

**ONTARIO CITY COUNCIL/  
ONTARIO HOUSING AUTHORITY  
MINUTES  
SEPTEMBER 1, 2015**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council/Ontario Housing Authority were held on Tuesday, September 1, 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, the City Council with all members present thereupon recessed to Closed Session at 6:00 p.m. for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: APN: 1083-011-10; City/Authority Negotiator: Al C. Boling or his designee; Negotiating parties: Chris Pluhar; Under negotiation: Price and terms of payment.
- GC 54956.9 (d)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *Two (2) or more cases.*

**CALL TO ORDER – OPEN SESSION**

The Mayor called the City Council/Housing Authority meetings to order at 6:36 p.m., and requested the City Clerk call the roll.

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

The Invocation was offered by *Pastor Mike Urciuoli*, Calvary Chapel Ontario.

**PUBLIC COMMENT**

*Stephen Rogers*, spoke on his concerns regarding his separation of employment from the City of Ontario.

*Don Tisor*, spoke on his desire for Edison to underground the power lines adjacent to Archibald Ranch.

*Linda Johnson*, asked City Council for help in undergrounding the Edison power lines adjacent to Archibald Ranch.

*John Johnson*, requested another town hall meeting for the residents of Archibald Ranch.

### **CLOSED SESSION REPORT**

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

### **AGENDA REVIEW/ANNOUNCEMENTS**

City Manager Boling indicated there were no announcements.

### **CONSENT CALENDAR**

**Agenda Items #2 and #7** were pulled from the Consent Calendar for separate discussion as requested by Council Member Avila and Mayor pro Tem Dorst-Porada, respectively.

*Stephen Rogers*, spoke on his opposition to Item No. 3.

**MOTION:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman to approve the Consent Calendar items as recommended with the exception of Item Nos. 2 and 7.

#### **1. APPROVAL OF MINUTES**

Approved Minutes for the regular meeting of the City Council/Housing Authority of August 4, 2015, as on file in the Records Management Department.

#### **3. APPROVAL OF THIRD AMENDMENT TO LEGAL SERVICES AGREEMENT BETWEEN THE CITY OF ONTARIO AND BEST BEST & KRIEGER**

City Council approved and authorized the City Manager to execute the Third Amendment to Legal Services between the City and Best Best & Krieger of Riverside, California.

**4. AN ORDINANCE TO PROVIDE AN EXPEDITED STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS**

City Council considered and adopted an ordinance adding a new Chapter 8 to Title 8 of the Ontario Municipal Code entitled Small Residential Rooftop Solar Energy Systems. Introduction and first reading took place at a regular City Council meeting held on August 18, 2015.

**ORDINANCE NO. 3026** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADDING A NEW CHAPTER 8 TO TITLE 8 OF THE ONTARIO MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS.

**5. FUNDING AGREEMENT WITH SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT FOR THE FRANCIS STREET STORM DRAIN PROJECT**

City Council approved a funding agreement totaling \$7,730,000 with the San Bernardino County Flood Control District (SBCFCD) for funding the construction of the Francis Street Storm Drain Project, from West Cucamonga Channel to Bon View Avenue; and authorized the City Manager to execute said Agreement and future administrative amendments to the Agreement.

**6. SPENDING PLAN AMENDMENT FOR FY 2012-13 AND FY 2013-14 SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND/CITIZEN'S OPTION FOR PUBLIC SAFETY GRANT PROGRAM**

City Council authorized amendments to the approved spending plans for the Fiscal Year 2012-13 and 2013-14 Supplemental Law Enforcement Services Fund (SLESF)/Citizen's Option for Public Safety (COPS) Grant for residual funds to be utilized toward equipment to upgrade the Dispatch and Watch Commander work areas.

**8. AN ORDINANCE AMENDING CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE – WATER CONSERVATION PLAN**

City Council considered and adopted an ordinance amending Chapter 8A, of Title 6 of the Ontario Municipal Code – Water Conservation Plan. Introduction and first reading took place at a regular City Council meeting held on August 18, 2015.

**ORDINANCE NO. 3027** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S WATER CONSERVATION PLAN.

**9. MEMORANDUM OF UNDERSTANDING TO FILE A JOINT APPLICATION BETWEEN CITY OF ONTARIO AND INLAND EMPIRE UTILITIES AGENCY TO THE STATE WATER RESOURCES CONTROL BOARD FOR FUNDING OF RECYCLED WATER INFRASTRUCTURE PROJECTS**

City Council approved and authorized the City Manager to execute a Memorandum of Understanding authorizing the Inland Empire Utilities Agency and City to submit a joint application to the State Water Resources Control Board (SWRCB) for funding of \$20 million City recycled water infrastructure projects; and authorize the City Manager to execute any subsequent funding agreements consistent with the Memorandum of Understanding.

**10. A RESOLUTION ESTABLISHING WATER USE LIMITATIONS AND VOLUMETRIC PENALTIES TO COMPLY WITH STATE REGULATIONS FOR REOCCURRING EXCESS WATER USAGE**

City Council adopted a resolution establishing water use limitations and volumetric penalties to comply with State regulations for reoccurring excess water usage.

**RESOLUTION NO. 2015-093** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING WATER USE LIMITATIONS AND VOLUMETRIC PENALTIES FOR REOCCURRING EXCESS USAGE TO COMPLY WITH STATE REGULATIONS PURSUANT TO CHAPTER 8A, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO THE CITY'S WATER CONSERVATION PLAN.

**MOTION UNANIMOUSLY CARRIED.** The Mayor/Chairman declared Ordinance Nos. 3026, 3027 and Resolution No. 2015-093 unanimously adopted.

**ITEMS PULLED FROM CONSENT CALENDAR**

**2. BILLS/PAYROLL**

Approved Bills in the amount of \$16,456,182.59 for the period from July 12, 2015 through July 25, 2015 and Payroll in the amount of \$2,766,471.38 for the period from July 12, 2015 through July 25, 2015, when audited by the Finance Committee.

Council Member Avila stated the compensation report for City Council Members was missing from the payment information provided to Council.

City Manager Boling indicated the City has maintained a consistent practice of presenting information accounts payable checks on a weekly warrant register and stated there were no recent changes in procedures. However, City Manager Boling offered to further investigate the issue.

Mayor Leon noted the warrant register was not for City Council approval, but presented to receive and file.

Mayor pro Tem Dorst-Porada agreed with City Manager Boling and added that individual paychecks are not supposed to be included in this document, but rather aggregate payroll amounts that are provided.

**MOTION:** Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and unanimously carried, to receive and file bills and payroll.

**7. MEMORANDUM OF UNDERSTANDING WITH INLAND EMPIRE UTILITIES AGENCY FOR ADDITIONAL FUNDING OF WATER CONSERVATION REBATE PROGRAMS**

City Council approved and authorized the City Manager to execute a Memorandum of Understanding and related subsequent amendments, with the Inland Empire Utilities Agency to enhance water conservation rebate funding for Ontario residents and businesses.

Mayor pro Tem Dorst-Porada suggested the City's extra money go to increase overall participation by leaving the amounts of reimbursement the same but offering rebates to more residents.

City Manager Boling took policy direction from the City Council to leave current rebates of \$150 in place and maintain the turf removal program at the current rebate level, and use the City funds to allow more residents in the program.

**MOTION:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Wapner and unanimously carried, to approve the MOU with no adjustments to the current rebate levels.

**END OF JOINT CONSENT CALENDAR**

**PUBLIC HEARINGS**

**11. A PUBLIC HEARING TO CONSIDER THE SALE OF CITY-OWNED PROPERTY IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37420 ET. SEQ., MAKING CERTAIN FINDINGS; AND ADOPTION OF A RESOLUTION APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO, CALIFORNIA AND HOLT MELROSE, LLC.**

City Council conducted a public hearing to consider the sale of City-owned property; adopted a resolution approving a Disposition and Development Agreement ("Agreement") between the City of Ontario ("City") and Holt Melrose, LLC ("Developer") of Newport Beach, California; and authorized the City Manager to execute the Agreement and all other documents required for implementation of the Agreement, including the filing of the Certificate of Completion upon completion of the project for the redevelopment of the 600 block of East Holt Boulevard.

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 at 7:05 p.m., seeing no one requesting to be heard, the public hearing was closed at 7:06 p.m.

Council Member Avila spoke on his opposition to the approval of Item No. 11 adding that he would rather see grocery stores that accommodate the poor.

Mayor pro Tem Dorst-Porada moved to approve Item No. 11 and mentioned two discount stores approximately a block away from the subject location.

**RESOLUTION NO. 2015-094** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE SALE OF PROPERTY PURSUANT TO A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND HOLT MELROSE, LLC, FOR PROPERTY GENERALLY LOCATED AT 612 EAST HOLT BOULEVARD AND 115 SOUTH PLEASANT AVENUE (APN: 1049-092-11, 12 AND 13).

**MOTION:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Wapner and unanimously carried, to adopt Resolution No. 2015-094.

12. **A PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING FILE NO. PDCA11-003, A DEVELOPMENT CODE AMENDMENT PROPOSING A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9) TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN AND VARIOUS CHANGES IN STATE LAWS AND REGULATIONS, AND THE REPEAL OF VARIOUS PROVISIONS OF THE ONTARIO MUNICIPAL CODE TO PROVIDE FOR THE ELIMINATION OF DUPLICATIONS AND INCONSISTENCIES WITH THE PROPOSED DEVELOPMENT CODE.**

City Council conducted a public hearing to consider the adoption of a resolution approving an Addendum to The Ontario Plan Environmental Impact Report, analyzing the environmental effects of the Project pursuant to Section 15164 of the California Environmental Quality Act Guidelines; and, introduced and waived further reading of an ordinance amending Title 9 (Development Code) of the Ontario Municipal Code, and repealing various provisions of the Ontario Municipal Code, including: Title 4, Chapter 13 (Parking on Unpaved Surfaces); Title 5, Chapter 22 (Property Appearance – Nuisance); Title 6, Chapter 1 (Animals and Fowl); and Title 6, Chapter 2 (Fish Meal Storage and Handling).

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 at 7:07 p.m.

*Gregory Johnson*, urged City Council to support the overlay related to the proposed zone change to his property.

*Nancy Bumstead*, spoke on amendments to City ordinance regarding the number of security personnel required or allowed onsite at construction sites such as the one at Mountain Avenue at Fourth Street.

Mayor Leon referred Ms. Bumstead to City Manager Boling.

Council Member Wapner questioned staff regarding the development code as far as the on-site watchmen exception.

Planning Director Murphy stated there were no specifications as to how many watchmen can reside on the property during construction.

Council Member Wapner asked for staff's recommendation regarding the issue.

Council Member Bowman noted concerns about fire safety issues at the site in questions.

Ms. Bumstead added that Code Enforcement immediately responds to her calls, but the code officers do not seem to find any violations once they arrived at the location.

Mayor pro Tem Dorst-Porada considered having the item brought back at the next regular City Council meeting.

Mr. Murphy explained the necessary process to bring the item before City Council.

*Joseph Miller*, spoke on his support to include clarifying language to clarify the City's intent for automobile truck and equipment stores to be permissible in the business park zoning if it is in conjunction with a rental operation.

At Mayor pro Tem Dorst-Porada's request, Mr. Murphy addressed Mr. Johnson's comments regarding overlay zoning.

Council Member Bowman addressed Mr. Johnson's concerns as well.

*Jesus Clemente, Gonzalo, Tomas, and Jesus*, with Huerta Del Valle group spoke on their support for Item No. 12.

*Lupe Arellano and Lourdes*, with Huerta Del Valle group spoke on their support for Item No. 12.

Mayor Leon expressed his gratitude to the residents who spoke.

Seeing no one else requesting to be heard, the public hearing was closed at 7:35 p.m.

Council Member Avila spoke in opposition to Item No. 12 concentrating on the impacts he sees to the agricultural designation areas of the City.

Mayor pro Tem Dorst-Porada thanked the Planning Department for their work on Item No. 12.

Council Member Wapner stated City Council has stood fast on protecting the integrity of the area in question. He also inquired about the specialized use district for rail corridors, but not transit corridors.

Mr. Murphy suggested the transit corridor standards be discussed at a later date.

**RESOLUTION NO. 2015-095** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING AN ADDENDUM TO THE ONTARIO PLAN ENVIRONMENTAL IMPACT REPORT FOR FILE NO. PDCA11-003, A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9) FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND MAKING FINDINGS IN SUPPORT THEREOF.

**ORDINANCE NO. 3028** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-003, A DEVELOPMENT CODE AMENDMENT FOR A COMPREHENSIVE UPDATE TO THE CITY OF ONTARIO DEVELOPMENT CODE (ONTARIO MUNICIPAL CODE TITLE 9), TO ESTABLISH CONSISTENCY WITH THE ONTARIO PLAN AND VARIOUS CHANGES IN STATE LAWS AND REGULATIONS, AND THE REPEAL OF VARIOUS PROVISIONS OF THE ONTARIO MUNICIPAL CODE TO PROVIDE FOR THE ELIMINATION OF DUPLICATIONS AND INCONSISTENCIES WITH THE PROPOSED DEVELOPMENT CODE, AND MAKING FINDINGS IN SUPPORT THEREOF.

**MOTION:** Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried, with Council Member Avila abstaining, to adopt Resolution No. 2015-095 and introduce Ordinance No. 3028.

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

## STAFF MATTERS

City Manager Boling had no comments.

## COUNCIL MATTERS

Mayor pro Tem Dorst-Porada offered free gas shut off tools to residents in the chamber in honor of National Preparedness Month.

Council Member Wapner explained that his father passed away last week and in observance of Jewish Law, he is not permitted to shave or get a haircut for 30 days. He also thanked all for their condolences and best wishes.

Council Member Bowman spoke on the success of the QVC groundbreaking and the employment benefits expected.

Mayor Leon spoke of his very dear friend Christian Okoye and the NFL film that will be released about him.

Council Member Avila spoke on the Bill of Rights and his rights under the 1<sup>st</sup> and 15<sup>th</sup> Amendments.

Council Member Wapner left the dais at 7:57 p.m.

Council Member Bowman left the dais at 7:58 p.m.

Mayor pro Tem Dorst-Porada left the dais at 7:59 p.m.

## ADJOURNMENT

Mayor Leon adjourned the meetings of the Joint Agencies due to a lack of quorum at 7:59 p.m. He announced the next regular meetings on Tuesday, September 15, 2015.

Respectfully submitted,



VICKI KASAD, MMC, ASSISTANT CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN