

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
AUGUST 19, 2014**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, August 19, 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 6:00 p.m., and inquired whether persons were present who wished to speak to a Closed Session item. Hearing none he noted that all members were present except Council Member Avila and thereupon adjourned to Closed Session for discussion as follows:

Council Member Avila arrived at 6:10 p.m. and reported to Closed Session.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1049-121-17, 955 East Main Street; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Estate of Manuel P. Ramirez (Note: Estate is being administered by the County of San Bernardino Public Administrator's Office); Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0210-531-06 through 0210-531-16, 0210-204-10 through 0210-204-16, and 0210-204-20 through 0210-204-23; Those certain parcels generally bounded by Fourth Street, Via Alba, Ontario Center Parkway, and Haven Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Redus Piemonte, LLC; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1049-521-17 and 1049-521-18; 119 and 125 East Phillips Street; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Jagels Development, Inc.; 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: *Frank Lindsay v. City of Ontario, United States District Court, Central District of California, Case No. EDCV 14-1022 DMG (AJWx)*

- 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 6:38 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 City Clerk/Secretary Mary E. Wirtes.

The Pledge of Allegiance was led by *Matthew Atell*, Boy Scouts of America.

The Invocation was offered by *Reverend Frank Hamilton*, First Christian Church of Ontario.

CLOSED SESSION REPORT

City Attorney Brown reported that six items were discussed in Closed Session and no reportable actions were taken.

PUBLIC COMMENT

Paul Vincent Avila, stated his compassion for the Herrera family and noted the he sees similarities with the Ontario Police Department and the Ferguson, MO Police Department. Mr. Avila also made mention of allegations that were brought up against Mr. Favila, stating that the same individuals were now attacking him. Mr. Avila also asked residents to do the right job at the upcoming election.

Rudy Favila, thanked Mr. Avila for his comments. Mr. Favila invited Mr. Avila and Mayor Leon to a mayoral debate. Mr. Favila also suggested that there be a debate for those running for City Council.

Peggy Hazlett, President and CEO of the Chamber of Commerce, encouraged residents to check the Chamber's website for upcoming events. Ms. Hazlett also spoke on the courteous and professional behavior of City staff. Ms. Hazlett stated that City staff demonstrates accountability, effectiveness, equity, fairness and commended City

Manager Boling and Council Members for setting the example for staff by being exceptional leaders.

Tom Burciaga, commemorated WWII Veteran Tony Flores and asked that the Ontario community remember those who served their country. Mr. Burciaga also thanked City Council for the existing services provided for veterans in the City of Ontario.

Paul Mim Mack, reminded City Council that at the July 1, 2014 Council Meeting he brought a matter up to City Council to be investigated and asked for the status of his request. Mr. Mim Mack then gave Mayor pro Tem Wapner ex parte notice.

Ornalee Suarez, asked City Council to help her regarding her concerns with the Ontario Police Department. Ms. Suarez gave detailed information regarding her concerns. Mayor Leon asked that Ms. Suarez speak with Deputy Chief Kaylor in a more private setting to get further details regarding the situation.

Omar Perich, expressed his concerns regarding the Ontario Police Department. Mayor Leon asked that Mr. Perich and his family also speak with Deputy Chief Kaylor regarding their concerns.

Stephen Rogers, spoke on the San Bernardino Board of Supervisors meeting that took place on August 19, 2014 and his concerns with equal employment opportunities.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling presented updated materials regarding Consent Calendar Item Nos. 3, 13 and 14.

CONSENT CALENDAR

Agenda Items #3 and #10 were pulled from the Consent Calendar for separate consideration as requested by Council Member Avila.

Public Comment

Stephen Rogers, spoke on Consent Calendar Item No. 4 stating that his concerns for the cooperative agreement between the City of Ontario and San Bernardino Associated Governments.

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada to approve the Consent Calendar Items as recommended with the exception of Consent Calendar Items No. 3 and 10.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meetings of the City Council and Housing Authority of July 1, 2014, July 15, 2014 and special meeting of June 26, 2014, and approving same as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** in the amount of \$23,148,686.99 for the period from June 15, 2014 through July 12, 2014 and **Payroll** in the amount of \$5,066,150.95 for the period of June 15, 2014 through July 12, 2014, when audited by the Finance Committee.

4. A COOPERATIVE FUNDING AGREEMENT FOR THE SR-60 AT ARCHIBALD AVENUE INTERCHANGE PROJECT/SAN BERNARDINO ASSOCIATED GOVERNMENTS

City Council approved a Cooperative Funding Agreement with San Bernardino Associated Governments (SANBAG) for funding the State Route 60 (SR-60) at Archibald Avenue Interchange Project; and authorized the City Manager to execute said agreement and future amendments within the City Council approved budget.

5. A RESOLUTION ADOPTING THE ONE WATER ONE WATERSHED 2.0 PLAN

City Council adopted a Resolution adopting the One Water One Watershed 2.0 Plan as a mandatory condition of receiving grant funding for the Cucamonga Creek Watershed Regional Water Quality Project (“Wetland Project”).

RESOLUTION NO. 2014-081 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE ONE WATER ONE WATERSHED 2.0 PLAN.

6. A RESOLUTION APPROVING IMPROVEMENT AGREEMENTS, IMPROVEMENT SECURITIES AND FINAL TRACT MAP NOS. 18922-1, 18922-2, 18922-3 AND 18922-4 LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF HAVEN AVENUE AND EDISON AVENUE

City Council adopted a Resolution approving improvement agreements, improvement securities and Final Tract Map Nos. 18922-1, 18922-2, 18922-3 and 18922-4 located at the northwest and southwest corners of Haven Avenue and Edison Avenue within The Avenue Specific Plan area.

RESOLUTION NO. 2014-082 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING IMPROVEMENT AGREEMENTS, IMPROVEMENT SECURITIES AND FINAL TRACT MAP NOS. 18922-1, 18922-2, 18922-3 AND 18922-4, LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF HAVEN AVENUE AND EDISON AVENUE.

7. ACCEPT A REGIONAL GRANT AWARD FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY / U.S. DEPARTMENT OF HOMELAND SECURITY (FEMA/DHS)

City Council accepted a regional grant award from the Federal Emergency Management Agency / U.S. Department of Homeland Security (FEMA/DHS) in the amount of \$1,798,298 for the purchase of self-contained breathing apparatus (SCBA) equipment.

8. A PURCHASE OF TWO POWER MODULE MOBILE GENERATORS/JOHNSON POWER SYSTEMS

City Council approved and authorized the purchase and delivery of two Caterpillar XQ800 Power Module Mobile Generators from Johnson Power Systems of Riverside, California, in the amount of \$813,568 consistent with the terms and conditions of the cooperative procurement process resulting in National Joint Powers Alliance Contract (NJPA) Invitation for Bids No. 080613 and resulting Contract No. 080613-CAT.

9. EXTENSION OF A PURCHASE AGREEMENT FOR ROADWAY SIGN AND HARDWARE MATERIALS/SAFEWAY SIGNS COMPANY

City Council approved and authorized the City Manager to extend the procurement of roadway signs and hardware for one additional year under Purchase Order No. 36017 (Bid Invitation #377) with Safeway Signs Company of Adelanto, California, for an amended not to exceed amount of \$190,250.

11. A THREE-YEAR PROFESSIONAL SERVICES AGREEMENT FOR BOOKING, JAIL AND TRANSPORT SERVICES/GEO CORRECTIONS AND DETENTION, LLC

City Council authorized the City Manager to enter into a three-year professional services agreement, that may be renewed for two additional three-year terms, with GEO Corrections and Detention, LLC of Boca Raton, FL, for booking, jail and transport services.

12. A LEASE AMENDMENT FOR A FIVE-YEAR TERM EXTENSION FOR OFFICE AND HANGAR SPACE FOR THE POLICE DEPARTMENT'S AIR SUPPORT UNIT/CABLE DEVELOPMENT LLC

City Council authorized the City Manager to execute the Third Amendment to the Lease with Cable Development LLC of Upland, California, for a five-year term extension for office and hangar space for the Police Department's Air Support Unit.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution No. 2014-081 and 2014-082 unanimously adopted by those present.

ITEMS PULLED FROM CONSENT CALENDAR

3. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON 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 County tax rolls.

RESOLUTION NO. 2014-080 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.

Council Member Avila asked City Manager Boling what the process is if a resident does not pay fines associated with violations.

City Manager Boling provided Council Member Avila with a detailed explanation stating that if a property owner does not pay a citation then the debt is rolled over to the property taxes and the debt is collected with the property tax. If the property owner fails to comply at that point, then it becomes a lien on the property.

Council Member Avila asked what a lien was and what impact it had on the property.

City Attorney Brown stated that the impact is the same as unpaid property taxes. The process is the same and the San Bernardino County has the same obligations to handle these as any property owner who elects not to pay their property taxes.

Council Member Bowman expressed appreciation for residents that do follow the law and maintain their properties, stated that people deserve property values.

Mayor Leon stated that some cases listed may be resolved and have avoided fines. Mayor Leon also stated the importance of maintaining a quality of life to the standards that the residents of the City of Ontario deserve to live in. Mr. Leon assured residents that hardship cases are considered handled as best as possible, and City staff helps them with compliance.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and carried with Council Member Avila opposing Item #3.

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

10. A MAINTENANCE SERVICE AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES AT ONTARIO WELL SITES/SC YAMAMOTO INC.

City Council approved and authorized the City Manager to execute a three-year Maintenance Service Agreement for Contract No. PM 1415-03 with SC Yamamoto Inc. of La Habra, California for an annual cost of \$83,350 plus a 15% contingency of \$12,503; and authorized the addition of future service areas and the option to extend the Agreement for up to two additional years consistent with City Council approved budgets.

Council Member Avila asked for the bid amounts proposed by those who were unsuccessful in the bidding process and an explanation of the listed bidders.

Mayor pro Tem Wapner provided Council Member Avila with an explanation stating that the information he was requesting was included in the agenda backup material provided to City Council.

Council Member Avila stated that he did not see that information.

City Council Meeting recessed at 7:22 p.m.

City Council Meeting reconvened at 7:27 p.m.

Mayor Leon asked City Manager Boling to clarify the City's bid process for the benefit of the residents.

City Manager Boling described the City's bid process and explained where Council Member Avila could find the requested information contained in the staff report to City Council.

MOTION: Moved by Mayor pro Tem Wapner, seconded by Council Member Bowman and carried with Council Member Avila opposing Item #10.

	Yes	No	Abstain
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

13. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN GENSTAR DEVELOPMENT CORPORATION INVESTMENTS 6, L.P., AND THE CITY OF ONTARIO TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT AND TO CONFORM WITH THE CONSTRUCTION AGREEMENT WITH NMC BUILDERS; AND A RESOLUTION APPROVING AN ADDENDUM TO THE ESPERANZA SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT**

City Council introduced and waived further reading of an Ordinance approving an amendment (File No. PDA14-003) to the Development Agreement between Genstar Development Corporation Investments 6, L.P. a Delaware Limited Partnership, and the City of Ontario to update certain provisions of the existing Development Agreement and to conform with the Construction Agreement Amendment with NMC Builders, LLC of Ontario, California, to update certain provisions of the existing Development Agreement (File No. PDA06-002), and to provide for phasing of the construction of public infrastructure; and adopted a Resolution approving an addendum to the Esperanza Specific Plan Environmental Impact Report (SCH #2002061047).

The Mayor opened the public hearing, seeing no one requesting to be heard, the public hearing was closed. There were no written communications.

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

RESOLUTION NO. 2014-083 A RESOLUTION OF THE CITY COUNCIL OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ESPERANZA SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (ADOPTED FOR FILE NO. PSP05-002) FOR FILE NO. PDA14-003 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-332-12 AND 0218-252-16.

ORDINANCE NO. 2997 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 GENSTAR DEVELOPMENT CORPORATION INVESTMENTS 6, L.P., (ESPERANZA SPECIFIC PLAN) (FILE NO. PDA14-003) TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT (FILE NO. PDA06-002) TO CONFORM TO THE CONSTRUCTION AGREEMENT WITH NMC BUILDERS, AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN TRACT MAP NOS. 17931, 17932, 17933, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-332-12 AND 0218-252-16).

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and unanimously carried to adopt said Resolution No. 2014-083 and introduce Ordinance No. 2997.

14. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN GENSTAR DEVELOPMENT CORPORATION INVESTMENTS – RCCD, L.P., AND THE CITY OF ONTARIO TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT AND TO CONFORM TO THE CONSTRUCTION AGREEMENT WITH NMC BUILDERS; AND A RESOLUTION APPROVING AN ADDENDUM TO THE ESPERANZA SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

City Council introduced and waived further reading of an Ordinance approving an amendment (File No. PDA14-004) to the Development Agreement between Genstar Development Corporation Investments – RCCD, L.P. a Delaware Limited Partnership, 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 of Ontario, California, and update certain provisions of the existing Development Agreement (File No. PDA06-003); and adopted a Resolution approving an addendum to the Esperanza Specific Plan Environmental Impact Report (SCH #2002061047).

The Mayor opened the public hearing, seeing no one requesting to be heard, the public hearing was closed. There were no written communications.

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

RESOLUTION NO. 2014-084 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ESPERANZA SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT (ADOPTED FOR FILE NO. PSP05-002) FOR FILE NO. PDA14-004 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF — APN: 0218-332-11 AND 0218-252-17.

ORDINANCE NO. 2998 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN AMENDMENT BETWEEN THE CITY OF ONTARIO AND GENSTAR DEVELOPMENT CORPORATION – RCCD L.P., (ESPERANZA SPECIFIC PLAN) (FILE NO. PDA14-004) TO AMEND DEVELOPMENT AGREEMENT, FILE NO. PDA06-003, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT TO CONFORM TO THE CONSTRUCTION AGREEMENT WITH NMC BUILDERS, TO INCLUDE THE ADDITIONAL DEVELOPMENT OF UP TO 217 RESIDENTIAL UNITS ON 27.23 ACRES OF LAND, AND TO PROVIDE FOR PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE AS PROVIDED IN TRACT MAP NOS. 17935, 17936, 18876, AND 18778, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 0218-332-11 AND 0218-252-17).

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and unanimously carried to adopt said Resolution No. 2014-084 and introduce Ordinance No. 2998.

15. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO, THE ANKER FAMILY DECEDENT'S TRUST, AND NEW CINGULAR WIRELESS PCS, LLC, FOR THE CONTINUED USE OF A TELECOMMUNICATIONS FACILITY

City Council adopted a Resolution approving a Mitigated Negative Declaration; and introduced and waived further reading of an Ordinance approving a Development Agreement (File No. PDA14-005), which allows for the continued use of an existing telecommunications facility located at 13524 South Grove Avenue (APN: 1052-481-02) within the future right-of-way of Grove Avenue; and establishing standards for its future removal/relocation.

The Mayor opened the public hearing, seeing no one requesting to be heard, the public hearing was closed. There were no written communications.

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

RESOLUTION NO. 2014-085 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING THE RELATED MITIGATION MONITORING AND REPORTING PROGRAM FOR FILE NOS. PDEV13-009, PCUP13-003 & PVAR13-004 AND PDA14-005.

ORDINANCE NO. 2999 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDA14-005, A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO, A CALIFORNIA MUNICIPAL CORPORATION, THE ANKER FAMILY DECEDENT'S TRUST, AND NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR THE FUTURE REMOVAL/RELOCATION OF TELECOMMUNICATION EQUIPMENT FROM THE CURRENT/FUTURE RIGHT-OF-WAY OF GROVE AVENUE IN CONJUNCTION WITH A DEVELOPMENT PLAN (FILE NO. PDEV13-009), CONDITIONAL USE PERMIT (FILE NO. PCUP13-003), AND VARIANCE (FILE NO. PVAR13-004) TO ALLOW THE CONTINUED USE OF A 65-FOOT TALL MONOPOLE TELECOMMUNICATIONS FACILITY AT 13524 SOUTH GROVE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF
- APN: 1052-481-02.

MOTION: Moved by Council Member Dorst-Porada, seconded Mayor pro Tem Wapner and unanimously carried to adopt said Resolution No. 2014-085 and introduce Ordinance No. 2999.

16. **A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING A GENERAL PLAN AMENDMENT TO REVISE THE MOBILITY ELEMENT OF THE POLICY PLAN, FIGURE M-2 FUNCTIONAL ROADWAY CLASSIFICATION, TO CHANGE THE ROADWAY CLASSIFICATION OF: 1) STATE STREET FROM BENSON AVENUE TO BON VIEW AVENUE, FROM A FOUR LANE COLLECTOR TO A TWO LANE COLLECTOR, AND 2) HAMNER (MILLIKEN) AVENUE FROM 750 FEET SOUTH OF EDISON AVENUE TO BELLEGRAVE AVENUE, FROM AN EIGHT LANE PRINCIPAL ARTERIAL TO A SIX LANE PRINCIPAL ARTERIAL**

City Council introduced and waived further reading of a Resolution approving an addendum to The Ontario Plan Environmental Impact Report (SCH #2008101140) analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164, and adopted a Resolution approving

General Plan Amendment File No. PGPA14-003, revising the Mobility Element of the Policy Plan (General Plan), Figure M-2 Functional Roadway Classification.

The Mayor opened the public hearing, seeing no one requesting to be heard, the public hearing was closed. There were no written communications.

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

RESOLUTION NO. 2014-086 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT (SCH #2008101140), ADOPTED FOR FILE NO. PGPA06-001, PREPARED FOR FILE NO. PGPA14-003 FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

RESOLUTION NO. 2014-087 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PGPA14-003, A GENERAL PLAN AMENDMENT TO REVISE THE MOBILITY ELEMENT OF THE POLICY PLAN, FIGURE M-2, FUNCTIONAL ROADWAY CLASSIFICATION FOR (1) STATE STREET FROM BENSON TO BON VIEW AVENUES FROM A FOUR LANE TO TWO LANE COLLECTOR AND (2) HAMNER (MILLIKEN) AVENUE FROM 750 FEET SOUTH OF EDISON AVENUE TO BELLEGRAVE AVENUE FROM AN EIGHT LANE TO A SIX LANE PRINCIPAL ARTERIAL AND MAKING FINDINGS IN SUPPORT THEREOF.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and unanimously carried to adopt said Resolutions No. 2014-086 and 2014-087.

17. A PUBLIC HEARING TO CONSIDER A RESOLUTION APPROVING THE DESIGNATION OF THE JAMES R. MACGREGOR HOUSE AS A LOCAL HISTORIC LANDMARK

City Council adopted a Resolution approving File No. PHP14-005, designating the James R. MacGregor House, located at 410 West E Street (APN: 1048-342-07) as Local Historic Landmark No. 95.

The Mayor opened the public hearing.

Owner Cynthia Anne Matranga gave a presentation regarding her home.

Scott Murphy provided an overview of the James R. MacGregor home.

Seeing no one requesting to be heard, the public hearing was closed. There were no written communications.

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

RESOLUTION NO. 2014-088 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING FILE NO. PHP14-005, THE DESIGNATION OF THE JAMES R. MACGREGOR HOUSE, LOCATED AT 410 WEST E STREET, AS LOCAL HISTORIC LANDMARK NO. 95 AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 1048-342-07).

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and unanimously carried to adopt said Resolution No. 2014-088.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

18. DECLARATION OF MANDATORY WATER RESTRICTIONS

City Council declared a water shortage and implemented Stage 1 of the City's Municipal Code Water Conservation Plan.

City Manager Boling gave an explanation regarding the implementation of the Stage 1 of the City's Municipal Code Water Conservation Plan.

Council Member Bowman encouraged residents to save water. Mr. Bowman asked that the Ontario Municipal Code Section 5-22.02(g) which specifies that lawns be maintained be waived for the time being until further notice.

City Council gave direction to staff for Code Enforcement to use their best judgment in adhering to the action taken by the City Council in implementing the state mandated water restrictions and issuance of fines only when necessary after attempting voluntary compliance.

MOTION: Moved by Council Member Bowman, seconded Mayor pro Tem Wapner and carried to declare a water shortage and implement Stage 1 of the City's Municipal Code Water Conservation Plan, with Council Member Dorst-Porada and Council Member Avila abstaining.

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

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL MATTERS

PLANNING COMMISSION APPOINTMENT

Mayor Leon gave a brief explanation regarding his recommendation.

Council Member Avila interrupted Mayor Leon indicating that he had recommended Fausto Reyes.

Mayor Leon accepted Council Member Avila's recommendation and clarified that Council Member Avila made no mention of his choice at the July 1, 2014 City Council Meeting when the matter was agendized. As a result, considering the time and cost already invested in Mr. Ricci, Mayor Leon made a counter-recommendation to reinstate Nicola Ricci to the Planning Commission.

MOTION: Moved by Mayor Leon, seconded Mayor pro Tem Wapner and carried to appoint Nicola Ricci to the Planning Commission, with Council Member Avila abstaining.

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

CITY COUNCIL RULES OF CONDUCT – CONSIDERATION OF SANCTIONS

Mayor Leon gave a brief overview of the City Council Rules of Conduct.

Mayor pro Tem Wapner gave a brief overview of the process and recommended that Council Member Avila vacate himself of all City Council assignments and any committee or liaison positions that he holds; and that Mr. Avila not represent the City at any ribbon cuttings or civic ceremonies. Mr. Wapner also stated that

Mr. Avila was registered for the International Council of Shopping Centers Convention as paid for by the City, yet he did not attend any business meetings or conference sessions. Mayor pro Tem Wapner asked for concurrence to direct the City Manager to request that Council Member Avila submit proof of his attendance and any business transacted on behalf of the City of Ontario. If he fails to produce any documentation, Mr. Wapner requested that the City Council demand that Mr. Avila reimburse the City of all expenses. Mayor pro Tem Wapner stated that he was seeking concurrence to put these items on the next City Council Agenda for action.

Mayor Leon also requested that the City Council consider Council Member Avila's behavior at the present meeting in weighing possible sanctions.

MOTION: Moved by Council Member Bowman, seconded Council Member Dorst-Porada and carried to place recommendations for sanctions on the next City Council Meeting Agenda, with Council Member Avila opposing.

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

COUNCIL COMMENTS

Council Member Dorst-Porada expressed her discontent with the bad behavior currently taking place at City Council meetings and putting a damper on the good things.

Mayor pro Tem Wapner asked City Attorney Brown if research can be done to prohibit deed restrictions with regards to vacant grocery stores. Mayor pro Tem Wapner suggested that some of the new streets in the New Model Colony be named after City employees who have been killed in the line of duty and thanked the developers for their cooperation. Mayor pro Tem Wapner also thanked veterans in the City of Ontario and reminded residents of the services provided to veterans in the City of Ontario. Mr. Wapner informed Mr. Mim Mack that he holds his father and the entire Mim Mack family in very high esteem. Mayor pro Tem Wapner stated that he was angered by earlier comments from others attacking the Ontario Police Department and apologized for their comments. Mr. Wapner thanked the Ontario Police Department for all of their hard work.

Mayor Leon stated his concerns with the Southern California Edison towers that have gone up in the south area of Ontario.

Council Member Bowman agreed that the City of Ontario has the finest Police Department. Mr. Bowman also thanked City staff for all of their hard work on the City's

Night Out and applauded the Ontario Fire Department for donating \$15,000 to the USO. Mr. Bowman also responded to Mr. Mim Mack stating that he holds Mr. Mim Mack's father in the highest regard.

Council Member Avila thanked Mr. Mim Mack for coming forward. Mr. Avila made disparaging remarks to the City Council regarding cases of corruption.

Council Member Dorst-Porada left the meeting at 8:08 p.m.

Mayor pro Tem Wapner left the meeting at 8:08 p.m.

Council Member Bowman left the meeting at 8:09 p.m.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 8:09 p.m. due to lack of an available quorum.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN