

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
MARCH 19, 2013**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, March 19, 2013, at the Ontario City Hall, 303 East B St.

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 the Closed Session item. Hearing none, he advised that all Members were present and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.9 (b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: One (1) or more cases: City of Los Angeles/Los Angeles World Airports (LAWA).

CALL TO ORDER

The Mayor called the City Council/ Housing Authority meetings to order at 6:30 p.m., and requested the City Clerk to call the roll.

PRESENT:	Mayor/ Chairman	Paul S. Leon
	Mayor pro Tem/ Vice Chairman	Jim W. Bowman
	Council/ Authority Members:	Alan D. Wapner, Debra Dorst-Porada and Paul Vincent Avila

ABSENT: None

Also present were City Manager/Executive Director Chris Hughes, City Attorney John Brown and City Clerk/ Secretary Mary E. Wirtes.

CLOSED SESSION REPORT

City Attorney Brown advised that discussion with the City Manager occurred on the item but no reportable action was taken.

The Pledge of Allegiance was led by Council Member Dorst-Porada

The Invocation was offered by *Pastor Vernard Williams*, Loveland Worship Center.

PUBLIC COMMENTS

Henry Lopez spoke of a potential hazard on his street near an elementary school where cactus is growing and children have been seen pushing and playing near it. He feels there is potential for a fatal accident and has requested Code Enforcement to advise the property owner to fence the property. Mayor Leon noted that this had been discussed previously. City Manager Hughes indicated that he would obtain the address and follow up.

Ronnie Fernandez commented on what he termed inappropriate remarks by Council at the previous Council meeting, said there is a need to enforce decorum and suggested it is no place for political comment. He added such a venue is no place for violating the law or public trust and suggested staff enforce abatement of such abuse.

Tatiana Cardenas also addressed remarks made at the last Council meeting maintaining they were not appropriate as they were political in nature. She added that a candidacy for the senate is not an appropriate subject for discussion at public meetings. Ms. Cardenas alleged it is the City Manager's responsibility to stop such discussion adding the public does not attend the meeting to hear political rhetoric.

Shana (no last name provided) also expressed concern about blatant political campaigning being funded with taxpayer monies and said she is concerned that it takes place in front of the Mayor, City Attorney and City Manager and is a matter of concern to the public.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes indicated there were no announcements.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Bowman, the Joint Agencies approved the following Consent Calendar items as recommended.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meetings of the City Council and Housing Authority dated February 19, 2013; as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$6,093,923.81, from February 10 through February 23, 2013; and Payroll in the amount of \$2,387,701.60, from February 10 through February 23, 2013, when audited by the Finance Committee.

3. A CONSTRUCTION CONTRACT FOR THE HOLLOWELL/VESTA APARTMENTS REHABILITATION PROJECT /4-ACE CONSTRUCTION, INC.

The Board of the Ontario Housing Authority awarded a construction contract to 4-Ace Construction, Inc., of Rancho Cucamonga, CA, in the amount of \$884,088 plus a 25% contingency of \$221,022 for a total authorized amount of \$1,105,110 for the Hollowell/ Vesta Apartments Rehabilitation Project.

4. CONSTRUCTION CONTRACT FOR THE LAUREL AVENUE – “I” STREET SEWER IMPROVEMENT PROJECT /MIKE PRLICH & SONS, INC.

City Council approved the plans and specifications and awarded Contract No. UT 1213-04 to Mike Prlich & Sons, Inc. of Baldwin Park CA, for the construction of the Laurel Avenue – “I” Street Sewer Improvement Project in the amount of \$634,480 plus a 15% contingency of \$95,172, for a total of \$729,652; authorized the City Manager to execute said contract; and approved filing a Notice of Completion at the conclusion of all construction activities related to the project.

5. AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPLICATIONS

City Council adopted an Ordinance granting a one-year time extension to approved Development Plan, Conditional Use Permit and Variance applications that are due to expire on or before March 1, 2014.

ORDINANCE NO. 2960 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A ONE-YEAR TIME EXTENSION TO ANY APPROVED DEVELOPMENT PLAN, CONDITIONAL USE PERMIT OR VARIANCE APPLICATION THAT IS ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2014, AND MAKING FINDINGS IN SUPPORT THEREOF.

6. A RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT FUNDS THROUGH THE STATE NATURAL RESOURCES AGENCY

City Council adopted a Resolution authorizing the filing of an application for \$1.5 million in grant funds through the State Natural Resources Agency River Parkways Grant (Proposition 84) for the Cucamonga Creek Trails and Riparian Restoration Project (Mill Creek Wetlands).

RESOLUTION NO. 2013-028 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006

(PROPOSITION 84) AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED APPLICATIONS AND/OR AGREEMENTS.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Ordinance No. 2960 and Resolution No 2013-028 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARING

- 7. CONSIDERATION OF AN ORDINANCE AMENDING VARIOUS PROVISIONS OF TITLE 9, CHAPTER 1, OF THE ONTARIO MUNICIPAL CODE, INCLUDING PART 3, ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), AND PART 4, ARTICLE 14 (RESIDENTIAL DISTRICTS), ADDING THE RE-2 (RESIDENTIAL ESTATE—0 TO 2.0 DU/ACRE), RE-4 (RESIDENTIAL ESTATE—2.1 TO 4.0 DU/ACRE), AND HDR-45 (HIGH DENSITY RESIDENTIAL—25.1 TO 45.0 DU/ACRE) ZONING DISTRICTS, AND RELATED CHANGES TO THE RESIDENTIAL DEVELOPMENT STANDARDS**

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

City Manager Hughes advised Council Members that staff recommended continuation of this item to the next meeting on April 2, 2013.

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Bowman and unanimously carried to continue the public hearing as recommended.

COUNCIL/ STAFF COMMENT

Council Member Dorst-Porada said this week-end will be historical when the Historical Society conducts their Heritage Walk from the Ontario Museum of History and Art departing at 10:00 a.m., identifying and discussing the old buildings along the way and continuing to the new Museum under construction.

Council Member Wapner responded to public comment indicating he agrees they sometimes debate but maintained that Council Members can police themselves noting the City Manager should not be held responsible.

Council Member Avila congratulated Mayor Leon for advancing in the primaries. He then reported on his personal history with the Ontario-Montclair School District Board. Mr. Avila said as liaison to the Ontario Library Board of Trustees, he attended their recent meeting and observed their new election of officers. He announced new members included Jared DuBois and Nancy Bumstead and said he met Community and Public Services Director Mark Chase and Library Director. Fisher. Council Member Avila said he also attended the Sponsor's Dinner for the State of the City event and felt

it was outstanding. He affirmed his support and congratulated Pope Francis upon his election. He said there was a listing of all military personnel who lost their lives in the paper this morning and he thanked the Inland Valley Daily Bulletin for recognizing them. Council Member Avila said freedom of expression is an American right and he cannot be forced to suppress his views adding "God Bless America." Council Member Avila said he met with members of the Fire Department and was pleased to meet staff.

Mayor Leon reported on the State of the City event the following evening adding everyone is welcome and the walk up cost is \$50. He said it will be held at the Ontario Convention Center and is the best event in the City. Mayor Leon indicated that J. R. Martinez will be at the Convention Center on Wednesday, April 10th, sponsored by the Ontario City Library and noted Mr. Martinez is author of "Full of Heart: My Story of Survival, Strength and Spirit." The Mayor also thanked the City of Pasadena for appointing him as their representative to the Gold Line Construction Authority, a rail line that will provide access from Los Angeles International Airport to Ontario. He added that the San Bernardino Association of Governments appointed Council Member Wapner placing two Ontario Council Members on the Authority Board. The Mayor added that the First Amendment to the United States Constitution protects our freedom of speech, and added that Council Members endeavor to conduct meetings with a spirit of decorum and with dignity and respect.

City Attorney Brown confirmed Council Meetings are a public forum protected by First Amendment Rights and added there are other public parties who endorse measures providing a great deal of public discourse. Neither the City Manager nor the City Attorney has a duty to end such comment. Mr. Brown said he received a phone call that was most likely a state-funded call from a state-funded office adding the City Council Members enjoy the same protection of the First Amendment.

Mayor Leon recommended that they operate with the same dignity and indicated differences may be discussed in another arena. He respects each Council Member with the same level of respect and added neither the City Manager nor the City Attorney need monitor these things. The Mayor said he is doing everything he can to create stability adding the City will continue to operate in this manner.

STAFF MATTERS

City Clerk Wirtes announced that Assistant City Clerk/Director of Records Management Vicki Kasad has been selected as the 2013 Southern California City Clerks' Association "Deputy City Clerk of the Year," and added she will be recognized at the Association's upcoming conference on Thursday, March 21st, at the Ontario Convention Center. Ms. Wirtes said they are proud of Ms. Kasad and her contributions as a mentor to others starting out in the profession as well as for the tremendous job she does for the City of Ontario.

ADJOURNMENT

Mayor Leon adjourned the joint meetings at 7:03 p.m., and announced the next regular meetings will be on Tuesday, April 2, 2013 in the City Hall Council Chambers, 303 East B Street, Ontario, CA.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN