

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

**MINUTES
February 15, 2011**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, February 15, 2011, in the Ontario Senior Center, 225 East B Street, Ontario.

CLOSED SESSION

The Mayor called the City Council/ Housing Authority/ Redevelopment Agency meetings to order at 6:00 p.m., and inquired whether persons were present who wished to speak to a Closed Session item.

City Manager Hughes requested an addition to the Closed Session agenda for this evening in order to add consideration of litigation in the matter of Ontario Airport that requires a four-fifths vote. **Motion:** Moved by Mayor pro Tem Dorst-Porada, seconded by Council Member Mautz, and unanimously carried to add the item as requested.

Cory Briggs, Attorney for the Ontario Mountain Village Association (OMVA), addressed Council regarding his client's settlement offer. He indicated that Wal-Mart had rejected the offer and requested Council review it in Closed Session. Mr. Briggs said he hopes a comparison made in Closed Session will show that OMVA is serious about making the project as good as it can be and wished them luck.

- GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN: 210-192-11; City/Agency/Authority Negotiator: Chris Hughes or his designee; Negotiating parties: Dene Oliver, Paul Buss; Under negotiation: Price and terms of payment.
- GC 54956.9 (a), CONFERENCE WITH LEGAL COUNSEL, EXISTING LITIGATION: Wal-Mart, Case No. E049432
- GC 54956.9(c), CONFERENCE WITH LEGAL COUNSEL, INITIATION OF LITIGATION: One or more cases: City of Los Angeles/ Los Angeles World Airports (LAWA)

The meetings adjourned to Closed Session at 6:03 p.m., with all members present.

CALL TO ORDER

The Mayor called the City Council/ Housing Authority/ Redevelopment Agency meetings to order at 6:40 p.m., and requested the City Clerk call the roll.

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

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 Wapner.

The Invocation was offered by *Reverend Frank Hamilton*, First Christian Church of Ontario.

CLOSED SESSION REPORT

Mayor Leon reported that deliberations were not completed on two items, Wal-Mart and property negotiations with respect to APN 210-192-11, and said Council Members will complete the agenda at the conclusion of tonight's meeting. City Attorney Brown added that no reportable action was taken with respect to the airport.

AGENDA REVIEW/ ANNOUNCEMENTS

City Manager Hughes advised there were no announcements.

PUBLIC COMMENT

Dorene Hopkins spoke of overcrowding in schools which she feels is due to an increase in illegal immigrant students. She also said there is still a need to clean up Ontario, and alleged that residents are going to libraries in other communities and objected to renaming the library. Ms. Hopkins added that she believes a stop sign is needed at Sultana Avenue and J Street.

Kendall Angell presented pictures and documents relating to property in Archibald Ranch that he purchased at a foreclosure sale in October, and objected to \$7250 in assessments on the property which may discourage potential buyers, and he noted the work he has already completed. Mayor Leon referred him to staff for assistance.

Roman Nava, representing County Supervisor Ovitt, announced businesses that have gone above and beyond the call of duty are being recognized as part of the Small Business Program, and noted that Montclair Florist has been selected as the Small Business of the Month in San Bernardino County. Mr. Nava said persons wanting to

nominate a business may go to www.sbcounty.gov to do so. He further noted that they will also select a Small Business of the Year. The nomination must include the name and address of the business and the reason for the nomination.

Vicky McLeod, representing Assembly Member Norma Torres, announced *Capitol in Your Corner* on February 24th at Colony Career Center from 7:00 p.m. to 9:00 p.m., which is open to the public. She said residents will have an opportunity to meet individually with Assembly Member Torres

Mona Butler and *Jessie Norgaard* addressed Council regarding Released Time Christian Education on Monday, noting they are celebrating 65 years of teaching the Bible in conjunction with local school districts. They noted the program began in 1946 and the Ontario-Montclair School District was added in 1995. They invited Council Members to attend a celebration on March 26th at the Nazarene Church.

Michael Nevin, Vice President of the Ontario Police Officers' Association (OPOA), announced tickets are available for Ontario Reign's Law Enforcement Appreciation Night for \$12 of which \$4 will go to the OPOA Widows and Orphans Funds. Mr. Nevin indicated they will be announcing the Ontario Police Department *Officer of the Year* and said people may contact OPOA at 909-923-2217 for tickets.

Debbie Raymond Event Chairman for the 2011 Relay for Life, advised the event is being co-sponsored by the City and said a Kick-Off celebration will be held on Thursday, February 17, from 6:00 p.m. to 7:00 p.m. at Michelangelo's Pizza. She indicated the Relay will be held on May 14-15, 2011, at the Ontario Soccer Complex. She invited City employees to participate in the event. Council Member Wapner will be sponsoring a team.

Ronald Welch, property owner since 1989, objected to inspection of rental properties alleging it is a violation of the Fourth Amendment of the U. S. Constitution. He read a selection from Right of Entry in the Ontario Municipal Code and said he has a problem with the conflict of statutes and has spoken with Code Enforcement representatives.

Luis Ramirez said there is speeding on Locust Street between Cypress and Palmetto Avenues where vehicles race. Recently he was nearly struck by a car. He estimated their speed at 60 mph and noted there have been two accidents in the area. Mr. Ramirez requests speed bumps or some other means of slowing traffic down. The Mayor referred Mr. Ramirez to Police Chief Hopley.

Brandon Blanchard, Chino Valley Unified School District, announced their Science Fair on February 17 at Liberty Elementary School. He also noted a Board Meeting will be held soon and thanked Mayor pro Tem Dorst-Porada for attending their last meeting.

Vivian Schiffman thanked Council Member Wapner and Mayor pro Tem Dorst-Porada for listening to her in her attempt to bring a conference to Ontario. She gave kudos to Council and said she is still working on the conference.

JOINT AGENCIES CONSENT CALENDAR

Mayor pro Tem Dorst-Porada asked to speak to Agenda Item #11 – *SERAF Payment* at the conclusion of the Consent Calendar.

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

1. APPROVAL OF MINUTES

Council and Agency/Authority Boards approved Minutes for the regular meetings of the City Council, Redevelopment Agency and Housing Authority of January 18, 2011, as on file in the Records Management Department.

2. BILLS/PAYROLL

Approved **Bills** in the amount of \$5,470,010.49 for December 19, 2010 and January 1, 2011, and **Payroll** in the amount of \$2,515,566.13 for December 19, 2010, and January 1, 2011, when audited by the Finance Committee.

3. RESOLUTIONS APPROVING A COOPERATION AGREEMENT BETWEEN THE CITY OF ONTARIO AND ONTARIO REDEVELOPMENT AGENCY FOR PAYMENT OF APPROXIMATELY \$335,170,000 FOR COSTS ASSOCIATED WITH CERTAIN REDEVELOPMENT AGENCY FUNDED CAPITAL IMPROVEMENT, PUBLIC IMPROVEMENT, AND AFFORDABLE HOUSING PROJECTS LOCATED WITHIN THE CURRENTLY DESIGNATED FIVE REDEVELOPMENT PROJECT AREAS

The City Council and Ontario Redevelopment Agency Board:

Considered and adopted Resolutions approving a Cooperation Agreement in an amount up to \$335,170,000 by and between the City and the Ontario Redevelopment Agency for implementation of capital and public improvements, affordable housing, and other redevelopment projects (including program delivery costs) in the currently designated Ontario Redevelopment Project Areas, specifically Project Area #1, Project Area #2, Center City, Cimarron, and Guasti Redevelopment Project Areas.

Authorized the City Manager/Executive Director to take any and all necessary actions to enter into promissory notes and/or debt service schedules memorializing existing indebtedness incurred by the Ontario Redevelopment Agency and owing to the City of Ontario from a series of previous loans made from the City to the Agency; and

Authorized the City Manager/Executive Director to take any and all necessary actions to execute quitclaim deeds transferring title of existing Agency-owned properties to the City and/or Housing Authority, as appropriate.

RESOLUTION NO. 2011-005 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A COOPERATION AGREEMENT AND MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATED THERETO.

RESOLUTION NO. ORA-814 A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A COOPERATION AGREEMENT AND MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATED THERETO.

4. FISCAL YEAR 2010-11 MID-YEAR BUDGET REPORT

City Council approved the budget adjustments and recommendations as listed in the Fiscal Year 2010-11 Mid-Year Budget Report.

5. GRANT APPLICATION FOR \$6.0 MILLION OF FEDERAL AVIATION ADMINISTRATION (FAA) FUNDS FOR RESIDENTIAL SOUND INSULATION PURPOSES IN THE QUIET HOME PROGRAM AREA

City Council authorized the City Manager or his designee to:

Submit and execute a \$6.0 million Federal Aviation Administration (FAA) grant application;

Accept and execute the future FAA grant agreement, any amendments and all grant implementation documents; and

Submit and execute the future Grant Implementation Plan (GIP) and Letter Agreement to secure the required \$1.5 million matching grant from Los Angeles World Airports (LAWA).

6. GRANT APPLICATION FOR \$4.5 MILLION OF FEDERAL AVIATION ADMINISTRATION (FAA) FUNDS FOR LAND ACQUISITION AND RELOCATION PURPOSES IN THE QUIET HOME PROGRAM AREA

City Council authorized the City Manager, or his designee to:

Submit and execute a \$4.5 million FAA grant application;

Accept and execute the future FAA grant agreement, any amendments and all grant implementation documents; and

Submit and execute the future Grant Implementation Plan (GIP) and Letter Agreement to secure the required \$1.5 million matching grant from Los Angeles World Airports (LAWA).

7. NEIGHBORHOOD STABILIZATION PROGRAM 3 (NSP3) SUBSTANTIAL AMENDMENT TO THE 2010-2011 ONE-YEAR ACTION PLAN

City Council:

Approved the NSP3 Substantial Amendment to the 2010-2011 One-Year Action Plan that includes allocation and distribution of NSP3 funds;

Directed staff to prepare and transmit to Housing and Urban Development (HUD) the NSP3 Substantial Amendment that will address all public comments received; and

Authorized the City Manager to execute any and all documents necessary and/or desirable to facilitate the activities listed in the NSP3 Substantial Amendment and redistribute funds between activities as necessary.

8. ADOPTION OF ORDINANCES APPROVING FILE NO. PZC11-001, A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE DISTRICT) AND M3 (GENERAL INDUSTRIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) AND FILE NO. PUD10-001, A PLANNED UNIT DEVELOPMENT (FILE NO. PUD10-001) ESTABLISHING DEVELOPMENT AND DESIGN REGULATIONS FOR A ONE BLOCK AREA (APPROXIMATELY 4 ACRES) FOR COMMERCIAL AND LIGHT INDUSTRIAL USES, BOUNDED BY HOLT BOULEVARD ON THE NORTH, EMPORIA STREET ON THE SOUTH, PLEASANT AVENUE ON THE WEST, AND MELROSE AVENUE ON THE EAST

City Council adopted Ordinances approving File Nos. PZC11-001 and PUD10-001 related to a Zone Change and a Planned Unit Development establishing the development and design regulations for a one block area (approximately 4 acres) for commercial and light industrial uses bounded by Holt Boulevard on the north, Emporia Street on the south, Pleasant Avenue on the west, and Melrose Avenue on the east. Introduction and first reading of the Ordinances were given at a public hearing held on February 1, 2011.

ORDINANCE NO. 2931 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PZC11-001, A ZONE CHANGE FROM C3 (COMMERCIAL SERVICE DISTRICT) AND M3 (GENERAL INDUSTRIAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) FOR A ONE BLOCK AREA (APPROXIMATELY 4 ACRES) BOUNDED BY HOLT BOULEVARD ON THE NORTH, EMPORIA STREET ON THE SOUTH, PLEASANT AVENUE ON THE WEST, AND MELROSE AVENUE ON THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1049-092-01, 02, 11, 12 & 13.

ORDINANCE NO. 2932 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING FILE NO. PUD10-001, A PLANNED UNIT DEVELOPMENT TO ESTABLISH THE DEVELOPMENT AND

DESIGN REGULATIONS FOR A ONE BLOCK AREA (APPROXIMATELY 4 ACRES) BOUNDED BY HOLT BOULEVARD ON THE NORTH, EMPORIA STREET ON THE SOUTH, PLEASANT AVENUE ON THE WEST, AND MELROSE AVENUE ON THE EAST, AND MAKING FINDINGS IN SUPPORT THEREOF – APNS: 1049-092-01, 02, 11, 12 & 13.

9. APPLICATION FOR A CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR DRIVING UNDER THE INFLUENCE AND EXCESSIVE SPEED ENFORCEMENT GRANT

City Council authorized the City Manager to execute all documents necessary to apply for and accept a 12-month grant award in the amount of \$412,750 from the Office of Traffic Safety (OTS) for driving under the influence and excessive speed enforcement activities.

10. ACCEPTANCE OF GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY AND THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY PROVIDED THROUGH THE FY 2010 URBAN AREA SECURITY INITIATIVE (UASI) GRANT PROGRAM

City Council authorized the City Manager to execute all documents necessary to accept grant allocations in the amount of \$800,000 awarded to the Fire Department and \$510,000 awarded to the Police Department from the U.S. Department of Homeland Security and the California Emergency Management Agency provided through the FY 2010 UASI Grant Program.

11. SUPPLEMENTAL EDUCATION REVENUE AUGMENTATION FUND (SERAF) PAYMENT

City Council adopted a Resolution authorizing a report to the San Bernardino County Auditor of the Redevelopment Agency's intent to use accumulated tax increment to make the Fiscal Year 2010-11 Supplemental Educational Revenue Augmentation Fund (SERAF) Payment.

RESOLUTION NO. 2011-06 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING A REPORT TO THE SAN BERNARDINO COUNTY AUDITOR OF THE REDEVELOPMENT AGENCY'S INTENT TO USE ACCUMULATED TAX INCREMENT TO MAKE THE FISCAL YEAR 2010-11 SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND PAYMENT.

MOTION UNANIMOUSLY CARRIED. The Mayor/ Chairman declared Resolution Nos. 2011-005, 2011-006, ORA-814 and Ordinances Nos. 2931 and 2932 duly passed and adopted.

END OF JOINT CONSENT CALENDAR

DISCUSSION

Mayor pro Tem Dorst-Porada spoke to Agenda Item #11 noting that the State is taking \$3.8 million dollars and last year took \$17 million saying this money could have been spent on projects in Ontario.

COUNCIL/ STAFF COMMENT

APPOINTMENT TO THE WEST VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT BOARD OF TRUSTEES

Council Member Wapner noted that this appointment was usually a member of the community and said he would like to change it to an elected official, as other cities appoint elected officials to represent them on the Board.

Motion: Moved by Council Member Wapner, seconded by Council Member Bowman, and unanimously carried to appoint Mayor Paul Leon to the Board.

Council Member Mautz announced the Ontario Fire Department won the recent Fire On Ice event against the Fire Department from New York City. She also noted there are two ladies in the Chamber of Commerce who have focused on completely rebuilding the Nativity scenes on Euclid Avenue with volunteers from the Carpenter's Union.

Mayor pro Tem Dorst-Porada announced the Chamber's Business Link events on the 2nd, 3rd and 4th Wednesdays monthly at 7:00 a.m. with 30 or 40 businesses present at each meeting. She said that Jack Mercer and the Chaffey Community Band presented a Valentine's Day concert that was outstanding. Ms. Dorst-Porada noted that Grace Yokley School recently hosted a terrific fundraiser; and she congratulated Chaffey High School students for placing second in the Academic Decathlon from among 58 schools. She added Ontario should be proud of them noting there are good schools in Ontario. Mayor pro Tem Dorst-Porada said the Art Walk will be held from 6:00 p.m. to 9:00 p.m. on Saturday, February 5th, and artist Rick Caughman's work will be featured at the Latino Art Museum. Ms. Dorst-Porada said that Ontario is becoming a big city and does not want to lose the hometown feel.

Mayor Leon noted that Council Members are very approachable as said earlier by Ms. Shiffman saying residents can call and reach Council Members. He then advised that Mayor pro Tem Dorst-Porada and he are working on renovation of the National Guard Armory at Fourth Street and Cucamonga Avenue which is in disrepair. Mr. Leon said volunteers and families of those serving the country are working in substandard conditions. He noted that assistance is needed from landscapers, carpenters, interior decorators, plumbers, etc., and proposed formation of a committee to help the Armory receive a facelift. Mayor Leon recommended interested parties contact him or the Mayor pro Tem through the City Manager's Office.

The Mayor spoke of the California Sports Hall of Fame event on February 27th when five inductees will be honored and said he would like to see it as a regular event in Ontario.

ADJOURN TO CLOSED SESSION

The Mayor announced the next regularly scheduled meeting will be held on March 1, 2011. The joint meetings then adjourned to Closed Session at 7:20 p.m.

CITY COUNCIL MEETING RECONVENES AT 8:32 p.m.

City Attorney Brown announced that no reportable action was taken in Closed Session with respect to the two items under consideration. He noted that Council Member Wapner had disqualified himself and did not participate in the Closed Session regarding the Wal-Mart litigation. As a result of its Closed Session conference with legal counsel, City Council requested the City Attorney report that it is pleased that the protracted litigation seems to be winding down and may soon come to a conclusion. The City Council was pleased to learn that settlement negotiations between OMVA and Wal-Mart are continuing and that substantive settlement offers and counter-offers have been exchanged by the parties in recent weeks. The City Council directed City Manager Hughes to offer his services to both OMVA and Wal-Mart to mediate and facilitate the on-going discussions between them in an effort to reach a mutually acceptable settlement in the near future.

ADJOURNMENT

The City Council meeting thereupon adjourned at 8:35 p.m.

Respectfully submitted,

MARY E. WIRTES, MMC, CITY CLERK/ SECRETARY

APPROVED:

PAUL S. LEON, MAYOR/ CHAIRMAN