

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

**JOINT MEETINGS**

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, March 4, 2014 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 6:01 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 with the exception of Mayor pro Tem Alan Wapner. The Mayor 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.

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

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 Bowman.

The Invocation was offered by Brother Donald Sanders, Calvary Apostolic Tabernacle.

**CLOSED SESSION REPORT**

City Attorney Brown advised that the Closed Session discussion resulted in no reportable action.

## **PUBLIC COMMENT**

*Ryan Lewis*, President of the Ontario Firefighters Association (OFA), announced that the fundraiser softball game between the Fire Department and Police Department was rescheduled for March 7, 2014, at 6:00 p.m. at Jay Littleton Ballpark. He also said the *Fire on Ice* charity hockey game will take place on March 16, 2014 at the Ontario Citizens Business Bank Arena at 2:00 p.m. to benefit Multiple Sclerosis followed by a chili cook off at 4:00 p.m.; and Ontario Reign will play the Idaho Steelheads. He also announced the annual Tip a Firefighter fundraiser at El Torito located on Inland Empire Boulevard at Haven Avenue to benefit Megan's Wings on Monday, March 17, 2014.

*Jordan Wright*, introduced himself as the representative for Assemblymember Freddie Rodriguez and, on his behalf, invited the public to a Covered California Workshop to be held at the Ontario Senior Center, 225 East "B" Street in Ontario from 1:00 p.m. to 3:00 p.m. on Saturday, March 15, 2014. He indicated the deadline to enroll in a health plan is March 31, 2014 and said information is available by calling (909) 902-9606. Appointments may be made with certified counselors for those who need one on one assistance.

## **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Boling advised Council that page five of seven had been revised to reflect corrections to the February 4, 2014 Minutes, which were provided to each Council Member at the dais.

## **CONSENT CALENDAR**

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and unanimously carried, the Joint Agencies approved the following Consent Calendar items as recommended with Mayor pro Tem Wapner absent.

### **1. APPROVAL OF MINUTES**

Approved Minutes for the regular meeting of the City Council and Housing Authority dated February 4, 2014, as on file in the Records Management Department.

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

Approved **Bills** in the amount of \$6,640,611.56 for the period from January 26, 2014 through February 8, 2014 and **Payroll** in the amount of \$2,301,018.81 for the period from January 26, 2014 through February 8, 2014, when audited by the Finance Committee.

**3. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18911 LOCATED AT THE NORTHEAST CORNER OF FERN AVENUE AND RIVERSIDE DRIVE**

City Council adopted a Resolution approving an improvement agreement, improvement security and Final Tract Map No. 18911 for property located at the northeast corner of Fern Avenue and Riverside Drive.

**RESOLUTION NO. 2014-013** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18911 LOCATED ON THE NORTHEAST CORNER OF FERN AVENUE AND RIVERSIDE DRIVE.

**4. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NO. 19336 LOCATED AT THE SOUTHWEST CORNER OF ONTARIO MILLS PARKWAY AND ETIWANDA AVENUE**

City Council adopted a Resolution approving an improvement agreement, improvement security and Parcel Map No. 19336 for property located at the southwest corner of Ontario Mills Parkway and Etiwanda Avenue within the Crossroads Business Park Specific Plan.

**RESOLUTION NO. 2014-014** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NO. 19336, LOCATED AT THE SOUTHWEST CORNER OF ONTARIO MILLS PARKWAY AND ETIWANDA AVENUE.

**5. AGREEMENT FOR ARCHITECTURAL SERVICES BETWEEN ROBERT R. COFFEE ARCHITECT + ASSOCIATES AND THE CITY OF ONTARIO FOR THE ANTHONY MUNOZ COMMUNITY CENTER REHABILITATION AND PARK PROJECT/ROBERT R. COFFEE ARCHITECT + ASSOCIATES**

City Council took the following actions:

- (A) Awarded an Agreement for Architectural Services to Robert R. Coffee Architect + Associates of Newport Beach, CA, in the amount of \$545,210, for the Anthony Munoz Community Center located at 1240 West Fourth Street for architectural services related to the conceptual and architectural construction plans for a new 10,000 square foot community center and a community pool at Anthony Munoz Hall of Fame Park;

- (B) Authorized a project reserve in the amount of \$114,225 for additional architectural services, if required, to include architectural drawings for a gymnasium, \$30,000 for estimated reimbursable expenses, and a 15% contingency of \$103,415; and
- (C) Authorized the City Manager or his designee to execute any and all documents necessary or desirable to implement this project, including but not limited to, contracts, and contract amendments to increase scope of work to add a gymnasium design option.

**6. 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 considered and adopted 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 to conform with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure.

**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 UNANIMOUSLY CARRIED.** The Mayor/ Chairman declared Resolutions Nos. 2014-013, 2014-014 and Ordinance No. 2986 approved and adopted with Mayor pro Tem Wapner absent.

**END OF JOINT CONSENT CALENDAR**

**PUBLIC HEARINGS**

**7. A DESIGN-BUILD CONTRACT FOR SOLAR PHOTOVOLTAIC PROJECTS AT THE ONTARIO CONVENTION CENTER AND THE ONTARIO POLICE DEPARTMENT BETWEEN THE CITY OF ONTARIO AND SUNPOWER CORPORATION, SYSTEMS**

A public hearing was held to consider the following actions:

- (A) Adopt a Resolution, making findings pursuant to the California Environmental Quality Act (CEQA) that the entire proposed project is statutorily exempt under Public Resources Code Section 21080.35, and categorically exempt under CEQA Guidelines, Sections 15301 and 15311, makes further certain Government Code findings related to energy services contracting and authorizes the execution of a Design-Build Contract with SunPower Corporation, Systems of Richmond, CA for the construction of solar photovoltaic projects at the Ontario Convention Center located at 2000 East Convention Center Way and the Ontario Police Department located at 2500 South Archibald Avenue, in the amount of \$10,141,025, plus 15% contingency of \$1,521,154 for a total not-to-exceed amount of \$11,662,179; and
- (B) Approve a 25-year Operations and Maintenance Agreement between the City of Ontario and SunPower, in the amount of \$1,047,533; and
- (C) Approve a 25-year Performance Guarantee Agreement between the City of Ontario and SunPower in the amount of \$189,698; and
- (D) Approve the Third Amendment to the Professional Services Agreement between the City of Ontario and Sage Renewable Energy Consulting, Inc. of Inverness, CA in the amount of \$62,800; and
- (E) Authorize the City Manager to execute the contract and agreements necessary to implement this project.

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.

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and unanimously carried to adopt said Resolution No. 2014-015 with Mayor Pro Tem Wapner absent.

**RESOLUTION NO. 2014-015** A RESOLUTION THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING FINDINGS UNDER THE GOVERNMENT CODE AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IN FURTHERANCE OF ITS SOLAR PHOTOVOLTAIC PROJECT WITH SUNPOWER CORPORATION.

**8. A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO MODIFY SALARY COMPENSATION FOR CITY COUNCIL MEMBERS AND ADOPTION OF A RESOLUTION TO MODIFY SALARY COMPENSATION FOR THE CITY CLERK AND CITY TREASURER**

City Council accepted introduction and waived further reading of an Ordinance to modify salary compensation for City Council Members 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; and adopted a Resolution to modify salary compensation for the City Clerk and City Treasurer.

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.

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

**ORDINANCE NO. 2987** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-1.203 OF THE ONTARIO MUNICIPAL CODE RELATING TO COUNCIL MEMBER SALARIES.

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried with Mayor pro Tem Wapner absent to adopt said Resolution No. 2014-016 by title only.

**RESOLUTION NO. 2014-016** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SETTING THE COMPENSATION OF THE CITY CLERK AND CITY TREASURER AND RESCINDING PREVIOUS RESOLUTION NO. 2009-005.

**COUNCIL/ STAFF COMMENT**

Council Member Bowman commended Firemen and Policemen who participate in the community over and beyond their duties. He said the events announced by President Lewis of the OFA are for the benefit of the community.

Council Member Avila thanked members of Hope Chapel and said he is impressed with their Pastor. Mr. Avila thanked the Police Department and its leadership for their outstanding work this past month with various activities. He congratulated Chaffey High School for their success at the Academic Decathlon and advancement to the state finals. He said it is a special honor for students to attend. Mr. Avila added the Ontario-

Montclair School District Parent Teacher Conference is on March 12th from 8:00 a.m. to 2:00 p.m. and encouraged all to participate, especially those running for election.

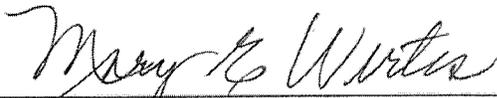
Council Member Dorst-Porada announced an exhibit at the Museum of History and Art, Ontario featuring a presentation by Jack Christensen, a teacher and master gardener, about the Charlotte Armstrong rose. Ms. Dorst-Porada advised the deadline to submit art work for the amphitheater at the new park is March 7, 2014. She congratulated City Manager Boling for his success in a smooth transition after former City Manager Chris Hughes retired.

Mayor Leon met with Mr. Rocillo and the Colony High School's Drumline. Mayor Leon mentioned that the drum line is scheduled to headline the Esperanza Scholarship event on May 17, 2014. Mayor Leon advised the California Sports Hall of Fame Induction Ceremony will be coming up on June 22, 2014 at the Ontario Convention Center. This year's inductees include discus thrower John Powell, basketball player Lisa Leslie of the Los Angeles Sparks, football coach John McKay, baseball and football player Bo Jackson, basketball player James Worthy who played with the Lakers, and football player Jackie Slater who played with the Rams. The evening will include a red carpet entrance and dinner. Mayor Leon said this event has become a destination event at the Ontario Convention Center. He added that in 2013 they honored several including John Robinson and Joe Montana. He said more information is available and suggested those interested go to California Sports Hall of Fame website.

#### ADJOURNMENT

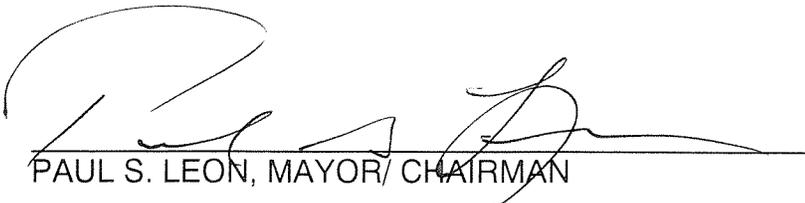
With no further business to come before the Joint Agencies, the Mayor adjourned the meetings at 6:50 p.m., and announced the next regularly scheduled meetings will be held on March 18, 2014.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN