

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
ONTARIO REDEVELOPMENT AGENCY
MINUTES
DECEMBER 6, 2011**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, December 6, 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 6:34 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 Mayor pro Tem Dorst-Porada.

The Invocation was offered by *Bishop Perkins*, Church of Jesus Christ of Latter Day Saints.

PUBLIC COMMENT

Marty Binney, President of the Library Board of Trustees, announced that *Dave Pelzer*, author of "A Child Called It," will be speaking from 6:30 p.m. to 7:30 p.m. at Chaffey High School's Gardiner Spring Auditorium on January 25, 2012. He described Mr. Pelzer's book as a New York Times bestseller for 6 years and named other books he has written. Mr. Binney said there will be no charge and promised this will be a great event. Mayor Leon said he has met Mr. Pelzer and agrees he is an amazing man and is thrilled that he will be coming to town.

Jack Cunningham announced Congressman Baca's nominations to military academies who included *Stephanie Espinoza* from Colony High, *Ashley Alama* from Ontario High School, and *Alec Terry* from Xavier College who will be attending West Point. He also indicated that the Congressman will be hosting his annual Open House from 5:30 p.m.

to 9:00 p.m. on December 15, 2011, at Teamsters Local 63, 379 West Valley Boulevard, Rialto, CA 92376, and encouraged participants to bring an unwrapped toy for a child in need.

AGENCY REVIEW/ANNOUNCEMENTS

City Manager Hughes advised there were no announcements.

JOINT AGENCIES CONSENT CALENDAR

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman, 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, Redevelopment Agency and Housing Authority on November 1, 2011, as on file in the Records Management Department.

2. BILLS AND PAYROLL

Approved Bills in the amount of \$7,037,470.96, from September 25, 2011 through October 8, 2011; and Payroll in the amount of 2,309,288.78, from September 25, 2011 through October 8, 2011, when audited by the Finance Committee.

3. AMENDMENT TO THE CONSTRUCTION CONTRACT FOR FISCAL YEAR 2010-11 NEW MODEL COLONY PAVEMENT REHABILITATION/ALL AMERICAN ASPHALT, INC.

City Council approved Change Order No. 1 to the agreement with American Asphalt, Inc., Corona, CA, in the amount of \$388,000, adding an adjacent portion of Archibald Avenue between Chino Avenue and Edison Avenue; revising the existing contract authority (including contingency) from \$1,696,250 to \$2,084,250; and authorized the City Manager to execute said contract change order and related documents.

4. ORDINANCES AMENDING CHAPTERS 3, 7 AND 8B OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATING TO SOLID WASTE, SEWER AND WATER SERVICES AND FEES

City Council adopted:

- A. An Ordinance amending Chapter 3, of Title 6 of the Ontario Municipal Code related to solid waste services and fees; and

- B. An Ordinance amending Chapter 7, of Title 6 of the Ontario Municipal Code related to sewer services and fees, and authorizing increases to the rates for sewer service charges; and
- C. An ordinance amending Chapter 8 B, of Title 6 of the Ontario Municipal Code relating to water services and fees, and authorizing increases to the rates for water service charges.

ORDINANCE NO. 2944 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 3, OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO SOLID WASTE SERVICES AND FEES

ORDINANCE NO. 2945 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 7 OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO SEWER SERVICES AND CHARGES, AND AUTHORIZING INCREASES TO THE RATES FOR ITS SEWER SERVICE CHARGES

ORDINANCE NO. 2946 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AMENDING CHAPTER 8B OF TITLE 6 OF THE ONTARIO MUNICIPAL CODE RELATED TO WATER SERVICES AND FEES, AND AUTHORIZING INCREASES TO THE RATES FOR ITS WATER SERVICE FEES AND CHARGES AND OTHER MISCELLANEOUS ONE TIME WATER SERVICE FEES.

5. CONVEYANCE OF TITLE TO REAL PROPERTY FROM VULCAN MATERIALS COMPANY (AKA CALMAT COMPANY) TO THE CITY OF ONTARIO

City Council approved and accepted the conveyance of title to real property located in the City of Upland from Vulcan Materials Company, also known as Calmat Company, a Delaware Corporation; and authorized the City Manager to execute a Grant Deed and other necessary documents reflecting the conveyance.

MOTION UNANIMOUSLY CARRIED. The Mayor/Chairman declared Ordinance Nos. 2944, 2945, and 2946 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

PUBLIC HEARINGS

6. **CONSIDERATION OF AN ORDINANCE GRANTING A ONE-YEAR TIME EXTENSION TO ALL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPROVALS**

City Council accepted introduction and waived further reading of an Ordinance granting a one-year time extension to all Development Plan, Conditional Use Permit and Variance approvals that are due to expire on or before March 1, 2013.

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

City Attorney Brown announced that this item was scheduled to be heard on November 15th, but at 3:30 p.m., earlier that, the City Clerk received a communication from Mr. Cory Briggs requesting the City Council not approve this item. Mr. Brown indicated he appreciates being given an opportunity to review the issues raised in the communication, and advised that such communications are taken seriously and a memorandum addressing the issues has been provided for Council's consideration. In summary, Mr. Brown opined that the City Council can consider and take action on this matter in view of: 1) it is generally within the police powers of the City Council, 2) Council has made appropriate findings, 3) requisite notice of the public hearing was given, 4) requirements as per the Ontario Municipal Code have been met, and 5) this action is exempt from California Environmental Quality Act requirements. Attorney Brown indicated Council Members are clearly within their rights to consider the Ordinance this evening. Mayor Leon indicated there were no questions from Council Members.

Cory Briggs distributed to Council Members a copy of a lawsuit filed by Ontario Mountain Village Association (OMVA) against the City today and requested a copy of the memorandum referenced by the City Attorney. He continued that OMVA and Philip Meza urge that the proposed extension not be approved based upon the reasons detailed in a letter provided to the City at the last Council meeting. He said the agenda backup material includes only a 6-page staff report related to this item. Mr. Briggs alleged that a record of substantial evidence was not part of the file. Additionally, Briggs stated that he had submitted a public records request asking for every development plan and conditional use permit affected by the extension. Briggs claimed that the City has not provided those documents. He requested continuation of tonight's matter until records are made available to him.

No one else requesting to be heard, the public hearing was closed.

Council Member Wapner added that this Council chose to take action necessary to assist development and the economy in the region and Ontario; and indicated this was originally done three years ago at the beginning of the recession. Council acted to

reduce delays in re-issuing entitlements once the economy recovered. Other cities have since followed suit.

City Attorney Brown added that other cities have adopted similar extensions and advised that he was aware of no other city's ordinance that has been challenged noting he has participated in meetings at approximately 12 other cities who adopted similar legislation.

Council Member Wapner said it is important to provide some perspective adding that Council acts to the benefit of the entire community. This was not intended for any specific project, but for all projects that qualify with entitlements that will expire soon. Wapner stated that it is important to keep commitments with those who have made investments in development projects with expectations that entitlements would be extended. He continued that if the City changed direction and did not extend entitlements, many investors would be angry and have to submit individual applications for their projects. He continued that he was surprised they were not present to ensure that the extensions be approved.

City Attorney Brown stated that the memorandum referenced earlier is a public record and will be made available to Mr. Briggs.

ORDINANCE NO. 2947 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING A ONE-YEAR TIME EXTENSION TO ALL DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE APPROVALS WHICH ARE ACTIVE AND DUE TO EXPIRE ON OR BEFORE MARCH 1, 2013, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION: Council Member Bowman moved approval of introduction and first reading of the Ordinance adding the City Attorney has advised that the City has legal standing and authority to act and Council Member Mautz seconded the motion.

7. 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 2011-12 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 was no written communication and no one requesting to be heard, the public hearing was closed.

MOTION: Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Bowman, and unanimously carried to approve the spending plan as recommended.

COUNCIL MATTERS

8. A PRESENTATION FROM THE COUNCIL SUB-COMMITTEE ON THE CONVENTION CENTER AND POSSIBLE DIRECTION REGARDING OPERATION OF THE ONTARIO CONVENTION CENTER

City Council considered current operations at the Ontario Convention Center and possible direction for future operation as presented by Council Members Bowman and Wapner. Deliberations included whether the contract should be opened up for a Request for Proposal, or whether it should be extended with SMG. It was concluded that SMG is doing great and the sub-committee's recommendation was that negotiations with SMG begin with the intent to bring an agreement back to Council for consideration.

Mayor pro Tem Dorst-Porada said she appreciates working with Bob Brown, OCC General Manager, and feels the Ontario Convention Center is doing well; she thanked Mr. Brown. The sub-committee recommended including, if possible, expectations related to the volume of Transient Occupancy Tax as a result of SMG's efforts.

Mayor Leon believes an incentive or acknowledgement of the TOT activity is a good condition and thanked Mr. Brown for a job well done. He congratulated him for the success of the Page One Cafe as well.

COUNCIL/STAFF COMMENT

Council Member Mautz said Christmas on Euclid this year was very successful and included 150 vendors. She added that Police and Fire Explorers were a tremendous help. Council Member Mautz and Council Member Bowman jointly requested adjournment of tonight's meeting to the memory of Deputy Chief/Fire Marshall Steve Holtrust who died on December 5th. Mr. Bowman, who worked with him, said he served with passion and would like the meeting closed in his honor.

Council Member Wapner thanked the Kiwanis for sponsoring Christmas on Euclid noting they carried it forward and are doing a great job. Mr. Wapner added that the Boy Scouts are honoring former Captain Katie Roberts of the Ontario Police Department at an event on December 15th costing \$75 that will go toward scouting in the Ontario area. Council Member Wapner requested that he be excused from attending the next meeting on December 20th to observe Hanukah and celebrate the first night. Mr. Wapner added that a Menorah will be lit at the Upland City Hall at 6:00 p.m. at a community celebration.

Mayor pro Tem Dorst-Porada announced the Recreation Department will be conducting its annual 5k run around the Citizens Business Bank Arena for which the cost is \$25.

Toys collected will be distributed to Ontario youth. Ms. Dorst-Porada invited those in attendance and in the community to join her at 8:00 a.m. on Sunday mornings for a weekly Healthy Ontario walk.

Mayor Leon commented about Chief Holtrust and being committed to his faith. Mayor Leon remembered that Chief Holtrust and his family had participated in a televised Family Feud game years ago. The Mayor also congratulated the Chaffey High School Performing Arts Department at the last meeting for their presentation of "Phantom of the Opera" saying the word is not getting out. Mayor Leon added the cost is \$13 and the performance will continue through the week offered by the #1 performing arts school in the nation.

ADJOURN IN MEMORIAM

As noted the meetings adjourned to the memory of Steve Holtrust, former Ontario Deputy Fire Chief/Fire Marshall.

The Joint Agencies did then adjourn at 7:07 p.m., and the Mayor announced the next regular meetings will be held on December 20, 2011.

Respectfully submitted,



MARY E. WIRTES, MMC, CITY CLERK/SECRETARY

APPROVED:



PAUL S. LEON, MAYOR/CHAIRMAN