

**ONTARIO CITY COUNCIL/  
 ONTARIO HOUSING AUTHORITY/  
 SUCCESSOR AGENCY TO THE  
 ONTARIO REDEVELOPMENT AGENCY  
 MINUTES  
 JANUARY 20, 2015**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council, Ontario Housing Authority and Successor Agency to the Ontario Redevelopment Agency were held on Tuesday, January 20, 2015 at the Ontario City Hall, 303 East B Street, Ontario, California.

**CLOSED SESSION**

The Mayor called the City Council/Housing Authority/Successor Agency to the Ontario Redevelopment Agency meetings to order at 6:01 p.m., and inquired whether persons were present who wished to speak to a Closed Session item. Hearing none, he noted that 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 Fontana v. The State Board of Equalization, RG14721676*
- 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/Successor Agency to the Ontario Redevelopment Agency 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 Mike Urciuoli*, Calvary Chapel Ontario.

## **CLOSED SESSION REPORT**

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

## **PUBLIC COMMENT**

*Peggi Hazlett*, gave an update on the Ontario Chamber of Commerce's upcoming events.

*Sylvia Durbin*, complimented and thanked City Council for the restoration of the nativity scenes used for the Christmas on Euclid Experience. She added that she looked forward to the concerts at the beautiful Ontario Town Square.

*Dale Robinson*, was not present when called upon.

*Wendy Hamilton*, spoke on her concerns with potential electrical fires at the Edison towers adjacent to Archibald Ranch. She added that she was concerned with residents safety specifically with ATV's and trucks driving in the New Model Colony construction area.

*Don Tisor*, addressed testimony given at the California Public Utilities Commission regarding magnetic fields and potential power charges and shocks at the Edison towers adjacent to Archibald Ranch.

*Karen Haughey*, introduced herself as the representative of Supervisor Curt Hagman's Office for the City of Ontario.

*John G. Johnson*, thanked City Council for their support to remove the Edison towers adjacent to Archibald Ranch.

*Lori Masones*, addressed Item No. 11 and asked if she could get more information regarding the requirements needed to receive the grant funds.

## **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Boling presented updated materials regarding Consent Calendar Item No. 3. Mr. Boling also provided an update regarding the link on the City of Ontario's website that specifically addresses the Tehachapi Renewable Transmission Project.

## **CONSENT CALENDAR**

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

**1. APPROVAL OF MINUTES**

Approved Minutes for the regular meeting of the City Council, Housing Authority and Successor Agency to the Ontario Redevelopment Agency of December 2, 2014; the regular meeting of the City Council and Housing Authority on December 16, 2014; and the Special Meeting of the City Council and Housing Authority on December 9, 2014, as on file in the Records Management Department.

**2. BILLS/PAYROLL**

Approved **Bills** in the amount of \$26,466,913.89 for the period from November 16, 2014 through December 27, 2014 and **Payroll** in the amount of \$8,174,461.16 for the period of November 16, 2014 through December 27, 2014, when audited by the Finance Committee.

**3. A RESOLUTION FOR PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS**

City Council adopted 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. 2015-001** 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.

**4. A COOPERATIVE FUNDING AGREEMENT FOR THE AB 2766 MOBILE SOURCE REDUCTION REVIEW COMMITTEE SIGNAL SYNCHRONIZATION PARTNERSHIP PROGRAM/SAN BERNARDINO ASSOCIATED GOVERNMENTS**

City Council approved a Cooperative Funding Agreement with San Bernardino Associated Governments (SANBAG) for funding Ontario's AB 2766 Mobile Source Reduction Review Committee (MSRC) Signal Synchronization Partnership Project; and authorized the City Manager to execute said agreement and future amendments within the City Council approved budget.

**5. EASTSIDE WATER TREATMENT FACILITY IN-LIEU FEE AGREEMENT WITH THE CITY OF CHINO**

City Council approved and authorized the City Manager to execute an agreement with the City of Chino for the payment of \$846,295 of in-lieu fees for the Schaefer Avenue and Campus Avenue frontage improvements along Chino's Eastside Water Treatment Facility.

**6. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18909 FOR CONDOMINIUM PURPOSES LOCATED AT THE SOUTHWEST CORNER OF CUCAMONGA AVENUE AND PHILADELPHIA STREET**

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18909 for condominium purposes located at the southwest corner of Cucamonga Avenue and Philadelphia Street.

**RESOLUTION NO. 2015-002** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18909 FOR CONDOMINIUM PURPOSES, LOCATED AT THE SOUTHWEST CORNER OF CUCAMONGA AVENUE AND PHILADELPHIA STREET.

**7. A RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18949 LOCATED ON OAKS AVENUE, SOUTH OF MISSION BOULEVARD**

City Council adopted a resolution approving an improvement agreement, improvement security and Final Tract Map No. 18949 located on Oaks Avenue, South of Mission Boulevard.

**RESOLUTION NO. 2015-003** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18949, LOCATED ON OAKS AVENUE, SOUTH OF MISSION BOULEVARD.

**8. AN AGREEMENT WITH AMERICAN MEDICAL RESPONSE WEST, DBA NATIONAL COLLEGE OF TECHNICAL INSTRUCTION FOR EMERGENCY MEDICAL SERVICES EDUCATION THROUGH FIELD INTERNSHIP FOR THE PARAMEDIC PROGRAM**

City Council authorized the City Manager to execute an agreement with American Medical Response West, dba National College of Technical Instruction for the purpose of providing Emergency Medical Services education through field internship for the paramedic program.

**9. APPROVAL OF SOLE SOURCE PURCHASES OF FIRE PUMPERS AND RADIO INSTALLATION SERVICES/KOVATCH MOBILE EQUIPMENT/WEST COASTS LIGHTS AND SIRENS, INC.**

City Council:

- (A) Approved Kovatch Mobile Equipment (KME) of Ontario, California as the sole source provider for current and future procurements of fire pumper trucks; and authorized the City Manager to execute a purchase agreement in the amount of \$1,179,568 for two fire pumper trucks; and

- (B) Approved West Coast Lights and Sirens, Inc. of Riverside, California as the sole source provider for installation of radios and communication equipment for fire apparatus for current and future procurements; and authorized the City Manager to execute a purchase agreement estimated to be \$50,000 for the installation of radio and communication equipment for the two fire pumper trucks.

**10. AN ORDINANCE APPROVING THE REVISION OF THE LAND USE ELEMENT OF THE ONTARIO PLAN-POLICY PLAN, EXHIBITS LU-01 LAND USE PLAN AND LU-03 FUTURE BUILDOUT TO: (1) CHANGE THE LAND USE DESIGNATION FROM OFFICE COMMERCIAL TO BUSINESS PARK FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES GENERALLY LOCATED ON THE NORTH SIDE OF GUASTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES; AND (2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND A ZONE CHANGE REQUEST FROM M3 (GENERAL INDUSTRIAL) TO M1 (LIMITED INDUSTRIAL) TO CREATE CONSISTENCY BETWEEN THE ZONING AND THE PROPOSED GENERAL PLAN LAND USE DESIGNATION AMENDMENT**

City Council considered and adopted an ordinance approving a Zone Change (File No. PZC14-006) from M3 (General Industrial) to M1 (Limited Industrial) to create consistency between the zoning and the proposed General Plan land use designation amendment. First reading and introduction took place at a public hearing on December 16, 2014.

**ORDINANCE NO. 3010** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-006, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION FROM M3 (GENERAL INDUSTRIAL) TO M1 (LIMITED INDUSTRIAL) FOR 27 PARCELS TOTALING APPROXIMATELY 52 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF GUASTI ROAD BETWEEN HAVEN AND MILLIKEN AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 0210-212-17, 20, 24, 26-39, 42-49 AND 53-54.

**11. ACCEPTANCE OF A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES PROVIDED THROUGH THE FY 2014 URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM**

City Council authorized the City Manager to execute all documents necessary to accept a three-year sub-grant award in the amount of \$100,000 from the U.S. Department of Homeland Security and the California Office of Emergency Services provided through the FY 2014 UASI Grant Program.

**MOTION UNANIMOUSLY CARRIED.** The Mayor/Chairman declared Resolution Nos. 2015-001, 2015-002, 2015-003 and Ordinance No. 3010 unanimously adopted.

## END OF JOINT CONSENT CALENDAR

### PUBLIC HEARINGS

12. **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING FINDINGS AND EXTENDING THE MORATORIUM ON THE ISSUANCE OF BUSINESS LICENSES OR OTHER PERMITS OR ENTITLEMENTS FOR MASSAGE ESTABLISHMENTS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS**

City Council adopted an urgency ordinance extending the interim urgency ordinance adopted on December 16, 2014, prohibiting the issuance of business licenses or other permits or entitlements for massage establishments, for an additional ten months and fifteen days.

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.

**ORDINANCE NO. 3011 AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING FINDINGS AND EXTENDING THE MORATORIUM ON THE ISSUANCE OF BUSINESS LICENSES OR OTHER PERMITS OR ENTITLEMENTS FOR MASSAGE ESTABLISHMENTS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS.**

**MOTION:** Moved by Mayor pro Tem Wapner, and seconded by Council Member Bowman and unanimously carried to adopt Ordinance No. 3011.

13. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN AMENDMENT (SECOND AMENDMENT) TO A DEVELOPMENT AGREEMENT (FILE NO. PDA14-007) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT (FILE NO. PDA05-002) AND TO CONFORM WITH THE CURRENT CONSTRUCTION AGREEMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR THE PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE FOR 250 ACRES OF THE PARKSIDE SPECIFIC PLAN**

City Council introduced and waived further reading of an ordinance approving an amendment (File No. PDA14-007) to the Development Agreement between SC Ontario Development Company, LLC, a Delaware Limited Liability Company, and the City of Ontario to update certain provisions of the existing Development

Agreement to conform with the current Construction Agreement with NMC Builders, LLC, and update certain provisions of the existing Development Agreement (File No. PDA05-002).

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.

**ORDINANCE NO. 3012** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT (FILE NO. PDA14-007) BETWEEN THE CITY OF ONTARIO AND SC ONTARIO DEVELOPMENT COMPANY, LLC, TO UPDATE CERTAIN PROVISIONS OF THE EXISTING DEVELOPMENT AGREEMENT (FILE NO. PDA05-002) TO CONFORM TO THE CURRENT CONSTRUCTION AGREEMENT WITH NMC BUILDERS LLC, AND TO PROVIDE FOR THE PHASING OF THE CONSTRUCTION OF PUBLIC INFRASTRUCTURE FOR 250 ACRES OF THE PARKSIDE SPECIFIC PLAN AND MAKING FINDINGS IN SUPPORT THEREOF - APN: 0218-221-09 AND 10, 0218-231-06 THROUGH 39.

**MOTION:** Moved by Council Member Dorst-Porada, and seconded by Council Member Bowman and unanimously carried to introduce Ordinance No. 3012.

14. **A PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION FOR ADOPTION OF A GENERAL PLAN AMENDMENT (FILE NO. PGPA14-004) TO REVISE THE LAND USE ELEMENT OF THE ONTARIO PLAN (POLICY PLAN), EXHIBITS LU-01 OFFICIAL LAND USE PLAN AND LU-03: FUTURE BUILDOUT TO: (1) CHANGE THE LAND USE DESIGNATION FOR 15.3 ACRES OF LAND LOCATED ON THE WEST SIDE OF GROVE AVENUE BETWEEN STATE ROUTE 60 AND WALNUT STREET FROM NEIGHBORHOOD COMMERCIAL TO GENERAL COMMERCIAL; AND (2) MODIFY THE FUTURE BUILDOUT TABLE TO BE CONSISTENT WITH THE LAND USE DESIGNATION CHANGES; AND A ZONE CHANGE REQUEST (FILE NO. PZC14-007) FROM C1 (SHOPPING CENTER DISTRICT) TO C3 (COMMERCIAL SERVICE DISTRICT) TO CREATE CONSISTENCY BETWEEN THE ZONING AND THE PROPOSED GENERAL PLAN LAND USE DESIGNATION AMENDMENT (APN: 1051-171-40, 41, 42, 43, 44 AND 1051-321-51, 52, 53, 54, 55, 56, 62, AND 63)**

City Council considered the Planning Commission's recommendation for adoption of: (1) A resolution approving an addendum to The Ontario Plan ("TOP") Environmental Impact Report (SCH #2008101140) analyzing the environmental effects of the Project, pursuant to State CEQA Guidelines section 15164; (2) A resolution approving a General Plan Amendment (File No. PGPA14-004) changing the land use designation from Neighborhood Commercial to General Commercial; and (3) Introduce and waive further reading of an ordinance

approving a Zone Change (File No. PZC14-007) from C1 (Shopping Center District) to C3 (Commercial Service District) if the resolutions are adopted.

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

City Clerk Wirtes reported that the following written correspondence was received.

Rene Dominguez in opposition.  
Rosalva S. Perez in opposition.  
Louise Lennon in opposition.  
Randall Vanderplate in opposition.  
Valerie Mitchell in opposition.  
Gregory P. Berg in support.  
Christina Ro in support.  
Janice Chase in support.  
Valerie Mitchell rescinding opposition.  
Misti Cleveland in opposition.  
George Arce in support.

The Mayor opened the public hearing at 7:06 p.m.

Planning Director Scott Murphy gave a brief presentation.

Mayor Leon stated that he would like to call Planning Director Murphy back at a later time with more questions.

*George Arce*, with Grove Plaza Partners, owners of the property, thanked City Council for the opportunity to speak before them. Mr. Arce indicated he has been an investor in the property since 2003 and thought the City of Ontario was a great area for growth. During the recession he faced challenges and added that they did their best to recover as a result of the Albertson's closure. Mr. Arce stated that he formed a new partnership to invest in the property and explained that successful neighborhood shopping centers 20 or 30 years ago now have to be reinvented with new retail concepts and ideas. There have been very aggressive leasing efforts the last year or two. He stated that in an attempt to avoid having vacant buildings in the shopping center, they looked at the competition and noticed that most other centers are zoned C3 whereas they are C1. He added that they have done their best to be transparent and to educate the community about what a C3 center is and humbly asked that the City Council help in stabilizing the property. Lastly, Mr. Arce also expressed his discontent with the public hearing notice that went out from the City. He felt that the information was intentionally spun in a negative manner.

Mayor Leon stated that he would like to call Mr. Arce back up to answer questions, if necessary.

Meeting recessed at 7:21 p.m.

Meeting reconvened at 7:34 p.m.

*Cathie Gregorek*, spoke in opposition to the proposed zone change. Ms. Gregorek said that she lives less than a mile from the shopping center and expressed concern that changing the zoning will open the center to food banks, hookah establishments, towing services and auto auctions. The center has been poorly managed for years and she hopes that a change is made. She added that it took almost five years to repair an area of the center that had burned. Ms. Gregorek stated that properly managing this area could be a benefit to the residents and the City. She stated that approving a zone change just because something is better than nothing is wrong and hopes that City Council will vote against the proposed zone change.

*Patrick Murphy*, spoke in favor of the proposed zone change. He stated he oversees the leasing of the shopping center and that he had made many calls to neighbors to address resident concerns with regard to the proposed zone change. Mr. Murphy stated that they have made an aggressive effort to lease the shopping center and have been turned down by many grocery stores and other stores. He stated that the primary reason is the lack of density in the area. He added that the uses mentioned by the previous speaker are not permitted under their Covenants, Conditions and Restrictions (CC&Rs). He added that they do not want to put businesses in that are not compatible with the community. Mr. Murphy stated that the competition at the intersection of Vineyard and the 60 freeway is zoned C3 and is surrounded by residential. The thrift store being referenced for the proposed zone change was founded in 1954 and has made over \$2 billion a year in sales. In addition, they have contributed \$1.5 million over the last 10 years to local charities.

*Randy Vanderplate*, spoke in opposition to the proposed zone change. As a 20 year resident in the City of Ontario, he remembers the shopping center being a grocery shopping center and still believes that a single grocery store is best. Mr. Vanderplate stated that the New Model Colony area being built in the area will support a grocery store. He added that he appreciates City Council consideration and stated that the goal should be a grocery store which is what residents are really after.

*Geoffrey Wills*, deferred for rebuttal at the end.

*Scott Kramer*, spoke in favor of the proposed zone change. He stated that when he first met with Mr. Arce and the developer he was shown why a grocery store would not work there. He added that the property owner had to fill the space with a 99 Cents Only store because people want value. He stated that what he has realized is that they have a large space of real estate that was just not making enough money. As a result they are focusing on smaller stores like 99 Cents Only. Mr. Kramer stated he would like the community to know that they are trying and they just want to serve the community.

*Linda Kalinowsky*, spoke in favor of the proposed zone change. Ms. Kalinowsky stated that she has visited a Savers Thrift Store and that they are very organized and clean. She stated that what has brought life back to that shopping center has been the 99 Cents Only store. She added that she would prefer to see the center occupied, as opposed to having the center empty and vandalized. She asked that City Council consider passing the proposed zone change.

*John Matheson*, spoke in opposition to the proposed zone change. Mr. Matheson stated that rezoning the center would be downgrading his community. He added that he lives approximately one-half mile away from the center and has witnessed the center's many successes and failures. He mentioned that the center had a fire approximately five years ago and it took the owners four years to address the burned out building. For two years after Albertson's left the center was an eyesore to the community. It was not until the 99 Cents Only store came to the center did it start to get better. Mr. Matheson stated that he has now learned the Planning Commission has approved a proposed zone change from C1 to C3 so that the property owners can bring in a thrift store. He stated that the owners claim that they cannot lease the current area but questioned what did they expect, when the area is run down. Mr. Matheson asked the City Council to vote no on the proposed zone change.

*Americ Fisal*, spoke in support of the proposed zone change. He stated that there is a problem of vagrancy and people having to drive to Chino to shop as opposed to shopping locally. He added that the zone change would avoid those negative impacts. He stated that it is very strange to think that it is downgrading to address vagrancy and to get stores that are willing to revitalize the community. Mr. Fisal is puzzled that the community is against the zone change when it is a change that will be beneficial to the community.

*Ava Solis*, spoke in support of the proposed zone change. She stated that she is very excited to have the potential of having a Savers Thrift Store in the area. She added that a thrift store would benefit her as her children grow out of clothes very quickly.

*Margarita Gomez*, was not present when called upon.

*Javier Castaneda*, was not present when called upon.

*Diana Castaneda*, was not present when called upon.

*Ray Guerra*, spoke in favor of the proposed zone change. He stated that he shops at 99 Cents Only stores and feels that you cannot get more American than 99 Cents Only store.

*Chris Sudak*, spoke in favor of the proposed zone change. He urged that City Council vote for the zone change and stated that the City will benefit.

*Jessie Arias*, spoke in favor of the proposed zone change. He stated that he currently shops at the 99 Cents Only store. He added that he feels that having a Savers Thrift Store would draw a younger community. Mr. Arias also stated that he believes that Mayor pro Tem Wapner is opposed to the proposed zone change, and Mr. Arias is deeply offended that Mayor pro Tem Wapner would not consult other people before coming to a conclusion.

*Martin Rascon*, spoke in favor of the proposed zone change. He stated that a Savers Thrift Store is better than having nothing in the shopping center.

*Leslie Franco*, spoke in favor of the proposed zone change and asked Council Member Dorst-Porada for her support on the issue. Ms. Franco stated that there has already been progress at the center and it can only get better.

*Susie Ochoa*, spoke in favor of the proposed zone change and asked that City Council support the zone change as well.

*Charles Ochoa*, spoke in favor of the proposed zone change. He stated that the zone change could bring more jobs to the community.

*Eva Rodriguez*, spoke in favor of the proposed zone change. She stated that she would love to have more job opportunities.

*Marvin Santo*, spoke in favor of the proposed zone change. He stated that he could not understand why the center was being limited to a C1 when a C3 would allow the center more opportunities of renting out spaces.

*Geoff Willis*, counsel for the applicant, stated that this was a CEQA matter and under CEQA you cannot pre determine your vote before the public hearing. He added that Mayor pro Tem Wapner put a website up that made statements urging opposition to the store. Mr. Willis stated that Mayor pro Tem Wapner also had a number of factual inaccuracies such as the 99 Cent Only store being approved inadvertently or incorrectly, when it was approved as a matter of right. Mr. Willis feels that by making these statements, Mayor pro Tem Wapner pre-determined and stated his vote on the CEQA determination and added that it was a violation of California law and requested that Mayor pro Tem Wapner recuse himself from the vote.

Meeting recessed at 8:09 p.m.

Meeting reconvened at 8:24 p.m.

Council Member Dorst-Porada stated that she was concerned with the way the submitted petition was written. She added that she wanted everyone to understand what the permitted uses are under C1 and C3. Ms. Dorst-Porada asked Planning Director Murphy for further clarification as to whether indoor swap-meets, hookah establishments, pawn brokers, pawn shops, gun and ammo store, pay day advance stores, tattoo and body piercing and massage parlors would be permitted under a C3 zone.

Planning Director Murphy clarified that the mentioned establishments are allowed under a C3 zone with a conditional use permit.

Ms. Dorst-Porada stated that she wanted the public to understand that when you change zoning to a C3 you could potentially have these establishments with a conditional use permit. She added that she was very concerned with the impact of the development on the surrounding neighborhood.

City Attorney Brown stated that Council Member Dorst-Porada was referring to Article 13 of the Ontario Municipal Code and suggested that Article 13 of the Ontario Municipal Code with the list of businesses that may be permitted under C3 be entered into the record.

Mayor pro Tem Wapner clarified that after conferring with counsel he has no conflict. He added that Mr. Arce purchased the shopping center as a C1 and if he wanted a C3 he should have purchased a shopping center in a C3 zone. In addition, Mr. Arce owned the shopping center at the time that the General Plan was revised and should have made the comments and recommendations regarding rezoning at that time. Mr. Wapner stated that he was concerned with what occurred at the meeting, that there were many who spoke in support but there are no addresses on the blue cards. He also stated that Mr. Arce got personal by sending a letter to the City of Ontario alleging that he was deceitful with his constituents. Mr. Wapner clarified that he has an obligation to advise his constituents of what actions are coming before the City Council. Mayor pro Tem Wapner added that contrary to what Mr. Willis stated, he never launched a website. Mr. Wapner asked Planning Director Murphy for clarification on whether a discount store is permitted under C1.

Planning Director Murphy clarified that a discount store was not permitted under a C1 but is permitted under a C3.

Mayor pro Tem Wapner stated that he questioned what a 99 Cents Only store was if not a discount store adding that when he voted for that law, his intent was that a store like 99 Cents Only was a discount store. Mr. Wapner stated that in his opinion City staff made a mistake and it was not deceitful, it was his intent to keep out stores like 99 Cents Only. Mr. Wapner stated that the reason why Mr. Arce could not find tenants for his building was because the buildings are run down and there have been no capital improvements. Mr. Wapner also could not recall any efforts at any time where Mr. Arce and his company got involved with the community.

City Attorney Brown stated that it was his understanding that Mayor pro Tem Wapner lives more than a mile away and clarified that there is no conflict of interest.

Council Member Bowman stated that he is concerned with the maintenance of the center. In addition, he is concerned with the potential of unwanted businesses coming to the center and it could be difficult to intervene as any business could come in with a conditional use permit. Mr. Bowman stated that he was unhappy with the mechanics of the meeting and found it odd that many people expressed concerns about jobs, but this issue is not about jobs; it is about zoning.

Council Member Avila stated that he is a true believer of the free market and added that there is a tremendous need for jobs. He considers poverty to be a cancer in the community. Mr. Avila stated that he supports the proposed zone change. Mr. Avila added that he sees why the change is needed, but unfortunately there is a large number in the community that do not want the zone change. He added that he was saddened that younger people in the community may move out of the community. He stated that it was obvious that the Ontario Planning Commission saw something in the zone change proposal.

Mayor Leon stated that he tries to be as impartial as possible and stressed that he does not deny something based on his fears. Mr. Leon listed all of the possible positive tenants that could move to the location with zone change. He added that there are a number of positive, as well as negative establishments that could end up there. Mayor Leon stated that most of the other centers along the 60 freeway are C3 which puts Mr. Arce and his corporation at a disadvantage, adding that all the negative things that were mentioned are not present across the freeway. Mayor Leon questioned Mr. Arce as to why his property was in such disrepair for so long.

Mr. Arce explained that they went with an insurance company that would provide them with a lower premium by insuring all of their property locations. What they did not realize was that processing claims with that insurer was an absolute nightmare. Mr. Arce added that he called the adjuster numerous times to have him come out and evaluate the locations. He added that there were other mitigating factors that caused the delay of the repair.

Mayor Leon asked Mr. Arce why they were not able to get a grocery store in that location.

Mr. Arce responded that most people understand real estate is about location; but Mr. Arce's argument to retailers that it is about location, metrics and control. The location and economics are very important to retailers. A tenant will not pay \$1 to \$1.50 a square foot in rent if their sales are not going to justify that. Retailers study the demographics of an area, where their shoppers are and how much their shoppers will spend on groceries. Mr. Arce stated that he offers various incentives but it does not mean that he has to be an unintelligent investor just to get a tenant in the building. He added that he needs to make a profit as people do not go into real estate to lose money. Mr. Arce stated that he is not

obligated to take twenty-five cents a foot. Mr. Arce stated that control is also an issue as tenants now are very sensitive about who sells what goods in the shopping center. Controlling the market and knowing what other retailers are offering in the center is critical to them.

Mayor Leon stated that there is so much information being present and that he would suggest tabling the issue to the next meeting.

Mr. Arce stated that the retailers are just not willing to rent.

Patrick Murphy provided a list of grocers that the company has contacted as potential tenants for the shopping center. Mr. Murphy pointed that out to the retailers that there is demand, but retailers feel that there are not enough. He stated that there is not enough density to have them move to the area. Mr. Murphy stated that they have been through three brokerage teams in the last year.

Mayor Leon explained that he does not feel that the issue is about Savers Thrift Store, but it is the fact that the proposed zone change from C1 to C3. Mayor Leon stated that there was a petition that included approximately 70 signatures.

Council Member Dorst-Porada stated she had an issue with the way the petition was written as it stated that there were not going to be hookah lounges or tattoo parlors and she found it to be deceitful in that those uses could be approved with a CUP.

Patrick Murphy stated that the petition was written that way as a result of the way the hearing notice was written. He stated that the hearing notice bolded the phrase that included hookah lounges and tattoo parlors.

Council Member Dorst-Porada stated that they were wrong too as they led people to believe that the center could not be used for hookah lounges or tattoo parlors.

Mayor Leon stated that he was alarmed by the mailer and questioned why the impartial notice that went out from the City had hookah lounge and tattoo in bold print and wondered if the intent was to focus on that. He added that he is hearing that people do not want those things but there are not tattoo parlors or hookah lounges in any of the other C3 shopping centers in the area. Mayor Leon questioned Mr. Arce regarding the deterioration of the center.

Mr. Arce stated that the parcel owners did not want to spend money on the center's appearance during the economic downturn.

City Attorney Brown commented on the hearing notice that went out from the City and stated that Planning Staff recommended to the Ontario Planning that the zoning change be denied. The City thought it was prudent and pertinent to notify the community of the potential uses of the center.

Geoff Willis stated that hookah lounges are not a regularly permitted use, they are only allowed with a conditional use permit and added that it is different from a permitted use. In addition, conditional use permits all come to City Council for approval. Mr. Willis added that the applicant has no intention of allowing these uses. He wanted to clarify that he previously indicated he stated that Mayor pro Tem Wapner created a webpage and read from the site.

Mayor Leon questioned what would happen if a Savers Thrift Store was not to work out as a result of the zone change being denied.

Scott Kramer stated that they needed additional financing to keep the center. Mr. Kramer stated that a lender had clearly told them that the center was not going to be leasable unless they were able to get the Savers Thrift Store. He added that the reason they have been struggling is because they have had their hands tied with a C1 zoning.

**RESOLUTION NO. N/A** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN (TOP) ENVIRONMENTAL IMPACT REPORT (SCH #2008101140) FOR FILE NOS. PGPA14-004 AND PZC14-007, 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: 1051-171-40, 41, 42, 43, 44 AND 1051-321-51, 52, 53, 54, 55, 56, 62, AND 63.

**RESOLUTION NO. N/A** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING OF FILE NO. PGPA14-004, THE FIRST GENERAL PLAN AMENDMENT FOR CALENDAR YEAR 2015, TO REVISE THE LAND USE PLAN (EXHIBIT LU-01) CONTAINED WITHIN THE POLICY PLAN COMPONENT OF THE ONTARIO PLAN TO CHANGE THE LAND USE DESIGNATION FROM NEIGHBORHOOD COMMERCIAL TO GENERAL COMMERCIAL FOR 13 PARCELS TOTALING APPROXIMATELY 15.4 ACRES, LOCATED ON THE WEST SIDE OF GROVE AVENUE BETWEEN STATE ROUTE 60 AND WALNUT STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-171-40, 41, 42, 43, 44 AND 1051-321-51, 52, 53, 54, 55, 56, 62, AND 63.

**ORDINANCE NO. N/A** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-007, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION FROM C1 (NEIGHBORHOOD COMMERCIAL) TO C3 (GENERAL COMMERCIAL) FOR 13 PARCELS TOTALING APPROXIMATELY 15.4 ACRES, LOCATED ON THE WEST SIDE OF GROVE AVENUE BETWEEN STATE ROUTE 60 AND WALNUT STREET, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1051-171-40, 41, 42, 43, 44 AND 1051-321-51, 52, 53, 54, 55, 56, 62, AND 63.

**MOTION:** Moved by Council Member Dorst-Porada, and seconded by Council Member Bowman and carried with Mayor Leon abstaining and Council Member Avila opposed, to deny Resolutions and Ordinance for the General Plan Amendment.

	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		

**15. A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A ZONE CHANGE REQUEST TO CHANGE 0.58 ACRES OF LAND FROM C1 (SHOPPING CENTER COMMERCIAL) TO R2 (MEDIUM DENSITY RESIDENTIAL) AND TO CHANGE 0.48 ACRES OF LAND FROM C1 (SHOPPING CENTER COMMERCIAL) TO NC (NEIGHBORHOOD COMMERCIAL), LOCATED ON THE WEST SIDE OF EUCLID AVENUE, NORTH OF ELM STREET**

City Council introduced and waived further reading of an ordinance approving a Zone Change (File No. PZC14-001) within the Euclid Avenue Overlay District to change the base zoning of 0.58 acres of land from C1 (Shopping Center Commercial) to R2 (Medium Density Residential) and to change the base zoning of 0.48 acres of land from C1 (Shopping Center Commercial) to NC (Neighborhood Commercial), located on the west side of Euclid Avenue, north of Elm Street from 1420 to 1442 South Euclid 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.

**ORDINANCE NO. 3013** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-001, A ZONE CHANGE REQUEST WITHIN THE EUCLID AVENUE OVERLAY DISTRICT TO CHANGE THE BASE ZONING OF 0.58 ACRES OF LAND FROM C1 (SHOPPING CENTER COMMERCIAL) TO R2 (MEDIUM DENSITY RESIDENTIAL) AND TO CHANGE THE BASE ZONING OF 0.48 ACRES OF LAND FROM C1 (SHOPPING CENTER COMMERCIAL) TO NC (NEIGHBORHOOD COMMERCIAL), LOCATED ON THE WEST SIDE OF EUCLID AVENUE, NORTH OF ELM STREET, FROM 1420 TO 1442 S. EUCLID AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1050-051-01 THRU 05.

**MOTION:** Moved by Council Member Dorst-Porada, and seconded by Council Member Bowman and unanimously carried to introduce Ordinance No. 3013.

16. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING A ZONE CHANGE REQUEST ON 23.96 ACRES OF LAND TO CHANGE THE ZONING: (1) FROM AR (AGRICULTURAL-RESIDENTIAL) TO HDR-45 (HIGH DENSITY RESIDENTIAL 25.1 TO 45.0 DU/AC) FOR PROPERTIES GENERALLY LOCATED ON THE EAST SIDE OF BENSON AVENUE, SOUTH OF MISSION BOULEVARD; WEST SIDE OF OAKS AVENUE SOUTH OF MISSION BOULEVARD; AND WEST SIDE OF MAGNOLIA AVENUE, SOUTH OF MISSION BOULEVARD; (2) FROM R2 (MEDIUM DENSITY RESIDENTIAL) TO HDR-45 FOR PROPERTIES LOCATED NEAR THE SOUTHWEST CORNER OF MISSION BOULEVARD AND OAKS AVENUE; (3) FROM C1 (SHOPPING CENTER COMMERCIAL) TO HDR-45 FOR PROPERTIES LOCATED ON THE SOUTH SIDE OF MISSION BOULEVARD, WEST OF PALMETTO AVENUE; AND (4) FROM C3 (COMMERCIAL SERVICE) TO HDR-45 FOR PROPERTIES GENERALLY LOCATED ON THE SOUTH SIDE OF MISSION BOULEVARD, BETWEEN BENSON AVENUE AND OAKS AVENUE AND AT THE SOUTHWEST CORNER OF MISSION BOULEVARD AND MAGNOLIA AVENUE**

Council introduced and waived further reading of an ordinance approving a Zone Change (File No. PZC14-005) from AR (Agricultural Residential), R2 (Medium Density Residential), C1 (Shopping Center) and C3 (Commercial Service) to HDR-45 (High Density Residential) to create consistency between the zoning and the existing High Density Residential General Plan land use designation.

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.

Council Member Dorst-Porada stated that although the City is doing their due diligence in publicizing the public hearing, she stated that in the future, residents should be notified at the same time. She stated that she wanted to be sure that everyone was included. She added that this is an important part of town for her.

City Council directed City Manager Boling to make changes to the noticing requirements.

**ORDINANCE NO. 3014** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC14-005, A ZONE CHANGE REQUEST TO CHANGE THE ZONING DESIGNATION FROM AR (AGRICULTURAL RESIDENTIAL), R2 (MEDIUM DENSITY RESIDENTIAL), C1 (SHOPPING CENTER) AND C3 (COMMERCIAL SERVICE) TO HDR-45 (HIGH DENSITY RESIDENTIAL 25.1 – 45 DU/AC) FOR 33 PARCELS TOTALING APPROXIMATELY 24 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTH SIDE OF MISSION BOULEVARD BETWEEN BENSON AND PALMETTO AVENUES, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1011-361-01 THRU 05, 07 THRU 12, 15, 19 THRU 32, 1011-371-12 THRU 16, 1011-382-04 AND 1011-382-65.

**MOTION:** Moved by Council Member Dorst-Porada, and seconded by Mayor pro Tem Wapner and unanimously carried to introduce Ordinance No. 3014.

#### STAFF MATTERS

City Manager Boling had no comments.

#### COUNCIL MATTERS

City Council members ratified appointments as follows:

##### Mayor Leon

- *Sister Cities Liaison*
- *Library Board of Trustees Liaison*

##### Mayor pro Tem Wapner

- *School Districts Subcommittee*, alternate Council Member Dorst-Porada

##### Council Member Bowman

- *Museum of History and Art Liaison*, alternate Council Member Bowman

#### DISCUSSION AND APPOINTMENT OF MAYOR PRO TEM

##### Council Member Dorst-Porada

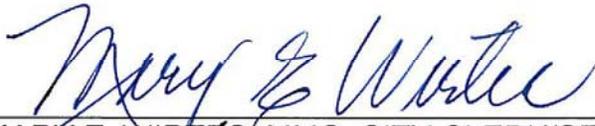
- *Mayor pro Tem*, beginning July 1, 2015

**MOTION:** Moved by Mayor Leon, and seconded by Mayor pro Tem Wapner and unanimously carried to approve all appointments.

#### ADJOURNMENT

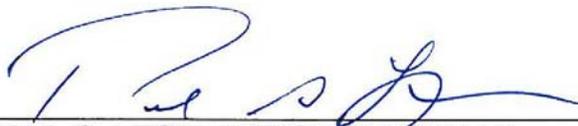
Mayor Leon adjourned the meetings of the Joint Agencies at 9:53 p.m. He announced the next regular meetings on Tuesday, February 3, 2015.

Respectfully submitted,



MARY E. WHITES, MMC, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN