

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY/
SUCCESSOR AGENCY TO THE ONTARIO
REDEVELOPMENT AGENCY
MINUTES
AUGUST 18, 2015**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority/Successor Agency to the Ontario Redevelopment Agency were held on Tuesday, August 18, 2015 at the Ontario City Hall, 303 East B Street, Ontario, California.

CLOSED SESSION

The Mayor called the City Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency meetings to order at 6:00 p.m., and inquired whether persons were present who wished to speak to a Closed Session item.

Stephen Rogers, spoke of his previous employment with the City, his request to discuss his concerns, and stated he would speak with Los Angeles Mayor Garcetti if Ontario did not meet his demands.

Hearing no one else, the Council with all members present thereupon recessed to Closed Session at 6:04 p.m. for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1008-431-22, 1008-431-23 and 1008-431-25; 1425 North Mountain Avenue, 1437 North Mountain Avenue, 1495 North Mountain Avenue;
City/Successor Agency Negotiator: Al C. Boling or his designee; Negotiating parties: Pacific Development Group II, a California general partnership; Under negotiation: Price and terms of payment.
- 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 7:03 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 Mayor pro Tem Dorst-Porada.

The Invocation was offered by *Reverend Casillas*, Our Lady of Guadalupe Church.

PUBLIC COMMENT

Peggi Hazlett, CEO, Ontario Chamber of Commerce provided an update regarding the Chamber's support for Fix Our Roads Coalition. Ms. Hazlett also announced various upcoming events including a ribbon cutting ceremony and Business After Hours at Rossa's Cucina.

Stephen Rogers, suggested the City Council direct the City Manager to sit down with him and discuss his issues and stated he would talk to the City of Los Angeles about how the City of Ontario operates if he is unable to meet with the City Manager.

CLOSED SESSION REPORT

City Attorney Brown reported two of the three items were discussed in Closed Session and no reportable actions were taken.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling announced the updated material for Item No. 3.

CONSENT CALENDAR

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

Loree Masonis, questioned the stipulations and implementation practices involved with the Museum Grant Funds application, Item No. 11.

City Manager Boling referred Ms. Masonis to Mark Chase for further explanation of the grant.

Stephen Rogers, addressed Item No. 10. Mr. Rogers stated his wish that he had the Teamsters represent him when he was employed with the City of Ontario, and he stressed the benefits of unions for employee rights.

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 Nos. 3 and 4.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council/Housing Authority of July 21, 2015, and the special meeting of the City Council/Housing Authority of July 21, 2015, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved Bills in the amount of \$15,301,386.97 for the period from June 28, 2015 through July 11, 2015 and Payroll in the amount of \$2,798,639.97 for the period from June 28, 2015 through July 11, 2015, when audited by the Finance Committee.

5. REIMBURSEMENT AGREEMENTS BETWEEN THE CITY OF ONTARIO AND THE CITY OF CHINO FOR SHARED INTERSECTION MITIGATION FEES

City Council approved and authorized the City Manager to execute reimbursement agreements with the City of Chino for mitigation fees for improvements at five shared intersections along South Euclid Avenue.

6. RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 16045 LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND COLONIAL AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 16045 located at the southwest corner of Riverside Drive and Colonial Avenue within the Countryside Specific Plan area.

RESOLUTION NO. 2015-087 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 16045, LOCATED AT THE SOUTHWEST CORNER OF RIVERSIDE DRIVE AND COLONIAL AVENUE.

7. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17646 LOCATED ON FOURTH STREET APPROXIMATELY 515 FEET EAST OF BAKER AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 17646 located on Fourth Street approximately 515 feet east of Baker Avenue.

RESOLUTION NO. 2015-088 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 17646 LOCATED ON FOURTH STREET APPROXIMATELY 515 FEET EAST OF BAKER AVENUE.

8. A RESOLUTION APPROVING FINAL TRACT MAP NO. 18995 LOCATED AT THE NORTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE

City Council adopted a resolution approving Final Tract Map No. 18995 located at the northwest corner of Ontario Ranch Road and Haven Avenue within The Avenue Specific Plan area.

RESOLUTION NO. 2015-089 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 18995 LOCATED AT THE NORTHWEST CORNER OF ONTARIO RANCH ROAD AND HAVEN AVENUE.

9. A DENTAL INSURANCE CONTRACT FOR CITY EMPLOYEES AND A RESOLUTION TO APPROVE AN AMENDMENT TO THE FLEXIBLE BENEFITS PLAN TO ADOPT A CAFETERIA PLAN AMENDMENT/DELTA DENTAL

City Council:

- (A) Authorized the City Manager to purchase dental insurance for City employees on an on-going basis effective January 1, 2016; and authorized the City Manager or his designee to execute any and all documents necessary, with Delta Dental of San Francisco, California; and
- (B) Adopted a resolution authorizing the City Manager to execute an amendment to the Flexible Benefits Plan to adopt a Cafeteria Plan Amendment, for a flexible spending debit card program, with Benefit Coordinators Corporation, of Pittsburgh, Pennsylvania, effective January 1, 2016.

RESOLUTION NO. 2015-090 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY OF ONTARIO, CALIFORNIA FLEXIBLE BENEFITS PLAN.

10. EXTENSION AND AMENDMENTS TO THE 2013-2016 MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE SAN BERNARDINO PUBLIC EMPLOYEES ASSOCIATION

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 San Bernardino Public Employees Association (SBPEA) Teamsters Local 1932 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 amendment and/or achieve consistency between bargaining units.

11. A RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR MUSEUM GRANT FUNDS THROUGH THE CALIFORNIA CULTURAL AND HISTORIC ENDOWMENT IN CARE OF THE CALIFORNIA NATURAL RESOURCES AGENCY

City Council adopted a resolution approving the filing of an application for \$100,000 in grant funds through the California Natural Resources Agency for the California Cultural and Historical Endowment's Museum Grant Program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40) to be used for the Museum Outdoor Education Center Project.

RESOLUTION NO. 2015-091 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA CULTURAL AND HISTORICAL ENDOWMENT'S GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 (PROPOSITION 40).

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution Nos. 2015-087, 2015-088, 2015-089, 2015-090, and 2015-091 unanimously adopted.

ITEMS PULLED FROM CONSENT CALENDAR

3. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE COUNTY TAX ROLLS

City Council adopted a resolution for recovery of fees and costs incurred in abating property and dangerous building violations as well as administrative citations and civil penalties associated with property maintenance violations; and placing special assessments on the San Bernardino County Tax Rolls.

RESOLUTION NO. 2015-085 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

Council Member Avila expressed his concerns about senior citizens' inability to pay citations and penalties due to infractions on upkeep of their properties despite the fact that it may be appropriate.

Council Member Wapner clarified that it is the responsibility of property owners to maintain their property. He added that the City goes further than most cities to work with the property owners to bring properties up to health and safety standards before fines, penalties and citations are issued.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried with Council Member Avila opposed, to adopt Resolution No. 2015-085.

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

4. A RESOLUTION FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY LOCATED AT 612 EAST HOLT BOULEVARD AND 115 SOUTH PLEASANT AVENUE

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 612 East Holt Boulevard and 115 South Pleasant Avenue and to set the date for a public hearing September 1, 2015 for final action on the disposition of the property and the hearing of any protests to the disposition.

RESOLUTION NO. 2015-086 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.

Council Member Avila inquired how many Auto Zones were located in the City of Ontario.

City Manager Boling stated he did not have an exact number, but was aware of at least three, but the Development Plan for the block included the relocation of an existing store, not an additional one.

Council Member Avila stated there were too many auto parts stores and not enough grocery stores in the City.

Council Member Wapner clarified that the matter before Council relates solely to the City owned property, not the adjacent parcel owned by Auto Zone.

Mayor Leon stressed that business owners are to be treated with dignity and respect. He briefly discussed the City of Ontario business model. Mayor Leon added that the City cannot direct a property owner on how to run their business, what to build, or who to have as a business tenant.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Wapner and carried with Council Member Avila opposed, to adopt Resolution No. 2015-086.

	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

12. AN ORDINANCE TO PROVIDE AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

City Council introduced and waived further reading of an ordinance adding a new Chapter 8 to Title 8 of the Ontario Municipal Code entitled Small Residential Rooftop Solar Energy Systems.

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. 3026 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW CHAPTER 8 TO TITLE 8 OF THE ONTARIO MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to introduce Ordinance No. 3026.

13. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE – WATER CONSERVATION PLAN

Council Member Avila stated his opposition to Item No. 13 because this is one more component that impacts the overall cost to residents of Ontario.

City Council introduced and waived further reading of an ordinance amending Chapter 8A, of Title 6 of the Ontario Municipal Code – Water Conservation 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

ORDINANCE NO. 3027 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S WATER CONSERVATION PLAN.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman and carried with Council Member Avila opposed to introduce Ordinance No. 3027.

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

14. 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 September 1, 2015 City Council meeting beginning at 6:30 p.m.

ADMINISTRATIVE REPORT/DISCUSSION/ACTION

15. AN ORDINANCE AMENDING SECTION 2-2.302 OF THE ONTARIO MUNICIPAL CODE RELATIVE TO COMPENSATION OF VOTING MEMBERS OF THE PLANNING COMMISSION, AND A RESOLUTION SETTING COMPENSATION FOR THE VOTING MEMBERS OF ONTARIO'S BOARDS AND COMMISSIONS

City Council adopted an ordinance establishing that compensation for voting members of the Planning Commission be set by resolution; and adopted a resolution setting the compensation amounts for the voting members of all of Ontario's boards and commissions. Introduction and first reading took place at a regular City Council meeting on August 15, 2015.

Stephen Rogers, stated his interest in how the Ontario International Airport would be run now that the City has regained local control.

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.

RESOLUTION NO. 2015-092 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, SETTING COMPENSATION FOR THE BOARDS AND COMMISSIONS SERVING THE CITY.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to adopt Ordinance No. 3025 and Resolution No. 2015-092.

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL MATTERS

Mayor pro Tem Dorst-Porada thanked staff, City Council and all involved in regaining local control of the Ontario International Airport for all of their hard work. She noted the hard work still to come. Ms. Dorst-Porada also announced the Mercy House Fundraiser on Saturday, August 22, 2015.

Council Member Wapner stated there was no better example of a regional effort than the effort made to regain local control of the Ontario International Airport. He thanked U.S. Senator Dianne Feinstein for her support in negotiations and added that Los Angeles Mayor Garcetti kept to his word of making the best effort to return the airport to

local control. Mr. Wapner said it is time to work on marketing and rebuilding the airport to make it a success.

Mayor Leon thanked all in the region who helped regain local control of the Ontario International Airport and stated this was a monumental time in history. He also announced a community Concert in the Park on Saturday, August 22, 2015 at Town Square.

Council Member Bowman concurred on the airport issue and added that Los Angeles Mayor Garcetti is a man of his word.

Council Member Avila agreed with City Council and congratulated the residents of the City of Ontario on local control of the Ontario International Airport. Mr. Avila stated that the most prominent person that made it possible was U.S. Senator Dianne Feinstein. Mr. Avila further stated that he was uncomfortable with Garcetti and said he knows how government works. He says he is looking at self-enriching, composition and surcharges. He says his hands are manacled about things, believes in empowerment and making things change.

Council Member Wapner left the dais at 8:00 p.m.

Council Member Bowman left the dais at 8:00 p.m.

Mayor pro Tem Dorst-Porada left the dais at 8:00 p.m.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies due to a lack of quorum at 8:04 p.m. He announced the next regular meetings on Tuesday, September 1, 2015.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN