

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
FEBRUARY 18, 2014**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, February 18, 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 6:01 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 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1049-221-01; 616 East Sunkist Street; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Majestic Realty 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 6:08 p.m., and requested the City Clerk to call the roll.

PRESENT:	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 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 Steve Marquedant, Sovereign Grace Baptist Church.

CLOSED SESSION REPORT

City Attorney Brown reported that two items were discussed during Closed Session and direction given on the real property negotiations and no reportable action was taken on either item.

PUBLIC COMMENT

Raul Castillo, head coach at Chaffey High School, with baseball players David Castaneda and Noah Ehrhardt, were present to announce a fundraiser on February 28th at Jay Littleton Field between Ontario Fire Department and Ontario Police Department after which there will be a 3-way high school alumni game. Tickets will be sold to raise money for fields and uniforms and are \$5.00 each. Mayor Leon supported the game and wished all good luck saying it is good for the future.

Julian Herrera, Eagle Scout, gave invitations to Council Members to attend his Court of Honor on Saturday, February 22nd at 1:00 p.m. at St. Elizabeth Ann Seton Church with refreshments following. Mayor Leon recognized scouting is a big deal and he is very proud of Mr. Herrera for his accomplishment. He said he will do everything possible to attend.

Petrina Delman, representing Ontario Heritage announced their invitation to the Historic Walking Tour at 10:00 a.m. on March 22nd starting at First Church of Christ Scientist located on Euclid Avenue and Armsley Square. She said pre-sale tickets are \$5 for Ontario Heritage Members and \$10 for non-members and are available at Logan's Candy Store and Graber Olive House and noted that John S. Armstrong was one of the original property owners on Armsley Square. She said additional information may also be obtained at www.ontarioheritage.org.

Ruben Valencia said there have been many vehicle break-ins in his neighborhood. He encouraged residents to lock their doors and take their belongings in at night, install motion lights, and report suspicious activity by calling 911. Mr. Valencia also called attention to the City's Quiet Home Program where information will be provided to residents at a workshop on February 19th at 6:00 p.m., at the De Anza Community Center. Also he noted that he is in support of "Set ONTario Free."

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling advised there were no announcements.

SPECIAL CEREMONIES

LEAGUE OF CALIFORNIA CITIES HELEN PUTNAM AWARDS

Laura Morales, the new regional representative for the League of California Cities, introduced herself saying she was honored to be in Ontario to present the Helen Putnam Awards, which were established in 1982 to recognize and promote outstanding efforts in innovative solutions made by City governments. Ms. Morales said the Ontario-Montclair School District and the City of Ontario were recognized for support of the Promise Scholars Initiative and the City for its housing programs and homeless services continuum of care. She thanked Council Members for their support.

Mayor Leon made note that the Helen Putnam Award is very prestigious to be awarded.

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. APPROVAL OF MINUTES

Approved Minutes for the regular meetings of the City Council and Housing Authority dated January 21, 2014 as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$11,393,374.62, for the period from January 12, 2014 through January 25, 2014; and Payroll in the amount of \$2,497,847.07, for the period from January 12, 2014 through January 25, 2014, when audited by the Finance Committee.

3. A RESOLUTION DESIGNATING THE CITY OF ONTARIO AS THE FUTURE LOCATION FOR THE FREEDOM'S FLAME MEMORIAL

City Council adopted a Resolution designating the City of Ontario as the future location for the Freedom's Flame Memorial.

RESOLUTION NO. 2014-006 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING THE CITY OF ONTARIO AS THE FUTURE LOCATION FOR THE FREEDOM'S FLAME MEMORIAL.

4. **A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER ONTARIO REDEVELOPMENT AGENCY RECOMMENDING THE OVERSIGHT BOARD RATIFY AND DIRECT THE SUCCESSOR AGENCY TRANSFER OF OWNERSHIP OF CERTAIN PUBLIC USE ASSETS PREVIOUSLY OWNED BY THE REDEVELOPMENT AGENCY TO THE CITY OF ONTARIO PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 34177 AND 34181**

City Council, acting as the Successor Agency to the former Ontario Redevelopment Agency, adopted a Resolution recommending that the Oversight Board to the Successor Agency ratify and direct the transfer of certain public purpose assets previously owned by the Ontario Redevelopment Agency to the City of Ontario pursuant to Health and Safety Code sections 34177 and 34181.

RESOLUTION NO SA-002 A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, RECOMMENDING THE OVERSIGHT BOARD RATIFY AND DIRECT THE SUCCESSOR AGENCY TRANSFER OF OWNERSHIP OF CERTAIN PUBLIC USE ASSETS PREVIOUSLY OWNED BY THE REDEVELOPMENT AGENCY, TO THE CITY OF ONTARIO PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 34177 AND 34181.

5. **A RESOLUTION ORDERING THE SUMMARY VACATION OF A PUBLIC STREET EASEMENT**

City Council adopted a Resolution ordering the summary vacation of an unimproved public street easement located south of Sixth Street approximately 630 feet east of the Interstate 10 Freeway.

RESOLUTION NO. 2014-007 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC STREET EASEMENT LOCATED SOUTH OF SIXTH STREET APPROXIMATELY 630 FEET EAST OF INTERSTATE 10 FREEWAY.

6. **A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18476 LOCATED AT THE NORTHEAST CORNER OF TURNER AVENUE AND SCHAEFER AVENUE**

City Council adopted a Resolution approving an improvement agreement, improvement security and Final Tract Map No. 18476 located at the northeast corner of Turner Avenue and Schaefer Avenue.

RESOLUTION NO. 2014-008 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO.

18476 LOCATED ON THE NORTHEAST CORNER OF TURNER AVENUE AND SCHAEFER AVENUE.

7. A RESOLUTION APPROVING PARCEL MAP NO. 19383 LOCATED AT THE NORTHWEST CORNER OF MILLIKEN AVENUE AND LOWELL STREET

City Council adopted a Resolution approving Parcel Map No. 19383 located at the northwest corner of Milliken Avenue and Lowell Street.

RESOLUTION NO. 2014-009 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING PARCEL MAP NO. 19383 LOCATED ON THE NORTHWEST CORNER OF MILLIKEN AVENUE AND LOWELL STREET.

8. A RESOLUTION DEDICATING PORTIONS OF CITY-OWNED PARCELS ON EUCALYPTUS AND EDISON AVENUES AS RIGHTS-OF-WAY FOR PUBLIC ROAD AND UTILITY PURPOSES

City Council adopted a Resolution dedicating portions of City-owned parcels on Eucalyptus Avenue (APNs: 0218-241-20 & 23) and Edison Avenue (APN: 0218-241-15) as rights-of-way for public road and utility purposes and authorized the City Manager to execute the grant deeds dedicating the properties.

RESOLUTION NO. 2014-010 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DEDICATING PORTIONS OF CITY-OWNED PARCELS ON EUCALYPTUS AND EDISON AVENUES AS RIGHTS-OF-WAY FOR PUBLIC ROAD AND UTILITY PURPOSES.

9. FISCAL YEAR 2013-14 MID-YEAR BUDGET REPORT

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

10. RESOLUTIONS APPROVING THE THIRD AMENDMENT TO THE HOME PROGRAM PARTICIPATION AGREEMENT AMONG MERCY HOUSE LIVING CENTERS, ONTARIO HOUSING AUTHORITY, AND THE CITY OF ONTARIO RELATED TO GUADALUPE RESIDENCE

City Council and the Board of the Ontario Housing Authority adopted Resolutions approving the Third Amendment to the HOME Program Participation Agreement with Mercy House Living Centers Inc. of Santa Ana, CA related to property located at 412 North Parkside Avenue.

RESOLUTION NO. 2014-011 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A THIRD AMENDMENT TO THE HOME PROGRAM PARTICIPATION AGREEMENT WITH THE ONTARIO HOUSING AUTHORITY AND MERCY HOUSE LIVING CENTERS REGARDING PROPERTY LOCATED AT 412 N. PARKSIDE AVENUE.

RESOLUTION NO. OHA-078 A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF A THIRD AMENDMENT TO THE HOME PROGRAM PARTICIPATION AGREEMENT WITH THE CITY OF ONTARIO AND MERCY HOUSE LIVING CENTERS REGARDING PROPERTY LOCATED AT 411 & 412 N. PARKSIDE AVENUE.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2014-006, SA-002, 2014-007, 2014-008, 2014-009, 2014-010, 2014-011, and OHA-078 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

11. A PUBLIC HEARING TO CONSIDER AN OPERATING COVENANT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND PAG ONTARIO B1 INC.

It was recommended that the Ontario City Council approve a Resolution approving an Operating Covenant Agreement between the City of Ontario and PAG Ontario B1 Inc., a Delaware Corporation.

Notice of public hearing was duly given and affidavit of compliance is 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.

The Mayor asked Council Members if they had any questions to which no one replied.

RESOLUTION NO. 2014-012 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN OPERATING COVENANT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND PAG ONTARIO B1, INC.

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and unanimously carried to adopt said Resolution No. 2014-012 by title only.

12. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN ONTARIO SCHAEFER HOLDINGS, 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

City Council introduced and waived further reading of an Ordinance approving an amendment (File No. PDA14-001) to the Development Agreement between Ontario Schaefer Holdings, LLC of Anaheim Hills, CA, and the City of Ontario to update certain provisions of the existing Development Agreement for conformance with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure.

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.

ORDINANCE NO. 2986 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO SCHAEFER HOLDINGS, LLC, FILE NO. PDA14-001, 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 TRACT MAP NO. 18419, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-201-14 AND 44)

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman, and unanimously carried to accept the Ordinance for introduction and first reading.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

13. CONSIDERATION OF ELECTED OFFICIALS COMPENSATION

City Council considered and gave direction for a modification to the monthly salary amounts for elected officials subject to California Government Code Section 36516; Ontario Municipal Code Title 2, Chapter 1, Article 2; and Ontario Municipal Code Title 2, Chapter 3, Article 5.

City Manager Boling reviewed Council's previous actions since November 2006, when Council considered and approved a 10% increase that was held in abeyance until such time as the economy turned around and all employees were able to once again receive increases in salary. Agreements with all labor groups have been approved. The adjustments to Council compensation allowable under California Government Code would make Council eligible for up to an additional \$671 per month. He reported that because of the time period since the last adjustment, a 40% increase may be considered with an effective date in November 2014 after the next election and Council is seated. Mayor pro Tem Wapner confirmed that the eligible 40% includes 10% that was deferred.

Council Member Porada said she would like Council to consider an adjustment of half that percentage.

Mayor pro Tem Wapner suggested their evaluation include a cost of living increase and he noted the commitment to employee's salaries comes first.

Council Member Bowman said all employees have now had salary increases returned and supports mid-range adjustments with caution and respect. He added the action taken tonight does not affect this City Council; it would take effect after the next election.

Council Member Avila indicated he concurs with the majority. He added he had not been able to access earlier ordinances and requested copies of Ordinance Nos. 2826, 2886, 2898, 2900, and 2910. Mr. Avila said he agrees they move forward with caution suggesting there be no increases with a domino effect, adding he needs information and would appreciate staff making them available. Council Member Avila discussed new planned developments noting it is a great time to be a resident, and added the increase in population may require consideration of additional Council staff. Mayor Leon asked Council Member Avila to reserve these for Council comments.

Mayor pro Tem Wapner asked that the same percentage adjustment be applied to all elected officials.

City Attorney Brown said after appropriate public notice, there shall be introduction of an Ordinance reflecting an adjustment of only 50% of the eligible increase to the salaries of the City Council, City Clerk, and City Treasurer to be effective after the November 2014 election.

LIBRARY BOARD OF TRUSTEES

Council Member Dorst-Porada advised there is a vacancy on the Ontario Library Board of Trustees and applications have been received including that of Rose Romero. Romero, a retiree who worked in public libraries in the City Commerce, and is a mom

and grandma, has spare time on her hands to give to the Library. Rose Romero was appointed to the Library Board of Trustees.

COUNCIL COMMENTS

Council Member Avila spoke of changes in Ontario and discussed candidates who are planning to run for office in November. He also relayed his own methods of election. He added that Ontario has historical value and the public is looking for consistent leadership and stability. He said he was glad to participate in the groundbreaking ceremony for the South Milliken Avenue and North Vineyard Avenue grade separations and noted Senator Gloria Negrete McLeod presented certificates to the City. Bill Jahn, President of SANBAG, Mayor Dennis Michael of Rancho Cucamonga, Mayor Obernoite, City of Big Bear and Ontario Council and staff were also present in providing support. He indicated he attended the meeting of the Library Board of Trustees on February 8th as liaison and reported their sale raised over \$900. Mr. Avila said there are many events scheduled in March adding and he is proud to be part of the City. He also said he plans to donate \$100 to the baseball team at Chaffey High School.

Council Member Dorst-Porada said local activities can be found on the City's Facebook page and the Internet is a good way to stay informed about events. Ontario Living Magazine is another resource and includes information on a CERT class in March. Police Explorers are having a recruitment drive at 6:00 p.m. on February 27th with many activities, and participation is a good tool for college. Council Member Dorst-Porada announced that Chaffey High School and Ontario High School have done it again; Chaffey High School won the County Academic Decathlon 5 years in a row and Ontario came in 7th. She attributes this to changes in the school district 7 years ago. Ontario has many volunteer opportunities such as: Ontario Heritage as noted by Ms. Delman earlier, Meals on Wheels, SPOT (Seniors on Patrol), Museum Associates, and Friends of the Ontario Library. Referencing unsold garage sale items, Council Member Dorst-Porada suggested that residents bring used videos and books to the library. In conclusion, Council Member Dorst-Porada showcased a wrench available at Home Depot that is specifically targeted to turn off gas meters in the event of an earthquake.

Council Member Bowman thanked Council Member Avila for recognizing the successes of the City saying it is all about leadership, consistency, reliability and stability. He also announced the fundraising activities of the Fire Department for the National Multiple Sclerosis Society through sponsorship of "Fire on Ice," and a chili cook off at 2:00 p.m. on March 16th with a Reign hockey game following in the evening.

Mayor pro Tem Wapner said the railroad grade separations will cause temporary traffic delays for two or three years, and the two projects will cost approximately \$100,000,000 in construction at Vineyard Avenue and Airport Drive, and Milliken Avenue and Mission Avenue. He reported that all businesses will remain open and the projects will create a lot of jobs. Costs will be shared by the State of California, SANBAG and the City of

Ontario. Mayor pro Tem Wapner added that Ontario has invested millions of dollars with respect to the airport's expansion. These projects continue that effort.

Council Member Bowman noted the City of Ontario has contributed significantly with infrastructure around the airport since the 1980's with the construction of the North and South California Commerce Centers serving as a foundation for the airport.

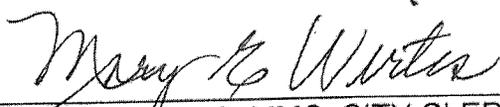
Council Member Avila added that he attended the parent-teacher conference at the Ontario Convention Center for the Ontario-Montclair School District where the future of education was discussed. He encouraged potential candidates to attend future events. Mr. Avila indicated that James Hammond, OMSD Superintendent, spoke and Avila thanked Council Member Dorst-Porada for acknowledging the Promise Scholars Program.

Mayor Leon, responding to an earlier comment, disagreed that financially challenged kids cannot learn stating kids are open books and the environment they are in impacts their learning. He said he recently spoke to Mr. Rocillo at Colony High School who believes it is the schools who educate their kids, the parents who make the difference, and the police who enforce maintaining safety. Mayor Leon announced the promoter for Ontario Reign wants to designate "Reign Day" for Ontario residents to receive a discount on tickets. This will build ownership in the team. Mayor Leon spoke of the grade separations recently celebrated at South Milliken and North Vineyard Avenues that are essentially bridges necessary for traffic flow and safety. He said he has waited as long as 45 minutes northbound on Milliken to get to the I-10 freeway during rush hour, indicating construction will be an inconvenience but the outcome will be well worth it. Mayor Leon reminded the community that transportation is so important, as is the airport; and we are doing everything possible to regain control of the airport. He also spoke of the Metro Gold Line accessing the airport through Claremont and Montclair. Mayor Leon indicated he, along with Mayor pro Tem Wapner, are on the Gold Line Construction Authority Board; San Bernardino Associated Governments (SANBAG) established that major projects of SBX, Redlands Rail and the Gold Line are equal priorities. The San Gabriel Valley Council of Governments (COG) members represented on the construction authority board for the Gold Line, support allowing rail through Claremont and Montclair all the way to the Ontario Airport. The Mayor stated that the City has \$200,000 committed to funding the alternative analysis study but needs to provide an additional \$200,000 to complete the study. Mayor Leon wants to bring this back for question to the City Council.

ADJOURNMENT

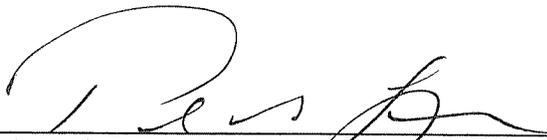
With no further business to come before the Joint Agencies, the meetings were adjourned at 7:38 p.m., to the next regular meeting on March 4, 2014.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN