

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
MINUTES  
JULY 1, 2014**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, July 1, 2014 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 6:03 p.m., and inquired whether persons were present who wished to speak to a 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 (d)(1), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: *City of Ontario vs. City of Los Angeles, Los Angeles World Airports, and Los Angeles Board of Airport Commissioners, RIC 1306498.*

**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.

<b>PRESENT:</b>	Mayor/Chairman	Paul S. Leon
	Mayor pro Tem/Vice Chairman	Alan D. Wapner
	Council/Authority Members:	Jim W. Bowman, Debra Dorst-Porada 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 Mary E. Wirtes.

The Pledge of Allegiance was led by Council Member Bowman.

The Invocation was offered by *Pastor Reegis Richard*, The Joshua Center International.

**CLOSED SESSION REPORT**

City Attorney Brown reported that one item was discussed in Closed Session and no reportable actions were taken.

## AGENCY REVIEW/ANNOUNCEMENTS

City Manager Boling indicated there were no announcements.

## PUBLIC COMMENT

*Paul Vincent Avila*, clarified his actions regarding the budget at the Special Meeting that took place on June 26, 2014. Mr. Avila also stated his support for the Herrera family.

*Ruben Valencia*, clarified the date and time for the Independence Day Celebration on Friday, July 4, 2014.

*Paul Mim Mack*, alleged misconduct on behalf of past City Manager Chris Hughes and requested an investigation regarding Mr. Hughes' actions in connection with the 2010 election.

*Peggy Hazlett*, President and CEO of the Chamber of Commerce, invited City Council and residents to the Chamber of Commerce's Ribbon Cutting event on July 16, 2014 at 5:30 p.m. to commemorate the re-opening and remodeling of the Chamber Offices. In addition, Ms. Hazlett also extended an invitation to the Good Morning Ontario program at the Holiday Inn, Ontario Airport.

*Richard Delman*, on behalf of the Board of the Ontario Police Museum, thanked City Council for the generous gift of the 1951 Plymouth police car. Mr. Delman also thanked the City of Ontario Police Department for their ongoing support.

## CONSENT CALENDAR

**Agenda Items #3 and #7** were pulled from the Consent Calendar for separate consideration as requested by Council Member Avila.

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada to approve the Consent Calendar items, excluding Item 3 and Item 7, as presented.

### 1. APPROVAL OF MINUTES

Approved Minutes for the regular meetings of the City Council and Housing Authority of May 20 and June 3, 2014, and approving same as on file in the Records Management Department.

### 2. BILLS/PAYROLL

Approved **Bills** in the amount of \$8,218,542.02 for the period from May 18, 2014 through May 31, 2014 and **Payroll** in the amount of \$2,788,581.74 for the period of May 18, 2014 through May 31, 2014, when audited by the Finance Committee.

**4. AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES)**

City Council considered and adopted an Ordinance authorizing the levy of special taxes within City of Ontario Community Facilities District No. 27 (New Haven Services).

**ORDINANCE NO. 2993** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 27 (NEW HAVEN SERVICES).

**5. AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, ARTICLE 14 (RESIDENTIAL DISTRICT) OF THE ONTARIO MUNICIPAL CODE**

City Council considered and adopted an Ordinance approving File No. PDCA14-002, a Development Code Amendment revising Title 9 (Development Code), Chapter 1 (Zoning and Land Use Requirements), Article 14 (Residential Districts), R2 (Medium Density Residential Zoning District), of the Ontario Municipal Code, revising the density range from 11.1-16 du/ac to 11.1-18 du/ac and increasing the maximum building and structure height from 35 feet to 45 feet consistent with Planning Commission Recommendation.

**ORDINANCE NO. 2994** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA14-002, A DEVELOPMENT CODE AMENDMENT FOR REVISING TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 14 (RESIDENTIAL DISTRICTS), R2 (MEDIUM DENSITY RESIDENTIAL), OF THE ONTARIO MUNICIPAL CODE, ZONING DISTRICT TO CHANGE THE DENSITY RANGE FROM 11.1-16 DU/ACRE TO 11.1-18 DU/ACRE, AND INCREASE THE HEIGHT RESTRICTION FROM 35 FEET TO 45 FEET, AND MAKING FINDINGS IN SUPPORT THEREOF.

**6. AN ORDINANCE APPROVING A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE) TO R2 (MEDIUM DENSITY RESIDENTIAL 11.1-16 DU/AC) ON 7.8 ACRES OF LAND, LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60**

City Council considered and adopted an Ordinance approving a Zone Change (File No. PZC13-004) from C3 (Commercial Service) to R2 (Medium Density Residential) for 7.8 acres of land located at the northwest corner of Euclid Avenue and State Highway Route 60.

**ORDINANCE NO. 2995** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A ZONE CHANGE, FILE NO. PZC13-004, TO CHANGE THE ZONING DESIGNATION FROM C3 (COMMERCIAL SERVICE) TO R2 (MEDIUM DENSITY RESIDENTIAL 11.1-16 DU/AC) FOR 7.8 ACRES OF LAND LOCATED AT THE NORTHWEST

CORNER OF EUCLID AVENUE AND STATE HIGHWAY ROUTE 60, FROM,  
AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-061-01.

**MOTION UNANIMOUSLY CARRIED.** The Mayor/Chairman declared Ordinance Nos. 2993, 2994, and 2995 unanimously adopted by those present.

### ITEMS PULLED FROM CONSENT CALENDAR

3. **A MAINTENANCE AND REPAIR SERVICES AGREEMENT FOR THE CITY'S COMPRESSED NATURAL GAS FUELING STATION/CLEAN ENERGY**

City Council approved and authorized the City Manager to execute a three-year Maintenance Services Agreement (on file in the Records Management Department), in the amount of \$353,238, including a 20% contingency, with Clean Energy of Newport Beach, California, to provide proactive, scheduled and maintenance and repair services, and remote monitoring for the City-owned Compressed Natural Gas fueling facility; authorized the extension of the agreement for up to two additional one-year periods, consistent with City Council approved budgets and under the same terms and conditions; and authorized the City Manager, to amend the agreement as needed, to address emergencies, provided that such funds are within the approved Fleet Services Fund budget.

Council Member Avila complimented City staff for their work on the Request for Proposals for the Maintenance and Repair Services Agreement.

**MOTION:** Moved by Council Member Avila, seconded by Mayor Leon and unanimously carried to adopt the maintenance and repair agreement as presented.

7. **AN ORDINANCE TO AMEND SECTION 2-2.101 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE APPOINTMENT, NUMBER, REMOVAL, TERMS AND VACANCIES OF REGULAR AND AT-LARGE MEMBERS OF CITY COMMISSIONS, COMMITTEES, AND BOARDS**

City Council considered and adopted an Ordinance relating to Section 2-2.101 of the Ontario Municipal Code relating to the appointment, number, removal, terms and vacancies of regular and at-large members of City Commissions, Committees, and Boards to gain consistency between practices and protocols outlined in the Ontario Municipal Code and the Ontario City Boards, Commissions, and Committees Handbook; and authorize an update to applicable provisions of the Ontario City Boards, Commissions and Committees Handbook.

**ORDINANCE NO. 2996** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING SECTION 2-2.101 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE APPOINTMENT, NUMBER, REMOVAL, TERMS AND VACANCIES OF REGULAR AND AT-LARGE MEMBERS OF COMMISSIONS, COMMITTEES AND BOARDS.

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried with Council Member Avila abstaining to adopt Ordinance No. 2996.

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

## END OF JOINT CONSENT CALENDAR

## PUBLIC HEARINGS

### 8. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO'S. 1, 2, 3 AND 4 FOR FISCAL YEAR 2014-2015

City Council took the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No's. 1, 2, 3 and 4:

- (A) Conducted a combined public hearing on the levy of the annual assessments for each district;
- (B) Considered and adopted a Resolution approving the Engineer's Reports relating to the levy of assessments for each district; and
- (C) Considered and adopted resolutions confirming the diagrams and assessments, and providing for the assessment levy within each District.

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

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

**RESOLUTION NO. 2014-073** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2014-15.

**RESOLUTION NO. 2014-074** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAMS AND ASSESSMENTS, AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3 FOR FISCAL YEAR 2014-15.

**RESOLUTION NO. 2014-075** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4 FOR FISCAL YEAR 2014-15.

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and unanimously carried to adopt annual levy of assessments within Ontario Parkway Maintenance Assessment Districts No's. 1, 2, 3 and 4 for fiscal year 2014-2015.

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

**9. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2014-15**

City Council took the following actions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) No. 1 and 2:

- (A) Conducted a combined public hearing on the levy of the annual assessments for each district;
- (B) Considered and adopt a resolution approving the Engineer's Reports relating to the levy of assessments for each district; and
- (C) Considered and adopt resolutions confirming the diagrams and assessments, and providing for the assessment levy for each District.

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

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

**RESOLUTION NO. 2014-076** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2014-2015.

**RESOLUTION NO. 2014-077** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2014-2015.

**RESOLUTION NO. 2014-078** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2014-2015.

**MOTION:** Moved by Council Member Bowman, seconded by Council Member Dorst-Porada and unanimously carried with to adopt annual levy of assessments within Street Lighting Maintenance Districts No. 1 and 2 for fiscal year 2014-15.

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

#### ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

##### 10. CITY COUNCIL MEMBER AVILA'S REQUEST FOR INDEPENDENT COUNSEL AND AN INDEPENDENT INVESTIGATOR

City Council received and considered the request of City Council Member Paul Vincent Avila for independent counsel and an independent investigator.

City Manager Boling provided a brief explanation of the request he received from Council Member Avila pertaining to representation and investigation of claims made by Council Member Dorst-Porada against Avila.

City Attorney Brown called two issues to City Council's attention:

- (1) Concern over matters that may be attorney/client privileged. Action was deferred to City Attorney to revisit the issue, depending on how the discussion transpired.

- (2) Expressed concerns of conflict of interest disqualifying one or more City Council Members from the discussion of Item No. 10. Mr. Brown recommended that Council Member Avila recuse himself from the discussion due to a potential conflict; and although Council Member Dorst-Porada was not required to recuse herself, Mr. Brown also recommended that she recuse herself to eliminate the appearance of a conflict of interest.

Council Member Dorst-Porada recused herself at 6:55 p.m.  
Council Member Avila refused to recuse himself from the dais. After numerous requests from the Mayor and City Council for Council Member Avila to recuse himself, Mayor Leon stated that the City Council will not be able to move forward with the discussion.

It was City Council consensus to table this matter.

Council Member Dorst-Porada returned at 7:04 p.m.

#### **11. REVIEW OF CITY COUNCIL MEETING DECORUM EXPECTATIONS, RULES OF CONDUCT AND ASSOCIATED CONSEQUENCES**

City Council received and reviewed City Council Resolution No. 92-50 which established the current rules of "Conduct of City Council Meetings"; considered amendments to the existing resolution and conduct policy to address recent decorum concerns; and considered consequences and courses of action for City Council Members not adhering to decorum expectations.

City Manager Boling provided a brief presentation regarding the background of Item No. 11 and what conduct and remedies the existing resolution calls for.

Council Member Dorst-Porada suggested an ad-hoc committee to review City Council Resolution No. 92-50.

Council Member Bowman requested to be a part of the ad-hoc committee to review Resolution No. 92-50.

Mayor pro Tem Wapner supported an ad-hoc committee to also review consequences and would like City Council Members to read and agree to any changes by signing the final document.

Mayor Leon appointed Council Member Dorst-Porada and Council Member Bowman to an ad-hoc committee to return with recommendations to the City Council at the next regular City Council meeting on July 15, 2014.

#### **STAFF MATTERS**

City Manager Boling provided the schedule of events for Fourth of July.

#### **COUNCIL MATTERS**

Planning Commission Appointment – no nomination for appointment was made by Council Member Avila.

## COUNCIL COMMENTS

Council Member Dorst-Porada wished everyone a happy Fourth of July and invited all residents to the Fourth of July parade on Friday.

Mayor pro Tem Wapner stated he looked forward to seeing everyone at the Fourth of July parade and the All States Picnic. Mr. Wapner also thanked City staff for all of their hard work in preparation for the Fourth of July festivities.

Mayor Leon thanked the Ontario community for being concerned about the conduct at City Council meetings.

Council Member Bowman stated that City Council will remain stable and will make sure that the City of Ontario will continue to move forward. Mr. Bowman also wished all residents a happy Fourth of July.

Council Member Avila stated he takes his oath to protect the interest of the residents of Ontario very seriously. Mr. Avila wished residents a happy Fourth of July.

## ADJOURNMENT

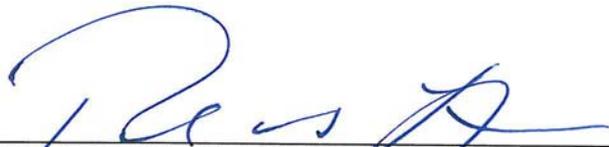
Mayor Leon adjourned the meetings of the Joint Agencies at 7:24 p.m. He announced the next regularly scheduled meetings will be held on July 15, 2014.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN