

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
MINUTES
OCTOBER 7, 2014**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, October 7, 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 6:01 p.m., and inquired whether persons were present who wished to speak to a Closed Session item.

Wendy R. Hamilton, spoke on her concerns regarding the Edison towers under construction near Archibald Ranch. She spoke on the negative effects the towers would have on her property value and asked City Council for help with the matter.

Jack Shelby, resident of Archibald Ranch spoke on his opposition to the Edison towers being built in his neighborhood. He stated that Edison was using a 1940 solution to solve a 2014 problem. He stated that he sees no safe fall zone and asked for City Council support in fighting the matter.

Lonnie Marion, asked for City Council support in fighting the Edison towers being built at Archibald Ranch. He stated that the residents had no idea how big the towers were going to be. He would also like help getting access to the area so that he may measure the distance from the towers to the homes.

John G. Johnson, spoke on his opposition to the Edison towers. He thanked the City Council members for their support and asked that the City be more proactive in the prevention of the Edison towers.

Noting that all members were present, the meetings adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 1049-382-05 and 1049-172-01; 1140 and 1173 East California Street; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Fullmer/JP, LLC, a California Limited Liability Company; Under negotiation: Price and terms of payment.

- GC 54956.9 (d)(4), CONFERENCE WITH LEGAL COUNSEL, INITIATING LITIGATION: *One (1) case*
- 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 6:43 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 Mayor pro Tem Wapner.

The Invocation was offered by *Pastor Steve Marquedant*, Sovereign Grace Baptist Church.

CLOSED SESSION REPORT

City Attorney Brown reported that three items were discussed in Closed Session and no reportable actions were taken on two of the items. He stated the City Council conferred with Legal Counsel with respect to the Closed Session item regarding the routing decisions that have been made for the Tehachapi Renewable Transmission Project through the City of Ontario. There will be an immediate evaluation of all possible alternatives to include a possible filing of a petition with the California Public Utilities Commission (CPUC) to modify the lines in the City of Ontario and a possible temporary restraining order filed with the San Bernardino Superior Court to hold the construction until the CPUC seeks modifications or reconsideration of their decisions as well as evaluation of other legal alternatives available to the City of Ontario.

PUBLIC COMMENT

Cristian Poloni and Mauricio Lopez, expressed their discontent with the Building and Safety Department. Mayor Leon asked the Development Director, Otto Kroutil to speak with them to help them resolve their issues.

Ruben Valencia, stated that the Ontario Fire Department did a great job with their Open House. He also stated he holds City Council responsible for the money that will have to be spent on the fight against the California Public Utilities Commission.

Paul Vincent Avila, stated he appreciates City Council actions regarding seeking alternatives for the Tehachapi Renewable Transmission Project. Mr. Avila then announced all the candidates he is supporting for the November 4, 2014 election.

Dr. Walter Koch, stated he is a Minister with Diplomat Center in the Granada Theater and invited candidates to a Mayoral debate as well as a debate for those candidates running for City Council. The event is being hosted by the Diplomat Center and the Latino Peace Officers Association on Thursday, October 16, 2014 at 6:00 p.m.

Manny Quinn, spoke on his concerns regarding issues with the school his son attends. Mayor Leon recommended that he speak with the School Board.

Paul Mim Mack, spoke on campaign contribution limits. He provided City Council with examples of other cities with campaign contribution limits.

Marci Garcia, spoke on her personal achievements and the groups for which she volunteers. She stated she is proud to serve in the City of Ontario but she is unhappy with the amount of harassment that she and her husband Steve Garcia have gone through.

Mike Chavez and Ryan Lewis, announced that the men and women of the Ontario Police Department and the Ontario Fire Department support Breast Cancer Awareness and will be wearing pink to show their support. Shirts will be sold for \$15 and proceeds will go to support the fight against breast cancer.

Nancy Bumstead, spoke on the Casa Jimenez' relocation to Sixth and Mountain and provided flyers to City Council.

Peggi Hazlett, President and CEO of the Chamber of Commerce provided an update on the upcoming events. She stated that the Chamber of Commerce has partnered with a member to do a free electronic recycling every second Friday of the month. In addition, a Free Health Screening will be held on October 12, 2014 from 9:00 a.m. to 2:00 p.m. at Sam Alba Park.

Dale Briggs, waived his public comment in the interest of time.

Petrina Delman, with Ontario Heritage invited all to the Fifth Annual Ontario Cemetery Tour on October 11, 2014 at 10:15 a.m.

Linda Page, stated she is a proud resident of the City of Ontario and commended City Council for the projects that continue to improve the City of Ontario.

Martina Rangel-Ortega, spoke on her concerns with the California Public Utilities Commission and asked that the Latinos in the City of Ontario support Latino candidates as they have in the past.

Stephen Rogers, spoke on his public records request and requested that the City Attorney's office schedule a meeting with Police Chief Hopley at his earliest convenience and requested that Paul Vincent Avila be present.

Josef Nikyar, asked that the residents vote. He also spoke on the price of water stating that the water in Ontario is much more expensive than the water in Beverly Hills.

Rudy Favila, stated he is pleased to announce the Mayoral debate to be held at the Granada Theater on October 16, 2014.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling presented a letter from the San Bernardino District Attorney's Office and asked that City Attorney Brown read it into the record.

City Attorney Brown stated that he was contacted by City Manager Boling regarding a letter received from Council Member Avila which contained allegations of corruption by the City Council members with respect to a contract with the City of Ontario and Burrtec, a waste management company, and an allegation of assault and battery by Mayor pro Tem Wapner. On September 25, 2014 a letter was received from Michael A. Ramos the District Attorney of the County of San Bernardino stating the Public Integrity Unit found that the allegations are unfounded.

Council Member Avila stated that he believes that there is a conflict of interest between District Attorney Michael Ramos and the City Council. He stated that his complaints are State and Federal issues. He added that he is optimistic and will have to be patient for further investigations.

CONSENT CALENDAR

Stephen Rogers, spoke on Consent Calendar Item No. 5 and expressed his concerns regarding the resolution presented.

MOTION: Moved by Council Member Bowman, seconded by Council Member Dorst-Porada to approve the Consent Calendar items as recommended.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution No. 2014-096, 2014-097, and 2014-098 unanimously adopted by those present.

MOTION: Moved by Council Member Avila, and seconded by Mayor Leon and unanimously carried to reconsider the vote on the Consent Calendar.

Agenda Item #6 was 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 as recommended with the exception of Item No. 6.

1. APPROVAL OF MINUTES

Approved Minutes for the regular meeting of the City Council and Housing Authority of September 2, 2014, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** in the amount of \$17,969,183.44 for the period from August 10, 2014 through September 6, 2014 and **Payroll** in the amount of \$5,152,763.13 for the period of August 10, 2014 through September 6, 2014, when audited by the Finance Committee.

3. A RESOLUTION OPPOSING PROPOSITION 47, A CALIFORNIA CONSTITUTIONAL AMENDMENT BALLOT INITIATIVE TITLED "SAFE NEIGHBORHOODS AND SCHOOLS ACT"

City Council adopted a resolution opposing the "Safe Neighborhoods and Schools Act" ("Proposition 47"), as a measure that will reduce penalties for offenders who commit certain crimes and make certain inmates eligible for release back into the community.

RESOLUTION NO. 2014-096 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OPPOSING THE PROPOSED CALIFORNIA CONSTITUTIONAL AMENDMENT BALLOT INITIATIVE TITLED "SAFE NEIGHBORHOODS AND SCHOOLS ACT" ON THE NOVEMBER 4, 2014 STATEWIDE GENERAL ELECTION BALLOT.

4. A JOINT USE AGREEMENT FOR THE RIGHT-OF-WAY ON EDISON AVENUE FROM CUCAMONGA CREEK CHANNEL TO TURNER AVENUE/SOUTHERN CALIFORNIA EDISON

City Council approved and authorized the City Manager to execute a Joint Use Agreement with Southern California Edison (SCE) for the right-of-way on Edison Avenue from Cucamonga Creek Channel to Turner Avenue.

5. A RESOLUTION APPROVING THE MEASURE I 2015-16 THROUGH 2019-20 FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS

City Council adopted a resolution approving the 2015-16 through 2019-20 Measure I Five-Year Capital Projects Needs Analysis (CPNA) and authorized the

City Manager to approve minor changes to the plan as may be required by the City and/or San Bernardino Associated Governments (SANBAG).

RESOLUTION NO. 2014-097 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING THE MEASURE I, 2015-16 THROUGH 2019-20, FIVE-YEAR CAPITAL PROJECTS NEEDS ANALYSIS.

7. A MAINTENANCE SERVICES AGREEMENT FOR LANDSCAPE MAINTENANCE SERVICES AT ONTARIO TOWN SQUARE/MERCHANTS LANDSCAPE SERVICES, INC.

City Council approved and authorized the City Manager to execute a three-year Maintenance Services Agreement for Contract No. PM 1415-01 with Merchants Landscape Services, Inc., of Rancho Cucamonga, California for an annual cost of \$75,600 plus a 10% contingency of \$7,560 and \$26,840 for monitoring services (includes weekday and weekend special event coverage); 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.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution No. 2014-096 and 2014-097, unanimously adopted with the exception of Item 6.

ITEM PULLED FROM CONSENT CALENDAR

6. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18852, 18868, 18874 AND 18898 LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD BETWEEN ARCHIBALD AVENUE AND TURNER AVENUE

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map Nos. 18852, 18868, 18874 and 18898, for properties located on the north side of Inland Empire Boulevard between Archibald Avenue and Turner Avenue within the Ontario Festival Specific Plan area.

RESOLUTION NO. 2014-098 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18852, 18868, 18874 AND 18898 LOCATED ON THE NORTH SIDE OF INLAND EMPIRE BOULEVARD BETWEEN ARCHIBALD AVENUE AND TURNER AVENUE.

Council Member Avila asked for clarification on the name of the developer.

City Manager Boling stated that the developer was Tri-Pointe Homes, Inc. of Irvine, California.

MOTION: Moved by Council Member Avila, and seconded by Mayor Leon and unanimously carried to adopt Resolution No. 2014-098.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

8. A PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION 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 A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NO. 19515 LOCATED AT THE SOUTHEAST CORNER OF MISSION BOULEVARD AND GROVE AVENUE

City Council:

- (A) Conducted a public hearing to consider adoption of a resolution 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;
- (B) Determine that the above-referenced street vacation is exempt from further environmental review, pursuant to the California Environmental Quality Act, California Public Resources Code, Section 21166 and California Code of Regulations, Title 14, Section 15162, and direct staff to file a Notice of Determination; and
- (C) Adopted a resolution approving an improvement agreement, improvement security and Parcel Map No. 19515, located at the southeast corner of Mission Boulevard and Grove 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, seeing no one requesting to be heard, the public hearing was closed. There were no written communications.

RESOLUTION NO. 2014-099 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING 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.

RESOLUTION NO. 2014-100 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND PARCEL MAP NO. 19515, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF MISSION BOULEVARD AND GROVE AVENUE.

MOTION: Moved by Council Member Bowman, and seconded by Mayor pro Tem Wapner and unanimously carried to adopt Resolution Nos 2014-099 and 2014-100.

9. A RESOLUTION REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 24 (PARK PLACE FACILITIES - PHASE 1); AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES AND ADOPTION OF A RESOLUTION TO INCUR BONDED INDEBTEDNESS

Item was continued to the October 21, 2014 City Council meeting beginning at 6:30 p.m.

STAFF MATTERS

City Manager Boling had no comments.

COUNCIL MATTERS

Council Member Dorst-Porada thanked City staff and all involved for all of their hard work with the Ontario Town Square Project.

Mayor Leon thanked City staff and the Ontario Convention Center and all involved in the Route 66 Cruisin' Reunion and added that the bands were amazing. He also recommended that the stage be used by the community to hold amateur band contests.

Council Member Bowman stated that it is a testament the commitment that everyone in the community has for the success of the City of Ontario and is looking forward to next year's Route 66 Cruisin' Reunion.

Council Member Avila stated that he would love to join the Mayoral debate scheduled for October 16, 2014 and hoped that Mayor Leon would join. He added that mailers are a form of brainwashing for people who do not have the aptitude to go beyond mailers. He encouraged others who have thought about running for City Council and stated that it is possible to win with little funds. He also thanked the City Council for giving him the opportunity to speak and thanked City staff regarding development projects in the City.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 8:00 p.m. He announced the next regular meetings on Tuesday, October 21, 2014.

Respectfully submitted,



MABY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN