

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
JUNE 3, 2014**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, June 3, 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 6:14 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 Council Member Dorst-Porada and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1083-351-07; 4200 East Mission Boulevard; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Andrew Kallman; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Inland Oversight Committee v. City Of Ontario, et al., San Bernardino Superior Court Case No. Case No. CIVRS120855.*
- 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 6:38 p.m., and requested the City Clerk 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 Mayor pro Tem Wapner.

The Invocation was offered by *Bishop Reid Halterman*, Church of Jesus Christ of Latter Day Saints.

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.

SPECIAL CEREMONIES

RECOGNITION OF NIAGARA BOTTLING, LLC FOR THE CREEKSIDE PARK PROJECT.

Mayor Leon recognized the contributions made by Niagara Bottling, LLC, by providing 260 volunteers and \$78,000 to renovate Creekside Park.

Derieth Sutton, Economic Development and Government Relations Manager for Niagara Bottling, thanked the City of Ontario.

Brian Hess, Executive Vice President of Legal Affairs, expressed his appreciation of Council's engagement and support.

Council Member Bowman expressed his appreciation to Niagara Bottling.

Council Member Dorst-Porada expressed her gratitude to Niagara Bottling.

RECOGNITION OF THE 2014 MODEL COLONY AWARDS FOR HISTORIC PRESERVATION.

Scott Murphy, Planning Director, gave a presentation on the Fourteenth Annual Model Colony Awards.

Rehabilitation Award Recipient: The Frankish Building
200 South Euclid Avenue
Housing Authority of County of San Bernardino

Rehabilitation Award Recipient: Mrs. Dee Gohlson Apartment House
621 North Euclid Avenue
Real Estate and Land Solutions, Inc.

Rehabilitation Award Recipient: Ontario Power Company Building
217 South Lemon Avenue
Chaffey Community Museum of Arts

Restoration Award Recipient: The Carrie Peoples House
427 East J Street
Matthew Taylor, Receiver

Award of Merit Recipient: The William A. McConnell House
117 East J Street
Wilma Stewart

Meeting recessed at 7:13 p.m.

Meeting reconvened at 7:34 p.m.

PUBLIC COMMENT

Paul Vincent Avila, spoke on the Ontario International Airport.

Ruben Valencia, spoke on campaign contributions.

Luis Carrillo, requested that the City Council instruct the Ontario Police Department to release information that is currently under investigation related to an officer involved shooting incident.

Ivan Herrera, stated the he believed that the City Council had the authority to instruct the Ontario Police Department to release information that is currently under litigation.

Marlon Herrera, shared memories of his father. Mr. Herrera also asked City Council to create policies that will help prevent tragic events from happening again in the community.

Gladis Opulgamos, thanked City Council for their time and also asked what changes were going to be made to help prevent tragic events from happening in the community.

Victoria Lizardi, stated she hoped that more tragic events do not happen in the community.

Esther Rivera, asked City Council for help in preventing tragic events from happening in the community.

Abelina Portillo, inquired about the procedures followed by the Ontario Police Department.

Nicola Ricci, addressed statements made during the City Council Meetings of April 22, 2014 and May 6, 2014 regarding his removal as Planning Commissioner.

Council Member Avila explained that it was important for him to stay in contact with his Commissioners as they are assigned to be his liaisons.

Mayor Leon recessed the meeting at 8:07 p.m. to address meeting disruptions.

The meeting was reconvened at 8:16 p.m.

Benjamin Wood, also spoke on the issue of police violence and shared recommendations with City Council.

Patrina Delman, representing Ontario Heritage, thanked City Council and City staff for their dedication to preserving historic resources and announced that Ontario Heritage will have a booth available for sign ups at the Twentieth Annual Inland Valley Streets Rod Rally and Cruise this Saturday, June 7, 2014; and on July 26, 2014 Ontario Heritage will have their quarterly meeting at the home of Karen Star and Cliff Perry.

Sheila Mautz, thanked Bellevue Cemetery, the Ontario Police Department, Niagara Bottling, LLC and City staff for all of their hard work on the Memorial Day event.

Rudy Favila, spoke on the leadership role of the City Council.

Janelle Lowry and Nancy DeDiemar, on behalf of the Chaffey Community Museum of Art Board of Directors, thanked the City for their support during their relocation.

Tom Burciaga, spoke on behalf of the American GI Forum, stated the group intends on bringing services to veterans in the City of Ontario. Mr. Burciaga also asked that City Council please understand the importance of being a positive representative of the City of Ontario.

CONSENT CALENDAR

Agenda Items #28 and #31 were pulled from the Consent Calendar for separate consideration as requested by Council Member Avila.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman to approve the Consent Calendar items, excluding Item 28 and Item 31, as presented.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council and Housing Authority of April 15, 2014 and the Special Meeting of the City Council and Housing Authority on April 25, 2014, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** in the amount of \$20,224,523.84 for the period from April 6, 2014 through May 3, 2014 and **Payroll** in the amount of \$4,788,670.84 for the period from April 6, 2014 through May 3, 2014, when audited by the Finance Committee.

3. BIENNIAL CONFLICT OF INTEREST CODE REVIEW

City Council received and filed the 2014 Local Agency Biennial Notice of the Political Reform Act requirement and directed staff to review the Conflict of Interest Code.

4. A RESOLUTION APPROVING AND ADOPTING THE CITY OF ONTARIO EMERGENCY OPERATIONS PLAN UPDATE

City Council adopted an Emergency Operations Plan update in accordance with the Standard Emergency Management System and the National Incident Management System.

RESOLUTION NO. 2014-039 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN EMERGENCY OPERATIONS PLAN AND THE STANDARD EMERGENCY MANAGEMENT SYSTEM.

5. APPROVE AMENDMENT NO. 3 OF THE COOPERATIVE AGREEMENT WITH SAN BERNARDINO ASSOCIATED GOVERNMENTS FOR THE CONSTRUCTION OF THE NORTH MILLIKEN AVENUE GRADE SEPARATION

City Council approved Amendment No. 3 of the Cooperative Agreement with San Bernardino Associated Governments (SANBAG) for the construction of the North Milliken Avenue Grade Separation and authorized the City Manager to approve any future amendments within the approved budget.

6. A CONSTRUCTION CONTRACT FOR THE FY 2013-14 PAVEMENT REHABILITATION PROJECT/ALL AMERICAN ASPHALT

City Council approved the plans and specifications and awarded a construction contract to All American Asphalt of Corona, California, for the FY 2013-14 Pavement Rehabilitation Project for the bid amount of \$2,488,309 plus a 15% contingency of \$373,247 for a total authorized amount of \$2,861,566; and authorized the City Manager to execute related documents necessary and file a notice of completion at the conclusion of construction activities.

7. A CONSTRUCTION CONTRACT FOR THE FY 2013-14 COLLECTOR/ARTERIAL, LOCAL AND CDBG-FUNDED SLURRY SEAL PROGRAM/AMERICAN ASPHALT SOUTH, INC.

City Council approved the plans and specifications and awarded a construction contract to American Asphalt South, Inc. of Fontana, California, for the FY 2013-14 Collector/Arterial, Local and CDBG-Funded Slurry Seal Program in the bid amount of \$1,088,653 plus a 20% contingency of \$217,731 for a total authorized amount of \$1,306,384; 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.

8. A RESOLUTION AMENDING THE RESOLUTION OF NECESSITY NO. 2009-089 FOR THE ACQUISITION OF FEE, MAINTENANCE, ACCESS AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY

City Council adopted a Resolution amending Resolution of Necessity No. 2009-089, originally adopted on December 15, 2009, for the purpose of amending legal definitions with respect to fee, maintenance, access and temporary construction easement interests already to be acquired based on the resolution and with regard to Assessor Parcel No. 0211-222-09 (HHI, San Bernardino, LLC) for public right-of-way and construction of the North Milliken Avenue Grade Separation Project and related public infrastructure improvements.

RESOLUTION NO. 2014-040 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING RESOLUTION NO. 2009-089 A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF FEE, ACCESS EASEMENT, MAINTENANCE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF AIRPORT DRIVE AND SOUTH MILLIKEN AVENUE, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0211-222-09, BY EMINENT DOMAIN, FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE NORTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

9. APPROVAL OF COMMON USE AGREEMENTS AND AMENDMENTS TO COMMON USE AGREEMENT WITH THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT

City Council:

- (A) Approved two Common Use Agreements between the City of Ontario and the San Bernardino County Flood Control District for the operation and maintenance of facilities at West Cucamonga Channel at Acacia Street and Cucamonga Channel North of Riverside Drive at Westwind Park; and authorized the City Manager to execute said Agreement and future amendments to the Agreement; and
- (B) Approved a three-party Common Use Agreement between the City of Ontario, Inland Empire Utilities Agency (IEUA) and the San Bernardino County Flood Control District for the operation and maintenance of facilities at West Cucamonga Channel and Cucamonga Channel at Philadelphia Street; and authorized the City Manager to execute said Agreement and future amendments to the Agreement; and

- (C) Approved amendments to two Common Use Agreements between the City of Ontario and the San Bernardino Flood Control District for the operation and maintenance of Cucamonga Channel at 4th Street (South Side) and East State Storm Drain at Grove Avenue; and authorized the City Manager to execute said Amendments and future amendments to the Agreement.

10. RESOLUTIONS AMENDING RESOLUTIONS OF NECESSITY NO. 2012-099 AND NO. 2012-093 FOR THE ACQUISITION OF INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY

City Council:

- (A) Adopted a Resolution amending Resolution of Necessity No. 2012-099, originally adopted on December 4, 2012, for the purposes of obtaining an additional access easement and amending public utility easement legal definitions pursuant to the request of the property owner with regard to Assessor Parcel No. 1083-351-07 for public right-of-way and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements; and
- (B) Adopted a Resolution amending Resolution of Necessity No. 2012-093, originally adopted on December 4, 2012, for the purpose of amending public utility easement legal definitions pursuant to the request of the property owner with regard to Assessor Parcel No. 1083-351-08 for public right-of-way and the construction of the South Milliken Avenue Grade Separation Project and related public infrastructure improvements.

RESOLUTION NO. 2014-041 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING RESOLUTION 2012-099, A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF FEE, ACCESS EASEMENT, PUBLIC UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, MILLIKEN AVENUE AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 1083-351-07, BY EMINENT DOMAIN, FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

RESOLUTION NO. 2014-042 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING RESOLUTION NO. 2012-093 A RESOLUTION OF NECESSITY FOR THE ACQUISITION OF FEE, PUBLIC UTILITY EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF CERTAIN REAL PROPERTY LOCATED AT OR NEAR THE INTERSECTION OF MISSION BOULEVARD, MILLIKEN AVENUE AND THE UNION PACIFIC RAILROAD CROSSING, AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL

NO. 1083-351-08, BY EMINENT DOMAIN, FOR PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION OF THE SOUTH MILLIKEN AVENUE GRADE SEPARATION PROJECT AND RELATED PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE CITY OF ONTARIO, SAN BERNARDINO COUNTY, CALIFORNIA.

11. A RESOLUTION ORDERING THE SUMMARY VACATION OF A PORTION OF CUCAMONGA AVENUE BETWEEN PHILADELPHIA STREET AND THE CALIFORNIA STATE ROUTE 60 FREEWAY

City Council adopted a Resolution ordering the summary vacation of the westerly twelve feet of Cucamonga Avenue from Philadelphia Street to 610 feet south.

RESOLUTION NO. 2014-043 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PORTION OF CUCAMONGA AVENUE BETWEEN PHILADELPHIA STREET AND THE CALIFORNIA STATE ROUTE 60-FREEWAY.

12. IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITY FOR FINAL TRACT MAP NO. 16486 FOR PROPERTY LOCATED ON OLIVE STREET APPROXIMATELY 655 FEET EAST OF BAKER AVENUE

City Council approved and authorized the City Manager to execute an improvement agreement and improvement security for Final Tract Map No. 16486 for property located on Olive Street approximately 655 feet east of Baker Avenue.

13. AN AGREEMENT WITH SAN BERNARDINO COMMUNITY COLLEGE DISTRICT (CRAFTON HILLS COLLEGE) FOR EMERGENCY MEDICAL SERVICES EDUCATION THROUGH FIELD INTERNSHIP FOR THE PARAMEDIC PROGRAM

City Council authorized the City Manager to execute an agreement with San Bernardino Community College District (Crafton Hills College) for the purpose of providing Emergency Medical Services education through field internship for the paramedic program.

14. FISCAL YEAR 2013-14 THIRD QUARTER BUDGET REPORT

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

15. APPROVAL OF REVISIONS TO THE COMPENSATION AND BENEFITS PROFILE FOR UNREPRESENTED PART-TIME EMPLOYEES DUE TO INCREASE IN STATE'S MINIMUM WAGE

City Council approved and authorized the City Manager to execute substantive revisions to the salary schedule section of the current Compensation and Benefits Profile for employees in the non-represented part-time group to ensure compliance with the State of California's Labor Code regarding minimum wages and to ensure parity among all part-time classifications.

16. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2014-15

City Council adopted a Resolution establishing the annual special tax within Community Facilities District No. 5 (Freeway Interchange Project) for Fiscal Year 2014-15.

RESOLUTION NO. 2014-044 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO.5 (FREEWAY INTERCHANGE PROJECT), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2014-15.

17. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 9 FOR FISCAL YEAR 2014-15

City Council adopted a Resolution establishing the annual special tax within Community Facilities District No. 9 (Edenglen) for Fiscal Year 2014-15.

RESOLUTION NO. 2014-045 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO.9 (EDENGLLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2014-15.

18. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 10 FOR FISCAL YEAR 2014-15

City Council adopted a Resolution establishing the annual special tax within Community Facilities District No. 10 (Ontario Airport Towers) for Fiscal Year 2014-15.

RESOLUTION NO. 2014-46 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO.10 (ONTARIO AIRPORT TOWERS), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2014-15.

19. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 13 FOR FISCAL YEAR 2014-15

City Council adopted a Resolution establishing the annual special tax within Community Facilities District No. 13 (California Commerce Center-Phase IV) for Fiscal Year 2014-15.

RESOLUTION NO. 2014-047 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 13 (CALIFORNIA COMMERCE CENTER – PHASE IV), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2014-15.

20. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 20 FOR FISCAL YEAR 2014-15

City Council adopted a Resolution establishing the annual special tax within Community Facilities District No. 20 (Wal-mart) for Fiscal Year 2014-15.

RESOLUTION NO. 2014-048 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 20 (WAL-MART), ESTABLISHING THE ANNUAL SERVICES SPECIAL TAX FOR FISCAL YEAR 2014-15.

21. A RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 21 FOR FISCAL YEAR 2014-15

City Council adopted a Resolution establishing the annual special tax within Community Facilities District No. 21 of the City of Ontario (Parkside) for Fiscal Year 2014-15.

RESOLUTION NO. 2014-049 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 21 OF THE CITY OF ONTARIO (PARKSIDE), ESTABLISHING THE ANNUAL SPECIAL TAX FOR FISCAL YEAR 2014-15.

22. ANNUAL LEVY OF ASSESSMENT WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2014-14

City Council adopted Resolutions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) No. 1 and 2:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments; and
- (B) A resolution giving preliminary approval of the Engineer's Reports; and

- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2014-15 and setting the date of July 1, 2014 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION NO. 2014-050 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2014-2015.

RESOLUTION NO. 2014-051 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND NO. 2 FOR FISCAL YEAR 2014-2015.

RESOLUTION NO. 2014-052 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2014-2015 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO. 2014-053 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2014-2015 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

23. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2014-15

City Council adopted Resolutions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No. 1, 2, 3 and 4:

- (A) A resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments; and
- (B) A resolution giving preliminary approval of the Engineer's Reports; and

- (C) Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2014-15 and setting the date of July 1, 2014 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

RESOLUTION NO. 2014-054 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2014-2015.

RESOLUTION NO. 2014-055 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2014-2015.

RESOLUTION NO. 2014-056 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2014-2015 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

RESOLUTION NO. 2014-057 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2014-2015 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON.

24. A MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE maintenance SERVICES FOR MEDIANS AND PARKWAYS/S.C. YAMAMOTO, INC.

City Council approved and authorized the City Manager to execute a three-year Maintenance Services for Contract No. PM 1314-05 with S.C. Yamamoto, Inc. of La Habra, California, for an annual cost of \$90,000 plus a 10% contingency of \$9,000; and authorize 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.

25. A MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR NMC WEED ABATEMENT AREAS/LANDSCAPE WEST MANAGEMENT SERVICES, INC.

City Council approved and authorized the City Manager to execute a three-year Maintenance Services Agreement for Contract No. PM 1314-06 with Landscape West Management Services, Inc. of Chino, California, for an annual cost of \$79,344 plus a 10% contingency of \$7,935; and authorize 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.

26. LEGAL SERVICES FOR SALES AND USE TAX REVENUE MATTERS

City Council authorized the City Manager to execute a Letter of Engagement with the law firm of Holland & Knight, of San Francisco, California, for legal services to represent the City in sales and use tax revenue matters.

27. AN AGREEMENT FOR LEGAL AND TECHNICAL SERVICES PERTAINING TO SEWER AND WATER MATTERS/NOSSAMAN, LLP.

City Council approved and authorized the City Manager to execute an agreement with Nossaman LLP of Los Angeles, California, for legal and technical services with respect to matters relating to sewer disposal, water supply, water rights and water quality in an not to exceed amount of \$100,000 for Fiscal Year 2014-15; and the option to extend the agreement for two additional years with a three year total not to exceed amount of \$300,000, consistent with City Council approved budgets.

29. A CONSTRUCTION CONTRACT FOR THE WELL NO. 41 WELLHEAD TREATMENT SYSTEM FACILITY PROJECT/ZUSSER COMPANY, INC./KENNEDY JENKS CONSULTANTS, INC./MWH CONTRACTORS

City Council:

- (A) Approved the plans and specifications;
- (B) Rejected the bid protest submitted by Kana Engineering Group, Inc. of Placentia, CA;
- (C) Awarded Contract No. UT1314-03 to Zusser Company, Inc. of Los Angeles, California, in the bid amount of \$3,358,249 plus a 15% contingency of \$503,737 for a total amount of \$3,861,986; and authorized the City Manager to execute said contract and file a notice of completion at the end of the construction activities related to the project;
- (D) Authorized the City Manager to execute a Professional Services Agreement with Kennedy/Jenks Consultants, Inc. of Pasadena, California, in the amount of \$99,898 plus a 15% contingency of \$14,985 for a total amount of \$114,883 for engineering and start-up support services as the engineer of record; and,

- (E) Authorized the City Manager to execute a Professional Services Agreement with MWH Constructors of Irvine, California, in the amount of \$304,245 plus a 15% contingency of \$45,637 for a total amount of \$349,882 for inspection and construction management services.

30. A WATER PURCHASE AGREEMENT WITH AQUA CAPITAL MANAGEMENT LP

City Council approved and authorized the City Manager to execute a water purchase agreement subject to non-substantive changes with Aqua Capital Management LP, located in Omaha, Nebraska, for the permanent transfer of overlying groundwater rights in the amount of \$4,050,000.

32. TWO-YEAR COST SHARING AGREEMENT WITH THE CHAFFEY JOINT UNION HIGH SCHOOL DISTRICT FOR SCHOOL RESOURCES OFFICERS

City Council approved and authorized the City Manager to execute a two-year cost sharing agreement with the Chaffey Joint Union High School District for three school resource officers in the amount of \$439,664.

33. APPROVAL OF AN ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE (BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR FY 2014-15

City Council approved and authorized the City Manager to execute all documents necessary to participate in the Bureau of Justice Assistance (BJA) Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and approve the proposed \$43,010 grant spending plan for FY 2014-15.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution Nos. 2014-039, 2014-040, 2014-041, 2014-042, 2014-043, 2014-044, 2014-045, 2014-046, 2014-047, 2014-048, 2014-049, 2014-050, 2014-051, 2014-052, 2014-053, 2014-054, 2014-055, 2014-056, and 2014-057 unanimously adopted by those present.

Agenda Item #31 was pulled from the Consent Calendar for separate consideration as requested by Council Member Avila.

Council Member Avila stated that he would normally go to his Planning Commissioner to get more information before voting on an item such as this, and as a result of not having one appointed at this time, he feels unable to vote on the item.

31. AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN BROOKCAL ONTARIO, LLC, AND THE CITY OF ONTARIO TO PROVIDE FOR THE CONSTRUCTION OF UP TO 1,16 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

City Council adopted 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).

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: Moved by Mayor pro Tem Wapner, seconded by Council Member Bowman and carried with Council Member Avila opposed, to adopt said Ordinance No. 2989.

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

Agenda Item #28 was pulled from the Consent Calendar for separate consideration as requested by Council Member Avila.

Council Member Avila stated that he had questions regarding the Request for Proposal process and since he did not have the answers to those questions, he opposed the item.

PUBLIC COMMENT

Ruben Valencia, spoke on his concerns with regard to transparency in the contracting process.

28. AGREEMENTS WITH USA WASTE AND WEST VALLEY MRF FOR SOLID WASTE HANDLING SERVICES/USA WASTE OF CALIFORNIA, INC/WEST VALLEY MRF, LLC

City Council approved and authorized the City Manager to execute agreements for solid waste handling services subject to non-substantive changes as mutually agreed to by the parties with USA Waste of California, Inc., a corporation duly formed and operating under the laws of the State of Delaware, a Waste Management Company (Waste Management) and West Valley MRF, LLC, a limited liability company duly formed and operating under the laws of the State of California and owned in whole or in part by Burrtec Waste Industries, Inc., a California corporation duly formed and operating under the laws of the State of California (Burrtec).

Council Member Dorst-Porada stated that information regarding Consent Items is found in the agenda back-up material which is supposed to be read prior to the meeting. The public may also access the same information at the Records Management Office.

Mayor Leon stated that he too questioned the Request for Proposal process and after reviewing the process with City Manager Boling, he concluded that the process was conducted correctly.

MOTION: Moved by Mayor pro Tem Wapner, seconded by Council Member Bowman and carried with Council Member Avila opposed.

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

Meeting recessed at 8:51 p.m. by Mayor Leon to address meeting disruptions.

Meeting reconvened at 8:52 p.m.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

34. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 3, TITLE 4, OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S EMERGENCY ORGANIZATION

City Council introduced and waived further reading of an Ordinance amending Chapter 3, Title 4, of the Ontario Municipal Code related to the City's Emergency Organization.

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

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

ORDINANCE NO. 2990 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 3 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO EMERGENCY ORGANIZATION.

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

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

MOTION CARRIED. The Mayor/ Chairman declared Public Hearing Item #34 accepted for introduction and first reading.

35. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION PROGRAM SECTIONS 8-13.201 AND 8-13.508 OF THE ONTARIO MUNICIPAL CODE

City Council introduced and waived further reading of an Ordinance amending the Flood Damage Prevention Program Sections 8-13.201 and 8-13.508 of the Ontario Municipal Code relating to regulation of recreational vehicles.

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

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

ORDINANCE NO. 2991 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE FLOOD DAMAGE PREVENTION PROGRAM SECTIONS 8-13.201 AND 8-13.508 OF THE ONTARIO MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES.

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

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

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Public Hearing Item #35 unanimously accepted for introduction and first reading.

36. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE) TO M1 (LIMITED INDUSTRIAL) ON 3.82 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF MISSION BOULEVARD AND OAKS AVENUE

City Council introduced and waived further reading of an Ordinance approving File No. PZC14-002, a Zone Change from C3 (Commercial Service) to M1 (Limited Industrial) on 3.82 acres of land located at the northeast corner of Mission Boulevard and Oaks Avenue (APN: 1011-211-06).

That the City Council introduce and waive further reading of an ordinance amending Chapter 3, Title 4, of the Ontario Municipal Code related to the City's Emergency Organization.

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

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

ORDINANCE NO. 2992 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-002, A ZONE CHANGE ON 3.82 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF MISSION BOULEVARD AND OAKS AVENUE, FROM C3 (COMMERCIAL SERVICE) TO M1 (LIMITED INDUSTRIAL), AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1011-211-06.

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

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

MOTION CARRIED. The Mayor/ Chairman declared Public Hearing Item #36 accepted for introduction and first reading.

37. A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND SECTION 2-2.101 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE APPOINTMENT, NUMBER, REMOVAL, TERMS AND VACANCIES OF REGULAR AND AT-LARGE MEMBERS OF CITY COMMISSIONS, COMMITTEES, AND BOARDS

That the City Council introduce and waive further reading of an ordinance relating to Section 2-2.101 of the Ontario Municipal Code relating to the appointment, number, removal, terms and vacancies of regular and at-large members of City Commissions, Committees, and Boards to gain consistency between practices and protocols outlined in the Ontario Municipal Code and the Ontario City Boards, Commissions, and Committees Handbook.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-2.101 OF THE ONTARIO MUNICIPAL CODE, WITH CERTAIN AMENDMENTS THERETO RELATING TO THE APPOINTMENT, NUMBER, REMOVAL, TERMS AND VACANCIES OF REGULAR AND AT-LARGE MEMBERS OF COMMISSIONS, COMMITTEES AND BOARDS.

Public Hearing Item #37 was pulled from Public Hearing as requested by Mayor Leon.

Mayor Leon requested that Council continue the item to a future meeting.

City Attorney Brown made a recommendation that there be a formal motion and a second to continue the item.

MOTION: Moved by Mayor Leon seconded by Council Member Dorst-Porada to continue said Ordinance to the next regularly scheduled meeting.

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

MOTION CARRIED. The Mayor/ Chairman declared Public Hearing Item #37 continued.

COUNCIL MATTERS

Commission Appointments – Continued.

COUNCIL/STAFF COMMENTS

Council Member Dorst-Porada announced the Kiwanis Club Annual Breakfast on Saturday, June 7, 2014 and urged the community to participate.

Mayor pro Tem Wapner spoke on the Council's attendance at the annual International Council of Shopping Centers Retail Real Estate Convention held in Clark County. Mr. Wapner stated he is optimistic regarding the economic future of Ontario. Mayor pro Tem Wapner also spoke on the role of Council Members and suggested that an item be placed on a future agenda where City Council can discuss Sanctions and Censure of Council Member Avila and asked for concurrence from City Council.

Mayor Leon stated that he doubted anyone on City Council would disagree and noted concurrence from City Council.

Mayor Leon spoke on the importance of respecting residents during public comment. Mayor Leon also stated that he loved the City of Ontario and stressed that he is available to anyone who wishes to speak with him.

Council Member Bowman spoke on the Memorial Day Services and thanked City staff for all of the great work. Council Member Bowman also stressed that Council is available and transparent to the residents of Ontario.

Council Member Avila stated he will not be bought or controlled and that he is independent from City Council. Council Member Avila also stated that he did not have a choice but to vote no on items that he did not understand.

Mayor pro Tem Wapner left the dais at 9:23 p.m.

Council Member Dorst-Porada left the dais at 9:23 p.m.

Council Member Bowman left the dais at 9:24 p.m.

ADJOURNMENT

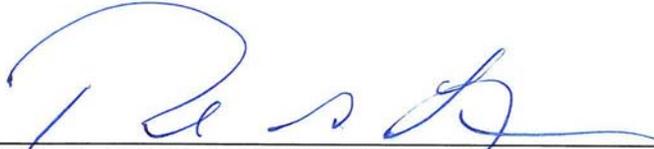
Mayor Leon noted the current lack of quorum and adjourned the meetings of the Joint Agencies at 9:26 p.m. He announced the next regularly scheduled meetings will be held on June 17, 2014.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN