

**ONTARIO CITY COUNCIL/
ONTARIO HOUSING AUTHORITY
MINUTES
MARCH 17, 2015**

JOINT MEETINGS

Regular meetings of the Ontario City Council and Ontario Housing Authority were held on Tuesday, March 17, 2015 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 (Council Member Avila arrived at 6:02 p.m.) and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 0113-271-42; 1230-1250 South Archibald Avenue; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Guardian Investment Capital and The Ruth Group; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1049-092-11, 1049-092-12, 1049-092-13; 115 South Pleasant Avenue and 610 East Holt Boulevard; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Sea Partners, LLC; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED 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 6:35 p.m., and requested the City Clerk call the roll.

PRESENT: Mayor/Chairman	Paul S. Leon
Mayor pro Tem/Vice Chairman	Alan D. Wapner
Council/Authority Members:	Jim W. Bowman, Debra Dorst-Porada, and Paul Vincent Avila

ABSENT: None

Also present were City Manager/Executive Director Al C. Boling, City Attorney/Legal Counsel John Brown and Assistant City Clerk/Secretary Vicki Kasad.

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

The Invocation was offered by *Pastor Kelvin Moore*, Loveland Worship Center.

CLOSED SESSION REPORT

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

PUBLIC COMMENT

Chad Schnitger, representative for County Supervisor Curt Hagman, stated he was available to answer any questions or concerns from the public on behalf of the Supervisor and expressed support for the City and its shared constituents.

Stephen Rogers, spoke on his discontent with the City's response he received to his request for information.

Nancy Bumstead, invited all to join a Relay For Life team to support the American Cancer Society. The event will take place at the Ontario Town Square on Saturday, May 30, 2015.

Wendy Hamilton, spoke on the dwindling real estate value of homes at Archibald Ranch and expressed her support for the removal of the Edison towers adjacent to Archibald Ranch.

Sue Oxarart, announced Inland Empire Restaurant Week taking place March 20, 2015 through March 29, 2015.

AGENDA REVIEW/ANNOUNCEMENTS

City Manager Boling indicated there were no announcements.

SPECIAL CEREMONIES

RECOGNITION OF UNITED PARCEL SERVICE (UPS) COMMUNITY PROJECT – JAY LITTLETON BALL PARK

John Fleming accepted a certificate of recognition on behalf of United Parcel Service for improvements to Jay Littleton Ball Park that were made on Saturday, March 7, 2015. UPS employees raised more than \$22,000 for improvements and more than 30 employees volunteered their free time to prepare the ball park for the season.

Mr. Fleming thanked City Council on behalf of UPS and added that they intend on continuing their service to the City.

Council Member Bowman thanked UPS as always having been an impressive company and the City is proud to have them.

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

CONSENT CALENDAR

Stephen Rogers, spoke on Item No. 4 of the Consent Calendar inquiring whether attorney Filarsky's services were retained on this matter.

City Manager Boling clarified that the services of Filarsky and Watt were not utilized in this matter.

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 February 3, 2015, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** in the amount of \$11,889,812.09 for the period from February 8, 2015 through March 2, 2015 and **Payroll** in the amount of \$4,995,823.90 for the period of January 25, 2015 through February 7, 2015, when audited by the Finance Committee.

3. A CONSTRUCTION CONTRACT FOR SOUND INSULATION OF 99 HOUSES UNDER THE QUIET HOME PROGRAM/PATRIOT CONTRACTING & ENGINEERING, INC.

City Council:

- (A) Waived minor deviations in the low bid and award Contract No. P150-1415-02 to Patriot Contracting & Engineering, Inc. of Yorba Linda, California in the amount of \$2,819,000, plus 15% contingency of \$422,850 for a total not to exceed amount of \$3,241,850 to sound insulate 99 houses; and
- (B) Authorized the City Manager, or his designee, to execute the contract, other related documents necessary to implement said contract, and file a Notice of Completion at the conclusion of all construction activities related to this contract.

4. A RESOLUTION TO UPHOLD THE ARBITRATOR'S DECISION ON THE STANLEY LLABAN MATTER

City Council adopted a resolution to uphold the arbitrator's decision on the Stanley Llaban matter.

RESOLUTION NO. 2015-017 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN FINDINGS AND APPROVING AND UPHOLDING THE ARBITRATOR'S NOVEMBER 17, 2014 DECISION REGARDING STANLEY LLABAN.

5. A PROVIDER AGREEMENT FOR THE USE OF ONTARIO FIBER INFRASTRUCTURE TO DELIVER GIGABIT INTERNET, VOICE AND VIDEO SERVICES FOR PARK PLACE/INYO NETWORKS, INC.

City Council authorized the City Manager to enter into a provider agreement with Inyo Networks, Inc. of Vallejo, California, for exclusive access of the Ontario fiber distribution system and related infrastructure to provide Gigabit Internet, voice and video services for 432 homes planned in seven tracts in the Park Place community.

6. EXTENSION OF TOWING SERVICES AGREEMENTS

City Council authorized the City Manager to extend the existing towing services agreements with Certified Towing, Inc.; Dietz Towing, LLC; James Foglesong Towing and Storage, Inc.; and United Road Service, DBA Bill and Wags, Inc. for a period not to exceed 15 days.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Resolution No. 2015-017 unanimously adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

7. RESOLUTIONS REGARDING THE FORMATION OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER – SERVICES) AND A PUBLIC HEARING TO AN ORDINANCE LEVYING SPECIAL TAXES WITHIN CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER – SERVICES)

City Council:

- (A) Adopted a resolution establishing City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – Services), authorizing the levy of a special tax within the community facilities district, and establishing an appropriations limit for the community facilities district;
- (B) Adopted a resolution calling a special election for City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – Services);
- (C) Adopted a resolution declaring the results of the special election and directing the recording of a Notice of Special Tax Lien; and

- (D) Introduce and waive further reading of an ordinance levying special taxes within City of Ontario Community Facilities District No. 32 (Archibald/Schaefer – Services).

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 was one ballot in favor.

RESOLUTION NO. 2015-018 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, OF FORMATION OF THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER – SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT.

RESOLUTION NO. 2015-019 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CALLING SPECIAL ELECTION FOR CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER – SERVICES).

RESOLUTION NO. 2015-020 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN.

ORDINANCE NO. 3016 AN ORDINANCE OF THE CITY OF ONTARIO, CALIFORNIA, LEVYING SPECIAL TAXES WITHIN THE CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 32 (ARCHIBALD/SCHAEFER – SERVICES).

MOTION: Moved by Council Member Bowman, and seconded by Council Member Dorst-Porada and carried by unanimous vote to adopt Resolution Nos. 2015-018, 2015-019, 2015-020 and introduce Ordinance No. 3016.

8. **A PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DECISION MODIFYING CERTAIN CONDITIONS OF APPROVAL FOR A CONDITIONAL USE PERMIT (FILE NO. PCUP14-025) RELATING TO ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT FOR THE JAZZ CAFÉ ONTARIO RESTAURANT**

City Council adopted a resolution upholding the Planning Commission's decision modifying certain conditions of approval and denying the appeal for Conditional Use Permit (File No. PCUP14-025) for the Jazz Café Ontario located at 1133 West Sixth Street, within the Main Street District Land Use designation of the Mountain Village Specific Plan.

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

There was one written correspondence from Robert Granatos.

The Mayor opened the public hearing.

Robert Granato, stated he attended the initial hearing and felt that he was unprepared. He added that he would still like to request a continuance with regards to the public hearing being held.

Max Ahmadi, stated he has been to many municipalities and has never seen a municipality that issues its own conditional use permits and added that it was comically invalid. He added his belief that the old conditional use permit was still intact. He stated that the evidence presented by the Ontario Police Officer was not under oath. He also added that the decisions were made without any merit.

David Johnson, spoke on behalf of the Jazz Café and stated that he appreciates the café and stated he would do what he could to help.

Michael Kaltenthalk, referenced pages 41 and 42 of the transcript and added that he feels that the City of Ontario is racial profiling.

William Zepeda, stated he disagrees with any action taken against the Jazz Café and spoke highly of their food. He then gave a brief description of his background. Mr. Zepeda added that he feels safe at the café and he cannot understand the concern.

Juan Johnson, stated he has a great time at the Jazz Café and added that in the last two years the café has been renovated. He stated that security is visibly safe and the food is great.

City Attorney Brown introduced Dana Vessey and reminded City Council that this was initially a matter before the Planning Commission regarding the revocation of the conditional use permit. The matter being considered tonight was a modification of the terms and conditions of the permit. Mr. Brown made it clear that this is not about the quality of food, entertainment or the characters that frequented the business. He added that the proceedings were initiated after numerous calls for service to the Ontario Police Department.

Planning Director Scott Murphy, provided a brief presentation and further elaborated regarding the calls for service made to the Ontario Police Department. He added that staff has met with the applicant to attempt to solve the safety issues. Mr. Murphy stated that the Planning Commission ultimately decided only to modify the existing permit as opposed to revoking the permit.

Mayor pro Tem Wapner inquired if staff's recommendation to the Planning Commission called for revocation or modification.

Mr. Murphy clarified that it was staff's recommendation to modify the conditional use permit.

Mayor pro Tem Wapner questioned why off duty Ontario police officers were not required to provide security and asked for Police Chief Kaylor's suggestions.

Police Chief Kaylor stated they can provide off duty police officers to provide security if that is the City Council's direction.

Mayor pro Tem Wapner stated he was very concerned with the lack of protection as there are residences nearby.

Mayor Leon clarified that the business is not being closed down, City Council is only requiring adequate security for the public and the employees of the establishment.

Max Ahmadi, stated that the Ontario Police Department labeled the business as a danger to the community in a report to the Department of Alcoholic Beverage Control.

The public hearing was then closed.

Council Member Bowman stated that the business is open and food continues to be served but security is necessary.

Assistant City Attorney Vessey reminded City Council of the confines of the hearing.

RESOLUTION NO. 2015-021 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, UPHOLDING PLANNING COMMISSION'S DECISION TO MODIFY CERTAIN CONDITIONS OF APPROVAL RELATED TO ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT, IN CONJUNCTION WITH JAZZ CAFÉ ONTARIO RESTAURANT, LOCATED AT 1133 WEST SIXTH STREET, WITHIN THE MAIN STREET DISTRICT LAND USE DESIGNATION OF THE MOUNTAIN VILLAGE SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1008-431-23.

MOTION: Moved by Council Member Dorst-Porada, and seconded by Council Member Bowman and carried by unanimous vote to adopt Resolution No. 2015-021 with the addition of a requirement for two Ontario Police Officers for private events.

9. A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PROVISIONS OF THE ONTARIO MUNICIPAL CODE TITLE 9 (DEVELOPMENT CODE) REGARDING THE LOCATION AND OPERATION OF MASSAGE ESTABLISHMENTS AND THE OFFERING OF MASSAGE SERVICES

City Council introduced and waived further reading of an ordinance approving the Development Code Amendment (File No. PDCA15-001), amending the provisions relating to the location and operation of massage establishments and the offering of massage services.

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.

Mayor pro Tem Wapner stated that cities across California have lost the ability to control massage establishments and have given the power to the establishment itself. As a result, there were problems with illegitimate businesses. He added that legislature has recently returned the power to municipalities.

ORDINANCE NO. 3017 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING THE PROVISIONS OF THE ONTARIO MUNICIPAL CODE TITLE 9 (DEVELOPMENT CODE) REGARDING THE LOCATION AND OPERATION OF MASSAGE ESTABLISHMENTS AND THE OFFERING OF MASSAGE SERVICES, AND MAKING FINDINGS IN SUPPORT THEREOF.

MOTION: Moved by Council Member Dorst-Porada, seconded by Council Member Bowman and unanimously carried to introduce Ordinance No. 3017.

STAFF MATTERS

City Manager Boling announced the Teen Book Fest at Colony High Branch Library on Saturday, March 21, 2015.

COUNCIL MATTERS

Council Member Dorst-Porada stated that there would be a number of solar parking panels going up per approval of the State of California. Ms. Dorst-Porada expressed her concerns with safety as solar parking panels will obstruct helicopter view. She also spoke on events at the Chaffey Community Museum of Art and the Museum of History and Art, Ontario beginning on March 21, 2015.

Council Member Bowman introduced the Wyland Water Conservation Challenge and asked Mayor Leon to take the pledge and challenge the community.

Mayor Leon added that the pledge to conserve water can be made throughout the month of April. He added that residents can sign up at www.mywaterpledge.com.

Council Member Avila stated that hearings are an administrative process not a court of law. Mr. Avila also spoke on water conservation and made suggestions on different ways the public can save water.

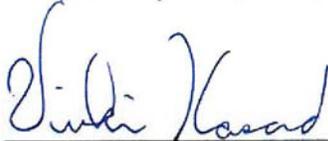
Mayor Leon reminded residents of the charity Fire on Ice hockey game on March 21, 2015 at the Citizens Business Bank Arena and reminded all of the Ontario State of the City on March 18, 2015.

City Attorney Brown reminded residents of the Ontario Heritage's Annual Walking Tour on Saturday, March 21, 2015 from 10:00 a.m. to 12:00 p.m.

ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies at 7:52 p.m. He announced the next regular meetings on Tuesday, April 7, 2015.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN