

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
MARCH 1, 2016**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, March 1, 2016 at the Ontario City Hall, 303 East B Street, Ontario, California.

CALL TO ORDER – OPEN SESSION

The Mayor called the City Council/Housing Authority meetings to order at 6:32 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 City Clerk/Secretary Sheila Mautz.

The Pledge of Allegiance was led by Mayor pro Tem Dorst-Porada.

The Invocation was offered by *David Gaunt*, Sunrise Church.

SPECIAL CEREMONIES

RECOGNITION OF OUTGOING MUSEUM BOARD MEMBERS

City Council awarded recognition plaques to Michelle Dubas and Rick Caughman for their service on the Museum Board.

PUBLIC COMMENT

Dale Robinson, expressed his concerns with the current flag and banner policy in the City of Ontario.

Joe Caskey, Member of the Board of Trustees of the Ontario Museum and Art, announced the new docent training program and asked all interested residents to participate.

Al Matta, congratulated the City of Ontario on recently attaining regional control of the Ontario International Airport. He expressed his support for the sale of animals at the Maclin Open Air Market.

Ruben Valencia, spoke on his opposition to Item No. 11.

Peggi Hazlett, CEO of the Ontario Chamber of Commerce provided an update on the upcoming events at the Chamber of Commerce.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling indicated there were no announcements.

CONSENT CALENDAR

Agenda Item #3 was pulled from the Consent Calendar for separate discussion as requested by Council Member Avila.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman to approve the balance of the Consent Calendar items as recommended.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meetings of the City Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency of February 2, 2016, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved Bills for the period from January 10, 2016 through January 23, 2016, in the amount of \$14,237,411.30 and Payroll for the period from January 10, 2016 through January 23, 2016, in the amount of \$2,661,869.58, when audited by the Finance Committee.

4. A RESOLUTION AUTHORIZING THE FILING OF THE SECTION 190 APPLICATION FOR THE NORTH VINEYARD AVENUE GRADE SEPARATION PROJECT

City Council adopted a resolution authorizing the filing of an application to obtain \$5 million of California Public Utilities Commission (CPUC) Section 190 funds for the North Vineyard Avenue Grade Separation Project.

RESOLUTION NO. 2016-018 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING FILING OF A SECTION 190 APPLICATION, VERIFYING THAT ALL MATTERS PREREQUISITE TO THE AWARDING OF THE CONSTRUCTION CONTRACT CAN BE ACCOMPLISHED WITHIN TWO YEARS AFTER ALLOCATION OF THE FUNDS FOR THE PROJECT BY THE CALIFORNIA TRANSPORTATION COMMISSION, AND VERIFYING THAT SUFFICIENT LOCAL FUNDS WILL BE MADE AVAILABLE AS THE WORK OF THE PROJECT PROGRESSES FOR THE NORTH VINEYARD AVENUE GRADE SEPARATION AT THE UNION PACIFIC RAILROAD ALHAMBRA SUBDIVISION P.U.C. NO. 001B-522.40.

5. A RESOLUTION APPROVING FINAL PARCEL MAP NO. 19646 LOCATED ON INLAND EMPIRE BOULEVARD APPROXIMATELY 200 FEET WEST OF MILLIKEN AVENUE

City Council adopted a resolution approving Final Parcel Map No. 19646 for condominium purposes located on Inland Empire Boulevard approximately 200 feet west of Milliken Avenue.

RESOLUTION NO. 2016-019 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 19646 FOR CONDOMINIUM PURPOSES LOCATED ON INLAND EMPIRE BOULEVARD APPROXIMATELY 200 FEET WEST OF MILLIKEN AVENUE.

6. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19650 LOCATED AT THE NORTHEAST CORNER OF ARCHIBALD AVENUE AND MISSION BOULEVARD

City Council adopted a resolution approving an improvement agreement, improvement security and Final Parcel Map No. 19650 located at the northeast corner of Archibald Avenue and Mission Boulevard within the Airport Business Park (Hofer Ranch) Specific Plan area.

RESOLUTION NO. 2016-020 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL PARCEL MAP NO. 19650 LOCATED AT THE NORTHEAST CORNER OF ARCHIBALD AVENUE AND MISSION BOULEVARD

7. AGREEMENT WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) FOR REIMBURSEMENT OF CERTAIN COSTS ASSOCIATED WITH EXPANSION OF THE CNG FUELING STATION

City Council approved an agreement with the South Coast Air Quality Management District (SCAQMD) to participate in the Local Government Match Program to receive reimbursements of up to \$150,000 for expansion of the CNG fueling station and authorized the City Manager to execute said agreement.

8. AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH MWH CONSTRUCTORS FOR CONSTRUCTION MANAGEMENT & INSPECTION SERVICES RELATED TO THE WELL NO. 41 WELLHEAD TREATMENT PROJECT

City Council approved and authorized the City Manager to execute an amendment to the existing Professional Services Agreement with MWH Constructors of Pasadena, California, to provide additional construction

management and inspection services for the Well No. 41 Wellhead Treatment Project in the amount of \$200,000.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution Nos. 2016-018, 2016-019 and 2016-020 unanimously adopted.

ITEMS PULLED FROM CONSENT CALENDAR

3. A RESOLUTION APPROVING AMENDMENTS TO THE OMNITRANS JOINT POWERS AUTHORITY AGREEMENT, ADOPTING AN AMENDED AND RESTATED JOINT POWERS AUTHORITY AGREEMENT, AND AUTHORIZING THE CITY OF ONTARIO TO TAKE RELATED ACTIONS

City Council adopted a resolution approving amendments to the Omnitrans Joint Powers Authority agreement; adopted an Amended and Restated Joint Powers Agreement, and authorized the City of Ontario to take related actions.

Council Member Avila asked a few questions regarding the establishment of the Omnitrans Joint Powers Agreement and what specifically was being amended.

City Manager Boling explained the most notable changes included provisions which mitigate risk to member agencies, which included indemnity, risk management and insurance requirements. It also included changes relating to voting, including the requirement of a majority of the total membership to issue bonds and explicit power to obtain insurance and apply for federal, state and local grants. It also included financial accountability measures creating budgetary and audit requirements, the addition of the names of member agencies that have joined since the execution of the original agreement and an update to position titles and responsibilities.

The proposed amendments cannot take effect until approved and adopted by all member agencies. The Omnitrans Board has requested that all member agencies vote on the proposed amendments within 45 days of submission. Upon approval of all member agencies, the Amended and Restated Joint Powers Agreement will be filed with the Secretary of State

RESOLUTION NO. 2016-017 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AMENDMENTS TO THE OMNITRANS JOINT POWERS AUTHORITY AGREEMENT, ADOPTING AN AMENDED AND RESTATED JOINT POWERS AUTHORITY AGREEMENT, AND AUTHORIZING THE CITY OF ONTARIO TO TAKE RELATED ACTIONS.

MOTION: Moved by Council Member Avila, seconded by Council Member Wapner and carried by unanimous vote, to adopt Resolution No. 2016-017.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

9. **AN ORDINANCE ADDING ARTICLE 4 TO CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, ADOPTING STANDARDS FOR THE CARE AND TREATMENT OF ANIMALS OFFERED FOR SALE AT SWAP MEETS**

City Council introduced and waived further reading of an ordinance adopting standards for the care and treatment of animals offered for sale at swap meets.

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.

The City Clerk reported one written communication in support of this action.

ORDINANCE NO. 3045 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING ARTICLE 4 TO CHAPTER 1 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE, ADOPTING STANDARDS FOR THE CARE AND TREATMENT OF ANIMALS OFFERED FOR SALE AT SWAP MEETS.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote, to introduce Ordinance No. 3045.

10. **AN ORDINANCE ESTABLISHING TITLE 5, CHAPTER 22 (PROPERTY APPEARANCE-NUISANCE) OF THE ONTARIO MUNICIPAL CODE, WHICH ESTABLISHES THE CONDITIONS UNDER WHICH THE MAINTENANCE OF PROPERTY MAY BE DETERMINED TO BE A NUISANCE, AND THE PROCEDURES TO ABATE SUCH NUISANCES**

City Council conducted a public hearing to consider the introduction and waived further reading of an ordinance approving File No. PDCA16-001, an amendment to Ontario Municipal Code Title 5, establishing Chapter 22 (Property Appearance — Nuisance).

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

There were no written communications.

The Mayor opened the public hearing, seeing no one requesting to be heard, the public hearing was closed.

ORDINANCE NO. 3046 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-001, AN ORDINANCE ESTABLISHING TITLE 5, CHAPTER 22 (PROPERTY APPEARANCE — NUISANCE) OF THE ONTARIO MUNICIPAL CODE, WHICH ESTABLISHES THE CONDITIONS UNDER WHICH THE MAINTENANCE OF PROPERTY WITHIN THE CITY MAY BE DETERMINED TO BE A NUISANCE, AND THE PROCEDURES TO ABATE SUCH NUISANCES, AND MAKING FINDINGS IN SUPPORT THEREOF.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by with Council Member Avila abstaining, to introduce Ordinance No. 3046.

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

11. **A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION’S DECISION TO UPHOLD THE ZONING ADMINISTRATOR’S DENIAL OF A CONDITIONAL USE PERMIT (FILE NO. PCUP15-016) FOR THE ESTABLISHMENT AND OPERATION OF AN ORGANIC MATERIALS FACILITY (COMPOSTING OF GREEN WASTE, MANURE, FOOD MATERIALS, FATS OILS AND GREASE) ON A 34.76-ACRE PORTION OF 37.4 ACRE PARCEL OF LAND WITHIN THE AG (AGRICULTURE) OVERLAY ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF SCHAEFER AVENUE AND CAMPUS AVENUE, AT 7435 EAST SCHAEFER AVENUE (APNS: 1053-101-01, 02, AND 1053-091-01)**

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

The City Clerk reported a total of eighty-two (82) written communications regarding this project.

The Mayor opened the public hearing.

The following people spoke in support of the proposed project:

Peggi Hazlett
Brent McManigal
Mike Arreguin
Geoff Hill
Sam Monaco
Daya Bettadapura

The following people spoke in opposition to the proposed project:

Rick Evans
Gary Reitsma
Ed Heringa
Paul Huizenga
Case Zwart
Tom Haughey
Jose Alire
Nicholas Liguori
Prakash Menow
John Aylyng
Jennifer Garbick.
Sam Sousa
Dan Drake
Rob Vandenheuvel
Grace Williams

City Council considered an appeal of the Planning Commission's decision denying File No. PCUP15-016, a Conditional Use Permit for the establishment and operation of an organic materials facility (composting of green waste, manure, and food materials) within the AG (Agriculture) Overlay zoning district, located at the southwest corner of Schaefer Avenue and Campus Avenue at 7435 East Schaefer Avenue.

Council Member Wapner stated that he approaches items from a policy perspective. When the City of Ontario annexed the agricultural preserve, any existing dairies were guaranteed to be able to stay as long as they wanted to. The City of Ontario committed that no one would ever be forced out. Some of the other green waste facilities had in the past caught fire and he was just as angry as others. Three years ago the City Council took this under review and passed Resolution No. 2013-127 and no one was opposed to it. It was passed unanimously. He inquired why it was now denied by the Planning Commission. Mr. Wapner read the reasons from Planning Commissioners who denied because there are too many in the City. He added that City Council will always provide a market if there is a need. Another reason he read from the Planning Commission was that the City does not want another Flint, Michigan situation. Another Commissioner had concerns about fires. He stated that if denied by City Council then this was not consistent with the Resolution and suggested that

perhaps the Resolution needed to be rescinded. At this point and at the point the Resolution was passed, green waste were considered green compost. He added that he brought the issue up not because he disagrees, but because if we do not want these businesses then the Resolution should be rescinded.

Mayor pro Tem Dorst-Porada asked whether the Chino water system is closed or opened.

Ontario Municipal Utilities Director Burton stated that it was his understanding that they have sides and a roof, but is not aware of the specifics.

Mayor pro Tem Dorst-Porada asked about the water system.

Planning Director Murphy looked at the requirements and mentioned a number of things that can be done to the property to minimize ground water infiltration; and there are a number of individuals as well as technology which monitors the system to prevent water or pollutants from getting in the water.

Mayor pro Tem Dorst-Porada asked about truck traffic.

Mr. Murphy described the planned route for trucks in the area. He stated there are provisions from the Ontario Engineering Department to help alleviate traffic.

Mayor pro Tem Dorst-Porada inquired about stacking of traffic along the street.

Mr. Murphy stated that there are provisions in place to help address the stacking concern.

Mayor pro Tem Dorst-Porada inquired what the number of trucks a day were projected to be.

Mr. Murphy explained that the project estimated about 75 to 100 trips a day.

Mayor pro Tem Dorst-Porada asked how the moisture content of the proposed on-site materials compared to other facilities in the City.

Mr. Murphy stated that he was unsure how Harvest compared to other companies.

Mayor pro Tem Dorst-Porada asked if San Bernardino County Health Department conducts quarterly checks and inspections.

Mr. Murphy confirmed that there are unannounced inspections.

Mayor pro Tem Dorst-Porada asked if there are concerns with pile up of compost.

Mr. Murphy stated he was not aware of the stockpiling of products or material that are not usable and added that the risk is low here.

Mayor pro Tem Dorst-Porada suggested that the City look at restricting the stage of excess material and suggested that this be applicable to all compost facilities in the City.

Mr. Murphy stated that the standards and the conditions for which composting facilities operate under have changed and new operators must comply with more stringent standards than those which have been approved previously.

Mr. Murphy further stated that the Ontario Fire Department has been working with the existing compost facilities to determine if compliance with the new standards is feasible.

Mayor Leon stated that this is not an appropriate conversation as the issue of other compost facilities was not on the agenda.

Council Member Bowman stated there are some very severe concerns. He expressed concerns with air quality, potential damage to humans and animals, and dust control. He added that he was not suggesting Harvest is not a good operator, but noted other operations have had issues causing the community to become involved.

Council Member Avila stated his understanding of the speakers' expressed concerns. He stated the only issue is the existing Resolution; but added the Resolution can be rescinded. He expressed his concerns for potential health issues for the public as well as the effect of the Santa Ana winds and the potential for future fires and contaminated water.

Mayor Leon thanked residents for providing their input, noting that their statements were heartfelt and heard.

Mayor Leon reopened the Public Hearing.

He asked if the water supplies in Chino are covered.

Jose Alire, from the City of Chino, stated the water supplies are open air vented.

Mayor Leon stated that he has often found that there are facts and statements that circulate which may or may not be true; and that is usually what sways people to believe one way or the other. He stated that the City Council has to make decisions based on facts alone. He added that he believes the company does great work.

Mr. Murphy stated the company has met the requirements for approval.

Motion to continue the item to give Harvest Power the opportunity to dispel some of the negative ideas out there by meeting with the public and the City of Chino.

MOTION: Moved by Mayor Leon, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote, keep the Public Hearing open and continue the Item to the regular City Council meeting of April 5, 2016.

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL MATTERS

City Council had no comments.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 9:03 p.m. He announced the next regular meetings on Tuesday, March 15, 2016.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN