

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY/
SUCCESSOR AGENCY TO THE
ONTARIO REDEVELOPMENT AGENCY
MINUTES
July 3, 2018**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority/Successor Agency to the Ontario Redevelopment Agency were held on Tuesday, July 3, 2018, at the Ontario City Hall, 303 East B Street, Ontario, California.

CLOSED SESSION

Mayor Leon called the City Council/Housing Authority/Successor Agency meetings to order at 6:00 p.m.

Mayor Leon inquired whether persons were present who wished to speak to the Closed Session item. Hearing no one, the joint meetings were recessed to Closed Session at 6:00 p.m. for discussion of the following:

- GC 54956.9 (d) (1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario v. Southern California Edison and Does 1 through 50, inclusive, San Bernardino County Superior Court, Case No. CIVDS 1618730*

CALL TO ORDER – OPEN SESSION

Mayor Leon called the City Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency meetings to order at 6:30 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.
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Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Richard T. Egger and City Clerk/Secretary Sheila Mautz.

The Pledge of Allegiance was led by *Council Member Bowman*.

The Invocation was provided by *Reverend Robert Lewis, representing Mt. Zion Baptist Church*.

CLOSED SESSION REPORT

City Attorney Egger indicated that the matter listed on the agenda was discussed and direction was given to staff; however, there was no reportable action.

PUBLIC COMMENTS

Jesse Fonseca, expressed continuing concerns about airport noise, noting that he attended the last Airport Authority meeting where they said the flight patterns coming in and leaving the airport would change on July 1. He indicated that he did not believe it had changed and played a recording of plane noise. He stated that he is a disabled veteran, and he cannot wait for noise surveys before something is done as the noise is interrupting his meditation.

Rudy Favila, commented that although he is pleased that the airport came back to local control, his belief is that there should be a department of airports at the City of Ontario, not a separate authority. He also expressed concerns about airport noise and eliminate flights over south Ontario that go on all night. He commented on his attendance at the last Airport Authority meeting and noted an hour delay in the meeting for the Closed Session, suggesting that the delay was disrespectful to the public in attendance. He also commented on the expense incurred for a new airport administration building. He requested the City's support in addressing concerns with the Airport Authority since the City is funding the airport.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Ochoa indicated there were no updates or additions to the agenda.

CONSENT CALENDAR

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

Council Member Dorst-Porada commented on Agenda Item No. 3 and encouraged the Inland Empire Center for Entrepreneurship to work with the Chamber of Commerce and possibly become a Chamber member.

1. APPROVAL OF MINUTES

City Council approved Minutes for the regular meeting of the City Council and Housing Authority of June 5, 2018, as on file in the Records Management Department.

2. BILLS/PAYROLL

City Council approved **Bills** for the period May 6, 2018 through May 19, 2018 and **Payroll** for the period May 6, 2018 through May 19, 2018, when audited by the Finance Committee.

3. A LEASE AGREEMENT WITH CALIFORNIA STATE UNIVERSITY SAN BERNARDINO, INLAND EMPIRE CENTER FOR ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT CENTER

City Council, acting as the Successor Agency to the former Ontario Redevelopment Agency, approved a lease agreement between California State University San Bernardino, Inland Empire Center for Entrepreneurship and Small Business Development Center and the City of Ontario for the use of certain City-owned property located at 603 N. Euclid Avenue for a one-year term with the option to extend for two additional one-year terms.

4. A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CALTRANS FOR THE PREPARATION OF THE CITY OF ONTARIO ACTIVE TRANSPORTATION MASTER PLAN

City Council adopted a Resolution authorizing the City Manager to execute an agreement with California Department of Transportation (Caltrans) for the City to accept grant funds for the preparation of the City of Ontario Active Transportation Master Plan.

RESOLUTION NO. 2018-099 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE CITY OF ONTARIO ACTIVE TRANSPORTATION MASTER PLAN.

5. A MEMORANDUM OF UNDERSTANDING WITH THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS FOR A GOHUMAN DEMONSTRATION EVENT IN DOWNTOWN ONTARIO

City Council approved a Memorandum of Understanding Southern California Association of Governments (SCAG) for a GoHuman Demonstration Event in downtown Ontario; and authorized the City Manager to execute said agreement and future amendments.

6. A CONSTRUCTION CONTRACT FOR THE 2018 PAVEMENT REHABILITATION PROJECT AND CDBG FUNDED ALLEY RECONSTRUCTION/R.J. NOBLE COMPANY

City Council approved the plans and specifications and award a construction contract to R.J. Noble Company of Orange, California, for the 2018 Pavement Rehabilitation Project and CDBG Funded Alley Reconstruction for the bid amount of \$5,472,532 plus a 4% contingency of \$218,902 for a total authorized amount of \$5,691,433; and authorized the City Manager to execute related documents necessary and file a notice of completion at the conclusion of all construction activities.

7. ORDINANCES LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE) AND DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190)

City Council considered and:

- (A) Adopted an ordinance levying special taxes within City of Ontario Community Facilities District No. 45 (Northpark and Countryside). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on June 19, 2018; and
- (B) Adopted an ordinance dissolving City of Ontario Community Facilities District No. 36 (Eucalyptus 190). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on June 19, 2018.

ORDINANCE NO. 3105 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 45 (NORTHPARK AND COUNTRYSIDE).

ORDINANCE NO. 3106 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DISSOLVING CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 36 (EUCALYPTUS 190).

8. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES)

City Council considered and adopted an ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 47 (Colony Commerce Center West I Services). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on June 19, 2018.

ORDINANCE NO. 3107 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 47 (COLONY COMMERCE CENTER WEST I SERVICES).

9. ADOPTION OF PROPOSED AMENDMENT TO THE 2002 ADOPTED STREET TREE MASTER PLAN

City Council adopted the proposed amendment to the 2002 Adopted Street Tree Master Plan).

10. AN ARCHITECTURAL SERVICES AGREEMENT FOR THE RENOVATION OF THE CORE AND SHELL OF 404 NORTH EUCLID AVENUE

City Council authorized the City Manager to execute an Architectural Services Agreement D&C17-004-400 Blk. Euclid Ave with Brereton Architects, Inc., of San Francisco, California, for an amount not to exceed \$175,578 plus a contingency of \$17,558 for a total of \$193,136, to complete the design and renovation of 404 North Euclid Avenue.

11. A SPECIFIC PLAN (WEST ONTARIO COMMERCE CENTER) REQUEST (FILE NO. PSP16-002) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST (APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18)

City Council considered and adopted an ordinance approving the West Ontario Commerce Center Specific Plan (File No. PSP16-002). Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on June 19, 2018.

ORDINANCE NO. 3108 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE WEST ONTARIO COMMERCE CENTER SPECIFIC PLAN (FILE NO. PSP16-002), TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, DESIGN GUIDELINES AND INFRASTRUCTURE IMPROVEMENTS FOR APPROXIMATELY 119 ACRES OF LAND, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF UP TO 2,905,510 SQUARE FEET OF INDUSTRIAL AND BUSINESS PARK DEVELOPMENT. THE PROJECT SITE IS BOUNDED BY EUCALYPTUS AVENUE TO THE NORTH, CUCAMONGA CREEK CHANNEL TO THE EAST, MERRILL AVENUE TO THE SOUTH, AND CARPENTER AVENUE TO THE WEST, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 0218-261-16, 0218-261-22, 0218-261-23, 0218-261-32, 0218-271-04, 0218-271-08, 0218-271-10, 0218-271-13 AND 0218-271-18.

- 12. A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT (APNS: 1048-572-13 AND 1048-572-11)**

City Council considered and adopted an ordinance approving a Planned Unit Development, File No. PUD17-004, establishing development standards and guidelines to facilitate the development of a medium density residential apartment project. Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on June 19, 2018.

ORDINANCE NO. 3109 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD17-004, A PLANNED UNIT DEVELOPMENT (FILE NO. PUD17-004) ESTABLISHING LAND USE DESIGNATIONS, AND DEVELOPMENT STANDARDS AND GUIDELINES TO FACILITATE THE DEVELOPMENT OF AN 8-UNIT APARTMENT PROJECT ON 0.29 ACRES OF LAND, LOCATED AT 214 NORTH VINE AVENUE AND 422 WEST B STREET, WITHIN THE MU-1 (DOWNTOWN MIXED USE) ZONING DISTRICT, AND MAKING FINDINGS IN SUPPORT THEREOF—APNS: 1048-572-13 AND 1048-572-11.

- 13. CONSIDERATION OF REQUEST TO TRANSFER TOWING CARRIER PERMIT OF UNITED ROAD TOWING, INC., DBA BILL & WAG'S TOWING, INC.**

City Council made a determination to approve a request to transfer towing carrier permit held by United Road Towing, Inc., dba Bill & Wag's Towing, Inc. to Fleet Sales & Consulting, Inc. dba Bill and Wag's Towing.

- 14. STATE OF CALIFORNIA DEPARTMENT OF JUSTICE PROPOSITION 56 TOBACCO ENFORCEMENT GRANT**

City Council authorized the City Manager or designee to execute grant documents to accept a 24-month grant for \$45,200 from the California Department of Justice to fund overtime enforcement operations to address tobacco-related problems in the community.

- 15. AN AGREEMENT FOR RECORDS AND ARCHIVE STORAGE/MANAGEMENT AND CERTIFIED DESTRUCTION SERVICES/LAGUNA VAULT, LLC DBA DOCU-TRUST**

City Council authorized the City Manager to execute a three-year letter of agreement with Laguna Vault, LLC dba Docu-Trust, of San Bernardino, California, for records and archive storage/management and certified destruction with an annual estimated cost of \$30,000; and authorized up to two one-year extensions

under the same terms, conditions and billing rates for a total five-year estimate of \$150,000.

16. A CONSTRUCTION CONTRACT FOR WELL NO. 47 EMERGENCY BACKUP POWER UPGRADES/CORA CONSTRUCTORS, INC.

City Council approved the plans and specifications and award a construction contract for Project No. UT 1008 to Cora Constructors, Inc. of Palm Desert, California, for the construction of emergency backup power upgrades for Well No. 47 in the amount of \$795,000 plus a 15% contingency of \$119,250, for a total amount of \$914,250; 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.

17. A CONSTRUCTION CONTRACT FOR PAVEMENT REHABILITATION AT THE ONTARIO MUNICIPAL SERVICES CENTER (OMSC)/PALP, INC. DBA EXCEL PAVING COMPANY

City Council approved the plans and specifications and award a construction contract for Project No. UT 1003 to Palp, Inc. dba Excel Paving Company of Long Beach, California, for the construction of pavement rehabilitation and improvements at the OMSC in the amount of \$2,649,321 plus a 15% contingency of \$397,398, for a total amount of \$3,046,719; and authorized the City Manager to execute said contract and file a notice of completion at the conclusion of all construction activities.

MOTION UNANIMOUSLY CARRIED: Mayor Leon declared City Council Resolution No. 2018-099, and Ordinance Nos. 3105, 3106, 3107, 3108 and 3109 unanimously adopted.

PUBLIC HEARINGS

18. A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING TITLE 2, CHAPTER 6, ENTITLED PURCHASING SYSTEM, OF THE ONTARIO MUNICIPAL CODE AND IMPLEMENTING THE UNIFORM GUIDANCE PROCUREMENT STANDARDS PURSUANT TO SECTIONS 200.317 THROUGH 200.326 OF THE CODE OF FEDERAL REGULATIONS; AND AUTHORIZING ACCEPTANCE OF ELECTRONIC BID BONDS

City Council introduced and waived further reading of an ordinance:

- (1) Amending Chapter 6 of Title 2 of the Ontario Municipal Code and establishing the rules and regulations of the City's current Purchasing System;
- (2) Implementing the Uniform Guidance pursuant to Sections 200.317 through 200.326 of the Code of Federal Regulations; and

- (3) Authorizing acceptance of electronic bid bonds.

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 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. 3110.

ORDINANCE NO. 3110 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTIONS 2-6.07, 2-6.13, AND 2-6.22 OF THE ONTARIO MUNICIPAL CODE CONCERNING THE PURCHASE OF GOODS, SERVICES AND PUBLIC PROJECTS

- 19. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-004) BETWEEN THE CITY OF ONTARIO AND COLONY COMMERCE CENTER LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,379,501 SQUARE FEET OF INDUSTRIAL DEVELOPMENT ON 57.58 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF MERRILL AVENUE AND CARPENTER AVENUE AT 9467 EAST MERRILL AVENUE, WITHIN PLANNING AREA 1 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN (APNS: 0218-292-05 AND 0218-311-11)**

City Council introduced and waived further reading of an ordinance approving a Development Agreement (File No. PDA17-004, on file with the Records Management Department) between the City of Ontario and Colony Commerce Center LLC, to establish the terms for the development of Planning Area 1 of the Colony Commerce Center West Specific Plan.

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 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. 3111.

ORDINANCE NO. 3111 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT (FILE NO. PDA17-004) BETWEEN THE CITY OF ONTARIO AND COLONY COMMERCE CENTER LLC, TO ESTABLISH THE TERMS AND CONDITIONS FOR THE POTENTIAL DEVELOPMENT OF UP TO 1,379,501 SQUARE FEET OF INDUSTRIAL DEVELOPMENT ON 57.58 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF MERRILL AVENUE AND CARPENTER AVENUE AT 9467 EAST MERRILL AVENUE, WITHIN PLANNING AREA 1 OF THE COLONY COMMERCE CENTER WEST SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF (APNS: 0218-292-05 AND 0218-311-11).

STAFF MATTERS

City Manager Ochoa reminded the community that fireworks are illegal and police and fire are out to enforce City regulations that carry a \$1,000 fine. He encouraged everyone to attend the fireworks display at Westwind Community Park. Mayor Leon supported these comments and stressed that the City wants to be sure people are safe.

COUNCIL MATTERS

Council Member Valencia commented that he attended the NALEO Conference in Phoenix (June 21-23) which he said was a great event. He commended staff on the Concerts in the Park series which takes place Wednesdays at Ontario Town Square. He also requested that this meeting be adjourned in memory of Long Beach Firefighter David Rosa, who was killed in the line of duty.

Council Member Bowman invited the community to have a good and safe July 4th, starting with the parade, events downtown, and ending with fireworks at Westwind Park. He concurred with Mr. Valencia's request for memorial adjournment and added the request for adjournment in memory of Saul Martinez, a retired Ontario Firefighter who served for nearly 30 years.

Mayor pro Tem Wapner thanked Mr. Fonseca and Mr. Favila for coming forward and for attending the Airport Authority meeting. He stressed that flight patterns are controlled by the FAA, and concerns about airport noise will be addressed at an upcoming meeting where the Authority and constituents can be present to express concerns. He noted that Mr. Favila, having previously served on the Ontario City Council and evaluated the City Managers, should understand the process and purpose of the agendaized Airport Authority Closed Session which was to evaluate its CEO. He commented for the public that the City Council had gone through an exciting budget cycle and requested that information about the adopted budget be disseminated to the public.

Council Member Dorst-Porada commented that she wished people who comment during Public Comment would stay for the rest of the meeting so their concerns could be better addressed. She indicated that with regard to the airport, when Los Angeles owned the airport and held Airport Board meetings, they were at Terminal 1. But now under the

OIAA, meetings are held at the old administration building, which is about 60 years old. It is not a new building, but had been updated to comply with ADA. She also clarified that the City does not fund the airport. Money from the airport stays at the airport, as it has to be reinvested there per the FAA. The City only receives a percentage of the parking tax. She also noted the governing structure as a shared role between the City and the County was established while the City was fighting to regain local control of the airport, and represents the widespread support of the Inland Empire. She suggested that in regard to the airplane noise and flight patterns, concerns should be addressed to federal representatives like Congresswoman Norma Torres or Senator Dianne Feinstein stressing the need for federal representatives to participate in a solution. She noted the celebration for July 4th indicating she would love to see everyone at the parade, the Chaffey Community Show Band performance at Town Square and the All States Picnic along Euclid Avenue.

Mayor Leon noted the July 4th festivities and the great Concerts in the Park series on Wednesday nights. He commented on the public comment portion of Council meetings and reminded the public that the City Council is not to engage in policy discussions during that time because the matters are not agendized. He also stressed that this is election time, so some people come in, make inflammatory statements and leave. He noted that great information had been provided by his colleagues about the airport, and he stressed that the City Council is committed to providing accurate information to the public on such matters.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:05 p.m. and announced the next regular meetings to be held on Tuesday, July 17, 2018.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN