

**ONTARIO CITY COUNCIL/  
ONTARIO HOUSING AUTHORITY  
MINUTES  
June 5, 2018**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, June 5, 2018, at the Ontario City Hall, 303 East B Street, Ontario, California.

**CLOSED SESSION**

Mayor Leon called the City Council and Housing Authority meetings to order at 6:01 p.m., and inquired whether persons were present who wished to speak to the Closed Session item. Hearing no one, the City Council recessed to Closed Session at 6:01 p.m. for discussion of the following:

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Briones v. City of Ontario, et al., U.S. District Court, Central District of California, Case No. 5:17-cv-00590-DMG-JPR*

**CALL TO ORDER – OPEN SESSION**

Mayor Leon called the City Council and Housing Authority meetings to order at 6:30 p.m., and requested the City Clerk call the roll.

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

**ABSENT:** Council/Authority Member: None

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel John Brown and City Clerk/Secretary Sheila Mautz.

**CLOSED SESSION REPORT**

City Attorney Brown reported that the case listed on the agenda was discussed, however there was no reportable action.

The Pledge of Allegiance was led by Mayor pro Tem Wapner.

*Reverend Blair Stowe, First United Methodist Church, provided the Invocation.*

## **PUBLIC COMMENTS**

*Dale Robinson*, expressed concern with airport noise, particularly in the night time hours. He questioned the operational hours for flights and requested answers. City Manager Ochoa indicated that staff would contact him tomorrow.

*Rudy Favila*, congratulated the Council on regaining control of the airport, but stressed the need to control the destiny of the airport. He too commented on concerns with airport noise.

*Peggi Hazlett*, encouraged everyone to vote in the Statewide General Election before the polls close at 8:00 p.m. this evening. She thanked the community and City Council for their support of the 58<sup>th</sup> Annual Police Recognition Luncheon, noting it was the largest one ever. She noted the success of the recent Pancakes and Politics discussion and noted that there would be further discussion of workforce housing availability. She announced the June 6, 2018 Good Morning Ontario event, with Therese Andrews as the speaker to detail the services provided by Traveler's Aide; and she noted the Chamber's interest in future presentations highlighting other community non-profits.

*Jesus Fonseca*, expressed concern with airplane noise over his home. He indicated that he files complaints all the time, but receives no response. Mayor Leon indicated that staff will contact him tomorrow.

## **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Ochoa reported no updates or announcements.

## **CONSENT CALENDAR**

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote to approve the Consent Calendar as presented.

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

City Council approved Minutes for the regular meeting of the City Council and Housing Authority of May 1, 2018, as on file in the Records Management Department.

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

City Council approved **Bills** for the period, April 8, 2018 through April 21, 2018, in the amount of \$14,797,992.79 and **Payroll** for the period April 8, 2018 through April 21, 2018, in the amount of \$3,447,464.16, when audited by the Finance Committee.

**3. BIENNIAL CONFLICT OF INTEREST CODE REVIEW**

City Council received the 2018 Local Agency Biennial Notice of the Political Reform Act requirement and directed staff to review the Conflict of Interest Code.

**4. RESOLUTIONS TO CALL AND GIVE NOTICE, CONSOLIDATE AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS FOR THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 6, 2018**

City Council adopted resolutions to call and set the date of the General Municipal Election as November 6, 2018; request the San Bernardino County Registrar of Voters to consolidate the election with the Statewide General Election; and adopt regulations for candidate statements.

**RESOLUTION NO. 2018-047** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

**RESOLUTION NO. 2018-048** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, PURSUANT TO §10403 OF THE ELECTIONS CODE.

**RESOLUTION NO. 2018-049** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENT SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018.

**5. AN AGREEMENT FOR PURCHASE AND SALE AND JOINT ESCROW INSTRUCTIONS WITH SC ONTARIO DEVELOPMENT COMPANY LLC FOR THE PURCHASE OF LAND FOR A FIRE STATION SITE AND A LICENSE AND REIMBURSEMENT AGREEMENT TO JOINTLY CONSTRUCT RELATED STREET AND OTHER UTILITY IMPROVEMENTS**

City Council authorized the City Manager to enter into an Agreement for Purchase and Sale and Joint Escrow Instructions with SC Ontario Development Company LLC, a Delaware limited liability company, for the purchase of a Fire Station Site in Ontario Ranch and a License and Reimbursement Agreement to jointly construct related street and other utility improvements to serve the site and the adjoining property.

**6. A RESOLUTION APPROVING AN APPLICATION FOR THE USED OIL PAYMENT PROGRAM CYCLE 9 (FISCAL YEAR 2018-19) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

City Council adopted a resolution approving a grant application for an estimated \$48,000 from the Used Oil Payment Program Cycle 9 (Fiscal Year 2018-19) 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. 2018-050** 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 9 (FISCAL YEAR 2018-19) FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

**7. PURCHASE OF WATER METERS AND REPAIR PARTS/CORE & MAIN**

City Council approved and authorized the sole source purchase of new water meters and repair parts for a total not to exceed the amount of \$2,700,000 from Core & Main of Perris, CA.

**MOTION UNANIMOUSLY CARRIED:** Mayor Leon declared City Council Resolution Nos. 2018-047, 2018-048, 2018-049 and 2018-050 unanimously adopted.

**PUBLIC HEARINGS**

**8. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT) BETWEEN THE CITY OF ONTARIO AND WESTERN PACIFIC HOUSING INC. TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO. 18419. THE PROJECT IS LOCATED WITHIN THE LOW DENSITY RESIDENTIAL DISTRICT OF PLANNING AREA 6A OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND SCHAEFER AVENUE (APN'S: 0218-201-15 AND 0218-201-44)**

City Council introduced and waived further reading of an ordinance approving the Second Amendment (File PDA07-001) to the Development Agreement between the City of Ontario and Western Pacific Housing Inc., to extend the term of the Development Agreement to serve Tract Map No. 18419.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department.

There were no written communications.

Mayor Leon opened the public hearing asking those persons interested in this item to speak. Hearing no one, Mayor Leon closed the public hearing.

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Valencia and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3102.

**ORDINANCE NO. 3102** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA07-001, BETWEEN THE CITY OF ONTARIO AND WESTERN PACIFIC HOUSING, INC., TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO. 18419. THE PROJECT IS LOCATED WITHIN THE LOW DENSITY RESIDENTIAL DISTRICT OF PLANNING AREA 6A OF THE AVENUE SPECIFIC PLAN, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND SCHAEFER AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF — APN'S: 0218-201-15 AND 0218-201-44.

9. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT) BETWEEN THE CITY OF ONTARIO, GDC INVESTMENTS 6 L.P., AND LENNAR HOMES OF CALIFORNIA TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA14-003, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17931, 17932 AND 17933. THE PROJECT IS LOCATED ON THE NORTHEAST AND SOUTHEAST CORNERS OF MILL CREEK AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 8, 9, AND 10 OF THE ESPERANZA SPECIFIC PLAN (APN'S: 0218-332-12 AND 0218-252-16)**

City Council introduced and waived further reading of an ordinance approving the Second Amendment (File PDA14-003) to the Development Agreement between the City of Ontario, GDC Investments 6 L.P. and Lennar Homes of California to extend the term of the Development Agreement to serve Tract Map No's. 17931, 17932 and 17933.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department.

There were no written communications.

Mayor Leon opened the public hearing asking those persons interested in this item to speak. Hearing no one, Mayor Leon closed the public hearing.

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3103

**ORDINANCE NO. 3103** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A SECOND AMENDMENT BETWEEN THE CITY OF ONTARIO AND GDC INVESTMENTS 6 L.P., AND LENNAR HOMES OF CALIFORNIA TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA14-003, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17931, 17932 AND 17933. THE PROJECT IS LOCATED ON THE NORTHEAST AND SOUTHEAST CORNERS OF MILL CREEK AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 8, 9, AND 10 OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APN'S: 0218-332-12 AND 0218-252-16.

10. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT AMENDMENT (SECOND AMENDMENT) BETWEEN THE CITY OF ONTARIO, GDC-RCCD, L.P., AND LENNAR HOMES OF CALIFORNIA TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA14-004, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17749, 17935, 17936, 18876 AND 18878. THE PROJECT IS LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF HAMNER AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 4, 5, 6, AND 7 OF THE ESPERANZA SPECIFIC PLAN (APN'S: 0218-332-01 AND 0218-252-17**

City Council introduced and waived further reading of an ordinance approving the Second Amendment (File PDA14-004) to the Development Agreement between the City of Ontario, GDC-RCCD, L.P., and Lennar Homes of California, to extend the term of the agreement to serve Tract Map No's. 17749, 17935, 17936, 18876 and 18878.

Notice of public hearing was duly given and affidavits of compliance are on file in the Records Management Department.

There were no written communications.

Mayor Leon opened the public hearing asking those persons interested in this item to speak. Hearing no one, Mayor Leon closed the public hearing.

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3104.

**ORDINANCE NO. 3104** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT, FILE NO. PDA14-004, BETWEEN THE CITY OF ONTARIO AND GDC-RCCD, L.P., AND LENNAR HOMES OF CALIFORNIA, TO EXTEND THE TERM OF THE AGREEMENT TO SERVE TRACT MAP NO'S. 17749, 17935, 17936, 18876 AND 18878. THE PROJECT IS LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF HAMNER AVENUE AND EUCALYPTUS AVENUE, WITHIN PLANNING AREAS 4, 5, 6, AND 7 OF THE ESPERANZA SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF — APN'S: 0218-332-01 AND 0218-252-17.

## **STAFF MATTERS**

City Manager Ochoa had no comments.

## **COUNCIL MATTERS**

Mayor Leon commented on the airport noise issues mentioned this evening and noted that with the anticipated success of the airport, he did not see the noise factors getting less or quieter. He noted that the FAA had reduced the noise contour for the Part 150 Program because airport activity level was lower, but should be some future consideration for Ontario residents with increased airport activity projected.

Mayor pro Tem Wapner commented on the economic benefits for the community that comes with additional flights, but expressed understanding for the related impacts to the community. He noted that many of the planes flying over Ontario are not from our airport, but their flight patterns are all under federal FAA control. He noted similar concerns that were raised in the Lake Arrowhead area, and encouraged the residents to attend the Ontario International Airport Authority meetings with their concerns.

Council Member Dorst-Porada thanked the Kiwanis and Rotary clubs for a successful Car Show and Pancake Breakfast over the weekend. She also noted the availability of free Southland Symphony Orchestra concerts at the Bethel Community Church; and Chaffey Community Art Museum exhibits recently installed at the airport. She thanked the groups involved for their efforts and noted that the Arts & Culture website includes a calendar to find out about upcoming events.

Council Member Bowman noted a news event today in which Frontier Airlines announced the addition of flights from Ontario to Orlando. He also noted in response to the earlier noise complaints that upgrades to aircraft have made them much quieter, but he will work on behalf of the residents. He reminded the community that the polls are open until

8:00 pm., and encouraged voting. He concurred that the community has a lot to offer and noted the summer Concerts in the Park on Wednesday evenings and Movies in the Park on Friday evenings; as well as events offered at Citizens Business Bank Arena.

Council Member Valencia also thanked the service organizations for putting on the Car Show and Pancake Breakfast, noting that it was an amazing event. He stressed that the downtown businesses also benefitted, noting it as good to get momentum in the downtown area. Valencia commented on a weekend event at Jay Littleton Ball Field, noting that the historic grandstands are in disrepair and there was a complaint about a person collecting money to participate at the field. He also commended Police Chief Williams for participating with his team in the annual Special Olympics Torch Run.

Mayor Leon noted that the Wednesday night Concerts in the Park will feature local talent prior to the 7:00 p.m. concerts. He stressed that there is a lot to offer for family entertainment in the community.

#### **ADJOURNMENT**

Mayor Leon adjourned the meetings of the Joint Agencies at 6:59 p.m. and announced the next regular meetings to be held on Tuesday, June 19, 2018.

Respectfully submitted,



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SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



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PAUL S. LEON, MAYOR/CHAIRMAN