

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
ONTARIO REDEVELOPMENT AGENCY
MINUTES
FEBRUARY 1, 2011**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, February 1, 2011, in the Ontario Senior Center, 225 East B Street.

CLOSED SESSION

The Mayor called the City Council/ Housing Authority/ Redevelopment Agency meetings to order at 6:04 p.m., and inquired whether persons were present who wished to speak to a Closed Session item. All Members were present and no one requested to be heard.

City Manager Hughes requested addition of an item to the Closed Session Agenda for which a 4/5ths vote is needed. Council Member Wapner asked to be recused from consideration of Case No. E049432 involving Wal Mart.

Motion: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Mautz, and unanimously carried, with Council Member Wapner absent, to add Case No. E049432 to the Closed Session Agenda:

GC 54956.9(b), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:
One Case: Workers Compensation Claim of Greg Cook; Claim No.: 07191366 (DWC EAMS Case Nos.: ADJ1144110; ADJ3644931; ADJ2283981)

GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION:
Wal Mart, Case No. E049432

The joint meetings thereupon adjourned to Closed Session.

CALL TO ORDER

The Mayor called the City Council/ Housing Authority/ Redevelopment Agency meetings to order at 6:35 p.m., and requested the City Clerk to call the roll.

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

The Invocation was offered by *Reverend Nelson Grande*, Westminster Presbyterian Church.

CLOSED SESSION REPORT

City Attorney Brown reported that a second item was added to the Closed Session Agenda, for which Council Member Wapner was absent, but there was no reportable action taken on either item.

PUBLIC COMMENT

Dorene Hopkins said there were no improvements in the downtown area, opposed illegal immigrants, alleged people were avoiding the library, and commented on the bad weather in the midwest and on the east coast.

Linda Sierra, representing Grace Yokley School, invited all to their band fundraiser at 5:00 p.m., on February 4th. She said dinner will be served and tickets are \$15 noting the band depends primarily on fundraisers to raise money for their instruments and they will appreciate the help

Brandon Blanchard, liaison for Chino Valley Joint Unified School District, advised their Board Meeting will be held at 7:00 p.m., on February 3rd at Woodcrest Junior High School in Ontario. He indicated they are looking forward to working closely with the City noting that despite budget cuts, the School Board voted unanimously to not cut music programs. He can be reached by calling 909-248-5821 and said they will be attending the State of the City event.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised Council Members that an update was provided for Agenda Item #5.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, 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 21, 2010, as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved **Bills** in the amount of \$9,566,923.95, for December 5, 2010 through December 18, 2010, and **Payroll** in the amount of \$2,379,149.49 for December 5, 2010 through December 18, 2010, when audited by the Finance Committee.

3. COOPERATIVE AGREEMENT WITH CALTRANS FOR THE CITY OF ONTARIO TO COMMENCE THE ENVIRONMENTAL PHASE OF THE I-10 AND GROVE AVENUE INTERCHANGE AND CORRIDOR PROJECT

City Council approved a cooperative agreement with Caltrans for the City to commence the Project Approval and Environmental Documentation (PA&ED) phase of the I-10 and Grove Avenue Interchange and Grove Avenue Corridor Project; and authorized the City Manager to execute said agreement and all future amendments.

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, IN OPPOSITION TO THE STATE ADMINISTRATION'S PROPOSAL TO ABOLISH REDEVELOPMENT AGENCIES IN CALIFORNIA

City Council adopted a Resolution opposing the State Administration's proposal to permanently abolish California's more than 400 local redevelopment agencies.

RESOLUTION NO. 2011-003 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, IN OPPOSITION TO THE ADMINISTRATION'S PROPOSAL TO ABOLISH REDEVELOPMENT AGENCIES IN CALIFORNIA.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution No. 2011-003 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

5. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES APPROVING FILE NO. PZC11-001, A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE DISTRICT) AND M3 (GENERAL INDUSTRIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) AND FILE NO. PUD10-001, A PLANNED UNIT DEVELOPMENT (FILE NO. PUD10-001) ESTABLISHING DEVELOPMENT AND DESIGN REGULATIONS FOR A ONE BLOCK AREA (APPROXIMATELY 4 ACRES) FOR COMMERCIAL AND LIGHT INDUSTRIAL USES, BOUNDED BY HOLT BOULEVARD ON THE NORTH, EMPORIA STREET ON THE SOUTH, PLEASANT AVENUE ON THE WEST, AND MELROSE AVENUE ON THE EAST

City Council introduced and waived further reading of Ordinances approving File Nos. PZC11-001 and PUD10-001 related to a Zone Change and a Planned Unit Development establishing the development and design regulations for a one block area (approximately 4 acres) for commercial and light industrial uses, bounded by Holt Boulevard on the north, Emporia Street on the south, Pleasant Avenue on the west, and Melrose Avenue on the east.

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

There were no written communications, and no one wishing to be heard, the public hearing was closed.

ORDINANCE NO. 2931 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC11-001, A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE DISTRICT) AND M3 (GENERAL INDUSTRIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) FOR A ONE BLOCK AREA (APPROXIMATELY 4 ACRES) BOUNDED BY HOLT BOULEVARD ON THE NORTH, EMPORIA STREET ON THE SOUTH, PLEASANT AVENUE ON THE WEST, AND MELROSE AVENUE ON THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1049-092-01, 02, 11, 12 & 13.

ORDINANCE NO. 2932 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD10-001, A PLANNED UNIT DEVELOPMENT TO ESTABLISH THE DEVELOPMENT AND DESIGN REGULATIONS FOR A ONE BLOCK AREA (APPROXIMATELY 4 ACRES) BOUNDED BY HOLT BOULEVARD ON THE NORTH, EMPORIA STREET ON THE SOUTH, PLEASANT AVENUE ON THE WEST, AND MELROSE AVENUE ON THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1049-092-01, 02, 11, 12 & 13

Motion: Moved by Council Member Bowman, seconded by Council Member Wapner, and unanimously carried to approve ~~said~~ Ordinances No. 2931 and No. 2932 for introduction and first reading.

6. CONSIDERATION OF A SPENDING PLAN FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND/CITIZEN'S OPTION FOR PUBLIC SAFETY GRANT PROGRAM

City Council received public comment on the proposed spending plan for Fiscal Year 2010-11 Supplemental Law Enforcement Services Fund (SLESF)/Citizen's Option for Public Safety (COPS) Grant; and approved the proposed spending plan.

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

There were no written communications, and no one wishing to be heard, the Mayor closed the public hearing.

Motion: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Mautz, and unanimously carried to approve the Spending Plan as recommended.

7. A JOINT PUBLIC HEARING TO CONSIDER APPROVAL OF A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO REDEVELOPMENT AGENCY AND SEA PARTNERS, A CALIFORNIA LIMITED LIABILITY COMPANY

City Council and the Ontario Redevelopment Agency Board considered and adopted Resolutions approving a Disposition and Development Agreement between the Ontario Redevelopment Agency and Sea Partners, a California limited liability company; and authorized the City Manager and Executive Director to execute the Disposition and Development Agreement and other related documents necessary to carry out disposition of the property.

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

There were no written communications, and no one requesting to be heard, the Mayor/Chairman closed the public hearing.

RESOLUTION NO. 2011-004 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH SEA PARTNERS, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 612 EAST HOLT BOULEVARD AND MAKING CERTAIN FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 33433 AND 33445 IN CONNECTION WITH THE ONTARIO REDEVELOPMENT AGENCY'S SALE OF PROPERTY ACQUIRED WITH TAX INCREMENT FUNDS AND USE OF TAX INCREMENT FUNDS FOR THE CONSTRUCTION OF OFF SITE PUBLIC IMPROVEMENTS.

RESOLUTION NO. ORA-813 A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH SEA PARTNERS, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 612 EAST HOLT BOULEVARD AND MAKING CERTAIN FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 33433 AND 33445 IN CONNECTION WITH THE ONTARIO REDEVELOPMENT AGENCY'S SALE OF PROPERTY ACQUIRED WITH TAX INCREMENT FUNDS AND USE OF TAX INCREMENT FUNDS FOR THE CONSTRUCTION OF OFF SITE PUBLIC IMPROVEMENTS.

Motion: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman, and unanimously carried to adopt said Resolutions Nos. 2011-004 and ORA-813.

APPOINTMENT TO MUSEUM OF HISTORY AND ART BOARD OF TRUSTEES

Council Member Wapner introduced Rick Caughman as his appointment to the Board of Directors for the Museum of History and Art.

COUNCIL/ STAFF COMMENT

Mayor pro Tem Dorst-Porada thanked participants who walked with her on Sunday down Euclid Avenue and said everyone is welcome to join them. She announced the Artists' Model Colony *Art Walk* at 6:00 p.m., on February 19th. Ms. Dorst-Porada expressed concern about skilled nursing facilities in the City of Ontario. She explained that many times the facilities have inadequate medical personnel to evaluate emergency situations, so they call on the City's paramedics to go out to the facilities and make determinations. She recommended a review of Upland's Program to address this issue, for possible application in Ontario. There were no objections to her suggestion.

Council Member Wapner supported the Resolution adopted this evening in opposition to the Governor's attempt to rid communities of redevelopment agencies and suggested the City Manager work on an approach and plan for addressing this item if it is approved. Council Members concurred with him. Mr. Wapner also commented on the current vacancy on the Vector Control Board saying most other cities have an elected representative and suggested that a member of Council be appointed to fill the vacancy.

Mayor Leon said he will be happy to do so and City Manager Hughes said he will add this to a future agenda.

Council Member Bowman indicated he agrees with suggestions put forth by Council Member Wapner with respect to redevelopment agencies noting the whole City will suffer if it is approved; he added that this is one-time money for the state but will impact local redevelopment agency work to remove blight in the community over many years. Mr. Bowman added that he, Mayor Leon and Council Member Wapner participated when ProLogis pulled the switch turning on their solar power installation on Francis Street. He reminded everyone to celebrate Valentine's Day on February 14th.

Council Member Mautz agreed that the redevelopment agency issue cannot be overstressed and suggested citizens make phone calls to State legislators.

Mayor Leon said the ProLogis event was an amazing display of solar energy where the panels covered an area akin to 60 football fields. He commented on the consistent application of policies and projects by this Council, noting there are many amenities in Ontario where they hope to continue the progress. The Mayor then commented on the California Sports Hall of Fame and the induction ceremony that will be held at 6:00 p.m., on February 27th at the Ontario Convention Center. He said there will be 5 inductees

this year and tickets are available on their web site. Mayor Leon said he would like to see this event return to Ontario each year.

Council Member Wapner thanked the Mayor for his involvement saying he appreciates all he has done to bring the California Sports Hall of Fame to Ontario noting it is a great way to meet sports personalities.

ADJOURNMENT

The meetings of the joint agencies adjourned at 7:05 p.m., and Mayor Leon announced the next regular meetings will be held on February 15th.

Respectfully submitted,

MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:

PAUL S. LEON, MAYOR/ CHAIRMAN