



## **CLOSED SESSION REPORT**

City Attorney Brown advised that the Closed Session discussion resulted in no reportable action.

## **PUBLIC COMMENT**

*Mike Shay* and *Marsha Hawkins*, representing the Quest Literacy Consortium, requested support for the upcoming Inland Valley Regional Spelling Bee. They explained that the regional spelling bee on March 1, 2014 at Mt. San Antonio College will include 108 elementary schools from the region, with 25 from the Ontario-Montclair School District. They further explained that the champions at this level will continue to the Scripps National Spelling Bee. Ms. Hawkins expressed appreciation to the school superintendent's office for their assistance and presented a list of the represented schools and event pins to the Council members.

*Jordan Wright*, representing Assemblyman Freddie Rodriguez, reintroduced himself and invited Council members to Coffee Breaks with the Assemblyman on February 6<sup>th</sup>, 10 a.m. to 12 p.m. and February 15<sup>th</sup>, 5:30 p.m. to 7:30 p.m. at the Dorothy A. Quesada Community Center and the Anthony Munoz Community Center respectively. He indicated that anyone wanting to RSVP should call the Assemblyman's office, as should anyone wanting to voice concerns.

*Rudy Favila*, former Council Member, expressed appreciation to Chief Hopley and the Police Department for their assistance in a recent situation involving his developmentally disabled daughter. He also thanked the City for properly funding and maintaining the police department to provide a proper level of service. He also noted his attendance at the Big Band return at Gardiner Spring Auditorium and commented on the Salvation Army Youth Community Orchestra and indicated that he would be working with that group to increase the size of the orchestra.

## **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Boling indicated that there was one update to the Agenda being a revised page to the December 3, 2013 Minutes, to correct a typographical error on the referenced date, which was provided to each Council Member at the dais.

## **JOINT AGENCIES CONSENT CALENDAR**

Council Member Avila requested that the Minutes of December 3, 2013 and Item 9 be pulled from the Consent Calendar for separate action.

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried by unanimous vote, the Joint Agencies approved the balance of the Consent Calendar items as recommended.

**1. APPROVAL OF MINUTES**

Approved Minutes for the regular meetings of the City Council and Housing Authority dated December 17, 2013 as on file in the Records Management Department.

**2. BILLS/ PAYROLL**

Approved Bills in the amount of \$5,427,846.73, for the period from November 17, 2013 through December 14, 2013; and Payroll in the amount of \$23,450,929.79, for the period from November 17, 2013 through December 14, 2013 when audited by the Finance Committee.

**3. A RESOLUTION DESIGNATING A CITY REPRESENTATIVE TO THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY OF THE FORMER ONTARIO REDEVELOPMENT AGENCY**

City Council, as Successor Agency, adopted a Resolution confirming Brent Schultz, Housing and Municipal Services Director, as the City representative to the Oversight Board of the Successor Agency of the former Ontario Redevelopment Agency.

**RESOLUTION NO. 2014-001** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE MAYOR'S APPOINTMENT OF ONE (1) MEMBER TO THE OVERSIGHT BOARD CREATED BY HEALTH AND SAFETY CODE SECTION 34179.

**4. PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL GEOTECHNICAL CONSULTING, MATERIAL TESTING, AND COMPACTION TESTING SERVICES/GROUP DELTA CONSULTANTS, INC./KLEINFELDER**

City Council authorized the City Manager to execute three-year Professional Services Agreements for estimated annual amounts of \$100,000 each with Group Delta Consultants, Inc., of Ontario, CA, and Kleinfelder, of Ontario, CA for on-call Geotechnical Consulting, Material Testing, and Compaction Testing Services; and authorized the City Manager to extend the agreements for an additional one year consistent with City Council approved budgets.

**5. 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, 2015**

City Council considered and 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, 2015. Introduction and first reading of the Ordinance were approved at a public hearing on December 17, 2013.

**ORDINANCE NO. 2980** 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, 2015, AND MAKING FINDINGS IN SUPPORT THEREOF.

**6. AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN CV INLAND INVESTMENTS 1, LP, AND THE CITY OF ONTARIO TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE**

City Council considered and adopted an Ordinance approving an amendment (File No. PDA13-002) to the Development Agreement between CV Inland Investments 1, LP, and the City of Ontario to update certain provisions of the existing Development Agreement to conform with the Construction Agreement Amendment with NMC Builders, LLC, and to provide for phasing of the construction of public infrastructure. Introduction and first reading of the Ordinance were approved at a public hearing on December 17, 2013.

**ORDINANCE NO. 2981** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND CV INLAND INVESTMENTS 1, LP, FILE NO. PDA13-002, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT TO CONFORM WITH THE CONSTRUCTION AGREEMENT AMENDMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN TRACT MAP NOS. 18476 AND 18477, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-151-19 AND 23).

7. **AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN JS BRAY, LLC, JA BRAY, LLC, AND THE CITY OF ONTARIO TO PROVIDE FOR THE CONSTRUCTION OF UP TO 52 RESIDENTIAL UNITS AND REQUIRED INFRASTRUCTURE ON 9.43 ACRES OF LAND WITHIN THE COUNTRYSIDE SPECIFIC PLAN, LOCATED ON THE NORTH SIDE OF CHINO AVENUE, WEST OF ARCHIBALD AVENUE**

City Council considered and adopted an Ordinance approving the Development Agreement (File No. PDA13-004) between JS Bray, LLC, JA Bray, LLC, of Newport Beach, CA and the City of Ontario to provide for the construction of up to 52 residential units on 9.43 acres of land within the Countryside Specific Plan, located on the north side of Chino Avenue, west of Archibald Avenue (APNs: 0218-111-54 and 55). Introduction and first reading of the Ordinance were approved at a public hearing on December 17, 2013.

**ORDINANCE NO. 2982** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND JS BRAY, LLC, AND JA BRAY, LLC., FILE NO. PDA13-004, TO PROVIDE FOR THE CONSTRUCTION OF UP TO 52 RESIDENTIAL UNITS ON 9.43 ACRES WITHIN THE COUNTRYSIDE SPECIFIC PLAN, LOCATED ON THE NORTH SIDE OF CHINO AVENUE, WEST OF ARCHIBALD AVENUE (APNS: 0218-111-54 AND 55).

8. **AN ORDINANCE APPROVING A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 5.4-ACRE PARCEL FROM R2 TO R3, LOCATED AT THE SOUTHWEST CORNER OF PHILADELPHIA STREET AND CUCAMONGA AVENUE**

City Council considered and adopted an Ordinance approving a Zone Change (File No. PZC13-001) from R2, Medium Density Residential (11.1-16 dus/acre) to R3, High Density Residential (16.1-25 dus/acre), for property located at 1056 East Philadelphia Street (APN: 1051-141-03). Introduction and first reading of the Ordinance were approved at a public hearing on December 17, 2013.

**ORDINANCE NO. 2983** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC13-001, A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 5.4-ACRE PARCEL FROM R2, MEDIUM DENSITY RESIDENTIAL (11.1 TO 16.0 DU/AC), TO R3. HIGH DENSITY RESIDENTIAL (16.1 TO 25.0 DU/AC), LOCATED AT THE SOUTHWEST CORNER OF PHILADELPHIA STREET AND CUCAMONGA AVENUE, AT 1056 EAST PHILADELPHIA STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-141-03.

**10. APPLICATIONS FOR GRANTS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FY2015 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP), “AVOID THE 25” DUI CAMPAIGN AND AWARENESS, AND THE ALCOHOL BEVERAGE CONTROL (ABC) TASK FORCE GRANT PROGRAMS**

City Council authorized the City Manager to execute all documents necessary to apply for and accept 12-month grants in the amount of \$750,000 from the California Office of Traffic Safety (OTS) for participation in the FY2015 Selective Traffic Enforcement Program (STEP), “Avoid the 25” DUI Campaign and Awareness, and Alcohol Beverage Control (ABC) Task Force Grant Programs.

**MOTION UNANIMOUSLY CARRIED.** The Mayor/ Chairman declared Resolution No. 2014-001 and Ordinance Nos. 2980, 2981, 2982, and 2983 unanimously carried and adopted.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

**1. APPROVAL OF MINUTES – DECEMBER 3, 2013**

Council Member Avila indicated that he had raised a hypothetical concern regarding voting on employee contracts and asked whether contributions to any Council Member were a problem for voting on the contract. He was informed by Legal Counsel that because of the Political Reform Act that did not apply and a Council Member could vote on the matter. He indicated that he had requested follow-up of that legal opinion for his records, but that language was not included in the Minutes, and he did not get a written statement from Legal Counsel. He commented that he presumed it to be a minor oversight and would like that language included in the Minutes. He moved to adopt the minutes with that correction, noting that he had people in the audience who heard those requests and a CD would support what he had requested. There was no second to this motion.

Mayor Leon inquired if it would be appropriate to have the City Clerk go back and review the recording. City Attorney Brown suggested that it would be appropriate to refer the Minutes back to the City Clerk’s office for review and amendment as appropriate, and return to City Council for approval. Council member Avila indicated that he would also like to include the written opinion from the City Attorney’s Office. City Attorney Brown indicated that this matter was well codified in the regulations of the Political Reform Act, so he did not believe it called for a legal opinion. He further indicated that regulations exempting political contributions were well codified, and while he realized the language was not in the Minutes, he was happy to close that loop and have this item approved.

Council Member Bowman suggested that satisfying the request should be sufficient and did not see a need to modify the minutes.

Mayor pro Tem Wapner commented that Minutes were intended to summarize what occurred at the meeting, not provide a verbatim transcript. He also noted that as elected officials, Council Members attend AB1234 training every two years and the requested information is provided at that time. He questioned the need to pay the City Attorney to research and write memorandums.

**MOTION:** Moved by Mayor pro Tem Wapner, Seconded by Council Member Bowman to approve the minutes of December 3, 2013, as submitted.

Council Member Avila indicated that he was familiar with AB1234, but indicated that his request was very specific in nature. Mayor Leon clarified that the City Attorney was not saying he would not provide the requested information, but suggested that the Minutes stand as written. Council Member Avila indicated that he would accept the minutes but he wanted the language as it was stated at the meeting, and suggested that some of the other members might have a conflict of interest with his request. Mayor Leon reiterated that the minutes are a summary of the actions taken at the meeting.

**MOTION CARRIED:** The motion to approve the minutes of December 3, 2013, as submitted carried by the following vote:

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

**9. AN ORDINANCE APPROVING A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 0.57-ACRE PARCEL FROM AR TO R2, LOCATED NEAR THE NORTHEAST CORNER OF PALMETTO AVENUE AND PHILLIPS STREET**

That the City Council consider and adopt an Ordinance approving a Zone Change (File No. PZC13-003) from AR, Agriculture Residential (0-2.0 dus/acre) to R2, Medium Density Residential (11.1-16 dus/acre) for property located at 1229 South Palmetto Avenue (APN: 1011-551-01). Introduction and first reading of the Ordinance were approved at a public hearing on December 17, 2013.

Council Member Avila indicated that to remain consistent with his previous vote on this item, he would continue to vote no.

**MOTION:** Moved by Mayor pro Tem Wapner, seconded by Council Member Dorst- Porada and carried by the following vote to adopt Ordinance No. 2984.

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

**ORDINANCE NO. 2984** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC13-003, A REQUEST TO CHANGE THE ZONING DESIGNATION OF A 0.57-ACRE PARCEL FROM AR, AGRICULTURE RESIDENTIAL (0 TO 2.0 DU/AC) TO MEDIUM DENSITY RESIDENTIAL, R2 (11.1 TO 16.0 DU/AC), LOCATED NEAR THE NORTHEAST CORNER OF PALMETTO AVENUE AND PHILLIPS STREET, AT 1229 SOUTH PALMETTO AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1011-551-01.

#### END OF JOINT CONSENT CALENDAR

#### PUBLIC HEARING

11. **A PUBLIC HEARING TO CONSIDER A RESOLUTION CERTIFYING THE ENVIRONMENTAL IMPACT REPORT AND AN ORDINANCE APPROVING FILE NO. PSP12-001, A SPECIFIC PLAN (GRAND PARK) TO ESTABLISH LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES FOR APPROXIMATELY 320 GROSS ACRES LOCATED WITHIN THE NEW MODEL COLONY AND BOUNDED BY EDISON AVENUE TO THE NORTH, EUCALYPTUS AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE WEST, AND HAVEN AVENUE TO THE EAST (APNS: 218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22 AND 23)**

City Council adopted a Resolution certifying the Grand Park Specific Plan Environmental Impact Report (SCH# 2012061057), including the Statement of Overriding Considerations, and accepted introduction and waived further reading of an Ordinance approving the Grand Park Specific Plan (File No. PSP12-001).

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

There were no written requests and no one wishing to be heard, the Mayor closed the public hearing.

**RESOLUTION NO. 2014-002** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE GRAND PARK SPECIFIC PLAN, FILE NO. PSP12-001, AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PLAN (APNS: 0218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22, AND 23).

**ORDINANCE NO. 2985** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE GRAND PARK SPECIFIC PLAN, FILE NO. PSP12-001, ESTABLISHING LAND USE DESIGNATIONS, DEVELOPMENT STANDARDS, AND DESIGN GUIDELINES FOR 320.2 ACRES, WHICH INCLUDES THE POTENTIAL DEVELOPMENT OF 1,327 DWELLING UNITS AND A 146.7 ACRE PUBLIC PARK, BOUNDED BY EDISON AVENUE TO THE NORTH, EUCALYPTUS AVENUE TO THE SOUTH, ARCHIBALD AVENUE TO THE WEST, AND HAVEN AVENUE TO THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF - APN(S): 218-241-06, 10, 11, 13, 14, 15, 16, 19, 20, 22 AND 23.

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and unanimously carried to adopt the Resolution and accept the Ordinance for first reading by title only.

#### **COUNCIL/ STAFF COMMENT**

Council Member Dorst-Porada noted the recent earthquake, and displayed the types of canned food that would be appropriate for inclusion in an emergency back pack, such as tuna, canned vegetables, etc.

Council Member Bowman commented that he looks forward to the opportunities for the City in the upcoming year.

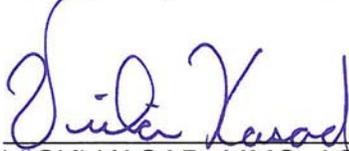
Council Member Avila indicated that there was no mal intent in his request this evening, it was merely information he needed for his records. He detailed his attendance at the Martin Luther King Day Unity Breakfast, the NAIOP Awards and the Library Board of Trustees meeting. He noted that the Library would be conducting a sale of old books and records on February 8<sup>th</sup> from 10 a.m. to 4 p.m. He thanked Mr. Favila for his attendance at this meeting. He stressed his efforts to benefit the general public and detailed his personal history of public service.

Council Member Dorst-Porada wished her son a Happy Birthday.

## ADJOURNMENT

With no further business to come before the Joint Agencies, the meetings were adjourned at 7:04 p.m., to the next regular meeting on February 4, 2014.

Respectfully submitted,



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VICKI KASAD, MMC, ASSISTANT CITY CLERK/ SECRETARY

APPROVED:



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PAUL S. LEON, MAYOR/ CHAIRMAN