

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
APRIL 19, 2016**

JOINT MEETINGS

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, April 19, 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 6:30 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 Member: 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 Council observed a moment of silent reflection in lieu of the Invocation.

PUBLIC COMMENT

Bill Cortus commented on the Nativity Scenes placed on Euclid Avenue annually by a local non-profit organization and noted that the wooden creches have fallen into disrepair. He detailed efforts to replace them and explained that they are asking business owners to sponsor them for \$5,000 each. He also announced a Polynesian Christmas fundraising event at the Church of Latter Day Saints on May 12, 2016, to assist with this effort.

Steve Rogers spoke regarding his correspondence with the City and his previous employment with the City.

Peggi Hazlett announced upcoming Chamber of Commerce events, including the Police Recognition Lunch on May 10, 2016.

Aaron Matthiesen commented on his pride in the Ontario community, but criticized the comments and actions of Council Member Avila at the dais. He noted the upcoming election and his intent to replace Mr. Avila on the Council.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling indicated that there were updated assessment lists for Item No. 3, noting that the number of parcels had been reduced from 189 to 166 due to some property owners paying as of noon today.

CONSENT CALENDAR

Mayor Leon noted a request for discussion of Item No. 1 and pulled Item No. 8 for discussion.

Council Member Avila pulled Item No. 3 for separate vote.

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

Steve Rogers briefly addressed the Minutes. He also addressed Item No. 5, noting he had sent a letter to SANBAG. He commented on public complaint procedures and suggested that Parsons was a favored consultant.

Mayor Leon addressed Item No. 8 and indicated that the City was excited to be accepting \$1,000,000 from the Kaiser Heal Zone Grant Program. He noted that Kaiser representatives were present and thanked them for this grant. Jennifer Resch-Silvestri, Senior Director of Public Affairs, recognized the City as strong partners to Kaiser and noted this was the second \$1,000,000 grant the City had received. She commended the work of City staff including Karen Thompson, and introduced Dr. Jenkins from Kaiser. Dr. Jenkins indicated that their mission is to care for the communities they serve and promote healthy communities. He further indicated that they are working to prevent diseases such as diabetes and hypertension.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council and Housing Authority of March 15, 2016, approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** for the period from February 21, 2016 through March 5, 2016, in the amount of \$6,135,213.68 and **Payroll** for the period from February 21, 2016 through March 5, 2016, in the amount of \$2,681,688.18 when audited by the Finance Committee.

4. A RESOLUTION ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY AND PUBLIC SERVICE EASEMENT IN A PORTION OF FOURTH STREET WEST OF SULTANA AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN

City Council adopted a resolution ordering the summary vacation of the rights-of-way and public service easement in a portion of Fourth Street west of Sultana Avenue and reconveying any of the City's interest therein.

RESOLUTION NO. 2016-029 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE SUMMARY VACATION OF THE RIGHTS-OF-WAY AND PUBLIC SERVICE EASEMENT IN A PORTION OF FOURTH STREET WEST OF SULTANA AVENUE AND RECONVEYING ANY OF THE CITY'S INTEREST THEREIN.

5. AGREEMENT FOR ENGINEERING DESIGN AND RIGHT OF WAY SERVICES FOR THE MOUNTAIN AVENUE AND HOLT BOULEVARD INTERSECTION WIDENING PROJECT/PARSONS TRANSPORTATION GROUP INC.

City Council approved a Professional Services with Parsons Transportation Group Inc., of Ontario, California, to provide engineering design and right of way services for the Mountain Avenue and Holt Boulevard Intersection Widening Project for \$705,989 plus a 5% contingency of \$35,300 for a total authorized expenditure of \$741,289; and authorized the City Manager to execute said agreement and all future amendments.

6. 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

City Council considered and adopted 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. Introduction and first reading of said Ordinance took place at a regular meeting of the City Council on April 5, 2016.

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.

7. AN AGREEMENT WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) FOR REIMBURSEMENT OF CERTAIN COSTS ASSOCIATED WITH THE PURCHASE OF COMPRESSED NATURAL GAS (CNG) POWERED VEHICLES

City Council approved an agreement with the South Coast Air Quality Management District (SCAQMD) to participate in the Local Government Match Program to receive reimbursement of \$270,000; and authorized the City Manager to execute said agreement.

8. ACCEPTANCE AND RENEWAL OF THE KAISER HEAL ZONE GRANT - PHASE II

City Council accepted the \$1,000,000 Kaiser Permanente HEAL Zone Phase II grant and authorized the City Manager or his designee to execute required grant agreements and all items related to the implementation of the grant.

9. AUTHORIZE THE PURCHASE OF REPLACEMENT FLEET VEHICLES

City Council took the following actions:

- (A) Awarded Bid No. 613 for the purchase and delivery of five 2017 Ford Police Patrol SUV Vehicles in the amount of \$162,033 from Fairview Ford of San Bernardino, California, for the Police Department; and
- (B) Authorized the purchase and delivery of one 2015 BMW R1200RT-P motorcycle from Long Beach BMW of Long Beach, California, in the amount of \$29,199 consistent with the terms and conditions of the Los Angeles Sheriff's Department Purchase Order No. PO-SH-15323008-1 for the Police Department; and
- (C) Authorized additional purchase and delivery for Bid No. 574 of one 2016 Ford SUV Utility Police Interceptor in the amount of \$27,266 from Fairway Ford of Placentia, California, for the Police Department; and
- (D) Authorized the purchase and delivery of one 2016 Ford Law Enforcement Sedan in the amount of \$24,293 from National Auto Fleet Group of Watsonville, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 1028 for the Police Department; and

- (E) Authorized the purchase and delivery of one 2016 KME Custom 100' Tractor Drawn Aerial in the amount of \$1,281,642 from Kovatch Mobile Equipment (KME) of Ontario, California; approve KME as the sole source provider for current and future procurements of fire apparatus; and authorized the City Manager to execute a purchase agreement for the Fire Department; and
- (F) Authorized the purchase and delivery of one Jacobsen Large Area Rotary Mower in the amount of \$90,838 from Jacobsen Southern California of Corona, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 070313-JCS for the Parks Department; and
- (G) Authorized the purchase and delivery of one Kubota L4701HST Tractor in the amount of \$25,026 from Kubota Tractor Corporation of Torrance, California, consistent with the terms and conditions of the National Joint Powers Alliance (NJPA) Cooperative Contract 070313-KBA for the Parks Department.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution No. 2016-029 and Ordinance No. 3047 unanimously adopted.

ITEM PULLED FROM THE CONSENT CALENDAR

3. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON THE COUNTY TAX ROLLS

That the City Council adopt a resolution for recovery of fees and costs incurred in abating property and dangerous building violations as well as administrative citations and civil penalties associated with property maintenance violations, and placing special assessments on the San Bernardino County Tax Rolls.

Council Member Avila indicated that he requested a separate vote for consistency as he has voted no on this matter in the past. He expressed concern with the potential for residents losing their homes due to the liens placed against them by this action. He stressed that the program has no internal appeal process and indicated that he would be voting no.

Council Member Wapner inquired how many residents have lost their homes due to this program. City Manager Boling responded that no residents have lost their homes due to this program.

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Dorst-Porada, and carried by a vote of 4 to 1 with Council Member Avila casting the dissenting vote to adopt Resolution No. 2016-028

RESOLUTION NO. 2016-028 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR CIVIL PENALTIES OR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES.

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

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

10. AN ORDINANCE ADDING CHAPTER 17 TO TITLE 6 OF THE ONTARIO MUNICIPAL CODE, REGULATING THE SALE OF BUTANE

City Council introduced and waived further reading of an ordinance adding Chapter 17 to Title 6 of the Ontario Municipal Code, regulating the sale of butane.

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 at 6:59 p.m. and the following person spoke:

William Seals from the "Reach Out" organization commended the City for this ordinance, noting that the City is the first in the County to stop this growing trend in substance abuse.

Council Member Wapner noted that he serves on the Public Safety Policy Committees for the League of California Cities and the National League of Cities and they have been discussing this matter since January. He explained that refined butane is used in the manufacture of marijuana products and it is extremely dangerous and volatile. He thanked staff for this effort and confirmed that Ontario is the first in the area to enact such an ordinance. He noted that butane will still be sold and available for proper uses.

The Mayor closed the public hearing.

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3048.

ORDINANCE NO. 3048 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING CHAPTER 17 TO TITLE 6 OF THE ONTARIO MUNICIPAL CODE, REGULATING THE SALE OF BUTANE.

11. ***A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA16-002, PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE, MODIFYING CERTAIN PROVISIONS OF DIVISION 3.02 (NONCONFORMING SIGNS), DIVISION 5.02 (LAND USE), DIVISION 5.03 (STANDARDS FOR CERTAIN LAND USES, ACTIVITIES AND FACILITIES), DIVISION 6.01 (DISTRICT STANDARDS AND GUIDELINES), AND DIVISION 8.01 (SIGN REGULATIONS)***

City Council introduced and waived further reading of an ordinance approving File No. PDCA16-002, a Development Code Amendment proposing several clarifications to the Ontario Development Code (Ontario Municipal Code Title 9) including:

- (1) Deletion of “billboard signs” from the nonconforming sign amortization list (Table 3.02-1);
- (2) Deletion all reference to the CCC zoning district;
- (3) Addition of “escape, exit, mystery and puzzle rooms” as a conditionally permitted land use in the CC, CR, MU-1, BP, IL, and IG zones;
- (4) Clarification that the public convenience or necessity determination criteria (Section 5.03.025: alcoholic beverage sales) applies only to off-premise alcoholic beverage control licenses;
- (5) Clarification that a temporary outdoor sales event (Section 5.03.395: temporary and interim land uses, buildings, and structures) may only be allowed in conjunction with a legally established business that has been operated for a period of at least 180 days prior to a requested event;
- (6) Clarification that within the ICC Overlay district (Section 6.01.035: Overlay Zoning Districts), a maximum 25 percent building expansion is allowed in conjunction with an existing, legally established, commercial land use;
- (7) Combination of all political sign regulations (Section 8.01.020: Sign Standards) into a single provision, and add clarifying purpose and intent statements; and

- (8) Clarification that the maximum timeframes for the issuance of temporary promotional and special event signs and banners (Table 8.01: Sign Regulation Matrix).

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.

MOTION: Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote to introduce and waive further reading of Ordinance No. 3049.

ORDINANCE NO. 3049 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA16-002, A DEVELOPMENT CODE AMENDMENT PROPOSING VARIOUS CLARIFICATIONS TO THE ONTARIO DEVELOPMENT CODE: [1] DELETE "BILLBOARD SIGNS" FROM THE NONCONFORMING SIGN AMORTIZATION LIST (TABLE 3.02-1); [2] DELETE ALL REFERENCES TO THE CCC ZONING DISTRICT; [3] ADD "ESCAPE, EXIT, MYSTERY AND PUZZLE ROOMS" AS A CONDITIONALLY PERMITTED LAND USE IN THE CC, CR, MU-1, BP, IL, AND IG ZONES; [4] CLARIFY THAT THE PUBLIC CONVENIENCE OR NECESSITY DETERMINATION CRITERIA (SECTION 5.03.025: ALCOHOLIC BEVERAGE SALES) APPLIES ONLY TO OFF-PREMISE ALCOHOLIC BEVERAGE CONTROL LICENSES; [5] CLARIFY THAT A TEMPORARY OUTDOOR SALES EVENT (SECTION 5.03.395: TEMPORARY AND INTERIM LAND USES, BUILDINGS, AND STRUCTURES) MAY ONLY BE ALLOWED IN CONJUNCTION WITH A LEGALLY ESTABLISHED BUSINESS THAT HAS BEEN OPERATED FOR A PERIOD OF AT LEAST 180 DAYS PRIOR TO A REQUESTED EVENT; [6] CLARIFY THAT WITHIN THE ICC (INTERIM COMMUNITY COMMERCIAL) OVERLAY DISTRICT (SECTION 6.01.035: OVERLAY ZONING DISTRICTS), A BUILDING EXPANSION, MAXIMUM 25 PERCENT, IS ONLY ALLOWED IN CONJUNCTION WITH AN EXISTING, LEGALLY ESTABLISHED, COMMERCIAL LAND USE; [7] COMBINE THE ALL POLITICAL SIGN REGULATIONS (SECTION 8.01.020: SIGN STANDARDS) INTO A SINGLE PROVISION, AND ADD CLARIFYING PURPOSE AND INTENT STATEMENTS; AND [8] CLARIFY THE MAXIMUM TIMEFRAMES FOR THE ISSUANCE OF TEMPORARY PROMOTIONAL AND SPECIAL EVENT SIGNS AND BANNERS (TABLE 8.01: SIGN REGULATION MATRIX), AND MAKING FINDINGS IN SUPPORT THEREOF.

STAFF MATTERS

None.

COUNCIL MATTERS

Mayor pro Tem Dorst-Porada noted the creation of the Ontario Housing Authority Commission and encouraged interested parties to apply through the City's website. She thanked the City Museum Associates for the successful fundraiser on Saturday night and commended the high schools for the wonderful entertainment.

Council Member Wapner noted that he recently attended the City/County Conference in Lake Arrowhead, and explained that there were 24 cities that got together to talk about concerns and issues for the region and hear a presentation by ONT CEO Kelly Fredericks. He also noted that he attended a baseball game at the 66ers Stadium with Ontario Police Department vs. San Bernardino Strong; and the Ontario Police Department did a great job in raising money for the victims of December 2, 2015. He commented that our police and fire departments participate in charity events all of the time to help the community they serve.

Council Member Bowman noted the presence of the new Fire Chief Rob Elwell at this meeting.

Council Member Avila commented on recent awards received by the Ontario-Montclair School District and expressed pride in the work of the District. He addressed the comments criticizing him earlier in this meeting and noted his military service, service to the community, recent surgery and defense of the citizens of the City. He indicated that he will be running for City Council, but defended the right of residents to express their criticisms.

Mayor Leon announced an upcoming press conference by the Ontario Hispanic Chamber of Commerce concerning the upcoming Cinco de Mayo celebration at De Anza Park.

City Manager Boling also noted that there will be an Earth Day Celebration at Conservation Park on Friday, April 22, 2016 from 2:00 p.m. to 4:00 p.m.

Mayor Leon noted that he was approached at the Meet and Greet for CEO Fredericks and was questioned as to how City events are advertised. He questioned how the City could get the word out better. City Manager Boling indicated that staff would look into advertising options, but noted that the subject event had over 500 people in attendance.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:17 p.m. He announced the next regular meetings on Tuesday, May 3, 2016.

Respectfully submitted,



SHEILA MAUTZ, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN