

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
MINUTES  
SEPTEMBER 16, 2014**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, September 16, 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 noted 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 v. 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 Assistant City Clerk/Secretary Vicki Kasad.

The Pledge of Allegiance was led by Council Member Bowman.

The Invocation was offered by *Pastor Carlos Gonzales*, Inland Valley Church of Christ.

**CLOSED SESSION REPORT**

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

**PUBLIC COMMENT**

*Cesar Fabian Padilla*, a student at Hawthorne Elementary school, spoke on his concerns with bullying.

*Paul Vincent Avila*, noted that it was a special day for those celebrating Mexican Independence day. Mr. Avila stated that he was aware of the articles being written on him and added that he welcomed the coverage as he does not have money to spend on his campaign. Mr. Avila denied the charges brought up against him by Council Member Dorst-Porada.

*Jay Peto*, provided a puppet demonstration.

*Paul Mim Mack*, spoke on his opposition to the decision made at the Tuesday, September 2, 2014 City Council Meeting to provide legal counsel for Mayor pro Tem Wapner.

*Ruben Valencia*, also spoke on his opposition to the decision made at the Tuesday, September 2, 2014 City Council Meeting to provide legal counsel for Mayor pro Tem Wapner.

*Steve Garcia*, expressed his displeasure with the current climate surrounding the campaigns for the November 4, 2014 election.

*Rolando Saldana*, spoke on his concerns with the closure of Euclid Avenue during the Route 66 Classic Car Show.

*Michael Cervantes*, Representative for Senator Norma Torres, extended an invitation to the residents to a "Capitol on Your Corner" event hosted by Senator Torres on Wednesday, September 24, 2014 located at the Colony High School library.

*Stephen Rogers*, spoke on a special joint meeting held by the Riverside County Board of Supervisors and the San Bernardino County Board of Supervisors.

*Nancy Bumstead*, spoke on the importance of being involved with the City and having the courage to ask questions. She asked that individuals who just recently got involved to not spread rumors, as false allegations are hurtful. Ms. Bumstead asked that City Council and City staff be treated with respect and commended them for the great work they are doing.

*Josef Morales Nikyar*, spoke on his concerns with the current City Council.

## **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Boling presented updated materials regarding Consent Calendar Item No. 10.

## **CONSENT CALENDAR**

**Agenda Item #8** was pulled from the Consent Calendar for separate consideration as requested by Council Member Avila.

**MOTION:** Moved by Council Member Dorst-Porada, seconded by Council Member Bowman to approve the Consent Calendar items as recommended with the exception of Consent Calendar Item No. 8.

**1. APPROVAL OF MINUTES**

Approved Minutes for the regular meeting of the City Council and Housing Authority of August 5 and August 19, 2014, as on file in the Records Management Department.

**2. BILLS/PAYROLL**

Approved **Bills** in the amount of \$10,270,227.24 for the period from July 27, 2014 through August 9, 2014 and **Payroll** in the amount of \$2,487,855.37 for the period of July 27, 2014 through August 9, 2014, when audited by the Finance Committee.

**3. RECOGNITION OF NATIONAL PREPAREDNESS MONTH**

City Council recognized the month of September 2014 as National Preparedness Month in the City of Ontario.

**4. AN ORDINANCE AMENDING CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE PERTAINING TO SEVENTY-TWO HOUR PARKING LIMITATIONS**

City Council considered and adopted an Ordinance amending Chapter 6 of Title 4 of the Ontario Municipal Code pertaining to seventy-two hour parking limitations in city-owned parking lots and facilities. First reading and introduction took place at a public hearing on September 2, 2014.

**ORDINANCE NO. 3000** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 6 OF TITLE 4 OF THE ONTARIO MUNICIPAL CODE RELATED TO SEVENTY-TWO (72) HOUR PARKING LIMITATIONS.

**5. A RESOLUTION OF INTENT TO VACATE KERN STREET BETWEEN GROVE AVENUE AND MILDRED AVENUE AND THAT PORTION OF PEACH AVENUE FROM KERN STREET TO APPROXIMATELY 350 FEET NORTH OF BELMONT STREET**

City Council adopted a Resolution declaring the intent to vacate Kern Street between Grove Avenue and Mildred Avenue and that portion of Peach Avenue from Kern Street to approximately 350 feet north of Belmont Street; and to set the date, time and place for a public hearing.

**RESOLUTION NO. 2014-093** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, PERTAINING TO THE VACATION OF KERN STREET BETWEEN GROVE AVENUE AND MILDRED AVENUE AND THAT PORTION OF PEACH AVENUE FROM KERN STREET TO APPROXIMATELY 350 FEET NORTH OF BELMONT STREET AND TO SET THE DATE, TIME AND PLACE FOR A PUBLIC HEARING.

**6. RECOGNITION OF OCTOBER 5-11, 2014 AS “NATIONAL FIRE PREVENTION WEEK”**

City Council recognized the week of October 5-11, 2014 as “National Fire Prevention Week” in the City of Ontario and invited the public to attend the Ontario Fire Department Open House to be held on October 4, 2014.

**7. ONTARIO HOUSING AUTHORITY ANNUAL REPORT FOR FISCAL YEAR 2013-14**

The Board of the Ontario Housing Authority approved the Annual Report for Fiscal Year 2013-2014 (“Annual Report”) and authorized the Executive Director to transmit to the California Department of Housing and Community Development the final Annual Report as required by State law.

**9. A PROFESSIONAL SERVICES AGREEMENT FOR THE ACQUISITION OF BODY-WORN CAMERA SYSTEMS/TASER INTERNATIONAL, INC.**

City Council authorized the City Manager to negotiate and execute a professional services agreement with TASER International, Inc., of Scottsdale, Arizona, for the acquisition of 220 body-worn camera systems, including maintenance and data management services for a 5-year period, in the amount of \$1,108,699; and authorized any future amendments to the agreement up to the approved grant award.

**MOTION UNANIMOUSLY CARRIED.** The Mayor/Chairman declared Resolution No. 2014-093, and Ordinance No. 3000 unanimously adopted with the exception of Item 8.

**ITEM PULLED FROM CONSENT CALENDAR**

**8. DEMOLITION AND SITE CLEARANCE SERVICES AT THREE QUIET HOME PROGRAM PROPERTIES AND RELATED ON-CALL DEMOLITION SERVICES FOR FUTURE PROJECTS/VIZION’S WEST, INC.**

Council Member Avila expressed his approval of the item.

City Council and Ontario Housing Authority Board:

(A) Awarded Contract No. P150-1415-01 to Vizion’s West, Inc. of Menifee, California in the amount of \$53,318 plus 15% contingency of

\$7,998 for a total not-to-exceed amount of \$61,316 for demolition and site clearance services at three Quiet Home Program properties;

(B) Authorized the City Manager/Executive Director to execute Contract No. P150-1415-01 for an initial term expiring June 30, 2016 and authorized the option to extend the initial term, for on-call services, for up to two consecutive one year terms consistent with the City Council and Housing Authority Board approved budgets for the respective fiscal years; and

(C) Authorized the City Manager/Executive Director to execute other related documents necessary to implement said contract, and to file Notices of Completion with the San Bernardino County Recorder's Office upon completion of work performed.

**MOTION:** Moved by Council Member Avila, and seconded by Mayor Leon and unanimously carried to award Contract No. P150-1415-01 to Vizion's West, Inc.

#### **END OF JOINT CONSENT CALENDAR**

#### **PUBLIC HEARINGS**

#### **10. RESOLUTIONS OF NECESSITY FOR THE ACQUISITION OF PERMANENT ROAD EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF REAL PROPERTY LOCATED ON OR NEAR EDISON AVENUE BETWEEN ARCHIBALD AND HAVEN AVENUES**

City Council adopted Resolutions of Necessity for the purposes of acquiring permanent road easement and temporary construction easement (TCE) interests in portions of real property located on or near Edison Avenue and more particularly described as Assessor Parcel Nos. 0218-201-19, 0218-201-26 and 0218-201-27, by eminent domain for the widening of Edison Avenue, between Archibald Avenue and Haven Avenue.

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

The Mayor opened the public hearing.

*Michael Schaefer*, attorney for Jongs, LLC, stated his client's discontent with the offer made by the City.

Seeing no one else requesting to be heard, the public hearing was closed. There were four written communications as distributed to City Council.

**RESOLUTION NO. 2014-094** A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF A PERMANENT ROAD EASEMENT INTEREST IN A PORTION OF REAL PROPERTY LOCATED ON OR NEAR EDISON AVENUE AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 0218-201-19, FOR THE WIDENING OF EDISON AVENUE, BETWEEN ARCHIBALD AVENUE AND HAVEN AVENUE, IN THE CITY OF ONTARIO, CALIFORNIA.

**RESOLUTION NO. 2014-095** A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF PERMANENT ROAD EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF REAL PROPERTY LOCATED ON OR NEAR EDISON AVENUE AND MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NOS. 0218-201-26 AND 0218-201-27, FOR THE WIDENING OF EDISON AVENUE, BETWEEN ARCHIBALD AVENUE AND HAVEN AVENUE, IN THE CITY OF ONTARIO, CALIFORNIA.

**MOTION:** Moved by Mayor pro Tem Wapner, and seconded by Council Member Bowman and carried with Council Member Avila opposed to approve Resolution Nos. 2014-094 and 2014-095.

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

**11. A PUBLIC HEARING TO RECEIVE TESTIMONY AND ADOPT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2013-14 FISCAL YEAR**

City Council:

- (A) Held a public hearing to received testimony on the draft Consolidated Annual Performance and Evaluation Report (CAPER) for the 2013-14 Fiscal Year;
- (B) Direct staff to prepare and transmit to the U.S. Department of Housing and Urban Development (HUD) the final CAPER, which will address all public comments received on the draft CAPER; and
- (C) Authorized the City Manager to execute any and all documents necessary and/or desirable to transmit CAPER to HUD.

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

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

**MOTION:** Moved by Council Member Dorst-Porada, and seconded by Council Member Bowman and unanimously carried to adopt the Consolidated Annual Performance and Evaluation Report (CAPER) for the 2013-14 Fiscal Year.

## STAFF MATTERS

City Manager Boling announced the \$1.1 million State grant that had been awarded to the City for the Safe Routes to School program which will provide for sidewalk improvements at four elementary schools. He also announced that the recent Fiestas Patrias was a successful event. In addition, he announced the Ontario Town Square opening and the Route 66 Classic Car Show scheduled for the upcoming weekend. Lastly, Mr. Boling announced the Fire Department's Open House scheduled for October 4, 2014 from 9:00 a.m. to 2:00 p.m. at Fire Station No. 3 located at 1408 E. Francis Street.

## COUNCIL MATTERS

### DISCUSSION ON INVESTIGATIVE REPORT

Council Member Avila left the meeting at 7:16 p.m.

Attorney Cynthia Germano briefly summarized the investigative report and concluded that the findings showed that Council Member Dorst-Porada's complaint was sustained.

Mayor pro Tem Wapner asked for clarification regarding Council Member Avila's responses.

**MOTION:** Moved by Mayor pro Tem Wapner, and seconded by Council Member Dorst-Porada and carried with Council Member Avila absent to consider on a future agenda the potential action against Council Member Avila for sexual harassment.

	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

Council Member Dorst-Porada stated she was excited about the Ontario Town Square opening and invited all to come and enjoy the park and the Ontario Kiwanis' Pancake Breakfast at 6:00 a.m. on Saturday, September 20, 2014 at the Route 66 Classic Car Show.

Mayor pro Tem Wapner commended the Ontario Police Department regarding their movement towards open transparency.

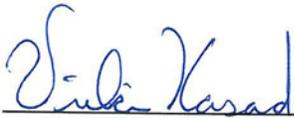
Council Member Bowman stated his excitement regarding the Ontario Town Square and also reminded all to consider their pets' needs during extremely hot days.

Mayor Leon invited Nancy Bumstead to the podium to make mention of Betty Graber's passing. Mayor Leon thanked all for attending the meeting and invited all to the Route 66 Classic Car Show.

#### **ADJOURNMENT**

Mayor Leon adjourned the meetings of the Joint Agencies at 7:27 p.m. in memory of Betty Graber and Jack Mercer, and announced the next regular meetings on Tuesday, October 7, 2014.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN