

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
SUCCESSOR AGENCY TO THE
ONTARIO REDEVELOPMENT AGENCY
MINUTES
DECEMBER 2, 2014**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority and Successor Agency to the Ontario Redevelopment Agency were held on Tuesday, December 2, 2014 at the Ontario City Hall, 303 East B Street, Ontario, California.

CLOSED SESSION

The Mayor called the City Council/Housing Authority and Successor Agency to the Ontario Redevelopment Agency meetings to order at 6:21 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 54956.9 (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 and Successor Agency to the Ontario Redevelopment Agency meetings to order at 6:30 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, Assistant City Attorney/Legal Counsel Thomas Rice and City Clerk/Secretary Mary E. Wirtes.

The Pledge of Allegiance was led by Mayor pro Tem Wapner.

The Invocation was offered by *Pastor Brian E. Kennedy*, Mt. Zion Baptist Church.

CLOSED SESSION REPORT

Assistant City Attorney Rice reported one item was discussed in Closed Session and no reportable actions were taken.

PUBLIC COMMENT

John Johnson, spoke on the Edison towers being erected adjacent to Archibald Ranch. He also inquired as to the status of the court action and asked for further information on when the Town Hall meeting would be held. Mr. Johnson also thanked City Council for all of their support.

Donald Tisor, spoke on the Edison towers near Archibald Ranch stating the dangers associated with having the towers so close to homes.

Peggi Hazlett, gave an update on the Ontario Chamber of Commerce's upcoming events.

Wendy Hamilton, was not present when called upon.

Mayor Leon asked that City Manager Boling clarify when the Town Hall meeting was scheduled.

City Manager Boling stated the Town Hall meeting is scheduled for December 9, 2014 at Mountain View Elementary School located at 2825 East Walnut Street, Ontario, California from 6:00 p.m. to 8:00 p.m.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling indicated there were no announcements.

SPECIAL CEREMONIES

RECOGNITION OF WALMART'S COMMUNITY SERVICE PROJECT

City Manager Boling stated that Walmart representative Gavin Zeff was unable to attend as a result of a family emergency and acknowledged the work done by Walmart at Anthony Munoz Park.

RECOGNITION OF GARY C. OVITT'S RETIREMENT

Mayor Leon gave a brief history of Mr. Ovitt's accomplishments in government, and the community, and he invited Mr. Ovitt to share a few words with them.

Mr. Ovitt thanked City Council and stated that he feels blessed to have built so many relationships over the years. He added that he greatly appreciated the opportunities to serve and that he will continue his efforts with the City as a volunteer.

Council Member Dorst-Porada stated the Mr. Ovitt has always been a nice, thoughtful and caring man. Ms. Dorst-Porada thanked Mr. Ovitt and added that she has always appreciated all he has done for Ontario.

Mayor pro Tem Wapner recognized Mr. Ovitt's family history in the community and all the great work Mr. Ovitt did with the San Bernardino County Board of Supervisors. Mr. Wapner thanked Mr. Ovitt and his family for all of his work.

Council Member Bowman stated Mr. Ovitt's decision to first run for City Council was the right decision for the community and it will go down in history.

Council Member Avila thanked Mr. Ovitt and added that he appreciates what Mr. Ovitt has done for the community and San Bernardino County.

Mayor Leon stated that Mr. Ovitt is the best example of quiet, firm leadership, adding that Mr. Ovitt is a great man and a great mentor. Mr. Leon stated that he has learned a lot from Mr. Ovitt and he appreciates him very much. Mayor Leon then presented Mr. Ovitt with a Proclamation honoring Mr. Ovitt.

Mayor pro Tem Wapner added that Mr. Ovitt has been a member of the Omnitrans Board since 1995 and spoke on his history with Omnitrans. On behalf of Omnitrans, Mayor pro Tem Wapner presented Mr. Ovitt with tokens of appreciation from their Board.

CONSENT CALENDAR

Agenda Item #3 was pulled from the Consent Calendar for separate consideration as requested by Mayor Leon.

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

1. APPROVAL OF MINUTES

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

2. BILLS/PAYROLL

Approved **Bills** in the amount of \$9,131,210.74 for the period from October 19, 2014 through November 1, 2014 and **Payroll** in the amount of \$2,696,536.15 for the period of October 19, 2014 through November 1, 2014, when audited by the Finance Committee.

4. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES – PHASE I)

City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 24 (Park Place Facilities – Phase I). First reading and introduction took place at a public hearing on November 18, 2014.

ORDINANCE NO. 3002 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE I).

5. AMENDMENT TO THE MANAGEMENT AGREEMENT WITH SMG FOR PROFESSIONAL MANAGEMENT SERVICES FOR ONTARIO TOWN SQUARE/SMG

City Council authorized the City Manager to execute an amendment to the Management Agreement with SMG, a Pennsylvania General Partnership, to provide professional management services for the promotion, programming and special event management of Ontario Town Square.

6. AN ORDINANCE AMENDING CHAPTER 23 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE REGULATION OF REGISTERED SEX OFFENDERS CONDUCT

City Council considered and adopted an ordinance amending Chapter 23 to Title 4 of the Ontario Municipal Code relating to the regulation of registered sex offenders conduct. First reading and introduction took place at a public hearing on November 18, 2014.

ORDINANCE NO. 3003 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 23 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE REGULATION OF REGISTERED SEX OFFENDERS CONDUCT.

7. CONSTRUCTION CONTRACT WITH K & J AIR CONDITIONING, INC. FOR THE HVAC UNIT REPLACEMENTS AT VARIOUS CITY FACILITIES PROJECT/K & J AIR CONDITIONING, INC.

City Council awarded the HVAC Unit Replacements Project construction contract to K & J Air Conditioning, Inc. of Buena Park, California, in the amount of \$337,420 plus a 15% contingency of \$50,613, for a total amount of \$388,033; 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.

8. AWARD OF BIDS FOR THE PURCHASE OF REPLACEMENT FLEET VEHICLES AND EQUIPMENT/FAIRVIEW FORD/ROTOLO CHEVROLET

City Council:

- (A) Awarded Bid No. 480 to Fairview Ford of San Bernardino, California, in the amount of \$22,398 for the purchase and delivery of one (1) 2015 Ford Transit Connect Van for the Police Department;
- (B) Awarded Bid No. 481 to Rotolo Chevrolet of Fontana, California, in the amount of \$88,812 for the purchase and delivery of four (4) 2015 Chevrolet Colorado Trucks for the Fire, Parks, and Solid Waste Departments;
- (C) Awarded Bid No. 482 to Fairview Ford of San Bernardino, California, in the amount of \$256,078 for the purchase and delivery of twelve (12) 2015 Ford Escapes for the Fire, Building, Development and Engineering Departments; and
- (D) Awarded Bid No. 483:
 - 1. To Rotolo Chevrolet of Fontana, California, in the amount of \$156,623 for the purchase and delivery of seven (7) 2015 ½ Ton Pickup Trucks for the Fire, Parks, and Utilities Departments; and
 - 2. To Fairview Ford of San Bernardino, California, in the amount of \$30,133 for the purchase and delivery of one (1) 2015 ½ Ton Crew Cab Pickup Truck for the Police Department.

9. APPROVAL OF A FIVE-YEAR EXTENSION TO THE 2007 JACK GALVIN MOBILE HOME PARK ACCORD AGREEMENT

City Council approved the First Amendment to the 2007 Agreement between the City of Ontario and owners of the mobile home parks within the City of Ontario regarding maximum rent adjustments for a five-year extension.

10. APPROVAL BY THE CITY OF ONTARIO AND THE ONTARIO HOUSING AUTHORITY, SUCCESSOR AGENCY TO THE ONTARIO REDEVELOPMENT AGENCY, OF TRANSFERS OF WOODSIDE SENIOR II APARTMENTS AND WOODSIDE SENIOR III APARTMENTS, LOCATED AT 302 AND 408 WEST “G” STREET, ONTARIO, FROM ML CASA III, LP TO AVANATH WOODSIDE, LLC AND REDEMPTION OF RELATED MULTIFAMILY HOUSING REVENUE REFUNDING BONDS

City Council and the Authority Board acting as the Successor Agency to the Ontario Redevelopment Agency:

- (A) Adopted resolutions approving the transfers of the projects and assistance in connection with the redemption of related City of Ontario Multifamily Housing Revenue Refunding Bonds (Woodside Senior II Apartments) 2004 Series C and Ontario Redevelopment Agency Multifamily Housing Revenue Refunding Bonds (Woodside Senior III Apartments) 2004 Series A; and
- (B) Authorized the City Manager/Executive Director to determine the sufficiency of the documents related to the transfers and to execute any documents necessary to desirable to implement the transfers of the projects and redemption of the bonds.

RESOLUTION NO. 2014-116 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TRANSFER OF OWNERSHIP OF WOODSIDE SENIOR II APARTMENTS.

RESOLUTION NO. OHA-080 A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TRANSFER OF OWNERSHIP OF WOODSIDE SENIOR III APARTMENTS AND WATERFORD COURT APARTMENTS.

11. MICROSOFT OFFICE 2013 STANDARD PURCHASE/SHI INTERNATIONAL CORPORATION

City Council authorized the purchase of Microsoft Office 2013 licenses from SHI International Corporation of San Diego, California, in the amount of \$175,700.

12. AN ORDINANCE APPROVING THE PROHIBITION OF THE CULTIVATION OF MARIJUANA WITHIN THE CITY OF ONTARIO

City Council considered and adopted an ordinance approving a Development Code Amendment, amending Title 9 of the Ontario Municipal Code, to prohibit the cultivation of marijuana within the City. First reading and introduction took place at a public hearing on November 18, 2014.

ORDINANCE NO. 3004 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 9-1.0200 AND TABLE 13-1 OF TITLE 9 OF THE ONTARIO DEVELOPMENT CODE TO EXPLICITLY PROHIBIT THE CULTIVATION OF MARIJUANA WITHIN THE CITY OF ONTARIO.

13. **AN ORDINANCE APPROVING A ZONE CHANGE REQUEST FROM C3 (COMMERCIAL SERVICE DISTRICT) TO R1.5 (LOW-MEDIUM DENSITY RESIDENTIAL - 5.1-11 DU/AC) FOR 6.11 ACRES OF LAND LOCATED AT 2041 EAST 4TH STREET**

City Council considered and adopted an ordinance approving a Zone Change (File No. PZC14-003) from C3 (Commercial Service District) to R1.5 (Low-Medium Density Residential) for property located at 2041 East 4th Street (APN: 0110-441-10). First reading and introduction took place at a public hearing on November 18, 2014.

ORDINANCE NO. 3005 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-003, A CHANGE IN THE ZONING DESIGNATION ON 6.11 GROSS ACRES OF LAND FROM C3 (COMMERCIAL SERVICE) TO R1.5 (LOW-MEDIUM DENSITY RESIDENTIAL – 5.1 -11.0 DU/AC) FOR PROPERTY LOCATED AT 2041 EAST FOURTH STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0110-441-10.

14. **AN ORDINANCE APPROVING A ZONE CHANGE FROM AR (AGRICULTURAL RESIDENTIAL) TO R1 (SINGLE-FAMILY RESIDENTIAL) FOR FORTY-FOUR SINGLE-FAMILY RESIDENTIAL PROPERTIES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FRANCIS STREET AND SAN ANTONIO AVENUE**

City Council considered and adopted an ordinance approving a Zone Change (File No. PZC14-004) from AR (Agricultural Residential) to R1 (Single-Family Residential) for forty-four properties in order to provide consistency with the Policy Plan (General Plan) of The Ontario Plan land use designations, for properties generally located at the southwest corner of Francis Street and San Antonio Avenue, bound by Francis Street to the north, Spruce Street to the south, San Antonio Avenue to the east, and Redwood Avenue to the west (APNs: 1050-341-01, 1050-341-04 thru 05, 1050-341-09 thru 35, 1050-342-01 thru 07, 1050-624-15, 1050-631-09 thru 12, 1050-631-14, and 1050-631-38). First reading and introduction took place at a public hearing on November 18, 2014.

ORDINANCE NO. 3006 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-004, A ZONE CHANGE FROM AR (AGRICULTURAL RESIDENTIAL) TO R1 (SINGLE-FAMILY RESIDENTIAL) FOR FORTY-FOUR (44) SINGLE-FAMILY RESIDENTIAL PROPERTIES, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FRANCIS STREET AND SOUTH SAN ANTONIO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1050-341-01, 1050-341-04 THRU 05, 1050-341-09 THRU 35, 1050-342-01 THRU 07, 1050-624-15, 1050-631-09 THRU 12, 1050-631-14, AND 1050-631-38.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution Nos. 2014-116, OHA-080, and Ordinance Nos. 3002, 3003, 3004, 3005, 3006 unanimously adopted.

ITEM PULLED FROM CONSENT CALENDAR

3. CANVASS OF GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014

City Council adopted a resolution certifying the results of the General Municipal Election which was consolidated with the Statewide Election on November 4, 2014.

RESOLUTION NO. 2014-115 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2014, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

The whole number of votes including absentee votes cast for Mayor were as follows:

Paul S. Leon	11,139
Paul V. Avila	2,578
Rodolfo Favila	2,304

The whole number of votes including absentee votes cast for Member of the City Council were as follows:

Alan D. Wapner	8,361
Jim W. Bowman	7,645
Ruben Valencia	4,760
Yolanda Garcia	2,799
Reyna Machado	2,626

The City Council declared and determined that:

Paul S. Leon was elected as Mayor of the City of Ontario for a full term of four years to expire upon certification of the election of November 6, 2018.

Alan D. Wapner was elected as Member of the City Council of the City of Ontario for a full term of four years to expire upon certification of the election of November 6, 2018.

Jim W. Bowman was elected as Member of the City Council of the City of Ontario for a full term of four years to expire upon certification of the election of November 6, 2018.

MOTION: Moved by Council Member Dorst-Porada, and seconded by Council Member Bowman and unanimously carried to adopt Resolution No. 2014-115.

MOTION: Moved by Council Member Bowman, and seconded by Mayor pro Tem Wapner and unanimously carried to adjourn sine die.

Mayor Leon reconvened the meeting.

City Clerk Wirtes administered oaths of office to Mayor Leon, Mayor pro Tem Wapner and Council Member Bowman.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

15. RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 – SERVICES) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES)

City Council:

- (A) Adopted a resolution establishing City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopted a resolution calling a special election for City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services);
- (C) Adopted a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and

- (D) Introduced and waived further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 19 (Countryside Phase 1 - Services).

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 two ballots in support of the district.

RESOLUTION NO. 2014-117 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. 2014-118 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES).

RESOLUTION NO. 2014-119 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

ORDINANCE NO. 3007 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 19 (COUNTRYSIDE PHASE 1 - SERVICES).

MOTION: Moved by Council Member Bowman, and seconded Council Member Wapner and unanimously carried to adopt Resolution Nos. 2014-117, 2014-118, 2014-119, and to introduce Ordinance No. 3007.

16. CONSIDERATION OF A SPENDING PLAN FOR CITIZEN'S OPTION FOR PUBLIC SAFETY/ENHANCING LAW ENFORCEMENT ACTIVITIES SUBACCOUNT GRANT PROGRAM

City Council received public comment for the Fiscal Year 2014-15 Citizen's Option for Public Safety (COPS)/Enhancing Law Enforcement Activities Subaccount (ELEAS) grant; and approve the proposed spending plan.

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 adopt the Consideration of a Spending Plan for Citizen's Option for Public Safety/Enhancing Law Enforcement Activities Subaccount Grant Program.

17. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 19 TO TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATING TO ROTATIONAL TOWING SERVICES

City Council introduce and waive further reading of an ordinance amending Chapter 19 to Title 4 of the Ontario Municipal Code relating to rotational towing services.

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.

ORDINANCE NO. 3008 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 4-19 OF THE ONTARIO MUNICIPAL CODE, RELATING TO ROTATIONAL TOWING SERVICES.

MOTION: Moved by Council Member Dorst-Porada, and seconded by Council Member Bowman and unanimously carried to introduce Ordinance No. 3008.

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL MATTERS

Council Member Dorst-Porada gave an update regarding upcoming events in the City. Ms. Dorst-Porada added that the artist who worked on the Nativity Scenes that are showcased on Euclid Avenue will be celebrated at the bandstand on December 22, 2014.

President/CEO of the Greater Ontario Convention and Visitors Bureau, Michael Krouse, gave an update on the upcoming events at the Christmas on Euclid Experience.

Mayor pro Tem Wapner thanked the voters for his re-election. He added that he was confident that he would be re-elected but it was a very painful campaign for his family. Mr. Wapner also thanked Michael Krouse for his work on the Christmas on Euclid Experience. He also announced the first Menorah lighting in the City of Ontario will be held on December 18, 2014.

Council Member Bowman echoed Mayor pro Tem Wapner's thoughts and added that the voters spoke loudly in the November 4, 2014 election. Mr. Bowman stated that he will not let the voters down and thanked the community, Council Member Dorst-Porada and the labor groups for their support.

Council Member Avila stated he was looking forward to the Reindeer Run. He stated that he looked forward to working with the re-elected City Council. Mr. Avila added that he admired those who voted and disliked those who run for an election and then disappear once the election is over.

Mayor Leon stated that he sees a real value for people to devote time in servicing the community. He added that the City is going in a good direction and that the City Council will continue to bring jobs back to the City. Mayor Leon also stated that he was thrilled to be re-elected and thanked the voters.

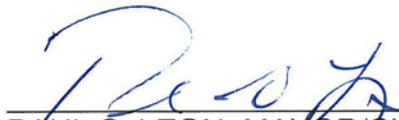
ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:38 p.m. He announced the next regular meetings on Tuesday, December 16, 2014.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/SECRETARY
APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN