

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

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, November 1, 2011, in the Ontario City Hall, 303 East B Street.

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

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 and the National Anthem was sung by *Ryan Andreas*.

The Invocation was offered by *Pastor Mike Schreib*, Bible Baptist Church.

SPECIAL CEREMONIES

RECOGNITION OF RYAN ANDREAS, ONTARIO RESIDENT - PARTICIPANT IN AMERICA'S GOT TALENT

Mayor Leon introduced Ryan Andreas and thanked him for singing the National Anthem for the citizens of Ontario. He asked Mr. Andreas to say a few words about his journey and successes as a participant on the television show, America's Got Talent.

Mr. Andreas told of his history in the Southern California area and education through Ontario schools. He said his move into the musical arena began with his appearance on America's Got Talent, and that his name has skyrocketed through social media and caused him to become known throughout the country. He thanked Council Members for including him this evening.

Mayor pro Tem Dorst-Porada invited him to sing at the Citizens' Business Bank Arena which he indicated he would love to do.

Council Member Bowman said he is an example of Ontario's finest and noted he needs an Ontario, California shirt.

Council Member Wapner indicated he saw his performance on the television show and asked about the appearance and the process he experienced. Mr. Wapner said there are feelings of great pride when we see a local from Ontario appear on national television. Mr. Andreas described the process and resulting acclaim received from throughout the world.

Mayor Leon added that we are proud of him and advised he is a Favorite Son of Ontario. The Mayor presented Mr. Andreas with a Certificate of Congratulations and Council Members individually wished him well.

RECOGNITION OF ROBERT LYN NELSON, ONTARIO NATIVE – WORLD-RENOWNED ARTIST, AUTHOR AND ENVIRONMENTALIST

Mayor Leon introduced *Robert Lyn Nelson*, an Ontario native, saying he is happy he is here in the City and has brought some of his original work. Mr. Nelson was raised in Ontario and attended Ontario schools. He has lived in Maui since 1973. Mr. Leon said he and his wife have seen many of his works and asked Mr. Nelson to introduce his family.

Robert Lyn Nelson introduced his 91-year old mother, his brother, and two sisters-in-law who were present in the Chambers. At the Mayor's request, he described paintings in a video presentation prepared by staff that included "California Poppies", landscapes in French Polynesia, a cubist work, a depiction of his trip through Europe, and a print of "Two Worlds"—his original above and below art work that focused on a sea turtle and right whale. Mayor Leon noted that it was Robert Lyn Nelson who originated the over and under seascape method. At the Mayor's request, Mr. Nelson advised his art work is or has been displayed at the Smithsonian Museum, the White House under four presidents, in Japan, and was personally owned by George H. W. Bush, William Clinton, Ronald Reagan and George W. Bush. Mr. Nelson indicated he met Jacques Cousteau in the early 1980's when he was involved in a fundraiser for the Cousteau Society, and has since enjoyed a long relationship with his son, Jean-Michel Cousteau, as they promote marine environments all over the world. He indicated that Jacques Cousteau was his mentor.

Mayor pro Tem Dorst-Porada said it is nice to see Nelson's mother, Irma, whom is a neighbor and who is very proud of him.

Council Member Mautz thanked Mr. Nelson for his presentation this evening and for sharing his works with the public.

Council Member Bowman noted Mr. Nelson is one of Ontario's finest indicating he has lived in and leased the Nelson home, and added Mr. Nelson also needs an Ontario shirt to promote the City in his travels.

Council Member Wapner congratulated Mr. Nelson and thanked him for bringing recognition to the community.

Thomas Mitchell, Superintendent of the Chaffey Joint Union High School District, presented Mr. Nelson with a copy of his 1973 year book and thanked him for the many great things he did in high school where he was awarded Tiger of the Year in 1976 and, in his senior year received scholarships from both Mt. San Antonio Community College and Chaffey Community College. Mr. Mitchell congratulated him for his many accomplishments and for what he has given society.

Fourth District San Bernardino County Supervisor, *Gary Ovitt*, also a Tiger of the Year at Chaffey, said he is proud of both Ryan Andreas and Robert Lyn Nelson. Supervisor Ovitt noted that Mr. Nelson's art work and other endeavors have done much for environmental awareness and said he knows of many celebrities who own his work. He presented Mr. Nelson with a Proclamation from the County of San Bernardino acknowledging their pride in his accomplishments.

Mayor Leon added that Mr. Nelson started at a young age, and has presented work at the request of the United States Government at the 1998 World's Fair. Mr. Nelson said he was commissioned to paint a 12x6 art piece depicting a marine sanctuary, and that piece now hangs at Hearst Castle.

Mayor Leon said Proclamations were also issued by Assemblyman Mike Morrell, Assemblywoman Norma Torres and Congressman Joe Baca in addition to that presented by the City of Ontario.

Mr. Nelson also advised that the Takeuchi Gallery at the Los Altos Hotel in Los Angeles is showing 54 pieces of his work from 4:00 p.m. to 10:00 p.m., on November 5th.

RECESS A recess was called at 7:16 p.m., to permit those in attendance to view Mr. Nelson's art work in the lobby, and to meet singer Ryan Andreas after which the meeting resumed at 7:32 p.m.

AGENCY REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised there were no announcements.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Council Member Bowman, seconded by Council Member Wapner, the Joint Agencies approved the following Consent Calendar items as recommended.

1. MINUTES

Minutes for the regular meeting of the City Council, Redevelopment Agency and Housing Authority of October 4, 2011, were approved as on file in the Records Management Department

2. BILLS/ PAYROLL

Approved Bills in the amount of \$9,215,811.18, from August 28, 2011 through September 10, 2011; and Payroll in the amount of \$2,437,187.59, from August 28, 2011 through September 10, 2011, when audited by the Finance Committee.

3. ADOPTION OF AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 1 (GENERAL PROVISIONS), CHAPTER 5 (ADMINISTRATIVE CITATIONS), SECTION 1-5.04 AND TITLE 4 (PUBLIC SAFETY), CHAPTER 13 (PARKING ON UNPAVED SURFACES), SECTION 4-13.04; AND RESOLUTIONS ESTABLISHING THE ASSOCIATED FINES AND CIVIL PENALTIES FOR ADMINISTRATIVE CITATIONS AND PARKING VIOLATIONS

City Council adopted:

- (A) An Ordinance amending Ontario Municipal Code Title 1 (General Provisions), Chapter 5 (Administrative Citations), Section 1-5.04 pertaining to fine amounts for administrative citations; and Title 4 (Public Safety), Chapter 13 (Parking On Unpaved Surfaces), Section 4-13.04 pertaining to civil penalty amounts for violation of provisions restricting parking on unpaved surfaces;
- (B) A Resolution establishing fine and penalty amounts for administrative citations in accordance with Section 1-5.04 of the Ontario Municipal Code and repealing previous actions in conflict; and
- (C) A Resolution establishing civil penalties pursuant to Section 4-13.04 of the Ontario Municipal Code.

ORDINANCE NO. 2942 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING ONTARIO MUNICIPAL CODE TITLE 1, CHAPTER 5, SECTION 1-5.04 TO ESTABLISH THE AMOUNTS FOR ADMINISTRATIVE CITATION PENALTIES BY RESOLUTION; AND AMENDING TITLE 4, CHAPTER 13, SECTION 4-13.04 TO ESTABLISH THE CIVIL PENALTIES FOR PARKING ON UNPAVED SURFACES BY RESOLUTION.

RESOLUTION NO. 2011-064 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING FINE AND PENALTY AMOUNTS FOR ADMINISTRATIVE CITATIONS, AND REPEALING PREVIOUS ACTIONS IN CONFLICT HEREWITH.

RESOLUTION NO. 2011-065 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING CIVIL PENALTIES PURSUANT TO SECTION 4-13.04 OF THE ONTARIO MUNICIPAL CODE.

4. A RESOLUTION ESTABLISHING FEES FOR NUISANCE PROPERTY ABATEMENT ACTIVITIES IN ACCORDANCE WITH ONTARIO MUNICIPAL CODE TITLE 5, CHAPTER 22, ARTICLE 06 (RECORD OF COST OF ABATEMENT) AND ARTICLE 07 (ASSESSMENT OF COSTS)

City Council adopted a Resolution establishing standard fees for routine activities performed by the Code Enforcement Department to abate property nuisances and provide for recording of abatement costs in accordance with Ontario Municipal Code Title 5 (Public Welfare, Morals and Conduct), Chapter 22 (Property Appearance – Nuisance), Article 06 (Record of Cost of Abatement); and establishing the basis for collection of such costs as permitted by Article 07 (Assessment of Costs).

RESOLUTION NO. 2011-066 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING FEES FOR NUISANCE PROPERTY ABATEMENT ACTIVITIES IN ACCORDANCE WITH ONTARIO MUNICIPAL CODE TITLE 5 (PUBLIC WELFARE, MORALS AND CONDUCT), CHAPTER 22 (PROPERTY APPEARANCE – NUISANCE), ARTICLE 06 (RECORD OF COST OF ABATEMENT) AND ARTICLE 07 (ASSESSMENT OF COSTS).

5. RESOLUTION APPROVING THE FILING OF AN APPLICATION FOR GRANT FUNDS THROUGH THE STATE OF CALIFORNIA STRATEGIC GROWTH COUNCIL OF THE CALIFORNIA NATURAL RESOURCES AGENCY

City Council adopted a Resolution approving the filing of an application for grant funds through the California Natural Resources Agency for the Urban Greening For Sustainable Communities Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the Downtown Ontario "Town Square" Community Plaza Project.

RESOLUTION NO. 2011-067 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84).

6. RESOLUTION PERTAINING TO DECLARED PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY

City Council adopted a Resolution rescinding Resolution 2010-024 and declaring prima facie speed limits on certain streets within the City.

RESOLUTION NO. 2011-068 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, RESCINDING RESOLUTION R2010-024 AND DECLARING PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY.

7. AUTHORIZE AND AWARD THE PURCHASE OF REPLACEMENT FLEET VEHICLES AND EQUIPMENT/RUSH TRUCK CENTER/ LONG BEACH BMW MOTORCYCLES/ INLAND BOBCAT, INC.

City Council:

- (A) Rejected as non-responsive the bid submitted by Trinity Diversified, Inc. of Long Beach, CA, in response to Bid No. 138;
- (B) Awarded Bid No. 138 to Rush Truck Center located in Fontana, CA, in the amount of \$149,193 for the purchase and delivery of one (1) 2012 Isuzu Truck Cab Chassis and Paint Stripping Equipment;
- (C) Authorized the purchase of replacement police vehicles including two (2) 2012 BMW RT-P 1200 motorcycles from Long Beach BMW Motorcycles of Long Beach, CA, in the amount of \$48,532 consistent with the terms and conditions of the City of San Diego Police Department Purchase Order No. 4600000385; and
- (D) Authorized the purchase of replacement fleet equipment including one (1) S205 Bobcat Skid-Steer Loader and attachment from Inland Bobcat, Inc. of Riverside, CA, in the amount of \$25,989 consistent with the terms and conditions of the National Joint Powers Alliance Contract (NJPA) Invitation for Bids (IFB) No. 100907.

8. AWARD OF BID FOR THE PROCUREMENT OF MISCELLANEOUS MATERIALS AND SUPPLIES FOR WATER SYSTEM REPAIRS/WESTERN WATER WORKS SUPPLY COMPANY

City Council awarded purchase agreements under Bid No. 136 to Western Water Works Supply Company of Chino Hills, CA, in an estimated amount of \$100,000 and Inland Water Works Supply Company of San Bernardino, CA, in an estimated amount of \$60,000 for the procurement of miscellaneous materials and supplies on an as-needed basis for water system repairs through June 2012.

9. AN ORDINANCE APPROVING A DEVELOPMENT CODE AMENDMENT (FILE NO. PDCA11-002) REVISING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 1 (ZONING AND LAND USE REQUIREMENTS), ARTICLE 13 (LAND USE AND SPECIAL REQUIREMENTS), SECTION 9-1.1305

City Council adopted an Ordinance approving a Development Code amendment (File No. PDCA11-002) revising Ontario Municipal Code Title 9, Chapter 1 (Zoning and Land Use Requirements), Article 13 (Land Use and Special Requirements), Section 9-1.1305 to include criteria pertaining to alcoholic beverage sales operating standards and approval requirements.

ORDINANCE NO. 2943 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDCA11-002, A DEVELOPMENT CODE AMENDMENT TO INCLUDE CRITERIA PERTAINING TO ALCOHOLIC BEVERAGE SALES OPERATING STANDARDS AND APPROVAL REQUIREMENTS, AND MAKING FINDINGS IN SUPPORT THEREOF.

MOTION UNANIMOUSLY CARRIED. The Mayor /Chairman declared Ordinance Nos. 2942 and 2943, and Resolution Nos. 2011-064, 2011-065, 2011-066, 2011-067 and 2011-068 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARING

10.A RECONSIDERATION OF THE CITY COUNCIL'S DECISION ON FILE NO. PDEV10-013, A DEVELOPMENT PLAN MODIFICATION TO A PREVIOUSLY APPROVED PROJECT ALLOWING FOR THE PHASED CONSTRUCTION OF A PROJECT LOCATED AT THE NORTHEAST CORNER OF MOUNTAIN AVENUE AND FOURTH STREET

City Council reconsidered its previous decision and approved File No. PDEV10-013 to allow the phasing of a previously approved project at the northeast corner of Mountain Avenue and Fourth Street, subject to departmental conditions of approval and revised architectural elevations, to include a 13,570 square foot Walgreens, remodel of an existing 4,110 square foot U.S. Post Office, and construction of 6,159 square feet of retail space and 177 senior apartments.

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

Nancy Bumstead, tenant for 25 years, said the owners of the center gave them a financial break when they began their career and thanked *Paul Hamilton*, Property Manager, for helping them start their business. Mrs. Bumstead said they are very happy with their location noting the center is old and needs revamping but have many loyal customers. She requested Council make a fair decision in this matter.

Council Member Bowman inquired which business they owned. Ms. Bumstead advised that they own Bumstead Bicycles which has been in business for 102 years and are in their fifth generation.

No one else requesting to speak, and there being no written communication, the Mayor closed the public hearing.

RESOLUTION NO. 2011-069 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PDEV10-013, A REQUEST TO RECONSIDER THE PREVIOUS DENIAL FOR FILE NO. PDEV10-013, A DEVELOPMENT PLAN MODIFICATION TO A PREVIOUSLY APPROVED PROJECT TO ALLOW FOR THE PHASING OF THE DEVELOPMENT. PHASE I WILL INCLUDE THE DEVELOPMENT OF A 13,570 SQUARE FOOT WALGREENS, THE REMODEL OF AN EXISTING 4,110 SQUARE FOOT UNITED STATES POSTAL OFFICE AND THE EXTERIOR REMODEL OF A MULTI-TENANT BUILDING LOCATED ALONG THE CENTER PORTION OF THE SITE. PHASE II WILL INCLUDE 6,159 SQUARE FEET OF NEW RETAIL AND 177 MARKET RATE SENIOR HOUSING UNITS, AND MAKING FINDINGS IN SUPPORT THEREOF – APN: 1008-522-01, 02 & 03

was read by title only. **MOTION:** Moved by Council Member Bowman, seconded by Council Member Mautz, and unanimously carried to adopt said Resolution No. 2011-*069.

Mayor pro Tem Dorst-Porada thanked the owners of the property and Planning Department staff for taking the project back for a further look into existing businesses and for assisting businesses that must relocate.

Council Member Wapner indicated his concerns about the project overall and questioned if and when there will be a Phase II of the project. He said he concluded the location is going to look better with or without Phase II improvements when Walgreens is added. Mr. Wapner said he is supporting the item because it will bring new jobs to the site and reiterated that he would like to see Phase II completed.

At a question regarding the time frame for demolition of the first phase, a representative of the property owner indicated they are working on the plans and are helping the only remaining tenant to relocate. Noting this is part of Phase I, they anticipate demolition will be done by March 2012, adding that building permits will be needed as demolition is the first part of the project and is prior to Walgreens being constructed.

Mayor Leon said he likes the new renderings and commended the applicant for the new frontage stating he can continue to support the item.

The **MOTION** then carried unanimously.

COUNCIL/ STAFF COMMENT

Council Member Mautz said she attended the ribbon cutting for the new Kaiser Permanente Hospital in Ontario and noted it is a beautiful facility.

Council Member Bowman said he attended the Military Banner Program dedication ceremony at the Ontario Plaza intended to honor Ontario veterans both past and currently serving saying he felt honored to celebrate Ontario's heroes.

Council Member Wapner indicated the first banners recognize those who have been killed in the line of duty. He said the program is being cared for by the Ontario Chamber of Commerce and interested residents may contact them to sponsor a banner. Mr. Wapner said he also attended the Kaiser Permanente Hospital opening indicating it is great to have a hospital in town and reminding residents that their emergency room is open to the public. Council Member Wapner added that the facility created 600 new jobs in Ontario and said he is happy with the City's partnership with Kaiser Permanente.

Mayor pro Tem Dorst-Porada said she is pleased with the Military Banner Program. She noted that the Kids Come First Clinic and the Ontario-Montclair School District have both received \$25,000 donations from Kaiser Permanente. Ms. Porada advised there will be new crèches this year for the nativity scenes on Euclid Avenue indicating they have been replaced by the local Construction Workers Union and were painted by volunteers of the Lutheran church and the ROTC; and will be ready to set up the week before Thanksgiving. She reminded the community of Christmas on Euclid, Mayor pro Tem Dorst-Porada added that Friday, November 4, 2011, the LEO event will take place, which is the annual charity event for widows and orphans of police officers. She added the Saturday before Thanksgiving the Construction Workers Union has agreed to help set the nativity scenes up noting that statues are still needed for the crèches.

Mayor pro Tem Wapner said he attended the Tip a Cop event that took place last week and said \$20,000 was raised by the Police Officers Association for Special Olympics. Mr. Wapner added that police and fire personnel give a lot of personal time to community activities.

Mayor pro Tem Dorst-Porada introduced her nephew, *Jake Huber*, who was attending the meeting for his government class.

Mayor Leon said the "Get Motivated" seminar held at the Citizens Business Bank Arena (CBBA) was a great event with wonderful speakers with national recognition including Colin Powell and Rudy Giuliani. The speakers spoke on the topics of leadership and how to be successful, and Mr. Leon noted there was standing room only in the arena with a line waiting outside. He added that in 1995 it was determined there was need in this region for a facility such as the CBBA. The quality of the events attracts many spectators and its location has helped keep people off the freeways instead of travelling to L.A. Mayor Leon indicated that Chaffey High School has a phenomenal Performing

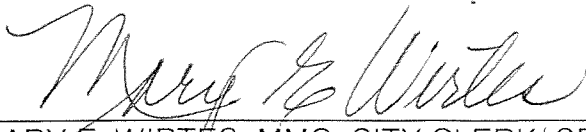
Arts Department who are presenting "Phantom of the Opera" in early December and he encouraged people to attend.

Mayor Leon noted that Fourth District Supervisor Gary Ovitt donated \$10,000 toward the Military Banner Program, Toyota gave \$5,000 and Yesco Signs is donating the installation of the banners resulting in a real community effort. He added the cost of sponsorship is \$300 per banner; and contributions to the program will help the goal to recognize all those of Ontario serving in the military.

ADJOURNMENT

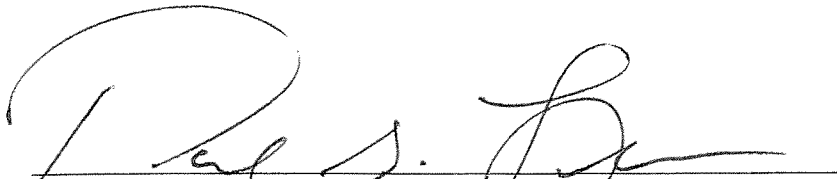
With no further business, the Joint Agencies did then adjourn at 7:57 p.m., and the Mayor announced the next regularly scheduled meeting will be held on November 15, 2011.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN