

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
OCTOBER 21, 2014**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, October 21, 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 noted 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 v. 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 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 Assistant City Clerk/Secretary Vicki Kasad.

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

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

CLOSED SESSION REPORT

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

PUBLIC COMMENT

Sarah Wapner, stated she was a victim of bullying as a result of Ruben Valencia and Steve and Marci Garcia releasing a video of her to the media.

Richard Roybal Jr., spoke on his concerns with Ruben Valencia's campaign tactics and potential bribery of voters regarding campaign signs.

Sheila Mautz, spoke on her discontent with the unprofessionalism of new candidates and negative campaigns for the November 4, 2014 Election.

Nancy Bumstead, spoke on her disgust with the release of information that was hurtful to a minor and the negative effects of bullying on teenagers.

Marty Binney, expressed the importance of stability and maintaining the current City Council that has brought economic success to the City.

Judi Vasquez Wapner, expressed her displeasure with Ruben Valencia, Steve and Marci Garcia for distributing private information regarding her daughter.

Jim Raymond, shared his thoughts on living in a City with forethought that makes smart decisions for the future.

Joe Caskey, spoke on City Council's accomplishments.

Tim Erwin, spoke on his satisfaction with the customer service and culture of excellence created by the current City Council.

Paul Mim Mack, spoke on the candidate debate held at the Granada Theater and his expectations of City Council.

Ruben Valencia, expressed his concerns regarding City Council's decision to provide legal counsel for Council Members.

City Council meeting recessed at 7:10 p.m.

City Council meeting reconvened at 7:14 p.m.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling indicated there were no announcements.

CONSENT CALENDAR

Agenda Item #3 was pulled from the Consent Calendar for separate consideration as requested by Council Member Avila.

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada to approve the Consent Calendar with the exception of Item No. 3.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council and Housing Authority of September 16, 2014, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** in the amount of \$14,508,359.91 for the period from September 7, 2014 through September 20, 2014 and **Payroll** in the amount of \$2,550,082.38 for the period of September 7, 2014 through September 20, 2014, when audited by the Finance Committee.

4. A RESOLUTION AMENDING THE APPENDIX TO THE CITY OF ONTARIO CONFLICT OF INTEREST CODE

City Council adopted a resolution amending the Appendix to the Conflict of Interest Code to update position classification titles and filing requirements for City employees.

RESOLUTION NO. 2014-101 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AND ADOPTING AN AMENDED APPENDIX OF THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974.

5. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18945 LOCATED AT THE SOUTHEAST CORNER OF MCCLEVE WAY AND MERRILL AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18945 located at the southeast corner of McCleve Way and Merrill Avenue within the Subarea 29 Specific Plan area.

RESOLUTION NO. 2014-102 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18945, LOCATED AT THE SOUTHEAST CORNER OF MCCLEVE WAY AND MERRILL AVENUE.

6. AWARD OF BIDS FOR THE PURCHASE OF REPLACEMENT FLEET VEHICLES AND EQUIPMENT

City Council:

- (A) Awarded Bid No. 466 to Fairview Ford of San Bernardino, California, in the amount of \$51,417 for the purchase and delivery of two (2) Ford F-350 cab and chassis trucks for the Utilities Department;
- (B) Awarded Bid No. 467 to Wondries Fleet Group of Alhambra, California, in the amount of \$193,157 for the purchase and delivery of six (6) 2014 Chevrolet Tahoe Police Pursuit Vehicles for the Police Department;
- (C) Awarded Bid No. 468 to Fairview Ford of San Bernardino, California, in the amount of \$104,020 for the purchase and delivery of three (3) Ford Explorers for the Police, Economic Development, and Recreation Departments, and one (1) Ford Fusion for the Police Department;
- (D) Awarded Bid No. 469 to Fairview Ford of San Bernardino, California, in the amount of \$104,553 for the purchase and delivery of four (4) Ford Interceptor SUV's for the Police Department;
- (E) Awarded Bid No. 471 to Los Angeles Truck Centers, LLC of Whittier, California, in the amount of \$794,385 for the purchase and delivery of three (3) CNG Autocar Front Loaders for the Solid Waste Department;
- (F) Awarded Bid No. 374 to Los Angeles Truck Centers, LLC of Whittier, California, in the amount of \$779,720 for the purchase and delivery of three (3) CNG Autocar Side Loaders for the Solid Waste Department;

- (G) Awarded Bid No. 394 to Fritts Ford of Riverside, California, in the amount of \$25,893 for the purchase of one (1) 12 passenger van for the Recreation Department;
 - (H) Authorized the cooperative purchase and delivery for replacement of two (2) CNG Autocar Roll Off Refuse Trucks to Los Angeles Truck Centers, LLC of Whittier, California, in the amount of \$466,541 consistent with the terms and condition of the City of Riverside Invitation for Bids (IFB) No. 7262 and Purchase Order No. 152012; and
 - (I) Authorized the cooperative purchase and delivery of one (1) John Deere 244K Wheel Loader from John Deere Construction Retail Sales of Moline, Illinois, in the amount of \$103,243 consistent with the terms and condition of the National Joint Powers Alliance (NJPA) Cooperative Contract EM06-13.
7. **ACCEPT WRITTEN PETITIONS TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENT TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 – SERVICES); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES**

City Council:

- (A) Accepted written petitions from Forestar Countryside, LLC and Forestar Development Company (collectively, the “landowners”), 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. 19 (Countryside Phase 1 - Services); authorize 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, December 2, 2014.

RESOLUTION NO. 2014-103 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. A CONSTRUCTION CONTRACT FOR THE PRESSURE REDUCING STATION NO. 21 PROJECT LOCATED AT THE SOUTHWEST CORNER OF EUCLID AVENUE AND PHILLIPS STREET/CORA CONSTRUCTORS, INC.

City Council approved the plans and specifications; and awarded Contract No. UT 1112-08 to Cora Constructors, Inc. of Palm Desert, California for the construction of Pressure Reducing Station (PRS) No. 21 in the amount of \$371,711 plus a fifteen percent (15%) contingency of \$55,757 for a total amount of \$427,468, and authorize the City Manager to execute said contract, and file a notice of completion at the conclusion of all construction activities related to the project.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution No. 2014-101, 2014-102, and 2014-103, unanimously adopted with the exception of Item No. 3.

ITEM PULLED FROM CONSENT CALENDAR

3. DESIGNATION OF A VOTING DELEGATE FOR THE NATIONAL LEAGUE OF CITIES ANNUAL BUSINESS MEETING

City Council designated Alan D. Wapner as the City's voting delegate for the National League of Cities (NLC) Annual Business Meeting, scheduled for Saturday, November 22, 2014.

Council Member Avila inquired about the costs associated with designating Mayor pro Tem Wapner as the voting delegate.

City Manager Boling stated that there was no fiscal impact associated with the appointment of the voting delegate for the National League of Cities Annual Business Meeting scheduled on November 22, 2014.

MOTION: Moved by Council Member Dorst-Porada, and seconded by Council Member Bowman and carried with Council Member Avila opposing, to designate Mayor pro Tem Wapner as the voting delegate for the National League of Cities Annual Business Meeting.

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

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

9. **A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE 1); AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS**

Item was continued to the November 18, 2014 City Council meeting beginning at 6:30 p.m.

10. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN ONTARIO EDISON HOLDINGS, LLC, AND THE CITY OF ONTARIO FOR THE DEVELOPMENT OF 330 RESIDENTIAL UNITS ON 79.91 ACRES OF LAND WITHIN THE LOW DENSITY RESIDENTIAL DISTRICT OF PLANNING AREAS 4, 5 AND 6 OF THE GRAND PARK SPECIFIC PLAN, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EDISON AVENUE AND TURNER AVENUE**

City Council introduced and waived further reading of an ordinance approving the Development Agreement (File No. PDA14-002, on file with the Records Management Department) between Ontario Edison Holdings, LLC, a Delaware Limited Liability Company, and the City of Ontario providing for the construction of up to 330 residential units on 79.91 acres of land within the Low Density Residential (LDR) district of Planning Areas 4, 5 and 6 of the Grand Park Specific Plan, generally located at the southeast corner of Edison Avenue and Turner Avenue (APNs: 0218-241-10, 11, 13, 14 and 17).

ORDINANCE NO. 3001 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO EDISON HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FILE NO. PDA14-002, TO ESTABLISH THE TERMS AND CONDITIONS FOR DEVELOPMENT OF 330 RESIDENTIAL UNITS ON 79.91 ACRES WITHIN THE LOW DENSITY RESIDENTIAL (LDR) DISTRICT OF PLANNING AREAS 4, 5 AND 6 OF THE GRAND PARK SPECIFIC PLAN, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF EDISON AVENUE AND TURNER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0238-241-10, 11, 13, 14, 17, AND 18).

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 public hearing was closed. There were no written communications.

MOTION: Moved by Council Member Dorst-Porada, and seconded by Council Member Bowman and unanimously carried to introduce Ordinance No. 3001.

STAFF MATTERS

City Manager Boling had no comments.

GREATER ONTARIO TOURISM MARKETING DISTRICT ANNUAL REPORT

Michael Krouse, the President/CEO of the Greater Ontario Convention and Visitors Bureau gave a summary of the Annual Report available at discoverontariocalifornia.org.

Mayor Leon stated the City Council is very satisfied with the work being done.

PUBLIC COMMENT – *Continued*

John G. Johnson, thanked City Council for their support regarding the Edison towers at Archibald Ranch and asked for an update from City Council regarding the progress.

Barbara Hartley, expressed her sadness with the negative remarks made by Ruben Valencia against the incumbents up for election.

Gregory Coker, long time resident of Ontario thanked City Council for their great leadership, service, credibility, honor and respect. Mayor Leon thanked Mr. Coker for his service in the United States Army.

Rita Nelsen, a City of Ontario resident, expressed her support for the City Council incumbents in the November 4, 2014 election.

Mauricio Lopez, spoke on his dissatisfaction with the Building Department.

Mayor Leon asked that Mr. Lopez speak with Assistant City Manager Jacob Green for further assistance.

Larry Antuna, a general contractor spoke on his concerns with approvals that were rejected by the building department.

Mayor Leon asked that Mr. Antuna speak with City Manager Boling for further assistance.

Donald Tiser, spoke on the negative impact that the Edison towers will have on the Archibald Ranch residents and their property.

Paul Vincent Avila, spoke on the implementation of Channel 17 by the Ontario-Montclair School District. Mr. Avila also spoke on the November 4, 2014 election.

Lucy Aguilar, candidate for the Ontario-Montclair School Board, introduced herself to the residents of the City of Ontario.

Lonnie Marion, thanked City Council for their support in bringing down the Edison Towers at Archibald Ranch. In addition he commended Mayor pro Tem Wapner for his hard work.

Josef Nikyar, spoke on the November 4, 2014 election.

Dale Briggs, withdrew his public comment card.

Rudy Favila, spoke on the mayoral debate that took place at the Granada Theater.

Ben Lopez, an Ontario business owner expressed his discontent with the negative remarks made by Ruben Valencia against the incumbents.

Ryan Lewis, President of the Ontario Professional Firefighters Association gave an update of their fundraising efforts.

Tony Bolanos, Political Action Committee Chairman with the Ontario Police Officer's Association, endorsed the incumbents in the November 4, 2014 election.

Alma Saucedo, spoke on her concerns with political campaign signs and questioned whether Mayor Leon actually knew who Fausto Reyes was.

Mayor Leon stated he did not know Mr. Reyes personally.

Reyna Machado, was not present when called upon.

COUNCIL MATTERS

Mayor Leon was happy to hear the residents of Ontario speak against the disrespect shown towards the current City Council. He also gave an update regarding the actions taken towards the removal of the Edison Towers at Archibald Ranch. At the October 7, 2014 City Council Meeting the City Attorney and City staff were given direction to evaluate potential legal actions to address the Southern California Edison Tehachapi Renewable Transmission Project within the boundaries of the City of Ontario, Segment 8. On October 15, 2014 the City submitted an extensive 6-page records request under the California Public Records Act asking for any and all reports, communications, correspondences, public hearing notices and calendar entries of California Public Utilities Commission employees, officers and agents pertaining to Segment 8 of the project. Mayor Leon added that the City Attorney's Office was coordinating with City staff and they are to file a petition with the CPUC for a Modification and Stay of Construction. He noted that the actions were to take place within the next ten days. He further stated that they are also evaluating other potential actions in State and/or Federal court. Mayor Leon stated that the research is ongoing, and that staff is to continue to keep the City Council informed of progress being made in their research efforts. Lastly, with City Council consensus, Mayor Leon instructed City staff to bring back possible dates for a Town Hall meeting to address the Edison Towers at Archibald Ranch.

Council Member Dorst-Porada spoke on maintaining respect for one another. She also thanked Lowes for their community service project at Galvin Park and announced some upcoming events at Ontario Town Square.

Mayor pro Tem Wapner recounted that his wife had never until now found it necessary to speak at a Council meeting in his twenty years in office. He added that he loved his wife and appreciated her support. He also stated that he has never been so proud of his daughter as he was this evening.

Council Member Bowman stated that the business community looks for consistency and stability and that is found with the current City Council. He also applauded City staff for the sacrifices made to keep the City of Ontario stable.

Council Member Avila praised the audience for their opinions and mentioned that he supports new leadership. He added that he did not know Mayor pro Tem Wapner's wife well, but he respected her opinion and that he is not sure whether all that was said was true.

Mayor pro Tem Wapner left the City Council meeting at 8:45 p.m.

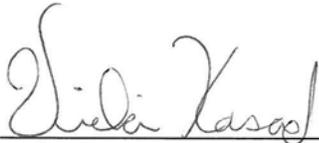
Council Member Dorst-Porada left the City Council meeting at 8:45 p.m.

Council Member Bowman left the City Council meeting at 8:45 p.m.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies due to a lack of quorum at 8:46 p.m. He announced the next regular meetings on Tuesday, November 4, 2014.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN