

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
September 5, 2017**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, September 5, 2017 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 6:06 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 6:06 p.m. for discussion of the following:

- GC 54956.9 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *Zusser Company Inc., vs. City of Ontario, Case Number OCSC 30-2017-00927112*

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council/Housing Authority meetings to order at 6:33 p.m., and requested the City Clerk call the roll.

PRESENT:	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 Al C. Boling, City Attorney/Legal Counsel John Brown and City Clerk/Secretary Sheila Mautz.

The Pledge of Allegiance was led by *Cub Scout Pack 306*.

Pastor Mike Urciuoli, representing Calvary Chapel Ontario, provided the Invocation.

CLOSED SESSION REPORT

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

PUBLIC COMMENTS

Peggi Hazlett, representing the Ontario Chamber of Commerce, announced Good Morning Ontario scheduled for September 6, 2017 at the Ontario Airport Hotel with Mayor Leon serving as the speaker. She also announced the Nine and Dine Golf Classic to benefit Heroes that Wear Helmets, at the Eagle Glen Golf Course on September 21, 2017 at 4:00 p.m. She encouraged everyone to pray for those devastated by floods in Texas and those facing additional storms in Florida.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling noted Item 6 on this agenda and indicated that in compliance with SB 1436 we are reporting a summary of the fiscal impact of changes in compensation for Executive and Department Heads. For fiscal year 2017-2018, the total impact is \$498,000 and increases to \$494,000 for fiscal year 2018-2019, and \$499,000 for fiscal year 2019-2020. This includes the salary and fringe benefit changes for executive, department heads and our non-represented confidential employee groups. The proposed adjustments are consistent with terms and conditions negotiated with the City's represented non-safety groups.

CONSENT CALENDAR

MOTION: Moved by Council Member Bowman seconded by Council Member Valencia to approve the Consent Calendar as presented.

1. APPROVAL OF MINUTES

Approved the Minutes for the regular meeting of the City Council and Housing Authority of August 1 and August 15, 2017, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** for the period July 16, 2017 through July 29, 2017, in the amount of \$3,203,264.44 and **Payroll** for the period July 16, 2017 through July 29, 2017, in the amount of \$15,270,381.87, when audited by the Finance Committee.

3. APPROVAL OF A THREE-YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 36, LOCAL 3061

City Council approved and authorized the City Manager to execute a three-year Memorandum of Understanding (MOU), regarding wages, hours and other terms and conditions of employment between the City of Ontario (City) and employees represented by the American Federation of State, County and Municipal Employees (AFSCME), Council 36, Local 3061; and authorized the City Manager

to make any non-substantive changes which may be necessary to implement the agreement.

4. APPROVAL OF A THREE-YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND TEAMSTERS LOCAL 1932

City Council approved and authorized the City Manager to execute a three-year Memorandum of Understanding (MOU), regarding wages, hours and other terms and conditions of employment between the City of Ontario (City) and employees represented by the Teamsters Local 1932; and authorized the City Manager to make any non-substantive changes which may be necessary to implement the agreement.

5. APPROVAL OF A THREE-YEAR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND THE ONTARIO ASSOCIATION OF MANAGEMENT EMPLOYEES

City Council approved and authorized the City Manager to execute a three-year Memorandum of Understanding (MOU), regarding wages, hours and other terms and conditions of employment between the City of Ontario (City) and employees represented by the Ontario Association of Management Employees (AOME); and authorized the City Manager to make any non-substantive changes which may be necessary to implement the agreement.

6. APPROVAL OF AMENDMENTS TO THE COMPENSATION AND BENEFIT PROFILES FOR UNREPRESENTED GROUPS INCLUDING CONFIDENTIAL, DEPARTMENT HEAD, AND EXECUTIVE MANAGEMENT EMPLOYEES AND ADOPTION OF RESOLUTIONS REGARDING SALARIES

City Council approved and authorized the City Manager to execute three-year Compensation and Benefit Profiles, regarding wages, hours and other terms and conditions of employment for unrepresented employees in the Confidential, Department Head and Executive Management employee groups; adopted resolutions setting salaries for appointive executive positions; and authorized the City Manager to make non-substantive revisions which may be necessary to implement the profiles.

RESOLUTION NO. 2017-103 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. 2017-104 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SALARY COMPENSATION FOR THE CITY MANAGER POSITION.

7. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18266 LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND PARKVIEW STREET

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18266 located at the southeast corner of Archibald Avenue and Parkview Street within the Subarea 29 Specific Plan area.

RESOLUTION NO. 2017-105 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18266, LOCATED AT THE SOUTHEAST CORNER OF ARCHIBALD AVENUE AND PARKVIEW STREET.

8. A RESOLUTION ORDERING THE SUMMARY VACATION OF A RAILROAD EASEMENT

City Council adopted a resolution ordering the summary vacation of a railroad easement within the property at 1383 South Cucamonga Avenue between Belmont Street and Francis Street.

RESOLUTION NO. 2017-106 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A RAILROAD EASEMENT WITHIN THE PROPERTY AT 1383 SOUTH CUCAMONGA AVENUE BETWEEN BELMONT STREET AND FRANCIS STREET.

9. A RESOLUTION OF INDUCEMENT TO ISSUE TAX-EXEMPT BONDS FOR SEASONS SENIOR APARTMENTS AT ONTARIO GATEWAY PLAZA, LOCATED AT 955 N. PALMETTO AVENUE, ONTARIO, CALIFORNIA

City Council approved a Resolution of Inducement to issue tax exempt bonds for Seasons Senior Apartments at Ontario Gateway Plaza, located at 955 N. Palmetto Avenue, Ontario, California.

RESOLUTION NO. 2017-107 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS OFFICIAL INTENTION TO ISSUE TAX-EXEMPT REVENUE BONDS FOR THE PURPOSE OF FINANCING AN AFFORDABLE RENTAL HOUSING FACILITY IN THE CITY, AND TO REIMBURSE CERTAIN EXPENDITURES RELATING TO THE DEVELOPMENT OF SUCH FACILITY FROM PROCEEDS OF SAID BONDS; AND AUTHORIZING AN APPLICATION TO THE CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE TO PERMIT THE ISSUANCE OF SAID BONDS.

10. SECOND AMENDMENT TO THE ACQUISITION, DISPOSITION AND DEVELOPMENT AGREEMENT FOR MISSION/GROVE BUSINESS CENTER

City Council approved the Second Amendment to the Acquisition, Disposition and Development Agreement (“Second Amendment”) between the City of Ontario (“City”) and Mission Grove Partners, L.P. (“Developer”); and authorized the City Manager to execute the Second Amendment and all documents necessary or desirable to implement said Second Amendment.

11. ACCEPT A WRITTEN PETITION TO CREATE A COMMUNITY FACILITIES DISTRICT; ADOPT A RESOLUTION OF INTENT TO ESTABLISH CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 35 (COUNTRYSIDE PHASE 2 SOUTH - FACILITIES); AND TO AUTHORIZE THE ASSOCIATED LEVY OF SPECIAL TAXES AND ADOPT A RESOLUTION TO INCUR BONDED INDEBTEDNESS

City Council:

- (A) Accepted a written petition from Forestar Countryside, L.L.C located in Newport Beach, California, to create a Community Facilities District, and to waive certain procedural matters, under the Mello-Roos Community Facilities Act of 1982;
- (B) Adopted a Resolution of Intention to establish City of Ontario Community Facilities District No. 35 (Countryside Phase 2 South - Facilities); authorized the associated levy of special taxes therein; and set a public hearing for the formation of the CFD as part of the regularly scheduled City Council meeting scheduled for Tuesday, October 17, 2017; and
- (C) Adopted a Resolution to Incur Bonded Indebtedness of proposed Community Facilities District No. 35 (Countryside Phase 2 South – Facilities).

RESOLUTION NO. 2017-108 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT, PROPOSED TO BE NAMED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 35 (COUNTRYSIDE PHASE 2 SOUTH - FACILITIES), AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES.

RESOLUTION NO. 2017-109 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, TO INCUR BONDED INDEBTEDNESS OF THE PROPOSED CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 35 (COUNTRYSIDE PHASE 2 SOUTH - FACILITIES).

12. APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FOR FY 2017

City Council approved and authorized the City Manager to execute all documents necessary to participate in the Bureau of Justice Assistance (BJA) Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and approved the proposed \$34,745 grant spending plan.

13. PURCHASE OF FURNISHINGS FOR THE POLICE HEADQUARTERS RENOVATION PROJECT

City Council authorized the purchase of furniture from G&M Business Interiors, Inc. of Riverside, California, for the Police Headquarters Renovation Project in the amount of \$204,835. Consistent with pricing and terms of the County of San Bernardino Contract #16-156.

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared City Council Resolution Nos. 2017-103, 2017-104, 2017-105, 2017-106, 2017-107, 2017-108 and 2017-109 unanimously adopted.

PUBLIC HEARINGS

14. AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3031 LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES – AREA A)

City Council introduced and waived further reading of an ordinance amending and restating Ordinance No. 3031 levying special taxes within City of Ontario Community Facilities District No. 28 (New Haven Facilities – Area A).

Notice of public hearing has been 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. Hearing no requests to speak, Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Wapner and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3076.

ORDINANCE NO. 3076 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND RESTATING ORDINANCE NO. 3031, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 28 (NEW HAVEN FACILITIES - AREA A).

15. AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3020 LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE)

City Council introduced and waived further reading of an ordinance amending and restating Ordinance No. 3020 levying special taxes within City of Ontario Community Facilities District No. 31 (Carriage House / Amberly Lane).

Notice of public hearing has been 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. Hearing no requests to speak, Mayor Leon closed the public hearing.

MOTION: Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Wapner and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3077.

ORDINANCE NO. 3077 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING AND RESTATING ORDINANCE NO. 3020, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 31 (CARRIAGE HOUSE / AMBERLY LANE).

16. A PUBLIC HEARING TO CONSIDER A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 39 (NEW HAVEN FACILITIES – AREA C); INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES; AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

It was recommended that this item be continued to the September 19, 2017, Council Meeting.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote to continue this item to September 19, 2017.

17. **A PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-002) TO ESTABLISH LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES, WHICH WILL GOVERN THE DEVELOPMENT OF 4.18 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE SOUTH, NOCTA STREET ON THE NORTH, AND VIRGINIA AVENUE ON THE WEST, WITHIN THE MU-2 (EAST HOLT MIXED-USE) ZONING DISTRICT (APNS: 1048-472-01, 1048-472-02, 1048-472-03, 1048-472-04, AND 1048-472-11)**

City Council introduced and waived further reading of an ordinance approving a Planned Unit Development, File No. PUD17-002, establishing development standards and guidelines to facilitate the development of a medium density residential apartment project.

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

Mayor Leon opened the public hearing. Hearing no requests to speak, Mayor Leon closed the public hearing.

Council Member Dorst-Porada expressed excitement with another affordable housing project in the City, but expressed concern with the assumptions used in planning the parking for the project. She stressed the need to maintain the current quality of life for surround residents. She indicated that while the project looks fabulous, it is about twenty-two cars short of what the City would normally require.

MOTION: Moved by Council Member Dorst-Porada to approve the proposed project with the caveat that the City give parking permits to surrounding residents on Virginia Avenue and Nocta Street so their quality of life is maintained.

Mayor pro Tem Wapner expressed concern that this action would disqualify the City from Cap-and-Trade funds. He inquired of staff if this was the case.

Council Member Valencia expressed concern with permit parking because it causes a drain on police resources.

Council Member Dorst-Porada inquired if Police or Code Enforcement would handle this matter. City Manager Boling indicated that typically enforcement on City streets is handled by the Police Department, while enforcement on private property is handled by Code Enforcement.

Mayor Leon concurred with Council Member Dorst-Porada regarding the negative impacts of apartments on neighboring homes, but also concurred with the concerns of Council Member Valencia on enforcement of permit parking.

Council Member Bowman suggested a caveat requiring garages to be for parking, not storage.

Mayor pro Tem Wapner indicated that he believed addressing the parking requirement would cause us to miss the Cap-and-Trade funding. City Manager Boling indicated that there is no requirement to reduce the amount of parking for development, but it does increase our chances for the Cap-and-Trade dollars. He further clarified that the Council does have the authority to establish permit parking, but it could impact our ability to receive the grant.

Mayor pro Tem Wapner suggested that the smart way to address this might be to not include it in the approval and consider permit parking at a later date.

Council Member Dorst-Porada stressed that it is already a problem without this 101 units.

Steve Pontell, representing the applicant, indicated that their regular projects are proposed at 1.8 cars per unit. He said they have a premier project in Rancho Cucamonga with the same rations and they actually protect their property from neighborhood parking on their property. He indicated that they have no concerns for having adequate property. He stressed that their property is protected and surveyed by security. He clarified that they are partnering with the City to qualify for Cap-and-Trade funding on this project. He also noted that they are implementing bike options and giving bus passes to every resident; and there will be bus stops adjacent to the property. He indicated that the biggest problem for them would be if their property was open, because they would need to tow cars of outside people who used their parking. He further indicated that all cars must fit into the garages and residents are good about obeying the rules because they want to be there.

Council Member Dorst-Porada indicated that she was not concerned about having the police department go out and check permits, but she would withdraw her motion based on what Mr. Pontell had indicated, with the caveat that her colleagues will go back and address parking if it becomes a problem.

SUBSTITUTE 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 3078, but agreed to revisit the matter if parking becomes a problem.

ORDINANCE NO. 3078 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-002, A PLANNED UNIT DEVELOPMENT ESTABLISHING LAND USE DESIGNATIONS AND DEVELOPMENT STANDARDS AND GUIDELINES GOVERNING THE DEVELOPMENT OF 4.18 ACRES OF LAND BORDERED BY HOLT BOULEVARD ON THE SOUTH, NOCTA STREET ON THE NORTH, AND VIRGINIA AVENUE ON THE WEST, WITHIN THE MU-2 (EAST HOLT MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF-APN: 1048-472-01, 1048-472-02, 1048-472-03, 1048-472-04, AND 1048-472-11.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

18. A RESOLUTION MAKING AN AT-LARGE APPOINTMENT TO THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY BOARD OF COMMISSIONERS

City Council adopted a resolution designating an at-large member of the Ontario International Airport Authority (OIAA) Commission.

Mayor pro Tem Wapner noted that he and Council Member Bowman serve as the Aviation Subcommittee of the City Council. He also explained the composition of the Ontario International Airport Authority, and noted the recent resignation of Lucy Dunn. He announced the nomination of Julia Gouw, retired President of East-West Bank, a CPA, one of the 26 Most Powerful Women In Banking and a member of the Board of Directors of Pacific Life Groups. He detailed her qualifications and recommended her appointment to the Authority.

MOTION: Moved by Mayor pro Tem Wapner, seconded by Council Member Bowman and carried by unanimous vote to adopt Resolution No. 2017-110 and name Julia Gouw as an at-large appointee to the Ontario International Airport Authority Commission.

RESOLUTION NO. 2017-110 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DESIGNATING AN AT-LARGE APPOINTEE TO THE ONTARIO INTERNATIONAL AIRPORT AUTHORITY COMMISSION.

Julia Gouw, noted her excitement at becoming a part of the OIAA. She noted the great opportunities for the airport to serve as a connection to Asia.

Council Member Bowman welcomed and congratulated Ms. Gouw and noted the beneficial relationship for the community. He also commended the work of CEO Mark Thorpe, and noted that passenger service was up 9% last month.

STAFF MATTERS

No Comments.

COUNCIL MATTERS

Council Member Dorst-Porada commented on the success of the Museums and expressed thanks to the staff at the Ontario Museum of History and Art and the Chaffey Community Museum of Art. She noted a recent project by the Girl Scouts and invited the Boy Scouts to do something similar. She noted the upcoming car show in September and encouraged public participation. She also encouraged the public to take advantage of the new restaurants downtown.

Mayor pro Tem Wapner noted an event over the weekend attended by Senator Leyva. He expressed concern with her personal attacks on him over prevailing wage issues for people at the airport and clarified his prior comments. He also noted his approval of employee contracts this evening and stressed his accountability to the residents of Ontario.

Council Member Bowman reminded everyone of the Cruisin' Reunion coming up and noted the concerts, vendors and good time for all. He noted that last year there were about 1,000 cars and 200,000 people in attendance.

Council Member Valencia commented on our Fire personnel serving in mutual aid, noting that we currently have about fifteen of our people on four different fire throughout the State.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:12 p.m. and announced the next regular meetings on Tuesday, September 19, 2017.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN