

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
ONTARIO REDEVELOPMENT AGENCY**

**MINUTES  
JANUARY 18, 2011**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, January 18, 2011, in the Ontario Senior Center, 225 East B Street, Ontario, CA.

**CLOSED SESSION**

The Mayor called the City Council/ Housing Authority/ 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 advised that all Members were present and thereupon adjourned to Closed Session for discussion as follows:

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: 301, 319 and 321 West Holt Boulevard, APN: 1049-053-01, 02 03 04 and 05; City/Agency/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Benjamin L. Cutter Trust; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: 201/203, 205/207, 209/211 and 213/215 South Fern Avenue, APN: 1049-054-06; City/Agency/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Fern Avenue Rentals, LLC; Under negotiation: Price and terms of payment.
- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
Property: 310 West Emporia Street, APN: 1049054-04; City/Agency/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: American Legion, Ontario Post No. 112 ; Under negotiation: Price and terms of payment.

**CALL TO ORDER**

The Mayor called the City Council/ Housing Authority/ Redevelopment Agency meetings to order at 6:32 p.m., and requested the City Clerk to call the roll.

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

**ABSENT:** None

Also present were City Manager/Executive Director Chris Hughes, City Attorney John Brown and City Clerk/ Secretary Mary E. Wirtes.

The Pledge of Allegiance was led by Mayor pro Tem Dorst-Porada.

The Invocation was offered by *Pastor Brian E. Kennedy*, Mt. Zion Baptist Church.

## **CLOSED SESSION REPORT**

City Attorney Brown advised that no reportable action was taken in Closed Session by the Ontario Housing Authority.

## **AGENCY REVIEW/ ANNOUNCEMENTS**

City Manager Hughes advised Council Members there were no announcements.

## **PUBLIC COMMENT**

*Dorene Hopkins* wished everyone a good year. She objected to illegal immigrants, and to the renaming of the Ontario Library.

*Daryl Vollrath* requested Council Members honor instructors and teachers who provide the Ontario CERT Academy for residents and urged recognition of their programs. He suggested people in the community look at ways they can help others in Ontario.

*Ryan Lewis*, President Ontario Firefighters Association, announced the Third Annual "Fire on Ice" competition will be held at 2:00 p.m., February 5<sup>th</sup>, when Ontario firefighters play hockey against firefighters from New York, followed by a Chili Cook-off at 4:00 p.m., and the regularly scheduled Ontario Reign game at 7:00 p.m. He advised that the cost is \$12 per ticket as a fundraiser for the Muscular Dystrophy Association and includes both hockey games.

*Henry Lopez*, Ontario resident and walker in the vicinity of Francis Street and Philadelphia Street, reported excessive water usage due to sprinklers running continuously at the Kindercare facility. He said he has reported the water waste to the facility and to the Ontario Water Department without resolution. He was referred to Ontario staff.

*Rita Nelsen*, wife of former Fire Chief Fred Nelsen, expressed her appreciation and gratitude for the contributions made to her and former Fire Chief Nelsen's family at the time of his death, specifically recognizing Convention Center Manager Bob Brown, Fire Chief Dave Carrier and fire personnel including union management staff, Police Chief Eric Hopley and police staff, and Pastor Brian Kennedy who also delivered tonight's Invocation. She wished everyone a blessed and prosperous new year.

*Brandon Blanchard*, Board Member, Chino Valley Unified School District, introduced himself saying he will be the District's liaison for the next two years and he looks forward to assisting with schools located in Ontario. He said their budget meeting, where cuts are anticipated, will be on January 20<sup>th</sup>. He also announced that they will be holding meetings open to all parents as part of their campaign to fight drugs, on January 19<sup>th</sup> at Chino High School, and repeated on January 26<sup>th</sup> at Chino Hills High School. Mr. Blanchard announced that *James Na*, is the Board President; *Charles E. Dickie*, is the Vice President; and *Sylvia Orozco*, is Clerk noting their #1 priority is educating children. Member Blanchard said he appreciates Council Member Wapner's participation in their annual *Principal for the Day* event.

## **JOINT AGENCIES CONSENT CALENDAR**

**MOTION:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Mautz, the Joint Agencies approved the following Consent Calendar items as recommended.

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

Approved Minutes for the regular meetings of the City Council, Housing Authority and Redevelopment Agency dated December 7, 2010, as on file in the Records Management Department.

### **2. BILLS/ PAYROLL**

Approved Bills in the amount of \$6,243,950.99, from November 7, 2010 through December 4, 2010; and Payroll in the amount of \$15,222,180.33, from November 7, 2010 through December 4, 2010, when audited by the Finance Committee.

### **3. ONTARIO REDEVELOPMENT AGENCY ANNUAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2010**

Agency Board accepted the Ontario Redevelopment Agency's Annual Report for Fiscal Year ended June 30, 2010.

### **4. AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT FOR LEGAL SERVICES RELATED TO PERSONNEL AND EMPLOYMENT ISSUES/LIEBERT CASSIDY WHITMORE**

City Council authorized the City Manager to execute an amendment to a Professional Services Agreement with the law firm Liebert Cassidy Whitmore, of Los Angeles, CA, for on-going legal services on an as-needed basis related to personnel and employee relations at established billing rates; and extending the term for up to one year.

**5. AN AMENDMENT TO A LEASE AGREEMENT FOR USE OF CITY PROPERTY AND FACILITIES LOCATED AT JOHN GALVIN PARK BY THE BOY SCOUTS OF AMERICA AND THE WEST END FISH AND GAME ASSOCIATION/ONTARIO ROTARY CLUB**

City Council authorized the City Manager to execute an amendment to an existing Lease Agreement with the Ontario Rotary Club extending the lease term an additional twenty (20) years for use of a City-owned building and adjacent property located at John Galvin Park by the Boy Scouts of America and the West End Fish and Game Association.

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

City Council adopted a Resolution for recovery of costs incurred in abating property and dangerous building violations as well as fees and penalties associated with property maintenance violations, and placing special assessments on County tax rolls. Exhibit A to the Resolution was amended and submitted to Council Members at the meeting to reflect additional payments on assessments.

**RESOLUTION NO. 2011-001** 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.

**7. FUNDING AWARD FROM THE CALIFORNIA 9-1-1 EMERGENCY COMMUNICATIONS OFFICE FOR THE RECRUITMENT AND TRAINING OF 9-1-1 PUBLIC SAFETY DISPATCHERS**

City Council authorized the City Manager to execute all documents necessary to accept a one-time funding award in the amount of \$27,451, from the California 9-1-1 Emergency Communications Office for recruitment and training of 9-1-1 Public Safety Dispatchers.

**8. AWARD A CONTRACT FOR THE REHABILITATION OF THE BEGONIA AVENUE AND FRANCIS STREET APARTMENTS (BID NO. OHA-1011-03) AND AUTHORIZE AN AMENDMENT TO THE LOAN AGREEMENT FOR THE 307-309-311 WEST FRANCIS STREET PROJECT/DRP NATIONAL INC.**

Board Members of the Ontario Housing Authority waived minor deviations in bid requirements; rejected bid protests submitted by WFC Design Development Construction regarding DRP National, Inc., and Cal-City Construction; and awarded and authorized the Executive Director to execute a contract with DRP National, Inc., of West Covina, CA, in the amount of \$2,330,000 plus a 15% contingency of \$349,500, for the Begonia Avenue and Francis Street Apartments Rehabilitation Project (Bid No. OHA-1011-03). Joint Members of the City Council, Ontario Redevelopment Agency Board and the Authority Board

authorized the City Manager/Executive Director to execute an amendment to the joint agency Loan Agreement pertaining to 307-309-311 West Francis Street.

**9. RESOLUTIONS APPROVING LOAN AGREEMENTS, FIRST AMENDED AND RESTATED LOAN AGREEMENTS, AND LAND CONVEYANCE AGREEMENTS AND AGREEMENTS CONTAINING REGULATORY COVENANTS AND RESTRICTIONS AFFECTING THE USE OF REAL PROPERTY FOR THE BEGONIA AVENUE APARTMENTS, LOCATED AT 209, 216, 217, 222, 223, 228 AND 231 NORTH BEGONIA AVENUE, ONTARIO, CALIFORNIA**

City Council and Board Members of the Ontario Redevelopment Agency and Ontario Housing Authority adopted Resolutions approving: (a) Loan Agreements and First Amended and Restated Loan Agreements between the City, Agency, and Authority; and (b) Land Conveyance Agreements, and Agreements containing regulatory covenants and restrictions between the City and the Authority.

**RESOLUTION NO. 2011-002** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING CERTAIN (1) LAND CONVEYANCE AGREEMENTS AND AGREEMENTS CONTAINING REGULATORY COVENANTS AND RESTRICTIONS AFFECTING THE USE OF REAL PROPERTY, AND (2) FIRST AMENDED AND RESTATED CITY LOAN AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 209, 216, 217, 222, 223, 228 AND 231 NORTH BEGONIA AVENUE, ONTARIO.

**RESOLUTION NO. ORA-811** A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING CERTAIN AGENCY LOAN AGREEMENTS CONCERNING CERTAIN REAL PROPERTY AT 209, 216 AND 231 NORTH BEGONIA AVENUE AND CERTAIN FIRST AMENDED AND RESTATED AGENCY LOAN AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 217, 222, 223 AND 228 NORTH BEGONIA AVENUE, ONTARIO.

**RESOLUTION NO. OHA-059** A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING CERTAIN (1) LAND CONVEYANCE AGREEMENTS AND AGREEMENTS CONTAINING REGULATORY COVENANTS AND RESTRICTION AFFECTING THE USE OF REAL PROPERTY, (2) FIRST AMENDED AND RESTATED CITY LOAN AGREEMENTS, (3) AGENCY LOAN AGREEMENTS FOR CERTAIN REAL PROPERTIES LOCATED AT 209, 216 AND 231 NORTH BEGONIA AVENUE, AND (4) FIRST AMENDED AND RESTATED AGENCY LOAN AGREEMENTS CONCERNING CERTAIN REAL PROPERTIES LOCATED AT 217, 222, 223 AND 228 NORTH BEGONIA AVENUE, ONTARIO.

**10. A RESOLUTION AUTHORIZING THE TRANSMITTAL OF THE PRELIMINARY REPORT FOR THE PROPOSED MERGER OF THE REDEVELOPMENT PROJECT AREAS**

Redevelopment Agency Board considered and approved a Resolution authorizing the transmittal of the Preliminary Report for the Merger of the Redevelopment Project Areas to affected taxing agencies.

**RESOLUTION NO. ORA-812** A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE TRANSMITTAL OF THE PRELIMINARY REPORT, FOR THE PROPOSED MERGER OF THE FIVE REDEVELOPMENT PROJECT AREAS: PROJECT AREA 1, PROJECT AREA 2, GUASTI, CIMARRON, AND CENTER CITY.

**MOTION UNANIMOUSLY CARRIED.** The Mayor/ Chairman declared Resolution Nos. 2011-001 and 2011-002, ORA-811 and ORA-812 and OHA-059 duly passed and adopted.

**END OF JOINT CONSENT CALENDAR**

**PUBLIC HEARING**

**11. JOINT PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF ONTARIO AND THE AGENCY BOARD OF THE ONTARIO REDEVELOPMENT AGENCY (“AGENCY”) TO CONSIDER THE SALE OF AGENCY-OWNED REAL PROPERTY GENERALLY LOCATED AT 612 E. HOLT BOULEVARD TO SEA PARTNERS, A CALIFORNIA LIMITED LIABILITY COMPANY (“DEVELOPER”), PURSUANT TO A PROPOSED DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND DEVELOPER**

**MOTION:** Moved by Council Member Mautz, seconded by Mayor pro Tem Dorst-Porada, and unanimously carried the public hearing was continued to the regular meeting on February 1, 2011.

**ADMINISTRATIVE REVIEW/DISCUSSION**

**REPORT AND RECOMMENDATION FROM SUBCOMMITTEE AND ACTION ON CITIZEN APPOINTMENTS TO CITY COMMISSIONS, COMMITTEES AND BOARDS**

**MOTION:** Moved by Council Member Wapner, seconded by Council Member Mautz, to adopt the Sub-Committee Report as recommended.

Council Member Wapner indicated he and Council Member Mautz met as the Nomination Sub-Committee and were submitting two candidates as At-large Representatives for consideration. He recommended reappointment of *Richard Delman* to the Planning Commission, and *Robert Hardy* to the Recreation and Parks Commission. There were no objections to these appointments.

Council Member Wapner noted there is a vacancy on the Planning Commission for which he suggested the appointment of *James Downs*. He also indicated this will create a vacancy on the Board for the Museum of History and Art and recommended those interested seek and submit an application through the City Clerk's Department.

Mayor Leon announced his appointment to the Planning Commission submitting the name of *Jim Willoughby*; and to the Recreation and Parks Commission, *Larry Trinidad*.

There were no objections to any of the appointments submitted.

Council Member Bowman said there are other standing committees and suggested their reappointments also be ratified to which there were no objections.

Council Member Mautz asked the City Manager to provide a list of the goals and job descriptions, rules and regulations for the various committees as well as a list of expectations and responsibilities for each Board Committee.

Mayor pro Tem Dorst-Porada suggested the material might include professional attire, attendance, and documentation if a member is unable to perform in a position indicating the need for people who can serve the time as required.

## **COUNCIL/ STAFF COMMENT**

Council Member Mautz wished all a Happy New Year.

Council Member Wapner supported Mr. Bowman's comments and noted voters and residents should feel insulted. He agreed that local dollars be kept local and stated that in approving prior State propositions the voters advocated that city monies be left alone. This is another tactic in Sacramento budgeting and urged voters contact their state legislators.

Mayor pro Tem Dorst-Porada also echoed Council Member Bowman's statement, adding that school districts and others must get their houses in order. The City of Ontario has a budget that plans for future needs, is run like a business; and she is proud of City staff. Ms. Dorst-Porada said this City is one of only a few still actively hiring police and fire safety personnel as needed. She thanked Daryl Vollrath for his comments and said she hopes they can continue to offer the Community Emergency Response Training (CERT) Program twice a year.

Ms. Dorst-Porada asked residents to participate in the development of the County's Visioning Session and is encouraged by the County's attempt to get their house in order. She urged people to help prepare the vision for the future by attending a session

at 6:00 p.m. on January 19th at the Ovitt Family Community Library. Ms. Dorst-Porada invited people to join her at the bandstand on Euclid Avenue at 9:00 a.m., on Sundays for her downtown walk. She also noted that the Ontario Museum of History and Art will present the California State College at San Bernardino and the Riverside Junior College Jazz Band on Friday January 21<sup>st</sup> in conjunction with their current exhibit on “The Times of Dave Brubeck”.

Mayor Leon added that he would like the state to run their budget like a business or like a good homeowner who has to manage budgets and live within their means. He said the state legislature is taking back funding from local governments and must instead cut things that are not necessary and create other revenue streams. The Mayor then referred to his mother’s diagnosis of breast cancer and a subsequent mastectomy that has had a huge impact on him and urged women to be tested and catch symptoms early. He stressed the need to increase breast cancer awareness.

## **ADJOURNMENT**

With no further business before the Joint Agencies, the meeting adjourned at 7:14 p.m., at which time Mayor Leon said the next regular meeting will be held on February 1, 2011.

Respectfully submitted,

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MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:

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PAUL S. LEON, MAYOR/ CHAIRMAN