

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
July 21, 2015**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, July 21, 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 6:01 p.m., and inquired whether persons were present who wished to speak to a Closed Session item. Hearing no one, the Council with all members present thereupon adjourned to Closed Session at 6:01 p.m. for discussion as follows:

- 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 meetings to order at 6:39 p.m., and requested the City Clerk call the roll.

PRESENT:	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 Bowman.

The Invocation was offered by *Reverend Jesus Briones*, St. George Catholic Church.

PUBLIC COMMENT

John Timones, invited all to the Always Abba concert scheduled for August 8, 2015 to benefit the Esperanza Scholarship Foundation.

Tom Burciaga, introduced the newest priest serving at Our Lady of Guadalupe Parish, Reverend Richard Casillas.

Loree Masonis, inquired about the QVC agreement approved at the June 16, 2015 City Council Meeting.

Sabrina Carpenter, spoke on concerns regarding parking on Pine Avenue. She asked that City Council consider providing more police patrol and parking limitations in her area.

CLOSED SESSION REPORT

City Attorney Brown reported two items were discussed in Closed Session and no reportable actions were taken. He noted that the discussion would continue following the business portion of this meeting.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling indicated there were no announcements.

CONSENT CALENDAR

Agenda Items #3 and #4 were pulled from the Consent Calendar for separate discussion as requested by Council Member Avila.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman to approve the Consent Calendar items as recommended with the exception of Items 3 and 4.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council/Housing Authority of June 16, 2015, and special meeting of the City Council and Housing Authority of June 17, 2015, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved Bills in the amount of \$11,689,308.57 for the period from May 31, 2015 through June 13, 2015 and Payroll in the amount of \$2,538,155.36 for the period from May 31, 2015 through June 13, 2015, when audited by the Finance Committee.

5. A RESOLUTION AUTHORIZING AN ACQUISITION AND FUNDING AGREEMENT AND A MEMORANDUM OF AGREEMENT WITH NMC BUILDERS LLC

City Council:

- (A) Authorized the execution of an Acquisition and Funding Agreement between the City of Ontario and NMC Builders LLC to provide for the future acquisition of completed public facilities constructed by and/or funded directly by NMC Builders LLC members, both as individual members and jointly, with the proceeds of community

facilities district (CFD) special tax bonds from recently formed and future CFDs; and

- (B) Authorized the execution of a Memorandum of Agreement between the City of Ontario and NMC Builders LLC regarding the application of the City's Local Goals and Policies for community facilities districts and to provide a priority of uses for the proceeds of bonds issued pursuant to recently formed and future CFDs.

RESOLUTION NO. 2015-078 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ACQUISITION AND FUNDING AGREEMENT AND A MEMORANDUM OF AGREEMENT.

6. AN ORDINANCE TO AMEND SECTIONS 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 considered and adopted 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." Introduction and first reading took place at a City Council Meeting on July 7, 2015.

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."

7. AGREEMENT TO PROVIDE CONTRACT LAW ENFORCEMENT SERVICES FOR AN EVENT IN THE CITY OF POMONA

City Council authorized the City Manager to execute a one-time agreement to provide contract law enforcement services to the City of Pomona in support of a Live Nation festival concert event to be held Saturday, August 1 and Sunday, August 2, 2015.

8. STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2015/16 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE FOR THE YEAR SERVED 2014/15

City Council confirmed Keven Michel, Ontario High School, as the Student Representative and Crystal Saldivar, Ontario High School, as the Alternate to the Recreation and Parks Commission for the term to expire June 30, 2016; and recognized Keven Michel, Ontario High School, for serving as the Student Representative and Ricardo Olea, Ontario High School, for serving as the Student Representative Alternate for the past year.

9. CONSTRUCTION CONTRACT AND PROFESSIONAL SERVICES AGREEMENT FOR THE CONSTRUCTION, MANAGEMENT, AND INSPECTION OF WATER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS/T.E. ROBERTS, INC./ALBERT A. WEBB ASSOCIATES

City Council:

- (A) Approved the plans and specifications, and awarded Contract No. UT 1415-08 to T.E. Roberts, Inc. of Tustin, California for the construction of water main improvements at various locations in the amount of \$3,298,459 plus a 15% contingency of \$494,769, for a total amount of \$3,793,228 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; and
- (B) Authorized the City Manager to execute a Professional Services Agreement with Albert A. Webb Associates of Riverside, California, to provide construction management and inspection services of water main improvements at various locations in the amount of \$219,600 plus a 15% contingency of \$32,940, for a total amount of \$252,540.

10. CONSTRUCTION CONTRACT FOR THE MUNICIPAL SERVICES CENTER PAVEMENT REHABILITATION (PHASE 1A) AND LANDSCAPE & IRRIGATION IMPROVEMENTS/SULLY MILLER CONTRACTING CO.

City Council approved the plans and specifications, and awarded Contract No. UT 1314-04 to Sully Miller Contracting Co. of Brea, California, for the Pavement Rehabilitation (Phase 1A) and Landscape & Irrigation Improvements at the Ontario Municipal Service Center in the amount of \$1,812,078 plus a 15% contingency of \$271,812, for a total of \$2,083,890; and authorized the City Manager to execute said contract and file the Notice of Completion at the conclusion of all construction activities related to the project.

11. PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR ENGINEERING DESIGN SERVICES FOR RECYCLED WATER MAIN IMPROVEMENTS ALONG EUCLID AVENUE AND RIVERSIDE DRIVE

City Council authorized the City Manager to execute a Professional Services Agreement with Michael Baker International of Ontario, California in the amount of \$1,486,828 plus a 10% contingency of \$148,683, for a total amount of \$1,635,511, to provide engineering services for the design of recycled water main improvements along both Euclid Avenue and Riverside Drive.

12. A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 6 (FISCAL YEAR 2015-16) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

City Council adopted a resolution approving a grant application for an estimated \$46,000 from the Used Oil Payment Program Cycle 6 (Fiscal Year 2015-16) through the State of California Department of Resources Recycling and Recovery (CalRecycle); and authorized the City Manager or his designee to execute all necessary documents to participate in the program.

RESOLUTION NO. 2015-079 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE USED OIL PAYMENT PROGRAM CYCLE 6 (FISCAL YEAR 2015-16) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY.

13. ON-CALL SERVICES FOR WATER DISTRIBUTION AND SEWAGE COLLECTIONS SYSTEM REPAIRS/T.E. ROBERTS, INC.

City Council awarded Contract No. UT 1516-04 to T.E. Roberts, Inc. of Tustin, California, for on-call services for water distribution and sewage collections system repairs in the amount of \$1,200,000 for FY 2015-16 with the option to extend the agreement for up to four additional one-year periods consistent with City Council approved budgets; 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.

14. PURCHASE OF WATER METERS AND REPAIR PARTS/HD SUPPLY WATERWORKS

City Council approved and authorized the sole source purchase of new water meters and repair parts for a total not to exceed amount of \$2,400,000 from HD Supply Waterworks of Perris, California.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution Nos. 2015-078, 2015-079, and Ordinance No. 3023 unanimously adopted.

ITEMS PULLED FROM CONSENT CALENDAR

3. DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

City Council designated Alan D. Wapner as the City's voting delegate and Debra Dorst-Porada as an alternate for the League of California Cities Annual Business Meeting scheduled for October 2, 2015.

Council Member Avila suggested that the City Council rotate the position of delegate and alternate.

Council Member Wapner stated his willingness to let others serve as the voting delegate; however, no one else requested to be considered. Both Council Member Wapner and Mayor Leon clarified that delegates represent the entire City Council and would not vote contrary to Council consensus positions.

MOTION: Moved by Council Member Avila, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to designate Alan D. Wapner as the City's voting delegate and Debra Dorst-Porada as an alternate for the League of California Cities Business Meeting of October 2, 2015.

4. A PROFESSIONAL SERVICES AGREEMENT FOR SPECIALIZED TAX CONSULTING SERVICES FOR MATTERS BEFORE THE STATE BOARD OF EQUALIZATION; AND A PROFESSIONAL SERVICES AGREEMENT FOR SALES TAX CONSULTING SERVICES RELATED TO AN OPERATING COVENANT AGREEMENT/ROBERT E. CENDEJAS AND ASSOCIATES, INC./BUSINESS LOCATION ADVISORS, INC./STRATEGIC BUSINESS LOCATIONS, INC.

City Council:

- (A) Approved and authorized the City Manager to execute a five year professional services agreement with Robert E. Cendejas and Associates, Inc. of Diamond Bar, California, for specialized tax consulting services for matters related to and before the State Board of Equalization and authorized the option to extend the agreement for an additional five years; and
- (B) Approved and authorized the City Manager to execute a forty-one year professional services by and between the City of Ontario and Robert E. Cendejas and Associates, Inc.; Business Location Advisors, Inc.; and Strategic Business Locations, Inc., all of Diamond Bar, California, for consulting services in conjunction with the forty-one year Operating Covenant Agreement, approved by the City Council on June 16, 2015, between the City of Ontario and QVC, Inc. ("QVC").

Council Member Avila inquired if at the end of 41 years the City would have the option to extend an additional 5 years with regards to Item B.

City Manager Boling explained that Item B is a 41 year agreement with no option to extend.

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Dorst-Porada and carried, with Council Member Avila opposed, to approve and authorize a professional services agreement for specialized tax consulting services for

matters before the State Board of Equalization and an agreement for sales tax consulting services.

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

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

15. **A PUBLIC HEARING TO CONSIDER THE SALE OF CITY-OWNED PROPERTY; IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37420 ET. SEQ., MAKING CERTAIN FINDINGS; AND ADOPTION OF A RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND MGH ONTARIO, LLC, FOR THE REDEVELOPMENT OF THE FORMER SUNKIST GROWERS INC. FRUIT PACKING FACILITY**

City Council conducted a public hearing to consider the sale of City-owned property; and adopted a resolution approving a Disposition and Development Agreement ("Agreement") between the City of Ontario ("City") and MGH Ontario, LLC. ("Developer"); and authorized the City Manager to execute the Agreement and all other documents required for implementation of the Agreement, including the filing of the Certificate of Completion upon completion of the project.

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. 2015-080 A RESOLUTION OF THE CITY COUNCIL OF THE OF ONTARIO, CALIFORNIA, APPROVING THE SALE OF PROPERTY PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND MHG-ONTARIO, LLC FOR PROPERTY GENERALLY LOCATED AT 616 EAST SUNKIST STREET (APN: 1049-221-01).

RESOLUTION NO. 2015-081 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR THE SALE OF PROPERTY PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND MHG-ONTARIO, LLC FOR PROPERTY GENERALLY LOCATED AT 616 EAST SUNKIST STREET FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1049-221-01.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to adopt Resolution Nos. 2015-080 and 2015-081.

16. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC, TO UPDATE CERTAIN INFRASTRUCTURE PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF UP TO 1,146 RESIDENTIAL UNITS AND 10 ACRES OF COMMERCIAL ON 178.66 ACRES OF LAND WITHIN PLANNING AREAS 9A, 10A, 10B AND 11 OF THE AVENUE SPECIFIC PLAN, LOCATED SOUTH OF SCHAEFER AVENUE, NORTH OF EDISON AVENUE (ONTARIO RANCH ROAD), BETWEEN TURNER AVENUE AND HAVEN AVENUE**

City Council introduced and waived further reading of an ordinance approving an amendment (File No. PDA15-002) to the Development Agreement between the City of Ontario and BrookCal Ontario, LLC, (File No. PDA15-002, on file in the Records Management Department), to update certain infrastructure provisions of the existing development agreement for the development of up to 178.66 acres of land within planning areas 9A, 10A, 10B and 11 of the Avenue Specific Plan, located south of Schaefer Avenue, North of Edison Avenue (Ontario Ranch Road), between Turner Avenue and Haven Avenue.

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.

ORDINANCE NO. 3024 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA15-002) BETWEEN THE CITY OF ONTARIO AND BROOKCAL ONTARIO, LLC, TO UPDATE CERTAIN INFRASTRUCTURE PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT (FILE NO. PDA10-002) FOR THE DEVELOPMENT OF UP TO 1,146 RESIDENTIAL UNITS AND 10 ACRES OF COMMERCIAL ON 178.66 ACRES OF LAND WITHIN PLANNING AREAS 9A, 10A, 10B AND 11 OF THE AVENUE SPECIFIC PLAN, LOCATED SOUTH OF SCHAEFER AVENUE, NORTH OF EDISON AVENUE (ONTARIO RANCH ROAD), 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 Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to introduce Ordinance No. 3024.

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL COMMENTS

Council Member Avila acknowledged Ontario-Montclair Schools Foundation for raising \$24,000 for the Promise Scholars Foundation.

Council Member Bowman stated he was proud of the City of Ontario for being business friendly and helping large and small businesses. He also reminded residents of the Special Olympics Ceremony at the Ontario Town Square.

Council Member Wapner suggested staff review compensation for the Planning Commissioners and consider increasing the compensation in light of the increase in development activity in the City. He also suggested that staff consider providing stipends for the other City commissioners, stating that it would be a minor budget impact in recognition of the work the commissioners perform.

City Council concurrence was to have the matter brought back for future consideration.

Mayor pro Tem Dorst-Porada announced the City CERT class to be offered on October 10, 17 and 24, 2015. She also announced the remaining Concerts in the Park at the Ontario Town Square.

Mayor Leon spoke on water conservation efforts and also alerted residents about a mail theft situation he witnessed. He recommended that residents get a locked mail box for receiving mail and that they take their outgoing mail to the post office. He also reminded residents of the Always Abba concert on August 8, 2015 to benefit the Esperanza Scholarship Foundation.

RECESS TO CONTINUE CLOSED SESSION

The meeting was recessed to a continued closed session at 7:33 p.m.

The meeting reconvened at 8:47 p.m., with no reportable action.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 8:47 p.m. He announced the next regular meetings on Tuesday, August 4, 2015.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN