

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

**MINUTES  
JULY 19, 2011**

**JOINT MEETINGS**

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, July 19, 2011, at the Ontario City Hall, 303 East "B" Street, Ontario, California.

**CALL TO ORDER**

The Mayor called the City Council Authority/Redevelopment Agency meetings to order at 6:05 p.m. asking if there was anyone present wishing to address the matter for Closed Session discussion. Hearing no one the Council adjourned to Closed Session at 6:05 p.m. with Council Members Mautz and Wapner, Mayor Pro Tem Dorst-Porada and Mayor Leon in attendance and Council Member Bowman absent.

**CLOSED SESSION**

- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: Eduviges Sevilla and Anthony Sevilla vs. City of Ontario, Denise Veronica Duarte, Daniel Duarte and Does 1 through 30, Case No. CIVRS 902421

**CALL TO ORDER**

The Mayor reconvened the City Council/Housing Authority/Redevelopment Agency meetings in open session at 6:30 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:	Alan D. Wapner and Sheila Mautz

<b>ABSENT:</b>	Council/Authority/Agency Member	Jim W. Bowman
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Also present were City Manager/Executive Director Chris Hughes, City Attorney John Brown and Assistant City Clerk/Secretary Vicki Kasad.

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

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

## REPORT ON CLOSED SESSION

City Attorney John Brown reported that direction was given to Legal Counsel, however there was no reportable action.

## PUBLIC COMMENT

*Dorene Hopkins* commented on the Walmart project, the lack of residents walking in the downtown area, the need for new curbing, a light pole, stop sign and speed limit signs on J Street in the vicinity of Sultana Avenue.

*Wendy Myring* requested that the City Council review the current agreement with the Humane society and detailed her recent interactions with them. She expressed particular concern with billings for 2010, during which time she was not in possession of the dogs but was being asked to show proof that she did not have them. Mayor Leon expressed understanding of her concerns and indicated that staff would do what they could to rectify the situation. Mayor Pro Tem Dorst-Porada indicated that she was very sympathetic to Ms. Myring's concerns and noted that she had less than nice interaction with the Humane Society in the past. Ms. Myring was referred to Deputy City Manager Boling for assistance.

*Gene Rivera* indicated that he had been a resident of Ontario for 35 years and worked in the community for over 25 years and was present to inform the Council of an issue with a company in the City, being *BMW of North America*. He indicated that he represents the Teamsters in that organization who were informed that on August 31<sup>st</sup> they would be replaced by an outsourcing company. He expressed concern that these would become low paying, non-benefited positions and create a bigger economic downturn for the community. He clarified that this discussion was not against the auto dealer *Savage BMW*, but instead the BMW corporation. He stressed that the persons being terminated were 20 and 30 year employees. He presented a packet of materials including a Los Angeles Times article and letters of support from Congressman Baca and Senator Boxer.

Tom Kitchens indicated that he had been working for BMW for the last 32 years starting in Carson and relocating to Ontario. He detailed the long term employment of the persons being terminated and stressed the impact on their families and their children.

Mark Reyes indicated that he has worked for BMW for over 24 years and expressed concern that the company had no interest in negotiating with the workers. He stressed that there had never been a work stoppage or strike in the history of the Ontario location and they have always negotiated in good faith. He expressed hopes that the Council would be in contact with BMW because 68 jobs were being lost in Ontario.

Mayor Leon commented that this was an unfortunate situation as they all sounded like loyal and committed associates of BMW. He indicated that he did not think this helped the current economic situation and suggested that in his opinion this was poor

management. He thanked the BMW employees for bringing this matter to the Council to explain the issue.

## **AGENCY REVIEW/ANNOUNCEMENTS**

City Manager Chris Hughes indicated there were no announcements.

## **JOINT AGENCIES CONSENT CALENDAR**

**MOTION:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Wapner, the Joint Agencies with the absence of Council Member Bowman approved the following Consent Calendar items as recommended:

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

Approved the Minutes for the regular meeting of the City Council, Redevelopment Agency and Housing Authority of June 21, 2011, and approving same as on file in the Records Management Department.

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

Approved **Bills** for May 22, 2011 through June 4, 2011, in the amount of \$7,704,688.30 and **Payroll** for May 22, 2011 through June 4, 2011, in the amount of \$2,610,681.30 when audited by the Finance Committee.

### **3. DESIGNATION OF VOTING DELEGATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING**

The City Council designated Mayor pro Tem Dorst-Porada as the City's voting delegate and Council Member Wapner as an alternate for the League of California Cities Annual Business Meeting scheduled for September 23, 2011.

### **4. STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO THE RECREATION AND PARKS COMMISSION FOR 2011/12 AND RECOGNITION OF THE CURRENT STUDENT REPRESENTATIVE FOR THE YEAR SERVED 2010/2011**

The City Council confirmed Ana Villanueva as the Student Representative and Cody Thach as the alternate to the Recreation and Parks Commission for terms to expire June 30, 2012; and recognized Christopher Le Marr for serving as the Student Representative for the past year.

**5. TEST CLAIM FILING FOR UNFUNDED MANDATES UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM STORMWATER PERMIT (MS4 PERMIT)**

The City Council authorized joint participation with the San Bernardino County Flood Control District and other Co-Permittee cities in the Test Claim filing; contracted the law firm of Burhenn & Gest, LLP, of Los Angeles, California, to prepare and file the Test Claim with the Commission on State Mandates concerning unfunded mandates in the MS4 Permit, Regional Water Quality Control Board Order No. R8-2010-0036; and authorized the City Manager to execute all related Test Claim documents.

**6. RESOLUTION APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18789 AND 18791**

The City Council adopted a resolution approving an Improvement Agreement, Improvement Security and Final Tract Map Nos. 18789 and 18791 located east of Edenglen Avenue and south of Riverside Drive, within the Edenglen Specific Plan area.

**RESOLUTION NO. 2011-045** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY AND FINAL TRACT MAP NOS. 18789 AND 18791 LOCATED EAST OF EDENGLLEN AVENUE AND SOUTH OF RIVERSIDE DRIVE, WITHIN THE EDENGLLEN SPECIFIC PLAN AREA.

**7. AMENDMENT TO THE PURCHASING AGREEMENT WITH BOUND TREE MEDICAL, LLC FOR THE PURCHASE OF PARAMEDIC SUPPLIES/BOUND TREE MEDICAL, LLC**

The City Council authorized the extension of the purchase agreement (Bid No. 09.07-01) awarded to Bound Tree Medical, LLC, of Visalia, California, for the purchase of paramedic supplies utilized by Fire Department EMS response personnel at an estimated annual cost of \$40,000.

**8. AWARD BID FOR THE PURCHASE OF A HAZMAT RESPONSE VEHICLE/KOVATCH MOBILE EQUIPMENT CORPORATION (KME)**

The City Council awarded Bid No. 103 to Kovatch Mobile Equipment Corporation (KME), of Ontario, California, in the amount of \$831,551 for the purchase and delivery of a new HazMat Response Vehicle.

9. **RESOLUTION AUTHORIZING THE SUBMISSION OF A KAISER PERMANENTE SOUTHERN CALIFORNIA REGION HEALTHY EATING ACTIVE LIVING HEAL ZONE INITIATIVE GRANT PROPOSAL**

The City Council adopted a resolution authorizing the submittal of a Kaiser Permanente Southern California Region Healthy Eating Active Living (HEAL) Zone Initiative grant proposal and authorizing the City Manager to execute required grant agreements.

**RESOLUTION NO. 2011-046** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMISSION OF A KAISER PERMANENTE SOUTHERN CALIFORNIA REGION HEALTHY EATING ACTIVE LIVING HEAL ZONE INITIATIVE GRANT PROPOSAL AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE REQUIRED GRANT AGREEMENTS.

10. **NATIONAL NIGHT OUT – AUGUST 2, 2011**

The City Council recognized August 2, 2011 as Ontario's National Night Out Celebration.

11. **RESOLUTION APPROVING APPLICATION FOR THE 2011-2012 USED OIL PAYMENT PROGRAM FROM THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)**

The City Council adopted a resolution approving an application for the 2011-2012 Used Oil Payment Program from the State of California Department of Resources Recycling and Recovery (CalRecycle), and authorize the City Manager or his designee to execute all necessary documents to participate in the program.

**RESOLUTION NO. 2011-047** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN ANNUAL APPLICATION TO PARTICIPATE IN THE 2011-2012 USED OIL PAYMENT PROGRAM FROM THE STATE OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE).

12. **ON-CALL SERVICES FOR WATER DISTRIBUTION AND SEWAGE COLLECTIONS SYSTEM REPAIRS/ T.E. ROBERTS, INC.**

The City Council:

- (A) Rejected all previous bids and authorized the return of all appropriate bid materials;

- (B) Awarded Contract No. UT 1112-01 to T.E. Roberts, Inc. of Tustin, California, for on-call services for water distribution and sewage collection system repairs, for \$1,200,000;
- (C) Authorized the City Manager to execute said contract (on file in the Records Management Department);
- (D) Authorized the City Manager to extend the contract for up to three years, consistent with City Council approved budgets; and
- (E) Directed Staff to File a Notice of Completion at conclusion of all construction activities related to the work.

**13. AN ORDINANCE AUTHORIZING THE CITY OF ONTARIO TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, A RESOLUTION REDUCING THE ONTARIO REDEVELOPMENT AGENCY ALLOCATION TO THE LOW AND MODERATE INCOME HOUSING FUND FOR THE 2011-2012 FISCAL YEAR, A REMITTANCE AGREEMENT BY AND BETWEEN THE CITY OF ONTARIO AND THE ONTARIO REDEVELOPMENT AGENCY PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 34194.2**

The City Council and Redevelopment Agency Board took the following actions to authorize participation in the Alternative Voluntary Redevelopment Program in order to permit the continued existence and operation of the Ontario Redevelopment Agency;

- (A) The City Council introduced for first reading and waived further reading of an ordinance to approve the City of Ontario's participation in the Alternative Voluntary Redevelopment Program, subject to certain conditions and reservations;
- (B) The Agency Board adopted a resolution reducing the Ontario Redevelopment Agency's allocation to the Low and Moderate Income Housing Fund for the 2011-12 Fiscal Year, and making certain findings and determinations thereto;
- (C) The City Council and Agency Board considered and approved a Remittance Agreement by and between the City of Ontario and the Ontario Redevelopment Agency pursuant to California Health & Safety Code Section 34194.2; and
- (D) Authorized the City Manager/Executive Director to take any and all actions necessary and appropriate to comply with the Alternative Voluntary Redevelopment Program and to implement and carry out the City Council ordinance, Agency Board resolution, and the terms and conditions of the Remittance Agreement.

**ORDINANCE NO. 2938** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE CITY OF ONTARIO TO PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM, SUBJECT TO CERTAIN CONDITIONS AND RESERVATIONS.

**RESOLUTION NO. ORA-821** A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF ONTARIO, CALIFORNIA, REDUCING ITS ALLOCATION TO THE LOW AND MODERATE INCOME HOUSING FUND FOR THE 2011-12 FISCAL YEAR AND MAKING CERTAIN FINDINGS AND DETERMINATIONS.

**MOTION UNANIMOUSLY CARRIED** with Council Member Bowman absent. The Mayor/Chairman declared Resolution Nos. 2011-045, 2011-046, 2011-047 and ORA-821 duly passed and adopted, and unanimously carried to accept Ordinance 2938 for introduction and first reading.

## **END OF JOINT CONSENT CALENDAR**

## **SPECIAL RECOGNITION**

Council Member Wapner noted that the City has student representatives on the Recreation & Parks Commission, and indicated that it has helped a lot to have their participation. He recognized Chris La Marr as the outgoing representative, noting that he has done a good job and attended many City events. He thanked Mr. La Marr for his contributions to his school and the community.

Assistant Recreation/Community Services Director Julie Dorey introduced the new student representative Ana Villanueva and alternate Cody Thach.

## **PUBLIC HEARINGS**

### **14. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2011-12**

The City Council took the following actions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No. 1, 2, 3 and 4:

- (A) Conducted a combined public hearing on the levy of the annual assessments for each district, and
- (B) Adopted the resolution approving the Engineer's Reports relating to the levy of assessments for each district, and
- (C) Adopted the resolutions confirming the diagrams and assessments, and providing for the assessment levy within each District.

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. 2011-048** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3 AND 4 FOR FISCAL YEAR 2011-2012.

**RESOLUTION NO. 2011-049** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAMS AND ASSESSMENTS, AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2 AND 3 FOR FISCAL YEAR 2011-12.

**RESOLUTION NO. 2011-050** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4 FOR FISCAL YEAR 2011-2012.

**MOTION:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Mautz, the City Council adopted Resolutions No. 2011-048, 2011-049 and 2011-050

**MOTION UNANIMOUSLY CARRIED** with the absence of Council Member Bowman.

**15. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2011-12**

The City Council took the following actions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) No. 1 and 2:

- (A) Conducted a combined public hearing on the levy of the annual assessments for each district, and
- (B) Adopted a resolution approving the Engineer's Reports relating to the levy of assessments for each district, and
- (C) Adopted resolutions confirming the diagrams and assessments, and providing for the assessment levy for each District.

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. 2011-051** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2011-2012.

**RESOLUTION NO. 2011-052** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2011-2012.

**RESOLUTION NO. 2011-053** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE ANNUAL ASSESSMENT LEVY WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 2 FOR FISCAL YEAR 2011-2012.

**MOTION:** Moved by Council Member Mautz, seconded by Council Member Wapner, the City Council adopted Resolutions No. 2011-051, 2011-052 and 2011-053

**MOTION UNANIMOUSLY CARRIED** with the absence of Council Member Bowman.

**16. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT, FILE NO. PDCA11-001, REVISING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 26 (HISTORIC PRESERVATION), SECTION 9-1.2625 (H) WAIVERS**

The City Council introduced for first reading and waived further reading of an ordinance approving File No. PDCA11-001 revising Ontario Municipal Code Title 9, Chapter 1 (Zoning and Land Use Requirements), Article 26 (Historic Preservation), Section 9-1.2625 (h) Waivers, for the purpose of eliminating the 40-year dimensional composition shingle replacement requirement and replacing it with a 30-year dimensional composition shingle or equivalent roof replacement requirement.

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. 2939** A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-001, A DEVELOPMENT CODE AMENDMENT REVISING ARTICLE 26 (HISTORIC PRESERVATION), SECTION 9-1.2625(H) OF TITLE 9 (DEVELOPMENT CODE), CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), OF THE ONTARIO MUNICIPAL CODE, FOR THE PURPOSE OF ELIMINATING THE 40-YEAR DIMENSIONAL SHINGLE ROOF REPLACEMENT REQUIREMENT AND TO INCLUDE A 30-YEAR COMPOSITION DIMENSIONAL SHINGLE OR EQUIVALENT ROOF REPLACEMENT REQUIREMENT, AND MAKING FINDINGS IN SUPPORT THEREOF.

was introduced and given first reading by title only.

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

#### **COUNCIL/STAFF COMMENT**

Council Member Mautz commented on the *American Idol* show at the Arena, noting that it was wonderful. She encouraged the public to take advantage of the programs presented at the Arena. She gave kudos to the Police Explorer Scouts who recently did a car wash as a fund-raiser and requested more advance notice for their next effort.

Council Member Wapner had no comments.

Mayor pro Tem Dorst-Porada commented on the Art Walk at the art lofts on Emporia, noting that it was a wonderful event which gets better every time. She noted that there will be another such event the third Saturday in September and encouraged participation. She indicated that *Sade* was coming to the arena. She announced the opening of the Ontario Rotary Police Museum and car show on Saturday, July 23, 2011. She also announced that preparations are underway for the annual Christmas on Euclid event. She commented that school would be starting soon and reminded the public of the need for the Pertussis Vaccine.

Mayor pro Tem Dorst-Porada noted that the Kids Come First Community Clinic had applied for and received a \$500,000 grant to rebuild.

Mayor Leon commented on events at the Arena and noted that it is an amazing venue with all good seats and a terrific sound system. He also commented on the "my Ontario" application for smart phones and encouraged residents to take pictures of problem areas and submit them for correction.

City Manager Hughes deferred his time to City Attorney John Brown. Mr. Brown introduced two law students serving as summer associates to the Ontario office of his law firm.

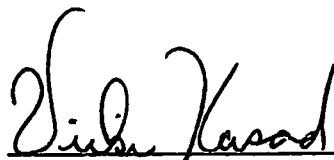
Jennifer Kunz (BA in Geography & Human Environmental Studies '02 SFSU, Masters in Urban & Regional Planning '04 UC Irvine, JD '12 Hastings) is a member of the Pace Env. Law Competitive Moot Court Team and the Hastings Science and Technology Journal. She worked as a law clerk in the LA City Attorney's Office, Land Use Division and is an LEED accredited professional, and a member of the American Institute of Certified Planners and the American Planning Association. Her interests are in municipal and redevelopment litigation, ENR/Eminent Domain, and public finance.

Leo Li (BA PoliSci '08 Cal, JD '13 Loyola) is participating in BBK's First Year Law Student Diversity Fellowship/Scholarship Program. He is a member of the Asian Pacific American Law Students Association. He worked as a class action clerk for Seyfarth Shaw, LLP, and a legal assistant for the Law Office of Hector Hu. He is fluent in Mandarin Chinese and his interests are in Labor & Employment, litigation and business services.

#### **ADJOURNMENT**

Mayor Leon announced that the next regular City Council meeting on August 2, 2011 would be cancelled due to National Night Out, with the next meeting being held on August 16, 2011 at the Ontario City Hall.

Respectfully submitted,



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VICKI KASAD, MMC, ASSISTANT CITY CLERK/ SECRETARY

APPROVED:



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PAUL S. LEON, MAYOR/CHAIRMAN