

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
AUGUST 4, 2015**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, August 4, 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 except Mayor pro Tem Dorst-Porada (arrived at 6:05 p.m.) present thereupon adjourned to Closed Session at 6:02 p.m. for discussion as follows:

- 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 meetings to order at 6:43 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 Wapner.

The Invocation was offered by *Rabbi David Mattis*, Temple Sholom of Ontario.

PUBLIC COMMENT

Lewis Kim, with Planet Aid, spoke on the use of textile recycle bins and asked to work with staff to one day allow the use of textile recycle bins in the City.

Don Tisor, spoke on the undergrounding of the Edison power lines adjacent to Archibald Ranch.

John Johnson, requested a town hall meeting and questioned why the City has not filed a claim with Edison regarding the power lines adjacent to Archibald Ranch.

Stephen Rogers, spoke on his opposition to local control of Ontario International Airport.

Chad Schnitger, thanked the City for hosting the athletes of the Special Olympics, and presented the City Council with a resolution on behalf of the Board of Supervisors.

Sabrina Carpenter, thanked the City Council and City staff for assisting her with parking issues on Pine Avenue. Ms. Carpenter stated her neighbors are very happy.

CLOSED SESSION REPORT

City Attorney Brown reported three 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 #7 was pulled from the Consent Calendar for separate discussion as requested by Council Member Wapner.

Stephen Rogers, spoke on items No. 3, 7, and 9. Mr. Rogers stated he was concerned with the approval of Item No. 3 and added he did not have time to provide details. He also spoke on his opposition to the approval of Item No. 7 as he believed the development agreement amendment in the New Model Colony was not consistent with Subdivision Map Act conditions. With regards to Item No. 9, Mr. Rogers stated it was not consistent with the Subdivision Map Act.

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 Item No. 7.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council/Housing Authority of June 7, 2015, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved Bills in the amount of \$7,245,325.94 for the period from June 14, 2015 through June 27, 2015 and Payroll in the amount of \$2,665,483.12 for the period from June 14, 2015 through June 27, 2015, when audited by the Finance Committee.

3. A RESOLUTION URGING THE CALIFORNIA STATE LEGISLATURE TO INCREASE FUNDING FOR STATE AND LOCAL TRANSPORTATION PROJECTS

City Council adopted a resolution urging the California State Legislature to increase funding for state and local transportation projects.

RESOLUTION NO. 2015-082 A RESOLUTION OF THE CITY OF ONTARIO, CALIFORNIA, URGING THE CALIFORNIA STATE LEGISLATURE TO INCREASE FUNDING FOR STATE AND LOCAL TRANSPORTATION PROJECTS.

4. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18713 LOCATED ON THE SOUTHWEST CORNER OF SAN ANTONIO AVENUE AND FRANCIS STREET

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18713 located on the southwest corner of San Antonio Avenue and Francis Street.

RESOLUTION NO. 2015-083 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18713 LOCATED ON THE SOUTHWEST CORNER OF SAN ANTONIO AVENUE AND FRANCIS STREET.

5. A CONSTRUCTION CONTRACT FOR THE WISTERIA STREET RETAINING BLOCK WALL REPLACEMENT PROJECT/ROADWAY ENGINEERING & CONTRACTING

City Council approved the plans and specifications and awarded a construction contract to Roadway Engineering & Contracting of Mira Loma, California, for the Wisteria Street Retaining Block Wall Replacement Project for the bid amount of \$187,555 plus a 15% contingency of \$28,133 for a total authorized amount of \$215,688; and authorized the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

6. A RESOLUTION ESTABLISHING AN ELECTRIC VEHICLE CHARGING STATION PILOT PROGRAM

City Council adopted a resolution establishing an Electric Vehicle Charging Station Pilot Program which includes, but is not limited to, calculation of a charging fee, authorization for the City Manager to modify charging fees in the future based upon actual costs incurred by the City; and a three-year period waiving fees to promote public use of electric vehicles.

RESOLUTION NO. 2015-084 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING AN ELECTRIC VEHICLE CHARGING STATION PILOT PROGRAM.

8. PURCHASE OF NEW POLICE HELICOPTER AND AVIONIC EQUIPMENT/AIRBUS HELICOPTERS

City Council authorized the City Manager to execute a sole source purchase contract with Airbus Helicopters, formerly known as American Eurocopter Company (AEC), of Grand Prairie, Texas in the amount of \$2,750,000 (includes sales tax) for the purchase of a new police helicopter (Model H125); and authorized the City Manager to execute a purchase agreement in the amount \$2,000,000 with Hangar One Avionics (Hangar One), of Carlsbad, California, to transfer the acquisition and installation of specialized avionic equipment from Airbus Helicopters to Hangar One; and authorize a \$50,000 contingency.

9. CONSTRUCTION CONTRACT AND PROFESSIONAL SERVICES AGREEMENT FOR THE CONSTRUCTION, MANAGEMENT AND INSPECTION OF SEWER IMPROVEMENTS IN INLAND EMPIRE BOULEVARD/WEKA, INC./ALBERT A. WEBB ASSOCIATES

City Council:

- (A) Approved the plans and specifications, and awarded Contract No. UT 1516-03 to Weka, Inc. of Highland, California, for the construction of sewer main improvements in Inland Empire Boulevard in the amount of \$842,985, plus a 15% contingency of \$126,448, for a total amount of \$969,433 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 for sewer main improvements in Inland Empire Boulevard in the amount of \$111,103 plus a 15% contingency of \$16,665 for a total amount of \$127,768.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution Nos. 2015-082, 2015-083, and 2015-084 unanimously adopted.

ITEMS PULLED FROM CONSENT CALENDAR

7. 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 considered and adopted for second reading 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), 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. Introduction and first reading took place at a regular meeting of the City Council on July 21, 2015.

Council Member Wapner asked who was specifically responsible for laying the infrastructure for the development.

Planning Director Murphy responded the New Model Colony Builders are doing the major improvements of the water line.

Council Member Wapner questioned whether the existing performance security bond will cover the infrastructure they are required to provide to substitute the agricultural water and what exactly it is for.

City Engineer Abi-younes indicated the bond was for the removal of the agricultural well after the recycled water lines have been placed. He added that there is a \$22 million bond with Brookcal for the backbone infrastructure.

Council Member Wapner asked what the \$20,000 performance bond covered.

Mr. Abi-younes clarified the \$20,000 bond was specifically to abandon the well.

Council Member Wapner asked who owned the agriculture water well.

Mr. Abi-younes stated the well was owned by the property owner, Brookcal.

City Council Wapner asked if the well would be used as potable water.

Mr. Murphy stated the agricultural well water would be used in lieu of recycled water, not potable water as the water has not been treated.

Council Member Wapner asked what staff used as a measurement to determine that this was acceptable for 100 units and not 1,000 residential units.

Mr. Abi-younes noted 99% of the total necessary infrastructure was complete, but there were delays with the pressure reducing station. As a result, this was being allowed only on a temporary basis.

Council Member Wapner asked if the matter would be resolved in the same way for other builders.

Mr. Abi-younes stated the same consistent procedure would be used for other builders if necessary.

Loree Masonis, expressed concerns with massive construction of apartments and questioned if the City was expecting a large growth pattern in the community.

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 approve and adopt Ordinance No. 3024.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

10. AN ORDINANCE AMENDING SECTION 2-2.302 OF THE ONTARIO MUNICIPAL CODE RELATIVE TO COMPENSATION OF VOTING MEMBERS OF THE PLANNING COMMISSION

City Council introduced and waived further reading of an ordinance to consider establishing future compensation for voting members of the Planning Commission to be set by resolution of the City Council.

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. 3025 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-2.302 OF THE ONTARIO MUNICIPAL CODE RELATIVE TO COMPENSATION OF VOTING MEMBERS OF THE PLANNING COMMISSION.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to introduce Ordinance No. 3025.

11. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING FILE NO. PDCA11-003, A DEVELOPMENT CODE AMENDMENT PROPOSING A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9) TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN AND VARIOUS CHANGES IN STATE LAWS AND REGULATIONS, AND THE REPEAL OF VARIOUS PROVISIONS OF THE ONTARIO MUNICIPAL CODE TO PROVIDE FOR THE ELIMINATION OF DUPLICATIONS AND INCONSISTENCIES WITH THE PROPOSED DEVELOPMENT CODE**

Item continued to the August 18, 2015 City Council meeting beginning at 6:30 p.m.

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL MATTERS

APPOINTMENT TO THE MUSEUM BOARD OF TRUSTEES

Council Member Bowman nominated Joe Caskey to the Museum Board of Trustees.

Mr. Caskey introduced himself to the residents and City Council. He noted his involvement in the historic preservation efforts of the City and spoke on his participation in the annual cemetery tour.

MOTION: Moved by Council Member Bowman, seconded by Council Member Wapner and carried by unanimous vote to appoint Mr. Joe Caskey to the Ontario Museum of History and Art, Board of Trustees.

COUNCIL COMMENTS

Council Member Avila recommended closing the meeting in memory of John De La Torre of the Solid Waste department. He also expressed his appreciation to City staff for their service.

Council Member Bowman spoke on water use reduction, adding that he received his water and utility bill and it looks like he is down about 55%.

Mayor Leon stressed the importance of saving water city-wide and stated that the City is doing a good job. He also gave a brief update on Ontario Night Out.

Council Member Wapner also spoke on Ontario Night Out and added the Ontario Police Department did a great job. He also commended City staff for the great job.

Mayor pro Tem Dorst-Porada spoke on the importance of cultural awareness and the Ontario Museum of History and Art. She also noted her efforts to have Jasper. The Ant considered as the City's mascot.

Mayor Leon suggested the City consider having Concerts in the Park on a regular basis.

ADJOURNMENT

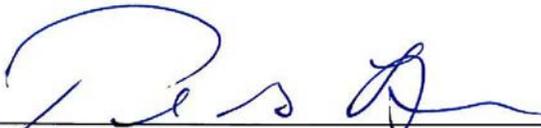
Mayor Leon adjourned the meetings of the Joint Agencies at 7:46 p.m. He announced the next regular meetings on Tuesday, August 18, 2015.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN