

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

**MINUTES
APRIL 5, 2011**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, April 5, 2011, at the Ontario Senior Center, 225 East B Street, Ontario.

CALL TO ORDER

The Mayor called the City Council/ Housing Authority/ Redevelopment Agency meetings to order at 6:31 p.m., and requested the City Clerk to call the roll.

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

ABSENT: Mayor/Chairman Paul Leon (excused)

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 Wapner.

The Invocation was offered by *Brother Donald Sanders*, Calvary Apostolic Tabernacle.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised Council Members that there were no announcements.

PUBLIC COMMENT

Dorene Hopkins commented on pedestrian traffic on Euclid Avenue, indicated her support of Arizona's immigration law, and requested repair of curbing and addition of a street light on East J Street.

Ina Brown, City employee and volunteer for *Donate LIFE California*, advised that April is National Donate Life month. She urged people to participate in organ donation by signing up with the Department of Motor Vehicles and noted that over 100,000 people in the country are in need of a transplant.

Brandon Blanchard, Chino Joint Unified School District, indicated the School Board will meet at 7:00 p.m., on April 7th at the District Office on Riverside Drive. Mr. Blanchard invited all to participate in a community food truck fundraiser that will take place on April 9th at Don Lugo High school on Pipeline Avenue for \$6.00 per ticket to benefit schools. He indicated attendees may purchase specialty food items. He recognized Mark Christopher Chevrolet for their help and support, as well as County Supervisor Gary Ovitt and Omnitrans.

Elaine Reidy addressed Council Members indicating she loves animals and is concerned about dogs living at the northeast corner of Vine Avenue and Nevada Street. She feels the animals are in poor condition and should be cared for by the Inland Valley Humane Society who she has called for assistance. Ms. Reidy was referred to staff.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Council Member Mautz, the Joint Agencies with the absence of Mayor Leon 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 March 1, 2011; and the Special Meetings of the City Council, Housing Authority and the Redevelopment Agency on March 11, 2011, as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved Bills in the amount of \$8,638,320.99, from January 30, 2011 through February 12, 2011; and Payroll in the amount of \$2,310,347.12, from January 30, 2011 through February 12, 2011, when audited by the Finance Committee.

3. A RESOLUTION MAKING CERTAIN FINDINGS, APPROVING AND UPHOLDING THE DECISION OF AN ARBITRATOR IN THE MATTER OF JOHNNY THOMPSON

City Council adopted a Resolution making certain findings, approving and upholding the arbitrator's November 9, 2010, decision regarding Johnny Thompson.

RESOLUTION NO. 2011-012 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN FINDINGS AND APPROVING AND UPHOLDING THE ARBITRATOR'S NOVEMBER 9, 2010 DECISION REGARDING JOHNNY THOMPSON.

4. RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NO. 18601 FOR CONDOMINIUM PURPOSES

City Council adopted a Resolution approving an Improvement Agreement, Improvement Security, and Final Tract Map No. 18601 for condominium purposes for property located at the northwest corner of Riverside Drive and Campus Avenue.

RESOLUTION NO. 2011-013 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY, AND FINAL TRACT MAP NO. 18601 FOR CONDOMINIUM PURPOSES LOCATED AT THE NORTHWEST CORNER OF RIVERSIDE DRIVE AND CAMPUS AVENUE.

5. AN ORDINANCE ESTABLISHING A DEVELOPMENT AGREEMENT (FILE NO. PDA10-001) BETWEEN FORESTAR COUNTRYSIDE, LLC AND THE CITY OF ONTARIO FOR THE RESIDENTIAL DEVELOPMENT OF 77.2 ACRES

City Council adopted an Ordinance establishing a Development Agreement (File No. PDA10-001) between Forestar Countryside, LLC, and the City of Ontario for residential development of 77.2 acres of land as prescribed in the Countryside Specific Plan within the New Model Colony located north of Schaefer Avenue, south of Riverside Drive, east of the Cucamonga Channel and west of Archibald Avenue (APNs: 218-131-11, 12, 22, and 40 and 218-111-057). Introduction and first reading was held at a public hearing on March 15, 2011.

ORDINANCE NO. 2934 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ONTARIO AND FORESTAR COUNTRYSIDE, LLC. FILE NO. PDA10-001, TO ESTABLISH THE TERMS AND CONDITIONS FOR RESIDENTIAL DEVELOPMENT OF 69.7 ACRES WITHIN THE COUNTRYSIDE SPECIFIC PLAN, OF THE NEW MODEL COLONY, GENERALLY LOCATED NORTH OF SCHAEFER AVENUE, SOUTH OF RIVERSIDE DRIVE, EAST OF THE CUCAMONGA CHANNEL, AND WEST OF ARCHIBALD AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF (APN: 218-111-57, 218-131-11, 12, AND 40).

6. RESOLUTIONS APPROVING A GRANT AGREEMENT, VARIOUS AMENDMENTS TO CITY/AGENCY/AUTHORITY AGREEMENTS, RELATED TO THE BEGONIA AVENUE AND FRANCIS STREET APARTMENTS; AND AWARD A CONTRACT FOR THE BEGONIA AVENUE PHASE II APARTMENTS REHABILITATION PROJECT (BID NO. OHA-1011-04) FOR PROPERTY LOCATED AT 217, 222, 228 AND 305 NORTH BEGONIA AVENUE

City Council, the Governing Board of the Ontario Redevelopment Agency and the Governing Board of the Ontario Housing Authority as applicable

(A) Adopted Resolutions approving:

- (1) A Grant Agreement between the Agency and the Authority for 305 North Begonia Avenue;
- (2) Amendments No. 1 to the Agency Agreements between the Agency and the Authority for 209, 216, and 231 North Begonia Avenue, converting Agency loans to grants;
- (3) Amendment No. 2 to the Agreement between the City, the Agency, and the Authority for 307-311 West Francis Street, converting the Agency loan to a grant;
- (4) Amendment No. 1 to the First Amended and Restated Agency Agreements between the Agency and the Authority for 217, 222, 223, and 228 North Begonia Avenue, converting Agency loans to grants;
- (5) Amendment No. 1 to the First Amended and Restated City Loan Agreement between the City and the Authority for 222 North Begonia Avenue; and
- (6) Amendment No. 1 to the Land Conveyance Agreements and Agreements containing regulatory covenants and restrictions between the City and the Authority for 217 and 222 North Begonia Avenue; and

- (B) Rejected the bid protest from DRP National Inc., of West Covina, CA, and awarded a contract to Sun Country Builders, Inc., of Vista, CA, in the amount of \$1,728,553 plus a 15% contingency of \$259,283, for a total of \$1,987,836, for the Begonia Avenue Phase II Apartments Rehabilitation Project (Bid No. OHA-1011-04); for 217, 222, 228, and 305 North Begonia Avenue.

RESOLUTION NO. 2011-014 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING: (1) AMENDMENT NO. 1 TO THE FIRST AMENDED AND RESTATED CITY LOAN AGREEMENT CONCERNING CERTAIN REAL PROPERTY LOCATED AT 222 NORTH BEGONIA AVENUE, ONTARIO; (2) THOSE CERTAIN AMENDMENTS NO. 1 TO LAND CONVEYANCE AGREEMENTS AND AGREEMENTS CONTAINING REGULATORY COVENANTS AND RESTRICTIONS AFFECTING THE USE OF CERTAIN REAL PROPERTY LOCATED AT 217 AND 222 NORTH BEGONIA AVENUE, ONTARIO; (3) AMENDMENT NO. 2 TO THE 307-311 WEST FRANCIS STREET PROJECT AGREEMENT BETWEEN THE CITY, THE ONTARIO HOUSING AUTHORITY AND THE ONTARIO REDEVELOPMENT AGENCY; (4) ONTARIO REDEVELOPMENT AGENCY GRANT OF FUNDS TO ONTARIO HOUSING AUTHORITY FOR AFFORDABLE HOUSING REHABILITATION PURPOSES.

RESOLUTION NO. ORA-816 A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, (1) APPROVING AMENDMENTS NO. 1 TO AGENCY AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 209, 216 AND 231 N. BEGONIA AVENUE, ONTARIO; (2) APPROVING AMENDMENTS NO. 1 TO FIRST AMENDED AND RESTATED AGENCY AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 217, 222, 223 AND 228 N. BEGONIA AVENUE, ONTARIO; (3) APPROVING AMENDMENT NO. 2 TO THE 307-311 W. FRANCIS STREET PROJECT AGREEMENT [307-311 W. FRANCIS STREET PROJECT]; AND (4) APPROVING THE AGENCY GRANT AGREEMENT [305 N. BEGONIA AVENUE PROJECT].

RESOLUTION NO. OHA-060 A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, (1) APPROVING AMENDMENT NO. 1 TO THE FIRST AMENDED AND RESTATED CITY LOAN AGREEMENT CONCERNING REAL PROPERTY LOCATED AT 222 NORTH BEGONIA AVENUE, ONTARIO; (2) APPROVING CERTAIN AMENDMENTS NO. 1 TO LAND CONVEYANCE AGREEMENTS AND AGREEMENTS CONTAINING REGULATORY COVENANTS AND RESTRICTIONS AFFECTING THE USE OF CERTAIN REAL PROPERTY LOCATED AT 217 AND 222 NORTH BEGONIA AVENUE, ONTARIO; (3) APPROVING AMENDMENTS NO. 1 TO AGENCY AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 209, 216 AND 231 N. BEGONIA AVENUE, ONTARIO; (4) APPROVING AMENDMENTS NO. 1 TO FIRST AMENDED AND RESTATED AGENCY AGREEMENTS CONCERNING CERTAIN REAL PROPERTY LOCATED AT 217, 222, 223 AND 228 N. BEGONIA AVENUE, ONTARIO; (5) APPROVING AMENDMENT NO. 2 TO THE 307-311 W. FRANCIS STREET PROJECT AGREEMENT [307-311 W. FRANCIS STREET PROJECT]; (6) APPROVING THE AGENCY GRANT AGREEMENT [305 N. BEGONIA AVENUE PROJECT]; AND (7) REJECTING BID PROTEST AND AWARDDING BEGONIA AVENUE PHASE II APARTMENTS REHABILITATION PROJECT (BID NO. OHA-1011-04) TO SUN COUNTY BUILDERS.

MOTION UNANIMOUSLY CARRIED. The Mayor pro Tem/Vice Chair declared Resolution Nos. 2011-012, 2011-013, 2011-014, ORA-016, OHA-060 and Ordinance No. 2934, duly passed and adopted with the absence of Mayor Leon.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARING

7. JOINT PUBLIC HEARING FOR APPROVAL OF THE 2011 DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO HOUSING AUTHORITY AND SNYDER EUCLID INC. FOR THE ONTARIO TOWN SQUARE PROJECT BLOCK C-1

City Council and the Board of the Ontario Housing Authority:

- A) Adopted Resolutions approving the 2011 Disposition and Development Agreement between the Ontario Housing Authority and Snyder Euclid, Inc., and donation to the Authority of certain City-owned parcels within Block C-1; and
- B) Authorized the City Manager and Executive Director to execute any and all documents necessary or desirable to implement the Agreement.

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.

RESOLUTION NO. 2011-015 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE DONATION OF CERTAIN CITY-OWNED LAND TO THE ONTARIO HOUSING AUTHORITY TO SUPPORT THE DEVELOPMENT OF AN AFFORDABLE HOUSING PROJECT.

RESOLUTION NO. OHA-061 A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE 2011 DISPOSITION AND DEVELOPMENT AGREEMENT (ONTARIO TOWN SQUARE – BLOCK C-1) BETWEEN THE ONTARIO HOUSING AUTHORITY AND SNYDER EUCLID, INC.

were read by title only.

MOTION: Moved by Council Member Mautz, seconded by Council Member Bowman, the City Council approved Resolutions No. 2011-015 and No. OHA-061.

MOTION UNANIMOUSLY CARRIED with the absence of Mayor Leon.

8. CONSIDERATION OF AN ORDINANCE APPROVING FILE NO. PADV07-008, AN AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA; AMENDING THE ALTERNATIVE PROCESS; AND ADOPTING A NEGATIVE DECLARATION

City Council introduced an Ordinance approving File No. PADV07-008, an Airport Land Use Compatibility Plan (ALUCP) for LA/Ontario International Airport and surrounding land uses within the airport influence area; amending the alternative process; and adopting a Negative Declaration.

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

There were no written communications.

Planning Director Blum gave a presentation indicating this is a major project and noted the airport must have plans for public use, dispute mediation and to regulate future land uses in line with the General Plan. He reviewed the ALUCP and the history of the process. He noted the ALUCP must be approved by the California Division of

Aeronautics. Director Blum's presentation included a review of the airport layout, influence area, affected jurisdictions, safety zones, noise impact zones, airspace protection zones, overflight notification zones and the inter-agency notification process. He advised that project impacts have been projected through the year 2030, and said surrounding communities contemplating development are urged to make overflight maps available in their Planning Departments, and advised that surrounding cities must adopt a similar policy within 6-9 months.

Planning Director Blum acknowledged the efforts of the Technical Advisory Committee and said the plan will be groundbreaking and possibly viewed as the way others should be developed in the future. Ontario Planning staff has been asked to participate in an upcoming statewide project involving Federal Aviation Administration (FAA) regional managers.

Council Member Wapner congratulated staff and expressed his appreciation for their hard work. In response to his questions, Director Blum said the plan's development took over a year and further noted that no changes will be necessary to the General Plan as they were worked on in tandem. Director Blum also indicated they will be working with the Southern California Association of Governments (SCAG) and the San Bernardino Associated Governments (SANBAG) relative to the regional transportation plan.

Council Member Bowman also praised all involved in the undertaking saying it is visionary as was the General Plan and its land design and land usage plans.

There was no one wishing to speak and the public hearing was closed.

ORDINANCE NO. 2935 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING FILE NO. PADV07-008, AN AIRPORT LAND USE COMPATIBILITY PLAN FOR LA/ONTARIO INTERNATIONAL AIRPORT, TO ESTABLISH COMPATIBILITY POLICIES BETWEEN LA/ONTARIO INTERNATIONAL AIRPORT AND SURROUNDING LAND USES WITHIN THE AIRPORT INFLUENCE AREA AND AMEND THE ALTERNATIVE PROCESS

was introduced and given first reading by title only.

MOTION: Moved by Council Member Mautz, seconded by Council Member Bowman, and unanimously carried to accept said Ordinance for introduction and first reading with Mayor Leon absent.

COUNCIL/ STAFF COMMENT

Council Member Wapner noted that April 4th was Mayor pro Tem Dorst-Porada's birthday and April 6th is Council Member Bowman's, and wished them both a Happy Birthday.

Council Member Mautz noted the Kiwanis' Golf Tournament was a huge success and said it gets better every year.

Mayor pro Tem Dorst-Porada thanked the Planning staff for their work on the ALUCP and noted the Development Code is shaping up as well. She commended their hard work during the economic downturn.

ADJOURNMENT

Adjourned the joint meetings at 7:12 p.m. Mayor pro Tem Dorst-Porada announced the next regular meetings will be held on April 19, 2011 at the Ontario Senior Center.

Respectfully submitted,

MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:

DEBRA DORST-PORADA, MAYOR PRO-TEM / VICE CHAIRMAN