

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

**MINUTES
JULY 5, 2011**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, July 5, 2011, in the Council Chambers, City Hall, 303 East B Street.

The meetings were called to order at 6:02 p.m., by Mayor/Chairman Leon. All members were present as announced by the Mayor. There was no one present who wished to speak to the Closed Session item.

CLOSED SESSION

- GC 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Ontario Town Square – block C-1, APN: 1048-551-01 through 1048-551-09; City/Agency/Authority Negotiator: Chris Hughes, Executive Director, or his designee; Negotiating parties: Snyder Euclid, Inc.; Under negotiation: Price and terms of payment.

CALL TO ORDER

The City Council/ Housing Authority/ Redevelopment Agency reconvened in Open Session at 6:32 p.m.

The Pledge of Allegiance was led by Council Member Wapner.

The Invocation was offered by *Pastor Michael Sturn*, St. George Catholic Church.

PRESENT:	Mayor / Director	Paul S. Leon
	Mayor / Director pro Tem	Debra Dorst-Porada
	Council /Agency Members	Alan D. Wapner, Sheila Mautz, Jim W. Bowman

ABSENT: None

Also present were City Manager/Executive Director Chris Hughes, Assistant City Attorney Jonathan Lamb and City Clerk/ Secretary Mary E. Wirtes.

REPORT OF CLOSED SESSION

Attorney Lamb advised that no reportable action was taken in Closed Session.

PUBLIC COMMENT

Barbara Hartley, Ontario Planning Commissioner, thanked Council Members for the fireworks on July 4th saying it was the best she has seen in Ontario. She thanked Mark Chase, Director of Community and Public Services, and Police and Fire Department personnel for their work in closing streets, traffic control, handling emergencies and clearing away debris in the park immediately after the event ended.

Brandon Blanchard, Chino Unified School District Board Member, noted their campuses are closed for maintenance but questions about the schools or district may be directed to him at any time by calling 909-248-5821. He commented on the virtual school program in conjunction with Chaffey College and noted enrollment approaches 700. He said young people who dropped out are returning. Mr. Blanchard thanked Council Member Mautz for her participation and diligence while working on the District's Bond Oversight Committee.

AGENDA REVIEW/ ANNOUNCEMENTS

City Manager Hughes said there were no announcements.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Mayor pro tem Dorst-Porada, to approve 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 June 7, 2011, as on file in the Records Management Department.

2. BILLS/ PAYROLL

Approved **Bills** in the amount of \$19,300,992.18 for April 24 through May 21, 2011; and **Payroll** in the amount of \$4,797,089.85 for April 24 through May 21, 2011, when audited by the Finance Committee.

3. CONSTRUCTION CONTRACT FOR EECBG AND CDBG ENERGY EFFICIENT STREET LIGHT PROJECT/REPUBLIC INTELLIGENT TRANSPORTATION SERVICES INC. DBA REPUBLIC ITS

City Council approved the plans and specifications, and awarded Contract Nos. GR0936A and GR0910A to Republic Intelligent Transportation Services Inc. dba Republic ITS of Anaheim, CA, for the Energy Efficiency Conversion Block Grant and Community Development Block Grant Energy Efficient Street Light Project for the bid amount \$547,992 plus a twenty one (21%) percent contingency of \$115,078, for a total of \$663,070, which includes \$94,251 for Contract Change Order No. 1. The City Manager was authorized to execute said contract and

related documents, and to file a Notice of Completion at the conclusion of all construction activities related to the project.

4. COOPERATIVE FUNDING AGREEMENTS FOR RAIL-HIGHWAY GRADE SEPARATION PROJECTS/SAN BERNARDINO ASSOCIATED GOVERNMENTS

City Council approved two cooperative agreements totaling \$5,821,000 with the San Bernardino Associated Governments (SANBAG) for funding the right-of-way phase of the South Milliken Avenue and North Vineyard Avenue Rail-Highway Grade Separation Projects, and authorized the City Manager to execute said agreements and future amendments to the agreements.

5. AN AMENDMENT TO THE MAINTENANCE SERVICE AGREEMENT FOR THERMOPLASTIC LANE STRIPING AND STREET SIGN INSTALLATION SERVICES/SUPERIOR PAVEMENT MARKINGS, INC.

City Council authorized the City Manager to execute an amendment for a three-year maintenance service agreement with Superior Pavement Markings, Inc., located in Cypress, CA, for thermoplastic striping and street sign installation services in the amount of \$62,595 per year for a revised total agreement amount of \$221,285. The Amendment authorized the addition of future services and the option to extend the agreement for up to two additional years consistent with City Council-approved budgets.

6. APPROVAL OF ALLOCATION AND SPENDING PLAN FOR THE BUREAU OF JUSTICE ASSISTANCE (BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR FY2011

City Council authorized the City Manager to execute all documents necessary to participate in the BJA Edward Byrne Memorial Justice Assistance Grant Program; and approved the proposed \$70,917 grant spending plan.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared the Consent Calendar duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

7. REVIEW OF FILE NO. PDEV10-013, A DEVELOPMENT PLAN MODIFICATION TO A PREVIOUSLY APPROVED PROJECT LOCATED AT THE NORTHEAST CORNER OF MOUNTAIN AVENUE AND FOURTH STREET TO ALLOW FOR THE PHASING OF THE DEVELOPMENT

City Council reviewed, discussed, and took final action on File No. PDEV10-013, to deny the phasing of a previously approved project at the northeast corner of Mountain Avenue and Fourth Street. Phase I included the development of a

13,570 square foot Walgreens Pharmacy and the remodel of an existing 4,110 square foot United States Postal Office; and Phase II included 6,159 square feet of retail and 177 market rate senior housing units (APN: 1008-522-01, 02 & 03).

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 requesting to be heard, the Mayor closed the public hearing.

Mayor pro Tem Dorst-Porada requested a staff presentation on this item.

Planning Director Blum reviewed the project originally considered by the Planning Commission in 2007 at which time he said the developers indicated they were working to obtain financing to complete Phase II. He followed the history of the project stating the applicant submitted a request in September 2010 to modify their previous approval and allow for phasing of the development. In April 2011 the Planning Commission conducted a public hearing on the application expressing concern with the project's phasing which the developer estimated would be under construction within 2 years. After deliberation, the Planning Commission approved the project with several conditions.

Council Member Wapner advised direction was provided four years ago and it was to develop the full project. He noted there is a long history of working with the developer to address deplorable conditions. Mr. Wapner said he supports development 90% of the time but has concerns about working with this developer. He added he would prefer for them to include all commercial in Phase I and residential in Phase II.

Mayor pro Tem Dorst-Porada said she does not believe Council should approve half of a project. She supports the idea of commercial development in one phase and residential in another phase. She noted the condition of the corner and the project should include all maintenance improvements and landscaping.

Council Member Bowman said he agrees with his colleagues noting the City is proactive and pro business and does not like compromising the standards of quality development. He added the final project is a reflection of partnership with the City.

Council Member Mautz said she cannot support the application.

At the Mayor's invitation, property owner and project manager, Paul Hamilton, and architect, Steve Rivers, came to the podium to answer questions.

Mr. Hamilton said the post office at the site would remain open and they will add architectural features similar to the proposed Walgreens.

Steve Rivers advised that Phase II had a dry cleaner that generated PCEs and is being cleaned up. He added they cannot develop the property until this is

completed noting the Walgreens site previously housed a dry cleaner that was moved leaving the site uncontaminated. Mr. Rivers advised they would like to proceed with the post office and Walgreens and complete development when contamination is removed from Phase II.

Paul Hamilton said they can proceed with facades, signing, and arches similar to Walgreens but clean up may take 1-2 years noting they are working with a government agency DTSE.

Mayor Leon said his colleagues have been gentle with the history of this property and have sincere concerns about promises made and promises kept. He discussed contamination and questioned its resolution, the substandard nature of the renderings and the developers' history of non-cooperation with the City. Mr. Leon said he would like to see firm conditions for the entire development and something larger than what Phase I is now. He added that all buildings should see the same development improvements and the parking lot needs to be expanded along Mountain Avenue. He said he willing to go along with what is being proposed but wants it done now.

Paul Hamilton said the drawings can be modified and Phase II can be started in approximately 2 years.

Mayor pro Tem Dorst-Porada indicated she has not seen this area improve in 45 years and hopes the developer will achieve this.

Paul Hamilton said he is happy to upgrade the current buildings but senior housing will require a deeper setback noting he has been working with this issue for years.

Council Member Bowman hopes there is an amiable resolution in this matter and commented on the possible lack of due diligence in obtaining soil samples, engineering and geological studies first, noting someone may have missed contamination testing on this site.

Steve Rivers agreed it had not been picked up at first and added environmental issues preclude moving forward with the housing element.

Mayor Leon thanked them for their willingness to comply with the upgrades to other buildings but noted he wants something that will trigger completion of the project within a specific time frame as part of the amendment.

Council Member Mautz suggesting delaying a vote on this issue until the developer can meet with staff to develop a trigger that will compel completion.

MOTION: Moved by Council Member Wapner, seconded by Mayor pro Tem Dorst-Porada and unanimously carried by roll call vote to overturn the decision of the Planning Commission without prejudice. Council Member Wapner indicated they can return with another project application.

Paul Hamilton asked whether they can meet with Council Members on the issues to which the Mayor responded that it is not recommended. They are frustrated with the number of years the center has been in this condition.

Paul Hamilton said they will continue to work on it and want something to happen.

8. AN AMENDMENT TO THE CENTRELAKE BUSINESS PARK SPECIFIC PLAN CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 6 ACRES FROM COMMERCIAL/HOTEL TO OFFICE/R-D

City Council adopted a Resolution amending the Centrelake Business Park Specific Plan (File No.PSPA11-001) to change the land use designation for approximately 6 acres from Commercial/Hotel to Office/R-D for property located along the north side of Guasti Road within the Centrelake Business Park Specific Plan (APN: 210-551-170 & 210-551-180).

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 requesting to be heard, the Mayor closed the public hearing.

RESOLUTION NO. 2011- 043 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA11-001, AN AMENDMENT TO THE CENTRELAKE BUSINESS PARK SPECIFIC PLAN CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 6 ACRES FROM COMMERCIAL/HOTEL TO OFFICE/R-D FOR PROPERTY GENERALLY LOCATED ALONG THE NORTH SIDE OF GUASTI ROAD WITHIN THE CENTRELAKE BUSINESS PARK SPECIFIC PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 210-551-170 & 210-551-180.

Motion: Moved by *Mayor pro Tem Dorst-Porada*, seconded by *Council Member Bowman*, and unanimously carried to adopt said Resolution No. 2011- 043.

9. AN AMENDMENT TO FILE NO. PSPA11-002, THE CREEKSIDE SPECIFIC PLAN, CHANGING PARKING REQUIREMENTS WITHIN CUL-DE-SACS AND KNUCKLES

City Council adopted a Resolution amending the Creekside Specific Plan (File No. PSPA11-002) to eliminate the requirement for "No Parking" signs and associated red-painted curbs within all cul-de-sacs and knuckles, and adding a requirement to red-paint all islands within the cul-de-sacs and knuckles within the Creekside residential community located north of Riverside Drive, south of SR60, east of Turner Avenue, and west of Milliken Avenue.

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

Mayor pro Tem Dorst-Porada suggested development of a Citywide program with respect to street sweeping and hoped it could be included into this plan since signs are being removed. She noted that the street sweeping issue is separate and will be discussed again.

City Manager Hughes advised that certain neighborhoods got started last year and were about individual streets. He added that Creekside East and Creekside West conducted homeowners' association, and citizens' meetings resulted in requests from property owner. At a question from Council Member Bowman, he advised that public services such as fire and sanitation will not be impacted by this action.

RESOLUTION NO. 2011-044 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PSPA11-002, AN AMENDMENT TO THE CREEKSIDE SPECIFIC PLAN TO ELIMINATE THE REQUIREMENT FOR "NO PARKING" SIGNS AND ASSOCIATED RED-PAINTED CURBS WITHIN ALL CUL-DE-SACS AND KNUCKLES, AND ADD A REQUIREMENT TO RED-PAINT ALL ISLANDS WITHIN THE CUL-DE-SACS AND KNUCKLES WITHIN THE CREEKSIDE RESIDENTIAL COMMUNITY, WHICH IS GENERALLY LOCATED NORTH OF RIVERSIDE DRIVE, SOUTH OF STATE ROUTE CA-60, EAST OF TURNER AVENUE, AND WEST OF MILLIKEN AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF

Motion: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Wapner, and unanimously carried to adopt said Resolution No. 2011-044.

COUNCIL /STAFF COMMENT

Council Member Mautz thanked staff for a wonderful July 4th parade, firefighter rescue on the freeway, and police rescue of a woman who was drowning. She commended staff for their diligence.

Council Member Bowman agreed the July 4th events were wonderful for the community and commended the spectacular fireworks.

Council Member Wapner thanked all City employees who worked on July 4th noting that they spent the day serving the community instead of being with their family.

Mayor pro Tem Dorst-Porada said she is pleased the parade included implementation of the Military Banner Program and was happy to see the 14 families who participated adding they received a standing ovation. She also commended homeowners association operations since they take care of everything within their communities including colors, streets, building and maintenance. Mayor pro Tem Dorst-Porada added that the two murals in the childrens' room at the Library were donated to the City and brighten up the room.

Mayor Leon said the July 4th events attracted more people than in all the years presented and included 87 parade entries. It took 2 hours and provided great entertainment. The Mayor gave kudos to City staff that made this regional event possible.

ADJOURNMENT

No further business to come before the Joint Agencies, the meetings were adjourned at 7:25 p.m. Mayor Leon announced the next regular meeting will be held on July 19, 2011.

Respectfully Submitted,



MARY E. WIRTES, MMC, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/ CHAIRMAN