

**ONTARIO CITY COUNCIL
ONTARIO HOUSING AUTHORITY
ONTARIO REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
October 7, 2008**

JOINT MEETINGS

Regular meetings of the Ontario City Council, Ontario Housing Authority and Ontario Redevelopment Agency were held on Tuesday, October 7, 2008, in the Council Chambers, City Hall.

The meetings were called to order at 6:12 p.m., by Mayor / Chairman Leon. All members were present as noted by Mayor Leon. There was no one present who wished to speak to a Closed Session item.

CLOSED SESSION

The Members then met in Closed Session for discussions regarding:

- **GC 54956.8, CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
Property: *APN 210 204 19*; City / Agency / Authority Negotiator: Gregory C. Devereaux or his designee; Negotiating parties: Paul Buss; Under negotiation: Price and terms of payment.

CALL TO ORDER

The City Council / Housing Authority / Redevelopment Agency reconvened in open session at 6:35 p.m.

The Pledge of Allegiance was led by Council Member Wapner.

The Invocation was offered by *Pastor Steve Miller*, City Church International.

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 said direction was given to the real property negotiator.

PUBLIC COMMENT

Theresa Tafoya, representing Congressman Baca, announced a Breast Cancer Prevention seminar on October 15th at the Rialto Seniro Center and said flyers were available in the City's lobby. She said there will be information booths and free screenings.

Aaron Serrano, brother of Robert Serrano, said he is seeking information regarding the training of officers who were present in the death of his brother and questioned why he was not interviewed by the District Attorney or San Bernardino County regarding his brother's death.

Roman Nava, representing County Supervisor Ovitt, urged voters to participate in early voting or a mailed ballot for the November election inasmuch as the Registrar of Voters anticipates an 80% turnout. He said early voting will take place on October 19th in "Victoria Gardens" and at the "Shoppes at Chino Hills."

AGENDA REVIEW / ANNOUNCEMENTS

City Manager Devereaux said there was a small correction in the resolution for Agenda Item #6 – *Community Facilities District #10* reflecting that four propositions were being considered rather than three.

SPECIAL CEREMONIES

PROCLAIM OCTOBER 19-25, 2008 NATIONAL FRIENDS OF LIBRARIES WEEK IN ONTARIO, CALIFORNIA

Library Director Judy Evans introduced two members of the Friends of the Library - *President Susan Gordon* and *Treasurer Mary Shoults*. Ms. Evans said they will be sponsoring a book sale from 10:00 a.m. to 4:00 p.m. on November 1st. Mayor and City Council Members proclaimed October 19-25, 2008, as National Friends of Libraries Week in Ontario.

PROCLAIM OCTOBER 23-31, 2008 AS RED RIBBON WEEK

Police Chief Doyle introduced Barbara White who spoke briefly and urged residents to participate in *Red Ribbon Week* in Ontario. She said the program was established in 1986 in order to promote a drug-free America. The Mayor and Council Members proclaimed the week of October 23-31, 2008, as Red Ribbon Week to create a unified

and visible commitment toward the creation of a drug-free community, and to encourage members of the community to take action by participating in Red Ribbon campaign activities

JOINT AGENCIES CONSENT CALENDAR

Bobby Boytur addressed Agenda Item #5 – *Sunkist Growers* and asked whether the City would receive full value for this purchase and how the purchase price was determined. Director Jeske responded to indicate the value of the water rights to the City over the long term; and City Manager Devereaux indicated the price was determined based on a competing bid.

1. BILLS / PAYROLL

Approve **bills** in the amount of \$14,579,413.77, August 31 through September 13, 2008; and **payroll** in the amount of \$2,475,689.25, August 31 through September 13, 2008, when audited by the Finance Committee.

2. RESOLUTION APPROVING ADDENDUM NO. 1 TO THE 2005 URBAN WATER MANAGEMENT PLAN

Adopt a resolution approving Addendum No. 1 to the 2005 Urban Water Management Plan (UWMP). The Addendum incorporates the following documents and additional information:

- A. The Chino Basin Optimum Basin Plan and Chino basin Adjudication Judgment.
- B. DWR Bulletin 118-Update 2006 for sub-basin 8-2.01 Chino Basin indicating that the Chino Basin is not identified or projected to be in overdraft.
- C. Ontario City Ordinance No. 2500 “Emergency Water Conservation” approved and adopted by the Ontario City Council on March 19, 1991.
- D. Chapter 5 of the 2005 IEUA Urban Water Management Plan to provide additional detail regarding the regional and local recycled water agency coordination and distribution; and
- E. Documentation and additional information describing the wastewater collection, treatment, disposal and recycled water (reuse) systems that serve the City.

RESOLUTION NO. 2008-103

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ONTARIO, CALIFORNIA ADOPTING ADDENDUM NO. 1 TO THE
2005 URBAN WATER MANAGEMENT PLAN**

3. ADDENDUM NO. 1 TO THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE NEW MODEL COLONY MASTER PLANS AND APPROVE THE CITY-WIDE WATER AND RECYCLED WATER AND THE NEW MODEL COLONY SEWER MASTER PLAN UPDATES

Approve Addendum No. 1 to the Initial Study and Mitigated Negative Declaration for the City's New Model Colony Master Plan and approve the City-wide Water and Recycled Water, and New Model Colony Sewer Master Plans Updates.

4. RESOLUTION TO APPROVE SECTIONS OF THE SEWER SYSTEM MANAGEMENT PLAN (SSMP) PERTAINING TO GOALS, ORGANIZATION, LEGAL AUTHORITY, THE OPERATION AND MAINTENANCE PROGRAM, THE OVERFLOW EMERGENCY RESPONSE PROGRAM, AND THE FATS, OILS, AND GREASE (FOG) PROGRAM

Adopt a resolution approving sections of the Sewer System Management Plan (SSMP) pertaining to Goals, Organization, Legal Authority, Operation and Maintenance Program, Overflow Emergency Response Program, and the Fats, Oils, and Grease (FOG) Program.

RESOLUTION NO. 2008-104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA APPROVING SECTIONS OF THE SEWER SYSTEM MANAGEMENT PLAN (SSMP) PERTAINING TO GOALS, ORGANIZATION, LEGAL AUTHORITY, THE OPERATON AND MAINTENANCE PROGRAM, THE OVERFLOW EMERGENCY RESPONSE PROGRAM, AND THE FATS, OILS, AND GREASE (FOG) PROGRAM

5. AUTHORIZE A PURCHASE AND SALE AGREEMENT WITH SUNKIST GROWERS, INC.

Authorize the City Manager to execute a Purchase and Sale Agreement with Sunkist Growers, Inc. related to real property, water rights and air quality credits for \$24 million. This action will benefit the long-term reliability of City water supply to expand its holding of water rights when possible.

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

PUBLIC HEARING

6. RESOLUTIONS OF INTENT TO ALTER THE RATE AND METHOD OF APPORTIONMENT FOR CITY OF ONTARIO COMMUNITY FACILITIES

DISTRICT NO. 10 (ONTARIO AIRPORT TOWERS) AND INTRODUCTION OF AN ORDINANCE LEVYING SPECIAL TAXES WITHIN THE DISTRICT

- A. Accept the written petition from Ontario Airport Center, LLC. requesting the institution of proceedings to alter the existing Rate and Method of Apportionment for City of Ontario Community Facilities District No. 10 (Ontario Airport Towers);
- B. Adopt a Resolution initiating change proceedings regarding the Amended and Restated Method of Apportionment with respect to Community Facilities District No. 10 (Ontario Airport Towers) and calling an election therein;
- C. Adopt a Resolution certifying the results of the October 7, 2008, Special Tax Election for Community Facilities District No. 10, and authorizing the levy of special taxes therein; and
- D. Introduce an Ordinance authorizing the levy of a special tax within Community Facilities District No. 10 (Ontario Airport Towers).

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

RESOLUTION NO. 2008-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, DETERMINING TO PROCEED WITH CHANGE PROCEEDINGS REGARDING THE AMENDED AND RESTATED RATE AND METHOD OF APPORTIONMENT WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO.10 OF THE CITY OF ONTARIO (ONTARIO AIRPORT TOWERS), AND CALLING AN ELECTION THEREIN

Motion: Moved by *Wapner*, seconded by *Bowman*, and unanimously carried to waive further reading and adopt said Resolution No. 2008-105.

The City Clerk opened the ballot as directed and declared the result of 19 votes cast as unanimous in support of the measure.

RESOLUTION NO. 2008-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, CERTIFYING THE RESULTS OF THE OCTOBER 7, 2008 SPECIAL TAX ELECTION FOR COMMUNITY FACILITIES DISTRICT NO. 10 OF THE CITY OF ONTARIO (ONTARIO AIRPORT TOWERS), AND AUTHORIZING THE LEVY OF SPECIAL TAXES THEREIN

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 10 OF THE CITY OF ONTARIO (ONTARIO AIRPORT TOWERS)

Motion: Moved by *Wapner*, seconded by *Bowman*, and unanimously carried to waive further reading and adopt said Resolution No. 2008-106; and to accept introduction and first reading of the Ordinance.

COUNCIL / STAFF COMMENT

Council Member Mautz said she enjoyed the Kick Off for the Soccer Complex earlier in the day and thanked staff for their work and presence at the meeting.

Council Member Bowman said Ontario is leading the way in the region with the new Soccer Complex and then announced the Tip A Cop fundraiser at Applebee's Restaurant on October 23rd from 5:00 – 9:00 p.m. and urged people to support the event. He thanked both the Police and Fire Departments for their participation in charitable events.

Council Member Wapner said he enjoyed the soccer opening and looks forward to Tip a Cop that benefits Special Olympics.

Mayor Leon said he appreciated the decade of improvements through the Ontario CARES Program which was celebrated on Saturday with 2,600 homes refurbished with landscaping and paint in Ontario. He said Ontario reinvests in the people and the community as shown by the soccer complex and recently the Fire Expo. Mayor Leon said his recent tour of the Citizens Bank Arena convinced him it is the best of all arenas he has visited. He also referred to a fundraiser benefit for Partners for a Better Health / Healthy Ontario to be held at 7:30 p.m. on Monday, November 3rd, at Chaffey High School / Gardiner W. Spring Auditorium. He also urged water conservation, discussed the costs of bottled water and supported retrofitting all public facilities with waterless urinals.

ADJOURNMENT

No further business to come before the joint meetings, they were adjourned at 7:12 p.m.