

**ONTARIO CITY COUNCIL/  
ONTARIO HOUSING AUTHORITY/  
SUCCESSOR AGENCY TO THE ONTARIO  
REDEVELOPMENT AGENCY  
MINUTES  
JULY 7, 2015**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council/Ontario Housing Authority/Successor Agency to the Ontario Redevelopment Agency were held on Tuesday, July 7, 2015 at the Ontario City Hall, 303 East B Street, Ontario, California.

**CLOSED SESSION**

The Mayor called the City Council/Housing/Successor Agency meetings to order at 6:02 p.m., and inquired whether persons were present who wished to speak to a Closed Session item.

*Stephen Rogers*, expressed difficulty in submitting a job application via Neogov.com for the position of principal engineer with the City.

Hearing no one else, the Council with all members present thereupon adjourned to Closed Session at 6:07 p.m. for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 1560-200-44; 3100 South Milliken Avenue, Eastvale, CA;  
City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Tony Rigdon; Under negotiation: Price and terms of payment.
- GC 54957.6, CONFERENCE WITH LABOR NEGOTIATOR: Al C. Boling regarding San Bernardino Public Employees Association.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One (1) case.*
- 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/Successor Agency to the Ontario Redevelopment Agency meetings to order at 6:45 p.m., and requested the City Clerk call the roll.

<b>PRESENT:</b> Mayor/Chairman	Paul S. Leon
Mayor pro Tem/Vice Chairman	Debra Dorst-Porada
Council/Authority Members:	Alan D. Wapner, Jim W. Bowman, 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 Avila.

The Invocation was offered by *Assistant Pastor Sean Thurin*, Calvary Chapel Ontario.

### **PUBLIC COMMENT**

*Dr. Flores and Mr. Sanchez*, recently elected Ontario-Montclair School District Board Members, looked forward to developing a better relationship between the City of Ontario and the school board.

*Steve Koffrath*, AFSCME representative, thanked City staff and City Council for their work during labor negotiations.

*Wendy Hamilton*, spoke on the real estate values of homes in Archibald Ranch.

*Tressy Capps*, resident of Fontana, spoke on her opposition to express lanes in the Inland Empire.

*Linda Johnson*, expressed desire to have a traffic signal on Big Range Road and Archibald Avenue.

*John Johnson*, spoke on home values in Archibald Ranch and distributed information on properties in the area.

*Peggi Hazlett*, Ontario Chamber of Commerce CEO, gave an update on the upcoming events at the Ontario Chamber of Commerce.

*Stephen Rogers*, spoke on his concerns with his lack of employment opportunities with the City of Ontario.

*Christopher Craig*, representative for Assembly Member Freddie Rodriguez, announced an Open House July 25, 2015 from 11:00 a.m. to 2:00 p.m. at the Chino Office of the Assembly Member.

*Chad Schnitger*, representative for San Bernardino County Supervisor Curt Hagman, thanked the City of Ontario for the Fourth of July Parade and Fireworks Show.

### **CLOSED SESSION REPORT**

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

## **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Boling indicated there were no announcements.

## **CONSENT CALENDAR**

**Agenda Item #8** was pulled from the Consent Calendar for separate discussion as requested by Council Member Avila.

*Julie Dorey*, with *David Simpson* and *Pam Martinez*, spoke on Item No. 12. They expressed their appreciation to City of Ontario leaders for working with all City employees during turbulent times. She added that all employee groups are diverse, but they all come together to maximize resources for the City of Ontario. Ms. Dorey noted Ontario Management Group has 83 members with average employment of 12 years and added that she was very proud to be part of the City's management team.

*Stephen Rogers*, spoke on Item Nos. 3, 4, 12, and 13. With regards to Item Nos. 3 and 4, Mr. Rogers expressed his concerns with the City's indemnification clause included in the contracts. With regards to Item Nos. 12 and 13, Mr. Rogers spoke on his expectations regarding the employee groups.

Council Member Avila, had questions regarding Item No. 8. Mr. Avila asked City Manager Boling the number of bids received.

City Manager Boling indicated that the City solicited proposals and only one response was received as noted in the agenda report.

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

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

Approved Minutes for the regular meeting of the City Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency of June 2, 2015, as on file in the Records Management Department.

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

Approved Bills in the amount of \$7,064,848.94 for the period from May 17, 2015 through May 30, 2015 and Payroll in the amount of \$2,829,299.86 for the period from May 17, 2015 through May 30, 2015, when audited by the Finance Committee.

### **3. RIGHT OF WAY PURCHASE AGREEMENT BETWEEN THE CITY OF ONTARIO AND THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT**

City Council approved and authorized the City Manager to execute a Right-of-Way Purchase Agreement with the San Bernardino County Flood

Control District (SBCFCD) to acquire the right of way on Edison Avenue at Cucamonga Creek Channel and Archibald Avenue at Lower Deer Creek.

**4. FACILITIES RELOCATION AGREEMENT FOR SOUTHERN CALIFORNIA EDISON FACILITIES ALONG EDISON AVENUE BETWEEN THE CUCAMONGA CREEK CHANNEL AND TURNER AVENUE**

City Council approved and authorized the City Manager to execute a Facilities Relocation Agreement with Southern California Edison (SCE) for the relocation of SCE facilities along Edison Avenue from the Cucamonga Creek Channel to Turner Avenue.

**5. A CONSTRUCTION CONTRACT FOR CITY OF ONTARIO FY 2014-15/FY 2015-16 COLLECTOR/ARTERIAL, LOCAL STREET MAINTENANCE - SLURRY SEAL AND CDBG PAVEMENT AND ALLEY PAVEMENT MANAGEMENT REHABILITATION/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 City of Ontario FY 2014-15/FY2015-16 Collector/Arterial, Local Street Maintenance Slurry Seal and CDBG Pavement and Alley Pavement Management Rehabilitation in the bid amount of \$1,837,193 plus a twenty (20%) percent contingency of \$367,439 for a total authorized expenditure of \$2,204,632; 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 for the project.

**6. A CONSTRUCTION CONTRACT FOR THE FY 2014-15 PAVEMENT REHABILITATION PROJECT AND CDBG FUNDED ALLEY RECONSTRUCTION/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 2014-15 Pavement Rehabilitation Project and CDBG Funded Alley Reconstruction for the bid amount of \$2,281,410 plus a 15% contingency of \$342,212 for a total authorized amount of \$2,623,622; and authorized the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

**7. ACCEPT A GRANT AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY/U.S. DEPARTMENT OF HOMELAND SECURITY (FEMA/DHS)**

City Council accepted a grant award from the Federal Emergency Management Agency/U.S. Department of Homeland Security (FEMA/DHS) in the amount of \$90,350 for the purchase of firefighter personal escape and rescue system equipment.

**8. MAINTENANCE SERVICE AGREEMENT FOR FIRE SPRINKLER AND KITCHEN SUPPRESSION SYSTEM SERVICES AT VARIOUS CITY LOCATIONS/CAL BUILDING SYSTEMS, INC.**

City Council authorized the City Manager to execute a three-year Maintenance Service Agreement with Cal Building Systems, Inc. of Brea, California, for an annual cost of \$29,512; authorized the addition of future service areas; and authorized the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

**8. MAINTENANCE SERVICE AGREEMENTS FOR ON-CALL URGENCY CONTRACTOR SERVICES AT VARIOUS CITY LOCATIONS/RYMAX ELECTRIC, INC.**

City Council authorized the City Manager to execute three-year On-Call Maintenance Service Agreements with Rymax Electric, Inc., of Brea, California, E.L. Engineering Inc., of La Verne, California, and Vortex Industries, Inc., of Riverside, California; and authorized the City Manager to extend the agreements for up to two additional years consistent with City Council approved budgets.

**9. PROFESSIONAL SERVICES AGREEMENT WITH BABCOCK LABORATORIES, INC. FOR ANALYTICAL LABORATORY SERVICES**

City Council approved and authorized the City Manager to execute a Professional Services Agreement with Babcock Laboratories, Inc., of Riverside, California, for analytical laboratory services for water and wastewater in the amount of \$260,000 for FY 2015-16 with the option to extend the agreement for up to three successive one year periods.

**10. EXTENSION AND AMENDMENTS TO THE 2013-2016 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES**

City Council approved a one-year extension and proposed amendments to the 2013-2016 Memorandum of Understanding (MOU) between the City of Ontario and the employees represented by the American Federation of State, County, and Municipal Employees (AFSCME) regarding wages, hours, and other terms and conditions of employment; and authorized the City Manager to make non-substantive revisions to MOU language, if necessary, to implement the intended extension and amendments and/or achieve consistency between bargaining units.

**11. EXTENSION AND AMENDMENTS TO THE 2013-2016 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE ASSOCIATION OF ONTARIO MANAGEMENT**

City Council approved a one-year extension and proposed amendments to the 2013-2016 Memorandum of Understanding (MOU) between the City of Ontario and the employees represented by the Association of Ontario Management Employees (AOME) regarding wages, hours, and other terms and conditions of employment; and authorized the City Manager to make non-substantive revisions

to MOU language, if necessary, to implement the intended extension and amendments and/or achieve consistency between bargaining units.

**12. APPROVAL OF AMENDMENTS TO COMPENSATION AND BENEFITS PROFILE TERMS OF EMPLOYMENT FOR UNREPRESENTED EMPLOYEE GROUPS INCLUDING PART-TIME, CONFIDENTIAL, DEPARTMENT HEAD AND EXECUTIVE MANAGEMENT EMPLOYEES**

City Council approved amendments regarding wages, hours, and other terms and conditions of employment and corresponding amendments to the Compensation and Benefits Profiles for unrepresented employees in the Part-Time, Confidential, Department Head, and Executive Management employee groups; and authorized the City Manager to make non-substantive revisions to the Profiles, if necessary, to implement the intended amendments and/or achieve consistency between employee units.

**RESOLUTION NO. 2015-074** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING SALARY RANGES FOR APPOINTIVE POSITIONS OF FIRE CHIEF AND POLICE CHIEF AS SET FORTH IN EXECUTIVE MANAGEMENT COMPENSATION AND BENEFITS PROFILE.

**RESOLUTION NO. 2015-075** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SALARY COMPENSATION FOR THE CITY MANAGER.

**13. AWARD OF BID FOR PROCUREMENT OF ASPHALT, CONCRETE AND AGGREGATE MATERIALS/HOLLIDAY ROCK CO./CALPORTLAND/VULCAN**

City Council authorized the City Manager to approve the procurement of concrete, asphalt and aggregate materials from Bid Invitation #532 with Holliday Rock Co. of Upland, California; CalPortland of Ontario, California; and Vulcan of Irwindale, California; and authorized the option for the City Manager to extend the agreements for up to one additional year consistent with City Council approved budgets.

**14. A SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES AT CELEBRATION PARK/MERCHANTS LANDSCAPE SERVICES, INC.**

City Council approved and authorized the City Manager to execute a three-year Maintenance Services Agreement for Contract No. PM 1415-09 with Merchants Landscape Services, Inc. of Rancho Cucamonga, California for an annual cost of \$43,200 plus a contingency of \$4,320; and authorized the addition of future service areas and the option to extend the agreement for up to two additional years consistent with City Council approved budgets.

**15. A SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES FOR PARK PLACE PARKWAYS/VALLEYCREST LANDSCAPE MAINTENANCE**

City Council approved and authorized the City Manager to execute a three-year Maintenance Services Agreement for Contract No. PM 1415-12 with Valleycrest Landscape Maintenance, of Fontana, California, for an annual cost of \$43,836 plus a contingency of \$6,575; and authorized the addition of future service areas and the option to extend the Agreement for up to two additional years consistent with City Council approved budgets.

**16. A RESOLUTION FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY**

City Council adopted a resolution finding the public interest and convenience require the sale of certain real property and declaring its intent to sell such property located at 616 East Sunkist Street.

**RESOLUTION NO. 2015-076** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY.

**MOTION UNANIMOUSLY CARRIED.** The Mayor/Chairman declared Resolution Nos. 2015-074, 2015-075, and 2015-076 unanimously adopted.

Council Member Wapner commented on Consent Calendar Item Nos, 11, 12, and 13 which specifically refer to the extension of existing contracts. Mr. Wapner noted the City of Ontario prides itself on stability and attributes its success to City employees. Mr. Wapner thanked all employees, negotiating groups, City Manager Boling, and Assistant City Manager Green for all of their efforts.

Council Member Bowman concurred and noted the City of Ontario is consistent, stable, and reliable as a result of the hard work and dedication from the City of Ontario employees.

Mayor pro Tem Dorst-Porada thanked City employees for making the City of Ontario a great place to live in.

Council Member Avila thanked City of Ontario employees for their confidence in City Council.

**END OF JOINT CONSENT CALENDAR**

## PUBLIC HEARINGS

### 18. APPROVAL OF OWNER'S PERMITS FOR THE PROVISION OF TAXICAB SERVICES WITHIN THE CITY OF ONTARIO

City Council held a public hearing to consider approval of owner's permits for the provision of taxicab services within the City of Ontario to Network Paratransit Systems, Inc. dba Bell Cab Company, San Bernardino, California, Rykal LLC dba Yellow Cab Company, Thousand Palms, California, and Express Transportation Systems Inc. dba Checker Cab & Inland Empire Cab, Riverside, California; and authorize the City Manager to execute five-year service agreements with these companies.

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.

*Greg Klibaov*, with Yellow Cab spoke on his opposition to adding a third cab company in the City of Ontario.

*Petros Keshishian*, with Bell Cab spoke on his opposition to adding a third cab company in the City of Ontario.

Seeing no one else wishing to speak, the Mayor closed the hearing.

Council Member Wapner asked City Manager Boling to discuss the analysis conducted to show a need for a third cab company in the City.

City Manager Boling stated he could provide City Council with more details and added that staff had evaluated the transportation needs of the residents and determined that potentially a third cab company could be added, but it is up for policy discussion and consideration.

Council Member Wapner noted the need to balance the free market considerations yet keep existing businesses thriving.

City Manager Boling also noted that the taxi cab service is being provided direct to the public, not the City of Ontario.

Mayor Leon stated he is not in favor of having too many cab companies in the City as he feels that there is a need to protect the services offered to the public. He stated he is not ready to add another cab company right now. The Mayor noted a request to speak after the public hearing was closed.

Council Member Bowman stated a big issue to consider is how much saturation Uber will create. He added that he stands by the two cab companies we have until we have information to support the stability of the market place to add another service provider.

Mayor pro Tem Dorst-Porada stated she recently took a cab to the airport and was dismayed at the quality of the cab. She added that the City should set a limit of two cab companies with conditions that require quality rides.

Council Member Avila stated he is a believer of a true free market and supported the addition of a third cab company.

Mayor Leon expressed the need to support what is good for the community, and the current cab companies need to generate enough revenue to provide quality service.

Council Member Wapner stated he was still torn by this policy discussion. He considered that if the City added a third cab company and if the community needs are already met by two companies, it will decrease the number of calls each company would get and they may go to another City.

The Mayor reopened the public hearing.

*Neil Evans*, attorney for Express Transportation, stated the more availability the better, adding that the cabs are multi-jurisdictional and the number of cabs in the City at one time should be the number one consideration.

Council Member Wapner asked Mr. Evans how the City should calculate what the correct number of cabs is.

Mr. Evans responded that the City could start by reviewing the number of cabs on the road at any given time.

City Manager Boling stated each cab company operates 20 to 30 cabs in the City.

Mr. Evans asked if all 20 to 30 cabs were in the City at the same time or in other cities, and he added that one more company is not the tipping point to dilute the market.

Seeing no one else wishing to speak, the Mayor closed the public hearing.

Council Member Wapner noted the City needed to make sure the current cab companies were meeting performance requirements and industry standards.

City Manager Boling stated that performance measures can be added in the contracts being considered.

Mayor Leon moved to reject staff recommendation and allow the two existing companies Yellow Cab and Bell Cab to renew their contracts. City Attorney Brown suggested a motion stating the adoption of resolution by title only granting five year service agreements to Bell Cab and Yellow Cab.

Council Member Wapner requested an amendment to give staff direction to include performance standards and remedies in the contracts consistent with the City Manager's suggestions.

**RESOLUTION NO. 2015-077** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FINDING THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE RENEWAL OF EXISTING PERMITS FOR PROVISION OF TAXICAB SERVICES WITHIN THE CITY.

**MOTION:** Moved by Mayor Leon, seconded by Council Member Bowman and carried with Council Member Avila opposed, to adopt Resolution No. 2015-077.

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

**19. A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO AMEND SECTION 2-9.02 AND 2-9.03 OF THE ONTARIO MUNICIPAL CODE RELATING TO CHANGING THE NAME OF THE PUBLIC MUSEUM TO "ONTARIO MUSEUM OF HISTORY AND ART"**

City Council introduced and waived further reading of an ordinance amending Chapter 9 of Title 2 of the Ontario Municipal Code to change the name of the City's public museum to "Ontario Museum of History and Art".

**ORDINANCE NO. 3023** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 9 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE TO APPROVE CHANGING THE NAME OF THE PUBLIC MUSEUM TO "ONTARIO MUSEUM OF HISTORY AND ART."

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.

**MOTION:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to introduce Ordinance No. 3023.

**STAFF MATTERS**

City Manager Boling expressed his gratitude to City Council for recognizing City staff's hard work and thanked the employee groups.

## COUNCIL COMMENTS

Council Member Avila thanked the Ontario-Montclair School Board Members for attending the City Council meeting. He also recognized Ignacio Lopez, a Latino activist.

Council Member Bowman noted he and Mayor Leon attended the American Legion National Convention at the Convention Center. He also thanked staff for the wonderful job on the Fourth of July Parade.

City Attorney Brown briefly introduced the BB&K summer associates: Kareem Aref, Craig Hayes, Tristan Kirk, Miles Krieger, Katherine Tanaka, and Jacqueline Yeager.

Mayor Leon thanked staff for the significant role they play in making the City what it is. He added the Fourth of July event was huge and noted they had over 15,000 people this year. Mayor Leon recommended that staff place signs on Euclid Avenue 72 hours prior to the parade to prevent residents from putting possessions out too early. He also mentioned community leader Steve Pontell's son, Michael Pontell passed a few weeks ago. He asked for Council consensus to allow Mr. Pontell to donate a reading bench as a memorial in the Downtown area.

Council Member Wapner suggested a policy be established for acceptance and placement of such memorials.

Mayor Leon received consensus from City Council to give staff direction to establish a policy that will allow for acceptance and placement of a reading bench to memorialize Mr. Pontell's son.

Council Member Wapner asked how many days residents were able to water their lawn.

City Manager Boling stated that the City is currently operating under the 2 days a week adopted by resolution of the City Council. He added that there is an additional day proposed as a result of the follow-up workshop in which Council expressed a desire for resident flexibility. Mr. Boling stated staff will rectify the inconsistency as it was prematurely posted on the City website.

Council Member Wapner questioned Fire Chief Clark and Deputy Police Chief Williams regarding fireworks enforcement. He stated he observed a proliferation of illegal fireworks and asked for details regarding the number of citations and fines issued.

Chief Clark provided a report detailing citations, fines, and warnings issued.

Deputy Chief Williams indicated the Ontario Police Department was stretched thin on Fourth of July due to the parade and community fireworks show but added that City Council's direction is clear.

Council Member Wapner reported that Council Member Bowman, City Manager Boling and he went to Washington, D.C. regarding a proposed reduction to the noise contour at the Ontario International Airport. He added that the Federal Aviation Administration staff will at least take another look at the proposed reduced based upon our meeting.

He also attended the Annual League of California Cities Executive Forum in Monterey, and added it was a good opportunity for advanced training. He announced that the President of Guamúchil, Sinaloa, Mexico joined the City Council at the Fourth of July Parade and presented the City with an appreciation plaque in recognition of continued participation in the Sister City Program.

Mayor pro Tem Dorst-Porada suggested increasing the fireworks fine to \$10,000 and announced the annual Ontario Night Out on July 30, 2015. She reminded residents of the lunch program at the library as well as the Concerts in the Park Wednesday nights at Town Square.

### **ADJOURNMENT**

Mayor Leon adjourned the meetings of the Joint Agencies at 8:40 p.m. in memory of Joseph Piscioneri and Michael Pontell. He announced the next regular meetings on Tuesday, July 21, 2015.

Respectfully submitted,



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VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



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PAUL S. LEON, MAYOR/CHAIRMAN