

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
ONTARIO REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
August 19, 2008**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, August 19, 2008, in the Council Chambers, City Hall.

CALL TO ORDER

The meetings were called to order at 6:36 p.m., by Mayor / Chairman Leon.

The Pledge of Allegiance was led by Council Member Mautz.

The Invocation was offered by *Reverend John S. Vieira*, St. Elizabeth Ann Seton.

PRESENT: Council / Authority / Agency Members Alan D. Wapner, Sheila Mautz, 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.

SPECIAL CEREMONIES

RECOGNITION OF FULLMER CONSTRUCTION FOR THEIR PARTICIPATION IN THE DEVELOPMENT AND CONSTRUCTION OF THE ROOF PROP FOR THE FIRE DEPARTMENT TRAINING CENTER

Fire Chief Hughes introduced *Brad Anderson* from Fullmer Construction of Ontario, CA, and praised their generous support in designing and building a realistic roof prop at the Fire Department Training Center which contains numerous roof construction types. The project, valued at \$200,000, will provide training for firefighters on different roof type configurations increasing the Department's ability to provide public safety services to property owners. Mr. Anderson thanked staff and the Fire Department and said there were many who were involved in the project. He said it was a way to give back to the community he has lived in for 22 years. Mayor and Council Members presented Mr. Anderson with a large plaque mounted with a brass fire axe in tribute to his company's generosity to the community.

PRESENTATION OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT GRANT AWARDS FOR THE BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS (BEGIN) LOAN PROGRAM FOR THE ONTARIO TOWN SQUARE DOWNPAYMENT ASSISTANCE PROGRAM AND EMERGENCY HOUSING AND ASSISTANCE PROGRAM CAPITAL DEVELOPMENT (EHAPCD) FUNDS FOR THE MERCY HOUSE INTAKE CENTER AND EMERGENCY SHELTER

Housing and Neighborhood Revitalization Director Brent Schultz presented large mock checks to the City representing receipt of grant funds in the amounts of \$3,570,000 in BEGIN funds and \$1,000,000 in EHAPCD funds from the State of California Department of Housing and Community Development to implement the Ontario Town Square Downpayment Assistance Program and to assist the Mercy House Intake Center and Emergency Shelter. He said staff was very pleased with the result of their efforts and thanked Julie Bjork for writing and compiling the grant proposals. Photographs were taken with the mock checks and the Mayor and Council Members were pleased with the City's ability to provide assistance to the community.

PUBLIC COMMENT

Gene Rivera thanked Council Members and staff for the improvements to the Bon View Community Center and indicated that residents were very pleased with the project. He said they are very excited and look forward to the completion date in October.

Dorene Hopkins encouraged residents to vote, stated she hopes Wal-Mart chooses to locate in a different area in Ontario and indicated the resurfacing of streets looks very nice, but Grove Avenue needs work.

Richard Atwater, General Manager of the Inland Empire Utilities Agency, introduced *Gene Koopman*, Board Member of the Metropolitan Water District, and spoke on water conservation in Ontario. There is a statewide water drought and a state of emergency in 9 central California cities. Mr. Atwater said reservoirs are at historic low levels and expressed appreciation for a City resolution urging conservation. Mr. Koopman also expressed his appreciation that Ontario has "stepped up to the plate." Mr. Koopman cautioned that water rates will go up as water becomes scarcer. Council Member Bowman concurred with the remarks and cited his experience on a number of water boards and complimented Public Works / Community Services Director Ken Jeske for his knowledge of water issues. Council Member Bowman said he would like a future agenda to include an item related to the City's water conservation efforts.

Daryl Vollrath said he recently called the Utilities Department and was asked to provide personal information he considered to be inappropriate. He expressed that only an account number should be required and urged Council Members to change the City's practice in this matter.

Irene Chisholm, Creekside resident, spoke of her frustration in resolving issues relating to the Southern California Edison easement near her home and said she is disappointed with City staff because there have been no answers and nothing has been resolved. Mayor Leon responded that he has been working extensively on this matter, but unfortunately the answers provided are not satisfactory to Ms. Chisholm. Citing the City's lack of jurisdiction, Mayor Leon stated that this is an issue that the Public Utilities Commission (PUC) must review. Mayor Leon offered to accompany residents to such a meeting. Deputy City Manager Al Boling briefly explained staff's efforts and the meetings held on this issue wherein Edison has indicated that they are maintaining the area as required, but would allow residents to plant and water the area to provide a fire buffer zone. Deputy City Manager Boling restated the City's inability to control a matter that is under the jurisdiction of the PUC.

Aaron Serrano addressed Council Members in the matter of his brother's recent death resulting in his father's suicide a few weeks later. He alleged that the shooting was the result of police negligence and requested an investigation by Council.

Peter Wuyen and *Alisa Arce* with Reach Out West End, a non-profit organization, wanted the community to be aware of a project called "Photo Voice." This project is a visual approach towards social change by using photos taken by junior and senior high school students of the Friday Night Live Club. The project highlights negative areas, such as graffiti, trash and violence in the hope of positive change.

AGENDA REVIEW / ANNOUNCEMENTS

City Manager Devereaux said there were no announcements other than revised documentation submitted to Council Members earlier with respect to Agenda Item #16.

JOINT AGENCIES CONSENT CALENDAR

Council Member Wapner requested that Agenda Item #9 – *Ontario Auto Center*; and Agenda Item #14 – *Development Impact Fee Deferral* be removed from the Joint Calendars for separate consideration.

1. APPROVAL OF MINUTES

Approve minutes for the regular meetings of the City Council, Housing Authority and Redevelopment Agency dated July 1, 2008; and the Special Meetings of the City Council Redevelopment and Housing Authority on June 25, 2008, as on file in the Records Management Department.

2. *BILLS / PAYROLL*

Approve **bills** in the amount of \$39,901,734.46, from June 22 through July 19, 2008; and **payroll** in the amount of \$5,248,110.34, from June 22 through July 19, 2008, when audited by the Finance Committee.

3. *RESOLUTION DECLARING THE INTENT TO SELL SURPLUS CITY REAL PROPERTY*

Adopt a resolution finding that the public interest and convenience require the sale of certain real property located at 2161 South Cucamonga Avenue and declaring the City's intent to sell such property.

RESOLUTION NO. 2008-073

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, FINDING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THE SALE OF CERTAIN REAL PROPERTY AND DECLARING ITS INTENT TO SELL SUCH PROPERTY

4. *SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR THE NORTH MILLIKEN AVENUE RAIL-HIGHWAY GRADE SEPARATION FOR PLANS, SPECIFICATIONS AND ESTIMATES / URS CORPORATION*

Approve Amendment No. 2 to the Professional Services Agreement with URS Corporation, of Los Angeles, CA, for additional engineering and design services for the North Milliken Avenue Rail-Highway Grade Separation Project in the amount of \$461,398; and authorize the City Manager to execute said amendment and related documents.

5. *FIFTH AMENDMENT TO HOME INVESTMENT PARTNERSHIP AGREEMENT BETWEEN AOF / GOLDEN STATE COMMUNITY DEVELOPMENT CORP., THE CITY OF ONTARIO, AND THE ONTARIO REDEVELOPMENT AGENCY*

City Council / Agency Board adopt Resolutions authorizing the City Manager / Executive Director or his designee, to execute the Fifth Amendment to HOME Investment Partnership Agreement by and between AOF / Golden State Community Development Corp. ("AOF"), a non-profit HOME Community Development Organization (CHDO), the City of Ontario, and the Ontario Redevelopment Agency; and authorize the City Manager / Executive Director to execute any and all documents necessary or desirable to implement the Agreement.

RESOLUTION NO. 2008-074

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIFTH AMENDMENT TO THE HOME INVESTMENT PARTNERSHIP AGREEMENT WITH THE ONTARIO REDEVELOPMENT AGENCY AND AOF / GOLDEN STATE COMMUNITY DEVELOPMENT CORP.

RESOLUTION NO. ORA-782

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING A FIFTH AMENDMENT TO THE HOME INVESTMENT PARTNERSHIP AGREEMENT WITH THE CITY OF ONTARIO AND AOF / GOLDEN STATE COMMUNITY DEVELOPMENT CORP.

6. CONSTRUCTION CONTRACT FOR MISSION BOULEVARD PAVEMENT REHABILITATION / HARDY & HARPER

Approve the plans and specifications and award a construction contract to Hardy & Harper, of Santa Ana, CA, for pavement rehabilitation on Mission Boulevard from Benson Avenue to Mountain Avenue for the bid amount of \$595,000 plus a fifteen percent contingency of \$89,250 for a total of \$684,250; authorize the City Manager to execute said contract and related documents; and file a Notice of Completion at the conclusion of all construction activities related to the project.

7. AGREEMENT FOR PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE OLIVER McMILLAN GUASTI PLAZA SPECIFIC PLAN AMENDMENT / DAVID EVANS AND ASSOCIATES, INC.

Approve an agreement with David Evans and Associates, Inc., from Ontario, CA, to prepare a Supplemental Environmental Impact Report (SEIR) for the Oliver McMillan Guasti Plaza Specific Plan Amendment for \$150,477 plus a twenty percent contingency of \$30,095 for a total amount of \$180,572; approve the respective adjustments to budgeted revenues and expenditures; and authorize the City Manager to approve any future amendments and budget adjustments necessary to complete the SEIR.

8. RESOLUTION GRANTING AN EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY FOR ELECTRICAL PURPOSES LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND TRANSIT STREET

Adopt a resolution granting a non-exclusive easement to Southern California Edison Company, California, for underground electrical supply and communication systems, and authorize the City Manager to execute and record any and all documents necessary for the easement.

RESOLUTION NO. 2008-075

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, GRANTING AN EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY FOR ELECTRICAL PURPOSES LOCATED AT THE NORTHWEST CORNER OF EUCLID AVENUE AND TRANSIT STREET

10. RESOLUTION APPROVING FINAL TRACT MAP NO. 18029-4 LOCATED AT THE NORTHEAST CORNER OF "B" STREET AND EUCLID AVENUE / JH SNYDER CO.

Adopt a resolution approving Tract Map No. 18029-4 consisting of a three (3) lot subdivision for commercial use located at the northeast corner of "B" Street and Euclid Avenue submitted by JH Snyder Co.

RESOLUTION NO. 2008-076

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING TRACT MAP NO. 18029-4 LOCATED AT THE NORTHEAST CORNER OF "B" STREET AND EUCLID AVENUE

11. RESOLUTION APPROVING PARCEL MAP NO. 18512 LOCATED AT 1417 SOUTH CUCAMONGA AVENUE APPROXIMATELY 1,200 FEET SOUTH OF BELMONT STREET / OCBP, LLC

Adopt a resolution approving an improvement agreement, improvement security, and Parcel Map No. 18512 for property located at 1417 South Cucamonga Avenue approximately 1,200 feet south of Belmont Street and submitted by OCBP, LLC (Steven W. Vettel) of Ontario, CA.

RESOLUTION NO. 2008-077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING AN IMPROVEMENT AGREEMENT, IMPROVEMENT SECURITY, AND PARCEL MAP NO. 18512 LOCATED AT 1417 SOUTH CUCAMONGA AVENUE, APPROXIMATELY 1,200 FEET SOUTH OF BELMONT STREET

12. *TERMINATION AND SURRENDER OF SITE LEASE – DAY CREEK INDUSTRIAL PARK*

Board of the Redevelopment Agency authorize the Executive Director to execute a Termination and Surrender of Site Lease between the Agency and Day Creek Industrial Park Association for Agency-owned property adjacent to the Day Creek Industrial Park located near the corner of Wineville Avenue and Philadelphia Avenue.

13. *AMENDMENT TO AGREEMENT WITH ONTARIO-MONTCLAIR SCHOOL DISTRICT (OMSD) TO PROVIDE SCHOOL RESOURCE OFFICERS AT MIDDLE SCHOOLS FOR THE 2008-09 SCHOOL YEAR*

Authorize the City Manager to execute an amendment to the existing agreement with OMSD extending the City's participation in the District's Federal Safe (SRO) services for the amount of \$200,000 for the 2008-09 school year.

15. *AWARD A CONTRACT FOR FINAL CLEANING SERVICES IN CONNECTION WITH THE CONSTRUCTION OF THE ONTARIO COMMUNITY EVENT CENTER / CLEAN FORCE*

Award a contract to the Clean Force of Chatsworth, CA, in the amount of \$260,000 for Final Cleaning of the Ontario Community Event Center at the completion of its construction.

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

DEFERRED MATTERS

14. *RESOLUTION TO CONTINUE THE RESIDENTIAL DEVELOPMENT STIMULUS PROGRAM AND EXTEND THE TEMPORARY PERIOD FOR THE DEVELOPMENT IMPACT FEE DEFERRAL PROGRAM*

Adopt a Resolution to extend the temporary period for the Development Impact Fee Deferral Program for residential development.

City Manager Devereaux responded to a question from Council Member Wapner with regard to the length of time suggested for the extension.

RESOLUTION NO. 2008-078

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO,
CALIFORNIA, TO EXTEND THE DIF DEFERRAL – ECONOMIC
STIMULUS PROGRAM FOR AN ADDITIONAL ONE YEAR PERIOD
ENDING DECEMBER 31, 2009**

Motion: Moved by *Wapner*, seconded by *Anderson*, and unanimously carried to adopt said Resolution No. 2008-078.

**9. LICENSE AND REIMBURSEMENT AGREEMENT / ONTARIO AUTO CENTER
DEALERS' ASSOCIATION**

Council Member Wapner recused himself from consideration of Agenda Item #9 and left the Council Chambers.

Board of the Redevelopment Agency authorize the Executive Director to execute a License and Reimbursement Agreement between the Agency and the Ontario Auto Center Dealers' Association related to a new freeway sign and direct staff to file a Notice of Exemption.

Motion: Moved by *Anderson*, seconded by *Bowman*, and carried to approve the item as recommended with Council Member Wapner recused.

PUBLIC HEARINGS

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

Continuation of a public hearing from the regular meeting on July 15, 2008, to consider special assessments for recovery of costs incurred in abating property and dangerous building violations; and adoption of a Resolution placing special assessments on County tax rolls. At the July meeting, letters were received from Mario Diaz dated July 13, 2008; and from Gloria A. McGinnis dated July 11, 2008, opposing assessments to their property.

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

The City Clerk indicated that letters were received today from *Donald Fowler* regarding property at 1448 West I Street, and from *Betty Hillbish* regarding property at 1718 North Calaveras Avenue in opposition to the assessments.

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

Council Member Bowman requested staff report on the two properties to which Code Enforcement Director Karen De Vrieze responded that staff is working with the property owners and, if they complete the abatements, the properties can be removed from the rolls. Director De Vrieze said Ms. Hillbish's case is open and has been on-going, and Code Enforcement has discussed with Mr. Fowler the options available to resolve his property issues.

RESOLUTION NO. 2008-079

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ADOPTING A REPORT REQUESTING THE PLACEMENT OF SPECIAL ASSESSMENTS ON PROPERTY TAX BILLS FOR RECOVERY OF COSTS INCURRED FOR ABATEMENT OF VIOLATIONS OF CITY CODES AND ORDINANCES

Motion: Moved by *Bowman*, seconded by *Mautz*, and unanimously carried to adopt said Resolution No. 2008-079.

17. JOINT PUBLIC HEARING AND APPROVAL OF REIMBURSEMENT AGREEMENTS BETWEEN THE CITY AND THE AGENCY FOR VARIOUS PUBLIC CAPITAL IMPROVEMENT PROJECTS

Joint public hearing of the City Council and the Board of the Redevelopment Agency to consider Resolutions approving reimbursement agreements for the Agency to reimburse the City for the cost of certain public improvements as follows:

- A. 1333 and 1425 South Bon View Avenue
- B. Fire Station No. 4, 1005 North Mountain Avenue
- C. Fire Station No. 5, 1530 East Fourth Street
- D. Haven Avenue Project
- E. Inland Empire Boulevard-Mercedes Reconstruction
- F. Traffic Signals for Emergency Vehicles

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 requesting to be heard, the Mayor closed the public hearing.

RESOLUTION NO. 2008-080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS AT 1333 AND 1425 SOUTH BON VIEW AVENUE, PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679

RESOLUTION NO. ORA-783

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS AT 1333 AND 1425 SOUTH BON VIEW AVENUE, PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679

RESOLUTION NO. 2008-081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS AT FIRE STATION NO. 4 LOCATED AT 1005 NORTH MOUNTAIN AVENUE, PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679

RESOLUTION NO. ORA-784

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS AT FIRE STATION NO. 4 LOCATED AT 1005 NORTH MOUNTAIN AVENUE, PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679

RESOLUTION NO. 2008-082

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS AT FIRE STATION NO. 5 LOCATED AT 1530 EAST FOURTH STREET, PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679

RESOLUTION NO. ORA-785

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS AT FIRE STATION NO. 5 LOCATED AT 1530 EAST FOURTH STREET, PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679

RESOLUTION NO. 2008-083

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS IN HAVEN AVENUE BETWEEN THE I-10 FREEWAY AND FOURTH STREET, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445

RESOLUTION NO. ORA-786

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS IN HAVEN AVENUE BETWEEN THE I-10 FREEWAY AND FOURTH STREET, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445

RESOLUTION NO. 2008-084

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS IN INLAND EMPIRE BOULEVARD BETWEEN HAVEN AVENUE AND A POINT ONE THOUSAND FEET EAST OF MERCEDES LANE, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445

RESOLUTION NO. ORA-787

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS IN INLAND EMPIRE BOULEVARD BETWEEN HAVEN AVENUE AND A POINT ONE THOUSAND FEET EAST OF MERCEDES LANE, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445

RESOLUTION NO. 2008-085

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS RELATING TO FOUR EMERGENCY VEHICLE TRAFFIC SIGNAL PRE-EMPTION SYSTEMS AT FOUR INTERSECTIONS IN THE CITY OF ONTARIO, CALIFORNIA, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445

RESOLUTION NO. ORA-788

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, MAKING CERTAIN DETERMINATIONS PERTAINING TO PUBLIC IMPROVEMENTS RELATING TO FOUR EMERGENCY VEHICLE TRAFFIC SIGNAL PRE-EMPTION SYSTEMS AT FOUR INTERSECTIONS IN THE CITY OF ONTARIO, CALIFORNIA, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445

Motion: Moved by *Wapner*, seconded by *Bowman*, and unanimously carried to adopt said Resolution Nos. 2008-080, ORA-783, 2008-081, ORA-784, 2008-082, ORA-785, 2008-083, ORA-786, ORA-787, 2008-085, and ORA-788.

18. JOINT PUBLIC HEARING FOR APPROVAL OF THE FIRST AMENDMENT TO THE 2007 AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE ONTARIO REDEVELOPMENT AGENCY, THE ONTARIO HOUSING AUTHORITY AND SNYDER ONTARIO TOWN CENTER, LLC FOR THE ONTARIO TOWN SQUARE PROJECT

A joint public hearing of the City Council of the City of Ontario, the Board of the Ontario Redevelopment Agency, and the Board of the Ontario Housing Authority to consider:

- A. Adoption of Resolutions approving the First Amendment to the 2007 Amended and Restated Disposition and Development Agreement between the Ontario Redevelopment Agency, the Ontario Housing Authority and Snyder Ontario Town Center, LLC and
- B. Authorization for the City Manager and Executive Director of the Agency and Authority to execute any and all documents necessary or desirable to implement the Agreement.

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 requesting to be heard, the Mayor closed the public hearing.

RESOLUTION NO. 2008-086

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, (i) APPROVING THE FIRST AMENDMENT TO THE 2007 AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT (ONTARIO TOWN SQUARE) AMONG THE ONTARIO REDEVELOPMENT AGENCY, THE ONTARIO HOUSING AUTHORITY, AND SNYDER ONTARIO TOWN CENTER LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND (ii) MAKING CERTAIN FINDINGS PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33433 IN CONNECTION THEREWITH

RESOLUTION NO. ORA-789

A RESOLUTION OF THE ONTARIO REDEVELOPMENT AGENCY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE 2007 AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT (ONTARIO TOWN CENTER) AMONG THE ONTARIO REDEVELOPMENT AGENCY, THE ONTARIO HOUSING AUTHORITY, AND SNYDER ONTARIO TOWN CENTER LLC, A DELAWARE LIMITED LIABILITY COMPANY

RESOLUTION NO. OHA-041

A RESOLUTION OF THE ONTARIO HOUSING AUTHORITY OF THE CITY OF ONTARIO, CALIFORNIA, APPROVING THE FIRST AMENDMENT TO THE 2007 AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT (ONTARIO TOWN SQUARE) AMONG THE ONTARIO REDEVELOPMENT AGENCY, THE ONTARIO HOUSING AUTHORITY, AND SNYDER ONTARIO TOWN CENTER LLC, A DELAWARE LIMITED LIABILITY COMPANY

Motion: Moved by *Bowman*, seconded by *Anderson*, and unanimously carried to adopt said Resolution No. 2008-086, ORA-789 and OHA-041.

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

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

- A. Conduct a combined public hearing on the levy of the annual assessments in each district.

- B. Adopt a Resolution approving the Engineer's Reports for each district relating to the levy of assessments.
- C. Adopt Resolutions confirming the diagrams and assessments for each District, and providing for the assessment levy within Ontario Parkway Maintenance Assessment Districts No. 1, 2, 3 and 4 for Fiscal Year 2008-09.

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 requesting to be heard, the Mayor closed the public hearing.

Council Member Wapner requested a brief report as to whether these districts are balanced to which Administrative Services / Finance Director Grant Yee responded that revenues equal approximately 20% of the cost. He added that the provisions of Proposition 218 regarding elections for special districts require voter approval for changes in the maximum assessments, and a vote would likely not be successful.

RESOLUTION NO. 2008-087

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 2008-2009

RESOLUTION NO. 2008-088

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 2008-2009

RESOLUTION NO. 2008-089

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 2008-2009

Motion: Moved by *Wapner*, seconded by *Bowman*, and unanimously carried to adopt said Resolution Nos. 2008-087, 2008-088 and 2008-089.

20. ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING MAINTENANCE DISTRICTS NO. 1 AND 2 FOR FISCAL YEAR 2008-09

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

- A. Conduct a combined public hearing on the levy of the annual assessments in each district.
- B. Adopt a Resolution approving the Engineer's Reports for each district relating to the levy of assessments.
- C. Adopt Resolutions confirming the diagrams and assessments for each District, and providing for the assessment levy within Street Lighting Maintenance Districts No. 1 and 2 for Fiscal Year 2008-09.

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 requesting to be heard, the Mayor closed the public hearing.

RESOLUTION NO. 2008-090

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 2008-2009

RESOLUTION NO. 2008-091

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 2008-2009

RESOLUTION NO. 2008-092

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 2008-2009

Motion: Moved by *Mautz*, seconded by *Wapner*, and unanimously carried to adopt said Resolution Nos. 2008-090, 2008-091 and 2008-092.

21. PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION ORDERING THE VACATION OF THE EASTERLY HALF OF THAT PORTION OF TURNER AVENUE FROM THE I-10 FREEWAY TO APPROXIMATELY 250 FEET SOUTH

A public hearing to consider a resolution to vacate the easterly half of that portion of Turner Avenue from the I-10 freeway to approximately 250 feet south.

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

There were no written communications and no one requesting to be heard, the Mayor closed the public hearing.

RESOLUTION NO. 2008-093

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, ORDERING THE VACATION OF THE EASTERLY HALF OF THAT PORTION OF TURNER AVENUE FROM THE I-10 FREEWAY TO APPROXIMATELY 250 FEET SOUTH

Motion: Moved by *Bowman*, seconded by *Anderson*, and unanimously carried to adopt said Resolution No. 2008-093.

COUNCIL / STAFF COMMENT

Council Member Wapner said he would like a future agenda to present for consideration an endorsement of Proposition 6 on the state ballot with respect to a new funding source for law enforcement that will require more penalties for gangs. He then introduced "Allie", the student from Uruguay his family is hosting for the school year.

Council Member Mautz said Ontario Night Out festivities were very successful and she had a great time meeting many of her neighbors and looks forward to next year.

Council Member Bowman urged residents to practice water conservation. He also said the County of San Bernardino is acting on a "drug free" policy in government.

Mayor Leon said he also enjoyed Ontario Night Out. He then commented on the state budget and the stalemate that currently exists. He said he opposes legislation to borrow local monies saying Ontario could lose \$8-10 million dollars if the state needs to balance their budget and urged legislators to live within their means. He and fellow

Council Members tore up a symbolic “blank check” stating there will be no more from this City.

ADJOURNMENT

The Mayor / Chairman thereupon adjourned the joint meetings at 7:41 p.m.

Mary Wirtes, MMC, City Clerk / Secretary

APPROVED:

Paul S. Leon, Mayor / Chairman