

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
MINUTES  
MAY 6, 2014**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, May 6, 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 Wapner and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 0110-321-39 and 0110-321-40; 104 and 116 North Vineyard Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Mark Sabbah; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Nancy Schrock, et al. vs. City of Ontario, et al., Case No. EDCV 13-901 VAP (DTBx).*
- 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 6:37 p.m., and requested the Assistant City Clerk to call the roll.

**PRESENT:** Mayor/Chairman Paul S. Leon  
Council/Authority Members: Jim W. Bowman, Debra Dorst-Porada  
and Paul Vincent Avila

**ABSENT:** Mayor pro Tem/Vice Chairman Alan D. Wapner

Also present were City Manager/Executive Director Al C. Boling, City Attorney/Legal Counsel John Brown and Assistant City Clerk/Secretary Vicki Kasad.

The Pledge of Allegiance was led by Council Member Bowman.

In the absence of Pastor David Horn, BBC Life Changing Ministries, Mayor Leon called for a moment of silence to consider the actions to be taken for the good of the residents of Ontario.

### **CLOSED SESSION REPORT**

City Attorney Brown reported that three items were discussed in Closed Session and no reportable actions were taken.

### **AGENCY REVIEW/ANNOUNCEMENTS**

City Manager Boling indicated there were no announcements.

### **PUBLIC COMMENT**

*Laura Muna-Landa*, with Omnitrans shared information about the West Valley Connector Corridor Rapid Transit project, a rapid bus project that will improve traveling along Holt Boulevard and Foothill Boulevard throughout the cities of Pomona, Montclair, Ontario, Rancho Cucamonga and Fontana. Outreach meetings will be held on Tuesday, June 3, 2014 and Wednesday, June 4, 2014. The Tuesday, June 3, 2014 meeting will be held at the Ontario Senior Center and the Wednesday, June 4, 2014 meeting will be held at the North Hills Community Church in Rancho Cucamonga from 4:00 p.m. to 7:00 p.m. Notification of meetings will be provided via e-blast, notices to project stakeholders, postcards and information will be posted on the Omnitrans website. Convenient rider information will also be provided at transfer centers.

*Ruben Valencia*, spoke on the matter of Megan's Law and the nineteen offenders that he said at the last Council Meeting were unaccounted for. Mr. Valencia advised Council that they are able to contact him with any questions either at the meetings or by phone with regard to comments he has made. Mr. Valencia stated he checked the number of missing offenders and found that the number is now down to nine.

Council Member Bowman asked Mr. Valencia to share the number of missing offenders found in the Los Angeles Sheriff's Department area. Mr. Valencia indicated that in his beat, there is only one offender missing and stressed that the number should be zero.

Mayor Leon reminded Council and the public that the purpose of Public Comment is not to engage in a dialogue, but to allow the public to express themselves for their three minutes.

Council Member Avila thanked Mr. Valencia for bringing the information forward.

*Regina De Santiago*, spoke on her concern for child safety at the Dorothy Quesada Center. Ms. Santiago mentioned that previous site coordinators were questionable and now may find it difficult to accept a new site supervisor. Ms. Santiago reminded Council that the site supervisor is vital to the function of the Dorothy Quesada Center and asked

Council to reassure the community that the children will continue to have a positive experience at the Dorothy Quesada Center.

Mayor Leon agreed that the site coordinators are important and stated that City staff will find a suitable replacement for Johnny Thompson.

*Pat Nevarez*, thanked Council for attending Johnny Thompson's retirement celebration and also expressed her concern regarding the suitability of a new site coordinator. Ms. Nevarez feels that it is important that whoever is hired have the heart to do the job properly and think of the children first. She expressed that Bon View is a unique community.

Mayor Leon expressed that Johnny Thompson cannot be replaced but the City will do its best to find a suitable replacement.

*Richard Velasquez*, resident of the Woodside Senior Apartments in Ontario requested that the City change the trash pick-up from 6:00 a.m. to 8:30 a.m. due to noise concerns in the early morning. Mr. Velasquez stated that the neighboring stores have all agreed to the change and asked for assistance.

*Amber Sommerville*, representing the Inland Fair Housing and Mediation Board, thanked Council for their support and noted the review of the One Year Action Plan. Ms. Sommerville mentioned that the Inland Fair Housing and Mediation Board exists today to stop discrimination and to support healthy communities by resolving landlord and tenant issues, educating the public regarding housing rights, providing mediation services and investigating complaints. Ms. Sommerville also mentioned that the Inland Fair Housing and Mediation Board offices are moving back to Ontario.

*Jessica Chavez*, spoke on replacement of the site coordinator at the Dorothy Quesada Center saying there is no replacing Johnny Thompson. Ms. Chavez stated that she represents the youth of Ontario and has been a resident of the City for twenty-eight years. She mentioned that she had the pleasure of growing up at the Dorothy Quesada center and if not for Johnny Thompson and Jenny Terrones, she is not sure what the center would be like. Ms. Chavez also added that both have helped children stay out of trouble including her nieces and nephews. She also stressed how important Ms. Terrones is to the youth and trusted that the right decision will be made to replace Mr. Thompson.

*Derieth Sutton*, Economic Development and Government Relations Manager for Niagara Bottling, spoke about the company's relationship that has been enjoyed with the City. Ms. Sutton stated she was also excited to announce that on Saturday, May 31, 2014, from 8:00 a.m. to 4:00 p.m. Niagara Bottling will be renovating Creekside Park. The old equipment will be replaced and they are hoping that company volunteers will come out and have a great time. Ms. Sutton stated that Niagara Bottling wants to provide a nice, safe, and clean environment where children and families can spend quality time together.

*Brian Hess*, Executive Vice President of Legal Affairs, stated that he is proud of the community and wants the community to be proud of Niagara Bottling as well. Mr. Hess mentioned that the commitment to the community builds teamwork and makes Niagara Bottling a better company. Mr. Hess mentioned that he appreciates the fact that Council is very approachable.

Mayor Leon stated that in any disaster in this country Niagara Bottling is the first to respond with truckloads of water. Locally, they have always met the needs of the community. He is proud that Niagara Bottling calls Ontario home and thanked Niagara Bottling for their support.

## **CONSENT CALENDAR**

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada to approve the Consent Calendar items as recommended.

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

Approved Minutes for the regular meeting of the City Council and Housing Authority of April 1, 2014 as on file in the Records Management Department.

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

Approved **Bills** in the amount of \$6,684,625.81 for the period from March 23, 2014 through April 5, 2014 and **Payroll** in the amount of \$2,341,152.51 for the period from March 23, 2014 through April 5, 2014, when audited by the Finance Committee.

### **3. A RESOLUTION SUPPORTING BRANCH COURTHOUSES WITHIN SAN BERNARDINO COUNTY**

City Council adopted a resolution supporting branch courthouses within San Bernardino County in lieu of further reorganization or realignment modifications to current courthouses.

**RESOLUTION NO. 2014-034** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SUPPORTING BRANCH COURTHOUSES WITHIN SAN BERNARDINO COUNTY.

### **4. AN ARCHITECTURAL SERVICES AGREEMENT WITH WLC ARCHITECTS TO COMPLETE CONSTRUCTION DOCUMENTS AND SERVICES FOR FIRE STATION NO. 9/WLC ARCHITECTS, INC.**

City Council authorized the City Manager to execute an Architectural Services agreement with WLC Architects, Inc., of Rancho Cucamonga, California, in the amount of \$290,917, which includes a 10% contingency of \$26,447, for Fire Station No. 9 to be located in the vicinity of the southwest corner of Archibald and Edison Avenues in the New Model Colony.

**5. APPROVAL OF THE ONE-YEAR ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME), AND EMERGENCY SOLUTIONS GRANT (ESG) PROGRAMS FOR 2014-2015**

City Council:

- (A) Approved the proposed One-Year Action Plan for FY 2014-2015.
- (B) Directed staff to prepare and transmit the final documents to the U.S. Department of Housing and Urban Development (HUD); and
- (C) Authorized the City Manager, or his designee, to take all actions necessary or desirable to implement the One-Year Action Plan for FY 2014-2015.

**6. CONSTRUCTION CONTRACT WITH PACIFIC WINDS BUILDING, INC. FOR THE FLEET SHOP HEATERS UPGRADE PROJECT**

City Council awarded the Fleet Shop Heaters Upgrade Project construction contract to Pacific Winds Building, Inc. of Irvine, California, in the amount of \$313,000 plus a 15% contingency of \$46,950, for a total amount of \$359,950; authorized the City Manager to execute said contract; and file a notice of completion at the conclusion of all construction activities related to the project.

**7. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT, ADOPT A RESOLUTION OF INTENT TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES) AND AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES**

City Council:

- (A) Accepted a written petition from Brookcal Ontario, LLC, located in Costa Mesa, California, 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. 27 (New Haven Services); authorized the associated 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 scheduled for Tuesday, June 17, 2014.

**RESOLUTION NO. 2014-035** 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.

**8. RECOGNITION OF “WATER AWARENESS MONTH” IN THE CITY OF ONTARIO**

City Council proclaimed the month of May 2014 as “Water Awareness Month” in the City of Ontario.

**9. A MAINTENANCE SERVICES AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES AT ONTARIO SOCCER PARK/CLS LANDSCAPE MANAGEMENT, INC.**

City Council approved and authorized the City Manager to execute a three-year Maintenance Services Agreement for Contract No. PM 1314-04 with CLS Landscape Management Inc. of Chino, California, for an annual cost of \$184,997 plus a contingency and monitoring services of \$9,965 and \$60,768; and authorized the addition of future service areas and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

**10. MASTER PLAN DESIGN FOR DEL RANCHO PARK**

City Council adopted the proposed Park Master Plan for Del Rancho Park.

**11. RECOGNITION OF “HISTORIC PRESERVATION MONTH” IN THE CITY OF ONTARIO**

City Council proclaimed the month of May 2014 as “Historic Preservation Month” in the City of Ontario.

**12. CONSIDERATION OF RESOLUTIONS AUTHORIZING TWO APPLICATIONS FOR ACTIVE TRANSPORTATION PROGRAM GRANT FUNDING FOR BICYCLE AND PEDESTRIAN IMPROVEMENTS**

City Council considered and adopted two resolutions authorizing staff to submit applications through the California Department of Transportation (CALTRANS) for Active Transportation Program Grant (ATP) funds for various sidewalk improvements around Bon View, Euclid, Corona and Vineyard Elementary Schools (\$1.2 million) and the design and installation of Class II bicycle improvements for Mission Boulevard between Benson Avenue and Milliken Avenue (\$1.6 million); and authorized the City Manager to execute all required CALTRANS grant and funding agreements.

**RESOLUTION NO. 2014-036** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING APPLICATION FOR ACTIVE TRANSPORTATION PROGRAM (ATP) FUNDING THROUGH CALIFORNIA DEPARTMENT OF TRANSPORTATION AND SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS FOR DESIGN AND CONSTRUCTION OF MISSION BOULEVARD BIKE ROUTE AND BIKE ACCESS TO THE METROLINK STATION OFF HAVEN AVENUE.

**RESOLUTION NO. 2014-037** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING APPLICATION FOR ACTIVE TRANSPORTATION PROGRAM (ATP) FUNDING THROUGH CALIFORNIA DEPARTMENT OF TRANSPORTATION AND SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS FOR VARIOUS SAFE ROUTES TO SCHOOLS IMPROVEMENTS AROUND BON VIEW, EUCLID, CORONA AND VINEYARD ELEMENTARY SCHOOLS.

**MOTION CARRIED.** The Mayor/ Chairman declared Resolution Nos. 2014-034, 2014-035, 2014-036 and 2014-037 unanimously adopted by those present, with Mayor pro Tem Wapner absent.

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

#### **PUBLIC HEARINGS**

13. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN BROOKCAL ONTARIO, LLC, AND THE CITY OF ONTARIO TO PROVIDE FOR THE CONSTRUCTION OF UP TO 1,166 RESIDENTIAL UNITS AND 10 ACRES OF COMMERCIAL LAND AND REQUIRED INFRASTRUCTURE ON 178.66 ACRES OF LAND WITHIN THE AVENUE SPECIFIC PLAN, LOCATED SOUTH OF SCHAEFER AVENUE, NORTH OF EDISON AVENUE, BETWEEN TURNER AVENUE AND HAVEN AVENUE**

That the City Council adopt a resolution approving an addendum to The Avenue Specific Plan Environmental Impact Report (SCH# 2005071109) and introduce and waive further reading of an ordinance approving the Development Agreement (File No. PDA10-002) between BrookCal Ontario, LLC, and the City of Ontario to provide for the construction of up to 1,166 residential units and 10 acres of commercial land on 178.66 acres of land within Planning Areas 9A, 9B, 10A, 10B and 11 of The Avenue Specific Plan, located south of Schaefer Avenue, north of Edison Avenue, between Turner Avenue and Haven Avenue (APN: 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 and 0218-201-45).

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

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

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman to adopt Resolution No. 2014-038 and Ordinance No. 2989 for introduction and first reading.

**RESOLUTION NO. 2014-038** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE AVENUE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (SCH# 2005071109), ADOPTED FOR FILE NO. PSP05-003, PREPARED FOR FILE NO. PDA10-002 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: 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 and 0218-201-45.

**ORDINANCE NO. 2989** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC, FILE NO. PDA10-002, TO ESTABLISH THE TERMS AND CONDITIONS FOR RESIDENTIAL DEVELOPMENT OF 1,166 RESIDENTIAL UNITS AND 10 ACRES OF COMMERCIAL LAND ON 178.66 ACRES WITHIN PLANNING AREAS 9A, 9B, 10A, 10B AND 11 OF THE AVENUE SPECIFIC PLAN, LOCATED SOUTH OF SCHAEFER AVENUE, NORTH OF EDISON AVENUE, BETWEEN TURNER AVENUE AND HAVEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-201-05, 0218-201-30, 0218-201-39, 0218-201-42, 0218-201-43 and 0218-201-45.

**MOTION CARRIED.** The Mayor/ Chairman declared Resolution Nos. 2014-038 and Ordinance No. 2989 unanimously adopted by those present, with Mayor pro Tem Wapner absent.

#### **ADMINISTRATIVE REPORTS/DISCUSSION/ACTION**

#### **14. CONSIDERATION OF PROCEDURES FOR CONSISTENCY IN THE APPOINTMENT AND REMOVAL PROCESS FOR REGULAR AND AT-LARGE MEMBERS OF CITY COMMISSIONS, COMMITTEES, AND BOARDS**

That the City Council consider amending the practices used for appointment and removal of regular and at-large members of City Commissions, Committees, and Boards to gain consistency between practice and protocols outlined in the Ontario Municipal Code and the Ontario City Boards, Commissions and Committees Handbook.

City Manager Boling stated that at the April 15, 2014 meeting of the Ontario City Council, staff received direction to review the existing practices and processes for the appointment and replacement of persons serving on the City's various Commissions, Committees, and Boards. City Manager Boling stated that the City's policies for removing an appointee are inconsistent and lack details on a process to be followed. There are portions that could be considered conflicting. To address this and to provide clear and consistent procedures, it is staff's recommendation that the City Council adopt an Ordinance which will outline

steps necessary to remove or replace appointees. Such steps could follow the nomination and appointment process.

Mayor Leon stated that he liked the recommendation and thought it was fair.

Council Member Bowman stated the proposal was fair and he is supportive of staff's recommendation. Old rules and guidelines need to be updated especially with the importance of providing transparency.

Council Member Dorst-Porada mentioned that those who are honored to be appointed do so with their whole heart and soul, and to be removed without cause is not right. Constant turn-over is also hard on staff and the commissions, and she stated that for those reasons, she is supportive of this action.

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman to approve staff recommendations.

Council Member Avila stated he is not able to discuss the reasons why his commissioner was dismissed, although he stated that it was for the benefit of the City. Council Member Avila commented that he is at a disadvantage when his appointee is not readily available to answer questions for him, which was the case in this situation.

Meeting recessed at 7:26 p.m.

Meeting reconvened at 7:29 p.m.

City Attorney Brown clarified that the motion was made and seconded in response to the recommendation from staff to prepare and return a necessary legislative package to implement the proposed action which will include a proposed ordinance and other changes and amendments.

	Yes	No	Abstain	Absent
Mayor Leon	X			
Mayor pro Tem Wapner				X
Council Member Bowman	X			
Council Member Dorst-Porada	X			
Council Member Avila		X		

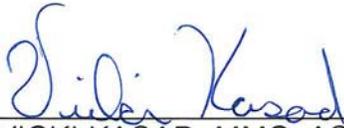
## ADJOURNMENT

Motion to adjourn the meeting and to skip Council Comments was made by Mayor Leon. Seconded by Council Member Bowman.

With no further business to come before the Joint Agencies, the Mayor adjourned the meetings at 7:31 p.m. and announced the next regularly scheduled meetings for

May 20, 2014 will be cancelled, so the next regular meeting will be held on June 3, 2014.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN