

**ONTARIO CITY COUNCIL  
ONTARIO HOUSING AUTHORITY  
ONTARIO REDEVELOPMENT AGENCY  
REGULAR MEETING MINUTES  
July 15, 2008**

***JOINT MEETINGS***

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, July 15, 2008, in the Council Chambers, City Hall.

The meetings were called to order at 6:05 p.m., by Mayor / Chairman Leon. All members were present as noted by Mayor Leon. There was no one present who wished to speak the Closed Session item.

***CLOSED SESSION***

The Members then met in Closed Session for discussions regarding:

- **GC 54956.9 CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION:** *One case*

***CALL TO ORDER***

The City Council / Housing Authority / Redevelopment Agency reconvened in open session at 6:33 p.m.

The Pledge of Allegiance was led by Mayor pro Tem Jason Anderson.

The Invocation was offered by *Pastor Mike Urciuoli*, Calvary Chapel, Ontario.

**PRESENT:** Council / Authority / Agency Members Alan D. Wapner, Sheila Mautz and Jim W. Bowman. Mayor pro Tem / Vice Chairman Jason Anderson; Mayor / Chairman Paul S. Leon;

**ABSENT:** None.

Also present were City Manager / Executive Director Gregory C. Devereaux, City Attorney John Brown and City Clerk / Secretary Mary E. Wirtes.

## ***REPORT OF CLOSED SESSION***

City Attorney Brown indicated that direction was provided to negotiators in the Special Closed Session Meeting earlier in the evening; and no reportable action was taken in the regularly scheduled Closed Session Meeting.

## ***PUBLIC COMMENT***

*Daryl Vollrath* reported that dogs destroyed a neighbor's sheep requiring assistance by the Ontario Police Department whom he commended for their quick response and intercession. He suggested a substation of the Inland Valley Humane Society in Ontario.

*Irene Chisholm* commented on the Southern California Edison (SCE) property easement that adjoins their neighborhood and has created a fire hazard for residents. She said previous attempts to seek mitigation have not resulted in any action to protect them and requested Council Members to intercede. Mayor Leon and Council Member Mautz both said they have spoken to the SCE representative who stated the property is maintained according to existing standards. A report from the City Manager was requested to the end that all parties come together to handle the problem.

*Dorene Hopkins* stated that Ontario needs an animal shelter. She said she recently traveled north on Euclid Avenue from Belmont Street and street lights were left on during the day. Ms. Hopkins restated her position that residents on East J Street need improvements to curbs, sidewalks and street lights. She also questioned actions taken in the vicinity of the Homeless Services Area and the impact to surrounding property owners.

*Wendy Rubick* referred to fatalities on Grove Avenue near Fifth Street. She said the turn lanes are very dangerous and noted the speed limit is 45 mph, rather than 40 as told to her. She thanked the Development Department for contacting Engineering who will be providing a list of recommendations. She said she would like the issues resolved.

*Rudy Gonzalez* also spoke regarding the SCE property requesting a prompt response from the City. He said they need assistance to bring the property up to the standard of the development and would appreciate a response in writing. City Attorney Brown indicated he will respond to the property owners. Mayor Leon noted that SCE feels a block wall is the answer but questioned whose responsibility it will be to build it. Mr. Gonzalez noted their association will maintain a wall if erected.

## **AGENDA REVIEW / ANNOUNCEMENTS**

City Manager Devereaux noted that Agenda Item #16 – *Public Hearing regarding Special Assessments* was being continued to the regular meeting on August 19, 2008.

## **JOINT AGENCIES CONSENT CALENDAR**

Mayor Leon requested that Agenda Item #5 – *Recreation and Parks Student Representative* be removed from the Joint Calendars for separate consideration.

Council Member Bowman requested that Agenda Item #8 – *Community Facilities District No. 9* be removed from the Joint Calendars for separate consideration.

Council Member Mautz requested to speak to Agenda Item #14 – *Sobriety Checkpoints* without removing it from the Joint Calendars. Council Member Mautz supported this item stressing its importance and the professional manner in which they are handled. She feels they remove people from harm's way.

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

Approve minutes for the Special meetings of the City Council, Housing Authority and Redevelopment Agency dated July 1, 2008, as on file in the Records Management Department.

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

Approve **bills** in the amount of \$8,219,841.49, from June 8 through June 21, 2008; and **payroll** in the amount of \$2,476,177.77, from June 8 through June 21, 2008, when audited by the Finance Committee.

### **3. PARKING LEASE BETWEEN THE ONTARIO REDEVELOPMENT AGENCY AND ONTARIO AIRPORT CENTER, LLC AND RELATED MEMORANDUM OF UNDERSTANDING**

Redevelopment Agency adopt a Resolution approving a certain Memorandum of Understanding and Parking Lease between the Ontario Redevelopment Agency and Ontario Airport Center LLC, a Delaware limited liability company.

## **RESOLUTION NO. ORA-781**

**A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A CERTAIN MEMORANDUM OF UNDERSTANDING AND PARKING LEASE BETWEEN THE**

**ONTARIO REDEVELOPMENT AGENCY AND ONTARIO  
AIRPORT CENTER LLC, A DELAWARE LIMITED LIABILITY  
COMPANY**

**4. PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) "TWO YEAR  
ADDITIONAL SERVICE CREDIT" FOR SELECTED CLASSIFICATIONS**

Adopt a Resolution to implement the PERS "two years additional service credit" in accordance with California Government Code, Section 20903, for selected classifications.

**RESOLUTION NO. 2008-056**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ONTARIO, CALIFORNIA, TO GRANT A DESIGNATED PERIOD  
FOR TWO YEARS ADDITIONAL SERVICE CREDIT**

**6. APPLICATION FOR GRANT FUNDING FOR THE ONTARIO TOWN SQUARE  
DOWN PAYMENT ASSISTANCE PROGRAM FROM THE CALIFORNIA  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S (HCD)  
BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS (BEGIN) LOAN  
PROGRAM**

- A. Adopt a Resolution authorizing staff to submit an application to the HCD BEGIN Program for up to \$1,503,000 as a grant to be utilized towards the Ontario Town Square Down Payment Assistance Program; and
- B. Authorize the City Manager to execute any and all documents necessary or desirable to implement the BEGIN program.

**RESOLUTION NO. 2008-057**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ONTARIO, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF  
AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF  
HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING  
UNDER THE BEGIN PROGRAM; AND IF SELECTED FOR SUCH  
FUNDING, AUTHORIZING THE EXECUTION OF DOCUMENTS  
NECESSARY TO PARTICIPATE IN THE BEGIN PROGRAM**

**7. RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2008-09**

Adopt a Resolution establishing the annual special tax within Community Facilities District No. 5 for Fiscal Year 2008-2009.

**RESOLUTION NO. 2008-058**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 5 (FREEWAY INTERCHANGE PROJECT), ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 5 FOR FISCAL YEAR 2008-09**

**9. RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 13 FOR FISCAL YEAR 2008-09**

Adopt a Resolution establishing the annual special tax within Community Facilities District No. 13 for Fiscal Year 2008-09.

**RESOLUTION NO. 2008-060**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 13 OF THE CITY OF ONTARIO (CALIFORNIA COMMERCE CENTER – PHASE IV), FOR FISCAL YEAR 2008-09**

**10. ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3, AND 4 FOR FISCAL YEAR 2008-09**

Adopt the following Resolutions pertaining to the levy of assessments within Ontario Parkway Maintenance Assessment Districts (OPMAD) No. 1, 2, 3, and 4:

- A. Resolution Initiating Proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments.
- B. Resolution giving preliminary approval of the Engineer's Reports.
- C. Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2008-09 and setting the date of August 19, 2008 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

**RESOLUTION NO. 2008-061**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN THE CITY OF ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3, AND 4 FOR FISCAL YEAR 2008-2009**

**RESOLUTION NO. 2008-062**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, 3, AND 4 FOR FISCAL YEAR 2008-2009**

**RESOLUTION NO. 2008-063**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2008-2009 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICTS NO. 1, 2, AND 3, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON**

**RESOLUTION NO. 2008-064**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2008-2009 IN ONTARIO PARKWAY MAINTENANCE ASSESSMENT DISTRICT NO. 4, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON**

**11. RESOLUTIONS PERTAINING TO THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2008-09**

Adopt Resolutions pertaining to the levy of assessments within Street Lighting Maintenance Districts (SLMD) No. 1 and 2:

- A. A Resolution initiating proceedings and ordering the preparation of an Engineer's Report for each district relating to the annual levy of assessments.
- B. A Resolution giving preliminary approval of the Engineer's Reports.
- C. Resolutions declaring the City's intention to levy the special assessments for Fiscal Year 2008-09, and setting the date of August 19, 2008 for a Public Hearing on each district in accordance with the Landscaping and Lighting Act of 1972.

**RESOLUTION NO. 2008-065**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE PREPARATION OF THE ASSESSMENT ENGINEER'S REPORTS PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, FOR PROCEEDINGS FOR THE ANNUAL ASSESSMENT LEVY WITHIN THE CITY OF ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2008-2009**

**RESOLUTION NO. 2008-066**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE ASSESSMENT ENGINEER'S REPORTS FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN ONTARIO STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2008-2009**

**RESOLUTION NO. 2008-067**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2008-2009 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 1 PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF**

**CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON**

**RESOLUTION NO. 2008-068**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2008-2009 IN ONTARIO STREET LIGHTING MAINTENANCE DISTRICT NO. 2, PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON**

- 12. *RESOLUTION DECLARING INTENTION TO VACATE AND SET THE TIME AND PLACE FOR A PUBLIC HEARING FOR THE VACATION OF THE EASTERLY HALF OF THAT PORTION OF TURNER AVENUE FROM THE I-10 FREEWAY TO APPROXIMATELY 250 FEET SOUTH (REFERENCE FILE NO. V-237)***

Adopt a Resolution declaring intention to vacate and set the time and place for a public hearing for the vacation of the easterly half of that portion of Turner Avenue from the I-10 Freeway to approximately 250 feet south.

**RESOLUTION NO. 2008-069**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DECLARING ITS INTENTION TO VACATE AND SET THE TIME AND PLACE FOR A PUBLIC HEARING FOR THE VACATION OF THE EASTERLY HALF OF THAT PORTION OF TURNER AVENUE FROM THE I-10 FREEWAY TO APPROXIMATELY 250 FEET SOUTH**

- 13. *RESOLUTION APPROVING TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE TEMPORARY HOMELESS SERVICES AREA***

Adopt a Resolution approving the temporary closure of certain streets pursuant to Vehicle Code Section 21101.4 in connection with the Temporary Homeless Services Area.

**RESOLUTION NO. 2008-070**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FOR TEMPORARY CLOSURE OF**

**CERTAIN STREETS PURSUANT TO VEHICLE CODE SECTION  
21101.4 IN CONNECTION WITH THE TEMPORARY HOMELESS  
SERVICES AREA**

**14. APPLY AND EXECUTE GRANT DOCUMENTS ACCEPTING FUNDS FROM  
THE CALIFORNIA OFFICE OF TRAFFIC SAFETY TO CONDUCT SOBRIETY  
CHECKPOINTS**

Authorize the City Manager to apply and execute grant documents accepting an award from the California Office of Traffic Safety to participate in the Sobriety Checkpoint Program for Local Law Enforcement Agencies FY 08-09.

**15. DESIGNATION OF VOTING DELEGATE FOR LEAGUE OF CALIFORNIA  
CITIES ANNUAL BUSINESS MEETING**

Designate Council Member Wapner as the City's voting delegate, for the League of California Cities Annual Business Meeting on September 27, 2008.

**Motion:** Moved by *Mautz*, seconded by *Bowman*, and unanimously carried to adopt said Joint Calendars as amended.

**DEFERRED ITEMS**

**5. STUDENT REPRESENTATIVE AND ALTERNATE APPOINTMENTS TO  
RECREATION AND PARKS COMMISSION FOR 2008-09 AND RECOGNITION  
OF THE CURRENT STUDENT REPRESENTATIVE AND ALTERNATE FOR  
THE YEAR SERVED 2007-08**

- A. Confirm *Lisette Paez* as the Student Representative and *Melina Mejia* as the Alternate to the Recreation and Parks Commission for terms to expire June 30, 2009; and
- B. Recognize *Nick Gonzalez* for serving as the Student Representative and *Aaron Matthiesen* as the Alternate for the past year.

Mohammed El-Amamy, Utilities and Solid Waste Director, introduced Mr. Gonzalez and Mr. Matthiesen citing their involvement in the Commission and successes and participation in the community. Council Members presented a plaque to Mr. Gonzalez recognizing and thanking him for his service. Mr. Matthiesen was not present.

*Nick Gonzalez* thanked Council Members for the opportunity to serve and said he enjoyed attending the meetings.

Director El-Amamy then introduced the new Student Representatives, Lisette Paez and Melina Mejia and stated they are Seniors at Ontario High School and participate in Advanced Placement classes.

**Motion:** Moved by *Wapner*, seconded by *Anderson*, and unanimously carried to approve staff's recommendation.

**8. RESOLUTION ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 9 FOR FISCAL YEAR 2008-09**

Council Member Bowman stated that he will abstain from voting on this item.

Adopt a Resolution establishing the annual special tax within Community Facilities District No. 9 for Fiscal Year 2008-09.

**RESOLUTION NO. 2008-059**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF CITY OF ONTARIO COMMUNITY FACILITIES DISTRICT NO. 9 (EDENGLLEN), ESTABLISHING THE ANNUAL SPECIAL TAX FOR THE DISTRICT FOR FISCAL YEAR 2008-09**

**Motion:** Moved by *Wapner*, seconded by *Anderson*, and carried to adopt said Resolution No. 2008-059 with Council Member Bowman's abstention.

**PUBLIC HEARINGS**

**16. PUBLIC HEARING RELATING TO PLACEMENT OF SPECIAL ASSESSMENTS ON COUNTY TAX ROLLS**

Continued to August 19, 2008 regular meeting.

**COUNCIL / STAFF COMMENT**

The Mayor and Council Members all commended the employees who worked so diligently to bring a successful July 4<sup>th</sup> series of events to the community.

Council Member Wapner announced a fundraiser by the Ontario Police Officers Association (OPOA) for the Widows and Orphans Fund for slain officers. He said tickets valued at \$25 to attend the Improv Theatre on Wednesday, July 30<sup>th</sup>, featuring Gabriel Iglesias will benefit the Fund by \$20 per ticket. He recommended contacting Jeff Wentz at OPOA by calling 923-2217.

Mayor pro Tem Anderson suggested offering a Fireworks Show next year at another location in the north part of the City to facilitate attendance in that area.

Council Member Bowman said he supported Mayor pro Tem Anderson's suggestion.

Mayor Leon indicated the celebration at Westwind Park is very expensive, costing approximately \$100,000 and suggested coordinating with other cities. He also recommended staff review the possibility of making surplus police vehicles available to those in Gulfport, MS, who are still in great need as a result of Hurricane Katrina and asked that it be considered at the next meeting.

### ***ADJOURNMENT***

Mayor Leon adjourned the joint meetings at 7:13 p.m. and announced that the next regular meeting will be held on August 19, 2008, as the meeting on August 5<sup>th</sup> is cancelled due to Ontario Night Out celebrations in the community.

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Mary Wirtes, MMC, City Clerk / Secretary

APPROVED:

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Paul S. Leon, Mayor / Chairman