ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
FEBRUARY 3, 2015

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, February 3, 2015 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 6:00 p.m., and inquired whether persons were present who wished to speak to a Closed Session item. Hearing none, he noted that members were present and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
  Property: APN: 0218-241-15 and 0218-241-16; 9811 East Edison Avenue and 10084 East Eucalyptus Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Chaffey Joint Union High School District; Under negotiation: Price and terms of payment.

- 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: *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 6:30 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 Assistant City Clerk/Secretary Vicki Kasad.

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

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

PUBLIC COMMENT

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

Jack Shelby, spoke on the history of Edison International. He also spoke on the benefits of solar energy.

Luis Rodriguez, spoke on his discontent with the maintenance of Bon View Park, for Central Division Little League.

Pat Nevarez, spoke on desired improvements at Bon View Park, for Ontario Central Little League.

Mayor Leon asked City Manager Boling to provide an update for the public with regards to Bon View Park.

City Manager Boling stated that City staff has had ongoing communication starting in December with the Ontario Central Little League regarding field and facilities repairs, and the Ontario Police Department is addressing safety issues. Mr. Boling reported that the scheduled maintenance work includes the drains in the dugouts, restroom repairs, flood lights and the concession stand roof. All items will be completed before the season opens on March 7.

Ivan Miramontes, also spoke on desired improvements at Bon View Park.

Julio Castro, also spoke on desired improvements at Bon View Park.

John G. Johnson, spoke on the negative impact the Edison towers have on the surrounding community in Archibald Ranch.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling presented updated materials regarding Public Hearing Item No. 14.

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Wapner 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 January 6, 2015, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** in the amount of $1,757,193.35 for the period from December 28, 2014 through January 10, 2015 and **Payroll** in the amount of $2,546,130.62 for the period of December 28, 2014 through January 10, 2015, when audited by the Finance Committee.

3. A RESOLUTION APPROVING PARCEL MAP NO. 19579 FOR FINANCE PURPOSES ONLY LOCATED ON THE SOUTH SIDE OF INLAND EMPIRE BOULEVARD BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, JUST WEST OF THE CUCAMONGA CREEK CHANNEL

City Council adopted a resolution approving Parcel Map No. 19579 for finance purposes only, located on the south side of Inland Empire Boulevard between Vineyard Avenue and Archibald Avenue, just west of the Cucamonga Creek Channel within the Meredith International Centre Specific Plan area.

RESOLUTION NO. 2015-004 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING PARCEL MAP NO. 19579 FOR FINANCE PURPOSES ONLY WITHIN THE MEREDITH INTERNATIONAL CENTRE SPECIFIC PLAN AREA LOCATED ON THE SOUTH SIDE OF INLAND EMPIRE BOULEVARD BETWEEN VINEYARD AVENUE AND ARCHIBALD AVENUE, JUST WEST OF THE CUCAMONGA CREEK CHANNEL.

4. A COOPERATIVE PURCHASE AGREEMENT WITH MERIT OIL COMPANY FOR UNLEADED AND DIESEL FUELS/MERIT OIL COMPANY

City Council approved a cooperative purchase agreement based on the County of San Bernardino's contract with Merit Oil Company of Bloomington, California, for the purchase and delivery of unleaded and diesel fuels to all City fueling sites and emergency generators for an amount not to exceed the current Fiscal Year's budgeted funding for fuel purchases of $1,800,000; and authorized the City Manager to execute an extension of this agreement for one year, consistent with

the County of San Bernardino's contract, and subject to budget appropriations approved by the City Council for future Fiscal Years.

5. ACCEPT WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENTION TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER – SERVICES); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES

City Council:

(A) Accepted a written petition from Ontario Schaefer Holdings, LLC (the "Landowner"), to create a community facilities district ("CFD"), and to waived certain procedural matters, under the Mello-Roos Community Facilities Act of 1982; and

(B) Adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – 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, March 17, 2015.

RESOLUTION NO. 2015-005 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.

6. A CONSTRUCTION CONTRACT FOR WELL FACILITY BACKUP POWER UPGRADES AT WELL NOS. 37, 38 AND 39/PACIFIC WINDS BUILDING, INC.

City Council approved the plans and specifications, and awarded Contract No. UT 1415-02 to Pacific Winds Building, Inc. of Irvine, California, for the construction of the well facility backup power upgrades at Well Nos. 37, 38 & 39 in the amount of $183,263 for the base bid plus the additive alternate bid in the amount of $9,105, plus a 15% combined contingency of $28,855, for a total amount of $221,223; and 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. PROFESSIONAL SERVICES AGREEMENTS FOR THE WATER AND SEWER MAIN REPLACEMENT PROGRAMS/ALBERT A. WEBB ASSOCIATES/HALL AND FOREMAN, INC.

City Council:

(A) Approved and authorized the City Manager to execute a Professional Services Agreement with Albert A. Webb Associates of Riverside, California, to provide engineering design services for the water main replacement program in the amount of $223,905 for FY 2014-15 and authorized the option to extend the agreement for up to four successive one year periods consistent with City Council approved work programs and budgets; and

(B) Approved and authorized the City Manager to execute a Professional Services Agreement with Hall and Foreman, Inc. of Tustin, California, to provide engineering design services for the sewer main replacement program in the amount of $112,440 for FY 2014-15 and authorized the option to extend the agreement for up to four successive one year periods consistent with City Council approved work programs and budgets.

8. AN AGREEMENT FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE COLONY COMMERCE CENTER SPECIFIC PLAN/URS CORPORATION

City Council approved and authorized the City Manager to execute an agreement with URS Corporation of Ontario, California, to prepare an environmental impact report (EIR) for the Colony Commerce Center Specific Plan, located north of Remington Avenue, south of Merrill Avenue, east of Carpenter Avenue, and west of the Cucamonga Creek Flood Control Channel, in the amount not to exceed $280,759 (includes a 10% contingency), and authorized the City Manager to approve any future budget adjustments necessary to complete the EIR.

9. AN ORDINANCE APPROVING AN AMENDMENT (SECOND AMENDMENT) TO A DEVELOPMENT AGREEMENT (FILE NO. PDA14-007) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT (FILE NO. PDA05-002) AND TO CONFORM WITH THE CURRENT CONSTRUCTION AGREEMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR THE PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE FOR 250 ACRES OF THE PARKSIDE SPECIFIC PLAN

City Council considered and adopted an ordinance approving an amendment (File No. PDA14-007) to the Development Agreement between SC Ontario Development Company, LLC, a Delaware Limited Liability Company, and the City of Ontario to update certain provisions of the existing Development Agreement to conform with the current Construction Agreement with NMC Builders, LLC, and update certain provisions of the existing Development Agreement (File No. PDA05-002). First reading and introduction took place at a public hearing on January 20, 2015.

ORDINANCE NO. 3012 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA14-007) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT (FILE NO. PDA05-002) TO CONFORM TO THE CURRENT CONSTRUCTION AGREEMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR THE PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE FOR 250 ACRES OF THE PARKSIDE SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-221-09 and 10, 0218-231-06 THROUGH 39.

10. **AN ORDINANCE APPROVING A ZONE CHANGE REQUEST TO CHANGE 0.58 ACRES OF LAND FROM C1 (SHOPPING CENTER COMMERCIAL) TO R2 (MEDIUM DENSITY RESIDENTIAL) AND TO CHANGE 0.48 ACRES OF LAND FROM C1 (SHOPPING CENTER COMMERCIAL) TO NC (NEIGHBORHOOD COMMERCIAL), LOCATED ON THE WEST SIDE OF EUCLID AVENUE, NORTH OF ELM STREET**

City Council considered and adopted an ordinance approving a Zone Change (File No. PZC14-001) within the Euclid Avenue Overlay District to change the base zoning of 0.58 acres of land from C1 (Shopping Center Commercial) to R2 (Medium Density Residential) and to change the base zoning of 0.48 acres of land from C1 (Shopping Center Commercial) to NC (Neighborhood Commercial), located on the west side of Euclid Avenue, north of Elm Street from 1420 to 1442 South Euclid Avenue. First reading and introduction took place at a public hearing on January 20, 2015.

ORDINANCE NO. 3013 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-001, A ZONE CHANGE REQUEST WITHIN THE EUCLID AVENUE OVERLAY DISTRICT TO CHANGE THE BASE ZONING OF 0.58 ACRES OF LAND FROM C1 (SHOPPING CENTER COMMERCIAL) TO R2 (MEDIUM DENSITY RESIDENTIAL) AND TO CHANGE THE BASE ZONING OF 0.48 ACRES OF LAND FROM C1 (SHOPPING CENTER COMMERCIAL) TO NC (NEIGHBORHOOD COMMERCIAL), LOCATED ON THE WEST SIDE OF EUCLID AVENUE, NORTH OF ELM STREET, FROM 1420 TO 1442 S. EUCLID AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1050-051-01 THRU 05.

11. AN ORDINANCE APPROVING A ZONE CHANGE REQUEST ON 23.96 ACRES OF LAND TO CHANGE THE ZONING: (1) FROM AR (AGRICULTURAL-RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL 25.1 TO 45.0 DU/AC) FOR PROPERTIES GENERALLY LOCATED ON THE EAST SIDE OF BENSON AVENUE, SOUTH OF MISSION BOULEVARD; WEST SIDE OF OAKS AVENUE SOUTH OF MISSION BOULEVARD; AND WEST SIDE OF MAGNOLIA AVENUE, SOUTH OF MISSION BOULEVARD; (2) FROM R2 (MEDIUM DENSITY RESIDENTIAL) TO HDR-45 FOR PROPERTIES LOCATED NEAR THE SOUTHWEST CORNER OF MISSION BOULEVARD AND OAKS AVENUE; (3) FROM C1 (SHOPPING CENTER COMMERCIAL) TO HDR-45 FOR PROPERTIES LOCATED ON THE SOUTH SIDE OF MISSION BOULEVARD, WEST OF PALMETTO AVENUE; AND (4) FROM C3 (COMMERCIAL SERVICE) TO HDR-45 FOR PROPERTIES GENERALLY LOCATED ON THE SOUTH SIDE OF MISSION BOULEVARD, BETWEEN BENSON AVENUE AND OAKS AVENUE AND AT THE SOUTHWEST CORNER OF MISSION BOULEVARD AND MAGNOLIA AVENUE

Council considered and adopted an ordinance approving a Zone Change (File No. PZC14-005) from AR (Agricultural Residential), R2 (Medium Density Residential), C1 (Shopping Center) and C3 (Commercial Service) to HDR-45 (High Density Residential) to create consistency between the zoning and the existing High Density Residential General Plan land use designation. First reading and introduction took place at a public hearing on January 20, 2015.

ORDINANCE NO. 3014 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-005, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION FROM AR (AGRICULTURAL RESIDENTIAL), R2 (MEDIUM DENSITY RESIDENTIAL), C1 (SHOPPING CENTER) AND C3 (COMMERCIAL SERVICE) TO HDR-45 (HIGH DENSITY RESIDENTIAL 25.1 – 45 DU/AC) FOR 33 PARCELS TOTALING APPROXIMATELY 24 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTH SIDE OF MISSION BOULEVARD BETWEEN BENSON AND PALMETTO AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1011-361-01 THRU 05, 07 THRU 12, 15, 19 THRU 32, 1011-371-12 THRU 16, 1011-382-04 AND 1011-382-65.

12. APPLICATION FOR GRANTS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FY2016 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM/AVOID LEAD AGENCY GRANT PROGRAM

City Council authorized the City Manager to execute all documents necessary to apply for and accept 12-month grants in the amount of $750,000 from the California Office of Traffic Safety (OTS) for participation in the FY2016 Selective Traffic Enforcement Program (STEP)/Avoid Lead Agency Grant Program.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution Nos. 2015-004 and 2015-005, and Ordinance Nos. 3012, 3013 and 3014 unanimously adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

13. A PUBLIC HEARING TO CONSIDER A REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND SEC EUCLID & HOLT AVENUE PROPERTY L.P.

City Council adopted resolutions authorizing the City Manager to execute a Reimbursement Agreement, which will provide up to $700,000 in General Fund appropriations, and all other necessary documentation by and between the City of Ontario and SEC Euclid & Holt Avenue Property L.P. of Corona, California, related to the development of parking and related infrastructure improvements in the Ontario Downtown Euclid Avenue District.

RESOLUTION NO. 2015-006 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACCEPTING THE ECONOMIC DEVELOPMENT SUBSIDY REPORT PREPARED PURSUANT TO GOVERNMENT CODE SECTION 53083 REGARDING A REIMBURSEMENT AGREEMENT FOR COSTS ASSOCIATED WITH THE CONSTRUCTION OF A PARKING STRUCTURE IN THE ONTARIO DOWNTOWN EUCLID AVENUE DISTRICT.

RESOLUTION NO. 2015-007 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND SEC EUCLID & HOLT AVENUE PROPERTY L.P. FOR COSTS ASSOCIATED WITH THE CONSTRUCTION OF A PARKING STRUCTURE IN THE ONTARIO DOWNTOWN EUCLID AVENUE DISTRICT.

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 Resolution Nos. 2015-006 and 2015-007.

14. A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION TO UPDATE AND MODIFY DEVELOPMENT IMPACT FEES

City Council adopted a resolution to update and modify the City's Development Impact Fees (DIF).

Assistant City Clerk Kasad reported that the following correspondences were received.

Stratham Homes, Inc., in support of Resolution No. 2015-008.
Lewis Operating Corp., in support of Resolution No. 2015-008.
RCCD, Inc., in support of Resolution No. 2015-008.
Brookfield Residential, in opposition to Resolution No. 2015-008.
Building Industry Association (BIA), in opposition to Resolution No. 2015-008. Unless a phased approach is implemented along with an exemption for OMC.

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.

RESOLUTION NO. 2015-008 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, UPDATING AND MODIFYING DEVELOPMENT IMPACT FEES.

MOTION: Moved by Council Member Bowman, and seconded by Mayor pro Tem Wapner and unanimously carried to adopt Resolution No. 2015-008.

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL MATTERS

Council Member Dorst-Porada invited all to the Ontario Heritage Potluck. She also spoke on the planting of street trees.

Mayor pro Tem Wapner stated he was asked to read a statement from local resident Deb Hilak thanking Council Member Dorst-Porada for supporting the equestrian community by enhancing the arena lighting at Homer Briggs Park.

Council Member Bowman invited all to the Rotary Police Museum fundraiser on February 20, 2015 at the Ontario Police Department and announced the Ovitt Family Community Library's book release party on February 11, 2015.

Council Member Avila spoke on the upcoming events in the City and thanked all who contributed to the City of Ontario. He also acknowledged City staff and wished everyone a good weekend.

Mayor Leon reminisced on his little league days and reminded residents that developers are now funding maintenance for new parks in the New Model Colony area, but that was not the case in older communities. He also stated that he wanted to maintain a good relationship between the little league divisions and the City.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:09 p.m. He announced the next regular meetings on Tuesday, February 17, 2015.

Respectfully submitted,

VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:

PAUL S. LEON, MAYOR/CHAIRMAN