

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
APRIL 5, 2016**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, April 5, 2016 at the Ontario City Hall, 303 East B Street, Ontario, California.

CLOSED SESSION

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

Hearing no requests to speak, the City Council with all members present thereupon recessed to Closed Session at 6:00 p.m. for discussion as follows:

- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One (1) case.*

CALL TO ORDER – OPEN SESSION

The Mayor called the City Council/Housing Authority 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	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 Council Member Wapner.

The Invocation was offered by *Assistant Pastor Sean Thurin*, Calvary Chapel Ontario.

REPORT ON CLOSED SESSION

City Attorney Brown indicated that there was no reportable action, however the discussion could result in reportable action at a later date.

CONFIRMATION OF FIRE CHIEF APPOINTMENT

City Manager Boling presented the Appointment of Robert B. Elwell Jr. for Fire Chief to the City Council for confirmation.

The Mayor and City Council confirmed this appointment by unanimous vote.

Chief Elwell expressed appreciation for his appointment and noted that he has served the community for 31 years. He commented on the high level of service by the Fire Department over its history and noted the upcoming 125th anniversary. He looked forward to the challenges of the position, noting that here was a high standard for City leaders and agency heads. He thanked Interim Fire Chief Ray Ramirez for his mentorship and friendship, and his family for their support.

Council Member Bowman noted that he had worked with Mr. Elwell for a number of years and he is a dedicated member of the department who will be a fine Chief for the organization. He commented that the City picks and promotes the best.

Council Member Wapner commented on the difficult choice this selection had been for City Manager Boling, noting the number of highly qualified candidates within the department. He thanked staff for participating in the selection process and looked forward to Chief Elwell's leadership.

Mayor Leon commented that this was the fifth Fire Chief since he had been on the Council. He expressed confidence in Chief Elwell and pride in the department as a whole.

PUBLIC COMMENT

Ruben Valencia commended the police and fire departments for doing an outstanding job, noting past personal experiences with both. He also commended City staff on the State of the City event. He addressed Council Member Wapner with regard to comments made at the previous council meeting and indicated that his comments were not personal, but he would be a voice for the community.

Chad Schnitger noted that County Supervisor Hagman's April newsletter was now available.

Peggi Hazlett, from the Ontario Chamber of Commerce, invited everyone to Good Morning Ontario on April 6, 2016, noting that Economic Development Director John Andrews would be the speaker. She also announced the upcoming Police Recognition Luncheon on May 10, 2016, celebrating 125 years of service to the community, and recognizing both officers and their families. She announced that the Chamber office had relocated to 3200 Inland Empire Blvd., Ste. 130., and indicated that there would be an open house this summer.

Linda Johnson reminded the Council about the Southern California Edison power lines and towers in Archibald Ranch, and stressed the need to do something about them. She noted that they are also concerned with the trichloroethylene plume, pollution and now the potential impact of more composting.

Don Tisor encouraged the Council to save Archibald Ranch and put the electrical cables underground. He also addressed concerns about excessive speed in school zones in the Archibald Ranch area.

Anna Jasval, representing Omnitrans, provided information on the West Valley Connector Project, which will provide transportation across five cities from Pomona to Fontana through Ontario. She noted that public scoping meetings would be held in each city, with the Ontario meeting scheduled for April 12, 2016 at the Ontario Senior Center from 4:00 p.m. to 7:00 p.m.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling indicated there were no announcements.

CONSENT CALENDAR

Loree Masonis addressed Item No. 4 and congratulated Mayor pro Tem Dorst-Porada on her designation as voting delegate to SCAG. She suggested more publication of information about the SCAG meetings, so the public could be better informed.

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

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council and Housing Authority of March 1, 2016, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** for the period from February 7, 2016 through February 20, 2016 in the amount of \$4,362,950.03 and **Payroll** for the period February 7, 2016 through February 20, 2016 in the amount of \$2,812,301.09, when audited by the Finance Committee.

3. A RESOLUTION APPROVING OFFICIAL MAP NO. 1009 LOCATED ON THE SOUTH SIDE OF ONTARIO RANCH ROAD BETWEEN ARCHIBALD AVENUE AND HAVEN AVENUE

City Council adopted a resolution approving Official Map No. 1009 located on the south side of Ontario Ranch Road between Archibald Avenue and Haven Avenue within the Grand Park Specific Plan Area.

RESOLUTION NO. 2016-026 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OFFICIAL MAP NO. 1009 LOCATED ON THE SOUTH SIDE OF ONTARIO RANCH ROAD BETWEEN ARCHIBALD AVENUE AND HAVEN AVENUE.

4. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS GENERAL ASSEMBLY

City Council designated Mayor pro Tem Debra Dorst-Porada as the City's voting delegate for the Southern California Association of Governments (SCAG) General Assembly scheduled for May 5, 2016.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution No. 2016-026 unanimously adopted.

PUBLIC HEARINGS

5. AN ORDINANCE CREATING AND AUTHORIZING THE CREATION OF THE ONTARIO HOUSING AUTHORITY COMMISSION AND AMENDING ARTICLE 1 AND ADDING ARTICLE 11 OF CHAPTER 2 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE; AND ADOPTION OF RESOLUTIONS APPROVING AND ADOPTING BYLAWS FOR THE ONTARIO HOUSING AUTHORITY COMMISSION

City Council and Housing Authority Board:

- (A) Introduced and waived further reading of an ordinance creating and authorizing the creation of the Ontario Housing Authority Commission and amending Article 1 and adding Article 11 to Chapter 2 of Title 2 of the Ontario Municipal Code; and
- (B) Adopted resolutions approving and adopting the bylaws for the Ontario Housing Authority Commission.

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 public hearing was opened at 7:02 p.m. Hearing no requests to speak, the public hearing was closed at 7:02 p.m.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to adopt Resolution Nos. 2016-027 and 2016-028 and introduce Ordinance No. 3047 as presented.

RESOLUTION NO. 2016-027 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AND ADOPTING THE BYLAWS FOR THE ONTARIO HOUSING AUTHORITY COMMISSION.

RESOLUTION NO. 2016-028 A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AND ADOPTING THE BYLAWS FOR THE ONTARIO HOUSING AUTHORITY COMMISSION.

ORDINANCE NO. 3047 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CREATING AND AUTHORIZING THE ONTARIO HOUSING AUTHORITY COMMISSION AND AMENDING ARTICLE 1 AND ADDING ARTICLE 11 OF CHAPTER 2 OF TITLE 2 OF THE ONTARIO MUNICIPAL CODE.

6. 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)

That the City Council consider the applicant's request to continue the appeal to the June 7, 2016, regular City Council meeting, and, if deemed appropriate by the City Council, keep the public hearing open and continue the public hearing to June 7, 2016.

Mayor Leon noted that the applicant had requested a continuance of this item, however there were several potential actions. He addressed a letter presented by Mr. Case Zwart which followed his thinking, that there needs to be an EIR. He indicated while he was not saying anyone was wrong, the applicant did not do a good enough job in explaining the project. Mayor Leon indicated that he was in favor of continuing this matter indefinitely.

MOTION: Moved by Mayor Leon, seconded by Council Member Wapner to continue this matter indefinitely.

City Attorney Brown reminded the Council that there were members of the public interested in addressing the matter and recommended that the hearing be reopened for public testimony.

Mayor Leon reopened the public hearing at 7:07 p.m.

Council Member Avila expressed concern that June 7 is Election night and people might be precluded from participating. He suggested another date would be more acceptable.

The following people spoke in opposition to the proposed project:

Nickole Vander Dussen
Dave Gillespie
Dan Tapia
John Aylyng
Jim Force
Vangie Fernande
Sammy Sousa

Christopher Zarp
Dickie Vander Meulen
Craig Gordon
Brad Bosch
Gary Reitsma
Grace Williams
Rob Vander Heuval
Windy Van Dam
Sam Sousa
Joe De Hoog
Case Zwart
Henry De Haan
Daryl Koops
Lissa Fraga
Dr. Dan Drake
Ed Haringa
Stephen Rogers

Brent McManigal, representing the applicant indicated that he had heard the opposing comments loud and clear. He advised that since the last City Council meeting they had met with the City of Chino regarding the water facility to determine what studies would be required to assure that the facility was protected. He further advised that they would now like to move into meeting with the community. He concurred that the existing compost facilities are not being operated correctly, but suggested that was a code enforcement issue. He indicated that Harvest Power wants to explain their proposal and do the proper environmental analysis.

Council Member Avila moved to deny the appeal. Motion died due to pending first motion.

Mayor Leon withdrew the initial motion and offered to entertain a new motion.

Mayor pro Tem Dorst-Porada thanked Mr. Haringa for his tour of the area, and tours provided to staff. She noted that there had been huge struggles for the area due to the downturn of property values. She indicated that Code Enforcement was working on compliance issues, but she could not see taking this matter any further. She stressed that there should have been an E.I.R. from the start.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman to uphold the Planning Commission's action and deny the appeal.

Council Member Bowman commented that the voice of the people is very strong, and a solid reason to deny the request. He noted that he has experience with fires in the area and reminded the Council that when the AG Preserve was before LAFCO for annexation, the City delivered a very compelling speech that it would be caretakers of the area and plan it correctly. He indicated that he was surprised to hear that there were already eight such composting facilities in place, as this was not fulfilling the promise to LAFCO. He commented that he had chaired two water boards in the past and concurred that the potential for water pollution was a concern.

Council Member Avila commented on the time he has lived in Ontario, his family background in farming and his military service.

Mayor Leon closed the public hearing at 8:18 p.m.

Mayor Leon commented that he was elected to represent the people and he does what he believes is right for the City. He expressed respect for the residents who came forward and concurred that the applicant did not do their job to convince the public as to the value of their project. He indicated that since they did not do their job, he concurred with the residents. He noted that they were working with Chino, but not Ontario; and it was most important to communicate with the residents of Ontario.

Council Member Wapner commented that he approached this issue from a policy and principle perspective based on the previously passed resolution, and attempted to maintain consistency. He indicated that he would join the others in voting against the project, but he would like the resolution to come back with a potential for a moratorium on future composting facilities until there is a more definitive approach to locating them. He requested and received concurrence from Council.

MOTION CARRIED by a vote of 4 to 1 with Council Member Avila casting the dissenting vote.

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

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

7. A PUBLIC MEETING TO RECEIVE TESTIMONY REGARDING THE RENEWAL OF THE GREATER ONTARIO TOURISM MARKETING DISTRICT AND ASSESSMENT OF AN ASSOCIATED LEVY

City Council held a public meeting to receive testimony on the proposed renewal of and levy for the Greater Ontario Tourism Marketing District (GOTMD).

Stephen Rogers commented on this action comparing the district to SANBAG.

MOTION: Moved by Council Member Bowman, Seconded by Council Member Wapner and carried by unanimous vote to receive and file the testimony received.

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL MATTERS

Council Member Bowman indicated that in April there is a friendly nationwide challenge amongst cities, called the Mayor's Challenge to see how many residents will pledge to do their part to conserve water. He noted that last year we finished in the top 40 Nationwide. He requested that the Mayor make the challenge again.

Mayor Leon commented that over the last year, Ontario responded with flying colors, reducing water usage by about 20%. He noted that the proposed challenge gets national exposure for doing the right thing, and residents of the winning City are eligible for \$50,000 in prizes including a Toyota Prius. He issued the challenge and referred residents to www.mywaterpledge.com for more information.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 8:33 p.m. He announced the next regular meetings on Tuesday, April 19, 2016.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN