

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
JULY 15, 2014**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, July 15, 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 6:02 p.m., and inquired whether persons were present who wished to speak to a Closed Session item. Hearing none, he advised that three Members were present, but Mayor pro Tem Wapner and Council Member Bowman would be arriving shortly and thereupon adjourned to Closed Session for discussion as follows:

Mayor pro Tem Wapner and Council Member Bowman arrived at 6:04 p.m., and joined the Closed Session already underway.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN's 0218-201-26 and 27; 9876 and 9928 Edison Avenue;
City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties:
Jongsma Family Trust; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0218-201-19; 10076 Edison Avenue; City/Authority Negotiator:
Al C. Boling or his designee; Negotiating parties: Jong's Ontario, LLC; Under
negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED
LITIGATION: 1 case
- 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.

PRESENT: 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 Assistant City Clerk/Secretary Vicki Kasad.

The Pledge of Allegiance was led by Mayor pro Tem Wapner.

In the absence of Pastor James Crawford, Loveland Worship Center, Mayor Leon called for a moment of silence to consider the actions to be taken for the good of the residents of Ontario.

CLOSED SESSION REPORT

City Attorney Brown reported that four items were discussed in Closed Session and no reportable actions were taken. Mr. Brown added that Council Member Avila excused himself from the discussion of the Conference with Legal Council, Anticipated Litigation.

AGENCY REVIEW/ANNOUNCEMENTS

City Manager Boling indicated there were no announcements.

PUBLIC COMMENT

Paul Vincent Avila, shared updates regarding the Library Board of Trustees' programs for young students. Mr. Avila also shared his compassion for the Herrera family.

Carlos and Ana Porras, had a letter read by their representative Monica, detailing the history of their home and asked for legal advice regarding a notice requiring removal of their back house.

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. In addition, Ms. Hazlett extended an invitation to the Good Morning Ontario program at the Holiday Inn, Ontario Airport. Ms. Hazlett also provided an update on the Military Banner Program stating that she is available to answer any questions regarding the program.

Paul Mim Mack, expressed his opposition to getting local control of Ontario International Airport.

Ruben Valencia, extended his gratitude to the City of Ontario staff for their work on the Fourth of July Parade and events.

Stephen Rogers, read the City's policy on "Acts of Retribution" and expressed his problems with the City's complaint process.

Rudy Favila, stated the City should focus more on being business friendly and expressed his disappointment regarding the situation with the Herrera family.

CONSENT CALENDAR

Agenda Items #3, #4 and #6 were pulled from the Consent Calendar for separate consideration as requested by Council Member Avila.

Agenda Items #7 and #8 were pulled from the Consent Calendar for separate consideration as requested by Mayor Leon.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman to approve the Consent Calendar items, excluding Items 3, 4, 6, 7 and 8, as presented.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council and Housing Authority of June 17, 2014, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** in the amount of \$10,876,340.15 for the period from June 1, 2014 through June 14, 2014 and **Payroll** in the amount of \$2,375,153.74 for the period of June 1, 2014 through June 14, 2014, when audited by the Finance Committee.

5. PURCHASE OF WATER METERS AND REPAIR PARTS/HD SUPPLY WATERWORKS

City Council approved and authorized the sole source procurement of new water meters and repair parts for a total not to exceed amount of \$2,400,000 from HD Supply Waterworks of Perris, California.

MOTION CARRIED. The Mayor/Chairman declared the Consent Calendar items unanimously adopted.

ITEMS PULLED FROM CONSENT CALENDAR

3. DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING

City Council designated Alan D. Wapner as the City's voting delegate and Debra Dorst-Porada as an alternate for the League of California Cities Annual Business Meeting scheduled for September 5, 2014.

MOTION: Moved by Council Member Bowman, seconded by Mayor Leon and carried with Council Member Avila opposing Item #3.

| | 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 | | |

4. AN AMENDMENT TO THE ACQUISITION, DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND MISSION GROVE PARTNERS, LP.

City Council approved the First Amendment ("Amendment") to the Acquisition, Disposition and Development Agreement ("Agreement") between the City of Ontario ("City") and Mission Grove Partners, L.P. ("Developer") (on file with the Records Management Department) to include Building E and three (3) City-acquired Part 150 parcels in Phase 1 of the proposed Mission/Grove Business Park; and authorized the City Manager to execute the Amendment and all documents necessary or desirable to implement said Amendment.

MOTION: Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Wapner and carried with Council Member Avila opposed to approve Item #4.

| | 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 | | |

6. A PROFESSIONAL SERVICES AGREEMENT FOR DESIGN OF WATER MAIN IMPROVEMENTS AT VARIOUS LOCATIONS/ALBERT A. WEBB ASSOCIATES

City Council approved and authorized the City Manager to execute a Professional Services Agreement with Albert A. Webb Associates (on file with the Records Management Department) of Riverside, California, to provide engineering design services for water main improvements at various locations in the amount of \$216,948 plus a 15% contingency of \$32,542 for a total amount of \$249,490.

MOTION: Moved by Council Member Dorst-Porada, seconded by Mayor pro Tem Wapner and carried with Council Member Avila abstaining on Item #6.

| | 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 | |

7. STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSIONS FOR 2014-15 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE FOR THE YEAR SERVED 2013-14

City Council confirmed Keven Michel, Ontario High School, as the Student Representative and Ricardo Olea, Ontario High School as the Alternate to the Recreation and Parks Commission for the term to expire June 30, 2015; and recognize Consuelo Guzman, Ontario High School for serving as the Student Representative and Michael Hernandez, Ontario High School for serving as the Student Representative Alternate for the past year.

Mayor pro Tem Wapner thanked the outgoing students Consuelo Guzman and Michael Hernandez for their time served as the student representatives on the Recreation and Parks Commission.

Meeting recessed at 7:12 p.m.

Meeting called to order at 7:16 p.m.

Mayor Leon noted as a point of clarity that Mr. Olea's name was misspelled in the documents presented to City Council and there was no intent to mispronounce his name.

Mayor pro Tem Wapner asked the newly appointed student representatives and the outgoing student representatives to step forward. The outgoing student representatives were presented with a certificate of appreciation. The new appointed student representatives briefly introduced themselves to City Council.

MOTION: Moved by Mayor pro Tem Wapner, seconded by Council Member Bowman and unanimously carried to approve Item #7.

8. A RESOLUTION MODIFYING AND AMENDING THE CITY COUNCIL MEETING DECORUM EXPLANATIONS, RULES OF CONDUCT AND ASSOCIATED CONSEQUENCES

City Council adopted a resolution modifying and amending the City Council meeting decorum expectations, Rules of Conduct and associated consequences for City Council Members not adhering to decorum expectations.

RESOLUTION NO. 2014-079 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING RULES GOVERNING THE CONDUCT OF CITY COUNCIL MEETINGS AND RESCINDING PREVIOUS RESOLUTION NO. 1992-050.

City Manager Boling gave a brief explanation regarding Resolution No. 2014-079.

Joe Carmona, spoke in support of Resolution No. 2014-079.

Stephen Rogers, spoke in opposition of Resolution No. 2014-079.

Judy Briggs, suggested the item should be a public hearing and that Mr. Avila should be heard.

Mayor pro Tem Wapner stated it is unfortunate that this is necessary. He further explained that the Resolution has a page to be signed by all City Council Members in agreement with the Code of Conduct.

Council Member Dorst-Porada stated she was saddened that recent events have led to this. She stated she will sign the Resolution in agreement and expects everyone to hold her accountable.

Council Member Bowman stated he was willing to sign the Resolution in agreement and will adhere to it.

Council Member Avila expressed his opposition to the Resolution No. 2014-079 and did not sign the document in agreement to adhere to the new rules governing decorum.

MOTION: Moved by Mayor Pro Tem Wapner, seconded by Council Member Bowman and carried with Council Member Avila opposing to approve Item #8.

| | 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

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL MATTERS

Council Member Dorst-Porada gave detailed information regarding her formal complaint against Council Member Avila.

Mayor pro Tem Wapner presented a certificate to City Council from the Guamuchil, Mexico Delegation. Mr. Wapner also apologized for his behavior during recent City Council meetings and spoke on the importance of regaining local control over the Ontario International Airport.

Mayor Leon agreed with Mayor pro Tem Wapner on the importance of regaining local control over the Ontario International Airport. He also spoke on the success of the Fourth of July parade and Fireworks Show and thanked City staff for their hard work. Mayor Leon stated Edison has recently put up towers that are shockingly large and asked for concurrence from City Council to have a discussion item on a future agenda to give the City Manager direction on the Edison towers being built in the City of Ontario.

City Council agreed to have the discussion item placed on a future agenda.

Council Member Bowman agreed with Mayor Leon adding that the area in which the Edison towers are built are a part of the departure zone of the Ontario International Airport and may be cause for concern. Mr. Bowman also commended City staff on the success of the Fourth of July parade.

Council Member Avila gave an explanation as to the origin of the picture sent to Council Member Dorst-Porada and responded to Dorst-Porada's statements about her complaint.

Mayor Leon left the meeting at 8:09 p.m.

Council Member Dorst-Porada left the meeting at 8:11 p.m.

ADJOURNMENT

Mayor pro Tem Wapner adjourned the meetings of the Joint Agencies at 8:13 p.m., noting the newly adopted rules of decorum and Mr. Avila's comments.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN