmental Quality Act (CEQA).

RESOLUTION NO. 2013-128 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ACQUISITION, DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND MISSION GROVE PARTNERS, L.P.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2013-126, 2013-127, and 2013-128 passed, and Ordinance No. 2978 unanimously passed and adopted.

ITEMS PULLED FROM THE CONSENT CALENDAR

4. MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE ONTARIO PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 1430 IAFF; AND THE CITY OF ONTARIO AND THE ONTARIO FIRE MANAGEMENT GROUP FOR CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT DURING THE PERIOD OF JULY 1, 2014 THROUGH JUNE 30, 2018

City Council approved and authorized the City Manager to execute four-year Memoranda of Understanding regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the Ontario Professional Firefighters Association and the Ontario Fire Management Group; and authorized any non-substantive changes which may be necessary to implement the agreement.

5. MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE ONTARIO POLICE OFFICERS ASSOCIATION; AND THE CITY OF ONTARIO AND THE ONTARIO POLICE MANAGEMENT GROUP FOR CHANGES IN TERMS AND CONDITIONS OF EMPLOYMENT DURING THE PERIOD OF JULY 1, 2014 THROUGH JUNE 30, 2018

City Council approved and authorized the City Manager to execute four-year Memoranda of Understanding regarding wages, hours, and other terms and conditions of employment between the City of Ontario and the employees represented by the Ontario Police Officers Association and the Ontario Police Management Group; and authorized any non-substantive changes which may be necessary to implement the agreement.

Council Member Avila said he is ready to support both items but questioned City Attorney Brown regarding contributions received from employee groups along with endorsements and whether it is an impropriety to vote on employee contracts.

City Attorney Brown indicated the 1974 Political Reform Act specifically excludes such contributions and said it is his advice that Council Member Avila need not excuse himself from voting as doing so does not create a disqualifying conflict of interest.

MOTION: Moved by Council Member Avila, seconded by Mayor pro Tem Bowman and carried by unanimous vote to approve items 4 and 5 as presented.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARING

(A) AN ORDINANCE AMENDING THE ONTARIO DEVELOPMENT CODE, ARTICLE 13 (FILE NO. PDCA13-005) TO CONDITIONALLY PERMIT HOOKAH ESTABLISHMENTS WITHIN THE C2 (CENTRAL BUSINESS DISTRICT COMMERCIAL) AND C3 (COMMERCIAL SERVICE) ZONING DISTRICTS

City Council considered introduction and waived further reading of an Ordinance approving a Development Code Amendment (File No. PDCA13-005) to conditionally permit hookah establishments within the C2 and C3 zoning districts.

Notice of public hearing has been duly given and affidavit of compliance is 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. 2979 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA13-005, A DEVELOPMENT CODE AMENDMENT REVISING TITLE 9 (DEVELOPMENT CODE), ARTICLE 13, TABLE 13-1 (PERMITTED, CONDITIONAL AND ANCILLARY LAND USES–ALL ZONING DISTRICTS) TO CONDITIONALLY PERMIT HOOKAH ESTABLISHMENTS WITHIN THE C2 (CENTRAL BUSINESS DISTRICT COMMERCIAL) AND C3 (COMMERCIAL SERVICE) ZONING DISTRICTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

MOTION: Moved by Council Member Dorst-Porada seconded by Council Member Avila and unanimously carried to accept introduction of the Ordinance.

COUNCIL/ STAFF COMMENT

Council Member Wapner wished the community a Happy Hanukkah and Merry Christmas, and a happy holiday season. He commended safety personnel and thanked them for their protection during the holiday season.

Council Member Dorst-Porada said Christmas on Euclid will begin on Saturday, December 7th and thanked fire and police personnel for all they do including many extracurricular activities.

Mayor pro Tem Bowman wished everyone a great holiday and thanked all the employees who work with the City.

Mayor Leon said he loves this season, a time of good cheer for all, and said he hopes all have a great holiday. He said Chaffey High School is presenting *Spamalot* from Thursday through Sunday and tickets are available at the Chaffey Thespians web site. The Mayor added the Nativity scenes are up and he is happy to have them on display again; he thanked the Carpenters Union for their community work for the City stating he is thrilled to see them up.

Council Member Avila wished Council Members a Merry Christmas. He said he has great affection for the City and respects the employees adding meetings are well run and brief. He said Council Members are experienced and use a great deal of discretion in their duties. Mr. Avila applauded fire and police personnel and Department Heads. He requested videotapes of the November 5th, November 19th, December 3rd meetings and for all future meetings. Council Member Avila said he hopes everybody has a wonderful holiday noting the City deserves a lot of recognition as they advance in development.

City Manager Hughes reminded Council Members that this is Planning Director Jerry Blum's last meeting. He attributed his own success to Mr. Blum's contributions and oversight of the Planning Department and his handling of issues.

ADJOURNMENT

With no further business to come before the Joint Agencies, Mayor Leon adjourned the meetings at 7:08 p.m. and indicated the next regularly scheduled meeting will be held on December 17, 2013.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN