

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
MINUTES  
FEBRUARY 4, 2014**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, February 4, 2014, at the Ontario City Hall, 303 East B Street, Ontario, CA.

**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 54956.9 (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 6:34 p.m., and requested the City Clerk to call the roll.

<b>PRESENT:</b>	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chairman	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman, Debra Dorst-Porada and Paul Vincent Avila

**ABSENT:** None

Also present were City Manager/Executive Director Al C. Boling, City Attorney/Legal Counsel Richard Egger and City Clerk/Secretary Mary E. Wirtes.

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

The Invocation was offered by Dan Gross, Assistant Pastor, Montecito Baptist Church.

**CLOSED SESSION REPORT**

City Attorney Egger advised that the matter was considered and no reportable action was taken but noted the previous stay of the airport litigation has expired.

**AGENDA REVIEW/ ANNOUNCEMENTS**

City Manager Boling advised there were no announcements.

## **PUBLIC COMMENT**

*Jennifer Shaw*, Southern California Edison Company, advised Council Members that she is the company's new representative. She thanked Council Members for the opportunity to introduce herself and said she plans to work diligently with their busy staff.

*Rudy Favila* thanked Council Members for their participation at the Hispanic Chamber of Commerce installation dinner that consisted of businessmen who risk their investments in the marketplace. He then addressed safe passage to local schools and children who may be at risk. He made reference to children who travel to Oaks Park where there are no sidewalks, which poses a risk to the children. Mr. Favila encouraged another look at the safety of children at other locations throughout the City.

Mayor Leon advised that the City has invested in providing safe pathways and has approved many improvements throughout the City over the past 15 years, and added the City has at least one sidewalk on all the streets near schools, provided at the City's expense.

Council Member Bowman said he was there for the initial groundbreaking on Oaks Middle School and that Council remains vigilant on this issue and will stay on top of the matter.

## **JOINT AGENCIES CONSENT CALENDAR**

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman, the Joint Agencies approved the following Consent Calendar items as recommended.

### **1. BILLS/ PAYROLL**

Approved Bills in the amount of \$15,650,606.20, from December 15, 2013 through January 11, 2014; and Payroll in the amount of \$5,012,713.83, from December 15, 2013 through January 11, 2014, when audited by the Finance Committee.

### **2. A MEMORANDUM OF UNDERSTANDING FOR REIMBURSEMENT OF COSTS INCURRED RELATED TO THE TRANSFER OF THE ONTARIO INTERNATIONAL AIRPORT TO THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY**

City Council authorized the City Manager to execute a Memorandum of Understanding by and between the Ontario International Airport Authority (OIAA) and the City of Ontario setting forth the terms and conditions for reimbursement of costs and expenditures incurred and anticipated to be incurred on behalf of the OIAA in pursuit of a successful Ontario International Airport transfer.

**3. AMENDMENT TO AN OWNER PARTICIPATION AGREEMENT BETWEEN THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY AND ONTARIO AIRPORT TOWERS, LLC**

City Council, acting as the Successor Agency to the former Ontario Redevelopment Agency, adopted a Resolution in connection with the approval of an amendment to an Owner Participation Agreement between the Successor Agency to the Ontario Redevelopment Agency and Ontario Airport Towers, LLC, a Delaware Limited Liability Company.

**RESOLUTION NO. SA-001** A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT BETWEEN THE SUCCESSOR AGENCY AND TNHYIF REIV INDIA, LLC.

**4. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT, A RESOLUTION OF INTENT TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 23 (PARK PLACE SERVICES) AND AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES**

City Council:

- (A) Accepted the written petition from SL Ontario Development Company, LLC, located in Irvine, CA, to create a Community Facilities District (CFD), and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and
- (B) Adopted a Resolution of Intent to establish City of Ontario Community Facilities District No. 23 (Park Place Services); authorized the levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting on Tuesday, March 18, 2014.

**RESOLUTION NO. 2014-003** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

**5. A RESOLUTION APPROVING AN APPLICATION FOR THE FISCAL YEAR 2013-14 USED OIL COMPETITIVE GRANT PROGRAM (UOC1) FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)**

City Council adopted a Resolution approving the City's application for up to \$250,000 for Fiscal Year 2013-14 Used Oil Competitive Grant Program (UOC1)

pursuant to Sections 40000 et seq. of the Public Resources Code; and authorized the City Manager to execute said application.

**RESOLUTION NO. 2014-004** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A GRANT APPLICATION TO THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) USED OIL COMPETITIVE GRANT PROGRAM TO FUND MITIGATION PROJECTS PREVENTING USED OIL STORM WATER POLLUTION, EXPAND THE USED OIL AND FILTER COLLECTION PROGRAM TO CERTIFIED COLLECTION CENTERS; PROVIDE EDUCATION AND OUTREACH TO INFORM THE PUBLIC OF LOCAL USED OIL AND FILTER RECYCLING OPPORTUNITIES AND WAYS TO PREVENT STORM WATER POLLUTION CAUSED BY USED OIL.

**6. A RESOLUTION APPROVING AN APPLICATION FOR FISCAL YEAR 2014-15 FOR FISCAL YEAR 2014-15 LOCAL GOVERNMENT WASTE TIRE CLEANUP GRANT PROGRAM FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)**

City Council adopted a Resolution approving the City's application for the Fiscal Year 2014-15 Local Government Waste Tire Cleanup Grant Program pursuant to Sections 40000 et seq. of the Public Resources Code; and authorized the City Manager to execute said application.

**RESOLUTION NO. 2014-005** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A GRANT APPLICATION FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY LOCAL GOVERNMENT WASTE TIRE CLEANUP GRANT PROGRAM (TCU15) FOR FISCAL YEAR 2014-2015 TO FUND COLLECTION REMOVAL AND TRANSPORT OF CALIFORNIA WASTE TIRES ILLEGALLY DUMPED ALONG PUBLIC RIGHT OF WAY.

**7. A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN SERVICES FOR SEWER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS/PARSONS BRINCKERHOFF, INC.**

City Council authorized the City Manager to execute a professional services agreement with Parsons Brinckerhoff, Inc. located in San Bernardino, CA, to provide professional design services for sewer main improvements at various locations in the amount of \$163,300 plus a 15% contingency (\$24,495) for a total of \$187,795.

8. **AN ORDINANCE APPROVING FILE NO. PSP12-001, A SPECIFIC PLAN (GRAND PARK) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES FOR APPROXIMATELY 320 GROSS ACRES LOCATED WITHIN THE NEW MODEL COLONY AND BOUNDED BY EDISON AVENUE TO THE NORTH, EUCALYPTUS AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE WEST, AND HAVEN AVENUE TO THE EAST (APNS: 218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22 AND 23)**

City Council considered and adopted an Ordinance approving the Grand Park Specific Plan (File No. PSP12-001). The Ordinance received introduction and first reading at a regular meeting on January 21, 2014.

**ORDINANCE NO. 2985** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE GRAND PARK SPECIFIC PLAN, FILE NO. PSP12-001, ESTABLISHING LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES FOR 320.2 ACRES, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 1,327 DWELLING UNITS AND A 146.7 ACRE PUBLIC PARK, BOUNDED BY EDISON AVENUE TO THE NORTH, EUCALYPTUS AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE WEST, AND HAVEN AVENUE TO THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF - APN(S): 218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22 AND 23.

**MOTION UNANIMOUSLY CARRIED.** The Mayor/ Chairman declared Resolution Nos. SA-001, 2014-003, 2014-004 and 2014-005 duly passed and adopted; and Ordinance No. 2985 adopted by a unanimous vote.

#### **END OF JOINT CONSENT CALENDAR**

#### **COUNCIL MATTERS**

Council Member Dorst-Porada asked for and received Council concurrence to have the City Manager look into Council compensation. She then reported that City staff has wasted 60 days for the City of Los Angeles to respond in good faith with respect to efforts to return local control of Ontario Airport to the City. She said she is upset that tax dollars have been wasted in the effort which is so important, now legal action must be taken and money spent by both parties rather than being regional partners in transportation. She said she is disheartened that no headway has been made with Los Angeles. She thanked City staff for their efforts.

Mayor pro Tem Wapner reported that airport constituents have remained in the dark as was necessary and suggested it is time to bring people up to date. Council lives and breathes Ontario International Airport. He indicated that it was interesting that the City's economy has continued to prosper in spite of the downturn of the airport. He noted that Ontario has enjoyed and continues to enjoy support for acquisition of Ontario Airport from regional representatives. Ontario has tried to reach agreement with Los Angeles

at great expense outside of litigation and have not made any headway with previous Mayor Villaragosa. There were hopes that Mayor Garcetti would help the situation, but Mr. Wapner added that he feels Executive Director Gina Marie Lindsey is an obstructionist and has prevented local control of our airport. Mr. Wapner noted that the City placed a stay on the litigation and was assured by the Mayor of Los Angeles that headway would be made, but that did not occur. We are now delivering 3.9 million passengers a year when the terminal capacity is 12 million passengers. This Council remains committed to taking the airport back, at whatever cost. Mayor pro Tem Wapner stated Ontario is going to move forward with litigation adding he is happy to continue negotiations during the litigation process. Ontario will continue delivering information to the community. He added Council does not appreciate actions by the City of Los Angeles and LAWA, noting nothing has happened at ONT since 1967 when Los Angeles took control.

Council Member Bowman said he attended the Hispanic Chamber of Commerce's installation of officers noting we will continue to support them as the Small Business Community is extremely important. He reminded the community that former Los Angeles Mayor Richard Riordan was operating Ontario International Airport out of one terminal and it took a lawsuit being filed to get construction started on a new terminal. Council Member Bowman said Los Angeles was to be good stewards in their management of the airport and bonds to fund construction of previous expansion. Funds were available through the Federal Government. Los Angeles does not want competition; the patient is dying on the table here in Ontario. Council Member Bowman suggested there may be some co-mingling of funds and there is lack of adequate stewardship under Ms. Lindsey's control including providing an opportunity for both parties to come together in negotiations. He concluded by noting, "Ontario intends to get the airport back."

Council Member Avila said he supports everything said this evening adding it has been very frustrating but feels that Ontario will be successful. Mr. Avila said he agrees with Council Member Bowman that it is an economic issue. He added the City of Los Angeles is benefiting by not having competition with the City of Ontario. Council Member Avila said he also attended the Hispanic Chamber of Commerce gala as they celebrated installation of their executive board with a substantial turn out. He said the event was overshadowed by the Employee' Awards Dinner at which time staff was honored who have served the City between 5 and 40 years. Mr. Avila gave recognition to the Police Department and Police Chief Hopley for the reduction of crime in Ontario. Council Member Avila said he was on the School Board during development of Oaks Middle School that is now a pillar of the community. He also noted advancement of other big events in South Ontario where the City is participating in the groundbreaking and development of a community featuring traditional model homes that are planned. He added that the American Legion is hosting a community night demonstrating Ontario's goal as a "Balanced Community."

Mayor Leon said his colleagues have covered the issues very clearly. He agrees with Council, the City will get the airport back to which he is in total agreement. He indicated the drive into Los Angeles takes as much time as flying to a destination. We are all

demanding that Los Angeles give the airport back, Ontario is taking the gloves off and will not let the community down, adding it will be managed as it should be. Mayor Leon agreed the Hispanic Chamber of Commerce had an illustrious event as was the Employee Awards Dinner honoring employees who have been with the City for many years. The Mayor said it is heartwarming to see people who have been here for years because they want to. He commended staff for working through financial good and bad times and continuing to provide the amenities that everyone expects. Mayor Leon added staff does a lot to help businesses and said Ontario makes it easier for businesses to survive in these times and that the City works with the Chamber of Commerce so businesses have the resources to be successful.

#### **ADJOURNMENT**

Mayor Leon declared the joint meetings adjourned at 7:12 p.m. and indicated the next regularly scheduled meetings will be held on February 18, 2014.

Respectfully submitted,



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MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



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PAUL S. LEON, MAYOR/ CHAIRMAN